

SUBMISSION ON

Far North Proposed District Plan

19 October 2022

To: Far North 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 Far North District Council for the opportunity to submit on the Proposed District Plan 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

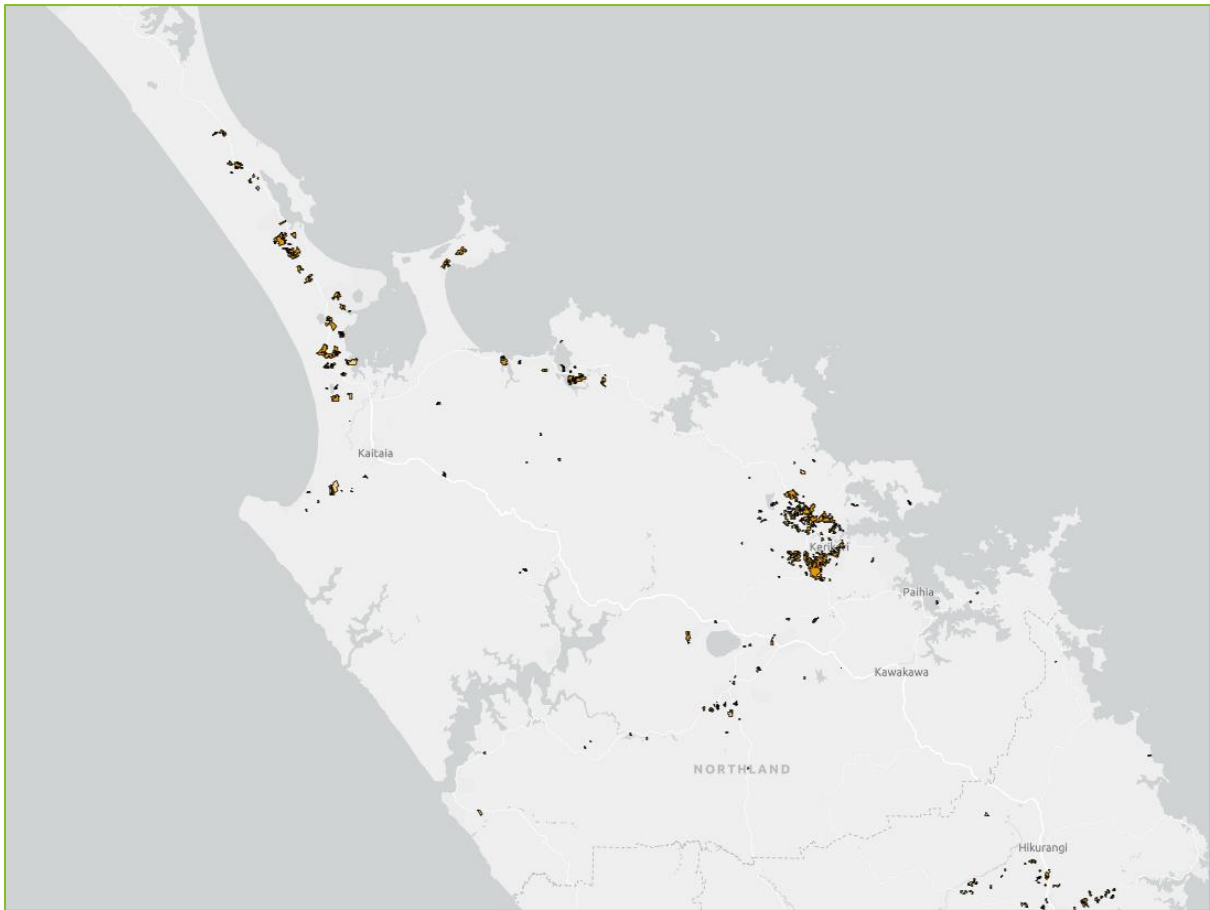
On behalf of its grower members HortNZ takes a detailed involvement in resource management planning processes around New Zealand. HortNZ works to raise growers' awareness of the Resource Management Act 1991 (RMA) to ensure effective grower involvement under the Act.

Submission

1. Horticulture in the Far North

Northland's subtropical climate and diverse fertile soils see a large variety of horticulture growing in the region.

Picture one: Location of horticultural crops in Far North



Kiwifruit

In 2021/22, there were 128 orchards spread out across 645.31 hectares. These orchards are centred mainly in the Kerikeri region¹.

Type	Hectares
Gold	517.86
Green	25
Red	64.8

¹ Zespri

Rootstock (non-producing)	37.65
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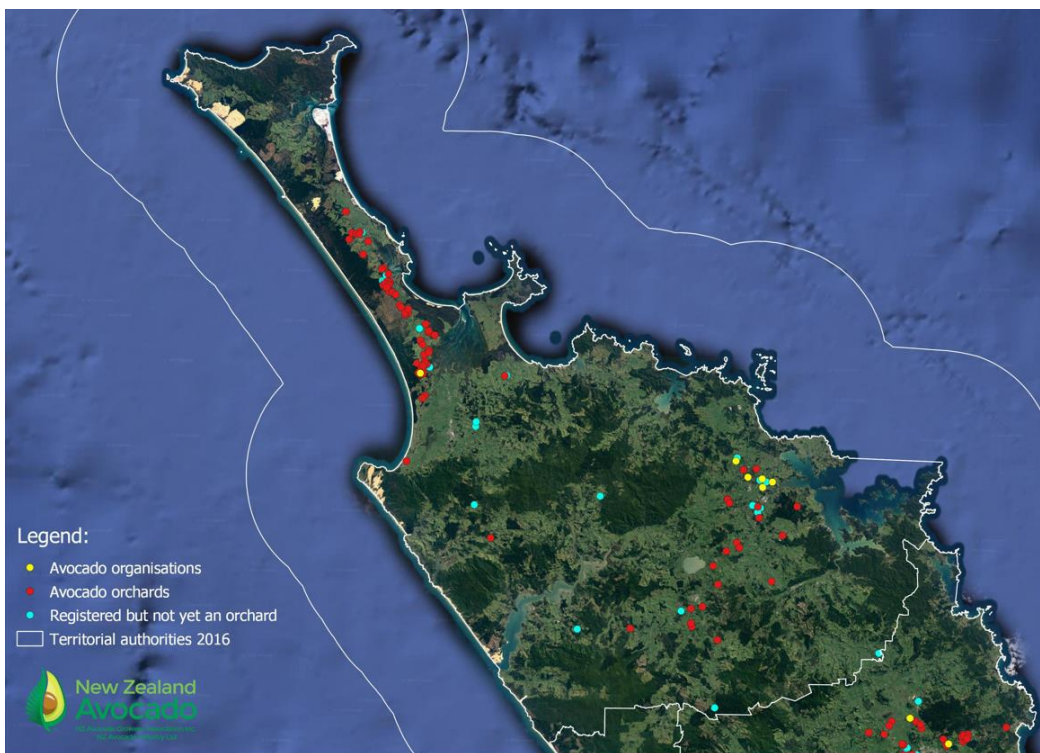
Greenfield conversion to kiwifruit orchard continues to increase with large scale developments continuing around Kerikeri.

Avocados

In 2020-21, there were 77 growers in the far north with an average size of 11.2 hectares. The number of growers in Northland has increased by 79% over the past 12 years mainly because of the favourable growing conditions but also driven in part by the more readily available and more competitive cost of land.

Northland’s avocado industry represents 30% of national avocado production and 43% of producing hectares. In 2021-22 Northland accounted for \$37 million of industry value.

Picture one: Location of avocado orchards in the Far North



Tropical fruit

Northland’s tropical climate supports an emerging market of tropical fruit growing. There are 100 hectares of bananas and 2-3 hectares of pineapples which are sold to the Northland and Auckland market. Other fruits/products grown include papaya, coffee beans and lotus (edible root). An initial attempt to grow mango is being made in October 2022².

Citrus

The three major citrus crops currently grown in Northland are lemons, mandarins and oranges. There is approx. 270-300 hectares of citrus grown from Warkworth north.

² Tropical Fruit Growers of New Zealand

- 26% of the national mandarin crop is produced in Northland with peak production in May. Mandarins produced in Northland are for the domestic market as mandarin exports have ceased for the last two years due to no export demand from Japan.
- 6% of the national navel orange crop is produced in Northland with peak production in August. A large part of the navel orange crop is exported.
- 13% of the national lemon crop is produced in Northland with peak production in July. 39% of the national crop was exported during 2021/22³

Other

Raspberries and blueberries are a relatively new but rapidly growing fruit crop along with nuts and olives and watermelon. There is a smattering of vegetables but generally, the far north climate is more suited to fruit.

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
- 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
- Requirement for council to undertake indigenous biodiversity mapping and not landowners
- Less restrictive operating rules for audible bird scarer devices and frost fans
- Provisions for activities and buildings/structures that are an inherent part of horticulture
- Appropriate setbacks for dwellings, buildings and artificial crop protection structures from boundaries

3. Proposed Far North 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.

³ Citrus Market Monitoring Report Citrus New Zealand

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 Rural Production Zone (RPROZ) however protection of the rural zone from incompatible activities and reverse sensitivity should be strengthened.

The Horticulture Zone and Horticulture Processing Zone are supported however a 10m setback for buildings from a boundary is considered insufficient to address potential reverse sensitivity effects.

Concerns have been noted by growers that some areas within the Horticulture Zone eg - Puketotara Road have no connection to irrigation and question whether it is appropriate to be within the Horticulture Zone.

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 RPROZ. This is important for maintaining highly productive soils and the viability of horticultural operations within rural areas.

3.3.1 OVERLAYS

There are significant areas in the Far North that have overlays which require management in a different manner from underlying zone provisions.

Treaty Settlement Land Overlay

The Far North District has six iwi authorities that have reached treaty settlement with the Crown and the land included in this overlay has been returned through the settlement process. A significant number of avocado orchards are situated in the overlay - the locations are attached as appendix 1.

Historical and Cultural Values Overlay

There are a handful of orchards that are situated in this overlay and the locations are attached as appendix 2.

Outstanding Natural Feature and Landscape Overlay

There are a handful of orchards that are situated in this overlay and the locations are attached as appendix 3.

For the three overlays mentioned above, HortNZ is concerned that the rules as drafted do not allow for rural production as a permitted activity and that a consent (restricted discretionary) would be required to operate. Rural production activities need to be provided for as a permitted activity.

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.

While the proposed plan has a definition for HPL, HortNZ suggests amending to align with the NPSHPL and to strengthen protections for HPL throughout the plan.

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

3.5 Reverse Sensitivity

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

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

A 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 RPROZ. 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 Standard⁴:

"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 the existing definition of ACPS is strengthened so that a specific, clear and appropriate rule framework can be applied which includes a permitted activity rule for ACPS in the RPROZ.

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

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 prevent agrichemical spray drift. Shelterbelts are also a mechanism that can reduce the potential for reverse sensitivity complaints as there is barrier between the primary productive activity and adjoining properties.

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

HortNZ has developed a code of practice for erosion and sediment control to provide guidance at an industry level for cultivation of vegetables crops (Horticulture New Zealand Code of Practice 'Erosion and Sediment Control Guidelines for Vegetable Production' (June 2014⁵). 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

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

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"⁶.

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
- 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

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

- 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

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

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 less restrictive operating rules and amendments to the definition.

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.

4.8 Advanced Breeding Enhancing Technology

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

It is our expectation that gene editing technologies may become increasingly important for the primary sector and in particular horticulture, to adapt growing systems to enable a transition to a changing climate while still being productive. An enquiry by the Productivity Commission that focussed on a central aspect of New Zealand's productivity performance⁷ found that:

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

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

4.9 Indigenous Biodiversity

Significant Natural Areas (SNA) have not been identified in the plan (schedule 4). The District Plan approach to identifying SNA relies upon council encouraging and enabling landowners to assess indigenous biodiversity on their land. This approach is inconsistent with the exposure draft NPSIB.

Clause 3.8 of the draft NPSIB states:

Assessing areas that qualify as significant natural areas

- (1) Every territorial authority must undertake a district-wide assessment of the land in its district to identify areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as SNAs.

HortNZ does not support the approach by council for landowners to map areas of SNA on their properties as it is inconsistent with national regulations.

⁷ <https://www.productivity.govt.nz/assets/Inquiries/immigration-settings/Immigration-Fit-for-the-future.pdf>

Submission on Far North Proposed District Plan

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

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

Provision	Support/ oppose	Reason	Decision sought
Definitions			
New definition - <u>Ancillary rural earthworks</u>	New definition	<p>There is a need to provide for 'day-to-day' activities that are integral to productive land use in the rural zone.</p> <p>In HortNZ's experience, providing a definition for ancillary rural earthworks and a clear rule framework is an efficient approach.</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>Amend to include a definition of 'ancillary rural earthworks'</p> <p><u>Ancillary rural earthworks means earthworks associated with normal agricultural and horticultural practices, such as:</u></p> <p><u>a. maintenance of drains, troughs and installation of their associated pipe networks, drilling bores and offal pits, burying of dead stock and plant waste, erosion and sediment control measures</u></p> <p><u>b. the burying of material infected by unwanted organisms as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared</u></p>

			<p><u>by the Minister under the Biosecurity Act 1993.</u></p> <p>Note: For clarity, it is noted that cultivation is not 'defined as earthworks'.</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>
New definition - <u>Agricultural aviation movements</u>	New definition	A definition would provide clarity within the plan - as detailed in this submission, HortNZ seeks to clearly provide for this activity as a permitted activity in rural zones due to its intermittent nature.	<p>Include a definition for 'agricultural aviation movements',</p> <p><u>Agricultural aviation movements mean intermittent aircraft and helicopter movements for purposes ancillary to primary production activities, including topdressing, spraying, stock management, fertiliser application, and frost mitigation, and associated refuelling.</u></p>
New definition - <u>Crop Protection Structures</u>	New definition	HortNZ seeks to ensure that these structures are not inadvertently covered by inappropriate effects standards, where there is a risk that they may be	Include a definition for crop protection structures

		<p>considered 'buildings' (due to inconsistency in interpretation).</p> <p>A way of addressing this is to provide a clear framework through a definition and specific standard or rule for the rural zone.</p>	<p><u>Crop support structure means an open structure on which plants are grown</u></p>
New definition - <u>Greenhouse</u>	New definition	<p>A definition should be included for greenhouses as it is used in the definition of artificial crop protection structures</p> <p>To support diversification to alternative growing methods</p>	<p>Include a definition for greenhouses</p> <p><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></p>
New definition - <u>Horticulture zone</u>	New definition	<p>A new horticulture zone has been provided for under special purpose zone. A definition should be provided for this zone</p>	<p>Include definition of horticulture zone</p>
New definition - <u>Reverse sensitivity</u>	New definition	<p>The RPS for Northland includes a definition for reverse sensitivity that should be included in the Plan.</p>	<p>Include a new definition for reverse sensitivity</p> <p><u>means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby</u></p>

			<u>creating the potential for the operation of such existing activity to be constrained</u>
Definition - <u>Artificial Crop Protection Structures</u>	Support in part	<p>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).</p> <p>A way of addressing this is to provide a clear framework through a definition and specific standard or rule for the rural zone.</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)</u></p> <p><u>Note: For the avoidance of doubt artificial crop protection structures are not a building.</u></p>
Definition - <u>Bird Scaring Devices</u>	Support in part	<p>The definition includes firearms which are not devices used primarily for scaring birds.</p> <p>The rule NOISE-R8 refers to audible bird scaring devices. The definition should be amended to be consistent with the rule.</p>	<p>Delete firearms from the definition of bird scaring device.</p> <p>Amend definition to <u>audible</u> bird scaring devices.</p>
Definition - <u>Farming</u>	Oppose in part	<p>HortNZ does not support the use of the term farming for horticultural primary production activities. Farming suggests pastoral land use and does not encompass the range of activities included in the definition.</p>	<p>Rename the definition of farming to <u>Rural Production Activities</u> and make consequential changes in the Plan.</p> <p>Amend the definition:</p> <p><u>Rural production activities mean the use of land for:</u></p>

		The definition is a subset of primary production so should include parts b) and c) from the definition of primary production so there is clear alignment with this definition	<p><u>a) agricultural, pastoral, horticultural or apiculture activities including accessory buildings</u></p> <p><u>b) includes initial processing, as an ancillary activity, of commodities that result from the activities in a)</u></p> <p><u>c) includes any land and buildings used for the production of commodities from a) and used for the initial processing of the commodities in b).</u></p> <p><u>d) excludes mining, quarrying, plantation forestry activities, and intensive indoor primary production and further processing of commodities into a different product</u></p>
Definition - <u>Frost Fan</u>	Support	Definition is consistent with explanation of frost fans	Retain definition
Definition - <u>Highly productive land</u>	Support in part	To be consistent with amendments to farming definition and to align with the National Policy Statement Highly Productive Land	Amend the definition and give consideration to National Policy Statement Highly Productive Land means land that is, or has the potential to be, highly productive for farming <u>rural production activities</u> . It includes versatile soils and Land Use Capability Class 4 land and other Land Use Capability Classes Land Use Capability, or has the potential to be, highly productive having regard to:

			<ul style="list-style-type: none"> • Soil type • Physical characteristics • Climate conditions; and • Water availability
Definition - <u>Horticultural processing facility</u>	Support	Provides a reasonable overview of activities undertaken in a facility	Retain definition
Definition - <u>Intensive indoor primary production</u>	Support	The definition is from the National Planning Standards so supported.	Retain definition
Definition - <u>National Grid Corridor</u>	Support in part	The National Grid corridor is specifically for subdivision purposes so should be referred to as such	Amend definition to National Grid Subdivision Corridor
Definition - <u>National grid yard</u>	Oppose in part	The definition of National Grid Yard is not clear and applies a 12m distance from all support structures. There should be differentiation between poles and towers.	<p>Define National Grid Yard as follows:</p> <p><u>The area located within:</u></p> <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> • <u>The area located within 12m either side of the centre line of</u>

			<u>any overhead National Grid line on towers.</u>
Definition - <u>Noise sensitive activity</u>	Support	Agree with definition	Retain definition
Definition - <u>Primary production</u>	Support	Definition aligns with planning standards	Retain definition
Definition - <u>Rural Produce retail</u>	Oppose in part	The definition seeks to limit rural produce retail to the produce grown or produced on-site. Growers may have several 'sites' as defined in the plan, on which they grow produce. The definition should be linked to the growing operation not the site.	Amend the definition of rural produce retail <u>Means the sale of rural produce grown or produced by the rural production operation, including products manufactured from that produce</u>
Definition - <u>Rural tourism activity</u>	Support in part	The definition refers to rural production retail. It should be consistent with the definition for rural produce retail.	Amend definition of rural tourism activity by amending 1 and 2 as follows: <u>1) rural produce retail</u> <u>2) rural produce manufacturing</u>
Definition - <u>Sensitive environment</u>	Support in part	The definition includes an area within 100m setback from the edge of a surface water body. The margins of wetlands, rivers and lakes is set at 30m so the 100m is inconsistent with that approach when applied for natural character purposes.	Amend definition of sensitive environment 8. The area within a 100 30 m setback from the edge of a surface water body.
Definition - <u>Shelterbelts</u>	Support in part	Shelterbelts can also be used to mitigate potential spray drift from agrichemical	Add to the definition of shelterbelts <u>or to mitigate potential spray drift from agrichemical applications</u>

		use (refer to effective shelter definition in Northland Regional Plan)	
Definition - <u>Surface water body</u>	Oppose in part	A surface water body should not include artificial watercourses including irrigation canals, water supply race or farm drainage canals which are not classed as waterbodies in the RMA as they are excluded in the definition of river.	Amend the definition of surface water body to exclude artificial watercourses including irrigation canals, water supply race or farm drainage canals.
Definition - <u>Versatile soils</u>	Support in part	Aligns with definition in the RPS however needs to be updated to reflect highly productive land definition in National Policy Statement Highly Productive Land	Amend definition to reflect National Policy Statement Highly Productive Land
Definition - <u>Wetland, lake and river margins</u>	Oppose part	A margin of 30 metres from a wetland, lake or river greater than 3m width would apply to the Rural Zones and horticulture Zone or 10m for a river less than 3m in average width. The distance applies in the natural character rules regardless of the significance of the natural character. There should be differentiation in distances depending on the value of the margin.	Amend rules that apply definition of wetland, land and river margins so that there is differentiation in distances depending on the value of the margin.
District wide matters			
Strategic direction			

<p>SD-EP-02 Economic prosperity</p>	<p>Support in part</p>	<p>The district's economic and social wellbeing, including social and economic prosperity should include existing <u>and</u> new industries</p>	<p>Amend SD-EP-02</p> <p>Existing <u>and new</u> industries and enterprises are supported and continue to prosper under volatile and changing economic conditions.</p>
<p>SD-EP-04 Natural environment</p>	<p>Support in part</p>	<p>Reversing climate change reads like it will 'end' which isn't the case. Prefer to use mitigate</p>	<p>Amend SD-EP-04</p> <p>Land use practices reverse <u>mitigate</u> climate change by enabling carbon storage and reducing carbon emissions</p>
<p>SD-IE-O2 Infrastructure and electricity</p>	<p>Oppose</p>	<p>The objective seeks that infrastructure is protected from incompatible land use, subdivision and development.</p> <p>The RPS, NPSET and NPSREG do not seek protection.</p> <p>Objective 3.7 of the Northland RPS seeks to:</p> <p><i>Recognise and promote the benefits of regionally significant infrastructure, (a physical resource), which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing.</i></p> <p>Objective 3.8 is:</p> <p><i>Manage resource use to:</i></p>	<p>Amend SD-IE-O2 as follows:</p> <p><u>Recognise and provide for infrastructure and renewable electricity generation activities and ensure that their operation, maintenance and upgrading are not compromised by incompatible subdivision, use and development.</u></p>

		<p>(a) Optimise the use of existing infrastructure</p> <p>(b) Ensure new infrastructure is flexible, adaptable, and resilient, and meets the reasonably foreseeable needs of the community; and</p> <p>(c) Strategically enable infrastructure to lead or support regional economic development and community wellbeing. SD-IE-O2 should be consistent with higher order documents.</p>	
SD-RE-O1 Rural environment	Support in part	It is important that primary production is sufficiently recognised and provided for in strategic direction. The SD seeks that primary production is recognised but does not provide for it or ensure it is not compromised by incompatible activities.	Amend as follows: <u>Primary production activities are recognised and provided for to enable them to operate efficiently and effectively to ensure the contribution for the economic and social wellbeing of the district and not be compromised by inappropriate subdivision, use and development</u>
SD-RE-O2 Rural environment	Support	Support the protection of Highly Productive Land from inappropriate development.	Retain SD-RE-O2
Energy, Infrastructure and Transport			
I-O3 Infrastructure	Oppose	HortNZ opposes an objective of 'protection' as this is inconsistent with	Amend I-O3 as follows:

		higher order documents such as the RPS and NPS-ET.	Infrastructure is protected from Ensure that infrastructure is not compromised by incompatible land use, subdivision and development that may result in reverse sensitivity effects to ensure its effective operation, maintenance and upgrading.
I-P7 Infrastructure	Oppose	<p>HortNZ opposes a policy of 'protection' as this is inconsistent with higher order documents such as the RPS and NPS-ET. Neither Critical Electricity Lines or electricity distribution lines not defined or described.</p> <p>The policy relates to regionally significant infrastructure but clause g) includes local infrastructure.</p>	<p>Amend I-P7 as follows:</p> <p>Protect Ensure that regionally significant infrastructure from the effects of is not compromised by incompatible subdivision, use and development including reverse sensitivity effects which may compromise affect the operation and capacity of infrastructure by:</p> <p>g) to achieve appropriate protection of local, regional and nationally significant infrastructure</p> <p>e (i) recognising that some lines may cross private land</p> <p>Define critical electricity lines Define electricity distribution lines</p>
I-R11	Oppose in part	HortNZ seeks that there is specific provision for artificial crop protection structures in the National Grid Yard	Amend I-R11 PER-2

<p>New building or structures, and extensions to existing buildings or structures, in the National Grid Yard</p>		<p>which Transpower has accepted in other plans.</p> <p>There may be situations where reticulation and storage of water for irrigation may need to pass through the National Grid Yard. The key issue is that the activity does not impede access to the National Grid infrastructure.</p>	<p>non habitable buildings ancillary to a farming activity, such as milking sheds, piggeries, poultry sheds, greenhouses and <u>artificial crop protection structures</u> protective canopies.</p> <p>Clarify that 'reticulation and storage of water for irrigation purposes carried out by a network utility operator' is provided as a permitted activity within the National Grid Yard</p>
<p>I-R12 New buildings or structures and extension to existing buildings or structures and earthworks within 10m of a critical Electricity Lines Overlay</p>	<p>Oppose</p>	<p>There are no provisions for artificial crop protection structures and a setback of 10m from a critical electricity line would compromise horticultural activities. If the activity complies with NZECP34:2001 then the activity should be permitted, not just when being undertaken by a network utility operation.</p>	<p>Add to I-R11 PER-2 <u>3) The building complies with NZECP34:2001</u></p>
<p>I-R13 Tree planting within 20m of a Critical Electricity Lines Overlay</p>	<p>Oppose</p>	<p>Where tree planting complies with Electricity (Hazard from Trees) Regulations 2003, the activity should be permitted.</p>	<p>Amend I-R13 Delete PER-1 and replace with: <u>Tree planting complies with Electricity (Hazard from Trees) Regulations 2003</u></p>

I-R21 Reticulation and storage of water for irrigation purposes within the National Grid Yard	Oppose	The reticulation and storage of water for irrigation purposes within the National Grid Yard is a non-complying activity. Such an approach is not effects based. The main issue is preventing access to the National Grid.	Amend I-R11 to provide for irrigation and water storage where access to the National Grid is not impeded
Renewable electricity generation			
REG-O4	Support	An objective that seeks to avoid or otherwise mitigate reverse sensitivity effects from sensitive activities is supported.	Retain REG-O4
REG-P9	Support in part	The policy seeks that large scale renewable electricity generation activities should generally be in the Rural Production Zone. There should be consideration that such activities do not locate on highly productive land.	Amend REG-P9 Avoid locating large-scale renewable electricity generation activities outside the Rural Production zone <u>or highly productive land</u> unless it can be demonstrated that adverse effects will be no more than minor.
Transport			
TRAN-Table 1 - minimum number of parking spaces	Support in part	The table seeks 1 parking space per 100m ² GBA for horticulture processing and distribution. Where there is large area of cool store this could be reduced as there are not significant numbers of workers in the cool store area.	Amend <u>TRAN-Table 1 horticulture processing and distribution to 1 parks per 500m² for cool stores</u> Retain 1 space for 100m ² for horticulture processing and distribution
Hazards and risks			

NH-P6 River Flood Hazard	Support in part	Non habitable buildings are less of a risk and should be provided for - eg farm sheds and ACPS	Amend Include provisions for non-habitable buildings
NH-R4 New buildings or structures ancillary to farming activity	Oppose in part	Artificial crop protection structures and crop support structures should be provided for within NH-R4 as they are open structures which water can flow through.	Amend NH-R4 to include <u>PER-4</u> <u>Artificial crop protection structures and crop support structures</u>
Hazardous substances			
HS-O1 Hazardous substances	Support	The approach in the plan is supported with a focus on significant hazardous facilities.	Retain HS-O1
Historic and Cultural Values			
Historic heritage			
HA-P2	Support in part	The Kerikeri Heritage area overlay does include some areas which are part of rural production. Such activities should be able to continue while maintaining the integrity of the Heritage Overlay area.	Add to HA-P2 <u>c) providing for existing activities in the overlay area</u>

HA-P12	Support in part	The Pouerua Heritage area overlay does include some areas which are part of rural production. Such activities should be able to continue while maintaining the integrity of the Heritage Overlay area.	Add to HA-P12 <u>c) providing for existing activities in the overlay area</u>
HA-P16	Support in part	The Te Waimate Heritage area overlay does include some areas which are part of rural production. Such activities should be able to continue while maintaining the integrity of the Heritage Overlay area.	Add to HA-P16 <u>c) providing for existing activities in the overlay area</u>
New rule HA-RX	New rule	HA-R11 states that activities not otherwise listed in this chapter are discretionary activities. Rural production activities are not listed as a specific activity so need to be provided for as a permitted activity	Add a new rule = HA-RX Rural production activities Permitted All zones and heritage overlays
New rule SASM-RX Sites and areas of significance to Māori	New rule	SASM-R3 states that activities not otherwise listed in this chapter are discretionary activities. Rural production activities are not listed as a specific activity so need to be provided for as a permitted activity	Add a new rule = SASM-RX Rural production activities Permitted All zones and heritage overlays
Natural and Environment Values			
ECO - Ecosystems and Indigenous Biodiversity Schedule 4	Oppose	HortNZ opposes schedule 4 because there is a requirement in the draft NPSIB	Reword in line with NPSIB provisions

Schedule of significant natural areas		<p>that territorial authorities undertake a district wide assessment.</p> <p>Subpart 2 - Significant natural areas</p> <p>3.8 Assessing areas that qualify as significant natural areas</p> <p>(1) Every territorial authority must undertake a district-wide assessment of the land in its district to identify areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as SNAs.</p>	
IB-P5	Support in part	Recognition of primary production and highly versatile soils is supported. However, the defined term is highly productive land which should be used in the policy	Amend IB-P5 a) by replacing 'highly versatile soils' with 'highly productive land'
IB-P7	Support in part	Recognition of the need for management of pest plants and pest animals is supported, however the terms are not defined. It should be clear that these include pests under the Regional Pest Management Plan and unwanted organisms under the Biosecurity Act 1993. This would provide the policy framework to support rules providing for biosecurity.	Amend IB-P7 as follows: <u>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.</u>
IB-P9	Support in part	Need to be specific that land owners are only responsible for pets and pests on their land	Amend IB-P9

			Require landowners to manage pets and pest species <u>on their land</u> , including dogs, cats, possums, rats and mustelids, to avoid risks to threatened indigenous species, including avoiding the introduction of pets and pest species into kiwi present or high-density kiwi areas.
IB-R1 Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area	Support	Clearance for biosecurity purposes is supported.	Retain IB-R1 4)
Natural character			
NATC-P3	Support	Clearance for biosecurity purposes is supported.	Retain NATC-P3 d)
NATC-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Oppose	The maps identify areas of outstanding or high natural character, but the provisions apply generically to all-natural character. HortNZ seeks an approach that focuses on those areas identified as having outstanding or high natural character where potential for adverse effects is greatest.	Retain NATC-R1 PER-2 7) Include NATC-R1 Add new PER-5 <u>In areas that are not outstanding or high natural character provide for:</u> <u>Irrigation structures</u> <u>Crops support structures</u>

		<p>A 30m setback for all buildings and structures regardless of the degree of natural character is not supported.</p> <p>Provisions for pumphouses is supported.</p> <p>The application of a 30m setback from wetland, lake and river margins is not supported as a blanket provision and precludes optimal use of highly productive land</p>	<p><u>Artificial crop support structures with green or black cloth on vertical sides</u></p> <p><u>With a setback of 10m from a wetland, lake or river over 3m wide or 3m setback for wetland, lake or river less than 3m wide</u></p>
NATC - R2 Repair or maintenance	Support in part	Include activities ancillary to horticulture	<p>Amend NATC - R2</p> <p><u>Add</u></p> <p><u>8. Irrigation infrastructure</u></p> <p><u>9. Artificial crop protection structures</u></p>
NATC-R3 Earthworks or indigenous vegetation clearance	Support	Clearance and earthworks for biosecurity purposes is supported.	Retain
Natural Features and Landscapes			
NFL- P4	Oppose in part	The policy only provides for farming (including horticulture) in limited circumstances. Given the extent of ONF' and ONL in the Far North this is limiting.	<p>Add an additional clause to NFL-P4</p> <p><u>c) the activity is an existing land use</u></p>
NFL-R1	Oppose in part	The policy only provides for buildings and structures in very limited circumstances. Given the extent of ONF'	Amend NFL-R1

New buildings or structures, and extensions or alterations to existing buildings or structures		and ONL in the Far North this is very limiting.	PER-1 (2) no greater than 25m² 100m²
NFL-R3 Earthworks or indigenous vegetation clearance	Support	Clearance for biosecurity purposes is supported.	Retain NFL-R3 4
NFL-R6 Farming	Oppose	There should be provision for rural production activities as a permitted activity	Amend NFL -R6 to a PER to give effect to P4 <u>NFL-R6 Rural production Permitted</u> <u>PER-1 The activity is existing lawfully established rural production activity</u> Delete DIS-1- Noncomplying Insert Activity status where compliance not achieved with PER-1 - Restricted discretionary
NFL-S2 Colours and materials	Oppose	This standard would limit colour of cloth used in orchards.	Amend NFL-S2 to include <u>Artificial crop protection structures are either dark green or black</u>
Subdivision			

SUB-O1	Support	Avoiding reverse sensitivity effects is supported	Retain SUB-O1
SUB-O2	Support	Protection of highly productive land is supported.	Retain SUB-O2
SUB-P3	Support in part	The adequate building platform needs to be within the setbacks for the zone	Amend SUB-P3 c) have an adequate size and appropriate shape to contain a building platform, <u>within setbacks for the zone;</u>
SUB-P8	Support in part	There is no specific policy framework for the Horticulture Zone so seek it be specifically included in P8. Also, the reference should be to highly productive land - not versatile soils.	Amend SUB-P8 by including <u>Horticulture Zone.</u> Amend SUB-P8 b) by replacing versatile soils with <u>highly productive land.</u>
SUB-P11	Support in part	The policy lists the matters to be considered for subdivision applications. Potential for reverse sensitivity should also be included as a matter for consideration.	Amend SUB-P11 by adding: <u>g) potential for reverse sensitivity effects.</u>
SUB-R3 Subdivision of land to create a new allotment	Support in part	A controlled activity subdivision status means that affected parties would not be consulted as part of the subdivision application. This is particularly relevant to the Horticulture Zone and the Rural Production Zone where the potential for adverse effects on adjoining land uses exist and effects on highly productive land which the plan seeks to protect. A	Delete Rural Production Zone and Horticulture Zone from the controlled activity rule. Add a new line in SUB-R3 <u>Rural production and Horticulture Zone</u>

	<p>controlled activity will not achieve that outcome.</p> <p>Support consideration of incompatibilities of activities.</p>	<p><u>Activity status - Restricted discretionary</u></p> <p><u>RDIS-1</u> <u>Where subdivision complies with standards:</u> <u>SUB-S1 minimum lot sizes</u> <u>SUB-S2 Requirements for building platform for each allotment</u> <u>SUB-S3 Water supply</u> <u>SUB-S4 Stormwater management</u> <u>SUB-S5 Wastewater disposal</u> <u>SUB-S6 Telecommunications and power supply</u> <u>SUB-S7 Easements for any purpose</u></p> <p><u>Matters of discretion are limited to:</u> <u>Matters of control in SUB-R3</u> <u>The potential adverse effects on adjoining horticultural and agricultural activities, including reverse sensitivity effects</u></p> <p><u>NOTE: Applications for restricted discretionary subdivision within the Horticulture Zone and the Rural Production Zone will be notified</u></p> <p><u>Activity status where compliance is not achieved - Discretionary</u></p>
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General District-Wide Matters			
Coastal Environment			
CE-O2	Support	Land use which is consistent with the surrounding land use is appropriate	Retain
CE-P6	Support in part	The use should be consistent with the surrounding land use - not just characteristics and qualities.	Amend to include <u>is consistent with surrounding land use</u>
CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Oppose in part	There needs to be provision for buildings for rural production activities in the Coastal environment given that farming is a permitted activity.	Amend CE-R1 PER-2 2) No greater than 25m ² 100m ² <u>except for artificial crop protection structure.</u> <u>Add PER-5</u> <u>Artificial crop protection structures located outside outstanding natural character areas where:</u> <ul style="list-style-type: none"> • <u>Dark green or black cloth shall be used on all vertical faces</u> • <u>Green or black cloth shall be used horizontally where the slope is over 10°</u> • <u>The structures shall be set back at least 50m from MHWS</u> • <u>No site coverage shall apply</u>

			<p><u>The structures shall be setback 5m from the road boundary unless screened with natural shelter</u></p> <p><u>Activity status where compliance is not achieved with PER-5 - Discretionary</u></p>
CE-R2 Repair or maintenance	Support in part	Provisions should be made for structures ancillary to farming activities	<p>Amend CE-R2 to include</p> <p><u>8. structures ancillary to primary production activities</u></p>
CE-R3 Earthworks	Support in part	<p>Earthworks and clearance for biosecurity purposes is supported.</p> <p>HortNZ support providing for Ancillary rural earthworks as a permitted activity to enable the ongoing productive use of land in rural environments.</p>	<p>Amend PER 1 to include</p> <p><u>x. The earthworks are ancillary rural earthworks</u></p>
CE-R4 Farming	Oppose	<p>Existing use rights should apply to lawfully established farming activities.</p> <p>Restrictions should only apply to a new farming activity with farming inside a high natural character area should be controlled and inside an outstanding natural character area RDIS.</p>	<p>Amend CE-R4 PER-1</p> <p>The farming activity is located outside high or outstanding natural character areas:</p> <p><u>The rural production activity is lawfully established or a new rural production activity outside high or outstanding natural character areas</u></p> <p>Amend activity status where compliance with PER-1 not achieved:</p>

			Controlled inside high natural character areas Restricted Discretionary inside an outstanding natural character area Amend farming to rural production activities
Earthworks			
EW-P1	Support	Provisions for rural land used and farming activities in Rural Zones is supported.	Retain
EW-R1	New rule	Include a new PER rule for ancillary earthworks	Amend EW-S1 1. <u>General Rural Zone</u> <u>Rural Production Zone</u> <u>Horticulture Zone</u> <u>Rural Lifestyle Zone</u> <u>PER</u> <u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u> <u>For any ancillary rural earthworks, there is no limit;</u>

			<p><u>PER-2</u> <u>For other activities: 5,000m3 in any 12-month period per site</u></p> <p><u>Where standard is not met</u> <u>Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>1. dust nuisance, sedimentation, land instability, erosion and contamination effects; and</u> <u>2. the impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks; and</u> <u>3. the impact on visual amenity and landscape character; and the impact on any overland flow paths.</u>
EW-R4 and R5	Oppose	The earthworks rules differentiate between site 8ha and over or those under 8has. Not sure why and is a bit artificial for growers as many horticultural sites are smaller than 8ha	<p>Provide clarity on why there are different rules for greater and less than 8ha</p> <p>Delete EW-R4</p>

			Delete EW-R5
EW-R15 National Grid Yard and 110kV transmission lines	Oppose in part	Permitted activity status should be allowed if compliance with NZECP34	Include PER compliance with NZECP34
EW-S1 Maximum earthwork thresholds	Oppose	The provisions allow for 5,000m3 volume and 2,500m2 area as a PA however a consent would be required for any earthworks that met volume requirements on 1/4 of a hectare. Thresholds need to be reflective of the activities that take place in certain environments	Amend EW-S1 Delete area threshold 2,500m2
Noise			
NOISE-O1	Support	The noise should reflect the underlying character of the zone	Retain
NOISE-O2	Support	Minimising potential reverse sensitivity effects is supported.	Retain
NOISE-P3	Support	The noise should reflect the underlying character of the zone	Retain
NOISE -Exemption	Support	The Plan provides an exemption of horticulture activities of a limited duration, but the exemption is not included in the rules or standards. Therefore, the status is questioned. It would be more appropriate to provide a	Amend the Exemptions 1-14 under the Note to a new Permitted rule with no conditions

		permitted activity rule for the matters to which exemptions apply	
NOISE-R7 Helicopter landing areas	Oppose in part	The rules exempt some activities from PER-2 and NOISE-S4. However, these should be included as a permitted activity within the rule.	Amend NOISE-R7 as follows: Delete iii) under this standard does not apply to and include as: <u>PER-3 Cropping, topdressing and spraying and the use of drones for the purpose of farming or conservation carried out in the Rural Production, Horticulture zones or within Significant Natural areas on a seasonal, temporary or intermittent basis for a period up to 30 days in any 12-month period.</u> <u>Activity status where compliance does not achieve with PER-3 Restricted discretionary</u>
NOISE-R8 Audible bird scaring devices	Oppose	A limitation of 7am – 7pm is not appropriate for audible bird scaring devices as the main activity is prior to sunrise and after sunset.	Amend NOISE-R8 PER-1 to: <u>Audible bird scaring devices must only be used between ½ before sunrise and ½ hour after sunset</u>
NOISE-R9 Frost fans	Oppose in part	The inclusion of multiple frost fans should apply to fans located on the same site. A grower cannot control the noise from fans on other sites.	Amend NOISE-R9 PER-3 by deleting ‘or multiple’

NOISE-S1 Maximum noise levels	Support	The levels for the Rural Production Zone and Horticulture Zone are supported.	Retain NPOISE-S1 Rural production zone and horticulture Zone
NOISE-S4 Helicopter landing areas	Support in part	It should be clear that there are exemptions in the rules so NOISE-S4 does not apply. In particular NZS6807:1994 is not appropriate for the intermittent use for horticultural activities.	Clarify that NOISE-S4 does not apply to activities exempted in NOISE-R7
Signs			
SIGNS-S1 Maximum sign area per site	Support	Same or similar to operative plan	Retain
Treaty Settlement Land Overlay			
TSL-RX	New rule	TSL-R14 states that activities not otherwise listed in this chapter are discretionary activities. Rural production activities are not listed as a specific activity so need to be provided for as a permitted activity. The Overview states that the underlying zone provisions apply to TSL unless otherwise specific in the overlay provisions, but this is not included in the rules.	Add a new rule - TSL-RX Rural production activities Permitted All zones and Treaty Settlement Land overlays OR Include a rule that provides for underlying zone provisions to apply
PART 3 Area Specific Matters			

RPROZ -Rural Production Zone			
RPROZ - Overview	Support	HortNZ supports the intent for the Rural Production Zone	Retain
RPROZ - O1	Support	Managing the Rural Production Zone for primary production is supported	Retain
RPROZ- O2	Support	Inclusion of ancillary activities that support primary production is important	Retain
RPROZ- O3	Support	The rural working environment is what provides the rural character and amenity to the Rural Production Zone	Retain
RPROZ- P2	Support	Enabling primary production and ancillary activities and those with a functional need to support primary production is supported.	Retain
RPROZ-P3	Oppose in part	RPROZ-P5 seeks to avoid land uses for a number of reasons. It is considered that RPROZ could be combined with RPROZ - P5 by the addition of an additional clause	Delete RPROZ-P3 and amend RPROZ-P5 to incorporate reverse sensitivity effects. <u>f) could result in reverse sensitivity effects</u>
RPROZ- P4	Support	The description of rural character reflects the nature of the rural environment although there may be site coverage for orchard structures.	Retain

RPROZ- P5	Support in part	The approach of RPROZ-P5 is supported but an additional clause is supported for reverse sensitivity effects.	Amend RPROZ-P5 by adding: <u>f) could result in reverse sensitivity effects</u>
RPROZ- P6	Support	Fragmentation of rural land is a concern, so the policy approach is supported.	Retain
RPROZ- P7	Support	The matters for consideration are relevant and appropriate	Retain
RPROZ-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Support in part	There is not a specific rule for artificial crop protection structures so R1 would apply. HortNZ seeks changes to some of the Standards to ensure that such structures are adequately provided for.	HortNZ seeks changes to some of the Standards to ensure that such structures are adequately provided for See rule below
RPROZ - New rule Artificial crop protection structures	Support	Include specific rule for artificial crop protection structure	Insert a new PER rule <u>RPROZ-RX - Artificial Crop Protection Structures and Crop Protection Structures</u> <u>Activity Status: PER</u> <u>The establishment of a new, or expansion of an existing artificial crop protection structure or crop support structure.</u>

			<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> <u>the structure is setback 1m from the boundary</u> <p><u>Where this activity complies with the following rule requirements:</u></p> <p><u>RPROZ - S1 Maximum height</u></p> <p><u>RPROZ - S4 Setback</u></p> <p><u>Activity status when compliance not achieved:</u></p> <ul style="list-style-type: none"> <u>When compliance with RPROZ-RX (a) is not achieved: RDIS</u> <p><u>Matters of discretion:</u></p>
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			<p><u>Assessment of the potential glare on neighbouring properties (or road users) from the colour of the cloth</u></p> <p><u>Where compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement</u></p> <p><u>Note: HortNZ has elsewhere in this submission sought definitions be included for CSS.</u></p>
RPROZ-R3 Residential activity	Support in part	The rule does not state the RPROZ-Standards that will apply. The standards relating to buildings should be included in the rule.	<p>Add: PER-3</p> <p><u>The standards in RPROZ-R1 PER-2 are met</u></p>
RPROZ - R4 Visitor accommodation	Oppose in part	Ten guests as a permitted activity with a setback of 10m from a boundary is not considered appropriate to manage potential reverse sensitivity effects. The rule does not state the RPROZ-Standards that will apply. The standards relating to buildings should be included in the rule.	<p>Amend RPROZ-R4 to six guests per night and increase setbacks in RPROZ-S3 to 20m from boundaries.</p> <p>Add: PER-4</p> <p><u>The standards in RPROZ-R1 PER-2 are met</u></p>
RPROZ-R5 Home business	Support in part	The rule does not state the RPROZ-Standards that will apply. The standards relating to buildings should be included in the rule.	<p>Add: PER-5</p>

			<u>The standards in RPROZ-R1 PER-2 are met</u>
RPROZ-R6 Educational facility	Support in part	Educational facilities limited to four students in a residential unit as a permitted activity will ensure that the effects are minor. The rule does not state the RPROZ-Standards that will apply	Add: PER-4 <u>The standards in RPROZ-R1 PER-2 are met</u>
RPROZ- R11 Rural produce manufacturing	Support in part	There should be provision for small scale rural industry as a permitted activity. Rural produce manufacturing is a rural industry so the rule would be better titled rural industry.	Amend RPROZ-R11 to Rural industry and all reference to rural produce manufacturing to rural industry Amend default status to RDA and include matters of discretion from RPROZ-R24.
RPROZ- R24 Rural industry	Oppose	Rural industry supports horticulture production and a discretionary activity status for all rural industry may prevent activities which support horticulture activities	Delete RPROZ-R24 and rename RPROZ-R11 as rural industry and include matters of discretion from RPROZ-R24 in RPROZ-R11 where permitted activity is not met.
RPROZ- R25 - R37	Support	Discretionary activity or non-complying status for activities that are generally not anticipated in the RPROZ is supported.	Retain Activity status for Rules RPROZ R25-R37
RPROZ - RX Seasonal worker accommodation	New rule	The provision of seasonal worker accommodation is becoming a necessary supporting activity to horticultural operations. HortNZ is seeking a suite of provisions to provide	Include a permitted activity rule for Seasonal Worker Accommodation <u>RPROZ-RX - Seasonal Worker Accommodation</u>

for this activity - this is explained in more depth in the submission.

HortNZ seeks that where seasonal worker accommodation does not meet the permitted activity standards, that this default to a Restricted Discretionary rule.

Activity Status: PER

1. The establishment of a new, or expansion of existing seasonal worker accommodation.

Where:

a. The seasonal worker accommodation is associated with horticultural activity

b. The accommodation comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities

c. The accommodation provides for no more than 12 workers

d. It complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.

Where this activity complies with the following rule requirements:

RPROZ S1 - Maximum height

RPROZ S2 - Height in relation to boundary

RPROZ S3 - Setbacks

			<p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with RPROX-RX 1. (a)-(d) is not achieved: RDIS Matters of discretion:</u></p> <p><u>Those matters in RPROZ-RX 1. (a)-(d) that are not able to be met</u></p> <p><u>Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control</u></p> <p><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></p> <p><u>4. Where compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement</u></p> <p><u>Note: HortNZ has elsewhere in this submission sought definitions be included for Seasonal Worker Accommodation.</u></p>
RPROZ- S1 Maximum height	Support	The standard provides for artificial crop protection structures up to 6m	Retain

RPROZ-S2 Height in relation to boundary	Oppose in part	The standard should not apply to artificial crop protection structures as they are open in nature and let light through.	Add to RPROZ-S2 This standard does not apply to: <u>v) artificial crop protection structures</u>
RPROZ-S3 Setbacks	Support in part	The standard provides for artificial crop protection structures with a 3m setback. The setbacks only provide for a 10m setback of habitable buildings from boundaries which is considered insufficient to address potential reverse sensitivity effects.	Amend RPROZ-S3 3 habitable buildings must be setback at least 30m from the boundary of an unsealed road <u>and 20m from side and rear boundaries</u> Amend RPROZ-S3 (2) Artificial crop protection and support structures must be setback at least <u>3.1m</u> from all site boundaries; and
RPROZ- S5 Site coverage	Oppose in part	The standard provides for 12.5% site coverage by buildings or structures. There should be provision for a greater site coverage of artificial crop protection structures	Amend RPROZ-S5 by adding: This standard does not apply to: i) <u>Artificial crop protection structures</u> ii) <u>Greenhouses</u>
<u>Horticulture Zone</u>			
HZ- Overview	Support	The inclusion of a specific Horticulture Zone is supported	Retain
HZ- O1	Support	Providing for horticultural activities is supported	Retain

HZ- O2	Support	Providing for ancillary activities for horticulture is supported	Retain
HZ-O3	Support	The objective establishes the framework to ensure that land in the Horticulture Zone is not compromised.	Retain
HZ-P1	Support	The criteria for identifying the zone are supported	Retain
HZ-P2	Support in part	Potential for reverse sensitivity should be included.	Add to HZ-P2: <u>e) has the potential to create reverse sensitivity effects</u>
HZ- P3	Support	Provision for ancillary activities is supported	Retain
HZ-P4	Support in part	The policy provides for residential activities but should also include habitable buildings so that all buildings for a residential type of use are included in the policy	Amend HZ-P4: Ensure residential activities <u>and habitable buildings</u> are designed and located to avoid....
HZ- P5	Support	Subdivision of land in the Horticulture Zone should not compromise the land for horticulture activities	Retain
HZ- P7	Support	The matters for consideration are appropriate.	Retain

HZ- R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Support	Provision for buildings and structures for permitted activities is supported, subject to standards.	Retain
HZ- R3 Residential activity	Support in part	The rule does not state the HZ- Standards that will apply. The standards relating to buildings should be included in the rule.	Add: <u>PER-2</u> <u>The standards in HZ-R1 PER-2 are met</u>
HZ- R10 Plant and food research	Support	Provision for research for the horticulture sector is important	Retain
HZ-R11 Plantation forestry	Support in part	Update of terminology	Amend to delete versatile soils to highly productive land
HZ- R12 Visitor accommodation	Support	A Discretionary activity status for visitor accommodation is supported.	Amend all PER to DIS
HZ- R13 Education facility	Support in part	A discretionary activity status for education facility is supported. A setback should apply	Amend all PER to DIS Add DIS-4 <u>A setback of 20m applies</u>
HZ-R14 Rural industry	Oppose	Rural industry supports horticulture production and a discretionary activity status for all rural industry may prevent activities which support horticulture activities. Rural manufacturing is part of rural industry so should be included	Delete HZ-R14 and amend HZ-R7 to apply to all rural industry

HZ- R15 - HZ- R26	Support	Discretionary activity or non-complying status for activities that are generally not anticipated in the HZ is supported.	Retain Activity status for Rules HZ R15- R26
HZ-S1 Maximum height		The standard provides for artificial crop protection structures up to 6m	
HZ-S2 Height in relation to boundary	Oppose in part	The standard should not apply to artificial crop protection structures as they are open in nature and let light through.	Add to RPROZ-S2 This standard does not apply to: y) artificial crop protection structures
HZ-S3 Setbacks	Support in part	The standard provides for artificial crop protection structures with a 3m setback. The setbacks only provide for a 10m setback of habitable buildings from boundaries which is considered insufficient to address potential reverse sensitivity effects.	Amend HZ-S3 1) habitable buildings must be setback at least 30m from the boundary of an unsealed road and 20m from side and rear boundaries. Amend to HZ-S3 2.Artificial crop protection and support structures must be setback at least 3 1m from all site boundaries
HZ-S5 Site coverage	Support in part	The standard provides for 12.5% site coverage by buildings or structures but excludes crop protection structures and tunnel and glasshouses.	Amend HZ-S5 ii) replace 'glass houses' with 'greenhouses'

HPFZ - Horticulture Processing Facilities Zone			
HPFZ - Overview	Support	Specific provision for the horticulture processing facilities is supported.	Retain
HPFZ- O1	Support	The contribution of horticulture processing facilities is recognised and supported	Retain
HPFZ-O2	Support		Retain
HPFZ-O4	Support	Avoiding reverse sensitivity on horticulture processing facilities is important.	Retain
HPFZ-P1	Support	Specific provision for the horticulture processing facilities is supported.	Retain
HPFZ- P3	Support in part	The policy only seeks to 'manage' land use that compromises the purpose and function of the horticulture processing facilities zone. There should be a more active approach to avoid compromising the zone	Provide a more active approach to avoid compromising the zone
HPFZ-R2 Impermeable surface coverage	Oppose in part	An impermeable surface area of no more than 30% is very restrictive for a processing facility	Amend HPFZ-R2 to 70% The impermeable surface coverage of any site is no more than 30% : 70%
HPFZ-S1	Support	12m is the general height of cool stores	Retain

Maximum height			
HPFZ-S6 Landscaping	Support	Opotiki had similar rules which were supported	Retain
RLZ - Rural Lifestyle Zone			
RLZ- Overview	Support	The inclusion of a Rural Lifestyle zone is consistent with the National Planning Standards	Retain
RLZ-O4	Support	It is important that RLZ activities do not compromise activities in the adjacent RPROZ.	Retain
RLZ-P3	Support	It is important that RLZ activities do not compromise activities in the adjacent RPROZ.	Retain
RLZ-R4 Visitor accommodation	Support in part	Visitor accommodation should be set back from the adjacent RPROZ.	Increase RLZ-S3 to 20m for habitable buildings from the RPROZ boundary
RLZ-R6 Educational facility	Support in part	Educational facilities should be set back from the adjacent RPROZ.	Increased RLZ-S3 to 20m for educational facilities buildings from the RPROZ boundary
RLZ-S3 - Setbacks	Oppose in part	To implement RLZ-O4 there should be greater setbacks from the Rural Production Zone boundary.	Amend RLZ-S3 3) habitable buildings must be setback at least 30m from the boundary of an unsealed road <u>and 20m from the boundary of the Rural Production Zone or the Horticulture Zone.</u>

			<u>4) Educational facilities should be setback 20m from the boundary of the Rural Production Zone or the Horticulture Zone.</u>
Rural Residential Zone			
RRZ-O4	Support	The interface of the zone boundary is important especially where it borders the Rural Production Zone	Retain
RRZ-S3 Setbacks	Oppose in part	The setback provides for a 10m setback from the Rural Production Zone. This is not considered to be sufficient to mitigate potential reverse sensitivity effects.	Amend RRZ-S3 2) Minimum building setback from the boundary of any Rural production zone is at least 10m 20m