

## SUBMISSION ON PROPOSED OPOTIKI DISTRICT PLAN

**TO:** Opotiki District Council

**SUBMISSION ON:** Proposed Opotiki District Plan:

**NAME:** Horticulture New Zealand

**ADDRESS:** PO Box 10 232  
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**1. Horticulture New Zealand's submission, and the decisions sought, are detailed in the attached schedules:**

Schedule 1	General comments and submissions
Schedule 2	Submissions Chapter 1 District Plan Introduction
Schedule 3	Submissions Chapter 3 Town Centre Zone
Schedule 4	Submissions Chapter 6 Industrial Zone
Schedule 5	Submissions Chapter 8 Rural Zone
Schedule 6	Submissions Chapter 9 Coastal Zone
Schedule 7	Submissions Chapter 10 Coastal Settlement Zone
Schedule 8	Submissions Chapter 11 Ohiwa Harbour Zone
Schedule 9	Submissions Chapter 13 Landscapes and vegetation
Schedule 10	Submissions Chapter 15 Subdivision
Schedule 11	Submissions Chapter 17 Network Utilities
Schedule 12	Submissions Chapter 19 Definitions
Schedule 13	Submissions Maps

**2.** Horticulture New Zealand wishes to be heard in support of this submission.

**3.** Horticulture New Zealand would not gain an advantage in trade competition in making this submission.

**4. Background to Horticulture New Zealand and its RMA involvement:**

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

4.2 This submission is made by Horticulture New Zealand with the full support of the product groups most prominent in the Opotiki district, NZ Kiwifruit Growers Incorporated and the NZ Avocado Industry Council.

4.3 On behalf of its 5,500 active grower members Horticulture New Zealand takes a detailed involvement in resource management planning processes as part of its National Environmental Policies. Horticulture New Zealand works to raise growers' awareness of the RMA to ensure effective grower involvement under the Act, whether in the planning process or through resource consent applications. The principles that Horticulture New Zealand considers in assessing the implementation of the Resource Management Act 1991 (RMA) include:

- The effects based purpose of the Resource Management Act,
- Non-regulatory methods should be employed by councils;

- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;
- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the growers interests both in an environmental and “right to farm” sense.

Thank you for the opportunity to submit on the Proposed Opotiki District Plan



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## **Schedule 1: General comments and submissions**

### 1.1 Principles underpinning this submission

That the District Plan give effect to the Regional Policy Statement, particularly relating to provisions for rural production activities and reverse sensitivity.

Recognise the small rating base in the District and seek to provide opportunities for economic growth through horticulture.

Ensure that there is the ability for multiple owned Māori land to be developed for horticulture to give effect to the RPS Policy IW 1B Enabling development of multiple owned Māori land.

Rural production activities should be enabled in the rural areas of the district to ensure that the economic, social and cultural benefits accrue to the district.

The focus should be on all rural production land, not just versatile land or Class 1, 2 or 3 soils.

Farming includes horticulture and accessory buildings and activities to enable it to be undertaken, such as artificial crop protection structures, audible bird scaring devices and use of frost fans.

Provision of seasonal worker accommodation and post-harvest or packhouse facilities located in the district are essential for the horticulture industry to be able to pick, pack, process and store products in a timely manner. Regulatory barriers to providing such facilities will lead to product processing and related benefits being taken out of the district.

Activities other than rural production activities should only be able to locate in the Rural Zone where they do not compromise rural production activities, including by avoiding potential reverse sensitivity effects. Methods to be used include separation distances between residential dwellings and rural production activities.

Recognise the outstanding natural features and landscapes in the district but establish a regulatory framework that allows for rural production activities to be undertaken without creating significant adverse effects on such features or landscapes.

Ensure that the Coastal Zone aligns with the coastal environment in the RPS and that farming activities can be undertaken within the Coastal Zone.

Ensure that the Coastal Settlement Zone does not incorporate land used for horticulture by either rezoning or applying the Rural Zone provisions to rural activities undertaken within the zone.

Recognise that the growth of horticulture in Opotiki district has increased since the Operative District Plan was developed (made operative Sept 2005) so the plan needs to be amended to better incorporate provisions that will enable horticulture to contribute to growth in the Opotiki district.

Ensure that the plan enables the rapid response to biosecurity incursions of unwanted organisms, through enabling the clearance and destruction of infected material through removal and burial.

## 1.2 Horticulture in Opotiki District

Kiwifruit is the predominant horticulture crop grown in the Opotiki District although some avocados and vegetable crops are also grown.

The main kiwifruit areas are Opotiki and Te Kaha.

There are 87.40 producing hectares in Te Kaha which provides \$62,101.92 Orchard Gate Returns per hectare, being a total of approximately \$5.8 million.

In Opotiki there are 888.29 producing hectares which provides \$60,840 Orchard Gate Returns per hectare, being a total of approximately \$50.7 million.

Growing is on a range of soil types and includes Class 1, 2, 3, and 4 land. The Class 4 land that is utilised is either lower lying or on slopes with small pockets of land available for horticultural use.

In addition to Orchard Gate Returns, the value of Kiwifruit to the region includes the economic activity of the packhouses which would be in the order of \$20-\$30million.

There are 3 main packhouses or post-harvest facilities in the district with the 2 main packhouses, EastPack and OPAC on industrial zoned land while Riverlock is on rural zoned land. With the growth of the area in production there will be need for additional packhouse capacity. The larger packhouses are undergoing major expansion and there is limited industrial land available around them. See the recent article regarding expansion of OPAC.

There are approximately 34 avocado orchards covering 80 ha distributed both either side of Opotiki, many on Class 4 sloping land.

In addition horticulture is part of the development of Māori land in the district and has the potential to significantly increase the area under production and social and economic benefits to the district.

Horticulture is a significant employer in region. The seasonal peak currently employs around 1,900 people in kiwifruit orchards and packhouses over a 3 month period, 1,000 people for a four month period annually; and an equivalent of 500 positions throughout the full annual cycle.

Horticulture New Zealand considers that the production of food is a critical issue that needs to be adequately provided for through a range of mechanisms, including in Regional and District Plans. For a production system to be able to function efficiently a range of factors and attributes are required. The Opotiki district contributes to such production as it has the unique combination of factors and attributes that are required for food production to be undertaken. Such factors include soil, water, climate, contour, location and proximity to labour and services.

Therefore Horticulture New Zealand (HortNZ) seeks to ensure that there is recognition of the range of attributes outlined above in a balanced framework to foster further development of the horticultural sector.

### 1.3 The approach of the Proposed District Plan.

The Plan seeks to largely 'roll over' provisions in the Operative District Plan unless changes are needed to:

- Clarify provisions
- Improve consistency across the plan
- Respond to new statutory requires
- Delete unnecessary text
- Update references

Only where there are new initiatives to respond to are new provisions introduced.

While HortNZ supports the approach in terms of expediency there does not appear to be a robust evaluation of whether the existing provisions are still the most relevant given changes in the district over the last 10 years. For instance the growth of horticulture in the district has been significant and provisions are needed to ensure that the district plan enables the economic and social benefits to accrue from expansion of horticulture in the district.

The Section 32 report does not appear to adequately address these changing situations as part of evaluating the appropriateness of rolling over the existing provisions.

Therefore HortNZ seeks that the provisions be amended to better reflect the needs for horticulture, particularly in provisions for shelterbelts, artificial crop protection structures and use of audible bird scaring devices and frost fans and the zoning framework.

### 1.4 Zoning framework

HortNZ supports using a zoning framework in the Plan but it appears that the framework has essentially been rolled over from the Operative District Plan, with a few minor changes, such as the addition of more industrial zoned land, which is supported.

HortNZ considers that the zoning framework should be revised in the light of the development of the Regional Policy Statement and the Proposed Regional Coastal Environment Plan (PRCEP) which identifies the coastal environment for the BOP. The Coastal Zones in the PODP do not equate to the coastal environment in the PRCEP. For clarity and efficiency there should be alignment between the provisions.

The Coastal Zone provisions were still under development when the Draft Plan was notified for comment in late 2015 so have not been subject to comment from parties prior to the notification of the Proposed District Plan.

The maps for the Plan identify that significant areas of horticulture production are located in the Coastal Zone but the zone provisions do not adequately provide for such rural production activity. Therefore changes are sought in the Plan to ensure that horticulture development can continue in such areas.

In addition HortNZ is concerned about the extent of the Coastal Settlement Zone, particularly in the Te Kaha area, as it includes large areas of horticulture production. The provisions for the Coastal Settlement Zone are not appropriate for horticultural activity. While it is appropriate that consideration be given to providing for potential growth of the settlement area in Te Kaha the use of land for rural activities should be able to continue as for the Rural Zone until such time as the residential development occurs. Therefore HortNZ seeks that the zoning of the Coastal Settlement Zone in the Te Kaha area be re-evaluated with areas in

farming or horticulture rezoned either Rural or Deferred Coastal Settlement with the rural zone provisions applying.

**Decision sought:**

Amend the Coastal Zone boundary to align with the Coastal Environment in the Proposed Regional Coastal Environment Plan. Rezone surplus Coastal Zone land as Rural.

Amend the Coastal Settlement Zone in the Te Kaha area with areas over 1 hectares in farming or horticulture rezoned either Rural or Deferred Coastal Settlement with the Rural Zone provisions applying.

1.5 Multiple owned Māori land

There is significant potential within the Opotiki District for development of Māori owned land into horticulture production. Much of this land is Class 1-3 and currently located within the Coastal or Coastal Settlement Zones, thereby presented regulatory hurdles to the use of this land for horticulture under the Proposed Opotiki District Plan and alienating options for use of this land. Horticulture development on such land will assist to provide social and economic benefits to both Māori and the district by utilising the land for its highest and best use.

To enable development for high value kiwifruit there needs to be provision for artificial crop protection structures and use of bird scarers. Neither of these are currently provided for as permitted within the Coastal or Coastal Settlement Zones. In addition the plan framework for these zones does not enable development of horticulture and hence presenting a greater regulatory hurdle.

HortNZ has discussed this issue with Te Tumu Paeroa who manage significant areas of Māori land within Opotiki District. It has been identified that the ability to develop much land will be limited by the proposed provisions and so seek that specific consideration be given the effects of the provisions on enabling development of Māori land, particularly in the Coastal and Coastal Settlement Zones, so that Policy IW 1B of the RPS is given effect to.

**Decision sought:**

That changes are made to the Plan as sought in this submission, particularly in the Coastal or Coastal Settlement Zones, so that Policy IW 1B of the RPS is given effect.

1.6 Seasonal worker accommodation

Seasonal worker accommodation is needed in the district to be able to accommodate seasonal workers in the horticulture industry, both for work in packhouses and orchards. HortNZ seeks recognition of seasonal worker accommodation facilities in the Plan. These facilities are important for the horticultural industry to ensure that seasonal workers are appropriately housed.

Currently seasonal worker accommodation in the district relies on the holiday parks, backpacker hostels and private residence. Also RSE workers are travelling from Whakatane (40 km) due to limited accommodation.

If accommodation is not able to be provided locally workers will commute from Whakatane or other areas. It would be more efficient that workers are able to be located and accommodated in the district. Currently the District Plan has provisions in the Rural Zone for visitor accommodation, with up to four visitors a night being a permitted

activity and discretionary beyond that number. There is also the ability to establish three dwellings on a site in excess of 4 hectares. However there is no specific provision that would enable the establishment of specific seasonal worker accommodation facilities that is responsive to the type of facilities that are required. Visitor accommodation for up to 4 visitors per night in the Residential Zone is a Controlled activity and Discretionary for more than 4 visitors.

Many seasonal workers in the Opotiki District work under the Government's Recognised Seasonal Employer Scheme (RSE) whereby they are employed by an organisation and work on a number of properties across the district. Under the RSE scheme the employers need to provide adequate accommodation for the workers.

Seasonal workers could be accommodated in either the township, residential areas or in the Rural Zone or Industrial Zone co-located with post harvest facilities. Transport is usually provided by vans to the work location each day.

Other districts have provided for specific accommodation facilities for seasonal workers that have distinct sleeping, ablution and kitchen living facilities so that they may not be classed as a dwelling. This type of facility is cost efficient and adequately provides for seasonal accommodation.

HortNZ seeks that a definition be included for seasonal worker accommodation which identifies that the accommodation facility is for the sole short term use of workers in the farming, rural industry or post harvest facility.

A new Zone Standard is sought to be included in the Rural and Coastal Zones for seasonal worker accommodation and that if the standard cannot be met then the activity is Restricted Discretionary.

It is considered that the effects of seasonal worker accommodation for up to 12 workers are similar to the provision of 3 dwellings on a rural site, which is permitted in the Rural Zone. Therefore it is considered that the effects are similar to activities that are provided as permitted within the Rural Zone.

A provision is also sought for seasonal worker accommodation to be co-located with post harvest facilities in the Industrial Zone so that workers are located adjacent to the packing facilities and better utilising land for the post harvest operation.

HortNZ seeks that a new Zone Standard be included in the Residential for seasonal worker accommodation and that if the standard cannot be met then the activity is Restricted Discretionary. It is recognised that there is the potential for adverse effects in the Residential or Town Centre Zone but also recognise that regulatory hurdles will lead to development of accommodation facilities outside the district.

**Decision sought:**

To include provisions for seasonal worker accommodation as set out in this submission for the:

- Residential and Town Centre Zones
- Rural Zone
- Coastal Zone
- Industrial Zone
- Definitions

## 1.7 Versatile land

HortNZ made comments on the Draft Plan which raised concerns about the approach to versatile land and sought that there be a focus on all rural production land, particularly high value production land.

However the Proposed Plan has retained the focus on versatile land, being Class 1,2 or 3 land. HortNZ does not support this approach, particularly in the policies in the Rural Zone because it implies that land that is not 'versatile' is not encompassed as being of value for retaining for productive use. Much Class 4, 5 and 6 land is used for rural production activities and needs to be also recognised for the contribution that it makes to the economic and social wellbeing of the district.

Versatility is used as the threshold for subdivision size as a means to avoiding the fragmentation of versatile land, but doesn't recognise that small parcels of versatile land used for horticulture is beneficial.

The Opotiki District Plan is required to give effect to the RPS and Objective 26A in the RPS states:

*The productive potential of the region's rural land resource is sustained and the growth and efficient operation of rural production activities are provided for.*

This objective has a wider focus on rural production – not just versatile soils because it is recognised that the focus should be on enabling all rural production activities, not just a certain sub-set of soils.

Limiting specific consideration to just Classes 1, 2 and 3 may mean that high value productive land is not recognised through the Plan. For instance Class 4 land can be used for high value horticulture production and is being used in the Opotiki District, such as in the Ohiwa area. This should be acknowledged and provided for in the Plan.

Often district plans seek to focus on one resource over others, such as soil, because it is an obvious resource in the district and a resource that may be under pressure. However, HortNZ has concerns with such a focus. While soil is important to horticultural production, soils are only one of many matters that need to be provided to enable commercial vegetable and fruit production to occur economically. Primacy to one component distorts the full consideration of such matters so that the focus should be on the full productive use of the land and not just one inherent characteristic.

The consideration of soils in isolation from all factors that constitute a production system has not been supported in decisions of the Environment Court. The Environment Court accepted in *Canterbury Regional Council v Selwyn District Council W142/96*, that a number of factors are necessary for production.

It is recognised that the soil resource contributes to the wellbeing of the district. It also needs to be recognised that there needs to be a production system to enable wellbeing to be created. The growers and their operations are that production system, without which the soil resource would not be able to be utilised to create benefits for the district.

Therefore it is sought that rather than a focus on the soil resource that the plan takes a broader view toward food production and the range of resources required for such production.

**Decision sought:**

Amend the focus from 'versatile land' to 'rural production land' as sought in submissions below.

1.8 Biosecurity

In comments made on the draft plan HortNZ raised the issue of management of incursions of unwanted organisms under the Biosecurity Act because it has become apparent that District Plans can be a regulatory hurdle to rapid response to such incursions. The provisions sought have not been incorporated as sought.

Biosecurity risks to primary production activities are significant and could have serious impact on both urban and rural communities, particularly the production of food. There needs to be active management to ensure that threats do not enter the country and if they do that pest incursions are able to be addressed.

While biosecurity is generally managed under the Biosecurity Act, there is an interface with the RMA so the Plan has a role to play in respect of managing biosecurity risks.

Regional Councils develop plant and animal pest management strategies that address known pests that are present in NZ. However unwanted organisms are not currently found in NZ so are not identified in regional pest management strategies or the National Pest Plan Accord.

In the event of a biosecurity incursion of an unwanted organism a rapid response to manage spread is necessary. Vegetation removal, burial, burning, spraying of material are methods that may be used, including in riparian areas.

It became evident through the PSA incursion that District Plans could be a hurdle in such responses so HortNZ and NZKGI seek provisions to ensure that such hurdles do not exist in Opotiki District.

There are a range of threshold levels for biosecurity incursions and it is only when a biosecurity emergency is declared by the Minister that the Biosecurity Act overrides the RMA provisions. In other situations a declaration may be made by the Chief Technical Officer of Ministry of Primary Industries (MPI). In such a declaration the regional and district plan rules need to be met in terms of disposal of infected material and given the urgency required it is not practical to have to obtain resource consent. Therefore provisions are included in the Plan to enable disposal or treatment of material to be undertaken in response to a biosecurity incursion.

The BOP RPS recognises the importance of biosecurity with the inclusion of Policy IR 9B: Taking an integrated approach towards biosecurity

*Adopt an integrated approach towards the management of biosecurity issues and implementation of plans to control biodiversity and biosecurity risks.*

*Explanation*

*The risk of biosecurity incursions presents a threat to the rural production sector, the regional economy and the region's biodiversity. This policy enables the prevention of new pest incursions and responses to such pest incursions, should they arise.*

**Decision sought:**

Add the following provisions into the Proposed Opotiki District Plan:

**Objective:**

To minimise the risk of biosecurity incursions in the district and enable response to any biosecurity incursions.

**Policy:**

Enable disposal of infected material for biosecurity purposes and treatment of areas to manage incursions of unwanted organisms.

Add the following explanation in the Plan:

A Biosecurity incursion could have devastating effects on the wellbeing of the district, particularly the horticultural industry. While incursions are managed under the Biosecurity Act, Council has a role in ensuring that land use activities do not increase the risk in facilitating incursions and to ensure there are not regulatory barriers to the management of incursions, such as burial or removal of infected plants or animals.

**Earthworks**

Provide as a permitted activity: Earthworks for burying of material infected by unwanted organisms as declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.

**Vegetation removal**

Provide as a permitted activity:

Removal of material infected by unwanted organisms as declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.

Amend the definition of destruction to enable removal of unwanted organisms as a permitted activity.

Ensure that there are provisions for the removal of infected material from riparian areas.

**1.8 Consequential amendments:**

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

**Decision sought:**

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

**Schedule 2: Submissions Chapter 1 District Plan Introduction**

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
2.1.	1.5 Significant Resource management issue for the district	Oppose in part	<p>Section 1.5.2 sets out the main resource management issues facing the district. It includes maintaining the use of versatile land for rural production activities. HortNZ supports the intent of providing for rural production activities but does not consider it should be limited to only versatile land. There are significant areas of land which are not Class 1, 2 or 3 land which are being used of horticultural production and suitable for rural production activities. The RPS in Objective 26A has a focus on: <i>The productive potential of the region's rural land resource is sustained and the growth and efficient operation of rural production activities are provided for.</i></p> <p>This approach is not limited to versatile land. The issue should also focus on enabling the use of the land to ensure that there is a policy framework that supports rural production activities.</p> <p>Issue 6 seeks to enable activities that will provide employment so enabling rural production activities will assist in addressing that issue but the specific issue of seasonal worker accommodation should be identified.</p> <p>HortNZ supports identification of reverse sensitivity as an issue.</p>	<p>Amend Issue 1.5.2 (10) as follows: Maintaining, and enabling the use of, the district's rural land resource for rural production activities, including versatile land.</p> <p>Retain Issue 1.5.2 (9) Managing activities in the rural environment to avoid reverse sensitivity effects.</p> <p>Amend 1.5.2 (6) Enabling activities which will provide employment, including industrial land and provision of seasonal worker accommodation including co-location with horticulture post harvest facilities.</p> <p>Add a new issue: 1.5.2 (15) Biosecurity incursions of unwanted organisms have the potential to have significant impacts in the district. Council has a role in ensuring that incursions of unwanted organisms under the Biosecurity Act are able to be responded to be by avoiding regulatory barriers, such as burial or removal of infected plants or animals.</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			In addition HortNZ seeks that the Plan identifies that responding to a biosecurity incursion of unwanted organisms is a resource management issue for the district and that appropriate provisions are included in the Plan.	
2.2	1.6 Zoning	Support in part	HortNZ supports the use of zoning to manage activities in the district. However it appears that the zoning has largely been 'rolled over' from the existing plan. In some instances it would be appropriate to reconsider the zonings, particularly the Coastal Zone, given the identification of the Coastal Environment in the RPS. The description for the Coastal Zone states that it applies to the coastal environment. However the extent and area of the Coastal Zone is different to the Coastal Environment in the RPS. The description should also include that the Coastal Zone includes areas of rural production activities.	Decision sought: Amend 1.6 (8) Chapter 9 Coastal Zone The Coastal Zone applies to the land identified in the RPS as the Coastal Environment with a focus on retaining and enhancing the identified outstanding natural features and landscapes and the natural character areas of the coastal environment identified in the RPS, with some rural production activities occur within the Coastal Zone.
2.3	1.6 Zoning	Support in part	HortNZ seeks that provisions are added for co-location of seasonal worker accommodation with post harvest facilities in the Industrial Zone. A change to the description is sought to reflect this.	Amend 1.6.3 (5) Chapter 6 Industrial Zone  There are work parts to the Industrial Zone in the Opotiki urban area. Industrial activities benefit from lower amenity standards and good transport links. <u>There is also the ability to co-locate seasonal worker accommodation with horticulture post harvest facilities.</u>
2.3.	1.11 Assessment criteria for applications	Support in part	1.11.3 sets out matters to be considered for a discretionary activity, including (2): Effects of the activity on adjoining activities and sites and zone interface. HortNZ supports this but seeks that it specifically refers to potential for reverse sensitivity.	Amend 1.11.3 (2) by adding, including the potential for reverse sensitivity effects.

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
2.4.	1.15 Expected environmental results	Support in part	Section 1.15 sets out the range of environmental results or outcomes that are expected as a result of the planning framework. There is no specific outcome sought relating to rural production activities in the district. Given that farming and rural production activities are a significant contributor to the economic, cultural and social wellbeing of the district it is appropriate that there is an outcome linked to rural production activities.	Amend 1.15.2 by adding an additional EER: Land is able to be used for rural production activities to support the social, cultural and economic wellbeing of the district.

### **Schedule 3: Submissions Chapter 3 Town Centre Zone**

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
3.1	3.3.2 Permitted activities	Support in part	HortNZ seeks that there is explicit provision for seasonal worker accommodation within the Town Centre Zone, as distinct from visitor accommodation.	Add to 3.3.2.1 Seasonal worker accommodation
3.2	3.3.4 Restricted Discretionary Activities	Support in part	Where seasonal worker accommodation does not meet zone standards a restricted discretionary rule is sought.	Add to 3.3.4.1 Seasonal worker accommodation not complying with Zone Standards
3.3	3.5 Assessment criteria for restricted discretionary activities	Support in part	Assessment criteria are sought for seasonal worker accommodation locating within the Town Centre where the permitted activity rule cannot be met.	Seasonal worker accommodation: Noise and amenity effects on surrounding neighbours and measures to mitigate the effects of the activity
3.4	3.6 Zone standards	Support in part	A Zone standard is sought for seasonal worker accommodation locating within the Town Centre	Seasonal worker accommodation facilities in the Town Centre Zone is a permitted activity provided the following standards are complied with:

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
				a) The relevant Zone standards for yards, height, and daylight protection are complied with. b) Used solely for part of the year to meet labour requirements in the horticulture sector c) Accommodate up to 12 workers d) Provide 1 parking space per 6 workers to be accommodated e) Complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.

#### Schedule 4: Submissions Chapter 6 Industrial Zone

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
4.1	6.1 Resource management issues	Support in part	Currently seasonal workers who work in packhouses or post harvest facilities are accommodated in camping grounds and backpacker facilities either in Opotiki District or Whakatane and transported to site. Packhouse operators have identified that there is the potential for facilities to be co-located on the packhouse site to utilise land not required for the packhouse and enable the workers to be located near the source of employment in specifically provided accommodation units. Such a model exists in the Western Bay of Plenty Post Harvest Zone. Currently post harvest facilities in Opotiki are located in either Industrial or Rural Zones. Changes are sought to the Opotiki District Plan to enable seasonal worker accommodation to be co-located with such facilities, particularly the Industrial Zone.	Add new issue: There is a shortage of accommodation facilities for seasonal workers working in horticulture post harvest facilities.
4.2	Objective 6.2.1	Support in part	HortNZ supports the provision for industrial activities within the industrial zones, however is concerned as to how the extent of 'conflict with the amenity values of adjoining zones' will be assessed. It would be more appropriate to seek that the zone interface is managed.	Amend Objective 6.2.1 Enable industrial activities to establish in industrial zones where the adverse effects of activities are managed both in the zone and between adjoining zones.
4.3	New policy		HortNZ seeks that there is the ability to co-located seasonal worker accommodation with post harvest facilities within the Industrial Zone and request a policy to provide a framework for such provisions.	Add new policy under Objective 6.2.1: To provide for the co-location of seasonal worker accommodation for horticulture post harvest facilities located in industrial zones.

4.4	Policy 6.2.1.1	Support	Enabling industrial activities to establish and operate in the industrial zone is supported. However changes are sought to the Zone standards relating to screening to ensure that the provisions are not onerous. There needs to be consistency in the usage of either 'industrial activities' or 'industry'.	Retain Policy 6.2.1.1 but amend 'industry' to 'industrial activities'.
4.5	Policy 6.2.1.6	Support in part	It is recognised that the zone interface needs to be appropriately managed but the extent of landscaping and screening needs to be commensurate with the potential for adverse effects on the adjoining zone and distance to neighbouring zone activities. Given the more open nature of the rural zone it is not considered that screening would be required between the rural and industrial zones.	Amend Policy 6.2.1.6 as follows: Landscaping and screening will be provided where the industrial activity directly adjoins Residential or Mixed Activity zones and there is potential to affect the amenity values of those zones.
4.6	Policy 6.2.2.1	Support in part	A consequential change is sought to limit the screening requirement to the adjoining Residential and Mixed Activity zones.	Amend to insert 'adjoining <u>Residential or Mixed Activity Zones</u> '
4.7	6.3.2.1 Permitted activities	Support in part	The provision in 6.3.2.1 is to permit 'industries'. The defined term is 'industry' and HortNZ seeks that this be amended to 'industrial activities'.	Amend 6.3.2.1 (2) to Industrial activities and amend the definition of 'industry' to 'Industrial activities'. Make consequential changes throughout the Plan.
4.8	6.3.2.1 Permitted activities	Support in part	HortNZ seeks that there is specific reference to seasonal worker accommodation as accessory to industrial activities in the Industrial Zone.	Amend 6.3.2.1 as follows: 1. Buildings and activities accessory to permitted activity, <u>including seasonal worker accommodation co-locating with Post harvest facilities</u>  2. <del>Industries</del> <u>Industrial activities</u>
4.9	6.3.4 Restricted Discretionary Activities	Support in part	A Restricted Discretionary rule is sought for seasonal worker accommodation co-locating with horticultural post harvest facilities in the Industrial Zone	Amend 6.3.4.1 by adding 5)  <u>5) Seasonal worker accommodation co-</u>

				<u>locating with post harvest facilities not meeting Zone Standards</u>
4.10	6.5 Assessment criteria for Restricted Discretionary Activities	Support in part	New criteria are sought to support the Restricted Discretionary rule for seasonal worker accommodation co-locating with horticultural post harvest facilities in the Industrial Zone	Add new criteria:  <u>6.5.1.5 Seasonal worker accommodation co-locating with post harvest facilities</u> <u>Noise and amenity effects on surrounding neighbours and measures to mitigate the effects of the activity</u>
4.11	6.6 Zone Standards	Support in part	New Zone Standards are sought to support the provision for seasonal worker accommodation co-locating with horticultural post harvest facilities in the Industrial Zone	Add <u>6.6.12 Seasonal worker accommodation</u>  <u>Operate only for seasonal worker accommodation associated with the post harvest facility and/ or orchard operations associated with that facility</u>  <u>Be constructed in accordance with the Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.</u>  <u>Accommodate up to 24 workers</u>  <u>Be located no less than 100m from any dwelling established in an adjoining zone. This may be reduced with the written consent of neighbouring property owners.</u>
4.12	6.6.3 Zone standards - landscaping	Support in part	The landscaping of storage areas should be only required where the storage areas are visible from the adjoining Residential or Mixed Activity zones.	Amend 6.6.3.1: Industrial activities adjoining a Residential or Mixed Activity zones shall provide landscape planting and screening of storage areas where the storage areas are

				visible from the adjoining zones. Where the boundary is the road the zone on the opposite side of the road will apply.
4.13	6.6.4 Zone standards Noise and glare	Support in part	It is appropriate that the noise from Industrial activities is not unreasonable in adjoining zone but consider that the noise limits should apply at the notional boundary in the Rural Zone. This will ensure that the potential adverse effects being managed relate to where people are living, rather than open space.	Amend 6.6.4.1 2 <sup>nd</sup> sentence: Provided that at the boundary of a site within the Residential or Mixed Activity Zone, or the notional boundary within the Rural Zone the noise limits for the relevant Zone shall be complied with.
4.14	6.6.5 Zone standards Parking and loading	Support in part	The Rural Zone Standards 8.6.9.1 provide for parking for coolstores to be 1 space per 500m <sup>2</sup> . This reflects that the small number of people actually working within coolstores. This should also apply to coolstores within the Industrial Zone.	Add to 6.6.5.1 (1) Coolstores 1 space per 500m <sup>2</sup> .

### Schedule 5: Submissions Chapter 8 Rural Zone

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
5.1	8.1 Resource management issues	Support in part	8.1 (2) identifies that residential activities within the zone have the potential to adversely affect the operation and amenity of the rural environment. HortNZ considers that it should be more explicit that residential activities have the potential to adversely affect the ability of rural production activities to operate in the Rural Zone through reverse sensitivity effects as this is a key issue to be addressed in the Plan.	Amend 8.1 (2) Residential activities within the zone have the potential to adversely affect the operation of rural production activities in the Rural Zone through reverse sensitivity effects.
5.2	8.1 Resource management issues	Support in part	HortNZ considers that there should be a specific issue that the rural production activities be provided for in the Rural Zone.	Include a new issue as follows: Rural production activities are the main activity that occurs within the Rural Zone and needs to be provided for.
5.3	8.1 Resource management issues	Support in part	HortNZ considers that there should be a specific issue relating to the provision of seasonal worker accommodation as it is an emerging issue for the district	Add a new issue as follows: Seasonal worker accommodation is an important component for the horticultural sector. For efficiency and social and economic reasons they should be located near the employment source.
5.4	8.1 Resource management issues	Support in part	8.1. (9) identifies that the districts' land can be degraded and fragmented as a result of inappropriate and unnecessary subdivision and development. This is an appropriate issue but should be linked to the use of the land for rural production activities.	Amend 8.1. (9) as follows: The versatility and use of the rural land resource for rural production activities can be degraded and fragmented as a result of inappropriate subdivision and development.

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
5.5	8.2 Objectives and policies Objective 8.2.2	Support in part	<p>HortNZ seeks that there is a clear differentiation in the policy framework to:</p> <ul style="list-style-type: none"> <li>a) Enable use of the rural land resource for rural production activities</li> <li>b) Provide for non-rural production activities where they do not compromise the rural production activities and maintain rural character</li> </ul> <p>A re-ordering of the objectives and policies is sought to ensure that there is a clear focus on rural production activities in the Rural Zone</p>	<p>Amend Objective 8.2.2 as follows: Rename as Objective 8.2.1</p> <p>To enable the use of the rural land resource, for rural production activities, including sustaining the productive potential of versatile land, and ensuring that non-rural production activities do not compromise the ability to use the land for rural production purposes.</p>
5.6	Objective 8.2.1	Support in part	<p>As a consequence of amending the framework for the objectives a clear objective for non-rural production activities should be included in the Plan. It is considered that Objective 8.2.1 can be amended to achieve this outcome.</p>	<p>Amend Objective 8.2.1 as follows: Rename as Objective 8.2.2</p> <p>Provide for non-rural production activities in rural zones where the effects of the activities are managed to maintain the rural character of the zone and do not compromise rural production activities.</p> <p>Define rural character as sought in the definitions section of this submission</p>
5.7	Policy 8.2.1.1	Support in part	<p>HortNZ supports the inclusion of a policy recognising potential reverse sensitivity effects on rural production activities.</p> <p>However the policy should apply to all non-rural production activities, not just residential activities. HortNZ seeks that the policy be re-numbered consistent with changes sought to the objectives.</p>	<p>Rename Policy 8.2.1.1 as Policy 8.2.2.1 and amend as follows: Recognise the Rural Zone as a working rural production environment and manage non rural production activities, including rural residential activities, including through the use of separation distances, to ensure that they do not result in reverse sensitivity effects on rural production activities.</p>

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
5.8	Policy 8.2.1.2	Support in part	HortNZ supports the policy to ensure that development maintains the rural character of the Rural Zone but seek that the policy refer to 'rural character' which is sought to be defined in the Plan. HortNZ seeks that the policy be re-numbered consistent with changes sought to the objectives.	Rename Policy 8.2.1.2 as Policy 8.2.2.2 and amend as follows: Manage subdivision and development to maintain the rural character of the zone and the District's natural and physical resources.
5.9	Policy 8.2.1.3	Oppose in part	Open space and vegetated character of the rural environment are included in the definition that is sought for rural character so it is not necessary to include a specific policy for those particular aspects of rural character.	Delete Policy 8.2.1.3
5.10	Policy 8.2.1.4	Oppose in part	Policy 8.2.1.4 essentially duplicates Policy 8.2.1.2 which seeks to maintain rural character by managing subdivision and development, which includes retaining low density of development.	Delete Policy 8.2.1.4
5.11	Policy 8.2.1.5	Support in part	Policy 8.2.1.5 is similar to Policy 8.2.1.1 as it identifies reverse sensitivity as an issue, but is linked to 'sensitive activities' and effects on existing lawfully established activities, including infrastructure.	Rename Policy 8.2.1.5 as Policy 8.2.2.3
5.12	New policy		The Plan should have a policy framework to enable the response to incursions of unwanted organisms under the Biosecurity Act.	Add a new policy under renamed Objective 8.2.2: Enable disposal of infected material for biosecurity purposes and treatment of areas to manage incursions of unwanted organisms.
5.13	New policy		HortNZ seeks that there is a specific policy that provides for rural industrial and rural service activities to locate in the Rural Zone. These are activities that directly service or support rural land uses and may	Add a new policy under renamed Objective 8.2.2: To provide for rural industry and rural services directly related to rural production activities to

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
			have a functional need to locate in the rural environment.	locate in the rural zone where they have a functional need to locate in that zone.
5.14	Policy 8.2.2.1	Support in part	HortNZ supports the policy that land is retained for rural production activities, but seeks that the focus is on all rural land, not just solely versatile land because other classes of land have value for rural production activities.	Rename Policy 8.2.2.1 as Policy 8.2.1.1 and amend as follows: Subdivision, use and development should not result in a significant reduction of land use options for rural production land, including versatile land, or increase reverse sensitivity effects on rural production activities.
5.15	Policy 8.2.2.2	Support in part	Policies 8.2.2.2 and 8.2.2.3 both seek to ensure that rural land is available for rural production activities. However the two policies could be combined with a focus on retaining and using rural production land.	Rename Policy 8.2.2.2 as Policy 8.2.1.2 and amend as follows: The rural land resource, including versatile land, should be used and developed in a manner that it remains available to present and future generations for rural production activities and not compromised by activities that do not rely on the productive potential of the land
5.16	Policy 8.2.2.3	Oppose in part	Policy 8.2.2.3 can be incorporated into Policy 8.2.2.2 with a focus on retaining and using rural production land.	Delete Policy 8.2.2.3
5.17	Policy 8.2.4.2	Support	Policy 8.2.4.2 recognises the special relationship Māori have with their land and seeks to enable the use and development of that land. This is supported as it give effect to the RPS.	Retain Policy 8.2.4.2
5.18	Objective 8.2.3	Support in part	Objective 8.2.3 seeks to ensure that adverse environmental effects from activities undertaken within the Rural Zone are avoided, remedied or mitigated. This is supported. However the level of mitigation should be based on the Zone Standards for the Zone.	Amend Objective 8.2.3 Avoid, remedy or mitigate adverse environmental effects of activities undertaken within the Rural Zone where Zone Standards cannot be met.

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
5.19	Policy 8.2.3.1	Support in part	Policy 8.2.3.1 relates to the use, storage and transport of hazardous substances and relies on complying with requirements of the relevant legislation and industry standards. The Plan does not include a specific section on hazardous substances but instead relies on such relevant legislation and industry standards. This is supported. It is noted that the term 'industry' is in bold as it is a defined term in the Plan. HortNZ has sought changes to the definition of 'industry' so that it refers to 'industrial activities'. The use of the specific defined term 'industry' is not appropriate within the context of Policy 8.2.3.1.	Retain Policy 8.2.3.1 but un-bold 'industry' and amend the definition of industry to 'industrial activity' as sought in Schedule 11 of this submission.
5.20	Policy 8.2.3.4	Oppose in part	Policy 8.2.3.4 seeks to mitigate potential adverse effects on the amenity of dwellings through a range of mechanisms. The policy needs to be consistent with the approach to reverse sensitivity. The performance standards establish the thresholds of what is the acceptable level of effects within the Rural Zone. Only when these standards are breached should mitigations be required	Amend Policy 8.2.3.4 as follows: Mitigate adverse effects through the use of measures such as landscaping, screening or separation distances from adjoining activities where Zone Standards are unable to be met and the residential activity was established prior to the adjoining activity.
5.21	8.3.1.1 Permitted activities	Support in part	8.3.1.1 refers to the 'Industrial' Zone. This should be reworded as 'Rural' Zone.  There are a number of activities that are not specifically listed as permitted in the Rural Zone, but to which there are specific Zone Standards. These activities should be listed as permitted providing they comply with the Zone Standards.	Amend 8.3.1.1 by deleting 'Industrial' and replacing with 'Rural'.  Amend 8.3.1.1 (1) to Rural production activities including farming  Retain 8.3.1.1 (19) Buildings and activities accessory to a permitted activity

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			<p>In addition HortNZ seeks that seasonal worker accommodation and rural selling places are provided for as a permitted activity subject to complying with specific standards.</p> <p>In addition HortNZ seeks that rural production activities are provided for in the Rural Zone.</p>	<p>Add to 8.3.1.1 the following:</p> <ul style="list-style-type: none"> <li>• Artificial crop protection structures which comply with 8.6.5</li> <li>• Audible bird scarers which comply with 8.6.7.1 (1)</li> <li>• Frost fans which comply with 8.6.7.1 (2)</li> <li>• Seasonal worker accommodation which complies with 8.6.16</li> <li>• Rural selling places which comply with 8.6.17</li> <li>• Removal of material infected by unwanted organisms under the Biosecurity Act 1993</li> </ul>
5.22	8.3.2. Controlled activities	Support in part	HortNZ supports the activities listed as controlled activities.	Retain 8.3.2.1
5.23	8.3.3 Restricted Discretionary activities		<p>HortNZ seeks that a number of activities are classed as Restricted Discretionary rather than Discretionary as there are specific matters of discretion that can be considered in assessing applications.</p> <p>Audible bird scaring devices and frost fans should be listed under Restricted Discretionary activities as they are provided for in 8.5.1.5 and 8.5.1.6 as RDA's.</p>	<p>Add to the list of Restricted Discretionary activities:</p> <ul style="list-style-type: none"> <li>• Rural Industries</li> <li>• Artificial Crop protection structures not complying with 8.6.5</li> <li>• Audible bird scaring devices not complying with 8.6.7.1 (1)</li> <li>• Frost fans not complying with 8.6.7.1 (2)</li> <li>• Seasonal worker accommodation not complying with 8.6.16</li> </ul>

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
5.24	8.3.4 Discretionary activities	Oppose in part	HortNZ considers that there a range of activities listed as discretionary activities which could appropriately be managed as a Restricted Discretionary Activity with clear matters of discretion identified in the Plan. This is particularly relevant where an activity may not meet a specific Zone Standard.	Amend 8.3.4.1 by deleting the following activities and listing in 8.3.3.1 as Restricted Discretionary Activities: 1. Rural Industries 3.. Artificial Crop protection structures not complying with 8.6.5
5.25	8.4 Assessment for controlled activities	Support in part	HortNZ supports the consideration of reverse sensitivity effects on adjoining sites.	Retain 8.4.1.2
5.26	8.5 Assessment for restricted discretionary activities – 8.5.1.2 Rural selling places	Support in part	HortNZ seeks that small scale rural selling places be provided as a permitted activity so 8.5.1.2 would apply to those rural selling places that do not meet the Permitted Activity Zone Standard that is sought.	Amend 8.5.1.2 Rural selling places that do not comply with Zone Standards 8.6.17.
5.27	8.5 Assessment for restricted discretionary activities – 8.5.1.5 Audible bird scaring devices	Support	8.5.1.5 lists location, noise levels and number of shots per events as matters for discretion for use of audible bird scaring devices. This is supported.	Retain 8.5.1.5
5.28	8.5 Assessment for restricted discretionary activities – 8.5.1.6 Frost fans	Support	8.5.1.6 lists location, noise levels as matters for discretion for use of frost fans. This is supported.	Retain 8.5.1.6
5.29	8.5 Assessment for restricted		As stated in Schedule 1 of this submission HortNZ seeks a suite of provisions to provide for seasonal	Add new matter of discretion for seasonal worker accommodation as follows:

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
	discretionary activities – seasonal worker accommodation		worker accommodation. A Zone Standard is sought as part of the provisions to enable some seasonal worker accommodation to be provided for as a permitted activity. Where the standard is not able to be complied with a Restricted Discretionary activity would apply. Specific matters of discretion are sought to be added as 8.5.1.7	8.5.1.7 Seasonal worker accommodation not meeting 8.6.16 1. Those matters in Zone Standard 8.6.16 that are not able to be met. 2. Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control. 2. The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.
5.30	8.5 Assessment for restricted discretionary activities – artificial crop protection structures		Artificial crop protection structures are provided as a permitted activity subject to complying with Zone Standard 8.6.5. HortNZ seeks that if the standard is not able to be complied with a Restricted Discretionary activity would apply. Specific matters of discretion are sought to be added as 8.5.1.8	Add new matter of discretion for artificial crop protection structures as follows: 8.5.1.8 artificial crop protection structures not meeting 8.6.5  1. Those matters in Zone Standard 8.6.5 that are not able to be met.
5.31	8.5 Assessment for restricted discretionary activities – Rural industries		HortNZ seeks that rural industries be provided for as a Restricted Discretionary consent. Assessment criteria are sought to support an RDA.	Add new matter of discretion for rural industries as follows 8.5.1.9: Rural industries 1. The functional need to be located in the Rural Zone 2. Parking provisions 3. Screening of storage areas from adjacent dwellings and public places 4. Noise

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
				5. Lighting 6. Effects on rural character
5.32	8.6 Zone Standards 8.6.1 Site coverage	Support	HortNZ supports the site coverage provisions which do not limit coverage for non-residential activities which would include rural production activities.	Retain 8.6.1
5.33	8.6 Zone Standards 8.6.2 Height	Support	HortNZ supports the additional height provision for frost fans.	Retain 8.6.2
5.34	8.6 Zone Standards 8.6.4 Yards	Support in part	8.6.4 sets out provisions for yard setbacks in the Rural Zone. The yard setback is an important mechanism to address potential for reverse sensitivity. The notified provisions apply the same setback to all dwellings and buildings. Dwellings located adjacent to horticultural activities should be setback further to ensure that the potential for reverse sensitivity effects are adequately managed as a permitted activity or consent is required. In the Rural Zones there should be a distance to the boundaries for dwellings of 25 metres from rural production activities, regardless of the size of the site, unless the affected adjoining neighbours approval is obtained. If a dwelling cannot be located on the site then consideration of other mechanisms to address reverse sensitivity effects should be considered through the consent process.	Amend 8.6.4.1: 1. All buildings other than dwellings shall be set back at least 5 metres from side and rear boundaries. 2. All dwellings shall be set back at least 25 metres from side and rear boundaries unless the written approval of any affected, adjoining neighbour is obtained and that written approval has been lodged with council. 3. Non-compliance with the Rule shall be considered as a Restricted Discretionary Activity.
5.35	8.6 Zone Standards	Support in part	8.6.5 provides for artificial crop protection structures subject to complying with the Zone Standard.	Amend 8.6.5 as follow: Green or black cloth shall be used on

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
	8.6.5 Artificial crop protection structures		The standard is similar to that in the Western Bay of Plenty District Plan and is generally supported. However the standard seeks to limit horizontal surfaces to green, white or black cloth while the WBOP provision provides for any colour when used horizontally. A general exemption is sought from the site coverage, yard and daylight requirements to ensure that land is able to be efficiently used.	vertical faces within 30m of the boundary of the property except as provided for in 4 below  <ol style="list-style-type: none"> <li>1. Any colour may be used on horizontal surfaces.</li> <li>2. Yard, daylight and site coverage requirements shall not apply.</li> <li>3. Within 30 metres of property boundaries a different colour cloth may be used where the written approval of the owner(s) of the immediately adjoining property, or roading authority is obtained and provided to the Council.</li> </ol>
5.36	8.6 Zone Standards 8.6.6 Landscaping	Oppose in part	8.6.6.1 requires that areas used for storage are screened from any public place and from adjoining residential activity sites. It needs to be clear for which activities 'storage' needs to be screened. For instance storage of farm machinery and horticultural bins on rural properties is part of rural production activities. There should not be a requirement for growers to screen from those who choose to locate adjacent to rural production activities.	Amend 8.6.6.1 Areas used for storage by rural industries and rural services shall be to be screened from any public place and from adjoining residential activity sites that existed prior to the establishment of the rural industry or rural service.
5.37	8.6 Zone Standards 8.6.7 Noise and glare	Oppose in part	The daytime noise limit for the Rural Zones is 50 LAeq. It is considered that a limit of 50 LAeq is at the lower end of recommended range for rural areas and creates the impression that the rural area is a quiet environment. The rural zones are the same as the residential zones and this implies that the rural zones	Amend 8.6.7.1 Rural Daytime to 55 LAeq Include an exemption as follows Subject to best practicable option being adopted the following activities are exempt from 8.6.7.1:

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			<p>have the same amenity. Given that they are working production environments this creates a false message about what to expect in the Rural Zones. The rural zone should be 55 LAeq to ensure that any assessment against the permitted baseline represents the normal rural environment.</p> <p>An exemption should be provided for some rural production activities to ensure that such activities are able to be undertaken. Such a provision is included in most district plans, such as Whakatane and Western Bay of Plenty.</p>	<p>i) Activities required for 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,</p> <p>ii) Livestock</p>
5.38	8.6.7.1 Audible bird scaring devices	Support	HortNZ supports the provisions for audible bird scaring devices.	Retain 8.6.7.1 (1)
5.39	8.6.7.2 Frost fans	Support	HortNZ supports the provisions for frost fans.	Retain 8.6.7.1 (2)
5.40	8.6.9.1 Parking and loading	Support in part	<p>An additional provision is sought for parking for seasonal worker accommodation based on an assumption that workers will be transported by employers rather than having own vehicles. So 1 space per 6 workers is sought.</p> <p>In addition the residential dwelling requirement is 2 spaces per person. In the Residential Zone the requirement is 2 spaces per dwelling which is a more quantifiable standard as it is unclear how many people may reside in a dwelling.</p>	<p>Add parking provision for seasonal worker accommodation 1 space per 6 workers.</p> <p>Amend residential dwellings to 2 spaces per dwelling.</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
5.41	New 8.6.16 Seasonal worker accommodation		As stated in Schedule 1 of this submission HortNZ seeks a suite of provisions to provide for seasonal worker accommodation. A Zone Standard is sought as part of the provisions to enable some seasonal worker accommodation to be provided for as a permitted activity. Where the standard is not able to be complied with a Restricted Discretionary activity would apply.	<p>Add a new Zone Standard 8.6.16 Seasonal Worker accommodation</p> <p>Seasonal worker accommodation facilities in the Rural Zone is a permitted activity provided the following standards are complied with:</p> <ul style="list-style-type: none"> <li>a) The relevant Zone standards for yards, height, daylight protection and parking are complied with.</li> <li>b) Access – No additional formed accesses are to be created to any State Highway</li> <li>c) Used solely for part of the year to meet labour requirements in the horticulture sector</li> <li>d) Comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities</li> <li>e) Accommodate up to 12 workers</li> <li>f) Provide 1 parking space per 6 workers to be accommodated</li> <li>g) Complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.</li> </ul>
5.42	New 8.6.17 Rural selling places		Zone standards are sought for rural selling places so that smaller places can operate as a permitted activity. If the standards cannot be met the activity would be restricted discretionary.	<p>Add 8.6.17 Rural selling places</p> <ul style="list-style-type: none"> <li>• Employs no more than 10 people on site</li> <li>• Is located within a building or open space with a maximum gross floor area of land area of 100m<sup>2</sup>.</li> </ul>

**Schedule 6: Submissions Chapter 9 Coastal Zone**

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
6.1	9.1 Resource management issues	Oppose in part	<p>The aerial maps of the Coastal Zone demonstrate that significant areas of the Coastal Zone are currently used for horticulture. However there is no issue in the Coastal Zone chapter that addresses rural production activities or the benefits that accrue from the use of land in the Coastal Zone for horticulture. Many of the issues relate to residential activity in the zone. However the provision and pressure on rural production activities are not identified as an issue.</p> <p>The Whakatane District Plan Rural Chapter includes all zones where rural activities are undertaken including Rural Coastal, Rural Plains, Rural Foothills and Rural Ohiwa thereby recognising the central role of rural activities within all the respective zones. The Opotiki District Plan has a different structure so does not provide for rural activities across the range of zones in a cohesive manner. Changes are sought in this submission to address this issue.</p> <p>The delineation and boundaries of the Coastal Zone appear to be the same or similar to the Operative Plan. However since the time the plan was developed the RPS has identified the coastal environment and seeks that District Plans manage activities in the identified coastal environment.</p>	<p>Amend the maps for the Coastal Zone to align with the Coastal Environment in the Regional Policy Statement.</p> <p>Where Coastal Zone land is not included in the Coastal Environment rezone to Rural.</p> <p>Include additional issues in 9.1 as follows: Some land within the Coastal Zone is used, or able to be used for farming and horticulture activities and the zone provisions need to provide for such uses alongside recreational and residential uses of the zone and preservation of the natural character of the coastal environment</p> <p>Include an additional issue in 9.1 as follows: Many areas of the coastal environment are also identified in Chapter 13 as ONFL's so the Plan needs to be clear how duplication and overlaps between chapters will be addressed.</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			<p>An additional issue is the interface and overlap between the natural character provisions in the Coastal Zone and the ONFL's in Chapter 13 Landscapes and vegetation. It needs to be clear how the provisions will work and not result in duplication.</p> <p>The RPS provides a hierarchy in the identification of the natural character of the coastal environment and so it would be appropriate that those areas identified according to the RPS – outstanding, high or very high natural character and the regulatory framework reflect the level of significance.</p>	
6.2	9.2 Objectives and Policies	Oppose in part	A new objective is sought to ensure that rural production activities, particularly farming and horticulture, are recognised for the contribution to the Coastal Zone, including the rural character.	Include a new objective in 9.2 as follows: To enable rural production activities and maintain the rural character in the Coastal Zone.
6.3	9.2 New policy		Linked to the new objective is a new policy, similar to a policy in the Whakatane District Plan which recognises and provides for rural activities in the coastal environment.	Include a new policy in 9.2 as follows: To provide for the continued operation of rural production activities, including associated buildings and structures, recognising that these activities are an integral part of the rural environment and contribute to the rural character of Coastal Zone.
6.4	9.2 New policy		There is no provision to consider reverse sensitivity in relation to rural production activities where these are located within the Coastal Zone. The issue of potential reverse sensitivity still exists even though	Add a new policy in 9.2 as follows: To provide for the use of the rural land resource located in the Coastal Zone for rural production activities by ensuring that adjacent residential activities do not compromise the

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			the rural activities are located within a zone other than Rural.	ability to use the land for rural production purposes through reverse sensitivity effects.
6.5	New policy		The Rural Zone has Policy 8.2.4.2 that specifically provides for enabling the development and use of Māori land. There is not similar provision within the Coastal Zone even though significant areas of Māori land are located within the Coastal Zone	Include a new policy under Objective 9.2.3: To recognise the specific relationship of Māori with their ancestral land by enabling use and development of land, including Papakainga and associated support facilities.
6.6	Objective 9.2.1	Support in part	The RPS provides a hierarchy in the identification of the natural character of the coastal environment and so it would be appropriate that those areas identified	Amend the policy framework to provide different levels of protection for areas of: <ul style="list-style-type: none"> <li>• Outstanding natural character</li> <li>• Very high natural character</li> <li>• High natural character</li> <li>• All other areas of the coastal environment</li> </ul>
6.7	9.3.2.1 Permitted activities	Support in part	<p>9.3.2.1 provides for farming, which includes horticulture. Buildings accessory to permitted activities are included in 9.3.2.1 3) d). However, unlike the provisions in the Rural Zone the permitted activities do not include activities accessory to permitted activities.</p> <p>In addition HortNZ seeks that audible bird scaring devices and artificial crop protection structures are able to be used within the Coastal Zone, subject to standards, to ensure that horticulture in that zone can be undertaken. Standards are included in the Rural Zone for these activities and they are appropriate for use within the Coastal Zone areas where horticulture is undertaken.</p>	<p>Add to 9.3.2.1</p> <p>Activities accessory to permitted activities.</p> <p>Artificial crop protection structures which comply with 8.6.5</p> <p>Audible bird scaring devices that comply with 8.6.7.1 (1)</p> <p>Seasonal worker accommodation that complies with 9.6.15</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			Given the extensive area of horticultural land within the Coastal Zone there needs to be provision for seasonal worker accommodation within the zone near to where workers will be employed.	
6.8	9.3.4.1 Restricted Discretionary Activities	Oppose in part	HortNZ seeks that where applicable standards cannot be met for audible bird scaring devices and artificial crop protection structures then the activity will be Restricted Discretionary. The Zone standards in the Rural Zone should apply for audible bird scaring devices and artificial crop protection structures.	Amend 9.3.4.1 by adding: Audible bird scaring devices that do not comply with 8.6.7.1 (1) Artificial crop protection structures that do not comply with 8.6.5 Seasonal worker accommodation not complying with 9.6.15
6.9	9.4 Assessment criteria for matters of control	Oppose in part	The assessment criteria for matters of control are linked to assessing the amenity and natural character of the area. It needs to be recognised that there are functional needs for buildings and structures associated with rural production activities in the Coastal Zone and that they are appropriate in the zone.	Amend 9.4.1.1 Design and appearance Add to the criteria: The functional need for the building or structure for farming activities.
6.10	9.6 Zone Standards 9.6.2 Yards 9.6.2.1 Separation from adjoining properties	Support in part	9.6.2.1 sets out provisions for yard setbacks in the Coastal Zone. The yard setback is an important mechanism to address potential for reverse sensitivity. The notified provisions apply the same setback to all dwellings and buildings. Dwellings located adjacent to horticultural activities should be setback further to ensure that the potential for reverse sensitivity effects are adequately managed as a permitted activity or consent is required. In the Coastal Zone there should be a distance to the boundaries for dwellings of 25 metres from rural production activities, regardless of the size of the site,	Amend 9.6.2.1 as follows 1. All buildings <u>other than dwellings</u> shall be set back at least 5 metres from side and rear boundaries. 2. <u>All dwellings shall be set back at least 25 metres from side and rear boundaries unless the written approval of any affected adjoining neighbour is obtained and that written approval has been lodged with council.</u>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			unless the affected adjoining neighbours approval is obtained. If a dwelling cannot be located on the site then consideration of other mechanisms to address reverse sensitivity effects should be considered through the consent process.	3. Non-compliance with the Rule shall be considered as a Restricted Discretionary Activity. 4. Clause 2 as notified
6.11	9.6 Zone Standards	Support in part	<p>HortNZ seeks that the provisions for artificial crop protection structures and audible bird scaring devices be the same as for the Rural Zone.</p> <p>In addition the setback from roads for buildings should not apply to artificial crop protection structures that meet the specific zone standards for such structures.</p>	<p>Retain Zone Standards for site coverage, height and daylight protection.</p> <p>Add Zone standards for: Artificial crop protection structures as set out in 8.6.5 Audible bird scaring devices as set out in 8.6.7.1 (1)</p> <p>Amend 9.6.2.2 by adding: Excluding artificial crop protection structures which meet the zone standards.</p>
6.12	9.6 Zone Standards 9.6.3. Landscaping	Oppose in part	9.6.3.1 requires that areas used for storage to be screened from any public place and from adjoining residential activity site. It needs to be clear what for which activities 'storage' needs to be screened. For instance storage of farm machinery and horticultural bins on rural properties is part of rural production activities. There should not be a requirement for growers to screen from those who choose to locate adjacent to rural production activities.	Amend 9.6.3.1 Areas used for storage by rural industries and rural services shall be to be screened from any public place and from adjoining residential activity site that existed prior to the establishment of the rural industry or rural service.
6.13	9.6 Zone Standards	Oppose in part	An exemption should be provided for some rural production activities to ensure that such activities are able to be undertaken. Such a provision is included	Amend 9.6.4.1 Include an exemption as follows

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
	9.6.4 Noise and glare		<p>in most district plans, such as Whakatane and Western Bay of Plenty.</p> <p>In addition since most of Coastal Zone is used for rural production activities the point of determining the noise limits should be the notional boundary or the zone boundary.</p>	<p>Subject to best practicable option being adopted the following activities are exempt from 9.6.4.1:</p> <p>Activities required for 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.</p> <p>Amend 9.6.4.1 All activities on a site shall be designed and conducted to ensure that the following noise limits are not exceeded at the notional boundary within the Coastal Zone or the boundary of an adjoining zone.</p>
6.14	9.6.4.1 Audible bird scaring devices	Oppose	HortNZ seeks that provisions for audible bird scaring devices are included in the Coastal Zone based on the Zone Standard in 8.6.7.1 (1)	Add to 9.6.4.1 (1) Audible bird scaring devices complying with Zone Standard 8.6.7.1 (1).
6.15	9.1 Resource management issues	Support in part	HortNZ considers that there should be a specific issue relating to the provision of seasonal worker accommodation as it is an emerging issue for the district	Add a new issue as follows: Seasonal worker accommodation is an important component for the horticultural sector. For efficiency and social and economic reasons they should be located near the employment source.
6.16	9.5 Assessment for restricted discretionary		As stated in Schedule 1 of this submission HortNZ seeks a suite of provisions to provide for seasonal worker accommodation. A Zone Standard is sought	Add new matter of discretion for seasonal worker accommodation as follows:

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
	activities – seasonal worker accommodation		as part of the provisions to enable some seasonal worker accommodation to be provided for as a permitted activity. Where the standard is not able to be complied with a Restricted Discretionary activity would apply. Specific matters of discretion are sought to be added.	9.5.1.2 Seasonal worker accommodation not meeting 9.6.15 1. Those matters in Zone Standard 9.6.15 that are not able to be met. 2. Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control. 2. The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.
6.17	New Zone standard 9.6.15 Seasonal worker accommodation		As stated in Schedule 1 of this submission HortNZ seeks a suite of provisions to provide for seasonal worker accommodation. A Zone Standard is sought as part of the provisions to enable some seasonal worker accommodation to be provided for as a permitted activity. Where the standard is not able to be complied with a Restricted Discretionary activity would apply.	Add a new Zone Standard 9.6.15 Seasonal Worker accommodation  Seasonal worker accommodation facilities in the Rural Zone is a permitted activity provided the following standards are complied with: a) The relevant Zone standards for yards, height, daylight protection and parking are complied with. b) Access – No additional formed accesses are to be created to any State Highway c) Used solely for part of the year to meet labour requirements in the horticulture sector d) Comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities e) Accommodate up to 12 workers

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
				f) Provide 1 parking space per 6 workers to be accommodated g) Complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.

**Schedule 7: Submissions Chapter 10 Coastal Settlement Zone**

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
7.1	10.1 Resource management issues	Oppose in part	<p>HortNZ recognises the need to provide for Coastal Settlement areas. However the aerial maps of the Coastal Settlement Zone demonstrate that significant areas of the Coastal Settlement Zone are currently used for horticulture, particularly around Te Kaha. It is apparent that the Coastal Settlement Zone is much larger than that required for the current level of settlement. While it is prudent to identify land for future settlement the extent of the Zone and the provisions that apply mean that continued horticulture production in this area is compromised. This is particularly relevant to providing for the use and development of Māori owned land which is zoned Coastal Settlement but is suitable for high value horticultural production.</p> <p>There is no issue in the Coastal Settlement Zone chapter that addresses rural production activities, the benefits that accrue from the use of land in the Coastal Settlement Zone for horticulture or how the use of the land for horticulture can be provided for. Many of the issues related to residential activity in the zone. However the provision and pressure on rural production activities are not identified as an issue.</p>	<p>Amend the Coastal Settlement Zone at Te Kaha to zone all land in current farming or horticultural production on lot sizes greater than 1 hectare as Rural.</p> <p>OR</p> <p>Amend the Coastal Settlement Zone at Te Kaha to zone all land in current farming or horticultural production on lot sizes greater than 1 hectare as Deferred Coastal Settlement and apply the Rural Zone provisions for land zoned Deferred Coastal Settlement.</p> <p>OR</p> <p>Include provisions sought in this submission for rural production activities in the Coastal Zone to the Coastal Settlement Zone.</p>
7.2	10.2 Objectives and policies		<p>The Rural Zone has Policy 8.2.4.2 that specifically provides for enabling the development and use of Māori land. There is not similar provision within the Coastal Settlement Zone even though significant</p>	<p>Include a new policy under Objective 10.2.2: To recognise the specific relationship of Māori with their ancestral land by enabling use and development of land.</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			areas of Māori land are located within the Coastal Settlement Zone.	

**Schedule 8: Submissions Chapter 11 Ohiwa Harbour Zone**

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
8.1	11.1 Resource management issues	Oppose in part	<p>The aerial maps of the Ohiwa Harbour Zone demonstrate that areas of the Zone are currently used for rural production activities. However there is no issue in the Ohiwa Harbour Zone chapter that addresses rural production activities or the benefits that accrue from the use of land in the Zone for horticulture. However the provision and pressure on rural production activities are not identified as an issue.</p> <p>The Whakatane District Plan Rural Chapter includes all zones where rural activities are undertaken including Rural Coastal, Rural Plains, Rural Foothills and Rural Ohiwa thereby recognising the central role of rural activities within all the respective zones. The Opotiki District Plan has a different structure so does not provide for rural activities across the range of zones in a cohesive manner. Changes are sought in this submission to address this issue.</p> <p>In addition the delineation and boundaries of the Ohiwa Harbour Zone appears to be the same or similar to the Operative Plan. However since the time the plan was developed the RPS has identified the coastal environment and seeks that District Plans manage activities in the identified coastal environment.</p>	<p>Amend the maps for the Ohiwa Harbour Zone to align with the Coastal Environment in the Regional Policy Statement.</p> <p>Where land currently zoned as Ohiwa Harbour not included in the Coastal Environment rezone as Rural.</p> <p>Include additional issues in 9.1 as follows: Some land within the Ohiwa Harbour Zone is used, or able to be used for farming and horticulture activities and the zone provisions need to provide for such uses alongside recreational and residential uses of the zone and preservation of the natural character of the coastal environment.</p>

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
8.2	11.2 Objectives and Policies	Oppose in part	A new objective is sought to ensure that rural production activities, particularly farming and horticulture are recognised for the contribution to the zone, including the rural character.	Include a new objective: To enable rural production activities and maintain the rural character in the Ohiwa Harbour Zone.
8.3	11.2 New policy		Linked to the new objective is a new policy, similar to a policy in the Whakatane District Plan which recognises and provides for rural activities in the Rural Ohiwa Zone.	Include a new policy  To provide for the continued operation of rural production activities, including associated buildings and structures, recognising that these activities are an integral part of the rural environment and contribute to the rural character of the Ohiwa Harbour Zone.
8.4	11.2 New policy		There is no provision to consider reverse sensitivity in relation to rural production activities where these are located within the Ohiwa Harbour Zone. The issue of potential reverse sensitivity still exists even though the rural activities are located within a zone other than Rural.	Add a new policy as follows: To provide for the use of the rural land resource located in the Ohiwa Harbour Zone for rural production activities by ensuring that adjacent residential activities do not compromise the ability to use the land for rural production purposes through reverse sensitivity effects.
8.5	New policy		The Rural Zone has Policy 8.2.4.2 that specifically provides for enabling the development and use of Māori land. There is not similar provision within the Ohiwa Harbour Zone even though significant areas of Māori land are located within the Zone	Include a new policy under Objective 11.2.3: To recognise the specific relationship of Māori with their ancestral land by enabling use and development of land, including Papakainga and associated support facilities.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
8.6	11.3.2.1 Permitted activities	Support in part	<p>11.3.2.1 provides for farming, which includes horticulture. Buildings accessory to permitted activities are included in 11.3.2.1 4) d). However, unlike the provisions in the Rural Zone the permitted activities do not include activities accessory to permitted activities.</p> <p>In addition HortNZ seeks that audible bird scaring devices and artificial crop protection structures are able to be used within the Ohiwa Harbour Zone, subject to standards, to ensure that horticulture in that zone can adequately be protected. Standards are included in the Rural Zone for these activities and they are appropriate for use within the Ohiwa Harbour Zone areas where horticulture is undertaken.</p>	<p>Add to 11.3.2.1</p> <ul style="list-style-type: none"> <li>- Activities accessory to permitted activities.</li> <li>- Artificial crop protection structures which comply with 8.6.5</li> <li>- Audible bird scaring devices that comply with 8.6.7.1 (1)</li> </ul>
8.7	11.3.4.1 Restricted Discretionary Activities	Oppose in part	<p>HortNZ seeks that where applicable standards cannot be met for audible bird scaring devices and artificial crop protection structures then the activity will be restricted discretionary.</p> <p>The RDA rule only includes buildings that do not meet the zone standards. It should also include activities.</p>	<p>Amend 11.3.4.1 by adding:</p> <p>Audible bird scaring devices that do not comply with 8.6.7.1 (1)</p> <p>Artificial crop protection structures that do not comply with 8.6.5</p> <p>Amend 11.3.4.1 (3) to include Buildings <u>and activities</u></p>
8.8	11.4 Assessment criteria for Controlled activities	Oppose in part	<p>The assessment criteria for matters of control are linked to assessing the amenity and natural character of the area. It needs to be recognised that there are functional needs for buildings and structures associated with rural production activities in the</p>	<p>Amend 11.4.1.1 Design and appearance</p> <p>Add to the criteria:</p> <p>The functional need for the building or structure for farming activities.</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			Ohiwa Harbour Zone and that they are appropriate in the zone	
8.9	11.7 Zone Standards 11.7.3.1 setbacks from adjoining properties	Support in part	11.7.3 sets out provisions for yard setbacks in the Ohiwa Harbour Zone. The yard setback is an important mechanism to address potential for reverse sensitivity. The notified provisions apply the same setback to all dwellings and buildings. Dwellings located adjacent to horticultural activities should be setback further to ensure that the potential for reverse sensitivity effects are adequately managed as a permitted activity or consent is required. In the Ohiwa Harbour Zone there should be a distance to the boundaries for dwellings of 25 metres from rural production activities, regardless of the size of the site, unless the affected adjoining neighbours approval is obtained. If a dwelling cannot be located on the site then consideration of other mechanisms to address reverse sensitivity effects should be considered through the consent process.	Amend 11.7.3.1 5. Except as provided below all buildings <u>other than dwellings</u> shall be set back at least 5 metres from side and rear boundaries. 6. <u>All dwellings shall be set back at least 25 metres from side and rear boundaries unless the written approval of any affected adjoining neighbour is obtained and that written approval has been lodged with council.</u> 7. Non-compliance with the Rule shall be considered as a Restricted Discretionary Activity. 8. Clause 3 as notified
8.10	11.7 Zone Standards 11.7.2 Reflectivity	Support in part	The Zone Standard sets a reflectivity value of 0% - 37% as a permitted activity. It is considered that the value should only apply where the building is visible from a public place.	Amend 11.7.2 by adding 'when visible from a public place'.
8.11	11.7 Zone Standards	Support in part	HortNZ seeks that the Zone standards for artificial crop protection structures and audible bird scaring devices that apply in the Rural Zone also apply in the Ohiwa Harbour Zone to enable rural production activities.	Add Zone standards for: Artificial crop protection structures as set out in 8.6.5 Audible bird scaring devices as set out in 8.6.7.1 (1)

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
8.12	11.6 Zone Standards 11.7.4 Landscaping	Oppose in part	11.7.4 requires that areas used for storage to be screened from any public place and from adjoining residential activity site. It needs to be clear what for which activities 'storage' needs to be screened. For instance storage of farm machinery and horticultural bins on rural properties is part of rural production activities. There should not be a requirement for growers to screen from those who choose to locate adjacent to rural production activities.	Amend 11.7.4 Areas used for storage by rural industries and rural services shall be to be screened from any public place and from adjoining residential activity site that existed prior to the establishment of the rural industry or rural service.
8.13	11.7 Zone Standards 11.7.5 Noise	Oppose in part	<p>An exemption should be provided for some rural production activities to ensure that such activities are able to be undertaken. Such a provision is included in most district plans, such as Whakatane and Western Bay of Plenty.</p> <p>In addition since most of Ohiwa Harbour Zone is used for rural production activities the point of determining the noise limits should be the notional boundary or the zone boundary.</p>	<p>Amend 11.7.5. Include an exemption as follows Subject to best practicable option being adopted the following activities are exempt from 11.7.5. Activities required for 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.</p> <p>Amend 11.7.5 (1) All activities on a site shall be designed and conducted to ensure that the following noise limits are not exceeded at the notional boundary within the Ohiwa Harbour Zone or the boundary of an adjoining zone.</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
8.14	11.7.5 Audible bird scaring devices	Oppose	HortNZ seeks that provisions for audible bird scaring devices are included in the Coastal Zone based on the Zone Standard in 8.6.7.1 (1)	Add to 11.7.5 (1) Audible bird scaring devices complying with the Rural Zone Standard 8.6.7.1 (1).
8.15	11.7.12.2	Oppose in part	The Zone Standard requires that all new buildings have access to a water supply for firefighting purposes. There should be an exemption for artificial crop protection structures if these are classed as buildings.	Amend 11.7.12.2 by adding an exclusion: Except that this does not apply to artificial crop protection structures.

**Schedule 9 Submissions Chapter 13 Landscapes and vegetation**

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
9.1	Ch 13	Oppose	<p>HortNZ recognises that the District Plan needs to give effect to the RPS and protect outstanding natural features and landscapes (ONFL's) in the district. However the extent of the areas identified in Opotiki District is of considerable concern and the effect that this may have on the ability of landowners to use their land for horticulture, including on multiple owned Māori land. Rural production activities are essential for the economic and social wellbeing of the district so limitations because of the extent of ONFL's could compromise such rural production activities.</p> <p>The identification of the ONFL's is based on reports by Boffa Miskell. HortNZ seeks that these reports are independently peer reviewed to determine whether the mapping and identification is appropriate.</p>	<p>Undertake an independent peer review of the Boffa Miskell reports to determine the appropriateness of the identified areas.</p> <p>Amend the ONFL areas to remove rural production activities from within ONFL's.</p> <p>Undertake a s32 cost benefit analysis on the effects of the ONFL's on rural production activities.</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
9.2	Ch 13	Oppose in part	<p>Chapter 13 is titled 'Landscape and Vegetation' and includes provisions relating to:</p> <ul style="list-style-type: none"> <li>- Outstanding natural features and landscapes</li> <li>- Indigenous vegetation and habitats</li> <li>- Wetland</li> <li>- Natural character of the coastal environment and margins of rivers, lakes and wetlands.</li> </ul> <p>There is considerable overlap between the respective matters, with some areas being potentially identified in a number of categories. Such an approach makes it difficult for landowners to determine the effect of provisions on their property, and which are appropriate provisions. For instance the RPS identifies natural character areas in three levels of significance. From the maps in the Plan it would appear that these natural character areas may also be identified as ONFL's in the Plan.</p> <p>HortNZ seeks that the Coastal Zone be amended to be the same as the coastal environment in the RPS so there is greater alignment between the plans.</p>	<p>Amend the identification of areas of significance so it is clear which provisions will apply to the respective identified areas.</p> <p>Amend the Coastal Zone to align with the coastal environment in the RPS.</p>

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
9.3	13.1 Resource management issues	Oppose in part	The issues for the landscape and vegetation chapter do not identify that rural production activities are undertaken within identified areas and that there needs to be provisions to enable the ongoing use of rural production land for rural activities.	Add new issues to each of the following sections: 13.1.1 Outstanding natural features and landscapes 13.1.2 Indigenous vegetation and habitats 13.1.3 Wetlands 13.1.4 Natural character  Rural production activities occur in areas that are identified in the plan so provision needs to be made to ensure that the social and economic wellbeing of the district is provided for.
9.4	Policy 13.2.1.1 and Policy 13.2.1.2	Oppose in part	Policies 13.2.1.1 and 13.2.1.2 are similar in focus. HortNZ considers that they would be better to be as one policy with the ability to avoid, remedy or mitigate adverse effects.	Delete Policy 13.2.1.1 and reword Policy 13.2.1.2 as follows: Adverse effects of inappropriate subdivision use and development on the values of outstanding natural features and landscapes are avoided, remedied or mitigated.
9.5	Policy 13.2.1.3	Support in part	Policy 13.2.1.3 seeks the continuation of existing rural production activities. HortNZ considers that all rural production activities should be provided for, not just the existing activities.	Amend Policy 13.2.1.3 Rural production activities within ONL's and ONF's are recognised and provided for
9.6	Policy 13.2.1.4	Oppose in part	Policy 13.2.1.4 refers to 'land use change associated with new activities such as production forestry or other crops'. It is unclear what is anticipated by the policy. Rural production activities should be able to operate within ONL's and ONF's while minimising potential adverse effects of the activity. Rather the	Amend Policy 13.2.1.4 as follows: Adverse effects on natural contours will be minimised to maintain the landscape values of identifies outstanding natural features and landscapes.

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
			focus should be on maintaining natural contours of the land.	
9.7	Policy 13.2.1.5	Support	Policy 13.2.1.5 seeks that development of multiple owned Māori land is enabled through compliance with performance standards to protect outstanding natural features and landscapes. This is supported. However the performance standards need to be established which enable the land to be utilised and developed as sought by the RPS.	Retain Policy 13.2.1.5 but ensure that performance standards are established which enable the land to be utilised and developed as sought by the RPS.
9.8	New policy		HortNZ seeks that there is a new policy which enables indigenous vegetation to be cleared when it is necessary to manage an incursion of an unwanted organism under the Biosecurity Act.	Add a new Policy: Enable disposal of infected material for biosecurity purposes and treatment of areas to manage incursions of unwanted organisms.
9.9	New policy		HortNZ seeks that the provisions for wetlands identify significant wetland areas to be protected rather than applying generically across all wetlands so the approach is more targeted.	Add new policy: Identify significant wetlands within the district to be protected through the Plan.
9.10	13.3.2. Permitted activities	Oppose in part	The structure of the rule framework is difficult to determine which provisions apply to: <ul style="list-style-type: none"> <li>- ONF's</li> <li>- ONL's</li> <li>- Natural character</li> <li>- Wetlands</li> <li>- Indigenous vegetation</li> </ul>	Restructure the rule framework so it is clear which rules apply to which identified areas.
9.10	13.3.2. Permitted activities 13.3.2.1 (1)	Oppose in part	The rule seeks to only permit existing rural production activities. HortNZ seeks that all 'farming' is provided for.	Amend 13.3.2.1 (1) as follows: Farming and existing rural production activities

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
9.11	13.3.2. Permitted activities		HortNZ seeks that management when it is necessary to manage an incursion of an unwanted organism under the Biosecurity Act.	Add a new permitted activity: Removal of material infected by unwanted organisms as declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.
9.12	13.3.2 Permitted activities (9)	Oppose in part	Rule 13.3.2 (9) provides for earthworks within ONL's and ONF's subject to conditions, including that they be undertaken within 'normal pastoral farming practices' and 'pastoral landscape'. These terms are not defined.	Amend 13.2.1 (9) b) by deleting 'pastoral'.
9.12	13.3.2 Permitted activities (11)	Oppose in part	Condition 11 seeks to provide for new buildings accessory to existing farming activities subject to compliance with 13.4.4. There is not '13.4.4' in the Plan.	Amend 13.3.2 (1) by deleting 'existing' Clarify 13.4.4.
9.13	13.4.3 Performance Standards Buildings and structures in ONFL's	Oppose	<p>The provision seek to manage the effects of buildings in ONFL's through:</p> <ul style="list-style-type: none"> <li>- Reflectivity</li> <li>- Proximity to ridgeline</li> <li>- Established vegetation canopy</li> <li>- Maximum height</li> </ul> <p>The provisions should relate to the visibility from public places. The provisions relating to ridgelines should be where there is a prominent skyline, not just any ridge.</p> <p>The provision relating to height of vegetation canopy uses only one method to mitigate the effects of a building – the vegetation canopy. There are a range of methods that can be used and preference should</p>	<p>Amend 13.4.3.1 as follows: The following performance standards shall apply:</p> <ol style="list-style-type: none"> <li>1. All external surfaces of buildings shall have a maximum reflectivity value of 35% or shall be finished in natural materials that fall within this range <u>when visible from public places</u>; and</li> <li>2. The highest point of new buildings and structures, including rooflines, shall be a minimum of 10m below the natural ground level of any <u>not protrude into any prominent skyline viewed from public places</u> ridge; and</li> <li>3. <del>Where the building or structure is to be located within an established vegetation canopy, the highest point of the building</del></li> </ol>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			not be given to one method. In addition the standard applies even if the building or structure is not visible from public places.	<del>or structure shall not be higher than the existing canopy; and</del> 4. The maximum height of new buildings and structures shall be <del>7m</del> - <u>10m</u>
9.14	Assessment of controlled activities	Oppose in part	There needs to be an assessment matter relating to the use of the land for social and economic benefits.	Add to 13.5.1: The contribution of the activity to the social and economic wellbeing of the district
9.15	Assessment of restricted discretionary activities	Oppose in part	There needs to be an assessment matter relating to the use of the land for social and economic benefits.	Add to 13.6.1: The contribution of the activity to the social and economic wellbeing of the district
9.16	Assessment of restricted discretionary activities 13.6.4 new buildings and structures	Oppose in part	There needs to be an assessment matter relating to the use of the land for social and economic benefits.	Add to 13.6.4: The contribution of the activity to the social and economic wellbeing of the district
9.17	Expected Environmental Results 13.8	Oppose in part	There needs to be an expectation that rural production activities will contribute to the social and economic wellbeing of the district	Add to 13.8 Rural production activities will continue to contribute to the social and economic wellbeing of the district
9.18	Appendices 13.9	Oppose in part	Appendices 13.9.1 lists ONL's and 13.9.2 lists ONF's. HortNZ seeks an independent peer review of the reports which identified the areas and ensure that rural production activities are removed from identified areas.	Undertake an independent peer review of the Boffa Miskell reports to determine the robustness of the identified areas.  Amend the ONFL areas to remove rural production activities from within ONFL's.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought

## Schedule 10 Submissions Chapter 15 Subdivision

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
10.1	15.1 Resource Management Issues	Support	Issue 15.1.4 identifies that subdivision of land for lifestyle lots can compromise the surrounding working rural environment and lead to reverse sensitivity effects.  HortNZ supports the identification of this issue and policies to address it.	Retain Issue 15..4
10.2	15.1 Resource Management Issues	Support in part	Issue 15.1.8 identifies that versatile land can be degraded and fragmented as a result of inappropriate subdivision. This is supported but note that it is not only versatile land that can be compromised by subdivision, which is reflected in Policy 15.2.1.3.	Amend 15.1.8 as follows: Rural production land, particularly versatile land, can be degraded and fragmented as a result of inappropriate subdivision.
10.3	Policy 15.2.1.3	Support	Policy 15.2.1.3 seeks to avoid the fragmentation and loss of productive rural land, in particular versatile land. This is supported.	Retain Policy 15.2.1.3
10.4	New policy		HortNZ seeks a new rule to enable subdivision for rural production lots. While Policy 15.2.1.1 supports such a provision a new policy that is more explicit would support the provisions sought.	Include a new policy 15.2.1.7 To enable rural production lots to facilitate the establishment of rural production lots that only require a small area such as horticulture in the District.
10.5	Policy 15.2.1.4	Support	Policy 15.2.1.4 seeks to ensure that subdivision does not compromise rural production activities. This is supported.	Retain Policy 15.2.1.4
10.6	Policy 15.2.2.4	Support in part	HortNZ seeks that the term 'National Grid Corridor' is renamed 'National Grid Subdivision Corridor' to better reflect the nature of the corridor.	Amend Policy 15.2.2.4 by replacing 'National Grid Corridor' as 'National Grid Subdivision Corridor' and make consequential changes throughout the Plan.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
10.7	15.3 Subdivision status 15.3.4 Table	Support in part	HortNZ is concerned that subdivision could occur on properties adjacent to horticultural operations as a controlled activity and hence limited ability for involvement of those likely to be affected by the subdivision. Only when the rules in 15.4 or Standards in 15.5 are not met would a higher activity status apply. Given the potential for reverse sensitivity it is considered that a higher activity status is needed where rural production activities could be compromised, so the potential effects of the subdivision can be adequately assessed.	Amend 15.3.4 Line 1 Rural to RD
10.8	15.4.2 Subdivision in Rural, Coastal and Ohiwa Harbour Zone	Support in part	<p>At present the subdivision provisions are based on versatile land with:</p> <ul style="list-style-type: none"> <li>- Land not identified as versatile land – minimum lot 4 hectares</li> <li>- Land identified as versatile land – minimum lot 8 hectares</li> </ul> <p>There needs to be provision for subdivision of smaller lots for horticultural purposes where an economic operation can be undertaken on small lots.</p> <p>Horticulture New Zealand seeks a rule that includes standards specific for smaller blocks for horticultural subdivision in the Rural Zone. Given the value of land for horticulture it is unrealistic for a grower to be required to purchase a 8ha property when only a portion may be used for the horticultural operation.</p>	<p>Add new provisions 15.4.2.5 Subdivision for Rural Production lots in Rural, Coastal and Ohiwa Harbour Zones Existing lots may be subdivided to create one or more Rural Production Lots subject to the following standards and criteria relating to either productive land or land containing a productive crop:</p> <p>Productive Land:</p> <ul style="list-style-type: none"> <li>(i) Shall contain a minimum of 4ha.</li> <li>(ii) Each Rural Production Lot shall be suitable for the successful growing of permanent horticulture crops in the prevailing climatic conditions.</li> <li>(iii) Shall have the following characteristics: <ul style="list-style-type: none"> <li>- Soil texture; silt loam, sandy loam, loam, loamy sand (in the topsoil 15cm)</li> <li>- Potential rooting depth: minimum one metre</li> <li>- Drainage Class: well-drained</li> </ul> </li> </ul>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			<p>The rule that is sought is based on a specific rule included in the Western Bay of Plenty District Plan for horticultural production lots.</p> <p>Such an approach implements Policy 15.2.1.1 that seeks to ensure that lots are of a size, design and density that is consistent with the characteristics and purpose of the zone and suitable for the intended use.</p>	<ul style="list-style-type: none"> <li>- Profile readily available water (0 – 100cm): moderate (greater or equal to 50mm)</li> <li>- Topsoil (top 15 cm) bulk density: less than or equal to 0.90 g/cm<sup>3</sup></li> <li>- Subsoil (below 15 cm) bulk density: less than or equal to 1.00 g/cm<sup>3</sup></li> <li>- Topsoil (top 15cm) organic matter: minimum 5%</li> <li>- No point exceeding 15 degree slope</li> <li>- No more than 20% of the productive land shall be facing 45 degrees either side of South (south east to south west).</li> <li>(iv) Each application shall be accompanied by a report/s completed by a person/s qualified and experienced in local soils and horticulture production. The report as a minimum shall: <ul style="list-style-type: none"> <li>- Certify that the land concerned meets (i) to (iii) above;</li> <li>- Provide comment on effects of drainage, climatic conditions, previous or current land use, any limitations and any cumulative effects;</li> <li>- Recommendations for any remedial work.</li> </ul> </li> </ul> <p>Productive Crop:</p> <p>(v) The above provisions, (ii) to (iv) shall not be required to be met where each Rural Production Lot is a minimum of 4ha and no less than 70% of that area is planted in a</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
				productive crop which must be certified or other evidence provided.
10.9	15.4 Subdivision Standards 15.4.2.4	Support in part	15.4.2.4 sets out the requirements for building sites in the Rural, Coastal and Ohiwa Harbour Zones. It requires that each lot has a building site that ensures rural production activities on adjacent lots are not compromised through reverse sensitivity effects. This is supported. Specific reference should be made to meeting the setback requirements in the respective zone. Where the setback requirements for buildings sites cannot be met a higher activity status would apply. The provisions identifies <b>building site</b> in bold indicating a defined term. However the term is not defined in the Plan. There is a definition for <b>practical building platform</b> . If it is intended that this definition will apply it should be used in the provisions. However it would seem that the term 'building platform' would be sufficient.	Retain 15.4.2.4 but amend as follows: Each lot shall have an identified residential building platform that ensures separation distances that meet the Zone Standards and provides visual separation through such means as topographical features, distances over flat land, protected areas of vegetation or other similar devices and that will not compromise the continuation of Permitted Activities, including rural production activities on adjacent lots through reverse sensitivity effects.  Amend all uses of 'building site' to 'building platform' and amend the definition of 'practical building platform' to 'building platform.'
10.10	15.5 General Standards for subdivision 15.5.2.1	Support	15.5.2.1 requires that where there are existing buildings boundaries shall be located so that the relevant setbacks from boundaries are met. This is supported.	Retain 15.5.2.1.
10.11	15.5.5 Water, Stormwater and sewage disposal	Support in part	HortNZ seeks to ensure that the water supply for new subdivisions does not compromise the water used for horticulture.	Add to 15.5.5 (6) Where reticulation is not practicable a means of adequate storage and continuous supply of potable water shall be provided to each lot, <u>that does not affect or compromise existing uses of water in the area.</u>
10.12	15.6 Assessment criteria for	Support	15.6.1.1 lists a matter of control as the location of the building platform to comply with the requirements of	Retain 15.6.1.1.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
	controlled activities		the zone and not compromise the continuation of permitted activities, including rural production activities on adjacent lots. This is supported. If the Zone Standards are not able to be met then the activity should default to a higher activity status.	
10.13	15.7 Assessment criteria for Restricted Discretionary activities	Support in part	Subdivision in the Coastal and Ohiwa Harbour Zone is restricted discretionary but the National Grid is the only matter of discretion that is listed. HortNZ considers that the matters listed for controlled activities are also relevant as matters of discretion for restricted discretionary activities – such as location of the building platform and effects on rural production activities.	Amend 15.7.1 as follows: Add new provision: The assessment criteria listed in 15.6
10.14	15.7 Assessment criteria for Discretionary activities	Support in part	There should be consideration of the water supply for a new lot	Add to 15.8.1: Provision of adequate potable water supply that does not affect existing users.

## Schedule 11 Submissions Chapter 17 Network Utilities

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
11.1	17.2.3.3	Oppose in part	<p>17.2.3.3 is a policy to manage subdivision, land use activities and vegetation within the electricity transmission corridors, including the National Grid.</p> <p>Electricity transmission corridors is not defined. Management of subdivision and land use to protect the integrity of the National Grid is necessary to implement the NPSET. However HortNZ is concerned that the policy may be applied wider than the National Grid. The plan provisions apply different frameworks for subdivision and land use activities so the policy should be separated into two distinct policies.</p> <p>Vegetation is managed through the Hazard from trees Regulations.</p>	Amend 17.2.3.3 as follows: To manage subdivision within the National Grid Subdivision Corridor.
11.2	17.2.3.4	Support in part	Policy 17.2.3.4 should be amended to reflect that the activities that are sought to be avoided within the National Grid Yard.	Amend 17.2.3.4: To avoid sensitive activities and inappropriate buildings and structures within the National Grid Yard.
11.3	17.3.1.2	Oppose in part	Clause 2 of 17.3.1.2 refers to <b>maintenance, minor upgrading and replacement</b> as a defined term. The defined term is actually <b>maintenance, minor upgrading and replacement</b> . HortNZ has sought changes to the definition so it is clear what is anticipated. Upgrading other than minor upgrading should not be provided for as a permitted activity.	Clarify the terminology regarding maintenance, minor upgrading and replacement and ensure that only minor upgrading is provided as a permitted activity.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
11.4	17.3.4.6 Assessment criteria and conditions	Support in part	Where consent is required for a network utility the effects on adjacent properties should be a matter of consideration, not just residential areas. Location of network utilities can also impact on rural activities, such as new lines through an orchard.	Add a new criteria in 17.3.4.6 (8) <u>Effects on rural activities</u> a) Proximity of network utility to rural production activities b) Measures to avoid, remedy or mitigate any adverse effects on rural production activities
11.5	17.5 Assessment Criteria for Discretionary Activities	Support in part	Where consent is required for a network utility the effects on adjacent properties should be a matter of consideration, not just residential areas. Location of network utilities can also impact on rural activities, such as new lines through an orchard.	Add a new criteria in 17.5. <u>Effects on rural activities</u> c) Proximity of network utility to rural production activities d) Measures to avoid, remedy or mitigate any adverse effects on rural production activities

## Schedule 12 Submissions Chapter 19 Definitions

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
12.1	Definition accessory building	Support in part	<p>The definition of accessory building is linked to the main activity on the site and located on the same site as the principal building. There may be situations where there is no principal building on site but the new building is accessory to the activity on site.</p> <p>The definition should not be limited if there is no principal building on the site.</p>	Amend the definition of accessory building: In relation to any activity means a minor detached building or structure including but not limited to a garage, carport or storage shed, the use of which is incidental to the main activity on the site, and which is located on the same site as the principal building <u>if there is a principal building on the site.</u>
12.2	Definition Accessway		<p>Rule 13.3.2.1 (9 f) highlights the term 'accessway' implying that it is a defined term. However there is no definition provided. It needs to be clear what are regarded as 'accessways' and whether these include both public and private accesses.</p> <p>It is noted that there is a definition for limited access roads and query whether the term 'accessway' is actually meant to be 'limited access roads'.</p>	Clarify the use of the term 'accessways' and include a definition for the term.
12.3	Definitions artificial crop protection structures greenhouses	Support	<p>HortNZ supports the definition for artificial crop protection structures as meaning structures of cloth to protect or cover crops.</p> <p>Linked to the definition is a need to specifically define greenhouses to ensure that these are not classed as artificial crop protection structures.</p>	<p>Retain the definition for artificial crop protection structures.</p> <p>Include a definition for greenhouses as follows: Greenhouses are a totally enclosed structure where plants are grown in a controlled environment.</p>
12.4	Crop support structures		HortNZ seeks that there is specific reference in the Plan to provide for crop support structures which are essential for horticulture operations	<p>Include a definition for crop support structures as follows:</p> <p>Crop support structures are open structures on which plants are grown.</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
12.5	Definition audible bird scaring device		The Plan includes provisions for audible bird scaring devices but does not include a definition. It should be clear what these devices are.	Add a definition for Audible Bird Scaring Devices as follows Audible Bird Scaring Devices means a gas gun or avian distress alarm used for the purposes of disturbing or scaring birds.
12.6	Definition Building	Support in part	<p>The definition of building means a temporary or permanent moveable or immovable structure and lists a number of structures which are specifically regarded as building. No exemptions are listed</p> <p>Schedule 1 of the Building Act 2004 provides for a number of exemptions and sets out the types of building work that do not require a building consent. The principle of Schedule 1 is to exempt work that is low risk and minor. Territorial authorities may grant exemptions if they consider the building work is unlikely to endanger people or any other building.</p> <p>HortNZ seeks that the definition of building include an exemption for artificial crop protection structures and crop support structures so it is clear that such structures used in horticulture are not regarded as 'buildings'.</p> <p>Given the nature of construction of artificial crop protection structures and that they are in an orchard location the likelihood of endangering people or other buildings is unlikely. Therefore it would be appropriate to provide an exemption for such</p>	Amend the definition of building by adding an exemption for artificial crop protection structures and crop support structures.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			structures from the definition of 'building' in the District Plan.	
12.7	Definition disturbance in relation to vegetation	Oppose in part	It is clear from the definition that the vegetation that is addressed through the definition is 'indigenous vegetation'. Therefore the tile should be more specific. The plan also uses the term vegetation clearance which is not defined. 'Disturbance' includes clearance.	Amend the definition of 'disturbance in relation to vegetation' to 'Disturbance of indigenous vegetation'.
12.8	Definition earthworks	Support	<p>The definition of earthworks does not include normal agricultural and horticultural practices. This is supported.</p> <p>It is considered that such normal agricultural and horticultural practices are part of the activity of 'farming' and should be explicitly provided for in the definition of farming.</p> <p>In addition earthworks required for the disposal of material infected by unwanted organisms as declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993 should be provided as a permitted activity. Adding this as an exclusion to the definition of earthworks would mean that the earthworks provisions would not apply to the activity.</p>	Amend definition of earthworks by adding an additional exclusion: Or Earthworks for burying of material infected by unwanted organisms as declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.
12.9	Definition farming	Support in part	HortNZ supports the definition of farming that includes horticulture. It should also be clear that farming includes a range of activities that are considered to be part of farming. The definition in the Whakatane District Plan specifically included a	Amend 2 <sup>nd</sup> sentence of the definition: Farming includes horticulture, <u>including growing horticultural plants or produce under cover</u> but excludes intensive farming.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			<p>range of activities so that it is clear that they are part of the farming activity. It should also be clear that horticulture includes growing horticultural plants or produce under cover. A change is sought to clarify this.</p>	<p>Amend the definition of farming to include the following: Farming includes:</p> <ul style="list-style-type: none"> <li>- Construction and use of accessory buildings and structures, including artificial crop protection structures and crop support structures and seasonal worker accommodation facilities</li> <li>- Planting shelterbelts</li> <li>- Airstrips and helicopter landing areas for rural production activities</li> <li>- Earthworks for the farming activity</li> <li>-</li> </ul>
12.10	Definition hazardous facility	Oppose	The term hazardous facility does not appear to be specifically used in the Plan and so is not necessary in the Plan.	Delete the definition of hazardous facility.
12.11	Definition industry	Support in part	It is noted that the plan uses both 'industrial activity' and 'industry'. It would be clearer if one term was used or the meaning applied to both terms.	<p>Amend Chapter 19 definition of 'Industry' to 'Industrial activity' as follows: Means the production, processing, assembly, servicing, testing, repair, cleaning, painting, storage and or warehousing of any materials, goods or products, vehicles or equipment and also includes transportation service activities and includes tradesmen's depots, contractors depots <u>and horticulture post harvest facilities and co-located seasonal worker accommodation.</u></p> <p>Amend all references to 'industry' to 'industrial activity'</p>

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
12.12	Definition intensive farming	Support	The definition of intensive farming specifically excludes growing horticultural plants or produce under cover. This is supported.	Retain the exclusion for growing horticultural plants or produce under cover in the definition of intensive farming.
12.13	Definition Land use Capability (LUC) Assessment	Oppose in part	The first sentence of the definition for LUC describes what the term means. The second and third sentences are essentially a description of how LUC assessments are used, which should not be part of the definition.	Delete 2 <sup>nd</sup> and 3 <sup>rd</sup> sentences of definition for Land use capability assessment.
12.14	Definition Maintenance, upgrading and replacement	Oppose in part	The definition of maintenance, upgrading and replacement only applies to an existing network utility. In some places the term 'maintenance' is used on its own eg 13.3.2.1 9 f). There is an overlap between the definition of 'maintenance, upgrading and replacement' and 'minor upgrading'. It should be clear when the activity is classed as 'minor upgrading' as opposed to 'maintenance, upgrading and replacement'.	Include a definition for maintenance as follows: Maintenance means taking actions to keep a tree, ecological feature, structure, object or place in good condition. Clarify that 'upgrading' is greater than 'minor upgrading' and therefore have a greater activity status.
12.15	Definition minor upgrading	Support	HortNZ supports that minor upgrading does not include an increase in the voltage of the line.	Retain the definition of minor upgrading.
12.16	Definition National Grid Corridor	Support in part	HortNZ supports including a definition for National Grid Corridor but seek that it be called the 'National Grid Subdivision Corridor' as it only relates to subdivision, not land use activities. Such a change makes it clear when the corridor provisions will apply.	Rename the National Grid Corridor as 'National Grid Subdivision Corridor'.
12.17	Definition natural features and landscapes	Oppose in part	The focus of Chapter 13 is on Outstanding Natural Features and Landscapes so the definition in the	Amend the definition of natural features and landscapes as follows: Outstanding natural features and landscapes

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
			Plan should be linked to the specifically identified features and landscapes.	Those natural features and landscapes identified in Appendices 13.9.1 and 13.9.2 as Outstanding natural features or landscapes.
12.18	Definition official signs	Support in part	The definition of official signs includes signs provided for under any legislation and which are erected on a legal road or motorway. It needs to be clear that signs relating to worksafe and hazardous substances are required under legislation but may be erected in places other than legal road or motorway. It needs to be clear that such signs are appropriately provided for.	Amend the definition of official signs Means all regulatory traffic and official signs approved by a road controlling authority or required by legislation, such as HSNO or Worksafe.
12.19	Definition practical building platform	Support in part	Identification of a practical building platform is supported. Some of the plan provisions refer to 'Building site'. For ease of use all references should be to 'Building platform.' The term should also take into account the potential for reverse sensitivity effects.	Amend the definition of 'practical building platform' by renaming as 'Building platform' and adding 'or potential reverse sensitivity effects'.
12.20	Definition reverse sensitivity	Support	The Plan includes a definition for reverse sensitivity the same as the RPS. This is supported.	Retain definition for reverse sensitivity:
12.21	Definition ridgeline	Oppose in part	The definition of ridgeline includes a diagram to show where a structure would be deemed to be on a ridgeline. HortNZ seeks that the definition is limited to 'skyline ridgelines' as it is where the structure is visible in the skyline that is the issue.	Amend the definition of ridgeline to 'prominent skyline' and define it as where a structure is located that will intersect and be visible in the skyline.
12.22	Definition rural character		The objectives for the Rural Zone seek that rural character is maintained. HortNZ supports the inclusion of rural character as it enables activities to be assessed as to the level of compatibility with the Rural Zone. However rural character is not	Include a definition for 'rural character' as follows:  Rural Character includes the following elements:

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			described or defined in the Plan. To assist in achieving the objective there should be a definition for rural character.	<ul style="list-style-type: none"> <li>a) A predominance of natural features over human made features;</li> <li>b) High ratio of open space relative to the built environment;</li> <li>c) Significant areas of vegetation in pasture, crops, forestry and/or indigenous vegetation;</li> <li>d) A rural working production environment;</li> <li>e) Presence of farmed animals;</li> <li>f) Noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes;</li> <li>g) Low population densities relative to urban areas;</li> <li>h) Existence of some narrow and/or unsealed roads;</li> <li>i) General lack of urban infrastructure.</li> </ul>
12.23	Definition rural selling place	Support in part	It should be clear in the definition of rural selling place that activities accessory to farming are not classed as rural selling places.	Amend the definition of rural selling place by adding: But does not include activities provided as accessory to farming.
12.24	Definition Rural industry	Support in part	The definition of rural industry should specifically include processing, packing and storage of primary products to ensure that they are classed as rural industry. Rural contractor depots should also be included. However it should not be limited to the predominant activity on site. For instance a horticultural pack house may draw product from a range of sites but should be provided for as a rural	Amend the definition of rural industry: Means an industry undertaken within the rural areas of the district and where the activity is directly related to rural production activities including facilities for the processing, packing and storage of primary products and rural contractor workshop or yards.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			industry. A rural industry should directly relate to rural production activities.	
12.25	Definition rural production activity	Support	The Plan includes a definition for rural production activity the same as the RPS. This is supported.	Retain definition for rural production activity.
12.26	Definition sensitive activity	Support in part	The definition is relevant to how rules will apply so it is important to have clarity as to what are regarded as sensitive activities.	Include a definition of sensitive activities as follows: Sensitive activities are activities which can be sensitive to the effects of lawfully established activities and includes: a) Habitable buildings b) Educational facilities c) Correctional facilities d) Public places and amenity areas where people congregate e) Healthcare facilities
12.27	Definition sign	Support in part	There needs to be a distinction between signs and 'official signs' which are defined separately.	Amend the definition of sign to exclude 'official signs'.
12.28	Definition wetlands	Oppose	The RPS relies on the RMA definition for wetland and the District Plan should also adopt the RMA definition which is established in case law.	Amend the definition of wetland to the RMA definition of wetland.
12.29	Definition seasonal worker accommodation		HortNZ seeks that there are specific provisions for seasonal worker accommodation in the Plan to enable special purpose buildings for such accommodation, rather than being classed as visitor accommodation or an additional dwelling.	Include a definition for 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.
12.30	Definition visitor accommodation	Oppose in part	HortNZ seeks a specific definition and provisions for seasonal worker accommodation so a consequence is that seasonal workers accommodation should be	Amend the definition of visitor accommodation by adding, 'but excludes specifically developed seasonal worker accommodation'.

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
			excluded from the definition of visitor accommodation.	

### Schedule 13: Submissions Maps

<b>Sub pt</b>	<b>Plan provision</b>	<b>Support Oppose</b>	<b>Reason</b>	<b>Decision sought</b>
13.1	Maps - all	Oppose in part	HortNZ has sought elsewhere in this submission that the Coastal Zone be amended to be the same as the Coastal Environment in the RPs.	Amend the Coastal Zone boundary to align with the Coastal Environment in the Proposed Regional Coastal Environment Plan. Rezone surplus Coastal Zone land as Rural.
13.2	Map 5e	Support	HortNZ supports the zoning of additional land as Industrial in the Otara/ Waioeka and Factory Rd triangle. This will assist in having land available for expansion of horticulture post harvest facilities on industrial zoned land.	Retain industrial zone as set out in Map 5e.
13.3	Maps - all	Oppose	Outstanding Natural features and landscapes	Amend ONFL's on maps following peer review of lands cape review to ensure that rural production activities are not inappropriately identified as ONFL's.
13.4	Map 8	Oppose	HortNZ is concerned about the extent of the Coastal Settlement Zone at Te Kaha given the level of horticultural activity being undertaken in that Zone and the provisions to adequately provide for the activity.	Amend the Coastal Settlement Zone at Te Kaha to zone all land in current farming or horticultural production on lot sizes greater than 1 ht as Rural or Deferred Coastal Settlement.

