

**SUBMISSION ON PROPOSED PLAN CHANGES 85 A-D TO
THE WHANGAREI DISTRICT PLAN**



TO: Whangarei District Council

SUBMISSION ON: Proposed Plan Changes 85 A-D
Rural

NAME: Horticulture New Zealand

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1. Horticulture New Zealand's submission, and the decisions sought, is detailed in the attached schedules:

Schedule One: Overall comments on Plan Change 85

Schedule Two: Submission on Plan Change 85 – Rural Area

Schedule Three: Submissions on Plan Change 85A – Rural Production Environment

Schedule Four: Submissions on Plan Change 85B - Strategic Rural Industry Environment

Schedule Five: Submissions on Plan Change 85C – Rural Village Environment

Schedule Six: Submissions on Plan Change 85D – Rural Living Environment

Schedule Seven: Consequential amendments

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

3. Background to Horticulture New Zealand and its RMA involvement:

3.1 Horticulture New Zealand was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruit growers' and New Zealand Berry fruit Growers Federations.

3.2 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 sustainable economic production sense.

Thank you for the opportunity to submit on the Proposed Plan Changes 85 and 85 A - D



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SCHEDULE ONE – Overall comments on Plan Change 85

- 1.1 Horticulture New Zealand in general supports the approach in Proposed Plan Changes 85 and 85 A- D in that greater recognition is given to rural production and its role contributing to the economic wellbeing of the district.
- 1.2 The intent of the Plan Change is to achieve the vision of the Rural Development Strategy: 'Our productive and diverse rural environment – supporting communities and a thriving economy'.
- 1.3 Horticulture is a significant contributor to that economy and needs to be appropriately provided for in the District Plan.

There are about 60 kiwifruit growers in Whangarei District with approximately 210 hectares producing a mixture of green and gold kiwifruit. There are also 200 avocado growers with 865 hectares in avocado.

In addition there are range of other crops such as passionfruit, tamarillos, citrus, berries, vegetables and covered crops such as tomatoes.

The main growing areas are spread either side of the city with hubs in Maungatapere and Glenbervie.

There is potential for growth of the sector in Whangarei District, especially with new cultivars becoming available. The Tai Tokerau Northland Growth Study Opportunities Report February 2015 identified horticulture as a potential growth area dependent of soil, land and water availability, so having an appropriate framework in the District Plan is essential to assist such growth.

- 1.4 The creation of a Rural Production Environment within the Rural Area enables specific provision for rural production activities and description of the expectations for the zone.

Specific comments are included below on the zone provisions.

- 1.5 It is noted that Council have used land use data from the Land Cover Database for the maps for PC85 which does not appear to have captured the recent growth of horticulture in the district.

Horticulture New Zealand wishes to note that the maps produced for the current plan changes have not been as readily available in a useable format as those produced for the draft plan changes for each of the Rural Living Environments so growers could readily determine where their property was zoned. This original map format was much more user friendly and accessible, although Horticulture New Zealand notes that the GIS system was available publicly.

- 1.6 There are concerns that the location of some of the Rural Living Environments include areas that are currently used for horticulture, which are generally on the more high quality soils. The zoning as Rural Living will effectively render these horticultural operations as non-viable given the policy approach in the Rural Living areas to focus on the amenity of the residents in these areas. Rural Living Environments of particular concern are Whatitiri,

Glenbervie, Kara Rd Sth and Apotu Rd.

The consequences of being rezoned Rural Living will mean that it would be very difficult to undertake horticultural activities and hence the land will be lost to high value rural production.

The Regional Policy Statement identifies that Northland has not effectively and sustainably managed its natural and physical resources to fully realise its economic potential and social wellbeing. A limiting factor is subdivision, use and development, particularly residential development that compromises existing and future productive activities and use of land.

The Regional Policy Statement includes Policy 5.1.1 which seeks to ensure that *“plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils”*

and

“Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity.”

Therefore Horticulture New Zealand seeks to ensure that horticultural activities are not compromised through Proposed Plan Changes 85 and 85 A-D.

- 1.6 Horticulture New Zealand submitted comments on the Draft Plan Changes 85 A-D on 13 February 2015 and supplementary comments in May 2015.

These comments expressed concern:

- That the approach in the Plan Changes, particularly regarding areas identified for countryside living.
- The proposed changes to make these areas countryside living would totally compromise the growing operations and would be damaging to the economy of Whangarei and Northland.
- That small lots should not be taken as a proxy for areas compromised by lifestyle development as horticulture can be undertaken on small lots.

Horticulture New Zealand sought that:

- The Council work with NHF and Horticulture New Zealand to identify, through a geographical mapping process, areas where horticulture is currently undertaken, and where there is productive potential for horticulture and to include those areas on the Plan Change maps. The areas would be determined collaboratively between Council NHF and Horticulture New Zealand.
- Those areas would be reviewed, including modified constraints criteria, to see if they are appropriate as country side living areas. Consideration could also be given to identifying alternative countryside living areas and greater protection of production values.
- The interface between growing and countryside living areas is robustly managed through the policy and rule framework.
- The economic benefits and costs of the proposed changes on horticulture to the District and Northland be included in the s32 Report.
- Horticulture New Zealand and Northland Horticulture Forum arrange a bus trip for councillors on a mutually suitable date to visit the locations

and meet and discuss issues with growers. Similar trips have been arranged in other regions and have shown to be mutually beneficial.

- 1.7 Unfortunately these recommendations have not been implemented (or taken up on) at this time although the offer for industry to work with Council to help assist the planning process and ensure it is based on accurate and up-to-date data is still open.

While some changes have been made as a result of submissions on the Draft Plan Change many horticultural properties are still identified as Rural Living and as such their operations will be severely compromised through the provisions in PC 85 and PC 85 A-D.

SCHEDULE TWO - Submissions on Plan Change 85 Rural Area (RA)

- 2.1 The Rural Area chapter sets out the overall framework for how the rural area within Whangarei District will be managed, recognising the wide diversity of character and issues within the rural area.

The Regional Policy Statement provides clear direction for the development of the district plan which these Rural Plan Changes need to give effect to. Some of the relevant objectives and policies are (emphasis in bold):

Objective 3.6 Economic activities – reverse sensitivity and sterilisation

The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:

(a) Reverse sensitivity for existing:

- (i) Primary production activities;**
- (ii) Industrial and commercial activities;
- (iii) Mining*; or
- (iv) Existing and planned regionally significant infrastructure; or

(b) Sterilisation of:

- (i) Land with regionally significant mineral resources; or
- (ii) Land which is likely to be used for regionally significant infrastructure

5.1.1 Policy – Planned and coordinated development

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

- a) *Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;*
- b) *Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;*
- c) *Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;*
- d) *Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;*
- e) *Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;***
- f) *Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and***
- g) *Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.*
- h) *Is or will be services by necessary infrastructure*

5.1.3 Policy – Avoiding the adverse effects of new use(s) and development

Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:

- a) **Primary production activities in primary production zones (including within the coastal marine area);**
- b) *Commercial and industrial activities in commercial and industrial zones;*
- c) *The operation, maintenance or upgrading of existing or planned regionally significant infrastructure; and*
- d) *The use and development of regionally significant mineral resources.*

2.2 RA.1.1 Description and Expectations

Horticulture New Zealand supports the focus on rural production activities which are essential for the social and economic wellbeing of the district.

Horticulture is an important rural production activity and Horticulture New Zealand seeks that it is appropriately recognised and provided for in the Plan.

However there are concerns with how the differentiation between rural production and rural living environments are made.

Decisions sought:

Amend RA.1.1 Paragraph 5 by adding 'horticulture' as a rural production activity.

Amend RA.1.1 Rural Living Environment:

The Rural Living Environment provides for the on-going rural living development of land and rural living activities in locations ~~that have an existing density of rural living development~~ where rural production activities won't be compromised.

2.3 RA.1.2 Rural Area Objectives

Section RA.1.2 sets out ten overall objectives for the rural area, with the first objective seeking to protect the long term viability of the productive functions of rural land. This is supported.

The second objective identifies reverse sensitivity as an issue, which Horticulture New Zealand supports, but a rewording is sought to ensure that the potential for reverse sensitivity is avoided through the plan provisions, rather than having to remedy or mitigate the effects.

Objective Six is focussed on the rural living opportunities and a rewording is sought to focus on areas of lesser productive value. The proposed objective seeks to include areas where 'productive rural land uses have already been compromised'. Unfortunately some of the areas included as Rural Living the rural production use is not already compromised. Determining what is 'compromised' is a judgement on land use and is not necessarily linked to the criteria that are set out in RA.1.3.3.

Decisions sought:

Retain RA.1.2.1.

Amend RA.1.2.2 as follows:

Avoid, ~~remedy or mitigate~~ potential for reverse sensitivity impacts effects especially in relation to established and rural production activities.

Amend RA.1.2.6 as follows:

Consolidate rural living subdivision and development in areas ~~where productive rural land uses have already been compromised or~~ on less productive land without significant adverse effects on the environment.

2.4 RA.1.3 Rural Area Policies

Horticulture New Zealand supports providing for a range of rural environments with differing expectations. However the prime consideration needs to ensure that rural production activities are not compromised by the range of expectations, given that rural production activities are a key component in the rural area.

The Plan refers to 'rural character' but it is not defined. It needs to be clear what is anticipated when 'rural character' is referred to. This is particularly important in terms of assessing applications for new activities in the rural production zone, as it should be clear the context in which they seek to locate to ensure that they are not inconsistent with that character.

Consistent with the RPS there needs to be a focus on ensuring that high value productive land is retained for production. This should be included as criteria for both the Rural Production Environment and the Rural Living Environment.

The allotment density of 2 to 4ha for Rural Living includes horticultural land which is located on small blocks. The presence of small allotments does not mean that the land is not suitable for, or being used for, rural production purposes. In particular horticultural activities use small land parcels. The average size of kiwifruit orchard in New Zealand is 3.5ha for Green and 2.3ha for Gold fleshed fruit.

Policy RA.1.3.2 seeks to enable a diverse range of productive rural land use activities, but seeks to ensure that larger land parcels are prevalent. To adequately provide for horticultural activities smaller lots are required. Therefore Horticulture New Zealand seeks that there is specific provision to enable smaller lots to be created for horticultural purposes. Such an approach has been adopted in Western Bay of Plenty which faces similar pressures to Whangarei. Inclusion of subdivision criteria clearly linked to rural production can achieve this outcome.

Current land use and nature of the land for production should also be taken into account. Retaining such land in productive use gives effect to the Regional Policy Statement.

The s32 Report for PC85 D Rural Living Environment sets out in Appendix 3 the criteria that were used to identify Rural Living Areas. The maps for PC85 have been based on land use data from the Land Cover Database version 4 from 2012 which but is fairly high level and does not give a clear indication of landuse. Any properties smaller than 4 ha were removed from the selection

as properties this size were considered too small for pastoral production. However properties between 2-4ha are suitable for horticultural production and these should have been ground-truthed before removing from the selection. In addition the land use has changed since the landuse maps were developed. For instance, orchards which are now in production do not appear on the maps. Horticulture New Zealand had sought that the maps were ground-truthed to ensure that they accurately reflected current land use. It is essential that accurate land use data is obtained and applied before land is identified as Rural Living.

It is noted that while horticultural activities were identified as 'developments to avoid' there are existing orchards within the Proposed Rural Living Environments. Appendix 2 of the s32 Report for PC85D identifies that there are horticultural properties within the Rural Living Environments, such as Apotu Rd, Glenberrie, Newton Rd and Kara Rd South. All these areas have the necessary components for horticultural production and it is essential that they be retained for that purpose if economic growth is to occur in the district.

Appendix 2 of the s32 Report for PC85D indicates that the focus of criteria for Rural Living Areas is on Class 1-3 soils. Some of these soils are included in the Rural Living Environment. In addition much high value horticulture is located on Class 4 or 5 soils and so these soils do not deserve being discounted as being inappropriate for rural production and therefore included as appropriate for Rural Living.

As a consequence Horticulture New Zealand seeks that these properties be deleted from the Rural Living Environment. Changes are also sought to the provisions in the Rural Living Environments to ensure that these operations can continue to operate.

Horticulture New Zealand supports the creation of Strategic Rural Industries and notes that new services for horticultural production may be required in the future which would provide employment opportunities and also service rural production.

Policy RA.1.3.9 seeks to ensure that the scale and nature of new rural land use activities is consistent with the existing level of amenity of the relevant Environment. While the intent is supported it is noted that there is currently no 'Rural Living Environment' so the existing level of amenity is the Countryside Zone. It needs to be clear that the level of amenity expected in the Rural Living Zone needs to be cognisant of the fact that it is located in the Rural Area and surrounded by rural production.

Policy RA1.3.11 seeks to ensure that new rural activities establishing avoid conflicts between incompatible uses. The focus should be on the establishment of new 'non-rural' activities as this will be the source of incompatibilities in rural areas.

Decisions sought:

Include a definition for 'rural character' as follows:

Rural Character includes the following elements:

- a) High ratio of open space relative to the built environment;

- b) Significant areas of vegetation in pasture, crops, forestry and/or indigenous vegetation;
- c) A rural working production environment, including buildings and structures to support such production;
- d) Presence of farmed animals;
- e) Noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes;
- f) Low population densities relative to urban areas;
- g) Existence of some narrow and/or unsealed roads;
- h) General lack of urban infrastructure.

Amend RA.1.3.1. by adding 'consistent with rural production activities'.

Amend RA.1.3.2 for Rural Production Environments by adding an additional criteria:

- the range of components such as access to water, high quality soil, suitable climate and contour, required for a rural production system, are present.

Amend RA.1.3.2 b) Larger land parcels are generally prevalent with horticultural blocks being smaller in nature and the area is not compromised by significant clusters of rural living built development

Amend RA.1.3.3 for Rural Living Environments as follows:

To identify specific land areas as RLE to provide for a variety of rural living opportunities in the District without ~~materially~~ reducing the potential of the Rural Area for productive use of land by providing for the RLE in locations that:

- a. Have an existing ~~average~~ allotment density ~~of between 2 ha or less and 4ha.~~
- b. Demonstrate a predominantly rural living character.
- c. Are not identified as hazard prone area.
- d. Are not identified as an Outstanding Natural Landscape or Feature, Significant Indigenous Vegetation or Habitat, or an Outstanding Natural Character Area.
- e. Do not gain direct access from an unsealed road.
- f. Are located within close proximity to community facilities.
- g. Are not located in close proximity to existing reticulated infrastructure.
- h. Will not ~~materially~~ increase the potential for reverse sensitivity effects in the Rural Area.
- i. Do not contain the range of components such as access to water, high quality soil, suitable climate and contour, required for a rural production system
- j. Do not contain existing established horticultural activities.

Reassess all Proposed Rural Living Environments to determine the extent to which they meet the criteria as sought and update maps to current land use.

Retain Policy RA.1.3.4

Retain Policy RA.1.3.5

Amend Policy RA.1.3.9 as follows:

To ensure that the scale and nature of new rural land use activities is consistent with the existing level of amenity of the relevant Environment and in the new Rural Living Environment reflects the rural location and surrounding rural production activities.

Amend Policy RA.1.3.11 as follows:

To manage the establishment and location of new non-rural activities to avoid conflicts between incompatible land uses.

2.4.1 New policy

The Plan Change is proposing that a consequential amendment to the Operative Plan is to delete Policy 6.4.10 Productive Soils.

There is no policy that brings across the concept of Policy 6.4.10 into the new Plan Changes. Horticulture New Zealand seeks that either Policy 6.4.10 is retained or included in RA.1.3.

The policy includes the identification and protection of the district's highly productive and versatile soils for their productive capacity and to recognise their value to the district given the pressure on those soils for future growth. These issues are still very relevant, if not more so. While the RPS identifies some classes of versatile land as important there are also areas of highly productive land outside of Classes I- III that need to be identified and protected from encroachment from urban and rural residential development.

Decision sought:

Include a new policy in RA.1.3

To recognise and identify the district's highly productive and versatile land for its productive capacity and the value to the district's economy and to protect from urban and rural residential development.

2.5 RA.2 Rural Area Land Use Performance Standards

The performance standards include a requirement to comply with the use, storage or on-site movement of hazardous substances as set out in Appendix 8 of the District Plan. It is noted that Appendix 8 is based on methodology that is being replaced in a number of district plans. The intent is that there is greater recognition of the Hazardous Substances and New Organisms Act 1995 in district plan provisions.

Horticulture New Zealand notes that agrichemicals are provided for as a permitted activity:

Application of agri-chemicals in a farming, forestry or horticulture situation, provided that NZS 8409:1999 Code of Practice for the Management of Agrichemicals (or a more recent edition) and any applicable regional policies and rules are adhered to;

However it is noted that NZS8409 is now the 2004 Standard and that the provision only applies for the application of agrichemicals, not the storage. In addition on farm use and storage of fertiliser is not included in the permitted provisions.

Horticulture New Zealand seeks that the Council review the Hazardous substances provisions in the Plan. In doing so the decision by the Independent Hearing Panel on the Christchurch Replacement District Plan is relevant to inform the current approach to hazardous substance management in district plans.

<http://www.chchplan.ihp.govt.nz/wp-content/uploads/2015/03/Decision-18-Hazardous-Substances-and-Contaminated-Land-and-relevant-definitions-Stages-1-and-2.pdf>

In the interim Horticulture New Zealand seeks that a specific provision is added into RA.2 to provide for on-farm storage and use of fertiliser.

Decision sought:

That Council undertake a review of the Hazardous substance provisions in the district plan.

That a provision is included in RA.2.1 to provide for the on-farm storage and use of fertiliser as a permitted activity.

2.6 RA.3 Rural Area Subdivision Performance Standards

As stated above, there needs to be provision for subdivision of smaller lots for horticultural purposes.

Horticulture New Zealand seeks a rule that includes standards specific for smaller blocks for horticultural subdivision in the Rural Production Environment. Given the value of land for horticulture it is unrealistic for a grower to be required to purchase a 20ha property when only a portion may be used for the horticultural operation.

Decision sought:

Add to RA.3.1

2) Any subdivision for Rural Production lots is a Restricted Discretionary Activity

Include a new section as RA.3.3A Restricted Discretionary Activity.

In the Rural Production Environment:

Rural production lots

Existing rural 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:

Productive Land:

- (i) Shall contain a minimum of 6ha.
- (ii) Each Rural Production Lot shall be suitable for the successful growing of permanent horticulture crops in the prevailing climatic conditions.
- (iii) Shall have the following characteristics:
 - Soil texture; silt loam, sandy loam, loam, loamy sand (in the topsoil 15cm)
 - Potential rooting depth: minimum one metre
 - Drainage Class: well-drained

- Profile readily available water (0 – 100cm): moderate (greater or equal to 50mm)
- Topsoil (top 15 cm) bulk density: less than or equal to 0.90 g/cm³
- Subsoil (below 15 cm) bulk density: less than or equal to 1.00 g/cm³
- Topsoil (top 15cm) organic matter: minimum 5%
- No point exceeding 15 degree slope
- No more than 20% of the productive land shall be facing 45 degrees either side of South (south east to south west).

(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:

- Certify that the land concerned meets (i) to (iii) above;
- Provide comment on effects of drainage, climatic conditions, previous or current land use, any limitations and any cumulative effects;
- Recommendations for any remedial work.

Productive Crop:

(v) The above provisions, (ii) to (iv) shall not be required to be met where each Rural Production Lot is a minimum of 6ha and no less than 70% of that area is planted in a productive crop which must be certified or other evidence provided.

2.7 RA.4 Rural Area Matters of Control and Assessment Criteria

Section RA.4 sets out the matters of control and assessment criteria that will apply where a resource consent is required in the Rural Area.

Horticulture New Zealand supports the identification of proposed building areas in RA.4.1 d) so as to avoid potential conflicts between incompatible land uses activities, including reverse sensitivity effects.

However there are no assessment criteria that considers the potential for reverse sensitivity effects.

Decision sought:

Retain RA.4.1 d)

Add an additional assessment matter in RA.4.2 as follows:

The location of rural production activities in the vicinity and methods to avoid potential reverse sensitivity effects.

2.7 Consequential amendments

Horticulture New Zealand seeks that consequential amendments as a result of changes sought in this submission on all plan changes are made.

Decision sought:

Make consequential amendments to all plan changes as necessary to give effect to the decisions sought in this submission.

SCHEDULE THREE - Plan Change 85A Rural Production Environment (RPE)

3.1 RPE.1.1 Description and Expectations

Horticulture New Zealand generally supports the approach in RPE1.1 which sets out the description and expectations for the Rural Production Environment.

In particular Horticulture New Zealand supports the approach that there will not be increased level of rural living development within the Rural Production Environment to avoid potential for reverse sensitivity conflicts.

The landscape that exists in the Rural Production Environment has been very largely shaped by the rural activities that have been undertaken in the area over time. The description indicates that such values should be protected where possible. However it is unreasonable that current landowners are penalised for the rural production activities that have been undertaken creating the landscape.

Decision sought:

Amend the last paragraph of RPE.1.1 Description and Expectations by adding:

‘but it is important to recognise the role that landowners have played in contributing to this landscape over time and not penalise them for this contribution.’

3.2 RPE.1.2 Objectives

RPE.1.2 sets the objectives for the Rural Production Environment and are generally supported, subject to some changes for clarification.

RPE.1.2.2 seeks to recognise, maintain and protect where appropriate the rural character of the RPE. The land use is a significant contributor to the rural character and should be recognised in the Objective.

Objective RPE.1.2.4 also seeks to support a range of ‘amenity values’ in the RPS. Given that rural character is specifically provided for in RPE.1.2.2 it is unclear why RPE1.2.4 is required. It is also unclear what is anticipated by ‘amenity values’. For clarity it would be preferable to delete RPE.1.2.4 or to replace ‘amenity values’ with ‘rural character’.

Decisions sought:

Retain RPE.1.2.1

Amend RPE 1.2.2 by adding ‘and land use’ at the end

Retain RPE.1.2.3

Delete RPE.1.2.4 or amend by replacing ‘amenity values’ with ‘rural character’.

Retain RPE.1.2.5

Retain RPE.1.2.6

3.3 RPE 1.3 Policies

RPE.1.3 sets the policies for the Rural Production Environment and are generally supported, subject to some changes for clarification.

Limiting commercial and industrial activities in the RPE (RPE1.3.1) and the provision for activities ancillary to farming as permitted (RPE.1.3.8b) are supported.

Horticulture New Zealand supports Policy 2 relating to managing reverse sensitivity effects however note that the policy refers to 'intensive farming activities' while the related rule refers to 'intensive livestock activities'. The Operative District Plan has a definition of 'Intensive Livestock Farming' so the plan should use that term so it is clear that the plan is focused on Intensive Livestock Farming.

The policy should also refer to other 'rural' activities so it is clear that the focus on location of sensitive activities is to 'rural activities'.

RPE 1.3.4 Policy 4 seeks to maintain the rural character and amenity through ensuring a number of matters. A number of the listed matters are a consequence of the environment rather than a factor on their own. For instance a high degree of privacy is due to the open nature and low density of development and how a development is undertaken. While privacy is the outcome sought the factor that will help achieve such an outcome should be the factor that is identified in the Plan.

Policy RPE.1.3.7 seeks to protect the distinctive character of the RPE and then lists a number of matters that make up that character. Horticulture New Zealand considers that the policy should refer to 'rural' character as that is what is being described and the focus should be on the working rural production environment.

'Sufficient access to daylight and sunlight' and a high degree of privacy are outcomes of open nature of the environment. Access to sunlight and privacy will be influenced by factors other than rural character, such as choice of location for dwelling and planting that is undertaken.

Policy RPE.1.3.8 seeks to protect rural production in the RPE which is supported. Changes are sought to have a clear focus on 'rural production'. The Plan Change is proposing that a definition be added for 'farming' but it is not the term that is used throughout the Plan Change so Horticulture New Zealand seeks that it is amended to 'rural production'. That definition would be very relevant to Policy RPE.1.3.8. The term 'intensive farming' needs to be replaced with 'intensive livestock farming' as it is the defined term in the Plan.

Policy RPE.1.3.11 seeks to identify building platforms that respond to site topography and environmental characteristics. There should also be a requirement to ensure that setback requirements are met.

Decisions sought:

Retain RPE.1.3.1

Amend RPE.1.3.2 by replacing 'intensive farming activities' with 'intensive livestock farming' and add 'rural' between 'other activities' so it refers to 'other rural activities'.

Amend RPE.1.3.4 as follows:

To maintain rural amenity, ~~privacy, openness~~ and rural character by ensuring that all new buildings and rural land uses:

Amend RPE.1.3.7 as follows:

To protect the distinctive rural character and amenity ~~values~~ of the RPE including but not limited to:

- a. A working rural production environment.
- b. Some activities are seasonal in nature ~~Seasonal activities~~
- c. ~~A low~~ Intensity of development reflecting the rural production environment, involving a combination of such as buildings and structures for rural production and domestic purposes.
- d. Varying levels of noise associated with seasonal and intermittent rural production activities.
- e. ~~A high degree of privacy.~~ Relatively open space and density of development
- f. ~~Sufficient access to daylight and sunlight.~~
- g. Odours, noise and dust typical of rural activities.
- h. Generally low levels of vehicle traffic with seasonal fluctuations.

Amend RPE.1.3.8 as follows

To protect the productive function of the RPE while providing for a range of rural production ~~productive~~ land uses by:

- a. Not directly regulating outdoor agricultural and horticultural activities, excluding intensive livestock farming.
- b. Permitting farming and activities ancillary to farming.
- c. Discouraging commercial and industrial activities and rural living development.
- d. Requiring larger allotments sizes to retain productive rural options.

Amend RPE.1.3.12 b) as follows:

b) Identifying building platforms that respond to site topography and environmental characteristics and meet setback requirements

3.4 RPE.2.1 Land use Eligibility rules

RPE.2.1 sets out the rule framework for the Rural Production Environment. Horticulture New Zealand generally supports the framework but seeks clarification on a number of matters.

RPE.2.1.4 refers to intensive livestock activities. It should refer to 'intensive livestock farming' as it is the term that is defined in the Plan.

In addition it is considered that there should be provisions for activities ancillary to farming or plantation forestry with a GFA greater than 500m² to be a discretionary activity because these activities are important to be located in proximity to rural production activities.

Decisions sought:

Amend RPE.2.1.4 to refer to 'intensive livestock farming' activities.

Amend RPE.2.1 5 to discretionary activity.

3.5 RPE 2.3 Discretionary activities

Rule RPE 2.3.1 sets out setback distances for sensitive activities, excluding non-habitable buildings. The definition in the Operative Plan for sensitive activities means, within the National Grid Corridor, childcare and education facilities, residential activity, hospitals, health care facilities and retirement villages. It is appropriate that these activities are setback from activities where there is the potential for reverse sensitivity effects. The Consequential Amendments seek to amend the definition of sensitive activities to delete reference to the National Grid and this is supported.

Rule RPE.2.3 1 includes a number of setbacks for sensitive activities. This is supported. However there also needs to be a setback from existing lawfully established rural production activities within the Rural Production Environment. A 30 metre setback applies for production forestry within the zone and it has potential for similar effects that needs to be provided for horticultural activities.

RPE.2.3.1 d i) refers to intensive livestock activities. It should refer to 'intensive livestock farming' as it is the term that is defined in the Plan.

Rule RPE.2.3.3 sets out requirements for buildings and includes setbacks from site boundaries. The proposed provisions present some issues for horticultural activities, especially in terms of providing for crop protection:

- A height of 10 metres is not sufficient for some frost fans
- A site boundary of 8 metres is supported for non-habitable buildings, however Horticulture New Zealand is concerned that if artificial crop protection structures are classed as a building an 8 metre setback will lead to a loss of significant area in high value production.
- Rule RPE.2.3.3 c) requires that site coverage does not exceed 20% of the net site area. Horticulture New Zealand seeks to ensure that growers are able to provide artificial crop protection for crops. If such structures are classed as a building and the site coverage of 20% of the net site area applies then discretionary consent would be required. Given that these structures are part of the ongoing operation of existing orchards then provision needs to be made for their operation.

Rule RPE 2.3.7 requires consent for places of assembly but no setback is included. They are not necessarily included in the definition of sensitive activities so not required to provide the setbacks set out in RPE 2.3.1. Given that places of assembly are where people congregate it is important that there

is a setback from existing lawfully established rural production activities within the Rural Production Environment.

Decisions sought:

Add new RPE.2.3A Restricted Discretionary Activity and include RPE.2.3 3) as a Restricted Discretionary Activity.

Amend RPE.2.3 1) by adding:

e) 30 metres from existing lawfully established rural production activities on separate site.

Amend RPE.2.3.1 d) i) to refer to 'intensive livestock farming' activities

Amend RPE.2.3.3 as follows:

a) That exceeds a maximum height of 10 metres, excluding frost protection fans

b) Within 8 metres of a site boundary, excluding artificial crop protection structures and crop support structures

c) That results in site coverage exceeding 20% of the net site area excluding artificial crop protection structures

Amend RPE 2.3 7 to include a setback for places of assembly of 30 metres from existing lawfully established rural production activities within the Rural Production Zone.

3.6 RPE.3 Subdivision

Horticulture New Zealand has sought a new restricted discretionary rule for Rural Production Lots in PC85. Changes need to be made to PC85A to incorporate the change.

Decision sought:

Amend RPE.3.1 Eligibility rule:

2) Any activity not requiring consent as a controlled, restricted discretionary or discretionary activity is a non-complying activity.

Add a new activity Restricted Discretionary Activity

1. Subdivision for Rural Production Lots with a minimum of 6 ha and meet requirements set out in RA.3 or include the provisions in RPE.3

Restricted Discretionary Activity in the Rural Production Environment:

Rural production lots

Existing rural 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:

Productive Land:

(i) Shall contain a minimum of 6ha.

(ii) Each Rural Production Lot shall be suitable for the successful growing of permanent horticulture crops in the prevailing climatic conditions.

(iii) Shall have the following characteristics:

- Soil texture; silt loam, sandy loam, loam, loamy sand (in the topsoil 15cm)

- Potential rooting depth: minimum one metre

- Drainage Class: well-drained
- Profile readily available water (0 – 100cm): moderate (greater or equal to 50mm)
- Topsoil (top 15 cm) bulk density: less than or equal to 0.90 g/cm³
- Subsoil (below 15 cm) bulk density: less than or equal to 1.00 g/cm³
- Topsoil (top 15cm) organic matter: minimum 5%
- No point exceeding 15 degree slope
- No more than 20% of the productive land shall be facing 45 degrees either side of South (south east to south west).

(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:

- Certify that the land concerned meets (i) to (iii) above;
- Provide comment on effects of drainage, climatic conditions, previous or current land use, any limitations and any cumulative effects;
- Recommendations for any remedial work.

Productive Crop:

(v) The above provisions, (ii) to (iv) shall not be required to be met where each Rural Production Lot is a minimum of 6ha and no less than 70% of that area is planted in a productive crop which must be certified or other evidence provided.

SCHEDULE FOUR - Plan Change 85B Strategic Rural Industry Environment (SRIE)

- 4.1 Horticulture New Zealand supports the identification of the Strategic Rural Industries Environment to appropriately zone established industries located in the Rural Area.

It is noted that there is the ability for other industries to be rezoned in the future if appropriate.

The proposed definition of Strategic Rural Industries states that 'Strategic Rural Industries are significant at a regional or national scale rather than solely at a district level due to the area they supply, the investment in infrastructure required for the establishment of the activity or the contribution to the economy'.

Horticulture New Zealand considers that the level of significance should not be limited to regional or national because having district significance can be of high value to the district.

For instance, a packhouse facility for horticulture production is significant for the industry and the local economy and should be able to be provided for as a strategic rural industry and afforded the protection that the zone offers.

Decision sought:

Amend SRIE Description and Expectations

Add to the end of paragraph 2: Some industries are also of significance for local or district purposes and are critical to the local economy.

SCHEDULE FIVE - Plan Change 85C Rural Village Environment (RVE)

- 5.1 Horticulture New Zealand supports the intent of the Rural Village Environment to provide for the rural villages located throughout the district which provide functional support to rural production.

Many of the villages will have a boundary with the Rural Production Environment but there is no explicit recognition of this in the Plan Change. It is an important context as the potential for reverse sensitivity effects exists at the village/ rural production interface. In particular, consideration of this should be made when assessing any new development, including the provision of buffers between the zone boundaries.

Decision sought:

Amend RVE.1.1 Description and Expectations

Add to the 3rd paragraph: Many of the villages are situated adjacent to the Rural Production Environment which provides a rural context for the villages. The boundary interface has the potential for reverse sensitivity effects which needs to be managed.

Amend RVE.1.3. 6 by adding:

d) takes into account the surrounding environment and the interface between zones to ensure that potential for reverse sensitivity is appropriately managed.

- 5.2 The Plan Change uses the term 'rural centre service activity' which is defined in the Consequential Amendments. It is unclear why it is not described as a 'rural service activity' and the definition should relate to services directly related to servicing rural production activities.

Decision sought:

Rename 'rural centre service activity' to 'rural service activity.'

Amend the definition for 'rural centre service activity' to 'rural service activity': Rural service activity means land and/or buildings/structures used for the purpose providing a service directly related to servicing rural production activities.

SCHEDULE SIX - Submissions on Plan Change 85D Rural Living Environment

6.1 RLE.1.1 Description and Expectations

As stated above in this submission Horticulture New Zealand is concerned about the areas identified as Rural Living Environments which contain active productive horticultural operations.

Horticulture New Zealand is not opposed to the concept of Rural Living opportunities but seeks to ensure that the assessment and criteria to identify these areas is robust and takes into account all current rural production land uses in the respective areas. Unfortunately by including land between 2-4ha some production land is included.

Changes are sought to:

- remove operational orchards from the Rural Living Environment
OR
- amend provisions to enable existing horticultural operations to continue to operate as in the Operative Countryside Zone

6.2 RLE.1.2 Objectives

The objectives build on objectives for the Rural Area and seek to implement the Council's proposed approach for Rural Living Environments.

However because of the inclusion of rural production activities within the Rural Living Environment changes are sought to protect that rural production.

RLE.1.2.1 Objective 1 is dependent on the definition of rural character, which is sought in Schedule 2 of this submission.

RLE.1.2.4 Objective 4 recognises the need to be compatible with rural production activities and this is supported.

RLE.1.2.5 Objective 5 implies that all rural production activities within the Rural Living Environment are already compromised. This is not the case as there are functioning orchards on small blocks as only small amounts of land is required for the operation. An amendment is sought to this effect.

Decisions sought:

Retain RLE 1.2.1 Objective 1 but include a definition for rural character as sought in Schedule 2 for PC85.

Retain RLE 1.2.4 Objective 4.

Amend RLE1.2.5 Objective 5 as follows:

Consolidate rural living development in appropriate locations ~~where rural production activities are already compromised~~ and adverse effects on rural production activities can be avoided

6.3 RLE.1.3 Policies

RLE 1.3.1 Policy 1 seeks to preserve the rural character and amenity through maintaining factors that contribute to rural character. However the character

in the rural living areas needs to still reflect the fact that rural production activities occur within the zone. A number of the listed matters are a consequence of the environment rather than a factor on their own. For instance, a high degree of privacy is due to the open nature and low density of development and how a development is undertaken. While privacy is the outcome sought the factor that will help achieve such an outcome should be the factor that is identified in the Plan.

Likewise 'ample access to daylight and sunlight' is an outcome of open nature of the environment. Access to sunlight will be influenced by factors other than rural character

While the rural environment may often be quiet, there has been no existing rural living environment which establishes the amenity that could be expected in the zone. Rural living has been undertaken in the Countryside Environment and it is appropriate that the amenity levels experienced in that context are applied to the Rural Living Environment.

RLE.1.3.7 Policy 7 seeks to manage reverse sensitivity effects by avoiding the establishment of habitable buildings in proximity to a range of activities. The Rule refers to 'sensitive activities' and this should be the term used in the policy. In addition Horticulture New Zealand seeks that rural production activities in the Rural Living Environment are also included in terms of avoiding reverse sensitivity effects.

RLE.1.3.8 Policy 8 sets out how rural character and amenity will be maintained. 'Privacy and open space' are part of rural character, or results of it, and do not need to be specifically listed.

RLE.1.3.11 Policy 11 seeks to identify building platforms that respond to site topography and environmental characteristics. There should also be a requirement to ensure that setback requirements are met.

Decisions sought:

Amend RLE1.3.1 Policy 1 as follows:

To preserve rural character and amenity while enabling rural living development and rural production activities in the RLE and to maintain factors that contribute to rural character including:

- a. ~~Low levels for~~ Variable noise and lighting ~~consistent with rural activities particularly at night.~~
- b. Low density and open nature of development ~~A high degree of privacy.~~
- c. ~~Ample access to daylight and sunlight.~~
- d.

Retain RLE 1.3.1 i)

Amend RLE 1.3.7 as follows

To manage reverse sensitivity effects by avoiding the establishment of sensitive activities (excluding non-habitable buildings) within close proximity to Mineral Extraction Activities and the Rural Production, Business and Strategic Rural Industry Environments and rural production activities within the Rural Living Environment.

Amend RLE 1.3.8 by deleting 'privacy and open space'
and
Add 'rural production activities' after 'landform' at the end of c)

Amend RLE 1.3.11 c) by adding 'and meet setback requirements'.

6.4 RLE.2 Land use

6.4.1 RLE.2.3 Discretionary Activities

Rule RLE 2.3.1 sets out setback distances for sensitive activities, excluding non-habitable buildings. The definition in the Plan for sensitive activities means, within the National Grid Corridor, childcare and education facilities, residential activity, hospitals, health care facilities and retirement villages. It is appropriate that these activities are setback from activities where there is the potential for reverse sensitivity effects. The Consequential Amendments seek to amend the definition of sensitive activities to delete reference to the National Grid and this is supported

Rule RLE.2.3 1 includes a number of setbacks for sensitive activities. This is supported. However there also needs to be a setback from existing lawfully established rural production activities within the Rural Living Environment. A 30 metre setback applies for production forestry within the zone and it has potential for similar effects that needs to be provided for horticultural activities.

Rule RLE 2.3.3 requires consent for places of assembly but no setback is included. They are not necessarily included in the definition of sensitive activities so not required to provide the setbacks set out in RLE 2.3.1. Given that places of assembly are where people congregate it is important that there is a setback from existing lawfully established rural production activities within the Rural Living Environment and the boundary of the Rural Production Environment.

RLE.2.3.4 d) includes site coverage requirement to not exceed 500m². Horticulture New Zealand seeks to ensure that growers are still able to provide artificial crop protection for crops. If such structures are classed as a building and the site coverage of 500m² applies then discretionary consent would be required. Given that these structures are part of the ongoing operation of existing orchards then provision needs to be made for their operation. In recognition of the potential effects on neighbours it is sought that only green or black cloth is used on boundaries.

Decisions sought:

Add to RLE.2.3 1:

e) 30 metres from existing lawfully established rural production activities within the Rural Living Environment.

Amend RLE 2.3 3 to include a setback for places of assembly of 30 metres from existing lawfully established rural production activities within the Rural Living Environment and the boundary of the Rural Production Zone.

Amend RLE 2.3 4) d) That results in site coverage exceeding 500m², except

for artificial crop protection structures with black or green cloth used on boundaries which are permitted.

SCHEDULE SEVEN – Consequential amendments to Operative Plan Text

7.1 Definitions

7.1.1 Farming

Horticulture New Zealand supports the inclusion of a definition for ‘farming’ as it clarifies what is included as part of the activity. However the term ‘farming’ is not used throughout the Plan Change 85 suite of changes. Rather the focus is on ‘rural production.’ Horticulture New Zealand supports the use of ‘rural production’ rather than ‘farming’ and so seeks that the definition is retained as notified but the title be amended to ‘rural production’ and consequential changes made.

Decision sought:

Amend the title of the definition of ‘farming’ to ‘rural production’.

7.1.2 Activities Ancillary to farming or forestry

Horticulture New Zealand supports the inclusion of a definition for activities ancillary to farming and forestry and provision for these activities within the Plan. Consistent with the change sought to the definition of ‘farming’ the references to ‘farming’ should be amended to ‘rural production’. In addition it needs to be clear that the activity that are classed as ‘ancillary’ are undertaken ‘off-farm’ and are separate and distinct from the growing operation and on-site packing.

Decision sought:

Amend the definition of ‘Activities Ancillary to farming or forestry’ by replacing ‘farming’ with ‘rural production’ and clarify that activities are ‘off farm’:
“means the off-farm processing and packaging facilities for farming, rural production, forestry and any rural industry that is dependent primarily on the direct handling of raw produce, or that primarily supplies services to farming, rural production horticulture or forestry. Includes premises used for the manufacture of dairy products, abattoirs, timber processing, stock yards and sale yards, cool stores and off- farm pack houses and rural contractor depots.”

7.1.3 Building

The definition of building in the Operative Plan includes a number of exclusions. The proposed definition of farming includes crop support structures and artificial crop protection structures as part of the farming activity. It is needs to be clear that such structures are an integral part of horticultural activity and provided for separate to provisions for buildings.

Therefore Horticulture New Zealand seeks that crop support structures and artificial crop protection structures be specifically excluded from the definition of building and that definitions for artificial crop protection structures and crop support structures are included in the Plan.

Decision sought:

Include an exclusion in the definition of buildings for crop support structures and artificial crop protection structures.

Include a definition for crop support structures:
Crop support structures are open structures on which plants are grown.

Add a definition for artificial crop protection structures: Artificial Crop Protection means structures with material used to protect crops and/or enhance growth (excluding greenhouses).

Greenhouses should also be defined as a 'Totally enclosed structure where plants are grown in a controlled environment.'

7.1.4 Reverse sensitivity

Horticulture New Zealand supports the inclusion of a definition for reverse sensitivity. However it is noted that the definition is different to that in the Regional Policy Statement. For consistency it is sought that the RPS definition of reverse sensitivity be used. The RPS definition includes the component of 'complaint' which is important to identify as part of reverse sensitivity.

Decision sought:

Amend the definition of reverse sensitivity as follows:
Reverse sensitivity occurs when occupants of a new development (for example, a lifestyle block) complain about the effects of an existing, lawfully established activity (for example, noise or smell from industry or farming). This can have the effect of imposing economic burdens or operational limitations on the existing activity thereby reducing their viability.

7.1.5 Rural Centre Service Activity

The Plan includes a definition for rural centre service activity to provide for a range of rural services within rural villages. This is supported in part. However it is considered that the term should be 'rural service activity' and refer to activities directly servicing rural production.

Decision sought:

Amend the definition of 'Rural Centre Service Activity' to 'Rural Service Activity':
Rural service activity means land and/or buildings/structures used for the purpose providing a service directly related to servicing rural production activities.

7.1.6 Rural character

Horticulture New Zealand has sought that a definition be added for rural character so it is clear through the Plan what is intended with the use of the term.

Decisions sought:

Include a definition for 'rural character' as follows:

Rural Character includes the following elements:

- a) High ratio of open space relative to the built environment;
- b) Significant areas of vegetation in pasture, crops, forestry and/or indigenous vegetation;

- c) A rural working production environment, including buildings and structures to support such production;
- d) Presence of farmed animals;
- e) Noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes;
- f) Low population densities relative to urban areas;
- g) Existence of some narrow and/or unsealed roads;
- h) General lack of urban infrastructure.

7.1.7 Strategic Rural Industries

A definition of strategic rural industries is included to support the new 'Strategic Rural Industries Environment.' The inclusion of the new zone is supported. However the definition states that 'Strategic Rural Industries are significant at a regional or national scale rather than solely at a district level due to the area they supply, the investment in infrastructure required for the establishment of the activity or the contribution to the economy'.

Horticulture New Zealand is concerned that in future there could be debates as to the level of significance of important infrastructure for horticulture and whether it is a 'significant rural industry' by meeting the conditions in the definition.

A definition should be clear what is classed as a strategic rural industry but the wording is such that there is discretion and uncertainty. Such matters should be included in the relevant policy provisions not the definition.

Decision sought:

Delete from the definition of Strategic Rural Industries:

'Strategic Rural Industries are significant at a regional or national scale rather than solely at a district level due to the area they supply, the investment in infrastructure required for the establishment of the activity or the contribution to the economy'.

7.1.8 Sensitive activities

The term 'sensitive activities' is used in the Plan Changes and it is appropriate that the definition be amended so it does not only apply within the National Grid Corridor.

Decision sought:

Amend the definition of sensitive activities by deleting 'within a National Grid Corridor'.

7.2 Noise and Vibration

The Consequential amendments seek to amend the recently operative Noise and Vibration provisions in the Operative Plan to align with the new rural environments.

A key consideration in these changes is what level of amenity should apply in the Rural Living Environment as there is no equivalent zone within the operative Plan. The areas that make up the Rural Living Environment are currently in the Countryside Environment and are included within the Rural Area framework of the Plan.

Therefore while there is a cross over between 'rural' and 'living' Horticulture New Zealand considers that they are still part of the Rural Area and rural production activities are still undertaken within the zone. The same measure of the notional boundary applies to both Rural Production and Rural Living. The exemption for mobile machinery for agricultural or horticultural activities applies in both the Rural Production and Rural Living Environments. Therefore the appropriate amenity for the Rural Living Environment is that which pertains to the rural area.

This is particularly important given that there are significant areas of horticulture production within the Rural Living Environment.

Decision sought:

Amend the NAV provisions to ensure that noise levels in the Rural Living Environment are the same as the Rural Production Environment.

7.2.1 NAV.6.1 Noise arising from activities within environments

It is proposed to amend the table in NAV.6.1 Noise arising from activities within environments.

The table is complex and difficult to understand.

However the important line for the Rural Environments is Line 3:
"All other environments other than:

- Business 2
- Business 4
- Marsden Point Port
- Rural Village Industrial
- Strategic Rural Industry

Rural Production has 55.dB L_{Aeq} as a daytime limit

However Rural Living is included with the Living 1, 2 and 3 Zones and has A 50 dB L_{Aeq} level.

The night-time limits are the same for both groups.

As stated above the Rural Living Environment is still part of the Rural Area and rural production activities are still undertaken within the zone. Therefore the appropriate amenity is that which pertains to the rural area.

Decision sought:

Move 'Rural Living' from under Living 1, 2 and 3 and insert below 'Rural Production' so that a 55dB L_{Aeq} as a daytime limit will apply.

- Rural living based on notional boundary – should be same as rural production

7.2.2 Exemption

There are exemptions that are listed under the table in NAV.6.1. Clause 2 includes an exemption for mobile machinery for agricultural or horticultural activities. The exemption has applied to the Countryside Environment and

the amendment seeks to apply it in the new Rural Production, Rural Living and Rural (Urban Expansion) Environments. This is supported.

Decision sought:

Retain changes to the exemption to apply to new Rural Production, Rural Living and Rural (Urban Expansion) Environments.

7.2.3 NAV 6.11 Bird scaring devices

NAV.6.11 permits the use of bird scaring devices. The operative Plan provides for the permitted use in the Countryside or the Coastal Countryside Environments. However the consequential amendments seek to only provide for permitted activity use of bird scarers in the Rural Production Environment.

As stated above the Rural Living Environment is more akin to the Rural Production Environment and so the use of bird scarers should align with the provisions for the Rural Production Environment.

Decision sought:

Amend NAV.6.11 to add Rural Living Environment after Rural Production Environment

7.2.4 NAV 6.13 Frost fans

NAV.6.13 permits the use of frost fans. The operative Plan provides for the permitted use in the Countryside or the Coastal Countryside Environments. However the consequential amendments seek to only provide for permitted activity use of bird scarers in the Rural Production Environment.

As stated above the Rural Living Environment is more akin to the Rural Production Environment and so the use of frost fans should align with the provisions for the Rural Production Environment.

Decision sought:

Amend NAV.6.13 to add Rural Living Environment after Rural Production Environment

7.3 Built form and development

Consequential amendments are proposed to delete or amend provisions in Chapter 6 of the Plan. The s32 Report indicates that the matters are addressed elsewhere in the Plan Changes.

Horticulture New Zealand considers that in the context of the chapter on built form and development that there is benefit to retain some provisions as they provide a policy direction for built form and urban development taking into account rural production matters. Therefore retaining that direction is useful.

- 7.3.1 Policy 6.4.1 Future growth provides direction for future growth areas and matters to take into account. It is proposed to delete productive land fragmentation. However it would assist if rural production activities are identified as a matter that is taken into account when looking to zone land for future urban growth.

Decision sought:

Add 'rural production activities' to Policy 6.4.1 Future growth.

7.3.2 Policy 6.4.2 Consolidated development –

Policy 6.4.2 provides direction to achieve consolidated urban development by directing rural lifestyle and rural residential to appropriate location rather than allowing sporadic development. While there are policies in the rural chapter to this effect there should be direction for urban development about where are appropriate locations for such types of development.

Decision sought:

Retain Policy 6.4.2 iii)

7.3.3 Policy 6.4.10 Productive soils

Horticulture New Zealand supports the identification and protection of the district's highly productive and versatile soils for their productive capacity and to recognise their value to the district given the pressure on those soils for future growth.

It is unclear why the policy is proposed to be deleted because there is no similar policy included in PC85.

The policy is important because it focusses on 'highly productive' soils and the need to identify and retain them.

Decision sought:

Retain Policy 6.4.10 but rename Productive land

OR

Include new policy in PC85 as sought in Schedule 2 of this submission.

7.3.4 6.6 Anticipated Environmental Results

The consequential amendments seeks to delete reference to avoidance of loss of productive farmland as an AER. In a chapter on built form and urban development it is important that avoidance of loss of productive farmland is retained as part of the focus for consideration of urban development. A slight rewording is sought to be consistent with the terminology in PC85.

Decision sought:

Retain AER 6.6 5th bullet point but reword: Avoidance of loss of rural production land and potential.

7.4 Introduction to Environment Rules Chapter 35.

The Introduction to the Environment Rules is sought to be amended to update the description of the Rural Area as a consequence of PC85 and PC 85A-D. This is appropriate. However Horticulture New Zealand is concerned about the descriptor of the Rural Living Environment as 'having an existing density of lifestyle development.' This may be accurate for some of the identified RLE areas, but not necessarily all of them. There should also be recognition of the fact that some rural production activities will exist in those areas.

Decision sought:

Amend the descriptor for Rural Living Environment (RLE) in Chapter 35 as follows:

Rural Living Environment provides for opportunities for rural residential development in areas where such activity is clustered alongside existing rural production activities.

**SUBMISSION ON PROPOSED PLAN CHANGE 86 -
RURAL (URBAN EXPANSION) ENVIRONMENT (RUEE)
TO THE WHANGAREI DISTRICT PLAN**



TO: Whangarei District Council

SUBMISSION ON: Proposed Plan Change 86 Rural (Urban Expansion)
Environment

NAME: Horticulture New Zealand

ADDRESS: PO Box 10 232
WELLINGTON

1. Horticulture New Zealand and Northland Horticultural Forum's submission, and the decisions sought, are detailed in the attached schedules:

Schedule One: Submissions on Proposed Plan Change 86 Rural (Urban Expansion) Environment.

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

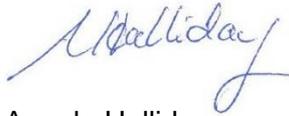
3. Background to Horticulture New Zealand and its RMA involvement:

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

3.2 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 sustainable economic production sense.

Thank you for the opportunity to submit on Proposed Plan Change 86 Rural (Urban Expansion) Environment.



Angela Halliday
**Acting Manager – Natural Resources and Environment
Horticulture New Zealand**

Dated: 4 October 2016

Address for service:

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SCHEDULE ONE – Submission on Plan Change 86 Rural (Urban Expansion)
Environment

- 1.1 Horticulture NZ recognises that there is the need to provide for growth and urban expansion in Whangarei but seek greater recognition be given to rural production and the rural urban interface.
- 1.2 Horticulture is a significant contributor to that economy and needs to be appropriately provided for in the District Plan.
- 1.3 The creation of a Rural Production Environment within the Rural Area enables specific provision for rural production activities and description of the expectations for the zone.
- 1.4 Horticulture NZ seeks that the focus of new growth avoids areas of high value horticultural production and that provisions are included in the plan which adequately manage the rural- urban interface so that rural production activities adjoining the urban areas are able to continue.
- 1.5 RUEE 1.2. Objectives
Objective RUEE 1.2.2 seeks to ensure that people living in the RUEE don't compromise the ability to operate the surrounding rural land use. This objective is supported.

Decision sought:

Retain Objective RUEE.1.2.2

- 1.6 RUEE 1.3. Policies
Policy RUEE 1.3.11 seeks to manage reverse sensitivity effects by avoiding residential buildings establishing close to the Rural Production Environment. Setbacks are an important component of managing the interface between rural production activities and residential places where people will congregate so in principle the policy is supported. However the policy should focus on the potential for reverse sensitivity effects and 'sensitive activities,' not just habitable buildings, as the rule relates to sensitive activities.

Decision sought:

Amend RUEE.1.3.11:

To manage potential reverse sensitivity effects by avoiding the establishment of sensitive activities ~~habitable buildings~~ within

- 1.7 RUEE 2.3 Discretionary Activities
Rule RUEE 2.3.1 makes it a discretionary activity to locate sensitive activities, including a residential unit, within 30m of a Rural Production Environment.

Decision sought:

Retain RUEE.2.3.1.

- 1.8 RUEE 3.4 Assessment criteria
RUEE 3.4 sets out the Assessment Criteria for considering consent applications but it does not include a matter which considers the location of boundaries and buildings to avoid potential conflicts between incompatible land use activities and reverse sensitivity effects.

Given the objective, policy and rule framework the assessment should

consider what methods will be used to achieve the objective and policy.

Decision sought:

Add an assessment criteria to RUEE.3.4

Details how the subdivision design takes into account methods to avoid potential reverse sensitivity effects between adjacent incompatible land use activities such as the Rural Production Environment and Production Forests.

**SUBMISSION ON PROPOSED PLAN CHANGE 114 TO THE
WHANGAREI DISTRICT PLAN**



TO: Whangarei District Council
SUBMISSION ON: Proposed Plan Change 114 Landscape
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 One: Overall comments on Plan Change 114
Schedule Two: Specific submissions on Plan Change 114

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

3. Background to Horticulture New Zealand and its RMA involvement:

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

3.2 On behalf of its 5,600 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 sustainable economic production sense.

Thank you for the opportunity to submit on the Proposed Plan Change 114.

A handwritten signature in blue ink, appearing to read "A Halliday", written over a light blue horizontal line.

Angela Halliday
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Schedule One: Overall Comments

- 1.1 Whangarei District Council is required to give effect to the Northland Regional Policy Statement (RPS), which includes Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF).

While the areas are stipulated in the RPS the actual rules that will apply are determined by the district council.

Horticulture NZ is concerned that areas which are important to rural production are included as Outstanding Natural Landscapes and Outstanding Natural Features and seek provisions to ensure that rural production activities are able to continue in the Rural Area.

The RPS also has provisions that seek that economic wellbeing is provided for and that rural production is enabled. Therefore there is a need for a balance between competing objectives in the RPS.

- 1.2 The comments in this schedule provide an overview and context for the specific changes sought in Schedule 2, including comments on the Regional Policy Statement and the s32 Report.
- 1.3 Regional Policy Statement

The Regional Policy Statement provides the overall framework for ONL's and ONF's in Objective 3.14:

Identify and protect from inappropriate subdivision, use and development;

(a) ...

(b) The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes.

The Explanation to the objective notes:

The objective does not seek absolute protection in all cases, as in many circumstances individual elements of these resources can accommodate a degree of modification. The level of protection will depend on the values of these areas.

Policy 4.6.1 (2) implements the objective:

Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of outstanding natural features and outstanding natural landscapes and the natural character of freshwater bodies.

Methods which may achieve this include:

b) In outstanding natural features, requiring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature;

Method 4.6.3 in the RPS requires:

Regional and district plans shall be amended to the extent necessary to include objectives, policies and methods (and rules where necessary) to give effect to Policy 4.6.1 and 4.6.2:

- (1) *Methods in district plans shall include control of:*
- (i) *The location, intensity and form of subdivision;*
 - (ii) *The location, scale and form of buildings and structures (outside freshwater bodies and the coastal marine area);*
 - (iii) *The location and scale of earthworks and indigenous vegetation removal (outside wetlands and the beds of lakes, rivers and the coastal marine area); and*

The method also requires that in implementing the policy Council must:

- (ii) *Not unduly restrict existing authorised use of land or render land incapable of reasonable use.*

The method also includes that *in determining the character, intensity and scale of the adverse effects:*

- b) *Recognise that many areas contain ongoing use and development that:*
 - *Were present when the area was identified as high or outstanding or have subsequently been lawfully established.*

The Explanation to the Method states:

Control does not necessarily mean a resource consent is required.

And:

The method also states that in exercising control, council must allow the maintenance of established authorised activities and not render land incapable of reasonable use as these are provided for in section 10 and section 85 of the RMA respectively.

Therefore in putting in place rules in the District Plan there are a range of matters that the Council must undertake:

- Identify the qualities and characteristics that make up an ONF
- Identify how those qualities can be protected from inappropriate subdivision, use and development;
- Identify what activities may cause *significant adverse effects that need to be avoided*
- Identify what activities may cause *adverse effects that need to be avoided remedied or mitigated*

Special consideration needs to be given to:

- requiring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature;
- The location, scale and form of buildings and structures
- The location and scale of earthworks and indigenous vegetation removal
- Not unduly restricting existing authorised use of land or render land incapable of reasonable use
- Recognising that many areas contain ongoing use and development that were present when the area was identified as high or outstanding or have subsequently been lawfully established

Therefore the approach the Council needs to take has to take into account and balance a range of factors.

The Outstanding Natural Features Mapping Methodology Report for the RPS identifies that a 'one size fits all' approach is not appropriate.

"The intent is to manage outstanding natural features on the basis of their values and the risk of those values being compromised (as opposed to a "one size fits all" approach) (Pg 1) NRC Decisions Version Feb 2014.

This is particularly relevant given the range of ONL's and ONF's that are identified in the RPS and brought through into PC 114.

1.4 Characteristics and qualities

A key component in implementing the RPS is that the specific characteristics and qualities of ONL's and ONF's are identified because it is those characteristics and qualities which are to be protected, not the feature or landscape per se.

PC114 includes LAN8.4 which provides a description of the ONF's but does not clearly state the specific values that are important for each feature. The ONF's identified in LAN8.4 only include a description, location and significance of the feature. It does not give the characteristics and qualities. These are important to identify because it is those characteristics and qualities that the Plan Change should focus on. The absence of the characteristics and qualities therefore makes implementing the RPS difficult and the approach is more general rather than appropriate for the range of features and landscapes that are identified.

Determining what is 'inappropriate subdivision use and development' is contingent on a clear understanding of the characteristics and qualities.

The s32 Report (Para 97) identifies that there needs to be clear identification of the characteristics and qualities that make ONF's and ONL's individually outstanding and that require protection.

And at 129

In order to provide clarity to WDP users and to meet Council's statutory requirement's proposed Policy LAN.1.3.2 provides for the inclusion of information about the characteristics and qualities of individual outstanding natural features and landscapes so that protection efforts can be specifically targeted toward those collective natural elements that make the feature of landscape 'outstanding'.

The existing land use is part of the characteristics and qualities of the environment and in many cases has contributed to the quality of the landscape or feature.

1.5 Large landforms

Of specific interest to Horticulture NZ is the Whatatiri shield volcano which is classified as a 'large landform'.

Large landforms are described in the Outstanding Natural Features: Mapping Methodology report NRC Feb 2014:

These are landforms that are large and robust. The values of such features typically relate to the underlying geology which tells of the history of their formation and the resulting outstanding large scale landforms, rather than or in addition to their visual amenity or landscape type factors. They can typically withstand moderate scale earthworks or constructions without significant impact. However major multi-storey developments, intense urban and industrial subdivisions or large scale earthworks commercial quarry or major motorway cuttings) can significantly detract from the integrity of these landforms and their geological features.

Note: WDC have quoted the same descriptor in PC 114 (LAN 8.3 A Pg 20) but without the example of large scale earthworks being commercial quarry or major motorway cuttings.

From this description it is apparent that such large landforms can withstand moderate modification without causing significant adverse effects. Therefore the level of protection provided for large landforms should be linked to the scale of activity and potential for effects.

The section Report 32 (151) considers that a generally permissive approach is taken in respect of large landforms and comments on the ability of large landforms to absorb change. But it then sets out controls that include:

- Buildings over 5.5m in height
- General earthworks greater than 500m³ other than for specified purposes.

500m³ is considered to be a very low threshold for a landform that can absorb change and is identified in the RPS as being able to withstand moderate earthworks.

In addition, a building height limitation of 5.5m is not consistent with the description in the RPS that moderate scale development is acceptable, with the focus on major multi-storey developments, intense urban and industrial subdivisions or large scale earthworks detracting from the integrity of the areas.

The s32 Report (133) states that the effects of these activities must not reduce the main defining characteristics of features, namely overall form, integrity and areal extent.

However, as discussed below, the thresholds in the plan are generally broad brushed and do not reflect the diversity of identified features and individual characteristics. Such an approach means that unnecessary regulation is proposed for some areas.

The purpose of the Plan is to determine what are inappropriate activities that will affect the protection of a feature. Horticulture NZ considers that the thresholds set in the plan are not necessary to ensure that the integrity of large landforms is maintained.

1.5 Whatatiri shield volcano

Of particular concern to Horticulture NZ and growers is the Whatatiri shield volcano west of Maungatapere, which is classed as a large landform.

Unlike a number of ONF's Whatatiri shield volcano is not a discrete single point. Rather it covers a significant area, so regulation affects a large number of land owners.

There are substantial areas of orchard on the slope, because of the soil, climate and access to water that are available in that area. This provides a unique combination of attributes that are suitable for horticultural production.

The total area of the Whatatiri shield volcano is 9477362 m² or 947ha with the area of 'Orchard, Vineyard or Other Perennial Crop' from the land cover database V4 in that area is 481ha which corresponds to 50.1%.

Of the orchard land 349 ha is planted in avocado trees, with 52 growers. The attraction for growing on Whatatiri is the volcanic soil, the access to water, the climate and available infrastructure. All are necessary components for a production system.

Kiwifruit and other tropical fruits, such as tamarillo and passionfruit, are also grown in the area due to the favourable climatic conditions.

The economic contribution from the avocados grown within the identified area is

approximately \$12.5M FOB.

The framework to protect the characteristics and values of the Whatatiri shield volcano need to take into account the existing land use that is already established in the area. It is considered that the proposed plan framework for Whatatiri shield volcano ONF will limit the ability of growers to undertake their existing activities, particularly relating to land preparation, earthworks and buildings.

As part of growing on a slope and to help avoid root rot problems growers cultivate and mound the soil to help protect the tree roots. The proposed definition of land preparation will mean that such 'mounding' would not be a permitted activity in the large landform ONF.

In addition growers may use artificial crop protection structures to protect crops from wind damage. Construction of such structures is over 5.5m in height so will be a restricted discretionary activity, even though they are a recognised part of 'farming' activity as defined in PC 85.

In PC114 the Whatatiri shield volcano is described as follows:

Name	Category	Significance	Description	Location	Impt	Vuln	Map no
Whatitiri shield volcano	A	Only example of a large (4.4 cubic km), almost concentric shield volcano with gentle slopes in Northland. Best example in New Zealand of a small shield volcano.	A large concentric shield volcano with very gentle slopes and a diameter of 5-6 km; not breached. Reaches a maximum height of 351 m (ASL) and stands 154 m above the surrounding landscape. Completely covered by farming and forested areas. Several houses and farm roads, but no quarries. The Titoki lava flows originate from this centre. They follow a valley to the N and then to the SW.	3.5 km WNW of Maungatapere Mountain, approximately 5 km WSW of Maungatapere township.	B	2	

It is understood that this description is dated 1995 and so does not reflect the current land use of the Whatatiri shield volcano. For instance there is no mention of the extensive area in horticultural production within the ONF. The Plan should be based on up to date and accurate information.

This description does not adequately describe the characteristics and qualities that are important to protect.

In email communication with Bruce Hayward, the author of background reports on which the Council relies, Mr Hayward identified that “the profile and distant views that are most significant to protect an appreciation of this valuable heritage landform.” This is consistent with the large landform description which identifies large scale earthworks and construction as being the issues of concern.

Therefore in assessing what would be an appropriate regulatory regime to protect the Whatatiri shield volcano the approach should be to ensure that the profile and distant views are maintained.

The land preparation and artificial crop protection that is undertaken by the growers will not affect either the profile or distant views. They are not inappropriate activities that need to be regulated to protect the characteristics and qualities of the ONF.

Therefore Horticulture NZ seeks that PC114 is amended to enable existing land uses in Whatatiri shield volcano to continue as permitted activity with the focus of regulation on large scale earthworks and construction.

Decisions sought:

- Amend PC114 as sought in the following specific submissions to enable existing land use on the Whatatiri shield volcano to continue.
- Make consequential amendments as a result of changes sought in this submission.

Schedule Two: Specific submissions:

Plan provision	Support Oppose Amend	Reason	Decision sought
LAN.1.2.2 Objective 2	Amend	The objective seeks to protect characteristics and qualities of identified ONF's. The ONF's identified in LAN8.4 only include a description, location and significance of the feature. It does not give the characteristics and qualities. These are important to identify because it is those characteristics and qualities that the Plan Change should focus on.	Include characteristics and qualities for ONF's in LAN8.4 and re-notify Plan Change so people can submit on the identified characteristics and qualities. Include the existing land use and development as part of the characteristics and qualities of the ONF's.
LAN.1.2.5. Objective 5	Support in part	The objective seeks to recognise that existing land use and development form part of the characteristics and qualities of the environment where they are located in or on an ONF. This is supported but the plan needs to clearly identify the existing land use and development as part of the ONF.	Identify the existing land use and development as part of the characteristics and qualities of the ONF's. In the Whatatiri Shield Volcano the existing land use includes significant areas of avocado orchard and ancillary infrastructure and activities. Ensure that existing land use and development can continue as a permitted activity.
LAN.1.3.1 Policy 1	Oppose	The policy seeks to identify the location and extent of ONF's which are sensitive to the effects of subdivision use and development. The Whatatiri Shield Volcano takes in a significant area but there is no discussion that the whole area is sensitive to the effects of subdivision use and development.	Ensure that the mapped areas only include areas which are sensitive to the effects of subdivision use and development.
LAN.1.3.2 Policy 2	Oppose	The policy seeks to protect the individual characteristics and qualities of ONF's identified in Schedule LAN.8. The ONF's identified in LAN8.4 only include a description, location and significance of the feature. It does not give the characteristics and qualities. These are important to identify because it is those characteristics and qualities that the Plan Change should focus on.	Include characteristics and qualities for ONF's in LAN8.4 and re-notify Plan Change so people can submit on the identified characteristics and qualities. Include the existing land use and development as part of the characteristics and qualities of the ONF's.

Plan provision	Support Oppose Amend	Reason	Decision sought
LAN.1.3.4 Policy 4	Oppose	The policy seeks to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on the characteristics and qualities of ONF's. As stated above the characteristics and qualities of the ONF's that are to be protected are not clear so it is difficult to determine how the policy can be achieved.	Include characteristics and qualities for ONF's in LAN8.4 and re-notify Plan Change so people can submit on the identified characteristics and qualities. Include the existing land use and development as part of the characteristics and qualities of the ONF's.
LAN 1.3.6 Policy 6	Oppose in part	The policy sets out the matters that will be considered in assessing the scale and significance of adverse effects of subdivision use and development on ONL's and ONF's. The matters do not include the existing land use which is a contributing factor to the current state of the ONL or ONF. This is important in terms of achieving the RPS policy of recognising existing uses in these areas.	Include an additional point in LAN 1.3.6: vii) the existing use of the area
LAN 1.3.7 Policy	Oppose in part	The policy sets out that in ONF's the overall form, integrity and extent of the feature will not be reduced and take into account the vulnerability of the feature to modification. There is no recognition of the existing land use which is a contributing factor to the current state of the ONF. This is important in terms of achieving the RPS policy of recognising existing uses in these areas.	Amend LAN 1.3.7 by adding 'and the existing use of the area'.
LAN 1.3.8 Policy 8 and LAN 1.3.9 Policy 9	Support	Policy 9 provides for buildings and structures associated with regionally significant infrastructure in ONF's and ONL's. Policy 8 is limited to ONL's. Therefore there is no policy framework for limiting buildings and structures in ONF's apart from regionally significant infrastructure.	Retain LAN 1.3 Policies 8 and 9 as notified.
LAN 1.3.10 Policy 10	Amend	Policy 10 seeks to avoid 'large scale' earthworks in ONF's and ONL's. This is supported. However the threshold as to what constitutes 'large scale' is a concern. 500m ³ is not considered to be a threshold for	Retain LAN 1.3.10 but amend thresholds for 'large scale' earthworks in the rules.

Plan provision	Support Oppose Amend	Reason	Decision sought
		what is 'large scale'. The threshold should also vary to reflect the range of landscapes and features. It is not a 'one size fits all'.	
LAN 1.3.11 Policy 11	Amend	Policy 11 seeks to avoid the adverse visual effects of earthworks in ONF's and ONL's. However the potential visual effects will vary across the range of landscapes and features as some are able to absorb development to a greater extent or the visual effects are of lesser importance. It is not a 'one size fits all'. In addition the focus should be on visibility from a public place. An amendment is sought to provide a policy framework to recognise the diversity in the landscapes.	Amend LAN 1.3.11 as follows: To avoid, to the greatest extent practicable, the adverse visual effects of earthworks including accessway and building platform creation within ONF and ONL <u>relevant to the particular ONF or ONL when visible from a public place and the ability to absorb development:</u> a) <u>Consideration of the vulnerability of the ONF or ONL</u>
LAN 1.3.16	Support in part	Policy 16 sets out an approach to promote active management of ONF's and ONL's that involves landowners. Co-operation of landowners is essential for the policy to be effective. To obtain such co-operation there needs to be a regulatory framework which encourages landowners to participate in non-regulatory approaches. Ensuring that landowners are not unfairly compromised through the regulatory framework is essential for the policy to be effective.	Ensure that the policy framework in the Plan does not penalise or unfairly compromise landowners so that they are prepared to co-operate with active management.
LAN 1.3.17 Policy 17	Oppose in part	Policy 17 sets out a framework to recognise existing land use within ONF's and ONL's. This is necessary to give effect to the RPS and the RMA. However the policy seeks to limit the existing use rights in a manner not anticipated in the RMA and is not appropriate.	Amend Policy LAN1.3.7 as follows: To recognise that identified Outstanding Natural Features and Outstanding Natural Landscapes may contain existing and/or authorised subdivision, use and development, including infrastructure and rural production activity such as farming, forestry and horticulture, and provide for the continuation of such activities. as far as is consistent with the overall protection of Outstanding Natural Features or Outstanding Natural Landscapes.

Plan provision	Support Oppose Amend	Reason	Decision sought
LAN 1.3.18 Policy 18	Support in part	Policy 18 sets out a framework to provide for maintenance of existing land use within ONF's and ONL's. This is necessary to give effect to the RPS and the RMA. However the policy seeks to limit such maintenance and does not take account of the wide range of ONF's and ONL's and the ability to absorb development.	Amend LAN 1.3.18 by adding: To allow adverse effects arising from the maintenance and minor upgrading of existing authorised landuse and development in or on Outstanding Natural Features or Outstanding Natural Landscapes, wherever it is located, <u>taking into account the ability to absorb development:</u>
LAN 3.1 Permitted activities	Amend	There needs to be explicit recognition of farming and rural production activities within ONF's and ONL's. It should be provided as a permitted activity.	Amend LAN 3.1 by adding a new rule: Farming and rural production activities are permitted.
LAN 5.1 Status of activities in ONF's LAN 5.Table 1 Line 3	Amend	The policy framework for ONF's does not include a policy relating to buildings in ONF's, other than regionally significant infrastructure. Therefore there is no policy framework to support the limitation of buildings greater than 5.5m in height in ONF's.	Amend LAN.5 Table 1 Line 3 New buildings and structures incl. network utilities <u>for regionally significant infrastructure</u>
LAN 5.1 Status of activities in ONF's LAN 5.Table 1 Lines 4 and 5 Large landforms	Oppose	There is no policy framework for a limitation of building in the large landform ONF's to 5.5m as a permitted activity. Deletion of the provisions in the Large landforms is sought so that the underlying zoning provisions apply (10 m in Rural Production Environment and 8m in the Rural Living Environment).	Delete P and RD for buildings in Large landforms and rely on the underlying zoning provisions

Plan provision	Support Oppose Amend	Reason	Decision sought
LAN 5.1 Status of activities in ONF's LAN 5.Table 1 Lines 7,8 and 9	Oppose in part	The activity table includes provision for some specific activities that are part of farming or rural production activities. It is unclear, given the structure of the Plan, whether farming and rural production activities are permitted in the Large landform areas. Forestry harvesting and replanting and new forestry planting is specifically listed and provided for as a Permitted activity. It needs to be clear that farming and rural production activities can also continue in these ONF's.	Add a new line to LAN.5 Table 1 Farming and rural production activities. Large landforms – P
LAN 5.1 Status of activities in ONF's LAN 5.Table 1 Lines 14 and 15 Earthworks	Oppose	As stated above the large landform ONF's are able to absorb moderate scale of development. A threshold of 500m ³ does not reflect a moderate scale of development. It is also unclear whether the quantity applies per year/ per hectare or per property. In terms of large landforms the concerns relate to maintaining the profile and distant view. Therefore the earthworks of concern would be those that would affect the profile – i.e. near the top of the feature and cuts that may be visible from a distance. Therefore amendments are sought for large landforms to better reflect the ability of the features to absorb change.	Amend LAN.5.1 Table 1 by: Deleting P and D in rows 14 and 15 for large landforms. Add a new row: Cut faces visible from public places less than 1.5 metres in height - P Cut faces visible from public places greater than 1.5 m in height - C

Plan provision	Support Oppose Amend	Reason	Decision sought
LAN 5.1 Status of activities in ONF's LAN 5. Table 1 Lines 16 Land preparation	Oppose in part	The provision of land preparation is contingent on the definition which is proposed as a consequential amendment to the Plan. The proposed definition is taken from the Operative Regional Water and Soil Plan but is likely to be changed to a definition for cultivation in the Draft Regional Plan. The definition of land preparation does not adequately provide for the normal land preparation that is undertaken on horticultural properties so an amendment to the definition is sought. The effects of mounding under trees is not an activity that will compromise the integrity of the Whatatiri shield volcano and should be provided for.	Amend the definition of land preparation by deleting 'but does not include sod sowing, ripping with mounding or direct drilling.' Land preparation: Means the disturbance of soil by machinery in preparation for planting or replanting crops or pasture grasses or trees, and includes blading, contour ploughing and ripping, but does not include sod sowing, ripping with mounding or direct drilling.
LAN 5.2 RDA Matters of discretion	Support in part	The matters of discretion should include the ability of the ONF to absorb the development or use and visibility from public places.	Amend LAN 5.2 by adding: f) the ability of the ONF to absorb development and visibility from public places.
LAN 7.1 Assessment Criteria	Support in part	LAN.7 includes assessment criteria for both ONF's and ONL's. Some criteria are specific to either and ONL or and ONF. For clarity the list of criteria should be grouped according to: ONF, ONL or ONL and ONF.	Amend LAN.7.1 to group according to: - Both ONF and ONL - ONL - ONF
LAN 7.1 Assessment Criteria	Amend	The criteria do not take into account existing land use of the ONL or ONF. Given the policies that support the existing land use it is important that this is identified as a specific assessment criteria.	Add an additional criteria: Existing land use activities

Plan provision	Support Oppose Amend	Reason	Decision sought
LAN 8.4 Identified ONF's by category	Amend	The table of the Identified ONF's should clearly include the specific characteristics and qualities that make the feature outstanding. While the general description is useful it does not identify values that need to be considered for protection.	Amend LAN8.4 to include specific characteristics and qualities for each ONF and re-notify the Plan Change so submitters can comment on the proposed changes. Amend the descriptions to ensure that they are up-to date and reflect current land uses, particularly Whatatiri shield volcano.
Consequential amendments Ch 4 Meaning of words Definition land preparation	Amend	The definition of land preparation does not adequately provide for the normal land preparation that is undertaken on horticultural properties so an amendment to the definition is sought. The effects of mounding under trees is important for drainage but is not an activity that will compromise the integrity of the Whatatiri shield volcano and should be provided for.	Amend the definition of land preparation by deleting 'but does not include sod sowing, ripping with mounding or direct drilling.' Land preparation: Means the disturbance of soil by machinery in preparation for planting or replanting crops or pasture grasses or trees, and includes blading, contour ploughing and ripping, but does not include sod sowing, ripping with mounding or direct drilling.