

SUBMISSION ON

Proposed West Coast Combined District Plan

11 November 2022

To: Grey, Buller, Westland District Councils, and West Coast
Regional Council

Name of Submitter: Horticulture New Zealand

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OVERVIEW

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Our submission

Horticulture New Zealand (HortNZ) thanks the Buller, Grey and Wetland District Councils and the West Coast Regional Council for the opportunity to submit on the proposed combined West Coast District Plan and welcomes any opportunity to continue to work with councils and to discuss our submission.

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

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

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

HortNZ's Role

Background to HortNZ

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

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

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

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

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



HortNZ's Resource Management Act 1991 Involvement

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

Submission

1. Horticulture on the West Coast

There is a small number of horticultural growers located on the West Coast. Operations vary from traditional outdoor growing through to indoor covered cropping. Much of horticulture on the West Coast is located near Karamea.

There is a wide variety of crops grown from Tamarillos, berries and citrus, right through to leafy greens, eggplants and some brassica crops. There is over 29ha in outdoor horticulture and 16,000m² in covered cropping on the West Coast¹

While horticulture may not currently be the dominant primary industry, looking towards the future there is potential for the horticulture industry to grow on the West Coast.

2. Summary of decisions sought by HortNZ

HortNZ seek the following outcomes:

- Definitions and rules that recognise the importance of primary production
 - Reverse sensitivity
 - Seasonal accommodation
 - Greenhouse
 - Artificial crop protection and crop protection structures
- Provisions that recognise highly productive land in line with the National Policy Statement Highly Productive Land
- Strategic direction that provides for primary production and which is not compromised by other activities
- Requirement for council to undertake indigenous biodiversity mapping and not landowners
- Less restrictive operating rules for audible bird scarer devices
- Provisions for activities and buildings/structures that are an inherent part of horticulture
- Appropriate setbacks for dwellings, buildings and artificial crop protection structures from boundaries

3. Proposed Te Tai Poutini Plan

HortNZ would encourage the combined plan to consider impacts of policies on potential future horticultural development and recognise that the horticulture industry has potential to grow on the West Coast, particularly considering the predicted climate change effects on the area².

¹ [freshfacts-2021.pdf](#)

² [Climate change projections for the West Coast region | Ministry for the Environment](#)

HortNZ appreciates the balance required to a combined plan approach and welcome the consistency this will bring to the Buller, Grey and Westland Districts.

3.1 Future-proofing the District Plan to enable horticulture growth

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

3.2 Enabling horticulture as future industry

We have made suggestions, particularly in the GRUZ section, to allow the Te Tai Poutini plan to be more enabling of horticulture establishing and expanding in the future. We believe horticultural operations will look to incorporate the use of infrastructure such as Artificial Crop Protection Structures (ACPS) to provide cover and protection of crops. It is important to make distinction between ACPS, greenhouses and other buildings, It is also an opportunity to consider accommodation requirements and the ability to accommodate the seasonal workforce needed during peak seasons (pruning and harvest).

4. Protection of Highly Productive Land

4.1. Food security and the values of highly productive land

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

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

The West Coast may not have been a traditional hub for horticulture however this could change in the future with the impacts of climate change. The effects of climate change will mean that certain climatic and environmental factors such as frost and rainfall will increase the productive capacity of the South Island, including the West Coast³. Frost, or chill, is needed for some crops as part of their annual growth cycle. Frost also helps reduce pest insect numbers.

While the NPS HPL specifically seeks to provide a tool to manage versatile soils (LUC classes 1-3) it is not limited to these soil types. Furthermore, horticulture is diverse and

³ [Climate change projections for the West Coast region | Ministry for the Environment](#)

many crops, given the right climate can thrive on other classes of soil. Summer fruit orchards for example, thrive in areas where the LUC soil classes are typically 4-8.

We seek policies to manage ad-hoc urban and lifestyle development to maintain highly productive land resource for future generations and enable horticultural production in the future.

The National Policy Statement for Highly Productive Land (NPS HPL) is a necessary policy tool to provide clear direction on the way highly productive land is managed however, it does present some challenges and questions about how some aspects of Horticulture are addressed, particularly if there is to be growth or establishment of the industry in an area:

- Post-harvest activities such as packhouses that are not part of an individual operation still need to be located in close proximity to horticultural operations
- Independent packhouse and processing facilities that need to be located near horticultural production areas for processing of produce. These are not on-site facilities for example an independent packhouse that facilitates the washing, preparation, packing and distribution of produce on behalf of growers. Time is a critical factor for quality and processing of fresh produce. As soon as produce is harvested the count down on its shelf-life for a consumer begins. These activities directly support horticultural production, and they are often located on LUC 1-3 near where the produce is grown. Many of these facilities are long-established, servicing nearby horticultural enterprises, and have built up networks of suppliers, and their labour force, over a long period. In order to support the overall productivity of HPL, it may be desirable if new enterprises relocate on other land, however by locational need this is not always the best outcome to support a production system
- Consideration of including other locations in the West Coast as part of the NPS HPL. For example, there is a small horticultural hub in Karamea which has potential to expand with horticultural opportunities into the future. The micro-climate in Karamea could be a contributing factor towards this being a horticultural hub.
- Water availability to enable horticulture in the West Coast. Without water it is very difficult to sustain a successful horticultural operation. Water availability is an enabling tool to use to encourage the transition or establishment of horticulture.

The above points are important to consider in the wider context of food security, resource availability and water quality.

What is important is that urban development and productive land are considered together to provide a planned approach so new urban areas are designed in a manner that maintains the overall productive capacity of highly productive land. We are particularly concerned about reverse sensitivity pressures on growers.

4.2 Reverse Sensitivity

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

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

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

4.3 Climate Change⁴

The West Coast of the South Island is expected to become 0.7 – 1.0 degrees warmer due to the effects of climate change by 2040. In some areas of New Zealand water availability and quality are immediate concerns that may be exacerbated by the effects of Climate change, the West Coast is expected to become wetter, particularly in areas such as Hokitika.

Water availability and quality are two key considerations for a successful horticultural operation. The West Coast appears to be in a position where water availability, particularly through rainfall, is expected to increase through climate change. The West Coast may become more ideally suited for horticulture due to the effects of climate change in the future.

4.2. Providing for horticultural activities in the rural environment

4.2.1. ARTIFICIAL CROP PROTECTION STRUCTURES AND CROP PROTECTION STRUCTURES

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

Benefits of these structures include protect fruit from sunburn, windburn and hail, assist with spray coverage, reduce mowing and weeding, assist pruning and picking, and less birds get into the crops.

⁴ [Climate change projections for the West Coast region | Ministry for the Environment](#)

Some ACPS are covered (with cloth) only for part of the year as the cloth will be taken off in winter for longevity reasons. Also, there is no fruit to protect at that time.

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

Land use controls imposed by district plans have the most direct impact on the resource management regulatory framework for CSS and ACPS. It is here that growers typically have interaction and issues with the regulatory authority.

HortNZ has experienced inconsistency in how these structures are controlled under 'generic' building or structure rules, due to the broadness of these definitions (and ensuing uncertainty in whether they are a building or not). Often then being caught by controls such as - yard setbacks, height limitations, height to boundary controls, building coverage limitations, impervious surface limitations, amenity controls (colour, reflectivity) etc. - which are not always relevant.

A number of District Plans around the country specifically provide provisions for artificial crop protection structures (including for example, Far North, Whangarei, Auckland, Opotiki, Western Bay of Plenty, Whakatane, Hastings, Tasman).

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

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

In light of this, HortNZ has submitted seeking that a specific definition is provided for ACPS and CSS so that a specific, clear and appropriate rule framework can be applied.

5.2 SEASONAL WORKER ACCOMMODATION

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

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

5.3 Shelterbelts

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

Shelterbelts play an important role in providing protection from wind and also mitigating spray draft and are generally necessary on a boundary for some crops.

5.4 Earthworks

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

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

- Land preparation and cultivation (including establishment of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops (farming)
- Burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993
- Irrigation and land drainage
- Maintenance and construction of facilities, devices and structures typically associated with farming activities including but not limited to farm tracks, driveways and unsealed parking areas, stock races, silage pits, farm drains, farm effluent ponds, and feeding lots, fencing, crop protection and sediment control measures.

HortNZ has developed a code of practice for erosion and sediment control to provide guidance at an industry level for cultivation of vegetable crops (Horticulture New Zealand Code of Practice 'Erosion and Sediment Control Guidelines for Vegetable Production' (June 2014⁵). We also note that Farm Environment Plans also assist in managing day-to-day activity and are requirements at a regional level in some catchments and coming through at a national level - this lessens the need for regulation at a district plan level.

5.5 Approach to Managing Greenhouses

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

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

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

"Means primary production activities that principally occur within buildings and involve growing fungi or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry"⁶.

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

5.6 Noise

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

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

- Rural activities in rural areas should not be subject to urban standards for noise as it will curtail rural productivity
- Daytime noise controls should be effective seven days per week - not limited to Monday to Friday as primary production activities are not limited Monday to Saturday
- Noise standards in rural zones should be at least 55 LAeq to ensure that any assessment against the permitted baseline represents the normal rural environment
- An exemption should be provided for some rural production activities that are not able to be controlled by noise standards such as frost fans and audible bird scaring devices. Such a provision is included in most district plans, such as Whakatane and Western Bay of Plenty and an example is provided below.

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

Exemption from noise standards

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

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

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

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

Audible bird scarer devices

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

It is important to understand that audible bird scarers are used for a limited period of the year to deter birds from eating fruit. They are not used year-round.

5.7 Biosecurity

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

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

Submission table on Te Tai Poutini Plan

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

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

Provision	Support/ oppose	Reason	Decision sought
Definitions			
Agricultural, pastoral and horticultural activities	Oppose in part	The term 'rural production' is used in a number of places in the Plan which is a shorter description than 'Agricultural, pastoral and horticultural activities'. Intensive indoor primary production is a form of Agricultural, pastoral and horticultural activities and should be included as part of the activity.	<ul style="list-style-type: none"> Amend title of definition to 'rural production activities'. Amend references to 'agricultural, pastoral, horticultural activities' to 'rural production activities'. Delete exclusion of intensive indoor primary production from a)
Existing use rights	Support in Part	The RMA provides for existing use rights in Section 10. Tin the definition of existing use rights in the TTPP is a summarised version of the Act. Existing use rights under the Act should not be limited by the definition in the Plan.	Either include the definition of existing use rights from section 10 of the RMA or remove the definition as a whole.
Lawfully established	Support in part	The definition for existing use rights refers to lawfully established activities so it needs to be clear how an activity is lawfully established. It is confusing and	Amend definition for lawfully established as follows: means activities provided for by one of the following:

Provision	Support/ oppose	Reason	Decision sought
		also incorrect to then state that lawfully established activities include activities permitted...by an existing use right. The definition can be restructured to make it clear that lawfully established can be achieved by a number of ways, which are independent of each other	<ol style="list-style-type: none"> 1. permitted through a rule in a plan, or 2. a resource consent, or 3. a national environmental standard; or 4. by an existing use right (as provided for in Section 10 of the RMA)
Reverse sensitivity	Support in part	Inclusion of a definition for reverse sensitivity is supported. However, it would be better to rely on the definition of 'lawfully established' in the Plan rather than using 'approved, existing or permitted activity'.	Amend definition of reverse sensitivity: Means the potential for a lawfully established activity to be compromised or constrained by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by the lawfully established activity.
Sensitive activity	Support	Identification of sensitive activities such as residential activities and educational facilities is appropriate.	Adopt as notified.
Significant Electricity Distribution line	Oppose in part	A significant electricity distribution line is any line greater than 33kV. This would include many lines within the West Coast. It would be better to focus on key SEDL's.	Amend to voltage of 66kV or greater,

Provision	Support/oppose	Reason	Decision sought
Highly productive land	New definition	The plan refers to highly productive land, but the term is not defined. The NPSHPL describes HPL and provides for an interim definition until such time as mapping has been undertaken by the regional council. The plan also refers to versatile soils. There should be consistency in usage of terms.	<p>Include a new definition for highly productive land:</p> <p><u>Until the regional policy statement contains maps identifying highly productive land in the West Coast, highly productive land is:</u></p> <p><u>LUC 1, 2, or 3 land which is zone general rural or rural production and is not identified for future urban development.</u></p> <p>Amend all uses of ‘versatile soil’ to ‘highly productive land.’</p>
Strategic direction			
Agriculture Strategic Objectives AG-O1	Support in part	The reference should be to ‘highly productive land’ rather than ‘versatile soils’.	Amend AG-O1 as follows: The productive value of highly productive land and agricultural land is maintained for current and future rural production activities.
Agriculture Strategic Objectives AG-O2	Support in part	The term agriculture is limiting, and it is preferable to refer to rural production activities that includes all agricultural and horticultural uses of rural land.	Amend AG-O2: The significance of rural production activities to the West Coast economy is recognised and provided for.

Provision	Support/ oppose	Reason	Decision sought
		The objective should be split so that there is a separate objective for rural industries as they are a distinct activity in the rural areas.	New AG-O3: Enable the rural industries and services needed to maintain rural production activities in rural areas.
Natural Environment NENV-O1	Support in part	NENV-O1 seeks to protect a range of features. To be consistent with s6 of the RMA the focus should be on 'outstanding' natural features and landscapes and 'significant' indigenous biodiversity Protection of outstanding natural features and landscapes and significant indigenous biodiversity is from 'inappropriate subdivision use and development' – not protection per se.	Amend NENV-O1: The natural features that contribute to the West Coast's character and identity and Poutini Ngai Tahu's cultural and spiritual values are recognised by preserving natural character, and protecting outstanding natural features and landscapes and significant indigenous biodiversity from inappropriate subdivision use and development
Natural Environment NENV-O4	Support	Identification of areas where subdivision use, and development can occur is important.	Retain NENV-O4 b)
Urban form and development UFD-O1	Support in part	UFD-O1 is not written as an objective but rather a statement and a list of policies It should be clear what the strategic objective for urban environments on West Coast is.	Amend UFD-O1 as follows: UFD-O1 Urban environments and built form on the West Coast are attractive to residents, businesses and visitors and support the economic viability and function of town centres.

Provision	Support/ oppose	Reason	Decision sought
			Amend pUFD-O1 4-10 as UFD policies
EIT- Energy, Infrastructure and Transport			
ENG- Overview	Oppose in part	<p>The Overview states that regionally significant infrastructure requires recognition and protection. HortNZ agrees it is important to the community and needs to be recognised and provided for. But applying a ‘protection’ elevates that infrastructure above other activities. HortNZ considers that an approach of recognise and provide for and not being compromised by incompatible activities ensures that other activities can occur alongside regionally significant infrastructure.</p> <p>The NPS-ET does not require ‘protection’ of the National Grid – it seeks that it is ‘recognised and provided for’.</p>	<p>Amend ENG-Overview Para 1 and 2: Energy activities, including renewable electricity generation, transmission, distribution and operation are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement. As such they need to be recognised and provided for as they are critical to the social, cultural and economic wellbeing of people and communities.</p> <p>The National Policy Statement for Electricity Transmission requires that the National Grid is recognised and provided for, with renewable electricity recognised in the National Policy Statement on Renewable Energy Generation.</p>
ENG-O1	Support	The importance of electricity infrastructure to the community is recognised.	Retain ENG-O1

Provision	Support/ oppose	Reason	Decision sought
ENG-O3	Support in part	As stated above HortNZ does not support the focus on 'protection'. The focus on providing for energy activities should be that they are not compromised by adverse effects of incompatible subdivision and development – rather than a 'protection'.	Amend ENG-O3 To provide for the development, operation, maintenance and upgrade of energy activities and ensure that they are not compromised by the adverse effects of incompatible subdivision, use and development.
ENG-O4	Support	A policy to recognise and provide for the National Grid is consistent with the NPS-ET.	Retain ENG-O4
ENG-P3	Support in part	As stated above HortNZ does not support the focus on 'protection'. The focus on providing for energy activities should be that they are not compromised by adverse effects of incompatible subdivision and development – rather than a 'protection'.	Amend ENG-P3 Minimise reverse sensitivity effects from subdivision, use and development on energy activities and ensure that ensure that the ongoing operation, maintenance, upgrade or development is not compromised.
ENG-P9	Support in part	The NPS-ET Policy 10 seeks that reverse sensitivity effects are avoided to the extent reasonably possible. The policy in the plan should be consistent with the NPSET.	Amend ENG-P9 e) Avoid, to the extent reasonably possible, potential for reverse sensitivity effects on the National Grid

Provision	Support/ oppose	Reason	Decision sought
ENG-R6	Support in part	<p>HortNZ seeks to ensure that horticultural activities can occur in and around SEDL's and considers that NZECP34:2001 provides the basis for provisions around significant electricity distribution lines, which are any lines of 33kv or greater.</p> <p>The provisions in ENG-R6 set an arbitrary setback distance of 12 metres which does not align with NZECP34:2001.</p> <p>The provisions in the plan should align with NZECP34 which vary according to voltage and span. This would enable horticultural structures where they meet the NZECP requirements.</p>	Amend ENG-R6 by deleting 4) and relying on clause 5) which applies the distances in NZECP34:2001.
ENG-R7	Support in part	<p>The rule seeks that certain activities are limited in the National Grid Yard including produce packing facilities, which is not defined and could be quite small scale. It is considered that if a non-habitable horticultural building is used for sorting and packing produce complies with NZECP34:2001 then it should not be a non-complying activity.</p> <p>Provision for artificial crop protection structures is supported.</p>	<p>Amend ENG-R7 (1) iv) by deleting 'produce packing facilities'.</p> <p>Retain ENG-R7 2) iii) c) and d)</p>

Provision	Support/ oppose	Reason	Decision sought
ENG-R19	Oppose in part	Activities in and around SEDL should not be non-complying if the PA standards are not met. These should be Restricted Discretionary where the standards in NZECP34:2001 are not met.	Amend ENG-R19 by deleting significant Electricity Distribution Lines and include as a Restricted Discretionary activity.
Contaminated Land			
CL-P1	Support in part	The policy should be clear that sites are identified using the criteria in the NESCS regulations. A change of productive land use to an alternative form of productive land use should not trigger the policy.	Amend CL-P2 as follows: At the time of subdivision, change of use or development, <u>if required by the Resource management (National Environmental Standard for assessing and Managing contaminants in Soil to Protect Human Health) Regulations 2011</u> , identify sites that may be subject to potential contamination as a result of historical land use and activities and investigate the risks to human health and the environment.
Hazardous substances			
HS-O1	Support	The approach to hazardous substances is supported, with a focus on major hazard facilities.	Retain HS-O1

Provision	Support/ oppose	Reason	Decision sought
HS-P2	Support in part	Major hazard facilities is not defined and it needs to be clear what are considered to be such facilities. The Health and Safety at Work Major Hazardous Facilities Regulations 2016 provide a framework for assessing such facilities.	Include a definition for major hazard facilities: Any facility deemed a Major Hazardous Facility under the Health and Safety at Work Major Hazardous Facilities Regulations 2016
Sites and areas of significance to Māori			
SASM-O2	Support in part	It should be clear that the objective applies to the use of identified sites areas and cultural landscapes. The proposed wording implies access over private property.	Amend SASM-O2 Poutini Ngai Tahu are able to <u>use</u> access areas and resources of cultural value within identified sites, areas and cultural landscapes.
SASM-P4	Support	HortNZ supports recognition of informal arrangements for access to identified sites and areas of significant to Ngai Tahu.	Retain SASM-P4
SASM-R17	Oppose in part	The rule includes hazardous facilities, but the plan does not define or include rules for hazardous facilities. The reference should be to 'major hazard facility'.	Amend SASM-R17 by deleting 'hazardous facilities' and replacing with 'major hazard facility' and define as sought above.
Natural Environment Values			

Provision	Support/ oppose	Reason	Decision sought
ECO-O2	Support	HortNZ seeks to ensure that growers are still able to use land for horticulture as an appropriate use.	Retain ECO-O2
ECO-P1	Oppose	HortNZ is concerned that potential growers in Buller and Westland districts would need to undertake an assessment for indigenous biodiversity, rather than the council mapping such areas. This increases uncertainty and cost for potential development of horticulture on the West Coast	Ensure that Buller and Westland districts complete mapping of significant areas of indigenous biodiversity by 2025. Ensure that the rules enable horticulture to establish on the West Coast and that the identification of significant areas of indigenous biodiversity is not a barrier to such activity.
ECO-R1	Support in part	HortNZ seeks that there is provision to clear vegetation for biosecurity purposes, such as an incursion of an unwanted organism under the Biosecurity Act 1993.	Amend ECO-R1 by adding to 3) xiii) removal of vegetation for biosecurity purposes when required under the Biosecurity Act 1993. Amend 5) i) to provide for clearance of manuka, kanuka or bracken for food production with no site size limitation.
Natural features and landscapes			
NFL-P1	Support	HortNZ supports the recognition of existing horticultural activities.	Retain NFL-P1 a)

Provision	Support/ oppose	Reason	Decision sought
NFL-P3	Support in part	HortNZ supports recognition of 'farms' but seek that it be amended to rural production activities so that it includes all forms of rural production.	Amend NFL-P3 by deleting 'farms' and replacing with 'rural production activities'.
NFL-R1	Oppose in part	HortNZ is concerned that rural production activities are able to be undertaken in an ONL or ONF. This is dependent on the definition of 'lawfully established'. While the rule provides for a range of activities it does not include rural production activities.	Amend NFL-R1 by adding 'rural production activities' after renewable electricity generation activities'
NFL-R8	Support in part	The permitted activity rule is supported but water reticulation should also apply to irrigation supply, not just stock water.	Amend NFL-R8 2) by deleting 'stock'
Natural character and margins of waterbodies			
NC-O3	Support	HortNZ supports providing for activities which have a functional need to locate in the margins of lakes, rivers and wetlands.	Retain NC-O3
NC-P2	Support in part	Policy 2 provides for indigenous vegetation removal and earthworks in riparian margins for a number of reasons. HortNZ considers that food production should be added to the list.	Amend NC-P2 by adding: g) for food production purposes.

Provision	Support/ oppose	Reason	Decision sought
NC-R1	Support in part	NC-R1 provides for activities within the margins. HortNZ seeks that food production is included within the activities provided for.	Amend NC-R1 by adding to 1: k) Food production purpose l) Biosecurity purposes
NC-R2	Support in part	There should be provision for pump sheds within the riparian margins as they have a functional need to locate in the area adjacent to a water body.	Amend NC-R2 by adding to 1: h) pump sheds
Subdivision			
SUB-O2	Support in part	There should be provisions in the subdivision chapter that give effect to the NPSHPL to ensure that subdivision of highly productive land is avoided except as provided for in the NPSHPL.	Amend SUB-O2 by adding: g) gives effect to the NPSHPL Make consequential amendments to objectives, policies and rules to implement the NPSHPL.
SUB-O3	Support in part	Highly productive land should be added to the list of matters that are protected.	Amend SUB-O3 by adding: Highly productive land.
SUB-P6	Support in part	The policy lists areas where subdivision is to be avoided. This should be amended to give effect to the NPSHPL by avoiding subdivision as set out in the NPSHPL.	Amend SUB-P6 by adding: g) In the RURZ of highly productive land except as provided for in the NPSHPL.

Provision	Support/ oppose	Reason	Decision sought
SUB-R3	Support in part	A matter of control should be included that considers potential for reverse sensitivity effects on rural production activities.	Amend SUB-R3 by adding an additional matter of control: g) potential for reverse sensitivity effects on rural production activities.
SUB-R6	Support in part	A matter of control should be included that considers potential for reverse sensitivity effects on rural production activities.	Amend SUB-R6 by adding an additional matter of control: g) potential for reverse sensitivity effects on rural production activities.
GENERAL DISTRICT WIDE MATTERS			
Coastal Environment			
CE-P4	Support	HortNZ supports the provision for primary production activities in the Coastal Environment.	Retain CE-P4
CE-R4	Support	HortNZ supports provisions for buildings and structures in the Coastal Environment.	Retain CE-R4
Earthworks			
EW-P4	Oppose in part	An objective of 'protect' critical infrastructure is not supported. It should ensure that critical infrastructure is not compromised from the adverse effects of earthworks.	Amend EW-P4: Ensure that critical infrastructure and natural hazard defences are not

Provision	Support/ oppose	Reason	Decision sought
			compromised by the adverse effects of earthworks.
EW-R1	Support	The earthworks general standards are supported in particular the reference to NZECP34:2001.	Retain EW-R1 as notified.
EW-R2	Support	Provision for cultivation in the National Grid Yard is supported.	Retain EW-R2 2) i)
EW-R3	Support	Horticultural activities would be provided for in the GRUZ, so earthworks are permitted as long as the standards in EW-R1 are met. This is supported.	Retain EW-R3 as notified.
EW-R7	Support	HortNZ supports a restricted discretionary activity rule for earthworks in the National Grid Yard that do not meet EW-R2.	Retain EW-R7 as notified.
Light			
LIGHT-O1	Support	Recognition of the need for outdoor lighting for rural production activities is supported as it is important for health and safety and security purposes.	Retain LIGHT-O1

Provision	Support/ oppose	Reason	Decision sought
LIGHT-P1	Support in part	There should be specific provision for rural production activities to implement LIGHT-O1.	Amend LIGHT-P1 by adding: f) Enables rural production activities.
LIGHT-P2	Support in part	HortNZ seeks that there is provision for use of outdoor lighting for rural production activities.	Amend LIGHT-P2 by adding to a) Of short duration outside daylight hours associated with temporary activities <u>or rural production activities.</u>
LIGHT-R4	Oppose in part	Outdoor lighting in the GRUZ is managed by LIGHT-R4. This sets standard of 10lux 7am – 10pm and 2 lux 10pm – 7am. This could limit night time harvesting activities and night loading of produce.	Amend LIGHT-R4 1b) to 5 lux
Noise			
NOISE-O1	Support	It is appropriate to recognise that noise generating activities do produce benefits.	Retain NOISE-O1
NOISE-O2	Support in part	Recognition of potential reverse sensitivity effect is supported. However the objective should refer to 'legally established activities'. The objective refers to 'noise sensitive activities' but there is no definition for the term.	Amend NOISE-O2 by: Replacing 'existing and permitted future' with 'lawfully established' Include a definition for noise sensitive activities as being: residential activities, education facilities, visitor accommodation and health facilities.

Provision	Support/ oppose	Reason	Decision sought
NOISE-P2	Support in part	HortNZ consider that the rural zone should be classed as a higher noise environment as noise from rural production activities can generate reverse sensitivity effects.	Amend NOISE-P2 to include GRUZ as a higher noise environment.
NOISE-P4	Support in part	HortNZ does not support the use of 'protect' in the policy and seek that it be replaced.	Amend NOISE-P4 by replacing 'protect' with 'provide for'.
NOISE-R2	Support in part	NOISE-R2 11) provides an exemption for rural production activities undertaken for a limited duration however agriculture, horticulture and pastoral farming should be replaced with 'rural production activities'. NOISE-R2-12 provides an exemption of aircraft for rural production purposes. This is supported. NOISE-R2 16) provides for audible bird scaring devices which is supported. However there is no definition for 'audible bird scaring device' so a definition is sought.	Amend NOISE-R2 11) by replacing 'agricultural, horticulture and pastoral farming activities' with 'rural production activities'. Retain NOISE-R2 12) Retain NOISE-R2 16) Include a definition for 'audible bird scaring device' as: ' <u>Gas guns and avian distress alarms used for the purposes of disturbing or scaring birds</u> '.
NOISE-R6	Oppose in part	NOISE-R6 sets noise limits for the rural zones and includes reduced times over weekends and public holidays. Rural production activities are 24/7 activities and do not make a differentiation based	Amend NOISE-R6 1) a) and b) by deleting specified days of the week a) 7.00am to 10.00pm: 55dB L _{Aeq} (15 mins)

Provision	Support/ oppose	Reason	Decision sought
		on the day of the week. Such an approach is not appropriate in the GRUZ.	b) 10.00pm to 7.00am: 45dB L _{Aeq} (15 mins) c) 10.00pm to 7.00am all days: 75 dB L _{AFmax}
AREA SPECIFIC MATTERS			
Rural Zones			
RURZ- O1	Oppose in part	RURZ-O1 provides for a range of activities but there is no specific objective enabling rural production activities which are the prime activity in the RURZ. This would implement the strategic objectives for agriculture in the Plan and also the National Planning Standards Zone framework.	Amend RURZ-O1: Enable primary production activities in the rural zones and provide for a range of activities that support primary production activities, including associated rural industry.
RURZ-New Objective		A new objective should be included to give effect to the NPSHPL.	Highly productive land is protected for primary production purposes.
RURZ-O2	Oppose in part	The objective relates specifically to rural lifestyle living so would be best located in the RLZ chapter.	Amend RURZ-O2 and includes as RLZ-O1 The Rural Lifestyle zone provides for low density rural lifestyle living which avoiding conflicts and reverse sensitivity effects on rural production activities.

Provision	Support/ oppose	Reason	Decision sought
RURZ-O3	Oppose in part	RURZ-O3 relates to Settlement zones so would be best located in the SETZ.	Move RURZ-O3 to SETZ-O1
RURZ-O4	Oppose in part	RURZ-O4 relates to Settlement zones so would be best located in the SETZ.	Move RURZ-O4 to SETZ-O2
RURZ-P1	Oppose in part	The policy is essentially a description of rural character, and it should be clear what is anticipated for the Rural Zones. In particular 'enabling a variety of activities to occur' is not consistent with the National Planning Standards.	Amend RURZ-P1 as follows: Rural character and amenity will be maintained in the GRUZ and RLZ by: <ul style="list-style-type: none"> a. Buildings and structures having a bulk and location characteristic of rural environments and primary production activities b. Maintaining privacy and rural outlook for residential buildings c. Ensuring activities are compatible with the existing development and surrounding area while recognising that primary production activities can generate noise, odour and dust d. Having appropriate setbacks from roads and adjacent primary production activities e. Locating activities sensitively in the environment to minimise adverse visual and cultural effects if sited on ridgelines or ancestral mountains.

Provision	Support/ oppose	Reason	Decision sought
RURZ-P4	Support in part	HortNZ supports a provision that rural lifestyle will not conflict with rural production activities. However it would be best to use the defined term 'rural production activities' rather than 'rural production values'.	Amend RURZ-P4 by replacing 'rural production values' with rural production activities.'
RURZ-P5	Support in part	RURZ-P5 provides for highly productive land which is supported. The policy should give effect to the NPSHPL and amendments are sought for this.	Amend RURZ-P5: Recognise that there are only small areas of highly productive land on the West Coast and they will be prioritised for primary production purposes.
RURZ-P6	Oppose in part	If non-rural activities locate in the rural areas, they should not create adverse effects or reverse sensitivity effects on rural production activities. An activity should have a functional need to locate in the rural area.	Amend RURZ-P6: Only provide for non-rural activities where there is a functional need to locate in the rural area and adverse effects on rural character and primary production activities are avoided remedied or mitigated.
RURZ-P15	Support in part	HortNZ supports the policy for reverse sensitivity but considers that use of the defined term 'lawfully established activities' who be more appropriate rather than 'existing rural uses and consented activities'.	Amend RURZ-P15 by replacing 'existing rural uses and consented activities' with 'lawfully established activities'.

Provision	Support/ oppose	Reason	Decision sought
RURZ-P16	Support in part	It would be more appropriate that infrastructure is not compromised by reverse sensitivity effects.	Amend RURZ-P16 by replacing ‘to avoid reverse sensitivity effects on infrastructure’ with <u>‘to ensure that infrastructure is not compromised by reverse sensitivity effects.’</u>
RURZ-P26	Support in part	HortNZ supports the policy but seeks to clarify that it specifically provides for rural production activities.	Provide for the development and use of ancillary infrastructure such as airstrips and helipads for rural production purposes.
RURZ-P27	Support in part	It should be clear that P27 relates to non-rural production activities.	Amend RURZ-P27: Manage the location and operation of airfield and helicopter landing areas within the rural area for activities other than primary production to provide for the amenity values of the surrounding rural area.
RURZ-P28	Support	Use of aircraft and helicopters for rural production activities is supported.	Retain RURZ-P28.
GRUZ-R1	Oppose in part	HortNZ seeks that the rural production activities are separated from buildings in the GRUZ. Such an approach would make a clear differentiation between the different activities.	Amend GRUZ-R1 to Buildings Move clauses 4 and 6 to new GRUX-RX rule. Insert new permitted activity rule for rural production activities:

Provision	Support/ oppose	Reason	Decision sought
		<p>HortNZ seeks inclusion of a specific rule for artificial crop protection structures. Such structures are not 'buildings' as they do not have a roof and are not covered by GRUZ-R5 Minor structures. To future proof the Plan for the likely increase in horticulture in the West Coast there should be provision for such structures.</p> <p>It is not clear which permitted activity rule provides for temporary worker accommodation. GRUZ-R22 provides for the activity where it does not meet permitted activity standards. HortNZ seeks specific inclusion in a PA rule so it is clear that the activity is provided for.</p>	<p>GRUZ-RX Rural production activities Permitted</p> <ol style="list-style-type: none"> 1. Rural production activities 2. Woodlots as per GRUZ-R1 4) 3. Beekeeping as per GRUZ-R1 6) 4. Temporary worker accommodation meeting GRUZ-R1 5. Artificial crop protection structures <p>Where:</p> <ol style="list-style-type: none"> a. The height of the structure does not exceed 6m; and <p>Either:</p> <ol style="list-style-type: none"> b. green or black cloth is used on any vertical faces within 30m of a property boundary, including a road boundary, except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council; <p>OR</p> <ol style="list-style-type: none"> c. the structure is setback 3m from the boundary <p><u>Activity status when compliance not achieved:</u></p>

Provision	Support/ oppose	Reason	Decision sought
			<p>1. <u>When compliance with GRUZ-RX (4) is not achieved: RDIS</u></p> <p><u>Matters of discretion:</u></p> <ul style="list-style-type: none"> o <u>Assessment of the potential glare on neighbouring properties (or road users) from the colour of the cloth</u>
New definition - Artificial crop protection structures	Support	A definition should be included for artificial crop protection structures to support the new rule sought	<p>Insert new definition as follows:</p> <p><u>Artificial crop protection structure</u> means structures with material used to protect crops and/or enhance growth (excluding greenhouses)</p>
New definition - Greenhouse	Support	A definition should be included for greenhouses as it is used in the definition of artificial crop protection structures	<p>Insert new definition as follows:</p> <p><u>Greenhouses</u> means a structure enclosed by glass or other transparent material and used for the cultivation or protection of plants in a controlled environment but excludes <u>artificial crop protection structures</u>.</p>
GRUZ-R3	Support in part	HortNZ supports the inclusion of provision for worker accommodation associated with primary production. There is no need for the word 'buildings' in the clause.	Amend GRUZ-R3 (4) ii) by deleting primary production buildings

Provision	Support/ oppose	Reason	Decision sought
GRUZ-R5	Support in part	HortNZ supports provision for structures associated with rural production activities but note that GRUZ-R1 only provides for 'buildings'. There are other structures that are part of rural production activities that are not buildings – e.g. stock yards, crop support structures. So GRUZ-R5 should provide for such structures.	Amend GRUZ-R5 1) These are not buildings associated with rural production activities permitted under GRUZ-R1 Delete GRUZ-R5 (2)
GRUZ-R21	Oppose in part	HortNZ considers that it is reasonably anticipated to have small scale rural industry in the GRUZ and that should be provided as a permitted activity with conditions.	Include a new permitted activity rule for Rural industry Conditions: All performance standards for GRUZ-R1 are met The maximum floor area is 500m ²
GRUZ-R22	Support in part	HortNZ supports the provision for temporary worker accommodation as a restricted discretionary activity, but it is not clear which permitted activity rule provides for this activity. There is reference to worker accommodation in GRUZ – R3.	Include specific provision for temporary worker accommodation in new GRUZ-RX.
GRUZ-R24	Oppose	GRUZ-R24 provides for 'non-rural activities' as a restricted discretionary activity. HortNZ considers that such activities should be avoided in the GRUZ,	Delete GRUZ-R24 and amend GRUZ-R30 by deleting 'or restricted discretionary activity standards'

Provision	Support/ oppose	Reason	Decision sought
		so a discretionary activity status is more appropriate.	
GRUZ-R30	Support in part	Consequential to amending GRUZ-R24 it is sought that GRUZ-R30 is amended to delete reference to 'or restricted discretionary activity standards'	Amend GRUZ-R30 by deleting 'or restricted discretionary activity standards'
GRUZ-R33	Support	Non-complying activity status for residential activities not meeting permitted standards is supported. But it is not clear which restricted discretionary rule also applies to residential activities. HortNZ seeks that consideration of reverse sensitivity effects on rural production activities is a matter of discretion in any RDA rule	Clarify the restricted discretionary rule for residential units or residential activities and ensure that there is consideration of reverse sensitivity effects on rural production activities is a matter of discretion in any RDA rule.