



## **SECTION 42A REPORT**

### **Horticulture Processing Facilities Zone**

---

<b>1</b>	<b>Executive summary.....</b>	<b>3</b>
<b>2</b>	<b>Introduction .....</b>	<b>4</b>
	2.1 Author and qualifications .....	4
	2.2 Code of Conduct .....	5
<b>3</b>	<b>Scope/Purpose of Report.....</b>	<b>5</b>
<b>4</b>	<b>Statutory Requirements .....</b>	<b>5</b>
	4.1 Statutory documents .....	5
	4.1.1 Resource Management Act.....	6
	4.1.2 National Policy Statements.....	6
	4.1.3 National Environmental Standards .....	7
	4.1.4 National Planning Standards.....	8
	4.1.5 Treaty Settlements .....	8
	4.1.6 Iwi Management Plans.....	8
	4.2 Section 32AA evaluation .....	9
	4.3 Procedural matters.....	9
	4.3.1 Pre-hearing meetings .....	9
	4.3.2 Proposed Plan Variation 1 .....	9
<b>5</b>	<b>Consideration of submissions received.....</b>	<b>10</b>
	5.1 Overview of submissions received.....	10
	5.2 Officer Recommendations .....	11
	5.2.1 Key Issue 1: Plan wide submissions applicable to the HPFZ.....	11
	5.2.2 Key Issue 2: HPFZ Overview, objectives, policies and associated definitions.....	12
	5.2.3 Key Issue 3: HPFZ Rules .....	14
	5.2.4 Key Issue 4: HPFZ Standards .....	17
	Analysis of Submissions on Key Issue 4: HPFZ Standards .....	18
<b>6</b>	<b>Conclusion .....</b>	<b>19</b>



**Appendix 1: Recommended amendments to Horticulture Processing Facilities Zone chapter**

**Appendix 2: Recommended decisions on submissions to Horticulture Processing Facilities Zone chapter**

**List of Abbreviations**

**Table 1: List of Submitters and Abbreviations of Submitters' Names**

Submitter Number	Abbreviation	Full Name of Submitter
S368	FNDC	Far North District Council
S512	FENZ	Fire and Emergency New Zealand
S159	Horticulture NZ	Horticulture New Zealand
S331	MOE	Ministry of Education

**Note:** This table contains a list of submitters relevant to this topic which are abbreviated, and does not include all submitters relevant to this topic. For a summary of all submitters please refer to Section 5.1 of this report (overview of submitters). Appendix 2 to this Report also contains a table with all submission points relevant to this topic.

**Table 2: Other abbreviations**

Abbreviation	Full Term
HPFZ	Horticulture Processing Facilities Zone
HPL	Highly Productive Land
NPS-HPL	National Policy Statement for Highly Productive Land
NPS-IB	National Policy Statement for Indigenous Biodiversity
NES-CF	Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement



## **1 Executive summary**

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. The Horticulture Processing Facilities Zone ("HPFZ") chapter is located under Special Purpose Zones, in Part 3 – Area-Specific Matters of the PDP.
2. There are 25 original submission points on the HPFZ chapter, including 10 submissions in support, 8 supporting in part, none with a neutral position and 2 in opposition<sup>1</sup>. There are also 53 further submission points on those original submissions.
3. The submissions were largely supportive of the HPFZ overview, objectives and policies. The majority of submissions requested amendments related to HPFZ rules and standards to reflect various outcomes sought by submitters.
4. This report should be read in conjunction with the Rural Wide Issues and the Rural Production Zone (RPROZ) report as it contains analysis and recommendations in Key Issues 1-5 that are relevant to the HPFZ. This analysis has not been repeated in this report to reduce repetition and ensure consistent recommendations where the same issue has been raised across multiple rural zones.
5. This report has been prepared in accordance with section 42A of the Resource Management Act 1991 (RMA) and outlines recommendations in response to the issues raised in submissions. This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.
6. The key changes recommended in this report relate to:
  - a. Amendments to align with the recommendations in the Rural Wide Issues and RPROZ section 42A report.
  - b. Amending HPFZ-P3 so that it functions as an 'avoid' policy.
  - c. An increase of the maximum impermeable surface limit in HPFZ-R2 from 30% to 50%.
  - d. Other consequential amendments to ensure consistent recommendations across the rural zones.

---

<sup>1</sup> 5 submissions were recorded as not stating a position.



## **2 Introduction**

### **2.1 Author and qualifications**

7. My full name is Melissa Leanne Pearson, and I am a Principal Planning and Policy Consultant at SLR Consulting New Zealand Limited, based in Auckland.
8. I hold a Bachelor of Planning (Hons) at the University of Auckland and am a Full Member of the New Zealand Planning Institute.
9. I have 16 years' experience as a resource management practitioner in New Zealand, which has included working for both the private sector and for central and local government on a range of resource consent and policy projects. My private sector planning experience ranges from obtaining resource consents for small and large scale residential and subdivision developments in the Auckland Region, development of private plan changes in both Auckland and Waikato for residential and commercial developments and consenting and policy development experience for clients in the telecommunication, intensive farming, and community facility sectors.
10. My public sector planning experience involves a significant amount of central government policy research and development relating to telecommunications, forestry, climate change, highly productive land, and infrastructure. My local government policy experience involves drafting of district plan provisions in the Far North, Kaipara, Waikato, Hamilton, and Queenstown Lakes districts for local authorities.
11. These projects have given me significant experience with all parts of the Schedule 1 process from both the public and private sector perspectives, including provision research and development, provision drafting, the preparation of section 32 and 42A reports, preparation of submissions and further submissions, presentation of evidence at council hearings, preparation and resolution of appeals and Environment Court mediation.
12. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes close involvement in national direction instruments relating to highly productive land.
13. I have been working with the Far North District Council (FNDC) on the PDP since 2021. My involvement in the PDP initially involved refining certain chapters in response to submissions on the draft district plan and preparing the associated section 32 evaluation reports, specifically on rural topics. Since mid-2023, I have been working with the FNDC PDP team analysing submissions.



14. I was not involved in the development of the Horticulture Processing Facilities Zone chapter prior to notification but was engaged by FNDC to be the reporting officer for this topic in early 2024.

## **2.2 Code of Conduct**

15. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
16. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

## **3 Scope/Purpose of Report**

17. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
  - a. assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
  - a. provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
18. This report responds to submissions on general horticultural issues, definitions and provisions of the HPFZ. Wherever possible, I have provided a recommendation to assist the Hearings Panel.
19. Separate to the Section 42A report recommendations in response to submissions, Council has made a number of Clause 16(2) amendments to the PDP to achieve consistent formatting of rules and standards, including inserting semi colons between each standard, followed by "and" after the second to last standard (where all of the standards must be met to comply) or "or" after the second to last standard (when only one of the standards must be met to comply). These changes are neutral and do not alter the effect of the rules or standards, they simply clarify the intent. The Clause 16 corrections are reflected in **Appendix 1** to this Report (Officer's Recommended Amendments to the Horticulture Processing Facilities Zone chapter).

## **4 Statutory Requirements**

### **4.1 Statutory documents**

20. I note that the Horticulture Processing Facilities Section 32 report provides detail of the relevant statutory considerations applicable to the HPFZ.



21. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. Consequently, no further assessment of these documents has been undertaken for the purposes of this report.
22. However, it is important to highlight the higher order documents which have been subject to change or introduced since notification of the Proposed Plan which must be given effect to. Those that are relevant to the HPFZ chapter are discussed in Section 4.1.2 below.

#### **4.1.1 Resource Management Act**

23. The Government elected in October 2023, repealed both the Spatial Planning Act 2023 and Natural and Built Environment Act 2023 on 22 December 2023 and reinstated the RMA as New Zealand's primary resource management policy and plan making legislation. The Government has indicated that the RMA will ultimately be replaced, with work on replacement legislation to begin in 2024. The Government has indicated that this replacement legislation will be introduced to parliament this term of government (i.e. before the next central government election in 2026). However, at the time of writing, details of the new legislation and exact timing are unknown. The RMA continues to be in effect until when and if this new replacement legislation is passed.

#### **4.1.2 National Policy Statements**

##### **4.1.2.1 National Policy Statements Gazetted since Notification of the PDP**

24. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to Strategic Direction that have been gazetted since notification of the PDP. As District Plans must be "prepared in accordance with" and "give effect to" a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
25. The National Policy Statement for Indigenous Biodiversity (NPS-IB) took effect on 4 August 2023. This was after the PDP was notified (27 July 2022), but while it was open for submissions. The objective of the NPS-IB is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity. The objective is supported by 17 policies. These include Policy 1 and Policy 2 relating to the principles of the Treaty of Waitangi and the exercise of kaitiakitanga by tangata whenua in their rohe. The approach to give effect to the NPS-IB was considered in detail through the Ecosystem and Indigenous Biodiversity in Hearing 4.
26. The NPS-HPL took effect on 17 October 2022. The NPS-HPL has a single objective: "*Highly productive land is protected for use in land-based primary production, both now and for future generations*". The objective is supported by nine policies and a set of implementation requirements setting out what local authorities must do to give effect to the objective and policies of the



NPS-HPL, including restrictions on the urban rezoning, rural lifestyle rezoning, subdivision of highly productive land (HPL) and requirements to protect HPL from inappropriate use and development.

27. The NPS-HPL has recently been amended, with changes gazetted on 16 August 2024, resulting in the removal of consenting barriers for new infrastructure, including renewable energy projects, indoor primary production and greenhouses. Driving amendments, was the agriculture, horticulture and renewable energy sectors' concerns surrounding the NPS restricting activities needing to be located on highly productive land. These amendments came into effect on 14 September 2024. The extent to which the rural zones require amendment to give effect to the NPS-HPL is considered in Key Issue 2 in the Rural Wide Issues and RPROZ s42A report.
28. I note that the direction in the NPS-HPL with respect to protecting HPL is not directly relevant to the HPFZ chapter as there no land zoned HPFZ which meets the definition of highly productive land in the NPS-HPL. I consider that the nearest equivalent zone to the HPFZ is a heavy industry zone (as per the HPFZ chapter overview), which is considered to be an urban zone under the definition of 'urban' in clause 1.3 the NPS-HPL. As the land zoned HPFZ was notified in the PDP prior to the NPS-HPL coming into effect, it is not eligible to be considered as HPL under the transitional definition of HPL in clause 3.5(7) of the NPS-HPL.

#### **4.1.2.2 National Policy Statements – Announced Future Changes**

29. In October 2023 there was a change in government and several announcements have been made regarding work being done to amend various national direction instruments. None of these announcements are likely to have a direct impact on the HPFZ.
30. Of relevance to the rural chapters of the PDP, further amendments to the NPS-HPL have been signalled for 2025 but have not yet been actioned, including the need to enable housing growth and remove associated consenting barriers. The Government has signalled these amendments will be consulted on in early 2025 as part of a wider national direction programme. This work may include changes to the definition of 'Highly Productive Land' to enable more flexibility for urban development.

#### **4.1.3 National Environmental Standards**

31. The National Environment Standards for Commercial Forestry 2017 (NES-CF), which amend the NES-PF, came into effect on 3 November 2023. In addition to regulating the effects of plantation forestry, the NES-CF now regulates "exotic continuous-cover forestry", which is commercial forestry not intended to be harvested (i.e. carbon forestry). As such, the NES-CF now applies to all types of forestry deliberately established for commercial purposes (permanent indigenous forestry is not regulated under the NES-



CF). In addition to bringing exotic continuous-cover forestry within scope, the changes in the NES-CF:

- a. Allow plan rules to be more stringent or lenient to manage afforestation relating to both types of forestry.<sup>2</sup>
- b. Introduce a range of operational changes, including a new permitted activity standard for managing forestry slash at harvest and new requirements around management of wilding trees.

#### **4.1.4 National Planning Standards**

32. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The HPFZ provisions proposed and recommended in this report follow this guidance. Specifically:
  - a. An assessment of the need for a Special Purpose Zone has been discussed and justified by way of the Section 32 report on the HPFZ Chapter; and
  - b. Definitions as each relates to the HPFZ are discussed in Key Issue 5 of the Rural Wide Issues and RPROZ section 42A report.

#### **4.1.5 Treaty Settlements**

33. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

#### **4.1.6 Iwi Management Plans**

34. Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority.
35. When the PDP was notified in July 2022, Council had 14 hapū/iwi management planning documents which had been formally lodged with Council, as listed in the PDP section 32 overview report. Council took these management plans, including the broader outcomes sought, into account in developing the PDP. Of the 14 hapū/iwi management planning documents, only two have been revised since notification of the PDP –
  - a. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan
  - b. Ahipara Takiwā Environmental Management Plan

---

<sup>2</sup> Regulation 6(4A) of the NES-CF.





36. A summary of the key issues that are relevant to the rural environment covered in these two hapū/iwi management planning documents is contained in Section 4.1.6 of the Rural Wide Issues and RPROZ section 42A report and is not repeated here.

## **4.2 Section 32AA evaluation**

37. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to the provisions of the PDP are recommended, these have been evaluated in accordance with Section 32AA of the RMA.
38. The s32AA further evaluation for each key issue considers:
- a. Whether the amended objectives are the best way to achieve the purpose of the RMA.
  - b. The reasonably practicable options for achieving those objectives.
  - c. The environmental, social, economic and cultural benefits and costs of the amended provisions.
  - d. The efficiency and effectiveness of the provisions for achieving the objectives.
  - e. The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
39. The section 32AA further evaluation for recommended amendments to the PDP also contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that do not change the policy intent are not evaluated under section 32AA of the RMA in this report.

## **4.3 Procedural matters**

### **4.3.1 Pre-hearing meetings**

40. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for this hearing.

### **4.3.2 Proposed Plan Variation 1**

41. FNDC notified Proposed Plan Variation 1 (Minor Corrections and Other Matters) for public submissions on 14 October 2024. The submission period closes on 14 November 2023. Proposed Plan Variation 1 makes minor amendments to correct minor errors, amend provisions that are having unintended consequences, remove ambiguity and improve clarity and



workability of provisions. This includes amendments to the zoning of some properties, and the Coastal flood hazard areas.

42. Plan Variation 1 proposes an amendment to HPFZ-S3 that is relevant to this hearing topic. However, as the submission period has not yet closed at the time of writing this report, any submissions received on Plan Variation 1 in relation to HPFZ-S3 will be evaluated as part of Hearing 17 - General / Miscellaneous / Sweep Up.

## **5 Consideration of submissions received**

### **5.1 Overview of submissions received.**

43. There are 25 original submission points on the HPFZ chapter, including 10 submissions in support, 8 supporting in part, none with a neutral position and 2 in opposition<sup>3</sup>. There are also 53 further submission points received on those original submission points.
44. The main submissions on the HPFZ chapter are from:
  - a. Horticulture New Zealand (S159) as the primary submitter on this topic.
  - b. Central and local government, namely FNDC (368) and MOE (S331).
  - c. FENZ (512).
  - d. Transpower (454).
  - e. Individual submitters such as John Andrew Riddell (S431) and Brad Hedger (269).
45. The key issues identified in this report are set out below:
  - a. Key Issue 1: Plan wide submissions applicable to the HPFZ
  - b. Key Issue 2: HPFZ Objectives and Policies
  - c. Key Issue 3: HPFZ Rules
  - d. Key Issue 4: HPFZ Standards
46. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions.
47. Key Issues 1-5 of the Rural Wide Issues and RPROZ chapter respond to submission that have implications for the HPFZ e.g. deciding on the suite of rural zones for the Far North District, giving effect to the NPS-HPL, plan-wide submissions impacting the HPFZ and definitions. The analysis in Key

---

<sup>3</sup> 5 submissions were recorded as not stating a position.



Issues 1-5 of the Rural Wide Issues and RPROZ section 42A report should be read alongside this report and is not repeated here for efficiency and to reduce replication across these reports.

## 5.2 Officer Recommendations

48. A copy of my recommended amendments to the HPFZ chapter is provided in **Appendix 1 – Recommended Amendments to HPFZ** to this report.
49. A full list of submissions and further submissions on the HPFZ and my recommendation in relation to those submissions is provided in **Appendix 2 – Recommended Decisions on Submissions** to this report.

### 5.2.1 Key Issue 1: Plan wide submissions applicable to the HPFZ

#### Overview

Provision(s)	Officer Recommendation(s)
Various amendments	Refer to Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report

50. Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report assesses submissions that request the same relief across multiple rural zones for efficiency and to ensure that consistent recommendations are made. Key Issue 4 of that report recommends several amendments to rules and standards in the HPFZ chapter, including analysis and reasons for the recommended amendments which are not repeated here. However, for ease of reference I have listed the key recommendations that are relevant to the HPFZ chapter as follows:
  - a. HPFZ-R1 – the insertion of references to relocated buildings in the R1 rules in all rural zones including the HPFZ, as per the submission of Heavy Haulage Association Inc (S482.013)
  - b. HPFZ-R2 – amending matter of discretion c) to also refer to downstream sites, as per the submission from Puketotara Lodge (S481.013)
  - c. HPFZ-S3 – the insertion of two new matters of discretion relating to rail corridor safety and operational efficiency, as a consequential amendment from the submission from KiwiRail (S416) that requests the same relief in all rural zones<sup>4</sup>.

<sup>4</sup> Although specific relief for HPFZ-S3 is not requested, the broader submission point refers to 'all zones'.



## Recommendation

51. I recommend amending the HPFZ chapter in accordance with the recommendations made in Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report that are applicable to the HPFZ.

## Section 32AA evaluation

52. Refer to Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report for the section 32AA evaluation of the amendments listed above.

### 5.2.2 Key Issue 2: HPFZ Overview, objectives, policies and associated definitions

#### Overview

Provision(s)	Officer Recommendation(s)
HPFZ Overview	Retain as notified
HPFZ Objectives	Retain as notified
HPFZ-P1, HPFZ-P2, HPFZ-P4, HPFZ-P5	Retain as notified
HPFZ-P3	Amendment to replace the word 'manage' with 'avoid'
HPFZ-P6	Consequential amendment to refine the chapeau of the policy
Definition of 'Horticulture processing facility'	Retain as notified

#### Analysis of Submissions on Key Issue 2: HPFZ Overview, objectives, policies and associated definitions

##### Matters raised in submissions

53. Horticulture NZ (S159.169) supports the overview and the fact that it makes specific provision for horticulture facilities. Horticulture NZ also supports HPFZ-O1 (S159.170), HPFZ-O2 (S159.171) HPFZ-O4 (S159.172), and HPFZ-P1 (S159.173). Horticulture NZ requests that these objectives and policy are retained as notified.
54. Horticulture NZ (S159.174) supports HPFZ-P3 in part but is concerned that the policy only seeks to 'manage' land use capable of compromising the purpose and functioning of HPFZ. Horticulture NZ requests HPFZ-P3 is amended to provide a more active approach toward avoiding compromising land uses but does not provide any alternative wording for the policy.
55. Horticulture NZ (S159.013) supports the definition of 'Horticulture processing facility' in the PDP and requests that it be retained as notified.



## Analysis

56. I agree with Horticulture NZ that any land use that compromises the purpose and function of the HPFZ should be 'avoided' rather than 'managed' under HPFZ-P3. I see this as part of a clear link to the 'avoid' objective HPFZ-O4 that requires that land use 'avoids any reverse sensitivity issues that may occur within the zone and at the zone interface'. It is also more consistent with similar 'avoid' policies in the RPROZ and Horticulture Zone relating to land uses that are inappropriate due to the potential for reverse sensitivity effects. As such, I recommend replacing the word 'manage' with the word 'avoid' in HPFZ-P3.
57. There are no other submissions requesting amendments to the HPFZ overview, objectives or policies (other than HPFZ-P3 discussed above). However, I have reviewed these provisions to ensure they are consistent with the wording that I have suggested for similar provisions in other rural chapters. I have identified that consequential amendments are required to the chapeau of HPFZ-P6 to address drafting issues raised with respect to other 'consideration' policies at the end of other zone chapters, e.g. RPROZ-P7, as discussed in Key Issue 10 of the Rural Wide Issues and RPROZ section 42A report. These amendments are included in the recommendation section below.
58. I also note that there is only one submission on the definition of 'Horticulture processing facility' and it is in support (Horticulture NZ). As such I do not recommend any amendments to this definition.

## Recommendation

59. I recommend that the submissions on the HPFZ overview, objectives, policies and definition of 'Horticulture Processing Facility' are accepted, accepted in part or rejected as set out in **Appendix 2**. I do not recommend any amendments to the HPFZ overview, objectives, policies (except for HPFZ-P3 and HPFZ-P6) or the definition of 'Horticulture processing facility'.
60. I recommend that the word 'manage' in HPFZ-P3 is replaced with the word 'avoid'.
61. I recommend that the chapeau of HPFZ-P6 is amended as follows:

*Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: Consider the following matters where relevant when assessing and managing the effects of land use and subdivision in the Horticulture Processing Facilities Zone:*



## Section 32AA evaluation

62. I consider that reframing HPFZ-P3 as an 'avoid' policy is a more effective way to achieve the objectives of the HPFZ as the purpose of the zone is to ensure that Horticulture Processing Facilities are protected (HPFZ-O1) and that reverse sensitivity effects within the zone are avoided (HPFZ-O4). In my view, an 'avoid' policy better achieves these two objectives compared to the notified 'manage' version of the policy and sends a stronger message that land use that compromises the purpose and function of the Horticulture Processing Facilities zone are not appropriate. Therefore, I consider that the recommended amendments to RPROZ-P3 are appropriate in terms of section 32AA of the RMA.
63. The rationale for the amended chapeau wording of HPFZ-P6 has been assessed under section 32AA in other PDP reports with similar 'consideration policies' (e.g. CE-P10 in Hearing Stream 4), where it was concluded that the amendments will achieve a more efficiently drafted chapeau that more effectively explains the intended purpose of the policy.

### 5.2.3 Key Issue 3: HPFZ Rules

#### Overview

Provision(s)	Officer Recommendation(s)
HPFZ-R1	Minor amendments to clarify intent
HPFZ-R2	Amendment to increase the impermeable surface limit
Advice note 2	Consequential amendment to align with Coastal Environment section 42A report
New advice note 3	Consequential amendment to refer to Mineral Extraction Zone objectives and policies
New advice note 4	Consequential amendment to align with the NES-CF

#### Analysis of Submissions on Key Issue 3: HPFZ Rules

##### Matters raised in submissions

###### General

64. Ventia Ltd (S424.011<sup>5</sup>) requests that an equivalent standard to RPROZ-S7 is inserted into the HPFZ to protect Mineral Extraction Overlays.
65. MOE support HPFZ-R5 and requests it is retained as notified. There are no other submissions on Rule HPFZ-R5 and, as such, I recommend it is retained.

<sup>5</sup> Note that this submission was incorrectly allocated to the Mineral Extraction overlay topic in the Summary of Submissions. It has been assessed here as it clearly relates to a request for a new standard in the HPFZ.



### Rule HPFZ-R1

66. FNDC (S368.078) supports HPFZ-R1 in part but raises concerns with the rule as it is currently drafted. FNDC considers that, to breach this rule as notified, the activity would require a discretionary activity consent which was not the intent if the activity itself is permitted, controlled or restricted discretionary. FNDC request that PER-1 of Rule HPFZ-R1 is amended to include those buildings or structures that will accommodate controlled and/or restricted discretionary activities in addition to permitted activities.

### Rule HPFZ-R2

67. Brad Hedger (S269.004) supports HPFZ-R2 in part and raises concerns regarding whether climate change effects were adequately considered when drafting HPFZ-R2, especially given the generally large lot sizes within HPFZ. Brad Hedger requests that PER-1 of Rule HPFZ-R2 is amended so that impermeable surface coverage of any site shall not exceed 30% or 3,000m<sup>2</sup>, whichever is the lesser area.
68. Horticulture NZ (S159.175) opposes HPFZ-R2 on the basis that 30% maximum impermeable surface area is restrictive for processing facilities. Horticulture NZ requests the maximum impermeable surface coverage in PER-1 of Rule HPFZ-R2 is increased from 30% to 70%.

### **Analysis**

69. Regarding the request from Ventia Ltd for a Mineral Extraction Zone setback standard to align with RPROZ-R7, I note that there is no land zoned HPFZ within 100m of a Mineral Extraction Zone. I also consider it unlikely that any additional land within 100m of a Mineral Extraction Zone will be zoned HPFZ in the future and it is also unlikely that sensitive activities will be establishing in the HPFZ as they are not anticipated in the zone. As such, I do not consider that a standard specifying a 100m setback for sensitive activities from a Mineral Extraction Zone boundary is necessary in the HPFZ.
70. I agree with FNDC that HPFZ-R1 as currently drafted does not account for buildings or structures required for controlled or restricted discretionary activities. I have recommended an amendment to HPFZ-R1 to remedy this issue, as set out in the recommendations below. This amendment is consistent with wording recommended for other rural zone chapters and has also been discussed and agreed to with Ms Sarah Trinder as the reporting officer for the urban zones.
71. With respect to HPFZ-R2, the two submissions are requesting very different outcomes. Brad Hedger requests that the rule becomes more restrictive (i.e. introducing a 3,000m<sup>2</sup> per site cap) and Horticulture NZ requests that the rule becomes more permissive (an increase to 70% permitted impermeable surface coverage).





72. When determining an appropriate threshold for the impermeable surface coverage rule, I have considered the purpose of the HPFZ (i.e. to enable the storage, processing, packing and distribution of produce, as per HPFZ-O2) but also the policy direction that activities in the HPFZ should be containing their adverse effects on site (also in HPFZ-O2). In my view there needs to be a balance between the impermeable surface coverage limit being set at a practical limit that does not overly constraint horticulture processing facilities but not so permissive that adverse stormwater effects on adjacent sites and/or surrounding land outside the HPFZ are likely. It is not always possible to internalise all adverse effects within a site and stormwater runoff is often difficult to contain without some runoff onto adjacent land.
73. The total area of the HPFZ is just over 7ha, which is a very small zone in the wider context of the Far North rural environment. As such, the potential for cumulative adverse stormwater effects is somewhat minimised by the small scale of the zone, coupled with the fact that not all sites are likely to construct impermeable surfaces up to the maximum allowed by HPFZ-R2. As such, I recommend a modest increase in the impermeable surface permitted threshold from 30% to 50% in recognition of the purpose of the zone.
74. I also recommend a consequential amendment to Advice Note 2 above the Rules table for integration and consistency with recommendations in the Coastal Environment and Natural Character topics relating to the relocation of MHWS provisions, as addressed in Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report.
75. Finally, I recommend that two new advice notes are inserted relating to mineral extraction activities and the NES-CF that align with equivalent notes recommended to be inserted into the RPROZ chapter under clause 10(2)(b) of Schedule 1, for the reasons set out in Key Issues 14 and 23 of the Rural Wide and RPROZ section 42A report.

### **Recommendation**

76. For the reasons set out above, I recommend that the general submissions on the HPFZ rules are accepted, accepted in part and rejected as set out in **Appendix 2**.
77. I recommend that HPFZ-R1 is amended to insert the words 'controlled or restricted discretionary' after the word 'permitted'.
78. I recommend that the maximum impermeable surface percentage in HPFZ-R2 is increased from 30% to 50%.
79. I recommend that Advice Note 2 above the Rules table is amended as follows:

*This zone chapter does not contain rules relating to setbacks to waterbodies and MHWS for buildings or structures or setbacks to*





*waterbodies and MHWS for earthworks and indigenous vegetation clearance. The Natural Character chapter contains rules for activities within wetland, lake and river margins and the Coastal Environment chapter contains rules for activities within the coastal environment. The Natural Character chapter and the Coastal Environment chapter should be referred to in addition to this zone chapter.*

- 80. I recommend that new Advice Notes 3 and 4 are inserted relating to mineral extraction objectives and policies and the NES-CF to align with equivalent notes in the RPROZ chapter.

**Section 32AA evaluation**

- 81. I consider that the amendment to HPFZ-R1 to cover controlled and restricted discretionary activities is a minor amendment to clarify intent and does not require further assessment under section 32AA of the RMA.
- 82. I consider that the recommended increase to the maximum impermeable surface threshold in HPFZ-R2 is an effective way to allow for more efficient use of land in the zone without significantly increasing potential stormwater runoff in the zone as a permitted activity. I consider that the modest increase strikes the correct balance between managing stormwater but also supporting the development of horticultural processing facilities. As such, I consider the amendment to be an appropriate way to achieve the relevant objectives in terms of section 32AA of the RMA.
- 83. I consider that my recommended amendments to Advice Note 2 are consequential resulting from recommendations in the Coastal Environment section 42A report. Similarly, I consider that my recommended insertion of two new advice notes relating to mineral extraction activities and the NES-CF are consequential resulting from recommendations in the Rural Wide Issues and RPROZ section 42A report. As such, it is my view that no evaluation for these recommended amendments is required under section 32AA of the RMA.

**5.2.4 Key Issue 4: HPFZ Standards**

**Overview**

Provision(s)	Officer Recommendation(s)
HPFZ-S1, HPFZ-S2, HPFZ-S5 and HPFZ-S6	Retain as notified
HPFZ-S3	Consequential amendment to exempt fences and walls in certain circumstances



## **Analysis of Submissions on Key Issue 4: HPFZ Standards**

### **Matters raised in submissions**

84. Horticulture NZ (S159.176) supports HPFZ-S1 – Maximum height which permits buildings and structures up to 12m in height within the zone. Horticulture NZ notes that cool stores are generally 12m and therefore requests the standard be retained.
85. John Andrew Riddell (S431.194) requests that HPFZ-S2 – Height in relation to boundary is retained as notified as the submitter supports the approach to vary the standard based on the orientation of the boundary.
86. Horticulture NZ (S159.177) supports HPFZ-S6 - Landscaping and requests the standard be retained as notified, noting its support of similar rules in the horticultural region of Ōpōtiki.

### **Analysis**

87. The only submissions on the HPFZ standards were in support and requested that the standards be retained as notified. As such, I do not recommend any amendments to the HPFZ standards in response to submissions.
88. However, I recommend a consequential amendment to HPFZ-S3 to align with my recommendations on equivalent standard RSZ-S3 in the Settlement Zone. I understand that the intention was that all rural zones in the PDP that have a setback standard should have an exemption for walls and fences up to 2m in height, otherwise resource consent would be required for every boundary fence or wall. This exemption has been included in the RPROZ, RLZ and RSZ setback standards but was unintentionally omitted from HPFZ-S3. As such, I recommend that a new clause stating that the setback standard does not apply to fences or walls no more than 2m in height above ground level is inserted into HPFZ-S3 to achieve consistency across all rural zones.

### **Recommendation**

89. For the reasons set out above, I recommend that the general submissions on the HPFZ standards are accepted as set out in **Appendix 2**.
90. I recommend that HPFZ-S3 is amended to clarify that the setback standard does not apply to fences or walls no more than 2m in height above ground level.

### **Section 32AA evaluation**

91. I consider that the amendment to HPFZ-S3 is to correct a minor error and ensure consistency between rural chapters. As such, I do not consider that this change requires further assessment under section 32AA of the RMA.



## 6 Conclusion

92. This report has provided an assessment of submissions received in relation to the HPFZ chapter. The primary amendments that I have recommended relate to:
- a. Amendments to align with the recommendations in the Rural Wide Issues and RPROZ section 42A report.
  - b. Amending HPFZ-P3 so that it functions as an 'avoid' policy.
  - c. An increase of the maximum impermeable surface limit in HPFZ-R2 from 30% to 50%.
  - d. Other consequential amendments to ensure consistent recommendations across the rural zones.
93. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the HPFZ chapter should be accepted, accepted in part, or rejected as set out in my recommendations of this report and in **Appendix 2**.
94. I recommend that provisions for Horticulture Processing Facilities Zone matters be amended as set out in **Appendix 1** below, for the reasons set out in this report. The consequential amendments made to the HPFZ as result of the recommendations in the Rural Wide Issues and RPROZ s42A report are also contained in **Appendix 1**.

**Recommended by:** Melissa Pearson – Principal Planning Consultant, SLR Consulting New Zealand

A handwritten signature in blue ink, appearing to read "Melissa Pearson", is written over a light blue circular stamp.

**Approved by:** James R Witham – Team Leader District Plan, Far North District Council.

**Date:** 4 November 2024