

Appendix 5 – Officers Recommended Amendments to the Horticulture Processing Facilities Zone Chapter

Note the below provisions represent the Section 42A Report Writing Officer’s recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text). Recommendations made through the Reporting Officer’s right of reply are shown in red underline for new text and ~~red-strikethrough~~ for deleted text.

Overview

The purpose of the Horticulture Processing Facilities zone is to recognise and provide for the operation of large-scale horticulture processing and storage facilities within the district. These large-scale horticulture processing and storage facilities along with the horticulture growing sector play an important role and make a significant contribution to the economic and social wellbeing of the Far North District.

The Horticulture Processing Facilities zone provides for existing horticulture processing and storage facilities that are of a scale that support a range of growers, are within an established network of horticulture growers and are in close proximity to strategic and significant transport infrastructure.

Activities envisioned in this zone are for storage and/or processing produce, including cool stores, packing and distribution facilities as well as supporting administration. The characteristics of these operations are akin to heavy industry and have the potential to cause adverse noise, lighting, stormwater, traffic and amenity effects. Horticulture processing facilities can operate 24 hours a day at certain times of the year and generally require large-scale buildings and associated outdoor areas to support their function. However, they are differentiated by their direct relationship with the rural environment and rural industry sector.

This zone enables the future expansion of horticultural processing and/or storage facilities, provided that the adverse effects of these operations are managed onsite to maintain the character and amenity values of the surrounding environment. It is anticipated that these facilities will need to expand to support the growth occurring in the horticulture sector, which is occurring due to investment in the Avocado and Kiwifruit industry in the district, and the construction of new government funded irrigation schemes.

Council has responsibility under the RMA, the National Policy Statement on Urban Development Capacity and the NRPS to ensure that there is sufficient business land available to meet the future demands of the district and that this development is in the right location and appropriately serviced.

Objectives	
HPFZ-O1	Horticulture processing facilities are recognised for their contribution to the social and economic wellbeing of the district and are managed to ensure their long-term protection.
HPFZ-O2	The Horticulture Processing Facilities zone enables the storage, processing, packing and distribution of produce including ancillary facilities, while: <ul style="list-style-type: none"> a. containing adverse effects onsite; b. addressing the adverse effects on the supporting roading network.
HPFZ-O3	Land use and subdivision in the Horticulture Processing Facilities zone is supported by appropriate infrastructure.
HPFZ-O4	Land use and subdivision in the Horticulture Processing Facilities zone avoids any reverse sensitivity issues that may occur within the zone and at the zone interface.

Policies	
HPFZ-P1	Enable buildings, structures and activities associated with the horticulture processing facilities where any adverse effects are managed to protect the surrounding character and amenity values.
HPFZ-P2	Manage land use and any associated stormwater runoff by: <ul style="list-style-type: none"> a. utilising the principles of low impact design; b. determining the impacts on Council's reticulated networks; and c. addressing the impacts on existing flood hazards, overland flows paths and the surrounding catchments.
HPFZ-P3	Manage <u>Avoid</u> ¹ land use that compromises the purpose and function of the Horticulture Processing Facilities zone.
HPFZ-P4	Manage land use to ensure that the Horticulture Processing Facilities zone is appropriately serviced by infrastructure through: <ul style="list-style-type: none"> a. requiring connections to be provided where reticulated services are available; and b. requiring onsite infrastructure to be provided where reticulated services are not available.
HPFZ-P5	Provide for the removal of a screening shelterbelt planting if it can be demonstrated that: <ul style="list-style-type: none"> a. it is not required to screen the activities occurring on the site; b. it is not required to mitigate noise or light spill effects; and c. the removal will not create an adverse effect on the surrounding character and amenity values of the area.
HPFZ-P6	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: ² <ul style="list-style-type: none"> a. the bulk and scale of buildings, structures, outdoor storage; b. parking and loading requirements; c. number of people on site and visitors, including seasonal peaks; d. level of noise emissions and light spill; e. hours and days of operation, including seasonal peaks; f. character and amenity <u>values</u> of the surrounding environment; g. appropriate roading and access, including the type and volume of traffic; h. stormwater effects, including impacts on Council's reticulated network, overland flow paths and surrounding catchments; i. stormwater, wastewater and water supply management, including firefighting supply; j. any provision of low impact design principles k. the temporary or permanent nature of any adverse effects; l. whether the purpose and function of the horticulture processing facility is compromised; m. the management of trade waste; and n. any natural hazards.
Rules	

Notes:

1. There may be other rules in Part 2 - District-Wide Matters of the District Plan that apply to a proposed activity, in addition to the rules in this zone chapter, including the

¹ Horticulture NZ (S159.174)

² Clause 10(2)(b), Schedule 1, RMA

Transport, Hazardous Substances, Noise, Light and Signage chapters. These District-Wide rules may be more stringent than the rules in this chapter. Ensure that relevant District-Wide Matters chapters are also referred to in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.

2. This zone chapter does not contain rules relating to setback to waterbodies and MHWS for building and structures or setbacks to waterbodies and MHWS for earthworks and indigenous vegetation clearance. The Natural Character chapter³ 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. ⁴
3. The objectives and policies of the Mineral Extraction Zone should be considered in addition to the objectives and policies of the Horticulture Processing Facilities Zone for any consent application for a mineral extraction activity⁵.
4. None of the rules in the table below apply to activities that are regulated under the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017⁶.

HPFZ-R1	New buildings or structures, <u>relocated buildings⁷</u>, and extensions or alterations to existing buildings or structures	
Horticulture Processing Facility zone	Activity status: Permitted Where: PER-1 The new building or structure, <u>relocated building</u> or extension or alteration to an existing building or structure, will accommodate a permitted, <u>controlled or restricted discretionary⁸</u> activity.	Activity status where compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard
	PER-2 The new building or structure, <u>relocated building</u> or extension or alteration to an existing building or structure complies with standards: HPFZ S1 Maximum height; HPFZ S2 Height in relation to boundary; HPFZ S3 Setback (excluding from MHWS or wetland, lake and river margins); HPFZ S4 Setback from MHWS; ⁹ HPFZ S5 Outdoor storage; and HPFZ6 Landscaping.	Activity status where compliance not achieved with PER-1: Discretionary

³ Clause 16, Schedule 1, RMA amendment to insert missing word

⁴ Consequential amendment resulting from Coastal Environment section 42A report under clause 10(2)(b), Schedule 1, RMA

⁵ Consequential amendment resulting from Mineral Extraction section 42A report under clause 10(2)(b), Schedule 1, RMA

⁶ Consequential amendment resulting from Rural Wide Issues and RPROZ section 42A report under Clause 10(2)(b), Schedule 1, RMA

⁷ Heavy Haulage Association Inc (S482.013)

⁸ FNDC (S368.078)

⁹ Consequential amendment resulting from Coastal Environment section 42A report under clause 10(2)(b), Schedule 1, RMA

HPFZ-R2	Impermeable surface coverage	
Horticulture Processing Facility zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The impermeable surface coverage of any site is no more than 35%.¹⁰</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> the extent to which landscaping or vegetation may reduce adverse effects of run off; the effectiveness of the proposed method for controlling stormwater on site; the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites <u>or downstream sites</u>¹¹; whether low impact design methods and use of green spaces can be used; any cumulative effects on total catchment impermeability; natural hazard mitigation and site constraints; and extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies.
HPFZ-R3	Horticulture processing facility	
Horticulture Processing Facility zone	<p>Activity status: Permitted</p>	<p>Activity status where compliance not achieved: Not applicable</p>
HPFZ-R4	Removal of shelterbelts	
Horticulture Processing Facility zone	<p>Activity status: Controlled</p> <p>Matters of control are limited to:</p> <ol style="list-style-type: none"> the use of fencing or landscaping that ensures an adequate level of screening; it is not required to mitigate noise or light spill effects; existing shelterbelts on adjoining properties; and 	<p>Activity status where compliance not achieved: Not applicable</p>

¹⁰ Horticulture NZ (S159.175)

¹¹ Puketotara Lodge (S481.013)

	d. the removal will not create an adverse effect on the surrounding character and amenity values of the area.	
HPFZ-R5	Activities not otherwise listed in this chapter	
Horticulture Processing Facility zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
HPFZ-R6	Residential activity	
Horticulture Processing zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HPFZ-R7	Industrial activity	
Horticulture Processing zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HPFZ-R8	Commercial activity	
Horticulture Processing zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
Standards		
HPFZ-S1	Maximum height	
Horticulture Processing Facilities zone	<p>The maximum height of a building or structure, or extension or alteration to an existing building or structure is 12m above ground level.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> i. solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation; ii. chimney structures not exceeding 1.2m in width and 1m in height on any elevation; iii. chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or iv. architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation. 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the character and amenity values of the surrounding area; b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites; e. landscaping; and f. natural hazard mitigation and site constraints.
HPFZ-S2	Height in relation to boundary	
Horticulture Processing Facilities zone	<p>The building or structure, or extension or alteration to an existing building or structure must be contained within a building envelope defined by the following recession planes measured inwards from the respective boundary:</p> <ul style="list-style-type: none"> 1. 55 degrees at 2m above ground level at 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; b. shading and loss of access to

	<p>the northern boundary of the site;</p> <p>2. 45 degrees at 2m above ground level at the the¹² eastern and western boundaries of the site; and</p> <p>3. 35 degrees at 2m above ground level at the southern boundary of the site.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> i. solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation; ii. chimney structures not exceeding 1.2m in width and 1m in height on any elevation; iii. satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; or iv. architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation. 	<p>sunlight to adjoining sites, including buildings and outdoor areas; and</p> <p>c. natural hazard mitigation and site constraints.</p>
<p>HPFZ-S3 Setback (excluding from MHWS or wetland, lake and river margins)</p>		
<p>Horticulture Processing Facilities zone</p>	<p>The building or structure, or extension or alteration to an existing building or structure must be setback at least 10m from <u>from</u>¹³ all internal boundaries and 6m from a road boundary.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> i. <u>fences or walls no more than 2m in height above ground level</u>¹⁴; ii. uncovered decks less than 0.5m¹⁵ in height above ground level; iii. underground wastewater infrastructure; or iv. water tanks less than 2.7m in height above ground level. 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the character and amenity <u>values</u> of the surrounding area; b. screening, planting and landscaping on the site; c. the design and siting of the building or structure with respect to privacy and shading; d. natural hazard mitigation and site constraints; e. the effectiveness of the proposed method for controlling stormwater; f. the safety and efficiency of the current or future access, egress on site and the roading network; and g. the impacts on existing and planned public walkways, reserves and esplanades; h. <u>The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or</u>

¹² Clause 16, Schedule 1, RMA amendment to fix duplicate word.

¹³ Clause 16, Schedule 1, RMA amendment to fix spelling error.

¹⁴ Consequential amendment under clause 10(2)(b), Schedule 1, RMA resulting from Northland Planning and Development 2020 Limited (S502.060)

¹⁵ Note that HPFZ-S3(ii) is proposed to be amended under Variation 1 from 0.5m to 1m.

		<p>over the rail corridor; and</p> <p>i. <u>The safe and efficient operation of the rail network¹⁶.</u></p>
HPFZ-S4	Setback from MHWS¹⁷	
Horticulture Processing Facilities zone	<p>The building or structure, or extension or alteration to an existing building or structure must be setback at least 30m from MHWS</p>	<p>Where the standard is not met, matters of discretion are restricted to:</p> <p>-</p> <ul style="list-style-type: none"> a. the natural character of the coastal environment; b. screening, planting and landscaping on the site; c. the design and siting of the building or structure with respect to dominance on adjoining public space; d. natural hazard mitigation and site constraints; e. the effectiveness of the proposed method for controlling stormwater; and f. the impacts on existing and planned roads, public walkways, reserves and esplanades.
HPFZ-S5	Outdoor storage	
Horticulture Processing Facilities zone	<ul style="list-style-type: none"> 1. Internal Boundaries: <ul style="list-style-type: none"> i. outdoor storage areas are setback at least 10m; and ii. parking areas are setback at least 6m; 2. Road Boundaries: <ul style="list-style-type: none"> i. outdoor storage areas are setback at least 6m. 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the amenity values and quality of the road and surrounding area; b. the amenity values of adjoining properties, including shading and dominance; c. noise effects; d. lighting effects; e. dust effects; f. screening, planting and landscaping; and g. whether there are any alternate methods used.
HPFZ-S6	Landscaping	
Horticulture Processing Facilities zone	<ul style="list-style-type: none"> 1. Any boundary adjoining a road, or at the boundary of any site that is not zoned Horticulture Processing Facilities must be landscaped by a strip of vegetation or 	<p>Where the standard is not met, matters of discretion are restricted to:</p>

¹⁶ Consequential amendment under clause 10(2)(b), Schedule 1, RMA resulting from KiwiRail (S416.058)

¹⁷ Consequential amendment resulting from Coastal Environment section 42A report under clause 10(2)(b), Schedule 1, RMA

	<p>bund which has or will attain a minimum height of 1.8m for a minimum depth of 3m; and</p> <p>2. The landscaping or bund shall remain on the site for the duration of the activity and be maintained. If any landscaping dies, or becomes diseased or damaged, it shall be replaced within the next planting season.</p>	<p>a. the character and amenity <u>values</u> of the streetscape and surrounding area;</p> <p>b. noise effects;</p> <p>c. lighting effects;</p> <p>d. topographical or other site constraints making compliance with this standard impractical; and</p> <p>e. health and safety implications for pedestrians and the transport network.</p>
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