

**BEFORE THE HEARINGS PANEL
AT THE FAR NORTH DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act
1991 ("**the Act**")

AND

IN THE MATTER of the hearing of submissions on The
Proposed Far North District Plan

Hearing Stream 9: Rural, Horticulture &
Horticulture Processing:

- Rural Wide Issues and Rural
Production Zone
- Horticulture Zone

STATEMENT OF EVIDENCE BY VANCE ANDREW HODGSON

FOR HORTICULTURE NEW ZEALAND

18 NOVEMBER 2024

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SUMMARY STATEMENT

1. This planning evidence addresses the Horticulture New Zealand ("**HortNZ**") submission and the s42A Report response to the submissions on the Proposed Far North District Plan ("**PDP**"), Hearing Stream 9 – Rural, Horticulture and Horticulture Processing: Rural Wide Issues and Rural Production Zone.
2. The submissions cover a number of provisions, but I have been asked to provide planning evidence on the topics: the standards for visitor accommodation and educational facilities in the rural production zone, artificial crop protection structures, and seasonal workers accommodation.
3. I support the recognition in the proposed plan that primary production activities in the rural production zone should be able to operate without experiencing reverse sensitivity effects based on complaints about noise, dust, heavy traffic and light spill (which may be temporary or seasonal in nature) that should be anticipated and tolerated in a rural environment.
4. I also agree that there is also a need to accommodate recreational and tourism activities that may occur in the rural environment, subject to them being complementary to the function, character and amenity values of the surrounding environment.
5. I agree that a maximum guest occupancy is a helpful control on the scale of visitor accommodation and educational facilities to address potential reverse sensitivity effects,
6. I considered that extending the internal boundary setback for new visitor accommodation provides greater protection of primary production activities from this sensitivity activity. It is reasonable to expect visitor accommodation in the rural environment and in my opinion extending the setback does not necessarily prohibit the activity but provides a consenting pathway where non-compliance can be assessed with mitigations considered.
7. I agree with the s42A report writer and the evidence of HortNZ that artificial crop protection structures are necessary to enable primary production activities. However, amendments are needed to the rule structure to enable the benefits that

primary production brings and respond to the area of sensitivity around residential units that exist in the environment.

8. In my view, seasonal worker's accommodation should be provided for in the RPROZ to support primary production and achieve the outcomes sought by the proposed plan. However, amendments are needed to the rule structure to provide a practical pathway for the activity while ensuring any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in the district is minimised.
9. I consider the amendments I propose would provide greater clarity as to how reverse sensitivity effects on primary production activities are to be managed, enabling the efficient use and development of the Rural Production Zone ("**RPROZ**") and Horticulture Zone ("**HZ**") as required by Section 7(b). In addition, these amendments assist in enabling maintenance and enhancement of the amenity of sensitive activities as required by Section 7(c) of the RMA. The amendments assist with achieving the purpose of the zones, protect primary production from reverse sensitivity effects as and respect the amenity outcomes sought for sensitive activities as they exist and are able to assimilate into these productive rural environments.
10. My suggested amendments to the provisions of the PDP as they relate to those topics are included by provision, in Appendix 1.

QUALIFICATIONS AND EXPERIENCE

11. My full name is Vance Andrew Hodgson. I am a director of HPC Ltd, a resource management consultancy based in Waiuku. I have been employed in resource management related positions in local government and the private sector since 1994 and have been in private practice for 20 years. I hold a Bachelor of Resource and Environmental Planning (Hons) degree from Massey University.
12. I have worked in the public sector, where I was employed in student, assistant, and senior policy planning roles by the Franklin District Council. I have provided resource management consultancy services to various district and regional councils. The scope of work for the public sector has been broad, covering plan change processes, submissions to

national standards/regulations/policy statements and regulatory matters, mediation, and appeals.

13. In private practice I regularly advise a range of private clients on statutory planning documents and prepare land use, subdivision, coastal permit, water permit and discharge permit resource consent applications. I have experience in resource consent applications, hearings and appeals on a range of activities, particularly for activities in the rural environment. I have provided independent resource management advice to HortNZ on policy matters across New Zealand since 2012.
14. While these are not proceedings in the Environment Court, I consider the Environment Court's Code of Conduct for Expert Witnesses relevant, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

15. This evidence provides a planning assessment of those provisions on which HortNZ submitted and addresses the evaluation and recommendations to those submissions in the Section 42A Report, prepared for Hearing Stream 9: Rural Production Zone and Horticulture Zone.
16. The submissions focused on the provisions for the rural production and horticulture zones and seek to ensure the provisions enable and support the ongoing primary production activities of horticulture and supporting activities in the district, recognising existing activities and making provision for growth and land use change.
17. I did not prepare the submissions for HortNZ but have been asked to present planning evidence on the following matters:
 - The standards for Visitor Accommodation and Educational Facilities in the RPROZ.
 - Artificial Crop Protection Structures in the RPROZ and HZ.

- Seasonal Workers Accommodation in the RPROZ.
18. I note for the panel that I have also been asked to prepare planning evidence for the New Zealand Pork Industry Board on overlapping submissions concerning reverse sensitivity and sensitive activities. There is therefore some repetition across the two statements of evidence on these matters.
 19. My evidence includes recommended amendments to the plan change provisions where appropriate. Appendix 1 includes a list of my suggested amendments to the plan change by provision order for ease of reference.
 20. For the submissions of HortNZ, I rely on the statement provided by Sarah Cameron, the Senior Policy Advisor for HortNZ.

THE STANDARDS FOR VISITOR ACCOMMODATION AND EDUCATIONAL FACILITIES

Defining a 'Sensitive Activity'

21. Sensitive activity is defined in the PDP as follows:
 - means:
 - a. [Residential activities](#);
 - b. *Education facilities and preschools*;
 - c. *Guest and [visitor accommodation](#)*;
 - d. *Health care facilities which include accommodation for overnight care*;
 - e. *Hospital*;
 - f. [Marae](#); or
 - g. *Place of assembly*.
22. Where interpretation is important in understanding the outcome sought by an objective or policy, and in determining the activity status of a rule, the definition must be clear. The PDP definition accords with my experience with activities that can be sensitive to the effects of primary production.

RPROZ-R4 Residential Visitor Accommodation

RPROZ-R6 Educational Facility

23. The submission of HortNZ (S159.110) opposed RPROZ-R4, requesting the guest limit under PER-2 be reduced to 6 guests, a boundary setback of 20m apply and that the standards set out in RPROZ-R1 PER-2 are applied.
24. HortNZ (S159.113) also sought that the standards set out in RPROZ-R1 PER-2 are applied to RPROZ-R5.

25. Rules RPROZ-R4 and RPROZ-R6 provide a permitted activity pathway for these activities in the RPROZ where specified standards are met.
26. Both activities are required to be contained within a residential unit, accessory building or minor residential unit. In addition, particular standards apply as follows:
 - A permitted visitor accommodation has a maximum occupancy of 10 guests per night and the site cannot share access with another site.
 - A permitted education facility has specified hours of operation with a maximum number of children of 4 excluding those that live onsite.
27. The scale controls for these activities as expressed in the PDP definitions and RPROZ-R4/R6 are familiar controls that I am seeing being developed through current planning reviews across the country. I include examples in Appendix 2.
28. These are activities that even on a small scale in the rural environment are sensitive activities (by PDP definition) that could cause reverse sensitivity effects on established primary production activities. I note that both activities have a discretionary activity status in the HZ.
29. If primary production is to be protected from reverse sensitivity effects that may constrain their effective and efficient operation (RPZOZ-03(b)), and the establishment, design and location of new sensitive activities in the Rural Production zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities (RPZOZ-P3), it is my opinion that these defined sensitive activities should be subject to controls.
30. The expectations of those undertaking or enjoying these activities might conflict with primary production. In the case of parents looking at rural based educational options this might conflict with the smells, sights, noise and vehicle movements of primary production. The same conflict is possible between visitor accommodation that might have looked to leverage from a perception of rural character and amenity that might be quite different from the reality of the RPROZ, which has a purpose set out in the chapter overview that aligns with the zone name and description prescribed in

the Zone Framework Standards of the National Planning Standards¹.

31. I do not necessarily agree with the drafting of RPROZ-P2(b) that includes visitor accommodation and small-scale educational facilities in a list of 'compatible activities that support primary production activities'.

RPROZ-P2

b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation, small-scale educational facilities and home businesses; and

32. Rather than supporting primary production, these are activities that might require a rural location – as per the last part of the National Planning Standards zone description and as described in the chapter overview:

The Rural Production zone is the largest zone in the district and accounts for approximately 65% of all land. The Rural Production zone is a dynamic environment, influenced by changing farming and forestry practices and by a wide range of productive activities. The purpose of this zone is to provide for primary production activities including non-commercial quarrying, farming, intensive indoor and outdoor primary production, ~~plantation~~ commercial forestry activities, and horticulture. The Rural Production zone also provides for other activities that support primary production and have a functional need to be located in a rural environment, such as processing of timber, horticulture, apiculture and dairy products. There is also a need to accommodate recreational and tourism activities that may occur in the rural environment, subject to them being complementary to the function, character and amenity values of the surrounding environment...

33. The controls on the maximum number of participants for each activity, is a useful method but still brings a gathering of people (children and parents, and visitors) into an existing dwelling or accessory building that might be adjacent an

¹Rural Production Zone: Areas used predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location. Ministry for the Environment. November 2019. National Planning Standards Table 13: Zone names and descriptions

existing farm and create new or compound conflict and complaints.

34. In terms of visitor accommodation, the PDP proposes a maximum 10 guests per night. The plan examples I provide in Appendix 2 range from 5, 6, 8 guests. There is no consistency, and I cannot advise on the reasons for the numbers chosen, however it is reasonable to expect that the higher the number the greater chance of conflict.
35. Physical separation from primary production activities is an additional method that can be used and aligns with RPROZ-P3. It is a method applied through RPROZ-S3 to habitable buildings. It is also applied through RPROZ-S7 to sensitive activities relative to the boundaries of the Mineral Extraction Zone. Setbacks also apply to new intensive primary production activities through RPROZ-R23 and to buildings or structures used to house, milk or feed stock through RPROZ-S6.
36. It has been my experience that rural zone setbacks distances vary in district and regional plans. They can be based on science to respond to an individual effect (i.e. noise, light, odour, spray drift) but in the case of reverse sensitivity and residential unit setbacks, are more a pre-cautionary consent trigger point.
37. While I have not considered all district plans, I am aware that the most recent generation of plans have moved to increase setbacks in rural zones. This is likely a response to a range of issues including legacy fragmentation and development now impacting on primary production.
38. The submission of HortNZ proposes a 20m setback for new visitor accommodation activities from a boundary. This generally aligns with the more generous setbacks I have seen developed in recent plan reviews including:
 - The Partially Operative Proposed Selwyn District Plan (Appeals Version) with a 30m internal boundary setback for Residential Units, Seasonal Workers Accommodation and Visitor Accommodation.
 - The Proposed New Plymouth District Plan (Appeals Version) with a 15m internal boundary setback for all non-primary production related structures.

- The Mackenzie District Plan (via PC23 decisions 5 Aug 2024) with a 20m internal boundary setback for any buildings that is not an accessory building or structure less than 2m in height.
 - The Proposed Timaru District Plan (notified 22 September 2022) with a sensitive activities 20m internal boundary setback from any other site boundary in a different ownership where a primary production activity is being conducted, unless the site existed prior to 22 September 2022, in which case a 10m setback applies.
 - The Waikato District Plan (Appeals Version) applies a variable setback relating to parcel size with a 25m setback from the boundary of an adjoining site greater than 6ha and 12m from a site less than 6ha.
 - The Central Hawkes's Bay Proposed District Plan (Consent Order Version) adopts a similar approach based on a 2.5ha site size threshold and a 15m setback.
39. The s42A report writer has helpfully described that the entire RPROZ rule framework has been developed on the premise that RPROZ-R1 manages buildings and structures associated with all activities in the RPROZ. That being the case the request from HortNZ that the standards set out in RPROZ-R1 PER-2 are applied to RPROZ-R4/R6 is not required. I note however this standard would be applicable to a *new building or structure, relocated building or extension or alteration to an existing building or structure* but not to the use of an existing building or structure that might not meet the setback standards.
40. Setbacks are a blunt but effective method and I appreciate that where setbacks change through plan reviews there can be an effect on the land use and development aspirations of landowners. However, the setback of concern here is in regard to separating a sensitive activity that can and do conflict and it is not clear to me the current setback appropriately accounts for reverse sensitivity. Experience from other plans highlights the visitor accommodation requires particular consideration.

41. In my opinion extending the setback for visitor accommodation provides greater protection of primary production activities from the sensitivity activity. It is of course reasonable to expect visitor accommodation in the rural environment and in my opinion extending the setback does not necessarily prohibit the activity but provides a consenting pathway where non-compliance can be assessed with mitigations considered.
42. I consider it prudent to adopt a more generous and precautionary setback approach.

ARTIFICIAL CROP PROTECTION STRUCTURES AND CROP SUPPORT STRUCTURES

43. The submissions of HortNZ sought changes across both the RPROZ and HZ to provide a permitted activity pathway for Artificial Crop Protection Structures and Crop Support Structures (ACPS), an exclusion from height in relation to boundary requirements and a reduction in the boundary setbacks for artificial crop protection structures.
44. I agree with the s42A report writer² that a separate rule is a clearer way to ringfence the rules and standards that apply to artificial crop protection structures and crop support structures in both of these zones.
45. I am aware that district plans manage ACPS in different ways, but all seek a structure that enables this necessary activity and manage potential conflict at a boundary interface. Heights and setbacks have been determined reflective of the typical current and future ACPS in a district and particular outcomes sought. Examples include:
46. The Whangarei District Plan³ where ACPS are defined and identified in an RPROZ policy with a permitted activity rule in the Rural Production Zone specifying a maximum height of 10m and a 1m setback from all site boundaries and a 27m setback from MHWS or a river. No height in relation to boundary setback.
47. The Western Bay of Plenty District Plan⁴ where ACPS are defined with a permitted activity rule in the Rural Zone

² Para 484 s42A Report Rural Wide Issues and the Rural Production Zone / Para 105 s42A Report Horticulture Zone

³ Appendix 3

⁴ Appendix 4

specifying an exemption from yard and daylighting requirements subject to a cloth colour control within 30m of boundaries. A 9.0m maximum height applies. No height in relation to boundary setback. This plan also provides a useful explanatory note for the standards adopted:

Explanatory Note:

Research indicates that white cloth can cause glare on adjoining neighbours creating a nuisance and/or hazard. These provisions only restrict the colour of cloth used vertically within 30m of property boundaries, including boundaries adjacent to roads.

48. The Central Hawke's Bay Proposed District Plan – Consent Order Version⁵ where ACPS are defined and identified in a GRUZ and RPROZ objective with permitted activity rules specifying a cloth colour control within 30m of boundaries and a setback of 5m from internal boundaries and 15m from a residential dwelling on a separate site. A 10m maximum height applies. No height in relation to boundary setback.
49. The Opotiki District Plan⁶ where ACPS are defined and are a permitted activity in the Rural Zone subject to a cloth colour control within 30m of boundaries and a setback of 5m from a residential building on an adjacent lot. A 9m maximum height applies. No height in relation to boundary setback.
50. The Partially Operative Selwyn District Plan (Appeals Version)⁷ where ACPS are defined and are a permitted activity in the GRUZ subject to a setback of 3m from an internal boundary where green or black cloth is used on any vertical faces and are less than 6m high. A 5m setback applies for ACPS more than 6m or where any other colour is used. A 12m maximum height applies. No height in relation to boundary setback.
51. A recent consent order⁸ for appeals between HortNZ and the Waikato District Council provided in the evidence of HortNZ concerning artificial crop protection structures under the Proposed Waikato District Plan, provides an agreed position for ACPS in the GRUZ that requires no setback unless bordering a residential unit and where cloth colour controls apply within

⁵ Appendix 5

⁶ Appendix 6

⁷ Appendix 7

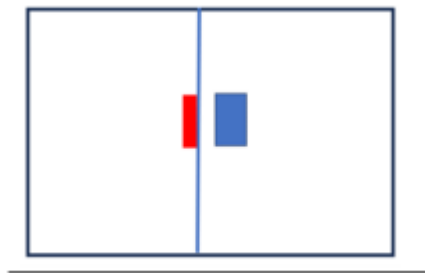
⁸ <https://environmentcourt.govt.nz/assets/Documents/Publications/2024-NZEnvC-063-Horticulture-New-Zealand-v-Waikato-District-Council.pdf>

30m of the site or road boundaries. No height in relation to boundary setback.

52. The agreed outcome, is a nuanced setback as follows:

Setbacks for Artificial Crop Protection Structures do not apply except for where they are located adjacent to an internal boundary where there is an existing lawfully established residential unit located on an adjacent site and within 12m of the boundary. In this circumstance a minimum 5m setback shall apply to that portion of the Artificial Crop Protection Structure that is parallel to the face of the neighbouring residential unit.

Advice note: To clarify the application of GRUZ-SX(1)(c) the below diagram shows the applicant site on the left, and the neighbouring property is to the right of the blue internal boundary line. The blue rectangle is the neighbouring residential unit, set less than 12m off the internal boundary. The red area on the left is the area subject to the 5m setback – there is no setback required along the balance of the shared boundary.



53. The section 32AA evaluation for that consent order sets out the following statement in regard to the package of changes:

- *They ensure the use of Artificial Crop Protection (ACP) Structures which is integral to the productive use of land for growing crops and which are not uncommon or unanticipated in rural environments. Enablement of these structures also facilitates the productive use of highly productive land and helps to give effect to the NPS-HPL;*
- *The requirement to use recessive colours on the cloth assists in mitigating visual effects;*
- *The economic benefits of the use of ACP Structures outweighs the benefits of maintaining an open rural character, especially where such structures in part contribute to that character themselves; and*

- They are the most effective method as they avoid adding further complications to the complexity of rule GRUZ-S12 with a series of exemptions and additional internal boundary ACP Structures clauses.

54. The examples provided are tabulated as follows:

District	Max Height	Internal Yard	Colour Controls
Whangarei	10m	1m	
Western BoP	9m	-	Green or black cloth vertically within 30m of boundaries.
Central Hawke's Bay	10m	5m from internal boundaries. 15m from a residential dwelling.	Green or black cloth vertically within 30m of boundaries.
Opotiki	9m	5m from a residential dwelling.	Dark green or black cloth vertically within 30m of boundaries.
Selwyn	Less than 6m	3m	Where green or black cloth is used.
	More than 5m	5m	Any other colour.
Waikato	15m or 10m within 50m of a boundary	5m from a residential dwelling	Green or black cloth vertically within 30m of boundaries.

55. In the examples provided, a cloth colour control is generally consistent, no height in relation to boundary control is applied and a variable approach to setbacks with Central Hawke's Bay, Opotiki and the Waikato District Plan consent order

adopting a tailored standard around an existing residential dwelling.

56. I support an approach which enables primary production and the benefits that brings while responding to the area of sensitivity around residential units that exist in the rural environment.
57. The PDP applies a 3m setback on all boundaries and a height to boundary control. The evidence of HortNZ is that these controls might constrain optimum use of highly productive land for primary production, effectively sterilising the productive capability of a strip of land around the full boundaries of rural production sites. As described in the evidence of HortNZ given the manner in which ACPS are installed with typically stays, poles and tensioning mechanisms at the boundaries these controls may be a constraint.
58. I support a more targeted approach that focuses on the potential sensitivity of residential dwellings relative to ACPS. This is the structure of the Waikato District Plan Consent Order such that cloth colour controls apply within 30m of the site or road boundary and where setbacks for ACPS (yard and height to boundary) do not apply except for where they are located adjacent to an internal boundary where there is an existing lawfully established residential unit located on an adjacent site and within 12m of the boundary. In this circumstance a minimum 5m setback applies to that portion of the ACPS that is parallel to the face of the neighbouring residential unit.
59. If this approach was adopted in the PDP, combined with a 6m height limit it would achieve the same or greater HIRB setback than that in the PDP on the northern, eastern and western boundaries for these residential interfaces where a structure of 6m might be proposed.
60. In terms of the southern boundary the Waikato Consent Order approach would result in a reduced setback but likely still effective for the outcome sought.
61. This is demonstrated in Appendix 8.
62. As I see it this aligns with the objectives and policies of the RPROZ and Horticulture Zone which have a primary purpose

set out in the respective chapter Overviews (as per s42 recommendations):

Rural Production Chapter:

The purpose of this zone is to provide for primary production activities including non-commercial quarrying, farming, intensive indoor and outdoor primary production, ~~plantation~~ commercial forestry activities, and horticulture. The Rural Production zone also provides for other activities that support primary production and have a functional need to be located in a rural environment, such as processing of timber, horticulture, apiculture and dairy products. There is also a need to accommodate recreational and tourism activities that may occur in the rural environment, subject to them being complementary to the function, character and amenity values of the surrounding environment.

Horticulture Zone Chapter:

The purpose of the Horticultural zone is to protect this area for horticultural activities for the benefit of current and future generations. Activities in the Horticulture zone provide a significant contribution to the district's economic well-being in terms of gross domestic product, jobs and flow on-benefits to the rural economy. This zone will support the sustainable growth of this sector and ensure that Kerikeri and Waipapa's highly productive land (plus LUC 4 land that has the potential to be highly productive) and irrigation networks are protected for horticulture activities.

63. As noted previously none of the district plan examples provided apply a height in relation to boundary control to ACPS.
64. The s42A recommends a HIRB not just to manage access to daylight, they are also to manage built dominance effects from the proximity of buildings and structures to boundaries. I agree that this can be an issue that should be managed at the sensitive activity interface. I am less convinced that this should be a method applied at all RPROZ or HZ zoned property boundaries in addition to a yard setback.
65. By my calculations a 6m high ACPS which is typical for the Far North would not be able to comply with the 2m+45° HIRB standard nor 2m+35° HIRB standard when 3m from the boundary. As advised by HortNZ, given the construction methodology it is not practical to vary the heights of these

structures to comply and they would be forced further away from site boundaries to avoid an infringement.

66. The highly productive land resource is important to the RPROZ and of particular importance in the HZ. I understand from HortNZ that ACPS are only likely on highly productive land. The Ministry for the Environment. 2023. National Policy Statement for Highly Productive Land: Guide to Implementation⁹ clarifying that structures that are erected to protect soil-reliant plants from weather, wind or pests (i.e., covered crops) are land-based primary production because they rely on the soil.
67. The adjoining Whangarei District Plan applies a 10m height and 1m yard setback for ACPS with no HIRB to maximise the productive capability of the limited HPL resource and the benefits that brings. The Waikato District Plan approach also adopts maximum flexibility and acknowledges ACPS are integral to the productive use of land for growing crops, not uncommon or unanticipated in rural environment and part of its character and that these structures facilitate the productive use of highly productive land and helps to give effect to the NPS-HPL.
68. The PDP proposes a 3m setback in the RPROZ to manage the built dominance effects from the proximity of buildings and structures to boundaries as raised by submitters and the s42 author. While I disagree that this is the most efficient approach on all RPROZ boundaries it is a legacy rule from the Rural Production Zone of the Operative Far North District Plan and would nevertheless be sufficient to manage the concern.
69. In the HZ, a 3m setback would in my opinion conflict directly with the zone purpose and the enablement of horticulture (HZ-O2) where any adverse effects are contained on site to the extent practicable (HZ-P3[a]). The submission of HortNZ is that a 1m setback should apply to maximise the zones productive capability. I also note the evidence of HortNZ that often the boundary includes natural shelters and sometimes a maintenance strip for vehicle access such that in practice a setback is typically established.
70. I reiterate that a more nuanced setback around residential dwellings in the HZ is appropriate.

⁹ [National-Policy-Statement-Highly-Productive-Land-Guide-to-implementation-March-2023.pdf](#)

71. I have provided tracked changes to reflect this approach in Appendix 1.

SEASONAL WORKERS ACCOMODATION

72. Responding to the submission of HortNZ (\$159.129) and NZ Kiwifruit Growers (\$518.005), the s42 report writer recommends the insertion of a new rule to manage seasonal worker accommodation in the RPROZ¹⁰.
73. I am aware this is a necessary supporting activity for horticulture, increasing reliant on overseas workers and that planning regulations have been adapting to provision this activity in rural zones. District plans responses to seasonal worker accommodation vary, but typically can provide a permitted activity threshold and consent pathway where minimum standards are not met.
74. HortNZ supports the s42A recommendation, but I understand there is an area of concern related to RPROZ-RY PER-1(4) that requires the seasonal worker accommodation to not be located on Highly Productive Land.
75. Seasonal worker accommodation would meet clause 3.9(2)(a) of the NPS-HPL being a supporting activity. It is a specific housing need that enables the provision of labour in close proximity to horticultural operations and therefore supports the utilisation of Highly Productive Land for rural production.
76. As described in the evidence of HortNZ, seasonal worker accommodation can take a variety of forms. It is not uncommon for multiple buildings where sleeping quarters are separated from ablutions. It is also not uncommon for men and women's facilities to be separated or to accommodate different groups based on their country of origin. The arrangements respond to the circumstance of the works and as per requirements of seasonal worker programs.
77. All seasonal worker accommodation activities I have been involved in have been located on Highly Productive Land. This would be the norm given the nature of the activity and I expect this to be likely in the Far North.
78. Achieving compliance with RPROZ-RY PER-1(4) would in practice be difficult to achieve on many sites. It would force

¹⁰ Para 497 s42A Report Rural Wide Issues and the Rural Production Zone

the build onto more geotechnically difficult building sites with corresponding earthworks, landscape and effluent management challenges and likely into areas that are remote from the area of growing activity.

79. Policy 8 of the NPS-HPL requires highly productive land to be protected from inappropriate use and development. As noted previously, pursuant to 3.9(2)(a) seasonal worker accommodation is a supporting activity.
80. Clause 3.9(3) of the NPS-HPL goes on to require territorial authorities to take measures to ensure that any use or development on highly productive land minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district.
81. In my opinion RPROZ-RY achieves this by putting a 10 worker limit on the number of workers the accommodation can provide for. This ultimately governs the scale of the activity. Non-compliant proposals will be assessed as discretionary activities.
82. I note that RPROZ-RY PER-1(1) provides a control to require the seasonal worker accommodation to be located on the same *land* used for that operation.
83. The Ministry for the Environment. 2022. National Policy Statement for Highly Productive Land: Guide to Implementation¹¹ provides examples of activities that may be appropriate on HPL under Clause 3.9(2) and in the intentions and examples anticipated (Table 2) states as follows:

The intention of this clause is that activities that support land-based primary production on surrounding HPL or as part of a landholding where the production is occurring, have a pathway to occur on HPL. Activities such as residential accommodation for the landowner and/or farm staff, seasonal worker accommodation, sheds for farm machinery, workshops for repairing and maintaining equipment and roadside sales of goods produced on site would all be anticipated under this clause where these support land-based primary production.*

** 'landholding' in this context is intended to have the same meaning as the definition of 'landholding' in the Resource*

¹¹ [NPS-Highly-Productive-Land-Guide-to-implementation.pdf](#)

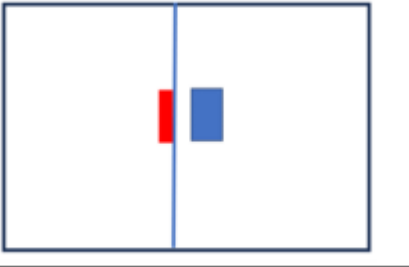
Management (National Environmental Standards for Freshwater) Regulations 2020 which is defined as “means one or more parcels of land (whether or not they are contiguous) that are managed as a single operation”.

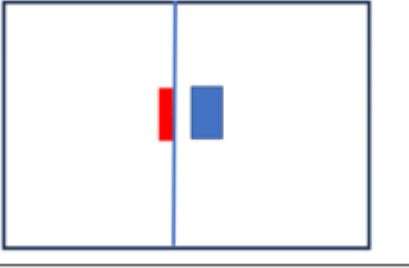
84. I recommend RPROZ-RY PER-1(1) be amended to also refer to Landholding (rather than Land) to reflect the guidance.

APPENDIX 1 – PROPOSED AMENDMENTS TO PLAN CHANGE PROVISIONS

The provisions in the Proposed Far North District Plan are shown in **green text** with amendments as recommended in the S42A Report are shown in **strikeout** and **blue italics**. Amendments recommended in this evidence are shown with deleted text shown as **strikeout** and new text as **underlined in black**.

Provision	As Recommended in this Evidence
<p>RPROZ-R4</p> <p>Visitor Accommodation</p> <p>Rural Production Zone</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 <i>The visitor accommodation is within a residential unit, accessory building or minor residential unit- setback at least 20m from a site under separate ownership.</i></p> <p>PER-2 <i>The occupancy does not exceed 10 guests per night.</i></p> <p>PER-3 <i>The site does not share access with another site.</i></p>
<p>RPROZ-RX</p> <p>Artificial crop protection structures and crop support structures</p> <p>Rural Production Zone</p>	<p>Activity Status: Permitted</p> <p>Where:</p> <p>PER-1 <i>The establishment of a new, or expansion of an existing, artificial crop protection structure or crop support structure, where:</i></p> <ol style="list-style-type: none"> <i>1. The height of the structure does not exceed 6m above ground level;</i> <i>2. The structure is set back at least 3m from all site boundaries;</i> <i>3. Dark green or black material is used on any vertical faces within 30m of a site 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.</i> <p>PER-2</p>

	<p>The new, or expansion of an existing, artificial crop protection structure or crop support structure complies with standards:</p> <p>RPROZ-S2 Height in relation to boundary</p> <p><u>Where an artificial crop protection structure or crop support structure is located adjacent to an internal boundary where there is an existing lawfully established residential unit located on an adjacent site and within 12m of the boundary. In this circumstance a minimum 5m setback shall apply to that portion of the Artificial Crop Protection Structure that is parallel to the face of the neighbouring residential unit.</u></p> <p><u>Advice note: To clarify the application of RPROZ-RX the below diagram shows the applicant site on the left, and the neighbouring property is to the right of the blue internal boundary line. The blue rectangle is the neighbouring residential unit, set less than 12m off the internal boundary. The red area on the left is the area subject to the 5m setback – there is no setback required along the balance of the shared boundary</u></p> 
<p>HZ-RX</p> <p>Artificial crop protection structures and crop support structures</p> <p>Horticulture Zone</p>	<p>Activity Status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The establishment of a new, or expansion of an existing, artificial crop protection structure or crop support structure, where:</p> <ol style="list-style-type: none"> 1. The height of the structure does not exceed 6m above ground level; 2. The structure is set back at least 3m <u>1m</u> from all site boundaries; 3. Dark green or black material is used on any vertical faces within 30m of a site 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>PER-2</p> <p>The new, or expansion of an existing, artificial crop protection structure or crop support structure complies with standards:</p> <p>RPROZ-S2 Height in relation to boundary</p> <p><u>Where an artificial crop protection structure or crop support structure is located adjacent to an internal boundary where there is an existing lawfully established residential unit located on an adjacent site and within 12m of the boundary. In this circumstance a minimum 5m setback shall apply to that portion of the Artificial Crop Protection Structure that is parallel to the face of the neighbouring residential unit.</u></p> <p><u>Advice note: To clarify the application of RPROZ-RX the below diagram shows the applicant site on the left, and the neighbouring property is to the right of the blue internal boundary line. The blue rectangle is the neighbouring residential unit, set less than 12m off the internal boundary. The red area on the left is the area subject to the 5m setback – there is no setback required along the balance of the shared boundary</u></p> 
<p>RPROZ-RY</p> <p>Seasonal Worker Accommodation</p> <p>Rural Production Zone</p>	<p>Activity Status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The establishment of a new, or expansion of existing seasonal worker accommodation where:</p> <ol style="list-style-type: none"> 1. The accommodation is associated with a farming or forestry activity and is located the same land landholding used for that operation;

- | | |
|--|--|
| | <ol style="list-style-type: none">2. The accommodation comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities;3. The accommodation provides for no more than 10 workers; and4. The accommodation is not located on highly productive land. |
|--|--|

APPENDIX 2 – DISTRICT PLAN EXAMPLES: VISITOR ACCOMMODATION

Partially Operative Selwyn District Plan (Appeals Version)

GRUZ-R15	Visitor Accommodation
	<p>Activity Status: PER</p> <p>1. The establishment of a new, or the expansion of an existing visitor accommodation</p> <p>Where:</p> <p>a. Accommodation is offered to not more than five guests for reward or payment at any one time;</p> <p>b. The registered proprietor resides permanently on-site;</p> <p>c. The visitor accommodation is not located within the Airport 50dB Ldn Noise Control Overlay.</p> <p>And this activity complies with the following rule requirements:</p> <p>GRUZ-REQ4 Structure Setbacks</p> <p>GRUZ-REQ10 Sensitive Activity Setback from Intensive Primary Production</p> <p>GRUZ-REQ11 Sensitive Activity Setback from Mineral Extraction</p>
	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of GRUZ-R15.1.a or GRUZ-R15.1.b is not achieved: DIS</p> <p>3. When compliance with GRUZ-R15.1.c is not achieved: NC</p> <p>4. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant rule requirement.</p> <p>Notification</p> <p>5. Absent its written approval, any application under GRUZ-R15.3 shall be notified to Christchurch International Airport Limited.</p>

GRUZ-TABLE1	Structure Setbacks			
	Structure type	Internal boundary	Road boundary with State Highway or arterial road	Road boundary with other road
	Residential units Seasonal worker accommodation Visitor accommodation	30m	20m	10m

Proposed Waikato District Plan (Appeals Version)

GRUZ-R10	Visitors' accommodation [000047, 000049, 000055, 000086] {000079}
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Have no more than 5 guests; and</p> <p>(b) Be within a building that was existing as at 17 January 2022; and</p> <p>(c) Standards GRUZ-R10(a) and (b) do not apply to occupation of a single residential unit for short term rental.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

Proposed Waimakariri District Plan

GRUZ-R7 Visitor accommodation

This rule does not apply to any camping ground provided for under GRUZ-R34.

Activity status: PER

Activity status when compliance not achieved: DIS

Where:

1. the activity shall be undertaken within a residential unit, minor residential unit or accessory building; and
2. a maximum of eight visitors shall be accommodated per site.

Proposed Timaru District Plan

GRUZ-R9	Residential visitor accommodation	
General Rural Zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The visitor accommodation is contained within, and ancillary to the use of, an existing principal residential unit; and</p> <p>PER-2 The maximum occupancy is six guests per night.</p>	Activity status where compliance not achieved with: Discretionary

APPENDIX 3 – WHANGAREI DISTRICT PLAN

Artificial Crop Protection Structures: means open [structures](#) that are used to protect crops from damage:

- a. including:
 - i. bird netting; and
 - ii. wind-break netting.
- b. excluding:
 - i. greenhouses.

RPROZ-P1 Rural Character and Amenity

To protect the distinctive rural character and amenity of the Rural Production Zone including but not limited to:

1. A dominance of natural features including landforms, watercourses and vegetation.
 - a. A predominately working rural production environment, including:
 - i. The presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops and areas of forestry.
 - ii. [Ancillary activities](#) and [structures](#) (including [crop support structures](#) and [artificial crop protection structures](#)) across the landscape.
 - b. Seasonal activities.
 - c. A low intensity of development, involving a combination of domestic and rural production [buildings](#) and [major structures](#).
 - d. Varying levels of noise associated with seasonal and intermittent rural production activities.
 - e. Relatively open space and low density of development.
 - f. Odours, noise and dust typical of rural activities.
 - g. Generally low levels of vehicle traffic with seasonal fluctuations.

RPROZ-R12 Crop Support Structures or Artificial Crop Protection Structures

Activity Status: Permitted

Where:

1. The maximum structure height is 10m above ground level.
2. The structure is set back at least:
 - a. 1m from all [site](#) boundaries.
 - b. 27m from Mean High Water Springs and the top of the bank of any [river](#) that has a width exceeding 3m (excluding bridges, culverts and fences).

Activity Status when compliance not achieved: Discretionary

APPENDIX 4 – WESTERN BAY OF PLENTY DISTRICT PLAN

“Artificial Crop Protection” means [structures](#) of cloth used to protect crops and/or enhance growth.

18.3.1 Permitted Activities

o. [Artificial crop protection](#) subject to performance standards specified in [18.4.1 k.](#)

a. Height of buildings/structures

Maximum – 9.0m excluding frost protection fans which shall be a maximum of 15m inclusive of blades.

k. Standards for artificial crop protection

- i. shall have green or black cloth when used vertically within 30m of the boundary of the property or within the tauranga harbour (s8), wairoa river (s7) and matakana island (s9) landscape management areas;
- ii. shall be of any colour when used horizontally;
- iii. are exempt from [yard](#) and daylighting requirements.

Provided that:

Within 30m of property boundaries, other than any road boundary, a different colour cloth can be used where the written approval of the owner(s) of the immediately adjoining property is obtained.

Any proposal to situate any [artificial crop protection](#) with cloth other than green or black within 30m of a road boundary will require resource consent for a discretionary activity.

Explanatory note:

Research indicates that white cloth can cause glare on adjoining neighbours creating a nuisance and/or hazard. these provisions only restrict the colour of cloth used vertically within 30m of property boundaries, including boundaries adjacent to roads.

APPENDIX 5 – CENTRAL HAWKE’S BAY PROPOSED DISTRICT PLAN – CONSENT ORDER VERSION

Artificial Crop Protection Structures: structures of cloth to protect or cover crops but does not include greenhouses.

RPROZ-O4 The predominant character of the Rural Production Zone is maintained, which includes:

1. overall low-density built form, with open space and few [structures](#)
2. a predominance of [primary production](#) activities and associated buildings such as barns and sheds, [post-harvest facilities](#), [seasonal workers accommodation](#), and [artificial crop protection structures](#) and [crop support structures](#), which may vary across the [district](#) and seasonally;
3. the sounds, smells, and traffic associated with [primary production](#) activities, and established [rural industries](#), anticipated from a working rural [environment](#);
4. existing rural communities and community activities, such as rural halls, [reserves](#) and [educational facilities](#);
5. a landscape within which the natural [environment](#) (including farming and forest landscapes) predominates over the built one;
6. an environmental contrast & clear distinction between town & country (including a general lack of urban infrastructure, such as street lighting, solid fences & footpaths).

RPROZ-R21 Artificial Crop Protection Structures

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. Use of green or black cloth on vertical faces within 30m of the [site boundary](#);
 - ii. Use of green, black, or white cloth on horizontal surfaces.
- b. Compliance with:
 - i. [RPROZ-S3 Height](#) of buildings;
 - ii. [RPROZ-S6\(4\) and RPROZ-S6\(5\) Setback](#) from neighbours;
 - iii. [RPROZ-S8](#) Electrical safety distances; and
 - iv. [RPROZ-S15 Setbacks](#) from [National Grid](#).

2. Activity status where compliance with conditions RPROZ-R21(1)(a) and/or RPROZ-R21(1)(b) and/or RPROZ-R21(1)(c)(i) and/or RPROZ-R21(1)(c)(ii) and/or RPROZ-R21(1)(c)(iii) is not achieved: RDIS

Matters over which discretion is restricted:

- a. The [effects](#) of not meeting the conditions in respect to cloth colour and [building height](#).
- b. The [effects](#) of not meeting [setbacks](#) from the [National Grid](#).
- c. Assessment Matter [RPROZ-AM15](#) in relation to not meeting electricity safety distances

3. Activity status where compliance with RPROZ-R21(1)(c)(iv) is not achieved: NC

RPROZ-S3 Height of Buildings

1. Maximum [height](#) of any [building\(s\)](#) is 10m.

RPROZ-S6 Setback from Neighbours: Artificial Crop Protection Structures

4. Minimum [setback](#) from [internal boundaries](#) is 5m.
5. Minimum [setback](#) from the nearest part of a residential [dwelling](#) on a separate [site](#) is 15m

APPENDIX 6 – OPOTIKI DISTRICT PLAN

Artificial Crop Protection Structures Means structures of permeable cloth to protect or cover crops but does not include greenhouses.

Building It does not include artificial crop protection structures or crop support structures.

8.3.1 Permitted Activities

20. Artificial crop protection structures.

8.6.5 Artificial Crop Protection Structures

1. Dark green or black cloth shall be used on vertical faces within 30m of the boundary of the property.
2. Green, black or white cloth shall be used on horizontal surfaces.
3. Within 30m of a property boundary, including a road boundary, white cloth may be used where 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.
4. No setback from a side or rear boundary shall be required for an artificial crop protection structure except that where there is an existing lawfully established residential building located 5m or less from the boundary on an adjacent lot, a 5m setback shall be provided unless the written approval of the owner(s) of the adjacent lot is obtained and provided to the Council. The setback shall apply to a 5m envelope parallel to any face of the residential building.
5. No maximum site coverage shall apply.
6. Non-compliance with these rules or where written approval is not obtained shall be assessed as a Restricted Discretionary Activity.

APPENDIX 7 – PARTIALLY OPERATIVE SELWYN DISTRICT PLAN – APPEALS VERSION

ARTIFICIAL CROP PROTECTION STRUCTURE means [structures](#) with material used to protect crops and/or enhance growth (excluding greenhouses). Artificial crop protection [structures](#) are not [buildings](#).

GRUZ-REQ2 Structure Height

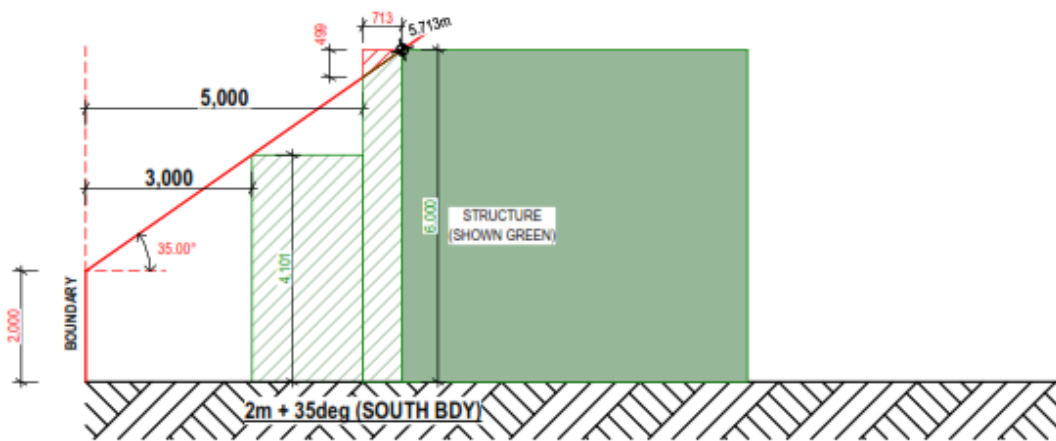
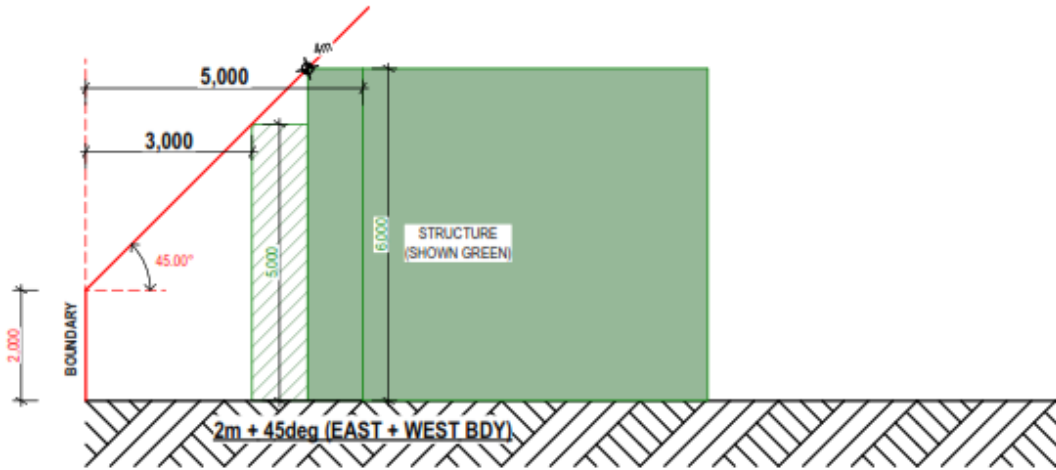
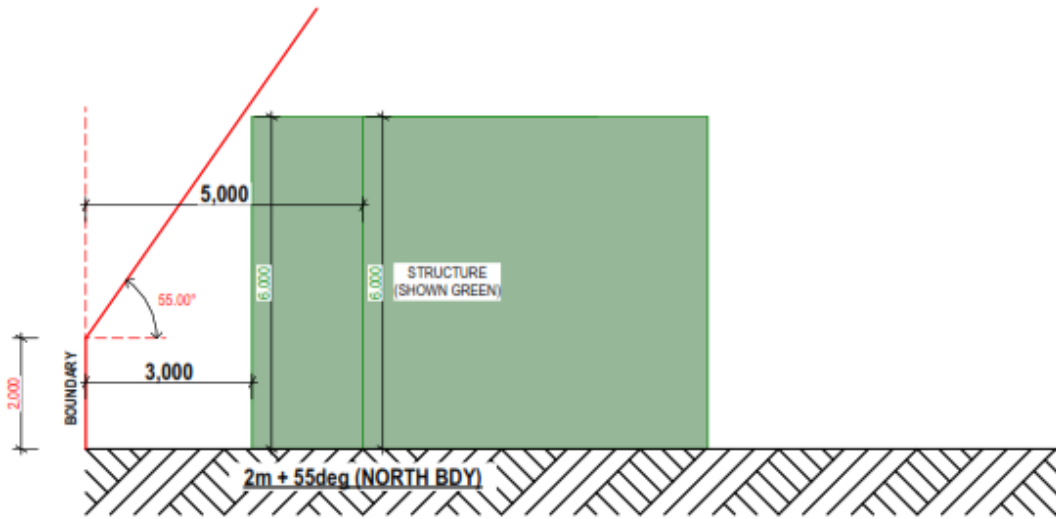
The [height](#) of any [structure](#) when measured from [ground level](#) shall not exceed:

- a. 9m for any [building](#) designed or used for human occupation;
- b. 12m for any other [structure](#) or [building](#), except silos;

GRUZ-TABLE1 Structure Setbacks

Structure type		Internal boundary	Road boundary with other road	Road boundary with State Highway or arterial road
Artificial crop protection structures and crop support structures	less than 6m in height where green or black cloth is used on any vertical faces that fronts an internal boundary of a site in different ownership or a road boundary	3m	5m	5m
	more than 6m in height or where any colour other than green or black cloth is used on any vertical faces that fronts an internal boundary of a site in different ownership or a road boundary	5m	5m	10m

APPENDIX 8 – HEIGHT IN RELATION TO BOUNDARY – FNDP



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HIRB DETAILS

1:100