

REPORT

TO: Proposed Timaru District Plan Hearing Panel

FROM: Megan Geng – Team Leader Policy

DATE: 23 June 2023

SUBJECT: SUPPLEMENTARY REPORT ON LATE SUBMISSION OF NZ FROST FANS

RECOMMENDATION

‘That the submission made by NZ Frost Fans Limited, received on 22 June 2023 is not accepted.’

1. PURPOSE

To consider a submission that Timaru District Council has received on the notified Proposed District Plan from NZ Frost Fans Limited on 22 June 2023. This report is supplementary to the Late Submission Report prepared and provided to the Hearing’s Panel on 15 June 2023.

2. HISTORY/BACKGROUND

The procedure set out in Timaru District Council’s delegation manual regarding late submissions is, that the Hearing Commissioner(s) consider any late submissions and determine if they should be accepted and included in the notified Summary of Submissions.

As part of this consideration, the Hearing Commissioner(s) shall take into account the following:

- a) The Council’s duties under Section 37A of the Resource Management Act 1991;
- b) The principles of natural justice; and
- c) Any views expressed on the matter by the applicant, the late submitter, any other affected party, and the Council’s Reporting Officer(s).

3. DISCUSSION

The submission period on the Proposed Timaru District Plan closed on 15 December 2022. A report on late submissions has previously been provided to the Hearings Panel on 15 June 2023. That report recommends:

That:

- a) the Panel note the issues raised by the Late submission #157 of Ryan de Joux and reach a decision as to whether the justification provided is adequate for inclusion in the summary of submissions;*
- b) other late submissions be viewed as being adequate for inclusion in the summary of submissions and that;*
- c) no other late submissions (excluding further submissions) received after the date of this report be accepted.*

On 22 June 2023, NZ Frost Fans Limited made a submission on the Proposed District Plan, approximately, 6 months after the submission period closed. The submission states:

“NZFF acknowledges the significant lateness of the submission to the Proposed Timaru District Plan (PTDC). We note that this is the result of the recent appointment of an ‘in-house’ planning expert (May 2023) and consequently the recent identification of the process and its importance to NZFF. However, we submit that no party will be prejudiced by accepting this late submission as it is received by Timaru District Council prior to the issue of the summary of submissions and as such:

- A. Any party wishing to further submit on NZFF’s submission will be able to, and;*
- B. NZFF has not gained an advantage by reviewing any other parties submissions prior to lodging this submission, and,*
- C. That NZFF is likely affected more than the public at large by the proposals in the PTDP.*

For consistency with recommendation c) of the late submission report provided to the Panel dated 12 June 2023, it is recommended that the late submission from NZ Frost Fans Limited is not accepted.

Appendix A provides a copy of the submission from New Zealand Frost Fans Limited.

4. OPTIONS

- a) Do not accept the late submission from New Zealand Frost Fans Limited; or
- b) Accept the late submission from New Zealand Frost Fans Limited.



Megan Geng
TEAM LEADER POLICY

Appendix A – New Zealand Frost Fans Limited Submission on the Proposed Timaru District Plan

Form 5

Submission on Notified Proposal for Plan, Change, Variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter: New Zealand Frost Fans Limited

This is a submission on the following proposed plan;

Proposed Timaru District Plan

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

~~I am directly affected by an effect of the subject matter of the submission that—~~

~~(a) adversely affects the environment; and~~

~~(b) does not relate to trade competition or the effects of trade competition.~~

The specific provisions of the proposal that my submission relates to are:

Outlined in Appendix 1 as attached to this submission.

My submission is:

Outlined in Appendix 1 as attached to this submission.

I seek the following decision from the local authority:

The same or similar to the relief sought in Appendix 1 attached to this submission.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter



James Robert Witham, on behalf of NZ Frost Fans Limited

15th June, 2023

Electronic address for service of submitter: james.witham@nzfrostfans.com

Telephone: 0274848000

Postal address: 1429 Omaha Road, Hastings 4175

Contact person: James R. Witham, Senior Planner, NZ Frost Fans Limited

Appendix 1 – Submission of NZ Frost Fans



To Whom It May Concern

NZ FROST FANS SUBMISSION ON THE PROPOSED TIMARU DISTRICT PLAN

BACKGROUND

New Zealand Frost Fans Limited (NZFF) is a New Zealand company that manufactures, installs, monitors and maintains frost fans in order to protect New Zealand's substantial horticultural export industry. Crops protected include both pip and stone fruit, kiwifruit, avocado, citrus, viticulture and various nut crops around the world with its *FrostBoss*[®] frost fans. Much of this horticultural activity would not be able to be reliably undertaken in New Zealand without frost protection. The industry relies on both the mix of water, climate, and soils which are most often classed as highly productive. The protection of this land and its productive potential is critical to both maintaining and growing horticulture in New Zealand and the Timaru District. In many cases, the need for frost protection to maintain or grow the use of highly productive soils is absolutely necessary.

LATE SUBMISSION

NZFF acknowledges the significant lateness of the submission to the Proposed Timaru District Plan (PTDC). We note that this is the result of the recent appointment of an 'in-house' planning expert (May 2023) and consequently the recent identification of the process and its importance to NZFF. However, we submit that no party will be prejudiced by accepting this late submission as it is received by Timaru District Council prior to the issue of the summary of submissions and as such:

- A. Any party wishing to further submit on NZFF's submission will be able to, and;
- B. NZFF has not gained an advantage by reviewing any other parties submissions prior to lodging this submission, and,
- C. That NZFF is likely affected more than the public at large by the proposals in the PTDP.

SUBMISSION IN CHIEF

NZFF's submission largely relates to the implementation of the National Policy Statement for Highly Productive Land (NPS – HPL) and directly associated matters relating to the use and operation of frost fans in the Timaru District. NZFF recognises that the PTDC was likely substantially complete prior to the release of the NPS-HPL. We acknowledge that policy development cannot wait on the delivery of all high-level policy documents. Clearly that timing provided a challenge to delivering timely, complete and appropriate policy, and similarly Timaru District Council has no control over that. This submission acknowledges those complications and seeks to assist the PTDP to better and more completely implement the NPS-HPL.

National Policy Statements

- *Implementation of NPS HPL*

We note that the PTDP appears to adopt an early approach to determining Highly Productive Land, insofar as it seeks to manage LUC 1 and 2 land only and did not consider LUC 3. These circumstances will have unfortunately affected the development of a fulsome framework managing the productive land in the district which meets the objective 2.1 of the NPS-HPL as follows:

2.1 Objective

Objective: *Highly productive land is protected for use in land-based primary production, both now and for future generations.*

As underlined by the Supreme Court in the 'King Salmon' decision, section 75(3), requires Council to, amongst other things, 'give effect to any' national policy statement. That requirement is useful when dealing with directive policy direction such as that contained within the NPS – HPL. Despite the timing of the notification of the PTDP and the NPS-HPL coming into effect, the requirement still stands. The submissions process in this instance is therefore important in adding flesh to what this might mean for the natural and physical resources of Timaru and their integrated management.

NZFF is of the view that, as notified, the PTDP does not adequately give effect to any and all parts of the NPS-HPL, including, but not limited to:

- Objective 1,
- Policy 1,
- Policy 4,
- Policy 8, and
- Policy 9
- Cl 3.5(7)
- Cl 3.9
- Cl 3.12 and 3.13

In particular, we note that Cl13(7) directs Council to implement the direction of the NPS – HPL immediately, despite the absence of regional council mapping in the interim, with several identified exemptions. In addition, we note the direction in Cl 3.9(1), (3) and (4) as follows:

3.9 Protecting highly productive land from inappropriate use and development

- (1) Territorial authorities **must avoid the inappropriate use or development of highly productive land that is not land-based primary production....**
- (3) Territorial authorities **must take measures** to ensure that any use or development on highly productive land:
 - (a) *minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
 - (b) **avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.**
- (4) Territorial authorities **must include objectives, policies, and rules in their district plans to give effect to this clause.**

We note several key areas of direction from the NPS - HPL where the PTDP is currently deficient. These include:

1. Not ensuring the protection of highly productive land as defined in the NPS - HPL;
2. Not prioritising the use of highly productive land for land-based production activities;
3. Not adequately protecting highly productive land from inappropriate (non-production) use and development;
4. Not managing reverse sensitivity effects in a manner that may constrain land based primary production activities on highly productive land.

It is NZFF's submission that the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.

Proposed Timaru District Plan Content

- Strategic direction

SD-O9 fails to adequately implement the NPS-HPL and needs to be amended for the reasons given above.

- Versatile Soil

The chapter on Versatile soils does not implement NPS-HPL and fails by a long way to do so. Any overlay will need to include class 1, 2 and 3 soils. Similarly, provisions, including objectives, policies and rules would need to address all the matters within the NPS – HPL, including enabling and prioritising appropriate uses, precluding inappropriate use, and avoiding reverse sensitivity from non-appropriate uses on that land.

It is NZFF's submission that the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.

- Noise

The noise chapter also does not appropriately give effect to the NPS – HPL, particularly insofar as the priority of land uses on HPL set out in Cl3.9(3), Cl3.12 and Cl3.13 are not provided for, nor reverse sensitivity from non-productive uses avoided or mitigated. The objectives, policies and methods need to be amended to recognise that priority and generally to give effect to the NPS HPL. This includes NOISE-O1, NOISE-O2, NOISE-P1, NOISE-P5, NOISE-R1, NOISE-R9, NOISE-S2, NOISE S3, TABLE 24, 25 and 26.

We note the exemption to meeting quantitative noise limits set out in NOISE-R1 – PER-2.1. However, NZFF recognises that more certainty can and should be provided by the implementation of a bespoke set of rules for frost fans and recommend that specific provisions be included. Included in these provisions should be reverse sensitivity provisions for non-productive and sensitive uses in close proximity to frost fans.

It is NZFF's submission that the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.

- General Rural Zone

The provisions in the General Rural Chapter similarly need to be strengthened and/or provisions added to adequately address the four shortfalls identified about in order to give effect to the NPS-HPL. This includes GRUZ-O1, GRUZ-O2, GRUZ-O4, GRUZ-P1, GRUZ-P3, GRUZ-P5, GRUZ-P8, GRUZ-P9,

GRUZ-R4, GRUZ-R7, GRUZ-R8, GRUZ-R10, GRUZ-S1, and GRUZ-S4. Additional provisions are required to differentiate highly productive land and implement the NPS – HPL. Provisions separating non-productive uses from the effects of productive uses will be necessary, particularly in relation to the matters discussed on the Noise chapter above. This would include avoiding the establishment of non-production uses, separation and noise insulation requirements for sensitive and non-productive uses.

It is NZFF's submission that the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.

- *Non-statutory planning maps/layers*

To support appropriate noise provisions and management of reverse sensitivity it is NZFF's submission that data showing the location of frost fans should be collected and included in a non-statutory layer in order to implement the reverse sensitivity provisions necessary to implement the NPS-HPL.

SUMMARY

NZFF notes the lateness of the proposal, but submits that no party is materially disadvantaged by receiving this submission.

NZFF acknowledge the timing of the relief higher level regulatory documents have likely compromised the ability develop a complete and appropriate framework for highly productive land. The objectives, policies and methods of the PTDP need to be amended to appropriately give effect to the National Policy Statement for Highly Productive Land. In particular, the amendments and inclusions are required to enable and prioritise appropriate uses, precluding inappropriate uses, and avoiding reverse sensitivity from non-appropriate uses for highly productive land.

NZFF also recommends the adoption of specific standards for frost fan noise, including managing reverse sensitivity for non-productive land uses to support the appropriate use and development of highly productive land.

Submission Table for Proposed Timaru District Plan

Without limiting the generality of the above, NZ Frost Fans seeks the following decisions on the Proposed Timaru District Plan, as set out below, or alternative amendments to address the substance of the concerns raised in this submission and any consequential amendments required to address the concerns raised in this submission.

Additions are indicated by underline, and deletions by ~~strikethrough~~ text

Provision	Support/Oppose	Reason	Decisions sought
WHOLE OF PLAN			
Whole Plan	Support in part, oppose in part	<p>The PTDP generally fails to give effect to NPS-HPL, in particular:</p> <ol style="list-style-type: none"> 1. Not ensuring the protection of highly productive land as defined in the NPS - HPL; 2. Not prioritising the use of highly productive land for land based production activities; 3. Not adequately protecting highly productive land from inappropriate (non-production) use and development, 4. Not managing reverse sensitivity effects in a manner that may constrain land based primary production activities on highly productive land. 	That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.
STRATEGIC DIRECTION			

Provision	Support/Oppose	Reason	Decisions sought
SD-09 RURAL AREAS	Support in part, oppose in part	<p>Objective generally protects highly productive land and associated appropriate land uses well, but the language needs to better reflect the NPS HPL.</p> <p>However, the objective doesn't recognise the priority that is required to be given to land based primary production on highly productive land. In addition, the word 'avoiding' should be used in iii to better reflect the NPS-HPL when applied to highly productive land.</p>	<p>That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.</p> <p>In addition, amend SD-09 as follows:</p> <p>A range of primarily <i>predominantly</i> productive activities are enabled in the rural <u>environment</u> to enable <i>that prioritise</i> the ongoing use of <u>land</u> for <u>primary production</u> for present and future generations, while:</p> <ol style="list-style-type: none"> i. protecting <u>versatile soils</u> for productive uses; ii. managing the adverse <u>effects</u> of intensive activities on <u>sensitive activities</u>; iii. managing <i>avoiding</i> the adverse <u>effects</u> of new <u>sensitive activities</u> on <u>primary production</u>; iv. avoiding activities that have no functional/<u>operational need</u> to locate in the rural area; v. identifying and maintaining the character, qualities and <u>amenity values</u> of rural areas; vi. ensuring Future Development Area overlay remains available for future urban or rural lifestyle development.
NOISE			
Whole Chapter	Oppose	<p>The PTDP generally fails to give effect to NPS-HPL, in particular:</p> <ol style="list-style-type: none"> 1. Not ensuring the protection of highly productive land as defined in the NPS - HPL; 	<p>That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.</p>

Provision	Support/Oppose	Reason	Decisions sought
		<ol style="list-style-type: none"> 2. Not prioritising the use of highly productive land for land based production activities; 3. Not adequately protecting highly productive land from inappropriate (non-production) use and development, 4. Not managing reverse sensitivity effects in a manner that may constrain land based primary production activities on highly productive land. 	
NOISE-O1 Activities that generate noise	Oppose in part	The Objective does give effect to the policy direction in the NPS-HPL to prioritise land based primary production on highly productive soils and avoid reverse sensitivity effects, which may include noise.	<p>That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.</p> <p>In addition, amend NOISE-O1 as follows:</p> <p><u>Noise effects</u> generated by activities are compatible with the purpose, character and qualities of each zone and do not compromise the health and well-being of people and communities <i>where sensitive activities are prioritised in a location.</i></p>
NOISE-O2 Reverse Sensitivity	Support in part, oppose in part	<p>The objective is generally supported. However, it is unclear why primary production activities in general are not included in this objective.</p> <p>The Objective fails to give effect to the NPS-HPL insofar as the protection from reverse sensitivity effects does not include primary production activities in the rural land resource.</p>	<p>That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.</p> <p>In addition, amend NOISE-O2 as follows:</p> <p>The Airport, Raceway, <u>State Highway, railway lines</u> and, the Port, <i>land based primary production activities on the rural land resource.</i> and activities located within commercial, mixed use and Industrial zones are not constrained by <u>reverse sensitivity effects</u> arising from <u>noise sensitive activities.</u></p>

Provision	Support/Oppose	Reason	Decisions sought
NOISE -P1 Maintenance of zone character and qualities	Support in part, oppose in part	The policy is generally accepted, but does not give effect to the NPS-HPL insofar as priority is not given to land based primary production land uses, and their associated noise on highly productive soils.	<p>That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.</p> <p>In addition, amend NOISE-P1 as follows:</p> <p>Enable the generation of noise when it is of a type, character and level that is appropriate, having regard to:</p> <ol style="list-style-type: none"> 1. the purpose, character and qualities of the zone that the activity is located in; 2. the nature, scale, frequency and duration of the noise generating activity; 3. methods of mitigation; and 4. the sensitivity of the surrounding environment, <i>and;</i> 5. <i><u>the priority given to land based primary production activities on highly productive land.</u></i>
NOISE - P5 Reverse Sensitivity	Support in part, oppose in part	The policy is generally supported as appropriate. However, the policy does not give effect to the NPS-HPL insofar as priority is not given to land based primary production land uses on highly productive land by not appropriately managing reverse sensitivity effects on land based primary production activities on highly productive land.	<p>That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.</p> <p>In addition, amend NOISE-P5 as follows:</p> <p>Require noise sensitive activities located in higher noise environments to be located and designed so as to minimise adverse effects on the amenity values and health and safety of occupants and minimise sleep disturbance from noise, while taking into account:</p> <ol style="list-style-type: none"> 1. the type of noise generating activity; and 2. other noise sources in the area; and

Provision	Support/Oppose	Reason	Decisions sought
			<p>3. the nature and occupancy of the noise sensitive activity; and</p> <p>4. mitigation measures, including acoustic insulation, screening and topography.</p> <p>For the purpose of this Policy, higher noise environments include:</p> <p>1. Commercial and Mixed Use Zones; and</p> <p>2. Residential zones in close proximity to any General industrial zone and areas within the Port Noise Outer Control Boundary and within that part of the Medium Density Residential Zone and City Centre Zone located within the Port Noise Inner Control Boundary; and</p> <p>3. locations in close proximity to a State Highway or the railway line; and</p> <p>4. <i>land deemed highly productive pursuant to the National Policy Statement for Highly Productive Land, and;</i></p> <p>5. <i>land within 300m of an existing or consented frost fan.</i></p>
NOISE-R1 Activities generating noise not otherwise specified in the Rules section	Support in part, oppose in part	While NZFF agrees that priority should be given to agricultural noise in NOISE-R1 PER-2, there appears to be differing interpretations regarding what ‘normal’ seasonal horticultural practice entails. Clearly, this should include the use of frost fans as their use has both a seasonal, short term and intermittent character to it.	That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL. <p>In addition, amend the plan the same as or similar to as follows:</p> <p><u>Permitted activity</u></p> <p><i>NOISE-RXX/SXX Frost fans</i></p>

Provision	Support/Oppose	Reason	Decisions sought
		<p>In the interests of clarity, certainty and enabling good practice, a frost fan specific suite of provisions should be included in the noise chapter.</p>	<p><u>(1) Noise from a frost fan:</u></p> <p>(a) <u>shall not be required to comply with the noise limits in NOISE-S2;</u></p> <p>(b) <u>must not exceed 55dB LAeq (15min) at any point within the notional boundary of any existing dwelling, visitor accommodation or other habitable building (other than on the property on which the frost fan is situated);</u></p> <p><u>(2) Frost fans must only be operated for protection of crops from frost from bud burst to harvest, with the exception that frost fans may also be operated in the following circumstances:</u></p> <p>(a) <u>for the purposes of maintenance and testing, limited to operation between 8.00 am to 5.00 pm on any day;</u></p> <p>(b) <u>for compliance monitoring at any time when the monitoring is undertaken by the Council or, where the monitoring is undertaken by a third party, when the Council has been notified.</u></p> <p>(c) <u>Noise from any frost fan which has special audible characteristics such as tonality or impulsiveness, must have a 5dB penalty added to the measured level to comply with the Standard NZS 6802:2008 Acoustics – Environmental Noise.</u></p> <p><u>(3) No less than 10 workings days after a frost fan is established on a site a plan showing the location of the</u></p>

Provision	Support/Oppose	Reason	Decisions sought
			<u>proposed frost fan(s) (with accurate NZTM coordinates) and area it is designed to cover must be provided to Council for use on a non-statutory GIS layer to enable management of reverse sensitivity in GRUZ-S4.4, and NOISE-S3;</u>
NOISE-R9 Any new building for use by a noise sensitive activity and alterations to existing buildings for use by a noise sensitive activity (not listed in NOISE-R12)	Support in part	The rule is generally supported as appropriate. However, the rule does not give effect to the NPS-HPL insofar as priority is not given to land based primary production land uses on highly productive land by not appropriately managing reverse sensitivity effects on land based primary production activities on highly productive land.	That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL. In addition, amend NOISE-R9 as follows: Insert the following in the first column: <u>Any noise sensitive activity located in the rural zone and also within 300m of an existing or consented frost fan</u>
NOISE-S2 Noise Limits	Support in part	The standard is generally supported as appropriate. However, the standard does not give effect to the NPS-HPL insofar as priority is not given to land based primary production land uses on highly productive land by not appropriately managing reverse sensitivity effects on land based primary production activities on highly productive land.	That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL. In addition, amend NOISE-S2 as follows: Any activity must comply with the noise limits set out in Table 24 – Noise Performance Standards , at any site in separate ownership, <u>excluding frost fans which must comply with NOISE-SXX/RXX Frost fans</u>
NOISE-S3 acoustic insulation	Support in part	The rule is generally supported as appropriate. However, the rule does not give effect to the NPS-HPL insofar as priority is not given to land based	That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.

Provision	Support/Oppose	Reason	Decisions sought
		primary production land uses on highly productive land by not appropriately managing reverse sensitivity effects on land based primary production activities on highly productive land.	In addition, amend NOISE-S3 as follows: Insert the following in the first column: <i><u>Any noise sensitive activity located in the rural zone and also within 300m of an existing or consented frost fan</u></i>
NOISE-S4 Ventilation requirements	Support	NZFF support healthy dwelling spaces while avoiding reverse sensitivity effects on land based primary production on highly productive soils.	That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL. And/or Retain as notified
TABLE 24, 25 and 26	Support	NZFF support healthy dwelling spaces while avoiding reverse sensitivity effects on land based primary production on highly productive soils.	That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL. And/or Retain as notified
GRUZ – General Rural Zone			
GRUZ-O1 Purpose of the General Rural Zone	Support	Support this objective as it generally gives effect to NPS-HPL.	That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL. And/or Retain as notified
GRUZ-O2 Character and qualities of the General Rural Zone	Oppose in part	The objective is generally supported as appropriate. However, the objective does not give effect to the NPS-HPL insofar as priority is not given to land based primary production land uses on highly productive land by not appropriately	That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL. In addition, amend GRUZ-O2 as follows:

Provision	Support/Oppose	Reason	Decisions sought
		managing reverse sensitivity effects on land based primary production activities on highly productive land.	<p>The character and qualities of the General Rural Zone comprise:</p> <ol style="list-style-type: none"> 1. large allotments with large areas of open space; and 2. a working environment of mostly utilitarian buildings, machinery and structures where primary production generates noise, odour, light overspill and traffic, often on a cyclic and seasonable basis; and 3. higher levels of amenity immediately around sensitive activities and zone boundaries; and 4. vegetation, pasture, crops and forestry and livestock across a range of landscapes.
GRUZ-O3 Protecting primary production	Support in part	The objective partially gives effect to the NPS-HPL insofar as priority is given to land based primary production land uses on highly productive land and by managing reverse sensitivity effects on land based primary production activities on highly productive land.	<p>That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.</p> <p>In addition, amend GRUZ-O3 as follows:</p> <p>The land resource of the General Rural Zone, <i>and the ability to undertake land based primary production</i>, is not diminished by activities with no functional or operational need to locate in the General rural zone, and primary production is protected from sensitive activities.</p>
GRUZ-O4 Protecting sensitive activities and sensitive zone	Oppose	The objective is opposed. The objective does not give effect to the NPS-HPL insofar as priority is not given to land based primary production land uses on highly productive land by not appropriately managing reverse sensitivity effects on land based	<p>That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.</p> <p>In addition, either delete GRUZ-O4 or amend as follows:</p>

Provision	Support/Oppose	Reason	Decisions sought
		<p>primary production activities on highly productive land.</p> <p>In many instances there are no alternative locations for these uses, where as sensitive uses may have alternative locations available or that are more appropriate.</p>	<p>Intensive primary production, mining, quarrying and other intensive activities generates no or minimal adverse effects on:</p> <ol style="list-style-type: none"> 1. sensitive activities; and 2. land close to <i>located in</i> Residential, Rural settlement, Māori Purpose and Open space zones.
GRUZ-P1 Primary production activities	Support in part	<p>The policy is generally supported as appropriate. However, the objective does not give effect to the NPS-HPL insofar as priority is not given to land based primary production land uses on highly productive land by not appropriately managing reverse sensitivity effects on land based primary production activities on highly productive land.</p>	<p>That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.</p> <p>In addition, amend GRUZ-P1 as follows:</p> <p>Enable a range of primary production activities, where they:</p> <ol style="list-style-type: none"> 1. allow for the ongoing productive use of land for present and future generations; or 2. maintain the character and qualities of the General Rural Zone; and 3. meet the standards and requirements to minimise adverse effects on sensitive activities and the environment. <i>and prioritise them over activities that do not have a functional or operational need to locate in the General Rural Zone.</i>
GRUZ-P5 Protecting primary production	Support in part, oppose in part	<p>The policy is generally supported as appropriate. However, the objective does not give effect to the NPS-HPL insofar as priority is not given to land based primary production land uses on highly productive land by not appropriately managing</p>	<p>That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.</p> <p>In addition, amend GRUZ-P5 as follows:</p> <p>Manage sensitive activities in the zone to ensure:</p>

Provision	Support/Oppose	Reason	Decisions sought
		reverse sensitivity effects on land based primary production activities on highly productive land.	<ol style="list-style-type: none"> 1. they are located to avoid adverse effects on primary production; or 2. if avoidance is not possible, the sensitive activity includes mitigation measures so that there is minimal potential for adverse effects on the sensitive activity from primary production activities 3. <i>that they do not locate in the General Rural Zone unless they have a functional or operational need to.</i>
GRUZ-P8 Residential activities (not including workers accommodation listed in GRUZ_P9)	Oppose	The policy does not give effect to the NPS-HPL insofar as priority is not given to land based primary production land uses on highly productive land by not appropriately managing reverse sensitivity effects on land based primary production activities on highly productive land.	<p>That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.</p> <p>In addition, amend GRUZ-P8 as follows:</p> <p>Provide for residential activities in the General rural zone where:</p> <ol style="list-style-type: none"> 1. fragmentation of rural land for non-primary production activities is avoided; and 2. the character and qualities of the General rural zone are maintained; and 3. the requirements of GRUZ-P5 are met; and 4. any minor residential unit is ancillary and subordinate to the site's principal residential unit 5. <i>the undertaking of land based primary production is prioritised.</i>
GRUZ-R4 Residential	Oppose in part	The policy does not give effect to the NPS-HPL insofar as priority is not given to land based	That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.

Provision	Support/Oppose	Reason	Decisions sought
units, excluding seasonal workers accommodation and permanent workers accommodation		<p>primary production land uses on highly productive land by not appropriately managing reverse sensitivity effects on land based primary production activities on highly productive land.</p> <p>In particular, non-compliance with PER-3 should be a non-complying activity.</p>	<p>In addition, amend GRUZ-R4 so that non-compliance with PER-3 results in a non-complying activity.</p>
GRUZ-S1 height of buildings and structures	Support	<p>Support GRUZ-S1.2 height of 15m for other buildings and structures height provision.</p>	<p>Retain GRUZ-S1 as notified.</p>
GRUZ-S4 Setbacks for sensitive activities	Support	<p>The standard is generally supported as appropriate. However, the objective does not give effect to the NPS-HPL insofar as priority is not given to land based primary production land uses on highly productive land by not appropriately managing reverse sensitivity effects on land based primary production activities on highly productive land.</p>	<p>That the Objectives, Policies and Methods of the PTDP be amended and/or included to give effect to the NPS -HPL.</p> <p>In addition, amend GRUZ-S4 as follows:</p> <p><i>'....4. no new building for a sensitive activity may be established within 300m of an existing or consented frost fan.</i></p>