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## Submission on Napier City Proposed District Plan

### Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To:** Napier City Council - Planning Unit

**Date received:** 15/12/2023

**Submission Reference Number #:**221

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

**Submitter:**

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**I wish to be heard:** No

**I am willing to present a joint case:** No

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you 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

- **Yes**

## Submission points

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**Point 221.1**

**Section:** Definitions

**Sub-section:** Definitions

**Sentiment:** Amend

**Submission:**

Napier City is surrounded by rural areas that support the regional economy - including via primary production.

Agricultural aviation is a vital tool supporting farmers and growers to protect and maintain primary production therefore Ballance seeks to have agricultural aviation recognised and provided for in the plan.

**Relief sought**

**Insert new definition:**

Agricultural aviation activity means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for primary production, frost mitigation, biosecurity, or biodiversity purposes including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA's). For clarity, aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAV's)

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**Point 221.2**

**Section:** Definitions

**Sub-section:** Definitions

**Provision:**

PRIMARY PRODUCTION

means:

- a. any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and
- b. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);
- c. includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but
- d. excludes further processing of those commodities into a different product.

**Sentiment:** Support

**Submission:**

Ballance agrees with the definition of primary production

**Relief sought**

Retain definition.

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**Point 221.3**

**Section:** Definitions

**Sub-section:** Definitions

**Sentiment:** Amend

**Submission:**

It is important for rural airstrips to be defined in the plan so that they can be considered appropriately.

**Relief sought**

**Insert new definition:**

Rural airstrip means any defined area of land intended or designed to be used, whether wholly or partly, for the landing, departure, movement, or servicing of aircraft in the rural area.

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**Point 221.4**

**Section:** SD - Sustainability, Resilience, and Climate Change

**Sub-section:** SD - Strategic Direction

**Sentiment:** Amend

**Submission:**

Primary production is important to the economic and social wellbeing of the region therefore should be included in the plan via a specific strategic objective.

**Relief sought**

Insert new Strategic Objective: The rural zone and primary production is maintained and enhanced within the region to support social and economic wellbeing.

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**Point 221.5**

**Section:** NOISE - Noise

**Sub-section:** Objectives

**Sentiment:** Amend

**Submission:**

It is important to recognise in the plan the benefits of activities that generate appropriate levels of noise during the support of primary production whilst balancing the health and wellbeing of people and communities.

**Relief sought**

**Insert new objective:**

The benefits of activities that generate noise (such as primary production activities and supporting activities) are recognised, where the adverse effects from noise are compatible with the anticipated purpose, character, and amenity values of the relevant zone(s) and do not compromise public health, safety, and wellbeing of people and communities.

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**Point 221.6**

**Section:** NOISE - Noise

**Sub-section:** Objectives

**Provision:**

NOISE-O3: Reverse sensitivity

Existing and authorised activities that generate high levels of noise are protected from reverse sensitivity effects.

*Relates to NOISE-I3 and NOISE-I4*

**Sentiment:** Support

**Submission:**

It is important to protect existing and authorised activities from reverse sensitivity effects.

**Relief sought**

Retain the objective

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**Point 221.7**

**Section:** NOISE - Noise

**Sub-section:** Policies

**Sentiment:** Amend

**Submission:**

Ballance seeks inclusion of a policy that enables noise generating activities and recognises agricultural aviation as an ancillary activity supporting primary production

**Relief sought**

**Insert new policy:**

Noise generating activities that have a limited duration and frequency and support primary production in the rural environment (in particular, audible bird scaring devices, agricultural aviation and frost protection devices, and harvesters) is enabled by exempting these activities from noise limits, subject to reasonable use.

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**Point 221.8**

**Section:** NOISE - Noise

**Sub-section:** NOISE - Noise - Rules Table

**Provision:**

NOISE-R1: Noise generation (general)

**NOISE-R1A**

**NOISE-R1B**

**Activity Status:** Permitted

**Activity Status:** Restricted Discretionary

**Where:****Matters of discretion are:**

1. For all activities other than those specifically addressed in NOISE-R2 - NOISE-R8 (inclusive), NOISE-S1 and NOISE-S2 apply.
  2. The noise and vibration standards in any part of the District Plan do not apply to the following, unless the District Plan specifically states otherwise. The activities listed below are therefore considered permitted activities in terms of the noise standards:
    - a. the noise from the use of vehicles, mobile machinery, or other mobile or portable equipment where they are used on a seasonal or intermittent basis for agricultural, horticultural, viticultural, or forestry activities that are permitted by the Plan;
    - b. the noise from animals on farms unless they are confined within a building or enclosure on a permanent or semi-permanent basis. This does not apply to dog breeding, kennels, or dog-stay facilities;
    - c. the noise from normal residential activity that is part of a residential land use, such as children's play, informal social activities, lawnmowing, and home maintenance work undertaken by the occupier, provided the activity is undertaken during reasonable hours and is of reasonable duration;
    - d. the noise of individual vehicles on public roads;
    - e. the noise of trains travelling on designated railway land, and
    - f. the noise of sirens used for emergency purposes.
1. Public health;
  2. Amenity values, and
  3. Functional and operational requirements.

**Sentiment:** Amend

**Submission:**

Ballance seeks to have agricultural aviation provided for as a permitted activity in the plan.

**Relief sought**

Amend the rule by adding:

- a. the noise from the use of vehicles, mobile machinery, agricultural aviation activity or other mobile or portable equipment where they are used on a seasonal or intermittent basis for agricultural, horticultural, viticultural, or forestry activities that are permitted by the Plan;

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**Point 221.9**

**Section:** RPROZ - Rural Production Zone

**Sub-section:** Objectives

**Provision:**

RPROZ-O1: Activities on highly productive land

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

*Relates to RPROZ-I1, RPROZ-I2, and RPROZ-I3*

**Sentiment:** Support

**Submission:**

Objectives in the plan that protect primary production are important.

**Relief sought**

Retain the objective

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**Point 221.10**

**Section:** RPROZ - Rural Production Zone

**Sub-section:** Objectives

**Provision:**

RPROZ-O2: Activities on non-highly productive land

Versatile soil is retained for agriculture, horticulture, and farming and used primarily for food production and ancillary activities that rely on primary production.

*Relates to RPROZ-I1, RPROZ-I2, RPROZ-I3, and RPROZ-I7.*

**Sentiment:** Support

**Submission:**

Objectives in the plan that protect primary production and ancillary activities are important.

**Relief sought**

Retain the objective

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**Point 221.11**

**Section:** RPROZ - Rural Production Zone

**Sub-section:** Objectives

**Provision:**

RPROZ-O4: Reverse sensitivity

Non-rural activities must support primary production and avoid or otherwise mitigate reverse sensitivity effects that may compromise rural activities.

*Relates to RPROZ-I5, RPROZ-I6, RPROZ-I7, and RPROZ-I8*

**Sentiment:** Support

**Submission:**

It is important to protect primary production activities from reverse sensitivity effects.

**Relief sought**

Retain the objective

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**Point 221.12**

**Section:** RPROZ - Rural Production Zone

**Sub-section:** Objectives

**Sentiment:** Amend

**Submission:**

Objectives in the plan should recognise activities that support primary production or have a functional need to be located in the RPROZ.

**Relief sought**

**Insert new objective:**

Non-primary production activities that support primary production or rely on a rural location or have a functional or operational need to locate in the Rural Production Zone are provided for.

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**Point 221.13**

**Section:** RPROZ - Rural Production Zone

**Sub-section:** Policies

**Sentiment:** Amend

**Submission:**

Policies in the plan should enable activities that support primary production or have a functional need to be located in the RPROZ.

**Relief sought**

**Insert new policy:**

Compatible activities.

- a. Enable primary production activities that are compatible with the purpose, character, and amenity values of the Rural Production Zone.
  - b. Provide for other activities that have a functional need or operational need to be located in the Rural Production Zone that are not incompatible with primary production.
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**Point 221.14**

**Section:** RPROZ - Rural Production Zone

**Sub-section:** RPROZ - Rural Production Zone - Rules Table

**Provision:**

RPROZ-R1: Primary production activities outside highly productive land

**RPROZ-R1A**

**Activity Status:** Permitted

**Where:**

1. The activity and any building or structure comply with all the Rural Production Zone Standards.

**Sentiment:** Amend

**Submission:**

It needs to be clear that ancillary activities to primary production are included in RPROZ-R1 otherwise RPROZ-R19 Noncomplying would apply as there is no other specific rule providing for ancillary activities to primary production.

**Relief sought**

**Amend title to:**

Primary Production and ancillary activities outside highly productive land

**Point 221.15**

**Section:** RPROZ - Rural Production Zone

**Sub-section:** RPROZ - Rural Production Zone - Rules Table

**Provision:**

RPROZ-R2: Primary production activities within highly productive land

**RPROZ-R2A**

**Activity Status:** Permitted

**RPROZ-R1B**

**Activity Status where conditions and standards are not met:** Restricted Discretionary

**Matters of discretion are:**

1. Rural characteristics and economic values;
2. Risk to public health and safety and the environment;
3. Fire and pest control;
4. Nature, scale, and intensity of land use;
5. Ecological, aquatic, and natural values;
6. The cumulative effect of non-compliance with more than one standard;
7. The effects on the open rural character of the zone;
8. The effects on the safety of people and property;
9. Cultural, ecological and aquatic values;
10. The effects on the maintenance, use, and development of a watercourse or open drain, and
11. Cumulative effects.

**Activity Status where conditions and**



**Where:**

1. The activity and any building or structure complies with all the Rural Production Zone Standards, and
2. The activity is a land-based primary production activity.

**standards of RPROZ-R2A are not met:** Restricted Discretionary

**Where:**

1. The activity is a supporting activity, and
2. The application complies with RPROZ-R2-REQ1.

**RPROZ-R2-REQ1**

1. Any application under rule RPROZ-R2A must include a productive capacity assessment report prepared by a suitably qualified and experienced soil scientist which shall address the following matters:
  - a. a plan identifying the productive capacity of the site, and
  - b. evaluation and evidence to confirm that the subdivision will not result in the cumulative loss of the availability and productive capacity of highly productive land within the district.

**Matters of discretion are:**

1. Scale and intensity of land use;
2. Rural characteristics and economic significance;
3. Ecological, aquatic, cultural and natural values;
4. Risk to public health and safety, and the environment;
5. Fire and pest control;
6. Cumulative effects;
7. Setback distances from the property boundary, Ahuriri Estuary, any watercourse or open drain;
8. The effects on the shading, outlook and amenity of the neighbouring properties;
9. The effects on the open rural character of the zone; and
10. The effects on the maintenance, use and development of a watercourse or open drain.

**Activity Status where conditions and**

**standards of RPROZ-R2B are not met: Non-complying.**

**Sentiment:** Amend

**Submission:**

It needs to be clear that ancillary activities to primary production are included in RPROZ-R2 otherwise RPROZ-R19 Noncomplying would apply as there is no other specific rule providing for ancillary activities to primary production.

**Relief sought**

**Amend title to:**

Primary Production **and ancillary** activities within highly productive land