



*Western Bay of Plenty  
District Council*

Change to the District Plan - First Review

**Plan Change 82**

# **Post Harvest Zone - Review of Provisions**

Section 32 Report



## Table of Contents

1.0	Introduction .....	3
2.0	Resource Management Act 1991 .....	6
3.0	Issue 1 - The Size and Number of Post Harvest Zones .....	11
4.0	Issue 2a: Bulk and Location Provisions in Post Harvest Zones – Daylighting .	15
5.0	Issue 2b: Bulk and Location Provisions in Post Harvest Zones – Height.....	17
6.0	Issue 3: NZTA Approval Rule 22.5.1(c) RDA Criteria.....	26
7.0	Issue 4 – Edit of Rule 22.3.1(d) - <i>Seasonal Worker Accommodation</i> Exclusion and Deletion of Rules 22.3.3(e) and 22.5.1(e).....	28

## **1.0 Introduction**

### **1.1. General Introduction**

The Western Bay of Plenty District Plan was made operative on 16 June 2012. This included Section 22 – Post Harvest which contains provisions relating to 15 post harvest sites which were described at the time as the strategic “post harvest facilities” (pack houses and cool stores) that generally had an output of more than 1 million trays per annum.

The 15 Post Harvest Zoned sites, located within (generally) rural environments, are spread from Kauri Point Road in the north of the District, to Old Coach Road, Paengaroa in the southern part of the District. The zones are clustered generally around the Katikati area in the north and the Te Puke area in the south (see plan in **Appendix A**).

It was noted at the time that there were several other smaller-scale pack houses scattered throughout the District which did not meet the strategic facilities threshold.

The Post Harvest Zone was created because the horticultural (mainly kiwifruit) industry’s post-harvest requirements had evolved to the extent that the post harvest operations and their modern facilities were major activities in their own right and involved a significant investment in land, buildings and plant. The industry was growing and every time a facility wanted to alter or expand operations they had to go through a resource consent process, which took significant time and resources.

In creating the Post Harvest Zone, the Western Bay of Plenty District Council (Council) recognised the importance of the horticultural sector (particularly the kiwifruit industry) to the Western Bay of Plenty District, its investment in existing facilities, and the need for these facilities to be able to respond quickly and efficiently to changes. The modern large scale post-harvest facilities are now very much separate entities that are not rural in nature but do support the rural sector.

Within the current Post Harvest Zone provisions of the District Plan, there is an enabling approach to a range of horticultural post harvest activities. In summary the main points are:

- Alterations and expansions of existing post harvest facilities infrastructure is a Permitted Activity where the throughput is not increased beyond levels for the (resource) consented horticultural crop.
- Offices associated with the post harvest operations are provided for as Permitted Activities.
- Seasonal worker accommodation for a maximum of 75 persons is provided for as a Permitted Activity for most sites, and Rule 22.4.1(r) exempts this activity from financial contributions.
- Catering and storage facilities associated with the consented operation of the post harvest facility are Permitted Activities.

In addition, a range of land uses that are Permitted Activities in the Rural Zone are provided for as Permitted Activities in the Post Harvest Zone. This is in recognition that the post harvest facilities are within the rural

environment and parts of some existing Post Harvest Zones still remain in typical rural (horticultural and agricultural) use.

Outside of the 15 specific Post Harvest Zoned sites, there are also a number of large post harvest facilities that are located within Industrial Zones.

The District Plan Industrial Zone provisions provide for *industry* (which means and includes manufacturing, processing, packaging or dismantling activities and engineering workshops) as a Permitted Activity. Due to the size of post harvest facilities, adverse effects of activities (on amenity, stormwater control, access and traffic management etc.) can be better avoided or mitigated in an industrial setting.

The establishment of new post-harvest facilities are now encouraged towards the Industrial Zone by way of Permitted Activity status to reduce actual and/or potential effects of large buildings and operations in the rural environment.

A number of smaller post harvest facilities that were established in the Rural Zone prior to the District Plan review (pre-2010) continue to operate under resource consents or under existing use rights. Any proposed expansion of these existing activities, or the development of new post harvest facilities in the Rural Zone, are subject to Discretionary or Non-Complying Activity resource consent processes and need to satisfy Resource Management Act tests, e.g. subject to actual and/or potential adverse effects being avoided, remedied or mitigated.

The ongoing operation and further development of activities in the Post Harvest Zone has raised a number of issues that warrant investigation as to whether changes to the zone provisions should be made in advance of a full District Plan review.

## **1.2. Background to the Plan Change**

### **National Context**

In New Zealand there are around 13,500 hectares of kiwifruit in production, approximately 2,600 kiwifruit growers and 2,900 registered orchards.

Kiwifruit is marketed by Zespri International Limited (the world's largest marketer), who sells into more than 53 countries and manages 30 percent of the global volume.

NZ's total horticultural export revenue for the 2017 year was \$5.1 billion (including wine), with kiwifruit accounting for approximately \$1.65 billion of that which represents nearly 30 percent of the total horticultural export revenue. Excluding wine, in 2017 kiwifruit accounted for almost 50% of NZ's horticultural export revenue.<sup>1</sup>

---

<sup>1</sup> Scrimgeour, F., Hughes, W., and Kumar, V., *The Economic Contribution of Kiwifruit Expansion to the Bay of Plenty, Northland and New Zealand Economies, A report prepared for Zespri International Limited ("Zespri") February 2017*

The export revenue return made by New Zealand kiwifruit is significant in comparison to other fruits and vegetables.

Due to huge global demand for the fruit, the industry is investing heavily in growth. In 2017 NZ's total kiwifruit production was 123 million trays and this is expected to increase by 2027 to 190 million trays.

### **Bay of Plenty Context**

The Bay of Plenty accounts for at least 81 percent of the country's kiwifruit harvest (now approx. 85% pers. comm. 15/04/2019 Nikki Johnson, NZKGI), and this means the kiwifruit industry contribution to GDP for the Bay of Plenty is expected to increase 135 percent by 2030, from \$867 million to \$2.04 billion.

Permanent employment directly in the BoP kiwifruit industry is expected to increase from approximately 8,000 in 2019 (was approx. 5,000 in 2015/2016) to approximately 12,000 FTE by 2029/2030. There are various backward and forward linkages that increase the impact on employment in the Region.<sup>1</sup>

In addition to permanent year-round employment in the kiwifruit industry, there are also a very large number of short-term seasonal workers required during the harvest period each year. During the kiwifruit harvest season between March and June, the additional number of FTE temporary seasonal workers required currently peaks between mid-April and mid-May.

For the 2019 harvest, the NZKGI labour prediction model (based on what NZKGI are told will be harvested each week) estimated the peak at the end of April would be over 19,000 FTE (based on 40 hours a week for orchard workers and 50 hours a week for postharvest workers). There were approx. 7 weeks during the harvest period when it was estimated that there would be more than 10,000 harvest workers on the job (between packhouses and the orchards).

Roughly twice as many people are employed in a packhouse than on-orchard each week (because the packhouses run more than one shift over a 24 hour period).

This expected growth, the additional jobs and consequent demand for accommodation for both temporary and permanent staff has significant flow-on effects for the industry and consequently for Council.

The industry has told us that in 2018 they were 1,200 workers short at the start of the kiwifruit harvest despite the 2,000 Recognised Seasonal Employer (RSE) workers allocated to the BOP (who accounted for just 17 percent of the seasonal workers in 2017). The 2019 harvest began with a labour shortfall of over 1,400 vacancies and this was expected to increase to 3800 at harvest's peak around mid-April.

The industry expect that labour shortages will be an ongoing challenge for them to resolve, and they are taking a multi-faceted approach to this.

In summary, horticultural industry representatives tell us that kiwifruit production is increasing, post harvest facilities are getting larger, there is an increasing need for large numbers of seasonal workers particularly during the peak harvesting period, and that there are significant economies of scale and new technologies meaning that larger pack houses are delivering better performances than smaller ones.

## **District Plan Review**

WBOPDC can assist the local horticultural industry to thrive by making sure that there are no unnecessary barriers to the industry continuing to do their business-as-usual. One way this can manifest is by reviewing the Post Harvest Zone provisions of the District Plan to ensure that they continue to meet the needs of the District's horticultural industries and the purpose of the RMA.

In relation to the issues around increasing numbers of temporary seasonal workers, the review of the Post Harvest Zone provisions alone will not deal with the issue of seasonal worker accommodation.

Feedback from the horticultural industry and in-house planning, building and compliance staff indicate that the provisions for accommodation for workers in other zones as well as the Post Harvest Zone should also be reviewed. This issue is specifically in relation to whether greater provision could be made in the District Plan to enable the provision of seasonal worker accommodation for the peak kiwifruit work periods.

The issue of accommodation for temporary horticultural industry employees is complex and involves significant assessment and consideration of effects on the services that Council provides.

Council will therefore consider whether revised or alternative provisions can be made to assist with resolving the shortage of seasonal worker accommodation within the Post Harvest Zone and other zones as a piece of work subsequent to this review of the Post Harvest Zone provisions.

Particular aspects of Post Harvest Zone provisions which have, so far, been identified for review by Council and during discussions with horticultural industry representatives include:

- The size and number of Post Harvest Zones;
- Maximum height provisions;
- Daylighting provision rule;
- NZTA Approval Rule; and
- An edit of *seasonal worker accommodation* exclusion rules.

## **2.0 Resource Management Act 1991**

### **2.1. Section 32**

Before a proposed plan change can be publicly notified the Council is required under section 32 ("s.32") of the Resource Management Act 1991 ('the Act' or 'RMA') to carry out an evaluation of alternatives, costs and

benefits of the proposal. With regard to the Council's assessment of the proposed plan change s.32 requires the following:

- (1) *An evaluation report required under this Act must—*
  - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
    - (i) *identifying other reasonably practicable options for achieving the objectives; and*
    - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) *summarising the reasons for deciding on the provisions; and*
  - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
  - (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*
  - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
  - (a) *the provisions and objectives of the amending proposal; and*
  - (b) *the objectives of the existing proposal to the extent that those objectives—*
    - (i) *are relevant to the objectives of the amending proposal; and*
    - (ii) *would remain if the amending proposal were to take effect.*
- (4) *If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*
- (4A) *If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in [Schedule 1](#), the evaluation report must—*
  - (a) *summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of [Schedule 1](#); and*
  - (b) *summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*

## 2.2. Section 74 – Iwi Management Plans

In accordance with Section 74(2A) of the Act, Council must take into account any relevant planning document recognised by an iwi authority that has been lodged with Council.

None of the iwi/hapu management plans lodged with Council raise any issues of particular relevance to this Plan Change.

## 2.3. Clause 3 of Schedule 1 - Consultation

Clause 3(1) of Schedule 1 of the RMA requires the Council to consult the following during the preparation of a proposed plan:

- a. The Minister for the Environment;
- b. Other Ministers of the Crown who may be affected;
- c. Local authorities who may be affected;
- d. Tangata Whenua of the area who may be affected (through iwi authorities); and
- e. Any customary marine title group in the area.

Information on this proposed plan change was provided to the Minister for the Environment and feedback was requested. No feedback has been received.

No other Ministers of the Crown or local authorities are considered affected by this proposed plan change.

The Bay of Plenty Regional Council has been consulted and they have identified and flagged concerns around the requirements and provisions for ensuring that on-site effluent treatment to support Post Harvest Zone operations can be adequately be provided. None of the proposed amendments will create the need for significant changes in the need for on-site effluent treatment.

No customary marine title groups are considered affected.

Under Clause 3B of Schedule 1, with respect to Tangata Whenua, the Council is treated as having consulted iwi authorities if it:

- (a) considers ways in which it may foster the development of their capacity to respond to an invitation to consult; and*
- (b) establishes and maintains processes to provide opportunities for those iwi authorities to consult it; and*
- (c) consults with those iwi authorities; and*
- (d) enables those iwi authorities to identify resource management issues of concern to them; and*
- (e) indicates how those issues have been or are to be addressed.*

Tangata Whenua have been consulted through the Tauranga Moana and Te Arawa ki Tai Partnership Forum on 14 March 2019 and 25 June 2019. There was significant interest in the proposed plan change, particularly in and around matters relating to horticultural industry employment and affordable accommodation for workers which is not part of this plan change.



Other specific areas of interest were growth of Post Harvest Zones, and increased height provisions and how these matters affect rural amenity.

In addition, the Council engaged with the public to request input prior to the writing of this report. This was done through notices in local newspapers and the Council's 'Have Your Say' website. A summary of responses is provided in the table below.

Question	People's Responses to Questions
<p>Some of the packhouse/coolstore facilities in Post Harvest Zones are seeking to expand their operations onto adjacent sites.</p> <p>Are you affected by these?</p>	<p>1 respondent said "yes".</p> <p>4 respondents said "no".</p>
<p>Do you support the expansions?</p>	<p>All 5 respondents said "yes".</p>
<p>Why do you say that?</p>	<ul style="list-style-type: none"> <li>- Support expansion with appropriate regulations around conditions for expansion.</li> <li>- Kiwifruit is expected to increase in volume and processing facilities need to grow to accommodate this.</li> <li>- Makes more sense to expand existing sites (as compact as possible) and make them more efficient rather than creating additional sites.</li> <li>- Provided they do not impact on residential areas and environmental issues are addressed.</li> <li>- Too much arable/productive land is being used up for houses and industrial/commercial uses.</li> </ul>
<p>Automatic stacking of pallets in coolstores is becoming the norm and therefore the industry wants to build coolstores to 20m high to allow for this efficiency. The current allowable limit is 12m.</p> <p>What height limit do you think should be applied to buildings within the Post Harvest Zones?</p>	<p>3 respondents said 20m</p> <p>1 respondent said 12m</p> <p>1 respondent said it depends on the surrounding areas. Amenity and earthquake risks need to be addressed.</p>
<p>If buildings are constructed higher than 12m, which is the current maximum height in Post Harvest Zones, who do you think</p>	<ul style="list-style-type: none"> <li>- Anyone whose safety may be affected by hazards associated with the buildings.</li> <li>- Depends where they are situated, amenity (views) and landscape "pollution" may be a</li> </ul>

might be affected by this?	<p>problem.</p> <ul style="list-style-type: none"> <li>- Neighbouring properties.</li> <li>- Rare to have coolstore/packhouse sites with close immediate neighbours. Possible restrictions needed in areas where there are existing adjacent dwellings.</li> <li>- Tall buildings should be restricted to industrial zones. People will not appreciate tall buildings within the present low-profile topography.</li> <li>- A lot to consider - views, shading, lights, etc.</li> </ul>
What things could Council ask applicants to do to mitigate the effects of taller buildings?	<ul style="list-style-type: none"> <li>- Ensure future zoning and planning are appropriate (if the horticultural industry fails or changes, buildings can be utilized for other purposes.)</li> <li>- Distance from boundaries, landscaping to help conceal walls and have buffer zones of green space.</li> <li>- Suitable colour schemes that soften the impact and don't create undue adverse visual affects.</li> <li>- Nothing - green paint isn't going to hide the buildings.</li> </ul>
Other comments on Post-Harvest Zone - Review of Provisions?	<ul style="list-style-type: none"> <li>- Return Te Puke to two lanes.</li> <li>- Roading changes is not what is wanted or needed.</li> <li>- The visual effect of tall buildings will spoil the landscape and conflict with the growth in tourism.</li> </ul>

Council's responses to the feedback from the *Have Your Say* website are incorporated into the issues and options costs and benefits tables below. Some comments are beyond the scope of this review of the Post Harvest Zone provisions. For example, in relation to earthquake risks and hazards associated with buildings, it can be stated that new and extended buildings will be required to comply with the New Zealand Building Act requirements in that regard, and that Te Puke roading changes are also beyond the scope of this review.

Council also engaged with the following groups and stakeholders on a range of proposed plan changes:

- a. Representatives of the kiwifruit industry through NZKGI;
- b. New Zealand Transport Agency ('the Agency');
- c. Toi Te Ora Public Health.

In relation to engagement with representatives of the horticultural industry, feedback on how the Post Harvest Zone provisions were working was sought early in 2018 from the existing operators. This was on the basis that the zone and associated provisions had been in place for a number of years, and that growth and likely changes in the industry may have raised matters

requiring re-assessment. A meeting with post harvest zone operators and other stakeholder parties was held in March 2018 and an e-mail follow-up sent in June.

Engagement has been carried out since with Post Harvest Zone operators, NZKGI, MBIE, rural contractors, seasonal worker accommodation providers, and others.

Responses were sought on the extent of the Post Harvest Zones, as staff were aware that some operators were wanting to modify boundaries. Comment was also specifically requested on the various relevant District Plan rules, how they have been working for the industry, and how the expected growth in the industry would affect these provisions.

Various one-on-one discussions and meetings with industry representatives have been ongoing since early 2018.

An Issues and Options paper on this topic was prepared and circulated prior to a horticultural industry workshop held on 27th March 2019. Feedback from industry engagement and that workshop forms the basis of the issues raised for discussion and review below.

Staff consulted with representatives of the New Zealand Transport Agency (NZTA) via a series of e-mails and a face-to-face meeting on 11th June 2019. NZTA's interest in this review of District Plan provisions is around post harvest facility access to the State Highway and how increases in activity on the Post Harvest Zones sites will affect access and egress to the State Highway. Current District Plan provisions provide for, and will continue to provide for, the assessment of effects on the transportation network from increases in throughput from the facilities via a resource consent application.

Toi Te Ora Public Health has been consulted and they have identified no particular public health issues with the proposed changes, but have indicated that there could potentially be public health implications around any large increase in numbers to be accommodated, and have flagged their interest in this area.

### **3.0 Issue 1 - The Size and Number of Post Harvest Zones**

#### **3.1. Introduction**

The current and forecast expansion of horticultural industry production has put pressure on the boundaries of the existing Post Harvest Zones.

During engagement with the post harvest industry operators and stakeholders were asked whether there were additional areas of land they wished to consider including within existing Post Harvest Zone boundaries. The question was also posed as to whether there were now other (additional) strategic post harvest facilities that should be considered as

additional Post Harvest Zones. No additional sites were raised as a possibility for inclusion.

For some post harvest operations, there are adjacent areas of land they want to include in their existing Post Harvest Zones in order to provide for flexibility and future expansion of on-site activities associated with the growth of kiwifruit production. In some cases these are small areas purchased since the original Post Harvest zones became operative, and in other cases these are larger areas of adjacent land that they want included to provide for the purpose of future flexibility and expansion (see maps in **Appendix B**).

The proposed zone extensions create the potential for conflict with adjacent and nearby properties by creating possible reverse sensitivity, privacy, overshadowing, noise, traffic, services and rural amenity effects.

### 3.2. Analysis

Post Harvest Zoning provides certainty to post-harvest operators. It allows for growth and development to take place without the requirement to obtain resource consents for each new project, meaning a more efficient operation.

The industry predicts that the intensity and demands of the industry will continue to increase in the future. Cool storage onsite is preferred as this reduces double-handling of product, and reduces traffic movements to and from the site. This means that the zones need to expand (outwards or upwards) to allow them to operate efficiently.

Where small adjustments have been requested, these generally accommodate existing operations and these zone boundary adjustments will have little, if any, effects on the surrounding environment.

Where larger adjustments have been proposed (Trevelyan’s, Hume Pack, and DMS - Te Matai Rd), the land is surrounded by horticultural production land. A combination of direct engagement and consultation by the post harvest facilities and Council, and the formal notified Plan Change process will allow any issues that the adjacent landowners have with the proposed re-zoning to emerge and be considered formally.

### 3.3. Option 1 – Status Quo (no zone extensions)

<b>Costs</b>	<ul style="list-style-type: none"> <li>▪ Any operational extensions beyond the boundaries of each Post Harvest Zone would require resource consent.</li> <li>▪ Extensions of operations outside the zone will not be able to be accommodated efficiently and cost-effectively, even if the land is suitable for an operational extension.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>▪ Post Harvest Zone operators would continue to be able to develop and redevelop within the land already zoned for that purpose.</li> <li>▪ Adjacent and nearby landowners would have certainty in knowing that post harvest facility development would not extend beyond the current zone boundaries.</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>▪ Not effective as operators within existing Post Harvest Zones have already made substantial investment in their</li> </ul>

	<p>sites.</p> <ul style="list-style-type: none"> <li>Retaining the status quo would have the effect of constraining future flexibility and development, perhaps unnecessarily.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>Sufficient information is available.</li> </ul>

### 3.4. Option 2 - Small Post Harvest Zone Extensions where Property Purchases or Boundary Adjustments have Occurred

<b>Costs</b>	<ul style="list-style-type: none"> <li>This option to permit only small, relatively insignificant, changes to zone boundaries would not provide the opportunity for Post Harvest Zones to expand operations significantly beyond the current zone boundaries.</li> <li>Any operational extensions beyond the boundaries of each Post Harvest Zone would require resource consent.</li> <li>Extensions of operations outside the zone would not be able to be accommodated efficiently and cost-effectively, even if the land is suitable for an operational extension.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>There have been minor boundary adjustments and land purchases by some post harvest operators around the existing Post Harvest Zones. Extending the zone to accommodate these areas of land would assist the post harvest facilities to continue to operate in the streamlined way they currently do.</li> <li>The minor zone adjustments in some cases regularise instances where post harvest operations have spilled-over onto Rural Zoned land.</li> <li>Community members who provided feedback through Council's <i>Have Your Say</i> engagement supported the proposed expansions.</li> <li>The minor boundary adjustments and land purchases are unlikely to change any of the current effects on the surrounding environment.</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>Partly effective.</li> <li>This option would tidy-up zone boundaries where title adjustments have occurred.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>Sufficient information is available.</li> </ul>

### 3.5. Option 3: Small Extensions (as per Option 2) and Specific Larger Zone Extensions where Future Projects are Planned

<p><b>Costs</b></p>	<ul style="list-style-type: none"> <li>▪ Development within zone extension areas may have actual and/or potential adverse off-site effects on adjacent or nearby rural properties. These may be effects such as noise, visual effect of new industrial-type buildings, and traffic.</li> <li>▪ Re-zoning land for future development means that a specific set of development plans have not been prepared (as they would have been for a resource consent). Adjacent and nearby landowners would not have certainty in knowing what and when development will happen.</li> <li>▪ Unintended consequences, and possible adverse impacts on neighbours may eventuate.</li> </ul>
<p><b>Benefits</b></p>	<ul style="list-style-type: none"> <li>▪ This option would provide for future development plans of post harvest facilities.</li> <li>▪ Specific identified larger proposed extensions of zones will provide for ongoing and future development where extensive investment in the zone has already been made.</li> <li>▪ Expanding existing sites and providing a rule framework to allow compact and efficient development, rather than creating additional Post Harvest Zones, makes sense and may reduce the amount of productive land used for non-productive purposes.</li> <li>▪ Industry growth and economies of scale would be catered for.</li> <li>▪ Specifically identifying adjacent land to be re-zoned during this review would remove the need to obtain resource consent/s if the industries wanted to expand outside their current zone.</li> <li>▪ Community members who provided feedback through Council's <i>Have Your Say</i> engagement supported the proposed expansions, both the small extensions (as per Option 2) and the specific larger extensions where future projects are planned.</li> <li>▪ Expansions of Post Harvest Zones will allow growth of post harvest facilities within the framework of the zone criteria for buildings, structures and activities. Expanding existing sites in the rural environment rather than creating new post harvest sites will assist in achieving a better environmental outcome.</li> <li>▪ The proposed zone extensions would be subject to a formal public process where consultation with affected parties can be carried out.</li> </ul>
<p><b>Effectiveness/ Efficiency</b></p>	<ul style="list-style-type: none"> <li>▪ This would be an effective means of providing additional land for future growth of a number of the Post Harvest Zones through a public process which provides the opportunity for adjacent and nearby landowners to be involved.</li> <li>▪ This option would allow continued consolidation of strategic existing post harvest operations where significant development has already taken place.</li> </ul>
<p><b>Risks of Acting/ Not Acting if there is</b></p>	<ul style="list-style-type: none"> <li>▪ Sufficient information is available.</li> </ul>

<b>uncertain or insufficient information about the subject matter</b>	
---	--

### 3.6. Preferred Option

The preferred option is Option 3.

To give effect to this change District Plan maps would need to be amended to show the new Post Harvest Zone boundaries. These changes are shown on the maps in **Appendix B**, and also on amended District Plan Planning Maps D03, F04, I10, I11, I13 and U45 which are included in **Appendix C**.

### 3.7. Reasons

The benefits and effectiveness/efficiency reasons included above indicate that Option 3 is likely to achieve the best outcome for the post harvest industry.

It is considered that the zone extensions proposed are likely to be acceptable within the existing environments considering the already significant development and investment on the sites. This will be tested through the formal public plan change process.

## 4.0 Issue 2a: Bulk and Location Provisions in Post Harvest Zones – Daylighting

### 4.1. Introduction

The intent when District Plan Rule 22.4.1(b) was implemented was that the daylighting measurement was to be taken from the Post Harvest Zone boundaries and not from title boundaries internal to the Post Harvest Zone. This intent was made clear in the Section 32 Report for the zone, but this intent was not carried through clearly to the current wording of the rule.

### 4.2. Analysis

Re-wording Rule 22.4.1(b) to make it clear that the daylighting rule applies only when the building / structure is constructed adjoining a different zone (Residential, Rural-Residential, Future Urban or Rural) will meet the needs of the horticultural industry and Council.

### 4.3. Option 1: Status Quo (daylighting applies to all title boundaries including those internal to the Post Harvest Zone)

<b>Costs</b>	<ul style="list-style-type: none"> <li>▪ The current provision does not fulfil the intent of the rule to simplify the situation where a building/structure is to be constructed on a site in the Post Harvest Zone and the adjacent site is also zoned Post Harvest.</li> <li>▪ The status quo delivers an unnecessary additional level of complexity for input on daylighting infringements for</li> </ul>
--------------	---

	development within the Post Harvest Zone where there is more than one land title.
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Where there are land titles in different ownership within a Post Harvest Zone, the status quo provides for input from adjacent landowners on daylighting infringements of buildings/structures protecting their interests in the event that development would have an adverse effect.</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>Where more than one land title exists in a zone, the adjacent titles are usually owned by the same person/entity. Even if they are not, they have the same zone characteristics because they are in the same zone.</li> <li>The robust plan change process which resulted in the zone means that all landowners within the zone are treated the same and can expect the same environment.</li> <li>The status quo is not effective in creating a streamlined approach to development within Post Harvest Zones.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>Sufficient information is available.</li> </ul>

**4.4. Option 2: Re-word Rule 22.4.1(b) so that the Daylighting Rule Applies only when Development Adjoins a Different Zone**

<b>Costs</b>	<ul style="list-style-type: none"> <li>Where separate land titles within the same Post Harvest Zone are owned by different entities, the amendment of the rule as proposed would deprive the landowner adjacent to the proposed building/structure of the ability to be involved in any variation of the daylighting standard.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Rewording the rule to make it clear that the daylighting rule applies only when the building/structure is constructed adjoining a different zone will streamline Council processes for any future development in the Post Harvest Zone where more than one title exists.</li> <li>There is no advantage to be gained, and no environmental effect to be addressed by requiring the written approval for a daylighting encroachment between sites that are both zoned Post Harvest and (usually) owned by the same entity.</li> <li>The intent of the rule will be realised by the proposed change to Rule 22.4.1(b).</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>Option 2 is effective in realising the stated intent of the rule.</li> <li>The Post Harvest Zone Section 32 report prepared in 2008 stated that the daylighting rule will not change from the existing District Plan requirements, except that the proposed rule only applies to zone boundaries and not internal property boundaries.</li> <li>Where both sites are zoned Post Harvest and have the same development potential, there is no logical reason to require, on the development of one site, the written approval of the owners of the adjoining site.</li> </ul>



<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>▪ Sufficient information is available.</li> </ul>
---	--

#### **4.5. Preferred Option**

The preferred option is Option 2.

To give effect to this change, District Plan Rule 22.4.1(b) would need to be amended generally as follows (change shown in underlined red font).

### ***22.4 Activity Performance Standards***

#### ***22.4.1 General***

##### ***(b) Daylighting***

*No part of any building/structure shall exceed a height equal to 2m above ground level at all boundaries and an angle of 45° into the site from that point. Except where the site boundary is with a road or with a site zoned Post Harvest, in which case this rule shall not apply in respect to that boundary.*

*Provided that:*

*A building/structure may exceed the aforementioned height where the written approval of the owner of the immediately adjoining property to a specified greater height is obtained.*

#### **4.6. Reasons**

The benefits and effectiveness/efficiency reasons included above indicate that Option 2 is likely to achieve the best outcome for the zone and the intent of the rule would be realised. It would be clear that the daylighting rule applies only when the building / structure is constructed adjoining a different zone (Residential, Rural-Residential, Future Urban or Rural).

## **5.0 Issue 2b: Bulk and Location Provisions in Post Harvest Zones – Height**

### **5.1. Introduction**

Under current District Plan Rule 22.4.1(a), the maximum permitted building height within the Post Harvest Zone is 12m for all sites (except that for Lot 4 DP 376727 Te Puna the maximum is 9m). Any additional height over 12m currently requires a resource consent (Restricted Discretionary Activity status).

The horticultural industry has advised that 12m is no longer a realistic maximum height for the zone, and a review of the maximum height provision is necessary to ensure that sufficient infrastructure is able to be installed to support industry growth over the next 10 years.

The post harvest industry is beginning to introduce automated racking technology into coolstores which allows pallets to be stacked and manipulated automatically, resulting in various economies for the post harvest industry, and new coolstore buildings are now typically being constructed to more than 12m in height.

The industry has asked that Council consider reviewing the maximum height provision in the Post Harvest Zone.

## **5.2. Analysis**

The automated racking technology is expensive, but allows pallets to be stacked much higher than they can be otherwise, meaning less land is taken up by coolstore buildings. Because the system is fully automatic it also allows very efficient manipulation and tracking of pallets within the coolstores, and reduces reliance on labour.

An increase in the maximum permitted height in the Post Harvest Zone would allow added efficiency in the addition or replacement of existing coolstores. It would also assist the horticultural industry if, or when, the cost of land or the desire to protect productive land from built development encourages coolstore construction upward.

A March 2019 horticultural industry workshop indicated wholehearted support for an increase provision to 20m as a maximum height for buildings and structures within the Post Harvest Zone. New Zealand Kiwifruit Growers Incorporated (NZKGI) have also surveyed the kiwifruit industry and advise that they support an increase of the maximum permitted height within the zone to 20m, with the ability to make application for additional height over this.

The rationale for this is that post harvest facilities are to be encouraged to extend upward rather than outwards, and that automation in the industry meant greater efficiencies with taller buildings.

A number of the existing Post Harvest Zones have available space to construct new structures/buildings. However, having available space does not necessarily equate to the ability to easily construct coolstores as geotechnical or other site-specific issues may prevent this.

It is thought likely that adjoining and nearby landowners may reject the proposal for a blanket increase in height to 20m within the zone. A limited increase in height to 14m as a Permitted Activity with height up to 20m as a Restricted Discretionary Activity with specific criteria for assessment is a possibility to manage this.

Alternatively 20m as a maximum height could be a Permitted Activity with Performance Standards applied to reduce the potential for adverse visual

effects on nearby residents. These could require for example, that the building not be obtrusively visible from any dwelling within a specified distance and this could be achieved with careful building placement, specific wall colour, or vegetative screening.

Careful consideration of the effects on neighbouring and nearby sites in relation to overshadowing, visual effect, and bulk needs to be contemplated. Adverse visual effects (including interruptions of views) could also extend to sites further from the zone, and consideration of visual effects is most effective on a site-by-site basis.

Additional height might not be such an issue for immediately adjoining neighbours as shelterbelts can obscure the immediate adverse visual effect or view of coolstores. In addition, high buildings are often placed more centrally on a site because of fire-rating, daylighting, and yard requirements in relation to boundaries.

NZKGI have also advised that they support additional height provisions to be extended to coolstore and packhouse facilities outside of Post Harvest Zones (i.e. within Rural Zones). This request is outside of the ambit of this review of the Post Harvest Zones and we consider that that issue should be “parked” until the full review of the District Plan.

Increasing the maximum Permitted Activity height limit from 12m to 14m, would allow some additional flexibility for coolstore stacking to 4 pallets high. Allowing height to 20m as a Restricted Discretionary Activity would enable consideration of the effects of the additional height and any mitigation measures that could be applied.

Consideration of District Plan Matters of Discretion for applications for height between 14m and 20m has centred on how to mitigate the visual impact of higher buildings. Controls over the use of large walls of the buildings for advertising purposes has been discussed, as was the possibility of landscape screening and control of the colour of exterior walls.

Staff have discussed the matter of exterior panel colours with industry experts in the coolstore panel industry. The industry advise that they tend to buy the standard “Titania” (white) colour in bulk as this means good discounts for them and their clients. Other colours are not common and a premium is paid to obtain them. They are however beginning to use different colours on outside panels and can manufacture panels to match the colour steel range.

Common colours used (from the Kiwi steel or Colour steel samples) are Desert sand/Gull grey/Mist green. The industry tends to avoid darker colours as this can generate a difference in heat range from internal to external skins but they advise that as long as cool colours (like those mentioned above) are used to reflect the heat, they would not be an issue for heat gain.

The price for a 100mm coloured panel ends up approximately \$7 per square metre more than a standard 100mm “Titania” panel which is approximately

\$95 per square metre. This means that a 20m by 50m coolstore wall would cost \$7,000 more if a coloured panel was required.

In relation to screening, District Plan Section 4C – Amenity, already contains provisions relating to screening in the Post Harvest Zone. These provisions require all existing screening to be retained on site, a landscape strip to be provided on all road frontages, and shelterbelt trees attaining a minimum height of 8m at maturity to be provided on the remaining boundaries. Where specific sites do not have this screening in place, a resource consent application for additional height over 14m would enable Council to include condition/s requiring screening be provided within a specific time-period.

**5.3. Option 1: Status Quo (maximum height of buildings/structures remains at 12m)**

<b>Costs</b>	<ul style="list-style-type: none"> <li>▪ Post Harvest Zone operators may be prevented from employing new coolstore technology in a timely and efficient manner.</li> <li>▪ Post Harvest Zone operators would need to go through a resource consent application and consider actual and/or potential adverse effects on the environment to build higher than 12m.</li> <li>▪ Assessments of visual amenity are subjective and this may create uncertainty for the industry.</li> <li>▪ The need to consider effects on adjoining and nearby landowners would create uncertainty for the industry.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>▪ Actual and/or potential effects on environmental amenity would remain unchanged.</li> <li>▪ The status quo provides certainty for post harvest operators building to 12m in height as a Permitted Activity.</li> <li>▪ The status quo provides certainty for neighbouring and nearby owners and occupiers.</li> <li>▪ The maximum height of structures and buildings would remain at 12m but any building or structure to be constructed higher than this could still apply to gain consent through a robust assessment of effects via a resource consent application (as a Restricted Discretionary Activity).</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>▪ Effective in maintaining the rural amenity as it currently is around the Post Harvest Zones.</li> <li>▪ Not effective in allowing the post harvest industry to quickly adapt to changes in technology that may provide on-site efficiencies.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>▪ Sufficient information is available.</li> </ul>

**5.4. Option 2: Increase the Maximum Permitted Height of Buildings/Structures in the Post Harvest Zone to 14m as a Permitted Activity, and Between 14m and 20m as a Restricted Discretionary Activity**

<p><b>Costs</b></p>	<ul style="list-style-type: none"> <li>▪ Post harvest facilities are industrial in nature. An increase in the maximum permitted height to 14m would create inconsistency with the Industrial Zone provisions which allow 20m maximum permitted height. This may create confusion.</li> <li>▪ The horticultural industry has invested considerable resources in existing Post Harvest Zones and restricting the ability to expand upwards creates uncertainty for further development to respond to increasing kiwifruit production.</li> <li>▪ Industry representatives have strongly stated that they want a 20m maximum height as a Permitted Activity and are likely to be unwilling to accept a 14m maximum permitted height.</li> <li>▪ An additional 2m height as a Permitted Activity in the Rural Zone may create adverse visual effects that can't easily be absorbed in this environment.</li> <li>▪ Restricting height to 14m as a Permitted Activity may have the effect of pushing post harvest operations away from Post Harvest Zones into Industrial Zones.</li> <li>▪ Providing for height up to 20m as a Restricted Discretionary Activity may, even with specified Matters of Discretion, still enable the construction of buildings with adverse effects that are not considered appropriate in a Rural Zone.</li> <li>▪ Assessments of visual amenity for applications between 14 and 20m height may be subjective creating uncertainty for both applicants and nearby residents.</li> </ul>
<p><b>Benefits</b></p>	<ul style="list-style-type: none"> <li>▪ This option would give post harvest operators in the zone flexibility beyond the current standard and may allow the installation of automated racking systems to 4 pellets high.</li> <li>▪ Increasing the Permitted Activity height to 14m may provide certainty for post harvest operators that they could install and use automated racking to 4 pallets height, and the possibility of going higher via a resource consent application.</li> <li>▪ Restricting the maximum Permitted Activity height to an additional 2m in the Post Harvest Zones would provide some useful flexibility for the industry, and the relatively minor increase in height may be able to be readily absorbed into the existing interface between the post harvest and rural environments.</li> <li>▪ Height over 14m still could be applied for via a resource consent as a Restricted Discretionary Activity with specific Matters of Discretion relating to visual amenity to give certainty for applicants and for neighbouring landowners and occupiers.</li> <li>▪ The existing post harvest operations within Post Harvest Zones are large industrial activities and an additional 2m of height may be able to be easily absorbed on some sites where these zones currently exist.</li> <li>▪ Restricting Permitted Activity height to 14m may have the effect of pushing post harvest operations into Industrial</li> </ul>

	Zones.
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>▪ This option would provide some flexibility for new coolstore builds (over the current maximum height) and would therefore be somewhat effective in providing what the post harvest industry needs.</li> <li>▪ Specific Matters of Discretion in relation to height over 14m can be developed to give some certainty to the industry and the Council in considering site-by-site applications, therefore efficient in managing actual and/or potential effects on the environment if a number of satisfactory and suitable Matters of Discretion were developed.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>▪ Sufficient information is available.</li> </ul>

**5.5. Option 3: Increasing Maximum Permitted Height of Structures in the Post Harvest Zone to 20m**

<b>Costs</b>	<ul style="list-style-type: none"> <li>▪ If the District Plan daylighting provisions for boundaries with a different zone had to be complied with, a significant 18m setback from Rural Zone boundaries would be required for a 20m high building (unless written approval was obtained from the neighbouring landowner).</li> <li>▪ Fire-protection requirements under the Building Act would require a substantial setback from any boundary for a 20m high building, unless a specific design allowed construction closer to boundaries.</li> <li>▪ Buildings above 12m and up to 20m in height have the potential to create significant adverse visual amenity impacts in the Rural Zone. Shelterbelts and trees in the rural environment could also be a significant height but create quite a different visual impact to buildings which are solid and present one dimensional walls.</li> <li>▪ It would be very difficult to determine who might be affected by additional height when it would not necessarily only be adjoining landowners who were affected visually; views from further afield could also be affected in a significant way by a substantial bulky high building.</li> <li>▪ It would be difficult to produce Permitted Activity Performance Standards that could be applied successfully to 20m height buildings and structures to mitigate actual and/or potential visual impacts constructed on a range of different sites (within mainly rural environments).</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>▪ Increasing the maximum height to 20m would provide for automated stacking up to 5 pellets in height plus provide adequate headspace for the refrigeration system and maintenance crew.</li> <li>▪ An increase in the maximum permitted height to 20m would create consistency with the Industrial Zone provisions, and remove rule confusion between sites that</li> </ul>

	<p>are both industrial in nature.</p> <ul style="list-style-type: none"> <li>Activity Performance Standards could be applied to the 20m height to mitigate actual and/or potential visual impacts (such as requiring a specific setback from dwellings, and/or vegetative screening).</li> <li>This option would provide some certainty for post harvest operators who often work across the Post Harvest and Industrial Zones.</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>Providing for buildings up to 20m in height in the Post Harvest Zone would give the post harvest industry flexibility and certainty that they could use automated stacking technology up to 5 pallets high in new builds.</li> <li>The potential for adverse effects on rural amenity values is significant, and actual and/or potential effects are likely to be site-specific and could not be easily identified in advance across all Post Harvest Zoned sites</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>Sufficient information is available.</li> </ul>

#### 5.6. Option 4: Providing for Unlimited Height as a Permitted Activity

<b>Costs</b>	<ul style="list-style-type: none"> <li>Unlimited height would create enormous uncertainty for adjoining and nearby landowners and occupiers.</li> <li>There would be the potential for significant adverse visual effects on Rural Zone amenity.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>It would be easier for development in the Post Harvest Zone to adjust to, and implement new technology such as automated stacking systems which require additional height.</li> <li>Operations in Post Harvest Zones could easily respond to changes in technology and pressures for additional cool storage onsite by building up instead of out.</li> <li>Effective in reducing unnecessary complexity in relation to additional District Plan activities, rules and criteria.</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>Not an effective or efficient means of providing for development in the Post Harvest Zones while also protecting the Rural Zone amenity.</li> <li>Effective in enabling post harvest industry development.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>Sufficient information is available to determine that providing unlimited height as a Permitted Activity is not a feasible option in the rural environment.</li> </ul>

## 5.7. Preferred Option/s

The preferred option is Option 2.

This option provides additional height to 14m as a Permitted Activity to provide some flexibility, and retains the ability for the industry to apply for additional height over 14m to a maximum of 20m via a resource consent as a Restricted Discretionary Activity.

Additional height over 20m would be considered as a Discretionary Activity.

Specific Restricted Discretionary Activity Matters of Discretion have been developed to give some certainty around what information would need to be provided to Council to increase the chances of a successful application between 14m and 20m in height.

Changes required are as follows (in underlined red font).

### **22.3 Activity Lists**

#### **22.3.3 Restricted Discretionary Activities**

(e) Buildings/structures over 14m in height to a maximum of 20m in height.

#### **22.3.4 Discretionary Activities**

(c) Buildings/structures over 20m in height.

### **22.4 Activity Performance Standards**

#### **22.4.1 General**

**(a) Height of buildings/structures**

Maximum: ~~12m~~ 14m.

Except that:

For Lot 4 DP 376727 Te Puna the maximum shall be 9m.

### **22.5 Matters of Discretion**

#### **22.5.1 Restricted Discretionary Activities**

(e) With respect to Rule 22.3.3(e), Council's discretion shall be restricted to relevant objectives and policies, and to the following matters:

(i) The impact on the visual amenity of the existing environment.

This shall require an assessment of the actual and/or potential effects of the building/structure



that is appropriate to the scale and effect of the proposal and which addresses the following:

- The actual and/or potential loss of visual amenity when viewed from any existing or consented dwelling that is located on a title outside of the Post Harvest Zone and in different ownership to the post harvest zone operator;
- The actual and/or potential loss of visual amenity for any title that is located outside of the Post Harvest Zone and in different ownership to the post harvest zone operator;
- The ability of any actual and/or potential adverse effects to be avoided, remedied or mitigated via measures such as the colour of the building/structure, and/or vegetative or other screening.

(ii) Restrictions on advertising or similar publicity and/or promotional material on the walls of the building/structure to reduce the potential for adverse visual effects.

## **5.8. Reasons**

The Post Harvest Zone environments are generally rural in nature, and by virtue of that the expectation is that buildings are of a lower scale that would be expected of an industrial activity within an Industrial Zone.

There may however be site-specific situations where an increase in height to 20m (or more) can be absorbed by the surrounding environment. These may include that measures can be applied to mitigate the visual impact of additional height on the specific site, and/or that adjacent and nearby landowners are accepting of the additional height.

Option 2 therefore allows more flexibility over the current 12m height, and the ability to apply through a resource consent application for additional height through a process that ensures that the amenity of the surrounding environment is safeguarded.

Specific Matters of Discretion will ensure that adverse effects on rural amenity are able to be reduced or mitigated via, for example, control of advertising on large blank walls, colour of buildings and/or screening.

The benefits and effectiveness/efficiency reasons included above indicate that Option 2 is likely to achieve the best outcome for the zone, and for the surrounding rural environment.

## 6.0 Issue 3: NZTA Approval Rule 22.5.1(c) RDA Criteria

### 6.1. Introduction

District Plan Rule 22.5.1(c) requires that when there is any increase in the throughput of the consented horticultural crop(s) beyond the consented level, or the use of existing post harvest facilities for the grading and storage of horticultural crops other than kiwifruit and avocados, that the written approval of the New Zealand Transport Agency (NZTA) is required or limited notification of the application shall be required.

A number of the Post Harvest Zoned sites in and around Te Puke gain access via side roads to the Te Puke Highway which was previously a State Highway under the control of NZTA but is now managed by WBOPDC.

Rule 22.5.1(c) needs to be reworded to exclude those sites in and around Te Puke which no longer have close access to State Highway 2.

### 6.2. Analysis

The approach to re-wording Rule 22.5.1(c) to make it clear that the rule does not apply to sites which have side road access to the Te Puke Highway resolves the issue.

Engagement with NZTA has occurred and NZTA appeared not to have specific concerns about the re-wording because Council retains control relating to its roads, including the Te Puke Highway.

It is noted that Rule 22.5.1(a) in relation to impacts on the safe and efficient operation of the access to the site, the relevant Council roads, and any relevant intersection of the Council road to the State Highway still applies, as does District Plan Section 4B in relation to effects of access to activities on Strategic Roads. These District Plan provisions will continue to ensure that traffic effects of any proposal are considered in any application.

### 6.3. Option 1: Status Quo (NZTA written approval required for activities on sites with access to Te Puke Highway)

<b>Costs</b>	<ul style="list-style-type: none"><li>▪ Not changing the rule would result in unnecessary consultation with NZTA, or require additional explanation/assessment in resource consent applications.</li></ul>
<b>Benefits</b>	<ul style="list-style-type: none"><li>▪ No advantages to retaining the status quo.</li></ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"><li>▪ Not effective.</li></ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"><li>▪ Sufficient information is available.</li></ul>

#### 6.4. Option 2: Amend Rule 22.5.1(c)

<b>Costs</b>	<ul style="list-style-type: none"> <li>No disadvantages to this option.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Amending the rule will eliminate unnecessary consultation with NZTA (who no longer control Te Puke Highway as a State Highway).</li> <li>The resource consenting process will be streamlined for the sites that access Te Puke Highway via a side road.</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>Effective in reducing unnecessary complexity.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>Sufficient information is available.</li> </ul>

#### 6.5. Preferred Option

The preferred option is Option 2.

To give effect to this change, District Plan Rule 22.5.1(c) would need to be amended generally as follows (change shown in underlined red font).

### **22.5 Matters of Discretion**

#### **22.5.1 Restricted Discretionary Activities**

(c) *For the purposes of an application under either Rule 22.3.3(a) or 22.3.3(b), the following shall apply in respect of notification:*

(i) *Where the prior written approval of the New Zealand Transport Agency has been obtained, neither public nor limited notification of the application shall be required.*

(ii) *Where the prior written approval of the New Zealand Transport Agency has not been obtained, only limited notification of the application shall be required, such notification to be limited to the New Zealand Transport Agency.*

*Except that:*

*This shall not apply to those Post Harvest Zoned sites that access Te Puke Highway via a side road.*

## 6.6. Reasons

The benefits and effectiveness/efficiency reasons included above indicate that Option 2 is likely to achieve the best outcome for the zone.

## 7.0 Issue 4 – Edit of Rule 22.3.1(d) - *Seasonal Worker Accommodation Exclusion and Deletion of Rules 22.3.3(e) and 22.5.1(e)*

### 7.1. Introduction

There are some specific site exclusions in relation to *seasonal worker accommodation* within Post Harvest Zones.

These exclusions were included during the last District Plan review through submissions lodged from adjacent and nearby landowners who did not support accommodation being provided on specific Post Harvest sites.

### 7.2. Analysis

Existing Permitted Activity List Rule 22.3.1(d) reads as follows:

*(d) Seasonal worker accommodation for a maximum of 75 persons associated with the post harvest and/or kiwifruit or avocado orchard operations. This rule does not apply to Lot 3 DP 392756, Te Matai Road, Lots 1 and 2 DPS 35211, Rangioru, and Lot 1 DPS 89976, Lot 2 and 4 DP 376727, Te Puna and Lots 4 and 5 DPS 18004, Kauri Point Road.*

The *seasonal worker accommodation* exclusions relate to Post Harvest Zoned sites as follows:

Legal Description	Site
Lot 3 DP 392756, Te Matai Road	DMS Post Harvest Zone on Te Matai Road
Lots 1 and 2 DPS 35211, Rangioru	Previously Seeka post harvest site, now located in Rangioru Business Park Industrial Zone, Rangioru
Lot 1 DPS 89976, Lot 2 and 4 DP 376727, Te Puna	DMS Post Harvest Zone on Armstrong Road, Te Puna
Lots 4 and 5 DPS 18004, Kauri Point Road	Kauri Pak Post Harvest Zone on Kauri Point Road.

Rule 22.3.1(d) may be edited to remove reference to Lots 1 and 2 DPS 35211, Rangioru, as this property contains a Seeka post harvest facility which is now located within the Rangioru Business Park (and not within a Post Harvest Zone).

As a consequential change, Rules 22.3.3(e) and 22.5.1(e) may be deleted as they also relate specifically to Lots 1 and 2 DPS 35211, Rangioru which are no longer within a Post Harvest Zone.

Rule 22.3.3(e) Restricted Discretionary Activities reads as follows:

- (e) For Lots 1 and 2 DPS 35211, Rangiuru, seasonal worker accommodation for a maximum of 75 persons associated with the post harvest and/or kiwifruit or avocado orchard operations.

Rule 22.5.1(e) Matters of Discretion - Restricted Discretionary Activities reads as follows:

- (e) With respect to 22.3.3(e) Council will limit its discretion to:
- (i) Matters listed in 22.4.1(e);
  - (ii) The impact of the activity on the safe and efficient operation of the Maketu Road/Te Puke Highway intersection (and its immediate environs).

**7.3. Option 1: Status Quo (make no changes to Rule 22.3.1(d) and retain Rules 22.3.3(e) and 22.5.1(e))**

<b>Costs</b>	<ul style="list-style-type: none"> <li>▪ Not editing Rule 22.3.1(d) and deleting Rules 22.3.3(e) and 22.5.1(e) may result in unnecessary confusion for people reading the District Plan provisions.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>▪ No advantages to retaining the status quo.</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>▪ Not effective.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>▪ Sufficient information is available.</li> </ul>

**7.4. Option 2: Amend Rule 22.3.1(d) and delete Rules 22.3.3(e) and 22.5.1(e).**

<b>Costs</b>	<ul style="list-style-type: none"> <li>▪ No disadvantages to this option.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>▪ Amending the rule will eliminate unnecessary confusion.</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>▪ Effective in reducing unnecessary complexity.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>▪ Sufficient information is available.</li> </ul>

**7.5. Preferred Option**

The preferred option is Option 2.

To give effect to this change, District Plan Rule 22.5.1(c) would need to be amended as follows (change shown in underlined red font).

## **22.3 Activity Lists**

### **22.3.1 Permitted Activities**

- (d) *Seasonal worker accommodation for a maximum of 75 persons associated with the post harvest and/or kiwifruit or avocado orchard operations. This rule does not apply to Lot 3 DP 392756, Te Matai Road, ~~Lots 1 and 2 DPS 35211, Rangioru, and~~ Lot 1 DPS 89976, Lot 2 and 4 DP 376727, Te Puna and Lots 4 and 5 DPS 18004, Kauri Point Road.*

### **22.3.3 Restricted Discretionary Activities**

- ~~(e) For Lots 1 and 2 DPS 35211, Rangioru, seasonal worker accommodation for a maximum of 75 persons associated with the post harvest and/or kiwifruit or avocado orchard operations.~~

## **22.5 Matters of Discretion**

### **22.5.1 Restricted Discretionary Activities**

- ~~(e) With respect to 22.3.3(e) Council will limit its discretion to:~~

~~(i) Matters listed in 22.4.1(e);~~

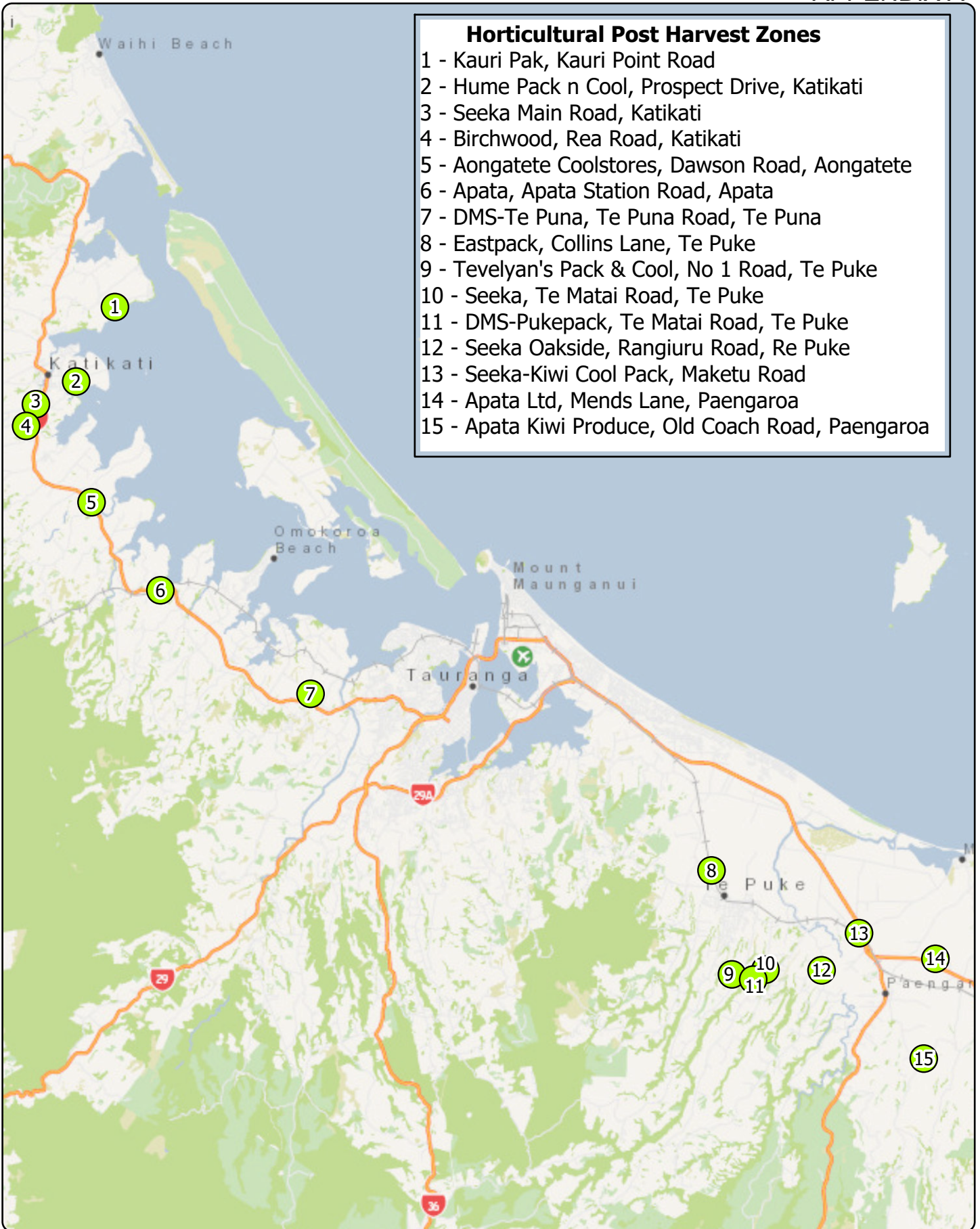
~~(ii) The impact of the activity on the safe and efficient operation of the Maketu Road/Te Puke Highway intersection (and its immediate environs).~~

## **7.6. Reasons**

The benefits and effectiveness/efficiency reasons included above indicate that Option 2 is likely to achieve the best outcome for the zone.

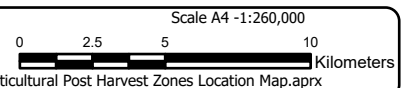
**Horticultural Post Harvest Zones**

- 1 - Kauri Pak, Kauri Point Road
- 2 - Hume Pack n Cool, Prospect Drive, Katikati
- 3 - Seeka Main Road, Katikati
- 4 - Birchwood, Rea Road, Katikati
- 5 - Aongatete Coolstores, Dawson Road, Aongatete
- 6 - Apata, Apata Station Road, Apata
- 7 - DMS-Te Puna, Te Puna Road, Te Puna
- 8 - Eastpack, Collins Lane, Te Puke
- 9 - Tevelyan's Pack & Cool, No 1 Road, Te Puke
- 10 - Seeka, Te Matai Road, Te Puke
- 11 - DMS-Pukepack, Te Matai Road, Te Puke
- 12 - Seeka Oakside, Rangiuuru Road, Re Puke
- 13 - Seeka-Kiwi Cool Pack, Maketu Road
- 14 - Apata Ltd, Mends Lane, Paengaroa
- 15 - Apata Kiwi Produce, Old Coach Road, Paengaroa

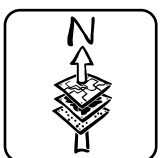


Produced using ArcMap by the Western Bay of Plenty District Council GIS Team.  
 Crown copyright reserved. LINZ digital license no. HN/352200/03 & TD093522.  
 Location of services is indicative only. Council accepts no liability for any error.  
 Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Email: [gis@westernbay.govt.nz](mailto:gis@westernbay.govt.nz)  
 Date: 10/9/2018  
 Operator: mlb  
 Map: E:\Shape\MLB\2018\Projects\Horticultural Post Harvest Zones Location Map.aprx



**HORTICULTURAL POST HARVEST ZONES  
 LOCATION MAP**



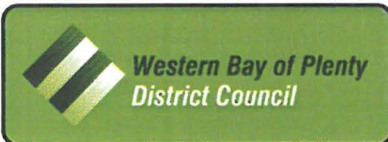
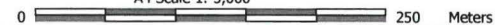




Produced using ArcMap by the Western Bay of Plenty District Council GIS Team.  
 Crown copyright reserved. LINZ digital license no. HN/352200/03 & TD093522.  
 Location of services is indicative only. Council accepts no liability for any error.  
 Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Date: 08/07/2019

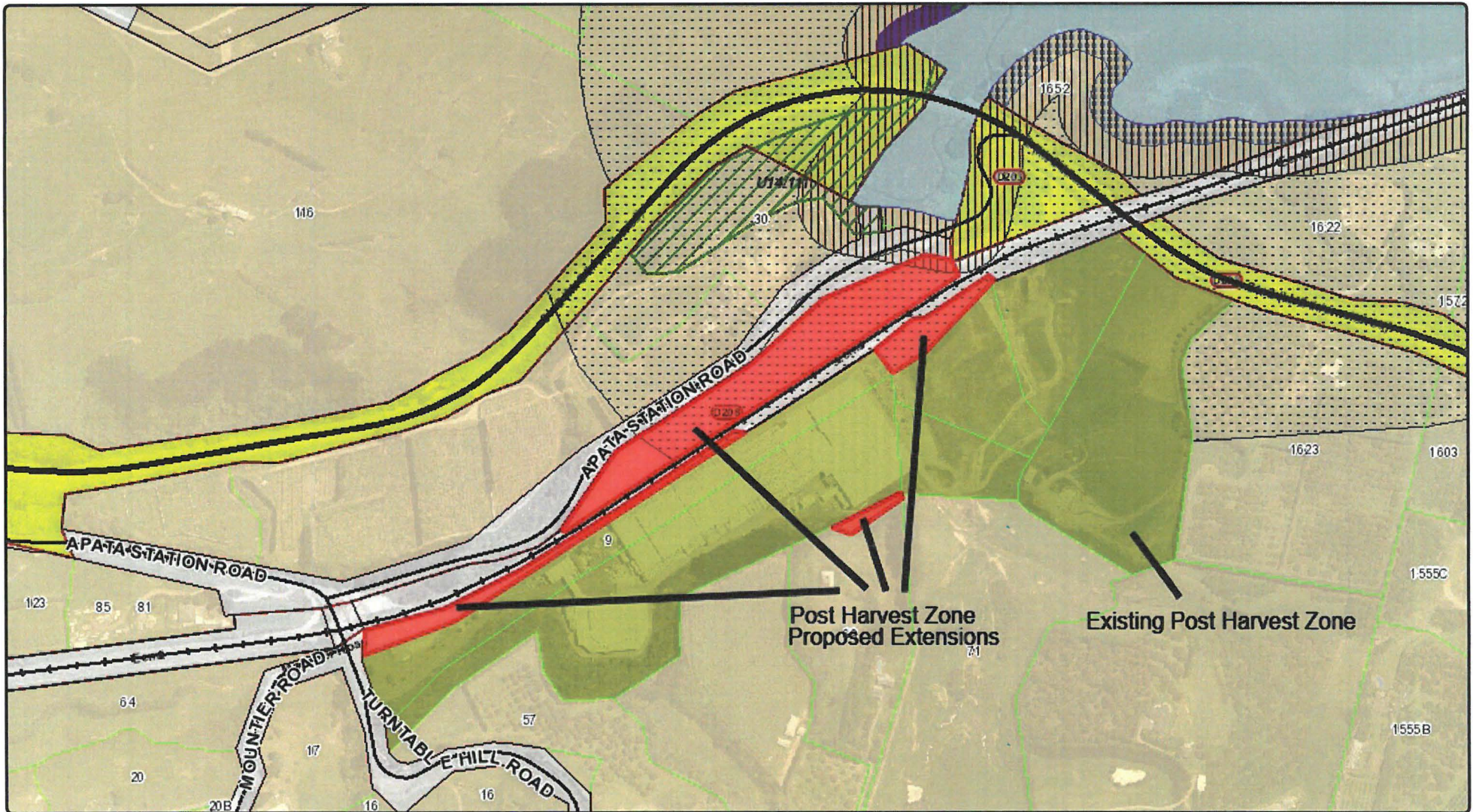
Operator:  
 A4 Scale 1: 5,000



Hume Pack-N-Cool Ltd  
 Prospect Drive, Katikati  
 Proposed Post Harvest Zone Extensions







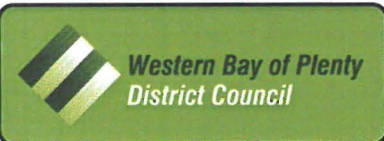
Post Harvest Zone  
Proposed Extensions

Existing Post Harvest Zone

Produced using ArcMap by the Western Bay of Plenty District Council GIS Team.  
Crown copyright reserved. LINZ digital license no. HN/352200/03 & TD093522.  
Location of services is indicative only. Council accepts no liability for any error.  
Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Date: 08/07/2019  
Operator:  
A4 Scale 1: 5,000

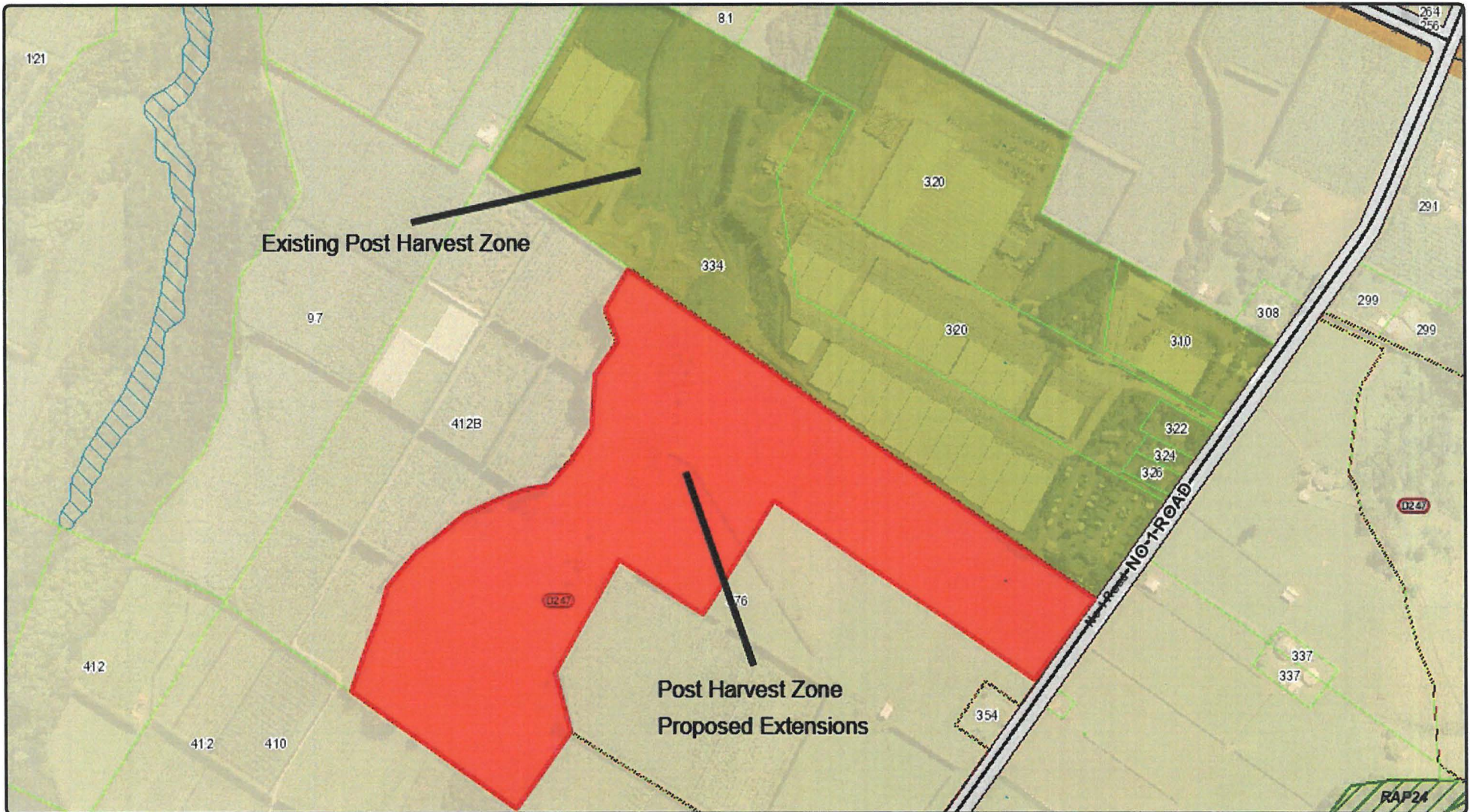
0 250 Meters



Apata Group Ltd  
Turntable Road, Katikati  
Proposed Post Harvest Zone Extensions







Produced using ArcMap by the Western Bay of Plenty District Council GIS Team.  
Crown copyright reserved. LINZ digital license no. HN/352200/03 & TD093522.  
Location of services is indicative only. Council accepts no liability for any error.  
Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Date: 08/07/2019

Operator:

A4 Scale 1: 5,000

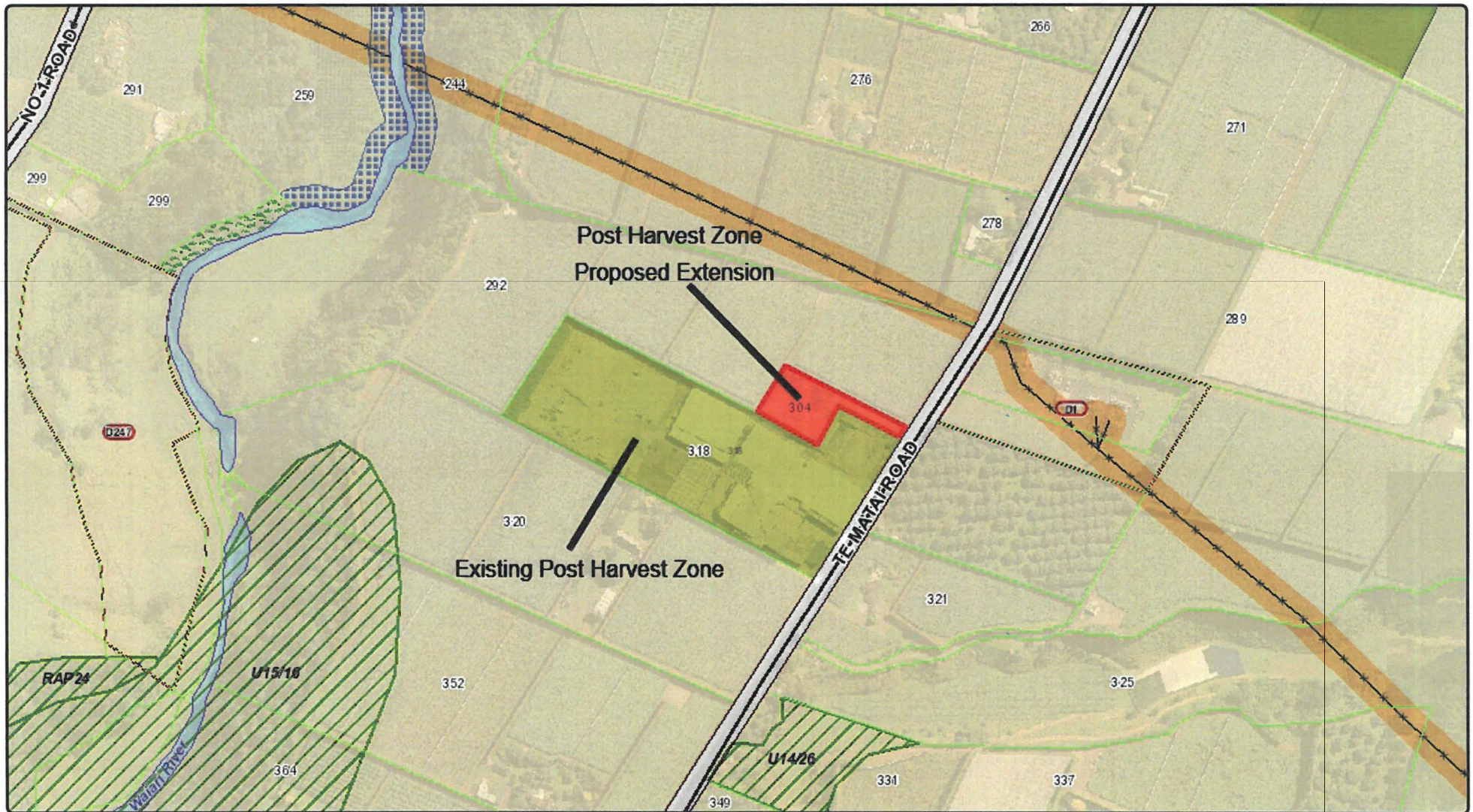
0 250 Meters



Trevelyan's  
No. 1 Road, Te Puke  
Proposed Post Harvest Zone Extensions





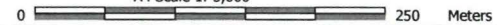


Produced using ArcMap by the Western Bay of Plenty District Council GIS Team.  
Crown copyright reserved. LINZ digital license no. HN/352200/03 & TD093522.  
Location of services is indicative only. Council accepts no liability for any error.  
Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Date: 08/07/2019

Operator:

A4 Scale 1: 5,000



DMS Pukepack  
Te Mata Road, Te Puke  
Proposed Post Harvest Zone Extensions







Produced using ArcMap by the Western Bay of Plenty District Council GIS Team.  
Crown copyright reserved. LINZ digital license no. HN/352200/03 & TD093522.  
Location of services is indicative only. Council accepts no liability for any error.  
Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Date: 08/07/2019  
Operator:  
A4 Scale 1: 5,000

0 250 Meters

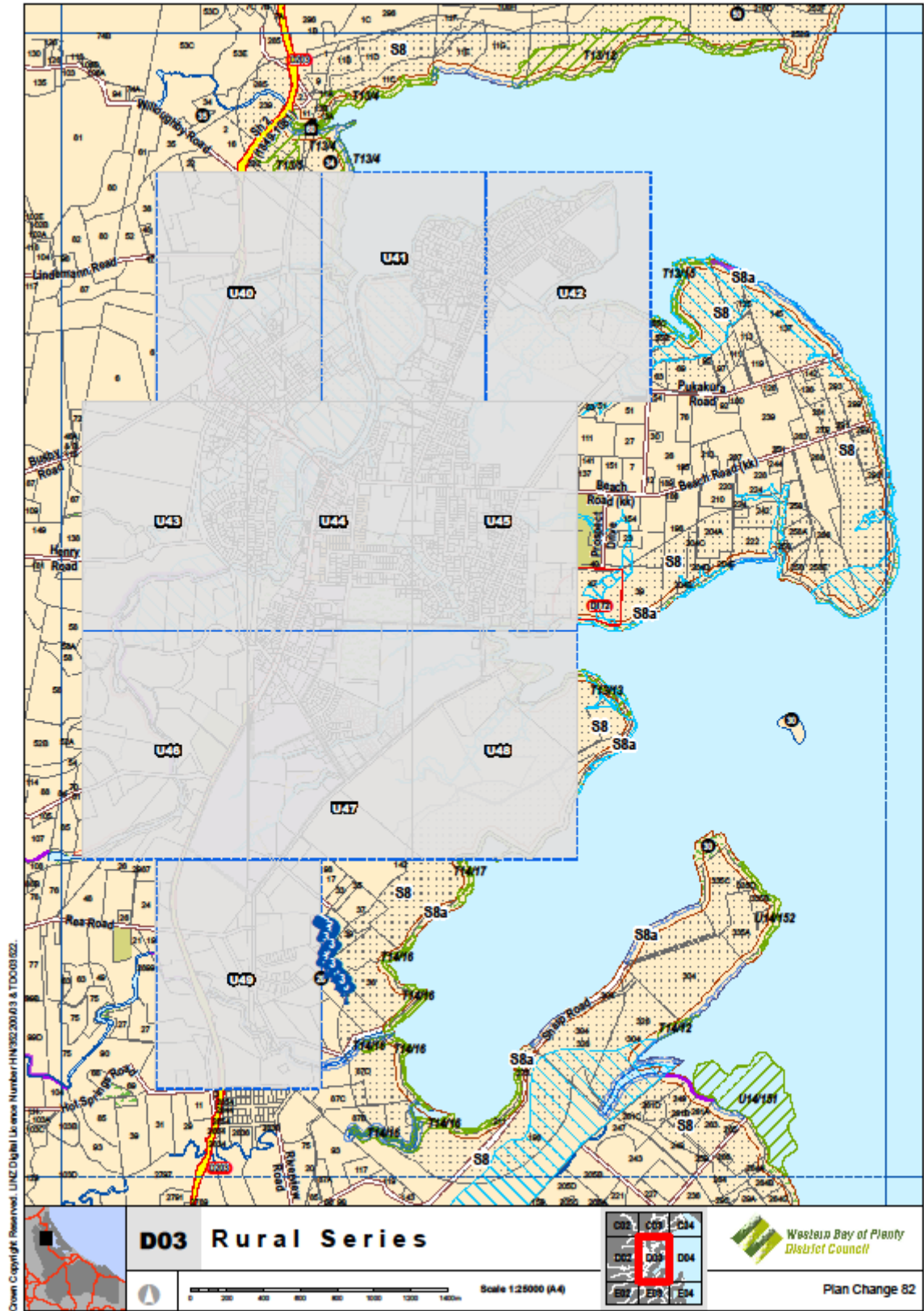


Apata Group Ltd  
Mends Lane, Te Puke  
Proposed Post Harvest Zone Extensions

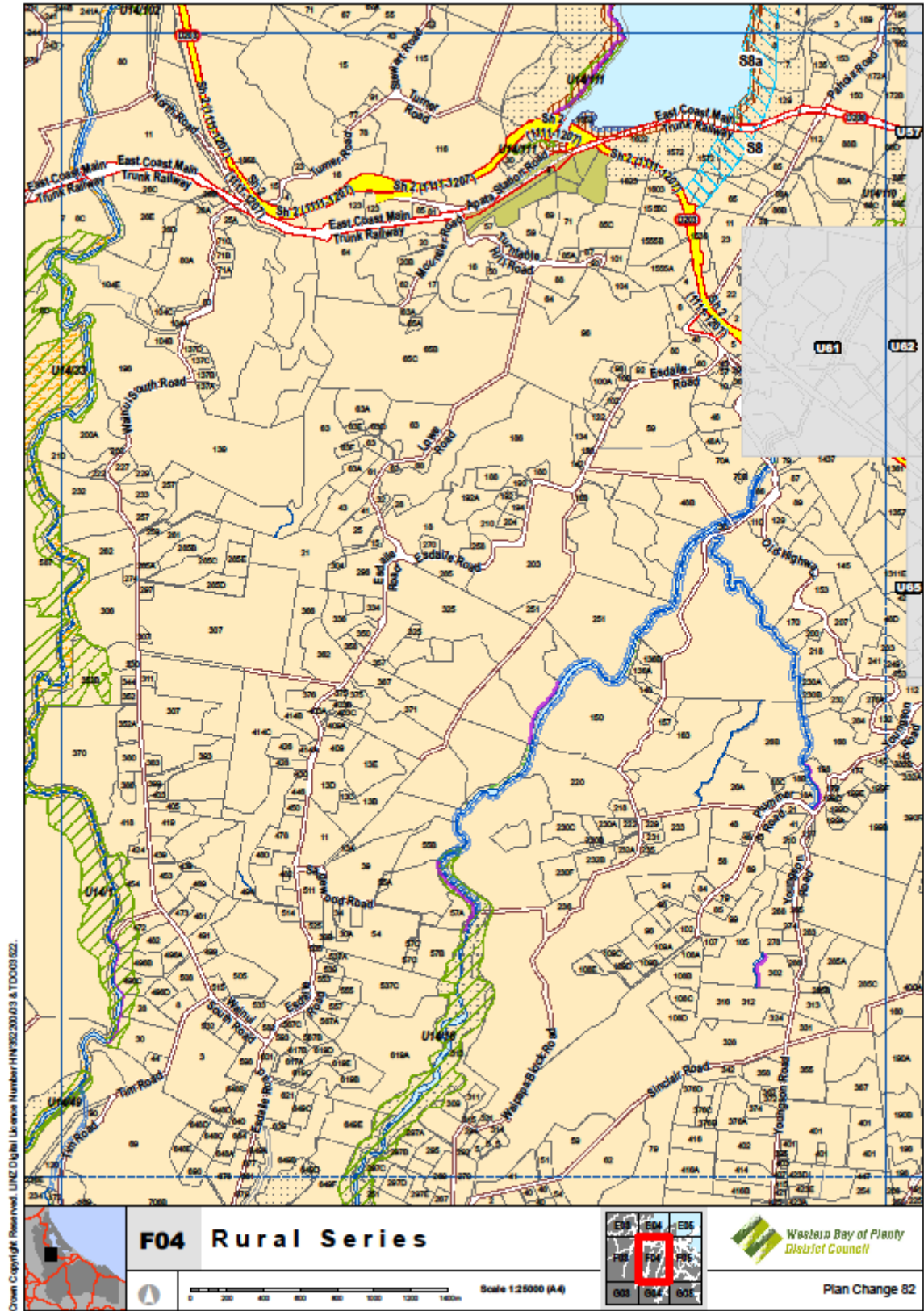




APPENDIX C



APPENDIX C







APPENDIX C





APPENDIX C



APPENDIX C

