

BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND

I MUA I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU

IN THE MATTER	of the Resource Management Act 1991 ( <b>the Act</b> )
AND	of appeals under Clause 14 of the First Schedule to the Act
BETWEEN	HORTICULTURE NEW ZEALAND (ENV-2020-AKL-000062)
AND	A & J MAURENBRECHER (ENV-2020-AKL-000066) Appellants
AND	HASTINGS DISTRICT COUNCIL Respondent

Environment Judge MJL Dickey sitting alone under s 279 of the Act

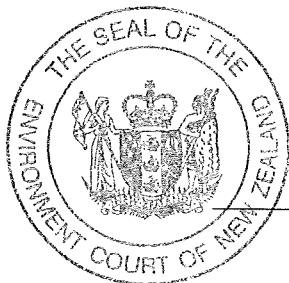
IN CHAMBERS at Auckland

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**CONSENT ORDER**

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- A: Under s 279(1)(b) of the Act, the Environment Court, by consent, orders that:
- (1) the appeals are allowed subject to the amendments set out in this order.
  - (2) the appeals are otherwise dismissed.
- B: Under s 285 of the Act, there is no order as to costs.



## **REASONS**

### **Introduction**

- [1] These appeals relate to Plan Change 1 to the Hastings District Plan (partially operative) which relates to Seasonal Workers Accommodation within the Hastings District.
- [2] Under PC1, Seasons Workers Accommodation for up to 80 workers is provided for as a restricted discretionary activity (new Rule PP23A) subject to compliance with standards and terms, including specific standards for Seasonal Workers Accommodation set out at Rule 6.2.6K. The standards require:
1. The maximum number of people to be accommodated on site is 80 people.
  2. All new buildings which are part of the seasonal workers accommodation shall be relocatable or able to be reconfigured to buildings accessory to land based primary production.
  3. Any building associated with seasonal workers accommodation shall be sited a minimum of 15 metres from any road or adjoining property boundary.
  4. The site shall have a minimum area of 12 ha (this standard shall not be applied to seasonal worker accommodation at or below 125m<sup>2</sup>.)
- [3] If a proposal that exceeds 125m<sup>2</sup> does not meet one or more of these standards, it is an activity not provided for and requires consent as a non-complying activity under Rule PP39.
- [4] Both appeals seek that the performance standard and term at Plains Production Zone Rule 6.2.6K(4) be deleted, so that Seasonal Workers Accommodation could establish on sites smaller than 12 ha as a restricted discretionary activity, as opposed to a non-complying activity.

### **The agreement reached**

- [5] The parties have agreed that Seasonal Workers Accommodation on sites smaller than 12 ha can appropriately be provided for as a discretionary activity.
- [6] This has been achieved by amending Section 6.2 – Plains Production Zone of the District Plan to provide a new rule in Table 6.2.4 – Rules, which allows Seasonal



Worker accommodation over 125m<sup>2</sup> with up to 80 workers not complying with Specific Performance Standard 6.2.6K(4) as a discretionary activity.

### Consideration

- [7] In making this order the Court has read and considered the Notices of Appeal and the memorandum of the parties dated 5 November 2020.
- [8] The following persons gave notice of their intention to become parties under s 274 of the Act and have signed the memorandum of the parties seeking this order:
- (a) Hawke's Bay Regional Council (both appeals);
  - (b) T&G Global Ltd (both appeals);
  - (c) Horticulture New Zealand (A&J M appeal); and
  - (d) Hawke's Bay Fruitgrowers Association Inc (HNZ appeal).
- [9] The Court is making this order under s 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297.
- [10] The Court understands for present purposes that:
- (a) all parties to this proceeding have executed the memorandum of the parties requesting this order.
  - (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction and conform to the relevant requirements and objectives of the RMA, including in particular Part 2 of the Act.

### Order

- [11] Therefore the Court orders, by consent, that the Hastings District Plan (Partly Operative) is amended as follows and as set out in full in **Annexure A**:



- (a) Section 6.2 – Plains Production Zone is amended by adding the following Rule to Table 6.2.4 (additions underlined);

RULE TABLE 6.2.4 – PLAINS PRODUCTION ZONE		
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
...		
<u>PP37A</u>	<u>Seasonal Worker accommodation over 125m<sup>2</sup> with up to 80 workers not complying with Specific Performance Standard 6.2.6K(4).</u>	<u>D</u>

[12] This order disposes of appeal ENV-2020-AKL-62 and ENV-2020-AKL-66 in their entirety.

[13] There is no order as to costs.

DATED at Auckland this

*1st*

day of

*December*

2020.



*[Signature]*  
\_\_\_\_\_  
MJL Dickey  
Environment Judge

## Annexure A

### 6.2 PLAINS PRODUCTION ZONE

#### 6.2.1 INTRODUCTION

The Plains Production Zone recognises the growing powerhouse of the District. It is the focus for cropping, viticulture and orcharding in the region and in these activities it is nationally significant. The key to its productivity is the versatile land resource which provides flexibility into the future for changing productive land uses. Retaining this land for production purposes is a principle that forms one of the Council's cornerstones for sustainability of the District's natural and physical resources. While land based primary production is the primary focus of the Plains Production Zone it is recognised that other rural production activities that do not rely on the soil resource may also be appropriate in certain circumstances.

The Plains Production Zone surrounds the urban areas of Hastings, Havelock North, and Flaxmere and also includes parts of the Esk, Tutaekuri, and Ngaruroro river valleys. This land is intensively used and safeguarding the natural soil resource on the Plains with consequential benefits for productive capacity, is crucial to the future wellbeing of the District. The Council has clearly articulated this in its Vision which states that Hawke's Bay will be the premier land based production region of the South Pacific." This level of recognition has already been attained by the Winegrowers whose vineyards are located in the unique soil and climatic area of the Heretaunga Plains known as the 'Gimblett Gravels'. The concentration of Class 7 soils around the Roys Hill area has a largely uniform land use based around grape growing and wine production. This factor means that the nature of environmental effects produced both on-site and experienced by adjoining properties owners will be virtually the same, meaning that the area has unique characteristics. To recognise this, the District Plan provides the 'Roys Hill Wine growing District Overlay' within which specific standards apply to recognise the uniform land use and the special amenity of the area.

Tangata Whenua with Mana Whenua have a unique relationship with the land of the 'Plains'. As kaitiaki of this resource, Tangata Whenua with Mana Whenua have a responsibility to ensure that the versatile soils of the Plains are available to future generations.

This ethic of sustainable use of the Plains versatile land resource has also been endorsed by the wider community as it is recognised that this land plays a significant role in maintaining the economy of the District and, as a consequence, the wellbeing of the community. The economic prosperity of the District will continue to rely on the productive nature of this land into the future, with the character of the use possibly changing as a result of adaptation to climate change.

For this reason the Plains Production Zone identifies and recognises the area of the District that contains the versatile land which the District relies on. The following Objectives and Policies have been identified for the Plains Production Zone and the Methods for achieving them establishes the overall direction of the management of the Plains Production Zone.

#### 6.2.2 ANTICIPATED OUTCOMES

It is anticipated that the following Outcomes will be achieved:

PPAO1	The sustainable management of the versatile land of the Heretaunga Plains.
PPAO2	Recognition and acceptance of the level of effects associated with the sustainable management of land based primary production activities on the Heretaunga Plains.
PPAO3	Avoidance or mitigation of adverse effects on adjoining activities, including reverse sensitivity effects.
PPAO4	Wineries that provide a range of activities that are aligned with the viticulture use of the land.
PPAO5	An environment that has low scale commercial and industrial activities linked to produce grown and/or stock farmed on the site or nearby.
PPAO6	Retention of the open character, land based primary production activities, and low scale of buildings that comprise the amenity of the Plains Production Zone.
PPAO7	Recognition of long established infrastructure and community facilities.
PPAO8	Recognition of the unique characteristics of the Roys Hill Winegrowing District.



PPAO9	The life supporting capacity of the Heretaunga Plains Unconfined Aquifer system will be sustained.
PPAO10	That Mana Whenua values regarding the Kaitiakitanga of the Aquifer water resource are maintained.

### 6.2.3 OBJECTIVES AND POLICIES

<b>OBJECTIVE PPO1</b> <i>Relates to PPAO1</i>	<b>To ensure that the versatile land across the Plains Production Zone is not fragmented or compromised by building and development.</b>
<b>POLICY PPP1</b>	<i>Encourage the amalgamation of existing Plains Production Zone lots into larger land parcels.</i>

#### Explanation

There are a large number of small lots within the Plains Production Zone and the Council will continue to actively encourage the amalgamation of these lots as and when the opportunity arises through Resource Consent and subdivision applications. This will result in larger property sizes that will provide greater potential flexibility for future soil based activities.

<b>POLICY PPP2</b>	<i>Restrict Forestry activities in the Plains Production Zone.</i>
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#### Explanation

Production Forestry does not result in the most sustainable use of the versatile land of the District as the economy is inextricably linked to food production. Production Forestry within the Plains Production Zone would result in reduced employment opportunities and it is likely to result in reduced water yield in the long term. For these reasons the Council will restrict production forestry in the Plains Production Zone.

<b>POLICY PPP3</b>	<i>Limit the number and scale of buildings (other than those covered by Policy PPP4) impacting on the versatile soils of the District.</i>
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#### Explanation

There have been a number of instances where buildings have impacted on the versatile land of the Plains Production Zone as a result of their scale. Some of these buildings are still associated with food production such as those used for intensive rural production activities. These are subject to resource consent with assessment of the effects on the soil resource. While it is beneficial to allow for industrial or commercial activities, or seasonal workers accommodation, that add value to the produce coming off the land it is important that these activities are not allowed to reach such a scale as to impact on the versatile soils that the activity originally relied on at its inception.

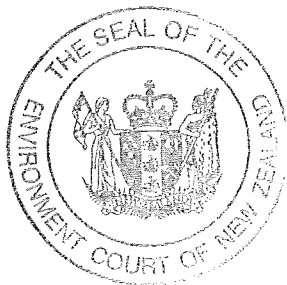
Note that this policy does not apply to buildings accessory to land based primary production, which are covered by Policy PPP4.

It is relevant that buildings accessory to land based primary production can become an issue if their use becomes redundant. While there is value in providing for the re-use of these buildings, the situation should not be allowed where farm buildings are constructed and then their uses change within a relatively short time period.

<b>POLICY PPP4</b>	<i>To enable land based primary production, including by providing for directly associated accessory buildings where they are not of such a scale as to adversely affect the life-supporting capacity of the versatile land resource and which are consistent with the rural character of the Zone.</i>
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#### Explanation

The primary focus of the Plains Production Zone is land based primary production, which is provided for as a permitted activity within the Zone. The definition of land based primary production includes "directly associated accessory buildings, structures and activities" and these are permitted subject to compliance with performance standards, including standards



relating to building coverage to ensure that the availability of the land for food production purposes is not undermined.

**POLICY PPP5**

*Recognise that residential dwellings and buildings accessory to them are part of primary production land use but that the adverse effects of these buildings on the versatile land of the Plains production Zone are managed by specifying the number and size of the buildings that are permitted.*

Explanation

It is recognised that the provision of a residential dwelling is one of the central components for the successful operation of orchards and production blocks on the Heretaunga Plains. However, the proximity of areas of versatile land to the main urban area also places pressure on the use of the land for dwellings. There should not be a situation where multiple dwellings occur on a Plains Production site. A principal dwelling plus a limited floor area supplementary residential building is permitted on each site. The limitation on the floor area is to ensure that the building is supplementary to the main dwelling and also to ensure that it has only a minor effect on the area available for production. The requirement for it to be within close proximity to the main dwelling is to reinforce the supporting role and reduce the impact on the operational and productive nature of the property. Supplementary dwellings will have a maximum permitted floor area and there is no provision for them to have accessory buildings.

Seasonal worker accommodation is provided for as a special form of accommodation which is generally considered appropriate in the Plains Production Zone and especially for RSE workers, due to its direct relationship the management and harvesting of primary produce within the Zone, subject to limits on size and assessment of its effects, particularly on versatile soils. Beyond the 80 resident limit the scale of the activity is considered to have more significant effects on the versatile land with building scale and the requirements around on-site servicing.

Note: Although supplementary residential dwellings are a Permitted activity subject to a specified maximum floor area, it is not appropriate to use them for a permitted baseline comparison for other buildings as they are directly related to the residential use of the site and they cannot be subdivided off as they remain in the curtilage of the main dwelling. Nor should the maximum building footprints for commercial activities be used as permitted baseline for supplementary dwellings as commercial activities are stand-alone developments. Similarly, seasonal workers accommodation should not be used as a permitted baseline comparison as they are considered to be of a temporary nature with a requirement that they are relocatable.

**POLICY PPP6**

*Restrict the ability to create lifestyle sites within the Plains Production Zone to those from an existing non-complying site where the balance of the site is amalgamated with one or more adjoining sites to form a complying site.*

Explanation

One of the major issues affecting versatile land is the pressure that comes to bear as a result of people wanting to establish lifestyle developments close to the main urban centres. The Council is seeking to keep firm control over the creation of such sites to ensure that the versatile soils are not fragmented to such a degree that they cannot be used for production purposes. Past experience has shown that once these small areas of land are created it is unlikely that they will ever be used for production purposes in the future. This policy is consistent with the Regional Policy Statement which states that the versatile land of the Heretaunga Plains is highly desirable for urban and rural lifestyle development but most importantly it underpins the economy of the region. This conflict and pressure from urban development makes it a regionally significant issue.

The policy of providing for a lifestyle site to be created where the balance is amalgamated to create a new complying site (that is, complying with the 12ha minimum site size) is one which has been carried over from the previous District Plan. It is a policy that has been successful in achieving its aims of increasing the number of complying sites.



**POLICY PPP7** *Establish defined urban limits to prevent ad hoc urban development into the Plains Production Zone.*

Explanation

The Heretaunga Plains Urban Development Strategy (2010) has identified the importance of the Plains versatile soils to the community. It has recommended that clear urban boundaries be established to prevent the creep of activities onto the versatile soils. The Regional Policy Statement requires through policy, that District Plans shall identify urban limits within which urban activities can occur sufficient to cater for anticipated population and household growth to 2045.

**OBJECTIVE PPO2** *To provide for flexibility in options for the use of versatile land*  
*Relates to PPA01 and PPA05*

**POLICY PPP8** *Provide for industrial and commercial activities in the Plains Production Zone where they are linked to the use of the land and with limits on the scale and intensity to protect soil values and rural character.*

Explanation

The ability to establish industrial and commercial activities within the Zone as Permitted Activities is for the purpose of allowing primary producers to add value to produce that has been grown on the site. It is not intended that the Plains Production Zone should provide commercial or retail opportunities for owners who may wish to take advantage of a high profile location or area of high amenity. Any commercial or industrial activity should be directly linked to the use that is undertaken on the site.

The scale of commercial and industrial development is an important consideration as it should not be such as to adversely impact on the versatile land on which the activity is sited, and to ensure that adverse effects on neighbouring properties, such as noise or traffic generation, are not experienced. Furthermore there are specific Zones within the District that provide for both commercial and industrial activity, and limits on the scale and intensity of these activities within the Plains Production Zone will assist in maintaining the efficiency and effectiveness of the Commercial and Industrial Zones. The limits on scale will also ensure that the character of the Zone is protected. It is also recognised that the use of existing buildings to accommodate industrial or commercial activities may be an efficient use of resources.

**POLICY PPP9** *To provide for Rural Transport Depots as activities that are directly reliant on the land to hold stock in transit, or undertake a land based primary production activity as part of this activity taking into account the need to avoid, remedy or mitigate the adverse effects on versatile land, water values and rural character.*

Explanation

A Rural Transport Depot is an activity that is directly related to land based primary production and has the potential to result in significant social and economic benefits to the District. Rural Transport Depots directly support the use of the wider versatile land resource. Rural Transport Depots may have a need for facilities, yards and holding paddocks to hold livestock in transit and/or to support land based primary production activities. The location of Rural Transport Depots also need to consider proximity and links to strategic transport hubs within the Transport network as well as the proximity to sale yards and Meat works facilities. The opportunity to establish and operate in the Zone will be provided through a Discretionary Activity resource consent process, to ensure that any potential for significant adverse effects can be avoided, remedied or mitigated.

**POLICY PPP10** *Provide for a dairy processing plant as a Discretionary Activity in recognition of its unique requirements of reliance on primary produce together with the need to locate in proximity to land suitable for the irrigation of high volume wastewater.*

Explanation





While a dairy processing plant may be of a large scale, it has the potential to result in significant social and economic benefits to the District, and directly supports more efficient use of the wider versatile land resource, and therefore results in greater production within the Zone. The opportunity to establish and operate in the Zone will be provided through a Discretionary Activity resource consent process, to ensure that any potential for significant adverse effects can be avoided, remedied or mitigated and to consider consistency against the objectives and policies of the Plan with particular reference to Policy PPP8. The Discretionary Activity assessment will consider whether location within the Plains Production Zone better achieves sustainable management than location within an industrial zone.

**POLICY PPP11**

*Require that any subdivision within the Plains Production Zone does not result in reducing the potential for versatile land to be used in a productive and sustainable manner.*

Explanation

The subdivision of land within the Plains Production Zone is an important activity to control as it involves a finite resource. The Council aims to prevent the cumulative effects of numerous small scale subdivisions on the overall area of the versatile land resource. The aim is that the subdivision of land should not result in activities that will negatively impact on the sustainability of the versatile land.

**POLICY PPP12**

*Provide for a Retirement Village on Lot 2 DP 437278 as a Discretionary Activity in recognition of the unique characteristics of the site that would make it particularly suited to retirement living while taking into account the need to provide a strong artificial urban buffer to signal the limit to further urban sprawl to the south.*

Explanation

The site that is subject to this policy is a small strip of land that immediately joins the residential boundary of Havelock North in Te Aute Road. The Heretaunga Plains Urban Development Strategy (HPUDS) 2017 has identified that the wider Middle Road area of Havelock North is not considered as a preferred area for future residential expansion due to a number of factors including that there is no features that would allow a strong urban boundary to be established, and being such a large area would reduce the incentive to intensify within the established area of Havelock North. HPUDS has recognised that retirement housing will be an increasingly important component of the residential market and that given its characteristics this small site that comprises a finger of the wider Middle Road option would make an attractive location for a retirement village development. This is a contained site bordered by Te Aute Road and the Karamu Stream although an artificial buffer would have to be provided to the south to signal the limit of urban development. The Discretionary Activity status is required to properly consider the adverse effects of the scale of a retirement village on the Plains environment. The assessment will also consider the need for additional land for retirement village at the time of the application.

**OBJECTIVE PPO3**  
*Relates to PPA06*

**To retain the rural character and amenity values of the Plains Production Zone.**

**POLICY PPP13**

*Require that any new development or activity is consistent with the open and low scale nature that comprises the rural character and amenity of the Plains Production Zone.*

Explanation

The Plains Production Zone is topographically flat but does have a distinctive rural character. This relates to the openness of the environment and to the low scale of any development within the Zone. Generally the property sizes within the Plains Production area are of a size that supports production. These features help to accentuate the flat and open topography of the Plains.

**POLICY PPP14**

*Require that any new activity locating within the Plains Production Zone shall have a level of adverse effects on existing lawfully established land uses that are no more than minor.*

Explanation



The District Plan introduces a range of Standards to protect adjoining properties from the effects of activities carried out on any site. The standards reflect the present agricultural nature of the Zone, and the management standards accepted in the Zone. In many cases these have been established over a long period of time and have evolved through a number of District Plan review processes.

**POLICY PPP15** *Noise levels for activities should not be inconsistent with the character and amenity of the Plains Production Zone.*

Explanation

Activities associated with rural production can generate significant amounts of noise. While there is a recognised 'right to farm' philosophy built into the Plan in Policy PPP13, there is a need to have limits that maintain the character of the area and protect the health of residents. Performance Standards for noise have been drafted and set at a level which recognises the need for activities to operate in a way that does not unduly restrict normal practices associated with activities in the Plains Production Zone in order to protect their continued economic operation while maintaining appropriate amenity standards for residents in the Zone.

**OBJECTIVE PPO4** *To enable the operation of activities relying on the productivity of the soil without limitation as a result of reverse sensitivities.*  
*Relates to PPAO2*

**POLICY PPP16** *Require that any activity locating within the Plains Production Zone will need to accept existing amenity levels and the accepted management practices for land based primary production activities.*

Explanation

The Council has long adopted the 'right to farm' principle in the rural areas of the District. This has arisen from the occupation of some of the smaller land holdings for lifestyle purposes. The 'right to farm' principle makes it clear to those property owners new to the rural environment that there are farming management practices that by their nature and timing might be considered nuisances in the urban context but are entirely appropriate for the efficient and effective functioning of land based primary production activities.

**OBJECTIVE PPO5** *To enable Wineries to vertically integrate activities associated with the production of grapes where they do not compromise the versatile land*  
*Relates to PPAO4*

**POLICY PPP17** *To enable wineries to vertically integrate with grape production on the land, but to limit the scale of associated buildings and outdoor storage areas.*

Explanation

There are some activities that have direct linkages to viticulture production. These activities are appropriate for the Plains Production Zone but the scale of them is to be controlled as there have been instances where oversize processing facilities have had a direct impact on the sustainability of the versatile soils of the District. It is considered that, where the activities exceed the maximum areas set down, they should relocate to an appropriately zoned site.

Although wineries are a Permitted activity subject to a specific maximum floor area, it is not appropriate to use wineries as a permitted baseline comparison for other buildings with no vertical integration to a particular site.

**OBJECTIVE PPO6** *To provide for Existing Regional Infrastructure facilities that contribute to the transport and service network.*  
*Relates to PPAO7*

**POLICY PPP18** *Provide for the continued use and development of the Bridge Pa Aerodrome within its existing site.*

Explanation

The Bridge Pa Aerodrome provides the community with a base for much of the District's rural flying services including topdressing, spraying and frost fighting services. It also provides a



vital back-up to the operations of the Hawke's Bay Airport and is recognized as a regional Civil Defence asset.

**OBJECTIVE PPO7** To ensure the integrated management of the land and water resources on the Heretaunga Plains.  
*Relates to PPAO2*

**POLICY PPP19** *Work collaboratively with the Hawke's Bay Regional Council to manage land uses that impact on water quality and quantity.*

Explanation

The National Policy Statement for Freshwater Management seeks improved integration between the management of freshwater and the use and development of land within the catchments. This will occur by developing collaborative management techniques with the Regional Council. One such method may be the identification of rivers and streams where further areas of Esplanade Reserves will be taken.

This issue is advanced in the Subdivision section of the Plan.

**OBJECTIVE PPO8** To recognise and provide, as scheduled activities, land uses that are long established on a site, or previously zoned industrial sites, that have a proven economic benefit to the community.  
*Relates to PPAO1*

**POLICY PPP20** *To list scheduled sites in the District Plan that provide a valuable service to the community or satisfy a proven community need whilst avoiding, remedying or mitigating the adverse effects resulting from the Scheduled Activity.*

Explanation

The Council recognises that there are some long established existing uses in Hastings District that provide a valuable service to the community for several decades. However many of these existing uses may not qualify as being Permitted under the Rules of the Zone in which they are located, the Hawke's Bay Showgrounds is one such use. The Showgrounds have played an important part in the social and cultural history of the community. It continues to be an important venue for a diverse range of community activities including the weekly Farmers' Market and large annual events such as the A&P Show and Horse of the Year. The role that a site such as this plays is recognised in the Plan as a scheduled activity. The Council, while ensuring any adverse effects these land uses may create are avoided, remedied or mitigated, wants to retain such a facility.

Maintaining the character and scale of buildings and activities prevalent in the zone is important as the potential adverse effects from the scheduled activities can significantly alter the character and amenity of an area and the sustainable management of the Heretaunga Plains versatile land resource. Also any changes to the scheduled sites should recognise the character, scale and sustainable management of the versatile land.

Scheduled sites are identified on the Planning Maps. The site may be used for the scheduled activities stated for the site in Appendix 26 and must comply with the Rules in the Plan. Scheduled activities are additional to the Permitted, Controlled and Discretionary uses provided for by the underlying Zone.

The addition of new scheduled activities is not envisaged as it undermines the integrity of the objectives and policies of the zone and other zones that provide for those activities.

**POLICY PPP21** *To provide for existing industrial activities, previously zoned Industrial 6, within the Plains Production Zone as Scheduled Activities, whilst avoiding, remedying or mitigating any adverse effects resulting from the Scheduled Activity.*

Explanation

The district plan has in the past, made provision, by way of industrial zoning, for particular isolated industrial activities that are longstanding.



These isolated industrial sites do not align with the District's Industrial Strategy. For this reason zoning has been replaced by scheduling the activities on the site. It is appropriate to continue to provide for them as Scheduled Activities in the Hastings District Plan. Notwithstanding this, the scheduling of further industrial activities is to be actively discouraged because it will undermine the integrity of the objectives and policies of the Plains Production zone.

Furthermore, it will undermine the utilisation of the industrial land resource that is provided in the district, by way of the Industrial zones wherein land is zoned for industrial activities and infrastructure has been purpose built to meet the needs of industry, whilst protecting the environment from potential adverse effects associated with industrial activity. This is not an appropriate way to sustainably manage the industrial land resources of the district.

**OBJECTIVE PPO9**  
*Relates to  
outcomes PPA09  
and PPA010*

**To ensure the life supporting capacity of the Heretaunga Plains Unconfined Aquifer water resource is not compromised by the effects of land use occurring above it.**

**POLICY PPP22**  
*Relates to  
objective PPO9*

*Ensure that where activities involving hazardous substances are located within the sensitive environment of the Heretaunga Plains Unconfined Aquifer Overlay area (Appendix 59), their usage and storage are designed and managed to ensure the water supply for the environment and community is not compromised.*

Explanation

The protection of the quality of the drinking water, irrigation water and natural watercourses that emanate from the Heretaunga Plains Unconfined Aquifer is critical to the health and economic welfare of the Hawke's Bay community. Industrial Zoned land and intensive horticultural and viticulture operations are located over the unconfined area of the aquifer. Additional protection to that provided by HSNO regulation is therefore considered appropriate to apply to this area to ensure that this critical ground water resource is not contaminated. The District Plan will adopt a precautionary approach to the storage, use, and disposal of all materials in order to avoid the entry of any hazardous substance into the aquifer. For this reason the storage, handling or use of Arsenic (As) within the Heretaunga Plains Unconfined Aquifer is a Prohibited Activity via the adoption of Rule PP43.

**POLICY PPP23**  
*Relates to  
objective PPO9*

*Monitor land use activities occurring within the Heretaunga Plains Unconfined Aquifer Overlay area (Appendix 59) to ensure that current regulation is adequately preventing contaminants from entering this groundwater resource.*

Explanation

Substances utilised by new and existing land use activities overlying the aquifer, pose a potential threat of contamination. The District Council will monitor land use activities and their effects to ensure that appropriate land use practices are employed and that District Plan provisions are being complied with.

**OBJECTIVE PPO9**  
*Relates to PPA08*

**To recognise the unique soil and climatic characteristics and the uniform land use of the Roys Hill area of the District**

**POLICY PPP24**

*To provide an overlay 'Roys Hill Winegrowing District' to identify the concentration of viticulture and wine production on Class 7 soils, and protect the unique amenity that results.*

Explanation

The 'Roy's Hill Winegrowing District' overlay identifies the properties that are located on the concentrated area of Class 7 soils known as the 'Gimblett Gravels'. There are properties that have these Class 7 soils but have been excluded from the overlay as they are located on the fringe of the area and incorporate established industrial activities.

The overlay relates to the concentration of grape growing activities within the area and allows for a set of provisions unique to this area that reflects the level of effects that the environment can accommodate. As an example the predominance of viticulture activities



with the Overlay area would mean that a larger number and duration of temporary events could be held on a site without having the level of effect that might be experienced in the normal Plains Production Zone environment.

**POLICY PPP25** *To ensure that activities are complementary to the character and amenity of the Roys Hill Winegrowing District and safeguard the grape growing potential of the land.*

Explanation

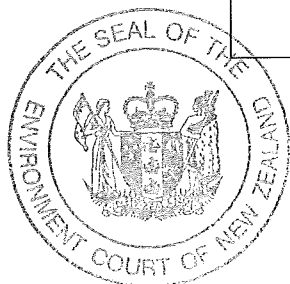
The Roys Hill Winegrowing District is largely characterised by viticultural production. This means that the scale and type of effects produced are going to be the same as those produced on the adjoining site. The uniformity of land use within the Roys Hill Winegrowing District reduces the potential for reverse sensitivity effects occurring and it also reduces the level of effects that might be experienced across property boundaries. This allows for a greater level of flexibility of standards applying to activities within the overlay over and above those established for activities occurring within the Plains Production Zone.

The character and amenity of the Roys Hill Winegrowing District is related to the Winegrowing activities that are predominant in the area. This is a quality environment with high levels of visual amenity based upon a predominantly viticultural land use. In order to maintain the characteristics that contribute to this amenity it is important that the scale of buildings is controlled and the effects on the landscape considered.

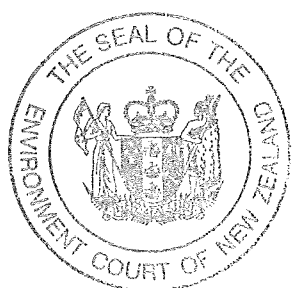
#### 6.2.1 RULES

Table 6.2.4 and 6.2.4A set out the status of activities within the Plains Production Zone. These activities are all subject to the Standards and Terms set out in this Plan.

RULE TABLE 6.2.4 - PLAINS PRODUCTION ZONE		
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
PP1	Land Based Primary Production	P
PP2	One Residential Building per site	P
PP3	One Supplementary Residential Building	P
PP4	Retailing within specified limits	P
PP5	Commercial Activities within specified limits	P
PP6	Industrial Activities within specified limits	P
PP7	Temporary Events	P
PP8	Wineries within specified limits	P
PP9	Seasonal Workers Accommodation up to a maximum of 125m <sup>2</sup> gross floor	P
PP10	Alterations to, or the addition of new buildings to existing Places of Assembly or any building ancillary to a recreation activity not exceeding 15% of the gross floor area as at 12/09/2015	P
PP11	Extensions to existing recreation activities not exceeding 15% of the land area, as measured on the 12/09/2015	P
PP12	Scheduled Activities - any activity listed in Appendix 26 in respect to the stated site.	P
PP13	Existing Education Facilities including extensions and alterations not exceeding 15% of the gross floor area, or not exceeding 15% of the site area, as at 12/09/2015	P
PP14	Recreation Activity that occurs on reserves vested under the Reserves Act 1977.	P



PP15	Any building ancillary to a Recreation Activity on reserves vested under the Reserves Act 1977 with a maximum gross floor area of 50m <sup>2</sup> .	P
PP16	Temporary Military Training Activity	P
PP17	Relocated Buildings (with the exception of buildings for seasonal workers accommodation and Relocated Buildings within the Roys Hill Winegrowing District Overlay) that meet the General Performance Standards and Terms in Section 6.2.5 and Specific Performance Standards and Terms in Section 6.2.6.	P
PP18	Industrial activities involving buildings with a gross floor area between 100m <sup>2</sup> and 2500m <sup>2</sup> for the Plains Production Zone and 50m <sup>2</sup> and 2500m <sup>2</sup> for the Roy's Hill Winegrowing District for processing, storage and/or packaging of agricultural, horticultural, and/or viticultural crops and/or produce.	RDNN
PP19	Any building ancillary to a Recreation Activity on reserves vested under the Reserves Act 1977 with a gross floor area greater than 50m <sup>2</sup> .	RDNN
PP20	Relocated Buildings within the Roys Hill Winegrowing District Overlay	RD
PP21	The alteration of established Education Facilities exceeding 15% of the gross floor area, or exceeding 15% of the site area, as at 12/09/2015	RD
PP22	Intensive Rural Production	RD
PP23	Relocated Buildings (with the exception of buildings for seasonal workers accommodation and Relocated Buildings within the Roys Hill Winegrowing District Overlay) not meeting one or more of the General Performance Standards and Terms in Section 6.2.5 and/or Specific Performance Standards and Terms in Section 6.2.6	RD
PP23A	Seasonal Worker accommodation over 125m <sup>2</sup> with up to 80 workers.	RD
PP24	Any Permitted or Controlled activity not meeting one or more of the General Performance Standards and Terms in Section 6.2.5 and Specific Performance Standards and Terms in Section 6.2.6C(b) and 6.2.6C(d), 6.2.6D(2), 6.2.6H, 6.2.6I (excluding 'Winemaking and associated bottling, storage and packaging'), 6.2.6J, 6.2.6K, and 6.2.6L.	RD
PP25	Intensive Rural Production Activities not meeting one or more of the General Performance Standards and Terms in Section 6.2.5 and / or Specific Performance Standard 6.2.6A.	D
PP25A	A retirement village on Lot 2 DP437278	D
PP26	Wineries not complying with Specific Performance Standard 6.2.6H for 'Winemaking and associated bottling, storage and packaging'	D
PP27	Scheduled Site 21 Hawke's Bay Showgrounds New Buildings for General Conference or Social Facilities and Premises for the Sale of Liquor not associated with the scheduled activities.	D
PP28	Forestry	D



PP29	Any new residential building or building being part of a marae, place of assembly, commercial activity or industrial activity erected on another site within 400 metres of an intensive rural production activity involving buildings housing animals reared intensively and yards accommodating animals reared intensively.	D
PP30	Any new residential building or building being part of a marae, place of assembly, commercial activity or industrial activity erected on another site within 150 metres of an intensive rural production activity involving organic matter and effluent storage, treatment and utilisation	D
PP31	Any new residential building or building being part of a marae, place of assembly, commercial activity or industrial activity erected on another site within 15 metres of any buildings used for any other Intensive Rural Production activity not listed as above in Rules (Link,-1,6.2.4.26 and (Link,-1,6.2.4.27.	D
PP32	Industrial Activities not complying with Specific Performance Standard 6.2.6F(1) for 'Processing, storage and/or packaging of agricultural, horticultural and/or viticultural crops and/or produce'.	D
PP33	Any noise sensitive activity within the Air Noise Boundary	D
PP34	Alterations to, or the addition of new buildings to existing Places of Assembly or any building ancillary to a recreation activity exceeding 15% of the gross floor area as at 12/09/2015	D
PP35	Extensions to existing recreation activities exceeding 15% of the land area, as measured on the 12/09/2015	D
PP36	Dairy Processing Plants	D
PP37	Rural Transport Depots	D
PP37A	<u>Seasonal Worker accommodation over 125m<sup>2</sup> with up to 80 workers not complying with Specific Performance Standard 6.2.6K(4).</u>	<u>D</u>
PP38	Residential buildings not complying with Specific Performance Standard 6.2.6B.	NC
PP39	Any activity which is not provided for as a Permitted, Controlled, Restricted Discretionary or Discretionary activity shall be a Non-complying activity. To avoid any doubt this includes activities not provided for above that do not comply with the following Specific Performance Standards: 6.2.6C(a) and (c), 6.2.6D(1), 6.2.6E(1) and 6.2.6(F).	NC
PP40	Residential Activities and visitor accommodation within 30 metres of any Industrial Zone on land identified within Appendix 17.	NC

RULE TABLE 6.2.4A - HERETAUNGA PLAINS UNCONFINED AQUIFER OVERLAY		
PP41	The Storage, Handling or Use of Hazardous Substances (except Arsenic (As)) within the Heretaunga Plains Unconfined Aquifer Overlay	P
PP42	Permitted activities under Rule PP41 not meeting the Specific Performance Standards and Terms in Section 6.2.6N	RD
PP42	The Storage, Handling or Use of Arsenic (As)) within the Heretaunga Plains Unconfined Aquifer Overlay	Prohibited

*Note: For users affected by the rules that apply specifically to the Heretaunga Plains Aquifer, attention is drawn to the National Environmental Standard for Sources of Human Drinking Water which may also be relevant to the activity.*



## 6.2.5 GENERAL PERFORMANCE STANDARDS AND TERMS

The following General Performance Standards and Terms apply to all activities.

### 6.2.5A BUILDING HEIGHT

1. Industrial, commercial, frost protection fans (measured to the tip of the blade), winery buildings or structures  
Maximum height 15 metres.

#### Outcomes

The amenity value of the Plains Production Zone will be maintained by preventing tall, obtrusive structures or buildings, especially on a largely flat plain.

2. All other buildings or structures  
Maximum height 10 metres.

Tall structures and trees will be avoided where they will have an adverse actual or potential effect on safety, efficiency and operations (including landings and take-offs) of the Bridge Pa Aerodrome.

3. Height in relation to Bridge Pa Aerodrome

No trees, shelterbelts, building, pole, mast, permanent or temporary structure shall intrude above the height plane established by the Bridge Pa Aerodrome Height Restriction as shown in Appendix 35.

### 6.2.5B YARDS

The following setback distances are required:

1. Residential Activities Residential Buildings (including supplementary units) on Plains Production Sites  
Front yard 7.5 metres  
All other boundaries 15.0 metres

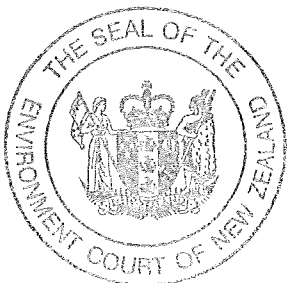
#### Outcomes

The open character and amenity of the Plains Production Zone will be maintained.

2. Residential Buildings on sites created by the Plains Lifestyle Sites Subdivision Provisions  
Front yard 7.5 metres  
All other boundaries 15.0 metres

Buildings on sites created under the lifestyle subdivision rules will be separated from adjoining sites to ensure that potential conflicts between adjoining land uses are avoided.

3. Industrial, Commercial and Winery Buildings and Structures, Frost Fans and Seasonal Workers Accommodation





Front yard 15 metres  
All other boundaries 15 metres

Outdoor seating and playground areas ancillary to industrial, commercial, and winery buildings and structures shall be set back a minimum of 20 metres from the boundary of any adjoining land based primary production operation.

4. **Accessory Buildings (associated with residential and land based primary production) and Loading Ramps**

Front yard 7.5 metres  
All other boundaries 5.0 metres

Yards for accessory buildings and loading ramps may be reduced to 1.5 metres where adjoining owners' consent is obtained. Loading ramps fronting local roads (i.e. roads not defined as collector or arterial routes) are exempt from the front yard requirements.

6.2.5C **PROTECTION OF FLOOD CHANNELS**

Note: Under the Regional Resource Management Plan, there is a requirement for buildings, structures, fences, planting, the deposit of earth, shingle or debris, or any activity which impedes access to any river, lake or watercourse to be set back from the bed of a river, lake or artificial watercourse which is within a land drainage or flood control scheme area.

6.2.5D **SCREENING**

- a. Outdoor storage areas of commercial, industrial, and winery activities shall be fully screened by fencing and/or planting from adjacent or opposite commercial and residential activities and motorists using public roads.
- b. Outdoor display areas and parking areas of commercial, industrial, and winery activities shall have landscaping which consists of a mixture of ground cover and specimen trees with a minimum width of 2.5 metres.
- c. Outdoor storage and parking areas of seasonal workers accommodation shall be fully screened from adjacent residential activities in different ownership by fencing and/or planting.

Outcomes

*The screening of outdoor storage areas will ensure that the rural amenity of the zone is protected.*

*The landscaping of outdoor display and parking areas will ensure that the rural amenity of the Zone is protected.*

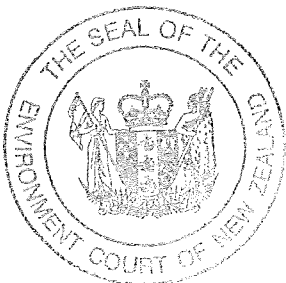
*The screening of these areas will ensure that the rural amenity of the Zone is protected.*

6.2.5E **LIGHT AND GLARE**

All external lighting shall be shaded or directed away from any residential buildings or roads, and shall be less than 8 lux spill measured at a height of 1.5 metres above the ground at the boundary of the site.

Outcome

*Residential properties will not be adversely affected by light or glare from adjacent activities in the Plains Production Zone. The safety of roads will be maintained by*



*preventing glare and light spill onto them.*

**6.2.5F TRAFFIC SIGHTLINES, PARKING, ACCESS AND LOADING**

Activities shall comply with the provisions of Section 26.1 of the District Plan on Transport and Parking.

Outcome

*The outcomes of Section 26.1 of the District Plan on Transport and Parking will be achieved.*

**6.2.5G NOISE**

Activities shall comply with the provisions of Section 25.1 of the District Plan on Noise.

Outcome

*The outcomes of Section 25.1 of the District Plan on Noise will be achieved.*

*Note: There are exemptions and/or specific Standards provided under Section 25.1 for the use of agricultural machinery, audible bird scaring devices, hail cannons and front protection fans.*

**6.2.5H SHADING OF LAND, BUILDINGS AND ROADS**

**1. Trees on Boundaries**

Trees forming a shelterbelt for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership:

- i. shall be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and
- ii. where planted between 5m and 10m from an adjoining property boundary shall be maintained at a height of no more than their distance from the boundary +4m (e.g. at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13).

Outcome

*Adjoining land will not be significantly adversely affected by shading or root invasion from trees. The safety of roads will be maintained by preventing ice forming in shaded areas.*

**2. Trees Adjoining Public Roads**

Trees forming a shelterbelt for a distance of more than 20 metres within 5 metres of a public road shall be maintained at a height of less than 9 metres.

*Adjoining residential land will not be significantly adversely affected by shading from buildings.*

**3. Buildings on Sites Adjoining Residentially Zoned Land**

Buildings adjacent to any boundary of a residentially zoned site, shall not project beyond a building envelope constructed from recession planes from points 2.75 metres above the boundary. The angle of such recession planes shall be determined for each site by use of the recession plane indicator in Appendix 60.

**6.2.5I HEIGHT IN RELATION TO BRIDGE PA AERODROME**

No trees, shelterbelt, building, pole, mast, permanent or temporary structure shall intrude above the height plane established by the Bridge Pa Aerodrome Height Restriction as shown in Appendix 35.

Outcome

*Aircraft approaching or leaving Bridge Pa Aerodrome will*



*have an airspace uninterrupted by any structure that could damage or destroy aircraft.*

**6.2.5J TOTAL BUILDING COVERAGE (INCLUDING HARDSTAND AND SEALED AREAS)**

The maximum building coverage (including hardstand and sealed areas) shall not exceed 35% of the net site area or 1500m<sup>2</sup>, whichever is the lesser. With the exception of Processing Industries and Wineries where the maximum building coverage is 35% of the net site area or 2500m<sup>2</sup> whichever is the lesser.

Netting, structures, and greenhouses where crops grown under or within those structures are grown directly in the soil of the site are excluded from the total building coverage calculations.

**Outcome**

*The life supporting capacity of the Plains Production soil resource will be safeguarded and the amenity of the Plains Production Zone will be protected by limiting the total scale of buildings on and sealed areas over smaller sites.*

*The potential negative environmental effects associated with the increase in stormwater runoff created by the development activity will be avoided, remedied, or mitigated.*

**6.2.5 SPECIFIC PERFORMANCE STANDARDS AND TERMS**

The following Specific Performance Standards and Terms apply to the activities specified below.

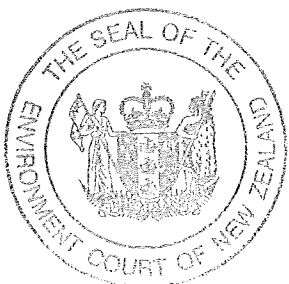
**6.2.6A INTENSIVE RURAL PRODUCTION**

**1. Minimum Yards and Setback Distances**

- a. Buildings housing animals reared intensively and Yards accommodating animals reared intensively shall be located a minimum distance of:
  - i. 150 metres from a residential building, or any building being part of a marae, place of assembly, commercial activity or industrial activity on another site except for poultry farms and piggeries where the minimum distance is 400 metres.
  - ii. 20 metres from a residential building on the same site.
  - iii. 50 metres from a property boundary.
  - iv. 20 metres from a public road.

**Outcomes**

*Effects beyond the site will not be inconsistent with those associated with established agricultural practices*



- b. Organic matter and effluent storage, treatment and utilisation shall be located in accordance with the following minimum distances:
- i. 20 metres from a residential building on the same site.
  - ii. 150 metres from a residential building or any building being part of a marae, place of assembly, commercial activity or industrial activity on another site.
  - iii. 50 metres from a property boundary.
  - iv. 20 metres from a public road.  
(Note: Resource Consents may also be required from the Hawke's Bay Regional Council).
- c. All other yard setbacks from site boundaries (not specified by (a) and (b) above) shall be 10 metres.

*Neighbouring activities will not be adversely affected by odour associated with the storage, treatment or utilisation of organic matter and effluent from the Intensive Rural Production Activity*

#### 6.2.6B RESIDENTIAL BUILDINGS

- a. One residential building shall be allowed per site provided that the site shall be a minimum area of 2500m<sup>2</sup>.
- b. One supplementary residential building shall be allowed per site.

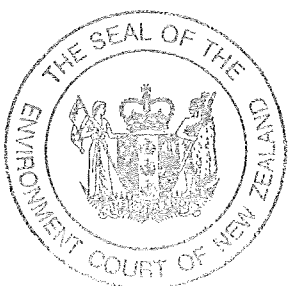
Outcome  
*The potential to utilise the soil resource of the Plains Production Zone in a manner that supports the life- supporting capacity of the soil resource will be facilitated by the provision of residential activities*

#### 6.2.6C SUPPLEMENTARY RESIDENTIAL BUILDINGS

- a. There must be an existing occupied residential building located on the site.
- b. To ensure that services are not duplicated needlessly the supplementary residential building shall share driveways.
- c. The maximum gross floor area, excluding garages and verandahs less than 20m<sup>2</sup> in area shall be 100 square metres. The existing residential building may become the supplementary residential building provided that all Standards and Terms are met.
- d. The supplementary residential building shall be located no further than 25 metres from the primary dwelling

Outcomes  
*Flexibility to provide supplementary residential accommodation to the main dwelling on the site in association with minimal effects on versatile soils and rural amenity.*

*Supplementary residential buildings will have minimal effects on the operational and productive use of the versatile soils will achieve the efficient use of services.*

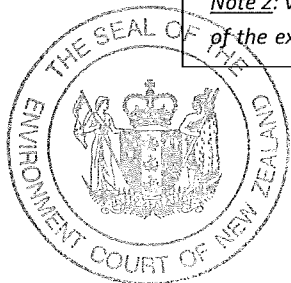


6.2.6D COMMERCIAL ACTIVITIES

1. Commercial Activity Threshold Limits

The following activity threshold limits shall apply (Table 6.2.6D).

TABLE 6.2.6D COMMERCIAL ACTIVITY THRESHOLD LIMITS		
COMMERCIAL ACTIVITY	THRESHOLD MEASURE	MAXIMUM LIMIT PER SITE
Retailing	Maximum Gross Floor Area	100m <sup>2</sup> (including outdoor display areas) 50m <sup>2</sup> maximum within the Roys Hill Winegrowing District Overlay.
	Minimum percentage of display area to be stocked with goods produced on the site: - Total Display Area <50m <sup>2</sup> - Total Display Area >50m <sup>2</sup>  Within the period April - September the percentage of the goods produced on the site may be reduced to 50% for display areas <50m <sup>2</sup> and 60% for display areas >50m <sup>2</sup> .	- 75% - 85%
All Commercial Activities (including Visitor Accommodation, entertainment facilities including the serving of food and beverages.	Personnel	At least one person resident on the site shall carry out the activity. Maximum number of additional employees - 3.
	Maximum gross floor area for all activities (including structures without external walls and outdoor dining areas)	Total maximum 100m <sup>2</sup> (per site, not per activity).
<b>Additional limitations to gross floor limitation</b> Outdoor storage use 100m <sup>2</sup> and Maximum number of persons to be accommodated by entertainment facilities including those serving food and beverages is 40.		
<i>Note 1: Visitor accommodation within an existing residential dwelling will be exempt from the 100m<sup>2</sup> maximum floor area provided that any additional dwelling to replace the dwelling being used for visitor accommodation must meet the maximum floor area for a supplementary dwelling standard of 100m<sup>2</sup>.</i>		
<i>Note 2: Visitor accommodation will remain subject to the cumulative aspects of the standard, i.e. if the floor area of the existing dwelling being used for visitor accommodation is greater than 100m<sup>2</sup> no other commercial or</i>		



*industrial activity would be permitted without resource consent.*

These activities can be carried out singly or in combination. However there is a cumulative limit of 100m<sup>2</sup> (excluding verandahs up to 20m<sup>3</sup>) or gross floor area per site (refer Rule 6.2.6G)

Outcome

*Retail activities which have a relationship to goods produced in the District will have the opportunity to establish. The life-supporting capacity of the Plains Production soil resource will be safeguarded by limiting the range and size of Commercial Activities in the Plains Production Zone. Commercial Activities will be of a size and scale that have a potential for minor adverse effects, are compatible with the character of the Plains, and do not have adverse effects on the vibrancy of the established Commercial Zones.*

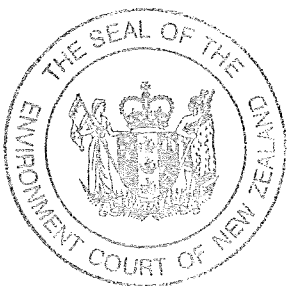
**2. Hours of Operation**

Activities which involve the retailing of goods to the public shall be restricted to the following hours of operation:

Any day of the week - 8.00am - 10.00pm

Outcome

*The effects of activities will be mitigated by limiting the hours of operation of commercial activities in the Plains Production Zone.*



**6.2.6E POULTRY FARMING FOR MORE THAN 60,000 BIRDS FOR SCHEDULED ACTIVITY 45**

In assessing Resource Consent applications for poultry farming as provided for in Scheduled Activity 45 that does not comply with the maximum of 60,000 birds, Council will have regard to the following effects and to what extent and by what means, these are able to be avoided, remedied or mitigated:

- a. The potential for the activity to create unreasonable noise beyond the boundary of the site;
- b. The potential for a noxious, offensive or objectionable odour beyond the boundary of the site;
- c. The impact of traffic associated with the activity on the road network;
- d. The potential impact on existing amenity values.

**6.2.6F INDUSTRIAL ACTIVITIES**

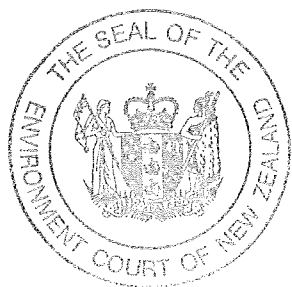
**1. Industrial Activities Threshold Limits**

The following activity threshold limits shall apply.

TABLE 6.2.6F(1) INDUSTRIAL ACTIVITIES THRESHOLD LIMITS		
INDUSTRIAL ACTIVITY	THRESHOLD MEASURE(S)	MAXIMUM LIMIT PER SITE
Processing, storage and/or packaging of agricultural, horticultural and/or viticultural crops and/or produce.	Maximum Gross Floor Area (including any roofed structure without external walls)	2,500m <sup>2</sup>
All Other Industrial Activities.	Maximum Gross Floor Area	100m <sup>2</sup> 50m <sup>2</sup> within the Roys Hill Winegrowing District Overlay
	Personnel Limits	At least one person resident on the site shall carry out the activity. Maximum number of additional employees (to those resident on the site) shall be the three persons.
	Outdoor storage/use or display land area	100m <sup>2</sup>
<i><b>Note 1:</b> Any retailing associated with Industrial Activities shall be assessed as a Commercial Activity.</i>		
<i><b>Note 2:</b> Buildings used for the processing, storage and/or packaging of agricultural, horticultural and/or viticultural crops and/or produce grown only from the site on which they are located are accessory to Land Based Primary Production and therefore are not subject to the industrial building threshold limits of Standard 6.2.6F(1) above.</i>		

These activities can be carried out singly or in combination. However, there is a cumulative gross floor area limit of 100m<sup>2</sup> per site. (refer Rule 6.2.6G)

Outcome  
Industrial Activities  
which have a  
relationship to crops



*produced in the Zone will have the opportunity to establish. The life-supporting capacity of the plains production soil resource will be safeguarded by limiting the size of Industrial activities to a size and scale that have a potential for minor adverse effects and is compatible with the character of the Plains Production Zone*

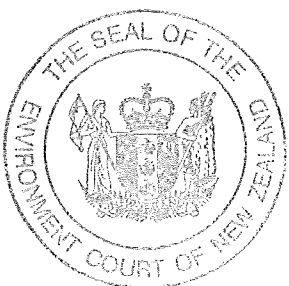
**6.2.6G SITE AREATHRESHOLDS**

The activity thresholds for Rules, 6.2.6D, and 6.2.6F apply to an individual site. The activities under these Rules can therefore be carried out singly on a site up to the 100m<sup>2</sup> threshold or 50m<sup>2</sup> in the case of the Roys Hill Winegrowing District, or in combination, until the cumulative limit of 100m<sup>2</sup> or 50m<sup>2</sup> (Roys Hill Winegrowing District) gross floor area per site is reached.

Activities relating to the 'Processing, storage and/or packaging of agricultural, horticultural and/or viticultural crops and/or produce' under Rule 6.2.6F are not subject to this standard, except where it is combined with the seasonal workers accommodation rule 6.2.6K where the combined total on a site shall be 2500m<sup>2</sup>.

**Outcome**

*The life supporting capacity of the Plains versatile land resource will be safeguarded by limiting the range and size of Commerical and Industrial activities in the Plains Production Zone. The cumulative effects of a number of activities can impact on the value of the versatile soils and the sustainable management of the property. The total number of non-soil based activities will be such that they have a potential for only minor adverse effects on the versatile land and are compatible with the character of the Plains and do not have adverse effects on the vibrancy of the established Commercial and Industrial Zones*





#### 6.2.6H TEMPORARY EVENTS

- a. Only six temporary events shall take place on a site over any 12 month calendar period (January to December).
- b. Maximum attendance at any one time shall be 1000 persons. There is no maximum within the Roys Hill Winegrowing District.
- c. Temporary Events shall only be operated consecutively for up to a maximum of three days.
- d. The Hastings District Council shall receive notification of Temporary Events at least 10 days prior to the event taking place.
- e. All parking, associated with the temporary event shall occur on site.
- f. Other than Noise (Refer Standard 25.1.6J and Safe Sightline Distances (Refer Standard 26.1.6B) the General and Specific Performance Standards for the Zone do not apply to Temporary Events.

#### Outcome

*It will be possible for temporary events to take place on larger areas of land where it is possible to address adverse effects. The temporary nature of the events will ensure that any effects are for a short time only.*

#### 6.2.6I WINERIES

##### 1. Threshold Limits

The following threshold limits shall apply (Table 6.2.6I).

TABLE 6.2.6I WINERIES THRESHOLD LIMITS		
WINERY ACTIVITY DESCRIPTION	THRESHOLD MEASURE	MAXIMUM LIMIT PER SITE
Wine making and associated bottling, storage and packaging	Maximum Gross Floor Area (including any tank facilities and roofed structures without external walls).	2500m <sup>2</sup>
Retailing	Maximum Gross Floor Area	150m <sup>2</sup> (including outdoor display areas)
	Minimum percentage of display area to be stocked with goods produced on the site:	
	Total Display Area < 50m <sup>2</sup> Total Display Area > 50m <sup>2</sup>	75% 85%
Entertainment facilities including serving food and beverages	Maximum floor area for serving customers (excluding uncovered outdoor areas).	100m <sup>2</sup>
	Maximum number of persons to be accommodated).	100 persons
<p><i>Note: The floor limit thresholds outlined in the above table for wineries and vertically integrated activities are those that are considered would have minor adverse effects on the Plains resource and the Class 7 soils within the Roys Hill Winegrowing District Overlay. For thresholds that are much beyond those outlined and/or trigger a number of the activities thresholds it is envisaged that the winery should look to relocate to an appropriately zoned site</i></p>		



##### 1. Threshold Limits

#### Outcome

The following threshold limits shall apply (Table 6.2.6I). Maximum floor space limits cannot be traded between the different activities described.

*Wineries that have a relationship to grapes grown in the Zone will have the opportunity to establish. The life-supporting capacity of the versatile soil resource will be safeguarded by relating the size of buildings to a scale that has a potential for only minor adverse effects and is compatible with the character of the Zone.*

**2. Hours of Operation**

Activities which involve the retailing of goods and/or the serving of food or beverages to the public shall be restricted to the following hours of operation:

Plains Production Zone

Any day of the week - 8.00am - 10.00pm

Roys Hill Winegrowing District Overlay

Any day of the week - 8.00am to 12 midnight

*Adverse effects will be mitigated by limiting the hours of operation of Commercial Activities in the Plains Production Zone while recognising the predominantly viticulture activities within the Roys Hill Winegrowing District Overlay*

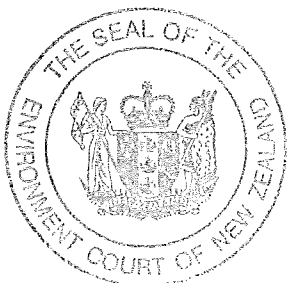
**6.2.6J RELOCATED BUILDINGS**

**1. RELOCATED BUILDINGS WITHIN THE ROYS HILL WINE GROWING DISTRICT OVERLAY (with the exception of buildings for seasonal workers accommodation)**

The application to relocate a building shall include a report, from an appropriately qualified person which is required to show that the building is structurally sound and safe to relocate. This requirement may be dispensed with if the building is new.

**2. RELOCATED BUILDINGS OUTSIDE THE ROYS HILL WINE GROWING DISTRICT OVERLAY (with the exception of buildings for seasonal workers accommodation)**

- a. No more than one unfinished relocated building shall be placed on a single site in existence at 7th December 2016. For the purposes of this standard 'unfinished' means that the external reinstatement work required for the relocated building is yet to be completed.



- b. Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- c. A Building Pre-Inspection report shall accompany the application for a building consent for relocation to the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the relocated building in order to achieve a tidy and workmanlike external appearance. The Building Pre-Inspection report shall be prepared by:
  - A. A Hastings District Council Building Compliance Officer (or equivalent);
  - B. A member of the New Zealand Institute of Building Surveyors;
  - C. A licensed building practitioner (carpenter or design category); or
  - D. A building inspector from the local authority where the building is being relocated from
- d. The landowner of the destination site for the relocated building must certify to the Council that the reinstatement work identified in the Building Pre-Inspection Report will be completed within the timeframes specified in standard g. A, B and C.
- e. The relocated building shall not be placed on the destination site until a building consent has been issued for the relocation, unless otherwise agreed in writing by the Hastings District Council.
- f. The Council shall be notified at least 48 hours before the building is relocated of the intended delivery date. This standard will be met provided the building is relocated within 5 days of the notified date.
- g. Reinstatement works shall be undertaken within the following timeframes:
  - A. The building shall be located on permanent foundations in accordance with the building consent and the roof made weathertight no later than 1 month of the building being moved to the site. For the purposes of this standard 'weathertight' means that the roof is completely repaired, replaced or installed as per the requirements of the Building Pre-Inspection Report.
  - B. The remaining work to make the building 'weathertight' shall be completed within 4 months of the building being moved to the site. For clarification, this means that all windows, doors and exterior cladding are completely repaired, replaced or installed as per the requirements of the Building Pre-Inspection Report.
  - C. All remaining reinstatement work required by the Building Pre-Inspection Report and the building consent to reinstate the exterior of any relocated building shall be completed within 9 months of the building being delivered to the site. Without limiting (c.) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations and the repair of any damage to the



exterior of the building that may occur during transit to the destination site.

- h. The landowner of the destination site must deposit a refundable monitoring fee of \$750 with the Council at the same time as submitting the Building Pre-Inspection Report with the Council.

*Advice Notes:*

- i. *Photographs showing progress of reinstatement works may be provided to Council's Environmental Compliance Officer. A final site inspection will still be required to determine compliance on completion of reinstatement works*
- ii. *Council has a Building Pre-Inspection Report template available on request*

**6.2.6K SEASONAL WORKER ACCOMODATION**

1. The maximum number of people to be accommodated on site is 80 people.

*Outcome*

*The provision of accommodation for workers who undertake seasonal work associated with horticultural production. The life-supporting capacity of the versatile soil resource will be safeguarded by relating the number of people to a scale that has a potential for only minor adverse effects on versatile land and is compatible with the character of the Zone.*

2. All new buildings which are part of the seasonal workers accommodation shall be relocatable or able to be reconfigured to buildings accessory to land based primary production.
3. Any building associated with seasonal workers accommodation shall be sited a minimum of 15 metres from any road or adjoining property boundary
4. The site shall have a minimum area of 12 ha (this standard shall not be applied to seasonal worker accommodation at or below 125m<sup>2</sup>).

**6.2.6L SCHEDULED ACTIVITIES**

Activities associated with Scheduled Activities shall comply with the General Performance Standards and Terms for the Zone and District Wide Activity rules with the following exceptions



- (a) **Scheduled Activities No 21 – Hawke’s Bay Showgrounds, No 35 Bridge Pa Aerodrome, and No 39 Hohepa Homes, Clive, No 40 Riverbend Church and Camp, and No 41 Tuki Tuki Campsite (as defined in Appendix 26 Fig 5)**

Outcomes

1. **YARDS**

All buildings shall comply with the following minimum yard requirements:

Front Yard – 7.5 metres

Side Yard – 5.0 metres

Rear Yard – 5.0 metres

*The amenity of the surrounding residential and rural areas will be maintained by buildings being setback from roads and property boundaries.*

2. **HEIGHT**

- a. The maximum height of buildings shall be 15 metres for Scheduled site 21 (Hawke’s Bay Showgrounds) and 10 metres for Scheduled sites 35 and 36.

- b. There is no height restriction for the air control tower at the Bridge Pa Aerodrome.

*Buildings will be of a scale that is not out of character with the Plains Production environment.*

3. **BUILDING COVERAGE**

Buildings accessory to the Permitted uses of the Scheduled Site shall be permitted to occupy the following maximum coverage of the site: 40%.

*The scale and coverage of buildings associated with the will not be overly dominant in the surrounding environment.*

- (b) **Scheduled Activities No’s 22, 23, 29, 30, 31, 33, 43 and 44**

1. **YARDS**

All buildings shall comply with the following minimum yard requirements:

Front Yard – 7.5 metres with the exception of Scheduled Site No 22 where the front yard setback is 80.0 metres.

Side Yard – 4.5 metres with the exception of Scheduled Sites 43 and 44 where the minimum side yard requirements is 15m.

Rear Yard – 7.5 metres with the exception of Scheduled Sites 43 and 44 where the minimum rear yard requirements is 15m.

*The amenity of the surrounding residential and rural areas will be maintained by buildings being setback from roads and property boundaries.*

2. **HEIGHT**

The maximum height of buildings shall be 11 metres

*Buildings will be of a scale that is not out of character with the Plains Production environment.*

3. **BUILDING COVERAGE**

Buildings accessory to the Permitted uses of the Scheduled Activity shall be permitted to occupy the following maximum coverage of the site:

*The scale and coverage of buildings*



40%.

Scheduled Activity 29 is exempt from a maximum building coverage or hardstand area, except that on site wastewater and stormwater disposal shall be provided on site.

Scheduled Activities 43 and 44 are exempt from a maximum building coverage or hardstand area, except that no buildings shall be erected within 15m of the scheduled site boundaries, and on site waste water and stormwater disposal shall be provided on site.

*associated with the will not be overly dominant in the surrounding environment.*

#### 4. LANDSCAPING

- a. At least 50% of any required yard shall be landscaped, planted and maintained for the full length of the boundary (excluding vehicle entrances)
- b. Any landscaping strip shall have a minimum width of 1.0 metre.
- c. Landscaping shall consist of a mixture of ground cover and specimen trees sufficient to reduce the visual impact of industry and to screen outdoor storage areas.
- d. Planting shall be undertaken in accordance with a landscape plan to be submitted to Council for approval.
- e. Landscaping on sites for Scheduled Activities 30 and 31 shall only be required in respect of the front yard, and for the site for Scheduled Activity 22 a landscaped strip of a minimum width of 25 metres shall be required in the front yard.
- f. Landscaping on site for Scheduled Activity 29 shall only be required in the areas shown in Appendix 26, Figure 6
- g. Landscaping on site for Scheduled Activity 43 shall only be required in respect of the front yard landscape area as identified on the site plan in Appendix 26, Figure 8.
- h. Landscaping on site for Scheduled Activity 44 shall only be required in respect of the front yard and on the eastern boundaries as identified on the site plan in Appendix 26, Figure 9.

*Buildings and activities associated with the scheduled use of the site will not adversely affect the amenity of the rural environment.*

#### 5. NOISE

- a. Activities shall comply with the provisions of Section 25.1 of the District Plan on Noise with the following exception.
- b. Additional standards apply to the concrete batching operations on Scheduled Site No 30 Lot 11 DP 12203 to control the adverse effect of noise of vehicles travelling to and from the site as follows:
  - i. Operation of the concrete batching plant is restricted to the hours of 5am -7pm (Monday to Friday) and 6am-4pm (Saturday, Sunday and Public Holidays).
  - ii. No trucks shall leave the site prior to 5.30am (Monday to Friday) and on all other days trucks shall only leave the site from 6am-4pm.



- c. Additional standards apply to Scheduled Activity 44 to control the adverse effects of noise of the use of the site, including of vehicles travelling to and from, the site as follows:
  - i. From 1 September 2016, activities on the site shall be carried out in accordance with a Noise Management Plan prepared for the site by a suitably experienced acoustic expert and provided to the Council, which sets out the means by which noise emissions are controlled to ensure the noise limits in Section 25.1 are achieved at all times. The Noise Management Plan is required to take into account noise generated during the peak season.

*Explanation: A lead-in time for the preparation of a Noise Management Plan is provided so that the landowner has time to engage an expert to undertake monitoring during the peak season and prepare the Report*

## 6. CONCEPT PLAN

Any activity associated with Scheduled Activity 33 shall be in accordance with Fig 4 - Concept Plan in Appendix 26 of this document.

### (c) Scheduled Activity No 42

#### 1. HEIGHT

- a. The maximum height of buildings shall be 15 metres, with the exception of silos constructed in the general location shown on Appendix 26, Figure 7, for which the maximum height shall be 20 metres.

#### 2. CONCEPT PLAN

Any activity associated with Scheduled Activity 42 shall be in accordance with Fig 7 - Concept Plan in Appendix 26.

#### 3. LANDSCAPING

- a. A 2.5 metre landscaping strip shall be provided, planted and maintained for the full length of the common boundary with Lot 1 DP 21520 Block XIII Te Mata SD.
- b. Landscaping shall consist of a mixture of shrubs and specimen trees sufficient to reduce the visual impact of industry. All trees shall have a minimum height of 2.5 metres at planting.
- c. Planting shall be undertaken in accordance with a landscape plan to be submitted to Council for approval.

### (d) Scheduled Activity No 45

#### 1. YARDS

Buildings housing poultry reared intensively and yards accommodating poultry reared intensively shall be located a minimum distance of:

- a. 50 metres from a residential building, or any building being part of a marae, place of assembly, commercial activity or industrial activity on another site;
- b. 15 metres from a property boundary;



- c. 20 metres from a public road.

## 2. LIMIT ON POULTRY NUMBERS AND LOCATION

- a. A maximum of 60,000 birds shall be kept on the Scheduled Site.
- b. Total bird numbers kept on the Scheduled Site shall be provided to Council officers on request.
- c. No caged birds shall be housed on the area shown with hatched marking on the site plan in Appendix 26, Figure 10.

### 6.2.6M TEMPORARY MILITARY TRAINING ACTIVITIES

- a. The activity shall not exceed a period of 31 days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the Temporary Military Training Activity.
- b. Other than noise (see Section 25.1) and earthworks (see Section 27.1), the general and specific performance standards for the zone do not apply to Temporary Military Training Activities.

#### Outcome

*Potential adverse effects on adjoining and adjacent activities will be avoided, remedied or mitigated.*

### 6.2.6N THE STORAGE, HANDLING OR USE OF HAZARDOUS SUBSTANCES WITHIN THE HERETAUNGA PLAINS UNCONFINED AQUIFER OVERLAY (Appendix 59)

All hazardous substances shall be stored and/or handled on areas which have impervious surfaces and where facilities are provided to prevent contaminants from being washed or spilled into natural ground or entering any piped stormwater systems or stormwater ground soakage, such as bunds, filters, separators or settling areas. In Industrial Zones, this impervious surface requirement also applies to fuel operated machinery and vehicles.

*Note 1: Underground tanks and pipelines meeting HSNO Codes of Practice 44 and 45 are considered to contain hazardous substances within an impervious surface.*

*Note 2: For the avoidance of doubt this rule is not intended to capture the incidental handling or transport of organic matter or fertilisers across a site for the purpose of their application.*

#### Outcome

*The quality of the groundwater in the Unconfined Aquifer will be protected from the adverse effects of hazardous substances.*

### 6.2.6O RETIREMENT VILLAGE ON LOT 2 DP 437278

1. That a concept plan for the proposed development be provided that identifies the following features:
  - The proposed access to the site from Te Aute Road
  - The location of the service areas
  - Internal traffic circulation
  - Parking areas
  - Any community areas and any commercial activities proposed

#### Outcome

*Potential adverse or reverse sensitivity effects on adjoining and adjacent activities will be avoided remedied or mitigated*





- The landscaping proposed on the Te Aute Road frontage
  - The location of any on-site servicing for water, wastewater and stormwater disposal
  - The provision of a strong artificial buffer to signal the limit of further urban development to the south
2. That a 30 metre wide buffer strip be provided from the boundary of any adjoining Plains Production Zone site. *(Note the Karamu Stream and legal road could be incorporated into this buffer).*
  3. The maximum building coverage shall be 40% of the net site area.
  4. Shelterbelt planting is required on the boundaries adjoining sites zoned Plains Production.

#### 6.2.7 ASSESSMENT CRITERIA –CONTROLLED ACTIVITIES

For Controlled Activities, the following identify those matters which Council may exercise its control over, or matters in respect of which Council may impose conditions.

##### 6.2.7A RELOCATED BUILDINGS

- (a) The external appearance of the relocated building and any necessary works will be assessed in terms of the compatibility with the amenity of the surrounding area. The Council will determine the time frame for the completion of any necessary works.
- (b) The proposed location of the building and the effect of the building on the versatile soil resource

#### 6.2.8 ASSESSMENT CRITERIA - RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES

For Restricted Discretionary Activities, the following criteria identify those matters which Council has restricted its discretion over in assessing Resource Consent applications. For Discretionary Activities Council's assessment is not restricted to these matters, but may consider them.

##### 6.2.8A FORESTRY

In assessing Resource Consent applications for forestry Council will have regard to the following effects and to what extent, and by what means, these are able to be avoided, remedied or mitigated:

- (a) Impact on the sustainable management of the soil resource.

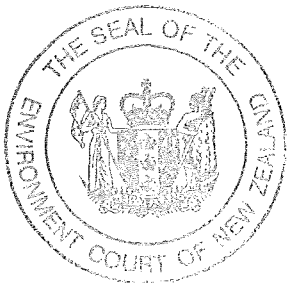
Particular regard will be given to the effects on adjacent land uses, including bird habitat, shading, harbouring pests and changes in the microclimate

The likelihood, extent and duration of damage to the soil structure..

- (b) The potential impact on existing amenity values.

Consideration will be given to the impact of the forest on the existing visual amenity of the locality and on over-dominance of residential dwellings.

- (c) Potential to create a fire risk and adequacy of suitable water supply.



- (d) The ability to access and egress the site safely.
- (e) The impact of heavy traffic on the roading network and traffic safety at harvesting time
- (f) Disturbance to adjacent land uses and residents during harvestings.

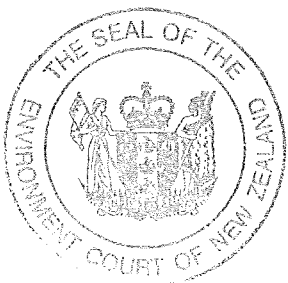
#### 6.2.8B RELOCATED BUILDINGS EXCEPT BUILDINGS FOR SEASONAL WORKERS ACCOMMODATION

In considering applications for relocated buildings as restricted discretionary activities, Council has limited its discretion to those particular matters outlined below and retains the discretion to grant or refuse consent and to impose conditions in relation to those matters only. As a restricted discretionary activity, applications may be notified under the Act.

- a. Whether the proposal will adversely affect the character and amenity of neighbouring sites and the surrounding area by more than one unfinished building being relocated onto the site at any one time; consideration will be given to any cumulative impacts on neighbouring sites and the surrounding environment, and whether these can be sufficiently mitigated or whether the site has the ability to internalise these effects;
- b. Whether the proposed relocated building(s) will maintain the amenity of the streetscape including the prevailing site development characteristics of the street and surrounding area (including the relationship of the building to the street, and the landscaping treatment of the front yard area);
- c. Whether the siting of the building complies with the general performance standards of the zone in which it is to be located;
- d. Whether the building is compatible with the scale, character, style and era of other buildings on neighbouring sites and in the surrounding area; and whether reinstatement work, other alterations to the building, landscaping of the site, or other measures could assist in integrating the building into the surrounding environment;
- e. The overall condition of the building and the extent, nature (including design and materials to be used) and timing of the proposed reinstatement works that are required;
- f. Where the proposal exceeds the timeframes for reinstatement work specified in the performance standards, consideration will be given to the extent to which the timeframes will be exceeded in addition to the current condition of the building and extent of the reinstatement works required, and any proposed mitigation options (including whether any reinstatement works could be undertaken off site in a storage yard prior to relocation) to address adverse effects on amenity given the length of time the building will remain on the site in an unfinished state.
- g. Whether a performance bond should be required as a guarantee that external reinstatement works are completed. The performance bond should not exceed the cost of external reinstatement works identified in the Building Pre-Inspection Report.
- h. The matters outlined in (f) and (g) above will be considered in an overall assessment of the appropriateness or reasonableness of extending the reinstatement timeframes to the extent proposed, having regard to the social and economic wellbeing of the applicant.

#### 6.2.8C INTENSIVE RURAL PRODUCTION

In assessing Resource Consent applications for intensive rural production Council will have regard to the following effects and to what extent and by what means, these are able to be avoided, remedied or mitigated:



- (a) The potential for the activity to create unreasonable noise;
- (b) The potential for a noxious, offensive or objectionable odour beyond the boundary of the site;
- (c) The impact of traffic associated with the activity on the road network;
- (d) The impact on the versatile land resource and the class 7 soils of the Roys Hill Winegrowing District;
- (e) The potential impact on existing amenity values

**6.2.8D ACTIVITIES ESTABLISHING WITHIN THE YARD REQUIREMENTS (SET BY RULE 6.2.6A) OF A BUILDING KNOWN TO BE USED FOR INTENSIVE RURAL PRODUCTION**

In assessing Resource Consent applications for potentially incompatible activities seeking to establish within a 400m buffer zone around an existing building known to be used for intensive rural production, Council will have regard to the following effects and to what extent, and by what means, these are able to be avoided, remedied or mitigated:

- (a) The likelihood of the proposed activity to generate reverse sensitivity effects on the intensive rural production activity, and the potential impact these may have on the continuing effective and efficient operation of the intensive rural production activity.
- (b) The extent to which alternative locations have been considered.

**6.2.8E WINERIES**

An assessment of the effects of a winery shall be made considering the following:

- (a) Whether the proposal will maintain or enhance the amenity values of the surrounding area.
- (b) The impact of the scale, character and/or effects of the winery and its compatibility with surrounding activities.
- (c) The potential for the winery to generate significant adverse effects on the environment in terms of noise, dust, glare, vibration and roadsafety.
- (d) Whether the winery is required to locate on the site in accordance with the concept of vertical integration (linking aspects of grape growing, wine making, retailing and entertainment activities) in terms of the extent that it utilises and enhances the surrounding landscape.

**6.2.8F DAIRY PROCESSING INDUSTRIES AND INDUSTRIAL ACTIVITIES INVOLVING BUILDINGS FOR PROCESSING, STORAGE AND/OR PACKAGING OF AGRICULTURAL, HORTICULTURAL AND/OR VITICULTURAL CROPS AND/OR PRODUCE NOT COMPLYING WITH STANDARD 6.2.6E(1) (THRESHOLD LIMITS)**

An assessment of the effects of the activity shall be made considering the following:

- (a) Whether the activity is of such a scale that it is better to be relocated (or established) in an Industrial Zone (where infrastructure and employment are more readily available and the receiving environment is less sensitive).
- (b) The effects of the proposal on the soil resource.
- (c) Whether the industrial activity will utilise any existing building/s.



- (d) Whether the site is in close proximity to an existing zoned industrial area.
- (e) The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities.
- (f) The potential for the activity to generate adverse effects in the environment in terms of stormwater quality and quantity.
- (g) Whether the activity will process, store and/or package agricultural, horticultural and/or viticultural crops and/or produce, the majority of which are grown from within the Plains Production Zone.
- (h) Whether the proposal will significantly compromise the visual amenity value of the surrounding area, recognising that it is a rural working environment.
- (i) The potential for the activity to generate significant adverse effects on the environment in terms of noise, dust, glare, and road safety.
- (j) The means of disposal for any waste material resulting from the processing of produce and the potential for effects on the unconfined aquifer.

**6.2.8G SUPPLEMENTARY RESIDENTIAL BUILDINGS NOT COMPLYING WITH STANDARDS 6.2.6C(b)**

An assessment of the effects of the activity shall be made considering the following:

- (a) Whether the proposal will continue to allow for efficient use of the remaining undeveloped land for land based primary production
- (b) Whether the proposal will utilise an existing formed access, while still being consistent with (a) above.

**6.2.8H SUPPLEMENTARY RESIDENTIAL BUILDINGS NOT COMPLYING WITH STANDARD 6.2.6C(d)**

An assessment of the effects of the activity shall be made considering the following:

- (a) Whether the proposed building location will continue to allow for efficient use of the remaining undeveloped land for land based primary production.
- (b) Whether the proposal will enable the use of existing services and access on the site, while still being consistent with (a) above.
- (c) Whether the proposal will utilise an area of poor quality soil within the site, while still being consistent with (a) above.
- (d) Whether the existing primary residential building is currently surrounded by existing buildings, services, outdoor living, vehicle access, parking and manoeuvring areas preventing a practicable location of a supplementary residential building within a 25m radius.
- (e) Whether the proposed secondary dwelling will utilise an existing building or building platform on the site.

**6.2.8I RETAILING AND ENTERTAINMENT ACTIVITIES ASSOCIATED WITH WINERIES NOT COMPLYING WITH RULE 6.2.6H (2) (Hours of Operation)**

An assessment of the effects of the activity shall be made considering the following:

- (a) The impact of the scale character and/or effects of the activity and its compatibility with surrounding activities.
- (b) Whether the activity is of such a scale that it is better to be relocated (or established) in a Commercial Zone (where infrastructure and employment are more readily available and the receiving



environment is less sensitive).

- (c) Consideration as to whether the proposal will contribute to adverse cumulative effects on the environment

#### 6.2.8J SEASONAL WORKERS ACCOMMODATION

An assessment of the effects of the activity shall be made considering the following:

- (a) Whether the proposed building location will continue to allow for efficient use of the remaining undeveloped land for land based primary production
- (b) Whether the scale and design of the proposed building complements the character of the area.
- (c) Whether the siting of the activity will impact on the amenity of the adjoining property.
- (d) Whether soil values have been taken into account in the chosen site for the building and whether buildings can be located on a part of the site where land versatility is already compromised.
- (e) Whether safe and efficient vehicle access can be provided to the site.
- (f) The ability of the site to provide for appropriate on site servicing without creating adverse effects on the environment or neighbouring properties.
- (g) Whether the activity will utilise any existing buildings or whether the buildings can be reconfigured for buildings accessory to land based primary production
- (h) The cumulative effects on the versatile land resource taking into account the existing buildings on the site.
- (i) Consideration of any cumulative effects of seasonal workers accommodation, especially on the unconfined aquifer and source protection zones (SPZ).

#### Advice Notes

- 1) Applicants should be aware that where on-site servicing of the facility is to be undertaken, resource consent from the Hawke's Bay Regional Council will be required for wastewater and stormwater discharges.
- 2) Applicants may need to transfer an existing permit or provide drinking water within existing allocations and that drinking water will need to meet the requirements of the New Zealand Drinking Water Standards and Health Act

#### 6.2.8K ANY PERMITTED OR CONTROLLED ACTIVITY NOT MEETING ONE OR MORE OF THE TERMS IN SECTION 6.2.5 AND IN SECTION 6.2.6

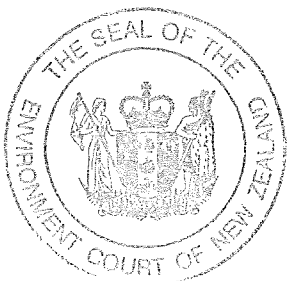
An assessment of the effects of the activity shall be made considering the following:

- (a) The ability of the activity to achieve the particular stated outcome of the General or Specific Performance Standard(s) and Terms which it fails to meet. Within the Plains Production Zone the outcomes principally relate to the soil effects and the effects on amenity. In this Zone the amenity centres around the open nature of the landscape, the low scale and intensity of buildings and the use of the land for orchards and cropping.

#### 6.2.8L NOISE SENSITIVE ACTIVITIES WITHIN THE AIR NOISE BOUNDARY

An assessment of the effects of the activity shall be made considering the following

- (a) Whether the design, siting and layout (including outdoor living space) of buildings and structures takes into account the effect of noise arising from Bridge Pa Aerodrome.
- (b) Whether adequate sound insulation is achieved by constructing the building to achieve a minimum



External Sound Insulation Level of the building envelope of  $DnTw + Ctr > 30$  dB for outside walls of any habitable rooms. Where it is necessary to have windows closed to achieve the acoustic design requirements, an alternative ventilation system should be provided. Any such ventilation system should be designed to satisfy the requirements of the Building Code and achieve a level of no more than NC30 in any habitable room.

- (c) Whether an acoustic design report has been provided to the Council demonstrating the minimum External Sound Insulation Level of the building envelope of  $DnTw + Ctr > 30$  dB for outside walls has been achieved for all habitable rooms. This report must also contain a certificate by its author that the means given therein will be adequate to ensure compliance with the sound insulation level specified above.
- (d) Whether any other methods to reduce the potential for reverse sensitivity effects on the Bridge Pa Aerodrome, other than the required insulation, have been incorporated into the design of the proposal.
- (e) Whether in the circumstances, (including the number of people to be accommodated), the nature, size and scale of the development is such that it is likely to lead to potential conflict with, and adverse effects on aerodrome activities

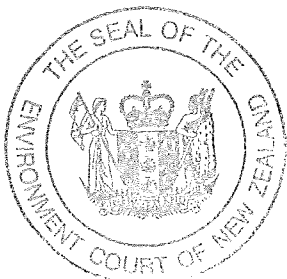
**6.2.8M RECREATION ACTIVITY ON RESERVES VESTED UNDER THE Reserves Act 1977 WITH A GROSS FLOOR AREA GREATER THAN 50M<sup>2</sup>**

An assessment of effects of the activity shall be made considering the following:

- (a) The ability of the proposal to integrate with the size and proportions of the site, with the locality, and its compatibility with the scale and appearance of development in the adjoining area.
- (b) Design against crime – CPTED considerations including the design and location of buildings, parking areas and landscaping.
- (c) The impact of the scale, character and/or intensity of the proposal (including noise and hours of operation) and degree of compatibility of the use with surrounding activities.
- (d) The extent to which landscape planting is used to enhance the amenity of the site and integration of the proposal with the surrounding area, with particular consideration of the retention of existing trees, visual screening of parking areas and adjoining sites and the view of the site from the street.
- (e) The potential for the activity to generate adverse impacts in terms of traffic safety, noise, odour, dust, glare or vibration and the extent to which mitigation options have been evaluated.
- (f) The potential for the activity to generate traffic, parking demand and/or visitor numbers.
- (g) The potential cumulative effects having regard to the presence of similar activities located in the vicinity or activities with similar effects.
- (h) Whether the activity can be adequately serviced.

**6.2.8N EXISTING EDUCATION FACILITIES EXCEEDING THRESHOLDS**

- (a) The ability of the proposal to integrate with the size and proportions of the site, with the locality, and its compatibility with the scale and appearance of development in the adjoining area.
- (b) The impact of the scale, character and/or intensity of the proposal (including noise and hours of operation) and degree of compatibility of the use with surrounding activities.
- (c) The extent to which landscape planting is used to enhance the amenity of the site and integration of the proposal with the surrounding area, with particular consideration of the retention of existing trees, visual screening of parking areas and adjoining sites and the view of the site from the street.



- (d) The potential for the activity to generate adverse impacts in terms of traffic safety, noise, odour, dust, glare or vibration and the extent to which mitigation options have been evaluated.
- (e) The potential for the activity to generate traffic, parking demand and/or visitor numbers.
- (f) The potential cumulative effects having regard to the presence of similar activities located in the vicinity or activities with similar effects.
- (g) Whether the activity can be adequately serviced.

#### 6.2.80 RURAL TRANSPORT DEPOT

An assessment of the effects of the activity shall be made considering the following:

- (a) The potential for the activity to generate significant adverse effects on the environment in terms of noise, dust, glare, vibration and roadsafety.
- (b) Whether the site provides ready access to strategic transport networks.
- (c) The impact on the versatile land resource and the class 7 soils of the Roys Hill Winegrowing District.
- (d) Whether the proposal will significantly compromise the visual amenity of the area, recognising it is a rural working environment.
- (e) Whether the site is in close proximity to stock handling and processing facilities that are directly related to the transporting of stock in transit.
- (f) Whether the activity has the potential to adversely affect the life supporting capacity of the Heretaunga Plains Unconfined Aquifer.
- (g) The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities.
- (h) The potential for the proposed activity to create reverse sensitivity effects.
- (i) The potential for the activity to generate adverse effects on the environment in terms of stormwater quality and quantity.

#### 6.2.8P LAND USE ACTIVITIES WITHIN THE HERETAUNGA PLAINS UNCONFINED AQUIFER OVERLAY NOT MEETING THE SPECIFIC PERFORMANCE STANDARDS AND TERMS IN SECTION 6.26N

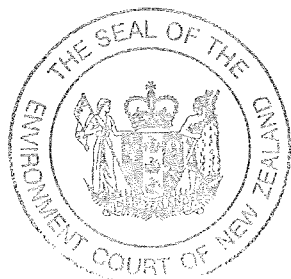
##### 1. SCALE & NATURE OF ACTIVITY

- i. The scale and intensity of the land use activity including the nature and quantity of chemicals and/or substances to be stored or provided for on the site and the methods proposed for storing, handling or processing and disposal of those substances.
- ii. The availability of fully reticulated stormwater and sewage disposal systems or on-site treatment systems for the treatment of contaminated wastewater or stormwater from buildings and yards.
- iii. The method of disposal of both solid and liquid waste and the volume of waste disposal

##### 2. RISK ASSESSMENT

A risk assessment shall be provided, focussing on the following issues:

- i. Assessment of the probability and potential consequences of an accident leading to the release or loss of control of hazardous substances. This assessment should focus on the



ability of the design and management of the site to avoid accidents, such as spill containment measures, fire safety and fire water management, emergency management, site drainage and off-site infrastructure (e.g stormwater drainage system, sewer type and capacity) and the disposal of waste containing hazardous substances.

- ii. Potential risk and effect on human health, natural ecosystems and the life supporting capacity of land and water, in particular, the Heretaunga Plains Unconfined Aquifer.
- iii. Potential risk and effect on sites of significance to Tangata Whenua, sites of historical or archaeological significance.
- iv. The extent to which a natural hazard event may exacerbate the risk as identified in (2) (i) and (ii), associated with the land use activity.
- v. The potential for cumulative adverse effects of hazardous substances stored, handled, processed or disposed of.

### **3. ALTERNATIVE LOCATIONS**

Whether alternative locations for the activity have been considered, having particular regard to locations outside of the Heretaunga Plains Unconfined Aquifer Overlay.

### **4. DISTRICT PLAN**

Consistency with the relevant Objectives, and Policies of the relevant Zone of the Hastings District Plan.

### **5. RECORD OF EXISTING ACTIVITY**

The record of compliance and acceptable risk management of any existing activity where expansion or intensification of an existing activity is proposed.

### **6. MONITORING**

The environmental management and quality assurance practices proposed by the applicant including the extent and frequency of any monitoring programme proposed to confirm the environmental and hazard management procedures and practices are being carried out correctly and/or are achieving the objective of avoiding the risk of groundwater contamination in the unconfined aquifer.

### **7. PERFORMANCE BONDS**

The need to take a performance bond to ensure the adoption and use of careful hazard and environmental management practices and procedures.

### **8. HAWKE'S BAY REGIONAL COUNCIL CONSULTATION**

Consultation with the Hawke's Bay Regional Council including consideration of whether any resource consents are required from the Hawke's Bay Regional Council in respect of the activity to which the application relates and whether these have been applied for and/or have been granted.

### **9. TANGATA WHENUA**

Consideration of tangata whenua values and interests associated with the Heretaunga Plains Unconfined Aquifer.

### **10. NATIONAL ENVIRONMENTAL STANDARDS, NATIONAL POLICY STATEMENT AND INDUSTRY CODE PRACTICE**

Whether the activity complies with relevant National Environmental Standards, National Policy Statements and Industry Codes of Practice or Best Practice Guidelines.

#### **6.2.8Q RETIREMENT VILLAGE ON LOT 2 DP 437278**

An assessment of the effects of the activity shall be made considering the following:

- 1. Benefits that the development may have in terms of meeting housing needs of the elderly in the





Hastings District.

2. The method by which a strong artificial boundary to the south is being created.
3. The impact of the scale, character and/or intensity of the proposal (including noise and hours of operation) and degree of compatibility of the use with surrounding activities.
4. The extent to which landscape planting is used to enhance the amenity of the site and integration of the proposal with the surrounding area, with particular consideration of the visual screening of parking areas and adjoining sites and the view of the site from the road.
5. The potential for the activity to generate adverse impacts in terms of traffic safety, noise, odour, dust, glare or vibration and the extent to which mitigation options have been evaluated.
6. The potential for the activity to generate traffic, parking demand and/or visitor numbers.
7. The potential cumulative effects having regard to the presence of similar activities located in the vicinity or activities with similar effects.
8. Whether the activity can be adequately serviced.
9. The potential for the proposed activity to create reverse sensitivity effects.
10. The potential for the activity to generate adverse effects on the environment in terms of stormwater quality and quantity

