

If calling ask for Nellie Aroa

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1 December 2025

Environmental Protection Agency
Private Bag 63002
Wellington 6140

Dear Sir/Madam

Response to Expert Panel Request for Information – Reverse Sensitivity

Please see the below response to those matters specifically set out in minute three, received 25th November 2025.

Yours sincerely



Nellie Aroa
Environmental Planner – Policy



Appendix 1.

Overview/Context regarding the 30m buffer:

A 30-metre reverse sensitivity setback has been applied in the past, where residential development adjoins plains production land. Horticulture NZ have been consistent advocates over the years for setbacks / buffers of 30m between new residential and existing rural/productive zones to mitigate these reverse sensitivity effects. These buffers could take the form of public roads, infrastructure corridors, detention areas, or public open space areas to ensure physical separation at the urban rural interface.

Council have integrated a 30m buffer into the plan for multiple new urban development areas, as can be seen for specific provisions discussed below in 7.2.5 and 8.2.5. These provisions have been incorporated as part of previous rezoning processes where no other mechanisms have been able to provide appropriate buffers. However, it is recognised that as land on the fringes of the urban areas become more marginal for development, efficiencies within the development are becoming more critical where urban land is to be developed. As such Council understands the need to explore alternative opportunities to reduce buffer areas while still protecting developments against reverse sensitivity effects.

It is also recognised that there is no one size fits all approach to this issue, and the type of surrounding activities can make significant difference to the appropriate size of buffer areas put in place. In regard to Arataki, it is recognised that the adjoining land is relatively fragmented or developed for activities which suggest large scale primary production use is unlikely. Nevertheless, protection against the more cottage scale production activities is still warranted.

We also note the NZS 8409:2021 – Management of Agrichemicals provides guidance around appropriate buffers when spraying with effective (and non-effective shelter)

Application Method	With Effective Shelter	Without Effective Shelter
Ground-based boom spraying	2 meters	10 meters
Airblast spraying	10 meters	30 meters
Aerial spraying	100 meters	300 meters

Which provides context to Hort NZs concerns around reverse sensitivity affecting horticultural activities.

(a) Identify all objectives, policies, rules and development standards in the District Plan that are directly relevant to the potential for reverse sensitivity effects to arise between rural production activities (including on rural zoned land and special rural production zoned land) and adjacent residential activities, (whether or not located on residential-zoned land);

Response:

Section 2.8 Rural Resource Strategy

- Outcome RRSAO5 *Maintaining and enhancing rural character and amenity including avoiding reverse sensitivity effects.*

- Policy RRSP3 *To enable rural activities which might generate adverse effects, such as noise or smell, to operate in rural areas in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity.*

Section 6.2 Plains Production Zone

- Outcome PPAO3 *Avoidance or mitigation of adverse effects on adjoining activities, including reverse sensitivity effects.*
- 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.*
- Objective PPO4 *To enable the operation of activities relying on the productivity of the soil without limitation as a result of reverse sensitivities.*
- 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.*
- Performance Standard 6.2.5B.1 & 6.2.5B.2 Yards

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
2. **Residential Buildings** on **sites** created by the Plains Lifestyle **Sites** Subdivision Provisions
Front yard 7.5 metres
All other boundaries 15.0 metres
Note: This Rule 6.2.5B 1(b) will not be applied to lifestyle sites created prior to June 2003.

Section 7.2 Hastings Residential Environmental

- Performance Standard 7.2.5G(b) Special Building Setbacks for Urban Development Areas
- b. **Urban Development Areas** (Appendix 11 and Appendix 14)
Residential buildings shall be erected a minimum distance of 30 metres from a Plains Production Zone boundary or a minimum distance of 10 metres from a road which provides the boundary between a residential and Plains Production Zone.

Section 8.2 Havelock North Residential Environment

- Performance Standard 8.2.5G(b) Special Building Setbacks for Urban Development Areas

8.2.5D BUILDING SETBACKS

a. Havelock North General Residential Zone

- i. Front boundary:
3 metres (with frontage to Access Roads).
5 metres (with frontage to Arterial or Collector Roads).

Except that:

Sites within the Brookvale Structure Plan Area as identified in Appendix 13B, Figure 1 and located opposite the Plains Production Zone on Thompson Road shall have a front yard of 10m.

OBJECTIVE SLDO5

To ensure that reverse sensitivity effects are avoided where practicable, or mitigated where avoidance is not practicable.

POLICY SLDP16

Relates to Objective SLDO5

To ensure that, when assessing the subdivision of existing sites, potential reverse sensitivity effects are considered and avoided where practicable or otherwise mitigated.

Explanation

Inappropriately designed or located subdivision has potential to create reverse sensitivity effects, particularly when residential and lifestyle development encroach on ongoing rural production, horticultural or industrial activities and existing public works, network utility and renewable electricity generation sites. Such effects can severely impact on the ability of existing activities to continue their day to day operations. Recognising and preventing reverse sensitivity effects when planning for land use will provide for the continued efficient, affordable, secure and reliable operation and capacity of existing adjoining land uses.

(b) Provide particular comment on the relevance of General Rule 7.2.5G(b);

Response:

Performance Standard 7.2.5G(b) :

b. Urban Development Areas (Appendix 11 and Appendix 14)

Residential buildings shall be erected a minimum distance of 30 metres from a Plains Production Zone boundary or a minimum distance of 10 metres from a road which provides the boundary between a residential and Plains Production Zone.

Stated outcome: *An open space buffer will be provided which maintains on SITE and neighbourhood AMENITY.*

While the proposed Arataki Extension Project does not infringe this particular performance standard, it does offer some context. The intent of this standard is to minimise conflict between the interface of the Plains Production Zone (and existing productive activities) and new urban development areas. While the stated outcome is not explicitly linked to reverse sensitivity, amenity effects are part of the broader umbrella of reverse sensitivity issues. In that sense, the standard gives an indication of the level of separation the District Plan anticipates as being appropriate where residential activities are located beside plains-based production.

Of equal relevance to standard 7.2.5G(b) would be Performance standard 8.2.5D(a) from the Havelock North General Residential Zone:

a. Havelock North General Residential Zone

i. Front boundary:

3 metres (with frontage to Access Roads).

5 metres (with frontage to Arterial or Collector Roads).

Except that:

Sites within the Brookvale Structure Plan Area as identified in Appendix 13B, Figure 1 and located opposite the Plains Production Zone on Thompson Road shall have a front yard of 10m.

Stated outcome: *This setback will ensure that a 30m buffer is maintained between the plains production zone properties and new residential development.*

This performance standard is of more relevance, given the proposal intends to largely align itself with the Havelock North General Residential Zone (through consent notice provisions) and that the Brookvale urban development area is located within 400m of the subject site. Furthermore, the stated outcome is more directly linked to maintaining the 30m buffer area (reverse sensitivity buffer) from the plains zone. It provides additional context around how the

District Plan manages interface effects between these zones and the importance placed on maintaining appropriate separation to reduce potential conflict over time.

(c) Comment on the extent to which the Application is consistent with or has had regard to the relevant District Plan provisions, including commentary on the specific conclusions reached in section 13.3 of the Applicant's Planning Report dated 18 July 2025;

Response:

Broadly speaking, this type of activity would not be considered consistent with the rules, performance standards or objects and policies of the plains Production Zone, the development would likely be considered to be contrary to these provisions, given the proposed development will remove the subject site as a primary production rural resource. However, it is noted that the subject site has been identified as a suitable location for future greenfield residential development through previous iterations of HPUDs and the current Napier and Hastings Future Development Strategy (FDS) which was adopted in August 2025, and therefore residential development of the site has long been anticipated.

In terms of the application having regard to the Hastings District Plan, the application heavily relies on the subject site being identified under the FDS as a growth location and on the application being accepted into the Fast Track Approval Process, and “by virtue” being considered regionally significant. It is HDCs position that we are unable to agree with the conclusions made in the Statutory Considerations Summary (11.8) on page 102 of the planning report, in which it is concluded that that the application is considered to be consistent with, and not contrary to, the applicable provisions including the Hastings District Plan. Further specific comments are made below around some areas of concern from the planning report.

As mentioned, it is noted that this has been included within the FDS as a future growth area. It has also been as a short term priority area, though it should be noted that this was primarily related to it being identified as one of the fast track priority locations, and therefore the decision was made to identify it for short term growth to provide clear direction to surrounding residents, rather than any detailed demand assessment or recognition that it was critical for achieving short term demand. Nevertheless, the inclusion of the site would be seen positively in achieving Objective UDO1 and Policy UDP1 in Section 2.4 of the District Plan. It should also be noted that this has historically been considered a long-term growth area and was only removed as part of the 2017 review of HPUDs due to historic concerns with the adjacent mushroom farm which no longer exists.

The assessment on page 98 of the Planning Report (and in appendix 8) of section 2.8 Rural Resource Strategy, raises some concerns, specifically that the evaluation relies heavily on that the site is a small portion of Plains Production/Highly productive land and the soils constraints, rather than meaningfully assessing the outcomes, objectives and policies of section 2.8 which sets out the strategic direction for managing rural productive lands. The intent of this section is deeper than whether or not the soils are ‘productive’. The Rural Resource Strategy is centred on retaining rural character, supporting the ongoing viability of the wider productive environment, and carefully managing the pressure that incremental urban expansion places on rural activities. These matters need to be considered even where a specific site appears less versatile.

The fruition report discussed by the applicant states that the current soil conditions do not presently exhibit the characteristics of highly productive land. However, the claim that the land will remain unproductive for the next 30 years is not considered to be substantiated by robust or comprehensive evidence.

The fruition report notes that the properties have no water consents, however this discussion is very high level and does not fully explore the water-related considerations required including if there are physical water constraints, what these are and if it is a permanent or long term constraint. Additionally, the report views the site largely through the lens of “high-class soils” rather than “versatile soils”, the District Plan requires consideration of land versatility, not just highly productive soils and economic returns from soils.

When considering the versatile soils, the District Plan and relevant Environment Court case law recognise that soil quality alone does not define land as “versatile” or highly productive. In *Hastings District Council v New Zealand Apple and Pear Board* [2000] NZRMA 325 HC), the Court held that:

"Soil quality, while important, is only one factor in assessing land versatility. Other factors such as topography, climate, access to infrastructure and water availability must be taken into account in determining the productive potential of a site."

This principle was reaffirmed in *Endsleigh Cottages v Hastings District Council* [2010] NZEnvC 227, where the Court found that:

"The productive potential of land within the Plains Zone cannot be assessed solely on the basis of soil quality. It is the combination of factors, including flat topography, favourable climate, and proximity to infrastructure, that underpins the strategic importance of such land."

As such, while the site's current soil conditions may not be considered high class, the flat topography, temperate Hawke's Bay climate, and access to infrastructure mean the land still exhibits key characteristics of versatile and productive land. These features are common to many Plains Production sites and do not represent a unique or exceptional situation.

A more balanced analysis is needed to address how the proposal aligns with Section 2.8 wider outcomes, including the strategic management of rural land, the avoidance of unmanaged urban expansion, and the protection of existing productive activities. This ensures consistency with the District Plan framework and helps maintain confidence that development is occurring in a planned and sustainable way.

We also raise some concerns as to whether the level of demand warrants the take up of productive land at this time. The demand assessment does not provide a detailed assessment as to whether there is actual demand for 170 dwellings in the Havelock environment at this time.

The amount of current supply for Havelock North is as follows:

- Brookvale 550 dwellings
- Iona 350 dwellings
- Orderings 35 dwellings
- Brookvale Extension 125 dwellings

Total dwellings: 1060

It is noted only 30 of the estimated 900 lots in Brookvale and Iona developments have progressed to building consent stage. Council has concerns at the potential for a pre-dominantly Havelock North centred supply of housing growth for the wider Hastings urban area. While we do not consider this to be detrimental to the development of additional land it does influence future growth decisions within the district.

The assessment against of Section 6.2 Plains Production Zone on page 99 in the planning report (and in appendix 8) also raises concerns. The analysis relies on the site being identified for future growth, not currently being in intensive or productive use, and that the project is well

designed as reasons alone for the application being consistent with the objectives, policies and sought outcomes of the Plains Production Zone.

While the assessment briefly touches on the residential development and subdivision not being anticipated in the zone, it simply reasons that the land is identified as a future growth area and seems to use this reasoning to override the underlying zoning provisions. Without any substantial assessment of the outcomes, objectives and policies it would be difficult to conclude that the proposal is in “accord with the relevant objectives and policies of the district plan”.

Even where land is expected to be urbanised in the longer term, it is not considered sufficient to purely look at the sites future urban use and not provide a substantial assessment against the current underlying zoning objectives, policies and outcomes until such time as rezoning occurs. These provisions set out clear expectations around the protection of versatile soils, maintaining the productive capacity of rural land, managing rural–residential conflicts, and ensuring that reverse sensitivity effects are properly addressed.

Given the scale of the activity, the lack of real assessment against the objectives and policies of the Plains Production Zone is considered insufficient and through the standard RMA Consent process this would not meet the expect threshold for a non-complying residential development that is out of zone. However, it is recognised that this application is being processed through the Fast Track consenting framework.

The assessment has also been made on the basis that just because the site is identified for future growth that it will be rezoned. The Fast Track Approvals consent pathway cannot and should not assume that rezoning will occur, nor can it rely on future zoning to justify activities that are not anticipated in the existing zone.

By not addressing rezoning, the application has also not acknowledged the necessary statutory processes that sit between strategic growth identification and actual operative zoning. It is questionable, if the fast-track process (or a consenting process in general) is the right tool to give effect to pseudo rezoning of land, and relying on territorial authorities rezoning that land as a future certainty.

Regarding the conclusions made in section 13.3 of the applicants planning report, again there is an overreliance on the site being identified for future/strategic growth, which while good for context does not override zone specific effects. However, the level of detail in section 13 would largely be considered sufficient to assess whether the reverse sensitivity effects were mitigated under the standard consent process. Generally speaking, council would agree with the applicant’s assessment under section 13.3 of the Planning Report.

We would also note that while there are some criticisms of the application in the above commentary, Council would note that we are fundamentally supportive of urbanisation of this land. Most of the issues arise from the inability for the consenting pathway to meet the objectives and policies of the Plains Production Zone that a rezoning will afford. While we note that currently we do not see demand for the development of this land, we recognise its potential in the medium and long term as a growth area and note that the risks around the uptake will largely be borne by the applicant, reducing the long-term risk to Council financially.

(d) Whether HDC has required or imposed a 30m reverse sensitivity buffer on any resource consents for residential development adjacent to rural production activities granted in Hastings District within the last 2 years;

Response:

HDC is not aware of any specific consents where a 30m buffer has been required or imposed within the last two years. While we appreciate the desire for more information around this point, the limited timeframe to respond to this further information request is not sufficient to review two years of resource consenting records to find this information – noting the reverse sensitivity buffer is not a rule or performance standard within itself but a form of mitigation used to address reverse sensitivity effects. To give an accurate and reliable response, staff would need sufficient time to review the consents individually, as this information isn't captured in a single, searchable location.

We do note that there have been a number of Consents granted with reduced buffers over a wider timeframe. These were usually where appropriate mitigation measures are put in place, often to the satisfaction of both applicant and adjoining land owner. Some of these options are covered below.

In terms of residential development in the Plains Production Zone specifically, 30m buffer zones are largely given effect to by virtue of complying 15m side yard setbacks for residential developments.

(e) Provide a detailed response to the comments made by Bay Planning on behalf of C&M McKenzie, including:

(i) detail of any subsequent discussions between HDC and the Applicant following the email of 24 June 2025;

(ii) Whether the concerns expressed by the Team Leader Environmental Policy were addressed to the satisfaction of HDC and;

(iii) What aspects of the Application provided sufficient reassurance to HDC to enable it to dismiss its concerns.

Response:

(i). There was no further discussion with the applicant specifically pertaining the comments made by Bay Planning, or regarding the comments made by the Team Leader of Environmental Policy. As the application is not being processed through standard council consenting pathways, we were of the understanding that we did not have the ability to pursue the matter any further than to make the recommendation at the time of initial engagement.

(ii). The concerns set out in the email dated 24th June 2025, have not been adequately addressed by the applicant. However, we accept the applicant did not have to agree with our points, and as we are not decision makers in this process, the applicants did not have to take on board these recommendations.

(iii). While a full 30-metre buffer is encouraged at rural–urban interfaces, it is acknowledged that such a distance can have significant implications for land efficiency and lot layout. We can appreciate the applicant's concern about unnecessary loss of developable land, particularly in a defined growth area where housing supply is a priority. In this case, the proposal has demonstrated several measures that collectively provide a level of protection including the proposed planting strip and fencing that has been detailed in the applicant planning assessment, the supporting technical information in the form of the acoustic report, and the proposed reverse sensitivity non complaints covenant, and landscaping covenant. Although, HDC would like to note that it would be preferable for both covenants to also be reflected in the form of consent notices which will be enforceable by council.