

Whakatāne District Plan

Plan Change 6 – Audible Bird Scaring Devices

Compilation of Further Submissions

Further Submission Number	Submission Number	Name and Organisation
1	8	Sarah Cameron On behalf of: Horticulture New Zealand
2	1	Sarah van der Boom
3		Megan Fox On behalf of: Southern Cross Horticulture
4	9	Ross Gardiner
5		Gurpreet Singh On behalf of: Sky Hort

FURTHER
SUBMISSION

Audible Bird Scaring Devices Proposed Plan Change 6

3 February 2023

To: Whakatane District Council

Name of Submitter: Horticulture New Zealand

Contact for Service:

Sarah Cameron
Senior Policy Advisor
Horticulture New Zealand
PO Box 10-232 WELLINGTON
Ph: 021 446281
Email: sarah.cameron@hortnz.co.nz

Further Submitter Number: 1



OVERVIEW

Submission structure

- 1 Part 1: Further submissions on behalf of HortNZ

Our submission

Horticulture New Zealand (HortNZ) made a submission on Plan Change 6 and welcomes any opportunity to continue to work with Whakatane District Council and to discuss our submission.

The details of HortNZ's further submissions and decisions we are seeking from Council are set out below.

Further Submission

1. HortNZ further submissions are contained in the attached table below.
2. HortNZ represents commercial fruit and vegetable growers in the Whakatane district and represents a relevant aspect of the public interest.
3. HortNZ is not a trade competitor and could not gain any advantage in trade competition through this further submission.
4. HortNZ wishes to be heard in support of its further submissions.
5. If others make similar submissions, HortNZ will consider presenting a joint case with them at the hearing.

Further submission on behalf of HortNZ on Plan Change 6

Submitter	Sub #	Plan Provision	Support/oppose	Reason	Decision sought
Sarah van der Boom	1/1	1.4/ 1.6	Oppose	HortNZ does not support the proposed decibel limits so does not support a further reduction to the limits	Reject submission
Sarah van der Boom	1/2	2.1	Oppose	A setback distance between dwellings and audible bird scaring devices of 5km is not effects based.	Reject submission
Sarah van der Boom	1/3	3.3	Oppose	The rural area is a working production environment and growing operations should be protected from reverse sensitivity from those sensitive to rural production operations - not the other way around. The existing plan seeks to provide for a level of amenity but has not been appropriately managed or enforced.	Reject submission
Robert Humphries	2/1	1.4	Support	HortNZ seeks that PC6 is withdrawn and the submitter seeks the same outcome.	Accept submission

Robert Humphries	2/2	2.1, 3.2, 3.3,3.5, 3.8	Support	HortNZ seeks that PC6 is withdrawn and the submitter seeks the same outcome.	Accept submission
Elizabeth Sides	3/1	1.5	Oppose	HortNZ does not support the proposed decibel limits which is not effects based.	Reject submission
Elizabeth Sides	3/2	1.4, 3.2	Oppose	A distance to a dwelling is not an effects based measure.	Reject submission
Elizabeth Sides	3/3	1.5	Oppose	Limitation of hours to 7am – 6pm does not address the risk to crops from bird strike.	Reject submission
Elizabeth Sides	3/4	1.5	Oppose	The submitter seeks to limit the frequency of events. The number of events should be linked to the noise emitted.	Reject submission
Te Runanga o Ngati Awa	4/1	2.1	Oppose in part	The definition of noise sensitive activities in the Operative Plan includes marae and buildings for residential activities which would include papakainga, so these are currently provided for in the Plan. It is beyond the scope of the plan change to amend the definition by adding marae urupa as it would have implications for activities other than audible bird scaring devices.	Reject submission to add marae urupa to the definition of noise sensitive activities.

Keryn Mullins	5/1	1.4	Oppose	HortNZ does not support the proposed decibel limits so does not support a further reduction to the limits	Reject submission
Keryn Mullins	5/2	1.2	Oppose	Requiring public notice advising of use is unnecessary if information is readily available in a notice at the property.	Reject submission
Sandra and Bruce Pryde	6/1	1.4	Oppose	The submitter seeks a total ban of audible bird scaring devices in the Whakatane District. The devices are important to the economic wellbeing of the Whakatane community and can be use appropriately along with council monitoring and enforcement.	Reject submission
Rob and Helen Morris	7/1	1.5	Oppose	HortNZ does not support the proposed decibel limits as set out in the HortNZ submission.	Reject submission
Rob and Helen Morris	7/2	1.5	Oppose	Limitation of hours to 7am - 6pm does not address the risk to crops from bird strike. The number of events should be linked to the noise emitted.	Reject submission
Rob and Helen Morris	7/3	3.5	Oppose	The number of devices per property should be linked to the	Reject submission

				noise emitted, not an arbitrary figure.	
Ross Gardiner	9/1a	1.2,1.3, 1.4, 1.5	Support in part	The submitter seeks changes more consistent with WBOP provisions for audible bird scaring devices and to achieve the objectives and policies in the Whakatane DP. Such a set of provisions would enable ABSD's to be used in the Whakatane district and are preferable to Proposed PC6.	If PC6 is not withdrawn as sought by HortNZ then include provisions as sought by Submitter 9.
Ross Gardiner	9/1b	1.2, 1.3, 1.4, 1.5	Support in part	It needs to be clear how existing use rights will be ascertained.	Ensure that it is clear how existing use rights apply.
Ross Gardiner	9/2	2.1	Support in part	The changes sought by the submitter is more appropriate wording as to where measurements would be taken.	If PC6 is not withdrawn as sought by HortNZ then include provisions as sought by Submitter 9.
Ross Gardiner	9/3	3.1-3.8	Support in part	The submitter has sought an alternative set of assessment criteria for a restricted discretionary activity for audible bird scaring devices which are simplified and more closely linked to known effects.	If PC6 is not withdrawn as sought by HortNZ then include provisions as sought by Submitter 9.
Ross Gardiner	9/4, 4a) and 4b).	1.4, 1.5 and 3.7	Support in part	The submitter has sought an alternative approach to managing significant indigenous	If PC6 is not withdrawn as sought by HortNZ then include

				biodiversity as there is insufficient evidence to justify controls on audible bird scaring devices.	provisions as sought by Submitter 9.
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Sarah van der Boom

I am a rural lifestyle dweller/work from home business owner and operator.

General statements:

PC 6 is needed to protect people living and working in the rural zone from the negative impacts of kiwi fruit development. It is Whakatane District Council's duty to provide this protection to those who live and work in the rural zones of the district. The current rules allow for noise pollution beyond 'normal rural activities' from ABSD and so I support the more stringent rules.

Any rural dwelling or rural subdivision is a 'noise sensitive site' as sound from Audible Bird Scaring Devices (ABSD) impacts people kilometres beyond the boundaries of the properties on which they are used.

While PC6 specifically deals with Audible Bird Scaring Devices (ABSD), I hope that PC6 can give consideration more holistically to rural planning objectives and rules, and incompatible land uses. Many of the current Bay of Plenty kiwifruit developments, with audible bird scaring devices, sprays and largescale 'permanent' covers are inconsistent with Whakatāne District Plan's objectives and policies for rural zones, particularly the Rural Coastal and Foothills Zones.

Specific statements on changes:

Change number 1.3

- Support dB ratings.
- Oppose timings. Limit daytime operations to between 7am and 7pm. Do not allow night-time use of ABSD.

Change number 1.4

- Oppose LCpeak of 85dB for any impulsive ABSD
- Oppose lack of restriction number of individual events
- Oppose lack of specificity around timing of use.
- Change 1.4 should be entirely consistent with rule sin Change 1.3.

Change 1.5

- Support use of 'restricted discretionary activity' status.
- Oppose dB limits
- Change 1.5 should be entirely consistent with Change 1.3.

Change 1.6

- Oppose application of 'existing rights'
- Rules should be consistent for all ABSD users.

Change 2.1

- Support inclusion of all rural dwellings within and external to the site boundary where the ASBD is being used.

Change 3.2

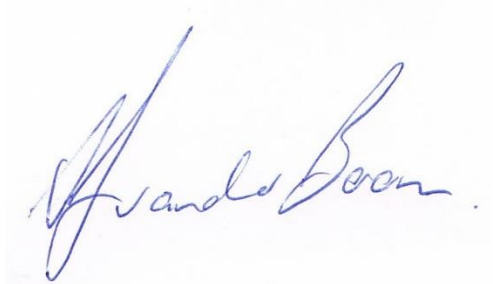
- Support requirement for acoustics expert report
- Oppose 85dB LCpeak. Should be no higher than upper limits outlined in Change 1.3.

Change 3.6 support
Change 3.7 support

On Specific Submissions:

1. Oppose Hort NZ and NZKGI submission in its entirety.
2. Support Ngāti Awa submission on inclusion of papakainga, urupa and marae and noise sensitive areas.
3. Oppose Robert Humphries submission to withdraw PC 6
4. Support Elizabeth Sides Submission to reduce DB ratings, distance from dwellings and hours of operations.

I do not wish to be heard in support of my further submission.
I do not wish to present and joint case at hearings.

A handwritten signature in blue ink that reads "Sarah Jane van der Boom". The signature is written in a cursive style with a large initial 'S'.

Sarah Jane van der Boom
109 Mimiha Rideg Road, Matata, 3194
0276 46 7529

Dated 7/2/2023

WHAKATĀNE DISTRICT PLAN 2017

FORM 6

Further submission in support of, or in opposition to, submission on notified proposed policy statement or plan change or variation.

Clause 8 of Schedule 1, Resource Management Act 1991

To: Whakatāne District Council

Name of person making further submission: Southern Cross Horticulture Limited [full name]

This is a further submission in support of (or in opposition to) a submission on a change proposed to the following plan: *Whakatāne District Plan 2017 - Plan Change 6: Audible Bird Scaring Devices*

I am a grower in the Whakatane district and therefore have an interest in the proposal that is greater than the interest of the general public.

I support (or oppose) the submission of:

[name and address of original submitter and submission number of original submission if available].

I support the Horticulture New Zealand (HortNZ) submission.

The particular parts of the submission I support (or oppose) are: *[clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal].*

Southern Cross Horticulture opposes proposed Plan Change 6 (PC6); reducing the permitted noise level from 100dB Lzpeak to 85dB Lcpeak; reducing the permitted hours of use, reducing the frequency of use, introducing a reference to a site boundary in any residential zone, introducing restricted discretionary activity criteria for any device that exceeds the new noise level of 85dB Lcpeak, introducing the need for an acoustic report to identify the 85dB LCpeak noise contour for the purposes of identifying affected parties as part of a resource consent application, introducing restrictions of use to a time of the year, introducing restrictions relating to exclusion zones from device use.

Southern Cross Horticulture support assessment of impacts on significant indigenous biodiversity sites.

The reasons for my support (or opposition) are: *[give reasons]:*

The plan change will have a negative impact on the highly productive orchards in Whakatane.

Southern Cross Horticulture have a 2.26 hectare SunGold orchard that did not have audible bird scaring devices this damaged cost the grower \$79,383 in crop production, this does not include the loss of canopy due to bud damage.

We manage 19 orchard blocks in the Whakatane district equating to 157.61 canopy hectares of Gold 3 and 5 canopy hectares of hayward. Other growing regions (Opotiki, Western BOP, Gisborne etc.. are aligned with the current Whakatane regulations of 100dB LZpeak

I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed): *[give precise details].*

Southern Cross Horticulture seek withdrawal of proposed PC6.

I ~~wish~~/do not wish* to be heard in support of my further submission. [*Select one]

If others make a similar submission, I ~~will~~/will not* consider presenting a joint case with them at a hearing. [*Select one]

Signature of person making further submission: MJ Fox

Person making further submission, or authorised to sign on behalf of person making further submission.

Date: 9/02/2023

Note: A signature is not required if you make your submission by electronic means.

Note to person making further submission: A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority.

FURTHER SUBMISSIONS MUST BE RECEIVED NO LATER THAN 5PM 10TH FEBRUARY 2023

Post to: Policy Planner
Whakatāne District Council
Private Bag 1002
Whakatāne 3158

OR; Deliver to: Whakatāne Civic Centre
Commerce St, Whakatāne

OR download this submission from our website whakatane.govt.nz/plan-change-6 and return
by email to: PolicyPlanning@whakatane.govt.nz

NAME OF PERSON MAKING FURTHER SUBMISSION

FULL NAME:	Megan Fox	
ORGANISATION:	Southern Cross Horticulture	
CONTACT PERSON:	Andrew Dunstan	
POSTAL ADDRESS (or alternative method of service under section 352 of the Act):		
250 Keenan Road, Pyes Pa, Bay of Plenty. 3173 1470 State Highway 30, 363 Hydro Road, Whakatane; 82b Melville Road, Awakeri; 82a Melville Road, Awakeri; 187 Western Drain Road; 396 West Bank Road, Whakatane; 452 Galatea Road; 1790 State Highway; 30, Te Teko(518 Hydro Road, RD 2); 141 McCracken Road, RD 2		
TELEPHONE (DAYTIME)	MOBILE	027767629
EMAIL	megan@schort.co.nz	

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process.

Further submission on Proposed Plan Change 6 (Audible Bird Scaring Devices) to the Whakatane District Plan

Southern Cross Horticulture

Megan Fox
megan@schort.co.nz
0277676294
250 Keenan Road, Pyes Pa
Bay of Plenty
New Zealand

I am a grower in the Whakatane district and therefore have an interest in the proposal that is greater than the interest of the general public.

My further submissions are set out in the attached table below.

I wish to be not to be heard in support of my further submissions.

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

MeganJFox

9/02/2023

Submitter	Sub #	Plan provision	Support/ Oppose	Reason	Decision sought
Sarah van der Boom	1/1	1.4/ 1.6	Oppose	HortNZ does not support the proposed decibel limits so does not support a further reduction to the limits	Reject submission
Sarah van der Boom	1/2	2.1	Oppose	A setback distance between dwellings and audible bird scaring devices of 5km is not effects based.	Reject submission
Sarah van der Boom	1/3	3.3	Oppose	The rural area is a working production environment and growing operations should be protected from reverse sensitivity from those sensitive to rural production operations - not the other way around. The existing plan seeks to provide for a level of amenity but has not been appropriately managed or enforced.	Reject submission
Robert Humphries	2/1	1.4	Support	HortNZ seeks that PC6 is withdrawn and the submitter seeks the same outcome.	Accept submission
Robert Humphries	2/2	2.1, 3.2, 3.3,3.5, 3.8	Support	HortNZ seeks that PC6 is withdrawn and the submitter seeks the same outcome.	Accept submission
Elizabeth Sides	3/1	1.5	Oppose	HortNZ does not support the proposed decibel limits which is not effects based.	Reject submission
Elizabeth Sides	3/2	1.4, 3.2	Oppose	A distance to a dwelling is not an effects based measure.	Reject submission.

Submitter	Sub #	Plan provision	Support/ Oppose	Reason	Decision sought
Elizabeth Sides	3/3	1.5	Oppose	Limitation of hours to 7am - 6pm does not address the risk to crops from bird strike.	Reject submission
Elizabeth Sides	3/4	1.5	Oppose	The submitter seeks to limit the frequency of events. The number of events should be linked to the noise emitted.	Reject submission
Te Runanga o Ngati Awa	4/1	2.1	Oppose in part	The definition of noise sensitive activities in the Operative Plan includes marae and buildings for residential activities which would include papakainga, so these are currently provided for in the Plan. It is beyond the scope of the plan change to amend the definition by adding marae urupa as it would have implications for activities other than audible bird scaring devices.	Reject submission to add marae urupa to the definition of noise sensitive activities.
Keryn Mullins	5/1	1.4	Oppose	HortNZ does not support the proposed decibel limits so does not support a further reduction to the limits	Reject submission
Keryn Mullins	5/2	1.2	Oppose	Requiring public notice advising of use is unnecessary if information is readily available in a notice at the property.	Reject submission
Sandra and Bruce Pryde and residents of Poroporo that signed the petition in 2021	6/1	1.4	Oppose	The submitter seeks a total ban of audible bird scaring devices in the Whakatane District. The devices are important to the economic wellbeing of the Whakatane	Reject submission

Submitter	Sub #	Plan provision	Support/ Oppose	Reason	Decision sought
				community and can be use appropriately along with council monitoring and enforcement.	
Rob and Helen Morris	7/1	1.5	Oppose	HortNZ does not support the proposed decibel limits as set out in the HortNZ submission.	Reject submission
Rob and Helen Morris	7/2	1.5	Oppose	Limitation of hours to 7am - 6pm does not address the risk to crops from bird strike. The number of events should be linked to the noise emitted.	Reject submission
Rob and Helen Morris	7/3	3.5	Oppose	The number of devices per property should be linked to the noise emitted, not an arbitrary figure.	Reject submission
Horticulture NZ	8/1	1.4	Support	HortNZ seeks that Proposed PC6 is withdrawn and sets out a range of reasons why it should be withdrawn. Proposed PC6 does not appropriately provide for use of audible bird scaring devices to enable economic activity in the district. Controls can be established which better manage the devices while also recognising the wider community. However reverse sensitivity effects on growers should not constrain the activity to the extent that PC6 will impose.	Withdraw Plan Change 6 as sought by the submitter

Submitter	Sub #	Plan provision	Support/ Oppose	Reason	Decision sought
Horticulture NZ	8/2	3.2, 3.3	Support	There should be permitted activity conditions that can be met to manage the activity.	Withdraw Plan Change 6 as sought by the submitter
Horticulture NZ	8/3	1.4	Support	Support the use of an SEL measure as in adjoining district plans rather than the Lc Peak measure.	Withdraw Plan Change 6 as sought by the submitter
Horticulture NZ	8/4	Section Report 32	Support	The Plan Change does not give effect to the Regional Policy Statement for rural production activities.	Withdraw Plan Change 6 as sought by the submitter
Horticulture NZ	8/5	Section Report 32	Support	The Plan Change does not achieve the strategic objectives in the District Plan for rural production activities.	Withdraw Plan Change 6 as sought by the submitter
Horticulture NZ	8/6	1.4, 1.5,1.6	Support	The Plan Change will not necessarily achieve a reduction of nuisance sound effects in the rural zones so it is inefficient and ineffective. A joint education approach with HortNZ and NZKGI and Council is supported.	Withdraw Plan Change 6 as sought by the submitter
Horticulture NZ	8/7	Section Report 32	Support	The information on community complaints is insufficient to be used as a basis for the Plan Change.	Withdraw Plan Change 6 as sought by the submitter
Horticulture NZ	8/8	Section Report 32	Support	The submitter raises queries with the Council process developing PC6.	Withdraw Plan Change 6 as sought by the submitter
Horticulture NZ	8/9	Section Report 32	Support	PC6 should be consistent with adjoining district plans.	Withdraw Plan Change 6 as sought by the submitter
Horticulture NZ	8/10	3.1-3.8 Section Report 32	Support	PC6 presents uncertainty for growers and the ability to continue their operations.	Withdraw Plan Change 6 as sought by the submitter

Submitter	Sub #	Plan provision	Support/ Oppose	Reason	Decision sought
Ross Gardiner	9/1a	1.2,1.3, 1.4, 1.5	Support in part	The submitter seeks changes more consistent with WBOP provisions for audible bird scaring devices and to achieve the objectives and policies in the Whakatane DP. Such a set of provisions would enable ABSD's to be used in the Whakatane district and are preferable to Proposed PC6.	If PC6 is not withdrawn as sought by HortNZ then include provisions as sought by Submitter 9.
Ross Gardiner	9/1b	1.2, 1.3, 1.4, 1.5	Support in part	It needs to be clear how existing use rights will be ascertained.	Ensure that it is clear how existing use rights apply.
Ross Gardiner	9/2	2.1	Support in part	The changes sought by the submitter is more appropriate wording as to where measurements would be taken.	If PC6 is not withdrawn as sought by HortNZ then include provisions as sought by Submitter 9.
Ross Gardiner	9/3	3.1-3.8	Support in part	The submitter has sought an alternative set of assessment criteria for a restricted discretionary activity for audible bird scaring devices which are simplified and more closely linked to known effects.	If PC6 is not withdrawn as sought by HortNZ then include provisions as sought by Submitter 9.
Ross Gardiner	9/4, 4a) and 4b).	1.4, 1.5 and 3.7	Support in part	The submitter has sought an alternative approach to managing significant indigenous biodiversity as there is insufficient evidence to justify controls on audible bird scaring devices.	If PC6 is not withdrawn as sought by HortNZ then include provisions as sought by Submitter 9.

Further submission on Proposed Plan Change 6 (Audible Bird Scaring Devices) to the Whakatāne District Plan

Ross Gardiner

I live within the rural environment, and I am subject to Audible Bird Scaring Device (ABSD) events, so I consider that I am affected by the decisions made as part of proposed Plan Change 6 (PC6), and by submissions made.

My further submissions points are set out in the attached table below.

I wish to be heard in support of my further submissions.

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

Due to the process matters raised as part of proposed PC6, I request that hearings are chaired by an *independent* planning commissioner that is certified under the Making Good Decisions programme.

Ross Gardiner

Rossg.submission@gmail.com

10/02/2023

I would like to highlight that it appears that the following submission point of my submission (Submission 9) does not appear in the summary of submissions:

Further, it may be useful for council to provide an acoustic report representing a number of situations with a small variety of compliant devices for end users to review. This may help alleviate confusion over whether a user may need consent or further investigations of a site before investing in development.
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Submitter	Sub #	Plan provision	Support/ Oppose	Reason	Decision sought
Ross Gardiner	9/1a	1.2,1.3, 1.4, 1.5	Support in part	<p>The submitter sought to provide a clear and approachable rule framework to give effect to the Objectives and Policies of the Whakatāne District Plan.</p> <p>Upon review, it was found that the suggested wording to apply an 85 dB L_{Aeq} to impulsive devices may be better serviced by $L_{AF(max)}$ reading. Consequentially, a higher dB rating should be applied due to the measurement technique (i.e. a long period with an averaged result vs a peak measurement – this may result in ABSD that are over 100 dB $L_{AF(max)}$ being permitted via the submitters’ proposed wording, being louder than the current permitted standard).</p>	If PC6 is not withdrawn as sought by various submitters, then include provisions as sought by Submitter 9 with exception to changing the specified 85 dB L_{Aeq} limit in regards to impulsive devices to 100 dB $L_{AF(max)}$.
Horticulture NZ	8/1	1.4	Support	<p>HortNZ seeks that proposed PC6 is withdrawn and sets out a range of reasons why it should be withdrawn. Proposed PC6 does not appropriately provide for use of ABSD to enable economic activity in the district. Controls can be established which better manage the devices while also recognising the wider community.</p> <p>However, reverse sensitivity effects on growers should not constrain the activity to the extent that proposed PC6 will impose, and that the cause of reverse sensitivity <i>i.e. rural subdivision and development rules in the WDP</i>, are reviewed. This is reaffirmed by the National Policy Statement for Highly Productive Land (NPS-HPL). To note, it appears that proposed PC6 was developed when the NPS-HPL was available in draft</p>	Withdraw PC6 as sought by the submitter

Submitter	Sub #	Plan provision	Support/ Oppose	Reason	Decision sought
				form. Reverse sensitivity clauses that apply to existing rural lifestyle lots in rural zones should be enforced by Council.	
Horticulture NZ	8/2	3.2, 3.3	Support	There should be permitted activity conditions that can be met to manage the activity.	Withdraw PC6 as sought by the submitter
Horticulture NZ	8/3	1.4	Support in part	The use of Lcpeak and SEL is not in the National Planning Standards (NPS), and that any Plan Change sought by a council should take direction from the NPS, rather than use other systems of measurement. See <i>14. Definitions, 15. Noise and vibration metrics, and 17. Implementation Standard</i> of the NPS.	Should PC6 not be withdrawn as sought by the submitter, then noise standards specified are in accordance with the National Planning Standards .
Horticulture NZ	8/4	Section 32 Report	Support	<p>The council's role involves the execution of the law with unquestionable moral authority. There are significant and grave concerns that WDC has not adhered to the clear directive of the RMA when preparing this proposed PC6.</p> <p>The Section 32 report should hold scrutiny when evaluated against the prescribed matters of Section 32 and Schedule 1, and the evidence-based approach to plan making prescribed by the RMA.</p> <p>Proposed PC6 does not give effect to or even consider the Regional Policy Statement's objectives and policies for rural production activities, and bypasses the hierarchy of documents approach required by the RMA that was reaffirmed by the Supreme Court in King Salmon.</p>	Withdraw PC6 as sought by the submitter.

Submitter	Sub #	Plan provision	Support/ Oppose	Reason	Decision sought
Horticulture NZ	8/5	Section 32 Report	Support	Proposed PC6 does not achieve the strategic objectives in the Whakatāne District Plan for rural production activities. These objectives and associated policies are not proposed to change.	Withdraw PC6 as sought by the submitter
Horticulture NZ	8/6	1.4, 1.5,1.6	Support	Proposed PC6 will not necessarily achieve a reduction of nuisance sound effects across the rural zones in the Whakatāne District, so it is inefficient and ineffective. A joint education approach between relevant agencies such as HortNZ, NZKGI and Council is supported.	Withdraw PC6 as sought by the submitter
Horticulture NZ	8/7	Section 32 Report	Support	The information on community complaints is insufficient to be used as a basis for the Plan Change. No evidence of long-term monitoring has been provided, and no evidence of enforcement has been supplied.	Withdraw PC6 as sought by the submitter
Horticulture NZ	8/8	Section 32 Report	Support	<p>The submitter raises queries with the Council process developing proposed PC6, and that the development process does not follow well established planning principles. There is concern that this may mean that Councillors have misled in making decisions to pursue proposed PC6.</p> <p>The Section 32 report (that is evidence for Councillors, commissioners, and the public to rely upon) appears to have not followed the clearly prescribed approach set out in the RMA. If that evidence is unreliable and unable to withstand review or was not able to follow due procedure, then proposed PC6 should not be approved, and should be withdrawn.</p>	Withdraw PC6 as sought by the submitter

Submitter	Sub #	Plan provision	Support/ Oppose	Reason	Decision sought
Horticulture NZ	8/9	Section 32 Report	Support in part	Proposed PC6 should be consistent with adjoining district plans, except with regard to the implementation of the National Planning Standards .	Withdraw PC6 as sought by the submitter
Horticulture NZ	8/10	3.1-3.8 Section 32 Report	Support	Proposed PC6 presents uncertainty for growers by seemingly being a predetermined outcome that is inconsistent with good planning practise, and raises questions as to the ability of growers to continue their operations.	Withdraw PC6 as sought by the submitter

Further submission on Proposed Plan Change 6 (Audible Bird Scaring Devices) to the Whakatane District Plan

How to make a further submission

Email your submission to

PolicyPlannning@whakatane.govt.nz

Post this form to

Policy Planner Whakatāne District Council Private Bag 1002
Whakatāne 3158

Drop your completed form off to

c/o Policy Planner, Whakatāne District Council Customer
Service Centres at: 4 Commerce Street, Whakatāne or 48 Pine
Drive, Murupara

To make sure your further submission can be considered,
please lodge by 5pm Friday 10 February 2023.

NOTE: A copy of the further submission must be served on
the original submitter by Friday 17 February 2023.

From: Name of person or organisation making further
submission: Gurpreet Singh

Contact details:

Email: SKYHORT11@gmail.com

Phone 0272108924

Postal address: PO BOX - 782 (Whakatane)

I am a grower in the Whakatane district and therefore have an
interest in the proposal that is greater than the interest of the
general public.

My further submissions are set out in the attached table below.

I wish to be heard/not to be heard (delete one) in support of
my further submissions.

If others make similar submissions, I will consider presenting
a joint case with them at the hearing. (delete if not wanting to

be heard at the hearing)

Signature: *Queen of Sides*

Date: 12/02/23.

(Signature not needed if making submission by electronic means.

Submitter	Sub #	Plan provision	Support/ Oppose	Reason	Decision sought
Sarah van der Boom	1/1	1.4/ 1.6	Oppose	HortNZ does not support the proposed decibel limits so does not support a further reduction to the limits	Reject submission
Sarah van der Boom	1/2	2.1	Oppose	A setback distance between dwellings and audible bird scaring devices of 5km is not effects based.	Reject submission
Sarah van der Boom	1/3	3.3	Oppose	The rural area is a working production environment and growing operations should be protected from reverse sensitivity from those sensitive to rural production operations – not the other way around. The existing plan seeks to provide for a level of amenity but has not been appropriately managed or enforced.	Reject submission
Robert Humphries	2/1	1.4	Support	HortNZ seeks that is withdrawn and the submitter seeks the same outcome.	Accept submission
Robert Humphries	2/2	2.1, 3.2, 3.3,3.5, 3.8	Support	HortNZ seeks that is withdrawn and the submitter seeks the same outcome.	Accept submission
Elizabeth Sides	3/1	1.5	Oppose	HortNZ does not support the proposed decibel limits which is not effects based.	Reject submission
Elizabeth Sides	3/2	1.4, 3.2	Oppose	A distance to a dwelling is not an effects based measure.	Reject submission.
Elizabeth Sides	3/3	1.5	Oppose	Limitation of hours to 7am – 6pm does not address the risk to crops from bird strike.	Reject submission
Elizabeth Sides	3/4	1.5	Oppose	The submitter seeks to limit the frequency of events. The number of events should be linked to the noise emitted.	Reject submission

Te Runanga Ngati Awa	04/1	2.1	Oppose part	in The definition of noise sensitive activities in the Operative Plan includes the definition of marae and buildings for noise sensitive residential activities which would include papakainga, so these are currently provided for in the Plan. It is beyond the scope of the plan change to amend the definition by adding marae urupa as it would have implications for activities other than audible bird scaring devices.	Reject submission to add marae urupa to the definition of marae and buildings for noise sensitive residential activities.
Keryn Mullins	5/1	1.4	Oppose	HortNZ does not support the proposed decibel limits so does not support a further reduction to the limits	Reject submission
Keryn Mullins	5/2	1.2	Oppose	Requiring public notice advising of use is unnecessary if information is readily available in a notice at the property.	Reject submission
Sandra and Bruce Pryde and residents of Poroporo that signed the petition in 2021	6/1	1.4	Oppose	The submitter seeks a total ban of audible bird scaring devices in the Whakatane District. The devices are important to the economic wellbeing of the Whakatane community and can be use appropriately along with council monitoring and enforcement.	Reject submission
Rob and Helen Morris	7/1	1.5	Oppose	HortNZ does not support the proposed decibel limits as set out in the HortNZ submission.	Reject submission
Rob and Helen Morris	7/2	1.5	Oppose	Limitation of hours to 7am – 6pm does not address the risk to crops from bird strike. The number of events should be linked to the noise emitted.	Reject submission
Rob and Helen Morris	7/3	3.5	Oppose	The number of devices per property should be linked to the noise emitted, not an arbitrary figure.	Reject submission
Horticulture NZ	8/1	1.4	Support	HortNZ seeks that Proposed PC6 is withdrawn and sets out a range of reasons why it should be withdrawn. Proposed PC6 does not appropriately provide for use of audible bird scaring devices to enable economic activity in the district. Controls can be established which better	Withdraw Plan Change 6 as sought by the submitter

manage the devices while also recognising the wider community. However reverse sensitivity effects on growers should not constrain the activity to the extent that PC6 will impose.

Horticulture NZ	8/2	3.2, 3.3	Support	There should be Withdraw Plan permitted activity Change 6 as sought conditions that can be by the submitter met to manage the activity.
Horticulture NZ	8/3	1.4	Support	Support the use of an Withdraw Plan SEL measure as in Change 6 as sought adjoining district plans by the submitter rather than the Lc Peak measure.
Horticulture NZ	8/4	Section 32 Report	Support	The Plan Change does Withdraw Plan not give effect to the Change 6 as sought Regional Policy by the submitter Statement for rural production activities.
Horticulture NZ	8/5	Section 32 Report	Support	The Plan Change does Withdraw Plan not achieve the strategic Change 6 as sought objectives in the District by the submitter Plan for rural production activities.
Horticulture NZ	8/6	1.4, 1.5, 1.6	Support	The Plan Change will Withdraw Plan not necessarily achieve a Change 6 as sought reduction of nuisance by the submitter sound effects in the rural zones so it is inefficient and ineffective. A joint education approach with HortNZ and NZKGI and Council is supported.
Horticulture NZ	8/7	Section 32 Report	Support	The information on Withdraw Plan community complaints is Change 6 as sought insufficient to be used as by the submitter a basis for the Plan Change.
Horticulture NZ	8/8	Section 32 Report	Support	The submitter raises Withdraw Plan queries with the Council Change 6 as sought process developing PC6. by the submitter
Horticulture NZ	8/9	Section 32 Report	Support	PC6 should be consistent Withdraw Plan with adjoining district Change 6 as sought plans. by the submitter
Horticulture NZ	8/10	3.1-3.8 Section 32 Report	Support	PC6 presents uncertainty Withdraw Plan for growers and the Change 6 as sought ability to continue their by the submitter operations.
Ross Gardiner	9/1a	1.2, 1.3, 1.4, 1.5	Support in part	The submitter seeks If PC6 is not changes more consistent withdrawn as sought with WBOP provisions by HortNZ then for audible bird scaring include provisions devices and to achieve as sought by the objectives and Submitter 9. policies in the Whakatane DP. Such a set of provisions would enable ABSD's to be used in the Whakatane district and are preferable to Proposed

				PC6.
Ross Gardiner	9/1b	1.2, 1.3, 1.4, 1.5	Support part	in It needs to be clear how existing use rights will be ascertained. Ensure that it is clear how existing use rights apply.
Ross Gardiner	9/2	2.1	Support part	in The changes sought by the submitter is more appropriate wording as to where measurements would be taken. If PC6 is not withdrawn as sought by HortNZ then include provisions as sought by Submitter 9.
Ross Gardiner	9/3	3.1-3.8	Support part	in The submitter has sought an alternative set of assessment criteria for a restricted discretionary activity for audible bird scaring devices which are simplified and more closely linked to known effects. If PC6 is not withdrawn as sought by HortNZ then include provisions as sought by Submitter 9.
Ross Gardiner	9/4, 4a) and 4b).	1.4, 1.5 and 3.7	Support part	in The submitter has sought an alternative approach to managing significant indigenous biodiversity as there is insufficient evidence to justify controls on audible bird scaring devices. If PC6 is not withdrawn as sought by HortNZ then include provisions as sought by Submitter 9.