

# SUBMISSION ON Proposed Selwyn District Plan

11<sup>th</sup> December, 2020

**TO:** Selwyn District Council

**NAME OF SUBMITTER:** Horticulture New Zealand



## CONTACT FOR SERVICE:

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## Introduction

Horticulture New Zealand (HortNZ) welcomes any opportunity to work with Selwyn District Council and to discuss our submission.

HortNZ could not gain an advantage in trade competition through this submission.

HortNZ wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

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

### 1. Submission structure

1. Background to HortNZ
2. HortNZ's RMA involvement
3. Horticulture in the Selwyn District
4. HortNZ's overall submission and high-level relief sought

Attachment A: HortNZ's specific submissions on the Proposed Selwyn District Plan, including reasons and detailed relief sought.

### 2. Background to HortNZ

HortNZ was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

HortNZ advocates for and represents the interests of 6000 commercial fruit and vegetable growers in New Zealand, who grow around 100 different crop types and employ over 60,000 workers. Land under horticultural crop cultivation in New Zealand is calculated to be approximately 120,000 hectares.

The horticulture industry value is \$6.39 billion<sup>1</sup> and is broken down as follows:

<b>Industry value</b>	<b>\$6.39bn</b>
Fruit exports	\$3.5bn
Vegetable exports	\$0.7bn
<b>Total exports</b>	<b>\$4.2bn</b>
Fruit domestic	\$0.88bn
Vegetable domestic	\$1.28bn
<b>Total domestic</b>	<b>\$2.19bn</b>

It should also be acknowledged that it is not just the economic benefits associated with horticultural production that are important. The rural economy supports rural communities and rural production defines much of the rural landscape. Food production values provide a platform for long term sustainability of communities, through the provision of food security.

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<sup>1</sup> <https://www.hortnz.co.nz/assets/HortNZ-Annual-Report-2019-20-June-2020.pdf>

The essential service that horticulture provides has been further highlighted through the Covid-19 response.

HortNZ's purpose is to create an enduring environment where growers thrive. This is done through enabling, promoting and advocating for growers in New Zealand.

### 3. HortNZ's Resource Management Act 1991 Involvement

On behalf of its grower members HortNZ takes a detailed involvement in resource management planning processes around New Zealand. HortNZ works to raise growers' awareness of the Resource Management Act 1991 (RMA) to ensure effective grower involvement under the Act.

The principles that HortNZ considers in assessing the implementation of the RMA include:

- The effects-based purpose of the RMA;
- Non-regulatory methods should be employed by councils;
- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;
- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the grower's interests both in an environmental and sustainable economic production sense.

### 4. Horticulture in the Selwyn District

There are approximately 132 commercial growing operations based in the Selwyn District. This is the highest number of growing operations within any single district in Canterbury. It is possible that more growing operations that are based in Christchurch City, Ashburton or Waimakariri District grow within the Selwyn District.

Currently the highest concentrations of growing operations are within Rural Density 1 Inner Plains, 2 East Plains and 3 West Plains and Foothills.

The combination of good soil, climate, relatively flat land, reliable water, close proximity to transport networks, port, airport, housing and labour means that the Selwyn District is attractive and well placed for growing.

A wide variety of fruit and vegetable crops are grown here. These include: fresh and processed vegetables, outdoor crops and indoor covered crops. Namely; peas, leafy greens, beans, beetroot, brassicas, broccoli, brussel sprouts, cabbage, cauli, carrots, courgette, fennel, garlic, leeks, lettuce, potatoes, pumpkin, rhubarb, silverbeet, sweetcorn, onions, herbs, asparagus, radish, spinach, spring onions, yams, squash, sprouts, tomatoes, apples, pears, berries, blueberries, blackcurrants, raspberries, strawberries, feijoas, cherries, nectarines, peaches, plums and Summerfruit.

### 5. SDC Consultation

HortNZ engaged in pre-consultation with Council on a topic-by-topic basis, but our ability to provide detailed feedback was restricted by generally little (or no) notice that feedback would

be required and short timeframes. We hope that our submissions will assist decision makers to understand our position.

## 6. Horticulture and Good Management Practice

HortNZ strongly supports recognition of industry led initiatives to improve practice and achieve environmental outcomes. Such initiatives include (but are not limited to):

- Farm Environment Plans
- Good Management Practice
- NZGAP<sup>2</sup>, EUROGAP, and GLOBALGAP accreditation
- HortNZ Erosion & Sediment Control Guidelines for Vegetable Production (2014)
- A Code of Practice for the Management of Greenhouse Nutrient Discharges (2007) and A Growers' Guide to The Management of Greenhouse Nutrient Discharges (2007)
- HortNZ Vegetable Washwater Discharge Code of Practice

These codes of practice are underpinned by research that has been jointly funded by the government and the horticulture industry.

The above, and more, can be found at: <http://www.hortnz.co.nz/our-work/natural-resources/GoodManagementPractice>.

## 7. Food Security

Prior to Covid-19, projections around New Zealand's expected population increase and annual food volumes available for consumption in New Zealand show that domestic vegetable supply will not be able to sustain our future population consumption needs<sup>3</sup>. Already many New Zealanders, are struggling to meet the recommended daily intake of 3 plus vegetables and 2 plus fruit a day. In 2018/2019, only 33.5% percent of New Zealand adults and 49.9 percent of children met the recommended daily fruit and vegetable intake<sup>4</sup>. Those living in the most deprived neighbourhoods were less likely to meet the recommended intakes and were more likely to be obese<sup>5</sup>. 1 in 5 children are living in food insecurity<sup>6</sup>.

Abstractions and discharges are needed to grow the food New Zealanders need to eat. Reasonably priced, healthy food, is essential for human health. The Otago Region plays a critical role in the national food production system the loss of which is not easily picked up elsewhere in New Zealand given the unique production capability of the region.

Reasonably priced, healthy food, is essential for human health. The Selwyn District plays a critical role in the national food production system and is particularly important to Canterbury and the South Island.

## 8. General commentary on the General Rural Zone provisions

It is important to set clear expectations of rural character, which includes production related activities – linked to the issue of reverse sensitivity. The General Rural Zone is the only

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<sup>2</sup> <http://www.newzealandgap.co.nz/>

<sup>3</sup> <http://www.hortnz.co.nz/assets/Media-Release-Photos/HortNZ-Report-Final-A4-Single-Pages.pdf>

<sup>4</sup> [https://minhealthnz.shinyapps.io/nz-health-survey-2019-20-annual-data-explorer/\\_w\\_869093ed/#!/explore-topics](https://minhealthnz.shinyapps.io/nz-health-survey-2019-20-annual-data-explorer/_w_869093ed/#!/explore-topics)

<sup>6</sup> <https://www.health.govt.nz/system/files/documents/publications/household-food-insecurity-among-children-new-zealand-health-survey-jun19.pdf>

location for primary production activities in the District – it is important that this land is able to be used for primary production.

HortNZ see a need for amendments to provide:

- Greater recognition (and protection) of the soil resource;
- Provisions for activities and buildings/structures that are an inherent part of horticulture – including seasonal workers accommodation and artificial crop protection structures, and packing and processing facilities;
- Strengthening of the reverse sensitivity management methods;
- Rules that enable a rapid biosecurity response should the need arise; and
- GRUZ not being applied to land that would be more suited to the Rural Lifestyle Zone.

### ***Recognition of Soils***

The Canterbury Regional Policy Statement seeks to manage the effects of development so that adverse effects are avoided, remedied or mitigated, including when these would compromise or foreclose ‘the productivity of the region’s soil resources, without regard to the need to make appropriate use of soil which is valued for existing or foreseeable future primary production, or through further fragmentation of rural land’ (Policy 5.3.2). The method associated with Policy 5.3.12 states that territorial authorities will set out objectives and policies, and may include methods in district plans which, among other things, ensuring subdivision and development does not foreclose the ability to utilise natural resources such as soil which is, or foreseeably could be, valued for rural productive purposes

The term ‘soil’ is not referenced once on the GRUZ chapter. ‘Versatile soils’ is defined in the Plan and only used once in Policy UG-P9, with regard to the establishment of rural areas.

Generally, the provisions of the plan seek to manage development in the GRUZ, however there are objective, policy and assessment matter gaps in relation to recognition of soils.

### ***Provisions for activities and buildings/structures that are an inherent part of horticulture***

#### ***Seasonal worker accommodation***

Horticulture is a labour-intensive industry with seasonal employment peaks for some crops at harvest and pruning times. To assist in meeting this labour demand (and the ongoing shortage of seasonal workers), the Recognised Seasonal Employer (RSE) scheme was established by the Government in 2007. The scheme allows the horticulture and viticulture industries to recruit workers from overseas for seasonal work when there are not enough New Zealand workers.

Immigration New Zealand (INZ) administer the scheme and has RSE worker accommodation standards that must be complied with to qualify RSE employers to recruit RSE workers. In some areas of New Zealand, INZ specifically require that RSE employers provide purpose-built accommodation for their RSE workers (unless criteria are met), to ensure that RSE workers are not occupying housing that would normally be available to local residents.

Seasonal worker accommodation provides for temporary and often communal living arrangements; it is quite distinct from permanent worker accommodation which might support a full-time employee and their family. It is a definable activity that requires a specific resource management response to reflect the nature of the activity.

Accommodating seasonal workers in appropriate accommodation in close proximity to their places of employment is more efficient for the horticulture industry, than accommodation that will need to be found further afield and workers will be required to commute.

Regardless of the current New Zealand border restrictions, the Selwyn District Plan will provide a planning framework for the community for at least the next decade and therefore, Seasonal Worker Accommodation should be provided for within the General Rural Zone. A number of district plans have taken the approach of providing for such facilities based on a concept of shared kitchen and ablution facilities and separate sleeping quarters. This type of facility is cost efficient and adequately provides for seasonal accommodation.

#### Artificial crop protection structures and crop protection structures

Artificial Crop Protection Structures (ACPS) are structures that use permeable materials to cover and protect crops and are now essential for horticulture production of some crops. They are quite distinct from Greenhouses.

- Benefits of these structures include; protect fruit from sunburn, windburn and hail, assist with spray coverage, reduce mowing and weeding, assist pruning and picking, and less birds get into the crops.
- Some ACPS are covered (with cloth) only for part of the year as the cloth will be taken off in winter for longevity reasons. Also, there is no fruit to protect at that time.

Crop Support Structures (CSS) extend to a variety of structures upon which various crops rely for growth and support and are positioned and designed to direct growth to establish canopies. They include 'A', 'T' and 'Y' frames, pergolas and fences.

Land use controls imposed by district plans have the most direct impact on the resource management regulatory framework for CSS and ACPS. It is here that growers typically have interaction and issues with the regulatory authority.

HortNZ has experienced inconsistency in how these structures are controlled under 'generic' building or structure rules, due to the broadness of these definitions (and ensuing uncertainty in whether they are a building or not). Often then being caught by controls such as - yard setbacks, height limitations, height to boundary controls, building coverage limitations, impervious surface limitations, amenity controls (colour, reflectivity) etc. - which are not always relevant.

A number of District Plans around the country specifically provide provisions for artificial crop protection structures (including for example, Far North, Whangarei, Auckland, Opotiki, Western Bay of Plenty, Whakatane, Hastings, Tasman).

The National Planning Standards now define building. We note the following commentary from the Ministry for the Environment's 'Recommendations on Submissions Report for the first set of National Planning Standards' for 2I Definitions Standard:

*“... it was considered that any exclusion for a permeable roof could result in a loophole in the definition. Is a roof that leaks a permeable roof? How impermeable would it need to be to qualify? This could make it difficult for compliance and enforcement purposes. We consider that it would be better for the plan provisions (rather than the building definition) to clearly enable crop protection structures or other similar structures if this is the desired outcome.” (pg.52)*

In light of this, HortNZ has submitted seeking that a specific definition is provided for ACPS and CSS so that a specific, clear and appropriate rule framework can be applied.

### **Reverse sensitivity – setbacks from internal boundaries**

Reverse sensitivity issues are becoming an increasing problem for the horticulture sector as more people move into productive areas who do not have realistic expectations with regards to the noise that can occur as a result of primary production activities. Horticulture tends to be particularly susceptible to reserve sensitivity effects due to the location of highly productive land often being located near urban centres and/or the land they operate on being subject to demand for urban development.

HortNZ supports the policy framework within the GRUZ chapter which seeks to avoid reverse sensitivity on primary production. Primary production includes a number of activities, including horticulture.

In the proposed rule framework;

- Reserve sensitivity is a matter of discretion where residential units require consent due to being an undersized site (non-compliance with GRUZ-SCHED2, or GRUZ-R4); this is supported.
- All other new, altered or expanded residential units (i.e., those that meet density requirements of the Plan) are required to meet the following setbacks:
  - structure setbacks in GRUZ-REQ4 Structure Setbacks, this requires a 5m setback from internal boundaries
    - When this 5m setback is not achieved, a matter of discretion includes GRUZ-MAT3 Internal Boundary Setback.
  - setbacks from intensive primary production of 300m;
  - setback from mineral extraction (GRUZ-REQ10) of between 200 – 500m.

The issue that HortNZ has, is that a 5m internal setback is not sufficient to achieve the policy outcome of avoiding reverse sensitivity effects on primary production activities. There is a very large gap between the management of reverse sensitivity effects from sensitive activities on intensive primary production and mineral extraction and the management of reverse sensitivity effects from sensitive activities on other primary production activities.

With reference to the Section 32 assessment<sup>7</sup>, this approach is also inconsistent with a number of other District Plans, for example:

- Christchurch District Plan requires a 25m setback from internal boundaries for a new residential unit and minor residential unit in the Rural Zones

<sup>7</sup> [https://www.selwyn.govt.nz/\\_data/assets/pdf\\_file/0005/354758/27.-Rural.pdf](https://www.selwyn.govt.nz/_data/assets/pdf_file/0005/354758/27.-Rural.pdf)

- Ashburton District Plan requires a 20m setback from internal boundaries for residential units.

We also note that the analysis of setbacks for the Proposed Plan<sup>8</sup> focuses on intensive farming and quarrying, which does not include horticulture.

For horticulture, reverse sensitive effects are a very real issue, which impacts on the ability of growers to productively use their land. Agrichemical spraying in terms of chemical use and noise, odour, time of operation and machinery noise, frost protection including by helicopter and frost fans, bird scaring devices and hours of operation can all be cause for complaint despite the effects of these activities being managed to meet regional plan requirements, relevant district and industry best practice. Growers would be happy to speak to this issue further at the hearing.

HortNZ is seeking that new residential units are subject to a greater setback from internal boundaries so that the plan is more effective in managing reverse sensitivity (refer to Attachment A for the specific relief sought).

Reverse sensitivity effects restrict primary production, which in turn compromises the productivity of land; this issue was recognised in the Government's Proposed National Policy Statement for Highly Productive Land. Reverse sensitivity is also required to be managed under the Canterbury Regional Policy Statement (e.g., Policy 5.3.2, 5.3.12 and associated method).

HortNZ believes a greater setback is an appropriate planning response because it would necessarily prevent development occurring, but enable a site-specific assessment of effects to be undertaken – for new residential activity in the rural zone, we consider this to be warranted.

### ***Consideration of Rural Lifestyle Zone***

There are a number of 'rural lifestyle' pockets that have been zoned General Rural Zone, but with a specific control area (SCA) layer applied to manage residential density. These areas are listed in 'How the Plan Works' (HPW27). The densities are listed in the subdivision chapter in Schedule 2 (GRUZ- Sched2).

The identified areas align more closely with 'Rural lifestyle zone' as defined in the New Zealand Planning Standards. However, the s32 analysis did not consider applying the rural lifestyle zone to these areas, thus raising concerns of the integrity of the analysis.

The flaw we see is that this approach weakens the integrity of the rural zone. The rural zone objectives, policies, rules and standards apply to these rural lifestyle areas – with the exception of the subdivision density.

HortNZ would like to see a s32 assessment that includes an option to zone these areas Rural Lifestyle as, we believe that this may be the most appropriate option.

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<sup>8</sup> [https://www.selwyn.govt.nz/\\_data/assets/pdf\\_file/0004/353362/Setback-Report-post-peer-review-Rural.pdf](https://www.selwyn.govt.nz/_data/assets/pdf_file/0004/353362/Setback-Report-post-peer-review-Rural.pdf)



## 9. Biodiversity

HortNZ supports the intent to manage and enhance biodiversity values, particularly that of indigenous biodiversity. However, the catch-all approach applied in the proposed plan is unlikely to be successful in achieving desired outcomes and may result in perverse outcomes. HortNZ also finds that there is a stark lack of background information on the proposed overlays both in the s32 report and the supporting documents. The s32 report does not provide any clarity or justification for the methods applied in this section of the proposed plan.

EIB-SCHED1 outlines the criteria for determining significance in relation to vegetation and habitats of indigenous fauna. Only one criterion from the whole list need to apply in order for vegetation or habitat to be considered significant. HortNZ also find that some of the criteria are particularly broad. The result being that any vegetation or habitat, regardless of whether it is indigenous or actually of any significance, may be deemed to be significant.

A catch-all approach does not reflect sustainable management and will fail to protect significant biodiversity values. Resources and efforts need to be prioritised appropriately. This will assist in the longevity efforts and enable communities to actively take part in managing and enhancing biodiversity more broadly.

The catch-all approach risks perverse outcomes by disincentivising landowners from undertaking voluntary restoration and enhancement projects. There is also the risk that some landowners may remove vegetation to avoid over regulation of their operations if such vegetation may be deemed significant.

The wording of the proposed policies, rules and schedule could encompass horticulture planting, exotic shelter belts and vegetable crops as significant through association as linkages or buffers. The proposed definition of vegetation clearance and wording of rules (for both works within and outside SNA's) mean general weed and pest management would require consent. Such approaches are inhibitive to the ongoing operation and development of the horticulture industry. Productive rural land use requires the ability to manage vegetation species and growth to ensure production activities are not compromised. Unmanaged vegetation, including shelter belts, can cause root intrusion or overhang of productive land as well as adverse shading effects, infrastructure (tracks, pipes, buildings) disruption and harbour pests and diseases.

The result will be that horticultural operations become unviable in the Selwyn district and there will be a significant impact to food supply and local economy.

### *Biodiversity Management Plans*

The proposed plan requires all activities supply a biodiversity management plan regardless of the nature and scale of the activity and relevance to significant or indigenous biodiversity values. The schedule focuses on a prescriptive process rather than actual outcomes. Many of the content requirements, including expert input will result in significant burden of cost and time to landowners without benefit to biodiversity.

The proposed management plans are a complete duplication of the Farm Environment Plan's required by all farming activities under Environment Canterbury's Canterbury Land and Water Plan. Identifying biodiversity, areas of significance and inclusion of biodiversity management actions are a core component of these farm environment plans. These plans are required to be registered with Environment Canterbury regardless of activity status.

HortNZ opposes the requirement for biodiversity management plans by Selwyn District Council. Confirmation that a farm environment is registered with the regional council should be sufficient. Selwyn District Council and Environment Canterbury should work together to share necessary information to improve the district council's knowledge and data collection of biodiversity matters.

## 10. Biosecurity

The issue of biosecurity also relates to the Natural Environment Values chapter and the maintenance and enhancement of biodiversity values in the district.

There is a need for rapid response in the event of a biosecurity incursion of an unwanted organism. Vegetation removal, burial, burning and spraying of material are methods that may be used. It is therefore important that the Plan adequately provides for these activities to be undertaken.

The year 2020 marks 10 years since the PSA incursion that crippled the kiwifruit industry. At the time of the event, it was evident that regional and district plans can unintentionally be regulatory hurdles to rapid response through provisions such as limiting earthworks for burying infected material or clearance of infected vegetation.

Only when a biosecurity emergency is declared by the Governor-General on the recommendation of a Minister (s144 BA), can the emergency provisions in the Biosecurity Act 1993 override the RMA provisions. Such a declaration has never been made. In other situations, a Chief Technical Officer can notify the MPI Director-General about an unwanted organism but the biosecurity response mechanisms are still subject to RMA plan controls. With such a declaration the regional and district plan rules still need to be met regarding the disposal of infected material. Given the urgency required in such a situation, it is not practical to have to obtain resource consent.

In the 2010 PSA incursion, only a Chief Technical Officer declaration was made, so regional and district plan requirements still needed to be met. This presented challenges in terms of timely and appropriate destruction of material which is what resulted in the rapid spread of and destruction from the disease.

If an incursion of an unwanted organism was unable to be appropriately managed due to regulatory barriers, it could have a significant impact on the region and the rural economy.

The effects of a biosecurity incursion are not just limited to rural production. Such incursions can also affect wider biodiversity and indigenous flora and fauna.

It is therefore appropriate that exclusions are provided for within the policy and planning framework which allow for the clearance of any vegetation (including indigenous and that of significance) in the event of a biosecurity emergency declared under the Biosecurity Act or by a declaration of a Chief Technical Officer.

## 11. SASM – Sites and Significance to Māori

There are a number of new layers in the proposed District Plan – including Ngā Wai and Ngā Tūranga Tūpuna, and new rules (with the operative plan only managing earthworks). The Ngā Tūranga Tūpuna identified in the Selwyn District relates to Te Waihora/Lake Ellesmere, its margins, and associated wetlands. This covers a relatively expansive

(1,110ha)<sup>9</sup> area; HortNZ understands that there is some horticultural activity existing within this overlay. It is important that existing operations are enabled to continue.

The Section 32 report<sup>10</sup> (pg. 36) states that “*Whilst there may well be costs to private landowners associated with owning land which has identified sites and areas of cultural significance, the proposed provisions are intended to be enabling of existing established activities, and the establishment of new activities where these can be established without significantly affecting cultural values.*” HortNZ agree with this general approach – however, seek some changes (in Attachment A below) to ensure existing activities are not inadvertently captured by the provisions. This is important as Section 32 report states that for areas of land within an SASM, a resource consent application would be ‘upward of \$10,000 per application’.

HortNZ understands that the Ngā Tūranga Tūpuna area reflects the area defined as the Cultural Landscape Values Management Area identified in the Canterbury Land and Water Regional Plan (LWRP). Policy 11.4.13 of the Canterbury LWRP requires that a Farm Environment Plan is prepared for a property greater than 10 hectares within the Lake Area in the Cultural Landscape/Values Management Area. A Farm Environment Plan is a comprehensive document and includes ‘an assessment of the adverse environmental effects and risks associated with the farming activities and how the identified effects and risks will be managed’. HortNZ are mindful that the District Plan should as far as possible, seek to avoid duplication with existing management provisions.

The ‘Note for plan users’ that precedes the rules is a useful addition to the Plan which aids in interpretation.

## 12. Earthworks

The definition of earthworks (a National Planning Standards definition) excludes cultivation, which HortNZ supports. However, horticulture like other farming activities, involves more than just planting and harvesting of crops - the definition of cultivation being limited to disturbance for the purpose of sowing, growing or harvesting of pasture or crops.

There are a number of ‘normal’ farming activities which require minor earthworks, outside of cultivation, including for example farm tracks, drains (new farm drains), works for irrigation pivots, erosion and sediment controls.

Land disturbance activities associated with horticulture can be adequately managed through the application of good management practice to achieve good environmental outcomes. HortNZ has developed a code of practice for erosion and sediment control to provide guidance at an industry level for cultivation of vegetables crops (Horticulture New Zealand Code of Practice ‘Erosion and Sediment Control Guidelines for Vegetable Production’ (June 2014)). The guidelines have been adopted by Environment Canterbury – including in the Canterbury LWRP and Industry-agreed Good Management Practices (MGM)<sup>11</sup>.

HortNZ seeks that a definition and permitted activity rule be added for ‘ancillary rural earthworks’. This is an approach that is provided in some other District Plans e.g., the

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<sup>9</sup> Section 32 Report – Sites and Areas of Significance to Maori

([https://www.selwyn.govt.nz/\\_data/assets/pdf\\_file/0008/354743/11.-Sites-and-Areas-of-Significance-to-Maori.pdf](https://www.selwyn.govt.nz/_data/assets/pdf_file/0008/354743/11.-Sites-and-Areas-of-Significance-to-Maori.pdf))

<sup>10</sup> Ibid.

<sup>11</sup> <https://ecan.govt.nz/your-region/farmers-hub/gmp/what-are-industry-agreed-good-management-practices/>

Proposed Waikato District Plan. We consider this would be a more efficient and effective regulatory response.

HortNZ seeks this change because these activities are consistent with the expectations of a rural environment, of a scale that is bounded by the definition of ‘ancillary rural earthworks’, such that adverse effects on the amenity of the rural landscape are not a concern.

HortNZ does not support inclusion of volume-based thresholds for ancillary rural earthworks as the potential for adverse effects can be managed appropriately through the Code of Practice, and it is impractical for example, to keep a running record or the volume of earthworks for each 12-month period, as part of day-to-day operations.

There is also existing regulation of these activities in the regional setting – aside from earthworks rules in riparian areas and erosion-prone areas – through Farm Environment Plans. For example, one of the management areas in the Canterbury LWRP’s Schedule 7 Farm Environment Plan is ‘Cultivation and Soil structure’, the targets of which are:

- 1) Farming activities are managed so as to not exacerbate erosion.
- 2) Farming practices are implemented that optimise infiltration of water into the soil profile and minimise run-off of water, sediment loss and erosion.

And under the Waterbodies management area, one of the targets is “Farm tracks, gateways, water troughs, self-feeding areas, stock camps, wallows and other farming activities that are potential sources of sediment, nutrients and microbial loss are located so as to minimise the risks to surface water quality”.

### 13. Summary of the decisions sought by HortNZ

HortNZ generally supports the proposed Selwyn District Plan in its entirety. HortNZ are seeking the following outcomes:

- An efficient, effective and fair regulatory framework that provides for greater security for the Selwyn District and horticulture.
- Provisions that recognise soils and enable their productive use.
- Provisions for activities and buildings/structures that are an inherent part of horticulture including: Seasonal worker accommodation, Artificial crop protection structures and crop protection structures.
- Appropriate setbacks for dwellings and buildings from internal boundaries that mitigate reverse sensitivity.
- Consideration of Rural Lifestyle Zone within the s32 assessment for existing areas that more appropriately fit the New Zealand Planning Standards definition of Rural Lifestyle Zone.
- A refined approach to management and enhancement of biodiversity values, rather than a ‘catch-all’ approach. Including acknowledgement of farmers and growers’ efforts within a Farm Environment Plan as required by resource consents from the Canterbury Regional Council. Duplication of consenting should be avoided.
- Provisions that enable a rapid response to biosecurity incursions.
- Recognition of ancillary rural earthworks as a permitted activity.

Without limiting the generality of the foregoing, HortNZ’s specific concerns together with a summary of the decisions it seeks from the Council are set out in **Attachment A**.

HortNZ seeks the following decisions:

1. That the decisions sought in **Attachment A** of this submission be accepted; and/or
2. Alternative amendments to the provisions to address the substance of the concerns raised in the submission; and
3. All consequential amendments required to address the concerns raised in this submission and ensure a coherent, robust and fair plan.

## Attachment A: HortNZ's Specific Submissions on the Proposed Selwyn District Plan

Sub pt	Plan provision	Support/Oppose	Reason	Decision Sought
<b>Part 1 – Introduction and General Provisions</b>				
<b>Introduction</b>				
1	Purpose	Support	Provides clarity for readers	Accept
2	Description of the District	Support	<p>Support acknowledgement that the dominant land use in the District remains Farming and that this is diverse in terms of crops, livestock and farming methods.</p> <p>However, the term 'farming' is not defined in the plan and we consider a further explanation that farming is referred to as primary production would assist plan readers and implementation.</p>	Amend description to acknowledge that farming is referred to thorough the plan as primary production.
<b>How the Plan Works</b>				
3	HPW 1 – Legal Framework	Support	Support this section in its' entirety. It is helpful to the plan reader, consistent with RMA and requirements of the New Zealand Planning Standards.	Accept
4	HPW2 – Legal effect of rules	Support	Support this section in its' entirety. It is helpful to the plan reader, consistent with RMA and	Accept

			requirements of the New Zealand Planning Standards.	
5	HPW3 – The relationship with other Plans and Documents	Support	Support this section in its' entirety. It is helpful to the plan reader, consistent with RMA and requirements of the New Zealand Planning Standards.	Accept
<b>General Approach</b>				
6	HPW4 – Plan Structure	Support	Support this section in its' entirety. It is helpful to the plan reader, consistent with RMA and requirements of the New Zealand Planning Standards.  However, we note that there is a hyperlink to 'permitted activity status' in paragraph 4 and this appears to be an error.	Amend to remove hyperlink to permitted activity status in paragraph 4.
7	HPW5 – Rule numbering and short codes	Support	Support this section in its' entirety. It is helpful to the plan reader, consistent with RMA and requirements of the New Zealand Planning Standards.	Accept
8	HPW6 – Activity Status	Support	Support this section in its' entirety. It is helpful to the plan reader, consistent with RMA and requirements of the New Zealand Planning Standards.  In particular, the colour coding provides a useful visual check for if a resource consent is required or not.	Accept

			Also, the note that cross references to potential regional council resource consents is important and should be retained.	
9	HPW7 – resource consents	Oppose in Part	<p>Support this section. It is helpful to the plan reader, consistent with RMA and requirements of the New Zealand Planning Standards.</p> <p>However, we believe this section should also be explicit that where Farm Environment Plans (FEPs), required under the Canterbury Land and Water Regional Plan, meet rule requirements under this Proposed District Plan, there should be a clear exemption from meeting the District Council's rule requirement.</p> <p>We are aware the FEPs have evolved greatly since the Plan was reviewed, and there is a lot more comprehensive and stringent requirements around water, mahinga kai and indigenous biodiversity.</p> <p>We believe the Council should review its PDP to ensure there is no unnecessary time and expense on landowners to apply</p>	Accept with amendment to make it clear to plan readers that there is no unnecessary duplication for landowners to meet consent requirements at both regional and district levels, if their requirements are effectively the same.



			for two resource consents, when they only need one.	
10	HPW8 - Applications subject to multiple provisions	Support	Support this section in its' entirety. It is helpful to the plan reader, consistent with RMA and requirements of the New Zealand Planning Standards.	Accept
11	HPW9 - Treatment of Roads, Rivers and Railways	Support	Support this section in its' entirety. It is helpful to the plan reader, consistent with RMA and requirements of the New Zealand Planning Standards.	Accept
12	HPW10 - Consultation	Oppose in Part	<p>Support this section. It is helpful to the plan reader, consistent with RMA and requirements of the New Zealand Planning Standards.</p> <p>However, we believe more information about how to consult with mana whenua would be useful for both the runanga and the applicants.</p> <p>We recommend the Council provides more information in the Tangata Whenua/Mana Whenua section about expected protocols and the appropriate contact channels applicants should use.</p> <p>We also recommend, alongside this further information we suggest, that there is a hyperlink in HPW 10 to the Tangata</p>	<p>Accept with amendments to include:</p> <ul style="list-style-type: none"> <li>• more info about how to consult with mana whenua would be useful for both the runanga and the applicants</li> <li>• more information in the Tangata Whenua/Mana Whenua section about expected protocols and the appropriate contact channels applicants should use; and</li> <li>• a hyperlink in HPW 10 to the Tangata Whenu/Mana Whenu section of the Plan.</li> </ul>

			Whenu/Mana Whenu section of the Plan.	
13	HPW11 - Notification	Support	Support this section in its' entirety. It is helpful to the plan reader, consistent with RMA and requirements of the New Zealand Planning Standards.	Accept
<b>HPW – Cross Boundary Matters</b>				
14	HPW13 - Growth Management	Oppose in Part	The resource management issue of managing soils and enabling their productive use is not identified under HPW13. This should be included with appropriate methods identified in the Process column.	Amend to address additional resource management issue of managing soils.
15	HPW14 - Infrastructure	Oppose in part	The approach in HPW14 in respect of electricity transmission encourages consistent provisions between adjoining district plans. It must be acknowledged that there was no ability to appeal the provisions of the Christchurch City Plan and therefore 'encouraging consistent provisions between adjoining district plans' makes an assumption that operative provisions in all District Plans are acceptable to the Community. In particular the electricity provisions in Christchurch did not adequately	Amend process as follows:  Encourage a consistent approach between adjoining district plans, <u>but taking into account the inability to appeal the operative Christchurch City Plan.</u>

			consider impacts on rural areas and therefore applying provisions from an urban-centric plan into Selwyn may not be the most appropriate approach for Selwyn.	
16	HPW16 - Natural Values	Oppose in Part	<p>As discussed above, HortNZ seeks recognition that where Farm Environment Plans (FEPs), required under the Canterbury Land and Water Regional Plan, meet rule requirements under this Proposed District Plan, there should be a clear exemption from meeting the District Council's rule requirement.</p> <p>We do not believe the proposed plan makes this clear, thereby failing to achieve a number of the methods listed under 'Process'.</p>	<p>Amend to include additional process as follows (or wording to the same effect):</p> <ul style="list-style-type: none"> <li>that there is no unnecessary duplication for landowners to meet consent requirements at both regional and district levels, e.g., where a regional consent requires a Farm Environment Plan to address natural values.</li> </ul>
17	HPW18 - Monitoring Statement	Support	Generally, support. However, HortNZ would support a statement being included in this section that demonstrates a commitment from Council to publishing and communicating key findings of the Monitory Strategy. It is the experience of HortNZ that communicating monitoring findings is an area of planning that is often neglected	Amend HPP18 to clearly state a commitment by Council to communicating monitoring findings to the Community in a form that will be easily understood.

			by Council's. This would assist the community to stay abreast of resource management issues.	
<b>Relationship between Spatial Layers</b>				
18	HWP19 Spatial Layer Types	Oppose in Part	<p>The description of the following are inconsistent the New Zealand Planning Standards:</p> <ul style="list-style-type: none"> <li>• Zone</li> <li>• Overlay</li> <li>• Specific Control</li> <li>• Development Areas</li> </ul> <p>The NZPS's were introduced to provide a foundation of consistency across plans in New Zealand. It is not appropriate to be inconsistent with fundamental descriptions such as those listed above.</p>	Amend to be consistent with the New Zealand Planning Standards.
19	HPW20 - Residential Zone Descriptions	Support	<p>Consistent with New Zealand Planning Standards.</p> <p>We also support the collective reference of Residential Zones (RESZ).</p>	Accept
20	HPW21 – Rural Zone Description	Support	<p>Consistent with New Zealand Planning Standards.</p> <p>We note that HortNZ seeks consideration of Rural Lifestyle Zone. Should it be the most appropriate option, then the</p>	<p>Accept</p> <p>Amend to include Rural Lifestyle if determined to be the most appropriate option.</p>

			NZPS definition should also be included in this section.	
21	HPW22 - Commercial and Mixed Use Zone Descriptions	Support	Consistent with New Zealand Planning Standards.  We also support the collective reference to Commercial and Mixed Use Zones (CMUZ).	Accept
22	HPW23 - Industrial Zone Description	Support	Consistent with New Zealand Planning Standards.	Accept
23	HPW24 - Special Purpose Zone Descriptions	Oppose in Part	Support the descriptions of Port Zone and Maori Purpose Zone. But question the description of the other listed zones as the description does not include the 'operation and development' of activities within these zones.  Are plan readers to assume that the description means that these zones are fully developed and ongoing operation does not require support like in the Port Zone?	Consider potential Plan Implementation issues that may arise due to variation in wording of zone descriptions.
24	HPW25 - Overlays	Support	Provides clarity.	Accept
25	HPW26 - Precincts	Support	Provides clarity.	Accept
26	HPW27 - Specific Control Areas Descriptions	Oppose in Part	HPW27 sets out a range of areas that are classed as Specific Control Areas (SCA).  The descriptions of SCA-AD1 and SCA-AD2 include the term 'vibe'. How is 'vibe' assessed? Are their criteria for the vibe to	Clarify or replace the term 'vibe' with more suitable and understood resource management terms such as 'amenity and character'.  Amend SCA-RD8 – SCA-RD18 to Rural Lifestyle Zone and delete as special control areas in the General Rural Zone.

			<p>be assessed against? Which technical experts are able to provide a professional opinion on whether the vibe has been managed and protected appropriately?</p> <p>Included are SCA-RD8- SCA-RD17 which are areas where development in the rural area is below 4ha. HortNZ considers that these areas are more akin to Rural Lifestyle Zone than General Rural Zone which is described in the National Planning Standard as: Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General Rural Zone, while still enabling primary production to occur. The s32 Report 39 Rural Existing Development Areas does not consider the option of creating a Rural Lifestyle Zone and including these areas within a RLZ. It is more appropriate that they have specific objectives, policies and rules applying rather than those for the General Rural Zone. It should be noted that GRUZ-SCHED2 also includes SCA-RD18 Yorktown which is not included in HPW27</p>	
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<b>Interpretation</b>				
27	Abbreviations	Support	Assists the plan reader.	Accept
<b>Definitions</b>				
28	New definition - Artificial crop protection structures	Support	A definition should be included for artificial crop protection structures	Insert new definition as follows:  <b><u>Artificial crop protection structure</u></b> means structures with material used to protect crops and/or enhance growth (excluding greenhouses)
29	New definition - Crop support structures	Support	A definition should be included for crop support structures	Insert new definition as follows:  <b><u>Crop Support Structure</u></b> : means an open structure on which plants are grown
30	New definition - Greenhouse	Support	A definition should be included for greenhouses as it is used in the definition of artificial crop protection structures	Insert new definition as follows:  <b><u>Greenhouses</u></b> means a structure enclosed by glass or other transparent material and used for the cultivation or protection of plants in a controlled environment but excludes <b><u>artificial crop protection structures</u></b> .
31	New definition – Ancillary rural earthworks	Support	A definition is required for ancillary rural earthworks, a specific earthworks activity to provide for earthworks undertaken as part on normal operations on a horticultural property (or other farm), so that this activity can be specifically provided for in the plan (as explained elsewhere in this submission).	Insert new definition as follows:  <b><u>Ancillary rural earthworks</u></b> means any earthworks associated with the maintenance and construction of facilities typically associated with farming activities, including, but not limited to, farm tracks/roads (up to 6m wide), landings, stock races, silage pits, farm drains, farm effluent ponds, feeding pads, fencing and erosion and sediment control measures, and burying of material infected by unwanted

			HortNZ consider that there are a number of activities, typical of a working rural environment, which may be inappropriately captured by the earthworks rules in the proposed plan and/or would result in the rules being impractical to apply (e.g. keeping a tally of volumes of earthworks for each 12 months period for a number of discrete activities, typical of a rural environment).	<u>organisms (as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993).</u>
32	New definition - Seasonal worker accommodation	Support	As explained elsewhere – HortNZ seeks that the plan specifically provides for Seasonal Worker Accommodation.	Insert new definition as follows:  <b><u>Seasonal worker accommodation means the use of land and buildings for the sole purpose of accommodating the short-term labour requirement of a farming activity, rural industry or post-harvest facility.</u></b>
33	Activity Centre Network	Oppose in part	The structure of the activity centre network is acknowledged but the definition provides description and details that would best be included in the text of the Plan rather than a definition. It also appears that c) ii) isn't directly related to Rural Activity Centres	Amend to include description of activity centres in the text of the Plan rather than definitions.
34	Airfield	Oppose in part	HortNZ supports the use of the term 'airfield' to differentiate between airports and airfields	Amend the definition of airfield by adding:  <b><u>For the purposes of this plan airfields do not include commercial airports.</u></b>



			but it needs to be clear that an airfield is not an airport.	
35	Amenity planting	Oppose in part	The definition is extensive and applies across the district, including food producing trees, vines or bushes to supply residents on the site. The definition should be limited to Residential zones as planting on rural properties may be for purposes other than amenity.	Limit definition of amenity planting to Residential zones.
36	Ancillary structure	Oppose in part	The definition does not include ancillary structures that are part of rural production activities such as artificial crop protection structures or crop support structures. It is important that if ancillary structures are to be listed and specified that all such structures are included.	Amend the definition of ancillary structure by adding: structures for rural production activities such as artificial crop protection structures and crop support structures.
37	Audible bird scaring devices	Oppose in part	The definition is not exclusive so it is not clear what other devices may be considered to be audible bird scaring devices.	Amend the definition of audible bird scaring devices:  <del>A noise emitting device used for the purpose of disturbing or scaring birds, including gas guns and avian distress alarms, excluding firearms and vehicles used for that purpose.</del>  <u>Gas guns and avian distress alarms used for the purposes of disturbing or scaring birds, and excludes firearms and vehicles used for that purpose.</u>
38	Bank of any surface water body	Oppose in part	HortNZ seeks that this definition be amended to exclude artificial	Amend to insert exclusion:

			watercourses. As currently worded, there is potential for artificial watercourses to be included. This would result in rules, such as setbacks from waterbody's, applying to artificial watercourses. This is not appropriate given the primary purpose of these structures is the implementation of good management practices. It is important that regulation does not hinder the operation, maintenance and repair of these structures as this runs the risk of disincentivising uptake of good management practice and impacting the effectiveness in managing environmental effects.	"...within the coastal marine area, <u>this excludes artificial watercourses.</u>
39	Earthworks	Support	The definition is consistent with the National Planning Standards definition.	Accept
40	Electricity distribution/ Electricity distribution line	Oppose in part	There are multiple definitions and terms used for electricity distribution which is confusing in the plan. There should be a clear purpose for inclusion of specific definitions to avoid confusion.	Ensure that definitions relating to electricity distribution are used in the Plan and are required.
41	Helicopter landing areas	Oppose in part	GRUZ-R27 provides for helicopter movements ancillary to rural production. Therefore, landing areas used for rural production should be excluded from the definition.	Add an exclusion for helicopter landing areas ancillary to rural production activities.

42	Indigenous vegetation clearance	Oppose	<p>The proposed definition seems to include a range of actions that are not means of clearing or removing vegetation such as irrigation, drainage or stop-banking. Activities such as overplanting or over-sowing require more clarification that this would not apply to planting or sowing of indigenous species.</p> <p>HortNZ seeks the exclusion of vegetation clearance relating to routine works for existing activities and works necessary to support survival and productivity of horticulture crops.</p> <p>Productive rural land use requires the ability to manage vegetation species and growth to ensure production activities are not compromised. Unmanaged vegetation, including shelter belts, can cause root intrusion or overhang of productive land as well as adverse shading effects, infrastructure (tracks, pipes, buildings) disruption and harbour pests and diseases.</p> <p>HortNZ has sought an amendment to the rules to provide for these as permitted</p>	<p>Retain EIB-R1.4 and amend the definition:</p> <p><del>The clearing or removal of indigenous vegetation by any means, including over-grazing, cutting, crushing, cultivation, spraying, irrigation, chemical application, drainage, stop banking, overplanting, over sowing, or burning</del>  <u>The modification, burning, cutting, crushing, spraying and removal by physical, mechanical, chemical or other means of indigenous vegetation.</u></p> <p>OR</p> <p>Accept submission point to EIB-R1.4 and amend the definition:</p> <p><del>The clearing or removal of indigenous vegetation by any means, including over-grazing, cutting, crushing, cultivation, spraying, irrigation, chemical application, drainage, stop banking, overplanting, over sowing, or burning</del>  <u>The modification, burning, cutting, crushing, spraying and removal by physical, mechanical, chemical or other means of indigenous vegetation. It does not include clearing:</u></p> <ol style="list-style-type: none"> <li>1. <u>Hedges, shelter belts and amenity plants, or</u></li> <li>2. <u>Vegetation along fences and around dams and ponds, or</u></li> <li>3. <u>Vegetation around public utility networks, or</u></li> <li>4. <u>Vegetation that impedes or is likely to impede flood flows, or</u></li> </ol>
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			activities. Should that submission point be accepted, HortNZ would still seek an amendment to the definition to refine the wording relating to actions deemed to be clearance or removal.	<p>5. <u>Vegetation for the maintenance of farms roads and tracks, or</u></p> <p>6. <u>Scatters trees, shrubs or regenerating bush amongst pasture or horticultural crops, or</u>  <u>Vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u></p>
43	Important infrastructure	Oppose in part	The CRPS provides for critical and regionally significant infrastructure. The PDP introduces a new term 'important infrastructure' that combines elements of both RPS definitions. The result is that provisions in the Plan may give a greater status to an activity than anticipated in the RPS. It would be preferable that the RPS terms were used in the Plan to ensure that the plan is giving effect to the RPS.	Delete the definition and usage of 'important infrastructure' and replace with critical infrastructure and regionally significant infrastructure as in the CRPS.
44	Intensive primary production	Support	HortNZ supports the definition of intensive primary production being either intensive indoor primary production as defined in the National Planning Standards or intensive outdoor primary production as defined in the Plan.	Accept
45	Major Hazard facility	Oppose in part	The definition is the same as the Health and Safety at Work (Major Hazard Facilities) Regulations 2016. A	Amend to provide clearer definition of major hazard facility

			determination on whether a facility is a major hazard facility is dependent on a separate assessment and so the definition is not clear as to what may be a major hazard facility for the purposes of the district plan.	
46	Noise sensitive activity	Support	HortNZ supports the activities identified as 'noise sensitive'	Accept
47	Primary industry	Oppose in part	The term primary industry is potentially confusing because of other uses of the term, even though it is defined in the Plan. Rural service industry would more clearly link the term to the definition of 'rural industry' and also better align with 'rural service activity'.	Delete definition (and replace reference to 'Primary Industry' throughout the Plan to 'Rural Service Industry')
48	Potentially contaminated land	Oppose	The inclusion of 'potentially' contaminated land linked to Schedule 3 in the Canterbury Land and Water Regional Plan would include any area where orcharding may have been undertaken, even though the activity has not resulted in 'contaminated land'. The NES for assessing and managing contaminants in soil does not specify potentially contaminated land and provides direction on when investigations are to be undertaken.	Delete definition of potentially contaminated land and rely on the NES for assessing and managing contaminants in soil.

49	Residual risk	Support	HortNZ supports inclusion of a definition for residual risk	Accept
50	Reverse sensitivity	Support	HortNZ supports inclusion of a definition for reverse sensitivity	Accept
51	Rural production	Support	HortNZ supports the specific definition of rural production, including ancillary activities	Accept
52	Rural service activity	Oppose in part	<p>The plan includes a definition for 'rural industry' which includes industry or business in a rural environment that directly supports, services or is dependent on primary production. The definition of rural service activity appears to replicate this definition.</p> <p>In addition, the terms 'rural industry' and 'rural service industry' are used in the same context in the plan – i.e. 'Rural Industry, Rural Production, and/or Rural Service Industry' requires consent in Large Lot Residential, Low Density Residential etc.</p>	Delete definition rural service activity.
53	Rural selling place	Oppose in part	The rule manages rural selling places by means of areas restrictions, hours of operation, staff etc. HortNZ does not consider it is effects based to limit the definition to only produce grown on site, as sometimes growers may sell multiple items.	Amend definition: The use of land and/or buildings on, or within which, rural produce <del>grown or produced on site,</del> and products manufactured from it, are offered for sale to the general public.

54	Sensitive activity	Support	HortNZ supports the activities identified as 'sensitive'	Accept
55	Shelterbelt	Support	HortNZ support the definition of shelterbelt	Accept
56	Surface water body	Oppose in part	It needs to be clear that surface waterbodies do not include artificial watercourses.	Amend definition to specifically exclude artificial watercourses
57	Surface water body - Fresh water or geothermal water in a river, lake, stream, pond, wetland, or any part thereof, that is not located within the coastal marine area.	Oppose in part	HortNZ seeks that for clarity this definition be amended to exclude artificial watercourses. The primary function of artificial watercourses is generally implementation of good management practices to avoid, minimise or mitigate environmental effects. It is important that regulation does not hinder the operation, maintenance and repair of these structures as could disincentivise uptake of good management practice and impact the effectiveness in managing environmental effects.	Amend to insert exclusion:  “...within the coastal marine area, <u>except this excludes artificial watercourses.</u> ”
58	New definition - Seasonal worker accommodation	Support	Include a definition for seasonal worker accommodation as it is distinct from visitor accommodation.	Include a definition for worker accommodation as follows:  <b><u>Seasonal worker accommodation means the use of land and buildings for the sole purpose of accommodating the short term labour requirement of a farming activity, rural industry or post harvest facility.</u></b>

59	<p>Indigenous Vegetation clearance</p> <p>The clearing or removal of indigenous vegetation by any means, including over-grazing, cutting, crushing, cultivation, spraying, irrigation, chemical application, drainage, stop banking, overplanting, over sowing, or burning</p>	Oppose in part	The definition is unreasonably restrictive.	<p>Amend definition as follows:</p> <p><u>...excluding:</u></p> <p><u>a. indigenous vegetation clearance associated with routine maintenance of shelter belts;</u></p> <p><u>b. indigenous vegetation clearance of scattered trees, shrubs or regenerating bush amongst pasture or horticultural crops; or</u></p> <p><u>c. vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u></p> <p>Or accept relief sought on indigenous vegetation clearance rules such that these activities are permitted.</p>
60	Versatile soils	Oppose	<p>Class III land is valuable to Selwyn growers also and should be included in the definition. HortNZ supports a focus on land rather than soil as there are other factors that should be considered that contribute to the versatility and productivity of land (e.g., access to water, growing degree days, climate, slope etc).</p>	<p>Amend as follows definition to include LUC III and or as assessed by more detailed site mapping.</p> <p>Land classified as Land Use Capability I or II <u>or III</u> in the New Zealand Land Resource Inventory-, <u>or as assessed by more detailed site mapping.</u></p>
<b>National Direction Instruments</b>				
61	National Policy Statements and Coastal Policy Statement	Support	Useful to the plan reader.	Accept



62	National Environmental Standards	Support	Useful to the plan reader.	Accept
63	Regulations	Support	Useful to the plan reader.	Accept
64	Water Conservation Orders	Support	Useful to the plan reader.	Accept
<b>Part 2 – District Wide Matters</b>				
<b>Strategic Directions</b>				
65	Directions Overview	Oppose in part	There is no reference to the rural community within the Strategic Directions Overview even though the description of the district states that the dominant land use in the district is farming, which is becoming increasingly diverse. It is important that the extensive rural land use is recognised in the strategic directions. The s32 Report for Strategic Directions notes that the chapter is an overview of the significant land use issues and key outcomes for future land use in the district and reflects those factors which are key to achieving the overall vision for the district. Rural land use and rural production are both identified in Selwyn 2031 and the CRPS and are important to the integration of land use in the district. Therefore, identifying a strategic direction in the Plan for the rural area is important to achieve integrated management.	Add a new strategic direction in SD - Overview:

66	New strategic objective - Rural	Support	There is a lack of a strategic objective for rural areas and primary production. Given the significance of the activity to the district it is important that there is an overarching objective to provide for the rural areas and primary production. It is important in relationship to the urban form and development objectives – they do not sit in isolation. The CRPS has Objective 5.2.1 e) and Policy 5.3.12 to provide for rural production and the district plan should give effect to these provisions	<p>Insert new strategic Objective – Rural as follows:</p> <p><u>Primary production and rural industry activities are able to operate efficiently and effectively and the contribution that they make to the economic and social wellbeing of the district is recognised.</u></p> <p><u>Productive and versatile land is retained for primary production to enable production of food.</u></p> <p><u>Development is located and designed which enables primary production activities to occur in rural areas and not be constrained by location of incompatible activities adjacent to rural production activities.</u></p>
<b>SD-DI - District Identity</b>				
67	<b>SD-DI-O2 District wellbeing and prosperity</b>	Support	The objective seeks to support Selwyn’s economy through efficient use of land, resources and infrastructure which ensuring existing activities are protected from incompatible activities. HortNZ supports the identification of incompatible activities as a matter to be addressed through the district plan, and seek to ensure that rural production activities are not compromised by location of incompatible activities in rural areas.	Retain SD-DI-O2

<b>SD-IR - Infrastructure, Risk and Resilience</b>				
68	SD-IR-O1 Community needs	Oppose in part	Objective SD-IR-O1 seeks that important infrastructure needs of the community are fulfilled and their operation is protected. The definition of 'important infrastructure' is wide ranging and having an objective to 'protect' all such infrastructure provides a very high status without considering the balance between other activities that interact with that infrastructure. While infrastructure is important it would be preferable that the objective 'recognised and provided for', thereby enabling infrastructure needs to be considered in a wider context. It is noted that even the NPSET does not 'protect' the National Grid – rather that it is 'recognised and provided for'. Therefore, the district plan is setting a higher threshold than the higher order documents.	Amend SD-IR-O1 as follows:  <del>The important infrastructure needs of the community are fulfilled, and their operation is protected.</del> <u>Infrastructure is able to provide for the needs of the community and their operation is recognised and provided for.</u>
<b>SD-UFD - Urban Form and Development</b>				
69	SD-UFD-O1 Compact and sustainable Township Network	Oppose in Part	HortNZ supports a strategic objective that seeks that urban growth is in and around existing townships and has a compact form. It is important that urban growth does not encroach onto highly productive land for food production, hence a compact	Amend SD-UFD-O1 as follows:  Urban growth is located only in or around existing townships and in a compact and sustainable form that aligns with its anticipated role in the Township Network, while responding to the community's needs, natural landforms, cultural values, and physical features, <u>and</u>

			form is supported. An addition to the objective is sought so that it seeks to avoid urban development on versatile soils and avoid creating incompatible activities.	<u>avoiding versatile soils and creating incompatible activities.</u>
<b>Energy, Infrastructure and Transport</b>				
<b>EI - Energy and Infrastructure</b>				
70	EI - Energy and Infrastructure	Oppose in part	<p>There is a confusing array of terms that are used in the Plan relating to energy and infrastructure, which leads to a complicated set of provisions.</p> <p>Terms include:</p> <ul style="list-style-type: none"> <li>• Electricity distribution</li> <li>• Electricity distribution line</li> <li>• Important infrastructure</li> <li>• Land transport infrastructure</li> <li>• Lifeline Utility</li> <li>• National Grid</li> <li>• National Grid yard</li> <li>• National Grid Subdivision Corridor</li> <li>• Significant electricity distribution line</li> <li>• Significant electricity distribution line (Islington to Springston)</li> <li>• Small and community scale electricity generation</li> <li>• Transmission line</li> </ul>	Revise the plan so that infrastructure is separated into regionally significant infrastructure as per the RPS and other infrastructure that is important to Selwyn district.

			<p>In addition, the RMA has a definition for infrastructure and the CRPS has definitions for critical infrastructure and regionally significant infrastructure and strategic infrastructure for the Greater Christchurch area.</p> <p>While using ‘important infrastructure’ to collectively address the various types of infrastructure it has the effect that all infrastructure that is classified as ‘important’ has the same status in the Plan even though the higher order documents may ascribe different levels of significance or importance. This leads to some infrastructure being elevated in significance and a planning framework applied that is inappropriate.</p> <p>For instance, the NPSET provides a framework in the Plan which is then applied across other electricity lines and infrastructure.</p>	
71	EI – O1	Oppose in part	<p>The objective seeks that important infrastructure is efficient, effective and resilient. It is not the role of the district plan to ensure that important infrastructure meets these</p>	Delete EI-O1 (1)

			objectives. The role of the district plan is to provide an environment in which infrastructure can operate, not how it operates	
72	EI-O3	Oppose in part	The objective seeks that the operation and security of important infrastructure is not compromised by other activities. This objective places a priority for important infrastructure above all other activities. Even the NPSET does not take such an approach as it has a caveat of 'to the extent reasonably possible.	Amend EI-O3: The operation <del>and security</del> of important infrastructure is <u>to the extent reasonably possible</u> not compromised by other activities and <u>reflecting the degree of importance of the infrastructure to the district</u>
73	EI-P6 Reverse sensitivity	Oppose in part	The policy seeks that incompatible activities are avoided This policy places a priority for important infrastructure above all other activities. Even the NPSET does not take such an approach as it has a caveat of 'to the extent reasonably possible.	Amend EI-P6: Manage activities to ensure that incompatible activities do not, to the extent reasonably possible, affect the efficient operation, maintenance, repair, upgrading, renewal or development of important infrastructure and renewable electricity generation. Alternatively include a specific policy for the National Grid and Renewable Electricity Generation that gives effect to the NPSET and NPWREG and a separate policy for other infrastructure
74	EI-R1 Activities in the National Grid Yard	Oppose in part	The rule seeks to limit the reticulation or storage of water in open channels, dams or reservoirs in the National Grid Yard. Such a blanket limitation is not effects based. The issue is where the channels, dams or	Amend EI-R1 1) Delete a)  Amend EI-REQ1 to include reference to reticulation or storage of water in open channels, dams or reservoirs

			reservoirs may block existing access to the National Grid structures and lines. If they do not obstruct access the activity should be permitted. EI-REQ1 relates to access and would be a consideration of the reticulation or storage of water in open channels, dams or reservoirs in the National Grid Yard.	
75	EI-R2 Structure in the National Grid Yard	Oppose in part	The rule does not provide for produce packing within the National Grid Yard. Produce packing can vary in scale from a small on-orchard shed to large scale Post harvest facilities. In previous plans Transpower has been concerned about the scale of post-harvest facilities, rather than small scale sheds which only operate seasonally.	Amend EI-R2 1) s) by replacing 'produce packing' with 'Post Harvest facilities.'
76	EI-R4 Structures near significant electricity distribution lines	Oppose	NZECP34:2001 sets out provisions for distances from electricity lines dependent on voltage. There is no need for duplication within the district plan.	Delete EI-R4 and rely on distances set out in NZECP34:2001
77	EI-R11 Upgrading of existing above ground network utilities	Oppose in part	Where an existing conductor is being upgraded the voltage should not be increased above that of its original design as a permitted activity. Such an increase can lead to adverse effects on landowners over	Amend EI-R11 e) by adding: or increase the voltage above that of its original design

			whose land the line traverses, leading to increased compliance with NZECP34:2001. Such landowners should be considered as part of such an upgrade.	
78	EI-R26 Artificial waterways and associated structures	Oppose in part	It is unclear what is intended by 'artificial waterways' as it is not a defined term in the plan. Artificial water bodies, such as drains, should be permitted regardless of whether they are owned by a network utility operator.	Define artificial waterway. Delete from EI-R26 "by a network utility operator"
79	EI-REQ1 Access to a National Grid Support structure	Support in part	As stated in EI-R1 above there should be inclusion of reticulation or storage of water in open channels, dams or reservoirs in the requirement, rather than limiting the activity in the rule.	Amend EI-REQ1 as follows: <u>Structures, earthworks or reticulation or storage of water in open channels, dams or reservoirs</u> within the National Grid Yard shall not result in vehicular access to the National Grid support structure being permanently obstructed.
80	EI-REQ2	Oppose	NZECP34:2001 has a setback of 5m for fences where the line is 66kV or greater. The NZECP34 standard should apply in the Plan	Amend EI-REQ2 by deleting 6m and replacing with 5m.
81	EI-REQ16 Site and zone boundary setbacks	Support	HortNZ supports that setbacks don't apply to pipes conveying water for community scale irrigation, or land drainage or stock water supply in the GRUZ.	Retain EI-REQ16 5 <sup>th</sup> bullet point.
<b>TRAN – Transport</b>				
82	TRAN-P4	Oppose in part	TRAN-P4 seeks to manage the number of vehicle movements per day in the General Rural Zone. This appears to be linked	Amend TRAN-P4: Enable vehicle movements for rural production activities within the General Rural Zone.



			to the amenity of the area rather than safety of the network. The General Rural Zone is a large area across a varying rural environment. Applying a maximum number of vehicle movements across the whole Rural Zone is not effects based as it does not take into account the varying environments that exist within the rural area. In particular HortNZ seeks that growers' activities are not constrained due to a degree of amenity which is not appropriate in the Rural Zone. The numbers of vehicle movements need to reflect rural production activities.	
83	TRAN-R7 Rural vehicle movements and associated parking	Oppose	TRAN-Table 1 sets out maximum type and number of vehicle movements per day. If the numbers are exceeded the activity become restricted discretionary. It is important that rural production activities are provided for as a permitted activity to ensure that such production is enabled in the Rural Zone.	Amend TRAN-Table 1 by adding to each activity: excluding normal rural production activities.
84	TRAN-MAT4 Parking areas	Support	A matter of discretion is consideration as to whether an activity may have a lower demand for mobility parking. This is relevant in the rural	Retain TRAN-MAT4 (4) and (6)

			sector as it is unlikely that disabled workers would be employed within a rural industry. Therefore, it is relevant to consider a reduced number of mobility parking spaces.	
85	TRAN-MAT9 Vehicle movements	Oppose	Matter 9 seeks to assess any potential effects of traffic on the amenity values of surrounding residents and on other uses of the road. Given the importance of rural production activities in the rural zone it is not appropriate that rural production activity vehicle movements are constrained due to amenity of neighbours who may be lifestyles who inappropriately seek a different level of amenity in the GRUZ.	Amend TRAN-MAT9 (2) 'Any potential effects of traffic from <u>non-rural production activities</u> on the amenity of the surrounding residents and on other uses of the road.
<b>Hazards and Risks</b>				
<b>CL - Contaminated Land</b>				
86	CL-P1 Investigation of contaminated or potentially contaminated land	Oppose in part	Any investigation that is required needs to be consistent with the NESCS, which does not require production land investigations when continuing production land use. It should be clear in the policy that the NESCS is the basis of required investigations. This links with the fact that there are no rules but that the NESCS is the basis for the rules for contaminated land.	Amend CL-P1 by adding "as set out in the National Environmental Standard for assessing and managing contaminants in soil to protect Human Health Regulations 2011."

<b>NH - Natural Hazards</b>				
87	NH-O1	Support in part	Objective O1(2) seeks that risks of natural hazards are appropriately mitigated. Where the risk can be reasonably quantified, such as coastal, flood or geotechnical then mitigation is appropriate. However, the risk of wildfire is more difficult to quantify and mitigation less quantifiable. Development should not be limited by the difficulty to quantify the risk.	Amend NH-O1 (2) by adding 'to the extent reasonably possible.'
88	NH-P3	Support in part	Wildfire risk exists outside high hazard areas so will be included within NH-P3. As stated above difficulty in quantifying the risk of wildfire should not preclude development occurring.	Amend NH-P3 by adding 'to the extent reasonably possible.'
89	NH-P20	Oppose in part	HortNZ is concerned about the adverse effects arising from restricting planting of shelterbelts, including the loss of highly productive land, animal welfare issues, mitigation of spraydrift, and location of shelterbelts in inappropriate locations. It is considered that landowners should setback residential units from boundaries to mitigate potential wildfire risk. HortNZ seeks that shelterbelts are recognised by including as part of rural production.	Amend NH-P20 by replacing 'restrict' with 'manage'.  Further relief could be provided by changing the definition of shelterbelt to include a minimum dimension (width and height) as smaller, well managed shelterbelts would be less of a fire risk.

90	NH-P22 New policy		Policy NH-P20 seeks to restrict planting of woodlot or shelterbelts that increase wildfire risk to residential units. But there is no complementary requirement that requires residential units to be setback from the boundary to mitigate risk of wildfire.	Add a new policy: NH-P22 Require residential units and accessways in the General Rural zone to be setback from boundaries to mitigate potential wildfire risk.
91	NH-REQ7 Wildfire setbacks	Oppose	The provisions do not require any responsibility of a landowner to appropriately locate a residential unit to mitigate potential wildfire risk.	Amend NH-REQ7 by adding additional points: 2) Any residential unit in the GRUZ shall be set back 30m from the boundary 3) Any accessway to a residential unit or principal building in the GRUZ shall be set back 5m from the boundary.  Amend Activity status when compliance not achieved to refer to NH-REQ7.2, 7.2 and 7.3
<b>HAZS - Hazardous Substances</b>				
92	HAZS-O1	Support	HortNZ supports the focus on benefits of hazardous substances and ensuring that risks are minimised to acceptable levels.	Retain HAZS-O1
93	HAZS-P1	Support	The focus on residual risk is appropriate	Retain HAZS-P1
94	HAZS-P2	Support	It is appropriate that the focus is on major hazardous facilities	Retain HAZS-P2
95	HAZS-P3	Support	It is appropriate that the focus is on major hazardous facilities	Retain HAZS-P3

96	HAZS-P4	Support	Requiring sensitive activities to be set back from significant hazardous facilities is supported	Retain HAZS-P4
97	HAZS-R1 Use and/or storage of hazardous substances, excluding a major hazard facility	Support	HortNZ supports use and storage of hazardous substances that relies on national regulations under HSNO to manage such uses.	Retain HAZS-R1
<b>New matter – Biosecurity</b>				
98	PX New policy and rule for biosecurity	Support	There is considerable risk to the community through management of incursions of unwanted organisms in the district. This is where a new organism is found under the Biosecurity Act. There is a council role to enable the removal and destruction of infected material through provision for burial of infected material and removal, particularly from areas such as riparian margins where vegetation removal is restricted.	<p>Include a new policy in NH -PX as follows:</p> <p>Biosecurity risk: Enable the removal and destruction of material infected by unwanted organisms that are being managed as part of Biosecurity response under the Biosecurity Act 1993.</p> <p>Include a definition for 'material infected by unwanted organisms': 'Material infected by unwanted organisms as declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993'.</p> <p>Include a rule to provide for: 'removal and burying of infected material for biosecurity purposes' as a Permitted Activity.</p>
<b>Historical and Cultural Values</b>				
<b>SASM - Sites and Areas of Significance to Māori</b>				
99	SASM-P1	Support in part	HortNZ seeks that ancillary rural earthworks are enabled.	Consequential change required to (d), in relation to relief sought, regarding ancillary rural earthworks.
100	SASM-R2 Earthworks	Oppose in part	This earthworks rule appears to be more or less consistent with the operative plan in terms of	Amend to include a permitted activity condition for ancillary rural earthworks in the Nga Turanga Tupuna Overlay.

			<p>Wahi Tapu Overlay and Wahi Taonga areas, however this is a new requirement for the Nga Turanga Tupuna Overlay.</p> <p>While areas of existing disturbance are recognised, there may still be some ‘normal’ farming earthworks which would either trigger this or the 200mm depth activity standards.</p> <p>Provided the activity is undertaken within reasonable limits (which is provided by defining ancillary rural earthworks – as proposed elsewhere in this submission).</p> <p>The consent requirement otherwise appears to be overly onerous and expensive for ‘normal’ farming operations, for example likely to cost in excess of \$10,000 and require written approval of the relevant Rūnanga, and Heritage New Zealand Pouhere Taonga.</p> <p>Refer also to explanation provided in the submission text above (SASM – Sites and Significance to Māori).</p>	<p>Where: The earthworks are: <u>aa. Ancillary rural earthworks; or</u> ...</p> <p>Support clause stating that an application arising from this rule should not be subject to public notification.</p>
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<b>Natural Environment Values</b>				
<b>EIB - Ecosystems and Indigenous Biodiversity</b>				
101	EIB-P1	Oppose	<p>HortNZ supports a clear path for identifying significance and the scheduling of significant areas where appropriate. However, HortNZ generally opposes the proposed provisions and the schedules. In summary the reasons being:</p> <ul style="list-style-type: none"> <li>• a catch-all approach which fails to prioritise resources appropriately and is likely to result in perverse outcomes,</li> <li>• a distinct lack of information and justification in the s32 reports or background documents, and</li> <li>• duplication with regional council, particularly Farm Environment Plan requirements.</li> </ul> <p>This is discussed further in the submission.</p>	Accept other submission points by HortNZ.
102	EIB-P2	Support	<p>HortNZ supports:</p> <ul style="list-style-type: none"> <li>• a collaborative approach to identifying and scheduling areas of significance, and</li> <li>• consistency with national priorities.</li> </ul>	Accept
103	EIB-P3	Oppose in part	HortNZ supports the intent of this policy and supports	Amend to provide more direction on the meaning of “small scale, low impact” activities.

			provision to enable continuation of existing activities. However, there is the potential for uncertainty without defining what is meant by “small scale, low impact” activities.	
104	EIB-P4	Oppose	<p>HortNZ does not oppose general clearance of indigenous vegetation within identified SNAs. However, the provisions and schedules apply a catch-all approach to significance.</p> <p>The s32a report recognises that many landowners and land managers are already undertaking considerable efforts to voluntarily restore indigenous vegetation. There is the potential for this rule to have perverse implications whereby farms and growers are disincentivised from undertaking such restoration planting in fear that such planting may then become subject to additional regulation that would then hinder the wider primary production activity.</p> <p>In addition, there needs to be provision for rapid response to a biosecurity incursion.</p>	<p>Adopt HortNZ’s other submission points and amend to insert an exclusion:</p> <p>...where the activity would adversely affect indigenous biodiversity values <u>except</u>:</p> <p>i) <u>where earthworks and clearance are to manage vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u></p> <p>Or delete provisions.</p>
105	EIB-P5	Oppose	There is no justification in the s32 reports or the background documents for the proposed	Delete policy or provide evidence and amend to avoid duplication of consenting requirements.



			setbacks. The catch-all approach creates uncertainty about what might be identified as significant and as the policy relates to any vegetation (not just indigenous) this could significantly impact the ability to undertake routine weed and pest management. Additionally, the significance creation is so broad it could capture horticultural land as a buffer or linkage which would make the operation unviable.	
106	EIB-P7	Oppose	The biodiversity management plans are duplication of the farm environment plan requirements by the Regional Council.	Delete policy or provide evidence and amend to avoid duplication of consenting requirements.
107	EIB-P8	Support	HortNZ supports the policy recognition to consider biodiversity offsets for residual effects that will ensure at least no net loss. This policy balances the values associated with indigenous biodiversity with the values associated with highly productive land.	Accept
108	EIB-R1	Oppose in Part	The symbol indicating immediate legal effect is shown on EIB-R1 heading which indicates all the rules in that section have immediate legal effect – however, then there are rules within that section that also contain the symbol and some	Provide clarification on which rules have immediate legal effect.

			that do not. Clarification is required on what rules under EIB-R1 have immediate legal effect.	
109	EIB-R1.4 Indigenous Vegetation Clearance and Earthworks	Support	<p>HortNZ supports the permitted activity status of indigenous vegetation clearance in the General Rural Zone. Many of the activities covered in the standards are critical to implementing and maintaining good management practices that assist in managing wider environmental impacts of horticulture.</p> <p>HortNZ supports the intent to provide for biosecurity incursions through proposed standard k). However, as explained elsewhere in the submission, only when a biosecurity emergency is declared by the Governor-General on the recommendation of a Minister (s144 BA), can the emergency provisions in the Biosecurity Act 1993 override the RMA provisions and such a declaration has never been made (even during the PSA incursion).</p> <p>In other situations, a Chief Technical Officer can notify the</p>	<p>Retain and amend the definition of indigenous vegetation clearance.</p> <p>Or Amend the rule to insert additional standards:</p> <p>....</p> <p><u>o. indigenous vegetation clearance associated with routine maintenance of shelter belts;</u></p> <p><u>p. indigenous vegetation clearance of scattered trees, shrubs or regenerating bush amongst pasture or horticultural crops; or</u></p> <p><u>q. vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u></p>

			<p>MPI Director-General about an unwanted organism but the biosecurity response mechanisms are still subject to RMA plan controls. With such a declaration the regional and district plan rules still need to be met regarding the disposal of infected material. Given the urgency required in such a situation, it is not practical to have to obtain resource consent. As such, HortNZ seeks that reference to a Chief Technical Officer declaration be included in the clause.</p> <p>HortNZ also seeks provision for vegetation clearance relating to routine works for existing activities and works necessary to support survival and productivity of horticulture crops.</p> <p>Productive rural land use requires the ability to manage vegetation species and growth to ensure production activities are not compromised. Unmanaged vegetation, including shelter belts, can cause root intrusion or overhang of productive land as well as adverse shading effects, infrastructure (tracks, pipes,</p>	
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			<p>buildings) disruption and harbour pests and diseases.</p> <p>HortNZ has sought an amendment to the definition of indigenous vegetation clearance to exclude these activities. However, an alternative approach is to provide for these as permitted activities.</p>	
110	EIB – R1.6	Oppose in part	<p>HortNZ supports the provision for indigenous vegetation clearance within a SNA in certain circumstances. In particular, clauses a) and c) which allows for common good management practices.</p> <p>However, as detailed above, there is a need to provide for indigenous vegetation clearance within a SNA in the event of a biosecurity incursion.</p>	<p>Amend to inset additional clause:</p> <p><u>g. indigenous vegetation clearance where that vegetation is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u></p>
111	EIB – R1.16 Mudfish Habitat Overlay – Vegetation clearance.	Oppose	<p>This rule does not just apply to indigenous vegetation – it applies to all vegetation. There are a number of horticulture operations within this overlay. This therefore could apply to harvesting of crops, removal/maintenance of orchards and standard pest and weed management practices.</p>	<p>Delete rule or amend to address HortNZ concerns.</p>

			<p>There is no detailed analysis or clear justification in the s32a reports or in the background reports relating to the proposed rules and this overlay in general.</p> <p>Given the definitions of “water” and “drain”, as worded this rule could apply to slow draining paddocks following heavy rainfall or flooding. These drains are necessary practice to prevent ponding and crop rot following rainfall. It is essential that routine maintenance or works in response to flooding be provided for in order to maintain the productivity of the land.</p> <p>As detailed elsewhere in this submission, providing for routine maintenance of shelter belts and rapid response to biosecurity incursions are critical to maintaining good management practice and protecting wider biodiversity values.</p>	
112	EIB R1-18 Mudfish Habitat Overlay - Earthworks	Support	HortNZ’s support is provision on the retention of the definition of earthworks which excludes cultivation and land disturbance for fence posts.	Accept
113	EIB – R1.22 Management Overlay: Canterbury Plains	Oppose	There appears to be no clear justification for the proposed setbacks and the definition of	Delete rule.

			<p>the “bank of any surface water body” is particularly confusing. HortNZ is unsure what the 20m setback would apply to and whether this duplicates setbacks within the Canterbury Land and Water Plan.</p> <p>HortNZ has sought changes to the definitions of wetland and surface water body.</p> <p>Provision should be made for clearance of indigenous vegetation in the event of a biosecurity incursion.</p>	
114	EIB-R1.24	Oppose	<p>The jump from permitted activity to discretionary activity status for vegetation clearance not in an SNA is unjustified. HortNZ deems that there is scope for this activity to be considered as a restricted discretionary activity, applying the matters of discretion.</p> <p>Furthermore, clause b) does not take into account the balance between biodiversity values and the values associated with highly productive land. Horticultural activities are limited in where they can locate. With the spread of urbanisation, many horticultural activities are</p>	Amend to a restricted discretionary activity and include appropriate matters of discretion.

			<p>being forced to move to new areas, including those that previously have not been cultivated. In the absence of the finalised NPS-HPL, it is deemed appropriate to consider land classified as LUC 1-3 as potentially highly productive. The rule should provide the ability for clearance on previously uncultivated LUC 1-3 that contains improved pasture – where it can be shown that there is potential for productive capacity through modification and/or investment.</p> <p>It may be more appropriate to split the rule into two separate rules, where clause a) is restricted discretionary and clause b) (with HortNZ's proposed amendments) as a discretionary activity.</p>	
115	EIB-R2 Earthworks within an SNA	Support	Support reference to <u>EIB-R1.4</u> and <u>EIB-R1.6</u> which provide exclusions. In particular support exclusions in relation to biosecurity incursions.	Accept
116	EIB-MAT 1 Indigenous vegetation clearance	Support	<p>HortNZ generally supports the assessment criteria which takes into account:</p> <ul style="list-style-type: none"> <li>the nature, scale, intensity and location of clearance</li> </ul>	Accept

			<ul style="list-style-type: none"> <li>the potential for mitigation, remedying, offsetting or compensation of adverse effects, and</li> <li>any benefits resulting from the proposed activity</li> </ul>	
117	EIB-Mat 2 Criteria that Limit Indigenous Vegetation Clearance	Oppose	HortNZ's opposition to the criteria stems from the lack of information provided in the s32a report and in the background documents on this particular overlay area.	Delete
118	EIB-SCHED2 – Biodiversity Management Plan Requirements	Oppose	<p>Need to focus on outcomes rather than dictating a prescriptive process. HortNZ questions the relevance of some of the data requirements (such as historical land management) to working towards the enhancement of biodiversity values. HortNZ believes the identification of existing and potential values, and actions (that align with GMP) to assist in maintaining and where possible enhancing values should be sufficient.</p> <p>Mapping data requirements – Council will already have access to many of the required layers. Annual subscriptions to GIS can be expensive.</p>	Reject. Delete schedule and any undertake any consequential amendments required.



			– monitoring to be conditions of consent. Plan does not prescribe how or who undertakes monitoring or who results are reported too. How can we incorporate this into GAP/FEP systems. Likely to be a requirement in the future with the NPSIB and it would be more appropriate to do a plan change once it is gazetted.	
<b>NATC - Natural Character</b>				
119	NATC-01	Support	HortNZ has sought changes to the definition of surface water bodies to ensure this does not apply to flooded paddocks or artificial water bodies where the primary function is good farm management practice.	Accept and adopt changes to definitions as sought by HortNZ.
120	NATC-02	Support	HortNZ supports recognition of tangata whenua relationships with water bodies	Accept
121	NATC-P1	Oppose in part	HortNZ's support for this policy is contingent on the adoption of submission points within the NATC chapter.	Accept and adopt submission points relating to the NATC chapter and relating to definition of surface water body.
122	NATC-R1 Setbacks from water bodies – earthworks and earthworks stockpiles	Oppose in part	HortNZ's support is conditional on the adoption of changes to the rule requirement NATC-REQ1 and changes to the definition of surface water body.  HortNZ does not oppose the restricted discretionary activity status, or the matters to which	Accept and adopt submission points relating to NATC-REQ1.

			discretion is restricted, for those activities that cannot meet HortNZ's amended version of NATC-REQ1.	
123	NATC-R2 Setbacks from water bodies – buildings and structures	Oppose in part	<p>HortNZ's support is conditional on the adoption of the submission point relating to the rule requirement NATC-REQ2 and changes to the definition of surface water body.</p> <p>HortNZ does not oppose the restricted discretionary activity status, or the matters to which discretion is restricted, for those activities that cannot meet HortNZ's amended version of NATC-REQ2.</p>	Accept and adopt submission points relating to NATC-REQ2.
124	NATC-R3 Setbacks from Surface Water bodies – horticultural planting, woodlots and shelterbelts	Oppose in part	<p>HortNZ's support is conditional on the adoption of the submission point relating to the rule requirement NATC-REQ3.</p> <p>HortNZ does not oppose the restricted discretionary activity status, or the matters to which discretion is restricted, for those activities that cannot meet HortNZ's amended version of NATC-REQ3.</p>	Accept and adopt submission points relating to NATC-REQ3.
125	NATC-R4 – Setbacks from Surface Water bodies - Signs	Oppose in part	HortNZ's support is conditional on the adoption of the submission point relating to the rule requirement NATC-REQ4.	Accept and adopt submission points relating to NATC-REQ4.

			HortNZ does not oppose the restricted discretionary activity status, or the matters to which discretion is restricted, for those activities that cannot meet HortNZ's amended version of NATC-REQ4.	
126	NATC-REQ1.4 Setbacks from surface water bodies – earthworks and earthworks stockpiles	Oppose in part	<p>Clause 4 applies a blanket 20m setback to all surface water bodies. The s32 reports and background documents do not provide any clear justification for the 20m setback, other than protecting the ability to take esplanade which under the RMA does not apply to all surface water bodies.</p> <p>The definition of earthworks (a National Planning Standards definition) excludes cultivation. This then implies that cultivation up to the waterbody is a permitted activity.</p> <p>HortNZ's Erosion and Sediment Control Guidelines sets out the good management practices that would be appropriate to avoid or mitigate potential adverse effects from sediment. This may include construction of a bund or a sediment trap depending on the nature of the site. However, in order for such</p>	<p>Amend the rule as follows:</p> <p>4. All earthworks and earthworks stockpiles are to be located at least 20m from the bank of any surface water body, <u>except that:</u></p> <p>a) <u>Earthworks within 20m of the bank of any surface water body are permitted where the earthworks are:</u></p> <p>i) <u>associated with measures to mitigate potential environmental effects of cultivation; and</u></p> <p><u>managed in a certified Farm Environment Plan under the Canterbury Land and Water Regional Plan.</u></p>

			<p>good management practices to be implemented effectively, earthworks would be required. It seems at odds that resource consent would be required for the earthworks necessary to mitigate potential effects from the permitted cultivation activity. This is likely to result in less effective mitigations being utilised in order to avoid the cost and time of a consent application.</p> <p>We note that this particular activity is also managed in the Farm Environment Plan required by the Canterbury Land and Water Regional Plan. Accordingly, HortNZ seeks that an exclusion be provided for earthworks within 20m of a surface water body where the activity is managed in a certified Farm Environment Plan and the earthworks form part of a mitigation method.</p> <p>HortNZ does not generally oppose the restricted discretionary status, or matters of discretion, for those activities that cannot meet the permitted standards.</p>	
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127	NATC-REQ2 Setbacks from surface water bodies – buildings and structures	Oppose	<p>The proposed setback distances will have significant implications on the productive capability of rural land. It is noted that the Department of Conservation requested via email that Council seek setbacks greater than the esplanade. However, the s32 reports and the background reports do not provide any clear justification for the setbacks proposed. Neither does the email from the Department of Conservation provide any validation or evidence to support their request. HortNZ is of the opinion that the s32 report does not adequately consider the full costs of implementing such setbacks to landowners, land managers or to the values associated with highly productive land.</p> <p>The definition of buildings and structures will capture artificial crop protection structures. The physical nature of these structures is not dis-similar to fence and signage posts which are excluded from the rule. Should the land be subdivided, the structures are easily removable such that the ability</p>	<p>Amend the rule:</p> <ol style="list-style-type: none"> <li>1. All buildings and structures excluding fence and signage posts, <u>pump stations and artificial crop protection structures</u> shall comply with the following setbacks from any surface water body: <ol style="list-style-type: none"> <li>a. <del>400</del> <u>20</u>m from the bank of any lake and any wetland adjoining a lake;</li> <li>b. <del>25</del> <u>20</u>m from the bank of any surface water body listed in <a href="#">NATC-SCHED1</a> or <a href="#">NATC-SCHED2</a>, other than from the bank of any lake and any wetland adjoining a lake, where NATC-REQ2.1.a. applies;</li> <li>c. 20m from the bank of any surface water body listed in <a href="#">NATC-SCHED3</a>; and</li> <li>d. 10m from the bank of any other surface water body.</li> </ol> </li> <li>2. <u>A pump station must be setback a minimum of 5m from any surface water body.</u></li> </ol>
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			<p>to take esplanade is not impeded.</p> <p>Pump stations would be classified as a building. It is necessary and more efficient to locate pump stations in close proximity to water bodies.</p> <p>HortNZ has sought an amendment to the definition of surface water body to provide clarity that this excludes artificial watercourses.</p>	
128	NATC-REQ3 Setbacks from Surface Water Bodies – Vegetation Planting	Oppose in part	<p>The s32 report does not provide any justification for the 10m setback applied to horticultural planting. There is also limited discussion in the s32 report on why excluding such planting from proximity to waterbodies is necessary. Given the limited supply of land suitable for horticulture, there is a real need to maximise land available. A 10m setback will have significant impacts to the productive capacity of the land and in turn the economic viability of the horticultural operation.</p> <p>HortNZ's good management practice Erosion and Sediment Control for Vegetables is also applicable to fruit. In both</p>	Delete.

			instances, measures can be put in place to manage sediment and erosion issues such that there will be no, to little, effect on the water quality. Again, this is something that will be monitored through the Farm Environment Plans required by Environment Canterbury.	
129	NATC-REQ4 – Setbacks from Surface Water Bodies – Signs	Oppose in part	<p>Signage is an important means of notifying the public when agrichemical spraying is taking place. Signage is identified as good management practice in the NZS8409:2004 Management of Agrichemicals. In an instance where a horticultural activity borders a public space that contains a surface water body, or where spraying is taking place within a farm that contains a surface water body, signage may be necessary.</p> <p>HortNZ seeks an exclusion for signage relating to agrichemical spraying or other matters that may impact the health and safety of people or animals.</p> <p>HortNZ notes that the effects of spraying on the environment (including on water bodies) is managed by the Canterbury Air</p>	<p>Amend:</p> <p>1. Signs shall not be located within:</p> <p>a. 20m of the bank of any surface water body listed in <u>NATC-SCHED1</u> or <u>NATC-SCHED2</u> or <u>NATC-SCHED3</u>, excluding lakes; and</p> <p>b. 10m from the bank of any other surface water body.</p> <p><u>2. Except that signs relating to the notification of agrichemical spraying or other risks to the health and safety of people and animals shall be permitted within 5m from the bank of any surface water body.</u></p>

			Regional Plan and Canterbury Land and Water Regional Plan.	
130	NATC – Sched2 – Waterbodies adjoining Rural Zones 1	Oppose in part	Nearly all of these rivers will adjoin horticultural sites at some point in their course. The result being potentially significant reductions in productive land for fresh fruit and vegetables.	Accept HortNZ's submission relating to the NATC chapter and to the definition of surface water body.
131	NATC – Sched3 – Waterbodies adjoining Rural Zones 2	Oppose in part	Nearly all of these rivers will adjoin horticultural sites at some point in their course. The result being potentially significant reductions in productive land for fresh fruit and vegetables.	Accept HortNZ's submission relating to the NATC chapter and to the definition of surface water body.
<b>NFL - Natural Features and Landscapes</b>				
132	NFL-P1	Support	HortNZ does not generally oppose this provision	Accept
133	NFL-P2	Oppose in part	Rural production activities require the use of buildings and structures that are critical to the functioning and operation of those activities. In some instances, structures can form part of good management practice. They are working environments and form part of the rural character, amenity and rural landscapes. In associating these activities with the “openness” of landscapes creates assumptions about the rural environment that buildings and structures are not expected at all.	Amend as follows:  d. recognising the existence of working <del>pastoral</del> -primary production farms and their contribution to the <del>openness of</del> visual amenity landscapes.



			Also, the policy should reference primary production generally and not pastoral farming which is an undefined term in the proposed plan.	
134	NFL-R3	Oppose	A 300m setback for horticultural planting, woodlots and shelterbelts is excessive and unjustified.	Delete rule
135	NFL- MAT1	Support	Particularly support recognition of the continuation of rural production.	Accept
136	NFL – MAT3	Support	Particularly support the recognition of the functional needs or operational needs for location being a consideration	Accept
<b>PA - Public Access</b>				
137	PA-P1	Oppose in part	<p>HortNZ seek the recognition of the loss of public benefit from the loss of highly productive land when determining whether to require public access.</p> <p>Where land is classed LUC 1-3 and where that land is utilised for horticulture, or has the potential to be used by horticulture, consideration should be had for the potential or actual loss of fresh fruit and vegetables to communities.</p> <p>In addition to the loss of land, public access is likely to result in reverse sensitivity issues arising</p>	<p>Amend:</p> <p>Require public access to and along listed surface water bodies and the coastal marine area in and adjoining townships, and in specified rural areas, where:</p> <ol style="list-style-type: none"> <li>1. it will not adversely affect the natural character, conservation values, or cultural values of the surface water body or the coastal marine area;</li> <li>2. it: <ol style="list-style-type: none"> <li>a. strengthens existing public access or provides access to significant surface water bodies and the coastal marine area; or</li> </ol> </li> </ol>

			<p>as some members of the general public complain of noise, spray and visual amenity. Reverse sensitivity issues contribute to the loss of productivity by limiting operation.</p> <p>It should be noted that even if an esplanade reserve, strip or accessway is provided for public use, where this facility is located in the rural environment, the rural character and form much a part of the landscape as the subject water body.</p> <p>HortNZ supports clause 4 that takes into account the risk to public health and safety. Many horticultural operations require the use of agrichemical sprays to ensure plant health and the use of heavy machinery. Allowing public access along land adjoining horticultural operations has the potential to increase health and safety risks.</p> <p><i>HortNZ questions why esplanade mechanisms cannot be used for public access, as well as the other functions listed in PA-P2.</i></p>	<p>b. it facilitates access by Ngāi Tahu mana whenua to the coastal marine area, Te Waihora and coastal hāpua and wetlands for mahinga kai and other customary uses;</p> <p>3. such access will provide a community benefit;</p> <p>4. <u>such access avoids versatile soils and does not materially reduce the productive potential of soils or established rural production activities;</u> and</p> <p>5. there is an acceptably low risk to public health or safety.</p>
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138	PA-P2	Support	The reasons for obtaining esplanade are consistent with the RMA	Accept
139	PA-REQ1.1 Creation of Esplanade Reserves	Support	HortNZ does not encourage the subdivision of GRUZ for non-productive uses, as smaller lot sizes generally hinder the productive capacity of that land.	Accept this rule and amend the definition of surface water body.
140	PA-REQ1.3	Oppose in part	An exemption should be provided where public access is deemed to be a health and safety risk.	Amend as follows:  3. Except as provided for in PA-REQ1.4., every esplanade reserve shall contain all the following characteristics:  a. Provide public access <u>where there is low risk to public health and safety</u> ; and b. Have a reserve width of at least 20m.
141	PA-REQ2	Oppose in part	Where land set aside is created from a different mechanism (such as s236 or s232), it does not make sense to extend the area as reserve which is a separate tool and is managed differently than other tools such a strip.	Amend as follows:  1. Where any allotment adjoins any land that has previously been set aside as an esplanade reserve or otherwise as described in s236 RMA, and that land has a width of less than required by <u>PA-REQ1 Creation of Esplanade Reserves</u> : An esplanade reserve, <u>or strip or public access</u> , shall be provided adjoining the land previously set aside or reserved, which shall be of the width required by <u>PA-REQ1 Creation of Esplanade Reserves</u> , <u>PA-REQ4 or PA-REQ5 (whichever is relevant)</u> less the width of the land previously set aside or reserved.
142	PA-REQ4 Esplanade Strips	Support	Generally, the subdivision of highly productive land to small	Accept

			lot sizes reduces the productive capacity of that land.	
143	PA-REQ5 Access strips	Support	HortNZ recognises the need for tangata whenua to maintain a relationship with the land and water and to exercise customary rights. The matters of discretion provide the opportunity for co-operation between Runanga and landowners where access is not appropriate or suitable.	Accept
144	PA-MAT1 – Purpose of Esplanade Reserve or Esplanade Strip	Support	The listed matters are consistent with requirements for esplanades in the RMA.	Accept
145	PA-MAT2 – Width of Reserve or Strip	Support	HortNZ does not oppose this criterion	Accept
146	PA-MAT3 Access to Reserves or Strips	Oppose in part	HortNZ would seek certainty that provision of access to an esplanade reserve or strip would be at the cost of Council.	Accept
147	PA-SCHED1 Waterbodies where esplanade reserve required	Support	No esplanade reserves are required in the rural zone. This is supported as it sends a strong signal that subdivision below 4ha is not conducive to maintaining productivity of highly productive land or versatile soils.	Accept
148	PA-SCHED2 – Waterbodies where esplanade strips required	Support	These are critical waterbodies for horticultural operations. However, given the relevant rules only applies when a lot smaller than 4ha is created, this lends to protecting rural land for rural production purposes.	Accept

<b>Subdivision</b>				
<b>SUB – Subdivision</b>				
149	SUB- Overview	Oppose in part	HortNZ is concerned that the General Rural Zone includes Special Control Areas (SCA) that are in essence rural lifestyle blocks. It is sought that a Rural Lifestyle zone be added to the Plan to better provide for such SCA's.	Consequential changes throughout the subdivision chapter to incorporate a Rural Lifestyle Zone for SCA-RD8- SCA-RD18.
150	SUB-O3	Oppose in part	The objective refers to 'the anticipated development outcomes' of the zone. It should be clear in the Zone chapters what the anticipated development outcomes are so that it is clear what the objective is seeking to achieve.	Clearly identify the anticipated development outcomes of the zones.
151	SUB-P3	Oppose in part	The policy sets out the various features that are required for a subdivision. It includes an adequate size and shape to contain a building square. It should be clear that the building square needs to be within the required setbacks for the zone.	Add to SUB-P3 (2) 'within the required setback for the zone.'
152	SUB-P11 New policy	Support	There is no policy to consider versatile land or highly productive land when assessing subdivision. HortNZ seeks that a new chapter for highly productive land be added to the Plan and seek that consideration is given at the time of subdivision.	Add a new Policy – SUB-P11: Within the General Rural Zone ensure that subdivision does not compromise the use of highly productive land and versatile land for rural production activities.

153	SUB-R2 Subdivision in the General Rural Zone	Oppose in part	Rule SUB-R2 refers to a schedule in the General Rural Zone Chapter. The schedule would be more appropriately located in the subdivision chapter.	Move GRUZ- SCHED2 Residential density from GRUZ to SUB chapter.
154	SUB-RXX New rule	Support	HortNZ seeks a new Rural Lifestyle Zone. A new rule needs to be included for Subdivision in the RLZ based on the provisions in Table SUB- 6 for rural density Specific control areas.	Include a new rule for subdivision in the new Rural Lifestyle Zone based on Table SUB-6.
155	SUB-R11 Open space subdivision	Oppose in part	It is unclear why the rule is entitled 'Open space' subdivision when it is the default rule where minimum lot sizes are not met.  Matters of discretion 4 c) ii) provides for potential reverse sensitivity effects with activities on surrounding sites. In the General Rural Zone this is important to ensure that subdivision will not compromise rural production activities.	Rename SUB-R11 Subdivision where minimum standards not met.  Retain Matters of discretion 4 c) ii)
156	SUB-REQ1 Site area	Oppose in part	SUB-REQ1 sets out the site areas for a range of zones but does not include the General Rural Zone. This could create the impression that there are no site areas for the GRUZ. The areas are set out in GRUZ- SCHED2 and it would be more appropriate that the schedule is	Move GRUZ-SCHED2 to SUB-REQ1  Include SCA-RD8 – SCA-RD18 from GRUZ- SCHED2 as a separate Rural lifestyle zone.

			included in SUB-REQ1 along with other zone requirements.	
157	SUB-REQ5 Number of sites	Oppose in part	SUB-REQ5 sets out the number of sites for SCA-RD-8 - SCA-RD18 which are specific control areas within the General Rural Zone. HortNZ seeks that these are moved into a new Rural Lifestyle zone rather than as SCA.	Amend SUB-REQ5 to include Table SUB-6 as sites within the Rural Lifestyle Zone
158	SUB-MAT2	Oppose in part	SUB-MAT2 sets out matters of control or discretion for subdivisions. There are no specific requirements for the General Rural Zone, which should include consideration of highly productive land and the potential for reverse sensitivity effects from location of incompatible activities. Subdivisions in Residential zone adjacent to the rural boundary should also be required to consider how the rural – urban interface will be managed.	Amend SUB-MAT2 as follows:  RESZ: Add to matter 4 after amenity values: 'and manage the potential for reverse sensitivity effects on rural production activities across the rural-urban interface.'  Add a new line in SUB-MAT2:  GRUZ: 1. Potential reverse sensitivity effects with rural production activities on surrounding land 2. Loss of highly productive land or versatile land from rural production.
<b>General District Wide Matters</b>				
<b>CE - Coastal Environment</b>				
159	CE-O1	Support	Support the notion of preserving natural character, while also enabling people and communities to provide for their social, economic, and cultural well-being as per the purpose of the RMA.	Accept

160	CE-P1	Support	Support the policy recognition that there is existing modification of the coastal environment.	Accept
161	CE-P3	Oppose in part	Support in principle, subject to amendment.	Amend 2. (h) to refer to 'including ancillary rural earthworks'.
162	CE-R2	Support	Support restricted discretionary activity status.	Accept
163	CE-R5	Oppose in part	Outside of Outstanding Natural Character, Very High Natural Character and High Natural Character areas, ancillary rural earthworks should be provided for as a permitted activity for the reasons explained elsewhere in this submission.	<p>Amend to include a permitted activity condition for ancillary rural earthworks under 2.</p> <p><b>Where:</b></p> <p>2. The earthworks are outside of Outstanding Natural Character, Very High Natural Character and High Natural Character areas; and</p> <ul style="list-style-type: none"> <li>a. are for the purpose of maintenance and repair of existing fence lines, roads or tracks; or</li> <li>b. are for the purpose of installation of underground network utilities and ancillary structures; or</li> <li>c. <u>are ancillary rural earthworks, or</u></li> <li>d. any fill, excavation or removal is no more than: <ul style="list-style-type: none"> <li>i. 250m<sup>3</sup> per hectare; and</li> <li>ii. 250m<sup>2</sup> per hectare</li> </ul> </li> </ul>
<b>EW – Earthworks</b>				
164	EW-Overview	Support	Support the approach of not duplicating requirements of other regulation, but clearly stating these exist e.g. the National Environmental Standard for Assessing and	Accept



			Managing Contaminants in Soil to Protect Human Health.	
165	EW-O1	Support	This objective seeks to limit adverse effects on the surrounding environment,	Amend to include ancillary rural earthworks:  'Enable temporary, small-scale earthworks activities, <u>including ancillary rural earthworks</u> , while managing those with the potential to create adverse visual amenity, sediment, and nuisance effects beyond site boundaries.'
166	EW-P4	Oppose in part	Earthworks by their nature, may in some settings detract from amenity for a short-term (i.e., while the work is being undertaken), where these effects cannot be mitigated.	Amend to recognise that during earthworks it may in some cases be appropriate that there are effects on short-term amenity - however require mitigation of effects.
167	New policy	Support	Include a new policy about benefits/recognition of rural earthworks in supporting rural activities.	Insert a new policy EW- P5, to recognise rural earthworks typical of a working rural environment.  ' <u>Enable earthworks where they support rural activities, including ancillary rural earthworks</u> '
168	New rule – EW-R1A	Support	HortNZ seeks that a more efficient and effective planning approach would be to include a definition for ancillary rural earthworks and for these activities to be a permitted activity.	Include a new permitted activity rule for Ancillary Rural Earthworks in the General Rural Zone.  <b><u>EW-R1A Ancillary Rural Earthworks</u></b>  <b><u>General Rural Zone</u></b>  <b><u>Activity status: PER</u></b> 1. <u>Ancillary rural earthworks</u>

169	EW-R2	Support	HortNZ seeks a specific permitted activity rule for ancillary rural earthworks.	Accept – subject to including a specific rule for ancillary rural earthworks above.
170	EW- REQ 1 / Table 1: Earthworks Volumes by Zone	Oppose in part	The proposed plan allows for, in the General Rural Zone, 250m <sup>3</sup> per hectare of site area over any consecutive 12-month period as a permitted activity condition.	HortNZ seeks a permitted activity rule for ancillary rural earthworks that is not subject to a volume based permitted activity standard.
171	EW- REQ 3	Oppose in part	As explained elsewhere, HortNZ seeks specific provision for ancillary rural earthworks.	HortNZ seeks a permitted activity rule for ancillary rural earthworks that is not subject to a volume based permitted activity standard.
172	EW- REQ 4	Oppose in part	The wording of the condition for rehabilitation and reinstatement may preclude other feasible options that would achieve the same outcome (e.g., overlaid with gravel).	Amend EW-REQ 4 to apply more broadly  Include ' <u>or other erosion resistant state</u> '
<b>LIGHT – Light</b>				
173	LIGHT-O1	Oppose in part	HortNZ considers that the objective should also recognise outdoor lighting associated with rural production.	Amend to include rural production:  'Artificial outdoor lighting enables work, <u>rural production</u> , recreation, and entertainment activities to occur beyond daylight hours, ...'
174	LIGHT - REQ3 Sky Glow	Oppose in part	Outdoor lighting associated with rural production must be recognised also.	Amend to include rural production:  7. All non-residential artificial outdoor lighting, excluding <u>primary production</u> and public amenity buildings that require lighting for security and safety purposes shall not operate between 2200 and 0600.
<b>NOISE – Noise</b>				
175	Noise - Overview	Support	HortNZ supports the recognition that background sound levels can vary across the district. The rural environment can be noisy	Accept

			with machinery and equipment operating but there is sometimes a perception that because of the openness it is a quiet environment. That perception can lead to reverse sensitivity effects when in fact the environment is noisy.	
176	Noise- objectives and policies	Oppose in part	The objectives and policies provide for a range of activities to be 'protected' from reverse sensitivity but there is no specific provision relating to rural production activities, which are often subject of reverse sensitivity complaints. Given the importance of rural production to the district it would assist to have a policy framework that enables normal rural production activities to be undertaken. Such an approach supports the exclusion in NOISE-R1 for rural production activities and specific rules for audible bird scaring devices and frost fans.	Add a new objective: Noise effects generated are compatible with the character and activities undertaken in the zone in which it occurs, which will vary across the district.  Add a new policy: Rural production activities are not constrained by reverse sensitivity effects arising from noise sensitive activities located in the General Rural Zone.
177	NOISE-R1	Support	NOISE-R1 includes an exemption for rural production activities using equipment which is mobile or portable during its normal use. This is supported.	Accept
178	NOISE-R11 Audible bird scaring device	Oppose in part	The provision for audible bird scaring device is consistent with rules in other district plans which	Amend NOISE-R11 to add: After d) OR

			provide for the operation of such devices. The only difference is that some plans provide for clusters of 3 shots but still no more than 12 shots per hour. Such an approach provides a degree of flexibility while not increasing the noise exposure.	A cluster of 3 shots no more than 4 times per hour
179	NOISE-R12 Frost fans	Support	The provision for frost fans is consistent with rules in other district plans which provide for the operation of such devices.	Accept
180	NOISE-REQ1 Zone noise limits	Support	The noise limits for the General Rural Zone are supported.	Accept as it relates to GRUZ
<b>SIGN – Signs</b>				
181	SIGN-O1	Support	The objective recognises the contribution of signs.	Accept
182	SIGN-P4	Oppose in part	The use of 'avoid' is a very high policy bar for off-site signs on the rural environment – there may be situations where an off-site sign is required and effects can be mitigated.	Amend to consider situations where off-site signs in the Rural Environment might be appropriate.
<b>TEMP - Temporary Activities</b>				
183	TEMP-R7	Oppose in part	Aircraft and helicopter movements within the rural area for purposes ancillary to rural production are managed in the General Rural Zone	Amend to clarify that this does not apply to aircraft and helicopter movements within the rural area for purposes ancillary to rural production – which are managed elsewhere in the plan.
<b>UG - Urban Growth</b>				
<p>While the focus of the chapter is on urban growth it has a significant impact on the surrounding rural environment and the ability of farmers and growers to continue rural production activities. HortNZ supports the focus on intensifying existing urban settlements and expansion adjacent to such settlements. However, the need to retain versatile soils and avoid development that could lead to reverse sensitivity effects with adjacent rural activities is important and needs to be adequately reflected in the policy framework.</p>				

184	UG – Overview	Support	HortNZ supports the focus on intensifying existing urban settlements and expansion adjacent to such settlements and that new urban growth areas do not conflict with established land use activities	Accept 2 <sup>nd</sup> and 3 <sup>rd</sup> paragraphs
185	UG-O1	Oppose in part	The objective lists a number of matters when considering urban growth. There is no recognition of highly productive land or versatile soils.	Amend UG-O1 by adding: 9) Does not compromise the use of highly productive land or versatile soils for rural production.
186	UG-P8	Oppose in part	Policy UG-P8 sets out locations to be avoided when zoning land to extend township boundaries to establish new urban areas. There is no recognition of highly productive land or versatile soils.	Amend UG-P8 by adding: 5) Highly productive land and versatile soils.
187	UG-P9	Oppose in part	Policy 9 recognises the finite nature of the versatile soil resource. HortNZ supports the need to consider the versatile soil resource but seek that the resource is better provided for in the Plan by the inclusion of a district wide chapter – Highly Productive Land. A status of ‘recognise and provide for’ does not give certainty that such land will be protected from urban encroachment.	Amend UG-P9: Protect highly productive land and versatile soil, to the extent reasonably possible, when zoning land to extent township boundaries to establish new urban areas.
188	UG-P10	Oppose in part	The policy seeks to ensure that the rural outlook of the GRUZ is retained at the interface between rural and urban	Amend UG-P10 by adding: to ensure that reverse sensitivity effects do not arise from proximity to rural production activities.

			environments. There also needs to be consideration as to how the rural urban interface will be managed to ensure that reverse sensitivity effects do not arise across the boundary of the respective zones. Ideally there should be a defensible boundary between zones, such as a road or river so that there is a clear demarcation.	
189	UG-P11	Support	The policy seeks to avoid reverse sensitivity effects on any adjoining rural land. This is supported.	Accept
190	UG-P17 Intensification and redevelopment	Oppose in part	HortNZ supports minimising the loss of the rural land resource but consider there should be particular focus on highly productive land and versatile soils.	Amend UG-P17 1) by adding, particularly highly productive land and versatile soils.
191	UG-MAT1	Oppose in part	The matter of discretion includes consideration of potential reverse sensitivity effects. It should be clear that this includes with adjacent zones.	Amend UG-MAT1e) by adding: 'Including with adjacent zones.
192	UG – SCHED1	Support	HortNZ supports consideration of methods or boundary treatments to mitigate reverse sensitivity effects and promote compatible land uses.	Accept UG – SCHED1 3 d)

<b>Part 3 – Area Specific Matters</b>				
<b>Zones</b>				
<b>Residential Zones</b>				
<b>RESZ - Residential Zones</b>				
193	RESZ-MAT6	Oppose in part	Matter 6 lists considerations for boundary setback and includes reverse sensitivity effects. It should be clear that the reverse sensitivity effects may extend beyond the boundary of the Residential zone.	Amend RESZ-MAT6 (5) by adding: including where the site adjoins another zone.
<b>LLRZ - Large Lot Residential Zone</b>				
194	LLRZ-Overview	Support	The overview acknowledges that large lot residential zone provides a transition to the surrounding rural area. Therefore, it is important that the provisions adequately provide for that transition and avoid potential reverse sensitivity effects.	Retain LLRZ-Overview
195	LLRZ – P1	Oppose in part	Policy 1 lists matters for low density development. It should also seek to manage the potential for reverse sensitivity with adjoining rural production activities to enable the transition with the adjacent rural area.	Amend LLRZ-P1 by adding: 3) managing the potential for reverse sensitivity with adjacent rural production activities
196	LLRZ-REQ5 Setback of buildings and structures	Oppose in part	There is no specific consideration of setbacks from the rural zone to enable the transition to the rural area. Given policies in the NH chapter regarding wildfire it would be appropriate that residential units	Amend LLRZ-REQ5 by adding: 3) Any residential unit shall be setback 30m from the GRUZ boundary.

			in the LLRZ are setback from the rural boundary to mitigate risk and avoid reverse sensitivity effects.	
<b>LRZ - Low Density Residential Zone</b>				
197	LRZ-REQ5 setback of buildings	Oppose in part	The setback provisions do not include any setback from a zone boundary so a residential unit could be established 2m from a GRUZ boundary.	Amend LRZ-REQ5 1a) by adding: or zone boundary
<b>GRZ - General Residential Zone</b>				
198	GRZ-REQ5 setback of buildings	Oppose in part	The setback provisions do not include any setback from a zone boundary so a residential unit could be established 2m from a GRUZ boundary.	Amend GRZ-REQ5 1a) by adding: or zone boundary
<b>SETZ - Settlement Zone</b>				
199	SETZ-REQ5 setback of buildings	Oppose in part	The setback provisions do not include any setback from a zone boundary so a residential unit could be established 2m from a GRUZ boundary.	Amend SETZ-REQ5 1a) by adding: or zone boundary
<b>Rural Zones - GRUZ - General Rural Zone</b>				
200	GRUZ - Overview	Oppose in part	The overview text helps to set the scene with regard to the expectations and management of the General Rural Zone. While it is stated that the primary purpose of the Zone is to provide for the primary production activities, the subsequent text focuses on residential activities. It would be appropriate to include additional commentary around the benefit	Retain reference to the “primary purpose being to provide for primary production activities ...”, but include additional commentary about the importance of these activities in the District.  Tighten up the wording/ add more specifically in referring to “other compatible uses”.  Reference of the importance and finite nature of the soils resource that is valued for rural production purposes, including versatile soils and highly productive land.



			<p>of providing for primary production and the need to retain the soil resource.</p> <p>The text uses the term 'rural character' but it is not defined or described. It should be clear that the character includes noises, smells and structures in the environment</p> <p>There are activities included as Non-Complying that should be identified as not being anticipated in the General Rural Zone.</p> <p>The overview lists the 'main areas' within the Zone but does not refer to the SCA-RD8- SCA-RD18 which are small lot subdivisions. HortNZ seeks that these are included in a new Rural Lifestyle Zone.</p> <p>A key management imperative for HortNZ in this zone is that:</p> <ul style="list-style-type: none"> <li>• Rural production activities are enabled within the rural zone and protected from reverse sensitivity effects</li> <li>• The development of other activities within the Zone is carefully</li> </ul>	<p>Include a description of rural character that includes that the rural environment can have noises, smells and structures associated with rural production activities.</p> <p>Add at the bottom that it is not anticipated that educational facilities, healthcare facilities and community correction activities will be located within the General Rural Zone.</p> <p>Add: Small lot subdivision is provided within the Rural Lifestyle Zone.</p>
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			managed to avoid incompatible activities.	
201	GRUZ-O1	Support	The objective captures the outcomes HortNZ seeks for the rural zone – specifically recognition and priority for primary production and recognition of the need to manage reverse sensitivity effect; however, seeks to also reference incompatible activities in (3).	Amend GRUZ-O1 (3) by adding: Allows primary production to operate without being compromised by reverse sensitivity <u>and the location of incompatible activities.</u>
202	General GRUZ-P1	Support	Support the policy direction to enable primary production and manage development to achieve the objective for the Zone.	Amend to more clearly specify ‘rural character’ in the overview or define it.
203	Density GRUZ-P2	Oppose in part	It is important that there is provision for seasonal worker accommodation in the planning framework. HortNZ seeks as specific rule for SWA which should be subject to the density requirements.	Add to GRUZ-P2 c) <u>or seasonal worker accommodation</u>
204	GRUZ-P3	Oppose in part	Minor residential units are important for providing farm worker accommodation and should be linked with the land area and activity on which they are located.	Add to GRUZ-P3: <u>Except as required for farm worker accommodation.</u>
205	Economic activity GRUZ-P4	Support	Support providing for activities which require a rural location and support rural production activities. It should be clear that an activity needs to meet either clause 1 or	Amend Provide for the economic development potential of the rural areas by <del>enabling</del> <u>providing for</u> a range of activities:  Add ‘or’ after 1

			2 and also clauses 3 and 4 and new clause 5.	Add ' <u>and</u> ' after 2  Add a new clause: <u>5. Will not create potential for reverse sensitivity effects with rural production activities.</u>
206	GRUZ-P5	Oppose in part	The policy seeks to avoid the establishment or expansion of any industrial activity or commercial activity where the scale of the activity is greater than that of a rural home business, unless the activity has a functional need, or operational need to locate within the rural area. HortNZ supports the policy but wants to ensure that there is no potential for reverse sensitivity effects.	Amend GRUZ-P5 by adding: <u>Will not create potential for reverse sensitivity effects with rural production activities.</u>
207	GRUZ-P6	Support	Research activities are important to horticulture and should be provided for within the rural zone.	Accept
208	New Policy GRUZ-PXX	Support	Educational facilities, community correction facilities and healthcare facilities are all non-complying activities and community facilities are Discretionary yet there is no specific policy which provides a framework for their consideration.	Add a new policy GRUZ-PX  <u>Educational facilities, community correction facilities and healthcare facilities and community facilities must have a clear functional or operational need to locate in the rural environment and avoid potential reverse sensitivity effects on rural production activities.</u>
209	GRUZ-P7 Reverse Sensitivity	Support	Reverse sensitivity is a significant issue which has the potential to erode the productive	Amend GRUZ-P7 by adding:

			capacity of rural land – HortNZ supports a policy direction that requires avoidance but seeks to amend to be explicit regarding incompatible activities	Avoid reverse sensitivity effects on lawfully established primary production activities <u>by ensuring that incompatible and sensitive activities are not inappropriately located within the Rural Zone.</u>
210	Mineral extraction GRUZ-P8	Oppose in part	In terms of impacts on horticulture, the potential effects are not amenity related (and horticulture is not within the definition of a sensitive activity), this is a policy gap.	Add: <u>4. Managing effects on adjacent land uses, including rural production</u>
211	GRUZ-P10 Airfields, Helicopter Landing Areas, and Air Movements	Oppose in part	HortNZ seeks to ensure that use of airfields and helicopter landing areas for intermittent rural production purposes is not limited by provisions that apply to more general aviation uses.	Amend as follows: “Manage the location and operation of airfield and helicopter landing areas, <u>other than for rural production purposes</u> , within the rural area to maintain the amenity values of the surrounding rural and residential areas.”
212	GRUZ-P11	Support	Recognition that aircraft and helicopter movements – such as those required for agrichemical application, frost protection, etc. – is supported, as this is part of rural production which the plan seeks to enable within this Zone.	Amend as follows: “Enable aircraft and helicopter movements within the rural area for purposes ancillary to rural production on <u>an intermittent or seasonal and short-term basis.</u> ”
213	GRUZ-R2 Structures	Oppose in part.	HortNZ supports a permitted activity rules for structures in the rural environment - however, as per submission points below HortNZ seeks that specific rules are included in the Plan for Artificial Crop Protection Structures (ACPS) and Crop Support Structures (CSS).	Retain GRUZ-R2 – subject to HortNZ’s submissions seeking that new permitted activity rules being provided for Artificial Crop Protection Structures and Crop Support Structures and amendments sought to the rule requirements, particularly GRUZ-REQ4 and REQ1.
214	New rule – Artificial Crop Protection Structures		HortNZ seeks a specific permitted activity rule for	Insert a new permitted activity rule

			<p>Artificial Crop Protection Structures (ACPS) because these are structures required for a number of horticultural crops. They do not fit very easily within the general structures rule because they are of a different nature to other structures typical of a rural environment.</p> <p>For example, the following permitted activity conditions for structures are problematic:</p> <ul style="list-style-type: none"> <li>• Building coverage; it is not appropriate or effects-based to apply building coverage standards to ACPS or CPS, due to their impermeable nature which allows water through. These structures do not impact on stormwater run-off or the productive potential of the land,</li> <li>• Height in relation to Boundary; because these structures are permeable, allowing daylight and sunlight to pass through. These structures are also typically in a Rural</li> </ul>	<p><b><u>GRUZ-RX – Artificial Crop Protection Structures and Crop Protection Structures</u></b></p> <p><b><u>Activity Status: PER</u></b></p> <p>1. <u>The establishment of a new, or expansion of an existing artificial crop protection structure or crop support structure.</u></p> <p><b><u>Where:</u></b></p> <p>a. <u>The height of the structure does not exceed 6m; and</u> <u>Either:</u></p> <p>b. <u>green or black cloth is used on any vertical faces within 30m of a property boundary, including a road boundary, except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council; or</u></p> <p>c. <u>the structure is setback 3m from the boundary</u></p> <p><b><u>Where this activity complies with the following rule requirements:</u></b> GRUZ-REQ16 Springfield Airfield Height Restriction EI-REQ23 West Melton Aerodrome Height Restriction</p>
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			<p>Production type environment</p> <ul style="list-style-type: none"> <li>Structure setbacks; particularly the setbacks from a road boundary (of 10m or 20m) are not appropriate for ACPS (or Crop Support Structures)</li> </ul>	<p><b><u>Activity status when compliance not achieved:</u></b></p> <p><b><u>2. When compliance with GRUZ-RX (a) is not achieved: RDIS</u></b>  <u>Matters of discretion:</u></p> <ul style="list-style-type: none"> <li><u>Assessment of the potential glare on neighbouring properties (or road users) from the colour of the cloth</u></li> </ul> <p><b><u>3. Where compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement</u></b></p> <p><i>Note: HortNZ has elsewhere in this submission sought definitions be included for ACPS and CSS.</i></p>
215	GRUZ-R3 Residential unit	Oppose in part	<p>A 5m setback for new residential units from internal boundary is not sufficient from HortNZ's perspective – as explained in the submission.</p> <p>The Plan requires a distance of 30m for wildfire purposes and it is considered there should be consistency between the distances.</p> <p>A 5m setback does not provide protection from wildfire (NH-REQ7) and the distance should be provided on the property on which the new residence is being located.</p>	<p>Include a requirement that new residential units be setback 30m from an internal boundary-through amendment to GRUZ-Table 1.</p>

216	GRUZ-R4 Residential Unit on an Undersized Site – Grandfather Clause	Oppose in part	Any new residence should be set back to avoid reverse sensitivity effects and threat of wildfire	Amend GRUZ-REQ4 structure setbacks for provide for a 30m setback for residential units
217	GRUZ-R5 Residential Unit on an Undersized Site	Support	The matters of discretion include consideration of effects on reverse sensitivity and fragmentation of the rural area and the loss land for primary production.	Accept
218	GRUZ-R6 Minor Residential Unit	Oppose in part	The area standards do not support viable farm worker accommodation.	Amend to provide a more realistic area for a residential unit to accommodate worker accommodation.
219	GRUZ-R8 Rural service activity	Oppose in part	<p>The rule refers to ‘the area of land associated’ with the activity which is less than 200m<sup>2</sup> or 500m<sup>2</sup> - it is unclear what ‘the area of land’ encompasses – is it the footprint or the size of the title?</p> <p>Rural service activities are important to rural production activities and a limitation of 200m<sup>2</sup> (Inner Plains) or 500m<sup>2</sup> (East and West Plains) is very limiting for essential services.</p>	<p>Amend such that:</p> <ul style="list-style-type: none"> <li>• The building footprint of the rural service activity is less than 500m<sup>2</sup> in SCA-RD4,5,6, and 7</li> <li>• The building footprint of the rural service activity is less than 1000m<sup>2</sup> in SCA-RD1,2,and 3</li> </ul>
220	GRUZ-R9 Rural selling place/commercial activity	Oppose in part	The rule refers to ‘the area of land associated’ with the activity which is less than 100m <sup>2</sup> – as above, it is unclear what ‘the area of land’ encompasses – is it the footprint or the size of the title?	Amend so that the building footprint of the rural selling place or commercial activity is less than 500m <sup>2</sup>

221	GRUZ-R11 Primary industry	Oppose in part	The term primary industry is potentially confusing because of other uses of the term, even though it is defined in the Plan. Rural service industry would more clearly link the term to the definition of 'rural industry' and also better align with 'rural service activity'.	Rename Primary industry 'rural service industry' in GRUZ-R11 and the definitions
222	GRUZ-R12 Industrial activity	Support	Industrial activity that is not aligned to primary production should generally not be located within the Rural Zone.	Accept
223	GRUZ-R13 Research activity	Support	Research activities are important to horticulture.	Accept
224	GRUZ-R14 Conference facility	Oppose	<p>HortNZ does not consider conference facilities to be either a primary production activity or an activity that is required for primary production or an activity that inherently requires a rural location – therefore, we consider that a permitted activity status is inappropriate.</p> <p>This is an activity which would be likely to result in conflict with primary production activities (depending on the specific location). This needs to be assessed through a consenting process. This activity could also impact the versatile soil resource.</p>	<p>Delete GRUZ-R14, in which case this activity would default to GRUZ-R39 Other activities (DIS).</p> <p>Or amend the activity status such that consent is required and matters relating to reverse sensitivity and versatile soils can be assessed.</p>



225	GRUZ-R15 Visitor Accommodation	Oppose	<p>HortNZ does not consider visitor accommodation facilities to be either a primary production activity or activity that is required for primary production or an activity that inherently requires a rural location – therefore, we consider that a permitted activity status is inappropriate.</p> <p>Setbacks from Intensive Primary Production and Mineral Extraction is not sufficient to manage potential reverse sensitivity effects on primary production activities in the Rural Zone. This activity could also impact the versatile soil resource.</p>	<p>Delete GRUZ-R15, in which case this activity would default to GRUZ-R39 Other activities (DIS).</p> <p>Or amend the activity status such that consent is required and matters relating to reverse sensitivity and versatile soils can be assessed.</p>
226	GRUZ-R16 Rural Production	Support	Support a permitted activity status for rural production – this is consistent with the purpose of the Zone and the policy framework.	Accept
227	GRUZ-R18 Intensive Primary Production	Support	HortNZ supports GRUZ-R18.	Accept
228	GRUZ-R21 Mineral Extraction	Oppose in part	Mineral extraction/quarry activities can have effects on the surrounding horticultural productivity, due to effects of dust on the quality of produce; this should be included in the management approach.	<p>Include the following as a matter of discretion:</p> <p>e. <u>Effects of dust on any nearby rural production activities, including for horticultural land use the effects of dust on produce</u></p>
229	GRUZ-R25 Shelterbelt	Oppose	Shelterbelts are an inherent part of rural production, used for a	Delete NH-REQ7, or add a new requirement for accessways for residential units to be setback

			<p>number of reasons including preventing wind erosion of soils, shelter and shade for stock, and wind and weather breaks for orcharding. They can also reduce the potential for reverse sensitivity issues as they act as a barrier between properties – particularly they are an important mitigation tool for managing spray drift.</p> <p>There is a functional need to provide for shelterbelts in the productive rural environment. Because of this HortNZ support a permitted activity status for shelterbelts.</p> <p>HortNZ seeks that shelterbelts are recognised by including as part of rural production. By requiring large setback valuable land, including highly productive land, is lost from production if planting up to the boundary is not provided for.</p> <p>To ensure that there is the ability for a 30m setback for wildfire purposes there should be a setback required for residential units of 30m so that they can meet the requirement. In addition, legally established</p>	<p>5m from the boundary and for residential units to be setback 30m from internal boundaries.</p>
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			accessways should be set back 5m within the property to provide protection to that property.	
230	GRUZ-R27 Aircraft and Helicopter Movements Ancillary to Rural Production	Oppose in part.	<p>Support a permitted activity status for this activity.</p> <p>The note is however confusing, it is unclear how this same activity is then managed under the Temporary Activities chapter – which relates to aircraft and helicopter movements for emergency work, military or law enforcement work, or conservation activities.</p>	<p>Accept PER activity rule.</p> <p>Delete the note.</p>
231	GRUZ-R28 Aircraft and Helicopter Landing Area	Oppose in part	<p>Support the exclusion of aircraft and/or helicopter movements for purposes ancillary to rural production from the permitted activity requirements of this rule.</p> <p>However, the exclusion for rural production activities should not be limited to the same site as the site of the helicopter landing areas and/or airfield as the aircraft may land on an adjacent site in the rural area where an airstrip is located or access to facilities for helicopters are located. –, in this instance conditions GRUZ-REQ13 and REQ14 could be problematic e.g. for frost protection, which is</p>	<p>Amend GRUZ-R28 by adding:</p> <p>2. <u>Aircraft movements and/or helicopter movements for purposes ancillary to rural production including top dressing, spraying, stock management, fertiliser application, and frost mitigation are exempt from the rule requirements:</u>  <u>GRUZ-REQ12</u>  <u>GRUZ-REQ13</u>  <u>GRUZ-REQ14</u>  <u>GRUZ-REQ15</u></p> <p>Delete the N.B in GRUZ-R28</p>

			required at short notice and outside of the hours specified. We support the exclusion of activities ancillary to rural production; however this should not be limited to the same site as the airfield or site of the helicopter landing area and should be drafted as a condition of the rule, rather than a note.	
232	GRUZ-R31 Camping Grounds	Oppose	<p>This is an activity which would be likely to result in conflict with primary production activities (depending on the specific location). This needs to be assessed through a consenting process.</p> <p>HortNZ is aware of recent instance in another District of a camping ground where facilities are located within 1m of the boundary causing reserve sensitivity issues that are impacting on a growing operation – the same situation could arise under this rule.</p> <p>This activity could also impact the ongoing productive use of the soil resource.</p>	<p>Delete GRUZ-R31, in which case this activity would default to GRUZ-R39 Other activities (DIS).</p> <p>Or amend the activity status such that consent is required and matters relating to reverse sensitivity and versatile soils can be assessed.</p>
233	GRUZ-R33 Community Facility	Support	Support Discretionary Activity status, so the effects can be considered on a case-by-case basis against the policy	Accept

			framework, as these activities are likely to conflict with primary production activities.	
234	GRUZ-R34 Community Correction Activity	Support	Support requirement for a resource consent, so the effects can be considered on a case-by-case basis against the policy framework, as these activities are likely to conflict with primary production activities.	Accept
235	GRUZ-R35 Health Care Facility	Support	Support requirement for a resource consent so the effects can be considered on a case-by-case basis against the policy framework, as these activities are likely to conflict with primary production activities.	Accept
236	GRUZ-R36 Educational Facility	Support	Support requirement for a resource consent, so the effects can be considered on a case-by-case basis against the policy framework, as these activities are likely to conflict with primary production activities.	Accept
237	New rule – Seasonal Worker Accommodation		The provision of seasonal worker accommodation is becoming a necessary supporting activity to horticultural operations. HortNZ is seeking a suite of provisions to provide for this activity – this is explained in more depth in the submission.	<p>Include a permitted activity rule for Seasonal Worker Accommodation</p> <p><b><u>GRUZ-RX – Seasonal Worker Accommodation</u></b></p> <p><b><u>Activity Status: PER</u></b></p> <p>1. <u>The establishment of a new, or expansion of existing seasonal worker accommodation.</u></p>

			<p>HortNZ seeks that where seasonal worker accommodation does not meet the permitted activity standards, that this default to a Restricted Discretionary rule.</p>	<p><b><u>Where:</u></b></p> <ol style="list-style-type: none"> <li>a. <u>The seasonal worker accommodation is associated with horticultural activity</u></li> <li>b. <u>The accommodation comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities</u></li> <li>c. <u>The accommodation provides for no more than 12 workers</u></li> <li>d. <u>It complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.</u></li> </ol> <p><b><u>Where this activity complies with the following rule requirements:</u></b></p> <p>GRUZ-REQ2 Height  GRUZ-REQ3 Height in Relation to Boundary  GRUZ-REQ4 Structure Setbacks  GRUZ-REQ16 Springfield Airfield Height Restriction  EI-REQ23 West Melton Aerodrome Height Restriction</p> <p><b><u>Activity status when compliance not achieved:</u></b></p> <ol style="list-style-type: none"> <li>2. <u>When compliance with GRUZ-RX 1.(a)-(d) is not achieved: RDIS Matters of discretion:</u> <ul style="list-style-type: none"> <li>o <u>Those matters in GRUZ-RX 1.(a)-(d) that are not able to be met</u></li> </ul> </li> </ol>
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				<ul style="list-style-type: none"> <li>o <u>Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control</u></li> <li>o <u>The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008</u></li> </ul> <p>4. <u>Where compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement</u></p> <p><i>Note: HortNZ has elsewhere in this submission sought definitions be included for Seasonal Worker Accommodation.</i></p>
238	GRUZ-R39 Other activities	Support	Default discretionary rule.	Accept
239	GRUZ-REQ1 Building Coverage	Oppose in part	As explained elsewhere in this submission – it should be clear that building coverage does not apply to ACPS.	<p>Unless a specific rule is provided for artificial crop protection structures, which does not include a building coverage requirement – amend GRUZ-REQ1:</p> <p><u>'Excludes temporary activities, and public amenity structures, and artificial crop protection structures.'</u></p>
240	GRUZ-REQ2 Structure Height	Oppose in part	HortNZ supports the 12m height limit for farm buildings/structures and 25m for silos, however seeks that for frost fans that this applied to the tower, as opposed to the top of the blades – this	<p>Retain structure heights, but add a note to state:</p> <p><u>'For frost fans, this standard applies to the tower height, excluding blades'</u></p>

			would be consistent with the approach taken in the Hurunui District.					
241	GRUZ-REQ3 Height in Relation to Boundary	Oppose	Height in relation to the Boundary is important in an urban context but given the openness in the rural environment is not a relevant consideration.	Delete GRUZ-REQ3 and references to it in the rules.				
242	GRUZ-REQ4 Structure Setbacks	Oppose in part	As explained elsewhere in this submission.	Amend GRUZ- Table 1, as sought below to include an internal boundary setback of 30m for new residential units.  (Unless provided for by a specific rule as sought, exclude crop support structures and artificial crop protection structures).				
					<b>Structure Type</b>	<b>Internal Boundary</b>	<b>Road Boundary with Arterial/ Strategic Road</b>	<b>Road Boundary with Other Road</b>
					Any structure excluding irrigators, stock fences, fences less than 2m in height, stock water troughs, and flag poles	5m	10m	10m
					Any accessory building	5m	10m	10m
					Any new residential unit	<u>30m</u>	<u>20m</u>	<u>10m</u>
					Any other building	5m	20m	10m
243	GRUZ-REQ6 Hours of operation	Oppose	The requirement refers to 'any business activity' which is not defined.  Rural service activities (e.g., rural harvesting contractors)	Exclude rural service activities from rule.  Note: this relief is provided if the definition of rural service activities as sought by HortNZ is also accepted.				



			need to have extended hours, particularly in busy seasons and because their ability to operate is weather dependant. 0700-1900 is not appropriate.	
244	GRUZ-REQ7 Full Time Equivalent Staff	Oppose	The requirement refers to 'any business activity' which is not defined.	Either,  Amend to specify which activities this applies to – and exclude rural production activities; or delete GRUZ-REQ7.
245	GRUZ-REQ12 Airfields and Helicopter Landing Areas Setback	Oppose in part	There should be an exemption for intermittent use associated with rural production activities	Amend GRUZ-REQ12:  1. Airfield and helicopter landing areas, <u>other than for use for intermittent rural production activities</u> , shall be located a minimum distance of
246	GRUZ-REQ13 Aircraft and Helicopter Movements	Oppose in part	There should be an exemption for intermittent use associated with rural production activities	Amend GRUZ-REQ13:  1. <u>Other than for use for intermittent rural production activities</u> , there shall be no more than...
247	GRUZ-REQ14 Aircraft and helicopter movement hours of operation	Oppose in part	There should be an exemption for intermittent use associated with rural production activities	Amend GRUZ-REQ14:  1. <u>Other than for use for intermittent rural production activities</u> , aircraft movement ....
248	GRUZ-REQ15 Flight Log	Oppose in part	All operators are required for keep a log of movements.	Accept
249	GRUZ-MAT2 Building Coverage	Oppose in part	The term 'streetscape' is a very urban reference, for matters of discretion in the General Rural Zone – the matter should reflect the nature of the zone and the objective for this Zone.	Replace GRUZ-MAT2 (1)  <del>1. Effect on streetscape, spacious character of the zone, and the outlook of surrounding sensitive activities.</del> <u>Effects on the function and form, character, and amenity value of rural areas</u>

250	GRUZ-MAT3 Internal Boundary Setback	Oppose in part	Reverse sensitivity is a critical matter of discretion – it should link back to the policy direction seeking to avoid reverse sensitivity on primary production.	Amend GRUZ-MAT3 (7)  7. The extent to which the reduced setback will cause or exacerbate reverse sensitivity effects with adjoining rural activities, <u>whether reverse sensitivity effects can be avoided and whether the operation of primary production will be compromised</u>
251	GRUZ-MAT5	Oppose	Height in relation to the Boundary is important in an urban context but given the openness in the rural environment is not a relevant consideration.	Delete
252	GRUZ-SCHED2 - Residential Density - Specific Control Areas	Oppose	HortNZ seeks that a new Rural Lifestyle Zone is created for SCA-RD8- SCA-RD18.	Remove SCA-RD8 – SCA-RD18 from General Rural Zone and locate in a specific Rural Lifestyle Zone, and all other consequential amendments required to achieve this.
<b>Industrial Zones</b>				
<b>GIZ - General Industrial Zone</b>				
253	GIZ-O2	Support	HortNZ supports consideration of the rural areas adjoining the General Industrial zones.	Accept
254	GIZ-P6	Support	HortNZ supports consideration of the rural areas adjoining the General Industrial zones.	Accept
255	GIZ-REQ4 Setbacks	Oppose in part	There is only a 3m setback from the boundary with the rural zone. Such a distance may be insufficient to mitigate adverse effects. It is also 3m where there is a road between the GIZ and GRUZ which provides a greater setback distance with the road. A greater setback allows for	Amend GIZ-REQ4 2) to 8m

			shelter belt and amenity planting to occur on the boundary.	
<b>Special Purpose Zones</b>				
<b>MPZ - Maori Purpose Zone</b>				
256	MPZ-P2	Support	Support the acknowledgement of reverse sensitivity as a policy consideration.	Accept
257	MPZ-P4	Oppose in part	<p>Support enabling rural activities consistent with the General Rural Zone (subject to submission points on those zone provisions).</p> <p>Many growers lease and grow on Maori land. HortNZ support the approach of enabling this land to be utilised for rural activities in a manner consistent with the Rural provisions.</p>	<p>Retain policy, but include correct reference to the General Rural chapter.</p> <p>'Enable rural activities in a manner consistent with the provisions of the <u>General Rural Zone Chapter</u>.'</p>
<b>Part 4 – Appendices</b>				
258	APP3 - Height in relation to boundary	Oppose in Part	Setbacks in the GRUZ should be an adequate distance from boundaries that adequate access to daylight and sunlight will be achieved for adjoining properties. HortNZ have submitted seeking larger setbacks and therefore if that relief it granted then, this requirement would be superfluous and reference to GRUZ can be removed.	Delete reference to GRUZ within APP3.