

Proposed Selwyn District Plan Environment Court Outcome Horticulture Activities

Selwyn District | November 2024

Proposed Selwyn District Plan

The Proposed Selwyn District Plan was notified on 5 October 2020 and HortNZ was an active participant in the plan change process focusing on achieving the best planning framework to support existing horticultural activity and future industry growth.

Decisions on submissions on the Proposed Plan were notified on 17 January 2022 and hearings of submissions and further submissions were held between August 2021 and May 2023.

Key changes/provisions

HortNZ appealed a number of decisions to the Environment Court and this summary provides detail on recently issued decisions on:

- **Rural industry**
 - Rural contractors deport exempt from hours of operation however customer and deliveries will only be allowed from 7am and 7pm
- **Artificial Crop Protection Structures (ACPS) and Crop Support Structures (CCS)**
 - ACPS and CCS less than 6m in height, and with black or green shade cloth on vertical faces fronting an internal boundary in different ownership or a road boundary, can be setback 3m from an internal boundary and 5m from a road boundary
 - Where over 6m in height or using a colour other than black or green cloth on vertical faces fronting an internal boundary in different ownership or a road boundary, a 5m setback from an internal boundary and 10m from a road boundary is required
- **Wildfire Management**
 - Visitor accommodation in the rural zone is to be set back 30m from an internal boundary, a boundary that is a state highway or arterial road by 20m, a road boundary that is an 'other road' by 10m
- **Noise**
 - A new policy is added to the Noise chapter that provides for rural production activities that generate noise provided they are compatible with the character and amenity of the receiving zone

HortNZ is still in mediation or awaiting consent orders on a number of other topics. These are expected to be resolved in the first half of 2025.

Summary of HortNZ appeal

Summary of HortNZ's appeal	Amended rule																												
<p>HortNZ sought the hours of operation be amended to exclude rural service activities from GRUZ-REQ6 as it was unworkable for rural contractors who commence work before 7am and after 7pm.</p>	<p>GRUZ-REQ6 Hours of Operation</p> <p>(1) The unloading or loading of vehicles (excluding within any rural contractor's depot) only occurs between 0700 and 1900 on any day.</p> <p>A. The receiving of customers or deliveries only occurs between 0700 and 1900 on any day.</p>																												
<p>HortNZ sought that green or black cloth be use on any vertical faces of a ACPS within 30m of a property boundary, except that a different colour cloth may be used if the written approval of the owners of the immediately adjoining property or the road controlling authority is obtained and provided to the council.</p>	<table border="1"> <thead> <tr> <th colspan="5" data-bbox="696 722 1906 751">GRUZ-REQ4 Structure Setbacks</th> </tr> <tr> <th colspan="5" data-bbox="696 751 1906 780">GRUZ-TABLE1 Structure Setbacks</th> </tr> <tr> <th colspan="2" data-bbox="696 780 1205 871">Structure type</th> <th data-bbox="1205 780 1375 871">Internal boundary</th> <th data-bbox="1375 780 1659 871">Road boundary with state highway or arterial road</th> <th data-bbox="1659 780 1906 871">Road boundary with other road</th> </tr> </thead> <tbody> <tr> <td data-bbox="696 871 965 1166">Artificial crop protection and crop support structures</td> <td data-bbox="965 871 1205 1166">Less than 6m in height where green or black cloth is used on any vertical surfaces that fronts an internal boundary of a site in different ownership or a road boundary</td> <td data-bbox="1205 871 1375 1166">3m</td> <td data-bbox="1375 871 1659 1166">5m</td> <td data-bbox="1659 871 1906 1166">5m</td> </tr> <tr> <td data-bbox="696 1166 965 1377"></td> <td data-bbox="965 1166 1205 1377">More than 6m in height or where a colour other than green or black cloth is used on any vertical faces that fronts an internal</td> <td data-bbox="1205 1166 1375 1377">5m</td> <td data-bbox="1375 1166 1659 1377">10m</td> <td data-bbox="1659 1166 1906 1377">10m</td> </tr> </tbody> </table>				GRUZ-REQ4 Structure Setbacks					GRUZ-TABLE1 Structure Setbacks					Structure type		Internal boundary	Road boundary with state highway or arterial road	Road boundary with other road	Artificial crop protection and crop support structures	Less than 6m in height where green or black cloth is used on any vertical surfaces that fronts an internal boundary of a site in different ownership or a road boundary	3m	5m	5m		More than 6m in height or where a colour other than green or black cloth is used on any vertical faces that fronts an internal	5m	10m	10m
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<p>HortNZ sought that visitor accommodation be setback 30m from boundaries in the rural zone</p>	<p>GRUZ-R15 Visitor Accommodation Activity Status: PER</p> <p>1. The establishment of a new, or the expansion of an existing visitor accommodation Where:</p> <ul style="list-style-type: none"> a. Accommodation is offered to not more than five guests for reward or payment at any one time; and b. The registered proprietor resides permanently on-site; and c. The visitor accommodation is not located within the Airport 50dB Noise Control Overlay. <p>And this activity complies with the following rule requirements: GRUZ-REQ4 Structure Setbacks GRUZ-REQ10 Sensitive Activity Setback from Intensive Primary Production GRUZ-REQ11 Sensitive Activity Setback from Mineral Extraction</p> <p>GRUZ-REQ4 Structure Setbacks GRUZ Table 1</p> <table data-bbox="689 975 1491 1118"> <tr> <td>Visitor accommodation</td> <td></td> </tr> <tr> <td>Internal boundary</td> <td>30m</td> </tr> <tr> <td>Road boundary with state highway or arterial road</td> <td>20m</td> </tr> <tr> <td>Road boundary with other road</td> <td>10m</td> </tr> </table>					Visitor accommodation		Internal boundary	30m	Road boundary with state highway or arterial road	20m	Road boundary with other road	10m
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<p>HortNZ sought a specific policy to ensure that rural production activities are not constrained by reverse sensitivity effects arising from noise sensitive activities located in the General Rual Zone</p>	<p>NOISE-P9</p> <p>Provide for rural production activities that generate noise whilst ensuring that the noise levels from those activities are compatible with the character and amenity of the receiving zone.</p>												

WHERE TO GO FOR MORE INFORMATION

- [Selwyn Proposed District Plan \(appeals version\)](#)
- [Consent Order](#)