

## COMMENTS ON DISCUSSION DOCUMENTS FOR REVIEW OF THE TIMARU DISTRICT PLAN

**TO:** Timaru District Council

**SUBMISSION ON:** Discussion Documents for District Plan Review.

**NAME:** Horticulture New Zealand

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**1. Horticulture New Zealand's submission, and the decisions sought, are detailed in the attached schedule:**

Schedule 1:

- Topic 2 – Subdivision
- Topic 7 Soils minerals and earthworks
- Topic 9 Noise
- Topic 12 Rural
- Topic 13 Rural residential

**2. Horticulture New Zealand wishes to be heard in support of this submission if hearings are held.**

**3. Background to Horticulture New Zealand and its RMA involvement:**

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

3.2 On behalf of its 5,500 active grower members Horticulture New Zealand takes a detailed involvement in resource management planning processes as part of its National Environmental Policies. Horticulture New Zealand works to raise growers' awareness of the RMA to ensure effective grower involvement under the Act, whether in the planning process or through resource consent applications. The principles that Horticulture New Zealand considers in assessing the implementation of the Resource Management Act 1991 (RMA) include:

- The effects based purpose of the Resource Management Act,
- 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 growers interests both in an environmental and sustainable economic production sense.

**4. Background to horticulture in Timaru District**

There are approximately 21 growers covering approximately 3880 hectares of land in the Timaru District. There are a variety of crops grown in Timaru, including strawberries, potatoes, carrots, peas, onions, blackcurrants, redcurrants, brassica, cherries, pumpkin, lettuce, corn, garlic, apples, pears, stone fruit, raspberries, and asparagus.

Most of the growers in Timaru are located within or close to the townships of Pleasant Point, Temuka, Arundel, Seadown, Pareora, Geraldine, Orari, Winchester, Clandeboye, Rangitata, and Levels.

Thank you for the opportunity to comment on the Discussion Documents

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## SCHEDULE 1:

### Topic 2 - Subdivision

#### Issue 1: Subdivision chapter content

<p><i>Q1: Should the District Plan consolidate subdivision controls into a stand-alone chapter (noting some subdivision controls may still be appropriate in other topic-specific chapters such as those addressing natural hazards or significant landscape or ecological areas)?</i></p>	<p>HortNZ seeks that the format of the Plan is user friendly and accessible. Usually growers will refer to provisions in a Rural Chapter. They will generally not be interested in subdivision controls in residential or industrial areas.</p> <p>Consideration needs to also be given to the policy framework that supports the subdivision controls. For the rural area the planning framework for what is sought in the rural zones is likely to be closely linked to the subdivision controls so it seems more appropriate that the chapter where the relevant objectives and policies are located is the also the chapter where the controls are located.</p>
<p><i>Q2: Should the District Plan add controls to address National Policy Statements or National Environmental Standards requirements regarding facilitating strategic infrastructure within the electricity transmission corridors, protecting human health from soil contamination and protecting coastal environments?</i></p>	<p>The Council is required by law to give effect to the National Policy Statements so it is anticipated that they would be included in a new Plan.</p> <p>HortNZ has a Memorandum of Understanding with Transpower on provisions relating to the National Grid where it crosses horticultural land. It is anticipated that Transpower and HortNZ would seek a similar set of provisions as it relates to the National Grid.</p>
<p><i>Q3: Should the District Plan improve consistency and certainty regarding the content of Outline Development Plans for large greenfield growth areas?</i></p>	<p>In principle the response is YES but it is not an issue that directly affects growers.</p>
<p><i>Q4: Should the District Plan improve consistency and certainty regarding what urban design outcomes will be achieved for infill development?</i></p>	<p>In principle the response is YES but it is not an issue that directly affects growers.</p>
<p><i>Q5: Should the District Plan include provisions to consider water sensitive design to assist in managing stormwater discharge?</i></p>	<p>Yes. And the district plan should also consider the availability and source of water for subdivisions, particularly in the rural areas as new subdivisions can lead to competition for water resources.</p>

## Issue 2: Addressing infrastructure design standards

<i>Q1: Should standards be incorporated into the District Plan as rules to be met as part of the subdivision consent process?</i>	Generally it could be anticipated that there may be standards but they need to be flexible so that they reflect the nature and scale of the activity being undertaken.
<i>Q2: Should standards be specified in an infrastructure design standard that sits outside of the District Plan?</i>	There are advantages with a standard outside the Plan in that it can be amended but the Plan needs to refer to a specific standard so it is clearer if that it is actually part of the Plan.
<i>Q3: Should standards be negotiated and agreed on a case-by-case basis with Council's Subdivision and Asset Officers i.e. the standards would not be specified in the next District Plan or in an Infrastructure Design Standard?</i>	While this approach would provide flexibility there is also no certainty as to what may reasonably be anticipated as a design standard.

## Issue 3: Extent of esplanade reserve and strip provisions

<i>Q1: Should the District Plan not require any esplanade reserve or strip?</i>	There needs to be a clear reason why an esplanade reserve or strip is required, not a blanket approach.
<i>Q2: Should the District Plan require esplanade reserves or strips along all waterways and the coastlines?</i>	No. Esplanade reserves or strips should only be required for identified significant waterbodies which have been part of public consultation.
<i>Q3: Should the District Plan focus on taking esplanade reserves and strips only along specifically identified waterways and coastlines as necessary for conservation, access, or recreational purposes, including explicit exclusion from the Port of Timaru operational area for safety and security reasons?</i>	There can be issues of public safety and access if esplanade reserves and strips are created in rural areas. It can place landowners in difficult positions of having to police such access and provides access for burglaries and such incursions.

## Topic 7 - Soils minerals and earthworks

### **Issue 1: Do higher quality soils need to be specifically protected in a manner different to other soil types within the rural area, and if so how?**

<p><i>Q1: Should the District Plan retain the current zoning with an increase in the minimum allotment size in the Rural 2 Zone to reduce the fragmentation of land within this zone?</i></p>	<p>HortNZ seeks that land of high value for rural production is retained, with the focus on all the attributes of land that are needed for a production system, not just soil. Whether the current Rural 2 zone is appropriate needs to be assessed on the basis of the land that is included and whether it does actually include all land of high value for rural production. Generally the alluvial river flats should be retained for rural production.</p> <p>It is unlikely that all such land is included in a single zone so there needs to be appropriate policies in other zones to ensure that high value production land is not lost because it is not in a specified zone.</p>
<p><i>Q2: Should the District Plan amalgamate the Rural 1 and 2 Zones, with the Rural 1 Zone standards prevailing?</i></p>	<p>No. HortNZ would not want to see the land that is currently in Rural 2 combined with Rural 1 because a lesser standard would be applied to Rural 2 by being subsumed into Rural 1.</p>
<p><i>Q3: Should the District Plan amalgamate the Rural 1 and 2 Zones, with new standards to protect the soil resource generally, such as limiting the ability for further subdivision, site coverage requirements for buildings and hardstand areas?</i></p>	<p>Refer to the comments on Q1 re high value production land. If the zones are amalgamated there would need to be very clear policy direction and provisions to protect high value production land.</p>

### **Issue 2: Should mining and quarrying be more or less controlled in the District Plan?**

Not an issue for HortNZ.

### **Issue 3: Should earthworks (excluding quarrying) be controlled within all parts of the District?**

<p><i>Q1: Should the District Plan leave earthworks rules as they are currently for rural areas, but introduce controls for other parts of the District such as the Residential Zones?</i></p>	<p>HortNZ would expect that normal rural production activities such as cultivation and harvesting of crops are provided for as permitted activities.</p> <p>HortNZ would also seek that there are specific provisions to enable the disposal of material infected by unwanted organisms under the Biosecurity Act to be disposed of</p>
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	without regulatory hurdles. See comments below
<p><i>Q2: Should the District Plan introduce rules to control earthworks within all zones that set permitted thresholds for volume, depth of cut and depth of fill, slope, setbacks from sensitive activities, including requirements for dust control and erosion and sediment control plans?</i></p> <p><i>An option could be to exempt activities, where they are permitted by a regional plan or have obtained regional council consent.</i></p>	<p>Dust is an air discharge so a Regional Council matter.</p> <p>HortNZ would seek that earthworks for cultivation, harvesting and ancillary works such as sediment ponds and irrigation ponds are permitted activities.</p> <p>Some plans have included 'ancillary earthworks' as part of a definition for farming or primary production so such earthworks are managed through those provisions</p>

## **Biosecurity**

While biosecurity is generally managed under the Biosecurity Act, there is an interface with the RMA so the district plans has a role to play in respect of managing biosecurity risks.

Regional Councils develop plant and animal pest management strategies that address known pests that are present in NZ. However unwanted organisms are not currently found in NZ so are not identified in regional pest management strategies or the National Pest Plan Accord.

In the event of a biosecurity incursion of an unwanted organism there is the need to be able to respond rapidly to manage spread. Vegetation removal, burial, burning, spraying of material are methods that may be used, including in riparian areas.

There are a range of threshold levels for biosecurity incursions and it is only when a biosecurity emergency is declared by the Minister that the emergency provisions in the Biosecurity Act override the RMA provisions. In other situations a declaration may be made by the Chief Technical Officer of Ministry of Primary Industries (MPI). In such a declaration the regional and district plan rules need to be met in terms of disposal of infected material and given the urgency required it is not practical to have to obtain resource consent. Therefore provisions in the district plan need to enable disposal or treatment of material to be undertaken in response to a biosecurity incursion.

## Topic 9 Utilities and Infrastructure

### Issue 1: The need for the strategic integration of infrastructure and land use

<p><i>Q1: Should the District Plan review / amend the current definition of infrastructure to ensure other types of infrastructure present in the District are captured by the definition?</i></p>	<p>HortNZ would want to ensure that irrigation storage and distribution networks are recognised in the Plan as important infrastructure to the district.</p>
<p><i>Q2: Should the District Plan include provisions regarding the need for the strategic integration of land use and regionally significant infrastructure to give effect to the Regional Policy Statement?</i></p>	<p>The Plan has to give effect to the RPS.</p>
<p><i>Q3: Should the District Plan include objectives and policies to have a wider focus to cover all infrastructure?</i></p>	<p>It is unclear what additional infrastructure is sought to be included.</p>
<p><i>Q4: Should the District Plan include objectives, policies and rules that ensure sensitive and incompatible land uses are not established within proximity of regionally significant infrastructure?</i></p>	<p>Yes and no. HortNZ has been involved in a number of plan changes where the NPS for Electricity Transmission is given effect to and there is protection afforded to the National Grid, which limits some activities adjacent to the National Grid lines and infrastructure.</p> <p>However HortNZ opposes having the same level of protection for local distribution lines which are not as significant. Such an approach would severely limit activities in proximity to a large number of lines. These activities already need to comply with NZECP 34 and the regulations for tree hazards. It is not necessary to add an additional layer in the district plan for local distribution lines.</p>
<p><i>Q5: Should the District Plan include objectives and policies that ensure appropriate regard is had to infrastructure constraints and limitations when rezoning land?</i></p>	<p>Yes: Access to adequate infrastructure is an important issue in the rural area.</p>
<p><i>Q6: Should the District Plan include objectives, policies and rules requiring the strategic integration of subdivision and land use?</i></p>	<p>Yes, but they need to reflect the nature and scale of the activity being undertaken and should apply at subdivision stage or land use that requires a consent for other reasons, such as new development of non-rural activity in a rural area.</p>
<p><i>Q7: Should the District Plan provide clear guidance on infrastructure standards – noting this may be via a document external to the plan but incorporated by reference (‘Code of</i></p>	<p>Generally it could be anticipated that there may be standards but they need to be flexible so that they reflect the nature and scale of the activity being undertaken.</p>

<i>Practice') or could be dealt with outside of the District Plan by a Bylaw?</i>	There are advantages with a standard outside the Plan in that it can be amended but the Plan needs to refer to a specific standard so it is clearer if that it is actually part of the Plan
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**Issue 2: Should all new powerlines, and renewals, replacement and upgrading of over 50 metres in length of overhead lines be installed underground?**

<i>Q1: Should the District Plan amend the requirements for telecommunications mast heights by increasing the maximum permitted height in the Rural 1 Zone?</i>	Not a HortNZ issue
<i>Q2: Should the District Plan amend the requirements for telecommunications mast height by increasing the maximum permitted height for telecommunications / utility structures in the Rural 1 Zone?</i>	Not a HortNZ issue

**Issue 4: Should the District Plan include provisions that encourage water conservation and water efficiency, through collection, use and reuse of water and retention and treatment of stormwater?**

<i>Q1: Should the District Plan encourage water conservation and water use efficiency, and require stormwater treatment and attenuation?</i>	Yes
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## Topic 11 – Noise

### **Issue 1: Management of noise emissions from industrial / commercial activities located near Residential Zones**

<p><i>Q1. Should the District Plan adopt the current national noise standards and technical descriptors with necessary guidelines?</i></p>	<p>The national standards provide a useful basis for provisions but the plan needs to reflect the environment in which the activity occurs.</p>
<p><i>Q2. Should the District Plan apply noise limits in all zones?</i></p>	<p>Yes – but at reasonable levels that reflect the respective environments but there needs to be provision to enable rural production activities to continue – see comments below regarding noise in rural areas. There needs to be provision for industrial areas to be able to work 24/7.</p>
<p><i>Q3. Should the District Plan include more stringent noise emission limits for industrial / commercial activities located near Residential Zones?</i></p>	<p>No: Residential zones need to take into account that Industrial and commercial zones are located in the vicinity before establishing residential use. Consideration of the potential noise effects should occur at the zoning stage and not have restrictions imposed on industry after residential use has established. If someone chooses to live adjacent to an industrial area then they need to accept that noise if part of the location.</p>
<p><i>Q4. Should the District Plan require acoustic treatment and separation distances at zone boundaries between Industrial / Commercial and Residential Zones?</i></p>	<p>RE acoustic treatment -generally no: It is a choice of the landowner whether to install acoustic treatment. Plan could consider requirement for any new residential buildings adjacent to industrial. Re separation distances – yes as a means to reduce potential for complaints.</p>
<p><i>Q5. Should the District Plan include a buffer area between Industrial / Commercial and Residential Zones?</i></p>	<p>Potentially yes – it is one mechanism to reduce the potential for complaints.</p>
<p><i>Q6. Should the District Plan require resource consent for industrial / commercial activities located close to Residential Zones?</i></p>	<p>If the industrial/ commercial activity is locating in an appropriately zoned area then consent should not be required, unless for other matters under the Plan.</p>
<p><i>Q7. Should the District Plan require acoustic treatment for noise sensitive activities within, or close to Industrial / Commercial Zones where appropriate?</i></p>	<p>This question is similar to Q 4 as residential use is a noise sensitive activity. It is a choice of the landowner whether to install acoustic treatment. Plan could consider requirement for any new residential buildings adjacent to industrial.</p>

### **Issue 2: Protection of strategic infrastructure, sites and facilities against reverse sensitivity**

<p><i>Q1. Should the District Plan include a list (and maps) of the existing strategic infrastructure, sites and facilities, so the strategic infrastructure, sites and facilities are</i></p>	<p>This is possibly more than a noise issue.  If the planning framework is adequate there should not need to be a specific identification</p>
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<i>recognised?</i>	of sites.
<i>Q2. Should the District Plan include noise contours surrounding the strategic infrastructure, sites and facilities with limited or no provision of noise sensitive activities?</i>	Possibly only the airport
<i>Q3. Should the District Plan include buffer areas surrounding existing strategic infrastructure sites and facilities and major transport corridors, that require noise sensitive activities to provide acoustic treatment?</i>	Possibly

**Issue 3: Management of noise from commercial activities within Recreation Zones**

Not a HortNZ issue

*Q1. Should the District Plan consider restrictions on temporary activity and events on recreation land in neighbourhoods, to control noise emissions?*

*Q2. Should the District Plan include noise limits for commercial activities within Recreation Zones?*

*Q3. Should the District Plan include limitations on the scale and hours of commercial activities within Recreational Zones?*

**General comments**

Noise in rural areas:

There are no questions regarding noise in rural areas. It is not clear if this is because noise is not an issue in those areas.

However HortNZ seeks to ensure that the rural areas are not portrayed as quiet because they are a working rural production area and noise does occur in those areas, sometimes on an intermittent basis. Therefore it is important that there are provisions in the plan that provide for noise from rural activities. If noise limits are set for the rural area they need to reflect the nature of the rural working environment and not set a low permitted baseline.

It is recognised that activities such as frost fans and bird scarers can be noisy and so there needs to be provisions in the Plan which ensure that dwellings do not locate where such activities are located. In the case of frost fans, if a dwelling wants to locate within proximity then acoustic insulation should be required. It is essential that growers are able to use these devices at critical times. Ensuring adequate setbacks of dwellings from horticultural properties is an important part of minimising the potential for reverse sensitivity complaints.

There are a range of bird scarer rules used throughout the country. HortNZ seeks that the provisions for bird scarer are practical and provide adequate protection from birds at critical times of day. HortNZ and growers are willing to work with the Council on a set of provisions for bird scarers.

There should also be provision in the Plan for permitted use of helicopters and fixed wing aircraft on an intermittent basis for rural production activities.

## Topic 12 Rural Zones

### Issue 1: Should the District Plan specifically control intensive rural activities?

<p><i>Q1. Should the District Plan include rules requiring resource consent for intensive rural activities to enable assessment and management of adverse effects of these activities?</i></p>	<p>There is no definition provided or suggested for 'intensive rural activities' so it is unclear what activities may require resource consent.</p> <p>If an activity is a legitimate and permitted activity in the Rural Zone, such as farming and horticulture, then there would need to be very clear resource management reasons why a consent would be required.</p> <p>HNZ would want to ensure that horticultural activities do not require consent.</p>
<p><i>Q2. Should the District Plan include trigger limits beyond which resource consent is required and / or introduce performance standards addressing particular adverse effects of intensive rural activities such as heavy traffic generation, noise, smell, use of roads?</i></p>	<p>As above, this is dependent on the definition of intensive rural activities. Given that farming and horticulture can only locate in rural zones then there needs to be a permitted framework in which they can operate. There should be triggers for non-rural activities that seek to locate in rural zones.</p>

### Issue 2: Effects on roading

<p><i>Q1. Should the District Plan include new rules requiring resource consent from the Council for new activities likely to result in damage to roads? These rules could be based on the type of activity or on standards relating to heavy traffic movements.</i></p>	<p>Any rule needs to be based on a resource management issue. Cost of maintaining roads is not a RM issue.</p> <p>Rural activities contribute to the economy of the district and require infrastructure, such as roads to enable that contribution to be made.</p> <p>There should be differentiation between rural production activities and non-rural activities seeking to locate in rural areas.</p>
<p><i>Q2. Should the District Plan require upfront payment to the Council for road maintenance and repair when a new activity reaches a specified intensity in terms of heavy vehicle movements? This could be done through including a new financial contribution in the District Plan.</i></p>	<p>No. An upfront payment could be considerable and make a business unviable.</p> <p>Financial contributions should only be considered for non-rural activities locating in the rural zones.</p>

## **Topic 13 Rural Residential**

### **Issue 1: Should the District Plan provide a structured and zoned approach to the provision of rural residential opportunities?**

<p><i>Q1. Should the District Plan delete the existing dispersed 'rural living approach' and replace it with a targeted rural residential zone framework for land adjacent to Timaru, Geraldine, Pleasant Point and Temuka?</i></p> <p><i>The Rural 4A Zone (Geraldine Downs) and the Rural Residential (Brookfield Road) Zone will be retained within the next District Plan.</i></p>	<p>Generally HortNZ would agree with the more targeted rural residential zone framework as the current framework has not worked overly well.</p> <p>However high value production land should not be put into rural residential but retained for rural production. This presents a challenge as much of the high value production land is adjacent to settlements. Therefore there needs to be clear identification of the potential of land for high value production. Just because an area has been fragmented by the current dispersed rural living approach does not mean that it should become rural residential.</p>
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### **Issue 2: How should the amenity and characteristics of a rural residential zone be managed?**

<p><i>Q1. Should the District Plan provide a policy framework and rules relating to the maintenance of amenity values, character and a pattern of development in the rural residential zones?</i></p> <p><i>Provisions would be required for: building height; scale of buildings; establishment of non-residential activities; setbacks from roads and boundaries; extent of impervious surfaces; minimum and average lot sizes; the need to conform to a structure or outline development plan for the management of stormwater, provision of roading networks, and preservation of important features; and limitations on footpaths and street lighting.</i></p>	<p>Tasman District has a description or definition for rural character that describes the rural zone but has recently introduced a 'rural residential character' definition that assists in describing what is anticipated in rural residential areas. This could be a useful approach in Timaru.</p>
<p><i>Q2. Should the District Plan provide a policy framework and rules for rural residential activities to avoid reverse sensitivity effects on established or anticipated activities undertaken in the adjoining Rural Zones?</i></p> <p><i>Provisions would be required for: setbacks from intensive farming operations; and management of noise impacts.</i></p>	<p>Yes. HortNZ would seek that there is clear consideration of the boundary issues between rural and rural residential so that there are no cross boundary reverse sensitivity issues to all rural activities – not just intensive farming operations. Growers deal with complaints on a regular basis and the Plan needs to provide a framework where the potential for such complaints are minimised. This would mean ensuring that there is an adequate buffer or setback distances between the zones.</p>

