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**SUBMISSION ON PROPOSED PLAN CHANGE 36 TO THE WANGANUI DISTRICT PLAN**

**TO:** Wanganui District Council  
**SUBMISSION ON:** Proposed Plan Change 36  
**NAME:** Horticulture New Zealand  
**ADDRESS:** PO Box 10 232  
WELLINGTON



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

Schedule One: Plan Change 36 Rural Environment Chapter 3

2. Horticulture New Zealand wishes to be heard in support of this submission.
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 7,000 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.

Thank you for the opportunity to submit on the Proposed Plan Change 36.

Chris Keenan

2014

**Manager – Natural Resources and Environment  
Horticulture New Zealand**

Dated: 4 June 2014

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**SCHEDULE ONE:** Plan Change 36 Rural Environment – Chapter 3.

1.1 General Comments

Horticulture NZ generally supports the approach in Plan Change 36 to ensure that land is available for high value production, such as horticulture. Clear identification of potential for reverse sensitivity and provisions to manage it are critical to enabling rural production activities.

Throughout the Plan Change there is reference to Class 1 and 2 soils. The classifications are based on the NZ Land Resource Inventory which is based on more than the components of the soil – rather the nature of the land and climate. Therefore the reference should be to Class 1 and 2 land rather than soils. A focus on only soils means that important components of the land are not included. It takes more than soil to have a rural production system so all components need to be provided for.

It is noted that Rural B provisions have been reviewed separately and are not subject to submission as part of Plan Change 36. This means that the effect of the changes to the Rural Zones cannot be seen in their totality. To ensure a robust rural planning and zone framework all zones and provisions should have been assessed as part of the same plan change.

Undertaking the District Plan review in stages means that not all relevant provisions are reviewed at the same time. For instance Chapter 3 refers to other sections of the Plan – such as hazardous substances, which are not part of the current review even though they form an integral part of the rural operating environment.

**Decision sought:**

Amend all references to 'Class 1 and 2 soils' to 'Class 1 and 2 land'.

1.2 Rural Environment – Introduction

The Introduction provides an overview and description of the rural environment and the respective zones. Inclusion of descriptors of the rural environment assists in addressing potential reverse sensitivity issues as it is clear the nature of the rural environment. However some changes in wording are sought to better reflect that description.

**Decision sought:**

Amend 4<sup>th</sup> paragraph by deleting 'The quality of' so that the paragraph reads: "The rural environment is characterised by...."

1.3 Rural A Zone

While the section states that 12% of Class 1 and 2 land is occupied by non or low productive activities, it would be useful to state how much Class 1 and 2 land exists in Wanganui.

The statement about buffer areas may not always apply so amended wording is sought. Productive land is not 'lost' as the productive nature of the land still exists,

even if under houses. Rather it is not available for production land activities.

**Decision sought:**

Include the area of Class 1 and 2 land in Wanganui.

Amend paras 2 and 5 to 'Class 1 and 2 land'

Amend para 3 2<sup>nd</sup> sentence as follows: This may result in a loss of land available for rural production activities may be avoided or limited near boundaries to avoid reverse sensitivity and neighbour issues. However the onus is not on the lawfully established rural activity to mitigate effects in this way.

1.4 Issues

Issue 3.1.1 focuses on the effects on visual amenity value. Horticulture NZ prefers to refer to 'rural character' which is in essence a subset of visual amenity value, but is more clearly linked to the rural environment and context. In addition, while the rural environment is generally more open than urban environments there are buildings and structures which exist and are essential to rural production activities. These need to be provided for.

**Decision sought:**

Amend Issue 3.1.1 as follows:

Inappropriate subdivision, use or development can lead to adverse effects on the rural character, particularly the generally open nature, of the rural environment.

1.4.1 Rural A Zone Issues

Generally the issues are supported but changes sought to be consistent with changes sought above, particularly the focus on land rather than soils.

**Decision sought:**

Amend 3.1.4 'Class 1 and 2 soils' to 'Class 1 and 2 land'.

Amend the last sentence of 3.1.4 to: This may result in less productive land being available for rural production activities.

Amend 3.1.5 by changing 'soil resource' to 'the land resource'.

1.5 Objectives

1.5.1 General objectives

Objective 3.2.2 is focussed on rural land use. The District Plan defines rural activities and it would be better to include reference to that term as it is defined. However the objective should not be limited to rural activities as some other rural land uses are appropriate in rural areas.

Objective 3.2.4 seeks to 'protect' rural character and amenity values. This is a higher threshold than provided for in Section 7 of the RMA.

**Decision sought:**

Amend Objective 3.2.1 by changing 'soils' to 'land'.

Amend Objective 3.2.2 to Rural activities, land use and development.....

Amend Objective 3.2.4 to 'Maintain rural character .....

1.5.2 Rural A Zone Objectives

The objective uses the term 'lifestyle-development' but this is not defined. It needs to be clear what is sought to be 'avoided'. Subdivision of small blocks for horticultural purposes should not be regarded as 'lifestyle-development.'

**Decision sought:**

Amend Objective 3.2.5 by changing 'soils' to 'land'.

Define lifestyle development as 'development where the predominant purpose for the site is rural residential living rather than rural production.'

1.6 Policies

1.6.1 General policies

Policies 3.3.1 and 3.3.4 seem to duplicate the same issue in respect of lifestyle development.

**Decision sought:**

Delete Policy 3.3.4

1.6.2 Rural A Zone policies

The policy that describes the rural character is supported. However a few changes are sought so that it better describes the rural environment and is linked to the definition of rural activities.

Policy 3.3.7 uses the term 'large' holdings. It is a subjective term and would be better to be linked to the outcome that is sought.

**Decision sought:**

Amend Policy 3.3.5

e) rural activities and practices and odours from rural activities are acceptable provided best practicable options are used

f) a varied noise environment may exist, including intermittent noise from rural machinery and equipment.

Amend Policy 3.3.7 as follows:

Retain Class 1 and 2 land in holdings of sufficient size to enable opportunities for a range of rural activities to occur.

Retain Policy 3.3.8.

1.6.3 Rural C Zone policies

The policy that describes the rural character is supported. However a few changes are sought so that it better describes the rural environment and is linked to the definition of rural activities.

**Decision sought:**

Amend Policy 3.3.14

e) rural activities and practices and odours from rural activities are acceptable provided best practicable options are used.

f) a varied noise environment may exist, including intermittent noise from rural machinery and equipment.

1.7 Rules – Rural A Zone

1.7.1 Permitted Activities

Rule 3.4.1 provides for rural activities as defined in the Definition section of the Plan. Horticulture NZ supports the definition as it provides for ancillary uses which are incidental and secondary to the rural activity, although it does not list examples of such ancillary activities but does not include rural industries. Clarification is sought that rural activities does include packing sheds on farm or orchard, artificial crop protection structures and also use of land for airstrips and agricultural aircraft.

Horticulture NZ is concerned that a new dwelling could be built as a permitted activity on a site 5000m<sup>2</sup> with only a setback of 10 metres from the boundary. This gives potential for reverse sensitivity complaints. A larger setback is sought.

There needs to be provision for activities that are able to be undertaken in proximity to the National Grid as permitted activities. This will include artificial crop protection and crop support structures. Currently these activities would trigger the non-complying rule. Horticulture NZ has worked with Transpower to develop provisions relating to horticultural structures which are in proximity to the National Grid. This includes providing for artificial crop protection structures and crop support structures as a permitted activity NZECP34:2001 is met. These provisions should be included in the Plan.

**Decision sought:**

Ensure that the definition of rural activities includes packing sheds on farm or orchard artificial crop protection structures, and also use of land for airstrips and agricultural aircraft. Rural activities should also include frost fans and bird scarers subject to meeting performance standards.

Include a permitted activity rule for the National Grid Yard

No buildings, structures or **Sensitive Activities** shall be located within the **National Grid Yard** except that this shall not apply to the following provided they comply with the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001), and are located at least 12m from the outer visible edge of a National Grid transmission line support structure unless otherwise specified below:

- i) Fences located at least 5m from a National Grid line support structure
- ii) A fence located within 5m of a support structure where Transpower has given written approval in accordance with clause 2.3.3 of NZECP34:2001.
- iii) Alterations and additions to existing buildings that do not involve an increase in the building envelope or floor space.

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- iv) Network utilities (excluding buildings and structures for dams and irrigation schemes).
- v) Uninhabitable farm buildings and structures for farming activities, but excluding milking sheds and buildings for **Intensive Farming** including commercial greenhouses.
- vi) Artificial Crop Protection Structures, located at least 8m from the outer edge of a transmission line support pole (not tower) provided it is no more than 2.5m high, is removable or temporary to allow a clear working space of 12m from the pole when necessary for maintenance purposes, and is located a sufficient distance from a pole to provide unimpeded access for maintenance equipment, including a crane.
- vii) Artificial Crop Protection Structures, located within 8m of the outer edge of a transmission line support pole or 12 of the outer edge of a tower where Transpower New Zealand gives its written approval in accordance with clause 2.4.1 of NZECP34:2001.

b) All earthworks, quarrying and mining within a National Grid Yard shall meet the following standards:

Around poles:

- Shall not be deeper than 300mm within 2.2 m of a transmission line pole support structure or stay wire; and
- Shall not be deeper than 750mm between 2.2m to 5m from a transmission line pole support structure or stay wire.
- Except that vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of the pole support structure or stay wire are exempt from these conditions.

Around Towers

- Shall not be deeper than 300mm within 6m of the outer visible edge of a transmission line tower support structure; and
- Shall not be deeper than 3m between 6m to 12m from the outer visible edge of a transmission line tower support structure.

At any location in the National Grid Yard

- Do not create an unstable batter that will affect a transmission line support structure; and/or
- Do not increase ground levels such that the minimum ground to conductor clearance distances in NZECP 34: 2001 are not met

Provided that the following earthworks are exempt from the above:

- Earthworks undertaken by a network utility operator (complying with NZECP 34: 2001); or
- Earthworks undertaken as part of normal rural cultivation, or the repair, sealing or resealing of a road (including a farm track), footpath or driveway.

Include a definition for National Grid Yard as 12 metres from a transmission support structure or the centreline of the conductor.

## 1.7.2 Restricted Discretionary Activities

Horticulture NZ is concerned that there is a presumption that small sites are not economical or good use of productive land. A site of 4 hectares of kiwifruit can be an economical operation. Requiring a minimum site area of 10 hectares in the Rural A Zone could preclude such uses of the land.

Horticulture NZ seeks that Council includes a matter of discretion relating to potential reverse sensitivity and how that potential will be managed.

### **Decision sought:**

Add to 3.4.2 b) matters of discretion i) the ability of sites to:  
avoid potential reverse sensitivity

Amend 3<sup>rd</sup> matter: maintain or enhance rural lifestyle character.

Amend 3.4.2 c) matters of discretion 2)  
Impact on the rural character of the surrounding area and to avoid potential reverse sensitivity

Revise 3.4.2 b) to ensure that blocks suitable for rural productive purposes such a horticulture are able to be established.

## 1.7.3 Non complying activities

Changes need to be made to reflect the inclusion of a permitted activity rule for activities within the National Grid Yard.

### **Decision sought:**

Amend 3.4.4 b): Any building or structure located within the National Grid Yard that does not meet the permitted activity rule 3.4.1.

## 1.8 Performance Standards

### 1.8.1 Hazardous substances

Horticulture NZ does not support the use of the Hazardous Facility Screening Procedure and considers that meeting the requirements of HSNO in respect of hazardous substances should be the requirement in the District Plan.

Appendix F has not been reviewed as part of this Plan Change but it has the potential to have a significant impact as to whether an activity is permitted or not.

In particular there needs to be provision for the storage and use of agrichemicals and fertilisers where these meet best practice standards such as NZS8409:2004 Management of Agrichemicals and the HSNO Fertiliser Group Standards.

### **Decision sought:**

Add a provision under 3.5.4 for storage and use of agrichemicals and fertilisers where these meet best practice standards such as NZS8409:2004 Management of



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Agrichemicals and the HSNO Fertiliser Group Standards.

#### 1.8.2 Structures

A larger setback is sought from the boundary for dwellings so that the potential for reverse sensitivity is reduced. This is particularly important for Rural Zone A where there is high value production undertaken.

**Decision sought:**

Add a 3.5.5 e) Dwellings shall be located 20 metres from the side and rear boundary.

#### 1.8.3 Signs

It is proposed to add to 3.5.6 provision for health and safety signs associated with infrastructure. There is also a need to provide for signs on all properties to meet HSNO requirements in respect of hazardous substances.

**Decision sought:**

Amend 3.5.6 f) as follows:

Signs for identification, health and safety or hazardous substances

#### 1.8.4 Trees

The standards set an arbitrary setback distance for the planting of trees or shelterbelts.

Rather than an arbitrary setback the threshold should be linked to shading of a neighbouring property or the height of the tree.

Shelterbelts are important for orchards and if Class 1 and 2 land in Rural Zone A is to be used for high value production then there needs to be provision for shelterbelts.

**Decision sought:**

Delete 'shelterbelts' from 3.5.8 a).

Delete the 10 metres setback distance.

Include a provision for where a tree is over 8 metres it does not shade neighbouring property at midday on the shortest day.

#### 1.9 Rural Zone B

##### 1.9.1 Trees 3.7.5

The standards set an arbitrary setback distance for the planting of trees or shelterbelts.

Rather than an arbitrary setback the threshold should be linked to shading of a neighbouring property or the height of the tree.

Shelterbelts are important for orchards so there needs to be provision for shelterbelts.

**Decision sought:**

Delete 'shelterbelts' from 3.7.5 a).

Delete the 10 metres setback distance.

Include a provision for where a tree is over 8 metres it does not shade neighbouring property at midday on the shortest day.

1.10 Rural Zone C

1.10.1 The changes sought to Rural Zone A in respect of the National Grid should also be included in Rural Zone C

There needs to be a provision for activities that are able to be undertaken in proximity to the National Grid as permitted activities. This will include artificial crop protection and crop support structures. Currently these activities would trigger the non-complying rule. Horticulture NZ has worked with Transpower to develop provisions relating to horticultural structures which are in proximity to the National Grid. This includes providing for artificial crop protection structures and crop support structures as a permitted activity NZECP34:2001 is met. These provisions should be included in the Plan.

**Decision sought:**

Include a permitted activity rule in 3.8.1 for the National Grid Yard

No buildings, structures or Sensitive Activities shall be located within the National Grid Yard except that this shall not apply to the following provided they comply with the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001), and are located at least 12m from the outer visible edge of a National Grid transmission line support structure unless otherwise specified below:

- i) Fences located at least 5m from a National Grid line support structure
  - ii) A fence located within 5m of a support structure where Transpower has given written approval in accordance with clause 2.3.3 of NZECP34:2001.
  - iii) Alterations and additions to existing buildings that do not involve an increase in the building envelope or floor space.
  - iv) Network utilities (excluding buildings and structures for dams and irrigation schemes).
  - viii) Uninhabitable farm buildings and structures for farming activities, but excluding milking sheds and buildings for **Intensive Farming** including commercial greenhouses.
  - ix) Artificial Crop Protection Structures, located at least 8m from the outer edge of a transmission line support pole (not tower) provided it is no more than 2.5m high, is removable or temporary to allow a clear working space of 12m from the pole when necessary for maintenance purposes, and is located a sufficient distance from a pole to provide unimpeded access for maintenance equipment, including a crane.
  - x) Artificial Crop Protection Structures, located within 8m of the outer edge of a transmission line support pole or 12 of the outer edge of a tower where Transpower New Zealand gives its written approval in accordance with clause 2.4.1 of NZECP34:2001.
- c) All earthworks, quarrying and mining within a National Grid Yard shall meet the following standards:

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Around poles:

Shall not be deeper than 300mm within 2.2 m of a transmission line pole support structure or stay wire; and

Shall not be deeper than 750mm between 2.2m to 5m from a transmission line pole support structure or stay wire.

Except that vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of the pole support structure or stay wire are exempt from these conditions.

Around Towers

Shall not be deeper than 300mm within 6m of the outer visible edge of a transmission line tower support structure; and

Shall not be deeper than 3m between 6m to 12m from the outer visible edge of a transmission line tower support structure.

At any location in the National Grid Yard

Do not create an unstable batter that will affect a transmission line support structure; and/or

Do not increase ground levels such that the minimum ground to conductor clearance distances in NZECP 34: 2001 are not met

Provided that the following earthworks are exempt from the above:

Earthworks undertaken by a network utility operator (complying with NZECP 34: 2001); or

Earthworks undertaken as part of normal rural cultivation, or the repair, sealing or resealing of a road (including a farm track), footpath or driveway.

Include a definition for National Grid Yard as 12 metres from a transmission support structure or the centreline of the conductor.

1.10.2 Non complying activities

Changes need to be made to reflect the inclusion of a permitted activity rule for activities within the National Grid Yard.

Decision sought:

Amend 3.8.4 b): Any building or structure located within the National Grid Yard that does not meet the permitted activity rule 3.8.1.

1.10.3 Hazardous substances

Horticulture NZ does not support the use of the Hazardous Facility Screening Procedure and considers that meeting the requirements of HSNO in respect of hazardous substances should be the requirement in the District Plan.

Appendix F has not been reviewed as part of this Plan Change but it has the potential to have a significant impact as to whether an activity is permitted or not.

In particular there needs to be provision for the storage and use of agrichemicals and fertilisers where these meet best practice standards such as NZS8409:2004 Management of Agrichemicals and the HSNO Fertiliser Group Standards.

**Decision sought:**

Add a provision under 3.9.4 for storage and use of agrichemicals and fertilisers where these meet best practice standards such as NZS8409:2004 Management of Agrichemicals and the HSNO Fertiliser Group Standards.

1.10.4 Trees 3.9.8

The standards set an arbitrary setback distance for the planting of trees or shelterbelts.

Rather than an arbitrary setback the threshold should be linked to shading of a neighbouring property or the height of the tree.

Shelterbelts are important for orchards so there needs to be provision for shelterbelts.

**Decision sought:**

Delete 'shelterbelts' from 3.9.8 a).

Delete the 10 metres setback distance.

Include a provision for where a tree is over 8 metres it does not shade neighbouring property at midday on the shortest day

1.11 Definitions

1.11.1 National Grid

It is important that the National Grid is defined so that it is clear the lines that are included within the provisions for the National Grid.

**Decision sought:**

Add a definition for National Grid: The National Grid is the electricity transmission network owned and operated by Transpower NZ.

Amend all references to 'electricity transmission lines' to 'National Grid'.

1.11.2 Amenity values

The plan proposes to amend the definition of amenity values beyond the definition in the RMA. This is not supported as the RMA definition has been subject to case law and does not require the additional matters listed.

The amended definition has wider application than just the Rural Zones so any changes need to be included in a wider plan change.

**Decision sought:**

Delete proposed changes to the definition of amenity values.

1.11.3 Artificial crop protection structures and crop support structures

Changes are sought to the provisions for the National Grid to provide for artificial crop

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protection structures and crop support structures. Inclusion of definitions would assist in implementing these provisions.

**Decision sought:**

Add definitions as follows:

Artificial Crop Protection Structures means structures built with material used to protect crops and/or enhance growth (excluding greenhouses).

Crop support structures are open structures on which plants are grown –

Greenhouses are a totally enclosed structure where plants are grown in a controlled environment.

1.11.4 Rural activities

The current District Plan has a definition for rural activities, which is supported. However Horticulture NZ seeks that it is clear that a number of associated rural activities are included within the definition of rural activities. In particular it should include frost fans and bird scarers subject to meeting performance standards for noise. It is understood that noise will be subject to a later plan review. Horticulture NZ seeks that frost fans and bird scarers are specifically provided for and would like to discuss provisions with Council.

**Decision sought:**

Ensure that the definition of rural activities includes packing sheds on farm or orchard artificial crop protection structures, and also use of land for airstrips and agricultural aircraft. Rural activities should also include frost fans and bird scarers subject to meeting performance standards.

1.12 Consequential amendments

**Decision sought:**

Make changes which are consequential to the decisions sought in this submission.

