

FORM 5

**RURAL CONTRACTORS NEW ZEALAND SUBMISSION ON PROPOSED TIMARU DISTRICT PLAN**

Clause 6 of Schedule 1, Resource Management Act 1991

**To:** Timaru District Council  
PO Box 522  
TIMARU  
  
Email: [pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)

**Submitter:** Rural Contractors New Zealand Incorporated (“**RCNZ**”)

**Contact Person:** Graeme Mathieson

**Address for service:** C/- Graeme Mathieson  
Mitchell Daysh Limited  
PO Box 97431  
Manukau  
AUCKLAND 2241  
  
Telephone: (027) 220-2640  
  
Email: [graeme.mathieson@mitchelldaysh.co.nz](mailto:graeme.mathieson@mitchelldaysh.co.nz)

This is a submission on the Proposed Timaru Plan.

RCNZ wishes to be heard in support of this submission.

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

If others make a similar submission, RCNZ would consider presenting a joint case with them at any Hearing.

## 1 General

- 1.1 Rural Contractors New Zealand Incorporated (“**RCNZ**”) generally supports the Proposed Timaru District Plan subject to the specific amendments sought in this submission (refer **Attachment A**).
- 1.2 In the submission points set out in **Attachment A**, RCNZ is seeking to ensure that the Timaru District Plan provides a more enabling planning framework that better recognises and provides for the establishment and ongoing operation of rural contractor depots (and associated activities) as critical rural activities which support, service or are dependent on primary production and have an operational need to locate in rural areas (including within areas of “highly productive land”). In this regard, a rural contractor depot would fall within the ambit of the National Planning Standards definition for “*rural industry*”<sup>1</sup>.
- 1.3 RCNZ is the only national association and the leading advocate for rural contractors in New Zealand representing the interests of contractors engaged in a wide range of activities and is an Affiliated Member of Federated Farmers. RCNZ monitors central and local government policies and plans. It maintains close relations with a wide number of organisations, government departments and other bodies.
- 1.4 There has been a growing trend in the share of rural contracting in total agricultural production with an estimated 1100 rural contractors nationwide. This has been indicative of a trend toward greater specialisation and contracting out of the inputs to rural production. Rural contractors are used for the skills they have gained through specialisation, the machinery and technology they can offer, and as a substitute for other labour.
- 1.5 The main industry users of services from the rural contracting industry are horticulture and fruit growing, livestock cropping and farming, dairy and cattle farming, forestry, and services to agriculture and hunting and trapping. Specific examples of rural contractor services include:
  - Aeration;
  - Cultivation;
  - Earth moving;
  - Fertilising;
  - Grain and seed harvesting;
  - Land clearing and development;
  - Park and reserve maintenance;
  - Root raking;
  - Spraying;
  - Windrowing;
  - Hay and silage making;
  - Drilling;
  - Farm drainage;
  - Hedge and shelter cut;
  - Mowing;
  - Ploughing;
  - Aerial and land spraying;
  - Track maintenance;
  - Cartage;
  - Fencing;
  - Forestry;
  - Horticulture;
  - Mulching;

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<sup>1</sup> The National Planning Standards definition for “*rural industry*” is “*...an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production*”.

- Viticulture.
- 1.6 Rural contractors make a significant contribution to rural communities, by providing off-farm work and casual workers for the farming sector and contributing to the economic and social health of local areas. Due to the nature of their business and the clients they serve, rural contractor depots are typically established in rural areas. The scale of rural contractor depots can vary from relatively small-scale seasonal operators, some of whom have established the business as a logical extension of an existing farming operation, to larger larger-scale businesses operating solely as a rural contractor depot.
- 1.7 Rural contractors are critical in ensuring the prosperity, security, and sustainability of New Zealand's pastoral and forestry sectors which are the backbone of our economy and their continued success is essential to this country's living standards. Sound planning is required to ensure that activities that are integral to the rural industry such as rural contractors are sufficiently recognised, provided for and protected for future generations in terms of key planning documents such as the Timaru District Plan.

## 2 Specific Submission Points

- 2.1 RCNZ's specific submission points are provided in **Attachment A**.

**Signature** RURAL CONTRACTORS NEW ZEALAND INCORPORATED  
By its authorised agents Mitchell Daysh Limited



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Graeme Mathieson

**Date** 14 December 2022

**Postal address** C/- Graeme Mathieson  
Mitchell Daysh Limited  
PO Box 97431  
Manukau  
AUCKLAND 2241

**Telephone** 027 220 2640

**Email** [graeme.mathieson@mitchelldaysh.co.nz](mailto:graeme.mathieson@mitchelldaysh.co.nz)

**ATTACHMENT A: RURAL CONTRACTORS NEW ZEALAND - SUBMISSION ON PROPOSED TIMARU DISTRICT PLAN**

Provision	Support / Oppose	Reasons	Decision Sought
<b>Definitions</b>			
New definition for “Rural contractor depot”	NA	The definition of “ <i>rural industry</i> ” would include a rural contractor depot because it is “ <i>an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production</i> ”. As a result, a restricted discretionary activity resource consent would be required for a rural contractor depot in the General Rural Zone under Rule GRUZ-R21 regardless of scale and associated environmental effects. In many cases, small-scale rural contractor depots are established as a logical business extension of an existing farming operation for seasonal work. Consistent with other District Plans, RCNZ is seeking a new rule in the General Rural Zone permitting small-scale rural contractor depots (with a consequential amendment to Rule GRUZ-R21). To assist with the implementation of the proposed new permitted activity rule, RCNZ seeks the introduction of a definition for “ <i>rural contractor depot</i> ” in the Definitions section.	Include the following definition for “ <i>Rural contractor depot</i> ”:  <i>The land and buildings used for the purposes of storing or maintaining machinery, equipment and associated goods and supplies associated with a rural contracting business that directly supports, services or is dependent on primary production.</i>
Definition of “Rural industry”	Support	The definition of “ <i>rural industry</i> ” would include a rural contractor depot because it is “ <i>an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production</i> ”. It is appropriate for the definition to align with the National Planning Standards 2019.	Retain definition of “ <i>rural industry</i> ” as notified.
<b>SD – Strategic Direction</b>			
SD-09 Rural Areas	Support in part.	Objective SD-09 should better reflect the policy direction for the General Rural Zone which enables activities that support and protect primary production activities (e.g. rural industry).	Amend SD-09 Rural Areas as follows:  <b>SD-09 Rural Areas</b> <i>A range of primarily Primary production activities, rural industry and other supporting activities are enabled in the rural environment to enable the ongoing use of land for primary production for present and future generations, while:</i> <ul style="list-style-type: none"> <li><i>i. protecting versatile soils for productive uses;</i></li> <li><i>ii. managing the adverse effects of intensive activities on sensitive activities;</i></li> <li><i>iii. managing the adverse effects of new sensitive activities on primary production activities, rural industry and other supporting activities;</i></li> <li><i>iv. avoiding activities that have no functional/operational need to locate in the rural area;</i></li> <li><i>v. identifying and managing the character, qualities and amenity values of rural areas;</i></li> <li><i>vi. ensuring Future Development Area overlay remains available for future urban or rural lifestyle development.</i></li> </ul>
<b>GRUZ – General Rural Zone</b>			
GRUZ-01 Purpose of the General Rural Zone	Support.	Objective GRUZ-01 states the following:  <i>The General Rural Zone predominantly provides for primary production, including intensive primary production, as well as a limited range of activities that support</i>	Retain Objective GRUZ-01 as notified.

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		<p>primary production, including associated rural industry, and other activities that require a rural location.</p> <p>RCNZ supports that Objective GRUZ-01 recognises the importance of providing for activities (such as rural industry) that support primary production and require a rural location.</p>	
GRUZ-02 Character and qualities of the General Rural Zone	Support	<p>Objective GRUZ-02 states the following:</p> <p><i>The character and qualities of the General Rural Zone comprise:</i></p> <ol style="list-style-type: none"> <li>1. large allotments with large areas of open space; and</li> <li>2. a working environment of mostly utilitarian buildings and structures where primary production generates noise, odour, light overspill and traffic, often on a cyclic and seasonable basis; and</li> <li>3. higher levels of amenity immediately around sensitive activities and zone boundaries; and</li> <li>4. vegetation, pasture, crops and forestry and livestock across a range of landscapes.</li> </ol> <p>RCNZ supports that Objective GRUZ-03 clearly recognises the characteristics and variable nature of the General Rural Zone working environment.</p>	Retain Objective GRUZ-02 as notified.
GRUZ-03 Protecting primary production	Support	<p>Objective GRUZ-03 states the following:</p> <p><i>The land resource of the General Rural Zone is not diminished by activities with no functional or operational need to locate in the General Rural Zone, and primary production is protected from sensitive activities.</i></p> <p>RCNZ supports the policy direction to provide for protect the land resource from activities that have no functional or operational need to locate in the General Rural Zone.</p>	Retain Objective GRUZ-03 as notified.
GRUZ-P5 Protecting primary production	Support in part.	<p>RCNZ considers Policy GRUZ-PF needs to be broadened to ensure that rural and industry and other activities that support primary production are also protected from potential reverse sensitivity effects arising from the establishment of nearby sensitive activities.</p>	<p>Amend Policy GRUZ-P5 as follows:</p> <p><b><u>GRUZ-P5 Protecting primary production, rural industry and other supporting activities</u></b></p> <p><i>Manage sensitive activities in the zone to ensure:</i></p> <ol style="list-style-type: none"> <li>1. they are located to avoid adverse effects on primary production, rural industry and other supporting activities; or</li> <li>2. if avoidance is not possible, the sensitive activity includes mitigation measures so that there is minimal potential for adverse effects on the sensitive activity from primary production, rural industry and other supporting activities.</li> </ol>
GRUZ-P7 – Industrial activities, rural industries and other activities	Support	<p>Policy GRUZ-P7 states the following:</p> <p><b><u>GRUZ-P7 Industrial activities, rural industries and other activities</u></b></p> <ol style="list-style-type: none"> <li>1. Only allow rural industries and other activities (not listed in the rules) in the General Rural Zone where: <ol style="list-style-type: none"> <li>a. the activity <ol style="list-style-type: none"> <li>i. was legally established use not permitted in the zone; or</li> <li>ii. supports primary production; or</li> <li>iii. has a functional or operational need for the activity to locate within the Zone; and</li> </ol> </li> </ol> </li> </ol>	Retain Policy GRUZ-P7 as notified.

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		<p>b. the activity is compatible or complimentary with the character and qualities of the Zone; and</p> <p>c. there is adequate infrastructure available to service the activity, including on-site servicing where reticulated services are not available; and</p> <p>d. there is adequate water supply provided for firefighting purposes; and</p> <p>e. the scale, location and intensity of the activity will not compromise the efficiency and safety of the roading network; and</p> <p>f. the activity does not constrain existing primary production or the establishment of activities otherwise permitted within the General rural zone; and</p> <p>g. any adverse effects on primary production, sensitive activities, zone boundaries or sensitive environments are avoided, and if avoidance is not possible, adverse effects are minimised.</p> <p>2. Avoid other industrial activities unless:</p> <p>a. the matters under GRUZ-P7.1 above are complied with; and</p> <p>b. the activity:</p> <p>i. can demonstrate that it cannot be provided for in the General Industrial Zone, or an extension of the General Industrial Zone; or</p> <p>ii. is of such a small scale or nature that all adverse effects on primary production, sensitive environment or sensitive activities will be avoided.</p> <p>RCNZ supports that Policy GRUZ-P7 clearly provides for activities (such as rural industry) that support primary production and require a rural location.</p>	
New permitted activity rule for "Rural Contractor Depot"	NA	<p>The definition of "rural industry" would include a rural contractor depot because it is "an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production". As a result, a restricted discretionary activity resource consent would be required for a rural contractor depot in the General Rural Zone under Rule GRUZ-R21 regardless of scale and associated environmental effects. In many cases, small-scale rural contractor depots are established as a logical business extension of an existing farming operation for seasonal work. Consistent with other District Plans, RCNZ is seeking a new permitted activity rule in the General Rural Zone permitting small-scale rural contractor depots (with a consequential amendment to Rule GRUZ-R21 so that it does not apply to rural contractor depots). RCNZ is also seeking a new restricted discretionary activity rule for a rural contractor depot that cannot comply with the proposed new permitted activity rule. To assist with implementation of the proposed new rules, RCNZ is also seeking the introduction of a definition for "rural contractor depot" (in the Definitions section).</p>	<p>Include the following new permitted activity rule:</p> <p><b><u>GRUZ-R20A Rural Contractor Depot</u></b></p> <p><b><u>Activity Status Permitted</u></b></p> <p><b><u>Where:</u></b></p> <p><u>PER-1</u></p> <p><u>The maximum number of staff is 7 (other than persons living on the site).</u></p> <p><u>PER-2</u></p> <p><u>The rural contractor depot (including associated vehicle access, parking and manoeuvring areas) is set back at least 50m from any existing sensitive activity.</u></p> <p><u>Note: any associated building and structure must be constructed in accordance with GRUZ-R13.</u></p> <p><b><u>Activity status where compliance not achieved with PER-1 to PER-2: Restricted Discretionary</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>the suitability of the location, site design and layout; and</u></li> <li>2. <u>the intensity and scale of the activity; and</u></li> <li>3. <u>the extent of adverse effects on existing or permitted activities; and</u></li> <li>4. <u>the extent of adverse effects on the safe and efficient operation of the road network, and suitability of onsite loading, manoeuvring and access; and</u></li> <li>5. <u>the provision of infrastructure to service the activity; and</u></li> <li>6. <u>measures to avoid, mitigate or remedy adverse effects.</u></li> </ol>

Provision	Support / Oppose	Reasons	Decision Sought
GRUZ-R21 Rural industry	Support in part.	The definition of “ <i>rural industry</i> ” would include a rural contractor depot because it is “ <i>an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production</i> ”. As a result, a restricted discretionary activity resource consent would be required for a rural contractor depot in the General Rural Zone under Rule GRUZ-R21 regardless of scale and associated environmental effects. In many cases, small-scale rural contractor depots are established as a logical business extension of an existing farming operation for seasonal work. Consistent with other District Plans, RCNZ is seeking a new permitted activity rule in the General Rural Zone permitting small-scale rural contractor depots (defaulting to a restricted discretionary activity status if compliance cannot be achieved). Accordingly, a consequential amendment is required in relation to Rule GRUZ-R21 so that it does not apply to a “ <i>rural contractor depot</i> ”. To assist with implementation of the proposed new permitted activity rule (and amendment to Rule GRUZ-R21), RCNZ is also seeking the introduction of a definition for “ <i>rural contractor depot</i> ” (in the Definitions section).	Amend as follows: <b>GRUZ-R21 Rural industry (excluding a rural contractor depot)</b> <b>Activity status: Restricted Discretionary</b> <b>Where:</b> <b>RDIS-1</b> <i>The activity is not an offensive trade.</i> <b>Matters of discretion are restricted to:</b> 1. <i>the suitability of the location, site design and layout; and</i> 2. <i>the intensity and scale of the activity; and</i> 3. <i>the extent of adverse effects on existing or permitted activities; and</i> 4. <i>the extent of adverse effects on the safe and efficient operation of the road network, and suitability of onsite loading, manoeuvring and access; and</i> 5. <i>the provision of infrastructure to service the activity; and</i> 6. <i>measures to avoid, mitigate or remedy adverse effects.</i> <b>Activity status where compliance not achieved: Non-complying</b> <b>Note:</b> 1. <i>any associated building and structure must be constructed in accordance with GRUZ-R13.</i>
GRUZ-S4 Setbacks for sensitive activities	Support in part	It is appropriate to restrict the siting of sensitive activities relative to primary production activities. Consistent with other District Plans, RCNZ is seeking a new permitted activity rule in the General Rural Zone permitting small-scale rural contractor depots (defaulting to a restricted discretionary activity status if compliance cannot be achieved). One of the proposed permitted activity performance standards is that “ <i>The rural contractor depot (including associated vehicle access, parking and manoeuvring areas) is set back at least 50m from any existing sensitive activity.</i> ”. Consequently, RCNZ seeks the addition of a corresponding 50m setback requirement in GRUZ-S4 that applies to the location of a sensitive activity in relation to an established rural contractor (to avoid potential reverse sensitivity effects).	Amend as follows: <b>GRUZ-S4 Setbacks for sensitive activities</b> 1. <i>No new sensitive activity may be established within 500m from:</i> a. <i>the closest outer edge of any paddocks, hard-stand areas, structures or buildings used to house stock, or treatment systems, used for an intensive primary production activity; and</i> b. <i>an existing farm effluent disposal area; and</i> c. <i>a lawfully established quarry or mine.</i> 2. <i>No new building for a sensitive activity may be erected within 20m from any other site boundary in a different ownership where a primary production activity is being conducted, unless the site existed prior to 22 September 2022, in which case a 10m setback applies;</i> 3. <i>No new building for a sensitive activity may be erected within 20m of an existing shelter belt.</i> 4. <i>No new building for a sensitive activity may be erected within 50m of a rural contractor depot (including associated vehicle access, parking and manoeuvring areas).</i>