

Submission on Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council - Planning Unit

Date received: 14/12/2022

Submission Reference Number #:35

This is a submission on the following proposed plan (the **proposal**): Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

Submitter:

Pye Group Ltd, Dialan Dairy Ltd, Grantlea Dairy Ltd, South Park Farm Ltd, South Stream Dairy Ltd - Michelle Pye

Address for service:

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Attachments:

Lizard Habitat - Rangitata.jpg

Location of Lizard Habitat Area.jpg

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **Yes**

Submission points

Point 35.1

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Rules

Provision:

SASM-R1 Earthworks not including quarrying and mining

2. Activity status: Permitted

Wāhi Taoka
and Wai
Taoka
Overlay

Where:

PER-1

The earthworks are for the purpose of maintenance, repair, or replacement, of any of the following:

1. existing fencing; or
2. existing tracks or roads; or
3. existing reticulated stock water systems including troughs; or
4. existing natural hazard mitigation works; and

PER-2

The earthworks are only undertaken within the footprint or modified ground comprised by the existing item; and

PER-3

Any replacement item is of the same nature, character and scale of the item being replaced; and

PER-4

The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.

**Activity status when compliance not achieved:
Restricted Discretionary**

Matters of discretion are restricted to:

1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and
2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and
3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and
4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and
5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and
6. the appropriateness of any mitigation measures proposed; and
7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:
 1. affirm the connection between mana whenua and place; or
 2. enhance the cultural values of the site/area; or
 3. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and
8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site

- or Area of Significance; and
9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and
 10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.

Note: *Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.*

Sentiment: Amend

Submission:

We thank the TDC for making changes to this clause to enable remedial works. However the changes made are too specific and do not allow for all remedial works. For example the current rules do not allow for the repair or replacement of irrigation pipes, cables or domestic water pipes. The rules also do not allow for earthworks to re-instate pasture after flooding or other natural disasters. The need to obtain a consent for these activities, most of which are normal farming practice, will impose additional cost and time in obtaining a resource consent. When farm infrastructure needs to be repaired or replaced, time is of the essence in order to prevent further damage, avoid animal welfare issues and minimise production losses all of which come at a cost.

Most of the land in SASM23 is farmland where the soil has previously been disturbed via cultivation or development so we ask that you carefully consider if the benefit outweighs the cost. The cost to get a consent is not cheap. We obtained a consent in relation to cattle yards in this area a year ago which required consultation with AECL and the total cost (excluding our time) for the consent was over \$4,000.

Permitted earthworks require a form confirming a commitment to adhering to an Accidental Discovery Protocol to be completed two weeks prior to earthworks occurring. For reasons outlined above delays in carrying out repairs result in additional costs. We do not understand the two week timeframe for this when you are simply committing to a protocol and there appears to be no required response following submission of the form. I emailed a form to the council over two months ago and have never received a response. Therefore why can't this form simply be submitted prior to doing the works or better still included in a Farm Environment Plan which is reviewed every year.

Relief sought

Alter PER-1 to remove points 1-4 and simply state:

The earthworks are for the purpose of maintenance, repair or replacement of any existing infrastructure or development.

Include earthworks that only disturb previously disturbed soils (ie top 30cm of cultivated farm land) to be a permitted activity.

Alter PER-4 to remove the words "at least 2 weeks" and add "or is included in the property's Farm Environment Plan" so it reads:

The Accidental Discovery Protocol commitment form, contained within [APP4 – Form confirming a commitment to adhering to an Accidental Discovery Protocol](#), has been completed and submitted to Council prior to the commencement of any [earthworks](#), or is included in the property's Farm Environment Plan.

Point 35.2

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Rules

Provision:

SASM-R6 Intensively farmed stock		
1.	Activity status: Restricted discretionary	Activity status where compliance not achieved: Not applicable
Wai taoka Overlay	Matters of discretion are restricted to: <ol style="list-style-type: none">1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and3. the potential adverse effects of the activity on the values associated with the Site, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and4. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:<ol style="list-style-type: none">a. affirm the connection between mana whenua and place; orb. enhance the cultural values of the site/area; orc. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and5. any effects on the ability of Kāti Huirapa to access and use the Site or Area of Significance.	
2.	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
Wāhi taoka, wāhi tapu, and wai tapu overlays		

Sentiment: Oppose

Submission:

Under SASM R6 intensively farmed stock is a restricted discretionary activity which means we must apply for a resource consent and it may be either granted or declined. This is quite a restriction on what we can use our land for in future.

The definition of intensively farmed stock as it is included in the proposed plan is not conducive to what most people would consider to be intensive farming. As it stands "intensively farmed stock" would include a single dairy cow in a paddock and a single deer or cattle beast on irrigated pasture. We were pleased to see TDC introduce two new definitions, Intensive Indoor

Primary Production and Intensive Outdoor Primary Production which better reflect what most people would consider an intensive practice.

Our concern is that given the rotational nature of farming, existing use rights may not apply if we were to grow crops in rotation with stock across multiple farms which could result in stock not being on one property (in the same area) for over a year. Therefore we do not want to rely on existing use rights in relation to this rule.

We question the need for any rules relating to intensively farmed stock in SASM23. Every farm we own in SASM23 is required to have an ECAN Land Use Consent to manage the affects of farming operations on the land. In obtaining this consent we are required to consult with iwi regarding the affect on cultural values.

Relief sought

SASM -R6 Rule 1 is removed as the activities already require consultation with iwi through a Land Use Consent issued by ECAN.

Point 35.3

Section: SCHED7 – Schedule of Significant Natural Areas

Sentiment: Amend

Submission:

The area identified in blue in the attached pictures is covered by a Stakeholder Site Rehabilitation Agreement between Pye Group Ltd, TDC, Mr Herman Frank and Department of Conservation. It seeks to protect the area in blue which contains a lizard habitat and kanuka tree. Given that Pye Group Ltd is not technically the landowner and any subsequent landowner would not be bound by the Agreement we believe the area in blue should be identified as a Significant Natural Area to ensure biodiversity values are protected long term.

Relief sought

Include the blue shaded area identified in the attached photographs as a SNA.

Point 35.4

Section: GRUZ – General Rural Zone

Sub-section: Rules

Provision:

GRUZ-R20 Permanent workers accommodation

General Rural Activity status: Permitted Zone

Where:

PER-1

It is located on a site larger than 80 hectares; and

Activity status where compliance not achieved with PER-1 or PER-2 : Restricted Discretionary

Matters of discretion are restricted to:

1. the suitability of any documentary evidence that confirms the accommodation is provided for people that are employed on the site; and
2. the extent to which the permanent workers

PER-2

An employment contract for the permanent full time worker(s) who will reside in the worker's accommodation is provided to Timaru District Council at the time of a building consent application and is available upon request; and

PER-3

It is located on the same site where the permanent full worker is employed.

Note: any associated building and structure must be constructed in accordance with GRUZ-R13.

- accommodation is required to be provided on site to meet the needs of the site's primary production activity; and
- 3. the extent of subject workers accommodation provided on the site;
- 4. the location of workers accommodation;
- 5. adequacy of drinking water supply; and
- 6. adequacy of water supply for firefighting purposes; and
- 7. the size of the site to accommodate a discharge to ground; and
- 8. methods to manage effects on existing activities, including the provision of screening, setbacks, landscaping, and methods for noise management; and
- 9. extent to which future subdivision around the workers accommodation is restricted; and
- 10. the matters of discretion listed in GRUZ-S1, GRUZ-S2, GRUZ-S3 and GRUZ-S4 if any of those standards are infringed.

Activity status where compliance not achieved with PER-3: Non-Complying

Sentiment: Oppose

Submission:

I question why TDC have chosen to differentiate between Residential Units (GRUZ-R4) and Permanent Workers Accommodation (GRUZ-R20). The rules are slightly different yet the purpose of the accommodation (ie a house where someone lives permanently) is the same regardless of if they are an owner, tenant or employee. If GRUZ-R20 is to permit additional housing to accommodate employees on site it seems at odds with GRUZ 4 which requires a smaller area. I also question the validity of supplying an employment contract with a building consent application when an employee could resign at any point during or after the consenting and building process.

Relief sought

Explain the reason for differentiating between Residential Units and Permanent Workers Accommodation and if there is no clear reason for doing so remove GRUZ-R20 and amend GRUZ-R4 to remove the reference to Permanent Workers Accommodation.

Point 35.5

Section: GRUZ – General Rural Zone

Sub-section: Standards

Provision:

GRUZ-S5 Intensive primary production activities and new farm effluent disposal areas

General Rural Zone

1. Prior to the establishment of:

- a. a new intensive primary production activity; or
- b. the expansion of an existing intensive primary production activity; or
- c. a new farm effluent disposal area;

a plan showing the location of all paddocks, hard-stand

Matters of discretion are restricted to: Not applicable

areas, structures, buildings used to house stock, and treatment systems associated with the intensive primary production activity shall be provided to Council's District Planning Unit; and

2. No new:

- a. intensive primary production (including expansion of an existing intensive primary production), except calf rearing for less than three months in any calendar year; or
- b. farm effluent disposal area (including expansion of an existing farm effluent area),

may be established within:

- i. 500m of the notional boundary of an existing sensitive activity on a separate site under different ownership; or
- ii. 100m of the boundary with a separate lot under different ownership; or
- iii. 1000m of the boundary with any of the Residential zones, Rural Lifestyle zone, Rural Settlement zone, Māori Purpose zone or Open Space and recreation zones.

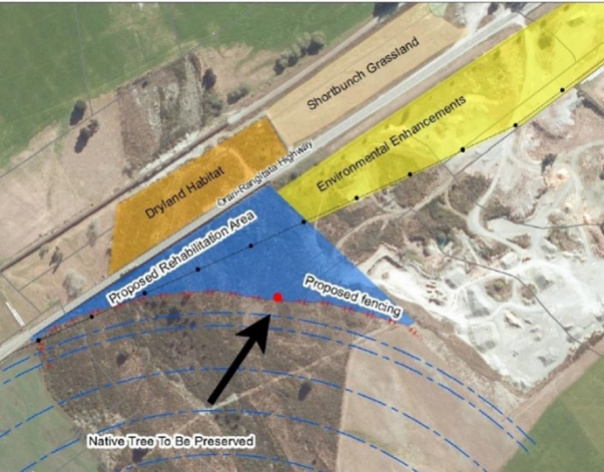
Sentiment: Oppose

Submission:

We question why this standard needs to be included in the District Plan. Intensive primary production and effluent disposal areas require a land use consent (which requires consultation with iwi) and all consents are subject to ongoing monitoring from Ecan.

Relief sought

Remove GRUZ-S5 from the District Plan.



Shortbunch Grassland

Environmental Enhancements

Dryland Habitat

Gran-Rangitata Highway

Proposed Rehabilitation Area

Proposed fencing

Native Tree To Be Preserved



Section 3
SO 19500

Section 65
RES 1650

Railway Land

Pt
RES 2444

Pt
RES 2444

Pt
RES 2444

Unallocated Crown Land Under Action

Road Reserve

Crown Land
(under action)

Fulton Hogan

RES 2885

RES 2885

RES 4314

RES 785

Ecan Gazette Land

Section 10
RES 1650

RS 36196

RES 176

785



Section 9 Bk XII
TN OF Rangitata

Section 8 Bk XII
TN OF Rangitata

Section 15