

Submission on Notified Proposal for Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter:

FENLEA FARMS LIMITED

[State full name]

This is a submission on the following proposed plan or on a change proposed to the following plan or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing plan) (the 'proposal'):

PROPOSED DISTRICT PLAN - TIMARU DISTRICT COUNCIL

[State the name of proposed or existing plan and (where applicable) change or variation].

I could/could not* gain an advantage in trade competition through this submission.

[*Select one.]

~~*I am/am not 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.~~

[*Delete or strike through entire paragraph if you could not gain an advantage in trade competition through this submission.]

[*Select one.]

The specific provisions of the proposal that my submission relates to are: [Give details]

SEE ATTACHED

My submission is: [Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]

[If your submission relates to a proposed plan prepared or changed using the collaborative planning process, you must indicate the following:

- Where you consider that the proposed plan or change fails to give effect to a consensus position and therefore how it should be modified; or
- In the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan should be modified.]

SEE ATTACHED

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I seek the following decision from the local authority: *[Give precise details as this is the only part of your submission that will be summarised in the summary of decisions requested]*

SEE ATTACHED

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I wish ~~(or do not wish)~~ to be heard in support of my submission.

*[*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.]*

[†Select one.]

***If others make a similar submission, I will consider presenting a joint case with them at a hearing.**

*[*Delete if you would not consider presenting a joint case.]*

Signature of submitter (or person authorised to sign on behalf of submitter)

[A signature is not required if you make your submission by electronic means]

Date 15/12/2022

Electronic address for service of submitter: sarah.mathews@duncan.cotterill.com

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Contact person: [name and designation, if applicable] SARAH MATHEWS / KATHERINE FORWARD

Note to person making submission

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - It is frivolous or vexatious:
 - It discloses no reasonable or relevant case:
 - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - It contains offensive language:
 - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialist knowledge or skill to give expert advice on the matter.

*Form 5 continued

Submitter Details:

This submission is made on behalf of Fenlea Farms Limited (**Fenlea Farms**), a limited liability company having its registered office c/o HC Partners LP, 39 George Street, Timaru.

1. Fenlea Farms is the registered proprietor of the land identified on **Figure 1** below at 158 Prattley Road, Timaru, contained in records of title CB534/214 and CB22K/533 and legally described as Rural Section 37684, Rural Section 37685 and Rural Section 37686 and Lot 7 on Deposited Plan 4764.
2. Fenlea Farms is also the registered proprietor of the land identified on **Figure 2** below, at 94 Milford-Clandeboye Road, Timaru, contained in records of title CB368/57, CB698/95, CB5A/398, CB6C/1199, CB6C/965, CB27F/485, CB27B/1031 and CB424/84 and legally described as Part Rural Section 2873 and Part Rural Section 7818; Lot 2, Lot 4 and Part Lot 1 Deposited Plan 2386; Lot 2 Deposited Plan 23858; Lot 2 Deposited Plan 24293; Lot 2-4 Deposited Plan 3640; Section 28 Orakipaoa Settlement; Section 29 Orakipaoa Settlement and Part Lot 8 Deposited Plan 4679 respectively.
3. 158 Prattley Road and 94 Milford-Clandeboye Road are together the **Properties**.



Figure 1: 158 Prattley Road, Timaru

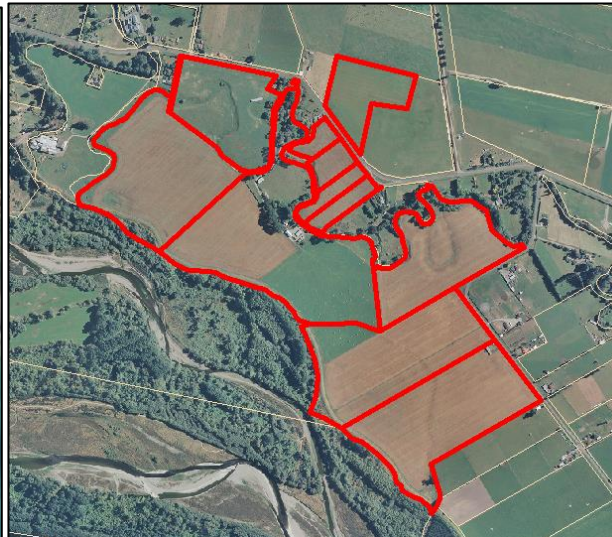


Figure 2: 94 Milford Clandeboye Road, Timaru

The specific provisions of the proposal that my submissions relates to are:

1. The table below covers all of Fenlea Farms Limited's (**Fenlea Farms**) submission points.

My submission is:	My position on this provision is:	The reasons for my submission are:	I seek the following decision from the local authority:
General Rural Zone, GRUZ-01 and GRUZ-R1	Oppose together with any objectives, policies, rules, standards and schedules in respect of the overlay relating to the Properties	<p>Under GRUZ-01, the purpose of the General Rural Zone provides for primary production, including intensive primary production.</p> <p>Intensively farmed stock is not expressly authorised within any zone and clearly fits within the character and qualities of activities of this zone.</p> <p>It is inappropriate for intensively farmed stock to be carried out within other zones– accordingly, it is appropriate that intensively farmed stock should be protected under GRUZ-03 and should be a permitted activity under GRUZ-R1.</p>	<p>Please note: where several options are listed, the preferred relief is first, followed by alternatives in priority.</p> <ol style="list-style-type: none"> 1. Amend GRUZ-R1 to permit primary production, intensive primary production and intensively farmed stock 2. Amend GRUZ-01 to provide for primary production, intensive primary production and intensively farmed stock 3. Any alternative relief that would address Fenlea Farm's concerns.
Light Sensitive Area Overlay	Oppose, including any objectives, policies, rules, standards and schedules in respect of the overlay relating to the Properties	Fenlea Farms opposes Light Sensitive Areas being delineated by overlays, rather than on ecological assessment. Wāhi tapu, Wāhi taoka and Wai taoka Overlays can be expansive, particularly Wāhi taoka SASM-4B, and may encompass areas where the control of light is unnecessary to character and	<ol style="list-style-type: none"> 1. Exclusion of the Properties from this overlay 2. The extent of the overlay on the Properties be reduced 3. Any alternative relief that would address Fenlea Farm's concerns

		<p>qualities of the surrounding area.</p> <p>The overlay does not account for health and safety associated with ancillary activities to permanent activities and is at odds with LIGHT-P1 and LIGHT-P3. Artificial Outdoor Lighting is critical for the health and safety of stock/plant/staff undertaking farming operations which may need to occur past 10pm and the Properties should be excluded from the overlay.</p> <p>It is clear that artificial outdoor lighting is critical for health and safety reasons for Fenlea Farms' operation, and that LIGHT-P3 should be applied to the Properties, and the Properties excluded from the Light Sensitive Area.</p> <p>See below submissions for more detail on these reasons.</p>	
LIGHT-P1 – Appropriate artificial outdoor lighting	Oppose	Artificial outdoor lighting for health and safety reasons, or ancillary activities to permanent activities should be exempt from the criteria of appropriate artificial outdoor.	<ol style="list-style-type: none"> 1. LIGHT-P1 be amended so that artificial outdoor lighting not be limited where this protects health and safety including ancillary activities to permanent activities 2. Any alternative relief that would address Fenlea Farm's concerns
Part 1 – Definitions, Light Sensitive Area Overlay and Outdoor Lighting	Oppose	Fenlea Farms opposes Light Sensitive Areas being delineated by overlays, rather than on ecological assessment. Wāhi tapu, Wāhi taoka and Wai taoka Overlays can be expansive, particularly Wāhi taoka	<ol style="list-style-type: none"> 1. Light sensitive areas to be determined based on ecological evidence, and limited accordingly. 2. Standards developed to determine what constitutes a light sensitive area. 3. Clarification of the definition of Outdoor

		<p>SASM-4B, and may encompass areas where the control of light is unnecessary to character and qualities of the surrounding area.</p> <p>Outdoor lighting is a broad definition, and it is unclear whether this applies to fixed or unfixed lighting.</p>	<p>Lighting to identify whether such lighting is fixed and/or unfixed</p> <p>4. Any alternative relief that would address Fenlea Farm's concerns.</p>
<p>LIGHT-R2 – Outdoor artificial lighting for health and safety</p>	<p>Oppose</p>	<p>PER-2 does not permit outdoor artificial lighting within light sensitive areas if they are ancillary to a permanent activity that occurs on site.</p> <p>Standard outdoor artificial lighting associated with farming would be deemed non-compliant on the basis they are ancillary to a permanent activity that occurs onsite. Standard outdoor artificial lighting for a farming operation may include (but is not limited to):</p> <ul style="list-style-type: none"> • Tractors, with fixed lights • Irrigation pivots • Flood lights, which may be used to clear stock either in the course of business, or in times of emergency. <p>This rule does not account for permanent activities or existing uses that require artificial lighting in the ordinary course of business to protect the health and safety of stock/plant/personnel.</p>	<p>1. Outdoor artificial lighting for health and safety be permitted for an ancillary activity to a permanent activity that occurs on site.</p> <p>2. PER-3 not be applicable for lighting required for health and safety (including for ancillary activities to permanent activities occurring on site)</p> <p>3. Any alternative relief that would address Fenlea Farm's concerns, and enable farming operations to continue with necessary lighting.</p>

		<p>PER-2 is in conflict with LIGHT-O2 which states the benefits of artificial lighting are recognised while any adverse effects generated do not compromise the health and safety of people and communities, including road safety. PER-2 is also in conflict with LIGHT-P1(1) which provides for the safe and efficient use of the outdoors for a range of activities, including for night-time working, recreation and entertainment activities.</p> <p>PER-3 is at odds with LIGHT-P3 with requires all artificial outdoor lighting that does not meet the intensity, type and direction requirements for light sensitive areas unless it is critical for health and safety reasons.</p>	
Tables 22 and 23 and Figure 18	Oppose Table 22 and 23 and Figure 18 together with any other rules and standards relating to lighting standards, illuminance levels, increment and acceptable/unacceptable lighting	<p>Table 22 limits illuminance levels to times between 7am-10pm, and prescribes low lux levels. These times and lux levels cannot be achieved when undertaking ancillary activities to permanent activities such as farming, where emergency clearance of stock may be required past 10pm.</p> <p>The examples of acceptable fixtures are limited and must all be fully shielded, this is not practicable for farming operations, where flood lights or other exposed lighting might be required to safely operate the</p>	<ol style="list-style-type: none"> 1. Removal of illuminance time restrictions in Table 22 2. Removal of illuminance time restrictions in Table 22 insofar as they relate to matters of health and safety (including ancillary activities to permanent activities that occur on site) 3. Limits on acceptable illuminance levels, increment, and acceptable/unacceptable lighting be removed for matters of health and safety for an ancillary activity of a permanent activity that occurs on site. 4. Any alternative relief that would address Fenlea Farm's concerns, and enable farming operations to continue with

		permanent activity.	necessary lighting.
Public Access Provision – Prattley Road Lagoon System	Oppose including any objectives, policies, rules, standards and schedules in respect of the overlay relating to 158 Prattley Road	<p>The public have historically accessed the Prattley Road Lagoon System (unauthorised access) and caused damage to native habitats (including negatively impacting a penguin colony, which has since left the area).</p> <p>The Property is within Wahi Taoko Lines SASM-19, Wahi Taoka SASM-19 and Wahi Taoko SASM-4B, which are sites and activities of cultural value to mana whenua. The Prattley Road Lagoon is also a wetland recognised in the Ngāi Tahu Claims Settlement Act 1998 (Schedule 49) as a statutory acknowledgement. Pursuant to PA-P4, 158 Prattley Road should be exempt from public access to protect sensitive indigenous species and their habitats, the natural character values of the coastal marine area, wetland or rivers and sites and activities of cultural value to mana whenua. Enabling public access to the Prattley Road Lagoon System is likely to negatively impact the flora and fauna of the Lagoon System which is at odds with PA-P4 and policy 19(3)(a-c) of the New Zealand Coastal Policy Statement 2010 (Coastal Policy Statement).</p> <p>Public access is being provided</p>	<ol style="list-style-type: none"> 1. Prattley Road Lagoon System removed from SCHED11 in its entirety 2. SCHED11 amended to exclude any portions of the Prattley Road Lagoon System contained within 158 Prattley Road. 3. Any alternative relief that would address Fenlea Farm's concerns, and prevent public access over the Prattley Road Lagoon System within 158 Prattley Road.

		<p>alongside privately farmed land. Unauthorised public access of the Prattley Road Lagoon System has disrupted private farming operations in the past, and Fenlea Farms believes public access over the Prattley Road Lagoon System within 158 Prattley Road will expose the public to a risk to public health and safety, which is at odds with PA-P4(1(d)) and policy 19(3)(e) of the Coastal Policy Statement</p>	
PA-O1 – Public Access	Oppose	<p>Under this policy, public access is only to be “restricted where desirable”, this is at odds with PA-P4 and does not account for the restrictions on public walking access set out in policy 19(3) of the Coastal Policy Statement . The phrase “restricted where desirable”, is too broad, and does not recognise the situations where protection from public access is required to protect areas of sensitive indigenous species, habitats, public health and safety.</p> <p>The policy also fails to cover periods where public access should be temporarily suspended (i.e., lambing/calving).</p>	<ol style="list-style-type: none"> 1. PA-O1 be amended to limit public access where it is a matter of health and safety and preservation of sensitive indigenous species and habitats, and to account for periods where public access should be temporarily suspended. 2. Any alternative relief that would address Fenlea Farm’s concerns
Coastal Environment Overlay	Oppose including any objectives, policies, rules, standards and schedules in respect of the overlay relating	CE-06 protects existing urban activities, but there are no objectives for protecting existing rural activities.	<ol style="list-style-type: none"> 1. Amendment of CE-06 to recognise existing rural activities and to provide for these activities, or inclusion of a new objective.

	to 158 Prattley Road		2. Any alternative relief that would address Fenlea Farm's concerns.
CE-P10 – Preserving the natural character of the Coastal Environment	Oppose	Intensive farming can be managed appropriately within a coastal environment through matters of control or discretion and should not be automatically non-complying.	<ol style="list-style-type: none"> 1. CE-P10(2)(a) amended to read, “<i>in rural zoned areas, buildings and structures for non-intensive primary production....</i>” 2. Any alternative relief that would address Fenlea Farm's concerns.
Sea Water Inundation Overlay	Oppose including any objectives, policies, rules, standards and schedules in respect of the overlay relating to 158 Prattley Road	<p>There are no objectives and limited policies that set out the purpose of this overlay and there is no definition or criteria for what land should be captured within this overlay. Accordingly, it is unclear what basis this overlay has been applied to 158 Prattley Road.</p> <p>There are limitations as to building size and subdivision within this overlay. The whole of 158 Prattley Road is within this overlay and there are existing habitable dwellings on this property. The property is large size (approximately 143.27ha), and the maximum ground floor area, and subdivision restrictions would affect all areas of the property, regardless of that area's distance from the Coast.</p> <p>See more detailed discussion below.</p>	<ol style="list-style-type: none"> 1. Exclusion of 158 Prattley Road from this overlay. 2. The extent of the overlay on 158 Prattley Road be reduced 3. Amendment of objectives and policies to refer to this overlay. 4. Any alternative relief that would address Fenlea Farm's concerns.
CE-R4(4) – Buildings and Structures and Extensions (excluding Regionally Significant Infrastructure and fences)	Oppose including any definitions that relate to the application of this rule to 158 Prattley Road (including the	The permitted buildings and extensions within this overlay are limited to 25m ² in any continuous 10-year period from 22 September 2022	<ol style="list-style-type: none"> 1. Removal of maximum ground floor areas for new buildings or extensions within and outside urban areas (CE-R4(4) PER-1) on the basis there are sufficient

	<p>definition of natural hazard sensitive activity)</p>	<p>(PER-1). Ground floor levels and Flood Risk Certificates should be sufficient protection within the overlay, without the need for a maximum ground floor area and are sufficient measures to manage the risk or use and development pursuant to CE-P3.</p> <p>Owners of rural properties look to develop and improve efficiency in farming operations and a maximum ground floor limit of 25m² for 10 years does not recognise the nature of business or farming operations.</p> <p>PER-2 does not allow extensions or new buildings that accommodate a natural hazard sensitive activity, which prevents the construction of any habitable dwellings. Any new building or extension for a habitable purpose is a restricted discretionary activity. The whole of 158 Prattle Road is within this overlay and there are exiting habitable dwellings on this property. Fenlea Farms undertakes a farming operation on this property and may be required to erect additional dwellings as required to accommodate this activity.</p> <p>Pursuant to CE-06, parts of the coastal environment are highly modified by existing urban activities, and it is an objective to provide for these ongoing activities.</p>	<p>alternative protections in place.</p> <ol style="list-style-type: none"> 2. Removal for the 10-year period out out in PER-1 3. Significantly reduce the 10-year period set out in PER-1 4. CE-R4 (4) amended to permit buildings with one or more habitable rooms. 5. Any alternative relief that would address Fenlea Farm's concerns.
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<p>CE-R4 (5) – Buildings and Structures and Extensions (excluding Regionally Significant Infrastructure and fences)</p>	<p>Oppose including any definitions that relate to the application of this rule to 158 Prattley Road (including the definition of natural hazard sensitive activity)</p>	<p>The permitted buildings and extensions within this overlay are limited to 25m² in any continuous 10 year period from 22 September 2022 (PER-1). Ground floor levels and Flood Risk Certificates should be sufficient protection within the overlay, without the need for a maximum ground floor area and are sufficient measures to manage the risk or use and development pursuant to CE-P3.</p> <p>Owners of rural properties look to develop and improve efficiency in farming operations and a maximum ground floor limit of 25m² for 10 years does not recognise the nature of business or farming operations.</p> <p>PER-2 does not allow extensions or new buildings that accommodate a natural hazard sensitive activity (i.e. habitable buildings). Failure to meet this rule will result in the activity being a non-complying activity, this conflicts with failure to meet the rule in areas within the urban area (where the activity will be a restricted discretionary activity).</p> <p>It is inappropriate for the activity of non-complying activity to be applied where the permitted activity rule cannot be complied with, as under CE-P12, use and development in non-urban areas is only to be</p>	<ol style="list-style-type: none"> 1. Removal of maximum ground floor areas for new buildings or extensions within and outside urban areas (CE-R4(5) PER-1) on the basis there are sufficient alternative protections in place. 2. Removal of the 10-year limit set out in PER-1 3. Significantly reduce the 10 year limit set out in PER-1 4. CE-R4(5) should impose a restricted discretionary activity status if unable to meet the permitted activity rule on the basis that the same matters of discretion contained in CE-R4(4) can be applied to areas outside urban areas. 5. CE-R4 (5) amended to permit buildings with one or more habitable rooms. 6. Any alternative relief that would address Fenlea Farm’s concerns.
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		<p>avoided where there is a new or increased risk of loss of life, or significant damage to structures or property. This risk cannot be assessed if the default for failure is non-compliance.</p> <p>It is also inappropriate for natural hazard sensitive activities to be excluded from PER-2 as the whole of 158 Prattley Road farm is within this overlay and there are existing habitable dwellings on this property. Fenlea Farms undertakes a farming operation on this property and may be required to erect additional dwellings as required to accommodate this activity. Pursuant to CE-06, parts of the coastal environment are highly modified by existing urban activities, and it is an objective to provide for these ongoing activities. See above submission on the fact CE-06 should also refer to existing rural activities.</p>	
CE-R11 – Subdivision	Oppose	<p>Subdivision within the Sea Water Inundation Overlay is a restricted discretionary activity and it is a matter of discretion that “the extent to which future building or structure has a function need or operation need for its location” be considered. This restriction is likely to impact the erection of habitable dwellings in connection with existing urban or</p>	<ol style="list-style-type: none"> 1. CE-R11(1(3)) be deleted 2. Any alternative relief that would address Fenlea Farm’s concerns.

		non-urban purposes within this overlay which should be permitted on the basis that built form standards are met. See above discussion regarding CE-06, and the fact it should also refer to existing rural activities.	
Part 1 – Definition of Urban Areas	Oppose	The boundaries of a “town with a population of 1,000 or more” is unclear. The Properties are within Temuka, but are not situated within Temuka proper and it is unclear which rules will apply to the Properties.	1. Clarification of the boundaries of urban areas by way of mapping on the Planning Maps.
Coastal High Natural Character Area Overlay	Oppose including any objectives, policies, rules, standards and schedules in respect of the overlay relating to 158 Prattley Road	<p>Fenlea Farms opposes the inclusion of the Property within this overlay.</p> <p>There are limitations as to activities that can be conducted within this overlay, together with restrictions on building size and subdivision. A large portion of 158 Prattley Road is within this overlay and these restrictions will affect these areas equally, regardless of their distance from the Coast or Prattley Road Lagoon.</p> <p>The objectives and policies of this overlay do not contemplate existing rural activities within the overlay, and that those can be adequately managed to protect the policies contained in CE-P11.</p>	<ol style="list-style-type: none"> 1. Exclusion of 158 Prattley Road from this overlay. 2. The extent of the overlay on 158 Prattley Road be reduced 3. Any alternative relief that would address Fenlea Farm’s concerns.
CE-P11 – Preserve the natural	Oppose	Many rural zoned areas neighbour	1. CE-P11 (2) extended to include in “rural

<p>character qualities of areas with Coastal High Natural Character</p>		<p>areas with Coastal High Natural Character, and it should be recognised that subdivision, use and development within rural zoned areas within the overlay may be appropriate depending on their size, scale and nature. Existing rural activities occur within the overlay, and these can be adequately managed to protect the policies contained in CE-P11 through matters of control and discretion. Intensively farmed stock can be adequately managed through matters of control and discretion and should not be disregarded outright. It is appropriate for the Proposed Plan to recognise the existing activities within the district.</p>	<p>zoned areas, buildings and structures for primary production (including intensively farmed stock) and residential activities may be appropriate depending on their size, scale and nature.”</p> <ol style="list-style-type: none"> 2. Any alternative relief that would address Fenlea Farm’s concerns.
<p>CE-R4 (3) – Buildings and Structures and Extensions (excluding Regionally Significant Infrastructure and fences)</p>	<p>Oppose together with any standards as to the height of buildings and structures, site coverage and building and structure external materials</p>	<p>The permitted buildings and extensions within this overlay are significantly limited to 10m²</p> <p>It is more appropriate for buildings or extensions meet ground floor levels, obtain Flood Risk Certificates, or meet other specific built form standards, and this should be sufficient protection within the overlay. The policies within CE-P11 can be managed by these matters and maximum ground floor areas are unnecessary.</p> <p>Where unable to meet the permitted activity rule, the activity will be a non-</p>	<ol style="list-style-type: none"> 1. Removal of maximum ground floor areas for new buildings or extensions within and outside urban areas on the basis there are sufficient alternative protections in place. 2. Inclusion of built form standards for buildings within the overlay 3. CE-RE4(3) amended so that failure to meet the permitted activity rule results in a controlled activity 4. Any alternative relief that would address Fenlea Farm’s concerns.

		<p>complying activity. Pursuant to CE-P11, the use, development and subdivision of land within this overlay needs to avoid significant adverse effect, these can be best avoided by way of matters of control or discretion. It is unnecessary for non-compliance to be the next step following non-compliance.</p>	
CE-R5 – Earthworks	Oppose	<p>Earthworks of a maximum of 100m³ or 100m² is permitted within this overlay. This rule does not recognise pre-existing rural activities within the overlay, which may involve a greater level of earthworks.</p> <p>Given the proximity of the sea, natural hazard mitigation works are likely to be required, and will involve significantly greater earthworks. Fenlea Farms has previously undertaken stop bank protection works and erosion works within this area of the property, which involved more than 2000m² of earthmoving.</p> <p>The activity status when compliance is not achieved is discretionary and Fenlea Farms submits that this should be controlled on the basis that the Timaru District Council can effectively manage earthworks within this area with restricted discretion.</p>	<ol style="list-style-type: none"> 1. The permitted earthworks within this rule be increased from 100m³ and 100m² to at least 2000m³ and 2000m² 2. The permitted earthworks within this rule be increased from 100m³ and 100m²s. 3. The activity status when compliance cannot be achieved under this rule is controlled. 4. Any alternative relief that would address Fenlea Farm's concerns.
CE-R13 – Primary Production not otherwise specified in this	Oppose	<p>Rules relating to farming, nutrients and water application are for the</p>	<ol style="list-style-type: none"> 1. Primary production including intensively farmed stock to be permitted within this

chapter		<p>Canterbury Regional Council and are contained in the Canterbury Land and Water Plan. Primary production, including irrigation and intensive primary production can be managed under the regional rules, and should be a controlled activity under the proposed plan.</p> <p>The policies contained in CE-P11 can be achieved by proper management of intensively farmed stock. Intensively farmed stock can be adequately managed through matters of control and discretion and should not be disregarded outright. It is appropriate for the Proposed Plan to recognise the existing activities within the district.</p>	<p>overlay</p> <ol style="list-style-type: none"> 2. CR-R13 amended so it does not exclude irrigation or intensive primary production 3. Primary production (including intensively farmed stock) within this overlay be a controlled activity 4. Any alternative relief that would address Fenlea Farm's concerns.
Sites and Areas of Significance to Māori (SASM)	Oppose the extent of the overlays together with any objectives, policies, rules, standards and schedules in respect of the overlay relating to the Properties	<p>Fenlea Farms disputes the extent of the overlays over the Properties. This is on the basis that the boundaries of SASMs are expansive and it is unclear how these boundaries have been struck. It appears that some SASMs have been determined by property boundaries, rather than the contour of significant areas.</p> <p>For example, SASM-4B on 158 Prattley Road is an area that spans Waipopo-Waiateruati-Orakipaoa to Brown's Beach and only affects Lot 7 on Deposited Plan 4764 and Rural Section 37686, and appears to align</p>	<ol style="list-style-type: none"> 1. Exclusion of the Properties from all SASM areas 2. The extent of the SASMs on the Properties be reduced 3. SASM-4B be excluded from the Properties 4. The extent of SASM-4B on the Properties be reduced 5. Any alternative relief that would address Fenlea Farm's concerns.

		<p>with the boundary line of these parcels.</p> <p>These overlays contain some very restrictive rules, and it is not appropriate to apply these equally across expansive areas, which have their own natural characteristics and existing uses.</p>	
Sites and Areas of Significance to Māori (SASM) Policies	Oppose	<p>The policies contained in this chapter focus on the protection of sites and characteristics that have value to Kāti Huirapa, and Fenlea Farms does not oppose this.</p> <p>Fenlea Farms does submit that the policies should contemplate health and safety, and existing use of land subject to SASMs and the protection of those activities.</p>	<ol style="list-style-type: none"> 1. SASM-P4 amended to focus on the grant of safe access and to recognise the impact of access on existing rural activities 2. Policies recognise that an adverse effect of the activities do not negatively impact existing uses of the affected land 3. Any alternative relief that would address Fenlea Farm's concerns.
SASM-P8	Oppose	<p>This policy sets out the means to protect sites within the wāhi taoka, wāhi tapu, and wai tapu overlays. This policy does not recognise existing uses of land within the area except for functional needs associated to an activity. Functional needs associated with an activity may not enable an existing activity to be efficiently carried out.</p> <p>Activities within these overlays can be effectively managed with matters of control or discretion.</p>	<ol style="list-style-type: none"> 1. Amendment of SASM-P8 to recognise exiting rural use of sites within these overlays 2. SASM-P8(3)(a) amended to read “..are for the functional needs of the activity...” 3. Any alternative relief that would address Fenlea Farm's concerns.

<p>SASM-R6(2) – Intensively Farmed Stock</p>	<p>Oppose</p>	<p>Intensively farmed stock can be adequately managed through matters of control and discretion and a more appropriate process for approval should be provided (i.e. not deemed a non-complying activity within wāhi taoka, wāhi tapu, and wai tapu overlays with objectives and policies that seek avoidance and protection over continued use). It is appropriate for the Proposed Plan to recognise the existing activities within the district, and the impact of the restrictions imposed by these overlays and rules on the economic position of farmers would have to be justified.</p> <p>A significant number of SASMs will fall within the wāhi taoka, wāhi tapu, and wai tapu overlays, which by their nature can be very expansive areas. SASM-4B effects of all 94 Milford-Clandeboye Road, and a large portion of 158 Prattley Road, both which are currently being farmed in both intensive and less intensive stock. The ability to move grazing type (i.e. pasture, winter crop) around the entire property is an important part of farm management and should not be so easily discounted.</p> <p>As discussed above it is unclear how the SASM boundaries have been determined with some SASMs</p>	<ol style="list-style-type: none"> 1. SASM-R6(2) to be deleted in its entirety 2. SASM-R6(2) to be a controlled activity 3. Any alternative relief that would address Fenlea Farm's concerns.
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		<p>appearing to have been determined by property boundaries, rather than the contour of significant areas. It is inappropriate to apply restrictions and rules equally across expansive areas, which have their own natural characteristics and existing uses.</p> <p>SASM-P8 seeks to protect these sites through engagement and avoiding adverse effects. This policy acknowledges that adverse effects may be allowed where it can be <i>demonstrated</i> that they are required due to the functional needs of the activity (etc). Imposing an activity of non-compliance if the permitted activity rules cannot be met, does not allow a person to demonstrate appropriate management of an activity can achieve SASM-P8, this opportunity can be provided if the activity was controlled. Accordingly, it is more appropriate for this to be a controlled or discretionary activity.</p>	
Significant Natural Area or SNA	Oppose together with any objectives, policies, rules, standards and schedules in respect of the overlay relating to the Properties	There is no ECO-SCHED2 to the Proposed Plan, and it is unclear whether this is to be read together with SCHED7 – Schedule of Significant Natural Areas	1. ECO-SCHED2 be made available or reference corrected to SCHED7 if included in error

Flood Assessment Area Overlay	Oppose together with any objectives, policies, rules, standards and schedules in respect of the overlay relating to the Properties	The Flood Assessment Area Overlay covers the Properties which are both used for primary production purposes. Farming activities, and natural hazard mitigation activities (such as maintenance of stopbanks) can involve significantly more than 2,000m ² in earthworks.	<ol style="list-style-type: none"> 1. Exclusion of the Properties from the overlay 2. The extent of the overlay on the Properties be reduced 3. The volume of earthworks in any calendar year in a Rural zone under NH-S2(1) be increased to 2,500m² or more 4. Introduction of a rule that earthwork limits within this overlay only apply in respect to activities that increase flood exposure 5. Any alternative relief that would address Fenlea Farm's concerns.
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