

**BEFORE THE HEARINGS PANEL  
AT THE RANGIORA TOWN HALL FUNCTION ROOM IN RANGIORA**

**IN THE MATTER** of the Resource Management Act 1991  
**(the Act)**

**AND**

**IN THE MATTER** of the hearing of submissions on The  
Proposed Waimakariri District Plan  
Hearing Stream 1 & 2

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**SUBMISSIONS FOR HORTICULTURE NEW ZEALAND**

**5 MAY 2023**

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## MAY IT PLEASE THE HEARINGS PANEL

### INTRODUCTION AND BACKGROUND

1. These legal submissions are made on behalf of Horticulture New Zealand (**HortNZ**) to provide the legal context to the submission and further submissions and the evidence filed on the Proposed Waimakariri District Plan (**PDP**), Stream 1 & 2.

### EVIDENCE OF MS CAMERON

2. As noted in the evidence of Ms Cameron:

*There are 242.10 hectares of horticulture grown in the Waimakariri District of which 135.2 hectares is grown in the General Rural Zone (GRUZ) and 101.3 hectares in the proposed Rural Lifestyle Zone (RLZ).<sup>1</sup>*

3. This demonstrates, as does the HortNZ submission and evidence of Ms Cameron, how much land in the District is in horticultural production. This is a mix of outdoor and covered cropping activity.
4. Ms Cameron also notes that the majority of horticulture in the District is on highly productive land (**HPL**) as defined by the National Policy Statement for – Highly Productive Land (**NPS-HPL** or **NPS**) as LUC 1, 2 and 3 which further demonstrates the importance of land for production in this part of the country.<sup>2</sup>

### EVIDENCE OF MR HODGSON

5. The evidence of Mr Hodgson is that while he agrees that the appropriate topic for hearing about the NPS-HPL is when the Rural Zones are considered, it is his view that, while:

*I agree that the Rural Zone hearings is the appropriate hearing for these matters but note that there may need to be a revisit of the Strategic Directions depending on the recommendations and evidence at that time. Notably the NPS-HPL is limited in application to the General Rural Zone, but the highly productive land resource extends across the Rural Lifestyle Zone and is relied upon for primary production to occur. This is a matter that I consider will need to be considered in an integrated resource management response.<sup>3</sup>*

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<sup>1</sup> Sarah Cameron – Statement of Evidence – 28 April 2023 at para [8].

<sup>2</sup> Ibid at para [9].

<sup>3</sup> Vance Hodgson – Statement of Evidence – 28 April 2023 at para [4].

6. As further noted by Mr Hodgson, how the PDP gives effect to the NPS-HPL (as far as it can) is of great interest to HortNZ.
7. It is noted that the NPS-HPL does not apply to the RLZ so any work done in future by the Canterbury Regional Council (in terms of mapping) and the Waimakariri District Council (in terms of it giving effect to the NPS) will not directly apply to the RLZ. However, as Mr Hodgson notes given the amount of horticulture located in the RLZ, and as Ms Cameron notes given the extent of land that is highly productive in the RLZ, the zone's purpose will require an appropriate resource management response to enable primary production to occur as per RLZ-O1.
8. In addition, it is clear from the evidence of Ms Cameron that greenhouse activity occurs in the District and that growers have become increasingly reliant on a variety of covered cropping methods to support rural production activities as a response to climate change, changing practice, crop types and diversification in the horticultural sector.
9. These growing systems are not what is envisaged and covered by the NPS-HPL. As noted, Mr Hodgson the guidance that accompanies the NPS prompts local authorities to ensure there is sufficient non-HPL land available for primary production activities and other rural activities that do not directly rely on the versatility of the soil, but still need to locate in a rural environment.<sup>4</sup>
10. This is a critical consideration in this District given how much land is used for these activities.

## LEGAL FRAMEWORK

11. The issue of the application of the NPS-HPL will come up in the context of the Rural Zone hearings and we will be addressing you again at that time. Suffice to say here that although the PDP was notified prior to the NPS coming into effect there is a requirement in the Act to:

*In all cases, the local authority must make the amendments—*

*(a) as soon as practicable; or*

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<sup>4</sup> While taking into account such guidance is not mandatory it does provide direction and assistance in understanding the intention of the NPS-HPL

*(b) within the time specified in the national policy statement (if any); or*

*(c) before the occurrence of an event specified in the national policy statement (if any).<sup>5</sup>*

12. In short, there is a requirement for the Council to implement the NPS-HPL as soon as practicable. Obviously, there needs to be scope provided by the submissions to include matters that will give effect to the NPS and many of HortNZ submission points will provide this scope due to their focus on HPL. HortNZ will be revisiting this issue in the Rural Zone hearings.

### **NEXT STEPS AND CONCLUDING COMMENTS**

13. Ms Cameron recommends that the Panel consider asking the reporting officers at Council to produce a section 42A report to provide direction on how the NPS-HPL will be given effect to through the PDP. This has been a direction given in a number of matters Hort NZ have been involved in, including in the Selwyn District Plan hearings.
14. In my submission it would be extremely valuable for the Commissioners to have this information before they head into the consideration of the Rural Zones sections of the PDP.

**DATE: 5 May 2023**



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**Helen Atkins**

Counsel for **Horticulture New Zealand**

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<sup>5</sup> Section 55(2D) Resource management Act 1991