

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Waimakariri District Council

Name of submitter: Dairy Holdings Limited (*DHL*)

- 1 This is a submission on the proposed Waimakariri District Plan (the **proposed Plan**).
- 2 DHL could not gain an advantage in trade competition through this submission.
- 3 DHL's submission relates to the whole proposal. The general and specific reasons for DHL's relief sought in **Annexure B** are set out in full in **Annexure A**.
- 4 DHL seeks the following decision from the local authority:
 - 4.1 Grant the relief as set out in **Annexure A and B**.
 - 4.2 Grant any other similar relief that would deal with DHL's concerns set out in this submission.
- 5 DHL **wishes to be heard** in support of the submission.
- 6 If others make a similar submission, DHL will consider presenting a joint case with them at a hearing.

Signed for and on behalf of Dairy Holdings Limited by its solicitors and authorised agents
Chapman Tripp



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Partner
26 November 2021

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ANNEXURE A

Background to DHL and the submission

- 7 DHL is a New Zealand registered company with 100% of its farming assets in the South Island of New Zealand. It is the largest closely-held dairy farming business in the country. Its farming interests are all held through wholly owned subsidiary entities, for ease of reference these are simply referred to as 'DHL' in this submission.
- 8 DHL is currently operating 60 dairy farms and milking approximately 52,000 cows. DHL produced over 16.5 million kilograms of milk solids in the 2020/2021 season.
- 9 In addition, DHL owns or leases 19 self-contained support farms that provide around 14,700 in-calf heifer replacements each year and provide wintering support. A bull unit supplies around 1,500 service bulls to the dairy farms.
- 10 DHL's farms are principally located in the Canterbury, Springs Junction (West Coast), Waitaki and West Otago/Southland regions. The DHL Group's Waimakariri District owned farms are:
 - 10.1 Malbon Dairy Farms Limited t/a Malbon;
 - 10.2 Malbon Dairy Farms Limited t/a Centre;
 - 10.3 Malbon Dairy Farms Limited t/a Kanuka; and
 - 10.4 Gorge Farm Limited (also referred to as Brown Rock Farm).
- 11 DHL will, from the end of this year, also own a fifth property, Eagle Hill which lies just north of the Inland Scenic Route and is bounded by the Waimakariri River.

Summary of DHL's submission on the proposed Plan

- 12 DHL is generally supportive of the proposed Plan and considers that this is appropriately enabling of day-to-day farming activities. In particular, and except as stated elsewhere in this submission, DHL supports the proposed General Rural Zone rules and seeks that these are retained as notified.
- 13 DHL's principle concern with the proposed Plan is the mapping of a number of different overlays over its properties, which DHL considers have been applied without sufficient investigation or consideration of the lawful activities occurring on that land. DHL is concerned that this will inappropriately constrain the ongoing use and upgrading of farming infrastructure on the affected land in the future.
- 14 Overlays of concern are addressed on a property basis as follows:

Kanuka/Centre/Malbon Dairy – 856 Thongcaster Road, Eyrewell

- 14.1 The Ngā Tūranga Tūpuna overlay (SASM 014) covers a large proportion of these properties, cutting across paddocks and infrastructure without following any logical boundary.
- 14.2 The proposed Plan states that this overlay applies to *"larger extents of land within which there is a concentration of wāhi tapu or taonga values, or which are of particular importance in relation to Ngāi Tūāhuriri cultural traditions, history or identity"*. How the boundaries of this overlay were

determined is unclear, and DHL questions the appropriateness of imposing this overlay over such a large area of highly developed land, imposing additional constraints on landowners without greater definition of the particular sites that this overlay seeks to protect. DHL seeks that this overlay is removed from its property, and more broadly that the basis for the overlay is revisited.

- 14.3 Three significant natural areas (SNAs) have been mapped on or adjacent to these properties. SNA008 has been carried over from the operative plan, and DHL seeks that this is retained as notified. DHL also supports the retention of SNA007 and SNA074 as notified, which appear to be carried over from the operative plan, but with a change to the site name and more accurate mapping.



Figure 1: Malbon Dairy

Gorge farm / Brown Rock – 1453 Thongcaster Road, Burnt Hill, Oxford + 1047 Thongcaster Road + 1135 A Thongcaster Road

- 14.4 This property includes both freehold land owned by DHL, shown on the left in Figure 2 below, and ECan leasehold land shown on the right.

- 14.5 As can be seen, this property is significantly affected by:

- (a) the Ngā Tūranga Tūpuna overlay (SASM 014), which DHL seeks is removed, for the reasons outlined above;

- (b) the Ngā wai overlay (SASM 022), which relates to waterbodies but covers a large portion of developed land on both DHL's freehold and leasehold properties, which is not waterbody;
- (c) the natural character overlay NC-SCHED-1, which similarly includes large areas of grazing land that is clearly not river; and
- (d) another natural character overlay, the Waimakariri River ONF, which similarly encapsulates tracks, shelter belts, areas of farmland and scrub/weeds.

14.6 DHL submits that there are clear errors in this mapping, and seeks that these overlays are removed from its freehold and leasehold land, or otherwise amended to not extend beyond the banks of the River.

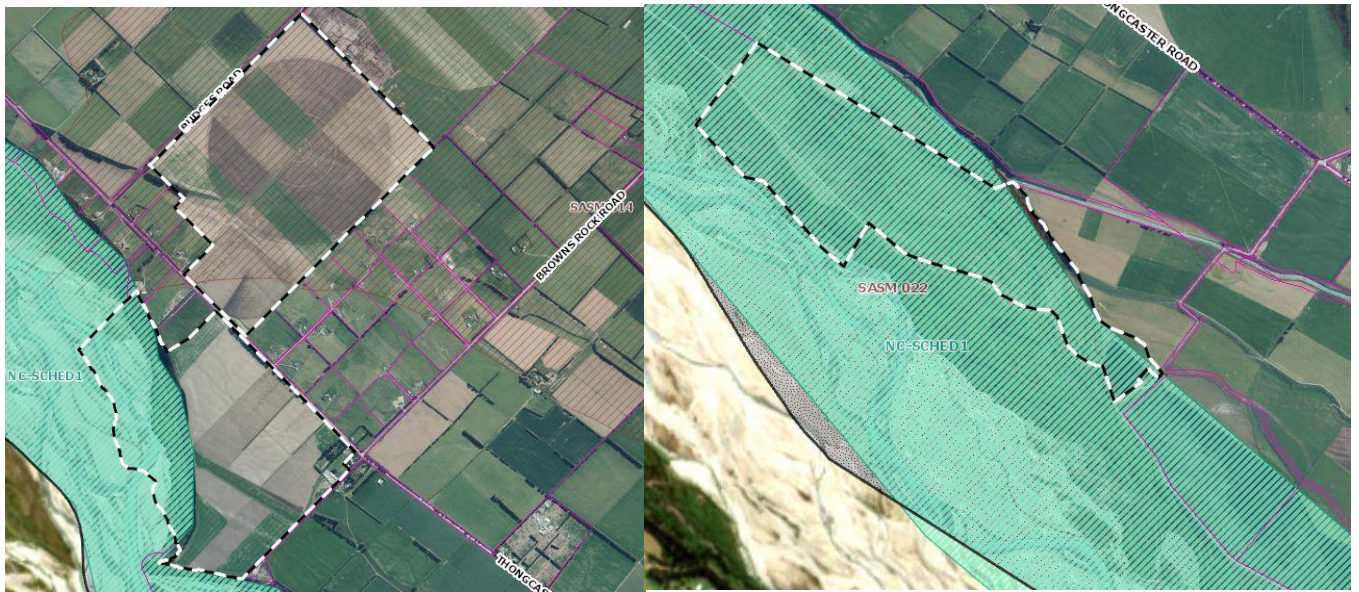


Figure 2: Brown Rock freehold (left) and leasehold (right) properties

Eagle Hill – 369 Waimakariri Hill Road

- 15 Similar to above, the Eagle Hill property contains a number of overlays, which DHL is concerned will adversely affect the operation of this property as a working farm.
- 16 These overlays are:
 - 16.1 Ngā Wai SASM 022;
 - 16.2 Natural character NC-SCHED1; and
 - 16.3 Waimakariri River ONF.
- 17 Consistent with the above, DHL seeks that these overlays are removed within its property boundaries, or, in the case of overlays relating to the Waimakariri River, the overlay is amended to only extend to the river bank and exclude areas of developed farmland, and, in the case of the ONF, the overlay is amended to exclude the developed pasture, tracks and shelter belts.
- 18 In the event that DHL is not successful in having these overlays removed from its property, it seeks in **Annexure B** amendments to the provisions for these overlays to more appropriately enable the continuation of the farming activities occurring on these properties.



Figure 3: Eagle Hill

- 19 DHL supports the retention as notified of the four SNAs, on the basis that they have been carried over from the operative plan. If any changes to these have been made, DHL is unclear on the reasons for this and therefore opposes any change in the mapping of the SNAs, at this stage.

Conclusion

- 20 DHL considers that the relief set out in this submission is the more appropriate way to achieve the purposes of the RMA.
- 21 Overall, DHL seeks:
- 21.1 that objectives, policies and rules continue to enable existing farming activities in the Waimakariri District;
 - 21.2 activities associated with irrigation (including intake infrastructure and water conveyance) be permitted; and
 - 21.3 that the proposed overlays discussed above be amended to exclude any part of DHL's properties.

- 22 DHL seeks that the relief as set out in **Annexure B** is granted, or alternatively that the Panel grant any other similar relief that would deal with DHL's concerns set out in this submission.

ANNEXURE B

The drafting suggested in this annexure reflects the key changes DHL seeks. Consequential amendment may also be necessary to other parts of the proposed provisions.

DHL proposes drafting below and seeks that this drafting, or drafting with materially similar effect, be adopted by the Council.

Suggested amendments and alternative drafting is shown in track change – DHL’s requested deletions are shown using ~~red strike through~~ and requested insertions shown using red underline.

Provision	Content:	Position	Relief requested	Explanation
Part 1: Introduction and General Provisions				
Interpretation				
Part 2: District Wide Matters				
Biodiversity offset	<p><i>means a measurable conservation outcome resulting from actions that comply with the principles in ECO-APP2 and are designed to:</i></p> <p><i>a. compensate for more than minor residual adverse biodiversity effects arising from subdivision, use or development after appropriate avoidance, remediation and mitigation measures have been sequentially applied; and</i></p> <p><i>achieve a no net loss of and preferably a net gain to, indigenous biodiversity values.</i></p>	Support.	Retain as notified.	DHL considers that achieving no net loss provides adequate protection of indigenous biodiversity.

Provision	Content:	Position	Relief requested	Explanation
Strategic Directions				
SD-O4	<p><i>Rural land</i></p> <p><i>Outside of identified residential development areas and the Special Purpose Zone (Kāinga Nohoanga), rural land is managed to ensure that it remains available for productive rural activities by:</i></p> <ol style="list-style-type: none"> <i>1. providing for rural production activities, activities that directly support rural production activities and activities reliant on the natural resources of Rural Zones and limit other activities; and</i> <i>2. ensuring that within rural areas the establishment and operation of rural production activities are not limited by new incompatible sensitive activities</i> 	Support.	Retain as notified.	DHL supports recognition of the importance of rural land and productive rural activities in a strategic objective.
Historic and Cultural Values				
SASM-R4 Earthworks and land disturbance associated with other activities	<p>"Activity status: PER</p> <p><i>Where:</i></p> <ol style="list-style-type: none"> <i>1. the earthworks and land disturbance is limited to:</i> <ol style="list-style-type: none"> <i>a. planting of trees;</i> 	Support.	Retain as notified.	DHL supports this rule, in particular (f), and seeks that it is retained.

Provision	Content:	Position	Relief requested	Explanation
(Nga Turanga Tupuna overlay and Nga Wai overlay)	<p><i>b. gardening;</i></p> <p><i>c. building foundations, septic tank and swimming pool installations where the combined volume of earthworks is 350m³ or less;</i></p> <p><i>d. freestanding sign foundations to a maximum depth of 200mm or to the depth already disturbed (whichever is the greater);</i></p> <p><i>e. drain and track maintenance;</i></p> <p><i>f. cultivation, stopbanks, roadworks and other activities within land previously disturbed by previous earthworks to the depth already disturbed;</i></p> <p><i>g. cultivation to a maximum depth of 200mm;</i></p> <p><i>h. a customer connection between a building, other structure, site, and infrastructure as per EI-R4; and</i></p> <p><i>i. the drilling of a well or bore.</i></p> <p>Activity status when compliance not achieved or provided for: RDIS</p>			

Provision	Content:	Position	Relief requested	Explanation
	<p>Matters of discretion are restricted to:</p> <p>SASM-MD1 - Wāhi tapu and wāhi taonga SASM-MD2 - Ngā tūranga tūpuna SASM-MD3 - Ngā wai</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to Te Ngāi Tūāhuriri Rūnanga and HNZPT, in respect of sites on the New Zealand Heritage List Rārangī Kōrero, where the consent authority considers this is required, absent their written approval."</p>			
	IRRIGATION			
Ecosystems and Indigenous Biodiversity				
EIB-O1	<p>"Ecosystems and indigenous biodiversity</p> <p>Overall, there is an increase in indigenous biodiversity throughout the District, comprising:</p> <ol style="list-style-type: none"> 1. protected and restored SNAs; and 2. other areas of indigenous vegetation and habitat of indigenous fauna that are maintained or enhanced." 	Support in part.	Amend as follows: protected and restored SNAs	DHL recognises the importance of indigenous biodiversity but does not consider that it is appropriate to direct that SNAs be restored.

Provision	Content:	Position	Relief requested	Explanation
ECO-P1	<p>"Identification of mapped SNAs</p> <p><i>Recognise the additional clarity and certainty provided by mapped SNAs by listing them in ECO-SCHED1, and continuing to identify new mapped SNAs through applying the significance criteria in ECO-APP1."</i></p>	Oppose in part.	Retain as notified.	DHL considers that additional clarity and certainty can be provided by mapping SNAs and listing them in a Schedule.
ECO-P2	<p>"Protection and restoration of SNAs</p> <p><i>Protect and restore SNAs by:</i></p> <ol style="list-style-type: none"> <i>1. limiting indigenous vegetation clearance within SNAs;</i> <i>2. limiting planting within mapped SNAs;</i> <i>3. limiting irrigation near mapped SNAs in order to provide a buffer from edge effects;</i> <i>4. providing for an on-site bonus allotment or bonus residential unit within sites containing a mapped SNA;</i> <i>5. supporting and promoting the use of covenants, reserves, management plans and community initiatives;</i> <i>6. encouraging pest control; and</i> <i>7. working with and supporting landowners, the Regional Council, the Crown, Queen Elizabeth the Second National Trust, NZ Landcare Trust, and advocacy groups, including by providing information, advice and advocacy."</i> 	Oppose.	<p>Amend as follows:</p> <p>..</p> <ol style="list-style-type: none"> <i>3. limiting, <u>or where that is not reasonably practicable, manage</u> irrigation near mapped SNAs in order to provide a buffer from edge effects</i> <p>...</p>	<p>Subject to DHL's requested relief above, it may not always be possible to 'limit' irrigation near mapped SNAs.</p> <p>It is important to recognise that the mapped SNAs have been proposed in areas with a long history of intensive farming where irrigation networks are vital to farming infrastructure. This ought to be provided for in this policy.</p>

Provision	Content:	Position	Relief requested	Explanation
ECO-P4	<p>"Maintenance and enhancement of other indigenous vegetation and habitats</p> <p><i>Maintain and enhance indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria in ECO-APP1 by:</i></p> <ol style="list-style-type: none"> <i>continuing to assess the current state of indigenous biodiversity across the District;</i> <i>restricting indigenous vegetation clearance or modification of habitat of indigenous fauna, by recognising that indigenous vegetation within:</i> <ol style="list-style-type: none"> <i>the Lower Plains Ecological District and High Plains Ecological District has been widely destroyed, fragmented and degraded by land use and pests and therefore clearance of any remaining indigenous vegetation needs to be restricted in order to protect what remains; and</i> <i>the Oxford Ecological District, Torlesse Ecological District and Ashley Ecological District, has a larger proportion of indigenous vegetation remaining and therefore some clearance of indigenous vegetation may be acceptable;</i> <i>recognising that the District contains species that are threatened, at risk, or reach their national or regional distribution limits in the District, and naturally uncommon ecosystems, and limiting their clearance;</i> 	Oppose.	<p>Amend as follows:</p> <p>...</p> <p>2. <i>restricting indigenous vegetation clearance or modification of habitat of indigenous fauna, by recognising that indigenous vegetation within:</i></p> <ol style="list-style-type: none"> <i>the Lower Plains Ecological District and High Plains Ecological District has been widely destroyed, fragmented and degraded by land use and pests and therefore clearance of any remaining indigenous vegetation needs to be restricted, <u>or where that is not reasonably practicable, managed</u>, in order to protect what remains; and</i> <p>...</p>	<p>Subject to DHL's requested relief above, it may not always be possible to 'restrict' vegetation clearance when operating, maintaining or upgrading its infrastructure.</p> <p>It is important to recognise that there are occasions where regionally significant infrastructure, including irrigation, have a functional and operational need to operate in a particular location and this ought to be provided for in this policy.</p>

Provision	Content:	Position	Relief requested	Explanation
	<ol style="list-style-type: none"> 4. <i>providing information, advice and advocacy to the landowner and occupier;</i> 5. <i>supporting and promoting the use of covenants, reserves, management plans and community initiatives; and</i> 6. <i>working with and supporting landowners the Regional Council, the Crown, the QEII National Trust, NZ Landcare Trust and advocacy groups."</i> 			
ECO-P5	<p>"Offsetting residual effects</p> <p><i>A biodiversity offset will only be considered where there are residual adverse effects which cannot practicably be avoided, remedied or mitigated (in that order of hierarchy); and:</i></p> <ol style="list-style-type: none"> 1. <i>the biodiversity offset is consistent with ECO-APP2;</i> 2. <i>the biodiversity offset will recognise the limits to offsets due to irreplaceable and vulnerable biodiversity (including effects that must be avoided in accordance with ECO-P7 (1));</i> 3. <i>there is a strong likelihood that the offsets will be achieved in perpetuity; and</i> 4. <i>the biodiversity offset will achieve a net gain of indigenous biodiversity if the area contains any of the following:</i> <ol style="list-style-type: none"> a. <i>indigenous vegetation in land environments where less than 20% of the original indigenous vegetation cover remains;</i> 	Oppose in part.	<p>Amend as follows:</p> <p><i>A biodiversity offset will only be considered where there are residual adverse effects which cannot practicably be avoided, remedied or mitigated (in that order of hierarchy); and:</i></p> <p>...</p>	DHL seeks that the policy is amended to recognise that in some circumstances offsetting may be a more practical option than avoiding, remedying or mitigating adverse effects. DHL also considers that achieving no net loss provides adequate protection of indigenous biodiversity.

Provision	Content:	Position	Relief requested	Explanation
	<ul style="list-style-type: none"> <i>b. areas of indigenous vegetation associated with sand dunes and wetlands;</i> <i>c. areas of indigenous vegetation located in 'originally rare' terrestrial ecosystem types not covered under (a) and (b) above; or</i> <i>d. habitats of threatened, and at risk, indigenous species. "</i> 			
ECO-R1 Indigenous vegetation clearance within any mapped SNA or unmapped SNA (all zones)	<p>Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> <i>1. within any mapped SNA or unmapped SNA, the indigenous vegetation clearance is:</i> <ul style="list-style-type: none"> <i>a. required for maintenance, repair or replacement purposes and is:</i> <ul style="list-style-type: none"> <i>a. within an existing access track; or</i> <i>b. within 3m of an existing building; or</i> <i>c. within 2m of an existing fence, existing gate, existing fire pond, existing stock yard, existing trough, or existing water tank;</i> 	Support in part.	Amend activity status when compliance not achieved to discretionary.	<p>DHL supports this permitted activity rule and seeks it is retained.</p> <p>However, DHL seeks that discretionary activity status apply where requirements are not met. A non-complying activity status is unnecessarily restrictive.</p> <p>It is important that a balance is struck to enable landowners to maintain, repair or replace infrastructure that might be, for example, 3.2 metres from an existing building.</p>

Provision	Content:	Position	Relief requested	Explanation
	<p><i>d. within 2m of existing critical infrastructure, regionally significant infrastructure, strategic infrastructure or lifeline utility;</i></p> <p><i>b. for the purpose of protecting, maintaining, restoring or accessing the SNA's ecological values where it involves:</i></p> <p><i>i. carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977;</i></p> <p><i>ii. carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977;</i></p> <p><i>iii. carrying out activities by or on behalf of the Crown in accordance with a Conservation Management</i></p>			

Provision	Content:	Position	Relief requested	Explanation
	<p><i>Plan prepared under the Conservation Act 1987; or</i></p> <p><i>iv. erecting a fence;</i></p> <p><i>c. for biosecurity purposes and is undertaken by, or on behalf of, the District Council, the Regional Council or Crown, or their nominated agent;</i></p> <p><i>d. for the purpose of harvesting indigenous vegetation that was planted for the purpose of plantation forestry;</i></p> <p><i>e. for the purpose of customary harvesting;</i></p> <p><i>f. expressly authorised under the NESF; or</i></p> <p><i>g. for the purpose of forming a walking or cycling access track where:</i></p> <p><i>a. the track has a maximum width of 2m; and</i></p> <p><i>b. the area of indigenous vegetation</i></p>			

Provision	Content:	Position	Relief requested	Explanation
	<p><i>clearance is a maximum of 1% of the total area of the SNA on that site, or a maximum of 50m² from the SNA on that site, whichever is lesser; and</i></p> <p><i>c. does not involve the clearance of any tree with a trunk greater than 15cm in diameter when measured 1.4m above ground.</i></p> <p>Activity status when compliance not achieved: NC</p>			
ECO-R4 Irrigation infrastructure near any mapped SNA	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <i>any new irrigation infrastructure shall be set back a minimum of 20m from any mapped SNA that is not part of a registered protective covenant under the Queen Elizabeth the Second National Trust Act 1977.</i> 	Oppose.	<p>Amend as follows:</p> <ol style="list-style-type: none"> <i>any new irrigation infrastructure shall be set back a minimum of 5 20m from any mapped SNA that is not part of a registered protective covenant under the Queen Elizabeth the Second National Trust Act 1977.</i> 	DHL opposes a minimum setback of 20m with respect to new irrigation infrastructure. The rule fails to recognise that there are circumstances where intensive farming and irrigation already occurs in a particular area, and replacing, for example, a rotorainer with a pivot should not be restricted.

Provision	Content:	Position	Relief requested	Explanation
	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p><i>ECO-MD1 - Indigenous vegetation clearance</i></p>			
ECO-MD1	<p>"Indigenous vegetation clearance</p> <ol style="list-style-type: none"> <i>The extent to which the proposal adequately identifies indigenous biodiversity values including whether any naturally occurring species that are threatened, at risk, or reach their national or regional distribution limits in the District, or any naturally uncommon ecosystems listed in ECO-SCHED3 are present and if so, how they will be protected or managed.</i> <i>The extent to which the proposal will achieve no net loss of indigenous biodiversity values identified as significant.</i> <i>The actual or potential effects on indigenous biodiversity or ecological values, including intrinsic values, expected to occur as a result of the proposal, including those on ecosystem connectivity, function, and integrity and species diversity.</i> <i>Any potential for avoiding, remedying, mitigating or otherwise offsetting or</i> 	Support in part.	<p>Amend as follows:</p> <p>...</p> <ol style="list-style-type: none"> <i><u>The extent to which the landowner has invested in any of the above matters for the purposes of protecting indigenous biodiversity.</u></i> 	<p>DHL is supportive of the intent to protect indigenous biodiversity values, including the matters listed in MD1. However, this can often come at a great expense to the applicant / landowner, especially if consent is not ultimately granted. Therefore, DHL request an additional matter in MD1 which allows decision makers to consider associated costs.</p>

Provision	Content:	Position	Relief requested	Explanation
	<p><i>compensating for adverse effects on indigenous vegetation and habitats of indigenous fauna.</i></p> <p>5. <i>Any conditions to ensure obligations in respect of indigenous biodiversity endure, including beyond any changes of ownership (wholly or partially) of the landholding and review of conditions.</i></p> <p>6. <i>Where the clearance is within an ONL, ONF, SAL, ONC, VHNC, HNC, or any natural character of scheduled freshwater body setback, whether the indigenous vegetation proposed to be cleared contributes to the values of these areas and the degree to which the proposed clearance would adversely affect these values.</i></p> <p>7. <i>The relevance and quality of a Biodiversity Management Plan, if provided.</i></p> <p>8. <i>The extent of adverse effects on indigenous biodiversity in the coastal environment.</i></p> <p>9. <i>The extent to which, if any, the health of any indigenous vegetation and/or habitat of indigenous fauna is improved.</i></p>			

Provision	Content:	Position	Relief requested	Explanation
	<p>10. The extent to which, if any, the spatial extent of any indigenous vegetation and/or habitat of indigenous fauna is increased.</p> <p>11. Adverse effects on Ngāi Tahu cultural values including mahinga kai and other customary uses, and access for these purposes."</p>			
ECO-SCHED1 Schedule of mapped SNAs		Support	Retain as notified.	DHL seeks that the mapped SNAs on its land are retained as notified, on the basis that there has been no changes to the previously mapped areas under the operative plan.
Natural Character				
NATC-01	"The preservation of the natural character of the surface freshwater environment, its wetlands, and lakes and rivers and their margins."	Support in part.	Amend as follows: "The preservation <u>protection</u> of the natural character of the surface freshwater environment, its wetlands, and lakes and rivers and their margins."	DHL recognises the importance of the surface freshwater environment. However, it is critical for the social and economic well-being of the Waimakariri District that this character is protected, without being overly restrictive of other activities that are located in these areas.
NATC-02	"Restoration of the natural character of surface freshwater bodies and their margins where degradation has occurred."	Support in part.	Amend as follows: " Restoration Where practicable , <u>prioritise restoration</u> of the natural character of surface freshwater	DHL recognises the importance of the surface freshwater environment and is supportive of the intent to restore degraded freshwater bodies. However there may be circumstances, where

Provision	Content:	Position	Relief requested	Explanation
			<i>bodies and their margins where degradation has occurred."</i>	restoration is not practicable. The objective ought to recognise this.
NATC-O3	<i>"The use of wetlands, and lakes and rivers and their margins are managed to preserve their natural character."</i>	Support in part.	<i>"The use of wetlands, and lakes and rivers and their margins are managed to preserve maintain their natural character."</i>	DHL recognises the importance of the surface freshwater environment. However, it may not always be appropriate to preserve natural character, to the detriment of other activities.
NATC-P1 Recognising natural character	<p><i>"Recognise the following natural elements, patterns, processes and experiential qualities which contribute to the natural character values of freshwater bodies:</i></p> <ol style="list-style-type: none"> <i>1. freshwater bodies and their margins in their natural state or close to their natural state;</i> <i>2. freshwater landforms and landscapes, biophysical, geologic and morphological aspects;</i> <i>3. hydrological and fluvial processes, including erosion and sedimentation;</i> <i>4. indigenous biodiversity, habitats and ecosystems;</i> <i>5. water flow and levels, colour and clarity, and water quality;</i> 	Support in part.	<p>Amend as follows:</p> <p>...</p> <p><u><i>At the same time, recognise where there is historic and ongoing land use that contributes to the social and economic wellbeing of the District."</i></u></p>	<p>DHL's farms are a significant contributor to the social and economic well-being of the Waimakariri District and wider South Island, and have been for some time. It is vital that the plan recognises the historic and ongoing land use, particularly where it contributes to regionally significant infrastructure.</p> <p>The Plan must strike a balance between protecting the natural environment and enabling infrastructure that serves the community's needs.</p>

Provision	Content:	Position	Relief requested	Explanation
	<p>6. <i>the cultural values of the water body to Ngāi Tūāhuriri, including values associated with traditional and contemporary uses and continuing ability of the freshwater body to support taonga species and mahinga kai activities; and</i></p> <p>7. <i>the experience of the above elements, patterns and processes."</i></p>			
<p>NATC-P2</p> <p>Identify, map and schedule significant freshwater bodies</p>	<p><i>"Continue the identification, mapping, and scheduling of freshwater bodies with one or more recognised natural character attributes, where the following apply:</i></p> <ol style="list-style-type: none"> <i>1. the freshwater bodies and their margins have high indigenous species and habitat values, where they support threatened, at risk, or regionally distinct indigenous species;</i> <i>2. the presence of distinctive geological features, such as fault traces, fossil localities, geoscience and geohistoric values, or represents a unique geomorphic process;</i> <i>3. cultural, spiritual or heritage associations of Ngāi Tūāhuriri to the freshwater body, including the ability to undertake customary practices; and</i> 		<p>Amend as follows:</p> <p>...</p> <p><u><i>At the same time, recognise where there is historic and ongoing land use that contributes to the social and economic wellbeing of the District."</i></u></p>	<p>DHL's farms are a significant contributor to the social and economic well-being of the Waimakariri District and wider South Island, and have been for some time. It is vital that the plan recognises the historic and ongoing land use when considering the identification, mapping and scheduling of freshwater bodies.</p>

Provision	Content:	Position	Relief requested	Explanation
	4. <i>importance of the freshwater body to provide access and connections to areas of recreational use.</i> "			
NATC-P3 Customary harvesting and Ngāi Tūāhuriri values within the freshwater body and their margins	"Recognise the cultural significance of wetlands, lakes and rivers and their margins, to mana whenua, and manage the effects of land use activities through limiting the size, visual appearance, and location, to ensure they do not adversely affect taonga species, mahinga kai or customary harvesting, access, and other cultural values. "	Support in part.	Amend as follows: <i>Recognise the cultural significance of wetlands, lakes and rivers and their margins, to mana whenua, and manage the effects of land use activities through limiting the size, visual appearance, and location, to ensure they do not adversely affect taonga species</i>	DHL supports the intent of this policy but considers that the tools to manage the effects of land use activities are too narrow or restricted.
NATC-P4 Preservation of natural character values	"Preserve the natural character values of wetlands, and lakes and rivers and their margins, and protect those values by: 1. <i>ensuring that the location, intensity, scale and form of subdivision, use and development of land takes into account the natural character values of the surface freshwater bodies;</i> 2. <i>minimising indigenous vegetation clearance and modification, including where associated with ground disturbance and the</i>	Oppose.	Amend as follows: <i>"Preserve the natural character values of wetlands, and lakes and rivers and their margins, and protect those values by:</i> 1. <i>ensuring that the location, intensity, scale and form of subdivision, use and development of land takes into account the natural character values of the surface freshwater bodies;</i> 2. <i>minimising, or where that is not reasonably practicable, manage indigenous vegetation clearance and</i>	DHL supports the intent of this policy to preserve natural character where that is practicable. However, the plan must recognise and provide for existing activities, particularly farming, that already exist near freshwater bodies.

Provision	Content:	Position	Relief requested	Explanation
	<p><i>location of structures, near wetlands, and lakes and rivers and their margins;</i></p> <p>3. <i>requiring setbacks of activities from wetlands, and lakes and rivers and their margins, including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and</i></p> <p>4. <i>promoting opportunities to restore and rehabilitate the natural character of surface freshwater bodies and their margins, such as the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values, and spiritual, cultural and heritage values."</i></p>		<p><i>modification, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;</i></p> <p>3. <u>where reasonably practicable,</u> <i>requiring setbacks of activities from wetlands, and lakes and rivers and their margins, including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and</i></p> <p>4. <i>promoting opportunities to restore and rehabilitate the natural character of surface freshwater bodies and their margins, such as the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values, and spiritual, cultural and heritage values."</i></p>	
NATC-S1 Setback standards for the natural character of freshwater bodies	<p>1. <i>Activities shall be outside of the setback distance specified in Table NATC-1.</i></p> <p><i>Table NATC-1: Freshwater body setback widths Rural Zones, Open Space and Recreation Zones</i></p> <p>- NATC-SCHED1 50m</p>	Oppose.	Remove setback requirements or amend requirement for SCHED1 to 5m.	As noted above, the NATC-SCHED1 overlay covers large areas of DHL's farmland, including areas that have been cultivated, contain important farming infrastructure and areas of exotic forest. The setback requirements would introduce inappropriate consenting requirements that are likely to restrict farming operations and

Provision	Content:	Position	Relief requested	Explanation
	<ul style="list-style-type: none"> - NATC-SCHED2 20m - NATC-SCHED3 10m - UNSCHEDULED 5m 			necessary repair and maintenance works.
NATC-MD6 Freshwater body setback assessment	<p>1. <i>Reduction in the setback width and any adverse effects on:</i></p> <ul style="list-style-type: none"> a. <i>the natural state of freshwater body margins;</i> b. <i>freshwater landforms and landscapes, biophysical, geologic and morphological aspects;</i> c. <i>the hydrological and fluvial processes, including erosion and sedimentation;</i> d. <i>indigenous biodiversity, habitats and ecosystems;</i> e. <i>water flow and levels, colour and clarity, and water quality;</i> f. <i>cultural values of the freshwater body to Ngāi Tūāhuriri, including values associated with traditional and contemporary uses and continuing ability of</i> 	Support in part.	<p>Add an additional matter:</p> <p><u>3. Recognise where there is historic and ongoing land use that contributes to the social and economic wellbeing of the District.</u></p>	It is important that the proposed Plan recognises and provides for existing land uses in areas adjacent to, or mapped as, waterbodies.

Provision	Content:	Position	Relief requested	Explanation
	<p><i>the freshwater body to support taonga species and mahinga kai activities;</i></p> <p><i>g. where Te Ngāi Tūāhuriri Rūnanga has been consulted, the outcome of that consultation, and how the development or activity responds to, or incorporates the outcome of that consultation; and</i></p> <p><i>h. the experience of the above elements, patterns and processes.</i></p> <p><i>2. Any assessment of the natural character of freshwater bodies that undertaken by a suitably qualified and experienced specialist in the various attributes of natural character.</i></p>			
Natural Features and Landscapes				
NFL-01	<p><i>"Outstanding natural features are protected from land use or development that would adversely affect the values of these features."</i></p>	Support in part	<p>Amend as follows:</p> <p><i>Outstanding natural features are protected from <u>new</u> land use or <u>significant</u> development that would adversely affect the values of these features.</i></p> <p>Retain.</p>	<p>DHL recognises the importance of preserving the Waimakariri River. At the same time, DHL has a number of farms adjoining the river within the mapped ONF. It is critical for the social and economic well-being of the Waimakariri District that existing farming activities continue to be enabled.</p>

Provision	Content:	Position	Relief requested	Explanation
NFL-P1 Protect Outstanding Natural Features	<p><i>"Recognise the values of the outstanding natural features identified in NFL-APP1 and protect them from the adverse effects of activities and development by:</i></p> <ol style="list-style-type: none"> <i>1. avoiding use and development that detracts from the very high biophysical values and high sensory and associative values identified in NFL-APP1 for the Waimakariri River;</i> <i>2. avoiding use and development that detracts from the very high biophysical and sensory values, and high associative values of the Ashley River/Rakahuri Saltwater Creek Estuary identified in NFL-APP1, including on:</i> <ol style="list-style-type: none"> <i>a. coastal physical processes;</i> <i>b. ecological habitat and indigenous biodiversity; and</i> <i>c. the experience of the elements and processes of (a) and (b);</i> <i>3. enabling community scale erosion and flood control structures where adverse impacts on the values are mitigated;</i> 	Support in part.	<p>Amend as follows:</p> <ol style="list-style-type: none"> 1. managingavoiding use and development that has the potential to detracts from the very high biophysical values and high sensory and associative values identified in NFL-APP1 for the Waimakariri River; ... 5. avoiding new areas of activities such as plantation forestry, woodlots, shelterbelts, mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values; 6. providing for existing rural production where this does not detract from the identified values; and 	<p>DHL seeks amendments to this policy to:</p> <ul style="list-style-type: none"> - Manage rather than avoid activities that could detract from the values listed. - Only avoid new areas of, for example, plantation forestry and shelterbelts, given the extensive areas of these types of activities that have been mapped in the Waimakariri ONF. - Provide for existing rural production without qualification – the fact that the activity is existing at the time that the overlay is introduced is demonstrative that the existing activity does not prevent the area from being recognised for its values.

Provision	Content:	Position	Relief requested	Explanation
	<p>4. <i>avoiding any significant loss of indigenous vegetation;</i></p> <p>5. <i>avoiding activities such as plantation forestry, woodlots, shelterbelts, mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values;</i></p> <p>6. <i>providing for existing rural production where this does not detract from the identified values; and</i></p> <p>7. <i>enabling conservation activities and non motorised recreation activities."</i></p>			
New policy		Insert new policy.	<p>Insert new policy as follows:</p> <p><u>Recognise that there may be working farmland and other rural production activities occurring in areas identified as outstanding natural features and landscapes, or visual amenity landscapes.</u></p>	It is important to DHL that the plan adequately recognises all existing farming properties, some of which are within the ONF Waimakariri River Overlay (which it seeks be amended to exclude its properties).
NFL-R8 Centre pivot and travelling irrigators	Activity status: DIS	Oppose in part.	<p><u>Activity status for areas of existing irrigation: P</u></p> <p>Activity status <u>for areas of new irrigation</u>: DIS</p>	The rule framework should provide for irrigation in areas that are already irrigated (e.g. if converting from gun to pivot irrigation).

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NFL-R13 Plantation forestry	Activity status: NC	Oppose in part.	<u>Activity status for replanting areas of previous plantation forestry: P</u> Activity status <u>for new areas of plantation forestry: DIS NC</u>	As the Waimakariri ONF includes areas of existing plantation forestry, it is important that those areas are able to be replanted after harvesting.
NFL-APP1 - Outstanding and Significant Landscapes and Features - Values and Threats	Waimakariri River - Outstanding Natural Features ...	Oppose.	Amend to rectify that a number of activities identified as 'threats' are already widespread in the Waimakariri ONF.	The appendix lists as 'likely threats' to the Waimakariri ONF a number of activities that are already existing in the mapped ONF, such as irrigation canals, forestry and shelterbelts. This should be amended to ensure that ongoing operation, maintenance and upgrading of these existing activities is not prevented.
General District Wide Matters				
Part 3: Area Specific Matters				
Zones				
GRUZ-01 Purpose of the General Rural Zone	<i>"Natural and physical resources and primary production activities which contribute to the District's rural productive economy dominate while fragmentation of land into small rural parcels is restricted"</i>	Support.	Retain as notified.	It is critical to the social and economic well-being of Waimakariri that farming land uses continue to be enabled and prioritised. It is very important to DHL that farms are able to operate without being subject to reverse sensitivity

Provision	Content:	Position	Relief requested	Explanation
				effects caused by lifestyle and residential development.
GRUZ-P1 Character of the General Rural Zone	<p><i>"Maintain the character in the General Rural Zone which comprises:</i></p> <ol style="list-style-type: none"> <i>1. primary production being the predominant land use;</i> <i>2. a dominance of open space and vegetation, including paddocks, trees, agriculture and natural elements over buildings;</i> <i>3. a landscape strongly influenced by patterns and processes of human activity associated with primary production, with a focus of open farmland areas and larger scale primary production activities, along with areas with natural environment values and sites and areas of significance to Māori;</i> <i>4. separation between residential units and farm buildings on adjoining sites, with an overall low density of residential units and buildings; and</i> <i>5. contrasts with urban environments through having a general absence of the type and scale of infrastructure and built form found in urban environments."</i> 	Support.	Retain as notified.	DHL supports this policy and seeks that it be retained.

Provision	Content:	Position	Relief requested	Explanation
GRUZ-P2 Limiting fragmentation of land	<p><i>"Maintain opportunities for land to be used for primary production activities within the zone by limiting further fragmentation of land in a manner that that avoids sites being created, or residential units being erected, on sites that are less than 20ha, unless:</i></p> <ol style="list-style-type: none"> <i>1. associated with the development of infrastructure which reduces the size of the balance lot or sites to below 20ha;</i> <i>2. associated with the establishment of a bonus residential unit or creation of a bonus allotment;</i> <i>3. the erection of a residential unit is protected by a legacy provision in this District Plan; and</i> <i>4. it is for the establishment of a minor residential unit, where the site containing a residential unit is 20ha or greater, or is protected by a legacy provision in this District Plan."</i> 	Support.	Retain as notified.	DHL supports this policy and seeks that it be retained.
GRUZ-R2 Primary Production	<p>"Activity status: PER</p> <p>Where:</p>	Support in part.	Amend to clarify that forestry greater than 1ha is a permitted activity.	DHL strongly supports primary production being a permitted activity and considers that this is important and appropriate in a district planning context.

Provision	Content:	Position	Relief requested	Explanation
	<p>1. any forestry less than 1ha, carbon forest or woodlot shall be set back a minimum of:</p> <ul style="list-style-type: none"> a. 40m from any residential unit or minor residential unit on a site under different ownership; b. 10m from any site boundary of a site under different ownership; and c. 10m from any road boundary of a paved public road. <p>Activity status when compliance with GRUZ-R2 (1) not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>RURZ-MD1 - Natural environment values RURZ-MD3 - Character and amenity values of the activity RURZ-MD4 - Forestry, Carbon Forest, Woodlots</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified."</p>			<p>DHL is concerned that it is not clear from the rule that forestry greater than 1ha is a permitted activity.</p> <p>Large areas of forestry are common throughout the GRUZ, which is an appropriate location for plantation forestry. Such an amendment would be consistent with the National Environmental Standards for Plantation Forestry.</p>

Submission ends.