

From: [Graeme Mathieson](#)
To: [RPS](#)
Subject: Rural Contractors New Zealand Submission - Proposed Otago Regional Policy Statement 2021
Date: Friday, 3 September 2021 2:23:17 p.m.
Attachments: [RCNZ Submission Proposed Otago RPS \(Final 090321\).pdf](#)

Dear Sir/Madam

On behalf of my client Rural Contractors New Zealand, please find attached a submission in relation to the Proposed Otago Regional Policy Statement 2021.

Please do not hesitate to contact me if you wish to discuss any aspect of the submission, have any queries or require any further information.

Regards - Graeme

 **Graeme Mathieson**
Senior Consultant

+64 9 255 5127 | +64 27 220 2640 | PO Box 97431, Manukau 2241
www.mitchelldaysh.co.nz

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FORM 5

**RURAL CONTRACTORS NEW ZEALAND SUBMISSION ON THE
PROPOSED OTAGO REGIONAL POLICY STATEMENT 2021**

Clause 6 of Schedule 1, Resource Management Act 1991

To: Otago Regional Council

Submitter: Rural Contractors New Zealand Inc.

1. This is a submission on the Proposed Otago Regional Policy Statement 2021 ("**Proposed RPS**").
2. Rural Contractors New Zealand Inc. could not gain an advantage in trade competition through this submission.
3. Rural Contractors New Zealand Inc. is 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
4. Rural Contractors New Zealand Inc. general submission is summarised in section 7 below. It's submissions on various provisions of the Proposed RPS, and the specific relief sought, are set out within the table in Attachment A.
5. Rural Contractors New Zealand Inc. does wish to be heard in support of its submission.
6. If others make a similar submission, Rural Contractors New Zealand Inc. will consider presenting a joint case with them at a hearing

Signature RURAL CONTRACTORS NEW ZEALAND INC.
By its authorised agents Mitchell Daysh Limited



G.J. Mathieson

Date 3 September 2021

Telephone 027 220 2640

Email graeme.mathieson@mitchelldaysh.co.nz

Postal address Mitchell Daysh Limited
PO Box 97431
AUCKLAND 2241

Contact person Graeme Mathieson

7 General Submission

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

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

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

8 Specific Submission Points

- 8.1 RCNZ's specific submission points are provided in **Attachment A**.
- 8.2 In respect of all of those submission points in **Attachment A**, RCNZ seeks:
- Where specific wording has been proposed, words or provisions to similar effect;
 - All necessary and consequential amendments, including any amendments to the provisions themselves or to other provisions linked to those provisions submitted on, and including any cross references in other chapters; and
 - All further relief that are considered necessary to give effect to the concerns described above and in **Attachment A**.

ATTACHMENT A: RURAL CONTRACTORS NEW ZEALAND SUBMISSION ON THE PROPOSED OTAGO REGIONAL POLICY STATEMENT 2021

REF	PROVISION	SUPPORT OPPOSE	RCNZ'S REASONS	RELIEF SOUGHT
1	SRMR-14, Impact Snapshot, Environmental	Support in part	RCNZ seeks changes to better reflect the relevant supporting policy framework (including changes sought by RCNZ) so it is clearer that urban development can lead to reverse sensitivity effects on a broad range of existing or potential primary production related activities, as well as on critical rural activities which support, service or are dependent on primary production and have an operational need to locate in rural areas (e.g. "rural industry" (such as rural contractor depots)).	Amend the first sentence of the second paragraph in the "Environmental" subsection of the "Impact Snapshot" section of SRMS-14 as follows: <i>Urban development can also lead to reverse-sensitivity effects on existing or potential whereby traditional methods of pest management or the undertaking of rural primary production activities in rural areas or supporting activities that have an operational need to locate in these areas (e.g. rural industry (such as rural contractor depots)) cannot be deployed due to the proximity of new urban populations and the potential for adverse impacts on those populations.</i>
2	Policy AIR-P5 – Managing certain discharges	Support	Policy AIR-P5 states: <i>Manage the effects of discharges to air beyond the boundary of the property of origin from activities that include but are not limited to:</i> <i>(1) outdoor burning of organic material,</i> <i>(2) agrichemical and fertiliser spraying,</i> <i>(3) farming activities,</i> <i>(4) activities that produce dust, and</i> <i>(5) industrial and trade activities.</i> RCNZ supports that supports that Policy AIR-P5 focuses on managing the effects of air discharges beyond the property of origin.	Retain Policy AIR-P5.
3	Objective LF-LS-O11 (Land and Soil)	Support in part	RCNZ supports Objective LF-LS-O11 on the basis that it is prudent to maintain the availability and productive capacity of highly productive land for primary production to sustain the significant farming industry in the Otago Region. RCNZ is seeking changes to Policy	Amend Objective LF-LS-O11 as follows: <i>The life-supporting capacity of Otago's soil resources is safeguarded and the availability and productive capacity of highly productive land for primary production (and supporting activities) is maintained now and for future generations.</i>

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			LF-LS-P19 to better recognise and provide for critical rural activities which support, service or are dependent on primary production and have an operational need to locate in rural areas including on highly productive land (e.g. "rural industry" (such as rural contractor depots)). Amendments are sought to Objective LF-LS-O11 to reflect these changes.	
4	Policy LF-LS-P19 (Highly productive land)	Support in part	RCNZ supports Policy LF-LS-P19 on the basis that it is prudent to protect areas of highly productive land for primary production to sustain the significant farming industry in the Otago Region. However, RCNZ considers that the Policy also needs to recognise that critical rural activities which support, service or are dependent on primary production and have an operational need to locate in rural areas including on highly productive land (e.g. "rural industry" (such as rural contractor depots)). The amendments sought would result in greater consistency with parallel provisions in Objective UFD-O4 and Policy UFD-P7.	Amend Policy LF-LS-P19 as follows: <i>Maintain the availability and productive capacity of high productive land by:</i> 1. <i>identifying highly productive land based on the following criteria:</i> a. <i>the capability and versatility of the land to support primary production based on the Land Use Capability classification system,</i> b. <i>the suitability of the climate for primary production, particularly crop production, and</i> c. <i>the size and cohesiveness of the area of land for use for primary production, and</i> 2. <i>prioritising the use of highly productive land for primary production ahead of other land uses (unless required for activities that support, service or are dependent on "primary production" and have an operational need to be located in rural areas (e.g. rural industry (such as rural contractor depots)), and</i> 3. <i>managing urban development in rural areas, including rural lifestyle and rural residential areas, in accordance with UFD-P4, UFD-P7 and UFD-P8.</i>
5	LF-LS-E4 (Explanation)	Support in part	RCNZ seeks that Explanation LF-LS-E4 be amended consistent with the changes sought to the policy framework to better recognise and provide for activities that directly, support, service or are dependent on primary production and have an operational need to be located in rural areas including	Amend LF-LS-E4 – Explanation as follows: <i>Highly productive land is land used predominantly for primary production that provides economic and employment benefits. Providing for and managing such land types is essential to ensure its sustainability. The policies seek to:</i> <i>(a) identify and prioritise land used for primary production purposes and supporting activities that</i>

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			<p>within areas of highly productive land (e.g. "rural industry" (such as rural contractor depots)).</p> <p>The Explanation also needs to be amended so there is consistent reference to "primary production".</p>	<p><i>directly, support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural industry (such as rural contractor depots)); and</i></p> <p><i>(b) managing urban encroachment into rural areas environments where appropriate.</i></p>
6	Objective UFD-O4 (Development in rural areas)	Support in part	<p>RCNZ supports Objective UFD-04, particularly on the basis that development in rural areas should primarily be directed away from those areas identified as highly productive land so it is retained predominantly for primary production purposes. RCNZ supports that clause (2) recognises that some development may have an operational need to locate in rural areas (including on highly productive land), but consistent with other changes sought to the policy framework, considers that any such development should also have a clear linkage to primary production (e.g. "rural industry" (such as rural contractor depots)).</p>	<p>Amend Objective UFD-O4 as follows:</p> <p><i>Development in Otago's rural areas occurs in a way that:</i></p> <ol style="list-style-type: none"> <i>1. avoids impacts on significant values and features identified in this RPS,</i> <i>2. avoids as the first priority, land and soils identified as highly productive by LF-LS-P19 unless it directly supports, services or is dependent on primary production and there is an operational need for the development to be located in rural areas.</i> <i>3. only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development, and</i> <i>4. outside of areas identified in (3), maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities.</i>
7	Policy UFD-P4 (Urban expansion)	Support in part	<p>RCNZ generally supports Policy UFD-P4, in particular that clause (6) provides clear direction that urban expansion avoids (as a first priority) highly productive land. In terms of any new urban/rural interface, clause (7) requires "consideration" of reverse sensitivity effects on rural areas and existing or potential productive rural activities. RCNZ considers that clause (7) should be amended to refer to reverse sensitivity effects on "primary production activities" (instead of "productive rural activities") consistent with the National Planning Standards (and the terminology used throughout the Proposed RPS). RCNZ also</p>	<p>Amend Policy UFD-P4 as follows:</p> <p><i>Expansion of existing urban areas is facilitated where the expansion:...</i></p> <ol style="list-style-type: none"> <i>1. contributes to establishing or maintaining the qualities of a well-functioning urban environment,</i> <i>2. will not result in inefficient or sporadic patterns of settlement and residential growth,</i> <i>3. is integrated efficiently and effectively with development infrastructure and additional infrastructure in a strategic, timely and co-ordinated way,</i> <i>4. addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents,</i>

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			considers that consideration of reverse sensitivity effects should not just apply to primary production activities, but should also apply to activities that directly support, service or are dependent on primary production, and have an operational need to be located in rural areas (e.g. "rural industry" (such as rural contractor depots)).	<p>5. <i>manages adverse effects on other values or resources identified by this RPS that require specific management or protection,</i></p> <p>6. <i>avoids, as the first priority, highly productive land identified in accordance with LF-LS-P19,</i></p> <p>7. <i>locates the new urban/rural zone boundary interface by considering:</i></p> <p>a) <i>adverse effects, particularly reverse sensitivity, on rural areas and existing or potential <u>primary production productive-rural-activities or activities that directly support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural industry (such as rural contractor depots)) beyond the new boundary, and</u></i></p> <p>b) <i>key natural or built barriers or physical features, significant values or features identified in this RPS, or cadastral boundaries that will result in a permanent, logical and defensible long-term limit beyond which further urban expansion is demonstrably inappropriate and unlikely, such that provision for future development infrastructure expansion and connectivity beyond the new boundary does not need to be provided for; or</i></p> <p>c) <i>reflects a short or medium term, intermediate or temporary zoning or infrastructure servicing boundary where provision for future development infrastructure expansion and connectivity should not be foreclosed, even if further expansion is not currently anticipated.</i></p>
8	Policy UFD-P7 (Rural areas)	Support in part	RCNZ supports Policy UFD-P7 on the basis that it is prudent to protect Otago's rural areas primarily for primary production, particularly those areas identified as "highly productive land". RCNZ supports that clause (4) recognises the need to facilitate "rural industry and supporting activities" within rural areas. However, there needs to be a clearer linkage to Objective UFD-04 which provides for development	<p>Amend Policy UFD-P7 as follows:</p> <p><i>The management of rural areas:</i></p> <p>1. <i>provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,</i></p> <p>2. <i>outside areas identified in (1), maintains the productive capacity, amenity and character of rural areas,</i></p>

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			<p>that has an “operational need” to locate in rural areas (including on highly productive land). Consistent with other changes sought to the policy framework, RCNZ considers that any such development should also have a clear linkage to primary production (i.e. activities which support, service or are dependent on primary production (e.g. “rural industry” (such as rural contractor depots)). In addition, any such development should be “enabled” not “facilitated”.</p> <p>RCNZ supports the clause (6) requirement to restrict the establishment of residential activities, sensitive activities and non-rural businesses which could adversely affect (including by way of reverse sensitivity) the productive capacity of highly productive land, primary production and rural industry. However, for completeness, and consistent with other changes sought in the policy framework, in addition to protecting primary production and rural industry, clause (6) should also protect any activities that directly support, service or are dependent on primary production, and have an operational need to be located in rural areas (e.g. “rural industry” (such as rural contractor depots)).</p>	<ol style="list-style-type: none"> 3. <i>enables primary production particularly on land or soils identified as highly productive in accordance with LF–LS–P19,</i> 4. <i>facilitates enables activities that directly, support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural industry (such as rural contractor depots)),</i> 5. <i>directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD–P8,</i> 6. <i>restricts the establishment of residential activities, sensitive activities, and non-rural businesses and activities which could adversely affect, including by way of reverse sensitivity, the productive capacity of highly productive land, primary production and activities that directly, support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural industry-activities (such as rural contractor depots)),– and</i> 7. <i>otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate an operational need to be located in rural areas.–</i>
9	Amend Policy UFD-P8 (Rural lifestyle and rural residential zones)	Support in part	<p>RCNZ supports Policy UFD-P8 on the basis that it is prudent to protect Otago’s rural areas primarily for primary production, particularly those areas identified as “highly productive land”. RCNZ supports that clause (3) addresses potential reverse sensitivity effects arising from new or expanded rural lifestyle and rural residential zones. However, RCNZ considers that there needs to be a clearer linkage to Policy UFD–P7 (Rural Areas) where there is a clear priority placed on reserving rural areas for primary production</p>	<p>Amend Policy UFD-P8 as follows:</p> <p><i>The establishment, development or expansion of rural lifestyle and rural residential zones only occurs where:</i></p> <ol style="list-style-type: none"> 1. <i>the land is adjacent to existing or planned urban areas and ready access to employment and services is available,</i> 2. <i>despite the direction in (1), also avoids land identified for future urban development in a relevant plan or land reasonably likely to be required for its future urban development potential, where the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential,</i>

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			<p>activities and activities that have an operational need to locate in rural areas. Clause 6 of Policy UFD-P7 requires that rural areas are managed so that residential activities, sensitive activities and non rural businesses are restricted if they could have reverse sensitivity effects on primary production activities and rural industry. Consistent with other changes sought to the policy framework, RCNZ considers that new or expanded rural lifestyle and rural residential zones should be required to minimise reverse sensitivity effects on primary production activities and activities that directly, support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. "rural industry" (such as rural contractor depots)).</p>	<ol style="list-style-type: none"> 3. <i>minimises impacts on rural production potential, amenity values and the potential for reverse sensitivity effects to arise on primary production activities and activities that directly, support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural industry (such as rural contractor depots)),</i> 4. <i>avoids, as the first priority, highly productive land identified in accordance with LF-LS-P16,</i> 5. <i>the suitability of the area to accommodate the proposed development is demonstrated, including:</i> <ol style="list-style-type: none"> a. <i>capacity for servicing by existing or planned development infrastructure (including self-servicing requirements),</i> b. <i>particular regard is given to the individual and cumulative impacts of domestic water supply, wastewater disposal, and stormwater management including self-servicing, on the receiving or supplying environment and impacts on capacity of development infrastructure, if provided, to meet other planned urban area demand, and</i> c. <i>likely future demands or implications for publicly funded services and additional infrastructure, and</i> 6. <i>provides for the maintenance and wherever possible, enhancement, of important features and values identified by this RPS.</i>