

**BEFORE THE HEARINGS COMMISSIONERS**

**UNDER:** The Resource Management Act 1991

**IN THE MATTER OF** A hearing of submissions and further submissions relating to the  
proposed Waikato District Plan (Stage 1)  
Hearing 18: Rural Zone

**STATEMENT OF EVIDENCE OF HANNAH RITCHIE  
ON BEHALF OF THE NEW ZEALAND PORK INDUSTRY BOARD**

**15 SEPTEMBER 2020**

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## SUMMARY STATEMENT

1. This statement of evidence addresses the submission and further submissions made by The Zealand Pork Industry Board (NZPork) on Hearing 18: Rural Zone.
2. I have read the Section 42A Report on submissions and further submissions for Hearing 18.
3. On review of the submission, and the assessment and recommendations of the Section 42A Report, I am of the opinion that:
  - Providing accommodation on site for farm workers is an important component of many commercial pig farming operations, which often require the onsite provision of farm workers accommodation to provide onsite farm assistance, animal husbandry and security that cannot feasible be achieved where workers live offsite. A Rural Zone planning framework that fails to provide for the activity in a manner that reasonably serves the rural production activity will not be attractive for ongoing activity in the Waikato District.
  - The definition of Rural Ancillary Earthworks should include provisions for biosecurity related activity, that is not covered by other regulations to enable a timely, efficient and effective response in the case of a biosecurity incursion. This being a matter other District Plans have addressed,

## QUALIFICATIONS AND EXPERIENCE

4. The New Zealand Pork Industry Board (NZPork) appreciates the opportunity to present evidence on the proposed Waikato District Plan. My name is Hannah Ritchie and I have been employed as the Senior Environmental Advisor for NZPork since May 2019.
5. I have a Bachelor of Science degree in Environmental Science from The University of Southampton. I have 9 years' experience working in resource management, including 7 years working for Canterbury Regional Council, with positions in Pollution Prevention, Waterway Health and Biosecurity. I have also completed courses in

Environmental Incident Investigation and Sustainable Nutrient Management. This has provided me with considerable experience in environmental management and policy implementation using both regulatory and non-regulatory methods.

6. While this is not a hearing under the Environment Court, I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## INTRODUCTION

7. NZPork is a statutory Board funded by producer levies. It actively promotes "100% New Zealand Pork" to support a sustainable and profitable future for New Zealand grown pork. The Board's statutory function is to act in the interests of pig farmers to help attain the best possible net on-going returns while farming sustainably into the future.
8. The New Zealand pig industry is a highly productive specialised livestock sector, well integrated within New Zealand's primary production economic base. It draws on both downstream and upstream inputs and economic activity from New Zealand's rural sector including feed inputs, equipment and animal health supply, transport, slaughterhouse facilities plus further processing. Currently New Zealand's pig farmers produce around 45,350 tonnes of pig meat per year for New Zealand consumers. This represents around 38% of pig meat consumed by the domestic market, with the other 62% provided by imported pig meat from a range of countries. Nationally there are less than 100 commercial pork producers, comprising a relatively small but significantly integrated sector of the New Zealand agricultural economy. In 2018 it was estimated by that the total economic activity associated with domestically farmed pigs was approximately \$750 million per annum.
9. New Zealand pork producers are facing a number of economic, social and environmental challenges in order to remain viable. The contribution of imported

pork to New Zealand's total pork consumption has increased significantly in recent years, placing further demands on producers who have responded by developing increasingly efficient systems. Currently, nearly all pork produced in New Zealand is consumed locally and makes up approximately 40% of the domestic market supply.

10. Pig farmers in New Zealand have a firm grasp of environmental issues and demonstrate a high level of innovation and environmental stewardship. The New Zealand pork industry has committed significant time and resource to Sustainable Farming Fund projects centred on environmental initiatives, including development and implementation of Environmental Guidelines and Nutrient Management Guidelines. However, profit margins for the industry remain tight and dialogue with farmers has indicated that compliance costs and uncertainty into the future are key issues.
11. There are five commercial pig farms based in the Waikato district, which bring a range of economic and social benefits to the area. These operations have important flow-on effects to the community, forming an integral part of the rural value chain as they utilise other farming resources such as grains for feed production as well as providing employment.
12. All pig farms in the Waikato district use indoor farming methods. These systems house pigs indoors in specially designed buildings, and capture manure (liquid or solid) which can then be applied to land on or off the farm. Indoor pig farms can effectively utilise small or otherwise unproductive land parcels to produce high quality animal protein, while supporting the local economy through the rural value chain and providing employment.

## **NZPORK SUBMISSIONS AND FURTHER SUBMISSIONS**

### **Rule 22.3.2 Minor Residential Units**

13. NZPork opposes the 70m<sup>2</sup> size limitation imposed on minor residential units in the rural zone as a permitted activity standard under rule 22.3.2. Minor residential units are often used in the agricultural sector, including commercial pig farming, as farm

workers accommodation. The size limitation imposed is described in the S42a report as being sufficient to enable a reasonable two-bedroom unit. However, a reasonable 2-bedroom unit may be insufficient for a farm worker seeking accommodation for their family, or for migrant workers to be housed on-site in small communal accommodation.

14. Providing accommodation on site for workers is an important component of many commercial pig farming operations, which often require the onsite provision of farm workers accommodation to provide onsite farm assistance, animal husbandry and security.
15. Farming pigs is very different from farming other livestock. Stockpersons are far more intimately involved with the care of pigs than other livestock. Pigs have a greater need for shelter and their social and dietary requirements are more complex than sheep and cattle. Animal care is a daily responsibility, as pigs are not like ruminants which derive their nutrition from grass: pigs are monogastric like humans, and require a balanced diet fed daily.
16. The size of commercial pig farms vary greatly within New Zealand. While the average farm is around 400 sows (about 4000 pigs) operating with 4 staff, farms vary from owner operators to the largest farm having around 5,000 sows (50,000 pigs) and employing over 50 staff. As a rule of thumb, one staff member is required for every 100 sows.
17. The size of the operation will determine the amount of day to day 'hands on' involvement. Despite the variation in farm size, most farms operate similar, regular (often weekly) production cycles with births, weanings, matings and sales occurring all year around. On smaller farms the 'pig farmer' role requires the person to operate in all areas of the farm, including providing for 7 day a week coverage. As the farms grow in size the 'pig farmer' role may specialise more in one of the five main facilities on the farm (farrowing, dry sow and mating, nursery, weaner/grower and feed preparation,) and may operate as part of or manage a 'team' in that area.

18. Such an intensive role often necessitates pig farmers providing on-site accommodation for workers, so staff are able to be present to provide the round-the-clock, year-round care and services needed on-farm.
19. Pig farming in New Zealand is also heavily reliant on skilled migrant workers. For farmers employing skilled migrants, accommodation on-farm is often a component of their employment package.
20. Pig farming is a very small industry compared to other countries. There is not a large pool of specialist 'home grown' pig farmers in the work force. Similarly, there is not the specialist personnel readily available in New Zealand to provide specialist 'on the job' training or supervision, particularly on smaller farms.
21. Equally as critically as not being able to source experienced stock persons, farmers around the country have consistently provided feedback that there is not a pool of persons who are even prepared to consider pig farming, and have the basic attributes of reliability and animal empathy, that offer the potential to be supervised and trained 'on the job' and via further learning opportunities.
22. All in all, it is the combination of specialist skills required, that are not readily available and exchangeable with other types of livestock farming, plus the small number of pig farms in New Zealand, that defines a unique set of circumstances for the supply of a sufficient number of skilled migrant labour for pig farming in New Zealand.
23. Migrant farm workers may be offered accommodation for families, or shared accommodation, which would need to exceed 70m<sup>2</sup> to comfortably provide for space and privacy needs. The size restrictions placed on minor residential units as a permitted activity may impede investment in pig farming in the district, and unnecessarily restrict the ability of pig farms to source and adequately provide for their required labour needs.
24. NZPork submits that the current rule for Rural Zone Subsidiary Dwellings from the Franklin section of the Waikato District Plan provides a more reasonable approach to

cater for the needs of farm workers, and seeks that the same approach be applied in the new Waikato District Plan:

***SUBSIDIARY DWELLING***

*means a second or subsequent dwelling established on a SITE for use by employees engaged in FARMING or HORTICULTURE activities, SEASONAL WORKERS or DEPENDENT RELATIVE/S and for which a resource consent is required in order to create a dwelling right.*

***1. Performance Standards***

*Any SUBSIDIARY DWELLING shall comply with the relevant Performance and Development Standards-Rural Zone set out in Rule 23A.2.1 and with the following performance standards, but shall otherwise be a non-complying activity:*

*(a) Use of Subsidiary Dwelling*

*Only one SUBSIDIARY DWELLING shall be approved on any SITE and shall be used for the purpose of housing either;*

*- DEPENDENT RELATIVES of the occupants of the principal dwelling on the SITE; or*

*- Full or part time equivalent employees and their family or SEASONAL WORKERS, engaged in FARMING or HORTICULTURE activities on the SITE, or on sites associated by ownership, lease or contract with the SITE;*

*Provided that a SUBSIDIARY DWELLING may not be established under this Rule on a lot having an area greater than 40ha.*

*(b) Size of Dwelling*

*- The SUBSIDIARY DWELLING for a DEPENDENT RELATIVE shall be no greater than 65 square metres in area excluding decks and garaging.*

*- The SUBSIDIARY DWELLING for full or part time equivalent employees and their family, engaged in FARMING or HORTICULTURE activities shall be no greater than 120 square metres in area excluding decks and garaging.*



- The SUBSIDIARY DWELLING for SEASONAL WORKERS shall be no greater than 120 square metres in area excluding decks and may consist of a dormitory or equivalent with only a single kitchen facility accommodating a multiple number of seasonal workers.

*(c) Location Of Dwelling / Eligible Site*

- The SUBSIDIARY DWELLING for a DEPENDENT RELATIVE shall be located within 6 metres of the principal dwelling on the SITE and shall share the same driveway access as the principal dwelling.

- The SUBSIDIARY DWELLING for full or part time equivalent employees and their family or SEASONAL WORKERS, engaged in FARMING or HORTICULTURE activities shall be located on a SITE with a size greater than 5 hectares.

*(d) Dwelling not to be Subdivided*

The SUBSIDIARY DWELLING shall be held in the same certificate of title as the principal dwelling on the site. (Note under Rule 22.6 any subdivision of a SUBSIDIARY DWELLING from the principal DWELLING HOUSE is a Prohibited Activity).

*(e) Subsequent Use of the Dwelling and Ceasing of Consent*

In the event of a SUBSIDIARY DWELLING ceasing to be occupied by the person for which approval was given, then the building shall not be used for any other residential purposes or other activities other than those consistent with the definition of SUBSIDIARY DWELLING or in compliance with the zone provisions or the building shall be immediately removed from the site or modified to comply as a permitted activity accordingly.

**2. Assessment of Application**

In determining any application for a SUBSIDIARY DWELLING the Council must be satisfied as to the following:

*(a) Separate Dwelling Required*

The application shall demonstrate that a separate dwelling is required on

the SITE for the purpose of accommodating DEPENDENT RELATIVES or employees engaged in FARMING or HORTICULTURE activities or SEASONAL WORKERS and that it would be unworkable to provide the required accommodation by way of other permitted buildings such as a sleep-out or an extension to an existing dwelling on the SITE.

*(b) Whether Accommodation is needed*

All applications for a SUBSIDIARY DWELLING shall be accompanied by two separate written signed statements from the owner of the SITE on which the SUBSIDIARY DWELLING is to be located that:

- In the case of accommodation for DEPENDENT RELATIVES, the applicant shall demonstrate that the occupants of the both dwellings have a close relationship and that the extent and nature of the dependence of the occupants of one household, on the assistance of the other, is such that they are required to be located on the same SITE.

- In the case of employees engaged in FARMING or HORTICULTURE activities or SEASONAL WORKERS, the applicant shall demonstrate that the volume and nature of the work requires employees, additional to those living in the principal dwelling, to live on the SITE and it is impracticable for the employee(s) to commute given the nature of the work being undertaken or to meet the requirements of a recognised seasonal employers scheme.

*(c) The extent to which the SUBSIDIARY DWELLING for employees engaged in FARMING or HORTICULTURE activities or for SEASONAL WORKERS avoids, remedies or mitigates adverse effects on rural character. This may be achieved by locating adjoining the principal dwelling or in close proximity to other existing buildings or structures associated with the site's FARMING or HORTICULTURE activities.*

*(d) Where a SUBSIDIARY DWELLING is located within 500 metres of any rock extraction site or 200m of any sand extraction site, the written approval of the operator of the extraction site shall be obtained and provided to the Council. Otherwise the activity shall be assessed as a restricted discretionary activity in accordance with the assessment criteria 23A.4.1.6 Activities in*

*Vicinity of MINERAL Extraction Activities. In the absence of special circumstances, an application may be considered on a limited notified basis. The extraction sites to which the above buffer controls shall apply are as follows:*

- Those specifically zoned in this PLAN, or a proposed plan change, for mineral or aggregate extraction activities (not including those proposed to be zoned for such activities by a private plan change);*
- Those authorised by a resource consent (land use) which is in force at the time of receipt of the application for the subdivision;*
- Those which hold existing use rights under section 10 of the Act;*
- Those for which a resource consent (land use) application has been received by the Council and for which the decision has been made by the Council regarding notification or non-notification of the extraction activity application.*

**Definition: Rural Ancillary Earthworks**

25. The definition of Rural Ancillary Earthworks as notified in the proposed plan is: *Means the disturbance of soil associated with cultivation, land preparation (including of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops and forests; and maintenance and construction of facilities typically associated with farming and forestry activities, including but not limited to farm/forestry tracks, roads and landings, stock races, silage pits, farm drains, farm effluent ponds, and fencing and sediment control measures.*
26. NZPork sought an amendment to this definition to include the burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993'. This would allow farmers to undertake earthworks related to burying material in the event of a biosecurity incident as a permitted activity.

27. NZPork's submission on this point was rejected in the S42a report on the basis that "*In such biosecurity emergency cases it is likely to be the Crown undertaking such activity and the RMA provides for such emergency activity without a consent*".
28. However, it is not the case that all biosecurity incursions would constitute a biosecurity emergency that would trigger provisions in the RMA or the Biosecurity Act to override consenting requirements. The level of response required will depend entirely on the nature and scale of the incident. To date, the biosecurity emergency powers under the Biosecurity Act have never been used. In addition, any exemption granted under the Act will be short-term only in nature. After the exemption ends, the provisions of the RMA apply to the same extent as those provisions would have applied but for the exemption. This creates uncertainty as to whether resource consent would retrospectively be required for the activity, and as such may still limit the scope of the response for the landowner to what is provided for under the district plan.
29. Whether a biosecurity emergency triggered RMA provisions for emergency work under S330 would again be dependent on the nature and scale of the incident.
30. Biosecurity incidences which do not result in a declared emergency must therefore be managed to regional and district council plan requirements, including limitations on earthworks which may hinder any urgent response activity required to adequately address the incursion.
31. This is not a new matter and other District Plans recognise the issue and provide an appropriate resource management response. The Auckland Unitary Plan acknowledges biosecurity risks as a potential issue for the Auckland region and has included biosecurity response in the definition of Ancillary Farming Earthworks, as follows:

***Ancillary farming earthworks***

*Disturbance of soil, earth or substrate land surfaces ancillary to farming.*

*Includes:*

- *land preparation and cultivation (including establishment of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops (farming);*
- *burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993;*
- *Irrigation and land drainage; and*
- *Maintenance and construction of facilities, devices and structures typically associated with farming activities including but not limited to farm tracks, driveways and unsealed parking areas, stock races, silage pits, farm drains, farm effluent ponds, and feeding lots, fencing, crop protection and sediment control measures.*
- *Biosecurity is the biggest threat to the viability of the pork industry in New Zealand.*

32. The viability of the New Zealand pork industry is dependent on the benefits conveyed upon it from the absence of many viral pathogens which are common in much of the rest of the world (porcine reproductive and respiratory syndrome virus, transmissible gastroenteritis, classical swine fever, African swine fever, swine influenza). Any incursion of new pathogens into the industry potentially jeopardises pig meat export marketing opportunities as well as directly creating financial and welfare hardships on New Zealand farms from the production consequences of these diseases. In addition, pigs have been proven to be important ‘amplifier’ hosts for foot-and-mouth disease (FMD), which has never occurred in New Zealand and if it did occur, would have very serious consequences for the country’s major dairy and meat export industries.

33. Any biosecurity incursions within the industry must be able to be managed quickly and efficiently to contain spread. The intersect with the District Plan may well be in a response that requires burial of animal carcasses. The Regional Plan is in place to manage discharges from such activities but constraints on earthwork activity (volume and area) may inhibit a timely, efficient and effective response.

34. As such, NZPork seeks that the definition of Rural Ancillary Earthworks include provisions for biosecurity related activity, as per our original submission.

**Hannah Ritchie**

**15<sup>th</sup> September 2020.**