

**BEFORE THE HEARING COMMISSIONERS
IN WAIKATO DISTRICT**

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

AND

IN THE MATTER of the Proposed Waikato District Plan (Stage 1) Hearing 18 Rural

**STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE
FOR HORTICULTURE NEW ZEALAND
15 SEPTEMBER 2020**

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1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Lynette Pearl Wharfe. I am a planning consultant with The AgriBusiness Group. I have a BA in Social Sciences and post graduate papers in Environmental Studies, including Environmental Law, Resource Economics and Resource Management.
- 1.2 I am an accredited commissioner under the Making Good Decisions programme with Ministry for the Environment.
- 1.3 I have been a consultant with The AgriBusiness Group since 2002. The Agribusiness Group was established in 2001 to help build business capability in the primary sector.
- 1.4 I have spent over 20 years as a consultant, primarily to the agricultural industry and rural sector, specialising in resource management, environmental issues, and environmental education and facilitation, including 20 years of providing advice to Horticulture New Zealand ("**HortNZ**") and its precursor organisations, NZ Vegetable and Potato Growers Federation, NZ Fruitgrowers Federation.
- 1.5 As part of providing advice to HortNZ for submissions and plans across the country I have been involved in development of Regional Policy Statements, Regional Plans and District Plans, including omnibus plans such as the Auckland Unitary Plan and the Horizons One Plan and district plans in Whakatane, Opotiki and Hastings (Refer to Appendix 1) so am familiar with the range of matters to be addressed in the Proposed Waikato District Plan ("**PWDP**").
- 1.6 I have been involved as a consultant to HortNZ contributing to submissions and further submissions on the Proposed Waikato District Plan.
- 1.7 I have previously presented evidence on the Proposed Waikato District Plan in Hearing 3 Strategic Objectives and Hearing 8A Hazardous Substances.
- 1.8 During the writing of this evidence I have liaised and discussed aspects with Vance Hodgson, Consultant Planner to HortNZ on the subdivision provisions. Mr Hodgson has also previously presented evidence for HortNZ at the hearings on:
 - (a) Hearing 2 All of plan matters
 - (b) Hearing 5 Definitions
 - (c) Hearing 6 Village Zone

- (d) Hearing 10 Residential
- (e) Hearing 12 Country Living

This statement of evidence relies on the earlier statements by Mr Hodgson where relevant.

- 1.9 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 in Appendix 1. 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.

2. SCOPE OF EVIDENCE

- 2.1 This evidence provides a planning assessment of those provisions on which HortNZ submitted which are addressed in Hearing 18 – Rural.

- 2.2 In undertaking this assessment I have considered:

- (a) The Section 42A Hearings Report for Hearing 18 – Land use
- (b) The s32 Reports for PWDP
- (c) The Operative Regional Policy Statement for Waikato
- (d) The National Planning Standards and supporting reports
- (e) Draft National Policy Statement for Highly Productive Land (NPSHPL)
- (f) The National Policy Statement for Urban Development Capacity (NPS-UDC)
- (g) S42A Reports and recommended changes for previous hearings, particularly Hearing 3 Strategic Objectives, and Hearing 5 Definitions, Hearing 12 Country Living.
- (h) The statement by Ms Deverall for HortNZ and evidence to Hearing 18 by Mr Hodgson on subdivision matters.

- 2.3 I have generally followed the order of the s42A Report sections but do group or order some matters differently. For the avoidance of doubt as to where submission points are addressed attached as **Appendix 4** is a table setting out the HortNZ submission and further

submission points addressed in Hearing 18 that I address in this evidence. I include the reference to the s42A Report and where the points are addressed in my evidence.

- 2.4 I have also attached in **Appendix 3** a strikethrough of the provisions as amended by the s42A Report with my recommended changes in blue.

3. MY UNDERSTANDING OF HORTICULTURE NEW ZEALAND'S SUBMISSIONS

- 3.1 HortNZ made submissions and further submission on the PWDP because horticulture is a key activity within the Waikato District.
- 3.2 The submission considers that the plan does not adequately assess the actual and potential reverse sensitivity effects on horticulture and provide for the ability for horticulture to operate efficiently and effectively within the Waikato District.
- 3.3 The submissions addressed in Hearing 18 seek changes to the policy framework and rules to ensure that horticulture is adequately recognised and provided for within the PWDP.
- 3.4 Ms Deverall's statement to Hearing 18 sets out HortNZ 's concerns and what is necessary to enable horticulture in the Waikato District.

4. GENERAL MATTERS

National Planning Standards

- 4.1 In development of this evidence I have been cognisant of the directions of the Hearing Panel regarding implementation of the National Planning Standards. Memos from Council dated 11 February and 17 April 2020, confirmed in directions from the Hearing Commissioners dated 27 March, 3 April and 21 April 2020, set out a process for restructuring the PWDP to align with the National Planning Standard 4 District Plan Structure.

- 4.2 The directions (20 February 2020) Para 9 states:

The panel consider that Option 3 should be the 'bottom line' for the process going forward but that our decisions version of the District Plan should aim, even if only aspirationally, to achieve Option 4 – i.e. full implementation of the NPS- to the extent that this is practically achievable and within scope of the submissions and further submissions received.

- 4.3 While the focus of the proposed work stream is on the district plan structure there are other relevant standards that should also be considered as part of the hearings to seek to achieve implementation of the National Planning Standards.
- 4.4 In this regard I consider that Standard 8 Zone framework is relevant to Hearing 18 in respect of the Rural Environment.
- 4.5 Implementation of Standard 8 Zone framework is the same trajectory as the district plan structure – i.e. April 2024.
- 4.6 Given the directions from the Hearing Panel regarding implementing the National Planning Standards through the current DP process it would appear appropriate that cognisance is given to Standard 8: Zone Framework through the hearings to avoid changes to the district plan within the next 5 years.
- 4.7 The Standard 14 Definitions is also relevant but has a timeframe of implementation of seven years – April 2026¹. However I am of the opinion, consistent with the s42A Report on Hearing 5 Definitions, that the PWDP should adopt the National Planning Standard definitions wherever possible through the current process.
- 4.8 I note that the s42A Report writer refers to the National Planning Standards in para 10 and the direction contained in the higher order documents. The National Planning Standard is mentioned a number of times throughout the s42A Report in respect of definitions and plan structure but does not appear to consider the relevance of Standard 8 Zone Framework.
- 4.9 Therefore this evidence is predicated on the implementation of relevant National Planning Standards where possible through the current district plan process.

Terminology

- 4.10 The use of terms in the plan have a significant impact on how provisions apply.
- 4.11 Some submissions on definitions in the PWDP were considered in Hearing 5, with many deferred to consideration to other hearings, some of which are addressed as part of Hearing 18 and in this evidence.

¹ Implementation Standard 17 Para 6a)

- 4.12 Therefore the objectives and policies addressed in Hearing 18 are contingent on submissions and decisions on the definitions that relate to those provisions.
- 4.13 I support the adoption of definitions from the National Planning Standard as the plan needs to incorporate these over time and the current process provides a suitable opportunity.
- 4.14 Key terms for this hearing are:
- (a) Farming
 - (b) Productive rural activities
 - (c) Primary production
 - (d) Intensive farming
 - (e) Sensitive activities
- 4.15 Another term that is used, but not defined is 'rural environment'.
- 4.16 The term is used in Chapter 1 and Chapter 5 but there is no clear description of what is included as 'the rural environment'. Chapter 1.4.3 indicates that a range of rural activities are anticipated in the rural environment – including production rural activities, rural based activities such as rural industry and recreational use of the rural environment.
- 4.17 In the context of Chapter 5 the term appears to embody the areas included within the scope of the chapter:
- (a) Rural Zone
 - (b) Hamilton Urban Expansion Area
 - (c) Country Living Zone
- 4.18 However the box at the start of Chapter 5 seems to counter that by stating that the following objectives and policies apply to the Rural Zone. If it is intended that 5.1, 5.2, 5.3 and 5.4 only apply to the Rural Zone then that should be stated and the term 'rural environment' be replaced with Rural Zone in these sections of the Plan.
- 4.19 In my opinion the strategic objective for the rural environment should apply to all the areas which are generally grouped as 'rural' within the Plan, as it is an objective that applies generally across the 'rural environment'.

- 4.20 I note also that there are various terms used for rural lifestyle, rural residential or country living
- 4.21 The terms lifestyle, rural residential and countryside living are not defined in the Plan but generally all refer to small blocks being used for residential living within a rural setting.
- 4.22 The Draft NPSHPL defines 'Rural lifestyle development' as subdivision and development where the primary purpose is rural residential or rural lifestyle use within a rural area with a lot smaller than those of the General rural and rural production zones, typically in the range of 0.2 – 8 hectares.
- 4.23 The National Planning Standard Zone framework describes the Rural Lifestyle Zone as:
- Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General Rural and Rural Production Zones, while still enabling primary production to occur.*
- 4.24 I note that the Hearing Report for Country Living is recommending use of the term 'rural lifestyle' to be consistent with the National Planning Standards and I support that recommendation.

Primary production, productive rural activities, farming rural productive activities

- 4.25 A suite of terms are used in reference to rural activities in the rural environment, some of which are defined (some multiple different ways) and some are not defined. This has been compounded with the introduction of the National Planning Standard definitions. This leads to complexity and confusion about what the plan is seeking to address.
- 4.26 Hearing 5 recommended that the definition of primary production from the National Planning Standard be included in the Plan. The definition is
- (a) *Means any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and*
 - (b) *Includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);*
 - (c) *Includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but*

(d) *Excludes further processing of those commodities into a different product.*

4.27 Ideally, I support the use of 'primary production' rather than productive rural activities or farming as it encompasses the range of activities that are undertaken in the rural environment.

4.28 However I note the reservation in the s42A Report that the definition includes mining and quarrying which are provided for as separate mineral extraction activities.

4.29 However there are instances where a list of activities includes farming, productive rural activities, intensive farming and extractive industries. In such situations I consider that it is appropriate that the term 'primary production' is used as it encompasses the range of activities, rather than listing separately.

4.30 Therefore where I have used the term 'primary production' in the attached strikethrough I am referring to the suite of activities provided for in the National Planning Standards definition of primary production.

4.31 'Productive rural activities' is not defined in the Plan and is not a term that is commonly used by industry. While 'farming' is defined in the plan it has a common meaning that is narrower than the definition and usually incorporates a 'pastoral' concept. Therefore it is not a term that fairly represents the range of 'productive rural activities' that it seeks to encompass.

4.32 The definition of farming in the Plan is:

Means an agricultural, horticultural or apicultural activity having as its primary purpose the production of any livestock or crop using the insitu soils, water and air as the medium for production. It includes ancillary produce stalls and processing of farm produce grown on the land such as cutting, cleaning, grading, chilling, freezing, packaging and storage.

4.33 The issue of terminology is somewhat compounded by there also being a definition of primary production in the RPS, which is different to the Planning Standard definition:

Primary production means the commercial production of raw material and basic foods, and relies on the productive capacity of soil or water resources of the region. This includes the cultivation of land, animal husbandry/ farming, horticulture, aquaculture, fishing, forestry or viticulture. It does not include hobby farms, rural residential blocks or land used for mineral extraction.

- 4.34 Given the range of terms and definitions, and the lack of a definition for 'productive rural activities' there is a lack of clarity.
- 4.35 In my opinion the term 'rural production activities' is preferable to 'productive rural activities' and consider that all uses of the term 'farming' and 'productive rural activities' could be replaced with 'rural production activities', utilising the definition of 'farming' as in the proposed plan, but renamed as 'rural production activities'.

Community facilities/ community activities

- 4.36 The s42A Report for Hearing 5 recommends that the National Planning Standard definition for community facility be included in the plan:

Community facility means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.

- 4.37 The definition of community facility in the Proposed Plan was limited to land and buildings in the Business Zone Tamahere.
- 4.38 The s42A Report for Hearing 18 is recommending that 'community activities' be included within the Rural Zone. There is no definition for community activities, but a list is included in Recommended Policy 5.3.4 b) that includes child care, education, health and spiritual activities.
- 4.39 I will address the specific provisions in relation to the policy and rules but seek to identify that there is introduction of a new undefined term for community activities, and a definition for community facilities that extends scope beyond that anticipated in the Proposed Plan.
- 4.40 Hearing 5 is recommending inclusion of the National Planning Standards definition for community facilities.

Existing Out of zone activities

- 4.41 The s42A Report (para 54 Pg 25) considers 'out of zone activities' and sets out a range of options to address such activities. Such activities are ones that may not generally be anticipated in the rural area and previously Waikato District has managed such activities through a schedule. The Proposed Plan does not roll over that approach, leaving the activities in somewhat of a 'no man's land.'

- 4.42 As a default the s42A Report recommends that these activities are provided for within the Rural Zone (Para 59).
- 4.43 I do not support that recommendation as it will send a message that such activities are appropriate in the zone. I consider that there should be a structured approach to these activities:
1. Where they can, such activities should be re-zoned into an adjoining Residential or Rural Lifestyle Zone.
 2. A schedule is reintroduced for those activities that cannot be rezoned.
 3. Reliance on existing use rights under s10 RMA or resource consent conditions.
- 4.44 The zoning matters will be considered at a later hearing, but in the interim I do not support inclusion of additional provisions for out of zone activities in the Rural Zone.

5. OVERVIEW OF APPROACH TO THE RURAL ENVIRONMENT

- 5.1 A key matter on which the provisions in Chapter 5 Rural Environment and Chapter 22 Rural rules rely is the determination as to what activities are appropriate within the Rural Zone.
- 5.2 The notified plan has a clear direction that primary production activities are to be protected in the rural zone.
- 5.3 The s42A Report is recommending changes to Chapter 5 that would provide for a wider range of activities than the notified plan which is a significant change which broadens the scope and approach beyond that of the Proposed Plan.
- 5.4 In assessing the appropriateness of activities it is relevant to identify the relevant guidance for the plan.
- (a) National Planning Standards
 - (b) Operative RPS
 - (c) Chapter 1 Plan Overview and Strategic direction
 - (d) Draft NPSHPL
 - (e) Section 32 Report

National Planning Standards

- 5.5 The National Planning Standards provide guidance in the Zone Framework, which has descriptors for respective zones. The zone descriptors for the General Rural Zone, Rural Production Zone and Rural Lifestyle Zone are relevant to consideration of the Rural Environment in the PWDP:²

General Rural Zone: Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.

Rural Production Zone: Areas used predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.

Rural Lifestyle Zone: Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General Rural and Rural Production Zones, while still enabling primary production to occur.

- 5.6 As the PWDP only has one rural zone, the General Rural Zone descriptor is relevant. The focus is clearly on providing for primary production activities (which are defined in the standard)³ while also providing for activities that support primary production activities and other activities that require a rural location.
- 5.7 Given this focus it is necessary that the PWDP tests that activities to be provided for within the zone meet these criteria and so are appropriate within the rural zone. The key tests, if an activity is not primary production, is whether it:

² National Planning Standards: Standard 8 Zone Framework, Ministry for the Environment 2019.

³ Primary production means:

- a) Any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and
- b) Includes initial processing as an ancillary activity, of commodities that result from the listed activities in a)
- c) Includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but
- d) Excludes further processing of those commodities into a different product.

- (a) supports primary production; or
 - (b) requires a rural location.
- 5.8 The Council is required to implement Planning Standard 8 by April 2024. The PWDP Rural Environment Chapter 5 was very closely aligned with Standard 8: Zone Framework.
- 5.9 It is my opinion that through submissions and further submissions consistency with the zone framework for the Rural Zone can be achieved by applying the tests as to what activities are appropriate in the rural zone.

Operative Regional Policy Statement (RPS)

- 5.10 The Operative RPS provides direction that the district plan must give effect to. The RPS does provide clear direction in relation to primary production and use of the rural resource.
- 5.11 The RPS identifies that the region supports a range of primary production activities which require a range of attributes and that inappropriate subdivision use and development may limit access to the resources and hence the ability for primary production to be undertaken.⁴ Reverse sensitivity issues are also identified as an undesirable or unsustainable outcome. The RPS also recognises the importance of primary production to the social and economic values and benefits that are derived from such production.⁵
- 5.12 In response to these issues the RPS provides direction that seeks to ensure that primary production is not compromised through subdivision, use and development.
- 5.13 Relevant provisions relating to the rural environment include:
- (a) Objective 3.1 Integrated management
 - (b) Objective 3.2 Resource use and development
 - (c) Objective 3.12 Built environment
 - (d) Objective 3.25 Values of soil
 - (e) Objective 3.26 High class soil
 - (f) Policy 4.1 Integrated management and implementation methods

⁴ Explanation to Issue 1.4 Managing the built environment

⁵ Policy 4.4 and Explanation to Policy 14.1

- (g) Policy 4.4 Regionally significant industry and primary production and implementation methods
 - (h) Policy 6.1 Planned and co-ordinated subdivision use and development and implementation methods, particularly 6.1.2 reverse sensitivity and 6.1.5 district plan provisions for rural residential development
 - (i) 6A Development principles
 - (j) Policy 14.1 Maintain or enhance the life supporting capacity of the soil resource'
 - (k) Policy 14.2 High class soils and implementation method 14.2.1 Managed the form and location of development
- 5.14 The s42A Report (Para 26- 37) provides a short overview of some of the RPS provisions, particularly relating to high class soils (Objective 3.26 and Policy 14.2) and primary production (Policy 4.4) and some provisions are also considered in the context of subdivision.
- 5.15 It is important to understand the direction in the RPS so it is given effect to in the district plan.
- 5.16 Objective 3.1 Integrated Management is relevant as it recognises the importance of managing natural and physical resources with interactions and inter-relationships such as the rural urban interface. The objective is achieved through a range of policies that identify primary production, such as Policy 4.1 and Method 4.1.2.
- 5.17 Objective 3.2 Resource use and development seeks to enable people and communities to provide for their economic, social and cultural wellbeing including through enhancing access to natural and physical resources to provide for primary production activities.⁶ This objective is achieved through Policy 4.4. and related methods
- 5.18 Objective 3.12 Built environment sets out a range of outcomes sought through the development of the built environment⁷ (which includes rural) including minimising land use conflicts and potential for reverse sensitivity effects. This would include ensuring that the potential reverse sensitivity effects of primary production activities

⁶ Primary production is defined as means the commercial production of raw material and basic foods, and relies on the productive capacity of soil or water resources of the region. This includes the cultivation of land, animal husbandry/ farming, horticulture, aquaculture, fishing, forestry or viticulture. It does not include hobby farms, rural residential blocks or land used for mineral extraction.

⁷ Built development is defined as buildings, physical infrastructure and other structures in urban, rural and coastal marine area and their relationships to natural resources, land use and people.

are avoided. This objective is achieved through Policy 6.1 and Method 6.1.2.

- 5.19 Objective 3.25 Values of soil seeks to ensure that the soil resource is safeguarded for existing and foreseeable range of uses. It is achieved through policies such as 4.4, 6.1, 14.1 and 14.2.
- 5.20 Objective 3.26 High class soils seeks that the value of high class soils for primary production is recognised and the soils are protected from inappropriate subdivision use or development. It is achieved through policies such as 4.4, 6.1, 14.1 and 14.2 and related methods.
- 5.21 Policy 4.1 Integrated management seeks an integrated approach to resource management including establishing where appropriate a planning framework which sets clear limits and thresholds for resource use and recognise the inter-related nature of natural resources and use.
- 5.22 Policy 4.4 Regionally significant industry and primary production seeks that the management of natural and physical resources provides for the continued operation and development of primary production activities through a range of actions which recognise the importance and value of primary production. In particular it seeks that potential for reverse sensitivity is avoided or minimised and maintaining access to resources, while balancing competing demand for resources. The policy is implemented through Method 4.4.1 which sets out a number of matters that district councils should recognise in district plans, including recognition of potential reverse sensitivity effects.
- 5.23 Policy 6.1 Planned and co-ordinated subdivision use and development seeks that development occurs in a planned and coordinated manner with particular regard to the principles in 6A. Implementation methods, particularly 6.1.2 reverse sensitivity and 6.1.5 district plan provisions for rural residential development provide direction for managing the rural environment including discouraging new sensitive activities locating near existing and planned land uses or activities that could lead to reverse sensitivity effects.
- 5.24 Section 6A Development principles include that new development should be directed away from high class soils and primary production activities on those high class soils and should not result in incompatible adjacent land use that may result in reverse sensitivity effects, such as rural activities. Rural residential

development should minimise visual effects and effects on rural character.

5.25 Policy 14.2 High class soils seeks to:

Avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision use or development.

5.26 To give effect to this policy the PWDP needs to consider what are 'inappropriate' activities which contribute to the decline in the availability of high class soils.

5.27 RPS Method 14.2.1 implements Policy 14.2 High class soils and directs that district plans shall give priority to productive uses of high class soils over non-productive uses through a range of methods including restricting urban and rural residential development on high class soils, which provides a strong direction as to what are inappropriate activities.

5.28 A summary of the key outcomes from the RPS for the PWDP include:

- (a) Avoid activities that will compromise primary production
- (b) Avoid or minimise reverse sensitivity effects
- (c) Retain high class soils for primary production activities
- (d) Rural residential development is directed away from high class soils and primary production activities on that soil.
- (e) Discourage new sensitive activities from locating near existing primary production activities to avoid incompatible adjacent land uses and reverse sensitivity effects.

Chapter 1 Plan Overview and Strategic direction

5.29 Chapter 1 of the pWDP provides an overview of the issues for the Plan and sets strategic direction. Chapter 1 was considered in Hearing 3 and recommended changes are relevant to Hearing 18 in respect of direction for the Rural Zone.

5.30 Issue 1.4.3 The Rural Environment sets out the including the following excerpts (my emphasis added):

1.4.3.1 Rural activities

1.4.3.1 b) There is potential for conflict between rural activities and other land uses. Excessive lifestyle development in rural area can have a number of adverse effects that need to be avoided. These

effects include the loss of rural amenity, rural production and high quality soils, resulting in the potential for reverse sensitivity conflicts, demands for improved rural infrastructure and services that are difficult to provide economically, and reduced growth in urban areas which affects the prosperity of urban areas.

1.4.3.1c) The continued modification of the rural environment through land use subdivision and development as a result of residential and commercial growth can adversely affect their natural and physical qualities and character. These qualities and character are important in maintain investment in rural activities, which proportionally contribute to most of the districts GDP and provide a context to the development and sustainability of rural towns and villages.

1.4.3.2 Protecting the rural environment

- (a) ...It is therefore necessary to ensure that the continued, effective operations of farming activities or productive rural activities are not adversely affected by lifestyle activities. A key focus is to ensure that the resource does not become so fragmented that its attraction for activities that require a rural setting is diminished.
- (b) Activities affecting landscape, historic and amenity values including rural character, high quality soils, significant mineral resources and ecological values need to be managed to avoid adverse effects on the environment, including cumulative effects. This should occur through limiting the extent to which non-rural activities are able to establish in the Rural Zone.....Any additional areas for rural residential development should be considered within identified growth areas of towns or villages.
- (c) In line with the Regional Policy Statement the district plan must ensure that rural residential built development is directed away fromhigh class soils, primary production activities on high class soils....

5.31 As a result of submissions on the strategic direction the s42A Report identified that there was no specific direction for the rural area and has recommended inclusion of a new direction:

1.12.2 b) vii) Promote the ongoing operation and development of rural production activities, including rural industry, services and other activities utilising the resources of the rural area.⁸

5.32 The new direction led to inclusion of a new strategic objective for the Rural Environment to address Issue 1.4.3. The recommended objective is replicated from Chapter 5.1.1, which is also addressed further in this evidence below.

5.33 The recommended Strategic Objective⁹ seeks to ensure that:

(a) *Subdivision use and development within the rural environment where:*

i. High class soils are protected for productive rural activities;

ii. Productive rural activities are supported, while maintaining or enhancing the rural environment ;

iii. Urban subdivision, use and development in the rural environment is avoided;

5.34 Therefore the framework for the rural environment in the PWDP is set through Issue 1.4.3, Strategic directions 1.12.1 and Strategic Objective 1.13.3.

5.35 Any changes to Chapter 5 Rural Environment and Chapter 22 Rural Zone need to be cognisant of the overall direction set out in the Plan.

Draft National Policy Statement for Highly Productive Land.

5.36 The government has recently released a Draft National Policy Statement for highly productive land (NPSHPL) and sought submissions on the document.

5.37 It is recognised that the PWDP does not at this stage need to give effect to the NPSHPL. S55 of the RMA sets out the requirements of the district council once an NPS is gazetted.

5.38 But, given that Waikato District has a considerable area of highly productive land, the NPSHPL could have a significant effect on the direction of the Plan. Therefore I consider that the Council should be cognisant of provisions in the draft NPS in responding to submissions on the Plan. Such an approach would recognise the

⁸ PWDP Appendix 2 to s42A Report Chapter 1 Introduction 30 October 2019

⁹ Subject to changes as a result of the Hearings and decisions.

direction in the Draft NPSHPL in the Plan and reduce the change that may be required at a later stage.

- 5.39 There are a range of provisions that could be affected by the NPSHPL including the definitions of high class soil and sensitive activities, policies for urban development, rural development and reverse sensitivity. All these matters are subject to submission on the PWDP.

Section 32 Report

- 5.40 The s32 Reports provide guidance on the direction in the Proposed Plan and the planning framework.

- 5.41 The s32 Report for Strategic direction and management of growth states a number of issues that are relevant such as:

- Strategic direction of growth – Failure to have a strategic framework for growth has adverse effects on the ability to achieve connected and integrated communities
- Management of urban activities in the rural environment. Urban activities should be located in urban environment, with rural environments reserved for those activities which depend on rural resources.

- 5.42 These issues were supported through the policy framework in the Plan.

- 5.43 The s32 for the Rural Zone supports the primary purpose of the zone to enable a wide range of primary industry and control actual and potential effects that activities in the Rural Zone may have on the environment. It seeks to strengthen the approach taken to fragmentation of rural land, particularly land that contains high class soils.

- 5.44 The issues (Pg 36-39) identified that are relevant to HortNZ are:

- Irreversible loss of high class soils
- Reverse sensitivity
- Decreasing rural character and amenity
- Rural activities can have adverse environment effects
- Land fragmentation leads to decreased opportunities for rural production.

- 5.45 The evaluation concludes that the land use and land use effects rules are effective to reduce the risk of losing productive rural land due to reverse sensitivity. (Pg 79)
- 5.46 The s32 Report acknowledges that there is a change of existing activity status for activities not provided for from permitted to non-complying, which allows the effects of any activity to be assessed and a caution approach is taken which is appropriate and effective to achieve Objective 5.5.1. (Pg 79 and 86)
- 5.47 The approach was considered to be efficient and effective to control reverse sensitivity and to maintain rural character and amenity (Pg 82).
- 5.48 In terms of efficiency for land use activities it states that while there may be more costs for sensitive activities the approach reduces the risk of reverse sensitivity thereby enabling primary industries to continue to operate to enable people to provide for their wellbeing, This is an efficient approach to the management of the rural land resource, amenity values and character.

Case Study – Far North District

- 5.49 I am aware of a range of provisions in other district plans that provide for primary production and rural activities with a range of varying outcomes in terms of providing for primary production activities, depending on what other activities are also provided for within the Rural Zone.
- 5.50 Where a Plan provides a clear demarcation between primary production activities and other non-rural activities there is less potential for reverse sensitivity effects and pressure on primary production activities.
- 5.51 However an example of a lack of demarcation or separation of activities is in Kerikeri in the Far North District. The area has high class soils suitable for horticultural activity, with a climate particularly suited to fruit production and there are many orchards in the area.
- 5.52 But the provisions in the Far North District Plan have led to a proliferation of multiple activities which are located amongst orchards. Driving up Waipapa Rd you pass, not only orchards, but activities such as a child care centre, church, boat builder, aluminium joinery manufacturer, post-harvest facility with a waste management site next door, home kill butcher, restaurant, car rental

outlet, fishing store, buildings supplies, as well as rural lifestyle residential activity.

- 5.53 This has led to considerable pressures on the growers in the area and the Council is reviewing the district plan to avoid further inappropriate activities in the rural area.
- 5.54 Part of the problem has been the lack of suitable industrial and commercial land available so businesses have sought to locate in the rural area, with the planning provisions providing insufficient barriers to the types of development that have occurred.
- 5.55 The lesson that can be learnt from this case study is that the Plan needs to clearly provide for the activities that are sought to locate in the rural environment and include provisions to discourage or avoid activities that are non-rural in nature.

Framework for the Rural Zone

- 5.56 Having seen the issues that arise from the lack of strong direction that rural areas are for rural activities I support a planning framework that makes clear demarcations and does not provide the scope for incremental growth of non-rural related activities within rural zones.
- 5.57 I consider that a cascading of activities is appropriate for the rural environment – from activities that can only occur in rural areas through to those not anticipated in rural areas.
- 5.58 The types of activities that seek to locate in the rural environment can be grouped according to the need to locate within a rural environment and an activity status reflecting the degree of reliance on utilising the rural resource.
- 5.59 Table 1: Activities in the rural environment

	Activity	Activity status
1.	<i>Primary production</i> is provided for: - Agricultural, pastoral, horticultural activities are enabled	PA
	<i>Mining and quarrying</i> provided for subject to conditions	PA - default to RDA
	<i>Intensive indoor primary production</i> provided for subject to conditions	PA – default to RDA
	<i>Forestry</i>	NES Forestry

2.	<i>Rural industry</i> and services – have a direct relationship with primary production. Would include packhouses, coolstores, feed mills and animal feed production, rural contractor depots, rural trucking depots, agricultural and horticultural research centres	PA subject to conditions Default to RDA
3.	Non- primary production related activities that have an <i>operational or functional need</i> to locate in a rural location. Activities reasonably anticipated would include network infrastructure, recreational activities that require a rural or open space setting including equestrian and horse training centres, walking or cycling trails, conservation activities.	PA subject to conditions Default to DA
4.	Existing non-rural related services 'out of zone'	Provide through schedule or re-zoning
5.	Non-rural related services such as industrial or commercial activities, and places of public assembly such as childcare, health facilities, (including retirement villages) educational facilities and spiritual activities, tourism and recreational activities not dependent on rural resource, visitor accommodation	D or NC
6.	Rural residential / Rural lifestyle	NC Locate in specific Rural Lifestyle zones OR NC status for subdivision under X ha in rural zone

- 5.60 A plan needs to have a policy framework that clearly sets out what is anticipated in the rural environment, based on the direction in the higher order documents and the direction identified in the s32 Report.
- 5.61 This framework provides the context to my response to the s42A Report and recommended changes.

6. OBJECTIVE 5.1.1 THE RURAL ENVIRONMENT - S42A REPORT PG 27 - 32

- 6.1 Objective 5.1.1 is a critical objective as it establishes the framework for the ensuing objectives, policies and rules for the rural environment.
- 6.2 As stated above there is a lack of clarity as to what comprises the 'rural environment', but for this evidence I make the assumption that the strategic objective applies across all activities within the broader rural environment, not just the area zoned rural.
- 6.3 I seek to address two key matters in terms of Objective 5.1.1:
- (a) Submissions addressed in Hearing 3
 - (b) The recommended changes to Objective 5.1.1 in the s42A Report.

Submissions on Objective 5.1.1 considered in Hearing 3

- 6.4 A number of submissions on Objective 5.1.1 were considered in Hearing 3 Strategic Direction and Objectives.
- 6.5 The HortNZ submission points were included in Hearing 3 and I presented evidence at that hearing. But I was unaware that not all submissions on Objective 5.1.1 were included in that hearing. Looking now at the two groups of submissions I am unsure as to what rationale was used to split them for the respective hearings.
- 6.6 This split has led to the report writer for Hearing 18 only considering a portion of the relevant submissions and arriving at the conclusion that no submissions propose significant rewording or change in focus (Para 68). However, if the totality of submissions on Objective 5.1.1 are grouped together, a different picture emerges because some of the submissions considered in Hearing 3 sought changes which are relevant to Hearing 18, including the submission of HortNZ.
- 6.7 HortNZ made a submission (419.92) and further submissions (FS1168.48, FS1168.49, FS1168.50, FS1168.51) supporting submissions by NZ Pork and Federated Farmers that sought to amend Objective 5.1.1 and supporting a further submission by Balle Bros Group Ltd that sought that 5.1.1 be retained. The Hearing 3 s42A Report recommendations reject the submission and further submissions, while the further submission to retain 5.1.1 is accepted.

- 6.8 My evidence for Hearing 3 did not concur with the s42A Report recommendations. Further matters have been raised in the context of Hearing 18 and I consider that the submissions addressed in Hearing 3 should be re- assessed in the context of Hearing 18 Rural.
- 6.9 Objective 5.1.1 as proposed provides clear direction regarding high class soils, productive rural activities, and urban subdivision use and development. But the objective is silent on country living and rural lifestyle development
- 6.10 Both HortNZ and NZ Pork submitted that countryside living in the rural environment should be managed, with HortNZ seeking that the objective be amended by adding the following clause:
- (iv) Countryside living is directed to defined locations and the effects of scattered countryside living and rural production is avoided
- 6.11 HortNZ supports the identification of rural lifestyle or rural residential zones that specifically provide for small lots within a rural setting.
- 6.12 However not all rural lifestyle development occurs within such designated areas, as some occurs randomly within the rural environment in amongst rural production activities. So HortNZ sought to ensure that both types of rural lifestyle development are managed to ensure that adverse effects on rural production activities are avoided.
- 6.13 The extent of high class soils in the Waikato District means that the plan should not remain silent on the potential for lifestyle development to compromise the use of these soils for rural production activities.
- 6.14 As set out above in the overview of the approach to the rural environment there are clear directions in a range of higher order documents and within the plan itself, in Chapter 1, that identify that country living can lead to fragmentation of land and that rural residential living can compromise rural production:
- (a) Issue 1.4.3 in Chapter 1 has clear direction that rural lifestyle development should be directed away from productive rural activities.
- (b) The s32 Report seeks to ensure that lifestyle development does not compromise productive rural activities.

- (c) The National Planning Standard has a specific zone – Rural Lifestyle – which describes where such activities should be located.
 - (d) The Regional Policy Statement provides clear direction in Methods 6.1.5 and 14.2.1 that district plans should direct rural residential development to specific areas to ensure that rural residential development is directed away from high class soils and primary production activities on those high class soils.
- 6.15 Given these directions, especially in the RPS, it is important that this is reflected in the strategic objective for the rural environment, as sought by HortNZ.
- 6.16 I note that the s42A Report (Pg 68 Para 266) identifies that there have been recent consent decisions for new lots in the Rural Zone at Country Living sizes, i.e. approx. 5000m², which are not considered to be 'urban' and therefore applications have been approved down to that size as there was no direction in the Proposed Plan for country living in the rural zone.
- 6.17 The s42A Report writer considers that there should be less ambiguous direction as to the section size outcomes anticipated for the Rural Zone in order to avoid more urban forms of subdivision and to maintain a clear distinction between Country Living and Rural Zone environments (Para 267).
- 6.18 This statement supports the submission of HortNZ that there is a policy gap in the framework for how Country Living will be managed, as it is distinct from urban subdivision. There needs to be clear direction in the overarching objective as to how subdivision use and development for Country Living will be managed in the rural environment and provide a framework for the subdivision provisions in Chapter 22.
- 6.19 Therefore I support inclusion of an additional clause in Objective 5.1.1 that provides a framework for how country living will be managed in the rural environment. Given the focus on high class soils I support a slight change to that sought in the submission by HortNZ:

(iv) Rural lifestyle activities are directed to defined locations away from high class soils and the effects of scattered rural lifestyle on rural production on high class soils are avoided.

- 6.20 I have used the term 'Rural Lifestyle' rather than 'Country Living' as I note that the s42A Report for Hearing 12 Country Living Zone recommends that the term Rural Lifestyle Zone is used to be consistent with the National Planning Standard. I support the use of the term as it is described in the Zone Framework Standard and clearly articulates what can be anticipated in a Rural Lifestyle Zone.

Recommended changes to Objective 5.1.1 in the s42A Report

- 6.21 The s42A Report is recommending significant changes to Objective 5.1.1 ii) by adding a list of activities that are supported within the rural environment:

Subdivision use and development within the rural environment is provided for where:

- i) High class soils are protected for productive rural activities*
 - ii) Productive rural activities, rural industry, network infrastructure, community activities and extractive activities are supported, while maintaining or enhancing the rural environment;*
 - iii) Urban subdivision, use and development in the rural environment are avoided.*
- 6.22 The addition of rural industry, network infrastructure, community activities and extractive activities significantly changes the objective, particularly the addition of 'community activities'.
- 6.23 The s42A Report appears to be relying on the submission of NZ Steel Holdings (827.41) which sought that 'other activities including mineral extraction' be added to the clause and that the intent is to recognise at a strategic objective level that the rural environment quite legitimately includes a range of activities that are not related solely to farming activities.
- 6.24 I concur that activities that can only operate in the rural environment should be provided for in the planning framework.
- 6.25 However the inclusion of 'community activities' extends beyond activities that can only operate in the rural environment.
- 6.26 There is no definition for 'community activities' in the Plan although the s42A Report recommended changes to Policy 5.3.4 states that 'community activities' includes child care, education, health and spiritual activities.

- 6.27 Applying such a definition to community activities in Objective 5.1.1 would mean that the provision would extend beyond activities that need to locate in the rural environment due to operational or functional need. Therefore this is a significant change from the proposed plan.
- 6.28 In addition these 'community activities' are 'sensitive land uses' (as defined in the Plan) which could lead to reverse sensitivity effects on rural production activities. The RPS Method 6.1.2 seeks that consideration should be given to discouraging new sensitive activities locating near existing and planned land uses or activities that could be the subject to effects such as discharges of substances, odour, smoke, noise, light spill or dust. Rural production activities are existing land uses which could lead to such effects so new sensitive land uses should not be supported to locate near productive rural activities.
- 6.29 RPS Development principle 6A h) also seeks that new development is directed away from high class soils and primary production activities on those high class soils. Principle o) seeks to ensure that development does not result in incompatible adjacent land uses, such as industry, rural activities and infrastructure.
- 6.30 RPS Method 14.2.1 implements Policy 14.2 High class soils and directs that district plans shall give priority to productive uses of high class soils over non-productive uses through a range of methods including restricting urban and rural residential development on high class soils.
- 6.31 The s32 Report for Strategic Direction and Management of Growth identifies as an issue:
- Urban activities should be located in urban environments, with rural environments reserved for those activities which depend on rural resources.*¹⁰
- 6.32 The description in the National Planning Standard of the General Rural Zone states:
- Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.*

¹⁰ Section 32 Report Part 2 Strategic Direction and Management of Growth, Waikato District Council July 2018, Pg 44

- 6.33 Therefore the planning framework in the higher order has a clear focus on activities that require a rural location.
- 6.34 I consider that Objective 5.1.1 ii) could be amended to meet the matter raised by NZ Steel Holdings but not in the manner recommended in the s42A Report.
- 6.35 The term 'primary production activities' could be used as the definition in the National Planning Standard is recommended in Hearing 5 to be included in the Plan. The definition of primary production includes mining and quarrying. Rather than listing other activities the descriptor from the National Planning Standard could be included – 'activities that require a rural location'. What activities would fall within that descriptor are then addressed in the ensuing objectives and policies, including community activities that may require a rural location.
- 6.36 I consider that the objective should state that the activities are 'managed' rather than 'supported' because conditions are used to ensure that the rural environment is maintained or enhanced.
- 6.37 Therefore I recommend that Objective 5.1.1 be amended as follows:

Subdivision use and development within the rural environment is provided for where:

- i) *High class soils are protected for productive rural activities*
- ii) *Primary production ~~Productive rural activities, rural industry, network infrastructure, community activities and extractive activities~~ and activities that require a rural location are managed ~~supported~~ while maintaining or enhancing the rural environment;*
- iii) *Urban subdivision, use and development in the rural environment is avoided.*
- iv) *(iv) Rural lifestyle activities are directed to defined locations away from high class soils and the effects of scattered rural lifestyle on rural production on high class soils are avoided and minimised in other areas of the rural area.*

7. PRODUCTIVE VERSATILITY OBJECTIVE 5.2.1, POLICIES 5.2.2 AND 5.2.3 - S42A REPORT PG 33- 50

Objective 5.2.1

- 7.1 Objective 5.2.1 set out an objective to maintain or enhance rural resources, in particular high class soils.
- 7.2 HortNZ (419.93) supported the objective as it provides a clear direction on the productive versatility of rural resources and sought that it be retained. HortNZ (1168.52) also supported in part a submission by Federated Farmers (680.57) that sought to delete the objective. HortNZ supported the submission to the extent that duplication be removed.
- 7.3 The s42A Report is recommending that the objective be amended by deleting clauses iii) and iv) which relate to water and water bodies. The writer also recommends that 'accessibility' be added to clause i).
- 7.4 While I understand the issue regarding duplication and responsibilities, district councils do have a role to play in ensuring that activities do not affect water quality.
- 7.5 I note that Waipa District has Objective 4.3.1 - Rural resources: To maintain or enhance the inherent life supporting capacity, health and well-being of rural land, ecosystems, soil and water resources.
- 7.6 This is similar to what is proposed for Waikato, but it does not include water resources.
- 7.7 The policy for earthworks, 5.3.18, does seek to avoid erosion and sediment loss and that changes to natural water flows are avoided or mitigated. Therefore there is a sense in which acknowledgement of water quality should be included within the policy framework of the Plan.
- 7.8 While ideally this could be an amendment to 5.1.1 to include water quality an amendment of 5.2.1 ii) would also assist.
- The health and wellbeing of rural land, natural ecosystems and water resources.*
- 7.9 The s42A Report is also recommending that 'accessibility' be added to clause i):

Maintain or enhance the:

- i) Inherent life-supporting capacity, accessibility and versatility of soils in particular high class soils
- 7.10 Para 85 seems to suggest that ‘accessibility’ equates to ‘able to be utilised’ and where high class soils are not accessible their maintenance is not a priority and alternative uses might be contemplated.
- 7.11 By adding accessibility to clause i), rather than providing an opportunity for consideration of alternative uses, I consider that the outcome could be that the access to use of the soils is ‘maintained or enhanced’ – thereby limiting other alternative uses.
- 7.12 I am not sure if this is the outcome the submitters are seeking.
- 7.13 Clause 1) gives effect to Policy 14.1 of the RPS to maintain or enhance the life supporting capacity of the soil resource, but ‘accessibility’ is not a matter included in the policy.

Definition high class soils

- 7.14 The s42A Report (Para 83) considers the definition of high class soils and states that ‘as far as I am aware there are no submissions seeking to amend this definition and no such submissions were considered as part of Hearing 5 on definitions’.
- 7.15 This statement is incorrect. HortNZ made a submission (419.124) on the definition of high class soils which is considered at 3.59.2 of the Hearing 5 s42A Report. HortNZ also opposed submission 394.30 seeking that the definition of high class soils be replaced with definitions for ‘Elite soil (Class 1) and Prime soil (Class II).
- 7.16 The recommendation in the Hearing 5 s42A Report is that the consideration of the definition should be deferred to the ‘Other Matters’ hearing at the end of the Stage 1 hearing process when it may be able to be informed by the NPS Highly Productive Land.
- 7.17 This recommendation was supported by Mr Hodgson who presented evidence for HortNZ at Hearing 5. The issue is also raised in the industry statement of Ms Deverall.
- 7.18 Mr Hodgson also raised concerns about the exclusion of some peat soils because some peat soils are important for vegetable production. He understood that inclusion of peat soils would be part of the discussion at the ‘Other Matters’ hearing.
- 7.19 While the definition of high class soils excludes peat soils this issue is addressed in the Rural s42A Report (Para 86) as Waikato

Regional Council has sought inclusion of some peat soils as peat soils form a substantial component of Waikato District's soils, and are another valuable soil resource for the District. There is an opportunity to also seek peat soils to be protected for productive rural activities in this objective, aligning with Policy 14.5 of the WRPS.

- 7.20 The approach would add peat soils to Objective 5.2.1 but not to the definition of high class soils. While clause i) does include all soils the identification of peat soils would emphasise the importance of these soils to the district.

Policy 5.2.2 High class soils

- 7.21 Policy 5.2.2 sets out the approach to managing high class soils to give effect to Policy 14.2 of the RPS to avoid a decline in the availability of high class soil for primary production due to inappropriate subdivision use and development.
- 7.22 HortNZ (419.54) made a submission supporting Policy 5.2.2 and sought that it be retained. HortNZ (1168.53) also supported in part a submission by Federated Farmers (680.58) which sought that 5.2.2.b) be deleted. HortNZ supported the deletion of clause b) as it is not Council's function to manage the chemical and biological properties of soil.
- 7.23 The s42A Report is recommending that the policy be retained as notified.
- 7.24 While clause b) does use similar terminology to Policy 14.1 in the RPS it should be noted that the methods to implement Policy 14.1 are the responsibility of the regional council, not the district council. Therefore the matter raised by Federated Farmers has some relevance.
- 7.25 Therefore I support the deletion of 5.2.2 b).

Policy 5.2.3 Effects of subdivision and development on soils

- 7.26 Policy 5.2.3 sets out how the effects on soil through subdivision and development will be approached.
- 7.27 HortNZ (419.55) supported Policy 5.2.3 and sought that it be retained. HortNZ (1168.54) also supported submission by Balle Bros (466.43) who sought that the clause a) be retained and clause b) be amended to reflect that subdivision is directed away from high class soils where viable primary production can occur.

- 7.28 The s42A Report is recommending that clause b) be deleted in its entirety.
- 7.29 Para 98 of the s42A Report seems to imply that fragmentation is addressed in clause a) and urban growth and the location of Country Living and Village zones are addressed in other policies in those zones.
- 7.30 This assumption overlooks that there needs to be a policy framework for managing subdivision within the Rural Zone to direct such subdivision away from high class soils to give effect to the RPS Method 6.1.5 and 14.2.1 which seeks that priority is given to productive uses of high class soils over non-productive uses through a range of methods.
- 7.31 The report (Para 99) states that 'it is important that the Rural Chapter provides clear direction as to the anticipated outcomes'.
- 7.32 I consider that the Policy 5.2.2 is important for providing that clear direction which is implemented through the proposed rule framework.
- 7.33 I agree that the issue of environmental compensation is addressed through other policies so consider that it is more appropriate that Policy 5.2.3 is reformatted into a single clause as follows:
- Subdivision, use and development is directed away from high class soils and minimises the fragmentation of productive rural land, particularly where high class soils are located.*
- ~~*Subdivision which provides a range of lifestyle options is directed away from high class soils and/ or where indigenous biodiversity is being protected.*~~
- 8.31 I consider that this would provide a clearer policy framework for assessing the effects of subdivision and development on soils across the Rural Zone.
- 8. RURAL CHARACTER AND AMENITY - OBJECTIVE 5.3.1 AND NEW POLICY 5.3.2- S42A REPORT PG 50 -57**
- 8.1 Objective 5.3.1 seeks that rural character and amenity are maintained.
- 8.2 HortNZ made a submission (419.56) supporting Objective 5.3.1 and also submission 419.57 seeking that a new policy be included for rural character and amenity.

8.3 Submission 419.57 is not listed in the submissions considered in the topic on rural character so has not been assessed as part of the s42A Report. The s42A Report writer states that there appears to be limited scope provided by submissions for a more fulsome explanation of rural character and amenity. If the HortNZ submission point had been included and assessed as part of the s42A Report it would have provided ample scope to address the issue.

8.4 To assist the hearing panel the submission point is set out below:

HortNZ seeks that a new policy be inserted to clearly identify and recognise the rural character and amenity. This is important to ensure the appropriate and effective implementation of the proposed planning framework which seeks to avoid or minimise adverse effects on rural character and amenity.

Insert new policy:

Rural character and amenity includes the following elements:

- a. A rural working environment*
- b. Some activities are seasonal in nature*
- c. Intensity of development reflecting the rural production environment, such as buildings and structures for rural production and domestic purposes.*
- d. Varying levels of noise associated with seasonal and intermittent rural production activities.*
- e. Relatively open space and low density of development*
- f. Odours, noise and dust typical of rural activities.*
- g. Generally low levels of vehicle traffic with seasonal fluctuations.*
- h. the presence of large numbers of farmed animals and extensive areas of plant vine or fruit crops and areas of forestry*
- i. accessory buildings and structures (including crop support and artificial crop protections structures) across the landscape.*

8.5 HortNZ has been involved in multiple district planning processes across the country and has sought and supported policies that describe rural character. Examples are Horowhenua, Whangarei, Opotiki which I have attached as Appendix 2. These are all areas which have a similar composition of primary production activities to the Waikato District and provide a useful comparison. The submission of HortNZ seeking a policy for rural character in Waikato District Plan is modelled on these examples.

8.6 The s42A Report is recommending that a policy be included drawn from the Christchurch District Plan Review. Both Mr Hodgson and I

were involved in presenting evidence to the Christchurch Independent Hearing Panel on a range of matters and can attest to a robust process.

- 8.7 However I consider that the rural context of Christchurch City is very different to Waikato District and that it would be more appropriate that a policy describing rural character be modelled on examples where a similar range of activities are undertaken as in Waikato District.
- 8.8 The s42A Report seeks to describe the rural production activities undertaken in the rural environment and uses language which does not accurately describe the nature of horticulture in Waikato District. Ms Deverall has addressed this issue in her industry statement and I concur.
- 8.9 If the Hearing Panel is of a mind to describe horticultural activities in Waikato it would be more appropriate to describe them as:
- Horticultural land use including commercial vegetable production, greenhouse production and fruit production.*
- 8.10 I do not consider it is necessary to divide the district into different rural zones or activity groupings to address rural character and amenity as long as the policy framework clearly articulates the outcomes sought for the rural environment of the district. Land use within primary production is not static and can vary according to season and rotations so attempting to 'ring fence' specific activities to specific areas would be a somewhat fraught exercise.
- 8.11 Therefore I support the inclusion of a new policy for rural character and amenity but seek that it is as sought in the submission of HortNZ, rather than that recommended in the s42A Report as set out in the attached strikethrough.

9. POLICY 5.3.2 PRODUCTIVE RURAL ACTIVITIES – S42A REPORT PG 86-89

- 9.1 Policy 5.3.2 establishes a framework for the continued operation of rural environment as a productive working environment.
- 9.2 As a result of submissions the s42A Report is recommending that Policy 5.3.2 be renumbered to 5.3.3 as a result of inclusion of a new Policy 5.3.2 for rural character and amenity
- 9.3 HortNZ made a submission (419.58) seeking that Policy 5.3.2 be retained as notified as the policy recognises and protects the

continued operation of rural production activities. HortNZ (1168.55) also supported a submission of Federated Farmers seeking amendments to Policy 5.3.2, particularly regarding the use of the term 'productive rural activities'.

- 9.4 Policy 5.3.2 is the first of a number of policies that set out the suite of provisions regarding activities in the rural environment. I rely on the framework set out in Section 5 above to provide the context for what activities are appropriate within the rural environment.
- 9.5 Policy 5.3.2 sets out the framework for enabling productive rural activities in the rural environment.
- 9.6 However there are issues relating to the use of terminology that are relevant. The policy uses the terms:
- (a) Productive rural activities
 - (b) Productive working environment
 - (c) Farming and forestry
 - (d) Lawfully established rural activities
- 9.7 Only farming and forestry are defined.
- 9.8 A number of submitters raise issues with the terminology, including the use of 'productive rural activities'. The s42A Report appears to allude to some rural activities not being 'productive'.
- 9.9 If the Hearing Panel is of a mind to continue to use the term 'productive rural activities' then I consider that it should be defined so it is clear what the term means. A number of plans use 'rural production activities' which has a clearer meaning and could well be a preferable term to 'productive rural activities'. I have recommended changes to use 'rural productive activities' throughout Chapter 5 and relevant definitions.
- 9.10 The s42A Report recommends that the policy is amended by replacing 'protect' with 'enable'. While I support the use of 'protect' to ensure that rural production activities are not compromised by other activities, a policy of 'enable' does provide a suitable framework for the provisions that flow from Policy 5.3.2.
- 9.11 I support the addition of reverse sensitivity to clause iii) and the addition of the new clause iv) as a result of Federated Farmers submissions.

10. POLICY 5.3.9 NON-RURAL ACTIVITIES - S42A REPORT PG 90 - 95

- 10.1 Policy 5.3.9 is entitled 'Non-rural activities', and then proceeds to list a range of activities that could reasonably be anticipated to occur within a rural area, rather than activities which are distinctly 'non-rural'.
- 10.2 Consequently the policy is subject to a range of submissions due to its title, a lack of clarity as to what it is seeking to address, and submissions seeking for other activities to be included within the policy framework. The Waikato District Council itself submitted on the policy seeking to rename it 'Managing activities in the rural zone' and amending it to provide for 'non-farming activities'.
- 10.3 HortNZ made a submission (419.64) seeking that the policy be re-named 'Other rural activities' and either refined or combine with Policy 5.3.3 Industrial and commercial activities. HortNZ (1168.62) also opposed a submission by Waikato District Council (697.557) although I suspect that the submission that HortNZ was intending to oppose was 697.559 which seeks a new policy for retirement villages, given the wording in the reason for the submission.
- 10.4 The s42A Report considers the array of submissions on Policy 5.3.4 and concludes that the policy needs to be reframed (Para 130).
- 10.5 I concur with that position as the policy in its current format does not provide a clear framework and direction for activities in the rural environment which are not productive rural activities.
- 10.6 The question then arises as to how best to re-frame the policy.
- 10.7 The s42A Report is recommending a new Policy 5.3.9 'Other anticipated activities in rural areas' and then lists a range of activities which the writer considers should be 'enabled' in the rural environment, including community activities, recreation activities, emergency service facilities and conservation activities.
- 10.8 The s42A Report (Para 140) considers that:
- There is considerable scope for such amendments through the suite of submissions on the permitted activity rules that seek better direction for a range of rural –related but non-farming activities.*
- 10.9 While there may be submissions on the rules they should not be used as the basis for amending the policies, unless there are submissions also seeking changes to the policies.

- 10.10 In addition the changes that the s42A Report is recommending incorporate activities that are not rural-related, such as community activities. While some such activities may be rural-related there is a pathway for such activities if they have an operational or functional need to locate in the rural area.
- 10.11 The s42A Report (Para 144) states:
- A policy framework that enables a wide range of non-rural activities, provided immediate amenity effects can be managed, has the potential to cumulatively threaten and subvert the strategic urban growth management framework established under both the WRPS and the Proposed Plan's strategic objective.*
- 10.12 I concur with this statement but note that it does not support the recommendation to include a wide range of non-rural activities in new policy 5.3.4.
- 10.13 Therefore I do not support the recommended new policy as it deviates significantly from the overall direction for the rural environment provided in the higher order documents and strategic direction in the Plan, as outlined in Section 5 of this evidence.
- 10.14 In my opinion what is required is a policy framework that provides for the range of different activities:
- (a) Rural industry (as defined in the National Planning Standards)
 - (b) Activities which are not primary production related but require a rural location due to operational or functional need (as defined in the National Planning Standards)
 - (c) Non- rural activities that are not anticipated in the rural environment.
- 10.15 Such an approach would then flow through to the rules where there is a tiered approach to managing what can reasonably be anticipated in the rural environment.
- 10.16 While I recognise that there were a range of submissions relating to mineral extraction I have not included these within the framework as I anticipate that those matters are better addressed under section 5.4 for mineral extraction. I have however suggested that the Strategic objective 5.1.1 refer to primary production, hence including mining and quarrying in the rural environment. I also use the term primary production in respect of relationship to rural industry and this would also incorporate mining and quarrying.

- 10.17 I will address Rural Industry in respect to Policy 5.3.3 below but recommend that it is a standalone policy for rural industry that is reasonably anticipated in the rural environment. This would include services that have a direct relationship with primary production such as packhouses, coolstores, feedmills and animal feed production, rural contractor depots, rural trucking depots and agricultural and horticultural research centres.
- 10.18 Activities that require a rural location due to operational need or functional need that could reasonably be anticipated in the rural environment include network infrastructure, conservation activities, emergency service facilities and recreational activities which require a rural or open space setting including equestrian and horse training centres, walking or cycling trails. There may also be some community facilities that may have an operational or functional need for a rural location, such as a rural school, but they would need to clearly demonstrate the need for requiring a rural location. Some marae and papakainga may also have an operational or functional need for a rural location.
- 10.19 Non- rural activities that are not anticipated in the rural environment include activities that are generally anticipated in urban locations such as community facilities and industrial and commercial activities that are not dependent on the rural resource or primary production activities. Community facilities for education, childcare, health facilities (including retirement villages) and worship facilities would generally not be anticipated in the rural environment. Given the policy direction in the higher order documents, particularly the s32 Report, these activities should be avoided in the rural environment.
- 10.20 On the basis of this framework I propose that Policy 5.3.9 is reframed into two new policies (plus Policy 5.3.3 for Rural Industry addressed below):

Policy 5.3.X Activities that require a rural location

Provide for activities that have a functional need or operational need for a rural location that are managed to ensure that:

- i) Their scale, intensity and built form are in keeping with rural character*
- ii) They maintain a level of amenity in keeping with the rural character of the rural environment*
- iii) They minimise reverse sensitivity effects on existing rural production activities, intensive farming, mineral extraction or rural industrial activities.*

- 10.21 Policy 5.3.XX Non-rural activities

Activities that have no direct relationship with primary production activities or have a functional need or operational need for a rural location should be avoided.

- 10.22 Policy 5.3.9 b) included a provision for non-rural activities to 'avoid buildings and structure dominating land on adjoining properties, public reserves, the coast or water bodies.
- 10.23 In addition to the reframing of Policy 5.3.9 the s42A Report (Para 128) is recommending that clause b) is put into a separate policy addressing building height, setbacks, and site coverage matters applying to all activities – not just non-rural activities.
- 10.24 A new policy is recommended in Para 604 – Building Scale and location. I address the policy below but note here that I do not support the recommendation for the new policy as there were no submissions that indicated that a new policy for all activities would arise from Policy 5.3.9 b).

11. POLICY 5.3.3 INDUSTRIAL AND COMMERCIAL ACTIVITIES- S42A REPORT PG 96-101

- 11.1 The s42A Report seeks to renumber Policy 5.3.3 as 5.3.5 to come after the restructured Policy 5.3.4 'Other anticipated activities in rural areas.'
- 11.2 As set out in Section 10 above I have proposed a reframing of the policies regarding what activities are anticipated in the rural environment, including a specific policy for rural industry. Numbering will need to be amended depending on the decision of the Hearing Panel.
- 11.3 HortNZ made a submission (419.59) that sought to clarify and refine Policy 5.3.3, particularly the relationship between Policy 5.3.3 and Policy 5.3.9 Non-rural activities.
- 11.4 The s42A Report is recommending significant changes to the structure of the policy for industrial and commercial activities, but I do not consider that it provides the clarity sought as it combines rural industry with other activities that have a functional or operational need to locate within the rural environment. My preference is that there are distinct policy arms for the different activities, as set out above.
- 11.5 The s42A Report for Hearing 5 Definitions recommends that the definition of rural industry be used in the Plan:

Rural industry means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.

- 11.6 I support that recommendation as it provides clear direction as to what constitutes rural industry, which is preferable to the definition in the proposed plan that lists activities and exclusions. It does not appear to include all rural industry that have a relationship with primary production, such as packhouses and coolstore.
- 11.7 The Planning Standard definition also enables a clearer distinction with other activities that do not meet the criteria for rural industry.
- 11.8 To ensure clarity I consider that Policy 5.3.3 should be re-named 'Rural industry' rather than 'Industrial and commercial activities'. This would clearly link the policy to the definition and the industry or businesses that directly supports, services or is dependent on primary production.
- 11.9 I consider that 'Commercial activities' is redundant as they are included as 'businesses' in the definition of rural industry.
- 11.10 I recommend that Policy 5.3.3 be amended as follows:
- 11.11 5.3.3 Policy – Rural industry ~~Industrial and commercial activities~~
- (a) Provide for rural industry activities which have a direct relationship with primary production activities and require a rural location.
- (b) Rural industries and services are managed to ensure they are in keeping with the character of the Rural Zone and avoid reverse sensitivity effects on adjacent rural production activities
- (c) Avoid locating industrial and commercial activities within the Rural Zone in areas that do not have a genuine reliance on a functional connection with the rural land or soil resource primary production activities or a functional or operational need to be located in the rural zone.

**12. POLICY 5.3.6 INTENSIVE FARMING AND DEFINITION - S42A
REPORT PG 101**

- 12.1 HortNZ made a submission (419.126) on the definition of intensive farming and a further submission (FS1168.106) supporting T & G Global (676.6) and three (FS1168.122, FS1168.121 and 1168.123) opposing submissions by Federated Farmers (680.253), Zealand Ltd (281.19) and Waikato DC (697.395) that sought to amend the definition of intensive farming.

- 12.2 The s42A Report recommendations state that the submission and further submissions are accepted in part.
- 12.3 The s42A Report considers a range of submissions, including reliance on the National Planning Standards definition for intensive indoor primary production, but considers that the definition in the Proposed Plan provides greater breadth and so is preferred.
- 12.4 I do not support that recommendation as considerable debate and deliberation went into the definition in the National Planning Standard, including about whether to include 'outdoor' production as 'intensive.' The discussion is set out in the report on submissions for the National Planning Standards.¹¹
- 12.5 The conclusion reached was that the focus should be on production undertaken indoors and if limits on numbers of animals is required, such limits should be applied through the rules.
- 12.6 The report does not support inclusion of a list of exclusions as the definition should be able to stand without need for such exclusions.
- 12.7 Given that the Council has to implement the National Planning Standard definitions by 2026 and the Hearing Panel has issued explicit instructions seeking to implement the National Planning Standards I support reliance on the definition for intensive indoor primary production:
- Intensive indoor primary production means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf rearing for a specified time period) or poultry.*

13. POLICY 5.3.7 REVERSE SENSITIVITY EFFECTS - S42A REPORT PG 133

- 13.1 Policy 5.3.7 Reverse sensitivity sets out the framework for how reverse sensitivity will be managed by the Plan and is subject to a range of submissions, many seeking that the policy be retained. No submissions sought that the policy be deleted or replaced in its entirety.
- 13.2 Reverse sensitivity and potential effects on growers and rural production is a key issue for HortNZ

¹¹ Pgs 134-138 Definitions Standard – Recommendation on submission Report for the first set of national Planning Standards, Ministry for the Environment, Wellington 2019

- 13.3 HortNZ made a submission (419.62) and further submissions (FS1168.59, FS1168.60) supporting a submission by Zeala Ltd that seek to amend Section 4.7.11 Policy Reverse sensitivity.
- 13.4 The s42A Report is recommending that Policy 5.3.7 be deleted and replaced with a new policy 'Separation of incompatible activities'. It justifies this approach as being a 'reallocation' of the various strands of the policy.
- 13.5 I do concur that the policy is somewhat complex and includes matters that are best addressed in other policies. However I do not support the new Policy 5.3.7 as it removes the focus on reverse sensitivity and introduces new components that do not appear to be sought in submissions, such as provision of separation distance between the activity and site boundaries.
- 13.6 I do support the reliance on the new policy for rural character to describe the rural environment, meaning that clause a) is redundant.
- 13.7 The plan has policies for reverse sensitivity in Chapter 4 Urban environment and 5.6 Country Living. Reverse sensitivity is recognised as a key issue in Chapter 1 of the Plan, the RPS and the Section 32 Report.
- 13.8 Removing the explicit recognition of reverse sensitivity through reframing Policy 5.3.7 removes the mechanism to give effect to the direction established in the base documents.
- 13.9 The RPS is very clear in Policy 4.4 that the management of natural and physical resources provides for continued operation and development of regionally significant industry and primary production activities by avoiding or minimising the potential for reverse sensitivity.
- 13.10 Method 4.4.1 d) directs district plans to provide for regionally significant industry and primary production by recognising the potential for regionally significant industry and primary production activities to have adverse effects beyond its boundaries and the need to avoid or minimise the potential for reverse sensitivity effects.
- 13.11 Issue 2 in the s32A Report for Rural is specific to reverse sensitivity and states that addressing reverse sensitivity is necessary to achieve sustainable management as required in s5 of the RMA.
- 13.12 The Draft NPSHPL includes Policy 5 Reverse sensitivity which seeks to recognise the potential for reverse sensitivity effects on

HPL and restrict new sensitive and potentially incompatible activities to ensure that they do not compromise the efficient operation of primary production activities. It also seeks that methods are established to avoid or mitigate reverse sensitivity effects at the interface between areas of highly productive land and adjacent residential and rural lifestyle zones.

- 13.13 This recognition at a national level is appropriate as reverse sensitivity effects on horticulture can be significant and limit the ability to undertake the use of the land to maximise its potential, including at the interface between the urban and rural zones.
- 13.14 The restructured policy in the s42A Report implies that separation of incompatible activities is the only method to address reverse sensitivity. While it is an important method, it is not the only one. Determining appropriate location of activities is important as well as establishing clear expectations of what is anticipated in the rural environment. The design of subdivision and development is also important in avoiding potential for reverse sensitivity effects, including matters such as landscaping and use of shelter belts.
- 13.15 Therefore I consider that an amended policy for reverse sensitivity effects should be included which provides the direction from the RPS of 'avoid or minimise'.

Policy 5.3.7 Reverse sensitivity effects

- a) *Avoid or minimise the potential for reverse sensitivity effects on primary production activities, rural industry, and strategic infrastructure by:*
- i. Locating sensitive activities away from primary production activities, rural industry, and strategic infrastructure*
 - ii. Use of setbacks and design of subdivision or development to provide separation of sensitive activities*
- b) *Ensuring that the adverse effects of primary production activities, rural industry, and strategic infrastructure are avoided, remedied or mitigated as far as practicable.*

- 13.16 The s42A Report is also recommending that a definition of reverse sensitivity be included in the Plan. This matter was discussed at Hearing 5 and it was recommended at this time that a definition not be included in the Plan¹².

¹² Para 571 s42A Report Hearing 5 Definitions

- 13.17 There is a definition of reverse sensitivity in the RPS. However the definition that the Rural s42A Report is recommending is different to the RPS definition:

RPS: Reverse sensitivity is the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes potential, actual or perceived adverse environmental effects on the new activity, to a point where the new activity may seek to restrict the operation or require mitigation of the effects of the established activity.

S42A: Report Reverse sensitivity means the effect on existing lawful activities from the introduction of new sensitive land uses that may lead to restrictions on existing lawful activities as a consequence of complaints.

- 13.18 It is unclear where the recommended definition is derived from as it does not appear to be any that submitters seeking a definition for reverse sensitivity sought.
- 13.19 In my opinion, if a definition for reverse sensitivity is to be included it should be the definition from the RPS to ensure consistency with the higher order document. The definition in the RPS has been through a Schedule 1 process.

14. POLICY 5.3.9 RURAL SUBDIVISION S42A REPORT PG 58-73

- 14.1 The Proposed Plan included Policy 5.3.8 Effects on rural character and amenity from rural subdivision.
- 14.2 The s42A Report is recommending that the policy is restructured as Policy 5.3.9 Rural subdivision.
- 14.3 HortNZ (419.63) made a submission supporting Policy 5.39 and also a further submission (1168.61) supporting Balle Bros (466.62) who also supported the policy.
- 14.4 As a result of submissions the s42A Report is recommending a restructure of the policy to improve direction for the various pathways for subdivision.
- 14.5 Generally I support the approach but seek that clause c) iv) is amended to: *Avoiding or minimising ~~mitigating~~ potential reverse sensitivity effects* to be consistent with the direction in the RPS.
- 14.6 I also propose changes to terminology to be consistent in respect of primary production and rural production activities.

15. POLICY 5.3.8 DENSITY OF DWELLINGS S42A REPORT PG 58- 69

15.1 The Proposed Plan has Policy 5.3.4 Density of dwellings and buildings within the rural environment. It is restructured in the s42A Report as Policy 5.3.8 Density of residential units.

15.2 HortNZ (419.60) made a submission seeking that Policy 5.3.4 be retained as proposed, specifically because of the provision for worker accommodation. Further submissions were made (1168.56, 1168, 57, 1168.58) supporting NZ Pork (197.7), T & G Global (676.3) and Waikato DC (697.556) seeking provisions for additional dwellings and buildings and minor dwellings.

15.3 Policy 5.3.4 is a simple policy that seeks to:

- (a) maintain open rural character and
- (b) provide for workers accommodation.

15.4 The s42A Report is recommending that the policy is significantly amended to:

- (a) Retains need to maintain rural character through range of measures
- (b) Only applicable to residential units – not all buildings
- (c) Include provision for residential for farming and productive rural activities
- (d) Limits the number of residential units
- (e) Limits minor residential units
- (f) Provides for papakaainga housing
- (g) Provides for alterations and additions to retirement villages

15.5 The policy would rely on the National Planning Standard definitions of 'residential unit' and 'minor residential unit' recommended in Hearing 5:

Residential unit means a building or part of a building that is used for residential activity exclusively by one household and must include sleeping, cooking, bathing and toilet facilities.

Minor residential unit means a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site.

- 15.6 Including papakaainga housing and retirement villages within the policy means that the 'residential unit' heading is inappropriate as these forms of accommodation do not meet the definition of residential unit.
- 15.7 Para 269 of the s42A Report acknowledges that there would be value in more detailed policy direction being provided but notes the issue of scope in terms of possible changes. I concur with that concern.
- 15.8 I note the comment in Para 261 that it is important that policies relating to dwelling density and subdivision implement the strategic outcomes sought for the rural environment and that the key function of the zone is to enable ongoing rural production.
- 15.9 That provides a useful context as to what Policy 5.3.8 should include, especially in reference to the higher order documents and policy direction that I have set out in Section 5 above.
- 15.10 I consider that the policy should provide for residential units and buildings as invariably there are ancillary buildings to residential units and sometimes on rural lifestyle blocks these can be significant. Buildings for primary production activities are provided for under Policy 5.2.3 Productive rural activities.
- 15.11 Clarity regarding minor residential units, as sought by Waikato District, is supported but I seek to differentiate worker accommodation from minor residential units.
- 15.12 I address worker accommodation below and seek that it be reinserted into the policy framework.
- 15.13 In respect of the retirement villages seeking consequential inclusion in the policy framework I consider that this matter is best left for the zoning hearing. As indicated above regarding out of zone activities it is preferable that such facilities be rezoned to Urban or Rural Lifestyle where possible. I have concerns about a policy to provide for 'alterations and additions' with no indication of scope or limit of such changes.
- 15.14 The changes supported are included within a revised Policy 5.3.8 in the attached strikethrough to this evidence.

**16. NEW POLICY 5.3.17 BUILDING SCALE AND LOCATION S 42A
REPORT PG 349**

- 16.1 The s42A Report is recommending a new policy for building scale and location. This policy arises from the provision in 5.3.9 b) relating to buildings for non-rural activities not dominating adjoining land.
- 16.2 As noted above in respect of Policy 5.3.9 b) I do not support the recommended approach for the new policy as it takes a clause relating to non-rural activities and applies across all buildings in the rural environment.
- 16.3 The s42A Report (Para 602) recognises that there may be limited scope for the recommended change. I concur with that statement.
- 16.4 Clause a) of the new policy relates specifically to buildings for farming and rural –related activities. I consider that Policy 5.3.2 (renumbered 5.3.3) Productive rural activities provides for buildings and structures for farming and forestry and the policies for rural industry and activities that require a rural location stipulate that built form is in keeping with rural character.
- 16.5 Therefore clause 5.3.17 a) is not necessary as it is already addressed through activity specific policies.
- 16.6 Clause b) relates to specific components of not dominating adjoining land. In my opinion this clause is best included in Policy 5.3.4 (renumbered 5.3.8) Density of residential units. I have sought that the policy be retained as applying to both dwellings and buildings.
- 16.7 Inclusion of Policy 5.3.17 b) in Policy 5.3.8 as a specific clause for non-rural activity buildings is consistent with the intent in the Proposed Plan in Policy 5.3.9 b).
- 16.8 Therefore all of Policy 5.3.17 is already addressed in activity specific policies or better located within existing policies so there is no need for the new policy, regardless of whether there is scope for it or not.
- 16.9 I therefore recommend that new policy 5.3.17 be deleted.

17. LAND USE – ACTIVITIES S42A REPORT PG 249- 311

General comments

- 17.1 HortNZ has a number of submissions and further submissions that are addressed as part of consideration of Land use activities. Relevant definitions are also considered in this part of the report.
- 17.2 These activities include:
- (a) Farming Pg 267
 - (b) Rural Industry Pg 290
 - (c) Retirement villages Pg 298
- 17.3 In addition there are some matters that are addressed within Ch 5 Rural Environment policy framework to which the HortNZ submissions are relevant.
- (a) Childcare, health, spiritual and conservation activities Pg 283
 - (b) Rural commercial Pg 287
- 17.4 The s42A Report is recommending some changes to the structure, particularly to include some community activities as permitted and restricted discretionary, which I do not support.
- 17.5 I seek that worker accommodation and artificial crop protection structures are included in the activity table and include specific evidence on these two matters below.

Farming

- 17.6 HortNZ submissions and further submissions addressed under P7 Farming and Agricultural and horticultural research are:
- (a) 419.8 seeking Rule 22.1.2 P7 be retained as notified
 - (b) FS 1168.95 supporting T & G Global (676.5) seeking changes to the definition of farming
 - (c) FS 1168.86 and 82 supporting and opposing in part Fish and Game (433.49) seeking a definition for productive rural activities
 - (d) 419.120 seeking changes to the definition of farming
 - (e) FS1168.96 supporting Federated Farmers (680.134) seeking addition of ancillary rural earthworks to definition of farming

- (f) FS1168.117 opposing in part and supporting in part Waikato DC (697.385) seeking to amend the definition of farming
 - (g) 1168.98 supporting Sharp Planning Solutions Ltd (695.66) seeking a definition for horticultural activity.
 - (h) A similar submission point 1168.99 supporting The Surveying Company (746.8) seeking a definition for horticultural activity is not recorded in the table on Pg 271.
 - (i) 419.122 seeking a definition for greenhouse be included.
- 17.7 A key consideration for the topic of farming is the definition that will apply. As stated in my initial general comments in Section 4 of this evidence I do not support the use of the term 'farming' as it does not fairly represent the range of activities that are included within the term.
- 17.8 My preference is for the term 'primary production activities' to be used, but due to the inclusion of mining and quarrying in the National Planning Standards definition, recognise the challenges associated with use of that term to refer to the more specific 'farming' activities.
- 17.9 I do not support the use of 'productive rural activities' which is not defined and is unclear as to its meaning.
- 17.10 Therefore I seek that the term 'rural production activities' is used to describe the range of activities that are included under 'farming' and seek that the term be used throughout the plan in place of both 'farming' and 'productive rural activities'.
- 17.11 The s42A Report is recommending changes to the definition of 'farming' which alter its meaning. Some of the changes are to make it more consistent with the definition of 'primary production' in the National Planning Standard.
- 17.12 Of particular concern is the intent that processing as an ancillary activity of farm produce is 'on the same site'. There is no limitation of 'same site' in the definition of primary production in the National Planning Standard for initial processing of commodities that result from primary production activities.
- 17.13 I am uncertain what scope there is to limit initial processing in the manner anticipated.

- 17.14 Growers often have a number of areas for growing, some owned and some leased, but don't have an 'ancillary facility' on each area where growing takes place. To limit the initial processing to the same site is not practical and does not reflect the nature of horticulture in Waikato District.
- 17.15 As the definition also includes aquaculture, apiculture and fishing is it not appropriate that initial processing is limited to 'farm produce grown on the same site' as the produce is not necessarily 'grown'.
- 17.16 I recommend that clause b) of the recommended definition be amended to better reflect the range of activities undertaken as 'initial processing'.
- 17.17 HortNZ supported the submission of Waikato DC to add loading areas for airstrips and helicopters for topdressing and spraying. The s42A Report recommends that the activity be included but seeks to limit it to 'the same site'. The submission and further submission did not seek that limitation. It is an unworkable limitation as an airstrip for topdressing may service a number of rural properties. 'Site' is also a defined term that could limit use of a loading area which services a rural property that contains a number of 'sites'.
- 17.18 If there is a desire to ensure that the airstrip or helicopter loading area is only used for rural production activities then that could be included within the clause, without limiting the activity to a specific site.
- 17.19 A definition for horticultural activity was sought by some submitters.
- 17.20 If the Hearing Panel is of a mind to include a definition it would be appropriate to refer to s217B of the RMA which includes a definition for horticultural land use:

Means the use of land to grow food or beverage crops for human consumption (other than arable crops) of flowers for commercial supply.

Rural industry

- 17.21 Rural industry is provided for as RD2 – a restricted discretionary rule.
- 17.22 HortNZ made a number of submissions and further submissions that are considered under Rural industry.
- (a) 419.11 seeking that 22.1.3 RD2 Rural industry be retained and deletion of waste disposal

- (b) 419.135 seeking to amend the definition of rural industry
 - (c) FS1168.131 supporting in part changes sought by Waikato District Council (697.506)
 - (d) FS1168.88 supporting Shaw and Hall (877.7) seeking a definition for on-site primary produce manufacturing. Note this FS point is not included in the table on Pg 293.
- 17.23 HortNZ also had a number of submission points relating to the policy framework for rural industry which are addressed in evidence above. Comments on the activity status reflect the policy framework sought for rural industry.
- 17.24 The definition of rural industry is fundamental to how the provisions will apply. It is recommended that the definition be the National Planning Standard definition which means:
- An industry or business undertaken in a rural environment that directly supports, services or is dependent on primary production.*
- 17.25 Because the definition includes 'industry or business' it encompasses rural commercial activities so these do not need to be specifically provided for within the Plan as they are included under Rural industry.
- 17.26 A key matter when considering whether a rural industry is appropriately located within the rural environment is the operational or functional need to locate in the rural area – as set out in the definition. However the recommended matters of discretion do not include such a matter. I consider that it is critical to determining appropriate activities and seek amendments to better incorporate this matter for consideration.
- 17.27 The s42A Report is recommending that a matter of discretion be added relating to rural character and amenity, including consideration of 'streetscape'. Such a term is very urban and inappropriate to be used in relation to the rural environment. It also refers to 'neighbours'. While it may be a relevant matter it needs to be more tightly specified than 'neighbours' so it is clear who may be considered affected. However there does not appear to be any submissions that specifically sought addition of matters of discretion so the Hearing Panel will need to determine if there is scope for the recommended changes.
- 17.28 I support the non-complying activity status for non-rural industrial activities as the policy framework sought is to 'avoid' these activities in the rural environment.

Retirement villages

- 17.29 HortNZ (1168.65) opposed a submission by Waikato District Council (697.456) that sought that retirement villages be included in the Rural Zone. This submission and further submission point are not included in the tables on Pgs 298 -300 which set out the respective submission points.
- 17.30 As HortNZ made a submission on this matter I address it in this evidence.
- 17.31 As will be apparent from the evidence above on general comments and the policy framework, I consider that retirement villages are not appropriately located within the Rural Zone because the focus is on primary production activities, particularly on high class soils, avoiding fragmentation of rural land and urban activities, maintaining rural character and avoiding or minimising reverse sensitivity effects.
- 17.32 Retirement villages are very urban in nature and so are inconsistent with the rural character and primary production activities being undertaken.
- 17.33 I recognise the challenge for Tamahere Trust Atawhai Assisi Retirement Village which is currently located within the Rural Zone. I support the re-zoning of this land to Country Living which would be a better fit and align with the zoning for Tamahere Eventide Village.
- 17.34 If the rezoning is provided there would not be the need to include specific provisions in the Rural Zone provisions for retirement villages, both the PX and RDX recommended rules. Provision of a rule framework within the Country Living Zone would be appropriate.
- 17.35 I also support the non-complying status for any new retirement villages in the Rural zone.

Rural commercial

- 17.36 The s42A Report (Pg 287) addresses four submissions that seeks inclusion of new activities to be undertaken in the rural environment that have been grouped as 'rural commercial'.
- 17.37 As stated above these activities fall within the scope of 'rural industry' as defined in the National Planning Standard as they are 'businesses' undertaken in a rural environment that directly supports, services or is dependent of primary production.

- 17.38 Businesses such as veterinary activities are appropriately located within the rural environment.
- 17.39 As they are included in the definition of rural industry there is no need to include additional provisions for rural commercial in the rule framework.

Childcare, education health, spiritual and conservation activities

- 17.40 The s42A Report (Pg 283) includes provisions for childcare, education health, spiritual and conservation activities.
- 17.41 HortNZ made submissions on the definition for educational facility and childcare facility which were considered in Hearing 5. These submissions were not recommended to be reconsidered in later hearings.
- 17.42 HortNZ also made submissions on the policy framework that seek clear direction on rural character and reverse sensitivity because the focus of the Rural Zone is on primary production activities, particularly on high class soils, avoiding fragmentation of rural land and urban activities, maintaining rural character and avoiding or minimising reverse sensitivity effects.
- 17.43 I do not support the changes recommended in the s42A Report to Policy 5.3.4 which seeks to provide for community activities such as childcare, education, health, and spiritual activities unless they have a functional or operational need to locate in the rural environment.
- 17.44 As a consequence of that position I do not support the changes proposed to the rule framework set out on pages 286-287 of the s42A Report.
- 17.45 The changes would allow for childcare and education facilities within the rural environment with no consideration as to the functional or operational need to locate in the rural environment.
- 17.46 There have been examples of childcare and educational facilities establishing in rural areas that have led to reverse sensitivity effects that have placed horticultural activities under considerable pressure. Therefore I support an approach which seeks to limit such situations arising in the future.
- 17.47 The proposed plan provided for education facilities as a Discretionary activity and I support the retention of that provision.
- 17.48 The presumption in the s32 Report and the Plan is that if an activity is not provided for it defaults to a non-complying activity as it is not

anticipated in the Rural Zone. I support that position and consider that if an activity is not specifically listed it defaults as intended to non-complying.

18. WORKER ACCOMMODATION

- 18.1 HortNZ made a range of submissions to provide for worker accommodation including:
- (a) 419.63 Retain Policy 5.3.8 including worker accommodation.
 - (b) 419.9 Permitted activity rule (Pg 79)
 - (c) 419.25 Permitted activity rule (Pg 80)
 - (d) 419.12 Restricted Discretionary activity rule (Pg 79)
- 18.2 HortNZ's submissions (419.9, 419.12 and 419.25) seeking provision for worker accommodation are addressed in the s42A Report under Rule 22.3.1 number of dwellings per lot (Para 264 Pg 81) but I address these submissions as a standalone matter as they traverse a range of provisions.
- 18.3 The s42A Report rejects the HortNZ submissions. (Para 264/265)
- 18.4 The definition of worker accommodation was considered in Hearing 5¹³ and recommended to be referred to the Rural Hearing.
- 18.5 HortNZ sought a definition for farm worker accommodation which does not appear to have been considered in Hearing 5.
- 18.6 The s42A Report rejects the request for worker accommodation as it could lead to additional dwellings in the rural area, which are being discouraged. I understand the concern expressed.
- 18.7 I note that worker accommodation would potentially not meet the definition of 'residential unit' being '*a building or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities*' in that the members may not be regarded as a 'household'.
- 18.8 The Report on recommendations on submissions for the definition standard¹⁴ notes that seasonal worker accommodation and farm worker accommodation may, or may not be, captured by the definition of residential unit depending on the design of the

¹³ S42A Report Hearing 5 3.31 Pg 122

¹⁴ MfE 2019 Pg 183

accommodation and nothing precludes council developing their own definitions around these forms of accommodation to meet the needs of the district.

- 18.9 The report also acknowledges some uncertainty around the definition of household and being subject to interpretation, but did not include a definition for household.
- 18.10 Given this uncertainty I consider that worker accommodation should be provided separately as a standard
- 18.11 The type of accommodation being sought for seasonal workers is separated units rather than a 'dwelling' so this would also lend weight to being differentiated from residential units.
- 18.12 A number of councils, such as Tasman, Western Bay, Whakatane, and Opotiki, have faced this dilemma where they are concerned that worker accommodation will lead to pressure for subdivision from dwellings for worker accommodation.
- 18.13 This has led to a bespoke type of facility for specific accommodation facilities for seasonal workers that have distinct sleeping, ablution and kitchen living facilities so that they are not classed as a dwelling. This type of facility is cost efficient and adequately provides for seasonal accommodation.
- 18.14 The ability to subdivide this type of facility is limited as it is not configured as a dwelling.
- 18.15 Provision of a small workers facility has been included as a permitted activity in some districts, with a resource consent required where more than a specified number of workers are provided for.
- 18.16 The evidence of Mr Hodgson to Hearing 5 Definition attached a guidance note for growers to assist with providing seasonal worker accommodation which provides further details on what would be anticipated for bespoke seasonal worker accommodation.
- www.hortnz.co.nz/assets/Natural-Resources-Documents/HortNZ-Guidance-to-Assist-the-Development-of-Seasonal-Workers-Accommodation.-February-2018.pdf
- 18.17 I note that the s42A Report is recommending that visitor accommodation be provided for within the Rural Zone with a Permitted activity for up to 5 guests and a Discretionary activity for more than 5 guests.

- 18.18 Limitations are linked to the concern about increase in dwellings in the Rural Zone.
- 18.19 However there is a far clearer functional need for worker accommodation in the Rural Zone than visitor accommodation, so it is unclear why one is recommended to be provided for and the other not.
- 18.20 HortNZ sought a definition for farm worker accommodation (419.136)
- Accommodation for people whose duties require them to live on site, and in the rural zones for people who work on the site or in the surrounding rural area.*
- 18.21 Ta Ta Valley Ltd also sought a definition:
- Means a dwelling for people whose duties require them to live on site. The definition includes seasonal workers.*
- 18.22 The Ports of Auckland also sought a similar definition which HortNZ supported.
- 18.23 Having reflected on these submissions I consider that a more specific definition of worker accommodation may address concerns raised in the s42A Report.
- Means the use of land and buildings for the sole purpose of accommodating the short term labour requirement for primary production activities configured as a series of detached buildings for sleeping, cooking and ablutions.*
- 18.24 A permitted activity rule could be adopted as follows:
- Worker accommodation facilities in the Rural Zone is a permitted activity provided the following standards are complied with:*
- *The relevant Zone standards for yards, height, and daylight protection are complied with.*
 - *Used solely for part of the year to meet labour requirements in the horticulture sector*
 - *Comprise of communal kitchen and eating area and separate sleeping and ablution facilities*
 - *Accommodate up to 12 workers*
 - *Provide 1 parking space per 6 workers to be accommodated*
 - *Complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008*
- 18.25 If the PA rule could not be met then the activity would be RDA with the following matters of discretion:

Worker accommodation not meeting 22.3.X is a restricted discretionary activity.

Council's discretion is restricted to the following matters:

Those matters in Rule 22.3.X that are not able to be met

1. Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control

2. The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.

- 18.26 If the Hearing Panel are not of a mind to include the suite of a Permitted activity rule and a Restricted discretionary rule then the following standalone RDA rule is sought:

Worker accommodation facilities in the Rural Zone is a Restricted Discretionary activity, subject to the following conditions:

- *The relevant Zone standards for yards, height, and daylight protection*
- *Used solely for part of the year to meet labour requirements in the horticulture sector*
- *Provide 1 parking space per 6 workers to be accommodated*

Council's discretion is restricted to the following matters:

- *Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control*
- *The extent to which it comprises of communal kitchen and eating area and separate sleeping and ablution facilities*
- *The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.*

- 18.27 As I consider worker accommodation to be differentiated from 'residential unit' I have added a line in 22.1.2 Permitted activities and 22.1.3 Restricted Discretionary activities for worker accommodation in the attached strikethrough of provisions.

19. ARTIFICIAL CROP PROTECTION STRUCTURES

- 19.1 HortNZ made a number of submission relating to artificial crop protection structures across a range of topics which are best addressed together. These are addressed in the s42A Report at Pg 353 and Pg 366.

- 19.2 For convenience I have provided Appendix 5 that includes all the relevant HortNZ submissions points. In summary the submissions addressed in the s42A Report include:
- (a) 419.10 seeking a new Permitted activity rule 22.X
 - (b) 419.13 seeking a new RDA rule 22.3.X
 - (c) 419.28 seeking amendments to the daylight admission standards
 - (d) 419.29 22.3.5 new Px in daylight admission
 - (e) 419.30 22.3.6 P1 Building coverage
 - (f) 419.31 22.3.6 D1 Building coverage
 - (g) 419.115 seeking a definition for artificial crop protection structures.
 - (h) 419.116 seeking amendments to the definition of building
 - (i) 419.117 definition of building coverage
 - (j) 419.33 seeking changes to 22.3.7.5 setbacks from waterbodies
- 19.3 There are also four submissions HortNZ made regarding setbacks that appear to have been left out of the submissions numbering and not included in the assessment of submissions. These are attached as Appendix 5.
- 19.4 The industry statement of Ms Deverall discusses the function of these structures and the critical role they play in improving practice and produce quality. I also note that overhead shelter has increased since PSA as it is considered that it can reduce the risk of infection.
- 19.5 It is evident that the use of overhead shelters is an important management practice. Therefore it is important for HortNZ that the plan includes adequate provisions for artificial crop protection structures. HortNZ sought that such structures should not be classed as buildings but rather that they are a standalone activity.
- 19.6 A number of councils have included an exemption from the definition of building for artificial crop protection structures. These include Western Bay of Plenty, Tasman, Far North and Whangarei.
- 19.7 An exclusion does not mean that the structures are not regulated – rather that there are specific provisions that apply.

- 19.8 The s42A Report for Hearing 5 considered the submissions on definitions – including the definition of building.
- 19.9 As a result of that analysis it is recommended that the National Planning Standard definition be used for building:
- Means a temporary or permanent movable or immovable physical construction that is:*
- (a) *Partially or fully roofed, and*
 - (b) *Is fixed or located in or on land, but*
 - (c) *Excludes any motorised vehicle or other mode of transport that could be moved under its own power.*
- 19.10 The Hearing 5 s42A Report writer appeared to consider that artificial crop protection structures would meet this definition, although there was not in-depth analysis on this matter.
- 19.11 The moot point is: ‘what is a roof?’
- 19.12 Not all artificial crop protection structures have horizontal cloth. That is, they are just a vertical structure which would not meet the definition of a building as it has not ‘roof’.
- 19.13 Those structures that do have a horizontal cloth are not wholly enclosed and the cover is of permeable material, allowing for rain to pass through. The question is whether this is a ‘roof’ or not.
- 19.14 If it is not, then an artificial crop protection structure with horizontal cloth is not a building.
- 19.15 If the horizontal cloth is considered to be a roof, some artificial crop protection structures will be a ‘building’, while others are not.
- 19.16 Given the complexity of the matter it is my opinion that it is preferable that artificial crop protection structures are provided for as a standalone activity with clear provisions, rather than being buried in a range of provisions such as building coverage, daylight admission and building setbacks.
- 19.17 The s42A Report (para 623 Pg 353) debates whether artificial crop protection should be addressed in the activity based rule table or as part of the building controls and concludes that they should be included in the building provisions.
- 19.18 Given my analysis above I conclude that they are best provided for as a specific activity in the activity tables. While the structures are

ancillary to rural production activity they are different to other rural buildings due to the lack of clear definition as to whether they are a building.

- 19.19 The provisions for artificial crop protection structures sought by HortNZ are based on the provisions developed for the Western Bay of Plenty District which considered the range of effects. Similar provisions have now been included in the Whakatane, Opotiki and Whangarei District Plans based on these provisions.
- 19.20 In terms of limiting adverse effects on neighbouring properties and roads either green or black cloth should be used on the boundary.
- 19.21 Setback provisions should not apply because they lead to an inefficient use of high class soil as crops are unable to be protected within the setback. Artificial crop protection structures are an integral part of horticultural operations and are an ancillary activity to rural production activities which are enabled in the policy provisions.
- 19.22 Policy 5.3.3 seeks to enable productive rural activities and recognises buildings and structures are associated with rural production activities and that they contribute to rural character and amenity values. Therefore the provisions sought for artificial crop protection structures are enabled through the policy framework.
- 19.23 The policy framework does not seek to limit provisions for such structures, in fact it is anticipated that such activities may have effects which are anticipated in the rural environment.
- 19.24 The new policy for rural character that I have supported includes specific recognition for artificial crop protection structures.
- 19.25 All these provide a policy framework for artificial crop protection structures.
- 19.26 I support inclusion of a permitted activity rule for artificial crop protection structures as follows:

Artificial crop protection structures are a permitted activity if they meet the following conditions:

Green or black cloth shall be used on vertical faces within 30m of the boundary of the property except as provided for in 3 below:

1. *Any colour may be used on horizontal surfaces.*
2. *Yard, daylight and site coverage requirements shall not apply.*

3. *Within 30 metres of property boundaries a different colour cloth may be used where the written approval of the owner(s) of the immediately adjoining property, or roading authority is obtained and provided to the Council.*

19.27 A Restricted Discretionary Activity would apply if the standards cannot be met with the matters of discretion being effects on amenity values and effects of glare on traffic.

19.28 I note that HortNZ (419.122) also sought a definition for greenhouse to distinguish from artificial crop protection structures:

Greenhouses are a totally enclosed structure where plants are grown in a controlled environment.

19.29 A 'controlled environment' signals that the environment is heated or the temperature level is maintained to assist plant growth. To manage such temperature levels the structure is entirely enclosed. This is different to an artificial crop protection structure where there are parts that are open and wind and rain can penetrate the structure.

19.30 It is important that there is a clear distinction between artificial crop protection structures and greenhouses so I support inclusion of a definition for greenhouses. This matter is also relevant to the provisions for the National Grid that will be addressed in the Infrastructure topic.

19.31 The s42A Report addresses the definition of greenhouse on Pg 271 and in Para 398 recommends that a definition of greenhouse not be included but rather to rely on the common understanding of the term. However what the 'common understanding' is, is not discussed.

19.32 In my opinion there should be clarity as to what the term means, which is particularly relevant to the use of the term for non-complying activities within the National Grid Yard.

19.33 Therefore I support inclusion of a definition for greenhouse as being:

Greenhouses are a totally enclosed structure where plants are grown in a controlled environment.

20. LAND USE – EFFECTS 22.2 S42A REPORT PG 312 – 346

- 20.1 Land use effects in section 22.2 are
- (a) Noise
 - (b) Glare and artificial light
 - (c) Earthworks
 - (d) Signs
- 20.2 HortNZ made submissions on noise and earthworks which are addressed in this section.
- 20.3 I have included the relevant policies and definitions in this section as they relate directly to the rules.

21. NOISE POLICY 5.3.15 AND RULES 22..2.1 S42A REPORT PG 312

Policy 5.3.15 Noise and vibration

- 21.1 Policy 5.3.15 addresses noise and vibration in the rural environment.
- 21.2 HortNZ (419.65) supported the proposed policy and sought that it be retained. HortNZ (1168.63) also supported a submission by Federated Farmers (680.71) seeking amendments to Policy 5.3.15.
- 21.3 In particular Federated Farmers sought that there be clearer direction regarding activities that are not anticipated within rural areas and the deletion of clause viii):
- Manage noise to protect existing adjacent activities sensitive to noise.*
- 21.4 The s42A Report is recommending a change to clause a) which addresses the point raised by Federated Farmers in terms of activities that are not anticipated within rural areas.
- 21.5 I support the recommendation to amend clause a).
- 21.6 However there is no recommendation to delete or amend clause viii).
- 21.7 The provisions in Policy 5.3.15 rely on the definition of noise sensitive activities, which is more specific than the definition of sensitive land use. For instance the definition of noise sensitive activity refers to the teaching and sleeping rooms in an educational

facility rather than educational facility as defined in the definition of sensitive land use. Given the more specific definition for noise sensitive activity it is the better term to use in Policy 5.3.15.

- 21.8 I note that clause viii) refers to 'activities sensitive to noise effects'. To be consistent with the definition this should be noise sensitive activities.
- 21.9 However my main concern with clause viii) is the direction to 'protect' existing adjacent activities sensitive to noise effects.
- 21.10 Looking at the activities listed in the definition of noise sensitive activity shows that most of the activities are not those that are generally anticipated to locate within the Rural Zone, yet they are being provided a level of protection even though they are not appropriately located. The effects from adjacent activities are essentially reverse sensitivity effects.
- 21.11 In my opinion, given the directions in the RPS regarding providing for primary production activities in the Rural Zone and avoiding or minimising reverse sensitivity effects, it is inappropriate that a level of 'protection' is afforded to activities that are generally not anticipated to locate within the Rural Zone.
- 21.12 Therefore I would support the Federated Farmers submission point to delete Policy 5.3.15 viii) or amend as follows:

Manage noise to minimise effects on existing adjacent noise sensitive activities, as far as practicable.

Definition noise sensitive activity

- 21.13 HortNZ (419.121) made a submission seeking changes to the definition of farming noise and also a further submission (1168.97) supporting Waikato DC (697.386) seeking to amend the definition of farming noise, to specifically include bird scaring devices and frost fans.
- 21.14 HortNZ sought that the definition refer to 'primary production noise' rather than farming and also include reference to aerial fertiliser applications.
- 21.15 The s42A Report recommends that the definition be amended to include reference to aerial fertiliser applications but not a change to the name of the definition.
- 21.16 As sought elsewhere in this evidence I support the use of 'rural production activities' rather than 'farming' or 'productive rural

activities'. Therefore I seek that the definition be amended to 'rural production noise' to be consistent with other changes sought.

- 21.17 The s42A Report is recommending that submission from Waikato DC not be accepted because frost fans are provided for in a specific rule. That is correct. However there is no specific rule for bird scaring devices so it is appropriate that they be included in the definition of farming noise.
- 21.18 I have sought a change to the definition of farming noise in the attached strikethrough to reflect this change.

Rule 22.2.1 Noise

- 21.19 HortNZ (419.17) made a submission seeking that Rule 22.2.1.1 P1 providing for farming noise be retained.
- 21.20 The s42A Report is recommending the addition of 'hunting' but otherwise the rule is retained. I support that recommendation.

Rule 22.2.1.2 Frost fans Pg 331

- 21.21 HortNZ made two submissions (419.18 and 419.19) on the rule for frost fans. One submission sought the amendment of the noise limit in the permitted activity rule and the other sought a change to a restricted discretionary activity with matters of discretion being:
- (a) Location of the frost fan
 - (b) Noise sound levels at any point within the notional boundary of any dwelling on another site.
- 21.22 The s42A Report is recommending that the Permitted activity sound level be retained. I support this recommendation as it is consistent with recent case law on frost fans.
- 21.23 The report is also recommending a change to restricted discretionary activity which is supported. However the matters of discretion are different to those sought in the HortNZ submission.
- 21.24 The matters recommended include:
- (a) Effects on amenity values
 - (b) The location and proximity of the fans to sensitive activities
 - (c) Noise levels
 - (d) The adequacy of any mitigation

- 21.25 I consider that the reference should be to existing noise sensitive activities which is the relevant defined term when considering noise effects. As discussed above it is more specific than 'sensitive land uses' and so is the appropriate term that any matter of discretion should consider.
- 21.26 It should also be clear where the noise levels will be assessed so prefer the matter of discretion as sought by HortNZ.
- 21.27 Therefore I would support the following change to 22.2.1.2 RD1
- (a) *Effects on amenity values*
 - (b) *The location and proximity of the fans to existing noise sensitive activities*
 - (c) *~~Noise levels~~ Noise sound levels at any point within the notional boundary of any dwelling on another site.*
 - (d) *The adequacy of any mitigation to mitigate noise effects.*

22. EARTHWORKS POLICY 5.3.5 AND DEFINITIONS- S42A REPORT PG 156 RULES 22. 2.3 PG 169

Policy 5.3.5 Earthworks activities – renumbered 5.3.18

- 22.1 Policy 5.3.5 (renumbered 5.3.18 in the s42A Report Appendix 3 strikethrough) establishes the policy framework for earthwork activities.
- 22.2 HortNZ (419.61) supported the policy and sought that it be retained. In particular HortNZ supported the inclusion of ancillary rural earthworks as a specific earthworks activity to provide for earthworks undertaken as part on normal operations on a horticultural property.
- 22.3 The s42A Report is recommending that the policy is amended to address other submission points. The changes assist with providing clarity to the policy so the changes are supported.

Earthwork related definitions

- 22.4 The s42A Report also addresses the definitions of earthworks, ancillary rural earthworks and rural ancillary earthworks.
- 22.5 HortNZ (419.134) made a submission on rural ancillary earthworks and a further submission (1168.93) supporting a submission by NZ

- Pork seeking that the definition of ancillary rural earthworks include burying of material infected by unwanted organisms.
- 22.6 The s42A Report accepts the HortNZ to delete the definition of rural ancillary earthworks to remove duplication. This is supported.
- 22.7 The s42A Report (Para 226) rejects the submission regarding burying of material infected by unwanted organisms and assumes that the activity would be likely to be undertaken by the Crown and that the RMA provides for emergency activity without the need for consents therefore specific provision is not needed.
- 22.8 Unfortunately this assessment does not reflect the reality of what occurs in the event of a biosecurity incursion.
- 22.9 HortNZ supported that provisions be included in the Plan to ensure that responses to incursions of unwanted organisms can be appropriately managed and addressed through the inclusion of a provision to enable a response in the event of an incursion of an unwanted organism.
- 22.10 As I understand the NZ Pork submission it is seeking is an enabling approach to ensure that provisions in the Plan do not present a regulatory hurdle in the event of an incursion of an unwanted organism.
- 22.11 While incursions of unwanted organisms are managed under the Biosecurity Act 1993 there is an interface with the RMA as some of the actions that need to be taken to respond to an incursion may be regulated under a regional or district plan. Such actions may include:
- Removal of infected material, including from riparian areas
 - Application of agrichemicals
 - Burning of infected materials
 - Earthworks for burying infected materials
- 22.12 The Regional Council manages known pests through the Pest Management Strategy. But what NZ Pork and HortNZ are seeking are provisions relating to currently unknown species – unwanted organisms under the Biosecurity Act. Therefore the Regional Pest Management Strategy does not address such pests.
- 22.13 In the event of a biosecurity incursion a response is triggered by the either the Minister declaring an emergency, or the Chief Technical

Officer of MPI declaring an incursion, under the Biosecurity Act 1993.

- 22.14 If the Minister declares an emergency then the Biosecurity Act overrides RMA provisions. However there has never been an emergency declared, even with PSA or fruit fly incursions.
- 22.15 If the declaration is made by the Chief Technical Officer of MPI the RMA provisions are not overridden and any response needs to comply with relevant regional and district plan rules.
- 22.16 In the event of a biosecurity incursion of an unwanted organism there is the need to be able to respond rapidly to manage spread. Vegetation removal, burial, burning, spraying of material are methods that may be used. Therefore it is important that the Plan adequately provides for these activities to be undertaken.
- 22.17 It became evident during the PSA incursion in the kiwifruit industry that regional and district plans can unintentionally be regulatory hurdles to a rapid response to an incursion through provisions such as limitation of earthworks for burying infected material or clearance of infected vegetation, including in riparian areas.
- 22.18 If an incursion of an unwanted organism was unable to be appropriately managed due to regulatory barriers in the plan it could have significant impact on the region and the rural economy.
- 22.19 The effects of a biosecurity incursion are not only on rural production but such incursions can also affect biodiversity and indigenous flora and fauna so the consideration is wider than just on rural production.
- 22.20 Given the importance of a rapid response to an incursion I consider that it is appropriate that the District Plan enable such a response by including a planning framework to support rules that enable removal and destruction of material infected by unwanted organisms.
- 22.21 Therefore I support the inclusion of provisions as sought by NZ Pork to include burying of material infected by unwanted organisms in the definition of ancillary rural earthworks.
- 22.22 I note that the s42A Report in Para 229, in response to a submission by Federated Farmers, states that removing trees and horticultural root ripping fall within 'harvesting of agricultural and horticultural crops'.

- 22.23 This is an inaccurate statement. Removing trees is generally undertaken when an orchard is being replanted or a shelter belt replaced. Root ripping is undertaken along shelterbelt rows to stop the roots spreading into the adjacent orchard. Neither of these activities are 'harvesting of agricultural and horticultural crops'.
- 22.24 Therefore it would be appropriate to include removing trees and horticultural root ripping as part of ancillary rural earthworks.

Earthworks Rules 22.2.3.1

- 22.25 HortNZ (419.20, 21) made submissions on the earthworks rules to ensure clarity as to the construction of building platforms for residential activity and to ensure that ancillary rural earthworks are included as a permitted activity.
- 22.26 The s42A Report is recommending changes which address the issue re building platforms and ancillary rural earthworks are retained as a permitted activity.
- 22.27 I support these recommendations, subject to the change sought to the definition of ancillary rural activities.

23. LAND USE - BUILDING S42A REPORT PG 346 -389

- 23.1 The provisions for land use – buildings that HortNZ has an interest in are the following:
- (a) Number of dwellings within a lot 22.3.1
 - (b) Minor dwellings 22.3.2
 - (c) Building Height –22.3.4.1-4 Pg 346- 353
 - i. General
 - ii. Frost fans
 - (d) Buildings daylight admission 22.3.5
 - (e) Building Coverage - 22.3.6 Pg 360-366
 - (f) Building Setbacks 22.3.7. Pg 366 – 379
 - i. Setbacks all boundaries 22.3.7.1
 - ii. Setbacks – sensitive land uses 22.3.7.2 Pg 144
 - iii. Setbacks – water bodies 22.3.7.5

- 23.2 I address building density and minor dwellings as part of the building package, rather than separately as in the s42A Report.

Number of dwellings within a lot Rule 22.3.1 s42A Report Pg 73 - 82

- 23.3 Policy 5.3.4 provided for density of dwellings and buildings within the rural environment. The s42A Report is recommending that the policy be amended to Policy 5.3.8 'Density of residential units'. I do not support the policy change and have proposed changes in the attached strikethrough to the policy.
- 23.4 HortNZ (1168.72) supported a submission by T & G Global (676.17) seeking that Rule 22.3.1 be retained.
- 23.5 Submissions relating to worker accommodation which are included in the s42A Report discussion under 22.3.1 are addressed above in Section 18.
- 23.6 The s42A Report is recommending some changes to Rule 22.3.1, some of which are aligned to the approach taken toward subdivision in the Rural Zone, which Mr Hodgson addresses for HortNZ.
- 23.7 The s42A Report is also recommending that a non-complying rule apply where the permitted activity rule cannot be met. The report notes the issue of scope for such a change.
- 23.8 I am particularly concerned that residential units which don't comply with the Permitted activity standard, but have a clear link to primary production activities, would be a non-complying activity.
- 23.9 I am cognisant of the need to avoid additional dwellings in the Rural Zone which then are sought to be subdivided. But I am also aware of the need to provide for legitimate residential needs for primary production activities.
- 23.10 If the Hearing Panel are of a mind to include a non-complying activity I would suggest that there remains a discretionary activity rule where there is a demonstrated need linked to primary production activities.
- 23.11 Including a non-complying rule as recommended and not including provisions for worker accommodation would mean that all such provision of accommodation would be non-complying even though it is ancillary to the primary production activity.

Minor dwellings 22.3.2 s42A Report Pg 83

- 23.12 HortNZ made further submissions on submissions on minor dwellings which are not listed in the table on Pg 75-79 of the s42A Report.
- 23.13 HortNZ made the following further submissions:
- (a) 1168.73 supporting NZ Pork (197.23) seeking to delete provisions for minor dwellings
 - (b) 1168.74 opposing Waikato District Council (697.798) seeking to change provisions for minor dwellings.
- 23.14 The s42A Report outlines the range of restrictions which apply to minor dwellings which include floor area of 70m², shared driveway, distance to principal dwelling, and location on same lot as principal dwelling.
- 23.15 The notified definition of minor dwelling was that a second dwelling was independent of the principal dwelling on the same site.
- 23.16 The recommendation to use the Planning Standard definition of minor residential unit introduces the concept of being 'ancillary' to the principal residential unit. Therefore the change to the use of the Planning Standards definition amends the original intent of minor dwellings.
- 23.17 While it is recognised that minor dwellings can lead to pressure for future subdivision there needs to be a balance struck about what needs to be reasonably provided for to enable primary production activities to be undertaken. Many primary production activities need to accommodate more than one household on the property and limiting minor dwellings in the manner recommended means that legitimate uses are not provided for.
- 23.18 Provision for minor dwellings may also be linked to provision for worker accommodation for which separate provisions are sought as minor dwellings as recommended would be inadequate to provide for worker accommodation.

Building height 22.3.4.1-4 S42A Report Pg 346- 353

- 23.19 The provisions for building height that HortNZ has an interest in a general and frost fans
- 23.20 The s42A Report (Para 602 – 604) recommends a new policy for building scale and location. I have addressed this recommended policy in the context of policies in Chapter 5 in Section 16 above

and consider that it is not necessary as the matters are already encompassed within other policies in Chapter 5.

Building height General

- 23.21 HortNZ (419.26) made as submission on building height seeking changes to the provisions. HortNZ also made a further submission (1168.75) supporting Balle Bros Ltd seeking a height of 15m for buildings associated with a farming or rural services activity.
- 23.22 HortNZ and Balle Bros both sought a differentiation between residential units and buildings associated with primary production or rural industry.
- 23.23 The s42A Report accepts that there is a need for an increased height for buildings for rural production but is recommending that Rule 22.3.4.1 Height P1 be amended for all buildings and structures – not just those associated with primary production and rural industry.
- 23.24 This would mean that residential units could be constructed to 15m. I do not consider that there is scope to amend P1 height for residential units as no submissions sought that change. In addition it could lead to significant increase in scale of residential units in the Rural environment.
- 23.25 I do not support the proposed 50m setback from roads for buildings over 10m as this could lead to an inefficient use of high class soils by requiring longer driveways to access buildings setback that distance.
- 23.26 While rural production buildings may be higher they are part of the rural character and providing for the primary production activities being undertaken within the rural environment.
- 23.27 I have made amendments to the attached strikethrough to reflect these changes within the scope of submissions made on 22.3.4.1 P1.

Building height frost fans

- 23.28 HortNZ (419.27) supported Rule 22.3.4.2 p1 for a frost fan height of 13.5m.
- 23.29 Waikato District Council sought that it be stated as being above ground level.
- 23.30 The s42A Report is recommending that the change sought by the Council be accepted.

- 23.31 While not really necessary the change does clarify how the height will be determined and so the change is not opposed.

Building Coverage - 22.3.6 Pg 360-366

- 23.32 The building coverage restrictions have led to a number of submissions.
- 23.33 HortNZ (419.29) sought that the building coverage provisions not apply to buildings associated with rural production activities, rural industry or artificial crop protection structures. Submission 419.30 also sought that the default activity status be amended to restricted discretionary rather than discretionary.
- 23.34 HortNZ (1168.76, 76, 78, and 79) also supported submissions by T & G Global (676.7) Federated Farmers (680.224) NZ Pork (197.24) and Surveying Company (746.83) to amend the provisions.
- 23.35 The s42A Report is recommending some changes to the percentage or area of a site that may be covered. It also recommends that a provision be included for artificial crop protection structures. I address all submissions points on artificial crop protection structures below. The report is also recommending that a discretionary activity status is retained.
- 23.36 The discussion is very focussed on effects on non-rural activities that locate within the rural environment. The policy framework in Policy 5.3.3 seeks to enable rural production activities, including buildings as being anticipated in the rural environment. If non-rural activities seek to locate in the rural environment then they should also anticipate the types of activities that can occur as part of rural production activities and not anticipate residential type amenity. Therefore I support more lenient provisions on site coverage or delete the provisions in their entirety as sought by NZ Pork.
- 23.37 I also support a restricted discretionary activity for buildings for primary production activities and rural industry that breach the permitted activity standard. It would be appropriate to retain discretionary activity status for buildings that are for non-rural related activities seeking to locate in the rural environment as there are different policy thresholds as to what are appropriate for such activities.

Building Setbacks 22.3.7.

- 23.38 Building setbacks are a key tool to manage potential reverse sensitivity effects and also retain rural character. Therefore the setback provisions are important to growers.

- 23.39 Building setback provisions are grouped as follows:
- (a) Building Setbacks – all boundaries 22.3.7.1
 - (b) Building setbacks – sensitive land uses 22.3.7.2
 - (c) Building setbacks – noise sensitive activities 22.3.7.4
 - (d) Building setbacks – water bodies 22.3.7.5
 - (e) Building setbacks – Environmental Protection Area 22.3.7.6
- 23.40 HortNZ has submissions or further submissions on all except noise sensitive activities.

Setbacks – all boundaries 22.3.7.1 S42A Report Pg 366 – 379

- 23.41 HortNZ (1168.81) supported a submission of Fonterra (797.32) that supported the setbacks but sought clarification regarding setbacks of land in common ownership. The s42A Report discusses a new pathway in the RMA to address the common ownership issue and that is acknowledged.
- 23.42 In addition I support retention of the setbacks for all boundaries as proposed because they are established means to address potential reverse sensitivity effects. Therefore I support the recommendation to retain the provisions in 22.3.7.1.

Setbacks – sensitive land use 22.3.7.2 S42A Report Pg 144

- 23.43 HortNZ supports the proposed rule which places the onus on the sensitive activity to be setback from existing activities. This is an effective means of managing reverse sensitivity effects
- 23.44 HortNZ made a specific submission (419.32) on setbacks for sensitive land use seeking that additional provisions were included in Rule 22.3.7.2 to also include provisions as follows:
- (a) 100m from the boundary of another site containing a rural industry or services activity
 - (b) 100m from the boundary of another site containing a farming activity where the sensitive land use is not a residential activity
- 23.45 While the submission is listed in the table it does not appear to be addressed in the analysis in the s42A Report.

- 23.46 The setbacks in 22.3.7.2 require any building for a sensitive land use to be setback distances from:
- Railway corridor
 - Regional arterial road
 - Waikato Expressway
 - Aggregate Extraction Area
 - Tamahere Commercial Areas
 - Intensive farming activity
 - Oxidation ponds
- 23.47 However there are no specific setback requirements for sensitive land uses from primary production activities or rural industry which are anticipated in the rural environment.
- 23.48 HortNZ seeks that the setbacks for sensitive land use be extended to ensure setbacks from all existing rural production activities, and rural industry activities, which are anticipated to locate in the Rural Zone.
- 23.49 Activities such as general farm noise and spraying are legitimate functions of horticultural activities. These legitimate effects are often hampered by reverse sensitivity effects arising from the location of new sensitive activities in close proximity.
- 23.50 Care must be taken in differentiating between residential activities and other sensitive activities such as education facilities and hospitals as the potential for reverse sensitivity effects is amplified and the ability to manage or mitigate reverse sensitivity effects becomes more difficult.
- 23.51 As discussed in the context of the policy framework many of these sensitive activities are not appropriate or anticipated for the Rural Zone and changes have been sought to the policy framework to reflect that.
- 23.52 Particular difficulties that horticultural operations face are that they are required to notify neighbours for activities such as agrichemical spraying. The more sensitive land use activities located in the vicinity increases the extent of notification required.
- 23.53 Managing notification requirements to sensitive activities that are not residential activities, such as schools and hospitals becomes even more complicated as those facilities then have to notify all individuals who may be present at the time. The nature of those

sensitive activities is that the number of individuals and the individuals involved are constantly changing.

- 23.54 Hence I support the greater setback of sensitive land use activities from rural production activities and rural industry.
- 23.55 I have added the provisions sought by HortNZ to the attached strikethrough in Rule 22.3.7.2 as I consider they better reflect the nature of the activities in the rural environment that need to be protected from potential reverse sensitivity effects.

Setbacks – water bodies Rule 22.3.7.5 S42A Report Pg 381

- 23.56 HortNZ (419.33 and 419.34) made submissions on provisions relating to setbacks from water bodies and a further submission (1168.81) supporting the submission of Balle Bros (466.22) seeking to amend the rule.
- 23.57 HortNZ sought that the setbacks to water bodies be reduced to 30m from the margin on any lake or wetland and 20m from the back of any river, including the Waipa and Waikato.
- 23.58 The s42A Report is recommending accepting a submission by Waikato District Council that significantly increases the setbacks based on the width of esplanade reserves in the subdivision provisions plus a 12m setback for a building from the edge of the esplanade reserve.
- 23.59 This approach requires a 32m setback from the bank of a river with and average width of 3m or more and 37m from the banks of the Waikato and Waipa Rivers.
- 23.60 Such an approach means that significant setbacks are imposed even if no subdivision is undertaken.
- 23.61 I consider that such an approach unfairly penalises those whose properties border waterbodies.
- 23.62 It is my opinion that the setback recommendations in the s42A report are excessive and unreasonable. It is my understanding that the purpose of an esplanade reserve is to:
- provide public access to and along rivers, lakes and the coast
 - enable public recreational use of the esplanade area (where this is compatible with conservation values)
 - contribute to the management of natural hazards (eg, stream bank and coastal margin erosion, flooding)
 - protect the natural character of coastal and riparian margins

- protect and enhance aquatic habitats and riparian ecosystems and help to improve water quality
 - provide for the relationship of Maori with their taonga (eg, protection of wahi tapu) and protection of protected customary rights (eg, gathering of mahinga kai)
- 23.65 An additional setback proposed on top of an actual or potential esplanade reserve is an unnecessary extension of that reserve and achieves no more than the reserve was set out to achieve. Furthermore, I note that the rural subdivision provisions require the identification of a building platform at time of subdivision to address (amongst other matters)
- Avoidance of natural hazards;
 - Effects on landscape and amenity;
 - Measures to avoid storm or flood events.
- 23.66 HortNZ sought a specific provision for pump sheds to be setback 5m. HortNZ did not want the building setbacks to apply to pumpsheds although the reading of 22.3.7.5 P2 could mean that the pump shed could be set within the building setback. If that is the interpretation then the 5m setback may not be necessary.
- 23.67 On reflection I consider that pump sheds should be excluded from the building setbacks from waterbodies. This is necessary infrastructure for some rural production activities and in the case of horticultural activities are typically small structures that enclose the pump and protect it from weather conditions and stock. They are required to be located adjacent the waterbody itself with a setback pushing the structures into rural production land. They could indeed be identified as part of the character of rural production environments

24. CONCLUSION

- 24.1 The Rural environment of Waikato District is important for providing for the wellbeing of the community, through the range of primary production activities undertaken in the area.
- 24.2 The Proposed Plan seeks to provide primacy to such activities and presented a framework to achieve that outcome.
- 24.3 That framework is supported by the relevant higher order documents such as the Regional Policy Statement, the National Planning Standards, the Draft NPS for Highly Productive land, the s32 Reports and Chapter 1 of the Proposed Plan.

- 24.4 I do not support some recommended changes in the s42A Report which seeks to change that focus.
- 24.5 I support the proposed framework and have provided recommended changes to better provide for the focus on primary production and activities that require a rural location.
- 24.6 I consider that these changes will achieve the outcomes sought for the rural environment of Waikato District and sustainable management of natural and physical resources, as well as providing for people and communities wellbeing.

Lynette Wharfe

15 September 2020

Appendix 1: Experience of Lynette Wharfe

Some of the projects I have been involved in that I consider are particularly relevant in this context are:

- a) Been involved in the development of district plans or plan changes with a focus on rural provisions in the following districts: Far North, Whangarei, Kaipara, Auckland, former Rodney, former Franklin, Waipa, Matamata-Piako, Western Bay of Plenty, Tauranga City, Whakatane, Opotiki, Gisborne, Hastings, Napier, Central Hawkes Bay, Ruapehu, Manawatu, Palmerston North, New Plymouth, Wanganui, Horowhenua, Combined Wairarapa councils, Kapiti Coast, Nelson, Tasman, Marlborough, Christchurch City, Selwyn, Waimakariri, Dunedin, Central Otago.
- b) Project Manager and facilitator for a Sustainable Management Fund (“**SMF**”) Project ‘Reducing nitrate leaching to groundwater from winter vegetable crops’, to develop management tools for vegetable growers to implement best practice for fertiliser applications, to assist in changing fertiliser usage.
- (b) Managed an SMF project for NZ Agrichemical Education Trust communicating the revised NZS 8409:2004 Management of Agrichemicals to local authorities throughout NZ, including development and leading workshops with councils.
- (c) Revised the Manual for the Introductory GROWSAFE® Course for the NZ Agrichemical Education Trust, to make the Manual more user friendly and accessible and to align it with the Hazardous Substances and New Organisms legislation. (
- (d) Managing the research component for SFF project – SAMSUN – developing a framework for the development of Sustainable Management Systems for agriculture and horticulture.
- (e) Project Manager MAF Operational Research Project Effectiveness of Codes of Practice investigating the use of codes of practice in the agriculture and horticulture sectors.
- (f) Undertook a review of Current Industry and Regional Programmes aimed at reducing pesticide risk, including assessing a number of Codes of Practice.
- (g) Contributed as a project team member for a Sustainable Farming Fund project ‘Environmental best practice in agricultural and rural aviation’ that included developing a Guidance Note on agricultural aviation, which is now on the Quality Planning website.
- (h) Undertook a review of agrichemical provisions in the Auckland Regional Air Land and Water Plan and developed a risk based response for inclusion in the Proposed Auckland Unitary Plan.

Appendix 2 Rural character descriptions

Opotiki District Plan - Definition of rural character

Rural character includes the following elements:

- a) A predominance of natural features over human made features;
- b) High ratio of open space relative to the built environment;
- c) Significant areas of vegetation in pasture, crops, forestry and/or indigenous vegetation;
- d) A rural working production environment;
- e) Presence of farmed animals;
- f) Noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes;
- g) Low population densities relative to urban areas;
- h) Existence of some narrow and/or unsealed roads;
- i) General lack of urban infrastructure.

Horowhenua District Plan – Rural Zone descriptor

The District Plan seeks to protect the character and amenity values in the District's rural environment, as they contribute towards the identity and well-being of the district. The District's rural character and amenity values are represented by a diverse range of primary production activities resulting in an open and working landscape; predominance of vegetation (including indigenous and exotic vegetation), and a low level of built development with a few large utilitarian buildings.

Rural character in the Horowhenua may include any one or more of the following key elements:

- The dominance in the landscape of natural features and vegetation and dynamic primary production regimes, including pasture, crops and forestry;
- The presence of manmade structures where those structures are related to rural production activities or industry and infrastructure for which a rural location is either required or is most appropriate;
- High ratio of open space relative to built environment;
- Significant areas of land in pasture, crops, forestry and/or indigenous vegetation;
- A rural working production environment, consisting of a wide range of activities and including components such as animals, farm buildings, farm machinery and shelterbelts;
- The use of rural land for a wide range of agricultural, horticultural and forestry purposes including such effects as noise, smells, dust, and agrichemical spraying associated with such activities;
- Low population densities relative to urban areas;
- General lack of urban infrastructure such as streetlighting, footpaths and reticulated water and wastewater systems.

Whangarei District Plan - Rural production zone policy

To protect the distinctive rural character and amenity of the RPE including but not limited to:

A dominance of natural features including landforms, watercourses and vegetation.

a. A predominately working rural production environment, including:

- i. The presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops and areas of forestry.
 - ii. ancillary activities and structures (including crop support and crop protection structures) across the landscape.
- b. Seasonal activities.
- c. A low intensity of development, involving a combination of domestic and rural production buildings.
- d. Varying levels of noise associated with seasonal and intermittent rural production activities.
- e. Relatively open space and low density of development.
- f. Odours, noise and dust typical of rural activities.
- g. Generally low levels of vehicle traffic with seasonal fluctuations.

Appendix 3 – Strikethrough of Ch 5 and 22 provisions incorporating changes sought in evidence

Appendix 4 – Table of HortNZ submission points addressed in evidence.

Appendix 5 HortNZ submissions re artificial crop protection structures