

SECTION 42A REPORT

Opening Statement

Hearing 28: Other Matters – Rural

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I Introduction

1. Good morning Chair, Commissioners and Submitters. My name is Jonathan Clease and I am the author of the s42A report (and the s42A rebuttal report) for Hearing 28: Other Matters – Rural. Two other authors are separately reporting on various other submissions relating to other matters.
2. The purpose of this opening statement is to provide you with a brief overview of the submissions and my recommendations relating to the rural aspects of this topic.

2 Overview

3. The ‘other matters’ topic picks up a series of discrete submission points that were in the main inadvertently omitted from being specifically considered at earlier hearings. The themes or relief sought by submitters has however usually been addressed in these earlier hearings, through either other closely related submission points made by the same submitter, or similar outcomes sought by other submitters. For the remaining rural-related submission points, the key earlier hearing was Hearing 18 which considered Rural Zone outcomes, with some of the points raised by remaining submissions also assessed in Hearing 5 (definitions) and Hearing 21 (Significant landscapes and ecological areas).
4. The issues at hand have therefore generally already been the subject of assessment and recommendations in these earlier hearings. The s42a report for this hearing therefore largely involved identifying whether or not the issue had been considered and if so then bringing those earlier recommendations to the Panel’s attention.
5. Because the substantive assessment has generally occurred in previous hearings, submitters have likewise already presented evidence at these earlier hearings. This approach has meant that for the remaining rural-related submissions, most submitters have simply filed brief statements to be tabled, where they direct the Panel to the relevant evidence previously presented.
6. Horticulture New Zealand [419] is the exception to this approach whereby the submitter has filed evidence on a number of outstanding matters to do with the rural topic.
7. The outstanding matters in this hearing and Ms Wharfe’s evidence largely reflect the areas of difference between Ms Wharfe and myself that were canvassed in detail as part of Hearing 18. These areas of difference were summarised in my rebuttal evidence as follows:
 - i. Policy 5.3.2 relating to rural character and the matters that might be more appropriately set out in a zone description statement rather than the policy itself;
 - ii. Minor residential units and the degree to which they do (or do not) provide for farm worker accommodation;
 - iii. Artificial Crop Protection Structures, their definition, and the applicable built form rules;
 - iv. Ancillary rural earthworks and whether or not the definition (and rule) should provide for the burial of material infected by unwanted organisms i.e. disposal of carcasses in response to a biosecurity outbreak such as foot and mouth disease;

- v. The definition of ‘high class soils’ and whether this definition should mirror the definition in the Waikato Regional Policy Statement (as recommended in s42a report to Hearing 18) or whether it should include all Class III soils;
 - vi. Ms Wharfe confirms agreement with the recommended approach to retirement villages i.e. new retirement villages be a non-complying activity; and the approach taken regarding land preparation and ancillary rural earthworks to provide for normal horticultural activities.
8. My position on these matters has been set out in my earlier s42a report and rebuttal evidence for Hearing 18 and referenced in my s42a report for this hearing. In my view the differences in opinion are clear and have been well documented and are simply before the Panel for a decision.

2.1.1 Extractive industry overlay mapping

9. An exception to the above approach of issues having already been canvassed is in regard to the mapping of the various extractive industry overlays. My s42a report for Hearing 18 included a lengthy section addressing submissions relating to the policy and rule framework applying to aggregate and mineral extraction. This earlier report in summary acknowledged that extractive industry is inherently located in rural areas (as that is both where the resource is located and quarries are not typically located within urban areas), and therefore established a policy and rule framework to manage such activities. Existing long-established operations were recognised through the use of an overlay applying over the underlying Rural Zone. Within these overlay areas further expansion or changes in operations were restricted rather than fully discretionary activities, with a more enabling policy direction in recognition of the established nature of these operations.
10. The geographic extent of the mapped overlays (and submission points on the mapped extent) were not however considered in Hearing 18, with these submission points being deferred for consideration as part of the rezoning process (Hearing 25). Because the submissions relate to an overlay, rather than a change in zoning, they were again deferred from Hearing 25, which is how they fall to be considered for the first time as part of this hearing.
11. My recommendations on the overlay extent are set out in my s42a report. In general I have recommended that the submissions be accepted, noting that the changes requested by the submitters are generally to align the extent of the overlay with either title boundaries, or to more accurately reflect the extent of the operational areas or areas where further extraction has been planned. It is noted that applying the overlay to unworked areas does not make extraction beyond what is provided under existing resource consents a permitted activity. A restricted discretionary consent still required for any ‘expansion’ activities, thereby enabling effects to be considered. Water and air-related consents will likewise still be required from the Waikato Regional Council where expansion activities trigger the need for such consents under the applicable Waikato Regional Plans.
12. No submitter evidence has been received on the mapping of these areas for this hearing, noting that some submitters did include mapping as part of their evidence presentations to Hearing 18¹.
13. In conclusion, this hearing is largely to ensure that all submission points have specific recommendations (and ultimately decisions) made on them and to ensure that no matters ‘fall

¹ See for example the evidence of Craig Pilcher to Hearing 18 on behalf of Bathurst Resource Ltd and BT Mining Ltd

between the cracks' in the event that they have not already been substantively assessed in earlier hearings.