

13 November 2019

Waikato District Council
Private Bag 544
Ngaruawahia 3742
via email: districtplan@waidc.govt.nz
Attention: Chair of the Hearing Panel

Re: Waikato District Plan Review Hearing 5 Definitions – Tabled Statement on Behalf of T&G Global Limited (Submission 676 and Further Submission FS1171)

Introduction

I write on behalf of T&G Global Limited (**T&G**) who made a submission (676) on the proposed Waikato District Plan before the submission deadline on 9 October 2018. T&G also lodged a further submission (FS1171) on 16 July 2019.

On 6 November 2019, Waikato District Council (**WDC**) released its s42A Hearing Report for Hearing 5 – Definitions. This report contains the recommendations of Council staff on submissions and further submissions made by T&G. T&G generally support the recommendations of the s42A Report as they relate to its submission points, however there are several points for which further relief is sought. Comment on these points is provided below.

I request for this letter to be treated as evidence and is tabled accordingly as I will not be attending the hearings for this topic commencing on Tuesday 10 December 2019.

Definition of Building

Original Submission and Further Submission

The original submission by T&G supported the proposed definition of “Building” included within Chapter 13 Definitions which excludes structures that are permeable and less than 4m in height to protect crops for agricultural use¹. T&G sought to amend the definition of “Building” to specifically exclude buildings that protect crops for horticultural use².

¹ Section 3.17.1, paragraph 242 of Section 42A Report on submissions and further submissions on the Proposed Waikato District Plan – Hearing 5: Chapter 13 Definitions

² Submission point 676.8, as noted in Section 3.17.2, paragraph 244 of Section 42A Report on submissions and further submissions on the Proposed Waikato District Plan – Hearing 5: Chapter 13 Definitions

T&G further submitted in support of Horticulture New Zealand’s submission points which propose a new definition of “Artificial Crop Protection Structure” which they further seek is excluded from the definition of “Building”, or alternatively is not subject to the same setback rules³.

Section 42A Report

The Council’s section 42A report recommends that the proposed definition of “Building” be replaced with the National Planning Standards definition of “Building”⁴. The Section 42A report acknowledges that the list of exclusions included within the proposed plan definition will not be carried over under the Planning Standards definition⁵. Therefore, the Section 42A report recommends that the submissions from Horticulture New Zealand and T&G be referred for consideration to the Rural and Country Living zone hearing for further consideration⁶.

Further relief sought by T&G

In T&G’s view it is practical to introduce the NPS definition for “Building” through the plan review process. T&G however, continues to support a new definition “Artificial Crop Protection Structure” which is not subject to the same setback rules as a “Building”. In T&G’s view, the above recommendations will efficiently and effectively achieve the objectives of the proposed Plan and the purpose of Resource Management Act 1991. T&G will provide more evidence on this matter within the Rural and Country Living zone hearings as per the recommended deferral within the Section 42A report.

Definition of Worker’s Accommodation and Sensitive Land Use

Original Submission and Further Submission

T&G further submitted in support of submissions from Ta Ta Valley and Horticulture New Zealand which sought the introduction of a definition for “Workers Accommodation”⁷.

T&G further submitted in support of Ports of Auckland Limited’s submission seeking to exclude “Workers Accommodation” from the definition “Sensitive Land Use”⁸.

³ Submission point FS1171.54, as noted in Section 3.17.2, paragraph 244 of Section 42A Report on submissions and further submissions on the Proposed Waikato District Plan – Hearing 5: Chapter 13 Definitions

⁴ Section 3.17.4, paragraph 294 of Section 42A Report on submissions and further submissions on the Proposed Waikato District Plan– Hearing 5: Chapter 13 Definitions

⁵ Section 3.17.3.5, paragraph 257 of Section 42A Report on submissions and further submissions on the Proposed Waikato District Plan– Hearing 5: Chapter 13 Definitions

⁶ Section 3.17.4, paragraph 300 of Section 42A Report on submissions and further submissions on the Proposed Waikato District Plan– Hearing 5: Chapter 13 Definitions

⁷ Submission point FS1171.61, as noted in Section 3.31.1, paragraph 505 of Section 42A Report on submissions and further submissions on the Proposed Waikato District Plan– Hearing 5: Chapter 13 Definitions

⁸ Submission point FS1171.117, as noted in Section 3.31.1, paragraph 505 of Section 42A Report on submissions and further submissions on the Proposed Waikato District Plan– Hearing 5: Chapter 13 Definitions

Section 42A Report

The Council's section 42A report recommends that the submissions seeking a definition for "Workers Accommodation" and the submissions seeking for this activity to be excluded from the definition of "Sensitive Land Use" be given further consideration by the Section 42A authors for the hearings for the Industrial Zone, Heavy Industrial Zone, Rural Zone, Country Living Zone and potentially the TaTa Valley Resort Zone (as requested by the landowner/submitter)⁹.

Further relief sought by T&G

T&G continues to support the introduction of a definition for "Workers Accommodation" and continues to support excluding "Workers Accommodation" from the definition of "Sensitive Land Use". In T&G's view, the above recommendations will efficiently and effectively achieve the objectives of the proposed Plan and the purpose of Resource Management Act 1991. T&G will provide more evidence on this matter within the Rural and Country Living zone hearings as per the recommended deferral within the Section 42A report.

Definition of High-Class Soils

Original Submission and Further Submission

T&G further submitted in support of Federated Farmers of New Zealand submission seeking to retain the definition of "High Class Soil" as notified¹⁰.

Section 42A Report

The Council's section 42A report recommends that the consideration of submissions received on the definition of "High Class Soil" are deferred to the Other Matters hearing towards the end of the Proposed Plan hearing programme, by which time the proposed National Policy Statement on Versatile Soils is likely to be gazetted¹¹.

Further relief still sought by T&G

T&G will review the officer's recommendations and provide evidence if required at the Other Matters Hearing.

⁹ Section 3.31.3, paragraph 509 of Section 42A Report on submissions and further submissions on the Proposed Waikato District Plan– Hearing 5: Chapter 13 Definitions

¹⁰ Submission point FS1171.82, as noted in Section 3.59.2, paragraph 847 of Section 42A Report on submissions and further submissions on the Proposed Waikato District Plan– Hearing 5: Chapter 13 Definitions

¹¹ Section 3.59.4, paragraph 850 of Section 42A Report on submissions and further submissions on the Proposed Waikato District Plan– Hearing 5: Chapter 13 Definitions

Conclusion

On behalf of T&G, thank you for the opportunity to table the above statement. Should the Commissioners or WDC staff have any queries or require any clarifications regarding the above or T&G's submissions and further submissions, please do not hesitate to contact me via my details below.

Barker & Associates Ltd (on behalf of T&G Global Ltd)



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