

**BEFORE THE HEARING COMMISSIONER
AT Taupo**

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

AND

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Plan Changes 42 to the
Taupo District Plan

**STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE
FOR HORTICULTURE NEW ZEALAND
9 AUGUST 2023**

1. SUMMARY STATEMENT

1.1 In this evidence I address the submissions and further submissions that Horticulture New Zealand made on Proposed Plan Change 42 General Rural and Rural Lifestyle Environments to the Taupo District Plan.

1.2 I address:

- (a) My understanding of the HortNZ submission
- (b) PC42 General Rural and Rural Lifestyle Environments
- (c) National Planning Standards
- (d) National Policy Statement for Highly Productive Land
- (e) Definitions
- (f) General Rural Environment Objectives
- (g) General Rural Environment Policies
- (h) Rural Lifestyle Environment Objectives and Policies
- (i) General Rural Environment Rules and Performance Standards
- (j) Rural Lifestyle Environment Rules

1.3 I set out a framework for how I anticipate the National Planning Standards framework for the Rural Zones could be applied.

1.4 I seek changes to provisions addressed in this evidence including:

- (a) Implementing and giving effect to the National Planning Standards, including relevant definitions
- (b) Implementing and giving effect to the National Policy Statement for Highly Productive Land
- (c) Providing a clear policy framework for primary production activities in the General Rural Zone
- (d) Ensuring that non-rural activities only locate in the General Rural Environment where there is a locational need to do so
- (e) Avoiding subdivision and fragmentation of land in the General Rural Zone

- (f) Ensuring that reverse sensitivity effects are appropriately recognised and provided for in the plan
 - (g) Ensuring that rural character is appropriately described
 - (h) Providing for rural industry
 - (i) Limiting application of 4b.1.7 high voltage transmission lines to the National Grid.
- 1.5 Attached as Appendix 1 is a table setting out the changes sought in this evidence.

2. QUALIFICATIONS AND EXPERIENCE

- 2.1 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.
- 2.2 I am an accredited commissioner under the Making Good Decisions programme with Ministry for the Environment.
- 2.3 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.
- 2.4 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.
- 2.5 I have been involved in a number of district plans and plan changes including Opotiki District Plan, Whakatane District Plan, Christchurch Replacement District Plan, Hastings District Plan, Waikato District Plan and Selwyn District Plan.
- 2.6 I have been involved as a consultant to HortNZ on Proposed PC38 and 42, contributing to the submissions and further submissions.
- 2.7 I have read the Environment Court’s Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

3. SCOPE OF EVIDENCE

3.1 This evidence provides a planning assessment of those provisions on which HortNZ submitted and further submitted and addresses the Section 42A report prepared by the Council.

3.2 In undertaking this assessment, I have referred to:

- a) The s32 Report by Taupo District Council for PCs38 and 42
- b) The s42A Report – Overall prepared by Hilary Samuels dated 3 July 2023
- c) The s42A Report prepared by Rowan Sapsford for PC38 dated 3 July 2023
- d) The s42A Report prepared by Craig Sharman for PC42 dated 28 July 2023.

3.3 This evidence addresses the following:

- (a) My understanding of the HortNZ submission
- (b) PC42 General Rural and Rural Lifestyle Environments
- (c) National Planning Standards
- (d) National Policy Statement for Highly Productive Land
- (e) Definitions
- (f) General Rural Environment Objectives
- (g) General Rural Environment Policies
- (h) Rural Lifestyle Environment Objectives and Policies
- (i) General Rural Environment Rules and Performance Standards
- (j) Rural Lifestyle Environment Rules

3.4 A table will be attached to the statement of Ms Sarah Cameron that summarises the HortNZ and planning response to the s42A Report recommendations. This will be circulated prior to the hearing.

4. MY UNDERSTANDING OF HORTNZ'S SUBMISSION

4.1 My understanding of the HortNZ submission is that it is seeking provisions to ensure that horticultural activities are provided for in Taupo District as it is an emerging activity in the district, partly due

to geothermal power sources and climate change impacts affecting where growing activities can be undertaken.

- 4.2 The HortNZ submission also seeks alignment with the National Planning Standards and the National Policy Statement for Highly Productive Land.

5. PC42 GENERAL RURAL AND RURAL LIFESTYLE ENVIRONMENTS

- 5.1 PC42 is a plan change which deletes the existing Rural Zone provisions and replaces them with two new zones:

(a) General Rural

(b) Rural Lifestyle

- 5.2 These zones are intended to align with the Zone Framework Standard in the National Planning Standards, which the council needs to implement by May 2024.

- 5.3 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 PTDP:¹

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.

- 5.4 The PTDP includes the General Rural Zone and Rural Lifestyle Zone.

¹ National Planning Standards: Standard 8 Zone Framework, Ministry for the Environment 2019.

- 5.5 The General Rural Zone descriptor is relevant. The focus is clearly on providing for primary production activities (which are defined in the standard)² while also providing for activities that support primary production activities and other activities that require a rural location.
- 5.6 Given this focus it is necessary that the PTDP 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:
- (a) supports primary production; or
 - (b) requires a rural location.
- 5.7 The Council is required to implement Planning Standard 8 by April 2024. The PTDP General Rural Environment chapter is partially aligned with Standard 8: Zone Framework but I consider that this could be improved through changes sought by submitters.
- 5.8 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.
- 5.9 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.
- 5.10 The notified plan has a clear direction that primary production activities are to be protected in the rural zone.
- 5.11 The current format of the Rural Environment Chapter in PC42 is:
- (a) 3b.1 Introduction: General Rural Environment; Rural Lifestyle Environment
 - (b) 3b.2 Objectives and Policies – General Rural Environment
 - (c) 3b.3 Objectives and Policies –Rural Lifestyle Environment
 - (d) 4b.1 General Rural – General Rural Environment

² 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.

- (e) 4b.2 Performance Standard – General Rural Environment
 - (f) 4b.3 General Rules – Rural Lifestyle Environment
 - (g) 4b.4 Performance Standards – Rural Lifestyle Environment
 - (h) 4b.5 Subdivision rules – General Rural and Rural Lifestyle
- 5.12 I consider that this structure is inconsistent with the National Planning Standards as the General Rural Zone and Rural Lifestyle should be separate chapters (District Plan Structure Standard 4.)
- 5.13 It is also best practice to have all provisions related to an environment or zone located together.
- 5.14 In my opinion PC42 should be re-structured as follows:
- (a) General Rural
 1. Introduction: General Rural Environment;
 2. Objectives and Policies – General Rural Environment
 3. General Rural – General Rural Environment
 4. Performance Standard – General Rural Environment
 5. Subdivision rules – General Rural
 - (b) Rural Lifestyle
 1. Introduction: Rural Lifestyle Environment
 2. Objectives and Policies –Rural Lifestyle Environment
 3. General Rules – Rural Lifestyle Environment
 4. Performance Standards – Rural Lifestyle Environment
 5. Subdivision rules - Rural Lifestyle
- 5.15 Such a structure would mean that it is clear where provisions for the respective zones are located.

Framework for the Rural Zone

- 5.16 Over many years I have 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.

5.17 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.

5.18 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.

5.19 Table 1: Activities in the rural environment

	Activity	Activity status
1.	<p><i>Primary production</i> is provided for: - Agricultural, pastoral, horticultural activities are enabled</p> <p><i>Mining and quarrying</i> provided for subject to conditions</p> <p><i>Intensive indoor primary production</i> provided for subject to conditions</p> <p><i>Forestry</i></p>	<p>PA</p> <p>PA - default to RDA</p> <p>PA – default to RDA NES Forestry</p>
2.	<p><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</p>	<p>PA subject to conditions Default to RDA</p>
3.	<p>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.</p>	<p>PA subject to conditions Default to DA</p>
4.	<p>Existing non-rural related services 'out of zone'</p>	<p>Provide through schedule or re-zoning</p>
5.	<p>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</p>	<p>D or NC</p>
6.	<p>Rural residential / Rural lifestyle</p>	<p>NC Locate in specific Rural</p>

		Lifestyle zones OR NC status for subdivision under X ha in rural zone
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5.20 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.

6. NATIONAL PLANNING STANDARDS

6.1 One of the key considerations for the Hearing Panel will be the extent to which the plan change should implement the National Planning Standards.

6.2 The Evidence of Ms Samuel (Para 56-60) outlines her understanding of the National Planning Standards and the requirements for the Council to implement.

6.3 Ms Samuel states that the National Planning Standards were made operative in November 2019 and that Council needs to implement the structure and form standards by November 2024 and the definitions standard by November 2026.

6.4 My understanding is that the National Planning Standards were released in April 2019 and came into effect on 3 May 2019 with an updated version in November 2019.³

6.5 Therefore, the dates for implementation for the Council are May 2024 and May 2026 for definitions.

6.6 It is noted that the National Planning Standards are not required to be implemented through plan changes or variations, but that does not preclude the implementation through such processes.

6.7 The approach that the Council has taken is for the District Plan to be moved to the National Planning Standard format as a comprehensive unit to ensure consistency across the Plan.

6.8 Mr Sharman in the s42A Report for PC42 (Para 52-55) also discusses implementation of the National Planning Standards and

³ <https://environment.govt.nz/assets/Publications/Files/implementing-national-planning-standards-options-for-district-regional-combined-plans.pdf>

considers the implementation dates to be April 2024 and April 2026 for definitions.

- 6.9 He is of the view that it was not practical to partially implement the National Planning Standards for some portions of the district and not others.
- 6.10 Mr Sharman considers that there are substantial compatibility challenges with integration with the National Planning Standards via PC42, but that changes are recommended where wide-spread rewriting of the plan provisions is not required.
- 6.11 Many submitters have sought that the National Planning Standards are implemented through the Plan Change process, but such submissions have largely been rejected.
- 6.12 There are some parts which have been included, such as the naming of the General Rural and Rural Lifestyle Environments (Zones).
- 6.13 I support implementation of the National Planning Standards through the Plan Change process for the following reasons:
 - (a) May 2024 is only nine months away and the Plan Change is a current process that can be used to meet the statutory requirements;
 - (b) The MfE guidance for implementation demonstrates that implementation is possible through 'rolling reviews' of district plans through staged compliance without waiting for a full plan review;
 - (c) PC38 implements the National Planning Standards by including a Strategic Directions chapter;
 - (d) The rural plan change is discrete and is already partially implementing the Zone Framework Standard;
 - (e) Introduction of National Planning Standards definitions can be included and applied to specific parts of the Plan – eg, 'For the purpose of the General Rural Zone and Rural Lifestyle Zone x definition applies';
 - (f) The Zone framework for the rural zones is applied in PC42 therefore the relevant National Planning Standards definitions should also be used, such as primary production, intensive primary production, rural industry;
 - (g) There will be challenges with re-writing portions of the district plan, such as the Rural section, immediately after

decisions on PC42 are released. This will lead to confusion for plan users and make the plan overly complex;

- (h) There is considerable scope through submissions to make changes to implement the National Planning Standards in PC42.

National Planning Standard definitions

6.14 The HortNZ submission seeks inclusion of a number of definitions from the National Planning Standards that relate to rural environment including:

- (a) Primary production (OS26.14)
- (b) Intensive primary production (OS26.1)
- (c) Noise (OS26.13)
- (d) Rural industry (OS26.3)

Definition primary production

6.15 Given that primary production is identified as a key activity to be enabled in the General Rural Environment (Obj 3b.2.1) it is relevant that it be defined to determine what the objective is enabling.

6.16 The s42A Recommendation on the HortNZ submissions states:

Reject, as adopting the National Planning Standards definition of primary production as sought would then necessitate a re-drafting of provisions that rely on PC42 definition of rural industry. The phrase 'rural industry includes within the definition of primary production although that later phrase in then not specifically defined. The National Planning Standards definition of primary production is broad and is more analogous to 'rural industry'. Whilst PC42 was formulated based on the General Rural and Rural Lifestyle zoning of the National Planning Standards, the definitions relied upon are not national planning standard definitions and cannot be easily retro-fitted into the chapter.

6.17 I do not concur with this assessment and recommendation.

6.18 PC42 uses the term primary production but it is not defined in the operative plan or PC42. Therefore no definition exists to assist plan users.

6.19 The definition of primary production in the National Planning Standards is:

Primary production means:

Any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and

Includes initial processing as an ancillary activity, of commodities that result from the listed activities in a)

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

Excludes further processing of those commodities into a different product.

- 6.20 The definition of rural industry in the National Planning Standards is:

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

- 6.21 I consider that those activities are very different – not analogous (or similar) – as suggested by the s42A Report writer.

- 6.22 Rural industry **supports or services** primary production – it is not primary production in itself. The definition of rural industry relies on the definition of primary production.

- 6.23 The terms were included in the National Planning Standards as separate and discrete terms which are relevant to the activities undertaken in the General Rural Zone.

- 6.24 The s42A Report writer is recommending that the definition of rural industry from the National Planning Standards be included in PC42 but does not recommend that the related definition of primary production be included, even though to determine what is a rural industry is contingent on the definition of primary production.

- 6.25 This is inconsistent, uncertain and undermines the integrity of the Plan.

- 6.26 I support the addition of the National Planning Standard definition for primary production to PC42.

Definition intensive indoor primary production

- 6.27 HortNZ submission (OS26.1) sought that addition of the definition of intensive indoor primary production from the National Planning Standards:

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.

6.28 PC42 includes a definition for intensive indoor primary production that is similar to the national Planning Standard definition – but not the same - the differences are in bold:

Means primary production activities that principally occur within buildings ~~that~~ **and** involve growing ~~produce~~ **fungi** or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.

6.29 The s42A Recommendation on this submission rejects the submission but gives no specific reason as to why it is different to the National Planning Standards definition.

6.30 The key difference is that the National Planning Standard definition is linked to growing of fungi, not 'produce' as in PC42.

6.31 The National Planning Standard definition very specifically was limited to growing fungi as it is activities which create effects associated with intensive indoor primary production, such as odour, that the definition is seeking to include.

6.32 There was no definition for intensive indoor primary production in the Operative Plan and PC42 could have reasonably been designed to align with the National Planning Standards.

6.33 I support the inclusion of the definition for intensive indoor primary production as in the National Planning Standards.

Definition Noise

6.34 The HortNZ submission (OS26.13) also sought the addition of a definition for noise to align with the National Planning Standards:

6.35 *Has the same meaning as in section 2 of the RMA including vibration.*

6.36 The s42A Recommendation is to reject the submission as the term noise is not currently defined in the operative district plan or proposed within PC42 and the Operative district plan will transition to national planning standards in 2024 and will adopt definitions of national planning standards.

6.37 I do not concur with this recommendation.

6.38 The definition is in the RMA and applies whether in the Operative District Plan or not.

6.39 There is no mischief in including the definition in the district plan as it is the definition that will apply in any consideration of noise, regardless of whether it is in the National Planning Standards.

6.40 I support the addition of the definition of noise from the National Planning Standards to PC42.

7. NATIONAL POLICY STATEMENT HIGHLY PRODUCTIVE LAND

7.1 The National Policy Statement for Highly Productive Land (NPSHPL) came into force on 17 October 2022, just after the notification of PC42.

7.2 The s42A Report identifies that there is Class 3 land in the Taupo District to which the NPSHPL will apply, but seeks to limit the application to only additional areas of land that are rezoned to RLE through the decisions on PC42. (Para 45).

7.3 As a consequence of that position provisions to implement the NPSHPL are only included in the RLE section.

(a) Objective 3b.3.5 b) allotment sizes

(b) Policy 3b.3.15 Highly Productive land

(c) 4b.5.X Subdivision – Rural Lifestyle Environment on land containing LUC Class 3 soils

7.4 It is my opinion that the NPSHPL also applies to the General Rural Zone and across a range of activities, not only subdivision.

7.5 The NPSHPL Clause 3.5 (7) applies prior to the mapping of highly productive land by the regional councils. This applies to all land zoned General Rural and is LUC 1,2 or 3 and not identified for future urban development or subject to a notified plan change to rezone from general rural to urban or rural lifestyle.

7.6 Therefore land that is LUC3 and notified to be included as rural lifestyle in PC42 is not subject to the NPSHPL applying.

7.7 But all other land that is in the General Rural Zone and is LUC3 is subject to the NPSHPL.

7.8 Therefore it is relevant to include objectives and policies in the General Rural Zone to provide guidance on implementation of the NPSHPL.

7.9 In my opinion such provisions would provide clear guidance as to how the NPSHPL will be applied to all highly productive land in the district.

7.10 Such provisions should:

(a) Seek to avoid subdivision of highly productive land (NPSHPL 3.8) except as provided for in the NPSHPL

- (b) Avoid rezoning further HPL land as Rural lifestyle (NPSHPL 3.7)
 - (c) Protect highly productive land from inappropriate use and development (NPSHPL 3.9) unless where specified activities are provided for, including functional or operational needs for infrastructure.
 - (d) Enable continuation of existing activities (NPSHPL 3.11)
 - (e) Manage reverse sensitivity (NPSHPL 3.13)
- 7.11 In my opinion such provisions would provide clear guidance as to how the NPSHPL will be applied to all highly productive land in the district, not just that within the RLE.
- 7.12 HortNZ sought that definitions be included for highly productive land and land based primary production.
- 7.13 The s42A Report is recommending that these definitions be included in the Plan and this is supported.

8. DEFINITIONS

- 8.1 The HortNZ made a number of submissions and further submissions on definitions:
- (a) National Planning Standard definitions
 - (b) Amendments to definitions in PC42
 - (c) New definitions sought
- 8.2 The National Planning Standard definitions are discussed above in the context of implementing the National Planning Standards.
- 8.3 New definitions sought include:
- (a) Ancillary rural earthworks OS26.4
 - (b) Agricultural aviation movements OS26.5
 - (c) Artificial crop protection structures OS26.6
 - (d) Audible bird scaring devices OS26.7
 - (e) Frost fans OS26.8
 - (f) Greenhouses OS26.9
 - (g) Highly Productive Land OS26.10

- (h) Land based primary production OS26.11
- (i) National Grid Yard OS26.12
- (j) Reverse sensitivity OS26.15
- (k) Rural produce retail OS26.16
- (l) Seasonal Worker Accommodation OS26.17
- (m) Shelterbelts OS26.18
- (n) Sensitive activities FS233.3

- 8.4 The s42A Report rejects the majority of these submission on the basis that the terms are not used in the Plan so they are not needed.
- 8.5 The definitions sought align with changes that HortNZ sought to the rules to provide for a range of activities undertaken as part of primary production. The report also recommends that such rules not be included as they are not relevant to the Taupo District.
- 8.6 Ms Cameron for HortNZ will present an industry statement to the hearing that will address the potential for horticulture in the district.
- 8.7 A district plan will be in place for at least ten years and including rules and definitions to future -proof the plan is supported.
- 8.8 In this context I support consideration of the inclusion of definitions and rules for activities that are part of primary production to ensure that an appropriate framework exists in the plan, such as for frost fans, artificial crop protection structures, seasonal worker accommodation, shelterbelts, audible bird scaring devices.
- 8.9 HortNZ supported submissions of NZ Agricultural Aviation Association (NZAAA) which seeks inclusion of specific provisions for agricultural aviation activities. A definition for agricultural aviation movements is part of the package that are sought.
- 8.10 I support inclusion of such a definition and provisions as it needs to be clear that agricultural aircraft are able to operate to support primary production activities in the district.
- 8.11 HortNZ sought a definition for greenhouse because of the number of such facilities exist in the district and mindful that the provisions sought for the National Grid by Transpower specifically reference greenhouses. It is also important to distinguish greenhouses from artificial crop protection structures and the definition clarifies that difference.

8.12 There is a need to ensure that greenhouses are appropriately provided for within the Plan as there is potential for further expansion of that sector in the district given the access to geothermal energy for heating.

8.13 The addition of a definition for greenhouses will assist in that respect:

Greenhouses means a structure enclosed by glass or other transparent impermeable material and used for the cultivation or protection of plants in a controlled environment but excludes artificial crop protection structures.

8.14 The s42A report includes recommendations to include definitions for:

- (a) Highly Productive Land
- (b) Land based primary production
- (c) National Grid Yard
- (d) Reverse sensitivity – though not as sought by HortNZ.

8.15 The s42A Report acknowledges that while highly productive land, land-based primary production and the National Grid Yard are not currently used in the Plan it is anticipated that they will be included through future processes and do not result in consequential amendments elsewhere in the plan.

8.16 The HortNZ submission (OS26.15) sought a definition of reverse sensitivity:

Means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the Horticulture New Zealand operation of such existing activity to be constrained.

8.17 The s42A Report is recommending that a definition be included as inclusion of the definition will enhance the operation of the district plan. The recommended definition is from the Regional Policy Statement:

Means the potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse environmental effects being generated by the pre-existing activity.

- 8.18 The definition is similar to that sought by HortNZ and would apply across the range of activities which are subject to reverse sensitivity effects and therefore the inclusion of the definition is supported.

9. OBJECTIVES

- 9.1 HortNZ made a number of submissions and further submissions on objectives for the General Rural Zone:

- (a) 3b.2.1 Enable Primary production OS26.19
- (b) New objective for the rural zone OS26.20
- (c) 3b.2.2 Maintaining the established General Rural Character OS26.21
- (d) 3b.2.3 Rural Industry OS26.22
- (e) 3b.2.4 Other activities OS26.23
- (f) 3b.2.5 Avoidance of reverse sensitivity
- (g) 3b.2.6 Impacts on Infrastructure FS233.27, FS233.28, FS233.29, FS233.30, FS233.31

- 9.2 Further submissions were also made opposing and supporting a number of submissions by energy and infrastructure companies seeking changes to the objectives.

- 9.3 The s42A Report is recommending a number of changes, largely as a result of submissions by the energy and infrastructure companies.

- 9.4 I recognise the importance of providing for energy and infrastructure in the Taupo District but consider that these are best provided as separate standalone objectives rather than combining with objectives for primary production.

- 9.5 In my opinion the structure for the objectives should align with the description in the National Planning Standards for the General Rural Zone:

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.

- 9.6 Such an approach would include objectives for:

- (a) Primary production activities

- (b) Activities that support primary production activities, including rural industry and ancillary activities
- (c) Activities that require a rural location
- (d) Activities that don't require a rural location

New objective

9.7 HortNZ sought that a new objective be included to provide for primary production and ancillary activities:

The rural zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional and operational need to be in a rural environment.

9.8 The s42A Report rejects the submission as there are similar objectives and policies already in the rural chapter such as Objective 3b.2.1 which covers similar subject matter.

9.9 While primary production is covered in 3b.2.1 the ancillary activities are not specifically included. Inclusion of a definition of primary production would assist.

9.10 Rather than include a new objective I would support an amendment to Objective 3b.2.1 to specifically include ancillary activities.

Objective 3b.2.1 Enable primary production

9.11 As notified Objective 3b.2.1 Enable primary production was a clear direction for primary production activities in the General Rural Environment.

9.12 The s42A Report recommendation to add 'and use of natural resources' compromises that focus.

9.13 It is appropriate that other resources are provided for but would be better in a stand-alone objective to maintain consistency with the National Planning Standards description.

9.14 I would support:

- (a) Retaining Objective 3b.2.1 as notified with the addition of 'ancillary activities'; and
- (b) Adding a separate objective for use of natural resources for energy and infrastructure.

Objective 3b.2.2 Maintaining the established General Rural character

9.15 HortNZ supported Objective 3b.2.2 and sought that it be retained.

- 9.16 However HortNZ did support submissions that sought the deletion of 'established' as rural character can change over time.
- 9.17 The s42A Report is not recommending any changes to the objective as the purpose is to protect the rural environment from subdivision thereby maintaining the established rural character as it is now.
- 9.18 Rural Character is described in Policy 3b.2.9 and it is that policy that would provide the framework for assessing any impact on rural character.
- 9.19 To that extent the word 'established' in 3b.2.2 is not needed and could reasonably be deleted.

Objective 2.3 Rural industry

- 9.20 HortNZ supported Objective 2.3 Rural Industry and sought that it be retained.
- 9.21 It is noted that this objective is dependent on the definition of rural industry, which is recommended to be the same as the definition in the National Planning Standards so the focus is on those industries which support of service primary production activities.
- 9.22 The s42A Report is recommending that the objective be retained as notified and this is supported.

Objective 3b.2.4 Other activities

- 9.23 HortNZ made a submission seeking that this objective be amended to ensure that other activities do not adversely impact on productive land use and also opposed changes sought by other submitters.
- 9.24 Objective 3b.2.4 is important in determining what other activities are appropriately located within the General Rural Environment.
- 9.25 The s42A Report is recommending changes to the objective to include other activities that have a locational need to locate in the General Rural Environment but does not include the addition sought by HortNZ because the amendment would also apply to renewable electricity generation and transmission activities, and potentially have wide-ranging and unintended consequences.
- 9.26 Objective 3b.2.1 seeks to protect the productive capability of primary production so any other activities should not compromise that capability. Recognising the potential in the Objective 3b.2.4 would assist in meeting Objective 3b.2.1.
- 9.27 The wording could be amended to:

Maori cultural activities, tourism activities visitor accommodation, renewable electricity generation and transmission activities and other activities that have a locational need are enabled in the General Rural Environment where, to the extent reasonably possible, they do not adversely impact on productive land use.

- 9.28 Such an addition would provide a clear expectation about not compromising primary production activities.

Objective 3b.2.5 Avoidance of reverse sensitivity

- 9.29 HortNZ sought that Objective 3b.2.5 be retained.
- 9.30 The s42A Report is recommending that 'or consented' activities be included.
- 9.31 There are a number of ways that an activity can be 'legally established':
- (a) By existing use rights
 - (b) Being a permitted activity
 - (c) Being a consented activity.
- 9.32 Some plans use the term 'legally established' and then define the term by listing how an activity can be legally established. Such an approach is a clearer way to describe what is provided for.

Objective 3b.2.6 Impacts on Infrastructure

- 9.33 HortNZ made further submissions on submissions which sought to change Objective 3b.2.6 because the wording sought by the submitters was absolute and does not take into account varying circumstances that may exist.
- 9.34 The s42A Report is recommending that the objective be amended by adding 'do not compromise the safe and efficient function of infrastructure'.
- 9.35 I consider that the wording would be improved if 'to the extent reasonably possible' is added to the objective. This wording is consistent with the NPSET Policy 10 in relation to third part activities.
- 9.36 I would support amending Objective 3b.2.6 as follows:

The impacts arising from subdivision and development do not, to the extent reasonably possible, compromise the safe and efficient function of infrastructure.

10. POLICIES – GENERAL RURAL ENVIRONMENT

10.1 HortNZ made submissions on a number of policies relating to the General Rural Environment:

- (a) Policy 3b.2.9 Maintaining the established character OS26.25
- (b) New policy 3b.2.X Subdivision OS26.26
- (c) New policy 3.2.X Highly productive land OS26.27
- (d) Policy 3b.2.10 Residential units OS26.28
- (e) Policy 3b.2.13 Avoiding reverse sensitivity OS26.29
- (f) Policy 3b.2.14 Commercial and industrial activity OS26.30

Policy 3b.2.9 Maintaining the established character

10.2 HortNZ sought that the description of rural character be amended because the proposed policy provided for activities, rather than describing the character.

10.3 For instance, the proposed policy lists a number of activities but doesn't include primary production.

10.4 The change sought is similar to that included in a number of district plans which describe the character of the environment:

Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the rural zone, which includes:

- i. a predominance of primary production activities*
- ii. generally open space between built structures*
- iii. typical adverse effects such as odour, noise and dust associated with a rural working environment; and*
- iv. a diverse range of rural environments, rural character and amenity values throughout the district.*

10.5 The s42A Report rejects the submission as it is not considered to add clarity to the policy.

10.6 Some amendments are recommended to the policy but in my opinion the policy does not accurately reflect the nature of the rural environment.

10.7 Further amendments to the notified policy could be made that would align more with the policy sought by HortNZ.

Policy 3b.2.9 Maintaining the established character

Maintain the established General Rural Environment character, as defined by:

- a) A predominance of primary production activities*
- b) ~~Large~~ Generally open spaces between built structures*
- c) A mix of buildings for primary production, residential, visitor accommodation, tourism activity and rural industry ~~buildings~~*
- c) Noises related to primary production activities ~~during the day but generally low levels of noise at night~~*
- d) Low levels of light spill*
- e) Generally infrequent vehicle movements to and from a site*
- f) Limited signage that directly relates to the activity operating on the site.*
- g) Odour and dust associated with primary production activities.*

New Policy for subdivision

- 10.8 HortNZ sought inclusion of a new policy for subdivision in the General Rural zone:

Avoid subdivision that:

- i. results in the loss of highly productive land for use by land based primary production;*
- ii. fragments land into parcel sizes that are no longer able to support land based primary production, taking into account:*
- iii. the type of farming proposed; and*
- iv. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.*
- v. provides for rural lifestyle living unless there is an environmental benefit.*

- 10.9 There are rules for subdivision in 4b.5 but no policy direction that establish the framework for considering subdivision consent applications.

- 10.10 The s42A Report is recommending that the submission is accepted in part as a policy for HPL is included in the RLE chapter Policy 3b.3.15 along with a corresponding rule titled "Subdivision – Rural

Lifestyle Environment on land containing Land Use Capability Class 3 Soils"

- 10.11 As stated above in respect of giving effect to the NPSHPL I consider the amendments to the RLE provisions to be inadequate.
- 10.12 Nor do those provisions address the broader issue of providing direction for subdivision in the General Rural Environment.
- 10.13 Given the limitations for subdivision in the General Rural Environment it is important that there is a policy framework to support the rules.
- 10.14 Therefore, I support inclusion of a new policy for subdivision in the GRE as sought by HortNZ.

New policy for highly productive land

- 10.15 HortNZ sought a new policy specific for highly productive land and to avoid incompatible activities in the General Rural Environment:

Avoid land use that:

i. is incompatible with the purpose, character and amenity of the general rural environment;

ii. does not have a functional need to locate in the general rural environment and is more appropriately located in another zone;

iii. would result in the loss of productive capacity of highly productive land;

iv. would exacerbate natural hazards; and

v. cannot provide appropriate on-site infrastructure.

vi. could result in reverse sensitivity effects

- 10.16 Such a policy would ensure that appropriate land uses establish in the General Rural Zone.
- 10.17 The s42A Report response is the same as for the new policy for subdivision – Accept in part with the addition of policy for HPL in the RLE.
- 10.18 My response is similar. A policy for HPL in the RLE will not provide for consideration of the NPSHPL in the General Rural Zone and the appropriateness of activities to ensure that highly productive land is protected or that incompatible activities are avoided in the General Rural Zone.

- 10.19 There is no policy that implements Objective 3b.2.1 to provide for primary production, availability of rural land, and productive capability.
- 10.20 The policy sought by HortNZ provides a clear framework for assessing land uses that seek to establish in the General Rural Environment to ensure that Objective 3b.2.1 will be achieved.
- 10.21 Therefore, I support the inclusion of a specific policy to provide a framework for determining appropriate activities and land uses in the General Rural Zone.

Policy 3b.2.10 Residential units

- 10.22 HortNZ supported Policy 3b.2.10 Residential units and also supported submissions which sought the addition of reverse sensitivity to the policy.
- 10.23 The s42A Report rejects the submission to add reverse sensitivity as clause d) already provides for in the reverse sensitivity Policy 3b.2.13 a.
- 10.24 However, there is already a policy for rural character but it is also included in 3b.2.10.
- 10.25 There should be a consistent approach taken across the plan.
- 10.26 I support inclusion of reverse sensitivity in Policy 3b.2.10 for clarity.

Policy 3b.2.13 Avoiding reverse sensitivity

- 10.27 HortNZ made a submission seeking amendments to Policy 3b.2.13 Avoiding reverse sensitivity:
- Manage the establishment, design and location of new sensitive activities and other non-productive activities in the general rural environment to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.*
- 10.28 The s42A Report states that it accepts the submission in part, as amendments have been recommended to the policy in response to other submissions that partially provide the relief being sought by the submitter. Altering the entire policy is not favoured as the wording around 'permitted and lawfully established' is an important element.
- 10.29 In my opinion, the changes recommended to the policy are relatively minor and do not address the need to avoid or otherwise mitigate adverse effects.

- 10.30 I consider that the focus on sensitive activities which generate reverse sensitivity effects is a clearer policy.
- 10.31 A similar approach was sought by energy and infrastructure providers but the s42A Report also rejects those submissions:
- Any new sensitive activity must be located and managed so as to avoid reverse sensitivity effects on permitted, lawfully established and/or consented neighbouring activities.*
- 10.32 As previously stated, the issue of lawfully established activities may be best addressed through a definition for lawfully established activities.
- 10.33 It is also recognised that the reverse sensitivity effects in the General Rural Environment may be wider than primary production activities. For instance, energy and infrastructure may also be subject to reverse sensitivity effects which should also be acknowledged in any policy redrafting.
- 10.34 Reverse sensitivity is a key issue for horticultural growers and such effects arise because of sensitive activities objecting to the horticultural operation.
- 10.35 In my opinion Policy 3b.2.13 does not provide clear direction for sensitive activities to avoid reverse sensitivity effects and so support the amendment sought by HortNZ or alternatively the energy and infrastructure providers.

Policy 3b.2.14 Commercial and industrial activity

- 10.36 HortNZ sought that Policy 3b.2.14 Commercial and industrial activity be amended to include that such activities should be avoided in the General Rural Environment.
- 10.37 Such an approach would implement Objective 3b.2.3 where it states that general commercial and industrial activities not having a locational need to be within the General Rural Environment are avoided.
- 10.38 It is recommended that an exclusion for rural industry is inserted into the policy and this is supported.
- 10.39 The s42A Report rejects the submissions as it considers that some commercial and industrial activity is provided for in the rural environment subject to performance standards on scale, and an outright 'avoidance' is not recommended as a policy approach.
- 10.40 In order to implement Objective 3b.2.3 the policy should clearly state is what circumstances commercial and industrial activity will

be provided and when it will be avoided – such as where there is a locational need to be within the General Rural Environment.

10.41 I do not support commercial and industrial activity in the General Rural Zone as it can lead to reverse sensitivity effects on primary production and fragmentation of rural land. Also, the National Planning Standard description for the General Rural Zone does not anticipate commercial and industrial activities in the zone.

10.42 An alternative policy would address the issues:

Avoid commercial and industrial activity (excluding rural industry) in the General Rural Environment, unless there is a clear locational need to locate in the zone, to ensure that activities that are provided for in other Environments and which may impact on the availability of land for primary production activities and create reverse sensitivity effects do not locate within the General Rural Environment.

11. OBJECTIVE AND POLICIES – RURAL LIFESTYLE ENVIRONMENT

11.1 HortNZ made submissions on a number of objectives and policies relating to the Rural Lifestyle Environment:

- (a) Objective 3b.3.1 Maintaining the character of the Rural Lifestyle Environment OS26.31
- (b) Objective 3b.3.2 Avoid reverse sensitivity OS26.3.2
- (c) Objective 3b.3.3 Commercial and industrial activity OS26.33
- (d) Objective 3b.3.4 Consolidate Rural lifestyle activities OS26.34
- (e) Policy 3b.3.9 Character of the Rural Lifestyle Environment OS26.35

11.2 HortNZ supported:

- (a) Objective 3b.3.1 Maintaining the character of the Rural Lifestyle Environment
- (b) Objective 3b.3.2 Avoid reverse sensitivity
- (c) Objective 3b.3.3 Commercial and industrial activity

11.3 The s42A is recommending that the submissions be accepted.

- 11.4 It is noted that minor changes are recommended to the objectives and I support those changes.

Objective 3b.3.4 Consolidate Rural lifestyle activities

- 11.5 HortNZ sought that Objective 3b.3.4 Consolidate Rural lifestyle activities be deleted as it is not clear what is meant by 'rural lifestyle activities' and what the objective hopes to achieve.

- 11.6 The s42A Report recommends that the submission is rejected because part of the underlying purpose of the Rural Lifestyle Environment is to consolidate rural lifestyle activities within contained and identified localities, and not elsewhere as has been occurring within the rural environment.

- 11.7 Given that reason I consider that the objective could be better worded so the intent is clear:

Rural lifestyle activities are consolidated into specific identified zones to ensure more efficient use of the rural land resource, avoid fragmentation of land and reverse sensitivity effects.

Policy 3b.3.9 Character of the Rural Lifestyle Environment

- 11.8 HortNZ sought changes to Policy 3b.3.9 Character of the Rural Lifestyle Environment as the description does not accurately reflect the character of the rural lifestyle environment.

- 11.9 The s42A Report rejects the submission as the policy seeks to identify the key characteristics typical of the Rural Lifestyle Environment, and whilst the submitter may not like the phrasing used, the presence of accessory buildings and dwellings surrounded by open space is a part of that character.

- 11.10 In my opinion it is not the phrasing that is used, but rather the presumptions in the policy that:

- (a) Accessory building do not dominate the landscape
- (b) Dwellings may be large but are surrounded by open space and do not dominate the landscape.

- 11.11 Accessory buildings in the Rural Environment can be large and dominating, such as barns and farm sheds. It is inaccurate to state that they do not dominate the landscape because many do.

- 11.12 Likewise, dwellings are often located in prominent positions to capitalise on views and amenity and consequently present a dominant presence in the landscape. Hence it is inaccurate to state that they do not dominate the landscape because many do.

11.13 I consider that the policy should be amended to better reflect the reality of the environment:

Amend b) to Accessory buildings to service rural lifestyle activities.

Delete c) as it is encompassed within a regarding separation of sites.

11.14 The s42A Report is recommending addition of clause i), which refers to 'rural production'. This is not a term that is used in the plan and should be replaced with primary production.

12. RULES – GENERAL RURAL ENVIRONMENT

12.1 HortNZ sought a range of changes to the rules to include rules for a range of activities associated with horticultural production.

12.2 These include:

(a) Artificial crop protection structures OS26.37

(b) Frost protection OS26.47

(c) Audible bird scaring devices OS26.48

(d) Seasonal worker accommodation OS26.41

12.3 Definitions related to these activities are also sought.

12.4 The need for these activities in the Taupo district Plan will be addressed in an industry statement from Sarah Cameron.

4b.1.7 High Voltage transmission lines

12.5 HortNZ sought that 4b.1.7 be renamed National Grid so it is clear that the rule applies to the electricity transmission lines operated by Transpower.

12.6 The s42A Report recommendations rejects the submission but does not specifically address this part of the submission.

12.7 In addition, HortNZ made a further submission on 106.19 by the Lines Company that sought addition of 'sub-transmission' to Rule 4b.1.7.

12.8 The s42A Report is recommending that 'sub-transmission' be added to Rule 4b.1.7.

12.9 The effect of this addition is that any building cannot be located within 12 metres of a sub-transmission line without obtaining a restricted discretionary consent.

- 12.10 There is no definition for 'sub-transmission' in the Operative Plan or the Plan Change.
- 12.11 The addition sterilises land adjacent to such lines with no consideration of the costs of the addition and what the impacts on other activities will be. Many such lines are located on private property so will unreasonably impact the landowner.
- 12.12 Furthermore NZECP34:2001 the NZ Electrical Code of Practice for Electrical Safe Distances sets out setback distances for buildings from electricity lines. If an activity complies with NZECP34:2001 there should not be an additional requirement in the district plan.
- 12.13 A setback distance is sought by Transpower to give effect to the NPS for Electricity Transmission sub-transmission lines are not afforded the same status or considered to be of national significance, therefore applying the same provisions to sub-transmission lines is inappropriate.
- 12.14 I seek that the addition of 'sub-transmission' as recommended in the s42 Report to be added to 4b.1.7 not be accepted by the Hearing Panel.
- 12.15 Transpower has made a number of submissions on the Plan, some of which HortNZ supported.
- 12.16 I note that the s42A Report is recommending that there is work undertaken with the infrastructure providers in the development of the Energy and Infrastructure chapter.
- 12.17 Such work should also involve those stakeholders who have made submission or further submissions on relevant provisions.

4b.1.5 Commercial and industrial activities and home businesses FS233.58 and FS233.59

- 12.18 HortNZ made a further submission supporting NZ Pork (OS22.14) seeking that 4b.1.5 be a discretionary activity, rather than restricted discretionary, as the policy framework does not anticipate these activities in the General Rural environment.
- 12.19 The s42A Report rejects the NZ Pork submission as it considers that the approach is to make limited allowance for commercial and industrial activities, but subject to scale performance standards.
- 12.20 HortNZ has made submissions on 4b.2.8 Standards and does not support the approach as they do not implement the policy framework of the plan.

- 12.21 The rule and standards do not consider locational need to locate in the rural environment, yet that is part of the approach in Objective 3b.2.3 where such activities are sought to be avoided.
- 12.22 4b.1.5 provides for any commercial or industrial activity not complying with the permitted activity standards as a restricted discretionary activity.
- 12.23 As set out in my overall framework above I consider that activities that are not anticipated in the General Rural Environment should require discretionary consent to ensure that all relevant matters are considered and to provide a clear message that these activities are not desired in the rural environment.
- 12.24 Therefore I support the change sought by NZ Pork to amend 4b.1.5 to a discretionary activity.

4b.1.9 Earthworks within Outstanding Landscape Areas

- 12.25 HortNZ made a submission on 4b.1.9 Earthworks within Outstanding Landscape Areas (OS26.38) to ensure that some earthworks for primary production could be undertaken, including for biosecurity purposes.
- 12.26 Where there is an incursion of unwanted organisms it is important that infected material can be removed. Sometimes this involves disturbing soil or burying infected material at the site.
- 12.27 It is important that a district plan provides for such removal to ensure that biosecurity risks can be addressed in a rapid response.
- 12.28 Experience from previous incursions, such as PSA, have highlighted that district plans can be a barrier to such a response so HortNZ has sought provisions in district plans to ensure that there are provisions that enable activities such as clearance or burial of infected material to be removed. This is a matter of significance to both conservation and primary industries.
- 12.29 The Biosecurity Act 1993 only provides for the RMA to be overridden when the Minister declares an emergency – which has never occurred. Responses to date have been by Ministry of Primary Industries declaring an incursion so RMA rules need to be complied with.
- 12.30 I support rules which provide an exemption for such activity to be undertaken in response to a biosecurity threat from the incursion of an unwanted organisms, therefore support the change sought to 4b.1.9.

4b.2.2 Maximum building coverage OS26.40

- 12.31 HortNZ made a submission on 4b.2.2 Maximum building coverage seeking that the building coverage rule have an exclusion for artificial crop protection and greenhouses, as a 10% coverage on a small horticultural site is a limited area.
- 12.32 The s42A Report rejects the submission because 10% is permissive given the large size of sites in the district.
- 12.33 Generally horticultural activities are on smaller sites and activities such as greenhouses have a large footprint. Such activities will require a resource consent to assess effects but a limitation of building coverage should not be a defining issue – it should be more about setbacks from neighbouring properties.
- 12.34 Therefore an exemption from 4b.2.2 doesn't mean that the effects won't be considered – rather that such a limitation should not preclude the activity.
- 12.35 Therefore I support the exemption for greenhouses from 4b.2.2.

4b.2.6 Minimum building setbacks OS26.43

- 12.36 HortNZ made a submission on 4b.2.6 Minimum building setbacks seeking an increase to 20m from other boundaries to address potential reverse sensitivity effects.
- 12.37 The s42A Report rejects the 20m setback as the 15 metre setback has been designed to set an effective distance for future structures but also to reflect typical existing setbacks in the rural environment.
- 12.38 I do not agree with that assessment. In my experience across the country where a larger setback is in place the potential for reverse sensitivity effects is reduced. Some Councils are now putting a 30m setback in place to reflect the need for separation.
- 12.39 The plan has objectives and policies about avoiding reverse sensitivity and the setback mechanism is an important tool to achieve those policy outcomes.
- 12.40 Therefore, I support a setback of 20 metres from all other boundaries in 4b.2.6.

4b.2.8 Commercial and industrial activities and home businesses OS26.45

- 12.41 HortNZ made a submission on 4b.2.8 Commercial and industrial activities and home businesses seeking that there is a separation in the rule for home businesses from commercial and industrial activities to require resource consent to achieve Objective 3b.2.3.
- 12.42 The s42A Report rejects the submission as it is considered that a 100sq metre scale threshold is considered suitably restrictive to

avoid a proliferation of commercial and industrial premises in the rural environment, unless small-scale or with a locational need to be located rurally.

- 12.43 A permitted activity rule and the area allowance does not allow assessment as to whether there is a locational need to locate in the rural environment.
- 12.44 I am aware of instances where such a rule framework has led to a proliferation of small-scale commercial activities that have compromised primary production activities and led to land fragmentation. Subdivision rules don't allow for the small sites that this rule permits so it would mean that larger rural sites will be used for small scale commercial and industrial activities and rendering the balance of the site of little value to primary production.
- 12.45 Such an approach is contrary to the objectives and policies in the Plan and is not supported.
- 12.46 The National Planning Standards clearly do not anticipate commercial and industrial activities in the General Rural Zone and the plan should ensure that the standards are being implemented.
- 12.47 HortNZ sought a specific permitted activity standard for home businesses by separating them from commercial and industrial activities.
- 12.48 I consider that the scale of home businesses is different and should have a specific standard.
- 12.49 Therefore, I support separation of home businesses and restricting commercial and industrial activities in the General Rural Environment as sought in the HortNZ submission.

4b.2.13 Maximum noise – Other OS26.49

- 12.50 HortNZ made a submission on 4b.2.13 Maximum noise – Other.
- 12.51 The rule has a long list of activities in clause i) that are exempt from the noise rules. As the activities are all part of 'primary production' HortNZ sought that the list be deleted and replaced with 'primary production activities.
- 12.52 The s42A Report rejects the submission on the same basis that it rejected the inclusion of a definition for primary production activities, that is addressed in the National Planning Standards section of this evidence. Using rural industry as a reason to reject the submission point does not seem relevant and should be rejected by the Hearing Panel.

- 12.53 I do support the addition of agricultural aircraft and vehicles in response to the submission from NZ Agricultural Aviation Association. Such an activity should be seen as part of primary production.
- 12.54 I support simplification of the plan by using primary production activities as the basis for the exemption in 4b.2.13.

13. RULES – RURAL LIFESTYLE ENVIRONMENT

- 13.1 HortNZ made submissions on a number of rules and performance standards for the Rural Lifestyle Environment:
- (a) 4b.4.6 Height OS26.51
 - (b) 4b.4.7 Minimum building setbacks OS26.52
 - (c) 4b.4.9 Home business, commercial and retail activities OS26.53
 - (d) 4b.4.12 Maximum Artificial Light Level OS26.54
- 13.2 All the submission are recommended to be rejected in the s42A Report.
- 13.3 The reasons for the submissions are similar to those for the corresponding rules in the General Rural Zone and won't be repeated here.
- 13.4 In my opinion, there needs to be clear setbacks and limitations in the Rural Lifestyle Zone to ensure that reverse sensitivity effects across the zone boundary does not occur. The addition of larger setbacks would assist in addressing this issue.

14. SUBDIVISION

- 14.1 HortNZ sought that 4b.5.1 Subdivision General Rural Environment i) be amended from controlled activity to restricted discretionary.
- 14.2 A controlled activity subdivision for lots that are 10 hectares or larger restricts the Council's ability to assess effects of the subdivision. This is particularly relevant with the introduction of the NPSHPL.
- 14.3 Subdivision in the General Rural Environment, even into lots over 10 hectares can have adverse effects on neighbouring properties and it is important that affected parties are able to be part of a process. That opportunity is foreclosed in a controlled activity consent process.

- 14.4 Therefore I support amending 4b.5.1 Subdivision General Rural Environment i) to restricted discretionary and including a list of matters of discretion, which should now include consideration of highly productive land.
- 14.5 HortNZ also made a further submission (FS233.80) opposing the submission by Federated Farmers (OS91.20) that seeks subdivision down to 4ha as a controlled activity.
- 14.6 I concur with the s42A Report that such an approach would lead to ongoing land fragmentation and sporadic rural residential development within the Rural Environment, which the plan is seeking to address.
- 14.7 Therefore, I support the recommendation to reject OS91.20 to amend 4b.5.1 as sought by the submitter.

4b.5.2 Subdivision – Rural Lifestyle Environment that adjoins the General Rural Environment OS26.52

- 14.8 HortNZ made a submission seeks that 4b.5.2 i) for lots that are 4 hectares or larger be amended to restricted discretionary activity.
- 14.9 I support that submission for the reasons set out above in respect to 4b.5.1.
- 14.10 The s42A Report considers that there are no reasons for Council to refuse such consents so supports the activity status.
- 14.11 I consider that the introduction of the NPSHPL adds another consideration. In addition neighbouring primary production activities are precluded from being able to be involved in an application which has the potential to affect their business through potential reverse sensitivity effects.
- 14.12 Therefore to ensure fairness to all parties such applications should be a restricted discretionary consent with clear matters of discretion.
- 14.13 A hierarchy of activity status would still be maintained within the rule as clause ii) is for discretionary activity and clause iii) for non-complying.
- 14.14 Such an approach supports the policy framework in the Plan, therefore I support amending 4b.5.2 i) to restricted discretionary.

15. CONCLUSION

- 15.1 In this evidence I have set out an approach to managing the Rural Environment that is consistent with the National Planning Standards and gives effect to the NPSHPL.

- 15.2 This is also based on my extensive experience of managing rural areas to enable primary production to occur and provide for the social and economic wellbeing of people and communities.
- 15.3 The rural area is significant in area and coming under pressure for other activities that seek to locate within it, thereby presenting potential to compromise primary production activities.
- 15.4 Proposed PC42 goes some way to addressing this issue and the changes I support in this evidence provide a stronger framework to achieve the objectives in the Plan.
- 15.5 In my opinion such an approach is efficient and effective in achieving the objectives in the Plan and give effect to s5 of the RMA.

Lynette Wharfe

9 August 2023

Appendix 1: Changes supported in evidence of L Wharfe

Clause in evidence	Change sought
5.14	Amend format of PC42 to separate General Rural Environment provisions from the Rural Lifestyle provisions
6.12	Give effect to the National Planning Standards in PC42
6.26	The addition of the National Planning Standard definition for primary production to PC42
6.33	Inclusion of the definition for intensive indoor primary production as in the National Planning Standards
6.40	The addition of the definition of noise from the National Planning Standards to PC42
7.10	Provisions for consideration of highly productive land in the General Rural Environment
8.10	Inclusion of a definition for agricultural aviation movements
8.13	Addition of a definition for greenhouses
9.14	Objective 3b.2.1 (a) Retaining Objective 3b.2.1 as notified with the addition of ‘ancillary activities’; and (b) Adding a separate objective for use of natural resources for energy and infrastructure.
9.19	Amend Objective 3b.2.2 by deleting the word ‘established’
9.27	Amend recommended Objective 3b.2.4 other activities Maori cultural activities, tourism activities visitor accommodation, renewable electricity generation and transmission activities and other activities that have a locational need are enabled in the General Rural Environment <u>where, to the extent reasonably possible, they do not adversely impact on productive land use</u>
9.32	Add a definition for legally established activities (a) By existing use rights (b) Being a permitted activity (c) Being a consented activity.
9.36	Amend Objective 3b.2.6 as follows: <i>The impacts arising from subdivision and development do not, <u>to the extent reasonably possible</u>, compromise the safe and efficient function of infrastructure.</i>
10.7	Amend Policy 3b.2.9 <i>Policy 3b.2.9 Maintaining the established character</i>

	<p>Maintain the established General Rural Environment character, as defined by:</p> <p>a) <u>A predominance of primary production activities</u> b) Large Generally open spaces between built structures c) A mix of <u>buildings for primary production, residential, visitor accommodation, tourism activity and rural industry buildings</u> c) Noises related to primary production activities during the day but generally low levels of noise at night d) Low levels of light spill e) Generally infrequent vehicle movements to and from a site f) Limited signage that directly relates to the activity operating on the site. g) Odour and dust associated with primary production activities.</p>
10.8	<p>Add a new policy for subdivision for the General Rural Environment</p> <p><i>Avoid subdivision that:</i></p> <p><i>i. results in the loss of highly productive land for use by land based primary production;</i> <i>ii. fragments land into parcel sizes that are no longer able to support land based primary production, taking into account:</i> <i>iii. the type of farming proposed; and</i> <i>iv. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.</i> <i>v. provides for rural lifestyle living unless there is an environmental benefit.</i></p>
10.21	<p>Add a new policy for highly productive land for the General Rural Environment</p> <p><i>Avoid land use that:</i></p> <p><i>i. is incompatible with the purpose, character and amenity of the general rural environment;</i> <i>ii. does not have a functional need to locate in the general rural environment and is more appropriately located in another zone;</i> <i>iii. would result in the loss of productive capacity of highly productive land;</i> <i>iv. would exacerbate natural hazards; and</i> <i>v. cannot provide appropriate on-site infrastructure.</i> <i>vi. could result in reverse sensitivity effects</i></p>

10.26.	Amend Policy 3b.2.10 to include reverse sensitivity.
10.35	Amend Policy 3b.2.13 Avoiding reverse sensitivity: <i>Manage the establishment, design and location of new sensitive activities and other non-productive activities in the general rural environment to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.</i> Alternatively amend as sought by infrastructure providers.
10.42	Amend Policy 3b.2.14 Commercial and industrial activity <i>Avoid commercial and industrial activity (excluding rural industry) in the General Rural Environment, unless there is a clear locational need to locate in the zone, to ensure that activities that are provided for in other Environments and which may impact on the availability of land for primary production activities and create reverse sensitivity effects do not locate within the General Rural Environment.</i>
11.7	Amend Objective 3b.3.4 <i>Rural lifestyle activities are consolidated into specific identified zones to ensure more efficient use of the rural land resource, avoid fragmentation of land and reverse sensitivity effects</i>
11.13	Amend Policy 3b.3.9 by Amending b) to Accessory buildings to service rural lifestyle activities. Delete c) Amend rural production to primary production
12.14	Reject recommendation to amend 4b.1.7 by adding 'sub-transmission' Amend 4b.1.7 to National Grid
12.24	Amend 4b.1.5 Commercial and industrial activities and home businesses to a discretionary activity.
12.30	Amend 4b.1.9 Earthworks in ONL to include provisions for removal of unwanted organisms for biosecurity purposes
12.35	Include and exemption for greenhouses from 4b.2.2 Building Coverage
12.40	Amend to include a setback of 20 metres from all other boundaries in 4b.2.6. Minimum building setbacks
12.49	Amend 4b.2.8 Commercial and industrial activities and home businesses by separating of home businesses and restricting commercial and industrial activities in the General Rural Environment to require a discretionary consent
12.54	Amend the exemption in 4b.2.13 by using primary production activities as the basis for the exemption
13.4	Amend 4b.4.7 Minimum building setbacks to include a setback of 20 metres from all other boundaries

14.4	Amend 4b.5.1 Subdivision General Rural Environment i) to restricted discretionary and including a list of matters of discretion, which should now include consideration of highly productive land.
14.7	Support the recommendation to reject OS91.20 to amend 4b.5.1 as sought by the submitter.
14.14	Amend 4b.5.2 i) to restricted discretionary