

BEFORE THE HEARING PANEL

UNDER THE

Resource Management Act 1991

IN THE MATTER OF

Proposed Plan Change 42 General Rural and
Rural Lifestyle Environments to the operative
Taupō District Plan

BETWEEN

TAUPŌ DISTRICT COUNCIL

Local Authority

AND

**FEDERATED FARMERS OF NEW ZEALAND
INC – ROTORUA / TAUPŌ**

Submitter Number 91

**HEARING OF PROPOSED PLAN CHANGE 42 – GENERAL RURAL AND
RURAL LIFESTYLE ENVIRONMENTS
HEARING STATEMENT OF JO-ANNE COOK-MUNRO ON BEHALF OF
FEDERATED FARMERS OF NEW ZEALAND INC – ROTORUA / TAUPŌ**

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INTRODUCTION

1. My name is Jo-Anne Cook-Munro. I am employed by Federated Farmers of New Zealand Inc (Federated Farmers) as a Resource Management Solicitor / Senior Policy Advisor – Regional. I am based in Hamilton, and I am authorised to speak on behalf of Federated Farmers.
2. I hold a Bachelor of Laws (Honours) in Environmental Law and a Master's degree in Social Sciences (Honors) in Human Geography, both from the University of Waikato. I have approximately ten years' experience working as a town planner for local authorities and in-house. I have over twenty years' experience in the field of environment policy and law. I have been admitted as a barrister and solicitor of the High Court of New Zealand. I have worked in private corporate law firms as well as local authorities in a variety of roles ranging from a solicitor to managing a policy and strategy team for a local authority.
3. My role at Federated Farmers is to provide policy and legal services for resource management and environmental planning, policy and legal matters such as district and regional plan views, plan changes and proceedings in the Environment Court.
4. Federated Farmers made submissions (submitter number 91) and further submissions (further submitter number FFS220) to Proposed Plan Change 42 General rural and rural lifestyle environments (PC 42) to the Taupō District Plan.
5. Federated Farmers' submission points to PC 42 focused on :
 - (a) the amendment of the definition for 'stock proof fence' to ensure consistency with the definition provided in Schedule 2.7 of the Fencing Act 1978;
 - (b) the inclusion of definitions for 'highly productive land' and 'minor residential units' as the terms are used frequently throughout PC 42 and are not currently defined;
 - (c) the retention of the introduction to the rural environment chapter as it was notified;

- (d) the amendment of the objectives for the general rural environment chapter;
- (e) the amendment of objective 3b.2.6 to refer to essential infrastructure along with the inclusion of a definition for 'essential infrastructure';
- (f) the amendment of the policies for the general rural environment so that they clearly set out how the objectives will be achieved;
- (g) the retention of objectives 3b.3.1 to 3b.3.8 and policies 3b.3.9 to 3b.3.14 for the rural lifestyle environment as notified or with wording to similar effect;
- (h) the retention of performance standards 4b.2.1 to 4b.2.5 and 4b.2.7 to 4b.2.15 for the general rural environment as notified or with wording to similar effect; and
- (i) the amendment performance standard 4.2.6(iv) for the general rural environment. Federated Farmers sought the amendment of the minimum setback from 200m to 25m from residential buildings and community facilities;
- (j) the retention of general rules 4b.3.1 to 4b.3.7 to the rural lifestyle environment as notified or with wording to similar effect;
- (k) the retention of performance standards 4b.4.1 to 4b.4.7 to the rural lifestyle environment as notified or with wording to similar effect;
- (l) the amendment of rule 4b.5.1 for subdivision in the general rural environment to provide for all subdivision in the rural zone as a controlled activity provided certain performance standards can be met. Federated Farmers also sought the ability to be able to subdivide down to 4 hectares in size. We also sought the retention of performance standards for the general rural environment as notified or with wording to similar effect; and
- (m) the amendment of subdivision rule 4b.5.8 to allow for the creation of creation of bonus lots in conjunction with outstanding natural landscapes or features and other similar areas.

6. I have read the Section 42A RMA report dated 28 July 2023¹ that has been prepared by Mr Craig Sharman for PC 42. I support Mr Sharman's statement at paragraph [43] that the National Policy Statement for Highly Productive Land is a relevant matter for decision-making for PC 42.
7. Federated Farmers supports the recommendations² of Mr Sharman for the following submission points which have been accepted in full:
 - (a) Submission point OS91.11 which sought the retention of the introduction to the rural environment chapter as it was notified.
 - (b) Submission point OS91.14 which supported the retention of objectives 3b.3.1 to 3b.3.8 as notified for the rural lifestyle zone.
 - (c) Submission point OS91.15 and submission point OS91.16 which sought the retention of policies 3b.3.9 to 3b.3.14 as notified for the rural lifestyle zone.
 - (d) Submission point OS91.18 which sought the retention of the proposed general rules 4b.3.1 to 4b.3.7 to the rural lifestyle environment.
 - (e) Submission point OS91.19 which sought the retention of performance standards 4b.4.1 to 4b.4.7 to the rural lifestyle environment.
 - (f) Submission point OS91.23 which sought the retention of the proposed definition for papakāinga as notified.
8. Mr Sharman has recommended accepting in part the following submission points:
 - (a) Submission point OS91.10 which sought the inclusion of a definition for 'highly productive land'.
 - (b) Submission point OS91.21 which had sought the amendment of subdivision rule 4b.5.8 to allow for the creation of creation of bonus lots in conjunction with outstanding natural landscapes or features and other similar areas.

¹ Section 42A of the RMA Report by Craig Sharman, dated 28 July 2023 – Taupo District Plan Changes – Bundle One.

² As outlined in Appendix A 'Summary of Decisions Requested' to the Section 42A Report by Craig Sharman.

9. Federated Farmers supports the recommendations of the reporting officer as outlined in paragraph [7] above. This support is based on the fact that:
- (a) A definition for 'highly productive land' has been recommended for inclusion in PC 42.
 - (b) The reporting officer has acknowledged for submission OS91.21 that he has accepted in part the support for the rule indicated by Federated Farmers.
10. Mr Sharman has recommended that the following submissions points be rejected:
- (a) Submission point S91.09 which sought the amendment of the definition of 'stock proof fence' so that the definition from the Fencing Act 1978 was set out in full rather than just a reference to a schedule in that Act. Federated Farmers does not wish to pursue this submission point further.
 - (b) The need for the inclusion of a definition for 'minor residential unit' as sought in submission point OS91.10. Federated Farmers accepts the reasoning provided by Mr Sharman that the term is expanded out in the relevant rules such as rule 4b.2.7.
 - (c) Submission point OS91.12 which sought the amendment of Objective 3b.2.6 to reflect the effects management hierarchy outlined in the Resource Management Act 1991. Having reviewed the recommended amendments to the objective as outlined in Appendix 2³ to the Section 42A report, Federated Farmers accepts the recommended amendments which have made the application of the objective clearer.
 - (d) Submission point OS91.12 which sought the amendment of the objectives for the general rural environment so that they meet best practice guidelines and state what is to be achieved, where the objective is to be achieved and when it is to be achieved by. The recommended amendments outlined by Mr Sharman in

³ Appendix B 'Officers Recommended Amendments to PC 42' to the Section 42A Report by Craig Sharman.

Appendix 2 have gone some way towards addressing the concerns Federated Farmers had with the objectives as notified.

- (e) Submission point OS91.13 which sought the amendment of the policies for the general rural environment to give clearer direction. Federated Farmers does not plan to pursue this submission point further.
- (f) The amendment of rule 4b.2.6 for minimum building setbacks for the general rural zone (submission point OS91.17). Federated Farmers does not accept the reason given by Mr Sharman that the size of properties located in the general rural environment zone means that the setback is easy to achieve.
- (g) Submission point OS91.20 which sought a reduction in the 10-hectare minimum requirement for subdividing as a controlled activity. Federated Farmers does not accept the reasons given for the rejection of the submission point.

11. I will now address the outstanding issues below.

CONTEXT

- 12. Federated Farmers are a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers involved in a range of rural businesses.
- 13. Farming has a strong presence in the Taupō district and contributes significantly to the wider Waikato and Bay of Plenty regions. Primary production activities from our members make a significant contribution to the economic, social, and cultural well-being of New Zealand.
- 14. Federated Farmers represent a variety of dairy, dry stock and horticulture land users and seeks to uphold and enhance the value of farming to the region. We have over 200 members located within the Taupō district.
- 15. Federated Farmers key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
 - (a) our members may operate their business in a fair and flexible commercial environment;

- (b) our members' families and their staff have access to services essential to the needs of the rural community; and
 - (c) our members adopt responsible management and environmental practices.
16. Our members want district plans that balances environmental, cultural, social, and economic values while ensuring rules are equitable, cost-effective, pragmatic and effects based. They also want district plans that are written in plain English; are easy to use and understand; acknowledge and reward the positive effects farming has on conservation; and recognise the importance of collaborating with communities to achieve desired environmental outcomes.
17. A lot of regulation has come at a significant cost on financial and mental health within the primary sector. Many of the costs are unnecessary and place additional pressure on the primary industry. Decision making needs to occur with consideration of the impacts that Councils decisions have economically, socially, and environmentally.

MINIMUM BUILDING SETBACKS FOR THE GENERAL RURAL ENVIRONMENT

18. Federated Farmers made a submission (OS91.17) that sought the amendment of performance standard 4b.2.6 for minimum building setbacks for the general rural environment.
19. Performance standard 4b.2.6 (iv) requires a minimum setback of two hundred metres from all boundaries for buildings for the management of farmed animals from all boundaries.
20. For the purposes of this performance standard, farmed animals means (but is not limited to) buildings used for accommodating livestock of farmed animals either overnight or for a period during the day, and includes cow milking sheds, calf sheds, buildings used to house intensive farming activities, poultry farming activities, feed pads, animal boarding facilities and stables.
21. The current setback from boundaries for the rural environment is 15-25m (depending on the situation and application). The proposed

change is significant and has the potential to significantly impact on our farming members. It may prove impractical or impossible to meet the new proposed setback of 200m.

22. Mr Sharman in Appendix A to his Section 42A report recommends rejecting Federated Farmers submission points on the grounds that:

“... within the General Rural Zone where ten hectare property size or larger is predominant, achieving a 200 metre set back for 'buildings for the management of farmed animals' is achievable, and also necessary and not considered overly onerous given that this form of building close to dwellings does result in cross-boundary issues and reverse sensitivity issues occurring. An exception for small buildings has been recommended in response to other submissions also provides some relief.”⁴

23. Federated Farmers does not accept the reason given by Mr Sharman that the size of properties located in the general rural environment zone means that the setback is easy to achieve. Farmers locate buildings for the management of animals based on where they are needed. To impose such an onerous setback on the location of such buildings is introducing unwarranted barriers for farming operations.
24. As previously highlighted to the Council, we question what the issue is that the proposed increase in the setback is trying to address. We note that farmed animals and associated buildings are anticipated in the rural environment, and consequently so are any reasonable and permitted noises, odours and effects on rural amenity.
25. Federated Farmers proposes that a 25m setback be required from any residential units or community facilities (such as churches, schools, halls etc.) regardless of where the boundary is located. This will strike an appropriate balance between addressing potential effects on people and aesthetics of rural living, while being more practical for farming operations as one of the dominant land use in the General Rural Environment.

⁴ At p116, submission point OS91.17 in Appendix A 'Summary of Decisions Requested' to the Section 42A Report by Craig Sharman.

SUBDIVISION AS A CONTROLLED ACTIVITY

26. Federated Farmers lodged a submission (OS91.20) which sought a reduction in the 10-hectare minimum requirement for subdividing as a controlled activity.
27. In terms of subdivision in the rural area, Federated Farmers is generally concerned with:
 - (a) the productive capacity and loss of productive soils;
 - (b) reverse sensitivity effects, including buffer zones;
 - (c) high land prices, including rates, and
 - (d) property rights (including succession).
28. Federated Farmers is of the view that council subdivision and development policies and planning should provide for managed growth in rural communities. While acknowledging that the loss of productive land can impact on the region's economy, there is also a need to recognise that farmers often undertake small lot subdivision to provide for farm succession, dispose of surplus dwellings and for providing on-farm accommodation for employees.
29. Given the perfect storm that the New Zealand economy is in, along with the cost-of-living crisis and extreme weather events that have occurred, our members have told us that it is unlikely that they will turn a profit this year. This means that farmers will be looking to diversify where they can with one means of doing this being the subdivision and sale of land.
30. Mr Sharman in his Section 42A report recommends that Federated Farmers' submission is rejected as:

"... the purpose of Plan Change 42 is to address some issues with ongoing land fragmentation and sporadic rural residential development within the Rural Environment. This is being implemented primarily through the introduction of the General Rural Environment and the Lifestyle Rural Environment with differentiating performance standards for land use and minimum lots sizes for subdivision.

Accepting the submitter's points would be closer to the Operative District Plan provisions that the plan change is seeking to address".⁵

31. While acknowledging the concerns raised in the Section 42A report the default position of subdivision under 10 hectares becoming a non-complying activity is onerous. A potential workable solution would be to reclassify these types of subdivisions as a discretionary activity.
32. This would allow subdivisions under 10 hectares to continue provided that certain standards (as defined) by the Council in the District Plan are met. Farmers would have certainty in knowing what standards they are required to meet, and the Council would be able to assess applications against the standards they have set.

CREATION OF BONUS LOTS

33. Federated Farmers' submission (OS91.21) sought that the creation of bonus lots in rule 4b.5.8 was extended to include outstanding natural features and landscapes or other similar areas.
34. In his response to submissions, Mr Sharman notes:

"The submitter is correct that the bonus lot provision focuses on protection of land within an identified Significant Natural Area only. It does not extend to other sensitive parts of the district. The rule has been developed specifically for the context of being applied to an SNA with requirements for fencing and stock exclusion. Widening the provision as sought by the submitter would be a substantial piece of work which would require a new rule, and potentially policy, to be developed. Such a change is out of the scope of this plan change".⁶

35. With all due respect, Federated Farmers disagrees that extending the application of bonus lots to outstanding natural features and landscapes is outside the scope of the PC 42.
36. Outstanding natural features and landscapes are required to be identified and mapped in district plans which is the same process used for Significant Natural Areas. It does not appear that it would be a

⁵ At p117, submission point OS91.20 in Appendix A 'Summary of Decisions Requested' to the Section 42A Report by Craig Sharman.

⁶ Ibid, submission point OS91.21.

significant amount of work to extend the application of bonus lots to these additional areas.

37. The ability for a bonus lot to be created in conjunction with outstanding natural features and landscapes would provide a positive incentive for landowners when subdividing as well as ensuring the on-going protection of these areas.