



Proposed Waikato District Plan (Stage 1) Hearing topic 18 - Rural Zone and Subdivision

Highlights package

25 September 2020

---

In accordance with paragraph 28 of the First Directions from Hearing Commissioners, dated 21 May 2019, the following 'highlights package' has been prepared to summarise Federated Farmers of New Zealand ("FFNZ") position and remaining concerns as they relate to this hearing topic.

### **The importance of primary production in the Waikato**

Primary production activities make significant contributions to the economic, social and cultural well-being of communities in the Waikato and Franklin districts. These activities also have a positive impact on the economic sustainability and continued viability of many of the district's towns and villages and enable important conservation work to be undertaken.

It is important for the Council to recognise and consider the way these economic, social, cultural and environmental factors interact. Economically viable primary production in the district enables farmers to better contribute to positive environmental, social and cultural outcomes.

Our members strongly support a planning approach which recognises that landowners play a principle role as stewards of the region's natural and physical resources outside the public estate. They are also keen to see that the interests of those who rely on land-based resources are adequately considered and are not unnecessarily inhibited or constrained. Unnecessarily complex rules cause problems in both rural and urban areas.

For these reasons Federated Farmers is strongly supportive of planning approach which has been adopted for farming and farming related activities such as ancillary rural earthworks. We acknowledge that concerns have been listened to and recommendations made to ensure definitions include the full range of activities expected to be captured by these terms. We also acknowledge the understanding taken with regards to dwellings and the recommendations made for a graduated approach to the Dwelling Density Rule 22.3.1.

It is fair to categorise the issues which remain as having potential to affect our members in a broader sense rather than in relation to specific day to day farming activities, or are required to, in our view, give better effect to higher order planning instruments like the Waikato Regional Policy Statement ('WRPS').

## **Thriving, vibrant rural communities**

FFNZ sought better recognition of the range of uses and development within the rural environment which are broader than farming activities and important for economic, social and cultural wellbeing. For us this means recognising that a farming property is not only dynamic in a working sense but in a social sense also. A farming property incorporates both business and home, often needing to support multi-generations. Enabling opportunities for retiring farmers to stay on their land, for a partner to provide home based child care, or run a small BnB, for example, recognises that there are a range of non-farming activities that are important contributors to the social and economic fabric of a rural community and are of a scale and intensity that will not cause more than minor adverse effects.

The reporting officer has taken these types of issues on board, however some of the recommended changes will have the perverse outcome of relegating the importance of primary productive activities within the rural zone and elevate activities such as community activities inappropriately.

Recommended changes provide the same consenting pathway for activities that are not reliant on the rural zone at a scale and intensity that have potential to significantly increase reserve sensitivity effects on those activities that are. It is accepted that rural communities need schools and that rural schools contribute to towards a vibrant and thriving rural district. It is the sensitive nature of the activities and the scale of them which generates concern and creates the expectation that new schools and new child-care facilities should be required to go through a discretionary resource consent process. The same concern applies to wedding venues being used as an example of a Rural Commercial activity. Wedding venues do not have a functional or operational need to locate in the rural zone and do not service rural activities. Wedding venues are not 'rural-related' non farming activities and as such should not be afforded equal priority with activities that are. Wedding venues do locate in the rural zone and can contribute towards amenity value however we know of examples where conflict has been created between the very different activities and expectations of those running a wedding venue vs those running a rural contractors depot next door. Our position asks for a cascading rules framework which implements the recommended policy direction under the rewritten Policy 5.3.5 Industrial and Commercial activities. Giving wedding venues, child care and schools, which do not rely on rural land or the soil resource and do not have a functional or operational need to locate in the Rural Zone the same consent status as intensive farming, rural industry, and rural commercial, which do, does not provide a clear direction to plan users as to what are normal and expected activities within the rural zone and does not implement the intentions expressed in Policy 5.3.5(b).

## **Rural subdivision – prohibited**

FFNZ made a submission opposing the use of prohibited activity status being applied to some rural subdivision activities as being unnecessary and unduly restrictive.

The reporting officer addressed the numerous requests to step down the activity status from prohibited to non-complying or discretionary using the WRPS Policy 14.2 directive to 'avoid a decline in availability of high-class soils' and the King Salmon interpretation that 'avoid' means 'prevent the occurrence of' as the justification for recommending the retention of the prohibited status.

The focus of the WRPS policy is on protecting high class soils from **inappropriate** subdivision, use and development. The directive is to avoid inappropriate not appropriate subdivision, use and development. The WRPS Objective 3.26 and Policy 14.2 provide for a planning approach that enables appropriate subdivision, use and development of high class soils. It is for the district plan to determine what that appropriate use setting may be. Help in that regard is provided from Implementation Method 14.2.1.

Rebuttal evidence from Ms Overwater states that a prohibited status is appropriate for activities deemed to be 'inappropriate'. However, FFNZ considers that the WRPS requires a much more sophisticated planning approach than that. Inappropriate activities as determined by Implementation method 14.2.1 are to be restricted, which in a literal sense means controlled, managed, regulated and in a planning sense is not the same as 'avoid'. Control, management and regulation of activities can be achieved through a discretionary or non-complying activity status. Council will retain full decision making discretion. The policy suite as it applies to high class soils provides a clear direction to plan users that soils are to be retained and prioritised for their productive values.

### **Rural subdivision – general**

FFNZ general position with regards to subdivision is on the protection of productive land to ensure primary production can continue to ensure the long-term viability of the agricultural sector. However this general position is balanced against the fact that land needs people, its farmers and growers, to make the land productive. Farming is often a multi-generational enterprise, with the land asset providing a place for both home and business. This means farmers value flexible policy settings which enable farm succession planning to occur, provides for practical boundary relocation options, and incentivises win win opportunities to create public good environmental outcomes, while at the same time understanding the issues created by fragmentation of productive land.

The FFNZ submission on the notified plan was broadly supportive of the approach being taken, in particular the 20-hectare minimum parent lot size, enabling boundary readjustment, prioritising cluster or hamlet development and providing incentivisation to create win win environmental outcomes.

The S42A report recommends doubling the minimum lot size for a property to be eligible for subdivision. This has been opposed by a number of parties, including FFNZ. It is a significant departure from the notified provisions and one that only submitters well versed in planning processes would have picked up. Using rebuttal evidence Ms Overwater disputes that landowners will be surprised by the recommendation because the 40ha lot size has been a goal of the Regional Council since Plan Change 2, which introduced the 20ha lot provision through appeals. Ms Overwater advises that this future direction was signalled during that appeals process. FFNZ suggest that landowners will have looked to the notified plan to determine what the minimum lot sizes were proposed to be, and assessed their interest against that, not an appeals process which they are unlikely to have been a party to. The notified provision has retained Plan Change 2 resolution of 20ha, the review of the full plan provided an opportunity to re-consider the lot sizes and determine whether any changes were required. In our view the notified version should be adopted, if the submission process has identified a significant resource management issue for the Council, it can be addressed through the plan changes which are likely to be required to implement National Policy Statements, which is likely to include a National Policy Statement for Highly Productive Land.

Hilary Walker

**Senior Policy Advisor – Regional**