

**BEFORE THE INDEPENDENT HEARINGS PANEL**

**PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)**

Under the Resource Management Act 1991 (**RMA**)

In the matter of hearing submissions and further submissions on the Proposed Waikato District Plan  
(Stage 1) – Hearing 18 **Topic: Land Use**

By The Surveying Company Limited (Submitter)

Summary of evidence prepared by Nicola Wingrove on behalf of The Surveying Company Limited (TSC).

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This summary will address the key points and relief sought:

- Clarify Policy 5.3.6 and rule framework around intensive farming;
- Insert new definition for free-range poultry farming in the PWDP, align with Operative Waikato District Plan Franklin Section and surrounding areas;
- Amend status for free-range poultry farming to be a Permitted Activity;
- Amend collective setback requirements for intensive farming and sensitive land use activities;
- Provide specific worker accommodation and reinstate Policy 5.3.4 Density of dwellings as notified to include workers accommodation. Insert a new rule into the Rural Zone to provide workers appropriate accommodation as provided under the Franklin Section of the District Plan rule 23A.4.2.5.

### Status, Farming, Intensive and Free-Range Poultry

TSC's submission sought clarification on policy 5.3.6 and around the rule framework for intensive farming. In Mr Cleases's rebuttal he acknowledges that the definition and intention of the rule framework could be clearer given that a number of submitters misunderstood the drafted definitions and rules regarding intensive farming. In paragraphs 64 and 65 of his rebuttal Mr Cleave's view is that to him the rules are clear and no amendments are necessary or recommended however, invite the Panel's recommendation. I also invite the Panel's position on this, with persuasion to amend and enumerate the activity status for free-range poultry farming to simply be specified as a permitted activity under 'Farming' (P1) and amend rule 22.1.3(d) to be consistent with the definition sought.

Relief is sought to amend P1 specifically as follows:

Activity		Activity Specific Conditions
P1	Farming	<i>(a) Include free-range poultry farming, buildings and outdoor enclosures.</i>

Activity		Activity Specific Conditions
RD1	Rule 22.1.3	<i>(d) For housed <del>or free-range</del> poultry or game bird farming (consistent with the definition sought).</i>

The use of definitive wording within the activity specific conditions is clear enough guidance of this activity and rules. TSC accept as an alternative relief of a useable 'mirror image' definition recommended by Mr Cleave in paragraph 65, for extensive or free-range farming. However our preferred relief is for the Plan to include the definition of free-range poultry on its own merit and the activity specific wording will give clarity around free-range poultry included in permitted farming, which is helpful to users interpreting and using the Plan.

### Setbacks

TSC acknowledge the Mr Cleave has supported our submission on Rule 22.3.7.2(a)(vii) and amended this rule. TSC's submission was to amend the rule specification of the 300-metre site boundary setback for intensive farming, which includes free range poultry farming.

In Mr Clease’s rebuttal he has acknowledged our submission on this matter and Rule 22.3.7.2(a)(vii) as follows:

P1	<p>(b) Any building for a sensitive land use must be set back a minimum of:</p> <ul style="list-style-type: none"><li>(i) 5m from the designated boundary of the railway corridor;</li><li>(ii) 15m from a national route or regional arterial road;</li><li>(iii) 35m from the designated boundary of the Waikato Expressway;</li><li>(iv) 200m from an Aggregate Extraction Area or Extractive Resource Area containing a sand resource;</li><li>(v) 500m from an Aggregate Extraction Area or Extractive Resource Area containing a rock resource, or a Coal Mining Area;</li><li>(vi) 100m from a site in the Tamahere Commercial Areas A and C;</li><li>(vii) 300 m from the boundary of buildings or outdoor enclosures used for another site containing an intensive farming activity. This setback does not apply to sensitive activities located on the same site as the intensive farming activity;</li><li>(viii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site;</li><li>(ix) 30m from a municipal wastewater treatment facility where the treatment process</li></ul>
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Discussed in my evidence the PWDP rule 22.1.3 imposes a 300-metre setback for intensive farming, the Reporting Officer Mr Clease has not made an amendment to reflect free-range poultry farming.

As it stands relief is sought to retain the Operative Waikato Franklin District Plan distance of a 100-metre setback. Council’s recommended 300-metre boundary setback would discourage Waikato landowners from undertaking a free-range poultry farming activity while their adjoining neighbour to the north doesn’t have any onerous restrictions. Relief is sought to see a 20m site boundary setback which is adequate for a permitted free-range farming activity subject to conditions and assessment criteria, demonstrated in my primary evidence Appendix 2. Comparison of Free-Range Range Poultry Farming Hearing Evidence Plan (Ref. J121, dated September 2020).

Should relief of our final recommendation for a new definition for free-range poultry farming not be accepted, TSC seek to reinstate deleted rule 22.1.3(d) and (e), as originally notified.

## Accommodation

Mr Clease's rebuttal has not understood my position on the matter of worker accommodation. In paragraphs 39 to 43 of the rebuttal to T&G Global, Mr Cleases's s42A analysis disagrees with the concept that an additional unit to a minor (up to 70m<sup>2</sup>) residential unit for worker accommodation is necessary in the rural zone. I disagree with the Reporting Officer's analysis on the rural growth strategic objectives and policies as worker accommodation is a critical part of rural primary production.

In my opinion a minor dwelling and worker accommodation are separate activities. Rural workers require accommodation in close proximity to the land on which they work. Where a rural worker is responsible for animals or required for peak seasonal work, inconsistent hours (peak periods of high intensity for example lambing or calving periods, followed by slower periods) as mentioned worker accommodation is a key aspect of the job/this employment.

Mr Clease proposes to increase the size of the one permitted minor dwelling, from 70m<sup>2</sup> to 120m<sup>2</sup>. However, a 120m<sup>2</sup> sized dwelling is a significantly sized second dwelling which in some instances may be equal or superior to the principal house. The suggestion of the Reporting Officer a 120m<sup>2</sup> sized minor dwelling can be used for worker accommodation with a dormitory fixture for seasonal workers in my opinion is not feasible. In some instances, workers reside with their family which if the Plan adopts the Reporting Officer's dormitory fixture to host workers during seasonal periods, the permanent worker would be required to share part of their family/home.

Council has the opportunity to retain the Operative Waikato Franklin District Plan Section which provides for worker accommodation subject to (Rule 23A.4.2.5) assessment criteria.

Auckland Council's provisions for worker accommodation enables one dwelling as a Permitted Activity, one minor dwelling as a Restricted Discretionary Activity together with one worker's accommodation as a Restricted Discretionary Activity.

The outcome from not providing worker accommodation in the Waikato District will be that workers will reside across the border in Auckland and travel into Waikato District for work. Consequently, the Waikato District will lose the economic benefits of providing accommodation for workers will be lost to a neighbouring district.

Alternatively, Council can adopt the recommended Auckland Council framework for worker accommodation as a Restricted Discretionary Activity. Such a framework would enable rural worker accommodation to be complied within an appropriate manner.

TSC note worker accommodation is supported in Ms Wharfe's submission, evidence and rebuttal on behalf of Horticulture New Zealand.

TSC seek the re-instatement of Policy 5.3.4 – density of dwellings and buildings within the rural environment which further acknowledges the need for additional dwellings to support rural workers working in the rural environment.

TSC strongly support the Section 42A Reporting Officer’s recommendation and the amended setback of 100m for the minor dwelling to be located within 100m of existing buildings. A greater setback for the minor dwelling to the existing building will provide space for residents and achieve good rural residential amenity between activities.

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Nicola Wingrove

24-Sept-2020