

Proposed Waikato District Plan - Decision

Waikato region | March 2022

Summary of decision

The Proposed Waikato District Plan was notified in July 2018 (followed by Stage 2 chapters relating to natural hazards and climate change in July 2020). The decision version of the Plan was notified in January 2022 - aspects of the decision are subject to appeal.

Provisions in the '[Proposed Waikato District Plan - Decision Version](#)'¹ that are not subject to appeals are now operative.

Key changes /provisions in the decision

The hearing panel made some significant changes to the approach in the plan, including:

- The National Planning Standard format has been adopted (this means changes to some zone names, layout of the plan etc.) - e.g. the 'Rural Zone' is now referred to as the 'GRUZ - General Rural Zone'.
- Greater recognition throughout the plan of the highly productive land/soils and policy direction around managing reverse sensitivity issues. Including a decision to retain land around Tuakau (that was notified as residential) as rural land due to high class soils.
- Retaining provisions that for 'ancillary rural earthworks' (i.e 'day-to-day' farming activities) as separate from other earthworks.
- Hazardous substances provisions have been refocused on managing 'significant hazardous facilities', this is pleasing as HortNZ submitted that the notified version was overly onerous (to the level of agrichemicals on farm for example).
- Changes to zoning approach proposed in some areas district - e.g. introducing a 'Future Urban Zone' instead of 'live' zoning areas of growth, retaining some notified areas as rural.
- Amendments to rural subdivision approach e.g. increasing minimum lot size from 20ha to 40ha. No transferable development provisions.

Appeals on the decision

There are a number of appeals to the Environment Court on aspects of the decision on the Proposed Waikato District Plan.

Appeals on the decision are available on Council's website:

<https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/waikato-district-plan/district-plan-review/appeals>

¹ <https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/waikato-district-plan/district-plan-review/decisions/proposed-waikato-district-plan>

Summary of decision and HortNZ appeal

Provisions	Summary of decision and HortNZ's submission/appeal interests
Strategic Direction and policy for the rural zone (GRUZ)	<p>The decision version has provided clear direction around highly productive soils, the role of the rural environment and reverse sensitivity effects.</p> <p>HortNZ has appeal points relating to rural policy direction for 'other activities' in the GRUZ zone and policy direction around rural character (in terms of buildings and structures) and joined other appeals relating to this and related matters.</p>
District-wide matters – National Grid provisions	<p><i>Provisions found in the 'GRID – National Grid' district-wide matters chapter.</i></p> <p>Rules apply to buildings and structures (including artificial crop protection structures and support structures) and earthworks within the 'National Grid Yard'.</p> <p>HortNZ has joined appeals on this topic to ensure there is clarity within the rules.</p>
Noise (farming noise and frost fans)	<p><i>All noise rules are now in the 'NOISE' general district-wide chapter.</i></p> <p>Farming noise is defined in the 'Interpretation – Definitions' section and is permitted in rural zones e.g. NOISE-R2. The provisions for farming noise remain as notified (which was a reflection of the operative plan).</p> <ul style="list-style-type: none"> (Note: this excludes bird scaring devices, which are subject to the 'general' noise limits for the respective zone). <p>There is a specific noise rule for frost fans (NOISE-R9) – retained a noise standard of 55dB (LAeq) was retained.</p>
Earthworks	<p><i>Now found in the 'EW – Earthworks' general district-wide chapter.</i></p> <p>The notified rules included rules for 'Ancillary Rural Earthworks' and these remain for rural zones. Note: Additional controls apply in overlay areas.</p> <p>HortNZ has an appeal seeking that ancillary rural earthworks are provided for in 'flood management zone's (and also joined related appeals on in the Natural Hazards chapter).</p>
Rural subdivision	<p><i>Now found in the 'SUB – Subdivision' general district-wide chapter.</i></p> <p>Rural subdivision of high-class soils remains prohibited. The decision version does not include transferable development provisions.</p> <p>There are a number of appeals on the subdivision provisions - HortNZ has joined appeals by other parties seeking to include transferable development provision (to promote protection of high-class soils).</p>
Buildings and structures in the rural zone (GRUZ)	<p><u>Frost fans</u></p> <ul style="list-style-type: none"> Permitted activity standards were retained (e.g. max height of 10.5m, must not rotate more than 13.5m above ground level). <p><u>Artificial crop protection structures</u></p> <ul style="list-style-type: none"> HortNZ sought changes to the definition of building so these rules relating to coverage and setbacks do not apply. Artificial crop protection structures continue to require large setbacks (12m) in the decision version.

	<ul style="list-style-type: none"> • HortNZ has appealed seeking a clear framework and lesser setbacks for ACPS. <p><u>Seasonal worker accommodation</u></p> <ul style="list-style-type: none"> • HortNZ's submission sought a new definition and provisions to allow for worker accommodation as a permitted activity with specific standards. The definition recognises the need to work off-site. • The Hearing Panel included provisions for seasonal worker accommodation - permitted activity for up to 12 seasonal workers (subject to meeting conditions), and a consent requirement (restricted discretionary activity) for larger accommodation • HortNZ has appealed the requirement that SWA can only establish on site at least 20ha.
<p>Approach to managing Hazardous Substances</p>	<p><i>Now found in 'HAZ-Hazardous Substances' district-wide matter chapter.</i></p> <p>HortNZ's submission and evidence sought practical provisions that do not duplicate other regulatory requirements (i.e that it is not necessary to manage everyday use of fertilisers, agrichemicals and fuels etc.) and ensure the whole farm is not defined as a hazardous facility.</p> <p>The decision refocused the management of hazardous substances in the plan on 'significant hazardous facilities' - defined in the Plan. HortNZ support this approach.</p>
<p>Indigenous vegetation clearance and significant natural areas (SNA)</p>	<p><i>Rules relating to SNA and indigenous vegetation clearance are in the 'ECO - Ecosystems and indigenous biodiversity' chapter</i></p> <p>The decision version (decision report) determined to delete all SNAs from the planning maps (except those that have been verified or there was other evidence) - but provides policy direction to map SNA that meet the APP2 criteria. Rules for earthworks in an SNA, vegetation clearance in an SNA and also indigenous vegetation clearance outside of an SNA; there are some permitted activities.</p> <p>This part of the plan has been appealed by a number of parties - seeking both more lenient and stricter provisions.</p>

Note: There are also other plan provisions and overlays (e.g. Sites of Significance to Maaori, Outstanding natural features and landscapes) - the above is just a summary of key topics HortNZ was a submitter on.