

BEFORE THE HEARINGS PANEL AT TAUPŌ

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

AND

IN THE MATTER of the hearing of submissions on Proposed
Plan Change 42 to the Taupō District Plan

STATEMENT OF EVIDENCE OF LYNDA MARION WEASTELL MURCHISON

FOR THE NEW ZEALAND PORK INDUSTRY BOARD

11 AUGUST 2023

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SUMMARY STATEMENT

1. This planning evidence addresses matters raised in the New Zealand Pork Industry Board (“**NZPork**”) submission on Proposed Plan Change 42 to the Taupō District Plan (“**the plan change**”). The plan change deals with the General Rural and Rural Lifestyle Environments.
2. The scope of my evidence focuses on submissions made by NZPork. The submissions are made on several provisions but centred on three topics: general rural environment, reverse-sensitivity and workers' accommodation. My suggested amendments to the provisions of Plan Change 42 are included by provision, in Appendix One.
3. I support the creation of separate General Rural and Rural Lifestyle Environments in the plan change, and the focus in the General Rural Environment on primary production and other activities that need to locate in a rural area.
4. I agree it is not necessary to adopt the national planning standards in this plan change, but I do think the plan provisions could be made clearer with the use of consistent, defined terms.
5. I support the recognition in the plan change of the need to manage potential reverse-sensitivity effects in the General Rural Environment. However, amendments are needed to the objectives, policies and rules to ensure a clear, consistent and effective approach to managing reverse-sensitivity.
6. Finally, in my view, worker's accommodation could be better provided for in the General Rural Environment, to achieve the purpose of the Act.

QUALIFICATIONS AND EXPERIENCE

7. My name is Lynda Marion Weastell Murchison (Dr).
8. I currently work part-time as a Senior Advisor for NZPork and the remainder of my time as an adjunct lecturer at Lincoln University and a planning consultant for Hokonui Rūnanga Inc and the Te Wai Parera Trust. Both these organisations are based in Murihiku/Southland and have no land or activities in the Taupō District, or interest in the Taupō District Plan or this plan change.
9. I hold the following relevant qualifications:

- A PhD in Environmental Policy and Planning and a MA degree (First Class honours) in Geography from Canterbury University
 - Post-graduate qualifications in Advanced Regional, Urban and Resource Planning and Natural Resource Law from Lincoln and Canterbury universities respectively
 - New Zealand Certificate in Agriculture from the Open Polytechnic
 - Full membership of the New Zealand Planning Institute.
10. I have worked as a planner or planning manager for over 25 years, including as the District Planner for Selwyn District Council, Principal Planning and Consents Advisor for Environment Canterbury (Canterbury Regional Council), Environmental Planning lead for Te Rūnanga o Ngāi Tahu (the iwi authority over most of Te Wai Pounamu/South Island) and in private practice. I also lecture in environmental planning and agriculture.
 11. I have extensive experience in plan drafting and resource consent processing across a wide range of environmental topics including: urban planning, rural land uses, freshwater, indigenous biodiversity, coastal environments, natural hazards and climate change. I drafted the operative Selwyn District Plan, the Freshwater Chapter of the Canterbury Regional Policy Statement, the first draft of the Canterbury Land and Water Regional Plan, several catchments plans and many plan changes to both regional and district plans.
 12. I am familiar with the Act, the plan change, the Section 32 Report, the S42A Report and the submissions from NZPork.
 13. While these are not proceedings in the Environment Court, I have prepared my evidence in accordance with the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert witness 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 other information.
 14. While I am employed by NZPork, the opinions expressed in this evidence are my own professional opinions. I have not

omitted to consider material facts known to me that might alter or detract from the opinions expressed.

15. I did not prepare the submission lodged by NZPork.

SCOPE OF EVIDENCE

16. I have been asked to provide planning evidence in relation to the submission by NZPork on this plan change.
17. The submission focuses on the provisions for the General Rural Environment and seeks to ensure the provisions support an environment that enables pig farming, indoor or outdoor and the spreading of pig effluent.
18. To do this, the submission has focused on the provisions for primary production generally and intensive primary production in particular, recognition and management of the management of reverse-sensitivity effects, and provision for workers' accommodation.
19. My evidence addresses the following matters:
 - General Rural Environment – use of national planning standards, consistent and defined terms, and provision for commercial and industrial activities
 - Reverse Sensitivity – objectives, policies and rules
 - Workers' Accommodation – request for new provisions
 - Suggested amendments by provision order – Appendix 1
20. The plan change and the broader planning framework within which it sits are described in both the relevant S32 Report and the s42A Report provided by Taupō District Council. Therefore, I have not repeated that analysis in my evidence, except for particular matters which are relevant to the NZPork submissions.
21. My evidence includes recommended amendments to the plan change provisions where appropriate. Appendix 1 includes a list of my suggested amendments to the plan change by provision order for ease of reference.

THE NEW ZEALAND PORK SECTOR

NZ Pork Industry Board

22. The New Zealand Pork Industry Board is a statutory board established under the Pork Industry Board Act 1997. The Board is funded by compulsory levies paid by pig farmers.
23. The object of the Board is to help attain the best possible net ongoing returns for New Zealand pigs, pork products and co-products, and to support the pork industry to make the best possible on-going contribution to the New Zealand economy.
24. An essential part of attaining these objectives is ensuring pig farming meets or exceeds expectations around environmental and social responsibility, which includes contributing to the collective goal to reduce greenhouse gas (GHG) emissions, while ensuring people have access to high quality and affordable animal protein.

Commercial Pig Farming in New Zealand

25. The commercial pig farming industry in New Zealand is small by international standards, with 93 registered commercial pork producers nationally in 2021. These farmers produce approximately 632153 pigs annually, with a rolling four-year average value of \$178m (2018-2021) (www.pork.co.nz). Ninety-five percent of pig farmers have NZPork Pigcare Accreditation.
26. In New Zealand, pigs are farmed using a spectrum of models from intensive indoor farming systems to outdoor free-farmed and free-range systems. Outdoor production relies on flat land, low rainfall and free draining soils, so most outdoor farms are situated in Canterbury. Some pig farmers specialise in pork production only, while others farm pigs in conjunction with other activities, including sheep and beef, arable and dairy farming.
27. Pigs are monogastric animals not ruminants, so pig farming comprises only 0.2% of New Zealand's agricultural GHG emissions. However, pigs require concentrated, highly specialised diets for optimal nutrition. Therefore, pig farmers rely on a combination of grains, grazing (in outdoor situations) and supplementary feed, including [human] food waste.
28. Annual pork consumption per capita in New Zealand is around 23kg and is projected to increase by 0.8kg per capita

year on year to 2031. Currently, only 40% of pork products consumed in New Zealand are sourced domestically; the balance is imported pork product mostly cured meats (bacon and ham) (www.pork.co.nz).

29. However, New Zealand pork producers form an integral part of the rural economy: they utilise other farming resources such as grains for feed; provide a source of organic fertiliser which is high in nitrogen; and provide employment.
30. Pig farming may play a role in helping reduce biogenic methane emissions from farming by allowing livestock farmers to diversify their livestock production; providing a source of organic nitrogen fertiliser; and potentially a sink for food waste (which contributes 9% of New Zealand's biogenic methane emissions, www.mfe.govt.nz).
31. Traditionally, dairy farmers often kept pigs as part of a complimentary farming system, feeding them on milk by-products. While that practice no longer occurs, the principle of synthesized or mixed farming to efficiently utilise feed and minimise waste (including GHG emissions) remains valid.
32. The potential of pig farming in the reduction of food waste has been recognised by the Office of the Prime Minister's Chief Science Advisor in the project, 'Food resource, food waste' (www.pmsca.ac.nz). This project started in April 2022 and to date two reports have been produced. Reports 3 and 4 are due this year. Report 3 is exploring options for capturing value from food waste which isn't prevented or rescued, such as upcycling, conversion to animal feed, composting, and anaerobic digestion.
33. From the NZPork register of piggeries, I understand there are currently very few piggeries operating in Taupō District. However, the potential role of pig farming in a low emission farming economy means NZPork wants to ensure all regional and district plans recognise and enable both indoor and outdoor pig farming, and the spreading of pig effluent, within rural environments.

GENERAL RURAL ENVIRONMENT

34. The plan change amends the provisions for managing the rural environment in the Taupō District Plan by creating a General Rural Environment focused on primary production

and other activities which need to locate in rural areas; and a dedicated Rural Lifestyle Environment for residential living in a rural setting.

35. The NZPork submission supports this approach and the provisions for the General Rural Environment, but requests the following changes:
- (i) The inclusion of definitions for some commonly used terms in the plan change including primary production, and intensive indoor primary production
 - (ii) The inclusion of defined terms associated with pig farming being intensive primary production, intensive outdoor primary production and extensive pig farming
 - (iii) Aligning the name and description of the General Rural Environment to that for the General Rural Zone in the National Planning Standards 2019
 - (iv) Retaining Objectives 3.b.2.1 and 3.b.2.2 and Policy 3.b.2.9 but adding a new clause to Policy 3.b.2.9
 - (v) Amending provisions for managing other activities in the General Rural Environment.

New Definitions

36. The S42A Report has not commented on the definitions sought by NZPork.
37. In my view, the plan change will be clearer if it uses consistent, defined terms to describe key activities in the General Rural Environment.
38. The *introductory section of the General Rural Environment uses the terms 'primary productive uses', 'primary production' and 'primary production activities'. Similarly, Objective 3.b.2.1 refers to 'primary production' while the amendment to Policy 3b.3.9 recommended in the s42A report uses the term 'primary production activities' but uses the term 'rural production' in relation to a recommended amendment to Policy 3b.3.9 for the Rural Lifestyle Environment.
39. None of these terms are defined in the plan change, so it isn't clear whether they are intended to mean the same or different things.

40. I agree that including the definition for primary production and intensive indoor primary production from the National Planning Standards 2019 in the plan change and using those terms consistently in the plan text will make the plan change clearer. Therefore, it is a more efficient and effective option than the terms used in the plan change as notified.
41. I do not agree there is any difficulty with using terms defined in the National Planning Standards 2019 if they are terms that relate only to the provisions in the plan change. Therefore, I do not anticipate that using the National Planning Standards definitions requested in the NZPork submission is likely to result in the need for retrofitting or consequential amendments to other parts of the district plan.
42. The submission also requests the inclusion of definitions for intensive primary production, intensive outdoor primary production and extensive pig farming.
43. The plan change has rules pertaining to indoor intensive primary production (Rule 4b.2.10) but not intensive primary production, outdoor primary production or extensive pig farming. However, if provisions are introduced that refer to intensive primary production, intensive outdoor primary production, or extensive pig farming then my recommendation is that these terms are defined.
44. Unfortunately, the definitions requested in the NZPork submission are circular and complex, and for the purposes of this plan change do not appear to work. Therefore, I have not recommended they be included except for a slightly amended definition of extensive pig farming in relation to Rule 4b.2.6, discussed later in my evidence.

Description of General Rural Environment

45. The S42A Report discusses aligning the plan change with the National Planning Standards 2019 at paragraphs 79-80. The Officer notes that district plans must be aligned with different parts of the National Planning Standards by 2024 and 2026, or earlier if a proposed district plan is notified. However, the Officer notes there is no requirement for a plan change to be aligned to the National Planning Standards and suggests that to try and do so would involve a substantial retrofitting of the plan, and would exclude those parts of the plan not subject to the plan change.

46. I agree with the S42A Report that it is not necessary to adopt the format from the National Planning Standards in the plan change. In my view, it is the provisions applying in the General Rural Environment that are important, rather than whether the area is referred to as a "Zone' or an 'Environment.'

47. However, I do think there is merit in incorporating the description of the General and Rural Lifestyle zones in the National Planning Standards into the plan change. Those descriptions are:

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 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.*

48. In my view, the description for the General Rural Zone aligns with the General Rural Environment but is more crisply expressed. However, the description for the Rural Lifestyle Environment differs from the Rural Lifestyle Zone in the National Planning Standards in relation to enabling primary production. However, the NZPork submission only applies to the General Rural Environment.

49. The submission also requests an additional sentence be added to the third paragraph of the description for the General Rural Environment. The submission requests this paragraph be amended to read:

"Activities in the General Rural Environment will produce effects that are different from urban areas, such as noise, odour, vibration, spray drift and dust. ~~Allowing these activities to operate in a more suitable environment, along with compatible activities, aims to protect rural land uses from unnecessary restrictions. These effects should be anticipated and tolerated within a productive rural environment.~~"

50. I support this amendment. There are several provisions in the General Rural Environment which emphasise the focus on

primary production and the need to manage reverse-sensitivity effects, which are discussed in my evidence below.

51. In my opinion, amending the last sentence of this paragraph from having an aim '*to protect rural land uses from unnecessary restrictions*' to a position that '*these effects should be anticipated and tolerated within a productive rural environment*' better aligns with the objectives and policies in the plan change to manage reverse-sensitivity.
52. 'Protecting rural land uses from **unnecessary** restrictions' [emphasis added] leaves room to contemplate restrictions to manage conflict created by reverse-sensitivity effects. The amendment suggested by NZPork makes it clear that such effects are part of the rural environment.

Objectives 3b.2.1 and 3b.2.2 and Policy 3b.2.9

53. Under s75(1)(a) of the Act, a district plan must state the objectives for the district. Objectives 3b.2.1 and 3b.2.2 relate to enabling primary production and maintaining rural character in the General Rural Environment. The NZPork submission seeks to retain these objectives as notified.
54. I agree the objectives are necessary and appropriate to achieve the purpose of the Act and align with the description of the General Rural Environment in the plan change. In my view the proposed amendment to Objective 3b.2.1 recommend in the S42A Report to include 'the use of natural resources' is also appropriate.
55. Under s75(1)(b) of the Act, a district plan must state the policies that achieve the objectives. Policy 3b.2.9 achieves both objectives 3b.2.1 and 3b.2.2. by describing the characterises of the rural environment which are to be maintained. However, there is no refence to primary production per se in this policy.
56. The NZPork submission supports Policy 3b.2.9 and requests an additional clause (g) which reads: "sights, odour and dust associated with primary production activities."
57. The S42A Report recommends this clause is added to Policy 3b.2.9 but only "odour and dust associated with primary production activities."
58. The S42A Report does not discuss why the recommended clause g does not include any reference to 'sights'. While, in

my experience, odour and dust are common effects, I am aware from my experience working as a planner for provincial territorial authorities, of people complaining about 'sights' associated with rural activities, including the colour of buildings and baleage wrap, night lights used for harvesting, and animals mating.

59. Therefore, in my view, a reference to 'sights' or 'visual effects' should be included in the new clause g added to Policy 3.b.2.9, so that it reads: "visual effects, odour and dust associated with primary production."

Rule 4b.1.1 - Activities in the General Rural Zone

60. Rule 4b.1.1 of the plan change sets out the general rules for activities in the General Rural Environment. The rules provide that any activity is a permitted activity if it complies with all the performance standards for the General Rural Environment, the District Wide Performance Standards, and is not identified as a controlled, restricted discretionary, discretionary or non-complying activity within the General Rural Environment or the District Wide Rules.
61. The rule also includes a 'catch-all rule that classifies any activity which is not given any status under any rule as a discretionary activity.
62. NZPork has submitted in support of this rule but also requesting that the plan change provide a definition and rule structure for other intensive farming activities to give clarity to the application of this rule to such activities.
63. This submission point is not addressed in the S42A Report.
64. I am unclear what relief the submission is seeking and how it would fit into the structure of the plan. My interpretation of Rule 4b.1.1 is that unless the activity breaches a performance standard or is specified under a rule as having another status, it is permitted activity.
65. There are no performance standards or rules applying specifically to primary production other than Rule 4b.1.10 for intensive indoor primary production and rural industry. Therefore, I think Rule 4b.1.1 already makes all primary production a permitted activity in the General Rural Environment (subject to compliance with all performance standards).

66. It is possible Rule 4b.1.1(ii) is causing some confusion. The reference to any activity that is not a permitted activity could be read as meaning any activity not listed as a permitted activity.
67. This issue could be clarified by some wordsmithing to Rule 4b.1.1(ii) and by adding a new permitted activity rule after Rule 4b.1.1 and before Rule 4b.1.2 Minor residential units, that reads:
- “Primary Production - any primary production that complies with all Performance Standards for the General Rural Environment and the District Wide Rules.”
68. I also recommend a consequential amendment to Policy 3b.2.9 to explicitly refer to primary production as part of the character of the General Rural Environment.

Rule 4b.1.5 – Commercial and Industrial Activities

69. Rule 4b.1.5 applies to commercial and industrial activities and home businesses. These activities are permitted activities provided they meet the relevant performance standards set out in rules 4b.2.1, 4b.2.2, 4b.2.3, 4b.2.25 and 4b.2.6.
70. NZPork has submitted opposing this rule as contradicting Objectives 3b.2.3 and 3b.2.1. The submission requests that commercial and industrial activities are discretionary activities.
71. The S42A Report does not address this submission point.
72. Objective 3b.2.1 seeks to protect the availability of rural land and other resources and their productive capacity. Objective 3b.2.3 states that rural industry is enabled whilst general commercial and industrial activities not having a locational need to be within the General Rural Environment are avoided. There is an exception for home businesses.
73. In addition, Policy 3b.2.14 reads: “Limit the scale of commercial and industrial activity to avoid the uptake of general rural land by activities that are provided for in other Environments and may impact on the availability of land for primary production activities within the General Rural Environment.”

74. The S42A Report does not propose any changes to Objective 3b.2.3 and amends Policy 3b.2.14 only by adding the words '(excluding rural industry)' after the words 'industrial activity.'
75. Under s75(1)c) of the Act any rules must implement the policies of the plan which must, in turn, achieve the objectives. In my view, Rule 4b.1.5 as it is currently written does not implement Policy 3b.2.14, except as it applies to home businesses.
76. My suggestion is to amend Rule 4b.1.5(i) to provide for any home business which complies with the performance standards as a permitted activity; and to amend Rule 4b.1.5(ii) to provide for any commercial or industrial activity (excluding rural industry) as a restricted discretionary activity; as well as any home business which does not comply with Rule 4b.1.5(i).
77. I suggest adding the following matters of discretion to the rule:
- "f. whether the commercial or industrial activity has a functional requirement to be located in the General Rural Environment
 - g. Whether the activity is located on highly productive land and any other potential effect, including cumulative effects, on the availability of land or resources for primary production."
78. In response to another submission, the S42A Report recommends an amendment to Policy 3b.2.9 Maintaining the established character, to include a reference to visitor accommodation and tourist activities in clause (b). In my view this amendment needs to be limited to rural-based tourism and visitor accommodation to make the policy consistent with Objective 3b.2.4 as amended by the S42A report and Policy 3b.2.14.

REVERSE-SENSITIVITY

79. Reverse-sensitivity refers to the situation whereby a person locates in an area and then complains about effects from other activities already established in that area. Examples include people buying a house near an airport and complaining about noise.
80. As more people move into rural areas to reside but have little knowledge of farming activities, the potential for reverse-sensitivity effects increases. In my experience working as a

planner for local authorities and in the primary sector, reverse-sensitivity effects in rural area extend to activities I consider normal, inoffensive aspects of rural production such as seasonal weekend or night work, dust from harvesting, animals roaring, and temporary odour when effluent is spread, areas are washed down, and fertiliser or chemicals are applied.

81. Pigs have a natural body odour which many people find offensive. Consequently, pigs can be perceived as 'dirty' and pig farms as mismanaged. Depending on the pig diet and the effluent management system, pig effluent can also smell stronger than other animal effluent when applied to land. Therefore, reverse-sensitivity issues are real for pig farmers.
82. The description of the General Rural Environment, Objectives 3b.2.1 and 3b.2.2, and Policy 3b.2.9, all provide for primary production and associated effects in the General Rural Environment. Objective 3b.2.5 and Policy 3b.2.13 specifically addresses reverse-sensitivity effects.
83. NZ Pork has made submissions seeking some changes and additions to the provisions in the General Rural Environment to manage reverse sensitivity. These changes include:
 - (i) Adding a definition of sensitive activities to the plan which includes residential activities, visitor accommodation, community facilities, educational facilities, tourism activities, camping grounds, conference facilities and healthcare facilities; and applying reverse-sensitivity provisions to 'sensitivity activities' not just residential activities.
 - (ii) Amending Objective 3b.2.4 so it does not enable tourism and visitor accommodation activities in the General Rural Environment.
 - (iii) Amending Objective 3b.2.5 so it applies specifically to primary production activities.
 - (iv) Rewriting Policy 3b.2.13 so it requires separation distances between primary production and sensitive activities.
 - (v) Adding a new provision to Rule 4b.2.6 to create a minimum 300m separation distance between sensitive

activities and intensive indoor primary production activities and intensive farming activities.

84. The S42A Report has not discussed these provisions and has not recommended changes to the plan provisions as a result of these submissions.
85. In my opinion, the description of the General Rural Environment recognises the potential impact of reverse-sensitivity effects on primary production and other activities that need to locate in rural areas.
86. Objectives 3b.2.1, 3b.2.2 and 3b.2.5 work together to create an outcome where reverse-sensitivity effects on primary production and other activities within the General Rural Environment are avoided. However, I do not agree the plan change is sufficiently robust to avoid reverse-sensitivity effects for the reasons discussed below.

Objective 3b.2.4

87. Objective 3b.2.4 is to enable a variety of activities in the General Rural Environment including tourism activities and visitor accommodation. The submission from NZPork request's Objective 3b.2.4 be amended to strikeout the reference to tourism activities and visitor accommodation and to add a new clause that reads:

"Tourism activities and visitor accommodation are provided for where their establishment and operation will not negatively impact on primary production activities within the General Rural Environment."

88. The plan change focuses on potential reverse-sensitivity effects from residential development in the General Rural Environment. However, in my experience, reverse-sensitivity effects can also result from other activities in a rural environment including visitor accommodation, hospitality, and other facilities where people may gather such as healthcare, educational and community facilities.
89. Therefore, I believe there is a potential conflict between Objective 3b.2.4 and Objective 3b.2.5 as they are currently written. I agree the amended objective proposed in the NZPork submission better achieves the purpose of the Act and is more consistent with the other objectives of the General Rural Environment.

90. To ensure consistency with the S42A Report recommendations and other provisions in the plan change, I recommend a slight change to the wording from the relief sought in the NZPork submission, so the amended objective reads:

“Māori cultural activities, renewable generation and transmission activities and other activities which have a functional need to locate in a rural area are provided for in the General Rural Environment.

Any tourism facilities or visitor accommodation in the General Rural Environment is located, sited, designed and operated to avoid potential reverse-sensitivity effects with primary production or other activities in the General Rural Environment.”

Objective 3b.2.5

91. The NZPork submission supports Objective 3b.2.5 in part and requests an amendment by inserting the words 'primary production' between the words 'established' and 'activities'. The effect of the amendment is to limit the objective to avoiding reverse-sensitivity effects on primary production activities. The reason given in the submission is that primary production is the focus of the zone.
92. While primary production is a core focus of the General Rural Environment, I do not agree that it is the sole focus and that Objective 3.b.2.4 should only apply to primary production. The description of the General Rural Environment in the first paragraph states that “the district is one of New Zealand's most significant for the generation, storage and transmission of renewable energy.”
93. In addition, Objective 3b.2.3 provides specifically for rural industry, Objective 3b.2.4 for Māori culture and other activities Objective 3b.2.7 for papakāinga, respectively.
94. Though it is not raised in the NZPork submission, I agree with the S42A Report recommendation to amend the objective from applying to 'permitted and lawfully established activities' to applying to 'permitted, lawfully established or consented activities.'
95. My understanding is that the Court of Appeal affirmed that the environment includes any permitted activity, any lawfully established activity and any activity for which resource

consent has been granted and has not lapsed, in *Queenstown Lakes DC v Hawthorn Estates Ltd* [2006] NZRMA 424 (CA).

96. Therefore, in my view, it would be more appropriate to either leave the Objective as recommended in the S42A Report or to reword it to read:

“Reverse-sensitivity effects on primary production activities or on other permitted, legally established or consented activities within the General Rural Environment, including conflict with activities in neighbouring Environments, are avoided.”

Policy 3b.2.1.3

97. Policy 3b.2.1.3 is entitled ‘Avoiding reverse sensitivity’ and reads: “Any adverse effects generated by an activity, must be managed within the allotment so as to avoid adversely affecting permitted and lawfully established neighbouring activities.”
98. NZPork has submitted requesting the policy is replaced with one which reads: “Sensitive activities must be separated from primary production activities through the use of setbacks, to prevent reverse-sensitivity effects from impacting on the ability of primary production to operate within the zone.”
99. The S42A Report does not address the NZPork submission point, but it does make recommended changes to Policy 3b.2.13 so it reads: “Any adverse effects generated by an activity, including reverse sensitivity effects, must be managed within the allotment so as to avoid adversely affecting permitted and lawfully established and/or consented neighbouring activities.”
100. In my view, Policy 3b.2.13 as notified will not avoid reverse-sensitivity effects and will not achieve Objective 3b.2.5. The policy requires all activities to manage any adverse effects within their allotment. However, my understanding is that the purpose of the General Rural Environment is to create a space for activities that require separation from sensitive activities.
101. The amendment recommended in the S42A Report attempts to address this matter by including a requirement to manage reverse-sensitivity effects within the allotment too. Unfortunately, this amendment makes the policy nonsensical.

If people are complying with Policy 3b.2.13 and keeping any adverse effects within their allotment, there will not be reverse- sensitivity effects.

102. I believe the amendment proposed by NZPork better achieves the purpose of the Act and is a more appropriate option to manage reverse-sensitivity effects than either the policy as notified, or the amendment proposed in the S42A Report. I suggest Policy 3b.2.13 is replaced with the policy in the NZPork submission subject to some minor redrafting so the provision reads as a policy not a method. Those suggested changes are shown in Appendix 1.
103. If the amendment requested in the NZPork submission is accepted, then the term 'sensitive activities' ought to be defined so it is clear which activities the policy applies to. The NZPork submission includes a definition of sensitive activities, noted in paragraph 83(i) above.
104. The NZPork amendment only applies to managing reverse-sensitivity effects on primary production. However, the proposed policy could be amended by adding the words 'or other activities' after the words primary production in the last sentence.
105. The policy also refers to the use of separation distances as a tool to manage reverse-sensitivity effects. In my view this is an appropriate method for the reasons addressed in the next section of my evidence.

Rules 4b.1.10 and 4b.2.6

106. Under the rules for the General Rural Environment any activity is a permitted activity if it complies with all performance standards, and it is not otherwise listed as requiring a resource consent. This includes primary production, including indoor intensive primary production and all sensitive activities other than primary residential units on lots less than 10 hectares in size.
107. The submission from NZPork requests an amendment to Rule 4b.1.10 to apply performance standard 4b.2.6 to indoor primary production activities. It also requests an amendment to Rule 4b.2.6 to add a new 300m setback between all intensive primary production activities and sensitive activities.
108. The s42A report does not address this submission point.

109. The plan change does not seem to have a robust rule framework for managing potential reverse-sensitivity effects other than a minimum residential density standard.
110. In addition, while larger-scale indoor intensive primary production activities are also likely to require a resource consent for a restricted discretionary activity under Rule 4b.1.10 a small operation may be a permitted activity. In addition, there is no provision in the plan change which requires land used for the spreading of animal effluent, or other activities which may have odour or other effects beyond the property to obtain resource consent. This means several activities which may cause reverse-sensitivity effects can establish as permitted activities in the General Rural Environment.
111. On the flip side, there is no requirement for any activity which may be sensitive to those effects to obtain a resource consent or to have a larger separation distance from these activities, either. This rule construct leaves me questioning the efficacy of these methods to implement the policies and achieve the objectives to avoid reverse-sensitivity effects.
112. I am currently assisting two pig farmers who are experiencing reverse-sensitivity effects with neighbours in two separate districts in Canterbury. In one case, the person has lodged over 100 complaints with Environment Canterbury in less than 12 months. Each complaint has been investigated and in all but one instance the Council found there was no issue with odour.
113. In the other example, a pig farm opposed an application for a non-complying subdivision adjoining the area where they spread effluent in 2005. The subdivision was declined but granted on appeal via a consent order. The Environment Court imposed a condition requiring a 'no complaint' covenant be registered each allotment binding on current and future owners.
114. In 2017 one of the properties was on-sold and since then, Environment Canterbury has received multiple complaints about the smell of pig effluent. To date no complaint has been upheld, so the complainant is now distributing leaflets in the neighbourhood urging other people to complain. Because Environment Canterbury treats all complaints as

anonymous the pig farmers cannot prove who is complaining and enforce the covenant.

115. On the flip side, in 2019 I dealt with an issue whereby an established vineyard and winery faced restrictions on the expansion of their business because an adjoining property owner established an intensive poultry farm. In that case, the poultry farm was a permitted activity but once established a 500m setback applied to any sensitive activity, including hospitality activities.
116. Therefore, I believe the most appropriate method to manage potential reverse-sensitivity effects in a rural environment is to apply a separation distance between intensive primary production activities or the spreading of animal effluent, and sensitive activities.
117. Activities which cannot comply with those separation distances should be restricted discretionary or discretionary activities to enable the assessment and management of potential reverse-sensitivity effects and to assess future limitations on the expansion of the first lawfully established activity if the second one locates within the separation distance (reverse, reverse-sensitivity effects).
118. Therefore, I believe the amendment to Rule 4b.2.6 requested in the NZPork submission is a more appropriate method to manage reverse-sensitivity effects than the provisions in the plan change as notified.
119. However, I do not agree that the separation distance should apply from the notional boundary of the activity. In my view a separation distance needs to apply from the boundary of the allotment for a permitted activity rule, otherwise it has the potential to limit lawfully established activities from being able to expand on their own sites, without affected parties having any opportunity to partake in the planning process.
120. Also, I do not agree that the 300m setback should apply to any building for the management of farmed animals or any hardstand areas. This would capture buildings such as woolsheds, stables, milking sheds and feedpads. Rather in my view the proposed 300 setback should apply to intensive indoor primary production, outdoor pig farming and land used for the spreading of animal effluent.

121. The NZPork submission includes a request to add a definition of extensive pig farming but does not include land used for the spreading of animal effluent.

WORKERS' ACCOMMODATION

122. Policy 3b.2.13 and Rule 4b.1.2 provide for the establishment of a minor residential unit on the same allotment as a principal dwelling as permitted activity in the General Rural Environment.
123. The NZPork submission supports these provisions but requests a separate policy and rule structure to provide for workers' accommodation to allow for a family sized dwelling(s) located away from the principal residential unit. The submission does not include a draft policy or rule.
124. The S42A Report does not comment on this submission point.
125. A core component of the General Rural Environment is the management of subdivision and residential development to maintain an environment conducive to primary production, natural character and other activities which require open space. Therefore, under Rule 4b.2.4 the maximum residential density for a permitted activity is one primary residential unit per 10 hectares.
126. In addition to a primary residential unit, a minor residential unit may be erected as permitted activity under Rule 4b.1.2 if it complies with the performance standards in Rule 4b.2.7: a maximum floor area of 100m²; a requirement to be located no more than 20m from the primary residential unit; and a shared accessway or driveway. The S42A Report recommends increasing the distance from the principal residential unit to 40m.
127. From my reading of the plan change, workers' accommodation can be provided for as a permitted activity on a site which is 20ha or more in size or as a minor residential unit. Otherwise, workers' accommodation may be able to be erected as a restricted discretionary activity under Rule 4b.1.2 or as a discretionary activity under Rule 4b.1.1 (ii). There is no objective or policy in the plan change to guide decision-making on a resource consent for workers' accommodation.
128. In my view the provision for workers' accommodation should be provided for as it is part of primary production and other

activities in the General Rural Environment and not all properties that require workers' accommodation will 20ha or more in size.

129. However, any provision for workers' accommodation has the potential to undermine the residential density standards set in the plan change if that accommodation becomes surplus to requirements and is subdivided and sold as a principal residential unit. Therefore, I do not agree it achieves the purpose of the Act or the objectives of the General Rural Environment to provide for worker's accommodation as a permitted activity, unless it complies with the general residential density provisions.
130. My recommendation is to provide for workers' accommodation where there is a functional need to house employees on site and provided appropriate mitigation measures are put in place to avoid the workers' accommodation unit(s) being subdivided and sold separately from the main residential unit.
131. Unfortunately, the NZPork submission does not include wording for a suggested policy or rule. However, in my view there is sufficient scope in the submission to amend Rule 4b.1.2 to add a new provision for workers' accommodation that does not comply with Rule 4b.1.2 as a restricted discretionary activity.
132. I also recommend adding additional matters of discretion to the rule pertaining to: the functional need for workers' accommodation on-site; and the measures proposed to prevent workers' accommodation being subdivided and sold as a primary residential unit(s) if it is longer required.

CONCLUSIONS

133. Plan Change 42 proposes a new General Rural Environment and Rural Lifestyle Environment for the rural area of Taupō District.
134. NZPork supports many provisions of the General Rural Environment, particularly the emphasis on enabling and supporting primary production and rural industry and protecting these activities from reverse-sensitivity effects.
135. NZPork has made submissions requesting amendments and additions to the provisions, for the General Rural Environment,

the management for reverse-sensitivity effects, and for workers' accommodation.

136. I agree that using consistent terms for primary production and indoor intensive primary production, and definitions for these terms from the National Planning Standards 2019 is appropriate.
137. I agree that restricting the establishment of commercial and industrial activities in the General Rural Environment is necessary to implement Objectives 3b.2.1 and 3b.2.3 and Policy 3b.2.14.
138. I also agree that amendments are required to the policies and rules for managing reverse-sensitivity effects to achieve Objective 3b.2.5. In particular, Policy 3b.2.13 needs rewriting and a separation distance between indoor intensive primary production and sensitive activities needs to be included in the performance standards in Rule 4b.2.6.
139. Finally, some provision ought to be made for workers' accommodation in the General Rural Environment to achieve Objectives 3b.2.1, 3b.2.3 and 3b.2.4, but that the activity needs to be managed to achieve Objective 3b.2.2.



Lynda Murchison

11 August 2023

APPENDIX 1 – PROPOSED AMENDMENTS TO PLAN CHANGE PROVISIONS GENERAL RURAL ENVIRONMENT

The provisions in Plan Change 42 are shown in green text with amendments as recommended in the S42A Report are shown in ~~strikeout~~ and blue italics. Amendments recommended in this evidence are shown with deleted text is shown as ~~strikeout~~ and new text as underlined in black.

Provision	Plan change 42 including amendments in S42A Report	As Recommended in this Evidence
Section 10 – Definitions		
Extensive pig farming		Extensive pig farming means the keeping of pigs <u>outdoors on land where shelter may be provided but no fixed buildings are used for the continuous housing of animals.</u>
Intensive Indoor primary Production	Intensive indoor primary production –activities that principally occur within buildings that involve growing produce or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.	Intensive indoor primary production – <u>means primary production activities that principally occur within buildings and involve growing fungi</u> that involve growing produce or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.
Primary Production	No definition	<p>Primary production means:</p> <ul style="list-style-type: none"> (a) <u>Any aquaculture, agriculture, pastoral, horticultural, mining quarrying or forestry activities; and</u> (b) <u>Includes initial processing as an ancillary activity of commodities that result from the activities listed in (a); and</u> (c) <u>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</u> (d) <u>(d) excludes further processing of those commodities into a different product.</u>

Sensitive activities	No definition	Sensitive activity includes any one or more of the following activities singularly or in combination: <u>Residential activity</u> <u>Visitor accommodation, including and camping ground</u> <u>Tourism activity</u> <u>Hospitality or event facility</u> <u>Community facility, including and educational or healthcare facility</u>
3b.1 Introduction General Rural Environment – all text		Replace all references to 'farming', 'primary productive uses', and 'primary production activities' with the words "primary production."
3b.1 Introduction General Rural Environment		At the end of the second paragraph under General Rural Environment add a new paragraph that reads: <u>"In summary, the General Rural Environment encompasses 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."</u>
3b.1 Introduction General Rural Environment – 3 rd para	Primary production <u>Activities in the General Rural Environment will produce effects that are different form urban areas, such as noise, odour, vibration, spray drift and dust. Allowing these activities to operate in a more suitable environment, along with compatible activities, aims to protect rural land uses from unnecessary restrictions.</u>	Primary production <u>Activities in the General Rural Environment will produce effects that are different form urban areas, such as noise, odour, vibration, spray drift and dust. Allowing these activities to operate in a more suitable environment, along with compatible activities, aims to protect rural land uses from unnecessary restrictions. Such effects should be anticipated and tolerated within a general rural environment.</u>
Objective 3b.2.4 – Other Activities	Māori cultural activities, tourism, visitor accommodation and renewable electricity generation and transmission (including sub-transmission) activities and other activities that have a locational need are enabled in the General Rural Environment.	(i) Māori cultural activities, tourism, visitor accommodation and renewable electricity generation and transmission (including sub-transmission) activities and other activities that have a locational functional need to locate in a rural area are provided for are-enabled in the General Rural Environment.

		(ii) <u>Any tourism facilities or visitor accommodation allowed in the General Rural Environment under Policy 3b.2.4(i) is located, sited, designed and operated to avoid potential reverse sensitivity effects with primary production or other activities in the General Rural Environment.</u>
Objective 3b.2.5 - Avoidance of Reverse Sensitivity	Reverse sensitivity effects on permitted and legally established, and/or consented activities within the General Rural Environment, including conflict with activities in neighbouring Environments, are avoided.	Reverse sensitivity effects on primary production or other permitted and legally established, and/or consented activities within the General Rural Environment, including conflict with activities in neighbouring Environments, are avoided.
Policy 3b.2.p – Maintaining the established character	Maintain the established General Rural Environment character, as defined by: <ul style="list-style-type: none"> (a) Large open spaces between built structures (b) A mix of residential, visitor accommodation, tourism activity and rural industry buildings (c) Noises related to 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. 	Maintain the established General Rural Environment character, as defined by: <ul style="list-style-type: none"> (a) <u>Primary production</u> (b) Large open spaces between built structures (c) A mix of residential, visitor accommodation, tourism activity and rural industry buildings <u>and rural-based visitor accommodation and tourism activity</u> (d) Noises related to production activities during the day but generally low levels of noise at night <u>except for noise associated with seasonal primary production</u> (e) Low levels of light spill (f) Generally infrequent vehicle movements to and from a site (g) Limited signage that directly relates to the activity operating on the site (h) <u>Visual effects, Odour and dust associated with primary production activities.</u>
Policy 3b.2.13 – Avoiding Reverse Sensitivity	Any adverse effects generated by an activity, including reverse sensitivity effects, must be managed within the allotment so as to avoid adversely affecting permitted and lawfully established and/or consented neighbouring activities.	<u>Prevent reverse-sensitivity effects from impacting on the ability of primary production or other rural-based activities by requiring sensitive activities to be separated from primary production activities.</u>

<p>Rule 4b.1.1 – Activities in the General Rural Environment</p>	<p>Any activity that:</p> <ul style="list-style-type: none"> a) Complies with all the Performance Standards for the General Rural Environment; and b) Complies with all the District Wide Performance Standards; and c) Is not identified as a controlled, restricted discretionary, discretionary or non-complying activity within the General Rural Environment; and d) Is not identified as a controlled, restricted discretionary, discretionary or non-complying activity within the District Wide Rules <p>is a permitted activity.</p> <p>ii. Any activity that is not a permitted, controlled, restricted discretionary or a non-complying activity is a discretionary activity.</p>	<p>Any activity that:</p> <ul style="list-style-type: none"> b) Complies with all the Performance Standards for the General Rural Environment; and b) Complies with all the District Wide Performance Standards; and e) Is not identified as a controlled, restricted discretionary, discretionary or non-complying activity within the General Rural Environment; and f) Is not identified as a controlled, restricted discretionary, discretionary or non-complying activity within the District Wide Rules <p>is a permitted activity.</p> <p>ii. Any activity that is not does not comply as a permitted activity or is not listed as a controlled, restricted discretionary or a non-complying activity under the rules in this plan is a discretionary activity.</p>
<p>New Permitted Activity Rule - Primary Production</p>		<p>Primary Production</p> <p><u>Any primary production that complies with all Performance Standards for the General Rural Environment and the District Wide Rules.</u></p> <p><i>Renumber subsequent rules accordingly.</i></p>
<p>Rule 4b.1.2 – Minor residential units</p>	<ul style="list-style-type: none"> i. A minor residential unit which complies with the performance standards is a permitted activity. ii. A minor residential unit which does not comply with the performance standards is a restricted discretionary activity. 	<ul style="list-style-type: none"> i. A minor residential unit which complies with the performance standards is a permitted activity. ii. A minor residential unit which does not comply with the performance standards is a restricted discretionary activity.

	<p>When considering activities under Rule 4b.1.2 Council restricts its discretion to the following matters:...</p>	<p>iii. <u>A residential unit which is used for workers' accommodation, and which does not comply with the performance standards for a minor residential unit is a restricted discretionary activity.</u></p> <p>When considering activities under Rule 4b.1.2(ii) or (iii) Council restricts its discretion to the following matters:...</p> <p><i>After matters of discretion a to g, add the following:</i></p> <p>h. <u>The functional need for any workers' accommodation to be located on site</u></p> <p>i. <u>The need for and efficacy of any proposed measures to be used to avoid any workers' accommodation being subdivided and sold as a principal residential unit if workers' accommodation is no longer required.</u></p>
<p>Rule 4b.1.5 – Commercial and Industrial Activities</p>	<p>i. A commercial, industrial activity (excluding rural industry) or home business which complies with the performance standards is a permitted activity.</p> <p>ii. A commercial, industrial activity (excluding rural industry) or home business which does not comply with the performance standards is a restricted activity.</p> <p>When considering activities under Rule 4b.1.5(ii) Council restricts the exercise of its discretion to the following matters:</p> <p>a. The daily vehicle movements expected to and from the allotment</p> <p>b. The effect of the activity on the rural character of the area, having regard to visual effects and lighting effects</p> <p>c. The effect of the activity on surrounding land uses (including reverse sensitivity effects) and</p>	<p>i. A commercial, industrial activity (excluding rural industry) or home business which complies with the performance standards is a permitted activity.</p> <p>ii. A commercial or industrial activity (excluding rural industry) or home business which does not comply with the performance standards is a restricted activity.</p> <p>iii. <u>A home business which does not comply with the performance standards is a restricted activity.</u></p> <p>When considering activities under Rule 4b.1.5(ii) Council restricts the exercise of its discretion to the following matters:</p> <p>a. The daily vehicle movements expected to and from the allotment</p> <p>b. The effect of the activity on the rural character of the area, having regard to visual effects and lighting effects</p>

	<p>how these effects can be managed onsite and/or mitigated</p> <p>d. The hours of operation of the activity</p> <p>e. The proposed signage associated with the activity.</p>	<p>c. The effect of the activity on surrounding land uses (including reverse sensitivity effects) and how these effects can be managed onsite and/or mitigated</p> <p>d. The hours of operation of the activity</p> <p>e. The proposed signage associated with the activity</p> <p>f. <u>Whether the commercial or industrial activity has a functional requirement to located in the General Rural Environment</u></p> <p>g. <u>Whether the activity is located on highly productive land and any other potential effect, including cumulative effects, on the availability of land or resources for primary production.</u></p>
Rule 4b.1.10 (i) Intensive Indoor Primary Production	An intensive indoor primary production or rural industry activity which complies with performance standards 4b.2.1, 4b.2.2, 4b.2.3 and 4b.2.5 and 4b.2.6 is a permitted activity.	An intensive indoor primary production or rural industry activity which complies with performance standards 4b.2.1, 4b.2.2, 4b.2.3 and 4b.2.5 and 4b.2.6 is a permitted activity.
Rule 4b.2.6 Minimum Building Setbacks	<p>i. 30 metre setback for dwellings and minor residential units and other buildings from the front boundary.</p> <p>ii. 15 metre setback for dwellings and minor residential units and other buildings from all other boundaries</p> <p>iii. 25 metres in Outstanding Natural landscapes for all boundaries</p> <p>iv. 200 metres for the management of farmed animals from all boundaries</p> <p>v. There shall be no front boundary setback for buildings and activities associated with Electricity Generation and Renewable Energy Generation Activities on land identified as Geothermal Area in Section O within an</p>	<p>i. 30 metre setback for dwellings and minor residential units and other buildings from the front boundary.</p> <p>ii. 15 metre setback for dwellings and minor residential units and other buildings from all other boundaries.</p> <p>iii. 25 metres in Outstanding Landscape Areas from all boundaries.</p> <p>iv. 200- metres for buildings for the management of farmed animals, 300m setback from the property boundary for any building, hard stand area, treatment system or other structure related to an intensive primary production activity or extensive pig farming</p> <p>v. <u>300m from any boundary of a property that contains lawfully established intensive primary production activity</u></p>

	<p>Electricity Generation Core Site where the road extends over any power generation Building or Structure.</p> <p>vi. There shall be no boundary setback for buildings and activities associated with Electricity Generation on land identified as Geothermal Area in Section O within an Electricity Generation Core Site.</p> <p>vii. All new buildings must be set back at least 30m from the legal boundary of an existing plantation forest.</p>	<p><u>or extensive pig farming if the building, structure or facility is used for a sensitive activity</u></p> <p>vi. There shall be no front boundary setback for buildings and activities associated with Electricity Generation and Renewable Energy Generation Activities on land identified as Geothermal Area in Section O within an Electricity Generation Core Site where the road extends over any power generation Building or Structure.</p> <p>vii. There shall be no boundary setback for buildings and activities associated with Electricity Generation on land identified as Geothermal Area in Section O within an Electricity Generation Core Site.</p> <p>vii. All new buildings must be set back at least 30m from the legal boundary of an existing plantation forest</p>
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