

Plan Change 42 – General Rural and Rural Lifestyle Environments

Before Taupo District Council

Submissions by Tauhara Quarries Ltd

Supplementary Evidence

23 August 2023

Taupo District Plan: Plan Change 42 General Rural and Rural Lifestyle Environments

- 1 This supplementary evidence relates to the following:
 - (a) Formatting of requested changes in accordance with the instructions provided by the Independent Hearings Panel in Minute 5;
 - (b) The relevance of the Waikato Regional Policy Statement and its definitions for primary production and regionally significant industry;
 - (c) Possible future plan changes; and
 - (d) Section 32AA evaluation.

Formatting of requesting changes

- 2 The changes sought are highlighted using coloured text and strike outs are outline below, and repeated in Appendix 1 for ease of reference.
- 3 Amend definition of *Rural Industry* in *Section 10 Definition* to include *quarrying activities* (coloured text added and ~~strike-outs~~ as deleted text):

Rural Industry – an activity that directly supports, services, or is dependent on primary production and has a locational need to be within the General Rural Environment (rather than an urban environment). These activities include, but are not limited to; forestry, agriculture, dairy farming, **quarrying activities**, and geothermal/electricity generation.

- 4 Add a definition to *Section 10 Definitions* for *Primary Production* in accordance with the National Planning Standards definition (coloured text added and ~~strike-outs~~ as deleted text):

primary production means:

(a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and

(b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);

(c) 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

(d) excludes further processing of those commodities into a different product.

- 5 Changes no longer sought to objective 3 of *3b.3 Objectives and Policies – Rural Lifestyle Environment, Objective* so it is to remain as:

Objective 3b.3.3 Commercial and industrial activities

The establishment of commercial and industrial activities that have no functional need to locate and are incompatible with the rural residential activities occurring within the Environment are avoided.

- 6 Amend Policy 3b.3.9 of *3b.3 Objectives and Policies – Rural Lifestyle Environment, Policy 3b.3.9* (coloured text added and ~~strike-outs~~ as deleted text):

Policy 3b.3.9 Character of the Rural Lifestyle Environment

Manage the anticipated character of the Rural Lifestyle Environment as defined by:

- a) Buildings on different sites are separated from each other in a way that creates a sense of privacy.
- b) Accessory buildings that do not dominate the landscape.
- c) Dwellings may be large but are surrounded by open space and do not dominate the landscape.
- d) A general absence of urban infrastructure including community stormwater and wastewater services.
- e) An environment which includes residential activities, ~~rural-productive~~ primary production activities and home business activities.
- f) Noise related to production activities during the day but low levels of noise at night.
- g) Low levels of light spill.
- h) Limited signage that directly relates to the activity operating on the site.

- 7 Amend Policy 3b.3.10 of *3b.3 Objectives and Policies – Rural Lifestyle Environment, Policy 3b.3.10* (coloured text added and ~~strike-outs~~ as deleted text):

Policy 3b.3.10 Lot sizes and setbacks for allotments adjoining the General Rural Environment

Require larger lot sizes and greater building setbacks for allotments adjoining the General Rural Environment ~~or primary production activities in the Rural Lifestyle Environment~~ to manage reverse sensitivity.

Waikato Regional Policy Statement

- 8 The Waikato Regional Policy Statement 2016: Te Tauākī Kaupapahere Te-Rohe O Waikato (WRPS) contains the topic EIT – Energy, infrastructure and transport. There is a specific policy requiring recognition of primary production and regionally significant industry:

IM-P4 – Regionally significant industry and primary production

The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:

1. *recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing;*
 2. *recognising the value and long term benefits of primary production activities which support regionally significant industry;*
 3. *ensuring the adverse effects of regionally significant industry and primary production are avoided, remedied or mitigated;*
 4. *co-ordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;*
 5. *maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources;*
 6. *avoiding or minimising the potential for reverse sensitivity; and*
 7. *promoting positive environmental outcomes.*
- 9 To assist the Independent Hearings Panel, I can confirm the relevance since the Tauhara Quarry is located in the Waikato region, and that is why the evidence presented to the Independent Hearings Panel referenced this policy specifically. I have not undertaken a wider exercise to review other relevant regional policy statements as relevant to other parts of the Taupo district.
- 10 Definitions from the WRPS relating to both primary production and regionally significant industry are included below:

Primary production

Means the commercial production of raw material and basic foods, and which relies on the productive capacity of soil or water resources of the region. This includes the cultivation of land, animal husbandry/farming, horticulture, aquaculture, fishing, forestry, or viticulture. It does not include hobby farms, rural residential blocks, or land used for mineral extraction.

Regionally significant industry

Means an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.

- 11 Based on information presented to the Independent Hearings Panel I wish to confirm that is my submission that quarrying activities at Tauhara Quarries Ltd fall within the definition of a regionally significant industry.

Possible Future Plan Changes

- 12 As was highlighted by Ms Hilary Samuel on Day 1 of the Plan Change 38 hearing further plan changes are anticipated by the Council. In paragraph 16 of the Overarching Section 42A report, Ms Samuel has indicated that the following Plan Changes are anticipated to be developed by the Council as a next bundle (or bundles) in the near future, but with no specific timeframes provided:

- *Full review of the Residential Chapter*
- *Māori purpose zone*
- *Hospital Zone (may be supported by the sector)*
- *Energy Chapter (may be supported by the sector)*
- **Quarry Zone (may be supported by the sector)**
- *Rangatira E and Paenoa Te Akau Growth area (in partnership with landowners)*
- *Designations*
- *Turangī Spatial Planning*
- *Chapter 3e Land Development [emphasis in **bold** added]*

- 13 I can confirm that Tauhara Quarries Ltd have already demonstrated their commitment to provide support to the Council by providing draft text and section 32A evaluation for a Special Purpose Zone (Quarry) and related provisions.

- 14 Mr Clemens has advised that Tauhara Quarries Ltd are aware of only one other quarry operator in the local area and this is Taupo Scoria Ltd at 105 Poihipi Road, Taupō.¹ Tauhara Quarries Ltd is willing to engage with other quarry operators and other interested parties and provide ongoing support to the Council for developing the Special Purpose Zone (Quarry) and related provisions. I have requested that Mr Dudley Clemens appear before the Independent Hearings Panel on Thursday, 24 August 2023, to make this commitment in person.

Section 32AA evaluation

- 15 A section 32AA evaluation is attached as Appendix 2.

¹ [Taupo Scoria - Locally owned and operated](#)



Duncan Whyte

23 August 2023

Appendix 1: Amendments version

- 16 Amend definition of *Rural Industry* in *Section 10 Definition* to include *quarrying activities* (coloured text added and ~~strike-outs~~ as deleted text):

Rural Industry – an activity that directly supports, services, or is dependent on primary production and has a locational need to be within the General Rural Environment (rather than an urban environment). These activities include, but are not limited to; forestry, agriculture, dairy farming, **quarrying activities**, and geothermal/electricity generation.

- 17 Add a definition to *Section 10 Definitions* for *Primary Production* in accordance with the National Planning Standards definition (coloured text added and ~~strike-outs~~ as deleted text):

primary production means:

(a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and

(b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);

(c) 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

(d) excludes further processing of those commodities into a different product.

- 18 Changes are no longer sought by Tauhara Quarries Ltd to objective 3 of *3b.3 Objectives and Policies – Rural Lifestyle Environment, Objective* so it is to remain as:

Objective 3b.3.3 Commercial and industrial activities

The establishment of commercial and industrial activities that have no functional need to locate and are incompatible with the rural residential activities occurring within the Environment are avoided.

- 19 Amend Policy 3b.3.9 of *3b.3 Objectives and Policies – Rural Lifestyle Environment, Policy 3b.3.9* (coloured text added and ~~strike-outs~~ as deleted text):

Policy 3b.3.9 Character of the Rural Lifestyle Environment

Manage the anticipated character of the Rural Lifestyle Environment as defined by:

a) Buildings on different sites are separated from each other in a way that creates a sense of privacy.

- b) Accessory buildings that do not dominate the landscape.
- c) Dwellings may be large but are surrounded by open space and do not dominate the landscape.
- d) A general absence of urban infrastructure including community stormwater and wastewater services.
- e) An environment which includes residential activities, ~~rural-productive~~ primary production activities and home business activities.
- f) Noise related to production activities during the day but low levels of noise at night.
- g) Low levels of light spill.
- h) Limited signage that directly relates to the activity operating on the site.

20 Amend Policy 3b.3.10 of *3b.3 Objectives and Policies – Rural Lifestyle Environment*, Policy 3b.3.10 (coloured text added and ~~strike-outs~~ as deleted text):

Policy 3b.3.10 Lot sizes and setbacks for allotments adjoining the General Rural Environment

Require larger lot sizes and greater building setbacks for allotments adjoining the General Rural Environment or primary production activities in the Rural Lifestyle Environment to manage reverse sensitivity.

Appendix 2: Section 32AA

This section considers whether, having regard to their efficiency and effectiveness, the proposed changes as requested by submissions are the most appropriate way to achieve the objectives.

Evaluation of the following:

1. Amend definition of Rural Industry
2. Add a definition of primary production (National Planning Standards)
3. Amend Policy 3b.3.9 of *3b.3 Objectives and Policies – Rural Lifestyle Environment, Policy 3b.3.9*
4. Amend Policy 3b.3.10 of *3b.3 Objectives and Policies – Rural Lifestyle Environment, Policy 3b.3.1*

Change	S32AA assessment		
<p>Amend definition of rural industry</p> <p>Option 1 – As requested:</p> <p>Rural Industry – an activity that directly supports, services, or is dependent on primary production and has a locational need to be within the General Rural Environment (rather than an urban environment). These activities include, but are not limited to; forestry, agriculture, dairy farming, quarrying activities, and geothermal/electricity generation.</p> <p>(It is noted that the s42A report recommends adopting the National Planning Standards definitions as follows:</p> <table border="1" data-bbox="204 1720 619 1928"> <tr> <td data-bbox="204 1720 320 1928">rural industry</td> <td data-bbox="320 1720 619 1928">means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</td> </tr> </table> <p>That is without introducing a definition of primary production on</p>	rural industry	means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production .	<p>Effectiveness and efficiency</p> <p>The change would capture the full scope of activities within the definition of rural industry, and better align the definition with the National Planning Standard definition for Rural Industry.</p> <p>Costs and benefits</p> <p>Environmental:</p> <p>The change would make clear the types of activities which are captured under this definition and provide clarity on the types of activities which can occur.</p> <p>Economic:</p> <p>The change would provide clarity to landowners and occupiers about the range of activities provided for in both the General Rural and Rural Lifestyle Environments.</p> <p>Social:</p> <p>As above, the change would provide greater clarity and certainty of landowners and occupiers.</p> <p>Cultural:</p> <p>The change focuses on creating greater clarity and certainty to all using the Plan. There are not considered to be any cultural benefits or costs as a result of the changes.</p> <p>Risk of acting or not acting</p> <p>The risk of not explicitly including ‘quarrying activities’ in the definition for Rural Industry, is that when other activities are listed, this implicitly excludes quarrying</p>
rural industry	means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production .		

Change	S32AA assessment
<p>which this definition relies on, but proposes a definition of land based primary production i.e.</p> <p>Land Based Primary Production – means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land. Refer below for consideration of the National Planning Standards definition of rural industry.)</p>	<p>activities. Quarrying activities are then not provided for under any other definition in the Plan, and the policy framework will not provide for quarrying activities in any Environment. This could create significant barriers for existing and future quarrying activities throughout the district.</p> <p>Conclusion as to the most appropriate action</p> <p>Include ‘quarrying activities’ in the definition for Rural Industry.</p>
<p>Amend definition of rural industry</p> <p>Option 2 – s42A recommendation.</p> <p>Adopt the National Planning Standards definition as follows:</p> <p>rural industry means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</p> <p>[Note that this is dependent on a National Planning Standards definition of primary production and the plan contains no definition of primary production]</p>	<p>Effectiveness and efficiency</p> <p>The change would capture the full scope of activities within the definition of rural industry as identified in the National Planning Standards definition for Rural Industry and is better than Option 1 in that regard but is dependent on the National Planning Standards definition of primary production also being adopted.</p> <p>It is very efficient and effective because it would be commonly understood by all persons since this is the definition applied in other parts of New Zealand (and progressively all parts of New Zealand) as the National Planning Standards are adopted.</p> <p>Costs and benefits</p> <p>Environmental:</p> <p>The change would make clear the types of activities which are captured under this definition and provide clarity on the types of activities which can occur since it references primary production (as defined by the National Planning Standards).</p> <p>Economic:</p> <p>The change would provide clarity to landowners and occupiers about the range of activities provided for in both the General Rural and Rural Lifestyle Environments.</p>

Change	S32AA assessment
	<p>Social:</p> <p>As above, the change would provide greater clarity and certainty of landowners and occupiers.</p> <p>Cultural:</p> <p>The change focuses on creating greater clarity and certainty. This will provide greater clarity to all using the Plan. There are not considered to be any cultural benefits or costs as a result of the changes.</p> <p>Risk of acting or not acting</p> <p>The risk is that when quarrying activities are not provided for under any other definition in the Plan, the policy framework will not specifically provide for quarrying activities in any Environment. This could create significant barriers for existing and future quarrying activities throughout the district.</p> <p>Conclusion as to the most appropriate action</p> <p>Including the definition for Rural Industry as defined by the National Planning Standards is an even better outcome than Option 1 provided that the National Planning definition of Primary Production is also adopted.</p>
<p>Add definition of primary production</p> <p>primary production means:</p> <p>(a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and</p> <p>(b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);</p> <p>(c) 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</p>	<p>Effectiveness and efficiency</p> <p>Although the term primary production is used throughout the draft provisions for the General Rural and Rural Lifestyle Environments, a definition has not been included in the draft provisions. The change would provide a definition, in accordance with the National Planning Standards, and therefore be both effective and efficient in providing clarity about the activities provided for by this term.</p> <p>Costs and benefits</p> <p>Environmental:</p> <p>The change would ensure that the provisions are aligned with the National Planning Standards which are in place to seek more positive and consistent environmental outcomes across New Zealand.</p> <p>Economic:</p> <p>The change would provide clarity to landowners and occupiers about the range of activities provided for in both the General Rural and Rural Lifestyle</p>

Change	S32AA assessment
<p>(d) excludes further processing of those commodities into a different product.</p>	<p>Environments, and be consistent with terminology used throughout New Zealand.</p> <p>Social:</p> <p>As above, the change would provide greater clarity and certainty of landowners and occupiers.</p> <p>Cultural:</p> <p>The change focuses on creating greater clarity and certainty, and aligning the policy framework with the National Planning Standards. This will provide greater clarity to all using the Plan. There are not considered to be any cultural benefits or costs as a result of the changes.</p> <p>Risk of acting or not acting</p> <p>The risk of not acting would be an unclear policy framework which creates uncertainty when implementing plan provisions and assessing resource consent applications. Adopting the change would ensure consistency with the National Planning Standards and provide greater clarity in the policy framework.</p> <p>Conclusion as to the most appropriate action</p> <p>The definition for primary production is included as defined in the National Planning Standards.</p>
<p>Amend Policy 3b.3.9 of 3b.3 Objectives and Policies – Rural Lifestyle Environment, Policy 3b.3.9</p> <p>Policy 3b.3.9 Character of the Rural Lifestyle Environment</p> <p>Manage the anticipated character of the Rural Lifestyle Environment as defined by:</p> <p>a) Buildings on different sites are separated from each other in a way that creates a sense of privacy.</p>	<p>Effectiveness and efficiency</p> <p>The policy achieves Objective 3b.3.5 (Allotment Sizes) which seeks to ‘Enable small scale primary production to occur’. The policy does this by establishing those key elements which contribute to the character of the Rural Lifestyle Environment and avoiding reverse sensitivity between incompatible land uses and fragmentation of rural land by providing for pockets of rural-residential living.</p> <p>The changes make clearer the actual character of the Rural Lifestyle Environment by including the full range of Primary Production, as defined in the NPS, and provides the necessary context for assessment of potentially incompatible land uses when evaluating resource consent applications. Use of the term ‘Primary Production’ is also consistent with Objective 3b.3.5 which the policy is meant to achieve.</p>

Change	S32AA assessment
<p>b) Accessory buildings that do not dominate the landscape.</p> <p>c) Dwellings may be large but are surrounded by open space and do not dominate the landscape.</p> <p>d) A general absence of urban infrastructure including community stormwater and wastewater services.</p> <p>e) An environment which includes residential activities, rural productive primary production activities and home business activities.</p> <p>f) Noise related to production activities during the day but low levels of noise at night.</p> <p>g) Low levels of light spill.</p> <p>h) Limited signage that directly relates to the activity operating on the site.</p>	<p>Costs and benefits</p> <p>Environmental:</p> <p>The change will have environmental benefits in that it will provide clarity about the actual land use activities which may occur in the Rural Lifestyle Environment. No environmental costs have been identified.</p> <p>Economic:</p> <p>The benefits of the change include ensuring that the full range of primary production activities are provided for and that the policy is clear and certain for all parties. In particular for rural residential dwelling owners/occupiers to have some certainty about the types of land uses that can establish within the environment.</p> <p>Social:</p> <p>The change will ensure that rural-residential dwelling owners/occupiers have certainty about the types of activities which may occur within the Rural Lifestyle Environment, by including 'primary production' which is clearly defined. Minimal social costs anticipated.</p> <p>Cultural:</p> <p>The change focuses on ensuring the full range of activities provided by 'Primary Production' are included in the policy so as to avoid uncertainty when applying the policy. There are not considered to be any cultural benefits or costs as a result of the changes.</p> <p>Risk of acting or not acting</p> <p>Not acting could lead to uncertainty when applying this policy as a definition for 'Rural Productive Activities' is not included in the draft provisions which could result in confusion and conflict with other definitions such as 'Rural Industry' and 'Land based Primary Production'.</p> <p>Conclusion as to the most appropriate action</p> <p>Replace 'Rural Productive' in 3b.3.9(c) with 'primary production'.</p>
<p>Amend Policy 3b.3.10 of 3b.3 Objectives and Policies – Rural Lifestyle Environment, Policy 3b.3.10</p> <p>Policy 3b.3.10 Lot sizes and setbacks for allotments adjoining the General Rural Environment</p>	<p>Effectiveness and efficiency</p> <p>This policy seeks to achieve Objective 3b.3.2 (Avoid reverse sensitivity) by establishing setbacks from allotments adjoining the General Rural Environment. The change recognises that while primary production activities predominantly occur in the General Rural Environment, they may also occur in the Rural Lifestyle</p>

Change	S32AA assessment
<p>Require larger lot sizes and greater building setbacks for allotments adjoining the General Rural Environment or primary production activities in the Rural Lifestyle Environment to manage reverse sensitivity.</p>	<p>Environment. There is the potential then for reverse sensitivity between primary production activities and residential activities in the Rural Lifestyle Environment. The change is assessed as efficient and well-targeted to potential environmental effects.</p> <p>Costs and benefits</p> <p>Environmental:</p> <p>The change will have environmental benefits in that it will more accurately recognise the presence of primary production activities in the Rural Lifestyle Environment and the potential for reverse sensitivity.</p> <p>Economic:</p> <p>The change will provide greater clarity and certainty to landowners about the types of activities which may occur in the Rural Lifestyle Environment.</p> <p>Social:</p> <p>As above, the change will provide greater clarity and certainty about the types of land use activities which may occur in the Rural Lifestyle Environment. This is considered to be a benefit. Minimal social costs are anticipated.</p> <p>Cultural:</p> <p>The change focuses on ensuring the full range of activities provided for in the Rural Lifestyle Environment are recognised and anticipated in respect of their potential to generate reverse sensitivity effects. There are not considered to be any cultural benefits or costs as a result of the changes.</p> <p>Risk of acting or not acting</p> <p>The risk of not acting could result in conflict between primary production activities and residential activities within the Rural Lifestyle Environment without a clear policy framework to resolve such issues. Adopting the change would provide a clearer policy should such reverse sensitivity effects arise.</p> <p>Conclusion as to the most appropriate action</p> <p>Include reference to 'primary production' in the policy.</p>