

# Proposed Waikato District Plan Environment Court Outcome Summary

Waikato District | November 2024

## What is the Proposed Waikato District Plan?

The Proposed Waikato District Plan was notified on 18 July 2018 as a comprehensive district plan review to replace the former Waikato District Plan (Waikato and Franklin Sections). The Proposed Plan introduced a new land use and subdivision regime for the Waikato District and HortNZ was an active participant in the plan change process focusing on achieving the best planning framework to support existing horticultural activity and future industry growth.

Decisions on submissions on the Proposed Plan were notified on 17 January 2022. Council had previously sought two ministerial approvals to extend the decisions delivery deadline, of which both were granted.

## Key changes /provisions

HortNZ appealed some decisions on the Proposed Plan and has been active in mediation discussions. Consent orders have recently been issued by the Environment Court that resolved the appeal of HortNZ that sought key changes for growers on:

- An agreed package of provisions to appropriately provide for Seasonal Workers Accommodation to meet a specific housing need and to enable the provision of labour in close proximity to horticultural operations
- An agreed package of provisions to provide for Artificial Crop Protection Structures in recognition that they facilitate productive use of highly productive land and that the economic benefits of the use of these structures outweighs the benefits of maintaining an open rural character
- Inclusion of ancillary earthworks in the Natural Hazard zone
- Changes to ensure the Proposed District Plan framework provides a clear differentiation between the permitted, occasional use of a paddock for a landing strip to facilitate aerial spraying or fertiliser spreading, and the use of farmland as a small-scale aerodrome or permanent base for a commercial aerial contracting operation.

HortNZ is still in mediation or awaiting consent orders on a number of other topics. These are expected to be resolved in the first half of 2025.

## Summary of HortNZ appeal

Summary of HortNZ's appeal	New rule
<p>HortNZ appealed the requirement that seasonal worker accommodation may only be established on a Record of Title that has an area of at least 20ha.</p>	<p><b>GRUZ-R18 Seasonal Worker Accommodation</b></p> <p>1) Activity status: Controlled (council must issue consent) Activity-specific standards:</p> <ul style="list-style-type: none"> <li>(a) Is used solely for part of the year to meet labour requirements for primary production;</li> <li>(b) Comprises of communal kitchen and eating areas and separate sleeping and ablution facilities;</li> <li>(c) The buildings used for seasonal worker accommodation shall not occupy more than 120m<sup>2</sup> in total;</li> <li>(d) Is located on a Record of Title of at least 1ha; and</li> <li>(e) Where located on a Record of Title that is 5ha or less, the Record of Title shall not already contain a Minor Residential Unit.</li> </ul> <p>Advice note: Seasonal Worker Accommodation is subject to the Code of Practice for Able Bodied Seasonal Workers</p> <p>2) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> <li>(a) On-site amenity for occupants.</li> </ul> <p><b>Any application arising from this rule shall not be limited or publicly notified.</b></p> <p>(3) Activity status where compliance not achieved with (a) and (b); and (c) where the Record of Title is more than 5ha: RDIS</p> <p><b>Council's discretion is restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>(a) The effectiveness of methods to avoid, remedy, or mitigate the effects on existing activities, including the provision of screening, landscaping, and methods for noise control; and</li> <li>(b) On-site amenity for occupants.</li> </ul> <p>Note: GRUZ-S2 Minor residential units GRUZ-S1 Number of residential units and seasonal worker accommodation within a lot</p>

HortNZ's submission sought exclusion of Artificial Crop Protection Structures from the definition of building, and a rule specific to Artificial Crop Protection Structures.

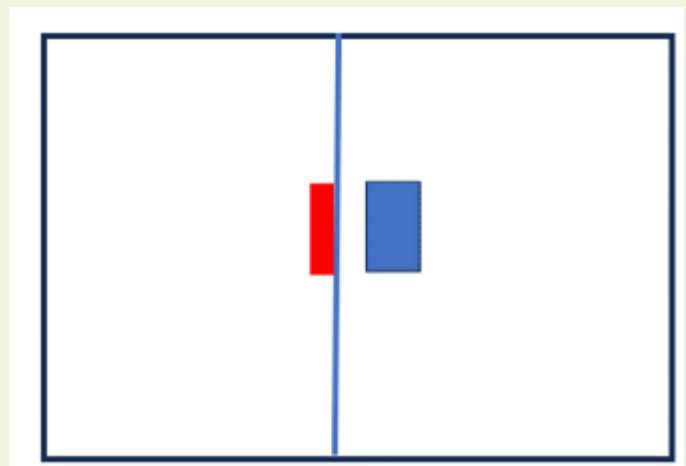
## **GRUZ-S19 Building Setbacks Artificial Crop Protection Structures**

**(1) Activity status: Permitted (no consent required)**

**Where:**

- (a) Artificial Crop Protection Structures are exempt from GRUZ-S12;
- (b) Green or black cloth shall be used on vertical faces within 30m of the site or road boundaries;
- (c) Setbacks for Artificial Crop Protection Structures do not apply except for where they are located adjacent to an internal boundary where there is an existing lawfully established residential unit located on an adjacent site and within 12m of the boundary. In this circumstance a minimum 5m setback shall apply to that portion of the Artificial Crop Protection Structure that is parallel to the face of the neighbouring residential unit.

Advice note: To clarify the application of GRUZ-SX(1)(c) the below diagram shows the applicant site on the left, and the neighbouring property is to the right of the blue internal boundary line. The blue rectangle is the neighbouring residential unit, set less than 12m off the internal boundary. The red area on the left is the area subject to the 5m setback - there is no setback required along the balance of the shared boundary.



Note:

GRUZ-S8 Height in relation to boundary

GRUZ- S9 Building coverage

HortNZ sought that ancillary rural earthworks should be permitted in the

**NH-R9 Earthworks not provided for under rules NH-R7 and R8**

<p>flood plain management area and flood ponding area overlays.</p>	<p>(e) Ancillary rural earthworks for the following activities in the GRUZ- General Rural Zone are not subject to 1b) or 1 d):</p> <p>(i) Establishment and maintenance of sediment and erosion control measures in accordance with the 2014 publication of the Horticulture NZ Sediment and Erosion Control Guidelines for Vegetable Growers Good Management Practices Version 1.1; or</p> <p>(ii) maintenance of on-farm land drainage networks, farm tracks, water pipes, tanks and troughs, helipads, postholes and fencing; or</p> <p>(iii) burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</p>
<p>HortNZ sought a change to the definition of farming to include intermittent use of airstrips and helicopter pads for fertiliser application</p>	<p><b>Definition - Farming</b></p> <p>The below has been included in the definition of farming</p> <p>(d) Intermittent use of airstrips and helicopter loading areas for fertiliser application, agrichemical spraying, and pest control as part of farming activities</p>

## WHERE TO GO FOR MORE INFORMATION

- [Link to NH-R9 consent order](#)
- [Link to GRUZ-S18 and 19 consent order](#)
- [Waikato Proposed District Plan \(appeals version\)](#)