

**BEFORE THE HEARING COMMISSIONERS
IN WAIKATO DISTRICT**

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

AND

IN THE MATTER of the Proposed Waikato District Plan (Stage 1) Hearing 28
Other Matters Rural

**SUMMARY STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE
FOR HORTICULTURE NEW ZEALAND**

7 July 2021

1. My Evidence in Chief (EIC) addressed the submissions and further submissions made by Horticulture NZ (HortNZ) that are considered in Hearing Report 28 Other Matters – Rural.
2. As there is overlap from Hearing 18 my EIC for Hearing 28 (OMR) relies on my EIC, Rebuttal Statement and Supplementary Statement for Hearing 18 – Rural.
3. I attached to my EIC for Hearing 18 a strikethrough of changes sought in my evidence and a clean version of those changes to my Summary Statement for Hearing 18 dated 25 September 2020.
4. The only changes to the strikethrough for Hearing 18 that my EIC for Hearing 28 proposes are to:
 - a. Amend Policy 5.3.2 Rural character (Refer EIC H28 5.9)
 - b. Amend Definition of farming (Refer App 2 EIC H28).
5. My EIC for Hearing 28 (OMR) addressed the following:
 - a. Policy framework
 - b. Rural character
 - c. Land preparation
 - d. Retirement villages
 - e. Minor Residential units – worker accommodation
 - f. Definitions
 - i. Land preparation
 - ii. Farm worker accommodation
 - iii. Horticultural activities
 - iv. Earthworks
 - v. Buildings - Artificial crop protection structures
 - vi. Building coverage
 - vii. High class soils
6. The s42A Report writer has not filed Rebuttal Evidence in response to my EIC for Hearing 28.
7. My EIC Hearing 28 (OMR) has identified a number of areas where there remains differences with the s42A Report writer including:
 - a. Policy framework and what activities are provided for in the Rural Zone
 - b. Policy for rural character
 - c. Worker accommodation
 - d. Earthworks and the provision for biosecurity disposal
 - e. Definition of horticultural activities and definition of farming
 - f. Artificial crop protection structures – particularly setbacks and coverage
 - g. Definition of high class soils
8. My EIC Hearing 28 (OMR) accepts the s42A Report recommendations in respect of:
 - a. Definition and provisions for land preparation
 - b. Retirement Villages in the Rural Zone
 - c. Definition Agricultural and horticultural research activities
 - d. Definition noxious, dangerous, offensive or toxic activities.

9. I will not address those specific submission points in this summary but am happy to take questions if the Panel seeks further clarification of my position.

10. Policy framework (EIC H28 Section 4)

In my EIC (H28 OMR) I set out the policy framework for the Rural area that I support that would implement the National Planning Standards. This provides the fundamental underpinning to the approach to activities in the Rural Zone as set out in my EIC and summary statement for H18. Nothing in the s42A Report for H28 (OMR) causes me to reconsider this position.

11. Rural character (EIC H28 Section 5)

HortNZ sought a new policy for rural character that was not assessed as part of the s42A Report for H18, which recommended a new policy for rural character but not as sought by HortNZ.

In my EIC H28 I set out an alternative policy to that proposed in the s42A Report for H18 and that sought by HortNZ. I consider that my recommended policy is consistent with the style in the PDP, provides clear direction of implement Objective 5.3.1, is consistent with s7c) and f) of the RMA, and incorporates those aspects of rural character that are important to the Waikato District.

I do not consider inclusion of a list of areas for activities is appropriate. A policy on rural character is a subset of amenity values and the focus should be on describing those attributes rather than activities that occur.

A recommended policy is included at para 5.9 of my EIC H28 (OMR).

12. Minor Residential units – worker accommodation (EIC H28 Section 8)

The matter of worker accommodation has been traversed in H18 but re-emerges in H28 due to the HortNZ submission point on the definition of worker accommodation.

My EIC H28 re-affirms my position that specific provision for seasonal worker accommodation is appropriate and that the s42A Report recommendations are insufficient in this regard, particularly in respect of changes to minor residential units.

In particular I consider that seasonal worker accommodation should be de-coupled from the subdivision debate as the type of facility sought is not a residential unit that lends itself to subdivision.

Therefore I continue to support the provisions for seasonal worker accommodation set out in the strikethrough attached to my EIC for H18.

13. Earthworks (EIC H28 Section 9.13- 9.22)

My EIC H18 and H21A support a submission by Pork for inclusion of provisions for burial of material infected by unwanted organisms under the Biosecurity Act 1993 as part of ancillary rural earthworks. I set out the reasons why this provision is needed to ensure that there can be a timely and appropriate response to a biosecurity incursion that necessitates burial of infected material.

In respect to the submission on the definition of earthworks I consider that inclusion of provision for earthworks for biosecurity purposes in the definition of ancillary rural earthworks would be an appropriate amendment to the Plan.

14. Building – artificial crop protection structures and building coverage (EIC H28 Section 9.23-9.33)

My EIC H18 set out a suite of provisions to provide for artificial crop protection structures. The recommendation in Hearing 5 is that the definition of building from the National Planning Standards applies to the Plan. Where an artificial crop protection structure is only vertical it will not be classed as a building as it has no 'roof'. However there is uncertainty where a structure includes horizontal cover and whether it constitutes a 'roof'. To address this uncertainty I consider that the most appropriate option is that there are standalone provisions for artificial crop protection structures that are not contingent on a definition of building. This approach ensures that provisions are included to address potential adverse effects on amenity while still enabling growers to utilise high class soils for horticultural production.

In response to questions from the Panel at Hearing 18 HortNZ provided supplementary statements from myself and Lucy Deverall which included consideration of the costs of the setbacks recommended by the s42A Report for artificial crop protection structures.

That supplementary evidence has not been considered in the s42A Report for Hearing 28 (OMR).

I remain of the opinion that standalone provisions for artificial crop protection structures that are not contingent on a definition of building as set out in my EIC are appropriate.

15. High class soils (EIC H28 Section 9.34-9.50)

In my EIC H18 I supported provisions which protect high class soils and provide clear direction in the policy framework for subdivision use and development to be directed away from such soils and fragmentation is minimised.

The issue of the definition of high class soils was deferred to Hearing 28, with it hopeful that the National Policy Statement for Highly Productive Land may have been released to inform the policy position and the definition. Unfortunately, that has not happened.

However, I note that in the recently released Exposure Draft of the Natural and Built Environment Bill protection of highly productive land from inappropriate subdivision, use and development is proposed as an environmental outcome for rural areas.

In my EIC H28 I determined that a definition for high class soils should include all Class III land, not just IIIe5, given that all Class III can be of value as highly productive land and sought that the Hearing Panel take a precautionary approach to defining high class soils as Class I, II, and III prior to the release of higher order documents in this respect. Such an approach would avoid further fragmentation and loss of Class III soils in the interim.

Lynette Wharfe

7 July 2021