

**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 3 Strategic Objectives.

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

1 November 2019

1. My EIC addressed the submissions and further submissions made by Horticulture NZ (HortNZ), assessed the s42A Report recommendations and either supported the recommendations or sought alternative changes.
2. Ms Landers has set out the important issues for HortNZ in seeking to ensure that horticulture production can continue in the district.
3. The planning assessment identified a number of key themes that emerge through the submissions. The table summarises the themes, relevant provisions addressed in Hearing 3 and relevant provisions in the Waikato Regional Policy Statement (RPS).

Theme	Relevant provisions in pWDP	Relevant provision in WRPS
Need for recognition of the importance of rural production activities to the district	Obj 5.1.1, 1.12.8	Obj 3.2 Resource use and development Policy 4.4 Regionally significant industry and primary production
Ensuring that the effects of urban growth on rural production activities are recognised	Objectives 1.12.1, 1.12.2	Method 4.1.2
The importance of managing the rural/urban interface	Obj 4.1.1/1.13.3, 4.1.1/1.13.2 Obj 4.1.2 Policy 4.1.3, Policy 4.7.4, 4.7.14	Obj 3.1 Integrated management Policy 4.1 Method 4.1.2
Intensification of urban development rather than encroaching into the rural environment	Policy 4.7.4, 4.7.7, 5.1.1/1.13.3	Method 6.1.5 District plan provisions for rural residential development Method 6.1.8 Information to support new urban development and subdivision. 6.3.3 urban growth outside of growth strategy areas
Ensuring that high class land is retained for rural production.	Policy 4.1.3	Obj 3.25 and Obj 3.26 Policy 14.1 and Policy 14.2 Method 14.2.1
Ensuring that potential reverse sensitivity effects on rural production activities are avoided	Policy 4.1.10 Policy 4.7.2, 4.7.11	Obj 3.12 g) Policy 4.4 f) Regionally significant industry and primary production Method 4.4.1 Policy 6.1 Planned and co-ordinated subdivision use and development Method 6.1.2

4. The changes that I set out in my EIC provide a planning framework to address these matters at the strategic level in the Plan.

5. In particular the description of the issues in Chapter 1 identifies key matters that the proposed Waikato District Plan (pWDP) needs to address. The changes that I have set out in my EIC seek to more clearly articulate a response to those issues, including the importance of rural production, the nature of development in the rural area and the potential for reverse sensitivity effects.
6. I consider that changes are needed to give effect to the Waikato RPS which has a range of provisions related to Integrated Management, Built Environment and Values of soils.
7. I wish to respond to matters raised in rebuttal evidence of:
 - Aaron Collier for Perry Group Ltd – Reverse sensitivity
 - Chris Scrafton for TaTa Valley Ltd - NPSHPL
 - Mark Tollemache for Havelock Village Ltd – Strategic objectives

8. Reverse sensitivity

The potential for reverse sensitivity effects on growers operations are significant. Therefore I seek to ensure that the planning framework adequately recognises and addresses this matter.

Policy 4.7.11 is relevant in respect to reverse sensitivity. My EIC (Section 16 Pg 14) set out my concerns with the recommended policy approach and sought changes to ensure that reverse sensitivity effects on farming and horticulture are avoided, and mitigated where avoidance is not reasonably possible:

Amend Policy 4.7.11 Reverse sensitivity as follows:

(a) *Development and subdivision design (including use of topographical and other methods) minimises the potential for reverse sensitivity effects on adjacent sites, adjacent activities. or the wider environment; and*

*Avoid potential reverse sensitivity effects of locating new ~~dwelling~~ sensitive land uses in the vicinity of **farming including horticulture**, intensive farming, extraction industry or industrial activity and strategic infrastructure. **Minimise Mitigate** the potential for reverse sensitivity effects **through design of the activity where avoidance is not reasonably possible is not practicable.***

This approach gives effect to the RPS, such as Objective 3.12 g) *minimising land use conflicts, including minimising potential for reverse sensitivity*, which is implemented through Policy 6.1 Planned and co-ordinated subdivision use and development.

Method 6.1.2 Reverse sensitivity (in the Built Environment chapter) requires that consideration be given to discouraging new sensitive activities locating near existing and planned land uses or activities that could be subject to a range of listed effects. Some of those effects may be generated by rural production activities so the direction in 6.1.2 is relevant to the pWDP. Development principle 6A o) seeks that new development should not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects) such as industry, rural activities and existing or planned infrastructure.

Mr Collier opposes the changes I have sought and seeks that Policy 4.7.11 be amended as follows:

Reverse sensitive effects can be mitigated in many circumstances (for example through consent conditions or land covenants)

- (a) *Development and subdivision design minimises reverse sensitivity effects on adjacent sites, adjacent activities. or the wider environment; and*
- (b) *Avoid, ~~minimise~~ or appropriately mitigate potential reverse sensitivity effects of locating new dwellings in the vicinity of an ~~intensive farming, extraction industry or industrial activity~~ **sensitive land uses***

Sensitive land use is defined in the pWDP as: an education facility, including a childcare facility, waananga and koohanga reo, a residential activity, papakaainga building, rest home, retirement village, travellers accommodation, home stay, health facility or hospital.

Therefore Mr Collier only wants to consider reverse sensitivity effects of new dwelling in the vicinity of such land uses. Such an approach does not address the issues in 1.4.3.1, 1.4.3.2 or 1.4.4 of the pWDP. Nor does it give effect to the RPS provisions for consideration of reverse sensitivity. Nor does the use of 'sensitive land uses' provide any protection for the listed activities in proposed Policy 4.7.11, or the inclusion of farming and horticulture as sought by HortNZ. Reverse sensitivity effects are not limited to intensive farming activities, as in the proposed Policy 4.7.11.

While reverse sensitivity may be able to be mitigated in some circumstances the experience of farmers and growers is that it is difficult for such effects to be mitigated and an avoidance approach is preferred.

Therefore I do not support the approach sought by Mr Collier.

The wording I sought for Policy 4.7.11 are based on 'avoiding and mitigating'. I note that the RPS provisions for reverse sensitivity seek to avoid or minimise the potential for reverse sensitivity effects so consider that 'minimise' would be more appropriate rather than 'mitigate'. Potential for reverse sensitivity effects can be minimised by using mitigation methods. However the first approach should be to avoid such effects.

9. Draft National Policy Statement for Highly Productive Land (NPSHPL)

In my EIC I referred to the Draft NPSHPL to assist in providing direction to relevant provisions in the pWDP. I recognised that the Council does not need to give effect to an NPS until it is operative. Therefore I only sought that the Council be 'cognisant' of the draft direction.

Mr Scrafton for TaTa Valley Ltd has criticised this approach in his Rebuttal evidence (Section 4).

I have been involved in planning processes where an NPS has been gazetted part way through a process, sometimes well through the Schedule 1 process, and parties have sought to give effect to the new NPS through the Schedule 1 process without recourse to notifying changes. An example was the Otago RPS where significant changes were made at the appeal stage to give effect to the NPSUDC.

So reference to the Draft NPSHPL was to highlight that the NPS may well be gazetted before the pWDP is operative and consideration may need to be given to whether it can be implemented through the current plan provisions and process. Hence I sought that the Hearing Panel are 'cognisant' of the draft direction. The RPS has a suite of objectives and policies relating to high class soil and the approach is not inconsistent with the Draft NPSHPL so there is already direction in higher order documents for consideration of high class soils. As such this is not a new issue to the current plan process and the Draft NPSHPL reinforces the importance of this issue.

10. Strategic objective framework

I note the Rebuttal evidence of Mark Tollemache for Havelock Village which expresses concern about inclusion of new strategic directions and objectives as a standalone chapter as sought in the evidence of Mr Davey for Waikato District Council. At 5.3 he opines that caucusing by planning experts could assist the Hearing Commissioners.

I consider that planning caucusing could be of benefit in this situation and support the proposal by Mr Tollemache.

Lynette Wharfe

1 November 2019