

BEFORE THE WAIKATO INDEPENDENT HEARINGS PANEL

In the Matter of the Resource Management Act 1991 (**Act**)

And

In the Matter of Hearing 25: Zone Extents for the Proposed District Plan (the 'PDP')

**Statement of Evidence of Clare Dobson on behalf of Thorntree Orchards, Cindy
and Tony Young and Parkmere Farms**

Dated 17 February 2021

Jeremy Brabant
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Introduction

1. My name is Clare Dobson. My family owns Thorntree Orchards located at 66 Avon Road, Pokeno. My family has owned and operated an orchard on the subject site for over 40 years.
2. Thorntree Orchards prepared a submission (Submission 54) and lodged a further submission (FS1054) on the Proposed Waikato District Plan (**Proposed Plan**).
3. I have prepared supplementary information dated 17 February 2021 in support of the proposed zoning of the area east of Pokeno, and to assist with preparation of evidence on behalf of the submitters.
4. The supplementary information is included as **Attachment A** to this statement and forms the basis of my evidence.

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Clare Dobson

17 February 2021

Attachment A

Supplementary Information – Thorntree Orchards [submissions 54 and FS1054]

Introduction

Thorntree Orchards supports the re-zoning of the area east of Pokeno, bounded by State Highway 2 to the north, Avon Road to the south and State Highway 1 to the west. This supplementary information adds to the suite of documents comprising evidence and technical analysis to support a change in zoning.

Background to the property at 58 Avon Road

Our parents (Farquhar and Maureen Dobson) purchased 58 Avon Road as a bare block of land in 1979. The plan was always to grow kiwifruit which complemented the surrounding properties at that time which were established market gardens. 'Thorntree' was born with a villa being moved onto the property in 1981.

To subsidise the establishment of the kiwifruit orchard a variety of other crops were grown from garlic to watermelons. Throughout the 1980s our parents experienced the boom and bust of kiwifruit industry, during the latter considering whether to remove the kiwifruit altogether. Seeking employment outside of the kiwifruit orchard for the next 20 years they persevered to establish a viable commercial orchard.

Gold kiwifruit was introduced in NZ and Thorntree was one of the first orchards to purchase a licence and grow Gold kiwifruit. Since 2012 alternative varieties such as the G3 has been introduced and grown. In 2016 the orchard was purchased by Patrick Dobson and Jane Dobson, son and daughter of Farquhar and Maureen Dobson. The son and daughter team has continued to invest their time and energy into the orchard and maintaining Thorntree. Their mother Maureen Dobson still resides at the property.

Economic and other constraints

At the time our family purchased the land and established the orchard there were only 3 rural neighbours. Today between the triangle from Avon Road to the borders of the Expressway there are over 18 landowners with either residential lots or lifestyle blocks. The landscape has changed along with the expansion of Pokeno village and desire of Aucklanders to move south.

There has been increasing pressure on running a commercial orchard, more so now than 20 years ago when it was primary market trends and prices that determined viability of growing. Land use, water consumption and property management were considerations generally left to the landowners. Ultimately, now Councils must manage resources and land use better. Our generation of orchardist must now keep a commercial orchard viable within these regulations, bylaws and restrictions.

With the development of the Village zoned large lot residential sites on the southern side of Avon Road, there are considerable reverse sensitivity effects which makes any form of horticulture increasingly difficult.

These difficulties relate to:

1. Sprays

The application of sprays and pesticides are required throughout the year including a product called 'Hi-cain' which was becoming an increasing concern for neighbours. The Hi-cain when sprayed is incredibly poisonous to animals. We are required to notify residents to ensure their dogs and horses were kept away from the orchard, but this is not sufficient to completely avoid spray drift and the high risk to surrounding properties. Earlier this was never an issue due to only three neighbours in general proximity of the area. Today this is not the case as more residential lots are being developed including the development of a dog walking field across the road which has a very high usage by Pokeno residents.

2. Noise

Constraints with pest control via shooting and trapping and limitations on recreational shooting have been acutely felt. Although not an impact on the orchard, it is still worth mentioning that families in the area have previously enjoyed the usual rural recreational sporting activities. However, recent complaints regarding gun use has increased on social media as well as the loss of wet land and pond habitats which were always a local hang out during duck shooting season. This year in particular has seen an explosion in the rabbit population and given the proximity of residential development across the road as well as the increased recreational use of the dog park, there are no viable ways of managing the rabbit population such as guns or poisoning.

Management of horticulture generates considerable noise including tractors, diggers, bird scaring devices, and frost mitigating methods such as deploying helicopters at night. Due to the proximity of residential development, these activities created tension with neighbouring residents.

3. Land management practices

Considerations regarding land clearance is also something that is difficult to undertake within more densely populated area. Complaints are increasing from residences when controlled burn-offs are required. The local volunteer fire brigade is still required to come and investigate any call in for a fire, even when they know in advance that we will be undertaking a burnoff. We have had the firetrucks turn up every time we have been burning kiwifruit offcuts.

4. Heavy vehicle movements

During harvest time there is always a significant increase of traffic to the site, including transportation trucks and labour.

Water availability

The primary constraint for the orchard today however is the water limitations imposed by the Waikato Regional Council. New Zealanders have an increasing level of concern for water quality and water resource in New Zealand, this issue is constantly in tension with all Councils now having to step up and manage their water resources better as well as supporting more intensive residential zoning and agricultural/horticultural businesses. For us personally being within the centre of this tension it has resulted in an untenable situation of not being able to continue with our kiwifruit orchard despite the economic benefits of growing gold kiwifruit in New Zealand.

The orchard was granted a resource consent (from 2014 – 2030) to take 120 cubic meters of water per day from the stream. This is sufficient at any time of the year except when the Council has to manage its water take across the Region, particularly during the summer periods when the water flow falls below their acceptable level. In summer this was reduced for Thorntree dependent on water flow from other water catchments that Council deemed applicable to our area. The Regional Council thus reduced our take from 120 to 60 then to 30 cubic metres.

Kiwifruit during the summer period has its highest demand for water. The kiwifruit industry standard requires 100ltrs per plant per day. Our 1300 plants could not survive on the lesser takes through the restricted times. Water management was one of the most stressful aspects in the past years and this issue was no doubt not only felt by us but also from surrounding agricultural businesses.

As a business we had to make hard choices about how to apply the water, in particularly during the summer months. The emotional stress of watching parts of the orchard struggling and dying and failing to produce, ultimately impacting the autumn harvest was particularly hard. In the end we had to make the tough decision to stop growing the green kiwifruit in 2018 and concentrate our resources on the gold.

The alternative option was to investigate a bore at a considerable financial cost, with no guarantee from the Council that they would grant a consent to take water from the bore. Such investment set against the ongoing uncertainty from the Council on their long-term planning of our area has not made this type of investment an easy decision.

The impact on our family orchard from these pressures has resulted in our commercial business, once considered incredibly viable with a gold license, never actually realising its potential economic return. Our most productive year for growing the gold was the 2018-2019 growing season where the gold kiwifruit produced a net profit \$50k however this was negated by loss of our green kiwifruit crop. The water consent being reduced throughout the summer period was never going to enable commercially viable horticulture to be grown. The impact was that we made the decision to stop growing kiwifruit and had to invest considerable costs into clearing and burning the plants, we now have \$0 generated by the farm. While the previous use of the property for kiwifruit does not preclude future uses for other forms of horticulture, the lack of water makes any form of commercial horticulture unviable as all crops require more water than what is consented. There is of course, future uncertainty whether the Waikato Regional Council will further reduce the water take through review of our consent conditions.

The limitations and pressures from what we experience today are not likely to decrease but rather increase.

Future

Our previous submission supported rezoning from Rural Zone to Village Zone. Considering the information presented in the Proposed Waikato District Plan, Future Proof 2017 and Waikato 2070, this area has clearly been identified for urban development. Urban rezoning will allow for the long-term and sustainable growth of Pokeno that these strategic views anticipate. The development of the area will become more important as the Pokeno township expands, therefore rezoning future urban will provide the options for this future development and will encourage social and economic investment in the Pokeno area.

Certainty of longer-term planning is required by Council and early land use changes through the District Plan process would enable existing property owners the ability to make decisions regarding their current circumstance and businesses knowing that a land use amendment would allow for urban development. This certainty is important for the economic and social well-being of the landowners, as well as the Pokeno community.

Our original reasons to propose a change from the notified Rural zoning still stands and these points have not changed since lodging our submission to the Proposed District Plan. To summarise:

- The very rapid expansion and development of the Pokeno village with intensive residential zoning has put pressure on adjoining rural agricultural and horticultural business. The use of this land for legitimate rural uses is significantly constrained by reverse sensitivity complaints from the nearby residential development (including both Village Zoned properties on Avon Road as well as Residential Zoned properties on the western side of State Highway 1) including odour and noise. This area is being used for primary rural industry including calf rearing, breeding horses, kiwifruit and drystock, and the legitimate ability to 'burn off' property vegetations. However, these rural uses do create amenity effects and the operation of these farms is being severely constrained by reverse sensitivity complaints arising from the nearby residential development.
- In addition, other factors like water access and limitations on water consents have been imposed by Waikato Regional Council. Regional Council water management policy has resulted in placing significant pressure on the rural properties and makes horticulture such as kiwifruit no longer viable.

Finally, we support the rezoning to an urban zone for the following additional reasons:

- This area is contiguous with the existing Residential zone on the western side of State Highway 1 and Village Zone development on Avon Road which is large lot residential.
- This area is a logical extension of Pokeno and will contribute additional growth capacity which is needed to give effect to higher order planning documents.
- Rezoning enables planning and funding of infrastructure.
- This area is identified for urban development in all of the strategic planning documents.
- Rezoning will allow improved environmental outcomes with retirement and restoration of streams.
- Rezoning will result in improved water quality in the stream from retirement from farming and agricultural practices, noting that safeguards would need to be in place for any future stormwater generated. Water quality will increase with the removal of onsite septic tanks and cessation of farming practices such as sprays and fertilising.
- The rezoning for future urban meets the criteria in the Waikato Regional Policy Statement for alternative development pattern.
- Rezoning enables existing accesses to State Highway 2 to be removed, as Avon, Fraser, and Gulland Roads provide access opportunities.
- While this area has constraints such as proximity to the State Highway, Transpower electricity transmission lines and a stream, the Proposed District Plan manages these constraints effectively through appropriate setbacks and yard requirements.
- Provides additional housing choice to the stock offered in the Residential Zone in Pokeno or employment opportunities under Commercial/Industrial zone.
- This area is serviced for reticulated water supply.
- This is a discrete area of land with defendable road boundaries.
- The area is separated from the Rural Zone by roads to prevent any consequential reverse sensitivity effects.
- It provides an effective transition from the Rural Zone with rural activities, to an urban zone with urban expectations and activities.
- Will not undermine the form and function of Pokeno as an urban town but provides for integration into the Pokeno township and surrounding residential areas.
- The topography and physical characteristics of the area is suitable for urban development and does not need substantial earthworks to reshape the natural landscape.
- Enables multiple growth cells around Pokeno to ensure competitive development.

- Allows for a contiguous residential neighbourhood and community connected to the central hub township via footpaths, cycleways etc.
- Allows for urban development that is responsive to the needs of future Pokeno allowing for residents to work, live and play without having to travel outside of town.

MAP A



The black line in Map A, delineates the area sought for rezoning to an urban zone in our submission.

Your sincerely,

A handwritten signature in black ink, appearing to read 'Clare Dobson', with a long horizontal line extending to the right.

Clare Dobson on behalf of

Patrick and Clare Dobson
Jane Dobson

66 Avon Road
Pokeno