

**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 27  
Natural Hazards and Hearing 28 Natural Hazards Other  
Matters

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

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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 27 Natural Hazards.
2. Unfortunately HortNZ was not advised of Hearing 27 for Natural Hazards so my EIC was to address the response to submissions from the earlier hearing.
3. The submissions considered in Hearing 27 Natural Hazards are addressed in the following reports:
  - a. Hearing 27B Natural Hazards General Submissions
  - b. Hearing 27C Natural Hazards – Flood Hazards and Defendable Areas
  - c. Hearing 27E Natural Hazards and Climate Change
  - d. Hearing 27F Natural Hazards – Fire Climate change and definitions
  - e. Hearing 28 Other matters Natural Hazards: Supplementary
4. The Chapter 15 provisions are based on a risk-based approach which is supported in principle. The issues identified in the submission of HortNZ are largely focussed on a different assessment of risk related to some activities undertaken as part of normal horticultural operations.

Growers have considerable investment in their horticultural operations and they are unlikely to want to invest where there is a risk of harm or damage.

However, the areas that are identified as Flood Plain Management Areas, Flood Ponding Areas or Defended areas include significant areas of rural land which must be able to use that land for rural production purposes. Much of that land is likely to remain as rural as urban development in such areas would contain inherent risks.

Therefore, what the HortNZ submission seeks is that such areas are able to be utilised for rural production whilst recognising the natural hazard risks associated with that land.

5. Buildings (EIC H27 Section 5)  
The submissions related to buildings focus on the distinction between habitable and non-habitable buildings, which the s42A Report and Rebuttal statement reject.

Considering the submissions since writing my EIC I have become aware of Schedule A3 in the Building Code which identifies building importance levels. Some Councils are using these levels as a means to manage the hazard risks to buildings. I attach the schedule to this summary statement.

Of particular note is level one buildings which pose low risk to human life or the environment, or low economic cost, should the building fail.

*These are typically small non-habitable buildings such as sheds, barns and the like that are not normally occupied, though they may have occupants from time to time.*

Specific structures include ancillary buildings not for human habitation, minor storage facilities and back country huts.

It would seem that the type of building being described as Importance Level 1 are the type of farm buildings and horticultural structures that HortNZ seeks to ensure and provided for as permitted activities in the Rural Zone within the Flood Plain Management Areas or Flood Ponding areas.

However reliance on the criteria based on having a floor precludes such buildings being included as a permitted activity unless the floor level is 0.5m above 1%AEP flood level.

Given the approach in the Building Code to levels of building importance I consider that using such an approach to managing buildings for risk hazard purposes would be appropriate. The Schedule is clearly based on assessment of risk. Therefore in my opinion all farm buildings and structures should be provided as a permitted activity, regardless of whether they have a floor or not.

6. Artificial crop protection structures (EIC H27 Section 6)

HortNZ sought specific provisions to ensure that artificial crop protection structures are able to be constructed within the Flood Plain Management Areas or Flood Ponding areas as they do not have a floor.

I support a specific line in 15.4.1 P4 for construction of artificial crop protection structures to achieve this outcome.

7. Earthworks and ancillary rural earthworks (EIC H27 Section 7)

The HortNZ submissions focused on ancillary rural earthworks and sought that they be provided for in the Natural Hazard provisions.

The s42A Report (27C Para 248) considers normal farming practices will not be constrained by Rule 15.4.1 P8. I do not agree with this statement given the reliance on the definition of site and the limitations on volume by site. I consider that the risk from ancillary rural earthworks are likely to be such that they could adequately be provided for as a permitted activity.

I do however support a limitation near stopbanks to ensure that the integrity of the stopbanks is not compromised.

8. Hazardous substances (EIC H27 Section 8)

The provisions relating to hazardous substances are dependent on the outcomes of Hearing 8A, where there is a significant difference in approach between council and submitters.

I would support a specific limitation for major hazardous facilities in Rule 15.4.3 D3 to ensure that such facilities did not locate within Flood Plain Management Areas or Flood Ponding areas or High Risk Flood Areas.

9. Climate change (EIC H27 Section 9)

In my EIC I support the policy approach of resilience and the ability to respond to climate change and considered that changes could be made to better reflect the importance of food security and food supply.

The Rebuttal evidence of Ms Legarth for the Council on Hearing 28 Natural Hazards Other Matters notes that she does not regard examples put forward by HortNZ to Objective 15.2.1 are appropriate. I agree to the extent that the objective is not an appropriate location.

What I sought to identify in my EIC is that provision for such examples as food security and water storage be include in Policy 15.2.3.2 a means to achieve a well-prepared community that is resilient to the effects of climate change.

Such an approach would ensure that the plan adequately provides for food production to enable this outcome to be achieved. As such it is not a non-regulatory method and is appropriate in the policy context.

Lynette Wharfe

7 July 2021

Appendix 1: Building Code Schedule A3 Building Importance levels.