

**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.

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**STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE  
FOR HORTICULTURE NEW ZEALAND  
15 OCTOBER 2019**

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## **1. QUALIFICATIONS AND EXPERIENCE**

- 1.1 My name is Lynette Pearl Wharfe. I am a planning consultant with The AgriBusiness Group. I have a BA in Social Sciences and post graduate papers in Environmental Studies, including Environmental Law, Resource Economics and Resource Management.
- 1.2 I am an accredited commissioner under the Making Good Decisions programme with Ministry for the Environment.
- 1.3 I have been a consultant with The AgriBusiness Group since 2002. The Agribusiness Group was established in 2001 to help build business capability in the primary sector.
- 1.4 I have spent over 18 years as a consultant, primarily to the agricultural industry and rural sector, specialising in resource management, environmental issues, and environmental education and facilitation, including 18 years of providing advice to Horticulture New Zealand ("**HortNZ**") and its precursor organisations, NZ Vegetable and Potato Growers Federation, NZ Fruitgrowers Federation.
- 1.5 As part of providing advice to HortNZ for submissions and plans across the country I have been involved in development of Regional Policy Statements, Regional Plans and District Plans, including omnibus plans such as the Auckland Unitary Plan and the Horizons One Plan and district plans in Whakatane, Opotiki and Hastings so am familiar with the range of matters to be addressed in the Proposed Waikato District Plan ("**PWDP**").
- 1.6 I have been involved as a consultant to HortNZ contributing to submissions and further submissions on the Proposed Waikato District Plan.
- 1.7 I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out in Appendix 1. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **2. SCOPE OF EVIDENCE**

- 2.1 This evidence provides a planning assessment of those provisions on which HortNZ submitted which are addressed in Hearing 3 – Strategic Objectives.

2.2 In undertaking this assessment I have considered:

- (a) The Section 42A Hearings Report for Hearing 3
- (b) The s32 Reports for PWDP
- (c) The National Policy Statement for Urban Development Capacity (NPS-UDC)
- (d) The Operative Regional Policy Statement for Waikato
- (e) Draft National Policy Statement for Highly Productive Land (NPSHPL)

### **3. MY UNDERSTANDING OF HORTICULTURE NEW ZEALAND'S SUBMISSIONS**

- 3.1 HortNZ made submissions and further submission on the PWDP because horticulture is a key activity within the Waikato District.
- 3.2 The submission considers that the plan does not adequately assess the actual and potential reverse sensitivity effects on horticulture and provide for the ability for horticulture to operate efficiently and effectively within the Waikato District.
- 3.3 The submissions addressed in Hearing 3 seek changes to the strategic direction and objectives to ensure that horticulture is adequately recognised and provided for within the PWDP.

### **4. MATTERS THIS EVIDENCE WILL ADDRESS**

- 4.1 This evidence will address the planning matters as they relate to HortNZ's interests in Hearing 3 by reference to the s42A Report sections:
  - (a) 5 - Strategic Direction Chapter – Urban Growth
  - (b) 8 - Strategic Direction Chapter – Natural Environment
  - (c) 11 - Strategic Direction Chapter – Strategic objectives
  - (d) 13 - Chapter 4 Urban Environment – 4.1.1 Objective - Strategic
  - (e) 14 - Chapter 4 Urban Environment – 4.1.2 Objective – Urban Growth and Development
  - (f) 15 - Chapter 4 Urban Environment – 4.1.3 Policy - Location of Development
  - (g) 22- Chapter 4 Urban Environment – 4.1.10 Policy - Tuakau

- (h) 33 - Chapter 4 Urban Environment – 4.7.2 Policy – Subdivision location and design
- (i) 35 - Chapter 4 Urban Environment – 4.7.4 Policy – Lot sizes
- (j) 38 - Chapter 4 Urban Environment – 4.7.7 Policy – Achieving sufficient development density to support the provision of infrastructure services
- (k) 42 - Chapter 4 Urban Environment – 4.7.11 Policy – Reverse sensitivity
- (l) 45 - Chapter 4 Urban Environment – 4.7.14 Policy – Structure and master planning
- (m) 46 – Chapter 5 Rural Environment 5.1 Strategic objective – the Rural environment and 5.1.1 Objective – The rural environment

## 5. GENERAL COMMENTS

### *Structure of the PWDP*

- 5.1 The s42A Report identifies that the structure of Chapter 1.12 Strategic Directions does not clearly articulate the direction and objectives of the PWDP, or adequately implement the National Planning Standard in terms of the District Plan Structure Standard.
- 5.2 The report recommends that 1.12 is restructured to set out the Strategic Directions, followed by 1.13 Strategic Objectives for the district.
- 5.3 I concur that the revised structure is clearer and links to the issues identified in 1.4 of the plan.
- 5.4 However I note that it is intended that the PWDP is reformatted in accordance with the National Planning Standard once it becomes operative(Para 30). Given that the change of structure in Chapter 1 may be significant I consider that there would be value in undertaking a reformat based on the s42A Report recommendations so that submitters are aware of the potential restructure.
- 5.5 Such an approach would ensure that consistency with the National Planning Standards is incorporated through the changes made as a result of the hearing process.

*Draft National Policy Statement for Highly Productive Land.*

- 5.6 The government has recently released a Draft National Policy Statement for highly productive land (NPSHPL) and sought submissions on the document.
- 5.7 It is recognised that the PWDP does not at this stage need to give effect to the NPSHPL. S55 of the RMA sets out the requirements of the district council once an NPS is gazetted.
- 5.8 But, given that Waikato District has a considerable area of highly productive land, the NPSHPL could have a significant effect on the direction of the Plan. Therefore I consider that the Council should be cognisant of provisions in the draft NPS in responding to submissions on the Plan. Such an approach would recognise the direction in the Draft NPSHPL in the Plan and reduce the change that may be required at a later stage.
- 5.9 There are a range of provisions that could be affected by the NPSHPL including the definitions of high class soil and sensitive activities, policies for urban development, rural development and reverse sensitivity. All these matters are subject to submission on the PWDP.

*Definitions*

- 5.10 Submissions on definitions in the PWDP will be considered in Hearing 5.
- 5.11 There are a number of definitions that are subject to submission that are used in the provisions considered in Hearing 3. These include:
  - (a) High class soils
  - (b) Sensitive activities
  - (c) Reverse sensitivity
- 5.12 Therefore the objectives and policies addressed in Hearing 3 are contingent on submissions and decisions on the definitions that relate to those provisions. The s42A Report for Hearing 3 does not identify where such definitions are subject to submission but any changes through decisions could affect the application of the definitions in the policy framework.

*Urban environment policies*

- 5.13 While Hearing 3 is entitled Strategic Objectives the s42A Report addresses a range of Urban Environment policies that are not located in Chapter 1. It is unclear why some policies are considered

while others are not. Nor are any policies for the Rural Environment considered in Hearing 3.

- 5.14 It would seem appropriate that all the policies are considered together so that an overall policy framework can be established, rather than addressing in a fragmented manner.

## **6. STRATEGIC DIRECTION CHAPTER – URBAN GROWTH - S42A REPORT S5**

- 6.1 HortNZ made a further submission (FS1168.29) supporting a submission by Hamilton City Council that sought to amend Section 1.12.1 Strategic direction. Both the submission and further submission are rejected in the s42A Report recommendations.
- 6.2 The submission sought that there be clarity as to how the district will accommodate growth and the location and form of development.
- 6.3 HortNZ supported the submission in part as it is considered important that there is consultation on how a district will implement the NPSUDC.
- 6.4 The s42A Report states that where reviews indicate that additional growth areas are required it will be necessary for the WDC to prepare variations or plan changes.
- 6.5 Strategic objective 1.13.2 seeks that the minimum targets of the NPSUDC are met but does not include the minimum targets in the plan. Changes are also recommended to Objective 4.1.2 in chapter 4 Urban Environment which provides a framework for considering where development may occur.
- 6.6 The s42A Report considers that such measures are sufficient and that additional changes are not required.
- 6.7 HortNZ considers that it is important that consultation occurs to ensure that effects of urban growth on rural production activities are considered when further growth areas are assessed.
- 6.8 I recommend changes to other provisions in Chapter 4 to ensure that such an approach is undertaken.

## **7. STRATEGIC DIRECTION CHAPTER – NATURAL ENVIRONMENT - S42A REPORT S 8**

- 7.1 HortNZ made a further submission (FS1168.30) supporting a submission by Federated Farmers that sought to amend Section 1.12.2 Natural Environment. Both the submission and further submission are rejected in the s42A Report recommendations.

- 7.2 Section 1.12.2 establishes a direction for the natural environment that is not consistent with the RMA. For instance the RMA does not require retaining natural character of 'rural areas'. Section 6 requires the protection of significant indigenous vegetation and significant habitats of indigenous fauna. Yet 1.12.2 seeks that the district protects its 'natural habitats and ecology'.
- 7.3 The submitter sought wording that more accurately reflected the Council responsibilities under the RMA and HortNZ supported that approach.
- 7.4 The s42A Report considers that no change is required as the provision is consistent with higher order documents.
- 7.5 In my opinion 1.12.2 is wider than required by higher order documents and so are inappropriate as a strategic direction in the plan.
- 7.6 Therefore the intent of the changes sought by the submitter are appropriate and I support changing 1.12.2 as sought or in a manner to better reflect the intent of the RMA, particularly s6.

## **8. STRATEGIC DIRECTION CHAPTER – STRATEGIC OBJECTIVES - S42A REPORT S11**

- 8.1 HortNZ made a submission (419.100) and a further submission (FS1168.31) supporting a submission by Federated Farmers that sought to amend Section 1.12.8 Strategic Objectives. The s42A Report recommendations state that the submission and further submission are accepted.
- 8.2 The HortNZ submission sought that there be recognition of rural production activities and the rural economy in the overarching direction of the Plan by amending Strategic Objective 1.12.8.
- 8.3 The s42A Report is recommending that the strategic objective from Chapter 5 is included in the new section 1.13 Strategic Objectives and to also amend the Strategic Direction in 1.12.2 to include 'promote the on-going operation and development of rural production activities, including rural industry, services and other activities utilising the resources of the rural area.'
- 8.4 These changes address the issue of recognition of the rural areas within the strategic framework so are supported. Comments on changes sought to Objective 5.1.1 (now 1.13.3) are addressed in Section 18 of this evidence.
- 8.5 I note that HortNZ also sought that there be recognition of the need to plan for future development and growth that supports the district's

rural communities and rural economy. This does not appear to be reflected in the recommended changes to 1.12.2 or the addition of Strategic Objective 1.13.3. It is unclear why the s42A Report did not include this within 1.12.2.

- 8.6 Given that 72% of the businesses and 52% of the population of the district are in the rural area<sup>1</sup> then planning for future growth in the rural area is important for the rural economy to ensure its ongoing vitality and contribution to the district.
- 8.7 The focus on providing for urban growth is required by the NPSUDC but it should not negate or override the need to also consider and provide for the development and growth of the rural area.
- 8.8 Therefore I support inclusion of the following into 1.12.2:

*Plan for future development and growth that supports the district's rural communities and rural economy.*

## **9. CHAPTER 4 URBAN ENVIRONMENT – 4.1.1 OBJECTIVE - STRATEGIC - S42A REPORT S13**

- 9.1 HortNZ made a further submission (FS1168.32) supporting a submission by Housing NZ Corporation that sought to amend Section 4.1 Strategic Objective. Both the submission and further submission are rejected in the s42A Report recommendations.
- 9.2 Objective 4.1.1 is an objective in Chapter 4 Urban Environment focusing on urban growth and development but is recommended to be moved to 1.12.2 as a Strategic Objective for Urban Environment.
- 9.3 HortNZ supported a submission by Housing NZ to emphasise the need for a compact urban model concentrating growth in and around existing towns and villages and avoiding unplanned encroachment into rural land to avoid fragmentation and subdivision of rural land.
- 9.4 A number of submitters sought changes to the objective but the s42A Report is not recommending any changes to Objective 4.1.1.
- 9.5 In my opinion urban growth and development cannot be considered in isolation from rural growth and development. This is recognised in the Draft NPSHPL in Policy 3 that requires that new urban development must not be located on HPL unless certain provisions are met.

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<sup>1</sup> Refer s32 Report

- 9.6 Recognising the interface with the rural area in Objective 4.1.1 would ensure that urban development is cognisant of the effects on the rural area. They do not exist in isolation.
- 9.7 Therefore I support the further submission of HortNZ that supports an approach to avoid fragmentation of rural land and seek that this is incorporated into Objective 4.1.1. Alternatively it could be included in Objective 4.1.2 as noted below.

**10. CHAPTER 4 URBAN ENVIRONMENT – 4.1.2 OBJECTIVE – URBAN GROWTH AND DEVELOPMENT - S42A REPORT 14**

- 10.1 HortNZ made a submission (419.101) and further submissions (FS1168.33, FS1168.34) supporting submissions by Housing NZ Corporation and Balle Bros Group Ltd that sought to amend Section 4.1.2 Objective. The s42A Report recommendations state that the submission and further submissions are accepted.
- 10.2 Objective 4.1.2 is an objective in Chapter 4 Urban Environment focusing on urban growth and development. (It is not a strategic objective.) It states that future settlement pattern be consolidated in and around existing towns and villages.
- 10.3 HortNZ supported a submission by Housing NZ to emphasise the need for a compact urban model concentrating growth in and around existing towns and villages.
- 10.4 The s42A Report is recommending changes to Objective 4.1.2, by including reference to a compact urban form for each urban area.
- 10.5 This change is supported as it addresses the need to focus on a compact form and not encroach into rural areas.
- 10.6 Changes were supported to Strategic Objective 4.1.1 (recommended to be 1.13.2) to ensure that the interface with the rural areas is also recognised. It may be that it is more appropriate that the interface with the rural area is included in Objective 4.1.2 rather than 1.13.2.

**11. CHAPTER 4 URBAN ENVIRONMENT – 4.1.3 POLICY - LOCATION OF DEVELOPMENT - S42A REPORT S15**

- 11.1 HortNZ made a submission (419.85) and further submissions (FS1168.35, FS1168.36) supporting submissions by Housing NZ Corporation and Balle Bros Group Ltd that sought to amend Section 4.1.3 Policy – Location of Development. The s42A Report recommendations state that the submission and further submissions are rejected.

- 11.2 Policy 4.1.3 Location of development (not a strategic objective) sets out the policy direction for where urban development will be located.
- 11.3 HortNZ sought that the policy include avoiding development on high class soils. Balle Bros sought a similar change. Housing NZ sought that urban subdivision use and development is avoided in the rural environment where possible.
- 11.4 The s42A Report considers that the matter of urban growth on high quality soils is addressed in other objectives, including:
- (a) Strategic objective 5.1.1
  - (b) Objective 5.2.1 Rural resource
  - (c) Objective 5.2.2 High class soils
  - (d) Policy 5.3.3 b) industrial and commercial activities.
- 11.5 These objectives and policies are in the Rural Environment Chapter.
- 11.6 What the submissions seek in Chapter 4 Urban Environment is an explicit need to avoid urban encroachment onto high class soils.
- 11.7 Such an inclusion is necessary to ensure that urban development is located away from high class soils. This is necessary to give effect to the Regional Policy Statement.
- 11.8 The Draft NPSHPL requires such an approach by stating that urban expansion must not be located on highly productive land unless a number of conditions are met.
- 11.9 It is appropriate that such recognition is also included in Chapter 4 Urban environment so when new areas for development are being considered there is a clear policy direction in Chapter 4.
- 11.10 I support the addition of avoiding high class soils as a clause in Policy 4.1.3.
- 11.11 Therefore I do not support the s42A Report recommendation that no changes are required in response to the submissions.
- 12. CHAPTER 4 URBAN ENVIRONMENT – 4.1.10 POLICY – TUAKAU - S42A REPORT S22**
- 12.1 HortNZ made a submission (419.102) and further submissions (FS1168.37, FS1168.38, FS1168.39) supporting submissions by Federated Farmers, NZ Pork and Balle Bros Group Ltd that sought to amend Section 4.1.10 Policy - Tuakau. The s42A Report

recommendations state that the submission and further submissions are rejected.

- 12.2 Policy 4.1.10 – Tuakau sets out the policy framework for growth and development within the Tuakau urban area under Objective 4.1.7 Character of towns.
- 12.3 Tuakau is largely surrounded by rural production activities, particularly commercial vegetable production on high class soils, with growers in the area being subject to reverse sensitivity complaints. It is anticipated that such effects will continue with the urban expansion of Tuakau.
- 12.4 Therefore HortNZ has sought provisions to adequately recognise the pressures in the area through amendments to Policy 4.1.10 and also supported other submissions that sought similar changes.
- 12.5 The s42A Report (Para 174) rejects the submissions on the basis that building setbacks don't apply to rural land uses.
- 12.6 The purpose of the policy is to set the direction for the rules that will implement the policy, not the other way around.
- 12.7 The submission seeks to amend the policy framework to recognise potential reverse sensitivity effects on rural production activities. The rule framework will be considered at a later hearing and would build on the policy direction that is sought in submissions.
- 12.8 Limiting consideration of reverse sensitivity effects to intensive farming, strategic infrastructure and industrial activities denies the existence of a key contributor to the social and economic wellbeing of the Waikato community and the effects of reverse sensitivity on such operations.
- 12.9 I support the following changes to Policy 4.1.10
  - a) *Tuakau is developed to ensure:*
    - i. *Subdivision land use and development in Tuakau's new residential and business areas occurs in a manner that promotes the development of a variety of housing densities, diversity of building styles and a high quality living environment*
    - ii. *Existing **farming and horticulture**, intensive farming, strategic infrastructure and industrial activities are protected from the effects of reverse sensitivity by considering the location of new residential development.*

- iii. *Future neighbourhood centres, roads, parks, pedestrian, cycle and bridle networks are developed in accordance with the Tuakau Structure Plan.*

12.10 The addition of 'farming including horticulture' will ensure that such activities can continue even though urban development is occurring in the adjacent urban area.

**13. CHAPTER 4 URBAN ENVIRONMENT – 4.7.2 POLICY – SUBDIVISION LOCATION AND DESIGN - S42A REPORT S33**

13.1 HortNZ made a submission (419.87) and further submissions (FS1168.41) supporting a submission by Balle Bros Group Ltd that sought to amend Section 4.7.2 Policy Subdivision location and design. The s42A Report recommendations state that the submission and further submission are accepted.

13.2 Policy 4.7.2 sets out the policy framework for urban subdivision location and design.

13.3 HortNZ sought that the policy include recognition of the rural/urban interface. Balle Bros sought that the policy include consideration or reverse sensitivity effects.

13.4 The s42A Report is recommending that Policy 4.7.2 a) i) be amended to include the urban/rural interface:

*Be sympathetic to the natural and physical qualities and characteristics of the surrounding environment including the urban/rural interface and reverse sensitivity effects on the strategic transport infrastructure networks and regionally significant industry.*

13.5 This change is supported to the extent that it recognises the urban/rural interface.

13.6 However the recognition of reverse sensitivity effects is limited to strategic transport infrastructure networks and regionally significant industry, but not rural production activities.

13.7 The s42A Report (Para 286) states that reverse sensitivity should be specifically identified but does not state why it should be limited in the manner recommended. As such the report does not accept the submission by Balle Bros that reverse sensitivity be considered. The submission did not seek to limit the consideration.

13.8 The provision could be amended by adding 'rural production activities' so that reverse sensitivity consideration also applies to such activities. The change would be:

*Be sympathetic to the natural and physical qualities and characteristics of the surrounding environment including the urban/rural interface and reverse sensitivity effects on the strategic transport infrastructure networks, and regionally significant industry, and rural production activities.*

- 13.9 This change would provide consistency in ensuring that rural production activities are not adversely affected by incompatible activities locating in proximity to rural production activities.

**14. CHAPTER 4 URBAN ENVIRONMENT – 4.7.4 POLICY – LOT SIZES - S42A REPORT S35**

- 14.1 HortNZ made a submission (419.88) and a further submission (FS1168.42 and FS1168.43) supporting submissions by Chanel Hargrave and Travis Miller and The Surveying Company that sought to amend Section 4.7.4 Policy Lot sizes. The s42A Report recommendations state that the submission and further submission are rejected.
- 14.2 Policy 4.7.4 sets out the policy framework for establishing lot sizes in urban development.
- 14.3 HortNZ sought that the policy be amended by adding a new clause:
- Encourages a density of development that supports intensification of existing urban areas rather than urban sprawl onto rural production land.*
- 14.4 Submissions that HortNZ supported sought to ensure that there are smaller lot sizes within walking distance to amenities and public transport.
- 14.5 The s42A Report recommends that the submissions be rejected as intensification and infill are already provided for in the objectives and policies, such as Objective 4.2.16 and Policy 4.7.4 a) which refers to the character and density outcomes for each zone.
- 14.6 Objective 4.2.16 – Housing options- has not been considered as part of the Hearing 3 topic and could be amended through submissions. Policy 4.7.4 a) does make a reference to the character and density outcomes for each zone but does not provide an explicit direction regarding urban intensification, nor recognises the need to avoid urban sprawl onto rural production land.
- 14.7 It is of critical importance to HortNZ that urban areas are contained and that urban sprawl onto rural production land is avoided. This is consistent with the approach in the Draft NPSHPL.

14.8 The s42A Report is recommending that Policy 4.7.4a) be amended by adding: *taking into consideration setbacks from hazards and natural features and slope.*

14.9 This change sets out specific considerations for lot sizes. Adding in consideration of the rural zone boundary would enhance the considerations and be consistent with direction in other parts of the Plan.

*Minimum lot size, shape and dimension of lots taking into consideration setbacks from hazards and natural features, and slope **and the rural zone boundary** enables the achievement of the character and density outcomes of each zone.*

**15. CHAPTER 4 URBAN ENVIRONMENT – 4.7.7 POLICY – ACHIEVING SUFFICIENT DEVELOPMENT DENSITY TO SUPPORT THE PROVISION OF INFRASTRUCTURE SERVICES - S42A REPORT S38**

15.1 HortNZ made a submission (419.89) that sought to amend Section 4.7.7 Policy Achieving sufficient development density to support the provision of infrastructure services. The s42A Report recommendations state that the submission is rejected.

15.2 The HortNZ submission states that achieving sufficient density is not only an outcome to support infrastructure provision but is also important to encourage intensification and avoid urban sprawl onto rural production land.

15.3 The submission sought that the policy be amended by adding:

*c) encourage a density of development that supports intensification of existing urban areas rather than urban sprawl onto rural production land.*

15.4 This issue is similar to the changes sought to Policy 4.7.4 to ensure that the focus is on intensification rather than urban sprawl.

15.5 The s42A Report does not specifically address the HortNZ submission point, other than to state that it is rejected.

15.6 Policies 4.7.4 – 4.7.14 all set out the urban outcomes sought in the plan. I consider it is appropriate that an urban outcome should provide for intensification of urban areas rather than encroaching onto rural production land. If the provision is included in Policy 4.7.4 then inclusion in 4.7.7 may not be necessary.

**16. CHAPTER 4 URBAN ENVIRONMENT – 4.7.11 POLICY – REVERSE SENSITIVITY - S42A REPORT S42**

- 16.1 HortNZ made a submission (419.90) and further submissions (FS1168.45, FS1168.46) supporting a submission by Balle Bros Group Ltd and opposing a submission by Perry Group Ltd that sought to amend Section 4.7.11 Policy Reverse sensitivity. The s42A Report recommendations state that the submission and further submission FS1168.46 is accepted and FS1168.45 is rejected. HortNZ also made a further submission opposing 451.4 Steven and Teresa Hopkins but this is not recorded in the s42A Report table of submissions.
- 16.2 The policy seeks to provide for reverse sensitivity:
- Policy 4.7.11 Reverse sensitivity*
- (a) *Development and subdivision design minimises reverse sensitivity effects on adjacent sites, adjacent activities. or the wider environment; and*
  - (b) *Avoid potential reverse sensitivity effects of locating new dwellings in the vicinity of an intensive farming, extraction industry or industrial activity.*
- 16.3 Reverse sensitivity and potential effects on growers and rural production is a key issue for HortNZ.
- 16.4 There is currently no definition of reverse sensitivity in the Plan but HortNZ has sought that a definition be included.
- 16.5 It is noted that Policy 4.7.11 is located in the Urban Environment chapter but the issue of reverse sensitivity is not limited to the urban environment.
- 16.6 However in the context of Policy 4.7.11 the issue for HortNZ is the interface between the urban environment and adjoining rural production zones.
- 16.7 HortNZ sought that the policy be amended to include farming and horticulture in clause b) as it is not just intensive farming, extraction industry or industrial activity that can be affected by reverse sensitivity effects.
- 16.8 The s42A Report rejects the submission on the basis that building setbacks don't apply to rural land uses.
- 16.9 The purpose of the policy is to set the direction for the rules that will implement the policy, not the other way around.

- 16.10 The submission seeks to amend the policy framework to recognise potential reverse sensitivity effects on rural production activities. The rule framework will be considered at a later hearing and would build on the policy direction that is sought in submissions.
- 16.11 Policy 4.7.11 implements Strategic Objective 1.13.2 which addresses Issue 1.4.4 The urban environment. Issue 1.4.4 states that a key issue for the district is to maintain the productive capacity of the rural resource and ensure that population growth and associated built development is managed in a way that results in efficient and high-amenity urban areas and that development needs to be managed to minimise adverse effects on productive rural activities.
- 16.12 Including primary production and horticulture in Policy 4.7.11 will ensure that issue 1.4.4 is addressed.
- 16.13 The Draft NPSHPL includes Policy 5 Reverse sensitivity which seeks to recognise the potential for reverse sensitivity effects on HPL and restrict new sensitive and potentially incompatible activities to ensure that they do not compromise the efficient operation of primary production activities. It also seeks that methods are established to avoid or mitigate reverse sensitivity effects at the interface between areas of highly productive land and adjacent residential and rural lifestyle zones.
- 16.14 This recognition at a national level is appropriate as reverse sensitivity effects on horticulture can be significant and limit the ability to undertake the use of the land to maximise its potential, including at the interface between the urban and rural zones.
- 16.15 I support that recognition in the PWDP of reverse sensitivity effects on horticulture so that use of such land is not limited or compromised through reverse sensitivity effects.
- 16.16 The s42A Report rejects submissions that seek to amend 4.7.11 b) to 'manage' rather than 'avoid' but adds an additional provision where effects cannot be avoided. I am concerned about the use of the words 'not practicable'. This provides the opportunity for a debate about what is practicable in the context of design for new sensitive land uses. It is considered that a new sensitive activity should design the activity to ensure that the potential reverse sensitivity effects are avoided. It would be better to use the term 'mitigate' rather than 'minimise' as it would require active mitigation methods to be used in the design. Mitigate is also used in the Draft NPSHPL.
- 16.17 The s42A Report is recommending that 4.7.11 b) is amended to refer to 'sensitive land uses' rather than 'dwellings' and I support

that recommendation. It is noted that there are submissions on the definition of sensitive activities that will be considered at a later hearing.

- 16.18 I therefore support amendments to Policy 4.7.11 as follows (s42A recommendations are underlined and my amendments are in bold):

*Policy 4.7.11 Reverse sensitivity*

- (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*
- (b) *Avoid potential reverse sensitivity effects of locating new dwellings 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.***

**17. CHAPTER 4 URBAN ENVIRONMENT – 4.7.14 POLICY – STRUCTURE AND MASTER PLANNING - S42A REPORT S45**

- 17.1 HortNZ made a submission (419.91) that sought to amend Section 4.7.14 Policy Structure and master planning. The s42A Report recommendations state that the submission is rejected.
- 17.2 Policy 4.7.14 provides a framework for ensuring that development and subdivision within approved structure or master plan areas is integrated with the development patterns and infrastructure requirements.
- 17.3 HortNZ sought that the policy be amended to also address the issues at the rural/urban interface.
- 17.4 The s42A Report (Para 388) states that this issue is addressed in Policy 4.7.11 Reverse sensitivity and does not need to be repeated in Policy 4.7.14.
- 17.5 As stated above in respect of Policy 4.7.11 I do not consider that the rural/urban interface is appropriately managed through the policy and seek changes to ensure that greater consideration is given to the issue.
- 17.6 It is important that the urban/rural interface is considered as part of a structure or master planning process to ensure that the effects of the plan are not limited to only the urban interface. Such an

approach would address the issue in 1.4.4 relating to minimising adverse effects on rural production activities.

17.7 The key time to consider such effects is through the structure and master planning process.

17.8 Therefore I support the submission of HortNZ to add 'and addresses issues at the rural/urban interface' to Policy 4.7.14.

**18. CHAPTER 5 RURAL ENVIRONMENT 5.1 STRATEGIC OBJECTIVE – THE RURAL ENVIRONMENT AND 5.1.1 OBJECTIVE – THE RURAL ENVIRONMENT - S42A REPORT S46**

18.1 HortNZ made a submission (419.92) and further submissions (FS1168.48, FS1168.49, FS1168.50, FS1168.51) supporting submissions by NZ Pork and Federated Farmers that sought to amend Section 5.1 and 5.1.1 The rural environment and supporting a further submission by Balle Bros Group Ltd that sought that 5.1.1 be retained. The s42A Report recommendations state that the submission and further submissions are rejected while the further submission to retain 5.1.1 is accepted.

18.2 Objective 5.1.1 was located in Chapter 5 Rural Environment in the notified plan. As a result of submissions seeking that the rural environment is recognised in the Strategic Direction and Objectives the s42A Report is recommending that the objective be moved to Chapter 1 and identified as a strategic objective.

18.3 I support the inclusion of a strategic objective for the rural environment.

18.4 However I consider that the submissions that sought changes to Objective 5.1.1 have value which could enhance the strategic objective for the rural environment.

18.5 Objective 5.1.1 is recommended in the s42A Report to be included as 1.13.3 as a strategic objective:

*Strategic Objective - Rural Environment*

(a) *Subdivision use and development within the rural environment where*

i) *High class soils are protected for productive activities;*

ii) *Productive rural activities are supported, while maintaining or enhancing the rural environment ;*

iii) *Urban subdivision, use and development in the rural environment is avoided*

- 18.6 Both HortNZ and NZ Pork submitted that countryside living in the rural environment should be managed, with HortNZ seeking that the objective be amended by adding the following clause:

(iv) Countryside living is directed to defined locations and the effects of scattered countryside living and rural production is avoided

- 18.7 While the objective seeks that urban subdivision, use and development in the rural environment is avoided it is silent on countryside living.
- 18.8 HortNZ supports the identification of specific rural lifestyle or rural residential zones that specifically provide for small lots within a rural setting.
- 18.9 However not all rural lifestyle development occurs within such designated areas, but rather occurs randomly within the rural environment in amongst rural production activities. It is this type of development which HortNZ seeks to ensure is managed to ensure that adverse effects on rural production activities are avoided.
- 18.10 The s42A Report (Para 398) states that the submission 'seeks a relaxation from the objective and policy framework that seeks to protect the rural area for rural activities and directs countryside and rural residential to the Country Living and Village zones.'
- 18.11 In my opinion the submission seeks a stronger policy framework, not a relaxation, as it provides a clear direction regarding location of countryside living and the effects on rural production activities.
- 18.12 HortNZ has identified that countryside living can lead to fragmentation of land and rural residential living which can compromise rural production.
- 18.13 Strategic Objective 1.13.3 addresses Issue 1.4.3 The Rural Environment including the following excerpts (my emphasis added):

*1.4.3.1 Rural activities*

*1.4.3.1 b) There is potential for conflict between rural activities and other land uses. Excessive lifestyle development in rural area can have a number of adverse effects that need to be avoided. These effects include the loss of rural amenity, rural production and high quality soils, resulting in the potential for reverse sensitivity conflicts, demands for improved rural infrastructure and services that are difficult to provide economically, and reduced growth in urban areas which affects the prosperity of urban areas.*

1.4.3.1c) *The continued modification of the rural environment through land use subdivision and development as a result of residential and commercial growth can adversely affect their natural and physical qualities and character. These qualities and character are important in maintain investment in rural activities, which proportionally contribute to most of the districts GDP and provide a context to the development and sustainability of rural towns and villages.*

#### 1.4.3.2 Protecting the rural environment

- (a) *...It is therefore necessary to ensure that the continued, effective operations of farming activities or productive rural activities are not adversely affected by lifestyle activities. A key focus is to ensure that the resource does not become so fragmented that its attraction for activities that require a rural setting is diminished.*
  - (b) *Activities affecting landscape, historic and amenity values including rural character, high quality soils, significant mineral resources and ecological values need to be managed to avoid adverse effects on the environment, including cumulative effects. This should occur through limiting the extent to which non-rural activities are able to establish in the Rural Zone.....Any additional areas for rural residential development should be considered within identified growth areas of towns or villages.*
  - (c) *In line with the Regional Policy Statement the district plan must ensure that rural residential built development is directed away from ....high class soils, primary production activities on high class soils....*
- 18.14 Given the direction set out in Issue 1.4.3 it is important that Strategic Objective 1.13.3 addresses the issues, including specific consideration of lifestyle, rural residential or countryside living<sup>2</sup> as it is identified as an activity that needs to be managed to avoid adverse effects, including on rural production and high class soils.
- 18.15 Given the extent of high class soils in the Waikato District the plan should not remain silent on the potential for lifestyle development to compromise the use of these soils for rural production activities.

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<sup>2</sup> The terms lifestyle, rural residential and countryside living are not defined in the Plan but generally all refer to small blocks being used for residential living within a rural setting. The Draft NPSHPL defines 'Rural lifestyle development' as subdivision and development where the primary purpose is rural residential or rural lifestyle use within a rural area with a lot smaller than those of the General rural and rural production zones, typically in the range of 0.2 – 8 hectares.

- 18.16 The Draft NPS for Highly Productive Land (NPSHPL) includes Policy 4 Rural Subdivision and fragmentation which identifies rural lifestyle development and effects on highly productive land as an issue that is compromising rural land use and seeks to build on best practice in managing the rural land resource and seeks that councils take a proactive approach to managing fragmentation of highly productive land in rural areas.
- 18.17 Policy 4 in the NPSHPL would require district plans to manage rural subdivision to avoid fragmentation and maintain the productive capacity of HPL, including by directing new lifestyle development away from areas of highly productive land.
- 18.18 An addition to Objective 1.13.3 regarding lifestyle development would be consistent with the approach the government has indicated in the Draft NPSHPL.
- 18.19 Therefore I support the submission of HortNZ to include a provision in the strategic objective that sets out the approach to rural residential or countryside living. Such a provision would address matters identified in Issue 1.4.3 and ensure that rural production activities are not compromised. This would strengthen the policy framework of the Plan and ensure that the matter is addressed through the provisions in Chapter 5 Rural Environment.
- 18.20 I support amended 1.13.3 Strategic Objective Rural Environment as follows:

*Strategic Objective - Rural Environment*

- (a) *Subdivision use and development within the rural environment where:*
- i. High class soils are protected for productive rural activities;*
  - ii. Productive rural activities are supported, while maintaining or enhancing the rural environment ;*
  - iii. Urban subdivision, use and development in the rural environment is avoided;*
  - iv. Countryside living is directed to defined locations and the effects of scattered countryside living on rural production are avoided.*

**19. CONCLUSION**

- 19.1 This evidence has set out changes I support to a range of provisions to ensure that the effects of urban growth and loss of rural production land are appropriately recognised and provided for in the Plan.
- 19.2 I consider that the planning framework of the Proposed Waikato District Plan does not adequately recognise the significance of this issue to the district.
- 19.3 While there are urban growth pressures to which the Council needs to respond, there are equally rural growth and production land issues which also need to be addressed.
- 19.4 Articulating a clear policy framework for urban development and rural areas of the district will ensure that robust outcomes are sought across the district.

**Lynette Wharfe**

**15 October 2019**

## Appendix 1: Experience of Lynette Wharfe

Some of the projects I have been involved in that I consider are particularly relevant in this context are:

- a) Project Manager and facilitator for a Sustainable Management Fund (“**SMF**”) Project ‘Reducing nitrate leaching to groundwater from winter vegetable crops’, to develop management tools for vegetable growers to implement best practice for fertiliser applications, to assist in changing fertiliser usage.
- (b) Managed an SMF project for NZ Agrichemical Education Trust communicating the revised NZS 8409:2004 Management of Agrichemicals to local authorities throughout NZ, including development and leading workshops with councils.
- (c) Revised the Manual for the Introductory GROWSAFE® Course for the NZ Agrichemical Education Trust, to make the Manual more user friendly and accessible and to align it with the Hazardous Substances and New Organisms legislation. (
- (d) Managing the research component for SFF project – SAMSN – developing a framework for the development of Sustainable Management Systems for agriculture and horticulture.
- (e) Project Manager MAF Operational Research Project Effectiveness of Codes of Practice investigating the use of codes of practice in the agriculture and horticulture sectors.
- (f) Undertook a review of Current Industry and Regional Programmes aimed at reducing pesticide risk, including assessing a number of Codes of Practice.
- (g) Contributed as a project team member for a Sustainable Farming Fund project ‘Environmental best practice in agricultural and rural aviation’ that included developing a Guidance Note on agricultural aviation, which is now on the Quality Planning website.
- (h) Undertook a review of agrichemical provisions in the Auckland Regional Air Land and Water Plan and developed a risk based response for inclusion in the Proposed Auckland Unitary Plan.