

BEFORE AN INDEPENDENT HEARINGS PANEL

UNDER

of the Resource Management Act
1991 ("**the Act**")

IN THE MATTER

of the hearing of submissions and further
submissions on The Proposed Waikato
District Plan (Stage 1)

Hearing 6: Village Zone - Land Use

Hearing 6: Village Zone - Subdivision

**STATEMENT OF EVIDENCE BY VANCE ANDREW HODGSON
FOR HORTICULTURE NEW ZEALAND**

25 NOVEMBER 2019

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SUMMARY STATEMENT

1. This planning evidence addresses the submissions and further submissions made by Horticulture New Zealand ("**HortNZ**") on Hearing 6; Village Zone.
2. I have read the following Section 42A Reports on submissions and further submissions for Hearing 6:
 - Hearing 6: Village Zone Part A – Land Use: Kelly Cattermole: Dated 11.11.19.
 - Hearing 6: Village Zone – Subdivision: Jonathan Clease: Dated 08.11.19.
3. I largely agree with the assessments and recommendations of those authors in those reports. In summary I am of the opinion that:
 - A 100m setback for 'sensitive land use' activities from a boundary with the Rural Zone is not the most efficient and effective provision and that a robust subdivision assessment framework and structure planning (where required) in the Village Zone is a better resource management approach.
 - Similarly, rather than imposing a generic 8m setback for all buildings, I agree with the report writer that a better approach would be to ensure reverse sensitivity is specifically addressed in the subdivision process and I consider this assessment should be extended into structure planning where that may be required.

- Policy 4.1.10 is a more appropriate location than Policy 4.3.3 to make a change to recognise the unique situation of Tuakau to the 'Pukekohe Hub' of nationally significant rural production land and address the actual and potential effects of reverse sensitivity for rural production activities at the rural/urban interface.

QUALIFICATIONS AND EXPERIENCE

4. My full name is Vance Andrew Hodgson. I am a director of Hodgson Planning Consultants Ltd, a resource management consultancy based in Waiuku. I have the qualifications and experience set out in my evidence for Hearing 2.
5. 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 above. 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.

SCOPE OF EVIDENCE

6. This evidence provides a planning assessment of those provisions on which HortNZ submitted and addresses the Section 42A Report provided by the Waikato District Council ("**WDC**").
7. The planning framework is well described in both the Section 32 Report and the Section 42A Reports provided by the WDC. I generally agree with the analysis.

8. Given the general agreement, I do not repeat the analysis of the applicability of those planning instruments or the compliance of the Proposed Waikato District Plan (“PWDP”) with those instruments. Rather this evidence sets out where I depart from the views expressed in the Section 32 or Section 42A Reports, or where I consider that an alternative planning provision would better give effect to, be not inconsistent with, or have regard to (as the case may be), the various relevant documents.
9. The Section 42A Report is structured in a manner that considers submissions and further submissions in two parts:
 - Proposed District Plan Hearing 6 – Village Zone s42A - Land use and Activities.
 - Proposed District Plan Hearing 6 – Village Zone s42A Village Zone – Subdivision
10. To assist the hearings panel, I have adopted a similar approach in my evidence and in doing so address the submissions or further submissions of HortNZ under these topics.

THE HORTNZ SUBMISSIONS AND FURTHER SUBMISSIONS

HEARING 6 VILLAGE ZONE – LAND USE

Section 4.3 – Village – Amendments - Building setbacks – all boundaries and sensitive land use – 24.3.6.1 and 24.3.6.2

11. As described in the Section 42A Report, The Village Zone includes a number of rules that specify setbacks from boundaries (including roads) and specific setbacks for ‘sensitive land use’ from features such as the boundary of a designated railway corridor. The provisions generally seek to

maintain the character of the Village Zone and to manage reverse sensitivity.

12. Submissions from HortNZ supported the use of building setbacks and in some circumstances, the imposition of additional setbacks to manage the effects of reverse sensitivity at the rural/urban interface.

Sensitive Land Use

13. HortNZ [419.52] sought an amendment to Rule 24.3.6.2:P1 such that all 'sensitive land use' activities, excluding residential activities (e.g. education facility including a childcare facility, waananga and koohanga reo, papakaainga building, rest home, retirement village, travellers' accommodation, home stay, health facility or hospital) would need to be a minimum of 100m from the boundary of the Rural Zone.
14. The definition of 'sensitive land use' was a matter considered in Hearing 5, with the Section 42A Report writers recommending a definition as follows:

Sensitive land use

Means:

(a) an education facility, including a childcare facility, waananga and koohanga reo;

(b) a residential activity, including papakaainga building, retirement village, visitor accommodation, student accommodation, home stay;

(c) health facility or hospital;

(d) place of assembly.

15. On the definition of 'sensitive land use', HortNZ supported a submission from NZPork (197.16) that requested the definition should be widened to include 'cafes, restaurants, tourism/entertainment activity, community services'.
16. In my evidence at the Hearing 5: Definitions, I expressed agreement with the Section 42A Report writers' statement that reverse sensitivity effects can arise when such land uses are located in rural areas. I had also agreed with the report writers that rather than amend the definition, the matter was more appropriately considered by the Section 42A authors for the Infrastructure and Energy Zone, Residential Zone, Rural Zone, Country Living Zone, Village Zone, and Rangitahi Peninsula Zone.
17. The requirement for setbacks *in the Rural Zone* between sensitive land use activities and horticultural activities is not an uncommon planning response and I reference to Rule 17.5.3.3 of the Tasman Resource Management Plan:

(d) If an adjoining property has horticultural plantings, including vineyards, where pesticides may be discharged to air, any school and its grounds, early childhood education facility and its grounds, visitor accommodation or tourist accommodation is set back at least:

(i) 30 metres from the boundary common to the horticultural plantings, including vineyards, and the building or grounds; or

(ii) 20 metres from horticultural plantings, including vineyards, where a spray belt is established along

the boundary common to the horticultural plantings and the building or grounds.

18. I commented in my Hearing 5 evidence, that it is not just within the Rural Zone but also at the rural/urban zone interface that reverse sensitivity issues can arise.
19. In an environment where village land use activities exist or where land has been historically zoned for this use, imposing new more onerous setbacks can be inefficient and ineffective. Where *new* land is proposed to be rezoned from Rural to Village Zone, I would expect the issue would be considered through the rezoning and structure planning process (or equivalent) where required.
20. The Section 42A report writer for Hearing 6 makes the comment that the Village Zone largely encompasses a number of existing villages but also includes areas of *tack-on* to existing villages/towns, such as Te Kowhai, Tuakau and Pokeno¹. It is my opinion that it is in these areas of *tack-on* that the assessment needs to be made as to whether the method proposed by HortNZ is efficient and effective. The Section 42A report writer has undertaken an assessment and reached conclusions that I support.
21. Firstly, the method as proposed would apply to all farming (or primary production) activities, not just horticulture. This is inefficient and ineffective given the broad range of rural activities some of which may not raise conflict issues across the rural/urban interface and may be able to fully internalise all effects.

¹ S42A Village Zone Part A – Land Use: Paragraph 16.

22. The relief sought could be refined to just relate to horticultural activities and it is here with the relationship with highly productive land becomes particularly relevant. In the absence of a gazetted National Policy Statement for Highly Productive Land, I rely on the definition of 'high class soils' from the proposed plan and the Waikato Regional Policy statement to guide the assessment. I have also taken advice from HortNZ on current and likely future activity. Based on that advice, I have limited my assessment to the areas around Tuakau and Te Kowhai with the minor *tack-on* in Pokeno not affecting current or likely future horticultural activity.
23. In regard to the *tack-on* around Te Kowhai, GIS mapping provided by HortNZ (**Attachment 1**) indicates that the area is characterised by 'high class soils' in the vicinity, and the immediate area has been utilised for horticultural activity (strawberries, tomatoes, brassicas and commercial vegetable production). A recent site visit has also identified the area supports arable activity.
24. However, given parcel size and potential rural/urban interface issues, the area adjoining the Village Zone is unlikely to be a particularly attractive area for ongoing or new activity. That being the case, the imposition of the method sought by HortNZ is not warranted in this location if subdivision and structure planning criteria are in place to assess and respond to potential reverse sensitivity issues.
25. In regard to the *tack-on* around Tuakau I agree with the Section 42A report writer that the area of proposed Village Zone along Dominion Road appears no threat to current or future horticultural activity. The land in the surrounds of the proposed Village Zone boundary are generally not 'high class

soils' and where they do exist, are not particularly accessible for horticultural activity.

26. There are sites that are proposed to be zoned Village that are within relatively close proximity to horticulture being undertaken on Harrisville Road. This includes the commercial vegetable growing land to the west which is proposed to be rezoned Residential and regionally significant greenhouse activity to the north.
27. Should the rezoning of the 'high class soils' in commercial vegetable production on the western side of Harrisville Road be confirmed, then in my opinion a structure planning exercise, and/or subdivision standards, should inform the interface response, which may include a setback for future development.
28. In regard to the regionally significant greenhouse activity to the north I note that the proposed Village Zone is in my opinion sufficiently remote from the activity so that an additional 100m setback for 'sensitive land use' is not required. I also agree with the Section 42A report writers' comment that the proposed Village Zone in this location encompasses land that is unlikely to be attractive for sensitive activities of a significant size. This cannot be completely discounted but the separation of the Proposed Village Zone from horticulture activity (now and likely future) is such that I do not consider it efficient and effective to include the method in the Village Zone proposed by HortNZ.
29. In conclusion, I am of the opinion that in lieu of the 100m setback sought, a robust subdivision assessment framework and structure planning in the Village Zone is a more efficient and effective resource management response. This

approach would take into account and manage potential reverse sensitivity, thereby setbacks or other methods could be determined on a case-by-case basis and/or through a structure plan.

Building Setbacks

30. Rule 24.3.6.1:P1 sets out the minimum setback for buildings in the Village Zone. These are as follows:

Any building must be setback a minimum of:

- (i) 3m from a road boundary;*
- (ii) 13m from an indicative road;*
- (iii) 1.5m from every boundary other than a road boundary; and*
- (iv) 1.5m from every vehicle access to another site.*

31. HortNZ [419.50] sought an 8m setback from any boundary adjoining the Rural Zone, with 1.5m considered insufficient to deal with reverse sensitivity effects that may arise from farming (i.e. any farming not deemed to be intensive farming). The reasoning for the amendment sought by the submitter is:

There are pockets of land that have been rezoned from rural to village around the Tuakau area. This area is a prominent horticultural area and the potential for reverse sensitivity from a new rural-urban boundary should be avoided.

32. I agree with the Section 42A report writer that 1.5m is insufficient to deal with reverse sensitivity at this interface. I struggle to rationalise the requirement for a rural zone based dwelling needing to adhere to a 12m or 25m setback

because of reverse sensitivity risks but at the rural interface it is assumed that an urban zoned based dwelling need only 1.5m to manage the same risk.

33. However, rather than imposing a generic 8m setback for all buildings, I agree with the report writer that a better approach would be to ensure reverse sensitivity is specifically addressed in the subdivision process and I consider this assessment should be extended to structure planning where that may be required.

34. The report writer helpfully refers to Policy 4.7.11 of the Urban Environment Chapter and I note that HortNZ presented evidence at Hearing 3 proposing changes to the policy including the need to recognise the issue of reverse sensitivity at the rural/urban interface:

4.7.11 Policy – Reverse sensitivity

Development and subdivision design minimises Reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment; and

Avoid potential Reverse sensitivity effects of locating new dwellings in the vicinity of an intensive farming, extraction industry or industrial activity.

35. I agree with the report writer that at time of subdivision the processing planner will apply discretion as to the degree of potential adverse reverse sensitivity effects, and the need for example of a specified building area/no-build zone enforced by way of conditions of consent including via consent notice. Important for that decision making is robust policy guidance.

Building Setback Matters of Discretion

36. HortNZ (419.51) submitted in support of the inclusion of reverse sensitivity as a matter of discretion for situations where a proposed building does not meet the specified yard setbacks. I see this necessary to retain.

HEARING 6 VILLAGE ZONE – SUBDIVISION

24.4 – Village – Subdivision – Te Kowhai and Tuakau – Policy 4.3.3 and Rule 24.4.2

Policy 4.3.3 Future Development – Tuakau and Te Kowhai

37. As an extension to the reverse sensitivity and interface concerns of HortNZ covered in the Section 42A Report on Land Use related matters, HortNZ also sought amendments to Policy 4.3.3 Future Development – Tuakau and Te Kowhai to:
- *Recognise the unique situation of Tuakau to the 'Pukekohe Hub' of nationally significant rural production land.*
 - *Address the actual and potential effects of reverse sensitivity for rural production activities at the rural/urban interface.*
38. It is the recommendation of the Section 42A report writer, that the submission request is rejected.
39. I do see benefit for future decision makers considering applications for development of greenfield sites in Tuakau, being able to call on clear and direct policy to guide the response to the rural/urban interface. This will be particularly important for structure planning where this might be employed.
40. Lynette Wharfe for HortNZ described in Hearing 3 that growers in the area are subject to reverse sensitivity complaints. Urban expansion of Tuakau will shift the point of conflict and the plan should provide clear direction on how the issue is to be addressed.

41. Policy 4.1.10 addresses this issue for existing intensive farming and industrial activities relative to new residential development in Tuakau. It is my opinion that this is a significant resource management issue for Tuakau that warrants elevation to a specific policy response. That being the case, Policy 4.1.10 is the appropriate location to make the change sought rather than through Policy 4.3.3. A change to Policy 4.1.10 would ensure the issue is considered in a Village Zone and Residential Zone context. I refer the Panel to the evidence of Lynette Wharfe for HortNZ in Hearing 3 that set out a proposed change as follows:

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.

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

Rule 24.4.2 Subdivision – Te Kowhai and Tuakau

42. Extending the request for additional setback methods, HortNZ sought the addition of a new subdivision standard requiring an 8m (3000m² minimum lot size) or 10m (1000m² minimum lot size) buffer strip where a subdivision adjoins Rural Zone land.
43. I agree with the Section 42A report writer that there are relatively few direct borders between the proposed Village Zone in Tuakau and actively-cultivated horticultural areas, assuming the proposed residential zone is confirmed. I agree that the subdivision consent process is available to manage the rural/urban interface issues. This can be achieved in this Zone through techniques such as locating new roads or larger lots along the interface, consent notices to define building platform locations or open space buffering.
44. Rather than define setback methods, it is in my opinion more appropriate to provide clear policy and robust subdivision assessment criteria. The Section 42A report writer recommends that an additional matter of discretion be added to Rules 24.4.2 RD1 and RD2 to enable Council to consider reverse sensitivity issues around the zone interface with established farming activities. I support the recommendation which is consistent with the outcome sought by the HortNZ submission.
45. I note that the Section 42A report writer makes the determination that the submission scope on this matter may be limited to Tuakau, however it does have wider relevance if the Panel determines that scope is available. I agree with the wider relevance and it is my reading of the HortNZ submission that the additional criteria was intended to apply district wide. Given the findings on the spatial distribution of

'high class soils' in Te Kowhai this is appropriately extended, and I recommend a change as follows:

Reverse sensitivity effects on ~~farming activities on land~~ identified as high class soils and/or existing rural production activities in ~~Tuakau~~

46. The report writer provides a robust assessment of the tensions in the development aspirations in Tuakau and Te Kowhai, servicing capability/timing and lot sizes. An assessment and recommendations that I support.
47. HortNZ did not submit on the appropriateness of the *transitioning* lot size framework proposed in these areas based on the delivery of wastewater infrastructure, however it is my experience that transitioning from large lot to smaller residential zoning is difficult. It is often the case that large lot residential activity sterilises or constrains intensification and residential growth options at the edge of settlements and urban areas rather than providing the transition sought.
48. Structure planning is a method to assist with delivering growth in a connected and integrated manner. It is a method for establishing the pattern of land use and the transport and services network within a defined area. It can provide a detailed examination of the opportunities and constraints relating to the land including its suitability for various activities, infrastructure provision, geotechnical issues and natural hazards. It should identify, investigate and address the potential effects of urbanisation and development on natural and physical resources in the structure plan area and in neighbouring areas.

49. The report writer makes three key recommendations in regard to Rule 24.4.2; Subdivision – Te Kowhai and Tuakau:

Amend Rule 24.4.2 RD1 to:

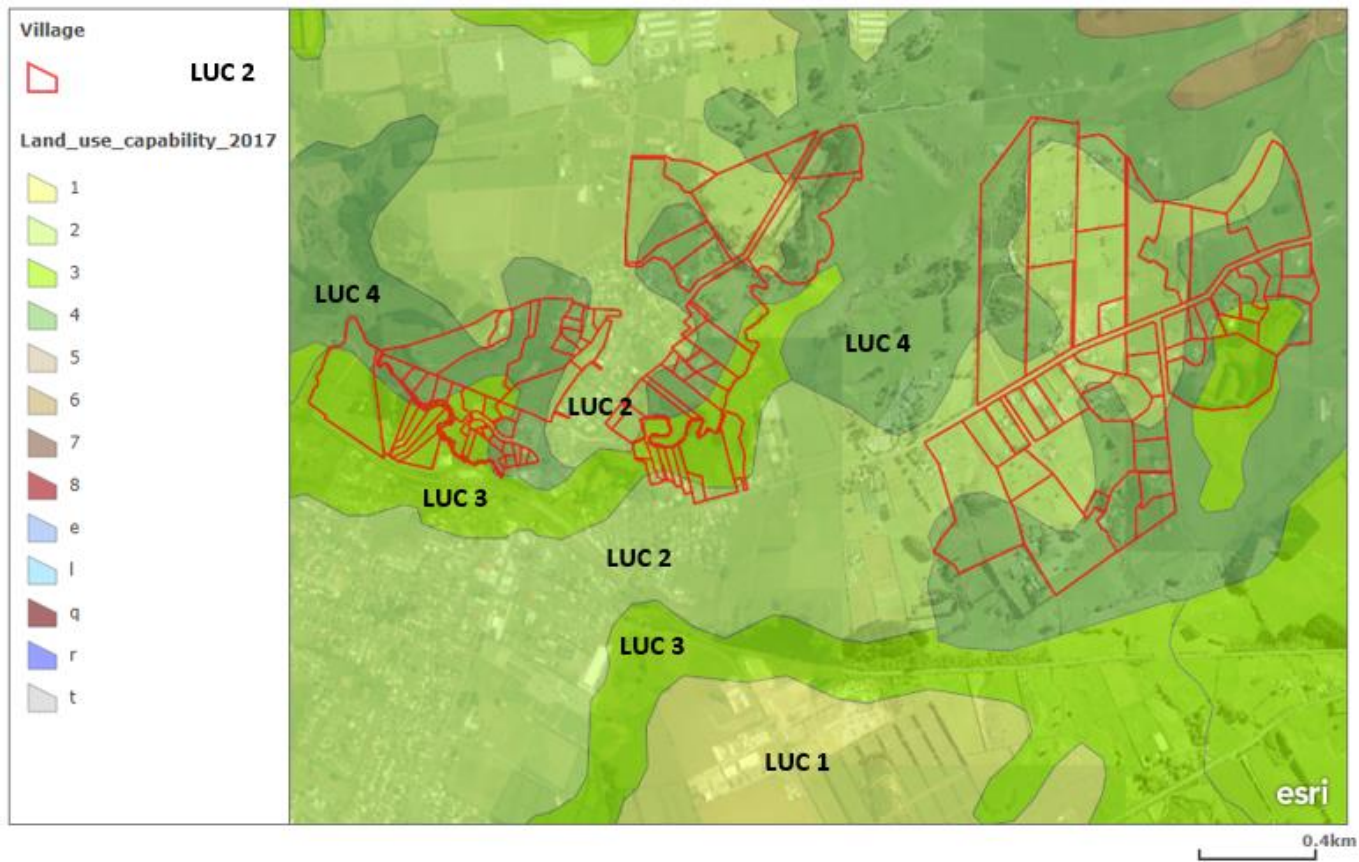
- *For those sites in Tuakau and Te Kowhai that have an existing urban zoning in the Operative Plan, retain a 3,000m² minimum, with a 800m² minimum once reticulated services are available;*
 - *For those sites in Tuakau and Te Kowhai that have an existing rural zoning in the Operative Plan, provide them with a Village Zoning but amend the rule to require a 20 hectare minimum until a structure plan is approved and reticulated services are available. Once these rule triggers are met provide for 800m² minimum lot sizes;*
 - *Amend the planning maps to show the different density precincts in Tuakau and Te Kowahi (i.e. 20ha for the greenfield blocks and 3,000m²/ 800m² for those areas with urban zoning in the Operative Plan);*
50. I support the report writer's recommendation for structure planning in these areas which would be more refined than the Tuakau Structure Plan referred to in proposed Policy 4.1.10 and enable the rural/urban interface issues to be specifically considered in these locations.

Vance Hodgson

November 2019

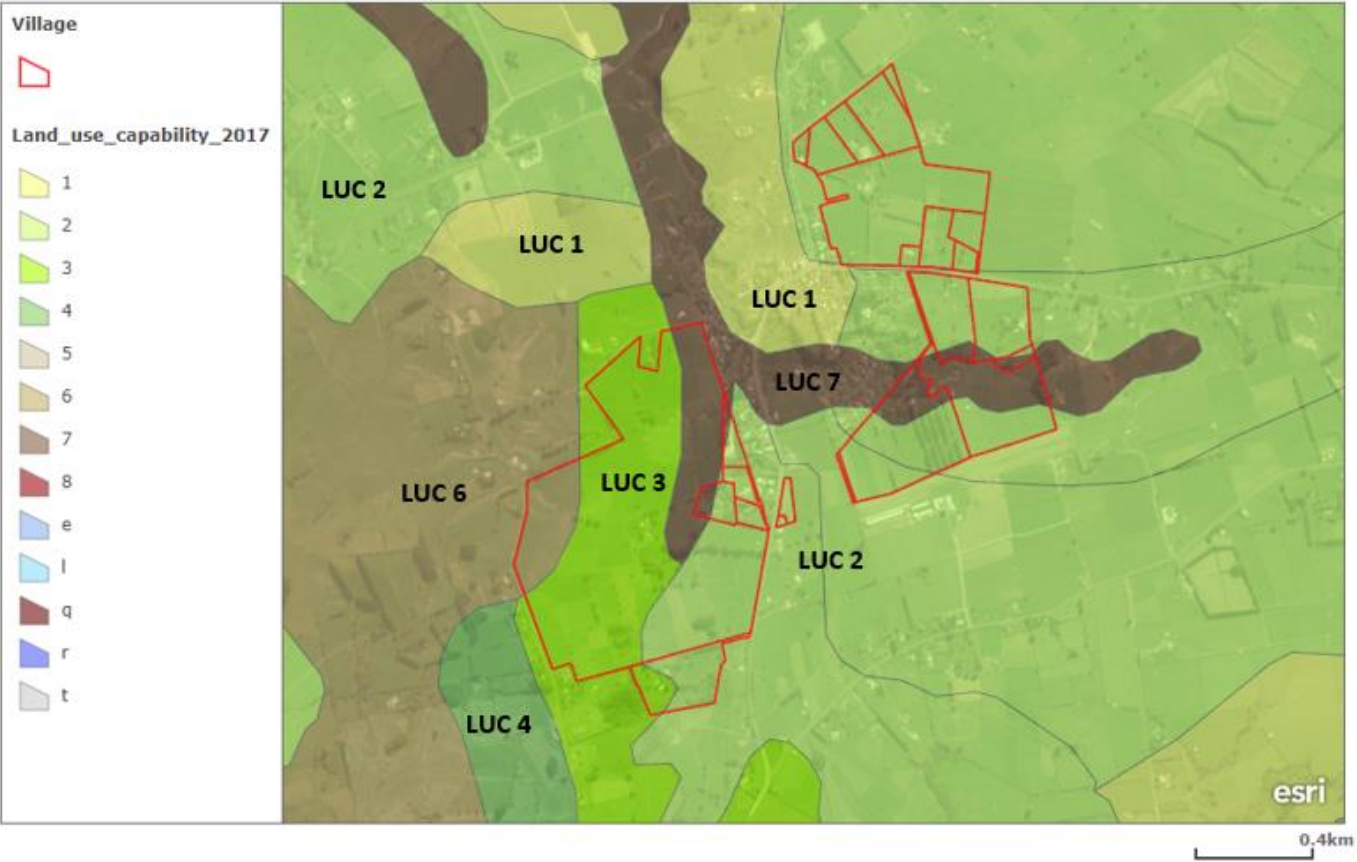
Attachment 1

Tuakau – LUC and proposed Village Zone



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Te Kowhai – LUC and proposed Village Zone



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