

**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 18 Rural

**REBUTTAL STATEMENT BY LYNETTE PEARL WHARFE
FOR HORTICULTURE NEW ZEALAND
18 SEPTEMBER 2020**

1. INTRODUCTION

- 1.1 I have filed Evidence in Chief (EIC) for Horticulture New Zealand (HortNZ) on Topic 18A Rural – Land use
- 1.2 My experience is detailed in Appendix 1 of my EIC.
- 1.3 This rebuttal statement is grouped according to my response and topics.
- 1.4 The primary evidence that is supported in part:
 - a) Nicola Wingrove for The Surveying Company Ltd
 - b) Hannah Ritchie for NZ Pork
 - c) Nicola Rykers for Synlait Milk
 - d) Rebecca Sanders for T & G Global
 - e) Graeme Mathieson for Dairy NZ and LIC
 - f) Laura Galt for Hamilton City Council
- 1.5 The primary evidence that is opposed in part:
 - a) Carolyn McAlley for Heritage New Zealand Pouhere Taonga
 - b) Anthony Blomfield for Dilworth Trust Board
 - c) Louise Feathers for Tamahere Eventide Home Trust
 - d) Andrew McFarlane for Ngaakau Tapatahi Trust
- 1.6 Key topics raised include:
 - Workers accommodation
 - Definition farming and on-site processing
 - Community activities
 - Educational facilities
 - Retirement villages
 - Health facilities
 - Ancillary rural earthworks
 - Agricultural and horticultural research centres
 - Rural industry and reverse sensitivity

- 1.7 My Evidence in Chief set out the planning framework for the rural environment based on the higher order documents, s32 Report and Strategic direction and objectives in the Plan. My responses in rebuttal are based on where parties have made statements which are consistent with the framework in my evidence or where they are seeking significant deviation from that framework.

2. WORKERS ACCOMMODATION

- 2.1 My EIC sets out provisions sought for worker accommodation in both the policies and the rules.
- 2.2 A number of parties have also presented evidence on the need for worker accommodation. These include:
- (a) Nicola Wingrove for The Surveying Company Ltd
 - (b) Rebecca Sanders for T & G Global
 - (c) Hannah Ritchie for NZ Pork
- 2.3 These statements align with my position that provision for worker accommodation is important to the Waikato District in terms of providing for the needs of primary production in the district.
- 2.4 Ms Ritchie sets out the provisions for Rural Zone Subsidiary Dwellings in the Operative Franklin District Plan which she considers provides a reasonable approach to cater for the needs for farm workers.
- 2.5 These provisions have been in place for a number of years and I am not aware of any s32 analysis that demonstrates that the adverse effects arising from the activity within the Franklin District (including that now in Waikato District) has led to the need to not provide worker accommodation to meet the needs of primary production activities in the District. This is a deficiency in the s42A assessment that then makes the recommendation to delete explicit policy recognition for workers accommodation with no substantive evaluation on the costs and benefits to do so. There are no apparent submissions that seek the deletion of this policy.
- 2.6 Furthermore Ms Wingrove (Para 37) sets out the provisions for worker accommodation in the Auckland Unitary Plan (AUP).
- 2.7 The perverse outcome that could arise from not providing worker accommodation in Waikato District is that workers will reside across the border in Auckland and travel into Waikato District for work. The economic benefits of providing for workers to reside in the district will be lost to a neighbouring district.
- 2.8 Ms Wingrove seeks that the worker accommodation provisions in the Franklin Section of the Operative District Plan rule 23A.4.2.5 be adopted for the PWDP.

- 2.9 Ms Sanders is seeking that the floor area for workers accommodation be 120m² as a permitted activity with a discretionary rule as the default, largely based on the conditions for minor residential units.
- 2.10 I support a Permitted activity for up to 12 workers with specified conditions and a restricted discretionary as a default.
- 2.11 All statements of evidence seek the re-instatement of worker accommodation in Policy 5.3.4.
- 2.12 While we seek slightly different frameworks the planning outcomes sought are similar in that provision for worker accommodation in the district is an important issue that the plan should address.

3. DEFINITION FARMING AND ON-SITE PROCESSING

Ms Sanders for T & G Global

- 3.1 The definition of farming and on-site processing is raised in the evidence of Rebecca Sanders for T & G Global.
- 3.2 Ms. Sanders is of the opinion that the changes recommended in the s42A Report to the definition of farming are inefficient and ineffective for distinguishing between small or large scale processing operations. She seeks changes to the definition and reliance on the land use and bulk and location rules in the Rural Zone for the differentiation. An activity that complies with the rules is anticipated in the rural environment. Otherwise a resource consent will be required.
- 3.3 In my EIC I sought changes to the definition of farming so that the initial processing is not limited to produce grown on the same site, given the nature of growing operations across a number of sites.
- 3.4 Reliance on the building controls will ensure that the potential for large scale buildings to affect rural character will be assessed through a consent process.
- 3.5 Therefore while the changes I seek in my EIC are slightly different to those of Ms Sanders we seek a similar outcome in ensuring that initial processing can be undertaken in an efficient and effective manner.

4. COMMUNITY ACTIVITIES

Ms Galt for Hamilton City Council

- 4.1 Ms Galt for Hamilton City Council (HCC) presents evidence that raises concerns about the s42A Report recommended changes to Objective 5.1.1 and Policy 5.3.9 relating to inclusion of community activities.
- 4.2 In my EIC I do not support the inclusion of community activities as recommended in the s42A Report.

- 4.3 While the focus for HCC is on the Urban Expansion Area and the 'Area of interest' on the city boundary Ms Galt raises a number of points that are relevant to the wider rural area, including the definition of community facilities and community activities and also the activity status for these activities.
- 4.4 She notes that the recommended changes to Objective 5.1.1 open the door for urban activities to establish in rural areas and will lead to ad hoc development which creates unanticipated demands for urban services. (Paras 29/30).
- 4.5 While it is understood that there are a range of activities that occur in the rural environment that are not primary production activities there needs to be a clear linkage to need for such activities to locate within the rural area.
- 4.6 Ms Galt (Para 44) proposes an amendment to Policy 5.3.9 b)i) by replacing 'community activities including child care, education, health and spiritual activities' with 'community facilities and education'.
- 4.7 In my opinion this change still leaves the door widely ajar to allow non-rural activities to locate in the rural environment with no demonstrated operational or functional need to locate in that environment.
- 4.8 This is contrary to the direction in higher order documents and the approach set out in Ch 1 of the Plan.
- 4.9 Therefore while I support Ms Galt for seeking deletion of 'community activities' from Objective 5.1.1 a) ii) I do not support the changes sought to Policy 5.3.9 b) i).

5. ANCILLARY RURAL EARTHWORKS

Carolyn McAlley for Heritage NZ

- 5.1 The evidence of Carolyn McAlley for Heritage NZ seeks amendments to the definition of ancillary rural earthworks and seeks new wording linked to existing locations and existing activities.
- 5.2 These are significant changes and there is no s32AA Report to support the changes, therefore no analysis of the costs and benefits arising from the changes sought has been undertaken.
- 5.3 The changes sought would mean that there could be no cultivation of land beyond existing growing operations. This is impractical as growers work on a rotation system that changes from year to year, necessary to avoid soil-borne diseases and maintain crop health. To limit cultivation to existing locations will have a significant impact on the ability of growers to produce food for domestic supply of fresh vegetables and maintaining food security for New Zealanders.
- 5.4 I note that the submission by Heritage NZ sought that the definition be retained but include rules if the activity was in a Maaori site or area of

significance. That approach is a more targeted resource management response than the global changes sought by the submitter.

- 5.5 As I understand, the Plan identifies the sites or areas of significance so growers could be informed of areas where care is required.
- 5.6 In my opinion amending the definition of ancillary rural earthworks is not required to achieve the outcome sought by the submitter and I do not support the changes sought.

Hannah Ritchie for NZ Pork

- 5.7 The evidence of Hannah Ritchie for NZ Pork addresses the issue of inclusion of provisions for disposal for biosecurity purposes being undertaken as ancillary rural activities
- 5.8 In my EIC I supported the submission of NZ Pork seeking biosecurity provisions.
- 5.9 The evidence of Ms Ritchie draws attention to the definition of ancillary farming earthworks in the Auckland Unitary Plan (AUP) which includes provision for burying material infected by unwanted organisms.
- 5.10 This clause was not included in the Proposed Plan but added as a result of submissions by HortNZ which led to a recommendation for inclusion from an Independent Planner for Council and adopted by the Hearing Panel. Mr Hodgson presented evidence to the AUP hearing on that matter.

6. EDUCATIONAL FACILITIES

Mr Blomfield for Dilworth Trust Board

- 6.1 Mr Blomfield presents evidence for Dilworth Trust Board to support the 'out of zone' activity of the Dilworth Rural Campus at Mangatawhiri.
- 6.2 While I appreciate the situation that the Rural Campus is an 'out of zone' activity, the changes that Mr Blomfield seeks go far beyond providing for the existing out of zone location for the specific school.
- 6.3 Mr Blomfield seeks that Objective 5.1.1 supports educational facilities in the rural environment and includes educational facilities in Policy 5.3.9 as an activity anticipated in the rural area, regardless of whether there is a functional or operational need to locate in the rural area.
- 6.4 My EIC sets out the relevant higher order documents that the PWDP needs to give effect to and the direction set in Chapter 1 of the Proposed Plan. Providing for educational facilities as sought by Mr Blomfield is inconsistent with the approach to managing activities in the rural area.
- 6.5 Therefore I do not support the changes sought in Para 6.10 of Mr Blomfield's evidence.

- 6.6 The matter of zoning will be addressed at a later hearing. I consider the most appropriate mechanism to manage out of zone activities is through rezoning or alternatively scheduling the activities rather than amending to Plan to retrofit activities which currently exist 'out of zone'.

7. RETIREMENT VILLAGES

Ms Feathers for Tamahere Eventide Home Trust

- 7.1 Ms Feathers presents evidence for Tamahere Eventide Home Trust seeking provisions relating to retirement villages.
- 7.2 Tamahere Eventide Home Trust operates Assisi Atawhai Rest Home at Matangi Rd which is in the Rural Zone and so is an 'out of zone' activity.
- 7.3 While I appreciate the situation that the rest home is an 'out of zone' activity the changes that Ms Feathers seeks go far beyond providing for the existing out of zone location for the specific resthome.
- 7.4 Ms Feathers considers that the provisions for retirement villages in the Rural Zone should be the same as the Country Living Zone – a restricted discretionary activity, rather than non-complying. She contends that the environments between the Atawhai Assisi Home in the Rural Zone and Tamahere Eventide Home in the Country Living Zone are not significantly different from each other, so there should not be the distinction in activity status.
- 7.5 While the specific comparison of the Matangi environment may demonstrate similar characteristics, what Ms Feather's seeks would apply across the whole Rural Zone, not just in the Matangi locale.
- 7.6 The direction set in the National Planning Standards for the Rural Zone and the Rural Lifestyle Zone set out very different expectations

General Rural Zone: Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.

Rural Lifestyle Zone: Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural Production zones, while still enabling primary production to occur.

- 7.7 As such it is not appropriate that the same planning framework applies for retirement villages in both the Rural and Rural Lifestyle (Country Living) Zones.
- 7.8 The matter of zoning will be addressed at a later hearing. I consider the most appropriate mechanism to manage out of zone activities is through rezoning

or alternatively scheduling the activities rather than amending to Plan to retrofit activities which currently exist 'out of zone'.

8. HEALTH FACILITIES

- 8.1 Mr McFarlane presents evidence for Ngaakau Tapatahi Trust who operate a health facility, Tamahere Hospital and Healing Centre, located within the Rural Zone.
- 8.2 The submitter sought that the site be rezoned from Rural to Business Zone.
- 8.3 Under the proposed change to Policy 5.3.4 to include community activities a facility such as Ngaakau Tapatahi Trust operate would be supported in the rural environment and a restricted discretionary activity status would apply.
- 8.4 The Trust seeks that their activity be permitted on the current site or clarified that it is a 'community facility' and so restricted discretionary. The Trust no longer seeks rezoning to Business Zone.
- 8.5 The Trust is in the same situation as a number of other submitters who currently operate 'out-of-zone' facilities which need to be appropriately provided for through the Plan.
- 8.6 However for the reasons set out in my EIC and in response to other out of zone activities I consider that rezoning where possible is a preferred outcome. Including provisions in the Plan for such activities opens to door to a range of activities that are not appropriate to locate within the rural environment. There needs to be a clear planning framework to avoid further 'out of zone' activities locating within the Rural Zone.

9. RURAL INDUSTRY

Mr Matthews for Genesis Energy and Ms Rykers for Synlait Milk

- 9.1 Mr Matthews presents evidence for Genesis Energy and Ms Rykers for Synlait Milk which focus on industrial activities that are located within the Rural Zone and are concerned about provisions for 'out of zone' activities and also reverse sensitivity.
- 9.2 In my EIC I set out an alternative approach to rural industry and industry that has an operational or functional need to locate within the rural environment. I did not specifically address the needs of existing industry that is located within that environment, so did not seek to preclude their continued operation.
- 9.3 The issues raised by Mr Matthews and Ms Ryker in terms of providing for regionally significant industries and regionally significant infrastructure are appropriate, so that the Plan provides for these existing activities where the need is clearly established.

- 9.4 At Para 47 Mr Matthews seeks an addition to Policy 5.3.3 to add provision for existing non-rural industrial activities that have a functional or operational need for a rural location.
- 9.5 I consider that this change is not inconsistent with the approach that I have sought for rural industry and other non-rural industries in the Rural Zone.
- 9.6 Mr Matthews also raises the issue of reverse sensitivity and recommend changes to Policy 5.3.7 and the use of the RPS definition for reverse sensitivity if a definition is to be included. I concur with the use of the RPS definition.
- 9.7 In terms of Policy 5.3.7 I have sought a reframing of the policy, not dissimilar to that sought by Mr Matthews, to ensure that sensitive activities locating adjacent to lawfully established rural activities, intensive farming, rural industry and other non-rural industry appropriately located and extractive industries do not adversely affect those activities through reverse sensitivity effects.
- 9.8 While the wording sought is slightly different we concur on the general approach to ensure that potential for reverse sensitivity is appropriately addressed in the Plan.
- 9.9 Ms Rykers has also raised the issue of the reverse sensitivity and also rural setbacks from industry and this matter is addressed in the EIC in relation to setbacks from rural industry.
- 9.10 To that extent I concur with the issue identified by Ms Ryker.

10. AGRICULTURAL AND HORTICULTURAL RESEARCH CENTRES

Mr Mathieson for Dairy NZ and LIC

- 10.1 HortNZ made a further submission (1168.64) supporting Dairy NZ (639.1) seeking amendments to Policy 5.3.16.
- 10.2 Provision for agricultural and horticultural research centres is important for the ongoing investment in horticulture to maintain food security for New Zealanders.
- 10.3 I did not address this further submission in my EIC but note that the changes recommended in the s42A Report are considered to be acceptable to Dairy NZ and LIC.
- 10.4 Therefore I support the changes that are recommended as being suitable to address the issues raised by the submitters.

Lynette Wharfe

18 September 2020