

**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

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

29 September 2020

1. My EIC addressed the submissions and further submissions made by Horticulture NZ (HortNZ) that are addressed in Hearing 18, assessed the s42A Report recommendations and either supported the recommendations or sought alternative changes.
2. In my EIC I noted that there were HortNZ submissions that were not addressed in the s42A Report, including submissions relating to setbacks for artificial crop protection structures.
3. Mr Clease, in his rebuttal statement dated 24 September 2020, at para 92 states that he does not agree that artificial crop protection structures should be exempt from boundary setbacks or daylight recession plane requirements as these structures are substantial and have the potential to adversely affect outlook from adjacent properties.
4. I do not concur with Mr Clease's assessment as I consider it fails to appreciate the rural nature of Waikato District, the policy direction in the Plan and also the adverse effects on [the productive capacity associated with](#) high class soils and that the Plan requires that sensitive activities are setbacks from boundaries.
5. Mr Ford has prepared a statement that demonstrates the economic impact of the setbacks that Mr Clease considers necessary.
6. Policy 5.3.3. Productive rural activities seeks to:
Recognise and enable the continued operation of the rural environment as a productive working environment by:
 - i) *Recognising that buildings and structures association with rural production activities and forestry and other operational structures for rural production activities contribute to rural character and amenity;*
 - ii) *Ensuring rural production activities are supported by appropriate rural industries and services*
 - iii) *Providing for lawfully established rural activities and protection them from sensitive land uses and reverse sensitivity effects;*
 - iv) *Recognising the use and development of rural resources enables people and communities to provide for their economic, social and cultural wellbeing.*
7. Policy 5.3.3 therefore clearly anticipated that structures such as artificial crop protection structures are appropriate in the rural environment and seeks to protect them from sensitive land uses and reverse sensitivity effects.
8. Policy 5.3.3 also notes that buildings and structures for rural production activities contribute to rural character. This would include artificial crop protection structures.
9. Rule 22.3.7.1 P3 requires that a habitable building on a site of 1.6 ha or more must be setback a minimum of 25m from every boundary other than a road boundary.
10. Therefore the amenity for residential uses is protected by the setback within their own property.
11. I have supported a submission by HortNZ to Rule 22.3.7.2 seeking setbacks for sensitive land uses other than residential so that all sensitive land uses are subject to a setback from rural production activities. Such an approach would address the amenity on adjoining properties.

12. Mr Cleese does not address my evidence about whether artificial crop protection structures are indeed buildings under the Plan and the recommended definition of building.
13. A number of other plans have recognised that artificial crop protection structures are best addressed as a standalone matter rather than included as a building.
14. Such Plans include Christchurch City Replacement Plan which has an exemption for such structures from the definition of building and Western Bay of Plenty. I attach a paper that sets out a range of such provisions. [Like the policy framework of the Proposed Waikato District Plan, other plans around NZ recognise the critical structural elements required to enable rural production. Simply calling these buildings that are then subject to standard yard setbacks is not a sound resource management response.](#)
15. The submission to the Draft National Planning Standards also describes these structures and includes photos that show that they are not dense, solid structures which would necessitate a significant setback from a boundary.
16. In my assessment I consider that artificial crop protection structures are an integral part of horticultural activity in Waikato District and should be provided for without restraint of setbacks which would compromise the use of high class soils.

Lynette Wharfe

29 September 2020