

**BEFORE THE HEARING COMMISSIONER
AT CENTRAL OTGAO**

IN THE MATTER of the Resource Management Act 1991 (“**the Act**”)

AND

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AND

IN THE MATTER of the Proposed Plan Change 19 to the Central Otago District Plan

**STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE
FOR HORTICULTURE NEW ZEALAND
11 APRIL 2023**

1. SUMMARY STATEMENT

1.1 In this evidence I address the submissions that Horticulture New Zealand made on Proposed Plan Change 19 Residential to the Central Otago District Plan.

1.2 I address:

- (a) Setbacks for the LLRZ
- (b) Definition of noxious activity.

1.3 Changes I seek in this evidence are:

(a) *That LLRZ-S6 (1) be amended as follows:*

Except where the zone borders the Rural Resource Areas the setback is 25m.

(b) Amend LLRZ-S6 RDIS to include an additional matter of discretion:

The potential reverse sensitivity effects on adjacent rural activities.

(c) Delete 'plants' from clause 2 of the definition of noxious activity.

2. QUALIFICATIONS AND EXPERIENCE

2.1 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.

2.2 I am an accredited commissioner under the Making Good Decisions programme with Ministry for the Environment.

2.3 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.

2.4 I have spent over 20 years as a consultant, primarily to the agricultural industry and rural sector, specialising in resource management, environmental issues, and environmental education and facilitation, including 20 years of providing advice to Horticulture New Zealand ("**HortNZ**") and its precursor organisations NZ Vegetable and Potato Growers Federation, NZ Fruitgrowers Federation.

- 2.5 I have been involved in a number of plans and plan changes that have considered similar provisions including Christchurch Replacement District Plan, Hastings District Plan, Waikato District Plan, Selwyn District Plan, Central Hawkes Bay and Opotiki.
- 2.6 I have also previously been involved in a number of plan changes to the Central Otago District Plan.
- 2.7 I have been involved as a consultant to HortNZ on Proposed PC19, contributing to the submission.
- 2.8 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.

3. SCOPE OF EVIDENCE

- 3.1 This evidence provides a planning assessment of those provisions on which HortNZ submitted and addresses the Section 42A report prepared by the Council.
- 3.2 In undertaking this assessment I have referred to:
- a) The s32 Report by Central Otago District Council for PC19
 - b) The s42A Report prepared by Liz White for Central Otago District for PC19.

4. MY UNDERSTANDING OF HORTNZ'S SUBMISSION

- 4.1 My understanding of the HortNZ submission is that HortNZ is concerned about residential activities occurring within close proximity to the Rural Resource Area where there is potential for reverse sensitivity issues to arise.
- 4.2 HortNZ is also concerned about the definition of noxious activity and how it may be applied.

5. SETBACKS FOR LARGE LOT RESIDENTIAL ZONE (LLRZ)

- 5.1 HortNZ sought that LLRZ-S6 Setback from internal boundary be amended to 30m where the zone borders the Rural Resource Area and the addition of a matter of discretion for potential reverse sensitivity effects on adjacent rural activities.

- 5.2 The HortNZ submission point regarding setbacks for the large lot residential zone is addressed at 198 in the s42A Report.
- 5.3 The s42A Report rejects the submission on the basis that:
- (a) The Operative Plan internal boundary setback is generally 3m;
 - (b) There is no evidence in the submission that adverse effects have arisen with the current requirements to justify such a shift;
 - (c) Not aware of other plans with large setbacks broadly applied; and
 - (d) Result in an inconsistent approach in residential areas.
- 5.4 I do not concur with the s42A Report writer.
- 5.5 PC19 is amending the zoning of a number of currently zoned rural areas to LLRZ and incorporate these areas into the Residential provisions.
- 5.6 These re-zonings will change the dynamics for the rural activities that will find themselves adjacent to the new LLRZ, with the potential for reverse sensitivity effects to occur.
- 5.7 Generally Central Otago DC has tried to maintain a defensible boundary between the Rural Resource Areas and other zones to ensure that potential reverse sensitivity effects can be adequately managed.
- 5.8 Such a defensible boundary has assisted in reducing the potential for reverse sensitivity effects.
- 5.9 Reverse sensitivity effects can occur when new residential activities object to rural production activities such as use of audible bird scaring devices, frost fans, machinery or agrichemical spraying or fertiliser applications occur.
- 5.10 Complaints about such activities have, and do, occur in Central Otago.
- 5.11 A larger setback will assist in mitigating potential effects and complaints.
- 5.12 While there may currently be a setback of 3m in the Operative Plan, its existence does not make it a justification for such a setback to be carried over to the new plan provisions.

- 5.13 The new plan is looking forward ten years. Much has changed in Central Otago since the current district plan was made Operative in 2008 and the new plan needs to take into account new issues that have emerged in that time. The management of the rural-urban interface is one such issue.
- 5.14 It is recognised that the Council need to proceed with the residential provisions ahead of a full plan review, but this has the disadvantage that the full suite of effects and integrated management is not taken into account in terms of the overall inter-relationships in the plan.
- 5.15 So rather than addressing residential in a silo from other resource areas, consideration should be given to cross-boundary effects.
- 5.16 The rural-urban interface is a boundary that needs careful management and setbacks are a tool that can assist with this.
- 5.17 The minimum size of a LLRZ lot is 2000m² so there is scope for a larger setback for a residential unit without impinging on the ability to develop a site for residential activities.
- 5.18 The LLRZ may in effect become a 'buffer' between denser residential and the Rural Resource Area.
- 5.19 HortNZ has not sought that all residential activity in the LLRZ have an internal boundary setback of 30m. The larger setback would only apply to where the LLRZ borders the Rural Resource Area.
- 5.20 Therefore the approach is effects- based in that it is addressing a specific resource management issue regarding the rural-urban interface.
- 5.21 I note that the Operative Plan Standard 4.7.6 has a 25m side and rear yard for residential activity in the Rural Residential areas.
- 5.22 The Rural Resource Area (5) has provision for lifestyle lots down to 1500m² and requires a 25m setback from the zone boundary for residential activity to protect rural production.
- 5.23 Such lots are similar to those anticipated in the LLRZ.
- 5.24 The description of the LLRZ is that it is low density on a large site maintaining a high open space to built form ratio and that buildings are expected to minimise the effects of development on adjoining sites and integrate with the surrounding area.
- 5.25 Providing for a larger setback with the Rural Resource Area will assist in ensuring that appropriate integration with the surrounding area is achieved where the boundary is the rural-urban interface.

5.26 While the HortNZ submission sought 30m setback I support a 25m zone boundary setback so that it is consistent with RRA(5).

6. DEFINITION OF NOXIOUS ACTIVITY

6.1 HortNZ made a submission regarding the definition of noxious activity, which is a non-complying activity in residential zones.

6.2 In particular, HortNZ is concerned about a wider application of the term in other parts of the plan.

6.3 The s42A Report (238 o) is recommending that the definition be limited to residential zones, but notes that in future it could be applied to other zones.

6.4 While the recommendation addresses the immediate issue I consider that there is potential for the term to be applied inappropriately in the future.

6.5 I am uncertain why keeping of 'plants' is regarded as a 'noxious activity'. I appreciate that intensive confinement of animals and keeping fungi may be regarded as noxious in a residential environment. But it is not clear why plants are also included.

6.6 Therefore I support deletion of 'plants' from clause 2 of the definition of noxious activity.

7. CONCLUSION

7.1 I support a setback of 25m for residential activity in the LLRZ where it adjacent to the Rural Resource Area.

7.2 This is an effects based response to a resource management issue and will assist achieve sustainable management.

Lynette Wharfe

11 April 2023