

**BEFORE THE HEARING COMMISSIONERS
IN FAR NORTH DISTRICT**

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

AND

IN THE MATTER of the Proposed Far North District Plan
Hearing 1 Strategic Directions

**STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE
FOR HORTICULTURE NEW ZEALAND
14 MAY 2024**

1. SUMMARY OF EVIDENCE

- 1.1 This evidence addresses a submission made by HortNZ on SD-IE-O2 Infrastructure and Electricity of the Strategic Directions in the Proposed Far North District Plan.
- 1.2 Strategic Directions have been included in the Plan in response to the National Planning Standards and provide an overarching direction for the district. Strategic Directions for Urban form and development are mandatory and the Council has elected to also include Strategic Directions for Cultural prosperity, social prosperity, Economic prosperity, Rural environment and infrastructure and electricity.
- 1.3 I support inclusion of a strategic direction for infrastructure and electricity in the Far North as it has been identified as an important resource issue for the district.
- 1.4 However I do not support the proposed wording for SD-IE-O2 as it does not:
- (a) Align with the higher order documents, including the s32 Report, RPS for Northland and the NPSET;
 - (b) Seeks a more stringent objective that is not supported in the s32 Report;
 - (c) Applies an inappropriate high level objective for 'protection' for all infrastructure to be implemented in other chapters of the Plan.
- 1.5 Therefore I support amending SD-IE-O2 as follows:
- Recognise and provide for infrastructure and renewable electricity generation activities and ensure that their operation, maintenance and upgrading are not compromised by incompatible subdivision, use and development.*

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 18 years of providing advice to Horticulture New Zealand (“**HortNZ**”) and its precursor organisations, NZ Vegetable and Potato Growers Federation, NZ Fruitgrowers Federation.
- 2.5 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 Marlborough RM Plan and district plans in Dunedin, Christchurch City, Waikato, Whakatane, Opotiki and Hastings so am familiar with the range of matters to be addressed in the Proposed Far North District Plan (“**PFNDP**”).
- 2.6 I have been involved as a consultant to HortNZ contributing to submissions and further submissions on the Proposed Far North District Plan.
- 2.7 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.

3. SCOPE OF EVIDENCE

- 3.1 This evidence provides a planning assessment on a submission made by HortNZ on SD-IE-O2 Infrastructure and Electricity in the Strategic Directions in the Proposed Far North District Plan.
- 3.2 In undertaking this assessment I have considered:
- (a) The Section 42A Report for Strategic Directions
 - (b) S32 Report - Overview
 - (c) The s32 Report for Infrastructure
 - (d) The Regional Policy Statement for Northland
 - (e) The National Policy Statement for Electricity Transmission (NPSET)
 - (f) The National Planning Standards.

4. MY UNDERSTANDING OF HORTICULTURE NEW ZEALAND'S SUBMISSION

- 4.1 HortNZ made submissions and further submission on the PFNDP because horticulture is a key activity within the Far North District.
- 4.2 HortNZ made a number of submissions and further submissions on a number of the Strategic Directions. Some of these points are addressed in the statement by Ms Cameron. I have been asked to address SD-IE-O2.
- 4.3 Ms Cameron has provided evidence setting out the HortNZ position and concerns and background to horticulture in Far North District. I have relied on her statement, particularly in regard to highly productive land and food production.

5. STRATEGIC DIRECTIONS IN DISTRICT PLANS

- 5.1 Inclusion of Strategic Directions (SD) in district plans is in response to the National Planning Standards, which require that strategic directions be included in a district plan for Urban form and development and the option to include other strategic directions as appropriate for the district, which address key strategic or significant matters for the district.
- 5.2 Far North District has included Strategic Directions for Cultural prosperity, Social prosperity, Economic prosperity, Rural environment and Infrastructure and electricity.

- 5.3 MfE Guidance for implementing the District Plan Structure Standard states that:

The Strategic Direction heading provides a location for high-level direction that district councils are working towards for their city/ and or district.¹

- 5.4 It provides examples such as recognising special characteristics of a district or strategic resource management issues specific to the district.

- 5.5 The s32 Report for Strategic Directions seeks that the SD chapter provides an overview of the significant land use issues and key outcomes for future land use in the district and reflects those factors which are key to achieving the overall vision for the pattern and integration of land use within the Far North District.

6. SD-IE-O2 INFRASTRUCTURE AND ELECTRICITY

- 6.1 SD-IE-O2 seeks:

Infrastructure and renewable electricity generation activities are protected from incompatible land use, subdivision and development that may compromise their effective operation, maintenance and upgrading.

- 6.2 HortNZ made a submission opposing the strategic objective and sought that it be amended:

- 6.3 *Recognise and provide for infrastructure and renewable electricity generation activities and ensure that their operation, maintenance and upgrading are not compromised by incompatible subdivision, use and development.*

- 6.4 The reason for the submission is:

The objective seeks that infrastructure is protected from incompatible land use, subdivision and development.

The RPS, NPSET and NPSREG do not seek protection.

Objective 3.7 of the Northland RPS seeks to:

Recognise and promote the benefits of regionally significant infrastructure, (a physical resource), which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing.

¹ <https://environment.govt.nz/publications/guidance-for-the-district-plan-structure-and-chapters-standards/>

Objective 3.8 is:

Manage resource use to:

(a) Optimise the use of existing infrastructure

(b) Ensure new infrastructure is flexible, adaptable, and resilient, and meets the reasonably foreseeable needs of the community; and

(c) Strategically enable infrastructure to lead or support regional economic development and community wellbeing.

SD-IE-O2 should be consistent with higher order documents.

6.5 The s42A Report responds to the submission at 5.2.6 Key Issue 6 Infrastructure and Electricity. At Para 196 the report does not support the amendments sought and outlines the rationale for the drafting of the strategic directions:

(a) Identify and respond to resource management issues considered to be of particular importance to Far North District

(b) This identification includes matters of national and regional importance to the Far North District and issues that traverse more complex matters which affect more than one chapter of the PDP.

(c) Wording in the RMA and higher order documents was specifically avoided as being unnecessary and repetitive

(d) The objectives are intended to be broad and overarching.

6.6 On this basis the writer does not consider that the Strategic Objective needs to be consistent with higher order documents.

6.7 The s42A Report does not address why a wording of 'protection' is appropriate for the Far North District, which is more stringent than the higher order documents.

6.8 The direction set in the Strategic Directions is important given the purpose set out in the Overview for the Strategic Directions for Infrastructure and Electricity:

For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives.

6.9 In other words, all other chapters in the district plan need to be consistent with the objective to protect infrastructure and renewable electricity generation activities from incompatible land use,

subdivision and development that may compromise their effective operation, maintenance and upgrading.

- 6.10 A status of 'protection' is a high level of direction that has significant implications as to how the policy provisions in other chapters of the Plan will implement this direction.
- 6.11 The principle in *King Salmon*² is that a direction of protection leads to a directive policy framework of 'avoid' which sets something in the nature of bottom lines.
- 6.12 It is important to note that the strategic direction applies to all infrastructure and renewable electricity generation activities, not just to regionally significant infrastructure.
- 6.13 Neither the s32 Report, the RPS for Northland or other higher order documents such as the National Policy Statement for electricity Transmission (NPSET) have a direction of 'protect'.
- 6.14 In fact, the s32 Report for Infrastructure at 5.2 identifies that the proposed management approach to infrastructure in the PDP is:
- Updating and refining the infrastructure provisions (particularly the objectives and policies) so that they better align with relevant national direction and the Northland RPS. (My emphasis)*
- 6.15 Objective 3.7 of the RPS for Northland for regionally significant infrastructure is 'to recognise and promote' and Objective 3.8 for efficient and effective infrastructure is 'to manage resource use'.
- 6.16 The NPSET has a policy framework of 'recognise and provide for' the National Grid
- 6.17 So SD-IE-O2 does not align with these higher order documents, but rather is more stringent.
- 6.18 There is nothing in the s32 Report to justify having a more stringent approach than the RPS or higher order documents.
- 6.19 While it may be preferable that the same wording as the higher order documents is not used in the PFNDP it is important that there is alignment in the approach.
- 6.20 In my opinion, the wording sought by HortNZ for SD-IE-O2:
- (a) Is a broad and overarching objective

² *Environmental Defence Society Inc v The NZ King Salmon Co Ltd* [2014] NZSC 38

- (b) Aligns with the higher order documents, including the s32 Report, RPS for Northland and the NPSET in seeking a similar direction and intent;
- (c) Identifies and responds to a resource management issue considered to be of particular importance to Far North District;
- (d) Identifies an issue that traverses more complex matters which affect more than one chapter of the PDP; and
- (e) Provides scope for appropriate management approaches through the objectives and policies that will implement the strategic objective.

6.21 Therefore I support amending SD-IE-O2 as follows:

Recognise and provide for infrastructure and renewable electricity generation activities and ensure that their operation, maintenance and upgrading are not compromised by incompatible subdivision, use and development.

7. CONCLUSION

- 7.1 This evidence addresses the submission on SD-IE-O2 made by HortNZ that is addressed in Hearing I – Strategic Directions.
- 7.2 The strategic directions seek to provide an overarching framework for the Plan and it is important that the focus is retained at the high level.
- 7.3 I support changes which will provide greater clarity and direction which give effect to the RPS for Northland.
- 7.4 I consider that the change I support is appropriate and will implement s5 of the RMA to achieve sustainable management of natural and physical resources.

Lynette Wharfe

14 May 2024

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.