

**BEFORE THE HEARING COMMISSIONERS
IN SELWYN DISTRICT**

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

AND

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

**STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE
FOR HORTICULTURE NEW ZEALAND
23 JULY 2021**

1. SUMMARY OF EVIDENCE

- 1.1 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 District Identify, Infrastructure, Risk and Resilience, and Mana Whenua.

Rural Strategic Direction

- 1.2 A number of rural organisations sought that a Strategic Direction be included for the rural area of the district, given its extent and significance to the district. The s42A Report does not support inclusion of a Rural Strategic Objective.
- 1.3 I have undertaken an assessment of the appropriateness of including a rural based Strategic Objective and come to the conclusion that such an objective is appropriate in the Plan for the following reasons:
- (a) It aligns with the District Development Strategy Selwyn 2031 which has a specific Strategic Direction for the rural area;
 - (b) The rural area comprises a large area of the district with farming being the dominant land use in the district, is a large source of employment in the district;
 - (c) Rural character is important to the district identity;
 - (d) The rural area in Selwyn is significant because 21% of the land in the district highly productive land which is important for food production and food security, particularly in response to the effects of climate change;
 - (e) The rural area is under considerable pressure due to urban growth within the district so ensuring that there is clear direction sought for the area is important to the district identity being maintained;
 - (f) A Rural Strategic Objective within the Strategic Directions ensures that integrated management is facilitated and provides a framework for considering development across the plan and within the rural area;
 - (g) A Rural Strategic Objective is consistent with the style of the other voluntary Strategic Objectives, which also have corresponding topic specific chapters in the Plan;
 - (h) A Rural Strategic Objective aligns with the RPS which provides for rural production and rural activities in the rural environment.
- 1.4 I have assessed the wording sought by the various submitters and in consultation with ESAI, NZ Pork and Federated Farmers have developed a strategic objective that aligns with the style in the SD Chapter and does not

duplicate matters that are best addressed in the General Rural Zone Chapter:

Thriving rural communities

Selwyn's productive land and versatile soils are retained for rural production, including food production, and rural production activities are enabled to ensure that rural communities can thrive, use resources efficiently, maintain rural character and contribute positively to the district and national identity and economy

- 1.5 In my opinion this Strategic Objective is appropriate to include in the Strategic Directions Chapter of the PSDP. HortNZ also made submissions on a number of the other Strategic Directions which I address in my evidence.

SD-DI-02 District wellbeing and prosperity

- 1.6 I support a change to SD-DI-O2 to add 'reverse sensitivity' to the objective

Selwyn's prosperous economy is supported through the efficient use of land, resources and infrastructure, while ensuring existing activities are protected from incompatible activities and reverse sensitivity.

SD-DI-03 integration and Land use, ecosystems and water

- 1.7 I support a rewording of SD-DI-O3 to better reflect the district council's functions:

- 1.8 *Land resources are managed through an integrated approach, which recognises the importance of ki uta ki tai to Ngai Tahu and the inter-relationships between ecosystems and natural processes and with freshwater.*

SD-DI-04 Our environment

- 1.9 I consider that there needs to be greater clarity regarding the relationship between strategic objectives and how they will work, including if there is a hierarchy.

SD-IR-01 Community needs

- 1.10 I do not support the 'protection' of all important infrastructure as provided in SD-IR-O1. I have assessed the RPS provisions identified in the s42A Report and do not consider that they provide the direction to 'protect' all important infrastructure.

- 1.11 'Important infrastructure' includes more components than 'regionally significant infrastructure' to which the RPS provisions apply and I include a table in Appendix 3 to compare the respective definitions.

- 1.12 A direction of 'protect' for all important infrastructure is greater than higher order instruments and the RMA and consider that this direction place a priority for all important infrastructure over other activities in the district.

- 1.13 I support an amendment sought by Orion which better reflects the intent as outlined in the s32 Report:

The important infrastructure needs of the community are fulfilled while ensuring the operation and security of important infrastructure is not compromised by other activities

SD-IR-O2 Effects of important infrastructure

- 1.14 I concur with the s42A Report recommendations in respect to SD-IR-O2.

SD-UFD-O1 Compact and sustainable township network

- 1.15 HortNZ sought that versatile soils be recognised in SD-UFD-O1.

- 1.16 I support that submission as consideration of such soils should be part of the assessment regarding appropriateness of urban development. The s42A Report is recommending that 'highly productive land' is including in SD-UFD-O1 and I support that recommendation. However, I have identified that it may be appropriate to include a definition for 'highly productive land' to ensure clarity regarding the use of the term.

SD-UFD-O2 Urban growth and development

- 1.17 I concur with the s42A Report recommendations in respect to SD-UFD-O2.

SD-UFD-O3 Integration of land use and infrastructure

- 1.18 I concur with the s42A Report recommendations in respect to SD-UFD-O3.

- 1.19 In my opinion the changes identified in my evidence will assist with providing an overarching direction to the PSDP and provide clarity and district consistent with the District Development Strategy and the purpose of the Act.

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 Selwyn District Plan ("**PSDP**").
- 2.6 I have been involved as a consultant to HortNZ contributing to submissions and further submissions on the Proposed Selwyn 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 of those provisions on which HortNZ submitted which are addressed in Hearing 1 Strategic Directions.
- 3.2 In undertaking this assessment, I have considered:
- (a) The Section 42A Report for Strategic Directions
 - (b) The Section 42A Report for Overview
 - (c) The s32 Report for Strategic Directions.

4. MY UNDERSTANDING OF HORTICULTURE NEW ZEALAND'S SUBMISSIONS

- 4.1 HortNZ made submissions and further submission on the PWDP because horticulture is a key activity within the Selwyn District.
- 4.2 HortNZ made submissions and further submissions on the following matters addressed under Strategic Directions:
- (a) SD-DI-02 District wellbeing and prosperity
 - (b) SD-DI-03 integration and Land use, ecosystems and water
 - (c) SD-DI-04 Our environment
 - (d) SD-IR-01 Community needs
 - (e) SD-IR-02 Effects of important infrastructure
 - (f) SD-UFD-01 Compact and sustainable township network
 - (g) SD-UFD-02 Urban growth and development
 - (h) SD-UFD-03 Integration of land use and infrastructure
 - (i) Rural based Strategic Directions
- 4.3 Refer to Appendix 4 for a list of submission and further submission points.
- 4.4 Ms McClung has provided evidence setting out the HortNZ position and concerns and background to horticulture in Selwyn 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 Selwyn District has included Strategic Directions for District Identity, Infrastructure, Risk and Resilience and Mana Whenua Values as well as Urban form and development in the PSDP.
- 5.3 MfE Guidance for implementing the District Plan Structure Standard states that:

The Strategic Direction hearing 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 states 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 Selwyn.²
- 5.6 It then sets out a number of matters which strategic objectives are intended to address, which are repeated in the SD Overview in the PSDP.
- 5.7 Of note are:
 - (a) Identification of alignment with the District Development Strategy
 - (b) Integrated management
 - (c) Avoiding strategic objectives becoming isolated within various chapters of the Plan
 - (d) A prosperous economy through enabling a wide range of business activities

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

² S32 Report Strategic Directions Pg 3

- (e) Matters identified in the Canterbury Regional Policy Statement.

6. RURAL BASED STRATEGIC OBJECTIVE

- 6.1 HortNZ made a submission (0353.084) seeking a new strategic objective be included for rural production activities and the rural area.
- 6.2 Further submissions were also made by HortNZ supporting similar submissions by:
 - (a) ESAI (0353 FS152, 153 and 154)
 - (b) Rakaia Irrigation Ltd (0353 FS159)
 - (c) Federated Farmers (0353 FS 160, 164, 166)
- 6.3 The submissions sought that a strategic objective be included as it is important that the role of the rural area within Selwyn is recognised and that there is clarity about the role and function of the areas within the district.
- 6.4 Ms McClung has outlined in her statement a range of pressures that are being experienced in the rural area, including protection of highly productive land, food security and the effects of climate change which are significant land use issues for the District.
- 6.5 HortNZ specifically sought recognition of productive and versatile land to enable production of food in a rural strategic objective as well as enabling primary production to operate efficiently and effectively and that development in rural areas does not constrain rural production activities.
- 6.6 The s42A Report rejects the submissions for a rural strategic objective³ on the basis that the objectives sought are already captured in either the General Rural Zone provisions or existing proposed strategic objectives and that given there is only one rural zone the objectives are best within the Zone chapter.
- 6.7 These reasons appear to conflict with the intent of Strategic Objectives in terms of addressing integrated management and articulating strategic objectives in a single place rather than in individual chapters.
- 6.8 I note that the proposed Plan has strategic objectives for infrastructure, natural hazards and Mana Whenua values, which all have individual corresponding chapters within the Plan.

³ S42A Report Strategic Directions Pg 79 Section 19.

- 6.9 In my opinion, having a rural strategic objective would not be inconsistent with the style already existing within the Plan.
- 6.10 While some aspects of the proposed Strategic Objectives are particularly relevant to the rural area there is no overarching direction provided for the significant land issues that face the rural area.
- 6.11 The s42A Report⁴ considers that SD-DI-01 - SD-DI-O4 and SD-UFD-O1 and provisions in the General Rural Zone provisions provide for the rural area.
- 6.12 The stated SD objectives under District Identify are generic and while parts are relevant to the rural area they do not capture the intent of Selwyn 2031 or mention rural production or articulate a Strategic Direction for the rural area which comprises the majority of the district.
- 6.13 The Strategic Directions that are included in the PSDP are evaluated in the s32 Report 6.3 as to the appropriateness to achieve the purpose of the Act and sets out the outcomes that would be achieved by their inclusion.
- 6.14 I have used the same criteria to assess the appropriateness of a specific Rural Strategic Objective.
- 6.15 Attached in Appendix 2 is a table that assesses the criteria in the s32 Report:
- Addressing the significant land use issues for the District
 - Providing context for the key outcomes (in terms of pattern of land use) that the Plan is seeking to influence or achieve
 - Articulating the strategic objectives in a single place within the Plan (rather than being located in individual chapters)
 - To promote integrated thinking/ consideration of these matters by decision makers
 - Aligning the land use considerations of the Plan with other key documents such as Selwyn 2031.
- 6.16 My assessment finds that inclusion of such an objective would be appropriate and assist in achieving the outcomes of the Plan for the following reasons:
- (a) Use of the rural land resource is a significant land use issue in the District which should be included in the overall context.
 - (b) The Plan clearly sets out where urban development should occur. In so doing, it effectively identifies the importance of the rural land resource to be retained for rural production but

⁴ S42A Report Strategic Directions Pg 84 Section 19.3

this needs to be explicit rather than implicit so it is clear what the expectation for the rural area is.

- (c) Locating an overall strategic objective for the rural land resource within the Strategic Directions will provide a framework for considering development across the plan and within the rural area.
 - (d) The rural area does not exist in a silo and establishing land use for the rural area needs to be through an integrated policy framework that establishes the place of the rural area within the district.
 - (e) A SD for the rural area aligns with the direction in Selwyn 2031 and implements the objectives and policies of the CRPS.
- 6.17 In my assessment, relying on the objectives in the General Rural Zone does not place the objectives within the overall context of the Plan and provide for integrated management or adequately provide an overarching direction for the rural area so support inclusion of a strategic objective for the rural area.
- 6.18 I do consider that some of the wording sought by submitters for Rural Strategic Objectives may be better placed in the Rural Zone chapter but that the submissions also identify issues that constitute a strategic approach.
- 6.19 Therefore I support a revised wording for a rural strategic objective that is consistent with the style of the proposed strategic objectives and captures at a high level the strategic intent for the rural area in the district.

Thriving rural communities

Selwyn's productive land and versatile soils are retained for rural production, including food production, and rural production activities are enabled to ensure that rural communities can thrive, use resources efficiently, maintain rural character and contribute positively to the district and national identity and economy.

- 6.20 This approach is also consistent with the wording in Selwyn 2031 which identifies a Strategic Direction for the rural area,⁵ in particular noting the pressure being placed on the rural area by growth and development:

⁵ Selwyn 2031 Strategic Direction 5 Pg 80

It is important to recognise, protect and enhance a sense of place by maintaining and protecting the districts natural values and rural character.

- 6.21 Selwyn 2031 includes a Strategic Direction for the rural context:
- Strive to maintain Selwyn Districts identity and character that stems from its productive rural economy, landscapes and iconic rural outlooks.*
- 6.22 Aligning with the District Development Strategy (Selwyn 2031) is identified in the PDP Strategic Directions Overview as a matter that the Strategic Directions are intended to demonstrate.
- 6.23 The Rural Strategic Objective outlined above includes reference to the productive land and versatile soils in Selwyn being retained for rural production, including food production.
- 6.24 The HortNZ submission for a strategic objective specifically included reference to productive and versatile land to be retained for primary production to enable production of food.
- 6.25 The evidence of Ms McClung has identified the areas of highly production land within Selwyn District which comprise of 21% of the land in the district, which is a higher percentage than the 15% nationally.
- 6.26 One of the principles that underpinned Selwyn 2031 and informed the development of the Strategic Directions in Selwyn 2031 is protecting the productive potential of soil.⁶
- 6.27 Given the extent of highly productive land in Selwyn, the identification of highly productive land in the Our Land 2021 Report and the recognition in the CRPS of versatile soils⁷ it is appropriate that special recognition is made to this resource.
- 6.28 Ms McClung has also identified the importance of food production and food security to the district and the nation, particularly in light of the effects of climate change.
- 6.29 Food production is clearly a subset of rural production but specific reference in the Strategic Objective will ensure that the importance of the social wellbeing of the community is specifically provided for.

⁶ Selwyn 2031 Pg 16

⁷⁷ Canterbury Regional Policy Statement Policy 5.3.12 Reasons and Explanation

- 6.30 I note that the submissions seeking a rural strategic objective provide scope to include a strategic objective either under District Identity (SD-DI) or as a standalone Rural Strategic Objective (SD-RU).
- 6.31 I consider that either approach would be appropriate but prefer that it sit within District Identity as it is the contribution of the rural area and character to the district identity that is important.
- 6.32 Rural land use does not sit in isolation to the broader community and it is the integration of rural direction within the whole community that is important to ensure integrated management of the rural resource and ensure that future decision making is balanced across the district.
- 6.33 Therefore I support inclusion of a Strategic Objective for rural areas in SD-DI as follows:

SD-DI-O6 Thriving rural communities

Selwyn's productive land and versatile soils are retained for rural production, including food production, and rural production activities are enabled to ensure that rural communities can thrive, use resources efficiently, maintain rural character and contribute positively to the district and national identity and economy.

7. SD-DI-O2 DISTRICT WELLBEING AND PROSPERITY

- 7.1 HortNZ made a submission (0353.085) supporting SD-DI-O2.
- 7.2 Further submissions were also made by HortNZ on:
- (a) Orion (0353 FS017) – Supporting
 - (b) CIAL (0353 FS081) – Opposing
 - (c) Federated Farmers (0353 FS 161) Supporting in part
- 7.3 SD-DI-O2 is:
- Selwyn's prosperous economy is supported through the efficient use of land, resources and infrastructure, while ensuring existing activities are protected from incompatible activities.*
- 7.4 While HortNZ supported the Strategic Objective, they also supported a change sought by Orion NZ Ltd to add 'and reverse sensitivity effects' at the end of the objective.
- 7.5 CIAL also sought a change the same as Orion. HortNZ opposed the whole of CIAL submission so is listed as opposing the submission point, even though they support the change sought by Orion.

- 7.6 The further submission supporting in part the submission of Federated Farmers related to that part of the submission that focused on reverse sensitivity effects.
- 7.7 The s42A Report (Para 8.4) rejects the submission point of Orion and CIAL because 'reverse sensitivity is already intrinsic to the existing component of the objective' and considers such a change would be duplication.
- 7.8 For the same reason the Federated Farmers inclusion of reverse sensitivity is rejected (Para 8.5.2).
- 7.9 I do not concur with the s42A Report writer that inclusion of reverse sensitivity is a duplication.
- 7.10 The presence of incompatible activities doesn't necessarily lead to reverse sensitivity, though it may well be a precursor. By including reverse sensitivity in the objective it makes it clear that reverse sensitivity may be a consequence of the location of incompatible activities.
- 7.11 I note that *Selwyn 2031* identifies reverse sensitivity as an issue in relation to managing urban growth (1.1), Integration of land use and infrastructure (1.3), and economic growth (2.2). Therefore it is relevant matter for consideration within the Strategic Direction objectives.
- 7.12 In my opinion the addition of explicit recognition of reverse sensitivity does not weaken the objective. Rather it enhances it by clearly identifying that reverse sensitivity is a matter that existing activities should be protected from.
- 7.13 Therefore, I support the addition of 'reverse sensitivity' to SD-DI-O2.

8. SD-DI-O3 INTEGRATION AND LAND USE ECOSYSTEMS AND WATER

- 8.1 HortNZ made a further submission (0353 FS 162) supporting in part Federated Farmers (0422.099). (The s42A Report records the further submission as 'oppose in part'. The actual further submission point stated 'support in part'.)
- 8.2 The submitter seeks to ensure that there is a clear focus on the district council functions under the RMA within the objective, particularly in relation to water, while retaining the importance of integrated management.

- 8.3 The s42A Report (Para 9.5) rejects this submission on the basis that there are a range of district council functions that benefit from an integrated management approach.
- 8.4 The range of functions identified in the report all relate to land management, not water resources which are clearly regional council functions. While these activities may benefit water resources the objective could be interpreted as the district council having a role in managing water resources, which is not accurate.
- 8.5 In establishing a strategic direction there should be clarity about the extent and scope of the council's role.
- 8.6 The wording sought by the submitter identifies that the effects of land use on ecosystems and freshwater are recognised and managed in an integrated way across the district.
- 8.7 This would more accurately reflect the role and function of the district council in terms of managing land and water resources so I support the intent of the wording sought.
- 8.8 An alternative wording could be:

Land resources are managed through an integrated approach, which recognises the importance of ki uta ki tai to Ngai Tahu and the inter-relationships between ecosystems and natural processes and with freshwater.

9. SD-DI-O4 OUR ENVIRONMENT

- 9.1 HortNZ made a further submission (0353 FS 163) supporting in part Federated Farmers (0422.100).
- 9.2 The submitter seeks to clarify the relationship between the objectives, particularly SD-DI-O2 and how the sites identified in SD-DI-O4 will be managed.
- 9.3 The s42A Report rejects the submission as the writer seeks to keep the strategic objectives as broad as possible, does not want to define 'protect', and is concerned about providing for land use as set out in SD-DI-O2.
- 9.4 The SD-Overview notes that 'there is no hierarchy between the stated objectives i.e. no one strategic objective has primacy over another Strategic Objective' and that they should be read as a whole.
- 9.5 The inter-relationship of the strategic objectives presents an inherent tension.

9.6 I consider that the focus by the submitter on land use change confuses the issue and accept that s6 matters need to be appropriately recognised and managed.

9.7 However it may assist plan users if there is clarity in the Overview as to how tensions between strategic objectives may be reconciled.

10. SD-IR-O1 COMMUNITY NEEDS

10.1 Proposed SD-IR-O1 Community needs is:

The important infrastructure needs of the community are fulfilled and their operation is protected.

10.2 HortNZ made a submission (0353.086) seeking to amend SD-IR-O1:

Infrastructure is able to provide for the needs of the community and their operation is recognised and provided for.

10.3 HortNZ also made a further submission (0353 FS018) supporting Orion (0367.002) who seek that the SD is reworded:

The important infrastructure needs of the community are fulfilled while ensuring the operation and security of important infrastructure is not compromised by other activities.

10.4 The s42A Report (Para 12.3) rejects the HortNZ submission as it does not consider that it sets a clear desired outcome, rather describing how the outcome is to be achieved.

10.5 I do not accept that position as I consider that the wording sought by HortNZ is a desired outcome in that infrastructure is recognised and provided for in the Plan.

10.6 The s42A Report also considers that the Plan can set a higher threshold than exists in the NPS-ET of 'recognise and provide for'. The report also considers that the use of 'protect' is supported by the CRPS such as in objectives and policies 5.2.1 g), 5.3.2, 5.3.9, 6.2.1.10 as the RPS uses words such as 'enable' and 'avoid' which means the use of the word 'protection' in the proposed objective will give better effect to the RPS.

10.7 I have undertaken an assessment of the listed objectives and policies to determine the nature and direction of the wording and how it contributes to the strategic objectives.

10.8 For ease of reference by the Hearing Panel I have set out the provisions referred to in the s42a Report in Appendix 3 to this evidence. I have highlighted the directive wording.

- 10.9 In my assessment none of the provisions provide a direction to a district council that the operation of 'important infrastructure' should be 'protected'. Where the term 'avoid' is used it is not absolute as it provides for 'where avoidance is not practicable' or 'avoid or mitigate'.
- 10.10 The s42A Report suggests that the term 'enable' implies 'protection' and that the word 'protection' will give better effect to the RPS.
- 10.11 I disagree. To enable means to do something or make it possible. It does not imply to protect.
- 10.12 I particularly note RPS Policy 5.3.9 which seeks to:
- Avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety;*
- (Note: highlighted emphasis added)
- 10.13 The focus is on adverse effects relating to reverse sensitivity and should not be used as a basis for an absolute protection for all important infrastructure.
- 10.14 It should also be noted that the RPS provisions relate to regionally significant infrastructure, not important infrastructure.
- 10.15 While I note that there are submissions relating to terminology at later hearings there are differences between 'regionally significant infrastructure' to which the RPS policies apply and 'important infrastructure' as defined in the PSDP. Therefore by seeking to apply RPS policies to 'important infrastructure' the scope of the RPS provisions are being extended beyond their intent.
- 10.16 Included in Appendix 3 is a table setting out a comparison of regionally significant infrastructure in the CRPS and important infrastructure in the PSDP.
- 10.17 The HortNZ submission specifically sought that infrastructure be 'recognised and provided for' rather than 'protected.' I consider that this wording is more consistent with the intent of the RPS provisions and is also consistent with higher order documents, such as the NPSET.
- 10.18 While the Plan can set a higher threshold than exists in higher order documents the point of the submission process is to enable the community debate as to whether such a higher threshold is appropriate and warranted in the Selwyn District.

- 10.19 The s42A Report writer justifies the higher threshold through the terminology in the RPS, which I have discussed above.
- 10.20 I do not see wording in the RPS provisions identified by the s42A Report writer that would justify the use of 'protected' as in SD-IR-O1, nor in other higher order documents.
- 10.21 The s32 Report⁸ for SD-IR-O1 focuses on ensuring that there is adequate provision for important infrastructure to exist, including protection from activities that could potentially compromise their ongoing operation.
- 10.22 It is noted that the 'protection' is limited to activities that could compromise their operation – not an open-ended, absolute 'protection' as in SD-IR-O1.
- 10.23 Orion sought an amendment to SD-IR-O1 that better reflects the intent of the s32 Report:
- The important infrastructure needs of the community are fulfilled while ensuring the operation and security of important infrastructure is not compromised by other activities.*
- 10.24 The s42A Report rejects the submission point (12.4) because SD-DI-O2 provides for existing activities to not be compromised by incompatible activities.
- 10.25 If SD-DI-O2 covers the matter that is identified in the s32 Report for SD-IR-O1 then it could be considered that SD-IR-O1 is not necessary.
- 10.26 At the very least SD-IR-O1 does not reflect the intent of the s32 Report which seeks 'adequate provision for them to exist' and 'protection from activities that could potentially compromise their ongoing operation.'
- 10.27 Given this situation changes are required to better reflect the intent.
- 10.28 I support the change sought by Orion in this respect:
- The important infrastructure needs of the community are fulfilled while ensuring the operation and security of important infrastructure is not compromised by other activities.*
- 10.29 However if the Hearing Panel are of a mind to not accept the Orion submission I support the change sought by HortNZ, noting that consideration of terminology will be at a later hearing:

⁸ S32 Report Strategic Directions Pg 8.

Infrastructure is able to provide for the needs of the community and their operation is recognised and provided for.

11. SD-IR-O2 EFFECTS OF IMPORTANT INFRASTRUCTURE

11.1 SD-IR-O2 Effects of important infrastructure is:

The development, upgrade, maintenance, and operation of all important infrastructure is enabled in a way that minimises adverse effects, while having regard to the practical constraints and the logistical and technical practicalities associated with important infrastructure.

11.2 HortNZ made further submissions opposing Orion (0367.003) and CIAL(0371.017). which sought substantive changes to SD-IR-O2.

11.3 The HortNZ further submission considered that the submitters were seeking to add details as to how the strategic objective would be achieved which removed the strategic focus of the objective.

11.4 The s42A Report is recommending that the submissions be rejected for a range of reasons including that the changes are not consistent with the purpose of the objective which is how effects from infrastructure are managed and are written more as a policy rather than a strategic objective.

11.5 In my opinion the level of detail about the respective infrastructure are more appropriate addressed in the Energy and Infrastructure chapter provisions

11.6 Therefore I concur with the s42A Report to recommend that the submissions be rejected.

12. SD-UFD-O1 COMPACT AND SUSTAINABLE TOWNSHIP NETWORK

12.1 SD-UFD-O1 sets out the strategic approach to the township network:

Urban growth is located only in or around existing townships and in a compact and sustainable form that aligns with its anticipated role in the Township Network, while responding to the community's needs, natural landforms, cultural values, and physical features.

12.2 HortNZ made a submission (0353.088) seeking changes to SD-UFD-O1 to add 'avoiding versatile soils and creating incompatible activities.'

12.3 HortNZ made a further submission (0353 FS165) supporting in part a submission by Federated Farmers (0422.015) that sought similar

changes. (The further submission is classed as 'oppose in part' in the s42A Report Pg 60).

- 12.4 HortNZ (0353 FS082) is also recorded as a further submitter opposing CIAL (0371.018), who sought that the objective be retained as notified.
- 12.5 The s42A Report recommends that the HortNZ and Federated Farmers submissions be accepted in part and recommends changes to SD-UFD-O1 to include 'highly productive land' in the strategic objective.
- 12.6 I support this inclusion as it is consistent with the intent of Selwyn 2031 that the productive potential of soils is protected.
- 12.7 I note that 'highly productive land' is not defined in the PSDP and if the term is to be adopted as recommended a definition may be appropriate.
- 12.8 I support the reference to 'land' rather than soils as this better reflects the components of the land that comprise the production system.
- 12.9 If a definition is to be included for 'highly productive land' I consider that the direction in the Draft NPSHPL and the Our Land 2021 Report⁹ that includes LUC Class I, II and III as highly productive land would be appropriate.
- 12.10 HortNZ has a submission point on the definition of versatile soils that would provide scope to include such a definition.

13. SF-UFD-O2 URBAN GROWTH AND DEVELOPMENT

- 13.1 HortNZ made a further submission (0353 FS083) opposing CIAL(0371.019) who sought that the objective be amended.
- 13.2 The s42A Report (Para 17.4) recommends that the submission be rejected as the matters are addressed in other strategic objectives and within the Urban Growth Chapter.
- 13.3 I support the s42A Report recommendation on this matter for the reasons set out in the report.

⁹ Our Land 2021 Pg 19

14. SD-UFD-O3 INTEGRATION OF LAND USE AND INFRASTRUCTURE

- 14.1 HortNZ made a further submission (0353 FS084) opposing CIAL(0371.020) seeking changes to the strategic objective that urban growth does not affect the operation of important infrastructure.
- 14.2 The s42A Report (18.6) recommends that the submission be rejected as the matters are addressed in other strategic objectives.
- 14.3 I support the s42A Report recommendation on this matter for the reasons set out in the report.

15. CONCLUSION

- 15.1 This evidence addresses submission and further submission points made by HortNZ that are addressed in Hearing I – Strategic Directions.
- 15.2 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.
- 15.3 I support changes which will provide greater clarity and direction which are consistent with the District Development Strategy and the RPS.
- 15.4 In particular, I support inclusion of a Strategic Objective for the rural area and rural production to provide an overarching direction for the rural area and primary production activities which enable the economic social and cultural wellbeing of the community.
- 15.5 I consider that such changes are appropriate and will implement s5 of the RMA to achieve sustainable management of natural and physical resources.

Lynette Wharfe

23 July 2021

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.

Appendix 2: Assessment of criteria for Rural Strategic Objective

S32 Analysis evaluation of proposed strategic objectives – applied to a rural objective

Based on s32Report Strategic Directions Pg 10/11

Criteria	Rural Strategic Objective
Addressing the significant land use issues for the District	The rural area is a significant area within the district so should be included in the overall context. The Plan (Intro 3) identifies that farming is the dominant land use in the District. The land zoned rural occupies 99% of the land areas in the district. ¹⁰ The key employment category is agriculture ¹¹ . Selwyn 2031 identifies the importance of the rural area to district identity. ¹² Given the pressure for urban and rural residential development and the areas of highly productive land within Selwyn use of the rural land resource is a significant land use issue in the District.
Providing context for the key outcomes (in terms of pattern of land use) that the Plan is seeking to influence or achieve	The Plan clearly sets out where urban development should occur. In so doing, it effectively identifies the importance of the rural land resource to be retained for rural production but this needs to be explicit rather than implicit so it is clear what the expectation for the rural area is.
Articulating the strategic objectives in a single place within the Plan (rather than being located in individual chapters)	Locating an overall strategic objective for the rural land resource within the Strategic Directions will provide a framework for considering development across the plan and within the rural area.
To promote integrated thinking/ consideration of these matters by decision makers	The rural area does not exist in a silo and establishing land use for the rural area needs to be through an integrated policy framework that establishes the place of the rural area within the district.
Aligning the land use considerations of the Plan with other key documents such as Selwyn 2031	<p>Selwyn 2031 includes a strategic direction for sustainably managing Selwyn's rural and natural resource with a specific Rural context issue: <i>Strive to maintain Selwyn District's identity and character that stems from its productive rural economy, landscapes and rural outlooks.</i></p> <p>A SD for the rural area aligns with this direction to ensure that it is taken into account in all land use considerations.</p> <p>The CRPS includes Objective 5.2.1 e to provide for rural production: Development is located and designed so that it functions in a way that: e) enables rural activities that support the rural environment including primary production</p>

¹⁰ Selwyn 2031 Strategic Directions 5 Pg 80

¹¹ https://www.selwyn.govt.nz/_data/assets/pdf_file/0013/460201/SDC_Growth-and-Demand-Doc_FINAL.PDF Pg 15

¹² Selwyn 2031 Strategic Directions 5 Pg 81 and 84

	<p>RPS Policy 5.3.12 is a policy specific for rural production which seeks to maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production. It then sets out that territorial authorities will set out objectives and policies in district plans to achieve the outcomes sought.</p> <p>In my opinion the CRPS objective and policies identify rural land use as a significant resource management issue that is appropriately included as a strategic objective in the PSDP.</p>
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Appendix 3: Infrastructure

Provisions referred to in s42A Report 12.3.3 regarding infrastructure in the CRPS.

Objective

5.2.1 Location, Design and Function of Development (Entire Region)

Development is located and designed so that it functions in a way that:

1. Achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth: and
2. Enables people and communities, including future generations, to provide for their social, economic, and cultural well-being and health and safety; and which:

a)...

g) avoids adverse effects on significant natural and physical resources, including regionally significant infrastructure and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure.

Policy

5.3.2 Development conditions (Wider Region)

To enable development including regionally significant infrastructure which:

1. Ensure that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose:
 - a. Existing or consented regionally significant infrastructure;
 - b. Options for accommodating the consolidated growth and development of existing urban areas;
 - c. The productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is values for existing or foreseeable future primary production, or through further fragmentation of rural land;
 - d. the protection of sources of water for community supplies;
 - e. significant natural and physical resources;
2. avoid or mitigate:
 - a. natural and other hazards, or land uses that would likely result in increases in the frequency and /or severity of hazards;
 - b. reverse sensitivity effects and conflicts between incompatible activities, including identified mineral extraction areas;

and

3. integrate with:

- a. the efficient and effective provision, maintenance or upgrade of infrastructure; and
- b. transport networks, connections and modes to as to provide for the sustainable and efficient movement of people, goods and services, and a logical, permeable and safe transport system.

Policy

5.3.9 Regionally significant infrastructure (Wider Region)

In relation to regionally significant infrastructure (including transport hubs)

1. **Avoid development** which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may **arise from adverse effects relating to reverse sensitivity or safety**;
2. **Provide** for the continuation of existing infrastructure, including its maintenance and operation, without prejudice to any future decision that may be required for the ongoing operation or expansion of that infrastructure; and
3. **Provide for** the expansion of existing infrastructure and development of new infrastructure while:
 - a. **Recognising** the logistical, technical or operation constraints of this infrastructure and any need to located activities where a natural or physical resource base exists;
 - b. Avoiding any adverse effects on significant natural and physical resources and cultural values and where this is not practicable, remedying or mitigating them, and appropriately controlling other adverse effects on the environment; and
 - c. When determining any proposal within a sensitive environment (including any routes, methods and design or all components and associated structures are considered so that the proposal satisfies sections 5 (2) a) – c) as fully as is practicable.

Objective – recovery and rebuilding of greater Christchurch

6.2.1.10

6.2.1 Recovery framework

Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:

1. ...
10 achieves development that does not **adversely affect** the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs.

Comparison of infrastructure definitions

Blue are not relevant to Selwyn

Yellow are defined in PDP

Green – not in RPS as regionally significant infrastructure but in DP as Important infrastructure

Regionally significant infrastructure (CRPS)	Important infrastructure (PSDP)	Critical infrastructure (CRPS)	Strategic infrastructure – CRPS Greater Christchurch
Strategic land transport network and arterial roads	Strategic transport network	Strategic road and rail networks (as defined in RLTS)	Strategic transport networks
Timaru airport	Christchurch International Airport	Regionally significant airports	Christchurch International Airport Rangiora Airfield
Port of Timaru	Ports including inland ports	Regionally significant ports	Port of Lyttleton
Commercial maritime facilities at Kaikoura			
Telecommunication facilities	Telecommunication networks	Telecommunication installations and networks	Strategic telecommunications facilities
National, regional and local renewable electricity generation activities of any scale	National, regional and local electricity generation activities undertaken by a Electricity Operator as defined by the Electricity Act 1992		
Electricity transmission network (defined as National Grid refer RPS)	Electricity transmission networks		Electricity transmission network
Sewage collection, treatments and disposal networks	Public and community wastewater collection, treatment and disposal networks	Stormwater and sewage disposal systems	
Community land drainage infrastructure	Public and community land drainage infrastructure		
Community potable water systems	Public and community potable water and fire fighting supply systems	Supply and treatment of water for public supply	
Established community scale irrigation and stockwater infrastructure	Public and community-scale irrigation and stockwater infrastructure		
Transport hubs	Ports including inland ports		
Bulk fuel supply infrastructure including terminals, wharf lines and pipelines	Bulk fuel supply infrastructure including terminals, and pipelines	Petroleum storage and supply facilities	Bulk fuel supply infrastructure including terminals, wharf lines and pipelines
Electricity distribution network	Electricity distribution networks	Electricity substations, networks and distribution installations, including the electricity distribution network	

Regionally significant infrastructure (CRPS)	Important infrastructure (PSDP)	Critical infrastructure (CRPS)	Strategic infrastructure – CRPS Greater Christchurch
Infrastructure defined as <i>strategic infrastructure</i> in the RPS – meaning regionally significant			
	New Zealand Defence Force facilities		Defence facilities including Burnham Military Camp and West Melton Military Training Area
	Emergency Services facilities	Fire stations, police stations, ambulance stations, emergency co-ordination facilities	
	Public healthcare institutions	Public healthcare institutions including hospitals and medical centres	
	Dairy processing plants located within the Special Purpose Dairy Processing Zone		
	West Melton Aerodrome		
			Other strategic network utilities
	Public and community stormwater infrastructure	Stormwater and sewage disposal systems	
	Gas storage and distribution infrastructure	Gas storage and distribution facilities	

Appendix 4: HortNZ submissions and further submission points for Hearing 1: Strategic Directions

Sub no.	Provision	Submission	S42 A Report ref	S42A Report rec.	HNZ evidence	HNZ response
DPR-0353.085	SD-DI-O2 District wellbeing and prosperity	Retain as notified	SD 8.8 Pg 20	Accept	Section 7	Add reverse sensitivity to SD-DI-O2.
DPR-0353 FS017	SD-DI-O2 District wellbeing and prosperity	Support Orion 0367.001	SD 8.4 Pg 19	Reject	Section 7	Add reverse sensitivity to SD-DI-O2.
DPR-0353 FS081	SD-DI-O2 District wellbeing and prosperity	Oppose CIAL 0371.016	SD 8.4 Pg 19	Reject Accept FS	Section 7	Add reverse sensitivity to SD-DI-O2.
DPR-0353 FS161	SD-DI-O2 District wellbeing and prosperity	Support in part FF 0422.098	SD 8.5 Pg 19	Reject	Section 7	Add reverse sensitivity to SD-DI-O2.
DPR-0353 FS162	SD-DI-O3 Integration and Land use, Ecosystems and water	Support in part FF 0422.099	SD 9.5 Pg 24	Reject	Section 8	Amend SD-DI-O3 as follows: <i>Land resources are managed through an integrated approach, which recognises the importance of ki uta ki tai to Ngai Tahu and the inter-relationships between ecosystems and natural processes and with freshwater.</i>
DPR-0353 FS163	SD-DI-O4 Our Environment	Support FF 0422.100	SD 10.3 Pg 28	Reject	Section 9	Clarify how tensions between objectives will be managed.
DPR-0353.086	SD-IR-O1 Community needs	Amend SD-IR-O1	SD 12.3 Pg 37	Reject	Section 10	<i>Amend SD-IR-O1 The important infrastructure needs of the community are fulfilled while ensuring the operation and security of important infrastructure is not compromised by other activities.</i>
DPR-0353	SD-IR-O1 Community needs	Support Orion	SD 12.4 Pg 38	Reject	Section 10	As above

Sub no.	Provision	Submission	S42 A Report ref	S42A Report rec.	HNZ evidence	HNZ response
FS018		0367.002				
DPR-0353 FS019	SD-IR-O2 Effects of important infrastructure	Oppose Orion 0367.003	SD 13.4 Pg 46	Reject Accept FS	Section 11	Accept the s42A Report recommendation to reject Orion submission.
DPR-0353 FS039	SD-IR-O2 Effects of important infrastructure	Oppose CIAL 0371.017	SD 13.4 Pg 46	Reject Accept FS	Section 11	Accept the s42A Report recommendation to reject CIAL submission.
DPR-0353.088	SD-UFD-O1 Compact and Sustainable Township Network	Amend SD-UFD-O1	SD 16.5 Pg 61	Accept	Section 12	Accept the s42A Report recommendation to amend SD-UFD-O1 by adding 'highly productive land.' Consider including a definition for highly productive land
DPR-0353 FS082	SD-UFD-O1 Compact and Sustainable Township Network	Oppose CIAL 0371.018	SD 16.9 Pg 62	Accept in part	Section 12	As above
DPR-0353 FS165	SD-UFD-O1 Compact and Sustainable Township Network	Oppose in part FF 0422.105	SD 16.5 Pg 61	Accept	Section 12	As above
DPR-0353 FS083	SD-UFD-O2 Urban growth and development	Oppose CIAL 0371.019	SD 17.4 Pg 73	Reject Accept FS	Section 13	Accept the s42A Report recommendation to reject CIAL submission.
DPR-0353 FS084	SD-UFD-O3 Integration of land use and Infrastructure	Oppose CIAL 0371.020	SD 18.6 Pg 79	Reject Accept FS	Section 14	Accept the s42A Report recommendation to reject CIAL submission.
DPR-0353 FS152	Rural based Strategic Objectives	Support ESAI 0212.010	SD 19.3 Pg 84	Reject	Section 6	Include SD-DI-O6 <i>SD-DI-O6 Thriving rural communities Selwyn's productive land and versatile soils are retained for rural production, including food production, and rural production activities are enabled to ensure that rural communities can thrive, use resources efficiently, maintain</i>

Sub no.	Provision	Submission	S42 A Report ref	S42A Report rec.	HNZ evidence	HNZ response
						<i>rural character and contribute positively to the district and national identity and economy.</i>
DPR-0353 FS153	Rural based Strategic Objectives	Support ESAI 0212.012	SD 19.3 Pg 84	Reject	Section 6	As above
DPR-0353 FS154	Rural based Strategic Objectives	Support ESAI 0212.013	SD 19.3 Pg 84	Reject	Section 6	As above
DPR-0353.084	Rural based Strategic Objectives	Insert new SD	SD 19.3 Pg 84	Reject	Section 6	As above
DPR-0353.087	Rural based Strategic Objectives	SD Overview	SD 19.3 Pg 84	Reject	Section 6	As above
DPR-0353 FS159	Rural based Strategic Objectives	Support Rakaia Irrigation 0390.010	SD 19.3 Pg 84	Reject	Section 6	As above
DPR-0353 FS160	Rural based Strategic Objectives	Support FF 0422.097	SD 19.3 Pg 84	Reject	Section 6	As above
DPR-0353 FS164	Rural based Strategic Objectives	Support FF 0422.102	SD 19.3 Pg 84	Reject	Section 6	As above
DPR-0353 FS166	Rural based Strategic Objectives	Support FF 0422.296	SD 19.3 Pg 84	Reject	Section 6	As above