

Before the Independent Panel appointed by
Central Hawke's Bay District Council

Under the Resource Management Act 1991

In the matter of The hearing of an application by **PAOANUI POINT LIMITED** to subdivide part of a 380 hectare rurally zoned property to create 48 residential allotments

BRIEF OF EVIDENCE OF GARRETH HARRIS

Dated 12 July 2023



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Brief of Evidence – Charlie Harris



My name is Garreth Harris but I go by Charlie and today I am speaking on behalf of my wife Mel and Myself, along with our two sons, Toby who is 6 and Colton who is 3. We own Punawaitai Station which is a neighbouring property to the applicants and is dissected by the access road known as Punawaitai Road. Mel offers her apologies for not being here but she is at a specialist appointment with our son that we have been waiting to get for a long time.

We don't profess to be expert witnesses in this but we feel that we have sufficient qualification, professional experience and real world experience to comment on this submission beyond most . This opposing submission is not simply a case of "NIMBY" but is due to sound reasons as to why this is an inappropriate activity on this property.

Most Notably we both have Bachelors Degrees in Rural Valuation and Farm Management from Massey University and Post Graduate Diplomas in Urban Valuation from the same. Mel went on to be a registered valuer with a broad career including commercial and industrial valuation in Auckland and Residential and lifestyle valuation in North Waikato.

My career path has been in the rural finance sector having been an Agribusiness Manager for the past 21 years. In this career it has been my job to assess the viability of rural businesses for the suitability of lending for my employer which happens to be the largest lender to agriculture in the world.

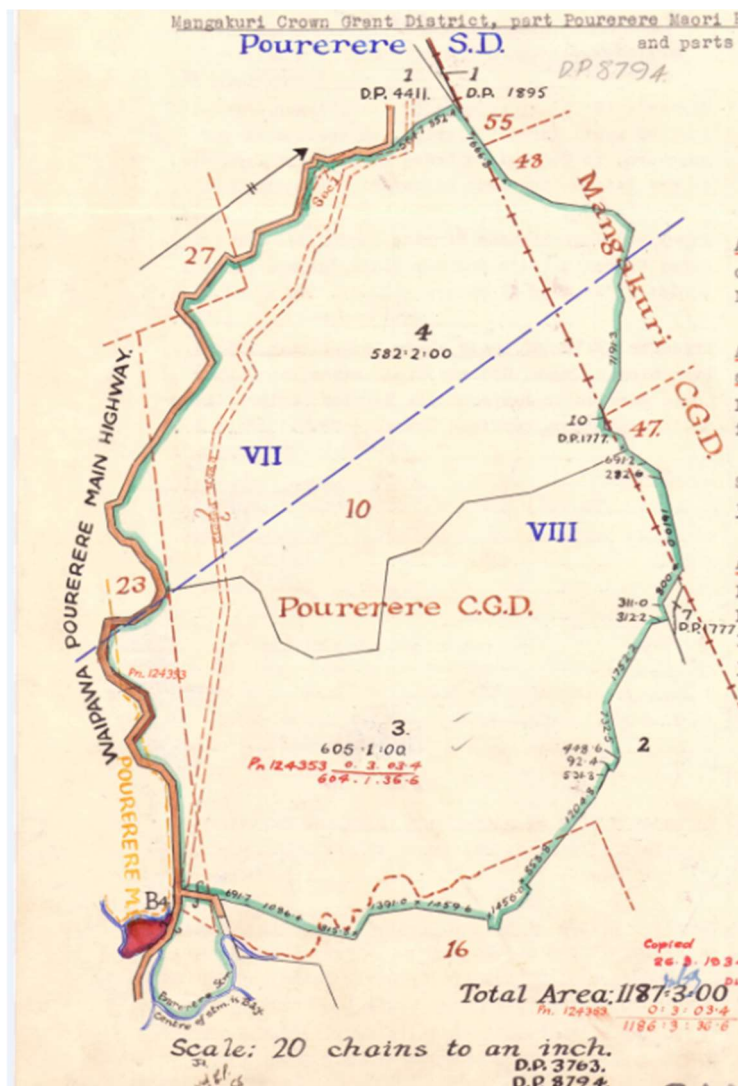
To complete this I need to have a thorough business understanding and make an assessment of the value and productive capacity of the farm asset, assess modelling and analysis of farm systems and monitor physical (productive) and financial performance. This career has been in the eastern Waikato for 3 years, 16 years in Pukekohe (which was extremely diverse and heavily impacted by urban and lifestyle sprawl) and the last 2 years in Hawkes Bay.

As people that don't like sitting still and with a passion for farming Mel and I had goals to achieve outside of our daytime careers. We have established a broad rural portfolio over the years. This has involved pastoral farming, horticulture, horse breeding and tourism. We purchased our first farm and Blueberry orchard 13 years ago in Pokeno (north Waikato) and expanded our farming operations there.

Owning these properties has given us first hand experience with the reverse sensitivity issues that can arise when rural and urban environs combine. I have also had further experience with this through my professional career with clients that have been impacted significantly by inappropriate residential development in rural areas.

In 2018 we realised a lifelong dream that we had worked very hard for when we purchased the iconic Punawaitai Station from the Nation family.

The Nation family had owned the property for over 100 years. The woolshed and other farm infrastructure was built in 1917 and is built on the eastern side of Punawaitai Road. The balance of the farm 453 ha is on the western side of Punawaitai Road. As can be seen on the following title map this was all on the same title including the homestead that was located on the (southern) side of the main road.



A major part of the appeal of this property was the isolation and being located in a genuine rural area and away from the urban sprawl that we had experienced in our other ventures.

We purchased Punawaitai to continue the station the way that the Nations left it. This includes running sheep and beef, accommodation and wedding/venue hire. We have also moved our horse breeding/training business here and are interested in reinstating the Punawaitai commercial orchard on the property and investigating other forms of horticulture.

As mentioned we have farmed in a location where urban creep has been prevalent and we found ourselves surrounded by urban neighbours that made farming more complicated. As a result of this we are sensitive to the issue. When we did our due diligence on Punawaitai this was something that we considered. The proximity to the small settlement of Pourerere was assessed. The CHBDC Plan was also checked and there was no indication that there was any likely expansion. We anticipated that there may be some additional expansion around the existing houses but this would not impact us as it was geographically removed from us. We were surrounded by rural zoned land and any major change in zoning would come via the new plan or a private plan change which would allow for consultation. We did not anticipate a new Hamlet to be built on our boundary or that the CHBDC Plan would allow such a major change to occur in the rural zone.

We were comfortable that we could enjoy the rural amenity of this area and the large historic rural holdings. Any expansion of the settlement would be geographically removed and have no impact on the running of this multi-faceted business.

Today really feels like a bad case of Déjà vu for me as we opposed stage 1 and 2 of the subdivision and had the pleasure of sitting in this room 3 years ago and having a number of experts tell me that this would have a “no more than minor impact” on us. It is my experience that this is not the case.

We raised concern that the allowing of stage 1 and 2 of this subdivision was re zoning by stealth or the thin end of the wedge and would effectively allow for additional subdivision through creep. With that earlier stage having been approved, the applicant can effectively say there is already subdivision here and the rural amenity is already compromised or it is no longer disjointed from other subdivision.

We are again opposing this next stage of the subdivision with the reason being that it will impact our business significantly due to reverse sensitivity and general business interruption. This third stage will exacerbate all our previous concerns but also additionally now puts the development hard against the most versatile and highly productive part of our farm.

We have noted our concerns in our submission dated 20 October 2022 and in the interests of time have focussed on the issues of highly productive land and reverse sensitivity in this evidence. This does not however diminish any of our other concerns which without limitation include that it will have adverse effects on the Rural Amenity and Quality of the Rural Environment namely being adverse effects on the following amenity values for ourselves and the wider community as a whole:

- • Scenery
- • Ease of access
- • Low noise
- • Rural Character and Amenity
- • Reverse sensitivity effects on rural production activities

- Direct impact on ability to run our business.
- Loss of highly productive soil resource

It is pleasing to now be working with a decisions version of the Proposed Central Hawkes Bay District Plan as the old first generation plan is out of date and not fit for purpose. This plan implements the wishes of the community much better and effectively makes this kind of inappropriate subdivision much harder. The objectives and policies of this plan are very clear on this.

The other pleasing thing is that an even more important piece of legislation has come into force being the National Policy Statement on Highly Productive Land, referred to as the NPS HPL.

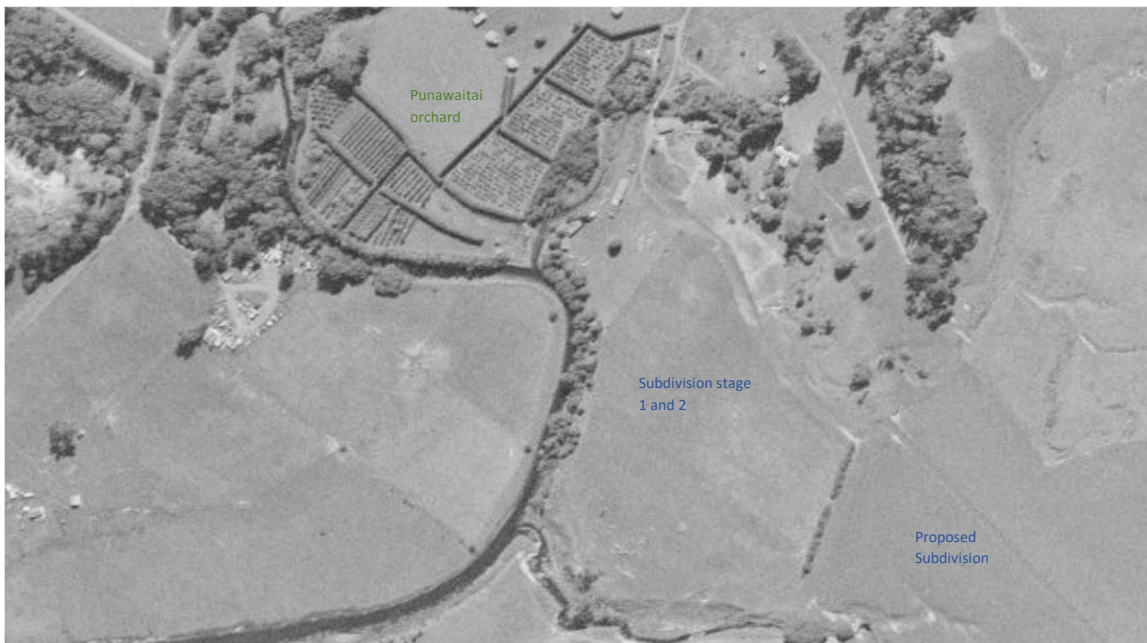
As farmers and growers, and not developers, this is a game changing piece of legislation and finally addresses the shortcomings of district plans to adequately protect highly productive land from being removed as a productive resource forever through inappropriate subdivision. It also strongly recognises the reverse sensitivity impacts of this urban and lifestyle creep on the surrounding rural businesses. It finally does away with the argument that a particular development is only small percent of a much larger area therefore has a no more than minor impact. This has been a flawed argument used by developers for years, but hopefully will be no longer under the NPS-HPL.

I am aware of a very long history of productive use of the area, including in Māori history before European settlement. For example, I show here a photo taken in 1914 of oats being threshed on the Pouterere North flats with Nairn Hill in the background. This is the land that subdivision is proposed on.



The following is an excerpt from a book written by Peter Newton who is one of the most well known farming authors from the middle of last century. He visited Purerere Station in 1968 as part of his book "Big Country of the North Island". This is due to Purerere's history of being the first sheep station in Hawkes Bay. When describing the property he notes "A feature of the block is the heavy valley bottoms; this is high producing grassland and although little cropping is done it is capable of producing high yields of most crops".

I note that the Goodman report claims that the land is not suitable for other forms of farming/horticulture. He also states that he is aware of some avocado trees that were planted in the district and were not successful. I believe I know the same orchard and this is actually located on completely different soils being Kairaki soils with some Hastings silt. Regardless the orchard is still running and they have been experimenting with different varieties to see what is best in this location.



This is a photo from Retrolens and is of the Punawaitai Orchard from January 1999. This orchard was planted in 1979 with oranges, mandarins, grapefruit and lemons. It was extended in 1983 with mainly feijoas and a few figs and macadamia. The orchard was successful and was run for over 30 years up until 2010. It was producing around 7.5 tonne of fruit per ha. A combination of the owners age and a matrimonial was ultimately why they stopped running the orchard and not because it wasn't successful. The orchard was also run organically in later years. This land is contiguous with the proposed subdivision land and is the same soil type.

Some photos of the orchard when being planted and in production from the 1980's



It is also noted that Pourerere Station had a Tamarillo orchard that they reputedly used to pay their 3 kids through boarding school.

More recently the proposed subdivision land and also similar LUC 3 land on Pourerere Station was leased out for Squash growing in the 2018/19 and 2019/20 seasons. I believe about 35 ha was leased in these seasons. We have also been approached to lease our flats.

I believe that this shows that this land has always been viewed as highly productive land for hundreds of years and always will be. I disagree with the Goodman Report that the land has no alternative use and I think that the above examples show that there is plenty of alternatives for this highly productive land that are not theoretical but have actually been done over the years.

The Goodman report also states that there is a lack of water for irrigation. Our property has a significant amount of springs that come out of the hill face above these flats between 80 and 125 m ASL and flow all year round. It is easy to join these together to get irrigatable quantities of water for drip type horticultural irrigation. The Goodman report has also not considered on farm storage options of which there are numerous possibilities.

The lack of labour is a problem in all locations and this location 25-30 minutes from town is not particularly remote. We have on farm accommodation that can sleep up to 24 people so can easily house workers. We have extensive experience with employing working holiday visa holders on our other orchard and now the borders are open again this is a great option here and this location would be popular for this type of worker. This also makes no consideration of technological advances that are disrupting the need for manual labour.

It is also fascinating to me that as a farm consultant Mr Goodman has noted that there is pugging etc on the farm at his time of visiting, and the proposed solution to this is to take the flat land out of production and put houses on it! My understanding is that all farms will require a fresh water farm plan by 2025 and I am not sure that the solution is for everyone to put houses on there farms to improve water quality. I think there are a few other steps that could be employed prior to this like better on farm management and fencing water ways and planting riparian margins.

As you will hear from Phil Tither from Agfirst this land is equally important in a pastoral sense and provides opportunities to improve productive capacity of the farm system as a whole. All of the modelling that has been completed tends to focus on average years. These flats however really help when the years are not average and give us the ability to make and conserve feed to use at times of the year when things don't go to plan like droughts and unusually wet or cold winters.

For us personally, our flats that neighbour the subdivision land are our most versatile land. This is important because this gives us options into the future. This is what the NPS- HPL is trying to protect.

It is interesting that the NPS refers to a minimum timeframe of 30 years. Farming is an industry that is in a constant state of change. New legislation is coming out regularly and farming is adapting as fast as it can. No one knows what the future will hold. Disruption is everywhere. In order to feed a world under this type of future will require significant increases in cropped area and will require flat HPL to do this on. This is why this land is now protected from inappropriate subdivision and the application must be declined.

Reverse Sensitivity

I strongly believe, and my experience tells me, that we will be losing productive capacity from our land as part of this application due to reverse sensitivity. I raised this previously during stage 1 and 2 and the answer was for the applicant to put in no complaints covenants. I strongly disagreed at the time as these are ineffective.

The first point I would like to raise is that these covenants can be dumbed down through the sales process which can create a false expectation from purchasers. As stated these covenants are to remind a purchaser that they are buying in a rural area. Stage 1 and 2 have been sold by the developer and there was no real estate agents involved. It is very easy for the developer to "water down" these covenants by saying things like "oh don't worry about that my farm surrounds most of the development and I only have quiet stock. Mel and Charlie also only have a few trade cattle that won't make any noise. Straight away the expectation of purchasers is quite different. If I now go and put a commercial orchard next to them with bird scarers this will be a point of angst and is not anticipated by the purchaser.

Some people don't mind what people think of them however Mel and I live in the community out there and the community are our neighbours. We see ourselves as good representatives for farming and don't want to annoy people. Especially if they cannot complain about it. This in my experience just antagonises things more.

As I said we have farmed in areas where there is urban creep. We are not theorising about reverse sensitivity we have experienced it.

At another property that we owned in Pokeno the town grew from 300 to around 6000 and although they weren't all our immediate neighbours this did begin to impact our ability to farm. The property that we owned had a gorse problem on steep parts of the farm and it got to the point that the helicopter wouldn't spray it anymore because neighbours consent needed to be got and the number become too large.

We can foresee a number of reverse sensitivity problems with the proposed subdivision. The current 20 lots has already caused problems (and only 3 sections are presently built on) but is somewhat different as it is not next to our productive flats and is buffered by a 5.5 ha property with established trees that separates us from it. The owner of this property however has had reverse sensitivity issues.

We are concerned there will be the following reverse sensitivity issues caused by the subdivision:

- We make silage on the flats immediately next to the subdivision. This is also stored here. This is the only part of our farm that this can be done and is an important part of our business. Silage is notoriously odorous (even when stored) and is not the smell that people are wanting to have on their beach holiday. People when they come to their beach houses will tend to be outside in their sections relaxing and entertaining. The smell of silage wafting through the air is not what they envisage.
- This same silage is mainly fed out on these flats. This is especially so in dry summers which this location is prone to get. When it gets really dry this land can be sacrificed with cattle being held here and fed 100 % of their diet as silage. This land is the only option for this as it is able to be easily re grassed when the rains come. It is also the safest place to feed silage with large portions of our farm unable to be safely driven over with tractors and feeders. The silage is even smellier when being fed out.

- There is also a lot of noise when 300 cattle are waiting to be fed and see the tractor coming. In summer best practice is to do this first thing in the morning before it gets too hot at say 5- 6 am. This is again not complementary to holiday makers who are generally trying to enjoy a lie in.
- There is further smell from the cow excrement.
- Again in dry summers the movement of cattle and tractors in this type of feeding regime can stir up a lot of dust and, despite best efforts, this can easily be carried over to the subdivision through the prevailing wind. This will not be pleasant for togs drying on clotheslines or water collected off rooves.
- The prevailing wind blows straight from our property into the proposed site. This wind will carry noise, smell, dust, chemical etc. The natural topography also acts like a funnel for wind.
- The shape of the valley also tends to magnify the noise into the valley. Noises such as animals bellowing, motorbikes, dogs barking, calling and yelling (“farm language”), tractors, horns beeping and gunshots are all common noises and can occur at any time of day or night.
- Fertiliser application will occur by plane with our hills rising to 200 m from sea level immediately next to the site. As stated the predominant wind blows from our property to the proposed site. Fertiliser has fine particles in it that can be carried on a gentle breeze for a very long distance. These houses are all to have rainwater collection on rooves. I cannot guarantee that fertiliser will not drift onto their rooves. When pasture spraying is carried out the same could happen. Neither of these are a problem when a farm is next door (farmers never mind a bit of fertiliser from the neighbours for free) but do pose health concerns when rainwater is collected on rooves.
- Last year when it was abnormally wet we had a cattle beast die on our flats. It was impossible to get the tractor out to collect this animal so it unfortunately had to stay there until it was dry enough to get access and collect. The smell of decomposing animals is not very appealing. If this happens next to the subdivision site the smell could be very offensive.
- We cross the road frequently with stock and this will be an inconvenience as well as the defecating that they do. This is due to the main farm infrastructure being across Punawaitai Road from the farm.
- As responsible land owners we need to keep pests under control and this includes shooting at night (possums and rabbits) and early hours of the morning (Canadian geese). Having these houses near by will limit the ability to carry this out safely.
- It is noted that the proposed rules of the subdivision are that the residents are not allowed to complete work on their properties for an extended period over the summer. This creates an expectation of peace and quiet over this time. Unfortunately I cant stop my farming operations over this time and potentially due to the summer dry my actions near the subdivision will increase.

- There is an increasing rural urban divide happening in this country. People no longer have an understanding of general farm practices. This is fuelled by social media and it only takes a 10 second clip of a cow limping and some sad music to make people think that animal abuse is happening. This type of misunderstanding can cause a lot of stress and problems for all involved.
- Our property presently surrounds a 3.7 ha lifestyle property. This is the only residential house that is anywhere near our farm (other than our own houses). They have a sufficiently large buffer around them within their own property. I have received feedback from them that they are very happy with us as our cattle are so much quieter than the previous owners' cattle. They said that their lives were very impacted by the fresian bulls that were previously farmed as they were very noisy and smelly. They said they would often be kept up at night by them and since they have gone there quality of life has greatly improved. While I appreciate the feedback and am happy that our current farming practices are more appealing to them, I cannot guarantee that I won't farm bulls in the future or that our cattle will always be as quiet. I was quite shocked by this feedback as I felt they had a significant buffer to their property, and a few bulls wouldn't impact on people so much. This greatly concerns me as this subdivision will put houses much closer than is the case here.
- I do not believe that these people ever laid a complaint with the council about the bulls but did however make their opinions and feelings towards the previous owners very clear in the community. I am not sure if there are no complaints covenants on this property but regardless this would not have changed this outcome.
- Farming is a high stress job and mental health is very topical in the industry. I deal with a lot of people in the industry and have experienced people in all sorts of mental state. It is my experience that the constant judgement by the public and media of farmers and their practices weighs incredibly heavy on farmers minds. This is also true of Mel and myself. Generally, all farmers genuinely care for their animals, their property, the environment and their communities. Scrutiny of their practices is very stressful and is made more stressful by people that don't understand. Sometimes the weather can wreak havoc with best intentioned plans and animals or pasture can appear to "suffer" but is fine. Having 48 households dropped right into the heart of our farming business will add untold stress to us. This potentially can be stressful for them as well as they may not understand when they see cattle standing in a bare paddock in the middle of summer that are fully fed and have had their days ration in the morning while they were trying to lie in.

During Cyclone Gabrielle at our property in Pokeno we had some calves in a paddock with a small amount of surface flooding. We front onto SH1 and our farm manger was visited by two police officers because a concerned member of the public was worried that they were going to drown (this was however a physical impossibility but the concerned member of the pubic was worried enough to call 111).

- Another example happened locally. There is a facebook page for Pourerere Beach and this has 3,600 members. Recently there was a post on this page with a scathing and ranting attack on a local farmer. The problem was that a cattle beast had gotten into the baches and campground at the southern end of the beach. This person took it upon themselves to post about how useless this farmer was at letting his stock wander into the baches (while the animal was still out). This went to 3,600 people. There is only

one farm at that end of the beach so everyone knows who it is. Rather than try to ring the farmer and let him know that one of his animals was out and frankly in danger as it could eat a poisonous plant or injure itself the immediate reaction was to post about it. Thankfully someone read the post and alerted farmer and he immediately went to put the animal away. As it turns out the animal had got out because an absentee bach owners' tree had fallen through the fence so was not actually the farmers fault..... not that any of the 3,600 page members were told though.

- A no complaints covenant does nothing to protect us from similar situations. This type of behaviour is frankly dangerous. The anonymous poster has no idea what stresses the farmer is under and this could sadly have been something to push them over the edge.
- This is no longer the 1960's NZ when everyone grew up on a farm or spent their school holidays on an uncles farm and had an understanding and affinity with farming. We need to get smarter at how we locate conflicting activities of residential areas and productive rural farms to ensure that both sides are protected from the stresses mentioned above.

Reverse sensitivity also works two ways and the inhabitants of the subdivision will also impact us by:

- Pests can often become a problem in residential areas particularly holiday homes. This will include rabbits, possums, rats etc.
- Roaming dogs are already a problem at the beach however they tend not to make it out to our farm. Our neighbours have found bach owners dogs mauling their sheep. This subdivision will put dogs immediately near our stock. These same dogs also carry diseases such as sheep measles.
- The applicant has also proposed a concreted path the whole way along our boundary. Rather than providing a buffer to our farming operations he is encouraging the whole subdivision (including stage 1 and 2) right to our boundary to recreate. These people will likely be walking dogs, pushing prams, cycling etc and all of these activities are stressful for stock that are reared on a large station and not exposed to these. This will also limit our production on this part of the farm.
- As mentioned above well intentioned members of the public can also be a hinderance.

We are presently protected by no complaints covenants from stage 1 and 2 but to date these have been no protection.

We have had to protect our ability to farm through creating a number of Right to occupy agreements with the council on Punawaitai road. This is to protect our services under the road, retain the ability to reinstate the safety fencing at the beginning of the road to enable safe stock movement for livestock ourselves and the public and also grazing licences so that we can have stock on the grass verges of the road.

The applicant has already complained to the council on multiple occasions about our farming activities within the road. Obviously the council has been good to deal with on this but have still had to contact us. In all occasions we have been completing our farming activities legally. It gives us little hope that the person selling these sections to purchasers and is the person telling them about the covenants and cannot even respect or adhere to them himself.

Even more concerning is the fact that now that he knows that he cannot complain he drives recklessly through our stock when we are moving them putting our staff ourselves and stock at danger.

These are reverse sensitivity issues that arise from our current farming operation. Our operation is however flexible. When stage 1 and 2 were granted we changed our farming policy from a sheep dominant policy to cattle as a way to avoid the interruptions from the development on Punawaitai road (due to this alienating our woolshed and sheepyards from the farm).

We are constantly reviewing our farm policy and may move back to sheep however the impacts will be similar.

We are also looking at feasibility to have horticulture on our flats right next to the subdivision and this will come with a totally different set of reverse sensitivity issues This will introduce bird scaring, more vehicle movements, more spraying. I am again concerned at the subdivision ruling out such options by introducing beach side living at the scale of a small village, right next to an existing and long established farm.

Conclusion

We do not feel that our concerns can be adequately mitigated and believe that the application should be declined to protect the productive capacity of both our farm(Punawaitai Station) and the subject property.

Charlie Harris

July 2023.