

**BEFORE THE HEARING COMMISSIONERS APPOINTED BY WAIMAKARIRI
DISTRICT COUNCIL**

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

AND

IN THE MATTER of hearing of submissions on Stream 5
(Earthworks) to the Proposed District Plan

**INDUSTRY EVIDENCE OF SARAH CAMERON FOR HORTICULTURE NEW
ZEALAND**

7 August 2023

PURPOSE AND SCOPE OF EVIDENCE

1. This statement responds to the Section 42A report recommendations in regard to Horticulture NZ ("**HortNZ**") submission and further submissions on Stream 5, specifically ancillary rural earthworks.

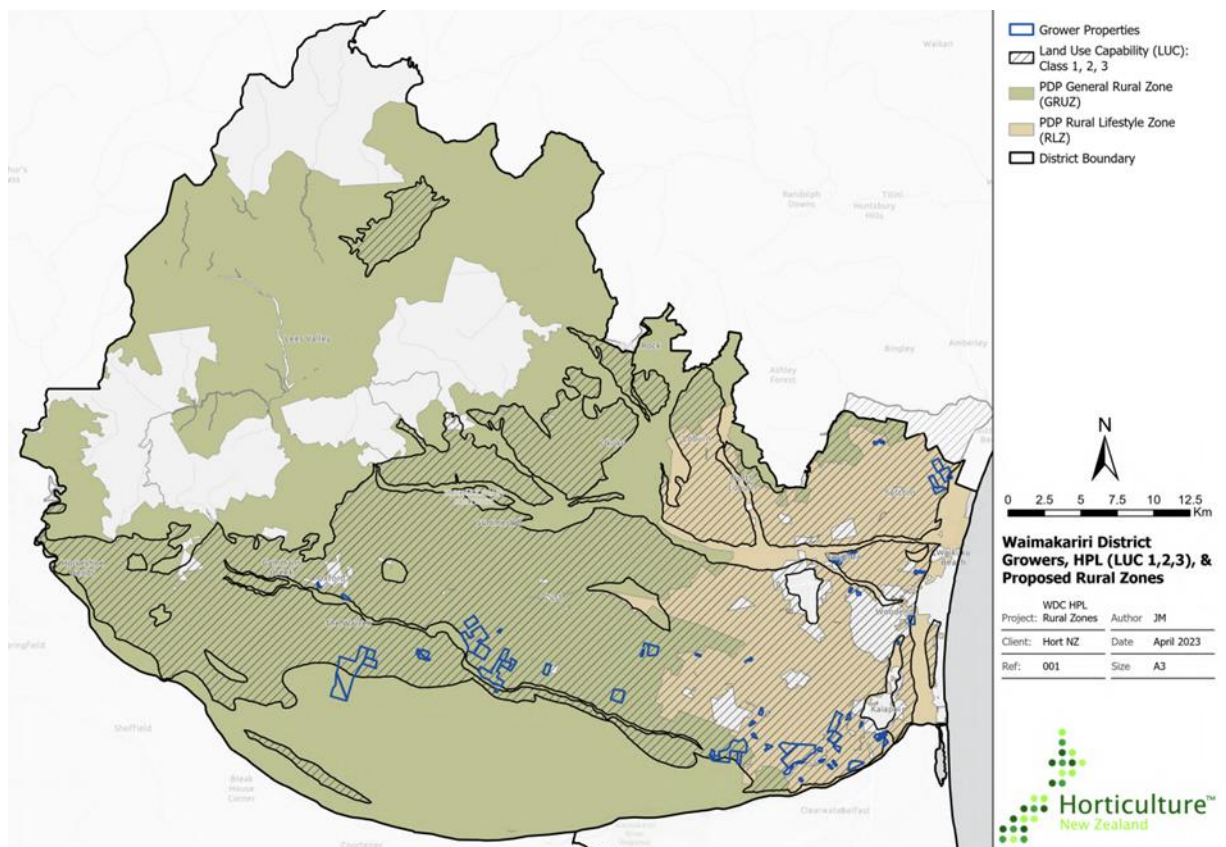
INTRODUCTION

1. HortNZ is the industry body for the horticulture sector, representing growers who pay levies on fruit and vegetables sold either directly or through a post-harvest operator, as set out in the Commodity Levies (Vegetables and Fruit) Order 2013.
2. On behalf of growers, HortNZ takes a detailed involvement in resource management planning processes as part of its national and regional environmental policy response.

HORTICULTURE IN WAIMAKARIRI

3. As clarified in evidence presented in Hearing 1, there are 242.10 hectares of horticulture grown in the Waimakariri District of which 135.2 hectares is grown in the General Rural Zone (GRUZ) and 101.3 hectares in the proposed Rural Lifestyle Zone (RLZ).

Picture 1: Location of horticulture operations overlaid by highly productive land and proposed zones



4. The majority of the uncovered growing operations are located on highly productive land (HPL) and are soil reliant land-based primary production activities.
5. Crops grown include:

Table 1: Fruit grown in Waimakariri district

Wine grapes	Apples	Feijoas
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Table 2: Vegetables grown in Waimakariri district

Asparagus	Potatoes	Cucumber	Sweet corn
Squash	Broccoli	Carrots	Cauliflower
Green beans	Lettuce	Onions	Pumpkins

Covered cropping

6. With a moving climate, changing practice, crop types and diversification in the horticultural sector, growers have become increasingly reliant on a variety of covered cropping methods.
7. Growing within a greenhouse can produce a more consistent yield and consistent quality of product for longer periods of the year in comparison to outdoor growing.
8. As an example, Coolcumber Products have been operating in the Waimakariri District for 35 years and have grown considerably since starting out. They supply telegraph cucumbers for the South Island domestic market. This includes 98% of the New World's and 4 Square's in the South Island. Their green houses have a total floor area of 16,000m² and produce 100 cucumbers per square meter, per year. Coolcumber Products employ 14 full time staff and can pick 15,000 - 16,000 cucumbers in a day¹.
9. Of the 242ha growing area in the district, 3.28 hectares is estimated to be covered crops based on 2023 AgriBase data and HortNZ Grower information. All greenhouses are situated on HPL.
10. Greenhouses have a functional and operational need to locate on HPL. In particular they require flat land to build on, and adjacent productive land for their nutrient storage and disposal system.

¹ <http://www.coolcumber.co.nz/>

11. Historically greenhouse crops were typically grown on soil. As the industry expanded and become more sophisticated crops went from the soil to soilless media or hydroponics using gullies. This brought without a significant increase in productivity and reduction in agrichemical use.

Growth in the district

12. The Waimakariri district is a potential growth area for horticulture due to over 40 percent of soils being HPL², its close proximity to market and transport links.
13. Both Progressive Enterprises and Foodstuffs South Island headquarters are located in Christchurch and there is also a strong support for local farmers markets in the district.
14. There is easy access to State Highway 1, which runs through the district as well as Christchurch Airport and Lyttleton Port.

RESPONSE TO SECTION 42A REPORT

15. **Appendix 1** includes a summary table setting out HortNZ's submissions, the recommendations of the S42A report on these submissions and HortNZ response.
16. The specific topic of ancillary rural earthworks, where further explanation is required, is addressed below.

ANCILLARY RURAL EARTHWORKS

17. HortNZ submission sought a new definition for ancillary rural earthworks and a new rule to allow for ancillary rural earthworks as part of primary production activities.
18. HortNZ requires several supporting activities and infrastructure to enable on-going operation and development. There is a need to provide for 'day to day' activities that are integral to productive land use in the rural zone.
19. Ancillary rural earthworks is the disturbance of soil, earth or substrate land surfaces ancillary to farming that includes:
 - Land preparation and cultivation (including establishment of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops

² <https://ourenvironment.scinfo.org.nz/maps-and-tools/app/>

- Burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993
 - Irrigation and land drainage
 - Maintenance and construction of facilities, devices and structures typically associated with farming activities including but not limited to farm tracks, driveways and unsealed parking areas, stock races, silage pits, farm drains, farm effluent ponds, and feeding lots, fencing, crop protection and sediment control measures.
20. HortNZ has developed a code of practice for erosion and sediment control to provide guidance at an industry level for cultivation of vegetables crops³.
21. HortNZ main concern with the recommendation of the S42a author to disallow a new rule to provide for ancillary rural earthworks is the impact on a biosecurity incursion of an 'Unwanted Organism' as defined in the Biosecurity Act 1993.

BIOSECURITY AND EARTHWORKS

22. There is a need for rapid response in the event of a biosecurity incursion of an unwanted organism. Vegetation removal, burial, burning and spraying of material are methods that may be used. The most appropriate method will depend on the organism nature and likely direction from the Minister of Primary Industries. What is critical is timing and where additional regulations, like resource consents are needed, the response can be delayed.
23. The matter being considered here is the effect of district plan rules that govern earthworks that may constrain a biosecurity incursion burial response in an efficient and effective manner.
24. For clarity I reiterate that the matter concerns an incursion of an 'Unwanted Organism'. In the case of a biosecurity emergency, the Biosecurity response would likely override other regulations such as the Resource Management Act 1991 and district plan controls. This is explained further below.
25. By way of example, the year 2020 marked 10 years since the PSA incursion that crippled the kiwifruit industry. At the time of the event, it was evident that regional and district plans can unintentionally be regulatory hurdles

³ <https://www.hortnz.co.nz/assets/Compliance/Erosion-and-Sediment-Control-Guidelines-for-vegetable-production-v1.1.pdf>

to rapid response through provisions such as limiting earthworks for burying infected material or clearance of infected vegetation.

26. Only when a biosecurity emergency is declared by the Governor-General on the recommendation of a Minister (s144 Biosecurity Act)⁴, can the emergency provisions in the Biosecurity Act 1993 override the RMA provisions. Such a declaration has never been made.
27. In other situations, a Chief Technical Officer can notify the Ministry for Primary Industries, Director-General about an unwanted organism, however the biosecurity response mechanisms are still subject to RMA plan controls. With such a declaration, the regional and district plan rules still need to be met regarding the disposal of infected material. Given the urgency required in such a situation, it is not practical to have to obtain resource consent.
28. In the 2010 PSA incursion, only a Chief Technical Officer declaration was made, so regional and district plan requirements still needed to be met. This presented challenges in terms of timely and appropriate destruction of material which is what resulted in the rapid spread of and destruction from the disease.
29. A range of factors determine if diseased vegetation should be burnt or buried. These include but are not limited to:
 - The sensitivity of the receiving environment. In close proximity to sensitive areas eg – schools, urban activities or native forests burial would be required
 - Burning material can spread airborne spores
 - Transporting biosecurity infected material off site also risks spread of organisms and can be prohibited in a biosecurity response
 - Suitable deposition facilities offsite may not be available, authorised or consented to take biosecurity infected material
 - As living organisms survive 2-3m below the earth surface, deep burial is required to ensure destruction.
30. Where a direction is issued by a person authorised under the Biosecurity Act 1993 to an orchard owner/operator, I would expect that would also respond to all other environmental considerations. In the case of

⁴ <https://www.legislation.govt.nz/act/public/1993/0095/latest/DLM316395.html>

earthworks this would extend for example to water quality related matters, landscape, erosion and sediment control, cultural/historic heritage.

31. If an incursion of an unwanted organism was unable to be appropriately managed due to regulatory barriers, it could have a significant impact on the region and the rural economy.
32. New Zealand is relatively geographically isolated and subject to strict biosecurity requirements which assist with biosecurity but incursions have and will continue to happen. The risk of biosecurity incursions into New Zealand will increase as the climate changes.
33. The effects of a biosecurity incursion are not just limited to rural production. Such incursions can also affect wider biodiversity and indigenous flora and fauna. It is therefore appropriate that exclusions are provided for within the policy and planning framework which allow for the clearance and burial of any vegetation (including indigenous and that of significance) in the event of a biosecurity emergency declared under the Biosecurity Act 1993 or by a declaration of a Chief Technical Officer.

CONCLUSION

34. I support the recommendations of Mr Hodgson
35. HortNZ seek a definition and rule framework for ancillary earthworks be accepted in the district plan.

Appendix 1

Provision	Support/oppose	Reason	Decision sought	S42A Response	HortNZ response
Earthworks					
Introduction				Council have accepted hort submission point yet hort didn't make one	
New definition – Ancillary rural earthworks	New Definition	A definition is required for ancillary rural earthworks, a specific earthworks activity to provide for earthworks undertaken as part of normal operations on a horticultural property (or other farm), so that this activity can be specifically provided for in the plan (as explained elsewhere in this submission).	Insert new definition as follows: <u>Ancillary rural earthworks means any earthworks associated with the maintenance and construction of facilities typically associated with farming activities, including, but not limited to, farm tracks or roads (up to 6m wide), landings, stock races, silage pits, farm drains, farm effluent ponds, feeding pads, fencing, erosion and sediment control measures, and burying</u>	Reject	Do not support council recommendation

			<u>of material infected by unwanted organisms (as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993).</u>		
Definition Cleanfill area	Support	Consistent with National Planning Standards	Retain as notified	Accept	Accept
Definition Cleanfill material	Support	Consistent with National Planning Standards	Retain as notified	Accept	Accept
Definition Discharge	Support	Consistent with RMA	Retain as notified	Accept	Accept
Definition Drain	Support	Consistent with National Planning Standards	Retain as notified	Accept	Accept
Definition Dust	Support	Consistent with National Planning Standards	Retain as notified	Accept	Accept

Definition Earthworks	Support	Consistent with National Planning Standards	Retain as notified	Accept	Accept
Definition Groundwater	Support	Consistent with National Planning Standards.	Retain as notified	Accept	Accept
EW-O1	Oppose	Oppose the narrow focus of this objective.	<p>Delete EW-O1 as notified and replace it with the following:</p> <p>Earthworks are undertaken in a way that minimises adverse effects on amenity values, cultural values, property, infrastructure and the health and safety of people and the environment.</p> <p><u>Earthworks necessary for the construction, maintenance or operation of activities are enabled, provided that adverse environmental effects (including effects on health and safety and natural hazards) are avoided, remedied or mitigated.</u></p>	Reject	Accept council recommendation
New policy EW -PX	New Policy	Include a new policy about benefits/recognition of	<p>Insert new policy:</p> <p><u>EW – PX Earthworks for Rural Production</u></p>	Reject	Accept as long as ancillary earthworks relief is given

		rural earthworks in supporting rural activities.	<u>Enable earthworks where they support rural production, including ancillary rural earthworks'</u>		
New rule EW- RX	New Rule	<p>Ancillary rural earthworks that are part of primary production activities have not been provided for in the proposed plan. This proposed rule seeks to address that admission.</p> <p>Note that a definition of ancillary rural earthworks has been proposed also.</p>	<p>Insert new rule:</p> <p><u>EX-RX Ancillary rural earthworks Rural Zones</u> <u>Activity status: PER</u> <u>Where:</u></p> <ol style="list-style-type: none"> <u>The earthworks are ancillary rural earthworks.</u> <p><u>Activity status when compliance not achieved: RDIS</u></p> <p><u>Matters of discretion are restricted to:</u> <u>EW-MD1 - Activity operation, scale, form and location</u> <u>EW-MD2 - Nuisance and reverse sensitivity</u> <u>EW-MD3 - Land stability</u> <u>EW-MD4 - Natural hazards</u> <u>EW-MD5 - Rehabilitation</u> <u>EW-MD6 - Coastal environment and hazards</u> <u>EW-MD7 - Water bodies, vegetation and fauna</u></p>	Reject	Do not support council recommendation

			<u>EW-MD8 - Outstanding natural features and landscapes</u>		
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