

**BEFORE THE HEARING COMMISSIONER APPOINTED BY THE TE TAI POUTINI PLAN
COMMITTEE**

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

AND

IN THE MATTER of hearing of submissions on Te Tai o Poutini (West Coast
Combined District) Plan,
Hearing Topic: Rural Zones

**INDUSTRY STATEMENT TO BE TABLED BY EMILY LEVENSON FOR
HORTICULTURE NEW ZEALAND**

1 July 2024

INTRODUCTION

1. My name is Emily Levenson. I am an Environmental Policy Advisor at Horticulture New Zealand (HortNZ). I work within the Environmental Policy Team on national, regional, and district planning processes across New Zealand. I have been in this role since 16 January 2023.
2. I hold a Bachelor of Science in Urban Studies and Planning from the Massachusetts Institute of Technology (MIT).
3. I worked in urban planning and environmental policy research for two years at MIT, Manaaki Whenua Landcare Research, and as an independent contractor assisting researchers at the Victoria University of Wellington and Scion.
4. Since beginning my role at HortNZ, I have met with growers across New Zealand to better understand their horticultural operations and how resource management issues impact them.

Involvement in the proceedings

5. When I joined HortNZ in January 2023, I took on the role of supporting Te Tai o Poutini Plan proceedings.
6. I have had meetings and conversations with planners and other advisors since April 2023 seeking information to support the HortNZ submission and evidence produced for this process.
7. In preparing my evidence, I have read:
 - (a) The Proposed Te Tai o Poutini Plan and Section 32 reports
 - (b) HortNZ submission
 - (c) The Section 42a report and appendices
 - (d) Relevant provisions of the Resource Management Act 1991

PURPOSE AND SCOPE OF EVIDENCE

8. This statement responds to the Section 42A report recommendations regarding HortNZ's submission and further submissions on Te Tai o Poutini Plan, referred to in this evidence as the Plan, specifically on the Hearing Topic of Rural Zones.

OVERVIEW OF HORTICULTURE NZ

9. 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.
10. On behalf of growers, HortNZ takes a detailed involvement in resource management planning processes as part of its national and regional environmental policy response.

RESPONSE TO SECTION 42A REPORT – TOPIC: RURAL ZONES

Summary of HortNZ's submission and further submissions

11. Table 1 below summarises the provisions on which HortNZ made submissions (and further submissions), and the position of HortNZ relative to the recommendations of the Section 42a Officer's Report.

Table 1: Summary of HortNZ submission and further submission interests

Provision	Summary of HortNZ interests	HortNZ Response to S42a	Amendments still sought
Definition: AGRICULTURAL, PASTORAL, AND HORTICULTURAL ACTIVITIES	Seek that 'greenhouses' are explicitly listed under the definition. (S486.001)	Accept the officer's recommendation to exclude 'intensive indoor primary production' but seek amendment for greenhouses	Amend to include 'greenhouses' in the list of activities covered by the definition.
GRUZ – RX	Sought a definition for greenhouses. (S486.076)	Accept the officer's assessment that greenhouses fall under the definition of Agricultural, Pastoral and Horticultural Activities. Seek rule for activity.	Introduce a Restricted Discretionary rule for greenhouses exceeding the maximum ground floor area suggested in S42a author's amendment to GRUZ-R1.
RURZ – O1, RURZ – O7	Sought rewording to explicitly enable primary production and supporting activities in rural zones. (S485.061)	Seek highly productive land amendment;	Amend to 'protect' rather than 'retain' highly productive land.

		support new RURZ – O7.	
RURZ – O3	Sought to move objective to SETZ. (S486.064)	Accept in part but seek amendment for clarity.	Amend to make clear that this relates to SETZ.
RURZ – O4	Sought to move objective to SETZ. (S486.065)	Accept in part but seek amendment for clarity.	Amend to make clear that this relates to SETZ.
RURZ – P5	Sought prioritisation of highly productive land for primary production purposes rather than just agricultural. (S486.068)	Accept in part but seek recognition of agricultural, pastoral and horticultural activities.	Amend to reference agricultural, pastoral and horticultural activities rather than just agricultural.
GRUZ – R1	Sought specific provision for temporary worker accommodation and artificial crop protection structures. (S486.075)	Accept in part	Amend GRUZ – R3 and GRUZ – R5 to provide for these activities.
GRUZ – R3	Sought specific provision for temporary worker accommodation not associated with primary production buildings. (S486.078)	Accept in part but seek RDA for non-compliance.	Amend to include RDA when compliance not achieved with GRUZ – R3 (4).
GRUZ – R5	Sought specific permitted activity status and definitions for artificial crop protection structures and crop support structures. (S486.075, S486.076, S486.079)	Continue to seek specific provision for these structures.	Draft a new rule for artificial crop protection structures and crop support structures or amend GRUZ – R5 to provide for specific requirements for these structures.

Horticulture in the West Coast

12. There are a small number of horticultural growers located on the West Coast, including both traditional outdoor growing and indoor covered cropping. Much of the existing horticulture on the West Coast is located near Karamea.

13. Crops include tamarillos, passionfruit, tomatoes, indoor salad greens, brassicas, cranberries and blueberries. There are over 29 ha in outdoor horticulture and 16,000 m² in indoor growing on the West Coast.¹
14. There is potential for future growth, especially in the form of growing under cover. This could be either indoors or under cloth, which protect the crops from adverse weather conditions. Enabling rules for greenhouses and artificial crop protection structures will futureproof the Plan for horticultural expansion. Development West Coast advertises horticulture as "ripe for growth" in the region, particularly for "capitalising on the microclimates of Karamea".² This growth can be enabled through Plan provisions.

Key issues

15. This evidence considers enabling and activity-appropriate provisions for standard horticultural buildings and structures, including:
 - (a) Greenhouses
 - (b) Temporary worker accommodation
 - (c) Artificial crop protection structures and
 - (d) Crop support structures.
16. This evidence also seeks alignment with the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) where appropriate. Drafting changes to clarify which policies relate to the Settlement Zone are also discussed.

Greenhouses

17. HortNZ's submission set out the importance of provisions for greenhouses to futureproof the Plan for a diversity of growing systems. With changing practice in the horticulture sector, growers have become increasingly reliant on covered cropping methods, including greenhouses.
18. Growing within a greenhouse produces a more consistent yield and consistent quality of product for longer periods of the year in comparison to outdoor growing. There are already at least three greenhouse businesses on the West Coast with the potential for new entrants or expansion.
19. On this basis, HortNZ sought a new definition for Greenhouses to be included in the Plan in submission point S486.077. The S42a author did not support that submission point because "they (greenhouses) are not captured by the definition for intensive indoor primary production and

¹ Fresh Facts: New Zealand Horticultural Exports 2021. <https://unitedfresh.co.nz/assets/site/Fresh-Facts-2021.pdf>

² [Development West Coast. "Invest in the West Coast – Regional Investment Profile 2024/2025".](#)

therefore provided they meet the standards will be a Permitted Activity under the rules for Agricultural, Pastoral and Horticultural Activities".³

20. I agree with this determination but recommend that greenhouses are explicitly listed under the definition of Agricultural, Pastoral and Horticultural Activities to ensure that there is no confusion about which rules apply to them. It has been the experience of HortNZ in other districts and regions that an explicit definition has been necessary to ensure consistent plan interpretation and administration.
21. Greenhouses are an indoor horticultural food growing system and a Primary Production Activity. Where they are deemed to be a building, greenhouses should be a permitted activity subject to the same bulk and locational requirements as other primary production buildings.
22. The definition of Agricultural, Pastoral and Horticultural Activities, as proposed, lists activities beyond farming and growing itself, including ancillary and supporting activities such as rural research and stock sale yards. Listing greenhouses would provide the same level of specificity and clarity.
23. In other regions, the minimum area for economic viability for greenhouses is about 1 hectare⁴, and that is the size of at least one greenhouse business in the West Coast.
24. The Section 42a recommendation is to introduce a new standard into GRUZ-R1 with a maximum ground floor area of 1000 m² for any single non-residential building. A larger greenhouse would be discretionary under GRUZ-R27, an activity status that provides little support nor focuses on the effects of non-compliance.
25. New greenhouses on the West Coast are likely to be at least 1 hectare to be viable, productive and support food production and economic outcomes. The new standard is opposed; however, if the commissioner considers the limitation necessary, I recommend a restricted discretionary activity status would be more appropriate for this activity to manage any actual or potential effects of greenhouses, focus the assessment and provide a more enabling framework. That assessment should focus on matters that include:
 - (a) Design and location of structures;
 - (b) Landscape measures; and
 - (c) Methods of wastewater and stormwater treatment and disposal.

³ S42a Report Rural Zones, para. 45

⁴ Tomatoes NZ

26. I note that the regional council also has responsibility for managing discharge of greenhouse nutrients and stormwater.

Workers Accommodation

GRUZ – R1, GRUZ – R3, GRUZ – R22

27. In our submission, HortNZ sought clarity about which permitted activity rule provides for temporary worker accommodation.
28. Temporary worker accommodation provides for seasonal and often communal living arrangements; it is distinct from permanent worker accommodation which might support a full-time employee and their family.
29. The S42a author did not support specific provision for temporary worker accommodation, considering that this need could be addressed through existing provisions for minor residential units in GRUZ – R3.
30. HortNZ supports that workers accommodation is provided for under GRUZ – R3. The conditions are that minor residential units:
- (a) Are located within 20 metres of and share the driveway with either the principal dwelling; or
 - (b) Are worker accommodation associated with primary production buildings;
31. It should be noted, however, that there may not be other primary production buildings on a site. Horticultural businesses sometimes have multiple landholdings. This is typical for an activity that often utilises land in a rotational crop growing system for sustainable land management and pest and disease control. In fruit growing, it is common for multiple and sometimes non-adjacent land parcels to form part of a grower's operation.
32. The rules as drafted could incentivise the adverse outcome of needing to build a shed in order to locate workers accommodation nearby.
33. There is the alternative condition to locate the workers accommodation within 20 m of a primary dwelling, but this is not appropriate because sufficient separation is needed for privacy between employers and employees. It is also often more efficient to locate the workers at the site of the activity where the workers are employed.
34. Where these conditions are not met, the workers accommodation is a Restricted Discretionary Activity under GRUZ – R22. This is appropriate and HortNZ would oppose any strengthening of that activity status. This should be clear under GRUZ – R3, which currently states that the activity status where compliance is not achieved is Discretionary.

35. *Amendments sought to GRUZ – R3:*

Activity status where compliance not achieved with GRUZ – R3(4): Restricted Discretionary (under GRUZ – R22)

Artificial Crop Protection Structures and Crop Support Structures

36. Artificial Crop Protection Structures (ACPS) are structures with material used to protect crops and enhance growth. For the avoidance of doubt, artificial crop protection structures are not a building and do not include greenhouses.
37. ACPS are structures that use permeable materials to cover and protect crops that are grown in soil and are typically permanent structures with considerable investment in materials (wire, poles, cloth). They provide a range of benefits including protection from sunburn, windburn, hail, frost and birds, assistance with spray coverage and reduced mowing and weeding. These structures are also distinct from Crop Support Structures (CSS) which are uncovered structures upon which various crops rely for growth and support.
38. The height of ACPS varies depending on the crop but typically require headroom for the crop canopy and farm machinery. ACPS for kiwifruit orchards (not present on the West Coast) need to be at least 8 m in height to allow for crop protection structures to support the vines. Orchards for smaller plants such as berries (present in the region), have artificial crop protection structures that need to be a minimum of 3.5 m to allow for tractors with cabs.
39. The colour of netting is particularly important because light is fundamental for photosynthesis, plant growth and health. Green or black netting on vertical surfaces affords less glare and is visually less prominent on the landscape. For most fruit, white netting on the horizontal surface is essential to allow light to reach the plants.
40. Crop Support Structures (CSS) extend to a variety of structures upon which various crops rely for growth and support and are positioned and designed to direct growth to establish canopies. They include 'A', 'T' and 'Y' frames, pergolas and fences.
41. Crop support structures are necessary to grow many crops. As growers respond to changes in consumer demand, they need maximum flexibility to install, remove and change these structures as part of their normal farming activities.
42. There have been implementation issues with plan provisions for ACPS and CSS throughout New Zealand. This includes inconsistency with how these structures are controlled under 'generic' structure rules, due to the broadness of the definitions of 'structure'.

43. ACPS and CSS are currently used for orcharding in the West Coast, particularly near Karamea. To future-proof the plan for future horticultural growth, rules for these structures should be specific and enabling.

GRUZ – R5

44. In S486.075, HortNZ sought clear recognition of ACPS and CSS as a permitted activity under GRUZ – R1.
45. I agree with the S42a author that artificial crop protection structures do not meet the National Planning Standards definition of a building⁵. HortNZ has previously sought legal advice over whether ACPS are buildings which reached the same conclusion.
46. In the proposed Plan, ACPS and CSS would be a permitted activity under GRUZ – R5 with the provision that “Any other structure must not exceed 10m² and 2m in height”.
47. Orchards and berry farms in the West Coast vary from less than 0.5 ha to 6 ha in size. Future business growth or new horticultural entrants could lead to larger areas of operation. ACPS and CSS rules should not have area coverage limits to allow for this future development.
48. HortNZ seeks a specific permitted activity rule, allowing for restricted discretionary activity status when compliance is not achieved, with supporting definitions.
49. *New definitions and rule for ACPS sought:*

Artificial crop protection structure means structures with material used to protect crops and/or enhance growth (excluding greenhouses).

Crop support structure means an open structure on which plants are grown.

GRUZ – RX Artificial crop protection structures

Where:

- i. *The height of the structure does not exceed 6m; and*
- ii. *Either: green or black cloth is used on any vertical faces within 30m of a property boundary, including a road boundary, except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council;*

OR

⁵ S42a Report Rural Zones, para. 197-200

- iii. the structure is setback 3m from the boundary

When compliance with GRUZ-RX is not achieved: Restricted Discretionary

Matters of discretion: Assessment of the potential glare on neighbouring properties (or road users) from the colour of the cloth

50. Further amendment is needed to GRUZ – R5 to remove area restrictions and raise the height limit for CSS with the following amendments. If the new rule for ACPS is not achieved, ACPS should be provided for in GRUZ – R1 or GRUZ – R5 as well.

51. Amendments sought to GRUZ – R5:

GRUZ - R5 Minor structures

Activity Status Permitted

Where:

1. These are **Artificial Crop Protection Structures, Crop Support Structures, or** ~~not~~ structures **not** associated with Agricultural, Pastoral and Horticultural Activities Permitted under Rule GRUZ - R1;

2. All performance standards for Rule GRUZ - R1 are complied with; Structures are set back a minimum of 10m from the road boundary, 20m from the State Highway boundary and 5m from internal boundaries

3. Masts, poles, aerials and pou whenua must not exceed 7m in height;

4. Any antenna dish must be less than 1m in diameter;

5. Artificial Crop Protection Structures and Crop Support Structures must not exceed 6m and no site coverage will apply.

~~56.~~ Any other structure must not exceed 10m² and 2m in height; and

~~67.~~ Within the Rifle Range Protection Area only minor structures that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities undertaken within the area are established.

Activity status where compliance not achieved: Controlled

Highly Productive Land

52. The NPS-HPL requires that 'every territorial authority must notify changes to objectives, policies, and rules in its district plan to give effect to this National Policy Statement...as soon as practicable'.⁶

⁶ National Policy Statement for Highly Productive Land 2022, part 4.1

RURZ – O1

53. In submission point S486.062, HortNZ sought a new objective protecting highly productive land for primary production purposes to give effect to the NPS-HPL. The S42a author accepted this point in part, noting that West Coast Regional Council is the agency with the 'primary role in setting the strategic direction for this matter'.⁷ HortNZ accepts this assessment but notes that RURZ – O1 provides for activities 'while retaining highly productive land'.
54. The single objective of the NPS-HPL is that 'highly productive land is protected for use in land-based primary production, both now and for future generations'.⁸ As such, an amendment so that RURZ – O1 reads 'while protecting highly productive land' would be more in line with national direction and better incorporate HortNZ's submission point.
55. *Amendment sought to RURZ – O1:*

*RURZ - O1 To provide for a range of activities, uses and developments that maintain the amenity and rural character values of the rural environment, while ~~retaining~~ **protecting** highly productive land and rural activities, and supporting a productive rural working environment.*

RURZ – P5

56. In S486.068, HortNZ sought recognition of highly productive land in RURZ – P5 for primary production purposes, not just agricultural activities as written in the policy. This was to ensure that horticultural activities are included.
57. HortNZ accepts the S42a author's reasoning that highly productive land should be prioritised for food production purposes, and primary production is a broad term that includes mineral extraction.
58. As an alternative amendment, reference to Agricultural, Pastoral and Horticultural Activities would better align with the proposed Plan definitions and ensure that horticulture is adequately provided for.
59. *Amendment sought to RURZ – P5:*

*Recognise that there are only small areas of highly productive land and soils for agricultural, **pastoral and horticultural activities** ~~production~~ on the West Coast/Te Tai o Poutini and where possible locate non-agricultural activities outside of these highly productive locations.*

⁷ S42a Report Rural Zones, para. 86

⁸ National Policy Statement for Highly Productive Land 2022, part 2.1

Settlements

60. In S486.064 and S486.065, HortNZ sought that RURZ – O3 and RURZ – O4 be located in the SETZ chapter because they relate to settlements in the Settlement Zone. We accept the S42a author's response that the structure of the Plan is that all objectives and policies for the rural zones are located in the RURZ chapter.⁹

61. For the sake of clarity, it would be sensible to directly reference the relevant zone in the text of the objectives. This is the approach taken by the S42a author with regard to referencing the Rural Lifestyle Zone in RURZ – O2.

62. Amendment sought to RURZ – O3:

*To maintain and enhance the distinctive rural character and amenity of West Coast/Te Tai o Poutini settlements **in the Settlement Zone** while:*

- 1. Allowing settlements to grow and adapt as economic activity changes;*
- 2. Providing for commercial and industrial land uses in larger settlements where these landuses provide for local community and rural services*

63. Amendment sought to RURZ – O4:

*To support the expansion of existing settlements **in the Settlement Zone** and necessary infrastructure in areas at low risk of natural hazards, and implement hazard management to reduce the risk where existing development is located in high risk locations.*

Conclusion

64. HortNZ seeks rules for rural zones that enable horticultural production. It is important the district plan is future-proofed so that it is fit-for-purpose and responsive to change over its lifetime. The review of the rural provisions of the district plan is occurring in a dynamic space of change – including resource management reforms, freshwater regulations, climate change mitigation and adaptation and national policy context in terms of matters such as highly productive land, biodiversity and urban development. This highlights the importance of clear rules that provide some regulatory certainty to allow for horticulture to thrive in the West Coast.

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1 July 2024

⁹ S42a Report Rural Zones, para. 97, 99