

BEFORE THE HEARINGS PANEL APPOINTED BY FAR NORTH DISTRICT COUNCIL

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

AND

IN THE MATTER of hearing of submissions on the Proposed Far North District Plan

Hearing Stream 9: Rural, Horticulture and Horticulture Processing

INDUSTRY STATEMENT OF SARAH CAMERON FOR HORTICULTURE NEW ZEALAND

18 November 2024

PURPOSE AND SCOPE OF EVIDENCE

1. This statement responds to the Section 42A report recommendations in regard to the Horticulture NZ submission and further submissions to be considered at Hearing 9, specifically:
 - The interface with sensitive activities in the Rural Productive Zone (RPROZ)
 - Seasonal workers accommodation
 - Artificial crop protection structures
 - Definitions

INTRODUCTION

2. 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.
3. On behalf of growers, HortNZ takes a detailed involvement in resource management planning processes as part of its national and regional environmental policy response.
4. My name is Sarah Cameron. I am a Senior Policy Advisor at Horticulture New Zealand (HortNZ). I am involved in HortNZ's national, regional, and district planning processes across New Zealand. I have been in this role since 2 May 2022.

REVERSE SENSITIVITY AND SENSITIVE ACTIVITIES

5. HortNZ supports the proposed district plan approach of providing a dedicated horticultural zone that recognises and puts a particular planning response in place for this national significant growing area. However, horticultural activity is not limited to this area and the rural production zone is characterised by the presence of primary production activities and the associated sights, sounds and smells which accompany these activities.
6. Horticultural operations rely on the use of machinery, structures to support and protect crops, agrichemical and fertiliser application, heavy vehicles to transport produce, and many other activities that may generate a range of effects. These effects are characteristic and part of the landscape and amenity of rural environments.
7. Reverse sensitivity affects growers when occupants of a new activity or use complain about the effects of an existing, lawfully established horticultural activity or use. This can place significant economic burden and operational limitations on the grower reducing their economic viability and social licence to operate.
8. HortNZ is concerned that lawfully established horticultural activities will face reverse sensitivity conflicts from sensitive activities seeking to locate in the rural production zone. The key outcome HortNZ seeks in this plan is that primary production remains the predominant activity in the Rural Production Zone and suitable methods (including setbacks as described in the evidence of Mr Hodgson) are in place.

SEASONAL WORKER ACCOMMODATION

9. HortNZ seeks a workable planning framework for seasonal worker accommodation. It is a definable activity that requires a specific resource management response to reflect the nature of the activity.
10. Seasonal worker accommodation provides for temporary and often communal living arrangements; it is quite distinct from permanent worker accommodation which might support a full-time employee and their family. Both are used in the horticultural sector.
11. To assist in housing seasonal workers, the New Zealand Government's Recognised Seasonal Employer (RSE) scheme has been in place since 2007.
12. Government-run, the scheme allows employers within the horticulture and viticulture industries to recruit a capped number of workers from overseas – predominantly from the Pacific – for seasonal work in New Zealand.
13. The RSE scheme is a mutually beneficial partnership supporting the economies and communities of both Pacific nations and New Zealand. Pacific workers receive training, mentoring and develop skills they can take home to begin their own business ventures, while earning an income that is sent back to their families and the wider community. At the same time, the RSE scheme supports New Zealand growing businesses during peak harvest times and enables the horticulture and viticulture industries to employ New Zealanders in skilled, full-time positions.
14. The scheme has been recognised by the World Bank¹ as one of the best migrant labour schemes in the world.
15. The panel may be interested in the following article that profiles NZ Avocados reliance on RSE in Northland and in particular, Far North [The Orchardist \(page 74\)](#)
16. There have been recognised labour shortages in horticulture over the last few years and the RSE scheme has been instrumental in supplying labour, however the scheme needs to be supported by district plan rules.
17. Several district plans have taken the approach of providing for seasonal workers accommodation based on a concept of shared kitchen and ablution facilities and separate sleeping quarters. This type of facility is cost efficient and adequately provides for seasonal accommodation.
18. Seasonal worker accommodation is used by growers and packhouses in the Far North district. This generally ranges from hostels, backpackers, holiday parks and privately owned rentals on rural land and in the Kerikeri township.
19. Seasonal worker accommodation is restrictive in Kerikeri. This has led to post-harvest and orchard management companies requiring long-term leases on such premises as the holiday park. Other commercial premises used are Hone Heke Lodge and the Hideaway Lodge Motor Camp. Due to unavailability, one of the main post harvest companies has leased motels in Paihia and has now acquired land to build purpose built seasonal accommodation to house the increasing number of RSE workers.

¹ <https://thedocs.worldbank.org/en/doc/8073a148cd9c02cad663b13aeeb1613d-0070012023/original/The-Gains-and-Pains-of-Working-Away-from-Home-the-case-of-Pacific-workers-and-their-families-1.pdf>

20. While HortNZ thanks the S42 author for recognising the importance of seasonal worker accommodation to the district and accordingly supporting HortNZ submission to include a specific rule, parts of the rule are unworkable in practice and do not reflect the nature of the activity.
21. Clause 3.9 (Protecting highly productive land from inappropriate use and development) of the National Policy Statement Highly Productive Land (NPSHPL) allows for supporting activities on highly productive land. Seasonal worker accommodation is very much a supporting activity. This is a matter further clarified by MfE in their guidance document for implementing the National Policy Statement.
22. Accommodating seasonal workers in appropriate accommodation near their places of employment is more efficient for the horticulture industry than accommodation that will need to be found further afield and workers will be required to commute. This also alleviates pressure on the private rental market.
23. The highly productive land resource is of course critical to the grower such that we would expect decisions on the location of seasonal worker accommodation reflect the best use of the land and orchard/field activities.
24. We do not consider seasonal worker accommodation to be a treat to the highly productive land resource that non supporting land use activities, rural lifestyle or urban rezoning can be. There are no such limitations proposed on residential dwellings, accessory buildings, rural produce manufacturing, community facilities and it is not clear why seasonal worker accommodation is considered a particular issue,
25. HortNZ seeks the removal of the requirement that seasonal worker accommodation not be located on highly productive land.

Artificial Crop Protection Structures

26. Artificial Crop Protection Structures (ACPS) are critical for a number of sectors including kiwifruit. They provide a range of benefits including protection from sunburn, windburn, hail, frost and birds, assistance with spray coverage and reduced mowing and weeding requirements.

Picture one: Examples of ACPS





27. 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).
28. The height of ACPS varies depending on the crop but typically require headroom for the crop canopy and farm machinery.
29. ACPS are typically positioned to assist with access and ongoing maintenance where typically, a track or space is provided for farm machinery access between the ACPS and the crop.
30. ACPS tend to be placed on or near the boundary to utilise as much (normally highly productive land) as possible.
31. While the S42 report notes that ACPS are not a building, they have still been captured under the height in relation to boundary rules.
32. HortNZ has previously sought legal advice on whether ACPS meet the definition of a building:

The National Planning Standards provide a definition of building:

Means a temporary or permanent movable or immovable physical construction that is:

- (a) partially or fully roofed; and*
- (b) fixed or located on or in land;*

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

The issue for ACPS is whether the permeable horizontal netting is deemed a 'roof'.

A common understanding of a roof is to cover a building and to protect against weather. This is confirmed by the performance standards of a roof needing to stop external moisture from entering a building. There is no definition of roof in the RMA, National Planning Standards, Building Act 2004 or the Building Code. However, the building code has performance standards in relation to roofs preventing external moisture in [Clause E2](#).

The Building Act includes a definition of building, which relevantly: means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels).

Therefore, because the crop cover is permeable, it does not meet the building standards for a roof and therefore ACPS are not captured under the definition of a building.

Further, the definition of building (from both the Building Act and the National Planning Standards), does not provide for a permeable covering of plants.

33. The typical purpose of height in relation to boundary rules is to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to the immediate neighbour. While wholly applicable in an urban context where yard setbacks are less generous, these rules are less necessary in rural zones. where residential dwellings that are sensitive to these effects are sparsely located and it is

reasonable if not expected that ACPS might adjoin the boundaries of other rural properties and primary production activities. This is the case in a Rural Production Zone and even more so in the Horticulture Zone with a primary purpose of enabling horticultural activity.

34. In a rural context they overlap with the outcomes sought through yard setbacks which in many other plans are the primary mechanism of control.
35. A recent Environment Court consent order² set out that the use of ACPS are integral to the productive use of land for growing crops and are not uncommon or unanticipated in rural environments. Enablement of these structures also facilitates the productive use of highly productive land and helps to give effect to the NPSHPL. Additionally, the economic benefits of the use of ACPS outweighs the benefits of maintaining an open rural character, especially where such structures in part contribute to that character themselves.
36. Importantly, the decision (like many other plans) exempts ACPS from the height in relation to boundary rule.
37. The effects of concern again need to be considered in the context of the environment within which these structures are used (general rural, rural production and horticulture zones), the activities they support which are anticipated in those environments (primary production) and standards than can be adopted (consistently) to manage these effects.

DEFINITIONS

Farming

38. As farming is not defined in the National Planning Standards, HortNZ sought the Primary Production definition be used for the Farming definition. This definition provides for processing as an ancillary activity. The definition proposed in the S42a report specifically excludes processing.

CONCLUSION

39. 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 freshwater regulations, climate change mitigation and adaptation and national policy context in terms of matters such as food security, highly productive land, biodiversity and urban development. This highlights the importance of futureproofing the availability of resources to supply the district's growing horticulture population.
40. I support an approach that allows for horticulture growth and activities that support horticulture production.

Sarah Cameron

18 November 2024

² [2024-NZEnvC-063-Horticulture-New-Zealand-v-Waikato-District-Council.pdf](#)

