

SUBMISSION ON

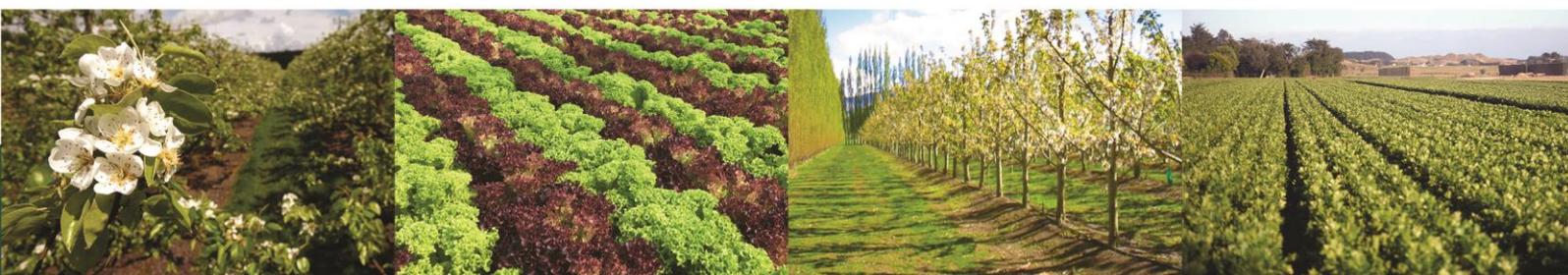
Proposed Plan Change 2

(PC2)

15 March 2019

TO: Ashburton District Council

NAME OF SUBMITTER: Horticulture New Zealand



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Introduction

Horticulture New Zealand (HortNZ) thanks Ashburton District Council for the opportunity to submit on the Proposed Plan Change 2 to the Operative Ashburton District Plan and welcomes any opportunity to work with Ashburton District Council and to discuss our submission.

HortNZ could not gain an advantage in trade competition through this submission.

HortNZ wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

The details of HortNZ's submission and decisions we are seeking from Council are set out below.

Submission structure

1. Horticulture in the Ashburton District
 - 1.1. The current state
 - 1.2. Artificial Crop Protection Structures (ACPS) and Crop Support Structures (CSS)
 - 1.3. Food security and the role for Ashburton District
2. Submission
 - 2.1. Council consultation
 - 2.2. Farming Activity/Intensive Farming Building size limit

Background to HortNZ

HortNZ was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

HortNZ represents the interests of 5000 commercial fruit and vegetable growers in New Zealand, who grow around 100 different crop types and employ over 60,000 workers. Land under horticultural crop cultivation in New Zealand is calculated to be approximately 120,000 hectares.

The horticulture industry value is \$5.7 billion and is broken down as follows:

Industry value	\$5.7bn
Fruit exports	\$2.82bn
Vegetable exports	\$0.62bn
Total exports	\$3.44bn
Fruit domestic	\$0.97bn
Vegetable domestic	\$1.27bn
Total domestic	\$2.24bn

For the first time New Zealand's total horticultural produce exports in 2017 exceeded \$3.44bn Free On Board value, 83% higher than a decade before.

It should also be acknowledged that it is not just the economic benefits associated with horticultural production that are important. The rural economy supports rural communities and rural production defines much of the rural landscape. Food production values provide a platform for long term sustainability of communities, through the provision of food security.

HortNZ's mission is to create an enduring environment where growers prosper. This is done through enabling, promoting and advocating for growers in New Zealand to achieve the industry goal (a \$10 billion industry by 2020).

HortNZ's Resource Management Act 1991 Involvement

On behalf of its grower levy payers, HortNZ takes a detailed involvement in resource management planning processes around New Zealand. HortNZ works to raise growers' awareness of the Resource Management Act 1991 (RMA) to ensure effective grower involvement under the Act.

The principles that HortNZ considers in assessing the implementation of the RMA include:

- The effects based purpose of the RMA;
- Non-regulatory methods should be employed by councils;

- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;
- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the growers interests both in an environmental and sustainable economic production sense.

1. Horticulture in the Ashburton District

1.1 The current state

- 1.1.1 Approximately 102 horticultural growing operations are located in the Ashburton District. There are 5139.5 hectares of horticultural land and land prepared for horticulture.¹ Crops grown are predominantly vegetables (fresh and process), such as peas, potatoes, sweetcorn, onions and carrots but there are also some berry and fruit crops grown as well. Crops are grown both for domestic supply and for export. The majority of growers are located in the South-East of the District, on the fertile Canterbury Plains, as shown in **Figure 1** below. With favourable conditions such as good soils, a temperate climate and access to water, the Canterbury Plains have long had a reputation for agricultural and horticultural production. Ashburton contributes to the greater food production system, with Canterbury producing 47% of NZ's carrot and parsnip production and 46% of potatoes.²
- 1.1.2 Many horticultural businesses undertake multiple different parts of the production chain themselves, including post-harvest onsite activities such as packhouses or processing facilities.
- 1.1.3 Ashburton is home to many big brands in horticultural production, such as Talley's and Leaderbrand. Talley's grow, harvest and process vegetables at their plants in Blenheim and Ashburton. At the Ashburton factory, Talley's process a wide range of vegetables grown in the surrounding area. Leaderbrand has farms in Gisborne and Canterbury and is one of New Zealand's most recognised and diverse horticultural businesses, growing approximately 3,500ha of fresh produce each year for process, domestic and international customers.
- 1.1.4 Consideration should also be given to the future potential for greenhouses in the Ashburton District. Even though there are not many currently in the Ashburton, the District Plan should enable their future establishment. With the impacts of climate change predicted to affect the yield of field grown crops, greenhouses will become an important growing system to provide reliable year-round production. The Ashburton climate, with relatively consistent percentage of sunshine hours, and access to reliable water supply, means that the Ashburton District may have potential for development of more greenhouses.

¹ Stats NZ, (2017). *Agricultural production statistics: June 2017 (final)*.

² Horticulture New Zealand, (2017). *New Zealand domestic vegetable production: the growing story*.
<http://www.hortnz.co.nz/assets/Media-Release-Photos/HortNZ-Report-Final-A4-Single-Pages.pdf>

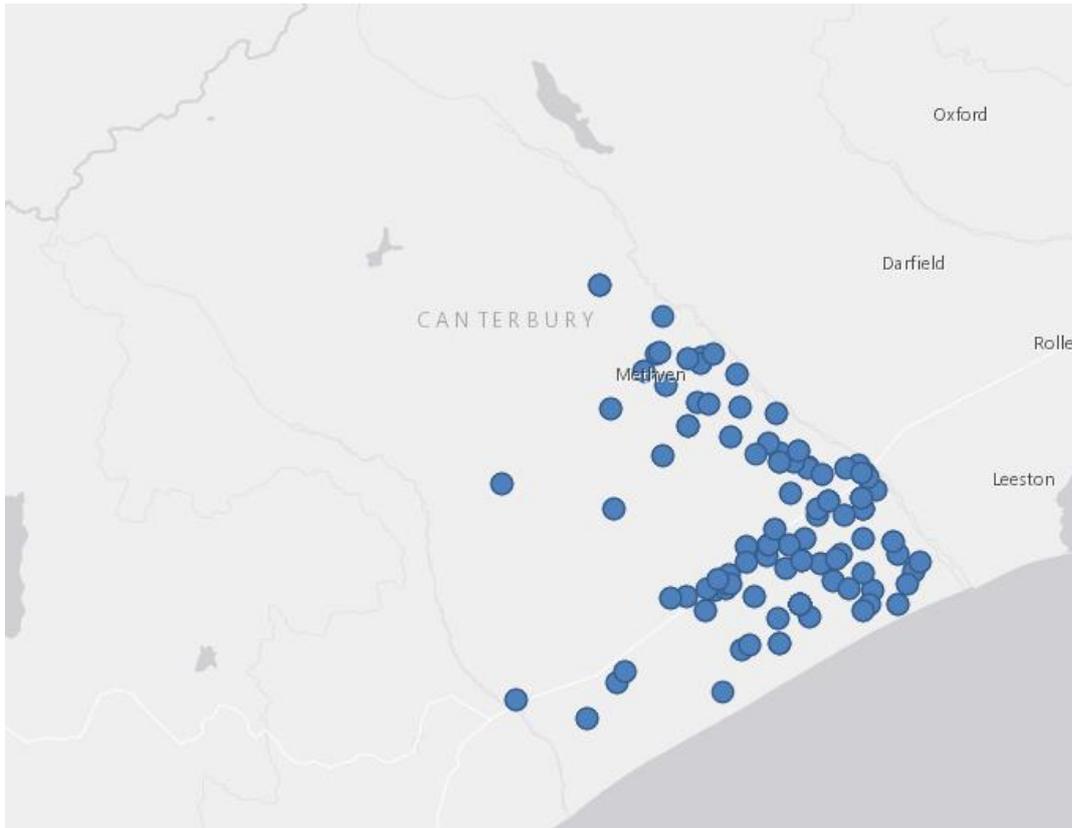


Figure 1: Location of growers in Ashburton

1.2 Artificial Crop Protection Structures (ACPS) and Crop Support Structures (CSS)

- 1.2.1 Historically, and with changing practice, crop types and diversification in the horticultural sector, growers have become increasingly reliant on a variety of CSS and ACPS to support rural production activities.
- 1.2.2 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. Examples of crops include cherries and grapes. ACPS protect various fruit crops from sunburn, windburn and hail, assist with spray coverage, reduce mowing and weeding, assist pruning and picking. An additional benefit of crop protection is the reduced need for bird scarers, as less birds get into the crops.
- 1.2.3 **Figures 1-3** below were taken in last year in a kiwifruit orchard near Opotiki. They show a typical example of Artificial Crop Protection Structures. Crop Support Structures can also be seen in the photos supporting the kiwifruit vines.



Figure 2 - Artificial Crop Protection – Kiwifruit



Figure 3 - Artificial Crop Protection – Kiwifruit



Figure 3 - Artificial Crop Protection – Kiwifruit

1.2.4 Such structures are essential for protecting fruit from climatic events and wind. As ACPS and CSS are made of permeable material, rain and wind can pass through the structure, but the intensity is reduced. Such structures are generally not totally enclosed, in that the cloth does not come to the ground level or some sides may be open.

1.3 Food security and the role for Ashburton District

1.3.1 Population growth not only increases demand on housing supply, it also generates and necessitates an increased demand on food supply. There is a general assumption that New Zealand is the land of plenty and we will always have enough locally-grown food to feed our population, supplemented by imported food where there is demand.

1.3.2 But things are changing fast. Prime fruit and vegetable growing land is being squeezed by rapid urban growth. Increasing urbanisation places additional pressure on, and competition for, the natural resources and infrastructure also critical for growing fruit and vegetables.

1.3.3 Current projections around New Zealand's expected population increase and annual food volumes available for consumption in New Zealand show that domestic vegetable supply will not be able to sustain our future population consumption

needs.³ When supply is short and demand high, prices are subject to wide variations. This can make healthy food unaffordable for many New Zealanders and often hits vulnerable communities the hardest.

- 1.3.4 Already many New Zealanders, are struggling to meet the recommended daily intake of three plus vegetables and two plus fruit a day. In 2016/2017, only 38.8 percent of New Zealand adults and 49.8 percent of children met the recommended daily fruit and vegetable intake.⁴ Those living in the most deprived neighbourhoods were less likely to meet the recommended intakes and were more likely to be obese.⁵ A 2008/2009 study showed that Maori females were significantly less likely to meet the required intake than non-Maori females.⁶
- 1.3.5 To recognise and address this issue, the District Plan needs to provide for future growth in horticulture. This includes not only the actual growing of fruit and vegetables but also the related horticultural operation activities such as processing and packing prior to distribution to the market. These activities typically require larger buildings, the type of which would be affected by PC2. The future potential for greenhouses in the District should also be acknowledged and provided for in this food security context.

³ Ibid.

⁴ Ministry of Health. (2017). Annual Data Explorer 2016/17: *New Zealand Health Survey*: <https://minhealthnz.shinyapps.io/nz-health-survey-2016-17-annual-data-explorer/ w e9a07e83/ w aa03fb73/ w 320818d4/ w 26fa6ce8/ w f50ad45f/ w dbba0f02/#!/explore-indicators>.

⁵ Ibid.

⁶ Ministry of Health. (2012). *A focus on Maori Nutrition: Findings from the 2008/09 New Zealand Adult Nutritional Survey*. Wellington: Ministry of Health.

2. SUBMISSION

Please note a summary of decisions sought and reasoning is provided in the table in Section 3 below.

2.1 Council consultation

2.1.1 HortNZ were disappointed to be left out of consultation prior to the notification of PC2. Growers often have significantly different interests and needs to other farming types, so it is important that HortNZ have adequate involvement in consultation with Council for plan changes where growers may be affected. A list of horticulture related resource management issues has now been provided to the Council Planner to assist Ashburton District Council staff in identifying HortNZ's interests for future pre-consultation opportunities.

2.1.2 In reviewing the plan change documentation, an error was identified on page 8 of the s32 Report for PC2. In the last sentence under the '*Problem Definition*' heading, it reads:

"All buildings larger than 3000m³ would have to be assessed through a resource consent process",

when it should read:

"All buildings larger than 3000m³ would have to be assessed through a resource consent process if they could not meet the relevant Zone Standards or Site Standards.

2.1.3 This was brought to the attention of the Council Planner who confirmed the error and sought to address it through a correction to the PC2 documentation. The amendment was to make it clear that resource consent would not be required for buildings over the size limit as long as they could meet the standards (including the new Site Standards). HortNZ is unaware of any amendments, therefore we raise this matter as a submission point to be addressed.

2.2 Farming Activity/Intensive Farming Building size limit

2.2.1 HortNZ has a particular interest in the proposed Farming Activity/Intensive Farming Building size limit provisions, as they have potentially significant impacts for horticulture. It is the view of HortNZ that the provisions are not robust and the development of these provisions have not been informed by the appropriate technical advice. In particular, requiring amenity landscaping adjacent to greenhouses will have a significant impact on productive potential as access to sunlight is critical to production. The provisions as proposed appear to be suited more to an urban environment than a rural environment. They do not reflect rural amenity or character and furthermore the resource management issue being addressed by this plan change is unclear.

2.2.2 The provisions should be based on expert recommendations to ensure they are appropriate for the adverse effects they are designed to address.

2.2.3 There is a need to balance the objectives and policies in the Rural Zone chapter of 'Rural Primary Production' and 'Rural Character and Amenity'. Buildings that are associated with farming activities contribute to the character of the rural environment. The rural environment is a dynamic, working environment and processing and packing buildings are a component of this, therefore, any proposed rules that impact the rural zone should consider this and should not be as restrictive as proposed.

Building size

2.2.4 HortNZ understand that the intention of PC2 was to address a discrepancy in the District Plan framework and support PC2 in relocating the building size limit from the definitions section to the Site Standards section in the Rural Zone chapter. This is good planning practice and is the appropriate place for a resource consent trigger.

2.2.5 However, HortNZ do not support changing the metric from 500m² to 3000m³ as this will create unnecessary confusion and may limit rural activities more than the current 500m² limit in the Plan. The floor area is not the only District Plan standard limiting the size of buildings in the rural zones and the proposed rule should be considered in the fullness of all relevant standards. Also relevant are District Plan Site Standards limiting the height of buildings (Site Standards 3.9.3) and the site coverage (Site Standards 3.9.2). Therefore, changing the building size limit to volume will not necessarily create more flexibility.

Site Standards 3.9.15 Buildings exceeding 3000m³

2.2.6 Overall, the new Site Standards appear urban-focussed and inappropriate for the rural environment where the farming activities require buildings of this scale to support production. As proposed by PC2, these standards have the potential to considerably impact on packhouses, processing facilities, greenhouses and other buildings associated with horticultural production.

- i) **Buffer strips and plantings:** PC2 requires buildings over 3000m³ to be concealed from public view and neighbouring properties' view though a buffer strip at least 2m wide consisting of shrub or hedge plantings. This would cause significant impacts on greenhouse production, where any shading from plantings would impact their crop yield.

Furthermore, plantings of this scale on the road front are known to cause safety issues with shading and black ice on the road. This is also addressed by the District Plan in *Chapter 10 – Transport, Site Standard 10.9.12 - Tree Planting – Shading and Intersection Visibility*, which provides that

a) No tree shall be allowed to grow such that it shades the carriageway of a road throughout the hours of 10am and 2pm on the shortest day of the year,

b) No tree shall be planted within 30m of a road intersection, measured to the point at which the legal boundary lines of the two road frontages intersect.

The requirement for a building to be fully screened/concealed from the public and neighbouring view is too onerous and will create many unjustified subsequent issues for farming activities. These buildings are part of a working rural primary production/farming environment and should not be required to be fully concealed.

More plantings will adversely affect the 'openness' of the Zone that Council is trying to protect, as stated in the Rural Zone chapter "*[e]xtensive planting, which can provide a high level of shelter and amenity to a site, may also adversely affect the openness of the zone.*"

Rural buildings used for primary production should be visually appropriate for the nature of the rural environment and their contribution to the rural landscape should be more appropriately controlled through methods such as controls on colour (or methods that have been recommended by an expert following an assessment of these effects).

- ii) **50m setback:** PC2 requires that buildings over 3000m³ should be setback at least 50m from public spaces and neighbours. This is onerous and not justified. Horticulture is different to other farming types and can be highly productive on small parcels of land, especially within a greenhouse. For growers with smaller properties this will be very hard to comply with. Often the advantage of growing food in a greenhouse is that little land is needed to produce a relatively large output and also effects from the activity are largely contained within the building.

Setbacks from neighbours is also already dealt with by existing standards in the Rural Zones chapter of the Plan. Site Standard 3.9.5 sets out a table of setbacks from neighbours and provides that intensive farming activities should be setback 80m and all other buildings greater than 5m² should be setback 3m. Zone Standards 3.10.2 and 3.10.3 set out the setback requirements for Residential Units from Intensive Farming Activities and similar activities and of Buildings from Residential Units.

Attached as **Appendix A** is a comparison of setbacks in Rural Zones in other district plans in Canterbury. Appendix A shows that 50m is a much larger setback than required by other district plans in Canterbury (or indeed any other district plan in NZ known to HortNZ). HortNZ are not convinced that a 50m setback is necessary or justified and no reason has been provided as to why rural building setbacks should be significantly larger for the Ashburton District than all others in New Zealand. Furthermore, Appendix A also shows that setbacks are generally differentiated based on the activity they are separating the building from, e.g. larger setbacks to an arterial road, to more specifically target the scale of adverse effects that the standard is intended to address.

Additionally, it is not appropriate to have the setback and the buffer/plantings standards applying to both buildings used for farming activities and intensive farming activities, as there are very different effects both on and created by each of these activities. If such restrictive standards are to be included in the Plan as mitigation for an identified adverse environmental impact, the standards should be tailored to the activities that are actually producing the adverse effects that the standards are managing – e.g. while activities such as piggeries or mushroom farming may require a significant setback from public and neighbours due to odour effects, this is not applicable to greenhouses, packhouses and other buildings associated with horticulture which do not create this odour effect.

- iii) **Reflectance:** PC2 requires buildings over 3000m³ to have an exterior finishing with a maximum reflectance of 40%. While glass is excluded from this requirement, many greenhouses are made out of polycarbonate or other plastics which primarily need to let enough light in for the plants inside to grow, as well as being durable. The function and viability of a greenhouse will be impaired if the reflectivity standards are applied.

Assessment matters

- 2.2.7 The proposed assessment matters may require consequential amendments to reflect decisions sought by HortNZ. The relevance of the assessment matters should also be considered by an appropriately qualified expert.

Artificial Crop Protection Structures and Crop Support Structures

- 2.2.8 Because of this permeable nature of ACPS and CSS, these structures are distinctly different from buildings and should not be captured in any rules or standards relating to buildings.
- 2.2.9 HortNZ discussed with the Council Planner whether ACPS and CSS would be triggered for consent under these new standards. The Council Planner confirmed that Council does not consider ACPS or CSS as buildings under the District Plan and therefore they would not be required to comply with the new Site Standards. However, when looking at the definition of building in the Plan, there is still some uncertainty as to whether this definition would be interpreted in the future to capture ACPS and CSS and therefore HortNZ seeks clarity around this issue.

3. HortNZ's Submissions on Ashburton District Council PC2

Sub pt	Plan provision	Support/Oppose	Reason	Decision Sought
1	PC2 (as it relates to B. Farming Activity / Intensive Farming Building size limit)	Oppose	<p>The s32 does not demonstrate the need for the plan change. The resource management issue being addressed by this plan change is unclear.</p> <p>The s32 report does not state the resource management issue being addressed by the proposed changes and therefore it is difficult to understand the environmental effects that proposed provisions are seeking to address.</p> <p>Furthermore, the proposed site standards have not been recommended by an appropriately qualified expert. A technical assessment of rural amenity and character is required to ensure that the proposed site standards are appropriately addressing identified environmental effects.</p> <p>No consideration has been given to the impacts of the proposed site standards on the production potential within greenhouses or Artificial Crop Protection Structures (ACPS) and Crop Support Structures (CCS).</p> <p>Because of this permeable nature of ACPS and CSS, these structures are distinctly different from buildings and</p>	Decline the plan change as the proposed changes have not been justified through the section 32 report and the impacts on horticultural buildings and structures have not been adequately considered.

			should not be captured in any rules or standards relating to buildings. While the Planning Officer has verbally advised that these structures would not be caught by the rule, HortNZ believes that the plan provisions could be interpreted differently in the future as this is not clear within the plan.	
2	Rural Zone Site Standards 3.9.15	Oppose in part	The provisions as proposed appear to be suited more to an urban environment than a rural environment. They do not reflect rural amenity or character. Any landscaping and/or amenity requirements within proposed standards should be appropriate to the character and amenity of the Rural Zone. In the absence of an appropriate technical assessment, there is no justification provided for the onerous standards proposed.	Decline the plan change as the proposed changes have not been justified through the section 32 report.
3	Rural Zone Site Standards 3.9.15	Support in part	HortNZ support a permitted activity status for buildings less than 500m ² and those larger than 500m ² that meet the relevant Site Standards. HortNZ support a restricted discretionary activity status for buildings that are larger than 500m ² that cannot meet the relevant Zone Site Standards.	Retain activity status as proposed.
4	Rural Zone Site Standards 3.9.15 (a) – (g)	Oppose in part	The s32 report has failed to address the potential impacts on greenhouses. Requiring amenity landscaping adjacent to greenhouses will have a significant	Amend 3.9.15 as follows: <i>3.9.15 Buildings (excluding greenhouses) exceeding 3000m²500m²</i>

			<p>impact on productive potential as access to sunlight is critical to production.</p> <p>Furthermore, many greenhouses are made out of polycarbonate or other plastics which primarily need to let enough light in for the plants inside to grow, as well as being durable. The function and viability of a greenhouse will be impaired if the reflectivity standards are applied.</p>	
5	Rural Zone Site Standards 3.9.15	Oppose in part	Altering the building size limit from 500m ² to 3000m ³ will create unnecessary confusion and will limit rural activities more than the operative plan provisions.	Amend 3.9.15 as follows: <i>3.9.15 Buildings (excluding greenhouses) exceeding 3000m³500m²</i>
6	Rural Zone Site Standards 3.9.15(f)	Oppose in part	<p>The s32 report does not provide adequate justification for a 50m setback and why rural building setbacks should be significantly larger for the Ashburton District than all others in New Zealand.</p> <p>It appears that this is trying to address two distinct issues of farming activity buildings and intensive farming buildings. These should be dealt with through separate standards as it creates unfair restrictions on farming activity buildings which have significantly less adverse effects than those used for intensive farming.</p> <p>There are also already setback requirements around neighbouring properties in the Plan through Site</p>	Amend 3.9.15 as follows: <i>f) Building shall be setback at least 5010m from public spaces and neighbouring property boundary held in separate ownership.</i>

			Standard 3.9.5 and Zone Standards 3.10.2 and 3.10.3.	
7	Assessment Matters	Support in part	<p>The proposed assessment matters may require consequential amendments to reflect decisions sought by HortNZ.</p> <p>HortNZ believes that the assessment matters should also be reviewed by an appropriately qualified technical expert, as they relate to amenity mitigation specified in the proposed standards.</p>	In considering submission points on proposed rule 3.9.15, also give consideration to consequential amendments to proposed assessment matters.
8	Definition – Farming Activity	Support	HortNZ supports the removal of the specified building size from within the definition as this does not align with the framework of the District Plan.	Retain as notified.

APPENDIX A: Rules and Standards for setbacks for buildings in Rural Zones in other District Plans in Canterbury

Below is a selection of setback rules from comparable rural zones in other Districts across Canterbury.

Hurunui

Chapter 3 - Rural

3.4.3

(c) Setbacks for all buildings that do not contain sensitive activities:

(i) 25 m from a boundary with a strategic arterial road, a district arterial road or a collector road;

(ii) 10 m from a boundary of any other public road;

(iii) 25 m from all other boundaries where the building has any wall or ridgeline that exceeds 30 m in length; and

(iv) 4 m from a boundary of any rail corridor

Selwyn

Property Size	Building Type	Setbacks		
		Property Boundary	Arterial Road or Strategic Road	Other Road
Up to 1ha	Garage or Accessory	3m	10m	10m
	Dwelling or Principal Building	3m	20m	10m
Greater than 1ha	Garage or Accessory	5m	10m	10m

(>1ha)	Dwelling or Principal Building	5m	20m	10m
Any Size	Building housing Animals	30m	30m	30m

Christchurch

Rural - urban fringe zone

17.5.2.3 Building setback from road boundaries

	Activity	Standard
i.	All buildings, unless specified below	15 metres
ii.	All buildings on sites less than 0.4ha	6 metres
iii.	All buildings on sites fronting a major arterial road or minor arterial road or state highway	30 metres from the major arterial road or minor arterial road or state highway boundary

Timaru

Rural Zones

All buildings shall be set back a minimum of 6 metres from boundaries with a road frontage and 3 metres from other site boundaries.

Waimakariri

31. Health, Safety and Wellbeing

Table 31.1: Minimum Structure Setback Requirements

<u>Rural Zone</u>	<u>Any road boundary</u>	<u>20m for any dwellinghouse</u> <u>10m for any structure other than a dwellinghouse</u>
	<u>Any internal site boundary</u>	<u>20m for any dwellinghouse</u> <u>3m for any structure other than a dwellinghouse</u>
	<u>Any existing dwellinghouse on an adjoining site</u>	<u>10m for any structure (excluding a dwellinghouse)</u>

Waimate

Rural Chapter

Site Standards

7.2 Setback from Roads, Neighbours, Forestry and Intensive Pig Farming

...

7.2.3 The minimum setback for buildings, designed and/or used for the housing or feeding of commercial livestock, excluding milking sheds or buildings used to house or feed milking stock shall be:

- a. 50m from an internal boundary;
- b. 200m from any public reserve or existing dwelling on a separate site;
- c. 50m from a road boundary.

7.2.4 The minimum setback for other buildings greater than 10m² in gross floor area, except those referred to in rules 7.2.1 and 7.2.2 shall be:

a. 7.5m from road boundaries;

b. a distance from an internal boundary at least equal to the height of the building.