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CODC

## Resource Management Act 1991

### Submission on Notified Proposed Plan Change to Central Otago District Plan

*Clause 6 of Schedule 1, Resource Management Act 1991*

#### (FORM 5)

To: The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340

### Details of submitter

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(Or alternative method of service under [section 352](#) of the Act)

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Contact person: Leanne Roberts, Senior Advisor Environmental Policy

**This is a submission on proposed Plan Change 19 to the Central Otago District Plan (the proposal).**

**I am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991**

**I am not directly affected by an effect of the subject matter of the submission that:**

**(a) adversely affects the environment; and**

**The specific provisions of the proposal that my submission relates to are:**

- Please see our submission

**This submission is:**

*(Attach on separate page if necessary) Include:*

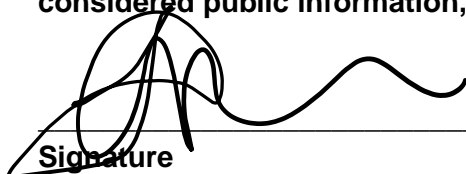
- *whether you support or oppose the specific parts of the application or wish to have them amended; and*
- *the reasons for your views.*

**I / We seek the following decision from the consent authority:**

Please see our submission

- I neither support nor oppose (*generally support with some concerns*)
- I wish to be heard in support of this submission
- We will consider presenting a joint case if others make a similar submission

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.

  
Signature

2 September 2022

Date

## Submissions close at 4pm on Friday 2 September 2022

Submissions can be emailed to [districtplan@codc.govt.nz](mailto:districtplan@codc.govt.nz)

### **Note to person making submission:**

*If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.*

*Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that a least 1 of the following applies to the submission (or part of the submission):*

- *it is frivolous or vexatious:*
- *it discloses no reasonable or relevant case:*
- *it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:*
- *it contains offensive language:*
- *it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.*

# SUBMISSION ON

# Proposed Plan Change 19 Central Otago District Plan

2 September 2022

**To:** Central Otago District Council

**Name of Submitter:** Horticulture New Zealand

## Contact for Service:

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# OVERVIEW

## Submission structure

- 1 Part 1: HortNZ's Role
- 2 Part 2: Commentary and submissions on Proposed Plan Change 19

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## Our submission

Horticulture New Zealand (HortNZ) thanks Central Otago District Council for the opportunity to submit on the draft District Plan. Our submission provides an end-user perspective. HortNZ welcomes any opportunity to continue to work with Council and to discuss our submission.

HortNZ is a pan-sector organisation and has a comprehensive understanding of how the commercial fruit and vegetable growing sector in New Zealand operates.

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 in our submission below.

# HortNZ's Role

## Background to HortNZ

HortNZ advocates for and represents the interests of approximately 5,500 commercial fruit and vegetable growers in New Zealand. These growers produce around 100 different fresh and processed fruit and vegetable crops on approximately, 80,000 hectares of land in New Zealand for domestic consumers, as well as exporting crops to discerning consumers overseas. Our growers supply fresh and processed products to domestic and overseas consumers.

The horticulture industry is valued at \$7b with \$4.6b in exports annually.

The national and regional economic benefits associated with horticultural production are important. The industry employs more than 40,000 people and provides critical regional development opportunities in Northland, Auckland, Bay of Plenty, Waikato, Hawke's Bay, Gisborne, Manawatu, Marlborough, Nelson, Canterbury and Central Otago. The rural economy supports local communities and primary production defines much of the rural landscape.

The horticulture sector plays an important role in food security for New Zealanders. Over 80% of vegetables grown are for the domestic market and many varieties of fruits are grown to serve the domestic market.

HortNZ's purpose is to create an enduring environment where growers thrive. This is done through enabling, promoting and advocating for growers in New Zealand.



## HortNZ's Resource Management Act 1991 Involvement

On behalf of its grower members 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.

# Submission

## 1. Horticulture in Central Otago

The Central Otago District plays an important role in the national food production system, particularly for the production of summerfruit, apples and vegetable crops. This includes the production and export of key crops such as cherries.

The combination of soils and climate in Central Otago means the area is especially well suited to growing high quality crops.

The table below provides an overview of the Horticultural crops Horticulture New Zealand represents grown in the Central Otago district.

**Table 1. Profile of horticultural production of Central Otago<sup>1</sup>**

Horticultural type	Land area (hectares)
Fruit Production	3,001
- Apples	(472)
- Summerfruit	(1,144)
Vegetable production	428+
<b>TOTAL (ha)</b>	<b>3,429+ ha</b>

Vegetable production is represented as 428+ ha, although the exact land area varies. Best management practice crop rotation for vegetables involves rotating crops over different land parcels in a particular sequence (e.g. alliums, brassicas, root vegetables), and sometimes mixed with arable crops or grazing of livestock, to manage soil-borne pests and diseases caused by growing the same or related crop in the same soil, repeatedly.

When compared with agriculture, the land area used for horticulture in Otago is relatively small. A range of considerations are important when determining whether a site is suitable for horticultural use and can be dependent on the crop to be grown. The industry produces large yields of high value crops per hectare of land and is labour intensive. Consequently, there is a wide range in the sizes of growing operations, and a minimum economic unit can be as small as a couple of hectares for some crop types and production systems.

## 2. Protection of Highly Productive Land

### 2.1. Food security and the values of highly productive land

Land is a finite resource that needs to be managed to meet the needs of people now and the needs of future generations. In our view, sustainable food production is the primary value associated with this resource.. Urban and lifestyle development within horticultural

<sup>1</sup> [freshfacts-2021.pdf](#)

areas results in increasing pressure on crop rotations, restricting orchard expansion, increasing land prices, and increasing social tension due to complaints from neighbours about horticultural activities. These pressures threaten the productivity of land, and the ability of land to produce food.

We seek policies to manage ad-hoc urban and lifestyle development to maintain highly productive land resource for future generations.

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. However prime fruit and vegetable growing land is being squeezed by rapid growth in a number of areas.

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.

It is not just the competition for land, urban populations compete for limited water resources with highly productive uses. Without water, the productive capacity of the land is greatly reduced.

The National Policy Statement for Highly Productive Land (NPS HPL) is due imminently, and we note one of the objectives outlined in the Vincent Spatial Plan is the "improved protection and utilisation of productive land, soils and other economic activity."<sup>2</sup> We would seek to ensure that flat, productive land suitable for production is preserved.

We accept that there needs to be flexibility to develop highly productive land in some places. What is important in our view, is that urban development and productive land are considered together to provide a planned approach so new urban areas are designed in a manner that maintains the overall productive capacity of highly productive land. We are particularly concerned about reverse sensitivity pressures on growers.

## 2.2. Reverse Sensitivity

Issues of reverse sensitivity arise when urban development abuts rural land, and occupants of those urban properties complain about the effects of an existing lawfully established activity. Reverse sensitivity is a key issue for growers in Otago and across the country, as urban and lifestyle developments continue into the peri-urban zone.

We seek that Councils recognise the potential for reverse sensitivity effects in their plans and provide a robust framework to ensure that activities are appropriately located and potential for reverse sensitivity is avoided. Rural farming practices that may impact on people are normal and accepted practices that are found in the rural environment. Many intensive agricultural/ horticultural production activities are located in the rural area of the region/ district, where farm management practices, such as general use of farm machinery on and off-farm, the application of agrichemicals, pumping water for crop irrigation, use of frost fans and bird scarers, and harvesting of crops occur at various times including at night, at weekends and on public holidays. These practices have the potential to create noise, dust and odour either of a temporary or intermittent nature beyond the boundary of the property concerned.

Avoiding reverse sensitivity effects should be included as part of high quality development. Primary activities should not be constrained by reverse sensitivity effects. A

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<sup>2</sup> Vincent Spatial Plan - [BM200096\\_05\\_Vincent\\_Spatial\\_Plan\\_Document\\_20220404.pdf\(codc.govt.nz\)](#)

recognition of the potential for reverse sensitivity is important to horticulture as often new landowners in the rural area are unaware of the types of activities that can occur as part of rural production. Activities of short duration or seasonal nature also generate noise and other effects that can disturb noises. Although they do not occur all year round, there needs to be provisions that ensure new development locating near such activities recognises and accepts the prevailing rural working production environment of the rural area (seasonality needs to be addressed especially for fruit harvesting).

### **2.3. Climate change adaptation**

The contribution New Zealand makes to global food security, like our contribution to emissions, is relatively small. However, improving the global food system so it contributes more to the health of people, and less to climate change, requires global action.

The measure of New Zealand's success in adapting our food production system in a way that contributes to global efforts to reduce global warming, will be to reduce the overall carbon intensity of New Zealand's food production, by changing, but not reducing our production.

Horticulture, and in particular fruit for export, presents an opportunity for current and future generations to produce more food in New Zealand with much lower emissions than animal agriculture. The expansion of vegetable rotations and fruit presents an opportunity for pastoral farmers to diversify their land uses and reduce their greenhouse gas emissions.

The Climate Change Commission's recently released advice to Government on emissions budgets and direction for the first emissions reduction plan (2022-2025) assumes in their 'demonstration path' land use change to horticulture at a rate of 2,000 ha per year from 2025. Under alternative scenarios (such as where EV uptake is less, there are less on-farm reductions in emissions) this increased to an additional 3,500 ha per year from 2021.<sup>3</sup>

There are barriers to expansion of horticulture. While there is potentially 1,000,000 ha of land with a suitable soil and climate for horticulture, not all of this land has the necessary infrastructure or water availability to realise its potential productive capacity at this time. Often this land is located in the peri-urban, where there is direct competition for land from urban and lifestyle block development. Policies to manage ad-hoc urban and lifestyle development are essential to maintain highly productive land resource for the future.

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<sup>3</sup> <https://www.climatecommission.govt.nz/our-work/advice-to-government-topic/>



### 3. Proposed Plan Change 19

Horticulture NZ generally supports the proposals set out in Plan Change 19, however with the following comments:

#### 3.1. Reverse Sensitivity and setbacks

Reverse sensitivity can impact on the viability and operation of horticultural operations, if not managed through a robust framework to ensure that activities are appropriately located and the potential for reverse sensitivity is avoided..

Residential and lifestyle development, as well as other commercial or sensitive activities (e.g. educational facilities, community facilities etc.) in or adjacent to the rural zone can result in:

- increased pressure on crop rotations (for vegetable growing),
- restricted opportunities for orchard establishment or expansion,
- increased land prices,
- competition for resources (e.g. water)
- increased social tension due to complaints from neighbours about horticultural activities, resulting in operational limitations on the grower reducing their economic viability and social licence to operate.

Not all effects from activities associated with growing can be internalised and when the ability of growers to undertake vital and lawful activities associated with growing in the rural zone, due to the threat of reverse sensitivity, it erodes the accessibility and utility of that highly productive land.

In our experience, reverse sensitivity is a key planning consideration that is often overlooked in the process of rezoning land, particularly urban creep and the tension between residential living and rural activity. It is important that Growers are able to continue horticultural operations without the tension that arises from reverse sensitivity issues.

It is important for District Plans to include a robust management response:

- Setbacks are an important management tool in helping to manage the potential for reverse sensitivity effects. As a permitted activity requirement, they do not preclude development within a lesser distance, but at least ensure that a site-specific assessment can be made through a resource consent process. HortNZ's submission seeks amendment to the setback distances required for residential activities establishing in the rural zone(s).
- It is particularly important that there are robust subdivision provisions - including reverse sensitivity as a matter of discretion - as well as clear policy direction.

HortNZ is seeking

1. Amendment to the setback distances required for residential activities establishing in the rural zone(s) - HortNZ requests an amendment to 25m, as is currently specified in the operative plan<sup>4</sup>

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2. Robust subdivision provisions including reverse sensitivity as a matter of discretion as well as clear policy direction to protect productive land.

The Central Otago District Plan outlines a policy *"To recognise that some rural activities, particularly those of a short duration or seasonal nature, often generate noise and other effects that can disturb neighbours by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics associated with production and other activities found in the Rural resource Area."*<sup>5</sup>

HortNZ seeks that CODC consider this policy in the outcomes of PC19, and any future rezoning that could impact horticultural activities in the district. We seek a robust framework in within the district plan to manage reverse sensitivity and the expectations of residents in the rural zone, so that horticulture can continue to operate lawfully and undertake activities necessary for production. It is important that horticulture is provided for, and valued for its contribution to our national food system, contributing to the social fabric and rural economies, and job creation.

### 3.2. Existing use rights

HortNZ seeks confirmation that existing use rights are maintained for growers, and that CODC has a clear process in place to protect a grower's ability to continue to operate and residents expectation and complaints managed to understand rural productivity is the prevailing activity in the area.

HortNZ is concerned that with an increase of residents into rural areas, or adjoining rural areas, comes increased tension between rural living and production activities. We believe there needs to be clear support for rural production activities to continue

### 3.3 Definitions

#### Noxious activity

HortNZ seeks to have 'plants' deleted from the definition of noxious activity. HortNZ does not believe the growing of plants is a noxious activity and seeks to have this removed from the definition of noxious activity. HortNZ are concerned that this definition may form a basis for further definitions in future sections of the review and are concerned this will have an adverse impact on growers.

HortNZ is also concerned that the definition of noxious activity may encompass the disposal of waste water onto land. This may happen in a rural area as part of production activities.

HortNZ seeks to have the definition of noxious activity amended to have 'plants' removed or limit the definition to apply only to residential zones

HortNZ is seeking

1. To have the word 'plants' deleted from the definition of noxious activity

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<sup>5</sup> 4.4.9 Policy - Effects of Rural Activities Central Otago District Plan (2013)

2. To have the definition of noxious activity only apply to residential zones.

## Submission on Plan Change 19

Without limiting the generality of the above, HortNZ seeks the following decisions on PC 19 as set out below, or alternative amendments to address the substance of the concerns raised in this submission and any consequential amendments required to address the concerns raised in this submission.

Additions are indicated by bolded underline, and deletions by strikethrough text.

Provision	Support/oppose	Reason	Decision sought
<b>Primary changes</b>			
Section 18 Definitions Noxious activity	Oppose	<p>The definition of noxious activity is not limited to the residential zones. The definition includes growing of plants in a confined area which could include greenhouses or storage of hazardous substances. HortNZ does not consider that growing of plants indoors is a 'noxious activity' and seeks that plants be deleted from the definition.</p> <p>The definition also includes disposal of water onto land which may occur in a rural area.</p>	<p>Delete 'plants' from the definition of noxious activity</p> <p>Or limit the definition of noxious activity to only residential zones.</p>
Standard 10.3.6 i) c) Rural settlements	Oppose in part	<p>A minimum side and rear yard setback of 3m where a rural settlement borders the Rural Resource Area is insufficient to manage potential reverse sensitivity effects.</p> <p>The operative plan has a 25 m set back (rule 4.7.6 A). We believe a minimum</p>	<p>Amend Standard 10.3.6 i) c) as follows:</p> <p>Except where the zone borders the Rural Resource Area the setback will be 25m.</p>

Provision	Support/ oppose	Reason	Decision sought
		set back of 25m is needed to manage reverse sensitivity effects.	
Large Lot Residential Zone LLRZ - S6	Oppose in part	A minimum side and rear yard setback of 3m where a LLRZ borders the Rural Resource Area is insufficient to manage potential reverse sensitivity effects	<p>Amend LLRZ-S6 1) as follows:            Except where the zone borders the Rural Resource Area the setback will be 30m.</p> <p>Amend LLRZ-S6 RDIS to include an additional matter of discretion:            The potential reverse sensitivity effects on adjacent rural activities.</p>