

27 September 2019

Western Bay of Plenty District Council
1484 Cameron Road
TAURANGA 3112

Via email to: districtplan@westernbay.govt.nz

Dear Sir/Madam

Re: District Plan Changes

Please find attached a submission from NZKGI, on behalf of ~2,100 growers throughout the Western Bay of Plenty region on the proposed District Plan changes.

Please do not hesitate to contact me if you require any further information on this submission.

Yours sincerely



Sarah Cameron
Senior Policy Analyst

TO: Western Bay of Plenty District Council

SUBMISSION ON: Proposed District Plan changes

NAME: NZ Kiwifruit Growers Inc (NZKGI)

ADDRESS: PO Box 4246, Mount Maunganui South 3149

1. Background to NZKGI

NZKGI was formed in 1993 to give kiwifruit growers their own organisation to develop a secure and stable kiwifruit industry. NZKGI represents 2,800 kiwifruit growers and gives growers their own voice in industry and government decision making. NZKGI works to advocate, protect and enhance the commercial and political interests of New Zealand kiwifruit growers.

2. The kiwifruit industry in New Zealand

Approximately 80% of New Zealand's kiwifruit crop is grown in the Bay of Plenty providing a significant contribution to the Bay of Plenty regional economy, with \$1.18 billion in revenue being generated for the region in 2017/2018. The industry provides significant employment to the Bay of Plenty region employing 10,762 FTE in the year 2015/2016¹. Zespri, the kiwifruit marketer, has committed to more than double global sales revenue to \$4.5 billion by 2025. The projected growth of the industry will contribute significantly to the Bay of Plenty GDP increasing to \$2.04 billion by 2029/2030¹. Employment in the kiwifruit industry is also expected to increase by 133% to 25,091 FTE by 2029/2030¹.

There are 2,582 orchards in the Bay of Plenty with an average size of 4.46ha.

3. General comments

Thank you for the opportunity to provide comments on the District Plan review. NZKGI comments reflect feedback from growers, developers, contractors and post-harvest operators.

4. Bay of Plenty Context

Some of the figures used in this section of the consultation documents to explain the growth of the industry in the Bay of Plenty are outdated. While it is projected that GDP contribution is expected to increase to \$2.04b by 2030, it should be pointed out that GDP contribution to the Bay of Plenty region for 2017/18 was \$1.18b.

There were 10,762 full time employees in 2015/16 and this is expected to increase to 25,091 full time employees by 2029/30, not 12,000 as noted in the plan change.

5. Post-harvest zones

NZKGI agrees that extending post-harvest zones to reflect property purchase or boundary adjustments and increasing post-harvest zones where future projects are planned is the most appropriate solution. This provides certainty to post-harvest operators and allows for future growth to take place without the requirement of obtaining a consent.

NZKGI makes further comment on seasonal accommodation within post-harvest zones in the accommodation facility permitted limit.

- All operational pack houses (that have the appropriate consents) should be zoned post-harvest so they can accommodate seasonal workers on site.
- Retrofitting of existing unused pack houses or other buildings would be of benefit in helping to reduce the lack of seasonal worker accommodation in the Western Bay of Plenty. This should be a permitted activity in the same way that the post-harvest zone is to encourage the establishment of new seasonal accommodation facilities.
- A rule should be created for pack-houses not in post-harvest zones that allows onsite seasonal worker accommodation up to a specified limit.

Daylighting

NZKGI supports the re-wording of rule 22.4.1 (b) and the intent of the rule change that provides the daylighting rule only applies when the development adjoins a different zone.

NZKGI supports option two.

Height

The current permitted height in the post-harvest zone is 12m. There needs to be sufficient infrastructure in place to support industry growth and 12m is no longer a realistic height provision. With the introduction of automated cool store racking, cool stores are increasingly extending in height. Add to this the competition for land due to urban sprawl and it makes sense for height restrictions to be elevated to a level that will sustain growth over the next 10 years. Postharvest companies have advised NZKGI that they support a 20m height restriction with the ability to apply for a resource consent over and above this.

NZKGI supports option three.

NZKGI also supports height provisions be extended to facilities outside of post-harvest zones. There are cool stores attached to packhouses that are used for kiwifruit storage and other cool stores throughout the region that are not currently identified in post-harvest zones. An example of this is within the Te Puke industrial zone where a consent has been issued for a new cool store over 18m in height.

NZTA Approval Rule

NZKGI agrees with option two but does not agree with the wording of the proposed rule and suggests the following wording:

This shall not apply to post-harvest zoned sites that are accessed via side roads off Te Puke Highway

The current wording, in the proposed plan, suggests that post-harvest zones themselves access Te Puke Highway which is impossible as they are buildings.

6. Frost Protection Fans

While NZKGI is generally supportive of option three, there needs to be greater flexibility for testing purposes. The proposed rule allows for frost protection fans to be tested outside of the stated time of Monday to Friday 8am - 5pm for urgent unforeseen maintenance purposes. It is not clear if testing the fan for operational readiness in the event of a forecasted (or un-

forecasted) frost would fall under the definition of urgent unforeseen maintenance purposes. NZKGI would suggest including ‘or operational readiness’ to rule 4C.1.3.6 (d):

*When the frost protection fan is operating for maintenance purposes the machine shall only be used from Monday to Friday 8am to 5pm. Testing outside these hours may only take place for urgent unforeseen maintenance purposes **or testing for operational readiness***

Reverse Sensitivity

NZKGI supports option two requiring new dwellings within 300m of existing consented fans to be designed and constructed to protect occupants from noise effects as the most efficient and effective method to address noise issues. Frost fans generally operate in rural zones on highly productive land which may not be appropriate for subdivision, urban housing or other development and therefore NZKGI submits that mitigating reverse sensitivity impacts should be the responsibility of the neighbouring dwelling owner or developer.

Height in post-harvest zones

NZKGI supports option two as a permitted height of 15m for frost protection fans as this provides for a consistent approach between the rural and post-harvest zones.

7. Accommodation Facility Permitted Limit

NZKGI agrees with increasing the accommodation facility combined permitted activity maximum limit to five persons which provides consistency between the District Plan and the Building Act however notes that this does not provide a reasonable outcome for seasonal accommodation shortage. A shortage of seasonal accommodation is a critical barrier to achieving the growth targets of the kiwifruit industry, growth that is anticipated to have significant economic benefits to the Western Bay region. Industry believes that the Council has the opportunity to facilitate regulatory processes required for building seasonal accommodation and in doing so the Council will help industry and the region achieve its growth potential.

NZKGI strongly encourages Western Bay of Plenty District Council to specifically address the needs of seasonal worker accommodation. Further, we encourage to progress this with expediency, engaging with industry to address Council concerns and co-developing solutions. No timeframe has been provided for the full review of the District Plan but it may be necessary for these changes to be addressed sooner than that process will allow. Central government has this week indicated that securing RSE workers in the future will be predicated on industry supplying additional seasonal accommodation within the next 12 months. NZKGI asks Council to support the kiwifruit industry in achieving this.

NZKGI suggests enabling seasonal worker accommodation of a variety of scales, across a range of zones is the best approach. These options could include:

- All operational pack houses (that have the appropriate consents) should be zoned post-harvest so they can accommodate seasonal workers on site.
- Retrofitting of existing unused pack houses or other buildings would be of benefit in helping to reduce the lack of seasonal worker accommodation in the Western Bay of Plenty. This should be a permitted activity in the same way that the post-harvest zone is to encourage the establishment of new seasonal accommodation facilities.
- A rule should be created for pack-houses not in post-harvest zones that allows onsite seasonal worker accommodation up to a specified limit
- Allowance for temporary on-orchard accommodation.

It is critically important that the capacity of appropriate seasonal worker accommodation within the Western Bay of Plenty district is grown. The timely provision of more fit for purpose accommodation for seasonal workers would ensure that the social needs of an essential part of the horticultural industry, but also the wider Western Bay of Plenty community, would be provided for.

NZKGI supports option two.

8. Rangiuru Business Park - Water Supply Option

NZKGI supports option two of utilising the second bore at Pongakawa for two reasons:

1. An on-site bore and reservoir at Rangiuru Business Park would cause delays to the construction of the park which would impact on business and jobs
2. More cost-effective option using existing consented bore at Pongakawa

While there is support for option two, NZKGI notes the following concerns:

3. It is noted that the pipeline route potentially crosses over areas of archaeological interest and that investigation will be required including an authority from Heritage New Zealand. If the area is found to have archaeological interest, what does this mean? This hasn't been noted in the risk assessment of the plan change.
4. While there is consent from Bay of Plenty Regional Council for 100 litres/second for the two bores at Pongakawa, has Western Bay of Plenty District Council discussed the second bore capacity with Bay of Plenty Regional Council? It is not clear from the plan change if the water take from the second bore is from the same source as the first bore and what capacity the second bore has.

9. Clean fill Activities

Bay of Plenty Regional Council rules relating to earthworks and quarries require a resource consent for any exposed area greater than one hectare and volume greater than 5,000 m³. The volume of earthworks is measured as the clean fill taken away from the activity site. This resource consent should cover the need (if any) to transport up to 5000m³ of clean fill.

We are unsure what the benefit would be of introducing another resource consent for any deposition of clean fill under 5000m³ and therefore support option three.

10. Rural Contractors

Council has noted that the intention of this plan change does not address issues raised through public consultation that it may be more appropriate to apply the separation distance to the site boundary. NZKGI supports the 60m setback being applied from the site boundary. This provides adequate separation distance if the neighbouring dwelling/driveway is some distance from the boundary.

11. Other comments

It might be helpful for the Council to know Aongatete should now be referred to as Seeka Aongatete

12. Further discussion

NZKGI welcomes further discussion with Council on the proposed changes to the District Plan