

SUBMISSION ON

Hawke's Bay Rural Recovery Works Order in Council

12 July 2024

To: Ministry for the Environment

Name of Submitter: Horticulture New Zealand

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OVERVIEW

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Our submission

Horticulture New Zealand (HortNZ) thanks the Ministry for the Environment for the opportunity to submit on the Hawke's Bay Rural Recovery Works Order in Council and welcomes any opportunity to continue to work with the Ministry for the Environment and to discuss our submission.

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

HortNZ's Role

Background to HortNZ

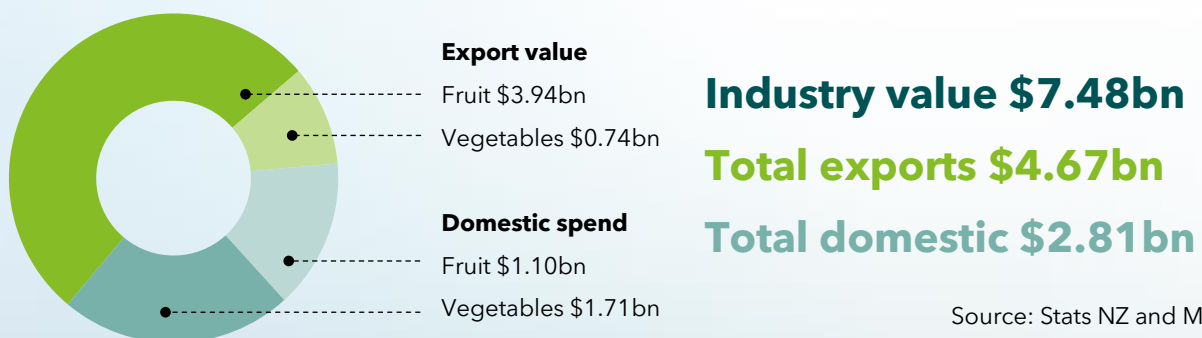
HortNZ represents the interests of approximately 4,200 commercial fruit and vegetable growers in New Zealand who grow around 100 different fruits and vegetables. The horticultural sector provides over 40,000 jobs.

There are approximately 80,000 hectares of land in New Zealand producing fruit and vegetables for domestic consumers and supplying our global trading partners with high quality food.

It is not just the direct economic benefits associated with horticultural production that are important. Horticulture production provides a platform for long term prosperity for communities, supports the growth of knowledge-intensive agri-tech and suppliers along the supply chain; and plays a key role in helping to achieve New Zealand's climate change objectives.

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 prosper. 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.



Executive Summary

Horticultural Recovery Works Still Needed

HortNZ supports the proposed Order in Council to allow rural landowners and occupiers to continue to complete rural recovery works from 2023 adverse weather events without consent burden. We seek that Tairāwhiti Gisborne is included in this Order in Council, or that another Order for the region is progressed in parallel. Growers in Tairāwhiti have similar recovery needs to those in Hawke's Bay, including silt removal and contouring within property boundaries.

HortNZ seeks a definition of "rural recovery works" with the scope to include the works needed on horticultural properties. It is worth noting that the survey that sparked this Order in Council only included 3% respondents in horticulture, despite the size of the sector in Hawke's Bay. The list of works required that were compiled from survey results should not be taken as an exhaustive list, given the lack of diversity of participants.

HortNZ seeks the opportunity to comment on proposed environmental standards. We are also concerned that the potential for Council cost recovery will disincentivise land users from notifying Council of their activities and would impose a financial burden on communities that are already under huge post-Cyclone financial pressure. HortNZ recommends an extended timeframe for the Order in Council to at least 30 April 2026 to allow for two full summer seasons to complete works.

Submission

1. Horticulture in Hawke's Bay and Tairāwhiti

Horticulture is integral to the Hawke's Bay and Tairāwhiti Gisborne regions. In Gisborne, there are approximately 390 growers across 5,880 ha of land (2,601 fruit, 3,279 vegetables). Gisborne grows over 70% of the New Zealand citrus supply and 30% of sweetcorn and squash. Significant quantities of apples, kiwifruit, broccoli, lettuce and other vegetables are also grown in the region.¹

There are approximately 380 growers in the Hawke's Bay across 14,587 ha of land (7,808 ha for commercial fruit production, and 6,779 for vegetables). Over 60% of all apples produced in New Zealand are grown in the Hawke's Bay. The region also produces 25% of New Zealand's peas and beans and the remaining 70% of New Zealand squash. Summerfruit, kiwifruit, sweetcorn and onions are other significant crops for the region.¹

Gisborne and the Hawke's Bay produce food for domestic supply, alongside export crops, which is important for the health and well-being of all New Zealanders. The contributions of these regions to the domestic food supply are important because their warmer climate means that they can provide fresh produce when other regions are not harvesting. The regions' export earnings, primarily from fruit, onions and process vegetables, are critical to meeting the Government's target to double exports in the next decade.²

2. Impact of Cyclone Gabrielle on Horticulture

The devastating impact of Cyclone Gabrielle led to destroyed homes, workers accommodation, facilities, and equipment. Entire crops were contaminated with flood waters, swept away or left to rot because they couldn't be harvested or processed after the storm. Trees were torn from the ground and orchard infrastructure was damaged and destroyed. Cyclone Gabrielle highlighted the vulnerability of horticultural land on floodplains to large climatic events, which are predicted to become more frequent with the changing climate.³ The loss of vast quantities of soil and woody debris from hill country had an immense impact on downstream uses of highly productive land.

The impact of Cyclone Gabrielle on the horticulture sector is ongoing. A Boston Consulting Group (BCG) report released just this week noted that "rural areas still struggle with damages with unknown repair times".⁴ BCG found that recovery loans had limited uptake due, in part, to high interest rates. The consultants estimated that "At least \$345 million more is needed for replanting and reinstatement and \$65 million more is needed for on-farm clean up". This indicates that a substantive volume of recovery and reinstatement work is still needed in the horticulture sector.

¹ United Fresh. "[Fresh Facts 2023](#)". p. 36-37

² National. "[National sets bold target for export growth](#)".

³ MfE. *Our atmosphere and climate 2020*. "[Chapter 5: Looking ahead: future emissions and climate](#)"; NIWA. [Climate change projections and impacts for Tairāwhiti and Hawke's Bay](#). November 2020.

⁴ Boston Consulting Group. "[Hawke's Bay Horticultural Sector: Economic recovery update: a year after Cyclone Gabrielle](#)". May 2024.

3. Tairāwhiti Gisborne Should Be Included

Tairāwhiti Gisborne should be included in the scope of this Order in Council, or a new Order in Council to enable the region's recovery should be progressed in parallel. The impacts on the region from Cyclone Gabrielle were comparable to the Hawke's Bay, so there is no reason why rural land users there should not also have an extended period to complete recovery works.

According to a horticultural consultant who works closely with growers in Tairāwhiti, there are approximately 4-6 horticultural businesses in the region that still have significant works needed, including removing silt, contouring silt that will remain on the property and digging drains. Unlike in Hawke's Bay, growers in Tairāwhiti did not receive Council support to remove silt on their properties.⁵ These works have been delayed while growers spent their limited recovery funds on crop survival and rescuing the productivity of their operations. Cost, capacity and access to machinery all contributed to the time required for recovery. Growers are still combatting adverse weather conditions, including a major rain event in the last month,⁶ which further delay and compound the need for recovery works.

The December 2023 progress report from the Minister-appointed Facilitator supporting the Government's response to the Ministerial Inquiry into Land Use found that Tairāwhiti's rural communities and the primary sector "feel their voices are not being adequately prioritised in recovery".⁷ Their exclusion from this Order in Council would compound the perception that the recovery of Tairāwhiti's rural communities is not being prioritised.

4. Definition of Rural Recovery Works

The new Order in Council will only apply to activities that fall under the definition of "Rural Recovery Works". It is difficult to comment without a draft definition in the consultation materials. Based on the Ministry for the Environment webinar,⁸ this definition is interpreted to come from section 21 of the Severe Weather Emergency Legislation Act 2023, which introduces the section "Emergency activities undertaken by certain rural landowners and occupiers" into the Resource Management Act (RMA) 1991.⁹

This may include the activities identified in the January - February 2024 Hawke's Bay Regional Council survey. It is worth noting that the survey that sparked this Order in Council only included 3% respondents in horticulture, despite the size of the sector in Hawke's Bay.¹⁰ Survey responses were limited to landowners of 20 ha or more, which would exclude many horticultural operations, which commonly operate on smaller land parcels.¹¹ The list of works required that were compiled from survey results should not be taken to be an exhaustive list, given the lack of diversity of participants.

⁵ Gisborne District Council. "[Flood recovery advice](#)".

⁶ 1 news. "[Gisborne flood: Tragedy will last long after water recedes - MP](#)". 28/06/24.

⁷ Reese, Rachel. "[Progress Report from the Ministerial Advisor for the Ministerial Inquiry into Land Use \(MILU\) response in Tairāwhiti/Gisborne District](#)". December 2023, para. 78

⁸ Ministry for the Environment. Online webinar, 09/07/24.

⁹ [Severe Weather Emergency Legislation Act 2023, s21 New sections 331A to 331F and cross-heading inserted](#)

¹⁰ Ministry for the Environment. "[Hawke's Bay Rural Recovery Works: Proposed Order in Council](#)". 02/07/24.

¹¹ Ministry for the Environment. Online webinar, 09/07/24.

Activities identified from the survey results included:

- Track damage,
- Erosion,
- Sediment,
- Water supply/irrigation system damage,
- Stock water or access damage,
- Dam damage/loss,
- Issues with access around property,
- Sheds/barns/yards damage,
- Wood waste/debris damage,
- Issues with access to/from property,
- Fencing damage (already permitted), and
- Planting losses (already permitted).

HortNZ supports the scope of the definition from the Act and seeks that the following activities are provided for to support growers' recovery:

- **Silt removal,**
- **Depositing silt within property boundaries,**
- **Bridge/culvert replacement, repair, demolition or removal,**
- **New bridge or culvert,**
- **Planting of short-rotation crops and perennial plants, and**
- **Repair, replacement and instatement of crop support structures and artificial crop protection structures.**

Other necessary rural recovery activities, such as dam, shed and barn repair may require approvals under the Building Act 2004. Recovery work would be further supported if the Order in Council makes those approvals more expedient.

5. Environmental Standards

According to the consultation materials, environmental standards will be defined in Schedule 1 of the Order. HortNZ seeks the opportunity to comment on these standards, once drafted, because it is not possible to provide thorough feedback without knowing what they will contain.

6. Cost Recovery

Imposing a cost for site monitoring could potentially act as a disincentive for people to give Hawke's Bay Regional Council written notice of their proposed works. Landowners are more likely to follow through and advise the council of their works if cost recovery is not a consideration. Farmers and growers who still have recovery works have already faced massive financial turmoil over the last year with more expenses still to be covered. According to the BCG report, the Hawke's Bay horticulture sector still needs \$410 million government funding for long-term recovery, which indicates that growers are still facing significant costs.¹²

7. Timeframe

The consultation document suggests that this Order in Council will expire 31 December 2025.¹³ Other Orders in Council under the Severe Weather Recovery Legislation Act 2023 (SWERLA) expire as late as March 2028.¹⁴ Given the scale of recovery work yet to be done, one year may not be sufficient, and SWERLA gives the power to set a later expiry date. Earthworks are typically completed during the summer season, so an expiry date after 30 April 2026 would at least give two full summers for works to be completed.

¹² Boston Consulting Group. "[Hawke's Bay Horticultural Sector: Economic recovery update: a year after Cyclone Gabrielle](#)". May 2024. Accessed 12/07/24.

¹³ Ministry for the Environment. "[Hawke's Bay Rural Recovery Works: Proposed Order in Council](#)". 02/07/24.

¹⁴ Ministry for the Environment. "[Orders in Council](#)".