

**BEFORE THE HEARINGS PANEL APPOINTED BY KAIPARA DISTRICT
COUNCIL**

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

AND

IN THE MATTER of hearing of submissions on the proposed
Kaipara District Plan

Hearing Stream Hearing 6 – Hazardous
Substances

**INDUSTRY STATEMENT OF SARAH CAMERON FOR HORTICULTURE NEW
ZEALAND**

17 February 2026

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 6, specifically the storage of fertiliser.

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.

FERTILISER STORAGE

5. HortNZ opposed the permitted activity rule for fertiliser storage (HS-R3).
6. The rule permits fertiliser storage in the GRUZ but limits storage to no more than 28 days within any 12-month period. HortNZ submits that this restriction is unnecessarily restrictive, not supported by evidence, and inconsistent with normal rural practice and recognised assurance programmes. Furthermore, it conflicts with regulations developed specifically to provide national consistency for managing fertilizer storage and associated risks.
7. Growers commonly purchase fertiliser in bulk and apply it progressively throughout the season. The 28-day limit would create unnecessary compliance burdens and additional costs without delivering clear environmental benefits.

RMA AND SECTION 32 EVALUATION

8. Kaipara District Council is progressing the Proposed District Plan under the existing RMA. Section 18A¹ of the RMA requires that policy statements and

¹ <https://www.legislation.govt.nz/act/public/1991/0069/latest/DLM7235043.html>

plans include only those provisions necessary to achieve the purpose of the Act.

9. When developing objectives, policies and rules, councils must consider controls that already exist under other legislation and avoid unnecessary duplication. Any additional RMA controls must be clearly justified and assessed under section 32. This approach is reflected in the Ministry for the Environment's guidance on the revised functions of RMA decision-makers².
10. The guidance explains that the amendments were intended to remove the assumption that councils must always impose controls on hazardous substances through district plans. Instead, councils should only introduce additional RMA controls where they are necessary to manage land-use effects that are not already addressed under the HSNO Act or the Health and Safety at Work Act (HSWA).
11. HortNZ has been involved in other plan change processes where this matter has been considered. For the panels benefit we note that the above position was helpfully confirmed in Decision Report 11: Hazardous Substances and Contaminated Land (Waikato District Plan Hearings Panel).³
12. In that decision, there was debate about the Council's role in managing hazardous substances following the 2017 amendments to the RMA. While HSNO, HSWA and the RMA were all acknowledged as relevant, the key question was the extent to which additional district plan controls were necessary.
13. There the Panel accepted that although the explicit hazardous substances function was removed in 2017, district plans may still manage land-use effects associated with hazardous facilities. However, additional RMA controls should only be imposed where necessary to address effects not already managed under HSNO or HSWA. The starting point should be less regulation, avoid duplication, and reserve consent requirements for genuine regulatory gaps. The decision report required the following be added to the district plan:

10.1 Hazardous Substances

The use of hazardous substances in New Zealand is primarily managed by the Hazardous Substances and New Organisms Act 1996 (HSNO Act), the Health and Safety at Work Act 2015 (HSW Act) and relevant regulations.

² [h](#) [c](#) Because the district plan seeks to avoid duplication of requirements and obligations that arise under other legislation and regulations, the provisions of this chapter are designed to manage the effects of use, storage, or disposal of hazardous substances, only to the extent that those effects are not within the ambit of existing legislation and regulations.

³ [decision-report-11-hazardous-substances-and-contaminated-land.pdf](#)

10.1.5 Policy

Avoid any unnecessary duplication of regulation between the Hazardous Substances and New Organisms Act 1996, the Health and Safety at Work Act 2015 and relevant regulations, and the District Plan.

14. The 28-day storage limit does not meet the requirements of section 32. It is neither demonstrably effective nor efficient.
15. According to the section 42A report, the purpose of the rule is to protect waterways, sensitive environments and flood-prone land from contamination.
16. There is no evidence that environmental risk increases simply because fertiliser is stored for longer than 28 days. A stockpile stored for 200 days does not inherently pose greater risk than one stored for 28 days, provided it is appropriately located and managed.
17. Flood events, runoff, and contamination risks are not correlated with calendar time but with physical location and storage conditions. As such, the 28-day threshold appears arbitrary and not directly linked to the environmental effects the rule seeks to manage.
18. The rule already includes a 30-metre setback from watercourses. Flood hazard overlays and recognised good management practices also address the main environmental risks. These measures directly manage risk pathways.
19. Section 32 also requires the Council to consider whether the rule is the most appropriate way to achieve the objective. The environmental risk from fertiliser storage relates to where and how it is stored, not how long it has been on site. A blanket 28-day time limit does not directly address the source of risk and is not an effects-based approach. For that reason, it is not the most appropriate method and should be deleted.
20. Section 32 requires that the benefits of a rule outweigh its costs. In practice, growers purchase fertiliser in bulk and apply it progressively according to nutrient plans, crop needs and weather conditions. The 28-day limit disrupts this established practice without evidence of corresponding environmental benefit.
21. There is no analysis demonstrating that storage beyond 28 days results in measurable adverse effects. Where costs are clear and ongoing, but benefits are uncertain, the rule cannot reasonably be considered efficient.

CURRENT STORAGE OF FERTILISER

22. Fertiliser is a necessary and increasingly expensive input to the food production system. It is applied in measured amounts to support crop growth at the right time. Nutrient management regimes also dictate when and how fertiliser is applied. If the weather conditions are not right, fertiliser cannot be applied.
23. Requiring by district plan regulation a 28-day storage turnaround is simply impractical. Furthermore, it is inconsistent with common practice across the primary sector, where bulk purchasing and seasonal storage are standard and necessary components of efficient farm management.
24. Last season demonstrated the practical realities of fertiliser supply. Growers who did not order YaraMila Complex early were unable to obtain it later due to shortages and were forced to use less suitable alternatives.
25. It is standard practice to purchase products such as YaraMila Complex and/or Sulphate of Potash in 500kg or 1-tonne bags at the start of the planting season and store them — often for up to four months or longer — while progressively applying them as planting advances. These products are typically stored in a concrete-floored shed in accordance with good management practice and storage requirements under the Health and Safety at Work Act⁴.
26. A 28-day storage limit would fundamentally disrupt this approach. It would require growers to order only 28 days' supply (or less) at a time and effectively gamble on delivery timeframes — which can be up to three weeks — as well as on weather conditions and planting progress allowing application within that window. Even with careful planning, it would be practically impossible to consistently ensure no fertiliser remained on-site beyond 28 days.
27. We are unsure what the outcome might be if crop needs or adverse weather conditions meant fertiliser was being held up to the 28-day storage. It could not be returned to the supplier and is unlikely to be on-sold to another grower given logistics, transport costs and the fact that each grower has their own fertiliser contract delivery regime. There is no assessment in the s32 on the potential implications of these scenarios including the cost to growers in those circumstances nor the cost that might then need to be passed on to consumers ultimately affecting the cost of living and New Zealanders access to fresh, nutritious affordably fruit and vegetables

⁴ <https://www.worksafe.govt.nz/topic-and-industry/agriculture/chemicals-and-fuels-on-farms/working-safely-with-chemicals-and-fuels-on-farms/#lf-doc-26728>

28. The rule would therefore introduce significant operational stress and uncertainty, without clear environmental benefit.

CONCLUSION

29. The 28-day fertiliser storage limitation is not demonstrably effective in achieving the Plan's objectives because it is not directly linked to the environmental effects of concern.
30. The rule imposes real and ongoing economic and operational costs on rural production activities.
31. The environmental benefits of the rule have not been substantiated by evidence.
32. HortNZ submits the rule should be deleted.

Sarah Cameron

17 February 2026

