

SUBMISSION ON PROPOSED REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION 2009

TO: Greater Wellington

SUBMISSION ON: Proposed Regional Policy Statement for the Wellington Region 2009

NAME: Horticulture New Zealand

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1. Horticulture New Zealand's submission, and the decisions it seeks, are detailed as follows:

Schedule 1	General comments and definitions
Schedule 2	Issues and Objectives
Schedule 3	Regulatory Policies – direction to district and regional plans
Schedule 4	Regulatory policies – matters to be considered
Schedule 5	Allocation of responsibilities and non regulatory policies
Schedule 6	Appendices

2. Submission of Horticulture New Zealand:

2.1 Horticulture New Zealand was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations, and now also includes Olives New Zealand.

2.2 On behalf of its 7,000 active grower members Horticulture New Zealand takes a detailed involvement in resource management planning processes as part of its National Environmental Policies. The principles that Horticulture New Zealand considers in assessing the implementation of the Resource Management Act 1991 (RMA) include:

- The effects based purpose of the Resource Management Act,
- 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 "right to farm" sense;

2.3 Horticulture New Zealand works to raise growers' awareness of the RMA to ensure effective grower involvement under the Act, whether in the planning process or through resource consent applications.

3. Horticulture New Zealand wishes to be heard in support of this submission.

Thank you for the opportunity to submit on the Proposed Regional Policy Statement.



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Date: 8 June 2009

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SCHEDULE ONE – General Comments and definitions

1.1 Use of industry standards and codes of practice

The Proposed RPS has identified industry led environmental accords and codes of practice as appropriate methods to achieve a range of objectives and policies. Horticulture New Zealand supports the use of such standards. In particular the NZS8409:2004 Management of Agrichemicals is a NZ Standard and ERMA Approved Code of Practice that can assist in the management of agrichemicals, both as discharges to air and to land, including disposal and storage.

Decision Sought: Retain the use of standards and codes of practice in the Proposed RPS.

1.2 Structure of the document

The way that the proposed document is structured with the policies separated from the Issues and Objectives and grouped by the method of delivery means that the document can be confusing in how it addresses a specific issue. While there may be clarity around how policies will be implemented, plan users are best served when all relevant aspects relating to an issue are grouped together under the respective topic headings such as Air Quality, Soils and minerals etc. There could be a cross-reference chart to the groupings according to delivery mechanism, rather than the other way around.

There is unnecessary duplication in the RPS because of the structure. For instance Policy 40 overlaps with Policy 14 and is unclear why both are required. This is the level of duplication and confusion that arises from the structure of the document. It is much more preferable that all relevant policies are placed together.

Decision Sought: Reformat the document so that all policies and methods relating to an issue are grouped with the issue and objectives.

1.3 Links to district plans

A significant number of the policies identify that the district plans will implement or have a role in implementing aspects of the RPS. While it is acknowledged that this is required where there is a land use component for some matters, it should be clear what the respective roles are so that there is clarity across the region on these matters. For instance the management of smoke and dust are generally air discharge issues unless the matter being addressed is regarded as a nuisance or health issue. But district plans are identified as being a method of implementation.

It should be clear that such protocols have no statutory status under the RMA; unless the powers are transferred to the implementation agency; so while there may be an agreement between Greater Wellington and the various TA's the agreement may not necessarily be incorporated into other plans which are subject to RMA processes.

Method 29 suggests a protocol between the local authorities as to how such issues will be managed. Development of such a protocol would be outside a plan and so would not be open for submission from stakeholders.

Decision Sought: Where protocols are proposed to be developed between Greater Wellington and district councils outside the plan that all relevant stakeholders are identified and included in such process.

1.4 **Chapter One** – Promoting sustainable management to natural and physical resources in the Wellington Region.

In the draft RPS there was a section in Chapter One on “Productive land that supports the region’s needs for food and physical resources”. This has been deleted in the Proposed document and Horticulture New Zealand supports that to the extent that the focus was on providing food to the region. However it is considered that it would be appropriate to include a statement of the nature of rural production and the importance to the region.

Decision Sought: Include a statement in Chapter One outlining the importance of rural production land activities in the Wellington Region, and directly recognise the social, economic and cultural benefits that derive from rural production activities. Support the issue statement with appropriate objectives and policies in the RPS.

1.5 **Definitions**

- 1.5.1 Appendix 4 is the list of definitions for terms used in the Proposed RPS. Many terms that are referred to in the Proposed RPS are not defined in the list of definitions. For instance: earthworks and vegetation clearance and efficiency (in terms of water). While the explanatory text may indicate what is intended, such text has no statutory weight, whereas a definition does. It needs to be legally clear, with no room for confusion, as to what terms mean.

It is important that if these terms are to be used in a regional context that there is clarity and consistency throughout the region in the various district plans.

Decision Sought: Include definitions for earthworks and vegetation disturbance:

Vegetation disturbance means the cutting crushing spraying burning or other means of removal of vegetation but does not include grazing, harvesting or clearance of crops, maintenance of farm tracks, fences and fence lines, pruning or thinning operations associated with production forestry or control of pest plants as defined in the Regional Pest Plant Management Strategy.

Earthworks are the removal, deposition or redistribution of any material on a site that alters the natural or existing ground level but does not include the cultivation of soil for planting of crops and pasture, the harvesting of crops, maintenance of farm tracks, fences and fence lines, and the clearing of drains as part of horticultural and agricultural activities on production land.

1.5.2 **Mauri**

The term Mauri is used extensively throughout the document. The definition is “An energy or life force that tangata whenua consider exists in all things in the natural

world, including people. Mauri binds and animates all things in the physical world. Without mauri, mana cannot flow into a person or object.”

This term applies generically across the whole plan. The implementation of the policies that consider mauri may have wide spread implications, but it is not clear what how “mauri” will effect resource development.

Decision Sought: Provide more guidance and description around the term Mauri and how it is proposed to apply.

1.5.3 Nutrient budget

The term nutrient budget was used in the draft RPS but does not occur in the Proposed, apart from in Appendix 3. Therefore the term is redundant and should be deleted from the plan.

Decision Sought: Delete the definition of nutrient budget from the RPS.

1.5.4 Contaminated land

It is noted that the definition of contaminated land is as in the RMA. This is acknowledged as appropriate but it should be noted that the definition is problematic in that if an NES is promulgated then land that is not necessarily contaminated may be captured by clause a) because thresholds values that may be used in an NES may be investigation thresholds rather than contamination thresholds.

Decision Sought: Amend the definition of contaminated land as follows:

Contaminated land means land of the following kinds

(a) if there is no applicable national environmental standard on contaminants in soil, the land has a hazardous substance in or on it that—

(i) has significant adverse effects on the environment; or

(ii) is reasonably likely to have significant adverse effects on the environment.

1.5.5 Highly productive agricultural land (Class 1 and II land)

Horticulture New Zealand does not support the distinction made in the RPS based on soil class type. The use of class I and II soil types does not include considerations of limitations of the soil type or the ability for it to be used in a rural production system. The RPS correctly identifies that natural hazards should limit the establishment of dwellings and this; along with clear guidance on reverse sensitivity and rural character are considered more appropriate ways of managing subdivision that encroaches on productive land.

Decision Sought: Delete the definition of “Highly productive agricultural land” (Class 1 and II land). Protect the growing system in a more holistic manner to avoid the effects of encroachment on rural production land; through appropriately targeted and transparent policies on supporting regionally significant rural production land assets.

1.5.6 Reverse sensitivity

The inclusion of a definition for reverse sensitivity is supported.

Decision Sought: Retain definition of reverse sensitivity.

1.5.7 Rural areas

The RPS introduces a definition for rural areas as those areas not defined as the regions urban areas. It is considered that the definition should be more clearly linked to zones in the district plans so it is clear what are 'urban' and 'rural' areas.

Decision Sought: Amend definition of rural areas to link to zones in district plans as at March 2009.

1.5.8 Sensitive activities

The inclusion of a definition for sensitive activities is supported. The definition is focused on location of people. However in some cases crops may be 'sensitive', such as to agrichemical spray drift.

Decision Sought: Ensure that all relevant sensitive activities are included in the definition.

1.6 Consequential amendments

The structure of the RPS document makes it difficult to ensure that all relevant parts have been referenced in this submission.

Decision Sought: That consequential amendments be made as a result of decisions sought in this submission.

SCHEDULE TWO: Issues and Objectives

2.1 Air Quality

- 2.1.1 The Air Quality section identifies odour, smoke and dust as matters to be managed. No reference is made to off target agrichemical spray drift, which can be an issue in some areas, particularly where lifestyle development occurs adjacent to agricultural and horticultural properties. Horticulture New Zealand requests that the reverse sensitivity effects arising from off target agrichemical spray drift are addressed in the Proposed RPS.

The issue is a matter that requires integrated management at a regional level to provide direction in land use in terms of management of reverse sensitivity issues. Off target agrichemical spray drift has the potential to lead to significant conflict and a framework needs to be provided in the RPS for it to be addressed in regional and district plans.

Decision Sought: Amend Issue 1, Objective 1 and Policies 1 and 2 to include the potential reverse sensitivity effects of off target agrichemical spray drift.

- 2.1.2 Objective 1 states “Discharges of odour, dust and smoke to air do not adversely affect amenity values and peoples wellbeing.” It is considered that the word **significantly** should be added before ‘adversely affect’ to ensure that the focus of any resulting policies and methods focus on matters of significance in terms of the discharges.

Decision Sought: Amend Objective 1 to refer to ‘significant adverse effect on amenity values . . .’

- 2.1.3 There is potential for confusion when both Regional and District Plans address matters such as smoke and dust. Method 30 suggests a protocol between the local authorities as to how the issues will be managed. This is a matter that should be open for submission. This is particularly relevant in terms of implementing Policy 1. Horticulture New Zealand’s preference is that these matters are managed by the Regional Council.

Decision Sought: Ensure that the RPS provides mechanisms to address linkages between regional and district plan where there is overlap and potential for confusion.

2.2 Coastal Environment

Objectives 3 to 8 set out a framework for managing the coastal environment and are generally seen to give effect to Section 6 of the RMA.

However Objective 5 seeks to restore degraded areas of the coastal environment which is not a Section 6 matter. As a high level objective this could lead to a wide range of activity and debate on what is degraded and in need of repair. There should be far greater guidance as to how priorities and focus should be established, rather than applying a blanket objective across the whole region.

One of the issues with the Coastal environment is identifying the extent of the landward extent of the coastal environment. Objective 4 seeks to preserve the natural character

of the coastal environment and Policy 4 seeks give effect to the object by identifying the landward extent of the coastal environment through District Plans. Horticulture New Zealand has concerns with this approach and seek greater definition of the coastal environment by regional council.

Decisions Sought: Delete Objective 5.

Amend Policy 4 under Objective 4 in respect to identifying the landward extent of the coastal environment and place responsibility to the regional council.

2.3 Energy, infrastructure and waste

Horticulture New Zealand notes that energy and climate change matters (such as responsibility for reducing carbon emissions) are being addressed through policy at a national level. While the RMA does give councils some responsibilities for climate change, the responsibility is limited. Horticulture New Zealand is concerned about the potential for double jeopardy in compliance regimes; and reduction in the flexibility or options businesses have to address issues.

Decision Sought: Ensure that the RPS limits consideration of climate change matters to those that are required to be addressed at a regional level.

Objective 11 seeks to reduce waste. This is supported. HortNZ would like to include a fuller range of stakeholders to work with on achieving this objective – not just councils. For instance support for recycling programmes in the rural sector, such as AgRecovery, should also be included as these will lead to reduction in waste streams.

Decision Sought: Amend methods of implementation for Objective 11 to include stakeholders and community – not just councils.

2.4 Fresh water

- 2.4.1 Issue 1 for fresh water is “Pollution is affecting water quality in water bodies”. It is considered that the issue should be “Discharges may cause pollution and adversely affect water quality in water bodies.” There may be discharges that are not leading to the pollution of water bodies and it needs to be recognised that the priority is on those discharges causing pollution. Intensive land uses are identified as causing pollution but there is no definition of ‘intensive land uses’. If the RPS is to use such terms then it should be clear what it is seeking to include as such a use.

It is considered that the Issues do not clearly differentiate between point source and non point source discharges. As the policy responses are quite different the 2 types of discharges should be indentified in the issue statement.

Decisions Sought: Amend Issue 1 to read: “Discharges may cause pollution and adversely affect water quality in water bodies.”

Delete ‘and by intensive land uses” from Issue 1.

Differentiate and define non point source and point source discharges in the issue statement.

- 2.4.2 Objective 12 seeks to safeguard the multiple values of water, and addresses both quantity and quality. As the policy responses to quality and quantity are quite different it would be clearer if there were separate (but linked) objectives for each matter so the policies that derive from each are clear.

Decision Sought: Amend Objectives 12- 14 and relevant policies to differentiate between water quality and water quantity.

- 2.4.3 Policy 14 and Policy 40 seeks to minimise earthworks and vegetation disturbance but neither terms are defined. It needs to be clear what such terms are intended to capture. This is not a matter than should be developed as Method 30 in a protocol between local authorities, as they relate to all resource users in the region.

Decision Sought: Include definitions for vegetation disturbance and earthworks:

Vegetation disturbance means the cutting crushing spraying burning or other means of removal of vegetation but does not include gazing, harvesting or clearance of crops, pruning or thinning operations associated with production forestry or control of pest plants as defined in the Regional Pest Plant Management Strategy.

Earthworks are the removal, deposition or redistribution of any material on a site that alters the natural or existing ground level but does not include the cultivation of soil for planting of crops and pasture, the harvesting of crops, maintenance of farm tracks, fences and fence lines, and the clearing of drains as part of horticultural and agricultural activities on production land.

Delete Method 30 and provide direction in the RPS through better clarification of the issues.

- 2.4.4 Efficient use of water is a matter that deserves some particular consideration. The term is used a number of times throughout the RPS but is not clearly defined apart from the explanation in relation to Policy 18. In particular the proposed RPS should direct that provision for demand side efficiencies are made in the region, including a definition for reasonable domestic take, encouragement of water recycling and water management plans where practicable, and provision for research on the state and availability of water resources in the region.

Economic efficiency and allocative efficiency should also be incorporated, and intergenerational considerations are also relevant, particularly where water storage infrastructure is being considered.

It is noted that relating to abstraction for the health needs of people does not include the need for efficient use of the water. Horticulture New Zealand is not opposed to this but suggests the RPS should define “reasonable domestic take” to encourage domestic water efficiency measures.

Decision Sought:

Include a definition for water efficiency that includes economic, technical and allocative efficiency. Define reasonable domestic take along the lines of the World Health Organisation.

Amend Policy 19 to include the need for efficient use.

Amend policies on efficient use of water to include a definition for reasonable domestic take, encouragement of water recycling and water management plans where practicable, and provision for research on the state and availability of water resources in the region.

2.5 Soils and minerals

Objective 29 seeks that “soils maintain those desirable physical, chemical and biological characteristics that enable them to retain their ecosystem function and range of uses.” This objective applies to all soils in the region – not just some. Yet Policy 59 seeks to protect Class I and II soils.

Horticulture New Zealand does not support at the approach to ‘productive soils’, especially where certain specific soil classes are sought to be ‘protected’.

The RMA requires that life-supporting capacity of soils be safeguarded. It is unclear how the criteria used to determine regionally significant issues have led to the identification of highly productive agricultural land as a regional issue.

The statement of the issue of soil health is a concern to Horticulture New Zealand in that it implies that the use of certain practices leads to the loss of the life supporting capacity. A reduction of soil health does not necessarily equate to a total loss of the life supporting capacity. The issue is at what point this becomes an issue of significance to the region.

The issue refers to ‘intensive farming’ but there is no definition to determine what is meant by the use of this term. Intensive farming usually refers to pig and poultry type operations but that does not seem to be the use of the term implied on Pg 58.

Trying to protect Class 1 and II land from development is not supported as it is inconsistent with the RMA. Class I and II land may have certain inherent qualities but it does not necessarily make it available for use for production because there are a range of factors that are needed for a production system – not just soil quality. Therefore land may be ‘protected’ for a use that it is unable to be used for. In addition Greater Wellington should consider that some of the most valuable horticultural land in the region is used for viticulture and is not in fact Class I or II land. Therefore using Class I and II categories is not an appropriate tool to use in the RPS.

Decisions Sought:

Amend Issue 2 as follows: *Some land use practices can impact on the health of the soil.*

Delete Issue 3.

Delete Policy 59.

SCHEDULE THREE: Regulatory policies – direction to district and regional plans

3.1 Policy 1

Horticulture New Zealand supports consideration of reverse sensitivity effects associated with odour, smoke and dust but seeks that off target agrichemical spraydrift is also included as it is an issue where there is potential for conflict. One way to manage such effects is consideration to be given to land use through district plans.

As stated in respect of the Objective 1 off target agrichemical spray drift should be included in Policy 1.

Decisions Sought:

Include 'off target agrichemical spray drift' in Policy 1.

3.2 Policy 2 Reducing adverse effects of the discharge of odour, dust and smoke and fine particulate matter

The policy seeks that plans will manage discharges on the amenity values of neighbouring areas. However the amenity values of areas need to be determined to ensure that unreasonable expectations are not being imposed. For instance the working rural production environment has odours, dust and smoke as part of the activities and these should be recognised as acceptable in that environment.

Decision Sought: Amend the explanation to Policy 2 by stating: "The amenity values of an area will vary across the region and reflect the nature of activities undertaken in the area. For instance the rural area is a rural working production environment and the level of amenity value will reflect the odours, smoke, dust and agrichemical spray drift associated with rural production activities."

3.3 Policy 3 Discouraging development in areas of high natural character in the coastal environment – district and regional plans

The policy requires regional and district plans to include policies, rules and methods that discourage 'inappropriate use' in the coastal environment. There is no direction as to how 'inappropriate use' may be determined. The application of the policy is contingent on the determination of the 'coastal environment' which the RPS seeks to delegate to district councils. While it may be appropriate to discourage development in areas of high natural character 'use' is another matter.

Decision Sought: Delete b) inappropriate use form Policy 3.

3.4 Policy 4 Identifying the landward extent of the coastal environment

One of the issues with the Coastal environment is identifying the extent of the landward extent of that environment. Objective 4 seeks to preserve the natural character of the coastal environment and Policy 4 seeks give effect to the object by identifying the landward extent of the coastal environment. A method of implementation is through District Plans. Horticulture New Zealand has concerns with this approach.

The landward extent of the coastal environment will have significant impact on the implementation of the RPS.

Horticulture New Zealand recently made a submission to DOC on the Proposed NZ Coastal Policy Statement. Submissions were made regarding defining the extent of the landward coastal environment seeking that direction is given by DOC on this matter.

Horticulture New Zealand considers that the focus on defining the landward extent of the coastal environment must be led by DOC so that there is consistency in approach between regional councils throughout NZ.

As Greater Wellington has a responsibility to develop a Regional Coastal Plan the role for identifying the coastal environment should be done as part of the Regional Coastal Plan following principles established through the Coastal Policy Statement. This would ensure there is an integrated approach to how the coastal environment is identified. Using the District Plans as a mechanism to identify the coastal environment is not supported.

Decision Sought: Amend Policy 4 to ensure that the provisions for identifying the coastal environment are through the Regional Plan, not district plans and based on principles in the Coastal Policy Statement.

3.4 Policy 11 Maintaining and enhancing aquatic ecosystem health in water bodies – regional plans

Policy 13 in the draft RPS only related to rivers. Policy 11 now includes water bodies, which includes fresh water in river, lake, stream, pond, wetland or aquifer.

The approach to setting 'bottom lines' for water quality is generally supported, to the extent that rivers are to be assessed for the appropriate purpose and management level. This is much preferred to a blanket purpose across the region. However it also includes managing water bodies for other identified purposes. It needs to be clear how determination of 'other purposes' will be undertaken through the regional plan.

Decision Sought: Retain Policy 11 but add to the Explanation criteria for managing for identification for other purposes.

3.5 Policy 12 Allocating water – regional plans
Policy 12 is supported as it establishes the framework for allocation in a regional plan.

Decision Sought: Retain Policy 12.

3.6 Policy 13 Minimising contamination in stormwater from new development
Horticulture New Zealand is concerned that the definition of 'stormwater' is very broad and basically includes any overland flow. In addition while it is clear how the policy will apply to 'new subdivision' it is less clear how it may apply to 'new development' because it is not clear how development may be interpreted.

Decision Sought: Delete 'development' from Policy 13 or specify the type of development that the policy will apply to.

3.7 Policy 14 Minimising the effects of earthworks and vegetation disturbance – district and regional plans.

As stated above Horticulture New Zealand is concerned that earthworks and vegetation clearance are not defined in the RPS so it is unclear as to exactly what activities are intended to be included within Policy 14, apart from harvesting of plantation forestry.

Horticulture New Zealand has sought inclusion of definitions for both vegetation clearance and earthworks to better clarify the scope of the policy.

The RPS needs to be clear where district plans will control earthworks and vegetation clearance and where the district plans will. It is not accepted that protocols on this be developed by the TA's and regional council. Rather it should be done through the RMA submission process and be consistent across the region.

Decision Sought: Include definitions for earthworks and vegetation disturbance as sought in Schedule 1.

Clarify the roles of the district councils and regional councils through the RPS process.

3.8 Policy 15 Promoting discharges to land – regional plans.
Horticulture New Zealand supports the approach to promote discharges to land.

Decision Sought: Retain Policy 15.

3.9 Policy 16 Protecting aquatic ecological function of water bodies – regional plans

Policy 16 lists a number of objectives that will be sought in regional plans. Most of the list outlines a method of promotion. However f) and h) use 'prevent'. It is considered that removal or destruction of wetland plants in wetlands should be 'discouraged' not prevented, as there may be times when removal is required.

Method d) promotes the installation of off line dams over instream dams. However it is considered that there should be provision for instream dams where there is a mitigation option, and where an instream dam would best meet the tests established in Part 2 of the Resource Management Act 1991.

Decision Sought: Amend Policy 16 as follows:

d) promote the installation of off line dams over instream dams *or provide a mitigation option.*

h) *discourage* the removal or destruction of wetland plants in wetlands

Amend the explanation to include mitigation options for instream dams.

3.10 Policy 17 Protecting significant values of rivers and lakes – regional plans

Policy 17 is dependent on identified water bodies in Appendix 1. Appendix 1 is opposed as it includes small tributaries. No landowner consultation has been undertaken with those who will be the most affected by this policy.

Decision Sought: Delete Policy 17 or amend to 'Maintain values of rivers and lakes.'

3.11 Policy 18 Using water efficiently – regional plans

Horticulture New Zealand supports efficient use of water. However it considers that water harvesting should not be restricted to off line dams in that on line dams may be possible if appropriate mitigation techniques are used.

In addition there should be a full definition of 'efficiency' that encompasses economic, allocative and technical efficiency. The term is used throughout the RPS so it needs to be clear what is meant. It is more than minimising water wastage. It is also about the most efficient use of the water.

Decision Sought: Amend Policy 18 b) to include on line dams with appropriate mitigation techniques.

Include a definition for efficiency that includes economic, technical and allocative efficiency.

3.12 Policy 19 Prioritising water abstraction for the health needs of people – regional plans

It is recognised that water abstraction for people is important but Policy 19 does not establish any requirement for efficiency or reasonable use, especially for public water supply. It is unreasonable that other users of water are expected to make efficient use of the water with minimal wastage but this is not included in Policy 19.

Decision Sought: Amend Policy 19 to include efficient and reasonable use of water for community and public water supply.

3.13 Policy 28 Avoiding subdivision and development in areas at high risk from natural hazards – district plans

Horticulture New Zealand seeks to ensure that Policy 28 will not become the basis of restrictions to rural production activities in flood hazard areas. The Explanation seeks to prevent development in areas that will require extensive hazard mitigation works and a list of criteria are included. It would be useful that there was specific exclusion of rural production activities, but that is not clear in the current wording.

Decision Sought: Amend the Explanation to Policy 28 as follows: Generally activities undertaken as part of rural production activities will not be included as requiring extensive mitigation works.

3.14 Policy 33 Management of contaminated land

Policy 33 only seeks that district plans include policies and rules for contaminated land. Regional councils have functions under Sec 30 to investigate land for the purposes of identifying and monitoring contaminated land. This function should be reflected in Policy 33.

Horticulture New Zealand does not support the use of the HAIL list as it includes all

properties used for horticulture, regardless of the likelihood of contamination. Current substances used in horticulture under best practice methods will not generate contaminated land so the focus should be on hotspots where there was historical use of substances of concern. Such an approach is much more targeted and focussed than relying on the generic HAIL list. If the Council undertook the function required in Section 30 then District Councils could take a more focused approach in district plans.

It is also unclear how 'new land uses' may be interpreted. For instance: Does it mean a change from pastoral to viticulture? A change of agricultural land use should not mean a new land use.

Decision Sought: Amend Policy 33 to include Regional Council functions for identifying and monitoring contaminated land and remove reference to the HAIL list.

SCHEDULE FOUR: Regulatory policies – matters to be considered.

- 4.1 Policy 37 Identifying the landward extent of the coastal environment
Comments have been made in respect of Policy 4 about identifying the landward extent of the coastal environment. These comments also apply to Policy 37.

If all the matters listed were required to be considered as part of a resource consent application the compliance cost could be very high, especially for consents related to ongoing farm activities. The policy would benefit from greater definition so there was greater clarity as to the extent to which it would be applied. For instance: “the area is within a landform affected by active coastal processes” is very wide, with no indication of scale or extent of ‘active coastal processes.’

Decision Sought: Amend criteria in Policy 37 to provide greater clarity and definition as to how the policy may be applied and ensure that the information required is relative to the scale of resource consent that may be sought.

- 4.2 Policy 39 Maintaining and enhancing aquatic ecosystem health
Policy 39 should specifically describe the limits to the jurisdiction of city and district councils with respect to the management of fresh water bodies. While this may be implicit in the matters listed in the explanation it should be explicit in the policy itself.

Decision Sought: Amend Policy 39 to add after ‘city and district councils’ “within the extent of interface with territorial authority land use functions’

- 4.3 Policy 40 Minimising the effects of earthworks and vegetation disturbance

Policy 40 overlaps with Policy 14 and is unclear why both are required. This is the level of duplication and confusion that arises from the structure of the document.

As stated above Horticulture New Zealand is concerned that earthworks and vegetation clearance are not defined in the RPS so it is unclear as to exactly what activities are intended to be included within Policy 14, apart from harvesting of plantation forestry.

Horticulture New Zealand has sought inclusion of definitions for both vegetation clearance and earthworks to better clarify the scope of the policy.

The RPS needs to be clear where district plans will control earthworks and vegetation clearance and where the district plans will. It is not accepted that protocols on this be developed by the TA’s and regional council. Rather it should be done through the RMA submission process and be consistent across the region.

Decision Sought: Include definitions for earthworks and vegetation disturbance as sought in Schedule 1.

Clarify the roles of the district councils and regional councils through the RPS process.

- 4.3 Policy 41 Minimising contamination in stormwater from development

Horticulture New Zealand is concerned that the definition of 'stormwater' is very broad and basically includes any overland flow and the extent to which Policy 41 will be applied in terms of rural production land activities that may require resource consent that does not necessarily impact on stormwater management.

Decision Sought: Clarify that Policy 41 will not apply to normal rural production activities.

4.4 Policy 42 Protecting aquatic ecological function of water bodies

Decision Sought: Delete references to Appendix 1.

4.5 Policy 43 Managing water takes to ensure efficient use

Horticulture New Zealand supports the efficient use of water but has concerns as to how Greater Wellington will assess factors such as soil and crop type when water is taken for irrigation use. For horticultural uses this presents a range of challenges given the rotational nature, particularly of commercial vegetable production, which may have a range of water requirements.

It is considered that there should be recognition of industry best practice guidance as a basis for determining efficiency of water use.

Decision Sought: Clarify how Greater Wellington will implement Policy 43 a) in terms of assessing soil and crop type when water is taken for irrigation use and ensure that there is provision for flexibility in terms of horticultural crops.

Include industry best practice as a means to achieve Policy 43.

4.6 Policy 44 Using water efficiently

Horticulture New Zealand supports efficient use of water. However it considers that water harvesting should not be restricted to off line dams in that on line dams may be possible if appropriate mitigation techniques are used.

In addition there should be a full definition of 'efficiency' that encompasses economic, allocative and technical efficiency. The term is used throughout the RPS so it needs to be clear what is meant. It is more than minimising water wastage. It is also about the most efficient use of the water.

Decision Sought: Amend Policy 18 b) to include on line dams with appropriate mitigation techniques.

Include a definition for efficiency that includes economic, technical and allocative efficiency.

4.7 Policy 55 Managing development in rural areas

A key consideration in terms of rural production is whether the factors that are required

for a rural production system exist. If such factors don't exist there is no point keeping land for production as it is unlikely to be economic for such a use.

Decision Sought: Add to Policy 55 an additional criteria "the extent that all necessary factors for a rural production system exist."

- 4.7 Policy 59 Retaining highly productive agricultural land (Class I and II land)
Policy 59 is based on the premise that all Class I and II land in the specified districts is suitable for food production and primary production. While the soils may be of high quality if the other factors required for a production system are not present then the use of that land for food production can be severely limited.

For instance: if the land is in an area where there is no access to water for irrigation the potential may not be able to be realised. Council needs to take all these factors into consideration – not just the quality of the soil. The focus in the RMA is safeguarding the life supporting capacity of all soils – not just certain classes. In fact some of the most valuable land for primary production in the Wellington Region is not Class I and II land.

Horticulture New Zealand seeks that council take a rural production approach to the issue, which encompasses all components that are required for a production system – not just the soil. Soil is only one component that is required and if the other factors are not present then a production system will not be able to utilise the soil to the greatest extent possible.

Decision Sought: Delete Policy 59 or amend to safeguarding the life supporting capacity of all soils with a focus on the factors necessary for a rural production system.

SCHEDULE FIVE – Allocation of responsibilities and non regulatory policies

5.1 Policy 63 Allocation of regulatory responsibilities for land use controls for hazardous substances

Horticulture New Zealand considers that Regional Council should be responsible for controlling use of hazardous substances as they already have functions for managing discharges to air, land and water. As such they manage some land use controls as they pertain to the potential for discharges. Substances such as agrichemicals may be discharged to air, land and water and so the management of such substances needs to be with one regulator. The Proposed RPS would split that function between RC and the districts. Given the already complex HSNO regime additional multiple regulatory levels are not supported.

Decision Sought: Amend Table 12 to provide for Wellington Regional Council to take responsibilities for 'other land'.

5.2 Policy 65 Promoting efficient use and conservation of resources

Policy 65 is in the non-regulatory section of the RPS and includes efficient use of water. While promotion is supported there is also a need that efficient use is considered for all users of water in the regulatory context. Horticulture New Zealand has sought elsewhere in this submission that efficient use of water is also a requirement for community and public water supplies. It is considered that the issue of water wastage should be elevated to a matter to which regional council should have particular regard for so that targets that are set have some degree of regulatory force behind them.

Decision Sought: Include efficient use of water in Policy 19.

5.3 Policy 67 Maintaining and enhancing a compact well designed and sustainable regional form

The focus of the policy is on urban areas and ignores the place of rural production activities as part of the region.

Decision Sought: Include rural production activities as a component of regional form.

5.4 Policy 69 Preventing long term soil deterioration

Horticulture New Zealand supports the non regulatory nature of this policy.

Decision Sought: Retain Policy 69 as non regulatory

5.5 Regulatory methods Method 1 District Plan implementation

Elsewhere in this submission concern has been expressed about the extent to which district plans are being relied upon to implement policies. A full assessment should be undertaken of the role of district councils to implement the listed policies, especially in respect to freshwater.

Decision Sought: Undertake an assessment as to the extent and scope of the

implementation through district plans to ensure that there is no duplication of function.

- 5.6 Non Regulatory methods – information and guidance Method 6.
Agrichemical spray drift should be added to the list of matters for best practice information.

The method should also include to work with industry groups and other stakeholders.

Decision Sought: Amend Method 6 by adding “Work with industry groups and stakeholders to prepare and disseminate....”
Include agrichemical spray drift in Method 6.

- 5.7 Non Regulatory methods – information and guidance Method 11 Information about water conservation and efficient use
It is essential when developing information and guidance on irrigation practices that councils work with industry groups and other stakeholders.

Decision Sought: Amend Method 11 by adding “Work with industry groups and stakeholders to prepare and disseminate....”

- 5.8 Non Regulatory methods – information and guidance Method 15 Information about sustainable land management practices
While regional council have a role to develop policies to assist soil conservation the extent to which the role extends to sustainable land management is questioned. As the matters listed in Method 15 relate to agricultural practices on farm it is essential that industry is involved in the development of any information under this policy.

Decision Sought: Amend Method 15 by adding “Work with industry groups and stakeholders to prepare and disseminate....”

- 5.9 Non Regulatory methods – information and guidance Method 24 Database of sites at risk of contamination
Method 24 is to establish a database of site at risk of contamination. Horticulture New Zealand considers that the database should be of known contaminated sites. Given the present approach to use of the HAIL list the ‘at risk sites’ could be extensive. A database should be more focused than such a global approach.

Decision Sought: Amend Method 24 to ‘Database on known contaminated sites’.

- 5.10 Non Regulatory methods – integrating management Method 30 Protocol for management of earthworks and air quality between local authorities.
The development of protocols between local authorities on matters such as earthworks and vegetation disturbance, odour, dust and smoke should also provide opportunity for input from other stakeholders. At present there is no recognition of other interested parties.

Decision Sought: Amend Method 30 to include other stakeholders in the development of protocols.

- 5.11 Non Regulatory methods – integrating management Method 33 Prepare a regional water strategy

All stakeholders with an interest in water use should be included in preparing a regional strategy – not just local authorities.

Decision Sought: Amend Method 33 to include other stakeholders in the development of a regional water strategy.

- 5.12 Non Regulatory methods – integrating management Method 35 Support industry led environmental accords and codes of practice

Method 35 seeks to support the use of industry led accords and codes of practice. Horticulture New Zealand considers that the method should be to 'promote' or 'encourage' the use of such codes as they encapsulate industry best practice.

Decision Sought: Amend Method 35 to "Promote industry led..."

- 5.13 Non Regulatory methods – integrating management Method 44 Develop principles for rural residential use and development.

All stakeholders with an interest in rural land use should be included in developing principles for rural development as it impacts on the whole rural area.

Decision Sought: Amend Method 44 to include other stakeholders in rural development.

- 5.14 Non regulatory methods – identification and investigation Method 47 Investigate the use of transferable water permits

Horticulture New Zealand supports the use of transferable water permits and would want to be involved in work that investigated the use of such transfer mechanisms.

Decision Sought: Retain Method 47 but list other stakeholders with an interest in transferable water permits.

SCHEDULE SIX – Appendices.

- 6.1 Appendix 1 includes a list of rivers and lakes with values requiring protection. The list is extensive and includes many small tributaries which are now identified for protection. It appears that Table 15 was developed from a survey of recreational groups clearly with a vested interest and no responsibility to pay for the privilege of the stated protection. Table 16 is all encompassing covering small tributaries along with waterbodies more commonly understood as being potentially significant. The impacts of such identification when implemented through Policies 17, 23 and 42 is significant.

In some parts of the RPS it seeks to be non specific and delegate detail to district or regional plans, but in respect of Appendix 1 a high level of detail is prescribed.

Decision Sought: Delete Appendix 1 or re-notify and advise all affected landowners of the identification.