

**BEFORE THE HEARING COMMISSIONER APPOINTED BY THE GREATER WELLINGTON
REGIONAL COUNCIL**

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

AND

IN THE MATTER of hearing of submissions on Proposed Change 1 to the
Regional Policy Statement

**INDUSTRY STATEMENT TO BE TABLED BY EMILY LEVENSON FOR
HORTICULTURE NEW ZEALAND**

15 September 2023

INTRODUCTION

1. My name is Emily Levenson. I am an Environmental Policy Advisor at Horticulture New Zealand (HortNZ). I work within the Environmental Policy Team on national, regional, and district planning processes across New Zealand. I have been in this role since January 16, 2023.
2. I hold a Bachelor of Science in Urban Studies and Planning from the Massachusetts Institute of Technology (MIT).
3. I worked in urban planning research and environmental policy research for two years while a student at MIT, at Manaaki Whenua Landcare Research, and as an independent contractor assisting researchers at the Victoria University of Wellington and Scion.
4. I am an associate member of the Environmental Institute of Australia and New Zealand (EIANZ).
5. Since beginning my role at HortNZ, I have met with growers across New Zealand to better understand their horticultural operations and how resource management issues impact them.

Involvement in the proceedings

6. When I joined HortNZ in January 2023, I took on the role of supporting Wellington RPS proceedings.
7. I have had meetings and conversations with planners and other advisors since April 2023 seeking information to support the HortNZ submission and evidence produced for this process.

PURPOSE AND SCOPE OF EVIDENCE

8. This statement responds to the Section 42A report recommendations regarding Horticulture NZ's submission and further submissions on Change 1, specifically on Hearing Stream 4: Urban Development and the National Policy Statement for Highly Productive Land (NPSHPL).

OVERVIEW OF HORTICULTURE NZ

9. 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.
10. On behalf of growers, HortNZ takes a detailed involvement in resource management planning processes as part of its national and regional environmental policy response.

RESPONSE TO SECTION 42A REPORT – TOPIC: URBAN DEVELOPMENT

Summary of HortNZ's submission and further submissions

11. Table 1 below summarises the provisions on which HortNZ made submissions (and further submissions).

Table 1: Summary of HortNZ submission and further submission interests

Provision	Summary of HortNZ interests	HortNZ Response to S42a
Issue B: Inappropriate development	HortNZ submission (S.128.015) sought amendment to include 'result in loss, fragmentation or reverse sensitivity effects on highly productive land,'. (Supported in part by Beef + Lamb New Zealand Ltd FS30.039)	HortNZ continues to seek alignment with the NPS HPL.
Issue 2: Sporadic, uncontrolled and/or uncoordinated development	HortNZ submission (S.128.016) sought amendment to include 'highly productive land and it's long-term environmental, social, cultural and economic values'. (Supported in part by Beef + Lamb New Zealand Ltd FS30.040).	HortNZ accepts the recommendation in the S42A report.
Objective 22	HortNZ submission (S.128.017) sought amendment to include '(particularly highly productive land and reserve sensitivity),' . (Supported in part by Beef + Lamb New Zealand Ltd FS30.041).	HortNZ accepts the recommendation in the S42A report.
Objective 22B	HortNZ submission (S.128.018) sought amendment to include 'highly productive land'. (Supported by Fulton Hogan Limited FS11.008 and supported in part by Beef + Lamb New Zealand Ltd FS30.42, Wairarapa Water Users Society FS9.0010 and Irrigation NZ FS21.0010).	HortNZ continues to seek alignment with the NPS HPL.
Policy 55: Providing for appropriate urban expansion - consideration	HortNZ submission (S.128.048) sought amendment to include '9. Protecting highly productive land from inappropriate subdivision, use and development.' HortNZ also supported in part the Kāpiti Coast District Council submission (S16.040) seeking protection for lawfully established activities from reverse sensitivity effects in a further submission (FS28.070).	HortNZ continues to seek alignment with the NPS HPL and protection for lawfully established activities from reverse sensitivity effects.
Policy 56: Managing development in the rural areas – consideration	HortNZ submission (S.128.049) sought amendment to include 'This policy applies to urban development and rural residential development' in the main body or to retain the main body and add a new subclause: '(x) The use of highly productive land for food production is enabled.'	HortNZ accepts the recommendation in the S42A report.
Policy 67: Establishing and maintaining the qualities and characteristics of	HortNZ submission (S.128.054) sought amendment to include '(g) recognising the values of highly productive land, including long-term for food	HortNZ accepts the recommendation in the S42A report.

well-functioning urban environments – non-regulatory	production'. (Supported by Fulton Hogan Limited FS11.025).	
Policy UD.3: Responsive planning to developments that provide for significant development capacity – consideration	HortNZ supported KiwiRail Holdings Limited submission (S.124.012) to provide recognition for reverse sensitivity effects in a further submission (FS28.083).	HortNZ continues to seek protection for lawfully established activities from reverse sensitivity effects.
Regional form, design and function Anticipated environmental results	HortNZ submission (S.128.062) sought amendment to include 'retain highly productive land'.	HortNZ continues to seek alignment with the NPS HPL.
Regional form, design and function introductory text	HortNZ submission (S.128.013) sought an additional paragraph in the chapter introduction to include 'The region also includes highly productive land, a finite resource which has long-term values for land-based primary production, including for food security.' (Supported by Wairarapa Water Users Society FS9.009 and Irrigation NZ FS21.009 and supported in part by Rangitāne o Wairarapa Inc FS2.11). HortNZ submission (S128.014) also sought an amendment to include 'highly productive land' in paragraph 9 of the introductory text. (Supported in part by Fulton Hogan Limited FS11.005 and Beef + Lamb New Zealand Ltd FS30.038).	HortNZ accepts the recommendation in the S42A report.
General comments – definitions	HortNZ submission (FS28.092) sought an amendment to the definition of 'highly productive agricultural land' to include LUC III soils which would trigger an amendment to Policy 59: Retaining highly productive agricultural land (Class I and II land) – consideration. HortNZ also supported Greater Wellington Regional Council (GWRC)'s submission (S137.047) to insert a new interim definition for 'highly productive land' in a further submission (FS28.092).	HortNZ continues to seek alignment with the NPS HPL.

Key issues and outcomes sought

12. HortNZ's key interest is that the National Policy Statement for Highly Productive Land is implemented to the extent practicable alongside the National Policy Statement for Urban Development to ensure balanced direction in the Regional Policy Statement.

13. We also seek recognition for reverse sensitivity effects on existing and future rural land uses in rural zones. Horticulture, as with other primary production activities, produces noise, odour and light that is appropriate for rural land uses. Our concern is that without adequate protection, new housing or development adjacent to horticultural activities will cause tension based in unrealistic expectations for the character of the rural zone.
14. In the following sections, we will discuss our response to the S42a report for Hearing Stream 4.

Issue B: Inappropriate Development

15. The S42a author Ms. Mika Zöllner responded to our request for recognition of the loss of highly productive land in Issue B, writing “In my view this regionally significant issue should remain focussed on impacts on the natural environment, the relationship of mana whenua / tangata whenua and increased exposure to the impacts of climate change. These issues represent potential impacts of inappropriate development that tend to be under-recognised by existing policy, and therefore require specific emphasis. Broadening the scope of this issue would weaken the acknowledgement of these particular issues in my view”.¹
16. HortNZ argues that in an issue with the wide scope of “Inappropriate development”, loss of soil resources – which results in lost potential for low emissions food production and resilient local food supply – exposes communities to the impacts of climate change in a similar vein to degradation of ecosystems.

Objective 22B, Policy 55 and Definitions

17. In the Section 42a report for Hearing Stream 4, authors Ms. Mika Zöllner and Mr. Owen Jeffreys dismissed our requests for recognition of the NPS-HPL in the following provisions: Objective 22B, which has now been combined with Objective 22, Policy 55, Policy 56, Policy 67, the Regional form, design and function introductory text and Definitions. We continue to seek recognition in Objective 22B, Policy 55 and Definitions.

Objective 22B

18. Ms. Zöllner made a response to several submitters' requests for reference to loss of highly productive land in Objective 22 and Objective 22B, which was then used to justify similar recommendations regarding Policy 55, Policy 67, the chapter introduction and Definitions.
19. The Section 42a author wrote that she agrees “that the productivity capability of land and resilience are both relevant to Chapter 3.9”.² She

¹ Section 42a report – Urban Development, para 371

² Section 42a report – Urban Development, para 225

recommends, however, to accept the intent of submissions on productive land but without phrasing from the NPS-HPL.

20. The author continued that the NPS-HPL came into force two months after Change 1 to the RPS was notified and that a future Plan Change will specifically implement the NPS-HPL in due course.³ HortNZ addressed this reasoning during HS2: Integrated Management.
21. In our hearing presentation, we argued that amending provisions to protect highly productive land is in scope because:
 - (a) The original Section 32 report for Plan Change 1 reads, “the driver for the scope of Change 1 is all relevant national direction both NPS-UD, NPS-FM, and also other related national direction. It is important that inter-related issues are addressed at the same time.”⁴
 - (b) The NPS-HPL falls under the category of related national direction, especially since it is meant to provide a counterbalance to the NPS-UD and has direct links to both the NPS-UD and the NPS-FM.
 - (c) The Section 32 report continues that indigenous biodiversity and climate change were included because at the time of consultation, there was draft national direction, and while these were not yet in the form of an NPS, there was strong enough government guidance for them to be addressed under PC1.⁵
 - (d) By the same logic, the NPS-HPL should be addressed. An exposure draft of the NPS-HPL was circulated in 2021. Plan Change 1 was notified on 19 August 2022. The NPS-HPL was gazetted in September 2022, shortly thereafter.
 - (e) In contrast, the NPS-IB was only just gazetted in July 2023, and yet it was considered under this Plan Change.
 - (f) HortNZ, GWRC itself, and other submitters made submission points and further submission points related to the NPS-HPL, which further shows that it is within scope.
22. With regard to Objectives 22 and 22B, S42a author Ms. Zöllner questions whether reference to highly productive land is in scope. She calls upon Mr. Jerome Wyeth's rebuttal evidence from Hearing Stream 2 to make her case.⁶

³ Section 42a report – Urban Development, para 226

⁴ Section 32 report Evaluation of provisions for Proposed Change 1 to the Regional Policy Statement for the Wellington Region, para 20

⁵ Section 32 report Evaluation of provisions for Proposed Change 1 to the Regional Policy Statement for the Wellington Region, para 22-23

⁶ Section 42a report – Urban Development, para 227

23. In Mr. Wyeth's right of reply to Hearing Stream 2 in light of HortNZ's hearing presentation, however, he found that "highly productive land is an important consideration in terms of integrated management, particularly in relation to its interactions with urban development and freshwater management" and its inclusion in an Integrated Management provision "would help give effect [to] Policy 2 and Clause 3.2 of the NPS-HPL."⁷
24. This shows that the NPS-HPL is not only in scope, but its consideration helps achieve the NPS-HPL directive for integrated management.

Definitions

25. HortNZ sought an amendment to the definition of 'highly productive agricultural land' to include LUC III soils which would trigger an amendment to Policy 59: Retaining highly productive agricultural land (Class I and II land) – consideration.
26. HortNZ also supported Greater Wellington Regional Council (GWRC)'s submission (S137.047) to insert a new interim definition for 'highly productive land' in a further submission.
27. We are in favour of either approach so long as highly productive land is recognised.
28. The S42a author wrote with regard to Objectives 22 and 22B that "retaining productive capacity of land is a matter already covered by the Operative RPS through Policy 59 (Retaining highly productive agricultural land (Class I and II land))".⁸ As we addressed in previous evidence, the definition of highly productive agricultural land is insufficient because it fails to consider Class III land, which is still an intergenerational resource that requires protection.
29. The S42a author continues, "Referring to 'highly productive land' could cause confusion given the existing definition of 'highly productive agricultural land' in the operative RPS, which differs from how 'highly productive land' is defined in the NPS-HPL (most significantly, with the NPS-HPL definition including LUC Class 3 land and the Operative RPS definition only relating to LUC Class 1 and 2 land)."⁹
30. HortNZ believes this confusion could be easily resolved by either amending the existing 'highly productive agricultural land' definition or incorporating a new definition for 'highly productive land'. This will better allow for

⁷ Right of Reply Jerome Wyeth for Hearing Stream 2, dated 28 July 2023, paragraph 24, [HS2-Reply-Evidence-Integrated-Management-Reporting-officer-Jerome-Wyeth-28-July-2023.pdf \(gw.govt.nz\)](https://www.gw.govt.nz/assets/HS2-Reply-Evidence-Integrated-Management-Reporting-officer-Jerome-Wyeth-28-July-2023.pdf)

⁸ Section 42a report – Urban Development, para 227

⁹ Section 42a report – Urban Development, para 227

integrated management and start the work of implementing the NPS as soon as practicable.

Regional form, design and function Anticipated environmental results

31. Section 42a author Mr. Owen Jeffreys wrote that our request for an amendment to recognise the protection of highly productive land from urban development is appropriate but recommended a change in wording to 'retains the productive capability of land'.¹⁰ If the changes outlined above are made to definitions and Objective 22B, it would be more suitable to refer directly to 'highly productive land'.

Policy UD.3

32. Mr. Jeffreys recommends the addition of the following clause to incorporate KiwiRail's submission (supported by HortNZ) to recognise reverse sensitivity effects, "the proposal can demonstrate it will mitigate any potential adverse effects on the ability of existing urban areas and rural areas to be well functioning, including by minimising potential land use conflicts and impacts on the feasibility, affordability, or deliverability of anticipated urban development."¹¹
33. HortNZ recommends that the inclusion of the phrase 'reverse sensitivity' itself would provide for a stronger clause, given that this is a commonly used planning phrase which incorporates 'land use conflicts' and carries the connotation of protecting existing activities from encroaching sensitive activities.
34. A revised clause could be as follows:

the proposal can demonstrate it will mitigate any potential adverse effects on the ability of existing urban areas and rural areas to be well functioning, including by minimising potential ~~land use conflicts~~ reverse sensitivity effects and impacts on the feasibility, affordability, or deliverability of anticipated urban development

Conclusion

35. HortNZ recognises that GWRC intends to fully implement the NPS-HPL through another Plan Change within the timeline laid out in the NPS-HPL. We assert, however, that the NPS-UD and the NPS-HPL are complementary and implementing them simultaneously to the extent practicable is the best method to prevent inappropriate subdivision, use and development. PC1 can do the initial work of recognising highly productive land in advance of an upcoming, dedicated Plan Change.

¹⁰ Section 42a report – Urban Development, para 986

¹¹ Section 42a report – Urban Development, para 468

36. Therefore, we continue to request relevant amendments to Issue B, Objective 22B, Policy 55, the Definitions and Anticipated environmental results to provide recognition and protection for highly productive land from inappropriate subdivision, use and development. We also seek explicit recognition of reverse sensitivity effects in Policy UD.3.

Emily Levenson

15 September 2023