

SUBMISSION ON

Draft Northland Freshwater Plan

27 March 2024

To: Northland Regional Council

Name of Submitter: Horticulture New Zealand

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OVERVIEW

Submission structure

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Our submission

Horticulture New Zealand (HortNZ) thanks Northland Regional Council for the opportunity to submit on the draft freshwater plan and welcomes any opportunity to continue to work with council and to discuss our submission.

HortNZ could not gain an advantage in trade competition through this submission.

HortNZ wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

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

HortNZ's Role

Background to HortNZ

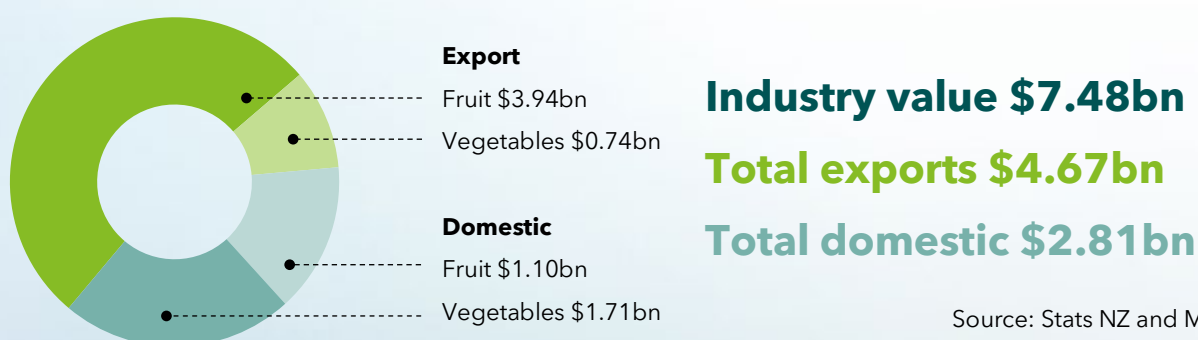
HortNZ represents the interests of approximately 4,200 commercial fruit and vegetable growers in New Zealand who grow around 100 different fruit, and vegetables. The horticultural sector provides over 40,000 jobs.

There is 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.



Submission

1. Horticulture in Northland

Horticulture in Northland is diverse with nearly all kumara grown in the region being for domestic supply and the emerging tropical fruit market becoming more extensive.

Kumara

The kumara has a long history of cultivation in New Zealand, dating back over a thousand years with the arrival of early Māori settlers. While modern kumara are the same species but a different cultivar, it still has a place within New Zealand's cultural tapestry and is classified as a national taonga under the Wai 262 Treaty Settlement findings¹

The kumara is an important food source for New Zealanders. The Northland kumara industry alone provides 90% of domestic supply.

At a local level, the Northland horticulture industry provides much needed employment opportunities. The kumara industry employs 170 full time employees (FTE), increasing to 1,200 during planting and harvesting.

Tropical fruit

Northland's tropical climate supports an emerging market of tropical fruit growing. As of 2023, the following fruits/crops are grown:

- 120 hectares of bananas (increasing 20% each year)
- Papaya/Pawpaw grown in 2 hectares of greenhouses
- 10ha of Sugar cane
 - Sold through the Fijian/Indian markets
- 20 Mango trees (trial crop)
- 7 hectares of pineapples
- 1.5 ha of banana leaf growing variety
 - Grown to order by Pacific Island and Indian communities for food and gift wrapping

Citrus

The three major citrus crops currently grown in Northland are lemons, mandarins and oranges with 279 hectares of production occurring in Northland²:

¹ <https://waitangitribunal.govt.nz/news/ko-aotearoa-tenei-report-on-the-wai-262-claim-released/>

² <https://unitedfresh.co.nz/assets/site/images/images/Fresh-Facts-%E2%80%93-Online-version-2023.pdf>

- 26% of the national mandarin crop is produced in Northland with peak production in May. Mandarins produced in Northland are for the domestic market as mandarin exports have ceased for the last two years due to no export demand from Japan
- 6% of the national navel orange crop is produced in Northland with peak production in August. A large part of the navel orange crop is exported
- 13% of the national lemon crop is produced in Northland with peak production in July. 39% of the national crop was exported during 2021/22³.

Avocados

There are approximately 77 growers in the far north with the number of growers in Northland increasing by 79% over the past 12 years. This is mainly because of the favourable growing conditions but also driven in part by the more readily available and more competitive cost of land. Northland's avocado industry represents 30% of national avocado production and 43% of producing hectares⁴.

Kiwifruit

There are 630 producing hectares of kiwifruit in Northland centred mainly around the Kerikeri region. Greenfield conversion to kiwifruit orchard continues to increase with large scale developments continuing around Kerikeri.

Other

Raspberries and blueberries are a relatively new but rapidly growing fruit crop along with nuts and olives and watermelon. There is a smattering of other vegetables but generally, the far north climate is more suited to fruit.

2. Draft Freshwater Plan

The government has announced it is repealing the National Policy Statement for Freshwater Management 2020 (NPSFM), the Te Mana o te Wai hierarchy and introducing a longer timeframe for councils to notify their freshwater plans.

HortNZ has responded to the plan in its current form while acknowledging that a review of the NPSFM and Te Mana o te Wai will likely alter the freshwater policy landscape for the region.

For the horticultural sector the issues remain clear in terms of water quantity and quality matters and the relationship of freshwater to food production.

The key areas of interest remain for HortNZ in the progression of a freshwater plan for Northland:

- Highly Productive Land
- Rootstock Survival Water
- Consent Duration
- Allocation of Water - highly productive land and land-based primary production

The issues overlap for each of these matters and relate to the planning response to food production values.

³ Citrus Market Monitoring Report Citrus New Zealand

⁴ Avocado NZ

The value of food production, particularly as it relates to highly productive land has become better recognised nationally and regionally and we expect to see this value elevated in the freshwater plan.

If we are to maximise productive capacity for food production/supply and security then the freshwater plan must promote integrated management to do so. Notably, clause 3.2 Integrated Management of the NPSHPL, requires council to consider how land-based primary production, including supporting activities, interact with freshwater management at a catchment level. Identifying highly productive land is one step but the next is providing the regulatory environment and resource allocation.

2.1. Effects on tāngata whenua values and practices

The proposed plan introduces the consideration of Māori values in the consenting process - a resource consent application must include in its assessment of environmental effects an analysis of the effects of an activity on tāngata whenua values and practices.

While clause 3.4 (2) of the NPSFM sets out the requirement for regional councils to include Māori freshwater values, it remains unclear how Māori values will be considered when a grower is undertaking the consenting process.

As an example, the value of Mana is spiritual and is described as power, authority, ownership, status, influence, dignity, respect, derived from the gods. From an implementation point of view, when a grower applies for a water consent and is undertaking the cultural impact assessment, how they can show they have given effect to this value?

2.2. Domestic Food Supply Value

Rightly, council have included a value that recognises domestic food supply:

To recognise the importance of our domestic food supply in growing fruit and vegetables for human consumption. Growers rely on water of suitable quality and sufficient quantity to produce fruit and vegetables which are fundamental to the health of New Zealanders

The Northland region is undoubtedly nationally significant for its contribution to domestic food supply; hence the value being expressed in the draft plan.

While a freshwater value is identified and freshwater outcomes expressed, there is no direct policy (nor methods) to support the allocation of water for domestic food supply in the draft freshwater plan change. While there are no specific attribute states, the draft plan does indicate these could be considered.

Food security is a nationally important issue which needs to be addressed at a strategic level. New Zealand has a national food producing system that relies on growing vegetables and fruit in pockets of highly productive land, with good climate and access to freshwater. Fruit and vegetables are essential for the human health of New Zealanders.

HortNZ recommends that the targeted allocation of water should be extended to support an allocation framework to make sufficient provision for domestic food supply which in turn supports food security for Northland and New Zealand.

Council did not identify specific attributes for the domestic food supply value and have requested feedback on whether draft attributes identified to date are sufficient to provide for these values or whether specific attributes should be developed for each of them.

HortNZ has provided target attributes which are specific to domestic food supply and these are attached as Appendix A. We welcome further discussion on this.

2.3 Te Mana o Te Wai

The government has announced its intention to begin work on a replacement for the National Policy Statement for Freshwater Management in 2024.

The government has also announced it will amend the RMA to change how councils apply Te Mana o te Wai to individual consent applications in the meantime.

Final decisions have not been made, but we understand that the intent is to clarify that consent applicants do not have to demonstrate how their individual activity adheres to the hierarchy, and to disapply the hierarchy from council consent decisions.

In the decisions sought table, HortNZ has commented and sought relief for the elevation of the following freshwater outcomes from the third to the second priority:

- Water quality and quantity is suitable for irrigation for domestic food supply
- Water quality and water quantity allocation frameworks make sufficient provision for appropriately located domestic food production
- The quality and quantity of water used for domestic food production is resilient to climate change.

This is based on domestic food supply being an essential human health need which sits within the second priority. HortNZ has commented on this because the principles and hierarchy of Te Mana o te Wai have been included in the draft plan however the hierarchy is unlikely to be a consent decision factor which would make this section of the plan irrelevant once the proposed plan is notified.

2.4 Actions and Funding

Council is proposing additional funding of over \$6million dollars to support new actions contained in the 'The Northland Regional Council Freshwater Action Plan - DRAFT' document. The proposed funding would likely be supported through rate increases.

The decision to allocate rate payers money is set through the Annual Plan process which council sets out how they intend to finance activities each year - not a regional plan and while funding amounts are noted, there is no cost benefit analysis to support the funding amounts.

HortNZ doesn't support any increase to rates until there has been an opportunity to see a cost benefit analysis.

Submission on draft freshwater plan

Without limiting the generality of the above, HortNZ seeks the following decisions on the draft freshwater plan change as set out below, or alternative amendments to address the substance of the concerns raised in this submission and any consequential amendments required to address the concerns raised in this submission.

Additions are indicated by bolded underline, and deletions by strikethrough text.

Provision	Support/oppose	Reason	Decision sought
Definitions			
Land preparation	Support		Support
Root stock survival water	Support	Support retention of definition and allocation provisions for root stock survival water.	Support
Activities affecting wetlands			
C.2.2.3 Wetland construction	Support	Support where the changes meet the National Environment Standard	Support
Damming and Diverting Water			
C.3.1.3 Existing in-stream dam	Support	Is in line with dam regulations	Support

Taking and use of water			
C.5.1.6 Water take associated with groundwater investigation bore development, bore testing or dewatering	Support	Provision has been amended to include groundwater investigation which HortNZ supports	Support
C.5.1.9 Takes existing at the notification date of this plan - controlled activity	Support	Provision has been deleted as was a transitional rule to consent unauthorised water takes	Support
New Rule C.5.1.# Water take for domestic food supply	New	Council has included a domestic food supply value and has asked for submitters to provide attributes/outcomes etc to support this value.	<p>Add new rule</p> <p><u>Rule 5.1.1: Water take for domestic food supply - restricted discretionary activity</u></p> <p><u>The take and use of water for an activity associated with primary production for domestic food supply where not authorised under another rule is a restricted discretionary activity provided:</u></p> <ul style="list-style-type: none"> • <u>The taking of water remains with limits prescribed with this Regional Plan;</u> • <u>The take is not from an Outstanding Freshwater Body or a dune lake</u>

			<p>Matters of discretion:</p> <p><u>1) The timing, rate and volume of the take to avoid or mitigate effects on existing authorised takes and aquatic ecosystem health.</u></p> <p><u>2) Effects on tāngata whenua and practices</u></p> <p><u>3) Measures to ensure the reasonable and efficient use of water.</u></p> <p><u>4) Effects on the identified values of mapped Sites and Areas of Significance to tāngata whenua (refer I Maps Ngā mahere matawhenua).</u></p> <p><u>5) The positive effects of the activity having regard to the contribution to the domestic supply of food; and maintaining food security for New Zealanders..</u></p> <p><u>For the avoidance of doubt this rule covers the following RMA activities: □ Taking and use of water from a river (s14(2)).</u></p>
C.5.1.10 High flow allocation	Support	HortNZ supports the retained restricted discretionary activity for this take	Support
C.5.1.11 Takes existing at the notification date of this plan – discretionary activity	Support	C.5.1.11 removes the rule providing for the discharge from a pit toilet into water	Support

		<p>or onto land where it might then enter water.</p> <p>Existing rule C6.1.2 provides for pit toilets with no changes proposed.</p>	
Discharges to land and water			
C.6.3 Production land charges	Support	C.6.3 deleted and replaced with a new rule structure that separates farm and horticulture discharges (no changes to hort discharges rule)	Support
C.6.3.6 Wastewater discharges to land	Support	Where the standards of C.6.3.2 for hort wastewater are not met this is now a discretionary activity	Support
C.6.3.7 Horticulture wastewater discharges to water	Support in part	It's unclear what treated horticulture discharges mean ?	Clarification sought on the definition of treated horticulture discharges
Other discharges of contaminants			
C.8.2 Land preparation	Oppose	This rule requires land preparation setbacks can be reduced with a certified FWFP that shows adverse effects of activity are no greater however FWFP regulations only apply to growers over five hectares and therefore growers with	Remove the requirement for an FWFP and retain existing rule (setbacks reduced to five metres)

		less than five hectares are disadvantaged	
C.8.2.2 Land preparation controlled	Oppose	The activity status is changing from a controlled to discretionary activity. HortNZ opposes this change as the matters of control in the existing rule are sufficient to mitigate adverse effects	Oppose
Earthworks			
C.8.3.1 Earthworks - permitted activity	Oppose in part	HortNZ doesn't support the council being notified of any earthworks within five days. This is overreach and differs significantly from the existing rule	Oppose
C.8.3.2 Earthworks - controlled activity	Support in part	An exclusion to this rule is required to support earthworks for biosecurity purposes	<p>Add exclusion</p> <ul style="list-style-type: none"> • <u>Activities associated with erosion and sediment control device establishment/maintenance associated with cultivation.</u> • <u>Burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the</u>

			<u>Minister under the Biosecurity Act 1993.</u>
Vegetation Clearance			
C.8.4.2 Vegetation clearance in riparian areas - permitted activity	Support in part	An exclusion to this rule is required to support earthworks for biosecurity purposes	<p>Add exclusion</p> <ul style="list-style-type: none"> • <u>Activities associated with erosion and sediment control device establishment/maintenance associated with cultivation.</u> • <u>Burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u>
Tangata Whenua			
D.1.1 and D.1.2	Support in part	There is little to no guidance on how spiritual values can be given effect to during the consenting process. Council will need to provide guidance on this	Further clarification required

		matter before HortNZ can provide additional commentary	
General			
D.2.14 Resource consent duration	Oppose in part	<p>HortNZ opposes a shorter consent duration for activities not supported by mana whenua. HortNZ supports the existing matters to be given regard to in considering consent duration and in particular the tenure of investment, certainty of effects and compliance history.</p> <p>A specific matter of regard for consent duration should be given to the regional value expressed for Domestic Food Supply which is an ongoing and intergenerational resource management issue where certainty in consenting is critical</p>	<p>Amend to include</p> <p><u>#) whether the activity is associated with primary production for domestic food supply and requires a longer consent duration for maintaining food security for New Zealanders.</u></p> <p>5) whether the activity is supported by mana i te whenua (generally shorter consent duration for activities not supported by mana i te whenua), and</p>
Land and Water			
D.4.10 Avoiding over-allocation	Support in part	HortNZ supports this rule pending the elevation of 23,24 and 25 to the second priority.	Amend to move 23,24 and 25 to the second priority

D.4.12 Minimum flows and levels	Support in part	HortNZ supports this rule pending the elevation of 23,24 and 25 to the second priority.	Amend to move 23,24 and 25 to the second priority
D.4.27 Land preparation, earthworks and vegetation clearance	Support in part	HortNZ supports the rule but notes the inclusion of 'cultural' values and not 'Māori' values. It is unclear if these are two separate things	Clarification required of how (if) cultural and Māori values are different
D.4.37 Allocation of water - mauri		Does this lead to another allocation framework separate to targeted water allocation/rootstock survival water? The targeted water allocation has a specific purpose and criteria which is separate to D.4.37	Clarification required
D.4.39 Tāngata whenua climate change mitigation and adaptation		It is unclear how this would be articulated in a consent application and how applicants would know what to do and what information to provide	Clarification required
D.4.46 Allocation of water	Support in part	Reflecting the regional value of Domestic Food Supply and the elements expressed in F.1A (23, 24 and 25), the narrative attribute states proposed by the submitter and a new allocation rule, a new policy is required	Amend to include <u>Where primary allocation is available for abstraction, the Northland Regional Council will allocate water in a manner that is sufficient to provision existing and future domestic food production needs.</u>

D.4.51 Climate change mitigation and adaptation	Support in part	HortNZ supports including land use change to horticulture as a mitigation for climate change adaptation	Amend to include land use change to hort as a mitigation
D.4.52 The climate crisis and freshwater decision making	Support in part	The importance of domestic food supply to ensure food security in a changing climate should be recognised	Amend to include <u>6) domestic food security is protected</u>
D.4.53 Mitigating climate change	Support in part	Land use change to horticulture provides lower emissions which helps to mitigate climate change	Amend advice note to include: For example, the use of energy efficient pumps, <u>land use change to low emissions horticulture</u> and use of freshwater for renewable energy generation.
Values			
Domestic food supply	Support	HortNZ is pleased that domestic food supply has been recognised and included in this plan	Retain
Objectives			
F.1A Freshwater environmental outcomes	Support in part	Domestic food supply is a human health need and therefore should be elevated to the second priority	Amend to elevate 19, 23, 24 and 25 to the second priority

F.1A.8 Meeting target states for Māori freshwater values attributes	Oppose	The date of 2040 is not supported as it is based on the anniversary of the signing of the Treaty of Waitangi and not science based.	Reject
Environmental flows, levels and allocations			
Policy H.4.1 Minimum flows for river	Support	Support retention of definition and allocation provisions for root stock survival water. <i>Table 28: Secondary minimum flows for root stock survival processes</i> sets out specific allocation framework (minimum flow and applicable conditions) in accordance with Environment Court decision.	Retain
Policy H.4.3 Allocation limits for river	Support	Support retention of definition and allocation provisions for root stock survival water. <i>Table 31: Root stock survival water allocation blocks</i> sets out specific allocation framework (minimum flow and applicable conditions) in accordance with Environment Court decision.	Retain

Freshwater attributes			
<p>H.12.2 Freshwater attributes Domestic food supply</p>	<p>New</p>	<p>Council have not identified specific attributes for the included values. There are links between these values and the attributes identified to date in the draft plan change (for example suspended fine sediment and macroinvertebrates could be considered as attributes for the natural form and character value). Environmental flows and levels and water allocation also has a direct influence on many of these values and could be considered as an attribute.</p> <p>Council is interested in feedback on whether draft attributes identified to date are sufficient to provide for these values or whether specific attributes should be developed for each of them.</p>	<p>Attached as appendix a</p>

Appendix A

Attributes for Domestic Food Production Value

Value	Domestic Food Production
Freshwater body type	All
Attribute unit	Domestic Food Production Water Allocation

Attribute band and description	Narrative attribute state
Band A	
The allocation and use of water for domestic food production is sufficient to provision existing and future needs.	Excellent
Band B	
Highly productive land is mapped in the northland region. Water allocation and use displays a priority to domestic food production	Good
Te Tai Tokerau Bottom Line	
Band C	
Highly productive land is mapped in the northland region and water allocation recognised and provisioned for domestic food production	Fair
Band D	

Highly productive land is mapped in the northland region and the value of domestic food production not recognised in the allocation framework or decision making.	Poor
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Target Attribute States for Domestic Food Production Value

Attribute	Target State 1	Target State 2
Domestic Food Production	Band C, by 2025	Attribute bottom line, by 20..
Water Allocation		