

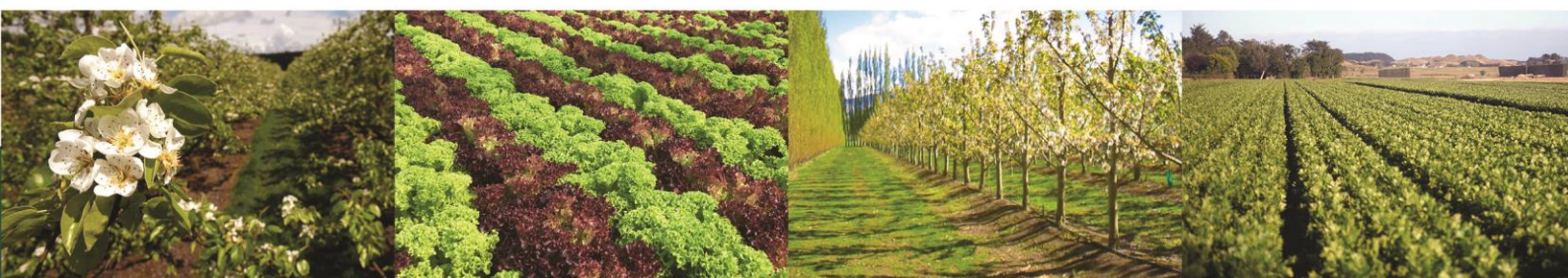
SUBMISSION ON

COVID-19 Recovery (Fast-Track Consenting) Bill

21 June 2020

TO: Select Committee

NAME OF SUBMITTER: Horticulture New Zealand



CONTACT FOR SERVICE:

Michelle Sands
Manager –Environment
Horticulture New Zealand
PO Box 10-232 WELLINGTON
Ph: 04 470 5664
Email: Michelle.Sands@hortnz.co.nz

Introduction

Horticulture New Zealand (HortNZ) thanks the Environment Select Committee for the opportunity to submit on this Bill and welcomes any opportunity to discuss our submission.

The details of HortNZ's submission are set out below.

Background to HortNZ

HortNZ was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

HortNZ advocates for and represents the interests of 6000 commercial fruit and vegetable growers in New Zealand, who grow around 100 different crop types and employ over 60,000 workers. Land under horticultural crop cultivation in New Zealand is calculated to be approximately 120,000 hectares.

The horticulture industry value is \$6.39 billion and is broken down as follows:

Industry value	\$6.39bn
Fruit exports	\$3.53bn
Vegetable exports	\$0.70bn
Total exports	\$4.2bn
Fruit domestic	\$0.88bn
Vegetable domestic	\$1.28bn
Total domestic	\$2.15bn

For the first time New Zealand's total horticultural produce exports in 2017 exceeded \$3.44bn Free On Board value, 83% higher than a decade before.

It should also be acknowledged that it is not just the economic benefits associated with horticultural production that are important. The rural economy supports rural communities and rural production defines much of the rural landscape. Food production values provide a platform for long term sustainability of communities, through the provision of food security.

HortNZ's mission is to create an enduring environment where growers thrive.

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.

The principles that HortNZ considers in assessing the implementation of the RMA include:

- The effects based purpose of the RMA;
- 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 sustainable economic production sense.

Executive Summary

- HortNZ supports the purpose and intent of the Bill.
- HortNZ strongly supports the inclusion of the Kopenui Water Storage Reservoir project and seek consideration of additional projects of this nature (and project that are not limited to Government projects).
- Seek to retain the referral pathway so that additional projects (including private projects) can be considered.
- When assessing whether a project is referred to a fast-track pathway, we seek that provisions (v) with regard to improving environmental outcomes, and (vii) with regard to climate change are retained.
- We support the use of an expert consenting panel as a pragmatic measure, provided provisions which ensure the panel has the relevant expertise is retained.
- HortNZ support the need for the expert consenting panel to consider regional and local planning documents, when making a decision.
- HortNZ supports the provisions within the Bill which ensure manner that is consistent with the principles of the Treaty of Waitangi and with Treaty settlements and enable iwi representation
- HortNZ seek that the scope of the Bill is widened to include other relevant legislation e.g. Wildlife Act, Building Act.
- HortNZ supports the two-year life of the Bill, recognising that there is a reasonable period of time required in order for the Bill to achieve the outcomes sought

Submission on COVID-19 Recovery (Fast-Track Consenting) Bill

Introduction

1. The impact of Covid-19 on New Zealand and the horticulture sector has made a substantial and long-lasting impact. Horticulture is a very resilient industry and one that will play an important part in the Covid-19 recovery.
2. The horticulture has already employed a large number of out of work New Zealanders (particularly to meet the demands of peak harvest seasons) and strong growth of the industry will lead to sustainable employment opportunities for New Zealanders. Horticulture will continue to play a crucial role in the much-needed export-led recovery. The ability for the sector to grow is important, and requires business-certainty and confidence to continue to make investment decisions.
3. Not only is the Horticulture sector a key part of New Zealand's COVID-19 recovery; it is also a crucially important industry from the two important lenses of food security and climate change mitigation/adaptation.
4. Decisions made at a Central Government and local level must ensure that New Zealand can continue to grow enough fresh fruit and vegetables to feed a growing local population and to support export growth. Capitalising on opportunities within the sector will require an industry-led and government-enabled approach.

5. This Bill is part of a broader recovery context - funding and training opportunities also need to be aligned and enabled to realise the benefit from the employment opportunities presented by the legislation.

Purpose of the Bill

6. HortNZ support the intent of the Bill – to promote employment growth to support New Zealand’s recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while also continuing to promote the sustainable management of natural and physical resources.
7. While not necessarily needing to be articulated within this clause, we also think that it is important that fast-tracked projects generally align with the Government’s objectives for economic, environmental and social wellbeing.

Listed projects

8. The Bill lists 11 Government-led projects which that will progress first through the alternative consenting pathway and have a high level of certainty of being approved.
9. HortNZ strongly supports the inclusion of the Kopenui Water Storage Reservoir project which will support the development of Northland’s agriculture and horticulture sector and provide drinking water for Kaikohe. New Zealand needs many more schemes like this, to support industries like horticulture and urban centres.
10. We note that this is the only project that has direct ties to the primary sector (with the remaining 10 projects being transportation of residential development related).
11. HortNZ would support expansion of the list of projects in the Bill, and these projects not being limited to Government-led projects.

Water storage (public and private)

12. If horticulture is to play a key role in New Zealand’s post-COVID recovery, our industry needs secure access to water. A vital enabler of growth is a network of water storage and capture schemes around the country. A recent BNZ1 survey found that in terms of impacts to changes in farming systems, horticulture producers felt most strongly about the impacts of limits to source water (49%).
13. Water storage projects have multiple benefits, through providing for urban water supply, climate change mitigation and freshwater quality goals.
14. We seek that private water storage is also enabled through this legislation.

Referred projects

15. It is very important that there is a pathway for projects that are not listed within the Bill to be able to access a fast-tracked pathway, where doing so would contribute to supporting Covid-19 recovery. HortNZ seeks that a ‘referred projects’ pathway is maintained.

¹ <https://www.bnz.co.nz/assets/bnz/business-banking/Agribusiness/pdfs/shift-happens-future-of-agribusiness-report-2020.pdf?6fc5b217e402e017886f9dd1f7953e3221dc3afb>

16. Particularly, we see the following projects within the horticulture sector as being important to accommodate within the Bill:
- Environmental restoration and on-farm environmental improvements (which could include projects at a catchment scale).
 - Projects such as water storage infrastructure, led by either Councils or private groups, as discussed above.
 - Projects that assist with transition to a lower emissions economy and managing impacts on freshwater.
17. We support this process being available to projects at any scale, and to both public and private projects.
18. When deciding whether a project will be referred to a fast-track consenting pathway, the Minister may consider any or all of the following matters:
- a) *the project's economic benefits and costs for people or industries affected by COVID-19:*
 - b) *the project's effect on the social and cultural wellbeing of current and future generations*
 - c) *whether the project would be likely to progress faster by using the processes provided by this Act than would otherwise be the case:*
 - d) *whether the project may result in a public benefit by, for example,—*
 - i. *generating employment:*
 - ii. *increasing housing supply:*
 - iii. *contributing to well-functioning urban environments:*
 - iv. *providing infrastructure in order to improve economic, employment, and environmental outcomes, and increase productivity:*
 - v. *improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:*
 - vi. *minimising waste:*
 - vii. *contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):*
 - viii. *promoting the protection of historic heritage:*
 - ix. *strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:*
 - e) *whether there is potential for the project to have significant adverse environmental effects:*
 - f) *any other matter that the Minister considers relevant.*
19. HortNZ supports this list of considerations - specifically (v) with regard to improving environmental outcomes, and (vii) with regard to climate change – and we seek that these provisions be retained.
20. When considering an application for a fast-tracked process, the Minister must copy the application and invite comments from the relevant local authorities and the relevant Ministers (and may invite comment from any other person). The list of relevant Ministers does not include the Minister of Primary Industries. While the catch-all in (6)(n) means that any other Portfolio may be considered, we consider that it would be appropriate to include the Minister of Primary Industries in this list, anticipating that projects will also relate to the primary sector.

Works on infrastructure

21. We do not object to permitted activity status for certain work undertaken by NZTA, Kiwirail and Kāinga Ora–Homes, and Communities proposed under this Bill. However, in

our view, the permitted activity standard must consider and mitigate effects on highly productive land.

Expert consenting panel processes

22. We support the use of an expert consenting panel as a pragmatic measure and the requirement in clause 8 that collectively the panel must have the knowledge, skills, and expertise relevant to resource management issues, technical expertise relevant to the project and expertise in tikanga Māori and mātauranga Māori. This is critical to quality of decision making, particularly when there is very limited participation or rights of appeal in the in the fast-track process.
23. In making a decision on an application the panel will be required to apply Part 2 of the RMA alongside the purpose of the Act; act consistently with the principles of the Treaty of Waitangi and any relevant Treaty settlements, and have regard to relevant plans, regional and national policy statements, and other documents, similar to the way that a decision-maker would under the RMA.

Treaty of Waitangi and iwi representation

24. HortNZ supports the provisions within the Bill which ensure manner that is consistent with the principles of the Treaty of Waitangi and with Treaty settlements and enable iwi representation.
25. We also note that Maori horticultural development presents an opportunity to meet the purpose of the Bill and many of the criteria listed above; these projects should be encouraged and facilitated.

Scope of the proposed Bill

26. The Bill only extends to granting RMA equivalent resource consents, and not to other approvals required under other legislation, such as the Wildlife Act or the Building Act.
27. HortNZ seek that the scope of the Bill is widened to include other relevant legislation, particularly for smaller scale projects that may be deemed permitted under the RMA, but still require approvals under other process such as the Wildlife Act.

Public participation and appeal rights

28. HortNZ strongly support public participation and appeal rights in decision making. We accept the limited opportunities for public participation and appeal with this Bill for finite period to respond to the extraordinary circumstances of the COVID19 recovery.

Two-year duration of the Bill

29. The Bill includes a 'sunset clause' meaning it will be repealed two years from enactment. HortNZ supports the two-year life of the Bill, recognising that there is a reasonable period of time required in order for the Bill to achieve the outcomes sought. We agree that Orders in Council developed under this legislation (before the self-repeal date) would continue to have effect, as required.

30. The Bill does not amend the RMA itself, but provide an alternative consenting pathway. There is a need for wider RMA reform (which HortNZ has engaged with) and this should be the main vehicle of addressing longer-term issues with the RMA. We envisage that significant process would have been made in this area by the time this Act is self-repealed.