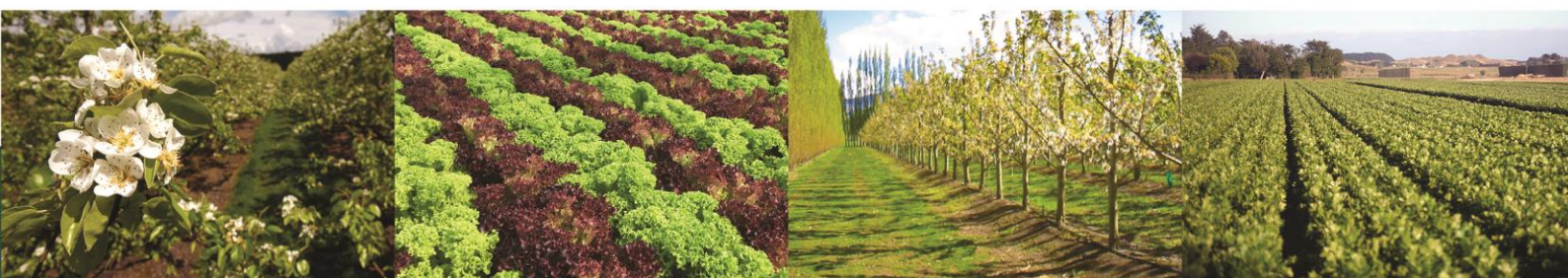


SUBMISSION ON the Essential Freshwater Interpretation Guidance: Wetland Definitions

3 May 2021

TO: Ministry for the Environment

NAME OF SUBMITTER: Horticulture New Zealand



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Introduction

Horticulture New Zealand (HortNZ) thanks The Ministry for the Environment (MfE) for the opportunity to submit on the Draft Essential Freshwater Interpretation Guidance: Wetlands Definitions.

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

HortNZ wishes to be heard in support of our submission.

Executive Summary

HortNZ generally supports the clarification provided in the draft interpretation guidance in particular the clarification around what constitutes a constructed wetland. The submission makes recommendations to improve that clarification, seeking to explicitly refer to sediment ponds and sediment traps as an example of an engineered soil conservation structure.

While we note the interpretation of the NPS-FM 3.1 (2)(a) and NES-FW 6(1) are correct, HortNZ oppose the ability for councils to apply more stringent controls to constructed wetlands where these are deemed to be good management practices that are proven to be the most effective measure of managing environmental effects for that activity.

We welcome guidance on determining the extent of a wetland but seek further guidance on the ecological assessment required to determine relationships between wetlands and other waterbodies.

Additionally, we raise concerns that this guidance does not address the risk of disincentivising riparian planting. Riparian planting along waterbodies may be classified as wetland which is subject to controls. HortNZ believe this will deter individuals from undertaking planting and will impact the ability of the freshwater package to deliver on the overall restoration and enhancement of wetlands in New Zealand.

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 5000 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	\$3.5bn
Vegetable exports	\$0.7bn
Total exports	\$4.2bn
Fruit domestic	\$0.88bn
Vegetable domestic	\$1.28bn
Total domestic	\$2.19bn

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. The essential service that horticulture provides has been further highlighted through the Covid-19 response.

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

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.

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Part 4. Wetland delineation protocols to resolve uncertainty about wetland extent.

HortNZ supports the inclusion of guidance around determining extent. However, we are concerned that application of the controls may result in perverse behaviours or disincentivise riparian planting. Many growers undertake riparian planting along streams or wetlands either voluntarily, or to offset effects elsewhere on-site. The potential for controls to extend over riparian planting, which is then deemed to be a wetland, may result in individuals determining not to undertake planting. While the controls might assist in maintaining existing wetland habitats, there is limited potential for significant restoration and enhancement.

Part 5. Artificially constructed wetlands:

HortNZ generally supports the interpretation provided in Part 5,. It is particularly important that good management practices, such as sediment ponds, are not disincentivised as this could lead to unintended impacts on water quality. In the instance of commercial vegetable production, sediment ponds or traps are more effective at managing sediment run-off than measures such as uncultivated setbacks¹.

¹ <https://www.hortnz.co.nz/assets/Compliance/Erosion-and-Sediment-Control-Guidelines-for-vegetable-production-v1.1.pdf>

HortNZ supports clarification that no timeframe is attached to the exclusion as such an event would contribute to disincentivising good management practice.

HortNZ generally supports the list of examples provided in Part 5 but recommends including more clarification around what might constitute an engineered soil conservation structure. This will make it explicitly clear that good management practices such as sediment traps or sediment ponds are considered artificially constructed.

Outcome sought:

Amend the specific bullet point to include reference to sediment ponds as an example of engineered soil conservation structures.

“other artificial water storage facilities, including open drainage channels and engineered soil conservation structures such as sediment traps or sediment ponds”.

Part 7. Providing protection for artificially constructed wetlands

It must be recognised that there are different values associated with different types of constructed wetlands. HortNZ does not support Council’s applying more stringent controls to all constructed wetlands. Especially where those constructed wetlands align with industry approved good management practices and where adverse effects would be greater if that practice were not in effect.

For example, HortNZ’s Code of Practice on Sediment and Erosion Control for Vegetables² provides a risk-based approach to managing sediment and erosion run-off for commercial vegetable activities. The code of practice provides a range of actions that may be used by growers to manage sediment run-off. The code of practice first requires growers undertake a field assessment to identify risks and determine the most appropriate action. Sediment ponds or sediment traps are one of the available actions and are an effective means of managing and minimising sediment run-off.

If a council were to apply more stringent controls to these sediment traps or ponds, this would prevent, or disincentivise, growers from applying the most effective good management practice. This is likely to result in lesser effective measures being applied, resulting in greater adverse effects to water quality than would be achieved through good management practice.

HortNZ believe it would be beneficial to have guidance on differentiating between the values associated with different waterbodies. This would improve uptake and effectiveness of good management practices which assist in managing and sometimes improving, environmental impacts.

On a related issue, HortNZ does not support Council’s applying more stringent controls to the permitted activities provided for under s50 of the RMA. This would significantly impact the ability of growers to respond rapidly to biosecurity threats and undertake necessary weed and pest management. There is also the potential for more stringent controls to result in perverse behaviours and disincentivise riparian planting.

Part 9: Improved pasture

HortNZ comments on this section given that land used for horticulture could be captured as there is likely to be less than 50% of any pasture. We find the guidance for temporary rain-

² <https://www.hortnz.co.nz/assets/Compliance/Erosion-and-Sediment-Control-Guidelines-for-vegetable-production-v1.1.pdf>

derived pooling to be useful and note that land subject to temporary pooling as defined is unlikely to be suitable for horticultural activities.

Part 11. Distinguishing wetlands from lakes and other waterbodies

There may be benefit in more clarification around the ecological assessment required to ascertain relationships between wetlands and other waterbodies. An ecological assessment has the potential to be extremely broad and it would be beneficial to outline the values sought to be protected.

Part 12: Wetland size

HortNZ does not disagree with this guidance but note that in our submission to the NPSFM we opposed mapping requirements of 0.05ha. We sought 2ha be applied as this is consistent with the MfE Wetland Delineation Protocols that refer to a small wetland being <2ha. Mapping down to 0.05ha is not practical.