

Update on the Proposed Natural Resources Plan

Wellington Region | February 2020

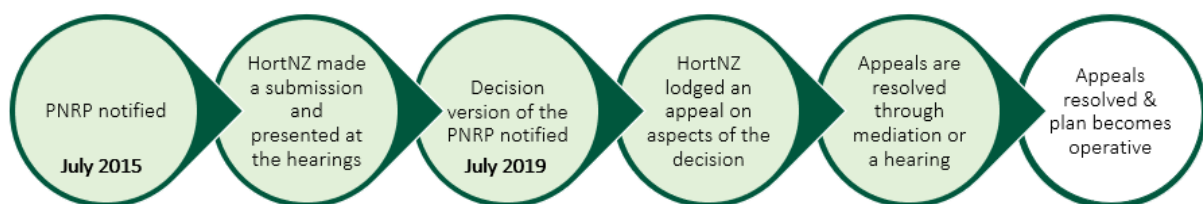


What is the PNRP?

The Proposed Natural Resources Plan (PNRP) is regional plan that will replace the five existing regional plans that manage the coast, soil, discharges to land, fresh water and air. The regional plans sets the direction for the use of natural resources in the region.

A decision version of the PNRP was notified on 31 July 2019. From this date the plan reflected the decisions made by a panel of hearing commissioners, taking into account submissions and hearing evidence. The PNRP is now in the appeals stage (see diagram below). Once all appeals are resolved the plan will become operative (and the existing plans will no longer apply).

Horticulture New Zealand has been involved throughout the process, telling the horticulture story and promoting outcomes that enable growing.



What does it mean for growers?

Until the PNRP becomes operative, both the current operative regional plans and the PNRP apply:

- Greater Wellington Regional Council enforce both sets of rules (until the PNRP becomes operative) with the strictest requirement prevailing
- If you have a resource consent, the new plan will only become relevant for this activity if/when you need to renew your consent
- There is a grace period if you are undertaking an activity that was permitted under the existing regional plan(s) but requires resource consent under the PNRP. As long as a resource consent is applied for within 6 months of the rules becoming operative (refer timeline above), the activity is the 'same or similar in character, intensity, and scale' and has not been discontinued for more than 6 months, this activity can continue.

The PNRP can be accessed on Greater Wellington Regional Council's website:

<https://www.gw.govt.nz/proposed-natural-resources-plan/>.

What does the plan cover?

The plan has rules, objectives and policies for managing soil, freshwater, discharges to air and water and the coastal environment. A summary of the rules most relevant to horticulture is provided below.

If you need assistance reading the plan or understanding whether you need consent, please contact the Greater Wellington Regional Council or your local planning consultant.

<p>Air quality rules :</p>	<ul style="list-style-type: none"> - Outdoor burning is permitted, except for some toxic substances (refer to the definition of specified material in the plan) - Frost protection discharges, the discharge must be from a chimney - Agrichemical spraying, key requirements: <ul style="list-style-type: none"> o spraying in or adjacent to a sensitive area requires a spray plan and all persons likely to be affected by the discharge of agrichemicals are notified o aerial applicators must keep GPS records o signage is required for spraying in public places (e.g. roadsides) o there are specific conditions applicable to any discharge to water o agrichemicals should not be discharged onto a roof used for rain water collection <p>NB: There is a general requirement for activities to not result in noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property.</p>
<p>Discharge to land and water rules:</p>	<ul style="list-style-type: none"> - Fertiliser application, key requirements: <ul style="list-style-type: none"> o ground-based application should not be direct to a surface water body o aerial application should not be directly onto or into surface water body more than 2m wide o in accordance with Fertiliser Quality Control Council's Code of Practice for the Placement of Fertiliser in New Zealand 2018 - There are also rules relating to water races, domestic wastewater systems, discharges to water and discharge of compost or solid animal waste.
<p>Land use rules:</p>	<ul style="list-style-type: none"> - Cultivation, key requirements: <ul style="list-style-type: none"> o Requirement for vegetated setbacks of 5m or 3m o Requirements around the quality of water entering water (i.e no change in visual clarity) <p>Refer to PNRP for rules for earthworks and vegetation clearance (which are not cultivation) – area thresholds apply.</p>
<p>Wetlands and beds of lakes and rivers:</p>	<p>The plan includes rules and requirements around:</p> <ul style="list-style-type: none"> - Activities in wetlands <ul style="list-style-type: none"> o Note: Natural wetlands (are defined in the plan) and do not include areas established for e.g. water storage ponds, drainage - Activities/structures (culverts, river crossing strictures, dams) in water bodies - Maintenance of drains - Removing vegetation from drains or surface water foes - Dams and diversion of water <p>General conditions also apply, including conditions relating to refuelling around machinery or equipment around waterbodies, fish passage, taking steps in minimising disturbance and effects. Sites that have specific values identified on the Plan have additional protections (e.g. mana whenua sites, inanga spawning sites).</p>
<p>Water allocation rules:</p>	<ul style="list-style-type: none"> - There is a permitted water take based on property size (20m3 for properties greater than 20 ha, or 10m3 for properties less than 20ha) - water takes beyond this require consent. - There are rules for transferring water permits (this requires resource consent). - Constructing a bore requires resource consent.

HortNZ's involvement in the process

HortNZ has been involved since the PNRP was notified – making a submission, further submission and presenting at hearings in 2017/2018. Throughout this process, HortNZ has had some wins including:

- Amending the definition of cultivation to recognise strip tilling as an exclusion as the soil disturbance is minimal, and to include harvesting as part of cultivation.
- Ensuring the definition of fertiliser is consistent with other legislation.
- Clarifying that 'ambient air' quality is about the district as a whole, as opposed to localised air quality
- Inserting a Restricted Discretionary activity status for agrichemical application than cannot meet permitted standards (resulting in greater certainty for applicants)

HortNZ has appeal points in relation to the following:

- **Agrichemicals:** clarifying aspects of the agrichemical rules including the expectations upstream of community drink water supply intakes, reinstating training requirements (i.e. GROWSAFE) and making sure requirements for spray plans are clear.
- **Cultivation:** seeking the ability to use other mitigation measures, as an alternative to setbacks, in the cultivation rule.
- **Rootstock protection water:** seeking to enable the need for rootstock protection water to be a consideration for new consents (not just the replacement of existing resource consents) and to reinstate the consideration of rootstock protection in water shortage or drought conditions.
- **Hazardous Substances:** seeking to making sure that agrichemical (or fertiliser) use does not get inadvertently get captured by restrictive hazardous substances policy requirements, if a resource consent is required.
- **Reverse sensitivity:** ensuring policy around protecting regionally significant infrastructure fairly recognises existing activities.