

SUBMISSION

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Proposed Change 5 (Kaituna River) to the Regional Policy Statement

30 July 2021

To: Bay of Plenty Regional Council

Name of Submitter: Horticulture New Zealand

Contact for Service:

Michelle Sands

Manager – Environment Team

Horticulture New Zealand

PO Box 10-232 WELLINGTON

Ph: [XXX]

Email: XXX@hortnz.com

OVERVIEW

Submission structure

- 1 Part 1: HortNZ's Role
- 2 Part 2: Chapter 2
HortNZ submission, Appendix 1, changes sought.

Our submission

Horticulture New Zealand (HortNZ) thanks Bay of Plenty Regional Council for the opportunity to submit on the Proposed Change 5 (Kaituna River) to the Regional Natural Resources Plan and welcomes any opportunity to continue to work with Council and Te Maru o Kaituna 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 6000 commercial fruit and vegetable growers in New Zealand, who grow around 100 different crop types and employ over 60,000 workers.

There is approximately 120,000 hectares of horticultural land in New Zealand - approximately 80,000 ha of this is fruit and vegetables. The remaining 40,000 ha is primarily made up of wine grapes and hops, which HortNZ does not represent.

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 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 Bay of Plenty Region

Horticulture covers over 11,000 ha in the Bay of Plenty Region, with fruit being the most prevalent crop. Kiwifruit (over 10,736 ha) is the most predominant crop in this region although other crops such as avocados (over 2,000ha), apples, citrus, berryfruit and other subtropical fruit, contribute to the growing region. Small pockets of indoor and outdoor vegetable growing are also present.

The Kaituna catchment is a significant area for horticulture. The environment (soils and weather), post-harvest facilities nearby (Te Puke) and the access to Tauranga port all contribute to the productive capability of the area. These assets and values also contribute to the local Kaituna community and wider Bay of Plenty economy.

2. Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement

HortNZ generally supports the provisions within the Proposed Change 5. The provisions appear to accurately reflect the objectives, policies and desired outcomes of Kaituna He Taonga Tuku Iho while aligning with the National Policy Statement for Freshwater Management (NPSFM) and the operative Regional Policy Statement (RPS). The provisions also seek to strike a balance which recognises the needs of existing and future resource users and communities.

This is of key importance for HortNZ as water is a critical component for successful, sustainable horticulture. Water plays a vital role in the quality and yield of produce. Water is critical to nourish and grow the plant. It also assists in managing uptake of nutrients.

When operating at best or good management practice, horticulture can be undertaken in a sustainable manner that maintains or improves environmental outcomes. The Climate Change Commissions report identified land use change to horticulture as one solution for addressing climate change through lowering emissions. HortNZ supports the use of farm environment plans to achieve long-term sustainable horticulture.

Generally, only minor amendments are sought to ensure efficiency of the proposed provisions within a planning process.

2.1. Significant Issue 2.12.4 (1) Water allocation

HortNZ does not agree with the statement in Significant Issue 2.12.4(1) that water quantity is over allocated.

BOPRC's current groundwater allocation method is from a NREM Ground Water Monitoring Report¹ in 2013 which states: 'The groundwater allocation is provisionally set at no more than 35% of average annual recharge. This figure is taken from the Proposed National Environmental Standard on Ecological Flows and Water Level (2008)²'. The NERM report Map 10 & 11³ shows groundwater level monitoring bores water level in the Kaituna catchment are stable or increasing with none in decline.

We are concerned that the adopted limits (as used in Plan Change 9) used to determine water allocation levels through the region were unnecessarily restrictive due to the technological methodology applied. Further evidence of this is illustrated by the large degree of spatial inconsistency in groundwater allocation limits with no clear rationale supporting it.

It is our understanding that freshwater management unit specific sustainable yields are expected to be defined based on detailed groundwater modelling currently in development by council. These will eventually supersede the interim allocation limits through the plan change process that will give effect to the National Policy Statement for Freshwater 2020. This programme of work could have a significant impact on allocation limits in the Kaituna river.

HortNZ has sought an amendment that still recognises water allocation is approaching the top of end of what would be deemed acceptable in terms of achieving freshwater outcomes. Providing accurate information in the significant issues is critical as this will have implications for the implementation of the objectives and policies, particularly proposed Policy KR 4B Managing groundwater abstraction in the Kaituna River.

¹ https://www.boprc.govt.nz/media/470826/nermn-groundwater-monitoring-report_part1.pdf

² <https://www.environmentcourt.govt.nz/assets/Documents/Publications/2021-03-19-Fish-Game-1-Proposed-National-Environmental-Standard-on-Ecological-Flows-and-Water-Level-as-at-19-March-2021.pdf>

³ https://www.boprc.govt.nz/media/470827/nermn-groundwater-monitoring-report_part2.pdf

Appendix 1: Submission

Without limiting the generality of the above, HortNZ seeks the following decisions on the Change 5 Kaituna River to the RPS, 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
Significant Issues 2.12.4 (1)	Oppose in part	<p>The statement 'Current consented allocation exceeds region-wide limits in several sub-catchments of the Kaituna River and in the Lower Kaituna aquifer' (2.12.4 (1)) is not based on current and best knowledge of the groundwater aquifers in the Bay of Plenty Region or the Kaituna catchments.</p> <p>BOPRC current groundwater allocation method is from a NREM Ground Water Monitoring Report¹ in 2013 states: 'The groundwater allocation is provisionally set at no more than 35% of average annual recharge. This figure is taken from the Proposed National Environmental Standard on Ecological Flows and Water Level (2008)²'.</p>	<p>Amend:</p> <p>Current consented allocation exceeds water quantity limits, In several subcatchments of the Kaituna River and in the Lower Kaituna aquifer current <u>water allocation is approaching the peak of what would be suitable for freshwater outcomes.</u> <u>Groundwater across the region should be allocated through national policies (NPSFM & NES) and current and best knowledge of the aquifers at the Kaituna catchment scale,</u></p>

		<p>The NERMN report Map 10 & 11 shows groundwater level monitoring bores water level in the Kaituna catchment are stable or increasing with none in decline.</p> <p>HortNZ considers that the best approach being (as with Water quality) NPSFM and the National Environmental Standards (NES) as an overall approach that should be taken to water quantity. HortNZ supports the approach to catchment scale planning to water quantity as well as they provide the spatial framework for identifying freshwater values and establishing objectives, targets, and allocation regimes to provide for the identified values.</p>	
<p>Objective 40: The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are recognised, strengthened, enhanced and provided for.</p>	<p>Support in part.</p>	<p>The word “strengthen” does not appear to add anything to the objective from a planning perspective.</p> <p>The Cambridge Dictionary definition of “enhance” is <i>to improve the quality, amount, or strength of something</i>.</p> <p>HortNZ recommends deleting the term “strengthen” from the policy as the intent is already covered by the term “enhance” which is also supported in caselaw.</p>	<p>Amend: Delete the word “strengthen”.</p>

		It is acknowledged that the term “strengthen” is used in Kaituna He Taonga Tuku Iho in terms of seeking to strengthen associations between iwi and hapu with the Kaituna River through recognition of iwi/hapu management plans, access to the river and protection of cultural heritage. However, HortNZ believes this strengthening of association can be achieved through the objectives, policies and methods embedded in the plan. In order for these provisions to be effective, it is best to apply validated planning terminology.	
Objective 41: Water quality and the mauri of the water, including groundwater, in the Kaituna River is restored to a state which provides for ecosystem health, human contact, threatened species and mahinga kai values.	Support.	The objective aligns with Kaituna He Taonga Tuku Iho and the NPSFM.	Retain
Objective 42: There is sufficient water quantity in the Kaituna River to support the mauri of rivers and streams and provide for tangata whenua, ecological and recreational values.	Support.	The objective aligns with Kaituna He Taonga Tuku Iho and the NPSFM.	Retain
Objective 43: Water in the Kaituna River is sustainably allocated and	Support.	HortNZ supports sustainable allocation and efficient use to provide	Retain.

efficiently used to provide for the social, economic and cultural wellbeing of iwi, hapū and communities now and for future generations.		for a range of well-beings for now and future generations.	
Objective 44 : The environmental well-being of the Kaituna River is enhanced through best management practices.	Support	HortNZ supports the implementation and up-take of best management plans through farm environment plans.	Retain.
Objective 45 : The Kaituna River's wetlands, aquatic and riparian ecosystems are restored, protected and enhanced to support indigenous species.	Support	The objective aligns with Kaituna He Taonga Tuku Iho and the NPSFM.	Retain.
Objective 46 : Te Maru o Kaituna collaborate with iwi and the wider community to enable environmental, economic, social, educational and cultural aspirations for the restoration, protection and enhancement of the Kaituna River.	Support	HortNZ supports a collaborative approach with iwi and the wider community.	Retain.
Policy KR 1B	Oppose/Support in part	<p>The word "enhance" would seem to cover the intent of "Strengthen" and "enhance" is validated in caselaw.</p> <p>HortNZ generally supports the policy. We note that with regards to clauses (d) and (e), traditional knowledge and information and recognition of</p>	<p>Amend</p> <p>Policy KR 1B: Recognise, strengthen, enhance and provide for traditional and contemporary iwi and hapū relationships with Kaituna River</p> <p>Recognise, strengthen, enhance and provide for traditional and</p>

		resource management plans should be built into the development of Regional Policy Statement and Regional Plan.	contemporary iwi and hapū relationships with Kaituna River through the:
Policy KR 2B: Establishing water quality limits within the Kaituna River	Support	HortNZ supports alignment with the NPSFM and notes that this policy aligns with the desired outcomes of Objective 5 the Kaituna He Taonga Tuku Iho.	Retain
Policy KR 3B: Using Mātauranga Māori to inform resource management decision making in the Kaituna River.	Support	HortNZ considers the Regional Policy Statement and Regional Plans to be the appropriate places to inform resource users of the Mātauranga Māori of the Kaituna River catchment. This information needs to be readily available in regional plans for resource users and iwi/hapu to allow timely, cost effective, consistent and improved outcomes for the Kaituna catchment.	Retain.
Policy KR 4B: Managing groundwater abstraction in the Kaituna River	Support in part	HortNZ supports this policy as it aligns with Kaituna He Taonga Tuku Iho and provides an appropriate balance of interests in managing groundwater abstraction. However, support is provisional on amendments made to the Significant Issues 2.12.4(1).	Retain provisional to other submission points.

<p>Policy KR 5B: Enhancing the mauri of the Kaituna River through best management practices</p>	<p>Support</p>	<p>HortNZ supports the implementation of best management practices through a mix of regulation, industry incentives and industry leadership. A number of GAP (good agricultural practice) schemes exist to support the horticultural sectors. Many are adapting to provide Farm Environment Plan services. NZGAP is one such organisation that provides an accredited assurance programme for growers to meet a range of market access and regulatory standards. NZGAP has developed the Environmental Management System which allows growers to develop risk-based farm environment plans using templates based on a suite of good and best management practices. These practices are based on validated industry environmental Codes of Practices and address the unique nature and environmental risks of horticulture operations.</p> <p>HortNZ supports clause (c) and the relevant proposed Implementation Method 23N that seeks to develop protocols for this process.</p>	<p>Retain.</p>
<p>Policy KR 6B: Protect, restore and enhance Kaituna Rivers Indigenous aquatic, riparian and wetland vegetation and habitats</p>	<p>Support in part/Oppose in part</p>	<p>HortNZ supports an approach that encourages nature-based solutions/good management practices (such as artificial water</p>	<p>Retain Policy KR 6B</p> <p>Amend the explanation</p>

		<p>bodies) and riparian and vegetation enhancement.</p> <p>Generally, we support the intent of a) and note that clauses b) - d) imply a range of non-regulatory implementation methods which is reiterated in the policy explanation. However, should council determine to also apply regulatory methods to achieve clause a) we take this opportunity to suggest caution in the application and wording of those regulatory methods due to concerns these may disincentivise riparian planting and the use of good practices. Many growers undertake riparian planting along streams or wetlands either voluntarily, or to off-set effects elsewhere on-site. The potential for regulation to extend over riparian planting, which is then deemed a wetland, may result in individuals determining not to undertake planting or to not undertake other works that could contribute to improved water quality.</p> <p>Additionally, the catchment has undergone widespread land use change to enable a range of industries to prosper. The policy explanation states that these</p>	<p>The Kaituna River Catchment has undergone widespread land use change to enable forestry conversion, pastoral grazing, horticulture, rural lifestyle activities and urbanisation. While these land use activities are important contributors to the region's economic prosperity they have <u>had variable impacts</u> sed to the health of indigenous vegetation and habitats within streams and rivers and their riparian areas.</p> <p>Retain the remainder of the explanation, particularly the emphasis on non-regulatory methods.</p>
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		industries have impacted negatively on the health of the catchment. This is a broad statement and generalises all industries as having the same negative impact which is a view we do not support. For example - based on current modelling, the nutrient leaching rate from a dairy farm would be higher than a kiwifruit or avocado orchard. We would prefer that this statement is reworded to reflect that not all industries have the same negative impact on water quality.	
Policy KR 7B: Enabling economic development opportunities for iwi and hapu in the Kaituna River	Support	HortNZ recognises that there are a range of opportunities for Maori that will support the region and with sustainable best management practices, support the river's wellbeing. Clarification that this is within the river itself.	Retain.
Policy KR 8B: Enabling recreational activities along the Kaituna River	Support	HortNZ generally supports this policy provided reference to not compromising ecosystem health is retained. As noted in the explanation, some recreational pursuits (or frequency) can lead to environmental effects. It is HortNZ's position that recreational activities should not be	Retain.

		prioritised over those food producing activities applying best or good management practices.	
Policy KR 9B: Recognising kaitiakitanga in the Kaituna River involves sustainable use, development and protection.	Support	HortNZ supports this policy noting the intent is to protect the mauri of the river while enabling sustainable use and development.	Retain.
Method KR5: Provide information on integrating kaitiakitanga and rangatiratanga into land use management in the Kaituna River	Support	HortNZ supports the provision of such information. Where possible, this information needs to be stored in regional plans so it is accessible to the wider community/resource users.	Retain.