



NEW ZEALAND WINE
PURE DISCOVERY

By email: standards@mfe.govt.nz

16 April 2010

SUBMISSION ON PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL

Thank you for the opportunity to submit on the Proposed National Environmental Standard for Assessing and Managing Contaminants in Soil (“the proposed NES”). Our comments are set out below.

New Zealand Winegrowers

New Zealand Winegrowers (NZW) is the organisation that researches, promotes and represents the interests of New Zealand grape growers and wine makers. NZW was established in 2002 as a joint venture between the New Zealand Grape Growers Council Inc. and the Wine Institute of New Zealand Inc. Every grape grower and winemaker in New Zealand is a member of our organisation. We currently have 670 winery members and over 1000 grape grower members.

The wine industry represents the largest single horticultural crop by land area, as well as being a significant agricultural export earner. Our members are committed to environmentally sustainable production. Over 92% of total vineyard area and productive capacity is currently operated under an audited sustainable management programme, and the industry objective is to take that figure to 100% by 2012.

1. Introduction

NZW supports the role of central government guidance and national baselines on the management of soil contamination where the rules are able to provide clear, meaningful and constructive guidance to local authorities. However, it is our view that any national approach on this issue must be carefully constructed to balance the potential risk that land is historically

affected with the substantial costs on land owners to conduct site investigations and provide soil reports to councils. In addition, we have a number of concerns about how the proposal will work in practice. These concerns are outlined below.

2. Roles of Regional and Territorial Authorities

The discussion document notes that the functions allocated to local government in respect of contaminated land are split between regional councils and territorial authorities. It is clear that although territorial authorities will be required to determine whether a resource consent is needed under the NES, it is more likely that regional councils will hold the information relevant to determining the level of risk and whether the site warrants investigation. We therefore request that this split is acknowledged and provided for in the final form of the NES in order to support an informed risk management approach.

3. Site Investigation

We support the proposal to exclude agricultural land from the permitted activity requirements (as outlined on page 29 of the discussion document) on the basis that a site investigation would be onerous and unjustified in the circumstances. However, the category of activities to be excluded from the NES site investigation requirements is not clearly defined in the discussion document. Accordingly, we request that the reference to “land used for the bulk production of food” explicitly include viticultural land in the NES, given that it meets the criterion provided in the discussion document (inclusion within the Australia New Zealand Joint Food Standards framework). We would also submit that rather than enacting blanket controls at the time of development, a risk management approach which focused on high risk hazardous activities (as opposed to low risk horticultural land uses) would be more likely to increase investigation into the identification and location of contaminated sites.

4. Hazardous Activities and Industries List

We wish to support the submission made by Horticulture New Zealand in relation to the inclusion of the Hazardous Activities and Industries List (HAIL) classification. Specifically, we request that the HAIL reference to horticulture be redefined to focus on legacy activities and not present development.

5. Information Requirements

The proposed NES provides that, as a permitted activity, all subsurface investigation reports must be provided to the territorial authority for inclusion on the property file. This is a particularly onerous requirement with potentially significant impact on property values and it is our view that the discussion document does not provide adequate analysis of these costs.

In addition, we note that the process for developing an NES provides no further opportunity for consultation. We therefore request that the final proposal be released for a second round of consultation in light of the major potential impact and cost implications of the proposed NES on New Zealand's landowners.

If you have any questions regarding our submission, please do not hesitate to contact us.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John Barker', with a short horizontal line underneath.

John Barker
Manager Policy and Membership
NEW ZEALAND WINEGROWERS