Submission on proposed Essential Freshwater Package including:

- Action for Healthy Waterways Discussion Document
- Proposed National Policy Statement for Freshwater Management
- Proposed National Environmental Standard for Freshwater

And:

Pukekohe Vegetable Growers Association
Submitter

And:

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Overview

1. This submission is on behalf of Pukekohe Vegetable Growers Association (PVGA) in relation to the Ministry for the Environment proposed Freshwater Package including Action for Healthy Waterways discussion document; Proposed National Policy Statement for Freshwater Management; Proposed National Environmental Standard for Freshwater.

2. Pukekohe Vegetable Growers Association will not gain a competitive advantage in trade competition through the lodgement of this submission.

3. The PVGA represents an estimated 230 commercial vegetable growers from as far north as Warkworth and as far south as southern Waikato, who are committed to sustainably growing fresh, healthy produce. Sustainable practices are also an essential...
element of the New Zealand Good Agricultural Practice (NZ-GAP) system, which every grower must be certified by, to supply supermarkets, markets and processors. This certification verifies that growers meet specific criteria and demonstrate their commitment and ability to grow fresh produce in accordance with sustainable and responsible practises.

4. Within the area we represent is Pukekohe, a hub for commercial vegetable production (CVP) which significantly contributes to meeting the fresh produce demands of our domestic market.

5. Pukekohe significantly contributes to the domestic supply for carrots, potatoes and leafy greens in October, November and the early part of December each year and is unique within New Zealand as it presents favourable climatic conditions for the growing of these crops, enabling winter production. In the north, crops are constrained by disease pressures, and further south may be subject to frosts. Deloitte’s acknowledged the significance of this location in providing for our national fresh vegetable consumption in ‘New Zealand’s Food Story – The Pukekohe Hub’, August 2018 and confirmed that this area contributed to 26% of the nation’s value of production of vegetables at this time.

6. Our export industry is also of significant importance, contributing to world markets, generating $1.27 billion annually and generating necessary revenue to enable growers to invest in improved technologies and environmental initiatives which form a part of evolving Good Management Practices (GMP). Without this revenue, many of these improved technologies would be unattainable.

7. While export revenue is a required component for a sustainable CVP enterprise, a high proportion of the produce we grow is for domestic supply. An estimated 80% of vegetables produced within New Zealand are consumed by New Zealanders, yet less than 50% of adults and children are meeting their recommended daily intake of fresh vegetables¹.

8. Food and nutrition are major determinants of the health status of New Zealanders. The 2017/2018 New Zealand Health Survey identified that 1/3 of all adults are now considered to be obese, while 1 in 8 children are considered obese. Both statistics have continued to increase from previous surveys². Obesity and other diet related diseases in New Zealand place a considerable strain on the health care system and have a disproportionately high contribution to largely avoidable health care costs³.

9. The New Zealand population grew by ~2.1% annually between the 2013 and 2018 census' including significant gains from net migration. New Zealand’s population now has a 90 percent probability of increasing to 5.01–5.51 million in 2025⁴.

10. The PVGA consider fresh produce to be essential for the health and wellbeing of our growing New Zealand population and we ask the Government to prioritise access to affordable fresh produce for all New Zealanders when considering the proposed Freshwater policies. On this basis, we ask for specific provisions to enable Commercial

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² New Zealand Health Survey 2017/2018.
⁴ Statistics New Zealand 2019.
Vegetable Production (CVP) operations within areas identified as food hubs and on land identified as highly productive land through the National Policy Statement for Highly Productive Land.

11. We cannot simply change location, as the production of many of the vegetables grown in and around Pukekohe, particularly over the winter months, cannot be replicated elsewhere in the country. To import these vegetables would have a direct effect on our carbon footprint.

12. We have particular concerns around the Pukekohe food hub being heavily impacted by proposals surrounding high nitrate-nitrogen catchments and consider that imposed restrictions may inhibit our ability to grow vegetables. The company Collaborations undertook a Horticulture Mapping and DIN E Coli review on behalf of Horticulture New Zealand, released October 2019, which identified many streams in and around the Pukekohe area as being significantly impacted by the new proposed DIN bottom line.

13. The freshwater proposals intend to restrict the ability to utilise nutrients in these areas, however, crop nutrient requirements, including nitrogen, are tailored and cannot be adjusted without compromising yield or resulting in an unmarketable yield. This means that imposed restrictions could result in many of our growing operations becoming unviable in these areas and it is not as simple as just relocating, as indicated above. Many of the streams in our area are groundwater fed, further complicating the interpretation of catchment results. We consider that this outcome contradicts the intention of the proposed National Policy Statement for Highly Productive Land.

14. The proposed provisions stand to have a major impact on the availability and cost of produce to the consumer and as a result, on the access of fresh vegetables within New Zealand. This will have a particularly heavy impact on those already in poverty and we consider that a full analysis of impacts including economic, social, cultural and environmental should be undertaken by the Government prior to the introduction of any proposals.

15. It is our view that the current freshwater proposals do not recognise the specific requirements of the commercial vegetable production sector, particularly in the context of necessary crop inputs and marketable yield and we consider that specific provisions should be made for CVP operations as an essential industry, noting that we play a significant role in the health and wellbeing of all New Zealanders, but occupy less than 1% of total land area within New Zealand¹.

**Overall Recommendation**

16. We recommend that a pathway specific to CVP be defined within the current freshwater proposals to enable existing CVP operations on Highly Productive Land regardless of catchment, where an enterprise:

   a. is registered with NZ-GAP
   b. has an approved Farm Environment Plan audited by the NZ-GAP system
   c. is operating in accordance with industry Good Management Practices

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¹ As at 2016 less than 1 percent of New Zealand’s total land area was used for growing fruit and berries (0.5 percent or 120,894 ha) and vegetables (0.3 percent or 69,686 ha). Statistics NZ.
Where these criteria cannot be met or are consistently not being met (requires some guidance as to what consistently means), we propose a consenting pathway should be required. Discussed in detail within the body of this submission in relation to proposed provisions.

17. As discussed within this submission and illustrated in Figures 1 and 2 below, we recommend that the existing and successful NZ-GAP framework, including the Environmental Management System, is utilised to provide a nationally consistent approach for growers. We consider that the approved FEP-FW can be independently audited through the NZ-GAP programme, ensuring that FEP audits are undertaken by an approved Farm Environment Planner suitably experienced and qualified in CVP.

Proposed Framework

![Figure 1: Proposed Framework for Commercial Vegetable Production](image)

![Figure 2: NZ-GAP Environmental Management System](image)

18. Industry GMP relates to many distinct areas of commercial vegetable production (CVP) including erosion and sediment control, nutrient management, crop rotation and
irrigation. Industry led guidance is specialised and technical and already widely adopted but we support the need to bring everyone up to this level.

19. We consider that if provisions are to achieve desired results, then it is imperative that all technical requirements and updates relating to GMP are reflected consistently for growers throughout the country through a single framework, allowing for on farm adaptation to reflect local conditions. NZ-GAP provides this framework and can be updated as required to reflect advances in technology, science, and modelling software.

20. We are keenly aware that there is currently no modelling tool available that is suitable for CVP operations. This too was supported by the Freshwater Leaders Group in relation to the inadequacy of Overseer in its current form for CVP.

21. We consider that the Government should make funding available to contribute to the development of new or improved modelling software that is considered suitable for CVP. We consider that this should occur within **two years** to enable the accurate modelling of discharges from Commercial Vegetable Production (CVP) activities. This can contribute to the development of a reliable accounting framework at Regional level as required within the NPS-FM.

22. Overall, the PVGA support playing our role in improved water quality outcomes and we welcome the opportunity to engage with you directly to achieve the best outcomes possible. We thank you for taking the time to come to Pukekohe to meet with us during the consultation period.

23. We also thank you for your commitment to develop a National Environmental Standard for CVP and support this approach for the governance of CVP into the future. We consider that due to the complexity of our sector and the numerous aspects to be considered, this will take time to develop appropriately. Again, we welcome the opportunity to engage with the Ministry in the development of this National Environmental Standard.

24. Specific feedback in relation to freshwater policy proposals is set out within the body of this submission.
Proposed National Policy Statement for Freshwater Management

Part 1: Preliminary provisions

Fundamental Concept Te Mana o Te Wai

25. The PVGA support the fundamental concept of Te Mana o te Wai, “the mana of the water”, where upholding Te Mana o te Wai protects the mauri of the water and requires that, in particular, Te Hauora o te Tangata (the health of the people) are all provided for. We consider that access to locally grown fresh produce is an essential need for the health of the people and that access to New Zealand grown fresh produce should be specifically stated as an essential requirement for the health and wellbeing of all New Zealanders. The Eat- Lancet Commission found that food is the single strongest lever to optimize human health and environmental sustainability. The PVGA consider that national food security needs to be prioritised. Food production appears to be under-acknowledged in current policy development within New Zealand, however, is inextricably linked to the health of our population and to environmental sustainability.

26. We consider that access to New Zealand grown fresh produce should be specified as an essential need for human health, and that where Highly Productive Land is identified, access to water and nutrients should be prioritised for Commercial Vegetable Production (CVP) to provide national food security.

Part 2: Objective and policies

Objective

27. The PVGA support the proposed objective with amendments indicated in red:
   a) first, the health and wellbeing of waterbodies and freshwater ecosystems; and
   b) second, the essential health needs of people including access to clean drinking water and to New Zealand grown fresh produce; and
   c) third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.

Policies

28. The PVGA support the proposed Policies with amendments indicated in red:
   Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai;

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**Policy 2:** Freshwater is managed through a national objectives framework, in order to ensure that the health and wellbeing of waterbodies and freshwater ecosystems is maintained or improved;

**Policy 3:** The condition of waterbodies and freshwater ecosystems is systematically monitored over time, and action is taken to reverse deteriorating trends at a rate that is economically, socially, culturally and environmentally sustainable;

**Policy 4:** Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchments basis, including the effects on sensitive receiving environments;

**Policy 5:** Iwi and hapū are involved in freshwater management, and tangata whenua values and interests are identified and reflected in the management of, and decisions relating to waterbodies and freshwater ecosystems;

**Policy 6:** The national target for water quality improvement (as set out in Appendix 3) is achieved;

**Policy 7:** Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided;

**Policy 8:** There is no further loss or degradation of natural inland wetlands;

**Policy 9:** There is no further net loss of streams;

**Policy 10:** The significant values of outstanding waterbodies are protected;

**Policy 11:** The habitats of indigenous freshwater species are safeguarded;

**Policy 12:** Information about the state of waterbodies and freshwater ecosystems, and the challenges to their health and wellbeing, is regularly reported on and published;

**Policy 13:** Communities are enabled to provide for their social, cultural, economic and environmental wellbeing while managing freshwater in a manner consistent with Te Mana o te Wai and as required by the national objectives framework and other requirements of this National Policy Statement.

**Part 3: Implementing Objective and Policies**

29. The PVGA support the requirement for Regional Councils to consult with Community and Tangata Whenua in determining local requirements for Te Mana o te Wai but consider that this consultation requires a clear framework to ensure fair and consistent reflection of the views of all. We do not consider that engagement at ‘every stage of the process’ provides effective guidance on engagement requirements and consider that this may become a long-winded bureaucratic process without clear and structured direction.

30. We support the engagement with tangata whenua to identify their values and interests and acknowledge the importance of their guidance and knowledge in decision making when managing resources relating to tangata whenua values. As
growers, we too have inter-generational knowledge and values relating to the land which is passed down through generations and also have a spiritual connection to the land upon which we grow. We have full respect for the principles of matauranga Maori and acknowledge the importance of safeguarding taonga knowledge. We ask that respect be given to our views and our taonga and that they also be considered at a regional level, as water is an essential element enabling us to feed the growing population of New Zealand.

31. It is considered unreasonable to state that ‘if complete and scientifically robust data on which to establish the current state of an attribute is unavailable then reliance can be given to partial data, local knowledge and information obtained from other sources.’ Where decisions are to be made that directly impact on the ability of land to reach productive capacity, livelihoods and land values, then scientific data driving the decisions should be clear and robust. It is our view that where robust scientific data is unavailable, interim measures should drive the gathering of data on which sound regulation can be developed. It is considered that ‘other sources’ is ambiguous and open to interpretation.

Resolution sought:

32. Provide clear framework for process of engagement with community and tangata whenua in giving effect to Te Mana o te Wai, to ensure that all views are considered.

33. Amend NPS-FM to ensure that direction requires reliance on robust scientific data (amendments indicated in red):

‘if complete and scientifically robust data on which to establish the current state of an attribute is unavailable then a suitable monitoring programme must be developed to gather robust scientific data on which to develop regulation’. The PVGA urge that interim measures direct for the gathering of data to enable a sound regulatory framework to be developed.

Monitoring (Section 3.13)

34. The PVGA support monitoring methods proposed, with amendments/comments as provided in red below.

Resolution sought:

The methods must include:

a) measures of the health of indigenous flora and fauna; and
b) measure of health and wellbeing of communities including social, economic, cultural and environmental

c) mātauranga Māori

35. The PVGA consider that for both the health and well-being of communities and matauranga maori, indicators to measure success will be required. It is considered that ensuring sustainable economic, social and cultural outcomes (including matauranga maori) will have a direct correlation to achieving sustainable environmental outcomes.
Subpart 3: Specific Requirements

Inland Wetlands (Section 3.15)

36. It is essential that sediment retention devices including sediment retention and water storage ponds, riparian buffers and constructed riparian edges are excluded from the definition of natural wetlands and it should be specified as such to ensure that Regional Councils have a clear interpretation.

37. We do not support the size class of 0.05ha and consider that a size class of 2ha should be the minimum criterion, as per the Landcare Research Wetland Delineation Protocols that refer to a small wetland as being <2ha\(^7\). We also consider that requirements should specify for mapping purposes, that they relate to existing natural wetlands.

Resolution sought:

38. The PVGA provide recommendations as indicated in red below.

I. Definition of Natural Wetland to be amended to read:

Natural Wetland means a wetland as defined in the Act (regardless of whether it is dominated by indigenous or exotic vegetation), except that it does not include:

a. Wet pasture or paddocks where water temporarily ponds after rain in places dominated by pasture, or that contain patches of exotic sedge or rush species; or
b. Riparian buffers and constructed riparian margins; or
c. Sediment retention devices including sediment retention ponds and water storage ponds
d. Constructed wetlands; or
e. Geothermal wetlands

II. Subpart 3.15(5) to be amended as follows:

Every regional council must, in respect of existing natural inland wetlands, and may in respect of constructed wetlands:

a. Identify and map existing wetlands in its region that are:
   i. 2ha or greater in size; or
   ii. known to contain threatened species; or
   iii. of a type that is naturally less than 0.05ha in size (such as ephemeral wetlands or springs); and

Water Allocation (Section 3.19)

\(^7\) Wetland delineation protocols (2018). Landcare Research.
39. The PVGA support enabling the transfer of water take permits, and initiatives to improve and maximise the efficient allocation of water for irrigation purposes. Invasive soil diseases pose a threat to the ability to provide fresh produce for the health and wellbeing of all New Zealanders and many growers are constantly working to preserve and enhance the viability and sustainability of our precious soil resource. Such measures include determining the required rotation of crops, variety spread, rotation with other growers, cover crops, geographic spread, seasonal spread, disease and pest management, nutrient management and water management, generally planned not on a yearly basis but on a 3-5-year plan. PVGA consider it essential that over-regulation and a lack of flexibility in access to necessary resources, including water for irrigation, does not inhibit a grower’s ability to rotate land.

40. It is considered that the ability to collectively utilise available water resource between sites and across FMU’s is essential for sustainable vegetable production in this country. We seek the ability to utilise collective approaches in resource management and regulatory compliance, particularly, we support enabling a pathway for enterprises to operate under a single consent that ensures adequate ability to carry out crop rotations and includes access to essential resources such as water, to be addressed further in this submission.

Resolution sought:
41. The PVGA support these provisions subject to comments provided above.

**Accounting Systems (Section 3.20)**

42. The PVGA support the use of a freshwater quality and quantity accounting system where it is founded on robust science and data. We consider that where robust data is unavailable, interim measures should direct for data gathering to form sound regulatory decisions, as described above.

43. We support the vegetable industry using a suitable modelling tool to determine nutrient discharges and consider that the industry should, as a priority, develop a suitable modelling tool that can accurately model nutrient discharges from Commercial Vegetable Production. We urge that this is undertaken within two years and ask that some Government funding be made available for this work.

44. The PVGA consider that the NZ-GAP certification programme should be utilised for CVP accounting under the EMS, as described earlier in this submission. Information sharing from this programme could occur with the relevant Regional Councils.

45. The PVGA consider that as well as utilising the existing NZ-GAP framework, growers could be consented at an enterprise level by Regional Council as required and particularly for expansion activities. This would allow for each grower enterprise to appropriately manage CVP operations including rotation requirements essential for soil and crop health, while also ensuring that the Regional Council has control over effects mitigation. Information sharing between the two processes would enable cross-referencing of data.
Resolution sought:
46. Amend NPS-FM to ensure that direction requires reliance on robust scientific data (amendments indicated in red):
‘if complete and scientifically robust data on which to establish the current state of an attribute is unavailable then a suitable monitoring programme must be developed to gather robust scientific data on which to develop regulation’.
47. Government to provide funding contribution to development (or further development) of suitable modelling tool for CVP. To be undertaken within two years.
48. Accounting requirement to be included in NZ-GAP EMS framework upon development of suitable modelling tool (refer Figures 1 and 2).
49. Where consents are required for CVP, we recommend that these are provided under section 15 of the RMA and allows for enterprise consents to enable adequate crop rotation as we move to allocation.

Part 4 Timing

50. The PVGA have concerns regarding a lack of capability for the regional councils to resource additional requirements being imposed by the freshwater policies. We consider that overloading councils may result in an inability for regional councils to achieve the desired outcomes by 2025. This has already been alluded to by Regional Councils themselves. We support utilising the existing industry framework NZ-GAP which we believe will be a more effective means of achieving the desired outcomes of the NPS-FM.

Appendices

Appendix 1A: Compulsory values

51. The PVGA support the inclusion of Mahinga Kai as a compulsory value. We also consider that domestic fresh produce supply should be prioritised for the health and wellbeing of all New Zealanders.
52. We acknowledge and support the need to manage the components that contribute to freshwater ecosystem health. We do however, have concerns regarding the timeframe allowed for consultation on such significant amendments/additions to national bottom lines and consider that the very short consultation period has limited the ability of the sector to determine the full extent of impacts. Overall, with regard to timeframe, the proposals have generated a lot of constructive discussion and there may be more suitable pathways for CVP as a whole, but time allowances have restricted our ability to conclude discussions.
53. We do have concerns surrounding the number and location of current monitoring sites in many of our catchments, and in relation to influences at monitoring locations.
54. Overall, an assessment of monitoring locations has confirmed that many are single locations only, at the bottom of sub-catchments, in places with ease of access, often
under bridges where stormwater outlet pipes discharge and therefore results are influenced by the local environment.

55. Within the Waikato catchment as an example, sampling locations that monitor the required parameters against national bottom lines are often heavily influenced by Koi carp. These pest fish distribute mass amounts of sediment, disrupt the stream bed dislodging macrophytes and macroinvertebrate habitat and generally in these locations turbidity and suspended sediment are the primary issues identified in monitoring data. We consider that no amount of on farm work will mitigate these effects unless koi carp are eradicated.

56. In our view, catchments should have robust monitoring programmes in place that recognise and minimise the effects of local influences to provide reliable catchment data. We consider that a holistic approach needs to be adopted and where other influences, such as koi carp, are identified, then these should be addressed under the direction of the NPS-FM, by the appropriate body. We believe it is unfair to place the majority of onus on the primary sectors in such situations.

57. We consider that monitoring data must be robust, reflective of catchment conditions (avoiding the impact of local influences or addressing these accordingly) and that monitoring should be undertaken in more than one location over at least five years to justify specific at-risk catchments.

Appendix 1B: Other values that must be considered

58. The PVGA support irrigation, cultivation and food production being included as other values that must be considered, however, consider that fresh produce production as an essential need for human health should be considered as a priority.

59. We agree that water quality and quantity would need to be suitable for irrigation needs, and support attributes being specific to irrigation and food production requirements. We consider that where land is identified as highly productive and suitable for commercial vegetable production, then water for irrigation should be made available for this purpose.

Appendix 2A: Attributes requiring limits

DIN

60. The PVGA have not had time in this limited consultation period to review the science that has resulted in such a stringent and considerably reduced bottom line for Nitrogen. We are aware that many of the streams within our area will be impacted by current proposals. We are also aware that many of our streams are groundwater fed from underlying basaltic aquifers that will significantly impact on instream DIN values and rates of reduction.

61. We consider that further understanding is required in regard to the relationship between aquifers, streams and in stream DIN levels and to this effect further analysis should be undertaken. This is specified as an issue within the consultation document itself.
62. We consider that in relation to Schedule 1 catchments, the term ‘rapid’ in relation to reduction is ambiguous, open to interpretation and may be unachievable. We request removal of rapid in relation to nitrogen reductions in identified high nitrate nitrogen catchments. We also consider that ‘above’ Good Management Practice is ambiguous and request the removal of the work above, if provision is to be retained.

63. While we support contributing to achieving improved water quality outcomes, as a sector we are bound by crop nutrient requirements which must be tailored and cannot be adjusted without compromising yield or resulting in an unmarketable crop that is entirely wasted and along with it, all inputs.

64. We consider that the current freshwater proposals do not recognise the specific requirements of the commercial vegetable production sector, particularly in the context of necessary crop inputs and marketable yield.

65. The majority of growers (estimated 95%) are already undertaking numerous mitigation strategies to reduce effects through Good Management Practices, including:
   a. The use of slow release fertilisers
   b. Split applications of fertiliser
   c. Application in accordance with the Horticulture New Zealand Code of Practice for Nutrient Management

   Unfortunately, there is no modelling tool currently available that can reflect these GMPs.

66. In addition, many growers have invested heavily in multi tillage tools to allow for one pass of the land to complete numerous functions, use cover crops, rotations and various erosion and sediment controls constructed in accordance with GMP specified in industry guidance.

67. The proposed National Policy Statement for Freshwater Management (NPS-FM) indicates catchments that need rapid reduction in DIN, which align in many cases to areas of land that are considered to be highly productive and often used for CVP. The required nitrate reductions in some of these areas are as high as 80%, with two streams in Pukekohe currently identified, although we understand more will be considered. Reductions of between 30% and 50% are common and even at these rates of reduction, it is considered that under the current proposals, many CVP businesses in these catchments will be unable to run a productive operation at the scale required to make the business viable.

Resolution sought:

68. We consider that further understanding is required in regard to the relationship between aquifers, streams and in stream DIN levels and to this effect further analysis should be undertaken.

69. We consider that catchments should only be identified where robust data is available, preferably in more than one location.

70. Remove the word ‘rapid’ in relation to reduction within Schedule 1 catchments.

71. We request that as an essential industry occupying less than 1% of total land area within New Zealand, a pathway specific to CVP be defined within the current
freshwater proposals to enable existing CVP operations on Highly Productive Land regardless of catchment, where an enterprise:

a. is registered with NZ-GAP
b. has an approved Farm Environment Plan audited by the NZ-GAP system
c. is operating in accordance with industry Good Management Practices

Where these criteria cannot be met or are consistently not being met (requires some guidance as to what consistently means), we propose a consenting pathway should be required. Discussed in detail within the body of this submission in relation to proposed provisions.

Sediment and Phosphorus

72. We consider that GMP mitigates the majority of effects in relation to sediment and phosphorus within our sector. In our view however, further analysis is required by the Government in relation to the new proposed bottom lines and attributes to determine the social, cultural, economic and environmental impacts of the proposed amendments.

Proposed National Environmental Standard Freshwater

Part 2 Wetlands, Rivers and Fish Passage

Definitions for Subpart 1 Wetlands

73. As we described within NPS-FM feedback earlier in this submission, it is essential that sediment retention devices including sediment retention and water storage ponds, riparian buffers and constructed riparian edges are excluded from the definition of natural wetlands and it should be specified as such to ensure that Regional Councils have a clear interpretation.

74. We do not support the size class of 0.05ha and consider that a size class of 2ha should be the minimum criterion, consistent with Landcare Research Wetland Delineation Protocols that refer to a small wetland as being <2ha.

75. We consider that direction should specify ‘existing’ wetlands.

Resolution sought:

76. PVGA recommendations are indicated in red below.

III. Definition of Natural Wetland to be amended to read:

**Natural Wetland** means a wetland as defined in the Act (regardless of whether it is dominated by indigenous or exotic vegetation), except that it does not include:

a. Wet pasture or paddocks where water temporarily ponds after rain in places dominated by pasture, or that contain patches of exotic sedge or rush species; or
b. Constructed riparian margins and riparian buffers; or
c. Sediment retention devices including sediment retention ponds and water storage ponds
d. Constructed wetlands; or
e. Geothermal wetlands

IV. Subpart 3.15(5) to be amended as follows:
Every regional council must, in respect of existing natural inland wetlands, and may in respect of constructed wetlands:

a. Identify and map existing wetlands in its region that are:
   i. 2ha or greater in size; or
   ii. known to contain threatened species; or
   iii. of a type that is naturally less than 0.05ha in size (such as ephemeral wetlands or springs); and
   iv. ——

General earth disturbance

77. The PVGA consider that where existing CVP operations are within 10m of an area that in the future is determined to be natural wetland (exotic or indigenous species), provision should be made to enable us to continue our existing operations, including erosion and sediment controls in accordance with Good Management Practices. It is these earthworks which protect the surrounding environment from the effects of sediment and phosphorus.

78. Future identification of such areas could have a major impact on our ability to grow vegetables if wording does not allow exemption for existing CVP activities.

Resolution sought:

79. Amend all earth disturbance rules to exclude existing Commercial Vegetable Production Activities that are operating in accordance with Good Management Practices (GMP).

Earth disturbance for drainage

80. The PVGA oppose this provision as currently worded. We consider that exemption needs to be provided to enable us to undertake erosion and sediment control works on existing farms in accordance with Good Management Practices for Commercial Vegetable Production (CVP) activities. There may be existing headlands and sediment retention devices that exist within 100m of a natural wetland that require regular maintenance but will not impact on the wetland. We understand that the intention of this rule is to prevent future changes in hydrology within a wetland system, however, our existing sediment controls are protecting the surrounding land and waterways. We recommend providing exemption for existing CVP activities being carried out in accordance with GMP.
Resolution sought:

81. Amend all earth disturbance rules to exclude existing Commercial Vegetable Production Activities that are operating in accordance with Good Management Practices (GMP).

River bed infilling

82. The PVGA generally support the proposals set out in relation to river bed infilling, provided that allowances are made for the installation of culverts and associated filling works.

Definitions for Part 3 Farming

83. We support the inclusion of a definition for Commercial Vegetable Production (CVP). The current definitions for Part 3 however, include three definitions relating to horticultural activities, being the definitions for:
   i. commercial vegetable production
   ii. horticultural farming (currently includes food production for human consumption)
   iii. farm (currently includes horticultural farm)

This is confusing and unnecessary. We seek clarification to avoid an unnecessarily complicated process for interpretation of the rule framework. We also consider that where activities such as arable cropping, or grazing at low intensity rates (<14 SU/ha at the farm scale) are considered to be a part of the normal CVP rotations, then these should be managed under the tailored Farm Environment Plan and in accordance with Good Management Practices as a part of the CVP rule framework.

Resolution sought:

84. The PVGA recommend clarification of definitions and interpretation as directed above.

Intensification

85. We consider that definitions need to be clarified. With regard to the rules specified for Irrigated Farming, CVP would currently be captured as a horticultural farm but actually have different rules for intensification and land use change under Section 36. This requires clarification. We consider that to capture CVP in this rule is perverse as irrigation is in fact a mitigation with regard to nutrient management.

86. In relation to section 36, we support Option 2 but recommend the exclusion of the word ‘above’ as this is ambiguous and open to interpretation. We recommend that CVP enterprises need to operate in accordance with GMP.

87. We support the use of a Farm Environment Plan and the inclusion of a Freshwater Module. We recommend that this is managed and audited through the existing NZ-GAP framework. It is proposed that where a grower fails to meet NZ-GAP
requirements or a critical issue is uncovered during FEP audit, then the Regional Council would be notified and a consenting pathway could be imposed.

Resolution sought:

88. The PVGA recommends changes as indicated in red below.

*Land Use Change to Commercial Vegetable Production*

Any change in land use to commercial vegetable growing by a *grower or enterprise* since the commencement date is a Permitted Activity if, following the change, the total area of land in a Freshwater Management Unit that is used by the *grower or enterprise* for that purpose does not exceed the greatest total amount used for vegetable growing in that freshwater management unit by the *grower or enterprise* in any one farm year between the 2013/2014 and 2018/2019 farm years.

If the land area in CVP increases above this, it is a **Restricted Discretionary Activity**, subject to the following conditions:

I. Being registered with NZ-GAP; and  
II. Having a certified Freshwater module in Farm Plan including mitigation measures to avoid contaminant discharges into freshwater or into land where it could get into water that is independently audited through NZ-GAP; and  
III. Operating in accordance with Good Management Practices; and  
IV. Being located on land identified as Highly Productive Land  
V. The nitrogen, phosphorous, sediment or microbial pathogen discharges of the farm **THAT WILL RESULT FROM THE INCREASED LAND USE** will not exceed the AVERAGE discharges of those contaminants from the farm over the period 2013-2018.

The deletion of discharge accounting requirements would be as an interim measure, until a suitable modelling tool is available. The intention is that the NZ-GAP EMS will share information with the relevant regional council. We consider that the NZ-GAP EMS add-on could accommodate an ‘accounting’ component when suitable modelling software is developed and that this data could also be provided to the regional council as a part of the FEP-FW audit process.

89. The PVGA support enabling the transfer of rights for CVP as a Permitted Activity and recommend the inclusion of this as an additional provision within the freshwater proposals. Where a grower is retiring and wants to sell or lease his land to an existing grower, we consider that this transfer of rights should be enabled provided that the grower obtaining the land is:

a. Registered with NZ-GAP; and  
b. Updates their approved Farm Environment Plan including Freshwater Module in the Farm Plan to include this land  
c. Operates in accordance with Good Management Practices; and  
d. The total land area in CVP within the FMU does not increase

90. We support the inclusion of definitions for grower and enterprise.
Subpart 3 – Freshwater module of farm plans

91. The adoption of Good Management Practices at paddock level can be managed at paddock level through the implementation of tailored Farm Environment Plans (FEP’s) which we support. In our view these should be industry/grower led and audited through the NZ-GAP scheme. It is important that FEPS are audited by approved Farm Environment Planners that are both suitably qualified and experienced in commercial vegetable production. We support FEP requirements being conditioned within the consenting framework where relevant.

92. Where the NZ-GAP audit determines significant and/or recurring non-compliances, we envisage regional council will be notified and a more stringent regulatory process would be adopted for that grower or enterprise.

93. We do not support the inclusion of point 3(b) relating to previous or existing land uses that may be hazardous, such as land on which an activity or industry described in the Hazardous Activities and Industries List is being, or has been, undertaken. We consider that this inclusion may result in a full Regulation 6(2) assessment under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 being required, as an unintended consequence. We are also aware that the majority of our farms would themselves be considered HAIL activities having been used for horticultural activities historically. We consider that in the context of the FEP, this is counterproductive and that the focus within this Plan should be on guiding on farm management in a tailored way to ensure GMP is adopted and that water quality outcomes are achieved. Any inclusion of specific areas should be relevant to the outcomes being sought.

94. We consider that point 3(f) should specify stock management and exclusion on farms. Not applicable to CVP activities.

Conclusion

95. The PVGA thank you for the opportunity to provide feedback on the proposed Freshwater policies and regulation. We support the intention of the proposals with modification, as discussed within this submission, and are happy to play our role in improved water quality outcomes. We also support the development of an NES for CVP into the future and would like to engage with the Ministry in the development of this standard.

96. We consider fresh produce to be essential for the health and wellbeing of our growing New Zealand population and we ask the Government to prioritise access to affordable fresh produce for all New Zealanders when considering the proposed Freshwater policies.

97. We consider that the current freshwater proposals do not recognise the specific requirements of the commercial vegetable production sector, particularly in the context of necessary crop inputs and marketable yield.
98. We consider that specific provisions should be made for CVP operations as an essential industry, noting that we play a significant role in the health and wellbeing of all New Zealanders, but occupy less than 1% of total land area within New Zealand.

[Personal details removed], President of the Pukekohe Vegetable Growers Association