

IrrigationNZ submission on the Proposed Change 1 to the Regional Policy Statement for the Wellington Region

27th September 2022.

Address to:
Environmental Policy
Greater Wellington Regional Council
PO Box 11646, Manners St, Wellington 6142

Submitted online at: regionalplan@gw.govt.nz

Please find below the Irrigation New Zealand (IrrigationNZ) submission to the Greater Wellington Regional Council on the Proposed Change 1 to the Regional Policy Statement for the Wellington Region.

We would appreciate the opportunity to discuss the responses in our submission or to provide additional information.

I wish to be heard in support of my submission at a hearing: Yes

I would consider presenting a joint case at the hearing with others who make a similar submission: Yes

Disclosures:

I could gain an advantage in trade competition through this submission: No

Please, direct any inquiries to:
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About IrrigationNZ

Irrigation New Zealand (IrrigationNZ) represents over 3,800 members nationally, including irrigation schemes, individual irrigators, and the irrigation service sector across all regions of New Zealand.

Our irrigator members include a wide range of farmers and growers – sheep and beef, dairy and cropping farmers, horticulturalists, winegrowers, as well as sports and recreational facilities and councils. We also represent over 120 irrigation service industry members – manufacturers, distributors, irrigation design and install companies, and irrigation decision support services for both freshwater and effluent irrigation.



We are a voluntary-membership, not-for-profit organisation whose mission is to create an environment for the responsible use of water for food and fibre production for local and international consumers and to sustain the wellbeing of communities.

As an organisation we actively take a technical leadership role in promoting best practice irrigation and carry out a range of training and education activities associated with freshwater management. Over the last five years, we have trained over 3,000 irrigators on various aspects of irrigation best practices to improve water use efficiency (lowering consumption) and better manage environmental effects (improved soil moisture and surface water management).

IrrigationNZ members share many of the same goals as other New Zealanders:

- Reduce their environmental footprints and see improvements in the health of the natural environment,
- Contribute to the wellbeing of their communities, and
- Provide for a resilient future for New Zealand in the face of climate change.

IrrigationNZ General Statements of Principle

IrrigationNZ thanks the Greater Wellington Regional Council (GWRC) for the opportunity to submit on the Regional Policy Statement Proposed Change 1 (RPS).

IrrigationNZ understands the focus of RPS Change 1 is primarily to implement and support the National Policy Statement on Urban Development 2020 (NPS-UD). We note the RPS Change 1 is also being used to start the implementation of the National Policy Statement for Freshwater Management 2020 (NPS-FM). While a renewed RPS is undoubtedly necessary the process for amending the RPS in comparison to the objectives of the current version of the PNRP 'Appeals Version – 2022' seems overlay ambitious to combat the current and future impacts of climate change on water availability for the environmental, economic, and community wellbeing of the Greater Wellington Region.

Notwithstanding this complexity the IrrigationNZ submission will focus largely on the implementation of the NPS-FM which are identified as 'freshwater planning instruments' identified in RPS Change 1. These are subject to the freshwater planning process under Section 80A and Part 4 of Schedule 1 of the Resource Management Act 1991 (RMA). Under the RMA, 'Freshwater planning instruments' and either give effect to the NPS-FM or otherwise relate directly to freshwater quality or quantity.

Our main points of contention are as follows:

- Firstly, the large-scale implementation of 'freshwater planning instruments' renders the RPS Change 1 indifferent to the water needs of primary industries, such as horticultural or agricultural production. These provisions largely focus on water quantity/quality as it relates to climate change, indigenous biodiversity, and areas of high natural character. While these considerations are undoubtedly important, there are only ambiguous and scarce mentions of consideration for primary industries as they relate to 'freshwater planning instruments' throughout the RPS Change 1. we draw your attention to the National Climate Risk Analysis 2020 that refers to considering matters beyond just biodiversity, where wider community resilience issues are becoming more important now.

- Secondly, RPS Change 1 completely fails to consider the Ministry for the Environment's (MfE) recently announced National Policy Statement on Highly Productive Land 2022 (NPS-HPL). The purpose of the NPS-HPL comes into tension with the purpose of the NPS-FM and will undoubtedly have a serious impact on water quantity and quality available for agricultural and horticultural activities on highly productive land.
- Thirdly, IrrigationNZ notes the ambiguity over the role of tangata whenua and the incorporation of Te Ao Māori under RPS Change 1. Particularly, our concern lies in the unclear definitions of instructional words used throughout the RPS that give effect to the role of tangata whenua or Te Ao Maori. Subsequently, this may give rise to misinterpretation of these instructional words by councils.
- Fourthly, the importance of water storage and attenuation is far too understated. Primary industries are not given consideration as key stakeholders as part of the development of a regional water resilience strategy. Given NPS-HPL, it is even more important that a water strategy is put in place to ensure that primary producers get sufficient access to reliable water to uphold the obligations under the NPS-HPL. The RPS Change 1 should look to the Wairarapa Water Resilience Strategy (WWRS) in the development of a regional water resilience strategy.

Responses to Specific Provisions Outlined in the RPS Change 1 Submission Form

Provision

Objective 12.

Support/Oppose

Partially Support.

Decision Sought

Amendment to reflect the needs of primary industries in the Greater Wellington Region.

Reasons

IrrigationNZ is supportive of the fundamental concept of Te Mana o te Wai, which underpins the National Policy Statement on Freshwater Management 2020 (NPS-FM). Te Mana o te Wai recognises the importance and the necessary protection of freshwater for the well-being of the environment and the wider community. Under Clause 1.3(5) of the NPS-FM, Te Mana o te Wai sets out a hierarchy of obligations for freshwater management that prioritises:

- (a) First, the health and well-being of water bodies and freshwater systems
- (b) Second, the health needs of people (such as drinking water)

- (c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, both now and in the future.

The hierarchy of obligations is expressly adopted, word for word, in the RPS Change 1 through Chapter 3.4., under Objective 12 (pg. 33).

IrrigationNZ broadly supports this hierarchy of obligations. However, the hierarchy fails to regard the importance of irrigation systems and its symbiotic relationship with the health needs of the people, as stipulated under the second priority. The consumption of high quality and healthy foods is undoubtedly key to the health needs of people. Enabling the production of these foods will further enhance economic and social wellbeing. IrrigationNZ stresses the importance of irrigation to enable the production of these foods in the Wellington region. It is important that farmers and growers have sufficient access to freshwater for irrigation purposes to uphold the Greater Wellington Council's obligations under the NPS-FM.

Provision

Policy 44.

Support/Oppose

Partially Support.

Decision Sought

Amendment of Policy 44 to give effect to the National Policy Statement on Highly Productive Land 2022 (NPS-HPL).

Reasons

The Government's recent announcement of the National Policy Statement on Highly Productive Land 2022 (NPS-HPL) makes farmers and growers' access to freshwater even more important to enable food production in the Wellington region. The obligations under the NPS-FM and the National Policy Statement on Urban Development 2020 (NPS-UD) have accordingly been given effect in the RPS Change 1. However, there is no effect given to the NPS-HPL. IrrigationNZ recommends the incorporation of the NPS-HPL in RPS Change 1. The overarching purpose of the NPS-HPL is to divert housing development away from highly productive land to ensure its availability for food and fibre production. To enable this production, IrrigationNZ emphasises that sufficient water allocation is integral for highly productive land classes to be properly utilised. This will allow high class soils to produce to the maximum capacity of highly productive land and ensure the Council meets its obligations under the NPS-HPL.

However, the NPS-HPL recognises that some areas of land may not be used for primary production due to the restrictions imposed by the NPS-FM. Under Clause 3.10, the NPS-HPL does provide a consenting

pathway to circumvent these restrictions, however, this is rare and only allowed in exceptional cases. This creates a clear conflict between the underlying purposes of both the NPS-FM and the NPS-HPL. The implementation of the NPS-HPL must be considered alongside the limitations on freshwater use imposed by the NPS-FM. The RPS Change 1 must provide a careful balance to meet obligations under NPS-FM without compromising sufficient water access to enable primary production on highly productive land under the NPS-HPL.

IrrigationNZ recognises the importance of biodiversity and green solutions as identified throughout the RPS Change 1. Indeed, this is recognised at a national level in the Ministry for the Environment's 2022 *National Climate Adaptation Plan* (NAP). However, our view is that the RPS Change 1 fails to adequately consider the NAP beyond the biodiversity provisions in the RPS. The National Climate Change Risk Analysis 2020, which informs the NAP, identifies that "risks to land-based primary sector productivity and output due to changes in mean rainfall and temperature, seasonality, weather extremes, and changes in the distribution of invasive species" are integral to the NAP. IrrigationNZ urges GWRC to incorporate the concerns identified in the Climate Change Risk Analysis 2020 to mitigate the risk posed to primary sector production. This will further ensure the council upholds its obligations under the NPS-HPL.

We suggest the amendment of Policy 44 to reflect the importance of the NPS-HPL. Policy 44 outlines relevant factors that are seen to uphold Te Mana o te Wai when *considering an application for a resource consent, notice of requirement, or a change, variation, or review of a regional plan*. However, the individual weight of these factors is unclear. Specifically, it is unclear if any one of these factors is a more important consideration than another in the application for a resource consent. We seek further clarification on the weighting behind the consideration of these factors.

While these factors explicitly give effect to the NPS-FM through reference to the council's obligations under the concept of Te Mana o te Wai; these factors fail to give the same consideration to the NPS-HPL. Indeed, Accordingly, under Policy 44, IrrigationNZ stresses the need for a greater weighting of importance for sub-clauses (e) and (h) to uphold the council's obligations under the NPS-HPL.

Provision

Objective 8, Policy IM.1

Support/Oppose

Partially support.

Decision Sought

Amend these provisions (among others) relating to define the instructional words that relate to giving effect to tangata whenua and Te Ao Māori. This should be done in consultation with iwi/Crown Treaty partners.

Reasons

IrrigationNZ undoubtedly supports the broad empowerment of tangata whenua and the incorporation of Te Ao Māori in the management of freshwater resources under the RPS Change 1. However, some ambiguity arises within these provisions. For example, Objective CC.8 ensures that *iwi and hapu are empowered to make decisions to achieve climate-resilience in their communities*. To achieve this objective, Policy IM.1 stresses various factors that must be given 'particular regard' in the consideration of resource consents or district/regional plans. Clause (b) of Policy IM.1 provides the need for *recognising the interconnectedness between air, freshwater, land, coastal marine areas, ecosystems, and all living things- ki uta ki tai*. We wish to stress the ambiguity of instruction words such as 'recognising' throughout these provisions. Change 1 should define these instruction words to avoid any interpretative asymmetry between regional councils. IrrigationNZ stresses the need for consultation of a Crown and iwi partnership to ensure these instruction words are universally interpreted and adhered to by councils. This will ensure that councils uphold their obligations under the RPS Change 1 and other requirements such as the NPS-FM.

Provision

Policy FW.7, Method 34

Support/Oppose

Support.

Decision Sought

Amendments to provide further specification of natural and built solutions to attenuate and retain water to provide adequate provision for primary industries.

Reasons

IrrigationNZ broadly supports the premise of Policy FW.7 to support natural and built solutions for the attenuation and retention of water. This is unquestionably important to preserve and enhance the quality and quantity of water. However, under sub-clause (b), the description of built solutions for water storage is too brief, and solely focuses on biodiversity at the expense of wider considerations. IrrigationNZ seeks further clarification to ascertain other types of storage to within sub-clause (b), such as catchment for irrigation purposes, to ensure that primary industries are sufficiently accounted for.

IrrigationNZ supports the need for a regional water supply strategy, as stipulated under Method 34. However, we believe that the importance of a regional water strategy and its direct relationship to the

quality and quantity of freshwater has been underestimated. There needs to be a greater emphasis on the importance of water storage as part of future resilience. This importance has been touched on in the development of the Wairarapa Water Resilience Strategy (WWRS).

Under Method 34, biodiversity and cultural factors are the only considerations, with no mention of wider factors, such as primary industry. The aims of a regional water supply plan should take direction from WWRS. As part of its wider resilience platform, the WWRS puts the capture of water at the forefront of its considerations, among three other equally important considerations. These include attenuation, adaption, and allocation. Under the capture of water, the WWRS acknowledges irrigation cooperatives as key community stakeholders in the capture and storage of water, among other stakeholders. It is evident that water capture and storage encompasses multiple uses, beyond that of just biodiversity and cultural uses. The WWRS is a collaborative, community-based water strategy that encompasses a vast array of stakeholders, including primary industries. Given the obligations stipulated under the NPS-FM, it is even more important that primary industries are given adequate consideration as a key stakeholder in the storage and capture of water. The RPS Change 1 should look to the WWRS as a blueprint for the development of a regional water resilience strategy.

This submission has highlighted the likely impacts of the proposed changes suggested in RPS Change 1. It also highlights the importance of sensible freshwater management for agricultural and horticultural use.

We are eager and available for further consultation on these issues, so please do not hesitate to reach out. Our Principal Technical Advisor Stephen McNally's email contact is smcnally@irrigationnz.co.nz.