

**BEFORE THE HEARINGS PANEL
IN CENTRAL HAWKES BAY**

IN THE MATTER of the Resource Management Act 1991 (“**the Act**”)

AND

IN THE MATTER of the Proposed Central Hawkes Bay District Plan

HEARING STREAM 1

**STATEMENT BY JORDYN LANDERS FOR
HORTICULTURE NEW ZEALAND**

28 FEBRUARY 2022

SUMMARY

1. This statement addresses Horticulture New Zealand's submission points relating to Hearing 1 on the Proposed Central Hawke's Bay District Plan. Specifically, that statement provides commentary and context to the biosecurity response provision sought in HortNZ's submission on the ECO - Ecosystems and Indigenous Biodiversity chapter.

QUALIFICATIONS AND EXPERIENCE

2. My full name is Jordyn Maree Landers. I am an Environmental Policy Advisor at Horticulture New Zealand (HortNZ). In this role I am involved with regional and district planning processes in regions where fruit and vegetables are grown commercially. I have been in this role since August 2019.
3. I hold a Master of Planning and a Bachelor of Science from the University of Otago. I am an intermediate member of the New Zealand Planning Institute (NZPI). I have five years planning experience. Prior to my current role, I was employed as an Environmental Planner at GHD.
4. While I am a qualified Planner and member of NZPI, I am not submitting this statement in the capacity of an expert planner to this hearing panel. My role is HortNZ's representative.

SCOPE OF EVIDENCE

5. HortNZ made submissions (and further submissions) on the following topics that are being addressed in Hearing 1:
 - a) Natural Features and Landscapes: S81.074, S81.075, S81.076 and FS17.48, FS17.49.
 - b) Ecosystems and Indigenous Biodiversity - S81.010, S81.017, S81.031, S81.072, S81.073, and FS17.6, FS17.11, FS17.43.
 - c) Open Space and Recreation: S81.077.
6. HortNZ is not calling evidence relating to its submissions on the Natural Features and Landscapes or Open Space and Recreation chapters.
7. This statement focuses on HortNZ's interests in respect of the Ecosystems and Indigenous Biodiversity chapter – particularly around provisions sought in respect of a biosecurity incursion.

BACKGROUND TO HORTNZ AND ITS RMA INVOLVEMENT

8. HortNZ is the industry good body for the horticulture sector, representing growers who pay levies on fruit and vegetables sold, as set out in the Commodity Levies (Vegetables and Fruit) Order 2013.
9. HortNZ was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations. On behalf of growers HortNZ takes a detailed involvement in resource management planning processes as part of its national environmental policy.
10. As outlined in HortNZ's submission, there are a range of horticultural crops grown in the Central Hawkes Bay District generally focused on the highly productive soils of the Ruataniwha and Takapau Plains, as well as around the Otane area.

RESPONSE TO SECTION 42A REPORT FOR ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

11. HortNZ accepts the S42A recommendations in respect of S81.010, S81.017, S81.031 and S81.072, and provide further commentary on S81.073 which sought biosecurity response provision below.

Biosecurity response provisions

12. HortNZ submitted (S81.073) seeking a specific permitted activity rule for indigenous vegetation clearance where that vegetation is infected by an unwanted organism (to enable a biosecurity response, should one be required).
13. The S42A author notes that 'it is not clear what type of action would be involved in a biosecurity response' and recommends relying on the existing Biosecurity Act provisions (but invites comment on what a 'biosecurity response' would involve that would not also trigger an exemption under s 7A Biosecurity Act 2003).

Clarity on what action might be required in a biosecurity response

14. As noted in HortNZ's submission, actions which may be required as part of a biosecurity response (which may intersect with resource management) include: removal of infected vegetation (including from riparian areas), application of agrichemicals, burning of infected material and earthworks to bury infected materials. Given the urgency required in response to an incursion, it is not practical to have to obtain resource consents.

15. In respect of the ECO – Ecosystems and Indigenous Biodiversity chapter of the plan, the relevant activity for which HortNZ seeks to provide for is removal of indigenous vegetation that is infected by an unwanted organism, as part of a response to a biosecurity incursion.

The Biosecurity Act and the RMA

16. My understanding of the interaction of the Resource Management Act and the Biosecurity Act is that exemptions from RMA provisions only takes effect when a biosecurity emergency is declared.
17. A biosecurity emergency has not been declared for a plant pest (while it may significantly impact the horticulture sector, the impact on New Zealand as a whole may not be deemed to be 'significant'), even for example the PSA incursion which significantly affected the kiwifruit industry. I understand that it became evident through the PSA incursion in the kiwifruit industry that District Plans could be a hurdle in such responses.
18. HortNZ considers that District Plan provisions can play a useful role. We do not consider that the Biosecurity Act prevents the District Plan including provisions which 'proactively' enable a response – but rather that they act as fallback provisions to act in an emergency.
19. An example of District Plans which include such provisions for indigenous vegetation clearance are noted below:

- Opotiki District Plan (Chapter 13 Earthworks, Landscapes, Indigenous Vegetation and Habitats) permits:

13.3.2 Indigenous Vegetation Clearance

(17) Removal and disposal, including ancillary earthworks, of plants and plant material infected by unwanted organisms carried out as directed by a person authorised under the Biosecurity Act 1993

- Whangarei District Plan (Rural Production Environment zone rules) provide for (this being an exclusion from a discretionary activity status):

5. The clearance of indigenous vegetation:

c. With the exception of vegetation clearance associated with:

iii. Pest plant removal and biosecurity works

Relief sought

20. On further review of the notified provisions of the Central Hawke's Bay Proposed District Plan, the relief sought in HortNZ's submission is already partially addressed by the plan.

21. ECO-R3 provides for the following (emphasis added):

ECO-R3 (Trimming or clearance of indigenous vegetation inside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna (excluding natural wetlands)

...

'OR

(b) Limited to trimming or clearance that is:

...

iv. required for pest control undertaken by the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council, and removal of material infected by an unwanted organism under the Biosecurity Act 1993;

22. This rule provides for a biosecurity response (as HortNZ sought) in respect of indigenous vegetation clearance within an area of 'significant indigenous vegetation and/or significant habitat of indigenous fauna'.

23. The subsequent rule (ECO-R4) which applies outside of an area 'significant indigenous vegetation and/or significant habitat of indigenous fauna' does not include such provision, although I note does provide a more generous area restriction and some limitations on tree size (diameter and canopy height).

24. To address this inconsistency across these two rules, an alternative relief to what was sought in HortNZ's submission would be to include an equivalent provision in ECO-R4, for example adding to ECO-R4:

ECO-R4 Trimming or clearance of indigenous vegetation outside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna	
All Other Indigenous Vegetation Species	<p>3. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>....</p> <p>OR</p> <p><u>b. Limited to trimming or clearance that is required for the removal of material infected by an unwanted organism</u></p>

	<u>under the Biosecurity Act 1993</u>
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25. I note for completeness, that HortNZ seeks a similar provisions in respect of earthworks (and the burial of material infected by unwanted organisms) which will be addressed in a future hearing.

Jordyn Landers

28 February 2022