

SUBMISSION ON PROPOSED MARLBOROUGH ENVIRONMENT PLAN

TO: Marlborough District Council

SUBMISSION ON: Proposed Marlborough Environment Plan:

NAME: Horticulture New Zealand

ADDRESS: PO Box 10 232
WELLINGTON

1. Horticulture New Zealand's submission, and the decisions sought, are detailed in the attached schedules:

Schedule 1	Submissions Volume 1 Issues, Objectives, Policies and Methods
Schedule 2	Submissions Volume 2 – Rules
Schedule 3	Submissions Volume 3 Appendices

2. Horticulture New Zealand wishes to be heard in support of this submission.

3. Horticulture NZ would not gain an advantage in trade competition in making this submission.

4. Background to Horticulture New Zealand and its RMA involvement:

4.1 Horticulture New Zealand was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers', New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

4.2 This submission is made by Horticulture New Zealand in conjunction with the grower associations in Marlborough.

4.3 On behalf of its 5,600 active grower members Horticulture New Zealand takes a detailed involvement in resource management planning processes as part of its National Environmental Policies. Horticulture New Zealand works to raise growers' awareness of the RMA to ensure effective grower involvement under the Act, whether in the planning process or through resource consent applications. The principles that Horticulture New Zealand considers in assessing the implementation of the Resource Management Act 1991 (RMA) include:

- The effects based purpose of the Resource Management Act,
- Non-regulatory methods should be employed by councils;
- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;
- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the growers interests both in an environmental and "right to farm" sense.

Thank you for the opportunity to submit on the Proposed Marlborough Environment Plan



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Schedule 1: Submissions Volume 1 Issues, Objectives, Policies and Methods

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
1.	Ch 1 Introduction Guiding principles	Support	<p>Horticulture NZ recognises that the Guiding principles in Ch 1 do not have statutory weight in the Plan but that they have been made to guide the development of the Plan. It is important that all objectives, policies and methods in the Plan are tested against the principles to ensure that they do underpin the regulatory framework. For instance the principle of a ensuring that regulation is in keeping with the scale of the activity regulated. Horticulture NZ has sought some changes where it is considered that the nature of the activity can be appropriately managed through alternative conditions or activity status.</p>	<p>Retain Guiding principles but test all objectives, policies and methods to ensure that the principles underpin the regulatory framework.</p>
2.	Ch 2 Background Use of RMA terms	Support in part	<p>Ch 2 sets out background as to how the Plan will function, including how to use the MEP, which sets out how the Council is interpreting key terms such as 'enable', 'avoid', 'control', 'manage' and 'protect'.</p> <p>Clarification as to how the terms are intended to be interpreted is useful but Ch 2 has no statutory recognition so the interpretation has limited effect. The section notes that the terms can be interpreted a number of ways. There needs to be certainty for Plan users as to how terms may be applied.</p> <p>Horticulture NZ considers that the listed terms should be included in the definitions section of the Plan so that there is certainty for users as to how the terms will be applied.</p>	<p>Include definitions in Ch 25 Definitions for the following terms, based on the descriptions in Ch 2:</p> <p>Enable means that an activity is provided for through a rule.</p> <p>Avoid is to avoid an effect by undertaking an activity in such a way that the effect does not occur or is significantly reduced. If an effect is to be totally avoided the activity will be prohibited in the rules.</p> <p>Control means that controls will be used in rules to manage effects of the activity.</p> <p>Manage means that the effects of an activity can be managed through a range of mechanisms such as rules or non-regulatory methods.</p>

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				Protect means to keep safe from harm from inappropriate subdivision use and development.
3.	Ch 2 Background Terminology	Oppose	<p>The term 'natural and human use values' is used throughout the Plan but is not defined and is not clear what values are incorporated under this term. There are a range of values that exist however the term 'natural and human use' values seeks to limit the relevance and importance of all values. It is particularly relevant to water resources where the NPSFM requires the Council to identify values for freshwater. Appendix 5 of the MEP sets out water resource unit values but are limited to the matters included.</p> <p>The NPSFM sets out a range of values:</p> <ul style="list-style-type: none"> • Te Haurora o te Wai / the health and mauri of water – ecosystem health • Te Hauora o te Tangata / the health and mauri of people – human health for recreation • Te Hauora of te Taiao / the health and mauri of the environment – natural form and character • Mahinga Kai / food gathering, places of food - fishing • Mahi mara / cultivation, including irrigation and food production • Wai Tapu / Sacred waters • Wai Maori / municipal and domestic water supply • Au Putea / economic or commercial development – including hydro electric power generation • He ara haere / navigation - transportation <p>The first two values are compulsory values under the NPSFM with the others being identified as additional national values. The NPSFM requires that all national values are considered and how they apply to local and regional circumstances.</p>	<ul style="list-style-type: none"> • Amend all uses of the term 'natural and human use values' to 'values' • Add a definition in Ch 25 of values as follows: The worth, desirability or utility of a thing, or qualities on which these depend. • Ensure that all values that exist are included and taken into account in the MEP. • Amend Appendix 5 to include and recognise all values of water resource units including food production values

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			<p>It is unclear in the MEP if the term 'natural and human use values' is to be taken as the values required to be identified under the NPSFM. This is particularly relevant to Ch 5 Allocation of Public Resources.</p> <p>Horticulture NZ is concerned that the 'natural and human use values' that the MEP considers are limited, such as the description to Issue 5B which includes:</p> <ul style="list-style-type: none"> • Cultural and spiritual values • Passive and active recreation • Habitat for indigenous flora and fauna • Habitat for trout and salmon • Distinctive landscape and natural character <p>Irrigation, industrial commercial and frost fighting are listed as uses of water but not as values. Horticulture NZ considers that these uses are values and should be included as part of 'human and natural use values because they are valued by the community.</p> <p>These values are also reflected in the NPSFM and while Marlborough has the ability to determine its own values, the direction of the NPSFM supports that economic and commercial uses are values. Objective 4.1 recognises the importance of Marlborough's primary production sector so it is relevant and appropriate that values related to that sector are included in the Plan.</p> <p>Method 15.M.1 recognises that clause for waterbodies need to be identified and included in the MEP. Until such values are identified it is not possible to predicate policy responses which rely on such value identification.</p>	

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4.	Chapter 3 Policy 3.1.2	Oppose in part	The policy establishes an expectation that applicants for resource consent will consult with iwi early in the development of a proposal. The RMA does not require consultation with iwi and in some cases it is not necessary. An assessment of effects will need to address cultural matters. How an applicant does that should not be prescribed by the Plan and is related to the scale and significance of the effects that the activity may have.	Amend Policy 3.1.2 An applicant is encouraged to consult with iwi in the development of resource consent or plan change where the scale and significance of the activity will impact on cultural values.
5.	Ch 4 Obj 4.1	Support	Horticulture NZ supports the recognition of the primary production sector and that it be able to continue to be successful and thrive.	Retain Objective 4.1
6	Ch 4 Policy 4.1.1	Support in part	Horticulture NZ supports that there is recognition of the rights of resource users. However Council intervention should only be where there is a resource management issue to be addressed – not just the wider public interest.	Amend Policy 4.1.1 Recognise and provide for the rights of resource users by only intervening in the use of land where there is a clear resource management issue that requires intervention.
7	Ch 4 Policy 4.2.1	Support in part	The policy provides for the benefits of infrastructure to be recognised and provides for. Horticulture NZ seeks that infrastructure for irrigation be included as it is important to the region.	Amend Policy 4.2.1 by adding: p) irrigation networks and reticulation infrastructure
8	Ch 5 Allocation of public resources Objective 5.1	Oppose	Objective 5.1 seeks that water allocation and water use management regimes reflect hydrological and environmental conditions within each water resource. The objective sets a priority that is not based on the values for the water resource. Under the NPSFM Freshwater objectives are based on values that are identified and the relevant attributes. Setting a priority as in Objective 5.1 is not consistent with the NPSFM.	Amend Objective 5.1 as follows: Water allocation and water use management regimes will reflect the values identified for the water resource. Amend the Explanation to be consistent with the objective.
9	Ch 5 Allocation of public resources	Support in part	The policy seeks to define and use freshwater management units to apply appropriate management for the resource. This	Amend Policy 5.1.1 Explanation by relacing 'hydrological and environmental circumstances' with 'identified values'.

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	Policy 5.1.1		approach is consistent with the NPSFM so is supported, however the explanation needs to be amended to include all identified values.	Delete 'natural and human use'
10	Ch 5 Allocation of public resources Policy 5.1.2	Oppose	The policy seeks to separate out the taking of water from the use of water. The two are closely linked and it is more appropriate to consider the take and use as a 'package'. For instance 'efficient use' is interrelated to the allocation of the water for the use.	Delete Policy 5.1.2 Or reword: Recognise that the taking of water and the uses of water are interrelated and will be managed together.
11	Ch 5 Allocation of public resources Issue 5B	Oppose in part	Horticulture NZ agrees that the taking, damming or diversion of water can compromise the life supporting capacity of rivers, lakes, aquifers and wetlands. However the discussion in the issue centres on 'natural and human use' values which appear to be a limited set of values and not include the range of values identified in the NPSFM.	Amend Explanation to Issue 5B by deleting paragraph 1 and 1 st sentence of Para 2: Marlborough's freshwater bodies sustain a diverse range of values, including cultural and spiritual values, recreation values, habitat values, landscape values, community values such as drinking water, food production values and commercial and economic values. The water that flows in rivers or is contained in aquifers, lakes and wetlands sustains Marlborough's community and environment. Delete all reference so to 'natural and human use' values and only use 'values'.
12	Ch 5 Allocation of public resources Objective 5.2	Oppose in part	Horticulture NZ supports the safeguarding of the life supporting capacity of the freshwater resource but it should be for the 'values' identified for the waterbody.	Delete 'natural and human use' from Objective 5.2 and the Explanation.
13	Ch 5 Allocation of public resources Policy 5.2.1	Oppose in part	Horticulture NZ supports maintaining or enhancing values supported by freshwater bodies, but it is not appropriate to limit this to 'natural and human use values which are not defined.	Delete 'natural and human use' from Policy 5.2.1 and the Explanation. Delete heading 'Natural and human use values'. Amend Appendix 5 to include wider range of values including food production.

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14	Ch 5 Allocation of public resources Policy 5.2.4	Oppose in part	<p>Policy 5.2.4 provides the framework for the setting of environmental flows and levels in FMU's to achieve a number of listed matters.</p> <p>The setting of the flows and levels should be to reflect the identified values and freshwater objectives for the FMU. Policy 5.2.4 essentially overrides that process.</p>	<p>Amend Policy 5.2.4 as follows: Set specific environmental flows and /or levels for Freshwater Management Units based on the freshwater objectives for each FMU which are informed by the values identified for that FMU.</p>
15	Ch 5 Allocation of public resources Policy 5.2.5	Support in part	<p>Policy 5.2.5 provides for restrictions in times of water shortages. Horticulture NZ seeks that the Plan include provision for a priority for capital root stock protection and crop survival water for drought intolerant food crops to ensure that they can be maintained in the event of a drought. Such an approach is akin to providing for animal drinking water in times of drought.</p> <p>Definitions are sought to describe capital rootstock protection and crop survival water.</p>	<p>Amend Policy 5.2.5as follows: With the exception of water taken for domestic needs, animal drinking water or water for capital root stock protection and crop survival water for drought intolerant food crops, prevent the taking.....</p> <p>Add to the Explanation: Water for capital root stock protection and crop survival water for drought intolerant food crops to ensure that they can be maintained in the event of a drought as such crops are not able to moved in the event of a drought and the loss of the capital investment would have serious impacts on the Marlborough community.</p> <p>Include definitions as follows: Capital rootstock protection means water required to maintain survival of permanent horticultural crops in drought, no more than the equivalent of 50% of the total allocation of the consent holder.</p> <p>Crop survival water means water for the survival of drought intolerant food crops excluding pasture, maize and animal feed crops. Water supplied for survival should</p>

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				be no more than 50% of the total allocation of the consent holder.
16	Ch 5 Allocation of public resources Policy 5.2.7	Oppose in part	Horticulture NZ seeks that the policy refers to all values.	Delete 'natural and human use' form Policy 5.2.7
17	Ch 5 Allocation of public resources Policy 5.2.11	Oppose in part	<p>Policy 5.2.11 provides the framework for the setting of environmental flows and levels in FMU's dominated by aquifers to achieve a number of listed matters.</p> <p>The setting of the levels should be to reflect the identified values and freshwater objectives for the FMU. Policy 5.2.11 essentially overrides that process.</p>	<p>Amend Policy 5.2.4 as follows: Set specific minimum levels for Freshwater Management Units dominated by aquifers based on the freshwater objectives for each FMU which are informed by the values identified for that FMU Or amend to include: g) to provide for the identified values for the FMU.</p>
18	Ch 5 Allocation of public resources Policy 5.2.17	Support in part	Policy 5.2.17 seeks to impose restrictions for municipal water users when minimum flows are reached. Horticulture NZ considers that the municipal users, which includes industrial and non-essential domestic uses, should be required to impose restrictions prior to the environment flow being reached. Such an approach can extend the time before more restrictive regimes are required.	<p>Amend Policy 5.2.17 Implement water restrictions for water users serviced by municipal water supplies when the management flows/ levels are 20% above the minimum flow or level by restricting takes that are not for essential domestic use.</p>
19	Ch 5 Allocation of public resources Policy 5.2.23	Support in part	<p>Policy 5.2.23 sets out how water shortage directions may be used.</p> <p>However the directions should be to manage the effects on all identified values.</p>	Delete 'natural and human use' from Policy 5.2.23
20	Ch 5 Allocation of public resources Policy 5.3.1	Oppose in part	Policy 5.3.1 sets a priority for allocation of water. Horticulture NZ has sought that provision for capital rootstock and crop survival water be included in the Plan. They should be added to Policy 5.3.1. the priorities are sought to be amended to ensure that	<p>Amend Policy 5.3.1:</p> <ul style="list-style-type: none"> a) Essential domestic supplies b) Values identified for the FMU c) Aquifer recharge d) Domestic and stock drinking water

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			essential domestic supplies are accorded a priority as opposed to municipal water supply	e) Capital rootstock and crop survival water f) Municipal water supply g) All other water takes Amend the Explanation to reflect the re-order of priorities.
21	Ch 5 Allocation of public resources Policy 5.3.7	Oppose in part	Policy 5.3.7 seeks to apply a nine out of 10 year reliability for irrigation water. There are some crops where a 9/10 year reliability will mean that there is a total crop failure and loss of capital rootstock. Horticulture NZ seeks that a higher reliability apply where irrigation is for capital rootstock.	Amend Policy 5.3.7 by adding: Except for capital rootstock where a 10/10 reliability will apply.
22	Ch 5 Allocation of public resources Policy 5.3.9	Support in part Oppose in part	Policy 5.3.9 sets out how water for irrigation will be expressed. Horticulture NZ seeks that for capital rootstock there is a higher reliability and this should be included in Policy 5.3.9.	Amend Policy 5.3.9 to include provision for higher reliability for irrigation water for capital rootstock.
23	Ch 5 Allocation of public resources Policy 5.3.13	Support	Policy 5.3.13 seeks to manage interference effects and does not seek to protect an existing take where the bore does not fully penetrate the aquifer. This policy is supported.	Retain Policy 5.3.13.
24	Ch 5 Allocation of public resources Policy 5.4.4	Support	Horticulture NZ supports provisions for transfer of water to enable water to be used efficiently and effectively.	Retain Policy 5.4.4
25	Ch 5 Allocation of public resources Policy 5.5.1	Oppose	It is recognised that over-allocation needs to be phased out under the NPSFM. However Horticulture NZ is concerned as to how the limits for the Wairua and Omaka Aquifers have been set and the impacts on the full range of values in those FMU's. It is sought that the limits set be re assessed through a robust process to ensure that all values are provided for.	Amend Policy 5.5.1 as follows: Recognise that the following Freshwater Management Units are under pressure and undertake a process to identify limits for these FMU's that incorporate all identified values.
26	Ch 5 Allocation of public resources Policy 5.5.4	Support	Horticulture NZ supports ensuring that the water that is taken is reasonable for the intended use. This should apply to all FMU's.	Retain Policy 5.5.4 but apply a reasonable use test for all water takes.

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27	Ch 5 Allocation of public resources Policy 5.5.5	Oppose	The Policy seeks to reduce over-allocation by reducing allocations on a proportional basis. Prior to any reductions a reasonable use test should be applied so that the any future proportional reductions are fairly applied.	Amend Policy 5.5.5: as follows: Apply a reasonable use test to all takes in the Benmorven, Brancott and Omaka FMU's to ensure that allocations reflect required amounts. Undertake a review of the limits for the aquifers to ensure that they reflect all values. If additional reductions are then required they will be applied according to the priorities set out in Policy 5.3.1.
28	Ch 5 Allocation of public resources Objective 5.7	Support	Objective 5.7 links the allocation and use of water. Horticulture NZ supports this approach as they are intrinsically linked.	Retain Objective 5.7
29	Ch 5 Allocation of public resources Policy 5.7.1	Oppose	Horticulture NZ considers that allocation and use of water are linked and the consent should be authorised by a single permit.	Amend Policy 5.7.1 by deleting 'every proposed use will be authorised by a separate water permit'.
30	Ch 5 Allocation of public resources Policy 5.7.2	Support in part	The policy links allocation with the use of the water. They cannot be separated as anticipated in Proposed Policy 5.7.1. However Horticulture NZ is concerned about the application of IrriCalc to fruit and vegetable crops and also to greenhouse crop. In such situations an alternative tool may be required to estimate water demand.	Retain Policy 5.7.2 Amend Explanation by inserting after IrriCalc: 'or alternative model where IrriCalc does not include specific crops'
31	Ch 5 Allocation of public resources Policy 5.7.3	Support in part	There needs to be adequate provision for situations where IrriCalc does not include crops grown, such a fruit and vegetable crops.	Add to Policy 5.7.3 'Or the crop grown is not provided for in IrriCalc.'
32	Ch 5 Allocation of public resources Policy 5.7.6	Support in part	Best practice for irrigation use is supported.	Retain Policy 5.7.6.
33	Ch 5 Allocation of public resources Policy 5.7.8	Oppose in part	Policy 5.7.8 seeks that water for frost fighting is only used where no effective alternative method exists. Given the difficulty in establishing frost fans it may not be practical to use such devices.	Amend Policy 5.7.8 to clarify the information that would be required to justify use of water for frost fighting.

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			It is unclear what level of evidence on alternative methods would be required.	
34	Ch 5 Allocation of public resources Policy 5.7.9	Oppose in part	Policy 5.7.9 sets a limit on amount of water to be used for frost fighting. Some horticultural crops may require additional water given the nature of the crop so an arbitrary limit is not appropriate.	Amend Policy 5.7.9 as follows: Water takes for frost fighting purposes will be based on the requirements for the specific crop. Add to the Explanation A limitation of 44 cubic metres per hour per hectare may be applied unless the applicant demonstrates a greater requirement.
35	Ch 5 Allocation of public resources Policy 5.8.1	Support	Water storage is supported as a means to address water shortages and should be enabled.	Retain Policy 5.8.1
36	Ch 5 Allocation of public resources Policy 5.8.2	Support	Water storage is supported as a means to address water shortages and should be enabled.	Retain Policy 5.8.2
37	Ch 5 Allocation of public resources Policy 5.8.3	Support	Water storage is supported as a means to address water shortages and should be enabled.	Retain Policy 5.8.3
38	Ch 5 Allocation of public resources Methods of implementation	New method	Ch 15 includes method 15.M.1 for the identification of uses and values supported by freshwater, groundwater or coastal water resources. Horticulture NZ supports Method 15.M.1 as it recognises that the values of waterbodies have not been identified. A similar method is required in Chapter 5 because the value identification process needs to be undertaken considering the range of values for a waterbody. The same values should apply across all activities associated with the waterbody.	Include a new method: 5.M.1A Identification of values supported by freshwater, groundwater resources. To identify, the values that the community places on freshwater bodies. These values will be used as the basis for establishing freshwater objectives and policy responses to manage the waterbodies.

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39	Ch 14 Use of the Rural Environment Objective 14.1	Support	Objective 14.1 seeks that rural environments are maintained for primary production activities and enabling these activities to continue while managing potential for adverse effects. Horticulture NZ supports the Objective and seeks that it is implemented throughout the Plan, not just in Chapter 14.	Retain Objective 14.1 and ensure that it is implemented throughout the Plan.
40	Ch 14 Use of the Rural Environment Policy 14.1.1	Support	Efficient use and development for primary production is supported and requires policies and methods that ensure it is able to be achieved.	Retain Policy 14.1.1 and ensure that it is implemented throughout the Plan.
41	Ch 14 Use of the Rural Environment Policy 14.1.3	Support in part	Horticulture NZ supports that activities and buildings in the rural environment be linked to primary production. It is unclear why the policy includes 'land-based ' primary production.	Delete 'land based' from Policy 14.1.3.
42	Ch 14 Use of the Rural Environment Policy 14.1.5	Support	It is important that any rural subdivision is able to provide potable water without adverse effects on other users or take water from other uses.	Retain Policy 14.1.5.
43	Ch 14 Use of the Rural Environment Policy 14.1.7	Support in part	Policy 14.1.7 includes odours and sprays so is also a regional policy. It is accepted that there will be effects from rural activities such as noise, odour and dust and this should be provided for in the Plan. It is important that there are robust policies for reverse sensitivity to ensure that the expectation of rural dwellers are not unreasonable.	Retain Policy 14.1.7 but ensure robust policies to manage reverse sensitivity effects. Add R to Policy 14.1.7
44	Ch 14 Use of the Rural Environment Policy 14.1.9	Oppose in part	It is generally the residential zones that have encroached onto primary production land so there needs to be the ability for primary production activities to continue.	Amend Policy 14.1.9 as follows” Manage the potential effects of primary production on adjoining residential zones by ensuring that adequate buffer distances are established within the residential zone.
45	Ch 14 Use of the Rural Environment Objective 14.2	Support	Horticulture NZ supports the focus in the MEP on avoiding the spread or introduction of pests. This is particularly important for horticulture which is under constant threat of new unwanted organisms. Provisions are sought in the Plan to ensure that there	Retain Objective 14.2 Ensure that 'pests' include unwanted organisms under the Biosecurity Act 1993.

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			is the ability to appropriately respond to incursions of unwanted organisms.	
46	Ch 14 Use of the Rural Environment Policy 14.2.1	Support	Horticulture NZ supports Policy 14.2.1 where the Council commits to addressing responses to incursions of pest. This should include unwanted organisms.	Retain Policy 14.2.1 And provide for the policy to be implemented through rules.
47	Ch 14 Use of the Rural Environment Policy 14.2.2	Support in part	The policy seeks to develop an approach to managing or eradication of pests. This should also be Regional (R) policy as it may include discharges to air as a means of management.	Retain Policy 14.2.2 but add R to the policy and ensure that it applies to unwanted organisms.
48	Ch 14 Use of the Rural Environment Objective 14.3	Support in part	Horticulture NZ agrees that some activities are not appropriate in a rural environment but seeks that the objective is reworded.	Amend Objective 14.3: Activities that are not related to primary production are generally not appropriate to be located in rural environments.
49	Ch 14 Use of the Rural Environment Policy 14.3.2	Support in part	Horticulture NZ seeks that potential reverse sensitivity effects on primary production are a matter that is considered when assessing if an activity is appropriate to locate in the rural environment.	Amend 14.3.2 by adding e): The potential reverse sensitivity effects arising from locating adjacent to primary production activities.
50	Ch 14 Use of the Rural Environment Issue 14B	Support in part	Horticulture NZ supports the identification of Issue 14B but consider that it should refer to the potential for conflict with existing activities.	Amend Issue 14B by deleting 'increased' with 'potential'.
51	Ch 14 Use of the Rural Environment Objective 14.4	Support in part	Retention of rural character and avoiding reverse sensitivity effects are supported. However and objective of 'enhance' would require that the rural environment would be changed. While sec 7 provides for maintenance and enhancement of amenity values it is only a matter to which 'regard' be given. It is not required that amenity values are enhanced. In the rural environment an objective of maintain is appropriate.	Delete 'and enhanced' from Objective 14.4
52	Ch 14 Use of the Rural Environment Policy 14.4.1	Support in part	Horticulture NZ supports the inclusion of elements which contribute to rural character. However it is important that it is recognised that some buildings and structures for primary production activities do exist in the environment.	Amend Policy 14.4.1 a) Presence of buildings and structures necessary for primary production

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53	Ch 14 Use of the Rural Environment Policy 14.4.2	Support in part	Retaining an open character is part of rural character but there also needs to be accepted that some buildings and structures for primary production activities do exist in the environment.	Amend Policy 14.4.2 as follows: d) reflects the need for buildings and structures for primary production activities.
54	Ch 14 Use of the Rural Environment Policy 14.4.3	Support in part	Horticulture NZ supports the use of setbacks as a means to manage potential reverse sensitivity effects but considers that the setbacks provided for in the rule will not achieve the policy.	Amend Policy 14.4.3 b) add 'and side and rear boundaries' d) avoid potential reverse sensitivity effects Amend Explanation so it refers to all boundaries, not just the road boundary.
55	Ch 14 Use of the Rural Environment Policy 14.4.5	Support in part	The policy provides for noise limits in the Rural Environment. It should be clear that there needs to be provision for primary production activities in the rural environment.	Amend Policy 14.4.5 by adding: and enabling primary production activities to be undertaken.
56	Ch 14 Use of the Rural Environment Policy 14.4.10	Support in part	Horticulture NZ supports that residential activity in rural environments is managed to avoid potential conflicts. However the policy should apply to all sensitive activities, not just residential. For instance educational facilities can be sensitive to the effects of primary production activities.	Amend Policy 14.4.10: Control the establishment of residential and other sensitive activities within the rural environments as a means of avoiding reverse sensitivity between sensitive activities and primary production activities.
57	Ch 14 Use of the Rural Environment Policy 14.4.15	Support	Horticulture NZ supports that primary production is enabled in the Wairau Plain and that residential activity is to be controlled. However this should also include other sensitive activities.	Amend Policy 14.4.15 by adding 'and other sensitive activities' after 'residential activity'
58	Ch 14 Use of the Rural Environment Policy 14.5.2	Support in part	Avoiding reverse sensitivity should be listed in Policy 14.5.2 to implement Objective 14.4.	Amend Policy 14.5.2 by adding: j) avoid reverse sensitivity effects
59	Ch 14 Use of the Rural Environment Policy 14.5.4	Support in part	The policy refers to seasonal worker accommodation. The defined term is 'worker accommodation'. Worker accommodation should not be limited to 'remote locations' as it is required throughout the district.	Delete 'seasonal' from Policy 14.5.4. Delete 'remote' from Policy 14.5.4.
60	Ch 15 Resource quality – Water Objective 15.1a)	Oppose in part	As identified in this submission relating to water quantity the values that are used in the MEP should reflect all values, not just natural and human use values.	Amend Objective 15.1a): Add g) values identified for the water bodies are provided for.

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			Objective 15 1a) should be amended to ensure that all values are included.	
61	Ch 15 Resource quality – Water Objective 15.1e)	Oppose in part	It needs to be clear how waterbodies are identified for primary contact recreation and that the standard is achievable.	Clarify how waterbodies valued for primary contact recreation have been identified.
62	Ch 15 Resource quality – Water Policy 15.1.1	Oppose	The policy should reflect all values, not just natural and human use values.	Amend Policy 15.1.1 b) potential for contact recreation ‘in identified areas’. c) Add ‘and food production’ e) other values identified for the water body
63	Ch 15 Resource quality – Water Policy 15.1.2	Oppose	Policy 15.1.2 is subordinate to policy 15.1.1. It is important that all values are provided for under Policy 15.1.1	Amend Policy 15.1.2 b) all values identified for the waterbody
64	Ch 15 Resource quality – Water Policy 15.1.3	Support in part	Policy 15.1.3 identifies that establishing contaminant limits is a complex task and requires a good understanding of the relationship between land use and water quality and that MEP does not hold the data required to set limits. Therefore Policy 15.1.3 sets in place a process for limits to be set. This process includes the identification of values supported by freshwater resources. (Method 15.M.1).	Retain Policy 15.1.3 but add that method 15.M.1 will be used as the first stage on implementing Policy 15.1.3.
65	Ch 15 Resource quality – Water Method 15.M.1	Support	The process of identification of values is critical, not just for water quality but also water quantity and allocation. Limits cannot be set for either water quality or quantity until such identification of values has occurred.	Retain Method 15.M.1 but amend: 15.M.1 Identification of values supported by freshwater, groundwater or coastal water resources. To identify, the values that the community places on freshwater bodies. These values will be used as the basis for establishing freshwater objectives and policy responses to manage the waterbodies.
66	Ch 15 Resource quality – Water	Support	Horticulture NZ supports the use of non-regulatory methods	Retain Policy 15.1.25

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
	Policy 15.1.25			
67	Ch 15 Resource quality – Water Policy 15.1.26	Support	Horticulture NZ supports the use of sustainable land management practices and has developed guidelines for good and best management practices in vegetable production.	Retain Policy 15.1.25
68	Ch 15 Resource quality – Water Policy 15.1.29	Support in part	Cultivation is a land disturbance activity that is undertaken that has the potential to create sediment to water. Horticulture NZ has developed guidance that minimises the potential for such effects and seeks that these are included in rules in the Plan.	Retain Policy 15.1.29 but include a default rule as Restricted Discretionary as activities not meeting the permitted activity standards can be managed through an RD process.
69	Ch 15 Resource quality – Air Objective 15.3	Oppose	Objective 15.3 include the potential for ‘nuisance’. Nuisance is not defined in the Plan and it is not an RMA term. The RMA seeks to avoid ‘adverse effects’ and the objective should be worded accordingly.	Amend Objective 15.3 Reduce the potential for adverse effects, including health effects, from the discharge of contaminants to air.
70	Ch 15 Resource quality – Air Policy 15.3.4	Oppose	Policy 15.3.4 requires that the use of agrichemicals avoids spraydrift. It is almost impossible to have no spraydrift so the policy should focus on no adverse effects from spraydrift and implementing best practice to minimise potential for spraydrift.	Amend Policy 15.3.4 Manage the use of agrichemicals to avoid adverse effects of spraydrift by adopting best practice methods of application to minimise the potential for off-target drift. Include in the Explanation: Best practice for agrichemical use is set out in NZS8409:2004 Management of Agrichemicals. Appropriate training is required to ensure that users are competent in undertaking applications of agrichemicals to minimise potential for off target spray drift.
71	Ch 15 Resource quality – Soil Objective 15.4	Oppose in part	Horticulture NZ seeks that the life supporting capacity of the soil resource is provided for. Such an objective is consistent with the RMA. An objective of ‘enhance’ is unclear how it may be implemented. It is the life supporting capacity which is the critical component of soil which needs to be provided for.	Amend Objective 15.4 Safeguard the life supporting capacity of Marlborough’s soil resource.
72	Ch 15 Resource quality – Soil	Support in part	Horticulture NZ supports the encouragement of land management practices which maintain soil quality. The use of good	Amend Policy 15.4.2: Encourage good management practices that:

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
	Policy 15.4.2		management practices is important in achieving such an outcome.	
73	Ch 15 Resource quality – Soil Policy 15.4.2	Support in part	It is recognised that some land disturbance activities may require controlling to avoid adverse effects. However Horticulture NZ considers that a restricted discretionary activity is appropriate where resource consent is required.	Retain Policy 15.4.3 but include a default rule as Restricted Discretionary as activities not meeting the permitted activity standards can be managed through an RD process. Matters of discretion should be the matters listed in Policy 15.4.4.
74	Ch 15 Resource quality – Hazardous substances Policy 15.5.1	Support	Horticulture NZ supports reliance on HSNO for management of hazardous substances. Management of hazardous substances is also a district function so Policy 15.5.1 should also refer to (D).	Retain Policy 15.5.1 but amend to include (D).

Schedule 2: Submissions Volume 2 Rules

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
75	Ch 2 Water take, use, damming or diversion 2.2.1 Permitted activity	Support in part Oppose in part	Rule 2.2.1 provides for an individual's reasonable domestic needs up to 5m ³ per day per dwelling. Dwelling is defined in the plan but does not include all habitable buildings, such as retirement accommodation or workers accommodation. The rule should provide for all individual's reasonable domestic needs.	Amend Rule 2.2.1 by deleting 'dwelling' and replace with 'habitable building'.
76	Ch 2 Water take, use, damming or diversion 2.2.5 Permitted activity	Support in part Oppose in part	Rule 2.2.5 provides for incidental use associated with farming up to 5m ³ per day per Computer Register. The definition of farming does not include all primary production activities and so the rule is limited. Production land is defined in the RMA so the rule should apply to all such production land activities. In addition Horticulture NZ seeks that 'or CT' is added after Computer Register in the event that a Computer Register has not been created for a property.	Amend Rule 2.2.5 by deleting 'farming' and replace with 'production land activities' Amend to add 'or CT' after 'Computer Register.'
77	Ch 2 Water take, use, damming or diversion 2.2.7 Permitted activity	Support in part Oppose in part	Rule 2.2.7 provides for the take and use of water from the Wairau Aquifer freshwater Management Unit up to 15m ³ a day for any purpose until 9 June 2017. It is unclear why the date of 9 June 2017 has been specified and how Rule 2.2.7 relates to other rules which would permit takes, such as for Rule 2.2.1 and 2.2.5.	Amend Rule 2.2.7 by deleting 'Until 9 June 2017.'

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
78	Ch 2 Water take, use, damming or diversion 2.3 Standards that apply to specific permitted activities.	Support in part Oppose in part	Standard 2.3.1 set conditions for an individual's reasonable domestic needs per dwelling. Dwelling is defined in the plan but does not include all habitable buildings, such as retirement accommodation or workers accommodation. The standard should provide for all individual's reasonable domestic needs.	Amend Standard 2.3.1 by deleting 'dwelling' and replace with 'habitable building' or 'dwellings' with 'habitable buildings'.
79	Ch 2 Water take, use, damming or diversion 2.3 Standards that apply to specific permitted activities.	Support in part Oppose in part	Standard 2.3.5 provides for incidental use associated with farming up to 5m ³ per day per Computer Register. The definition of farming does not include all primary production activities and so the rule is limited. Production land activities is defined in the RMA so the rule should	Amend Standard 2.3.5 by deleting 'farming' and replace with 'production land activity'
80	Ch 2 Water take, use, damming or diversion 2.4 Controlled Activities	Support	Rule 2.4.1 provides for the taking and damming of C Class water for water storage as a controlled activity. This is supported.	Retain Rule 2.4.1.
81	Ch 2 Activity In, On, Over or Under the bed of a lake or river 2.7 Permitted activities	Support in part	Horticulture NZ seeks to ensure that there are adequate provisions in the Plan to enable removal of material infected by unwanted organisms and to dispose of it appropriately. In the event of an incursion it is important that there is the framework for a rapid response. Infected material may be located in riparian areas or in stream beds so it is necessary to provide for removal of material from such areas.	Add to 2.7 as 2.7.11 Vegetation removal to remove unwanted organisms under the Biosecurity Act 1993.
82	Ch 2 Drainage Channel Network Activity	Support in part	Horticulture NZ seeks to ensure that there are adequate provisions in the Plan to enable removal of material infected by unwanted organisms and to dispose of it appropriately.	Add to 2.12 as 2.12.12 Vegetation removal to remove unwanted organisms under the Biosecurity Act 1993.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
	2.12 Permitted activities		In the event of an incursion it is important that there is the framework for a rapid response. Infected material may be located in the drainage network so it is necessary to provide for removal of material from such areas.	
83	Ch 2 Drainage Channel Network Activity 2.14 Standards that apply to specific Permitted activities	Oppose in part	Standard 2.14.10 relates to Permitted Activity Rule 2.12.10 Discharge of an agrichemical into or onto land for the control of terrestrial vegetation. The Plan has rules for discharge of agrichemicals in a range of places so it is confusing exactly which provisions will apply. For instance Rules 2.22.1 Discharges to Air should also apply to the activity in 2.2.10. Horticulture NZ has overall concern with the approach to managing agrichemical use in the Plan as set out below.	Amend the rules for application of agrichemicals as sought for Rule 2.22.1 below. Add an extra standard to 2.14.10: Meet the requirements of 2.22.1.
84	Ch 2 Discharges to water 2.17 Standards that apply to specific permitted activities	Oppose in part	Standard 2.17.2 relates to Rule 2.16.2 which provides for discharge of an aquatic agrichemical into a waterbody. Use of agrichemicals in aquatic situations requires particular expertise and knowledge and specific training requirements should be required to ensure that the application is appropriately managed. The standard limits the application to specified plants but Horticulture NZ seeks that unwanted organisms as declared under the Biosecurity Act 1993 are also included to ensure that such organisms can be eradicated if agrichemical application is the appropriate mechanism to use.	Amend 2.17.2: Discharge of an aquatic agrichemical into a waterbody 1. The substances, including any adjuvants, are approved by EPA under the HSNO Act for discharge directly into or onto water and must comply with requirements covering the person in charge, training, signage, storage, emergency management and all other requirements under the Hazardous Substances and New Organisms Act 1996 and pursuant Regulations 2. The person authorising the discharge direct to water shall notify: i. Every person taking water for potable supply within 1km downstream of proposed discharge at least 12 hours prior to discharge occurring; and ii. Every resource consent holder for taking of water for public potable water supply purposes downstream of proposed discharge at least 1 week before commencing discharge.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
				<p>3. Qualifications Discharge of agrichemicals directly into or onto water can be carried out only by persons Holding either: a) a GROWSAFE® Registered Chemical Applicators Certificate (National Certificate in Agrichemical Aquatic strand) or: GROWSAFE® Introductory Certificate and under direct supervision of a person holding a GROWSAFE® Registered Chemical Applicator Certificate (National Certificate in Agrichemical Aquatic strand) b) Aerial application –the pilot must hold a GROWSAFE® Pilots Agrichemical Rating Certificate issued by CAA and the application company must hold AIRCARE™ Accreditation</p> <p>Where spraying is occurring in a public place signs shall be placed within the immediate vicinity of the spraying prior to commencing and maintained until spraying has ceased.</p> <p>4. Records All users must keep records consistent with Appendix C9 of NZS8409:2004 Management of Agrichemicals as evidence and information that provides an authentic record to verify that the application of agrichemical(s) directly to water has been carried out in a safe responsible manner, in particular with respect to notification of any person who may take water for their own use. Such records must be provided to Auckland Council when requested.</p> <p>5. Pest plants identified in Appendix 25, unwanted organisms under the Biosecurity Act 1993 and willow, blackberry, broom, gorse and old man’s beard are the only vegetation that may be sprayed.</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
85	Ch 2 Discharges to water 2.17 Standards that apply to specific permitted activities	Oppose in part	Standard 2.17.11 Discharge of an agrichemical to water for control of aquatic vegetation in the Drainage Channel Network or Floodway zone relates to Rule 2.16.11. Horticulture NZ seeks that the provisions that are sought for 2.17.2 for aquatic use also apply to 2.17.11.	Retain 2.17.11.1 Replace 2.17.11.2 – 8 with provisions as sought for 2.17.2 (except for clause 5) to 2.17.11 Add additional clause: The discharge must only be for the purpose of eradicating, modifying or controlling aquatic plants or unwanted organisms under the Biosecurity 1993.
86	Ch 2 Discharges to Air 2.22 Standards that apply to specific permitted activities	Oppose	<p>Application of an agrichemical</p> <p>The standards in 2.22 do not reflect best practice for management of use of agrichemicals and provide no certainty for users and land owners that effects from off target drift will be avoided through the provisions in the Plan.</p> <p>In particular the rule does not directly provide for:</p> <ul style="list-style-type: none"> • Notification to other parties • Training and competency of users • Assessment of the risk of the application and methods to manage the potential risks • Storage of agrichemicals • Disposal • Keeping of records <p>The standard does refer to two sections of NZS8409:2004 Management of Agrichemicals but to be able to implement these sections a user needs to be appropriately trained. GROWSAFE training is based on NZS8409:2004 and requiring training will ensure that users understand and are able to implement the relevant parts of the Standard.</p>	<p>Amend Rule 2.22.1 for Standards for application of agrichemicals as follows:</p> <ol style="list-style-type: none"> 1) The substance is approved under HSNO and the use and discharge of the substance is in accordance with all conditions of the approval. 2) The application must not result in the agrichemical being deposited on a river, lake, Significant Wetland, drainage channel or Drainage Channel that contains water unless specifically provided for in other sections of this Plan. 3) The discharge is undertaken in a manner consistent with NZS8409:2004 Management of Agrichemicals and for specific activities compliance with the following sections of NZS8409: 2004 Management of Agrichemicals: <ul style="list-style-type: none"> • Storage – Appendix L4 • Use – Part 5.3 and 5.5 • Disposal – Appendix S • Records – Appendix C9 4) The discharge must be undertaken in such a way that there are no adverse effects from off target spray drift beyond the boundary property 5) Spray plan The owner/ occupier or manager shall prepare a spray plan at least once a year including identifying sensitive areas adjacent to where discharges will occur. (Spray plan requirements to be

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			<p>Agrichemical use has the potential to cause reverse sensitivity effects and damage to crops. Horticulture NZ seeks to ensure that there is a comprehensive suite of provisions so that such effects are avoided.</p> <p>Policy 15.3.4 seeks to manage the use of agrichemicals to avoid spraydrift. To implement the policy the rule needs to ensure that best practice is used in the application of agrichemicals. Therefore Horticulture NZ seeks changes to the rule to achieve that outcome.</p>	<p>included in Plan or refer to NZS8409:2004 5.3 and Appendix M4 and template on website);</p> <p>6) Training Where agrichemicals are applied:</p> <p>i) All users, other than agrichemical contractors, must hold a GROWSAFE® Introductory Certificate or be under direct supervision of a person holding a GROWSAFE® Applied Certificate or Registered Chemical Applicators Certificate.</p> <p>ii) Every ground based agrichemical contractor shall hold a GROWSAFE® Registered Chemical Applicators Certificate Or have a GROWSAFE® Introductory Certificate and under direct supervision of GROWSAFE® Registered Chemical Applicator</p> <p>iii) Every pilot undertaking Aerial application must hold a GROWSAFE® Pilots Agrichemical Rating Certificate issued by CAA and the application company or operator must hold a current AIRCARE™ Accreditation.</p> <p>7) Notification The owner/ occupier or manager shall ensure that notification has occurred prior to application commencing as follows:</p> <p>i) Sensitive areas other than amenity areas and public places: The owner/ occupier or manager of the property where agrichemicals are to be used is to ensure that any person likely to be directly affected by application and who requests notification, is notified prior to application commencing:</p> <p>ii) Amenity areas and public places The owner/ occupier or manager shall provide a public notice in a local newspaper or letter drop in the area to be sprayed at least 7 days before the proposed application and ensure that the signage below is provided:</p> <p>i) Where spraying is occurring in a public place signs shall be placed within the immediate vicinity of the spraying prior to commencing and maintained until spraying has ceased,</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
				ii) Where the spraying is occurring on or alongside roads vehicles associated with the spraying shall display signs on the front and rear of the vehicles advising that spraying is occurring.
87	Ch 2 Discharges to Air New rule		If the Permitted activity Standards in Rule 2.22 cannot be met then the activity defaults to a full discretionary activity. Horticulture NZ considers that a Restricted Discretionary Rule is appropriate as there are clear matters of discretion that can be considered when assessing an application.	<p>Add a Restricted Discretionary Activity Rule for agrichemicals</p> <p>If the conditions of the permitted activity rule cannot be met then consent as a restricted discretionary activity would be required.</p> <p><i>Matters of discretion</i></p> <p>When assessing an application for discharge of contaminants into air, or onto or into land or water from the use or application of agrichemicals, the matters to be considered are:</p> <p>(a) The type of agrichemical to be discharged, including its toxicity and volatility and the carrying agent (formulation);</p> <p>(b) The proposed method of application, including the type of spray equipment to be used, the spray volume and droplet size, the direction of spraying and the height of release above the ground;</p> <p>(c) The nature of any training undertaken by the operator;</p> <p>(d) Measures to avoid agrichemical spray drift;</p> <p>(e) The extent to which the use or application complies with NZS8409:2004 Management of Agrichemicals;</p> <p>(f) The proximity of the use or application to potable water including roof water;</p> <p>(g) The proximity of the use or application to waterbodies;</p> <p>(h) The timing of application in relation to weather conditions;</p> <p>and</p> <p>(i) Communication requirements.</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
88	Ch 2 Signage 2.34	Support in part	The HSNO Act and Worksafe Act require signage for identifying hazards and hazardous substance. Such signage should be specifically provided as a permitted activity in the MEP.	Add new permitted activity 2.34.13 Signage required by other legislation such as HSNO or Worksafe NZ Act.
89	Ch 3 Rural Environment Zone 3.2 Permitted Activities		A new activity is sought for managing unwanted organisms under the Biosecurity Act 1993. In the rural area this may include the need to remove vegetation, bury infected material, or spraying or burn infected material to manage an incursion. It is important that these activities can occur quickly in the event of a biosecurity incursion. Objective 14.2 seeks to ensure that the Marlborough rural economy is not adversely affected by the spread or introduction of pests and policy 14.2.1 supports national response to an incursion. The inclusion of new rules as sought support that policy framework.	Include a new permitted activity 3.1.59 Burial, spraying, burning or removal of vegetation material infected by unwanted organisms as declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.
90	Ch 3 Rural Environment Zone 3.2 Permitted Activities	Oppose in part	Horticulture NZ seeks that the Permitted activities include artificial crop protection structures and crop support structures. There does not appear to be a specific activity providing for accessory buildings to primary production as a permitted activity. These are fundamental to the primary production activity and should be provided for as a permitted activity. The definition of production land in the RMA includes auxiliary buildings.	Include in 3.1 Permitted Activities: Accessory buildings for primary production including artificial crop protection structures and crop support structures Or amend the definition of farming to include accessory buildings to the activity.
91	Ch 3 Rural Environment Zone 3.2 Permitted Activities Standards 3.2.1.11	Oppose in part	Standard 3.2.1.11 sets a site coverage standard but excludes greenhouses that are utilising the soil of the site. Horticulture NZ seeks that the words 'utilising the soils of the site' be deleted. There is no policy framework to support the exclusion of a subset of greenhouses based on soil. Horticulture NZ seeks that if artificial crop protection structures are considered buildings that the coverage provision does not apply to such structures.	Amend 3.2.1.11: Delete 'utilising the soils of the site' Add after greenhouse: or artificial crop protection structures

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
92	Ch 3 Rural Environment Zone 3.2 Permitted Activities Standards 3.2.1.12	Oppose	Horticulture NZ considers that adequate setbacks of habitable buildings is essential for managing the potential for reverse sensitivity effects	Amend 3.2.1.12 as follows: Habitable buildings 8 m for the front boundary 25 m for the rear boundary 25 m for the side boundary All other buildings 8 m for the front boundary 5 m for the rear boundary 5 m for the side boundary
93	Ch 3 Rural Environment Zone 3.2 Permitted Activities Standards 3.2.1.18	Oppose	<p>Horticulture NZ and Transpower have considered the requirements of the NPSET and how they interface with horticultural activities, particularly structures such as artificial crop protection structures and crop support structures.</p> <p>Provision has been developed to provide for such structures so that horticulture is able to continue in the vicinity of the National Grid under specific conditions. These provisions have been included in a number of district plans and Horticulture NZ seeks that they be included in MEP.</p>	<p>Add additional points to Standard 3.2.1.18:</p> <p>c) Artificial crop protection structures and crop support structures between 8-12 metres from a pole support structure that:</p> <ul style="list-style-type: none"> • Meet the requirements of NZECP 34: 2001 • Are no more than 2.5 metres in height • Are removable or temporary to allow a clear working space 12 metres from the pole where necessary for maintenance purposes • Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane. <p>d) An artificial crop support structure or crop support structure located within 12 metres of a tower support structure that meets the requirements of Clause 2.4.1 of NZECP34:2001.</p>
94	Ch 3 Rural Environment Zone 3.2 Permitted Activities Standards	Oppose in part	Standard 3.2.3.1 sets a noise limit within the Rural Environment or at the Zone Boundary as 65dBA LAeq from 7am – 10pm. This limit is supported. However Standard 32.3.2 seeks that noise at specific Zone Boundaries does not exceed 50dBA LAeq. It is	Amend Standard 3.2.3.2. 7am – 10pm 55dBA LAeq

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
	3.2.3 Noise		difficult to reconcile how the Standards are setting two different limits for the same activity. In addition the limit of 50dBA LAeq is providing for a residential amenity on rural production activities. The NZ Standard 6801 and the WHO Guidelines both provide for a range of what is acceptable noise and 50dBA is at the lower limit. Given that the noise limits are the interface between a rural working production environment and residential it is considered that 55dBA LAeq would be an acceptable level for the neighbouring zones. Clause 3.2.3.4 provides for 55dBA at the notional boundary in any zone so the change would be consistent with that Standard.	
95	Ch 3 Rural Environment Zone 3.2 Permitted Activities Standards 3.2.3 Noise	Support in part	Standard 3.2.3.3 provides an exclusion from the noise limits for some activities, including mobile machinery for a limited duration as part of agricultural or horticultural activities occurring in the Rural Environment and a range of fixed motors or machinery. Generally Horticulture NZ supports the exclusions but notes that it would be preferable to refer to primary production activities rather than agricultural or horticultural activities so that it includes all the primary production activities that occur in the Zone.	Amend 3.2.3.3 by hanging 'agricultural or horticultural activities' to primary production activities'
96	Ch 3 Rural Environment Zone 3.2 Permitted Activities Standards 3.2.9 Dust	Support	Standard 3.2.9.1 seeks that the best practicable method is adopted to avoid dust beyond the legal boundary. Horticulture NZ supports the use of best practice to manage and activity.	Retain Standard 3.2.9.1.
97	Ch 3 Rural Environment Zone 3.3 Specific Permitted Activities Standards 3.3.2.1	Support	Horticulture NZ supports the specific provision for farm airstrips and farm helipads.	Retain Standard 3.3.2.1.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
98	Ch 3 Rural Environment Zone 3.3 Specific Permitted Activities Standards 3.3.5 Audible bird scaring device	Oppose in part	<p>Horticulture NZ supports the provision of a permitted activity rule for audible bird scaring devices but consider that the proposed standards are arbitrary in that it sets distances rather than base the standard on the noise emitted from a device. The measure LAe is not defined. It is considered that the SEL measure is more appropriate for measuring impulsive sound and therefore should be the used in the bird scaring rule.</p> <p>Unlike frost fans there is no requirement for a noise sensitive activity to have to insulate from existing devices. Therefore it is essential that habitable buildings establishing within the Rural Environment or on the boundary of the zone are required to have setbacks so that they are not adversely affected by an existing lawfully established activity. It is difficult to determine that the device is not closer than 250m to any other audible bird scaring device as an operator does not have control over where a neighbour locates devices.</p>	<p>Amend Standard 3.3.5.1 as follows: A category A or Category B device must not be operated</p> <ul style="list-style-type: none"> a) After sunset and before sunrise b) Exceed 65dB SEL when measured at the notional boundary of the nearest habitable building on a site other than on which the device is located or the zone boundary
99	Ch 3 Rural Environment Zone 3.3 Specific Permitted Activities Standards 3.3.12 Non-indigenous vegetation clearance	Oppose in part	<p>The definition of vegetation clearance includes cultivation. The types of activity that are described in 3.3.12 are not relevant to cultivation, which is provided separately in 3.3.13.</p> <p>Horticulture NZ has sought that there is provision for response to unwanted organisms as a permitted activity. If the new rule is not added then there needs to be provision for removal of vegetation for biosecurity purposes in 3.3.12.</p>	<p>Amend 3.3.12 by adding an additional standard: Removal of vegetation for the purposes of managing unwanted organisms under the Biosecurity Act 1993.</p>
100	Ch 3 Rural Environment Zone 3.3 Specific Permitted Activities Standards 3.3.13	Support in part Oppose in part	<p>Horticulture NZ supports in part the distinction for cultivation based on slope. However there are a range of mechanisms available to manage potential for effects from cultivation, not just setback distances or vegetative cover. Horticulture NZ has developed Erosion and Sediment Control guidelines for use in vegetable cropping situations and includes a range of</p>	<p>Add a new Standard: 3.3.13.7 For cultivation that is undertaken for rotational cropping the activity will use mechanisms in Erosion and Sediment Control Guidelines for vegetable growing (Horticulture NZ 2014) to minimise sediment run-off to water.</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
	Cultivation		mechanisms that can be used, depending on site specific matters. The MEP supports the use of industry developed guidance and inclusion in the standard for cultivation is an appropriate application of this approach. For vegetable growers it will be difficult to meet Standard 3.3.13.5 as ground is cultivated in a rotation. Therefore an alternative condition is sought for vegetable cropping. Horticulture NZ seeks that the definition of cultivation be amended to include the ancillary works that may be required to install mechanisms to minimise sediment run-off to water.	Add to Standard 3.3.13.5: except where 3.3.13.7 applies. Amend definition of cultivation as sought elsewhere in this submission.
101	Ch 3 Rural Environment Zone 3.5 Restricted Discretionary Rules	Oppose	The default rule for cultivation is discretionary. Horticulture NZ considers that the activity can be appropriately managed through a restricted discretionary rule.	Add a new Restricted Discretionary Activity Rule for cultivation: List the matters of discretionary as the matters listed in Policy 15.4.4 a- g.
102	Ch 3 Rural Environment Zone 3.3 Specific Permitted Activities Standards 3.3.15 Excavation within National Grid Yard	Support	Horticulture NZ supports the provisions in 3.3.15 as they are consistent with NZECP34:2001.	Retain 3.3.15
103	Ch 3 Rural Environment Zone 3.3 Specific Permitted Activities Standards 3.3.22	Oppose in part	Horticulture NZ has sought changes to provisions for agrichemicals in 2.17.2 and seeks that the provisions in 3.3.22 are consistent. It is important that best practice is used for agrichemical applications and this is achieved by the Council having rules which require that best practice is used.	Add new standard to 3.3.22 Meet the requirements on 2.17.2. Provide a Restricted Discretionary Rule as sought by Horticulture NZ for where the application does not meet the permitted activity standards.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
	Application of agrichemical into or onto land		Where an activity cannot meet the permitted activity standards it should be assessed as a Restricted Discretionary Activity as there are clear matters of discretion that can be considered.	
104	Ch 3 Rural Environment Zone 3.3 Specific Permitted Activities Standards 3.3.23 Application of fertiliser or lime into or onto land	Oppose in part	<p>When fertiliser is being used as part of the application the requirement for storage should not apply. For instance bags of fertiliser may be taken out into a paddock which is not an impermeable surface but is only for the time while application is being undertaken.</p> <p>The condition relating to a maximum N/ha/yr is an arbitrary input standard and does not take into account plant uptake and a range of factors relating to nutrient management and best practice</p> <p>Where an activity cannot meet the permitted activity standards it should be assessed as a Restricted Discretionary Activity as there are clear matters of discretion that can be considered.</p>	<p>Amend 3.3.23.2 by adding: Except during application.</p> <p>Delete 3.3.23.4</p> <p>Provide a Restricted Discretionary Rule for where the application does not meet the permitted activity standards. <i>Matters of discretion</i> When assessing an application for discharge of contaminants into air, or onto or into land or water from the use or application of fertiliser, the matters to be considered are: (a) The type of fertiliser to be discharged, (b) The proposed method of application (c) The nature of any training undertaken by the operator; (d) Measures to avoid fertiliser drift; (e) The extent to which the use or application complies with Code of Practice for Nutrient Management (Fert Assoc) (f) The proximity of the use or application to potable water including roof water; (g) The proximity of the use or application to waterbodies; (h) The timing of application in relation to weather conditions; and (i) Communication requirements.</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
105	Ch 3 Rural Environment Zone 3.3 Specific Permitted Activities Standards 3.3.25 Application of compost or solid agricultural waste into or onto land	Oppose in part	The condition relating to a maximum N/ha/yr is an arbitrary input standard and does not take into account plant uptake and a range of factors relating to nutrient management and best practice.	Delete 3.3.25.2.
106	Ch 3 Rural Environment Zone 3.3 Specific Permitted Activities Standards 3.3.26 Discharge of agricultural liquid waste into or onto land	Oppose in part	The condition relating to a maximum N/ha/yr is an arbitrary input standard and does not take into account plant uptake and a range of factors relating to nutrient management and best practice.	Delete 3.3.26.7.
107	Ch 3 Rural Environment Zone 3.3 Specific Permitted Activities Standards 3.3.27 Discharge of aquatic herbicide and glyphosate into or onto land for the	Support in part	Horticulture NZ supports the removal of pest plants but seeks to ensure that pest plants include unwanted organisms under the Biosecurity Act 1993 so that such organisms can be removed.	Amend Appendix 25 to include unwanted organisms under the Biosecurity Act 1993.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
	purposes of removing pest plants in a significant wetland			
108	Ch 3 Rural Environment Zone 3.3 Specific Permitted Activities Standards 3.3.36 Discharge of contaminants to air arising from burning in the open	Support in part	Horticulture NZ has sought a specific permitted activity rule to provide for the burning of material infected by unwanted organisms. 3.3.36.1 provides for the burning of material on a property under the same ownership. Sometime land is under the same management, such as leases, so should be provided for as being akin to same ownership.	Amend 3.3.36.1 Only material generated on the same property or a property under the same management or ownership may be burned. Include Permitted activity rule to provide for burning of material infected by unwanted organisms.
109	Ch 8 Rural Living Zone 3.3 Specific Permitted Activities Standards 8.2.1.4	Oppose in part	Horticulture NZ seeks that where a habitable building is located on the zone boundary with the Rural Environment Zone that a larger setback applies to reduce the potential for reverse sensitivity complaints about rural activities across the boundary/	Amend 8.2.1.4 by adding 15 metres for a habitable building located on a boundary with the Rural Environment Zone.
110	Ch 24 Subdivision 24.3. Controlled Activities Controlled activity standards 24.3.1.2	Support	Horticulture NZ supports that a subdivision be required to identify that there is a suitable building platform that meets the boundary setbacks provisions.	Retain 24.3.1.2 to required minimum building platform shape factor for subdivisions and include it for all subdivisions in the Rural Area, including the Rural Environment
111	Ch 24 Subdivision 24.3. Controlled Activities	Oppose in Part	Controlled activity standards 24.3.1.9- 24.3.1.26 set out the matters over which the Council has reserved control for subdivision.	Add an additional matter: 24.3.1.27 Potential for reverse sensitivity effects and mechanisms to avoid such effects.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
	Controlled activity standards 24.3.1.9-24.3.1.26		Horticulture NZ seeks to ensure that the potential for reverse sensitivity and mechanisms to address such potential are assessed at the time of subdivision.	
112	Ch 24 Subdivision 24.3. Restricted Discretionary Activities standards 24.4.1.13	Support	Horticulture NZ supports the inclusion of consideration of reverse sensitivity in 24.4.1.13.	Retain 24.4.1.13.

Submissions Chapter 25 Definitions

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
113	Definition accessory	Support in part	The definition of accessory is linked to buildings on site. There may be situations where there is no principal building on site but the new building is accessory to the activity on site.	Amend the definition of accessory: Means a separate detached building the use of which is incidental to that of the principal building or buildings on the site or the activity on the site.
114	Definition agrichemical	Support in part	The definition of agrichemical is based on the definition in NZS8409:2004 Management of Agrichemicals, with the addition of management of public amenity areas. The exclusion should be 'oral nutrition compounds'.	Amend the definition by changing 'organ' to 'oral' nutrition compounds
115	Definition Ancillary	Support in part	The Plan includes both 'accessory' and 'ancillary'. They are very similar in meaning. It should be clear if there is a distinction between the two terms.	Clarify the relationship between 'accessory' and 'ancillary' and amend to ensure that there is clarity as to how the terms will be applied in the Plan.
116	Definition audible bird scaring device	Support in part	The definition of audible bird scaring device makes a distinction between percussive and explosive devices and others. It is assumed that Category B is intended to include siren type devices which emit sound at a high frequency. It should be clear that such devices are Category B.	Add to the end of Category B: Such as sirens and high frequency devices.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
117	Definitions artificial crop protection structures Crop support structures greenhouses		<p>Horticulture NZ seeks that new definitions be added for artificial crop protection structures and crop support structures to ensure that such structures are adequately provided for in the Plan. Linked to the definitions is a need to specifically define greenhouses as these are not classed as artificial crop protection structures.</p> <p>Artificial crop protection structures are usually between 7 and 8 metres in height and may be vertical or horizontal and are essential for horticulture and hence the economic wellbeing of the district. Artificial crop protection structures have advantages over green shelterbelts in that they are a fixed height and will not grow and impede on electricity lines or roads. Therefore they should be encouraged over live shelters.</p>	<p>Include a definition for artificial crop protection structures as follows: Artificial Crop Protection Structures means structures with material used to protect crops and/or enhance growth (excluding greenhouses).</p> <p>Include a definition for greenhouses as follows: Greenhouses are a totally enclosed structure where plants are grown in a controlled environment.</p> <p>Include a definition for crop support structures as follows: Crop support structures are open structures on which plants are grown.</p>
118	Definition Building		<p>The definition of building is based on the Building Act and provides for a number of exemptions. Schedule 1 of the Building Act 2004 sets out the types of building work that do not require a building consent. The principle of Schedule 1 is to exempt work that is low risk and minor. Territorial authorities may grant exemptions if they consider the building work is unlikely to endanger people or any other building.</p> <p>Horticulture NZ seeks that the definition of building include an exemption for artificial crop protection structures and crop support structures so it is clear that such structures used in horticulture are not regarded as 'buildings'.</p> <p>Given the nature of construction of artificial crop protection structures and that they are in an orchard location the likelihood</p>	Amend the definition of building by adding an exemption for artificial crop protection structures and crop support structures.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			of endangering people or other buildings is unlikely. Therefore it would be appropriate to provide an exemption for such structures from the definition of 'building' in the District Plan.	
119	Definition bare ground	Oppose in part	The Plan includes a definition for bare ground relating to the vegetation cover. The definition should not include land that is part of a rotational growing system where it is between crops.	Amend the definition of bare ground by adding: But does not include land that is part of a rotational growing system where it is between crops.
120	Definition cultivation	Oppose in part	The definition for the cultivation of soil is that the surface contour of the land is not altered. Some crops require the soil to be mounded in preparation for the crop and is part of the cultivation activity. In addition the harvesting of the crop may have the effect of disturbing the soil so should be included in the definition of cultivation. In addition it is important to recognise that to implement best practice for cultivation that some works may be required for ancillary erosion and sediment control measures such as bunds, interception drains or sediment traps. These should be provided for as part of the cultivation activity.	Amend the definition of cultivation: Means breaking up, turning and mounding of soil in preparation for sowing and harvesting a crop, including ancillary erosion and control methods to minimise sediment runoff to water.
121	Definition farm airstrip and helipad	Support	Horticulture NZ supports the inclusion of a definition for farm airstrip and helipad.	Retain definition of farm airstrip and helipad
122	Definition farming	Oppose in part	Horticulture NZ does not support the inclusion of greenhouses in the definition of intensive farming and seeks that the farming include greenhouses as producing vegetative matter	Amend definition of intensive farming to exclude greenhouses and include in the definition of farming.
123	Definition frost fan	Oppose in part	The definition of frost fan includes mobile devices. As these are not fixed to the ground they should be differentiated from permanent devices.	Delete 'and mobile' from the definition of frost fan.
124	Definition intensive farming	Oppose	It is not clear what the Council is seeking to manage through the intensive farming definition. Horticulture NZ does not support the inclusion of greenhouses in the definition of intensive farming as the effects of greenhouses are different to intensive farming activities such as pig or poultry farming. Greenhouses require a	Delete greenhouses from intensive farming and provide for them as a standalone activity. Add an exclusion to the definition of intensive farming: But does not include greenhouses for the production of vegetative matter.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			number of requirements for appropriate location and should be considered as a stand alone activity. There is no policy framework to support including greenhouses as an intensive farming activity based on dependence on the soil.	

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
125	Definition fertiliser		<p>The MEP does not contain a definition of fertiliser. It is important that the Plan is clear what is meant by fertiliser as fertiliser includes a number of components that are not specifically essential nutrients. For instance lime is a soil conditioner and not essential nutrient but is regarded as a fertiliser.</p> <p>Fertilisers are managed through ACVM and HSNO. Each has a definition of fertiliser that includes a wider range of substances and includes fertiliser additives.</p> <p>The definition in the Plan should be linked to the definitions of HSNO and ACVM.</p> <p>The ACVM Regulations define fertiliser as:</p> <p>a) means a substance or biological compound or mix of substances or biological compounds that is described as, or held out to be for, or suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of—</p> <ul style="list-style-type: none"> (i) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or (ii) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or (iii) fertiliser additives; and <p>(b) includes non-nutrient attributes of the materials used in fertiliser; but</p> <p>(c) does not include substances that are plant growth regulators that modify the physiological functions of plants.</p>	<p>Add a definition of fertiliser as in the ACVM regulations or as follows:</p> <p>A substance or biological compound or mix of substances or biological compounds that is described as, or held out to be for, or suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of:</p> <ul style="list-style-type: none"> i) essential nutrients and ii) fertiliser additives; and iii) non-nutrient attributes of the materials used in fertiliser.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
126	Definition minor upgrading	Support in part	Horticulture NZ supports that minor upgrading does not include an increase in the voltage of the line. However this provision should be included as part of b) in the definition so it is clear that the addition of higher capacity conductors is limited.	Amend the definition of minor upgrading by adding to b): The re-conductoring of the line with higher capacity conductors but does not include an increase in voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage. Delete last sentence of the definition.
127	Definition noise sensitive activity	Support in part	The definition is relevant to how rules will apply for noise. Horticulture NZ is concerned that the definition includes 'examples' so there is a lack of certainty in the definition, and hence how it may be applied.	Amend the definition of noise sensitive activity: Delete 'examples include' and replace with 'Noise sensitive activities are..'
128	Definition sensitive area	Oppose in part	The plan has a definition for noise sensitive activities but no definition for 'sensitive activity'. There are situations where sensitivity will exist for reasons other than noise and so there should be a definition to identify such activities. An alternative would be to include only a definition for sensitive activities and combined with the definition for noise sensitive activities.	Include a definition of sensitive activities as follows: Sensitive activities are: a) Habitable buildings b) Educational facilities c) Correctional facilities d) Public places and amenity areas where people congregate e) Public roads
129	Definition reverse sensitivity	Oppose	The Plan does not include a definition for reverse sensitivity but refers to the matter. It needs to be clear what is anticipated by the use of the term. There are a range of definitions that have been used in Plans but Horticulture NZ considers that the definition sought is simple and clear about where the onus of responsibility lies and who is the sensitive party.	Include a definition for reverse sensitivity as follows: Reverse sensitivity occurs when occupants of a new development (for example, a lifestyle block) complain about the effects of an existing, lawfully established activity (for example, noise or smell from industry or farming). This can have the effect of imposing economic burdens, operational limitations or other constraints on the existing activity thereby reducing its viability.
130	Definition ponding	Oppose in part	The definition of ponding does not include liquid that is momentarily present on the surface at the commencement of the	Amend the definition of ponding:

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			absorption process. The use of 'momentarily' is imprecise and should also include reference to the discontinuance of the supply of liquid to the ponding, such as rainfall. Rule 3.3.26.5 provides for 24 hours after the discharge and this should be included in the definition.	Means the intermittent formation of pools of surface liquid which remain for 24 hours after the source of liquid has ceased.
131	Definition Rural industry	Support in part	The definition of rural industry should specifically include processing, packing and storage of primary products to ensure that they are classed as rural industry. Rural contractor depots should also be included.	Amend the definition of rural industry: Means an industry, constructional engineers and roading, cartage or rural contractor workshop or yards or facilities for the processing, packing and storage of primary products where either:
132	Definition vegetation clearance	Support in part	The definition of vegetation clearance should not include the harvesting of crops for their intended purpose. In addition cultivation is provided for as a specific activity in the Plan so should be subject to the specific activity requirements.	Amend the definition of vegetation clearance by adding: But does not include the harvesting of crops. Delete 'cultivation'.
133	Definition worker accommodation	Support in part	The definition of worker accommodation is limited to being on land used for farming activity. There are situations where worker accommodation may be provided adjacent to a pack house facility and this should be provided for.	Amend the definition of worker accommodation: Means the use of land and buildings for accommodating the short term labour requirement of a farming activity or rural industry where the accommodation is provided on the property on which the farming or rural industry activity occurs.
134	Definition production land		The RMA has a definition for production land that provides for primary production activities. Horticulture NZ seeks that this definition is included in the Plan as it encompasses all primary production activities, not only those limited by the definition of farming.	Add a definition for production land: Production land has the same meaning as in Section 2 of the Act.

Schedule 3: Submissions Volume 3 Appendices

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
135	Volume 3 Appendix 5 Water resource unit values and water quality classification standards	Oppose	Appendix 5 is based on values that are limited and do not reflect the range of values anticipated in the NPSFM. Horticulture NZ seeks that in particular food production is added as a value to areas where food production is undertaken. It is an important value for meeting the social and economic wellbeing of the community and needs to be appropriately recognised and included as a value when setting freshwater objectives and minimum flows and levels.	Add 'food production' as a value to the following FMU's listed on the table 'Other water resources': Benmorven FMU Brancott FMU Omaka Aquifer FMU Omaka River FMU Riverlands FMU Southern Springs FMU Wairau Aquifer FMU Add 'food production' as a value to Schedule 1: 6 Awatere Lower and other Water Resource Units where food production is undertaken.
136	Volume 3 Appendix 6 Environmental flows and levels	Oppose	Appendix 6 sets environment flows and levels for rivers and aquifers. The MEP acknowledges that there is currently a lack of knowledge for setting such flows and that these will be developed through plan changes. Meantime the appendix has set flow regimes which are very restrictive. Until there is sufficient knowledge on which to base the flow regimes and a full consultation process undertaken the status quo should apply. In addition the flows need to reflect the values ascribed to water bodies. Horticulture NZ seeks changes to Appendix 5 to include all relevant values. The values inform the objectives and hence the flow regime.	Withdraw Appendix 6 and develop environmental flows and levels and develop for each catchment through a robust consultation process to identify all values for a waterbody, and then set objectives and flows. In the interim continue to use and apply existing environmental flows and levels for each catchment.
137	Volume 3 Appendix 25 Pest plants	Support in part	Appendix 25 is a list of pest plants, which are referred to in the text of the Plan. Horticulture NZ seeks specific	Add to Appendix 25: Pest plants will include plant that are unwanted organisms, or infected by unwanted organisms as

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			provisions relating to unwanted organisms under the Biosecurity Act 1993	declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.

