

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2020-CHC-

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under Clause 14(1) of the First
Schedule of the Act in relation to the
Proposed Marlborough Environment Plan

BETWEEN **Horticulture New Zealand**

Appellant

AND **Marlborough District Council**

Respondent

**NOTICE OF APPEAL
ON THE PROPOSED MARLBOROUGH ENVIRONMENT PLAN**

To: The Registrar

Environment Court

Christchurch

1. Horticulture New Zealand (“**HortNZ**”) appeals part of the decisions of the Marlborough District Council on the Proposed Marlborough Environment Plan.
2. HortNZ made a submission and further submissions on the Proposed Marlborough Environment Plan (submission number 769)
3. HortNZ is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. HortNZ received notice of the decisions on 21 February 2020.
5. The decisions were made by the Marlborough District Council.
6. The parts of the decision that HortNZ are appealing are:

Topic 4:

- (a) Policy 5.2.4
- (b) Policy 5.2.11
- (c) Policy 5.2.13
- (d) Policy 5.3.1
- (e) Policy 5.5.5
- (f) Rule 2.2.1

Topic 12:

- (g) Policy 14.4.10
- (h) Policy 14.4.15
- (i) Standard 3.2.1.10
- (j) Definitions for artificial crop protection structures, crop support structures
- (k) Definition of farming
- (l) Definition of intensive farming
- (m) Definition of rural industry

Topic 13:

- (n) Objective 15.1a
- (o) Policy 15.1.1
- (p) Method 15.M.1
- (q) Appendix 5

Topic 14:

- (r) Policy 15.3.4 (Air) and 16.3.10 (Discharges to Land)
- (s) 3.3.24.4, 3.3.25.2, 3.3.27.7
- (t) 3.3.24.5
- (u) 3.7.5 Disposal of hazardous waste into or into land (other than lawfully established hazardous waste landfill)

Topic 19:

- (v) Objective 15.4
- (w) 3.3.14 Cultivation

Topic 20:

- (x) Minor upgrading definition
- (y) 2.3.16

Agrichemical rules (Topics 6,9, 13,14):

- (z) 2.17.2 Discharge of aquatic agrichemical to waterbody
- (aa) 2.17.11 Discharge of agrichemical to water in Drainage Channel Network or the Floodway Zone
- (bb) 2.12.11 Discharge of an agrichemical to water (Drainage Channel Network Activity)
- (cc) 3.3.23 Agrichemical application (in rural zone) into or onto land (Rural Environment)

Biosecurity response (Topic 12, 13):

- (dd) Include permitted activity rules for a biosecurity response

7. The reasons for the appeals and relief sought are detailed in the table below.
8. General relief sought:
 - (a) That consequential amendments be made as a result of the relief sought from the specific appeal points above (including where the same provisions are in a number of different zone chapters).
9. The following documents are attached to this notice:
 - (a) a copy of HortNZ's submission and further submissions.
 - (b) a list of names and addresses of persons to be served with copy of this notice.



Jordyn Landers
Environmental Policy Advisor
Horticulture New Zealand

8 May 2020

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Decisions of Marlborough District Council on the Proposed Marlborough Environment Plan which are appealed by HortNZ:

Appeal Point	Provision or Decision	Scope	Reason	Relief sought
(a)	Policy 5.2.4 Topic 4 - Full decision of PMP – para. 119	HortNZ submitted (769.14) on Policy 5.2.4	HortNZ sought 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. The NPSFM includes an 'irrigation, cultivation and food production' value and in HortNZ's view this important to provide for as part of the management regime.	Amend Policy 5.2.4 to include an 'irrigation, cultivation and food production' value.
(b)	Policy 5.2.11 Full decision of PMP – para. 119	HortNZ submitted (769.17) on Policy 5.2.11	HortNZ sought 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, or amendment to provide for the identified values for the FMU. The NPSFM includes an 'irrigation, cultivation and food production' value and in HortNZ's view this important to provide for as part of the management regime.	Amend Policy 5.2.11 to include to include an 'irrigation, cultivation and food production' value.
(c)	Policy 5.2.13 Full decision of PMP – para. 74	HortNZ submitted (769.15) on Policy 5.2.5 (previous numbering)	The policy recognises that when minimum flows are reached, the management regime changes; in this case ceasing the take of water except for essential uses. HortNZ seek to provide for rootstock survival water to be provided (through a resource consent process) to maintain root stock during prolonged periods of drought, to keep the plants alive (not to maintain productive capacity) so that horticultural producers in that they can retain the core of their businesses, their rootstock. The loss of this capital investment would have serious impacts on the Marlborough community. Such an approach is not inconsistent with the NPSFM and is included in several other plans around the country.	Amend Policy 5.2.13: <i>With the exception of water taken for domestic needs, or animal drinking water <u>or rootstock protection water</u>, prevent the taking of water authorised by resource consent when flows and/or levels in a Freshwater Management Unit are at or below a management flow and/or level set as part of an environmental flow and/or level set in accordance with Policy 5.2.4.</i> AND include definition for rootstock protection water: <i><u>water required to maintain survival of permanent horticultural crops in drought, no</u></i>

Appeal Point	Provision or Decision	Scope	Reason	Relief sought
				<i>more than the equivalent of 50% of the total allocation of the consent holder.</i>
(d)	Policy 5.3.1 Full decision of PMEP – para. 151 - 152	HortNZ submitted (769.20) on Policy 5.3.1	HortNZ sought to include capital rootstock and crop survival water, ahead of the clause for municipal supply. HortNZ also sought to include 'Values identified for the FMU' as the second clause. Municipal supply should not be given greater priority that other commercial users of water (which may include irrigation).	Amend Appendix 5 to include food production, and amend Policy 5.3.1: To allocate water in the following order of priority: (a) Te Mana o te Wai (b) natural and human use values; then (c) aquifer recharge; then (d) domestic and stock water supply; then (e) municipal water supply; and then (f) all other takes of water.
(e)	Policy 5.5.5 Full decision of PMEP – no specific reference	HortNZ submitted (769.27) on Policy 5.5.5	Horticulture NZ supports ensuring that the water that is taken is reasonable for the intended uses; this should be the first approach to reducing over allocation. Should further reductions be required beyond this, then a process of reduction should be undertaken.	Amend Policy 5.5.5: Resolve over-allocation of the Benmorven, Brancott and Omaka Aquifer Freshwater Management Units by <u>ensuring water permits granted reflect the reasonable demand given the intended use and if further reduction is required</u> reducing individual resource consent allocations on a proportional basis, based on the total allocation available relative to each individual's irrigated land area, or equivalent for non-irrigation water uses (excluding domestic and stock water). The reductions will be achieved by reviewing the conditions of the relevant water permits to reallocate the available allocation fairly across all relevant users.
(f)	Rule 2.2.1 Full decision of PMEP – no specific reference	HortNZ submitted (769.75) on Rule 2.2.1	The current use of 'dwelling' excludes workers accommodation from being able to access water as a permitted activity (if not on municipal supply).	Amend Rule 2.2.1 (and PA standard 2.3.1):

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				Take and use of water for an individual's reasonable domestic needs up to 5m ³ per day per dwelling <u>habitable building</u> .
(g)	Policy 14.4.10 Topic 12 - Full decision of PMP para. 34-51	HortNZ submitted (769.53) on Policy 14.4.10	The policy should apply to all sensitive activities, not just residential. For example, educational facilities can be sensitive to the effects of primary production activities. HortNZ's submission sought that the plan controls 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.	Amend Policy 14.4.10: Control the establishment of residential activity <u>and other sensitive activities</u> within rural environments as a means of avoiding conflict between rural and residential amenity expectations and avoiding reverse sensitivity effects on existing activities.
(h)	Policy 14.4.15 Full decision of PMP – no specific reference	HortNZ submitted (769.57) on Policy 14.4.15	As above. 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 (c): (c) controlling residential activity <u>and other sensitive activities</u> , other than that associated with primary production, to avoid conflict between rural and residential amenity expectations;
(i)	Standard 3.2.1.10 Full decision of PMP – no specific reference	HortNZ submitted (769.091) on standard 3.2.1.10 (previously 3.2.1.11).	It was clear throughout the hearing process that artificial crop protection structures/crop protection structures were considered by council as a building under the PMP definition. HortNZ sought that the building coverage standard 3.2.1.11 (now 10) of 15% net site area not apply to artificial crop protection structures. Given that the structures are open and permeable the aspects of concern with site coverage, such as management of stormwater, are not relevant to artificial crop protection structures. The s42A author for Topic 12 (in reply to evidence) agreed that crop protection structures do differ in effect from that of a building from an amenity perspective	Amend 3.2.1.10: Permanent buildings must not cover more than 15% of the net site area within a Record of Title. For the purposes of this Standard, the net site area does not include <u>a greenhouses utilising the soils of the site or artificial crop protection structures</u> .

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			given that they appear to be largely transparent, and permeable and agreed and recommended the following change: "...the net site area does not include a greenhouses or artificial crop protection structures utilising the soils of the site. " There was no further commentary on this in the decision report for this topic, it is unclear why this recommendation from the s42A author was not carried through.	
(j)	<p>Definitions for artificial crop protection structures, crop support structures</p> <p>Full decision of P MEP – para 129</p>	HortNZ submission (769.117) seeking definitions and submission (769.118) on Building.	<p>HortNZ sought that definitions be included in the plan for artificial crop protection structures and crop support structures. The decisions version inserted a definition for crop protection structure.</p> <p>A range of terms are used for similar structures in the Rural Environment rules chapter – ‘crop protection structure’ (in 3.2.1.11), ‘artificial crop protection structures and crop protection structures’ (in 3.3.52), ‘viticulural support structures’ (in 3.2.1.14).</p> <p>The term Artificial crop protection structure term more commonly used (instead of crop protection structure).</p> <p>Crop support structures being not covered with material, would not be covered by the crop protection structure definition, but are listed specifically in regard to the controls in standard 3.3.52. We would not consider crops support structures a building; therefore, they are subject to height and setback provisions (for specific identified areas) that apply to structures, but not the site coverage, boundary setback provisions.</p>	<p>Include definition for crop support structure:</p> <p><u>Crop support structures are open structures on which plants are grown.</u></p> <p><u>Note: Crop support structures are not considered a building.</u></p> <p>AND amend the definition of crop protection structures to reference ‘artificial’: <u>Artificial</u> crop protection structures</p> <p>AND reconcile the use of ‘artificial crop protection structure’, ‘crop protection structure’ and ‘viculture support structure’ to reflect the defined terms.</p>
(k)	<p>Definition of farming</p> <p>Full decision of P MEP – no specific reference</p>	HortNZ submission (769.90) on 3.2 Permitted Activities and the definition of Farming	Various chapters provide for farming as a permitted activity (e.g. Rural Environment Zone, Coastal Environment Zone, Rural Living Zone ...) however the definition for farming does not explicitly include associated buildings, nor do these rules provide for primary production/farming buildings as a distinct activity.	<p>Amend the definition of farming to include associated buildings:</p> <p>Farming means a land based activity, having as its primary purpose the commercial production and sale of any livestock or vegetative matter, <u>and</u></p>

Appeal Point	Provision or Decision	Scope	Reason	Relief sought
			<p>The policy framework (for example in the Rural policy chapter) clearly anticipates activities <u>and buildings</u> linked to land-based primary production.</p> <p>By including associated buildings or structures in the definition, these activities would be clearly provided for but still managed by the standards that apply to all activities (e.g. height, site coverage).</p> <p>We note that the definition of winery was amended to include the terminology “and includes all buildings and plant associated ...”, the primary production activity (which is the term used in the policy chapter) includes “buildings ancillary to the listed activities” and the definition of production land includes “auxiliary buildings user for the production ...”. This relief sought be consistent with this approach.</p>	<p><u>associated buildings or structures</u>. Farming does not include intensive farming, forestry, and in the case of vegetative matter, does not include the processing of farm produce beyond cutting, cleaning, grading, chilling, freezing, packaging and storage of produce grown on the farming unit. For clarity farming includes the slaughtering and processing of animals for personal consumption but not for sale purposes.</p> <p>OR provide a permitted activity rule that provides for buildings/structures associated with farming (where this activity is listed as permitted).</p>
(l)	<p>Definition of Intensive farming</p> <p>Full decision of PMEP – no specific reference</p>	<p>HortNZ submitted (769.124) on intensive farming.</p>	<p>HortNZ seeks that greenhouses be excluded from the definition of Intensive Farming.</p> <p>Under the National Planning Standards Definitions, greenhouses are ‘primary production’ but not ‘intensive indoor primary production’ which includes only fungi, or keeping or rearing livestock. The ‘Recommendations on submissions report for the first set of national planning standards’ says “...<i>horticulture activities should not be considered ‘intensive primary production’</i>. <i>Horticulture undertaken within a glasshouse or greenhouse generally does not produce the same type or scale of odour or noise effects as the activities listed in the definition</i>”.</p> <p>While we acknowledge that the Council is not required to implement the National Planning Standard as part of this plan process, however this analysis is relevant to the relief sought.</p>	<p>Amend definition of intensive farming to exclude greenhouses.</p>

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			<p>Greenhouses should not be a discretionary activity and should not be categorised as intensive farming as the effects from a greenhouse are quite different to both intensive indoor fungi and intensive indoor animal management.</p> <p>Furthermore, standard 3.2.1.10 has a permitted activity standard that mentions greenhouses. The s42A report author for Topic 12 (in reply evidence, pg. 53-54) agreed that this should not be limited to greenhouses 'utilising the soils of the site'.</p> <p>It is appropriate that the greenhouses be considered farming and subject to the standards applicable to buildings which would manage amenity effects (rather than for example imposing a setback of 150m for dwellings).</p>	
(m)	<p>Definition of Rural Industry</p> <p>Full decision of PMEP – para. 190 – 195</p>	<p>HortNZ submitted (769.131) on Rural Industry.</p>	<p>HortNZ's submission sought to specifically include processing, packing and storage of primary products to ensure that they are classed as rural industry – the change of 'industry' to 'industrial process' has confused the issue further.</p> <p>HortNZ considered the National Planning Standard definition – "<i>means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production</i>" is much clearer.</p>	<p>Amend definition of Rural Industry to reflect the National Planning Standards definition of Rural Industry, OR amend Rural Industry as follows:</p> <p>means an industry or business industrial process, constructional engineers and roading and cartage contractors workshops or yards where either:</p> <p>(a) 75% of the total business is with the rural sector and/or coastal marine area;</p> <p>(b) The nature of the industry is such that it is inappropriately located within an urban or industrial zone.</p>
(n)	<p>Objective 15.1a</p> <p>Topic 13 - Full decision of PMEP – para. 14 – 19</p>	<p>HortNZ submitted (769.60) on Objective 15.1a and further submitted (on 339.26, 1090.28).</p>	<p>In HortNZ's view, the ability of catchments to provide for food production, should be recognised as a value in Objective 15.1a and Policy 15.1.1.</p>	<p>Amend Objective 15.1a to include reference to the values identified in Appendix 5 AND add to Appendix 5 'food production' as a value.</p>

Appeal Point	Provision or Decision	Scope	Reason	Relief sought
			<p>The NPSFM provides for 'Irrigation, cultivation and food production' in Appendix 1 as Other National Values.</p> <p>In our view the limited range of values that are identified in Objective 15.1a and Policy 15.1.1, reduce the ability of the limit setting process to provide for the full range of community values.</p>	
(o)	<p>Policy 15.1.1</p> <p>Full decision of PMP – para. 39 - 45</p>	HortNZ submitted (769.062) on Policy 15.1.1	<p>Policy 15.1.1 sets out the that water quality will be managed for the listed purposes.</p> <p>Given that Policy 15.1.2 seeks to reflect the management purposes in Policy 15.1.1 when applying application of water quality standards and classifications it is important that all management purposes are set out in Policy 15.1.1.</p> <p>It is essential that Policy 15.1.1 robustly sets out the management purposes for the water bodies so that these are taken into account when implementing Policy 15.1.3.</p> <p>The NPSFM provides for 'Irrigation, cultivation and food production' in Appendix 1 as Other National Values.</p> <p>HortNZ seek inclusion of the need to manage water quality so that it is suitable for irrigation needs (to provide for food production).</p>	Amend Policy 15.1.1 (c) to include food production and add (e) other values identified for the water body.
(p)	<p>Method 15.M.1</p> <p>Full decision of PMP – no specific reference</p>	HortNZ submitted (769.065) on Method 15.M.1	It is important that the values of freshwater bodies are the basis of the management approach in objectives and policy.	<p>Amend Method 15.3.1:</p> <p><u>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.</u></p>

Appeal Point	Provision or Decision	Scope	Reason	Relief sought
				<i>To identify, on an ongoing basis, the uses and values supported by specific rivers, lakes, wetlands, aquifers and coastal waters. These values, including the spiritual and cultural values of Marlborough's tangata whenua iwi, will be identified in the MEP</i>
(q)	Appendix 5 Full decision of PMEP – para. 112-114	HortNZ submitted (769.135) on Appendix 5	HortNZ's submission sought to include food production in the FMU's listed (right). While it is acknowledged that the Council is undertaking a process to set cumulative limits (the s42A report noting the view that food production may be added to the FMU's specified) – it is not clear or certain that in setting cumulative limits will include "establishing FMUs with associated values" in the context of the PMEP. We also note that Appendix 5 is important in terms of water allocation, not just water quality.	Amend Appendix 5, to 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.
(r)	Policy 15.3.4 (Air) and 16.3.10 (Discharges to Land) Topic 14 - Full decision of PMEP – para. 81 - 90	HortNZ submitted (769.70) on Policy 15.3.4	A blanket 'avoid' spray drift policy is unrealistic and not practical. The policy should focus on adverse effects and implementing best practice. The approach to managing agrichemicals is focused on using best practice and exercising reasonable care to minimising spray drift, the proposed change we seek better reflects that and is focused on effects. The decision states: "86. Most parties to the policy, while acknowledging that some spray drift was unavoidable when dealing	Amend Policy 15.3.4 and Policy 16.3.10 to: <u>Manage the use of agrichemicals by adopting best practice methods of application and exercising reasonable care to minimise the potential for off-target drift.</u>

Appeal Point	Provision or Decision	Scope	Reason	Relief sought
			<p><i>with agrichemicals and fertilisers, need to employ best practice, recognising that complete internalisation of effects within a property is not always possible.</i></p> <p><i>87. In our view, the word 'minimise' informs the policy, prompting users to use best practice to avoid/remedy the difficulties with spray drift. 'Minimise' is the strongest term to use in the context of such a high level policy."</i></p> <p>This policy has been duplicated in Chapter 16 (Waste and Discharges to Land), in addition to Chapter 15 (Air), it is unclear why the policy is in the plan twice (particularly when the rules only refer to discharge of agrichemicals onto or onto land).</p>	
(s)	<p>3.3.24.4, 3.3.25.2, 3.3.27.7</p> <p>Full decision of PMP – no specific reference</p>	<p>HortNZ made a submission on 3.3.23, 3.3.25 and 3.3.26 (previous numbering)</p>	<p>This permitted activity standard prescribes an amount of total cumulative nitrogen that may applied in kg N/ha/year, in relation to fertiliser application into or onto land. This applies alongside equivalent clauses applicable to the application of compost or solid agricultural waste (3.3.26.2), discharge of agricultural liquid waste (3.3.27.7) or dairy effluent (3.3.29) into or onto land.</p> <p>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. This approach is not effects based. Further, this figure is based on an input approach for pasture, which is not suitable for horticulture.</p> <p>In our view requiring growers not to exceed the reasonable nitrogen requirements of the crops being grown is likely to result in a better water quality outcome than setting a 200kg N/hectare/year input limit.</p>	<p>Delete 3.3.24.4, 3.3.25.2, 3.3.27.7</p> <p>OR amend to:</p> <p><i>The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs). <u>the reasonable nitrogen requirements of the crop being grown</u></i></p>

Appeal Point	Provision or Decision	Scope	Reason	Relief sought
			As the limit setting process has yet to be completed, it is important that the plan caters enables the versatility of soils to grow a range of crops.	
(t)	3.3.24.5 Full decision of PMP – para. 96 - 106	HortNZ submitted (769.104) on 3.3.23	3.3.24 (previously 23) is the permitted activity standards that apply to the storage and application of fertiliser or lime into or onto land. HortNZ supported the notified provision for reasonable care to be taken. The decision amendment is unworkable and unachievable because it is a blanket 'no-drift' approach that does not work in practice. An approach of ensuring that all reasonable care is taken (equivalent to the clause inserted for lime) is suitable to manage adverse effects.	Amend 3.3.24.5: <u>All reasonable care must be exercised with</u> the application of fertiliser must not result in so as to ensure that the fertiliser or lime must does not passing beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.
(u)	3.7.5 Disposal of hazardous waste into or into land (other than lawfully established hazardous waste landfill) Full decision of PMP – no specific reference	HortNZ further submitted on Fonterra Co-Operative Group Ltd's submission (1251.135) on 3.7.6 (previous numbering)	A definition for hazardous substances was added in the decision version of the plan. The definition of hazardous waste is very broad, this therefore implies that the disposal of agrichemicals is a prohibited activity.	Amend the definition of hazardous substances (or provide thresholds within the definition) to provide clarification that disposal of agrichemicals in accordance with NZS 8409:2004 is not subject to this prohibited activity rule.
(v)	Objective 15.4 Full decision of PMP – no specific reference	HortNZ submitted (769.71) on Objective 15.4	HortNZ recognises the vital importance of healthy soils, however an objective of maintain and enhance is not always appropriate. All of the policies, apart from 15.4.5, have a focus on 'maintaining' the soil resource. Control of animal pests in Policy 15.4.5, is the only identified action to 'enhance' soil quality.	Amend Objective 15.4 to either: Maintain and <u>or</u> enhance the quality of Marlborough's soil resource. OR Maintain and <u>where necessary</u> enhance the quality of Marlborough's soil resource.
(w)	3.3.14 Cultivation	HortNZ submitted (769.10) on 3.3.13 (previous numbering).	Horticulture NZ has developed Erosion and Sediment Control guidelines for use in vegetable cropping situations and includes a range of mechanisms that can be used, depending on site specific matters. The	Amend Standard 3.3.13.5 and include a new standard to provide for rotational cropping (and consequential amendment to Chapter 4):

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	Full decision of PMEP – no specific reference		PMEP policy framework 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.	<p>3.3.14.5 On completion of the cultivation, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the cultivation taking place, <u>except where 3.3.14.7 applies.</u></p> <p><u>3.3.14.7 For cultivation that is undertaken for rotational cropping the activity will use mechanisms to minimise sediment run-off to water in accordance with industry good management practice guidelines.</u></p> <p><u>Note: Industry Good Management Practice guidelines include Erosion & Sediment Control Guidelines for Vegetable Production (Horticulture NZ 2004), or subsequent versions.</u></p>
(x)	<p>Minor upgrading definition</p> <p>Full decision of PMEP para. 87</p>	HortNZ submitted (769.126) and further submitted on submissions on (232.38, 1198.155) minor upgrading.	<p>HortNZ supported the notified definition of minor upgrading, in that it did not include an increase in the voltage of the line. Minor upgrading of an electricity line is a permitted activity (2.39.4) with no permitted activity conditions. Therefore, the parameters of this activity are effectively determined by the definition.</p> <p>HortNZ's concern is the restrictions on a landowner resulting from voltage increase, specifically setbacks set under the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) which correspond to voltage e.g. in Table 1 (Minimum Safe Distances between Buildings and Overhead Electric Line Support Structures), a 11kV to 33kV circuit voltage required a 2m setback from a pole and a 6m setback from a tower (pylon). This is increased to 6m and 9m, respectively when for voltages between 33kV</p>	<p>Amend minor upgrading definition to reinsert the following:</p> <p><u>Minor upgrading does not include an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.</u></p>

Appeal Point	Provision or Decision	Scope	Reason	Relief sought
			<p>to 66KV and 8m and 12m respectively for voltages exceeding 66kV.</p> <p>By permitting minor upgrading, effects on the landowner are not considered through a consent process.</p>	
(y)	<p>2.3.16 -standards that apply to Rule 2.2.17 [R] Damming water and the subsequent use of that water</p> <p>Full decision of PMP para. 26-29</p>	HortNZ further submitted opposing Transpower's submission (1198.72-74).	<p>Clause 3 does not relate to the management of water – this is a regional rule, not a land use rule.</p> <p>As HortNZ understands it, Transpower was seeking to address their concerns about potential access restrictions and foundation compromise as a result of reticulation and storage of water (and sought changes to 2.39 Network Utilities). However, these concerns are addressed by rules for earthworks and structures in the National Grid elsewhere in the Plan.</p> <p>E.g. Standard 3.3.52.2 (c) 'irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct vehicular access to a National Grid support structure'.</p>	<p>Delete 2.3.16.3:</p> <p>The damming of water and operation of their associated reticulation lines shall not occur within the National Grid Yard.</p>
(z)	<p>2.17.2 Discharge of aquatic agrichemical to waterbody</p> <p>Full decision of PMP – no specific reference</p>	HortNZ submitted (769.84) on 2.17.2	<p>Discharge of agrichemicals into water can have adverse effects, including those on downstream users (e.g. those taking water for irrigation purposes).</p> <p>HortNZ recognises that there are agrichemicals will need to be used in water to address aquatic pests but seeks to ensure that where agrichemicals are being discharged into water that best practice is used to ensure that there are no adverse effects, including on downstream users of the water. There is a need to ensure that those undertaking such discharges are adequately trained and competent.</p> <p>Whereas the rules for the discharge of agrichemicals to land include the requirement for application to be</p>	<p>Amend 2.17.2, by adding an addition permitted activity standard:</p> <p><u>2.17.2.X The applicator must hold a GROWSAFE Registered Chemical Applicators Certificate (National Certificate in Agrichemical Aquatic strand) or be under the direct supervision of person holding this certificate.</u></p> <p>OR provision of a similar nature which provides a minimum training/competency requirement.</p> <p>AND add the following permitted activity standard:</p>

Appeal Point	Provision or Decision	Scope	Reason	Relief sought
			carried out in accordance with Sections 3.5 and 5.5 of NZS 8409:2004, there is not an equivalent requirement that applies to the discharge to water.	<u>2.17.2.X Where spraying is occurring in a publicly accessible location, appropriate notification signage shall be placed within the immediate vicinity of the spraying prior to commencing and maintained until spraying has ceased.</u>
(aa)	2.17.11 Discharge of agrichemical to water in Drainage Channel Network or the Floodway Zone Full decision of PMEP – no specific reference	HortNZ submitted (769.85) on 2.17.11	As above.	Amend 2.17.11, by adding an additional permitted activity standard: <u>2.17.11.X The applicator must hold a GROWSAFE Registered Chemical Applicators Certificate (National Certificate in Agrichemical Aquatic strand) or be under the direct supervision of person holding this certificate.</u> OR provision of a similar nature which provides a minimum training/competency requirement.
(bb)	2.12.11 Discharge of an agrichemical to water (Drainage Channel Network Activity) Full decision of PMEP – no specific reference	HortNZ made a further submission on Marlborough District Council (91.76)	The discharge of agrichemicals to water for the control of aquatic vegetation as part of a Drainage Channel Network Activity is provided for by Rule 2.16.11 (with permitted activity conditions). This rule (2.12.11) does not have any permitted activity conditions. It's inclusion in this chapter adds confusion to the multitude of agrichemical rules in the Plan.	Delete 2.12.11
(cc)	2.14.10 Discharge of an agrichemical into or onto land (Drainage Channel Network Activity)	HortNZ submitted on 2.14.10.	Agrichemical use is critical to horticultural growers who both use, and can be affected by, other agrichemical applications.	Amend 2.14.10, by adding an additional permitted activity standard: <u>2.14.10.X Except for hand-held application of agrichemicals, the applicator must hold a GROWSAFE certificate or be under the</u>

Appeal Point	Provision or Decision	Scope	Reason	Relief sought
	Full decision of P MEP – no specific reference		<p>HortNZ supports reliance on NZS 8409:2004 as best practice, however seeks more specific requirements for notification and training.</p> <p>The section regarding notification states that notification shall also be in accordance with any regulatory requirements of the local authority – this implies that a rule would be more specific.</p> <p>Similarly, for competency it is important to clearly state the training/competency requirement within the plan for certainty. Training is an important part of ensuring best practice agrichemical application.</p>	<p><u>direct supervision of a person holding a GROWSAFE certificate.</u></p> <p>OR a provision of a similar nature which provides a minimum training/competency requirement.</p> <p>AND include a specific permitted activity condition stating the notification requirements for agrichemical application adjacent to sensitive areas.</p>
(dd)	<p>Include permitted activity rules for a biosecurity response</p> <p>Full decision of P MEP – Para 46</p>	HortNZ submitted (769.80, 769.90, 769.84, 769.85) seeking biosecurity provisions	<p>A biosecurity incursion could have significant adverse effects on the wellbeing of the district, particularly horticulture, and inappropriate management of such incursions can result in the unintended spread of pest species.</p> <p>Only when a biosecurity emergency is declared by the Governor-General on the recommendation of a Minister, can the emergency provisions in the Biosecurity Act 1993 override the RMA provisions. Such a declaration has never been made (e.g. in the 2009-2010 PSA incursion that significantly affected the kiwifruit sector. In this case, only a Chief Technical Officer declaration was made so regional and district plan requirements needed to be met which presented challenges in terms of timely and appropriate destruction of material).</p> <p>The policy framework clearly recognises the issue of pest incursions and the effect this could have on the primary production sector. The decision includes exceptions from some of the permitted activity conditions applicable to non-indigenous vegetation clearance; however, the amendment we seek also</p>	<p>Include the following permitted activity rule in 2.7, 2.12:</p> <p><u>Removal of vegetation infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993</u></p> <p>Including the following permitted activity rule in 3.1:</p> <p><u>Burial, spraying, burning or removal of vegetation infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993</u></p>

Appeal Point	Provision or Decision	Scope	Reason	Relief sought
			captures associated activities and a rule to enable removal of vegetation in, on, over or under the bed of a lake or river. The rules proposed would only apply in very limited situations, but are important in enabling a timely response.	

Advice to recipients:

How to become a party to proceedings

You may be a party to the appeal if you made a submission or further submission on the matter of this appeal.

To become a party you must:

- within 15 working days after the period for lodging a notice of appeal ends lodge a notice of your wish to be a party to the proceedings (in Form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant
- Within 20 working days after the period for lodging a notice of appeal ends serve copies of your notice on all other parties

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see Form 38).

How to obtain copies of documents relating to the appeal

The copy of this notice served on you does not attach a copy of the appellants submission or the decisions appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any question about this notice contact the Environment Court in Christchurch.

APPENDIX A - Copy of the Appellant's submission and further submission to which this appeal relates.

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



Angela Halliday
**Acting Manager – Natural Resources and Environment
Horticulture New Zealand**

Dated: 1 September 2016

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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>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
				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

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			<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>	

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
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'.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
	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.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
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>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
				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

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			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.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
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.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			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.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
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.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			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

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
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.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			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> <ul style="list-style-type: none"> (a) The type of agrichemical to be discharged, including its toxicity and volatility and the carrying agent (formulation); (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; (c) The nature of any training undertaken by the operator; (d) Measures to avoid agrichemical spray drift; (e) The extent to which the use or application complies with NZS8409:2004 Management of Agrichemicals; (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; <p>and</p> <ul style="list-style-type: none"> (i) Communication requirements.

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	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. 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.	Add additional points to Standard 3.2.1.18: c) Artificial crop protection structures and crop support structures between 8-12 metres from a pole support structure that: <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. 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.
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.

Further Submission on Proposed Marlborough Environment Plan

(Closing date: 23 June 2017 5pm)



To: Marlborough District Council

Email: MEP@marlborough.govt.nz

Full Name of Further Submitter: Horticulture New Zealand ("HortNZ")

Full Postal Address:

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HortNZ represents horticultural growers in Marlborough District so represents a relevant aspect of the public interest.

HortNZ is not a trade competitor and would not gain any advantage through this further submission.

We do wish to be heard in support of my submission

If others make a similar submission, we would not be prepared to consider preparing a joint case with them at any hearing.

A handwritten signature in blue ink, appearing to read "A Halliday".

.....
Signature of person making submission or person authorised to sign on behalf of person making submission.

Date:

23 June 2017

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
401/2	Aquaculture NZ	1	1 Introduction	Guiding principles	Add economic development	Support	Economic development is an important consideration as part of sustainable management
509/10	Nelson Fish and Game	1	2 Background	How to use the MEP	Amend descriptions of 'avoid'	Oppose in part	There should be clarity about the use of the term but any review of terms should ensure the intended outcome.
698/6	Environmental Defence Society	1	2 Background	How to use the MEP	Amend descriptions of 'avoid'	Oppose in part	There should be clarity about the use of the term but any review of terms should ensure the intended outcome.
698/7	Environmental Defence Society	1	2 Background	How to use the MEP	Amend descriptions of 'protect'	Oppose in part	There should be clarity about the use of the term but any review of terms should ensure the intended outcome.
1189/20	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	1	3 Tangata whenua iwi	Policies 3.1	Add an additional policy for the Council to consult with tangata whenua	Support	It is appropriate that the Council consult with tangata whenua on applications that may have an impact on them.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1004/1	Oil Companies	1	3 Tangata whenua iwi	Policy 3.1.2	The relief sought is similar to that sought by HortNZ as it is not appropriate to mandate consultation but rather encourage.	Support	Encouraging applicants to consult with iwi is a more appropriate policy direction.
1201/4	Trustpower	1	3 Tangata whenua iwi	3.M.4 Consultation	That method 3.M.4 be deleted	Support	HortNZ has sought changes to Policy 3.1.2 and method 3.M.4 needs to be amended in line with the changes sought to the policy.
425/8	Federated Farmers of NZ	1	4 Use of natural and physical resources	Issue 4A	Add text regarding value of primary sector to Marlborough.	Support in part	Include information about the primary sector, including horticulture.
509/15	Nelson Marlborough Fish and Game	1	4 Use of natural and physical resources	Objective 4.1	Remove objective and provide guidance as to how success will be measured	Oppose	The objective is not the appropriate part of the plan to describe how outcomes will be measured.
459/2	Beef and Lamb NZ	1	4 Use of natural and physical resources	Policy 4.1.1	Recognition of Farm Environmental Plans as a tool to deliver outcomes sought	Support	Recognition of Farm Environment Plans is appropriate as a means to deliver outcomes sought.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1090/5	Ravensdown	1	4 Use of natural and physical resources	Policy 4.1.2	Amend policy to refer to managing any adverse environmental effects.	Support	The wording sought by the submitter better reflects the intent of the RMA.
1090/6	Ravensdown	1	4 Use of natural and physical resources	Policy 4.1.3	Amend to "maintain or enhance, where degraded, the quality of natural resources".	Support	The changes sought better reflects the intent of the RMA.
425/16	Federated Farmers of NZ	1	4 Use of natural and physical resources	Policy 4.2.2	Replace 'protect' with 'recognise and provide for'	Support	It is more appropriate to recognise and provide for infrastructure than to 'protect' which implies limiting activities rather than ensuring the operation is not impeded.
1201/14	Trustpower	1	4 Use of natural and physical resources	Policy 4.2.2	Replace 'protect' with avoiding adverse effects where practical	Oppose in part	HortNZ prefers the use of 'recognise and provide' for which does not suggest prohibiting or limiting activities.
1189/34	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	1	5 Allocation of Public resources	5.	Include a new policy to identify the natural and human use values in the district	Support in part	HortNZ is concerned about the use of the term 'natural and human use values' which are not identified or defined. All values need to be considered, not just natural and human use values.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
676/18	Dairy NZ	1	5 Allocation of Public resources	Policy 5.1.1	Include the NPSFM policy CA2 in the plan	Support in part	There needs to be greater clarity as to how the NPSFM process will be undertaken, particularly the identification of values for each FMU.
1251/2	Fonterra	1	5 Allocation of Public resources	Policy 5.2.1	Redraft Policy 5.2.1 and include definition of human use values that includes the full range of uses and values.	Support	HortNZ is concerned as to how 'natural and human use values' is used in the Plan and seeks changes to ensure that all values are included.
1201/20	Trustpower	1	5 Allocation of Public resources	Policy 5.2.2	Delete Policy 5.2.2	Support	While the NPSFM identifies compulsory values it does not dictate that there is a priority for these values.
509/35	Nelson Marlborough Fish and Game	1	5 Allocation of Public resources	Policy 5.2.4	Amend Policy 5.2.4 to specifically provide for some values	Oppose	The FMU process will identify the appropriate values for the FMU and should not be pre-empted in Policy 5.2.4.
509/36	Nelson Marlborough Fish and Game	1	5 Allocation of Public resources	Policy 5.2.5	Amend Policy 5.2.5 by replacing prevent with avoid	Oppose	The change sought is part of the wider debate about use and meanings of avoid and prevent in the Plan.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
698/15	Environmental Defence Society	1	5 Allocation of Public resources	Policy 5.2.5	Amend Policy 5.2.5 by replacing prevent with avoid	Oppose	The change sought is part of the wider debate about use and meanings of avoid and prevent in the Plan.
1251/4	Fonterra Co-operative Group Ltd	1	5 Allocation of Public resources	Policy 5.2.5	Apply a steeped differentiation to how restrictions would apply.	Oppose in part	HortNZ seeks inclusion of root stock survival water in the policy.
1251/6	Fonterra Co-operative Group Ltd	1	5 Allocation of Public resources	Policy 5.2.10	The submitter raises concerns with the use of 'human values'.	Support	HortNZ has raised concerns about the use of 'natural and human use values' which should be clarified.
769/17	HortNZ	1	5 Allocation of Public resources	Policy 5.2.11	The submitter refers to Policy 5.2.4 but should be 5.2.11	Support	Amend reference to correct policy 5.2.11
1251/7	Fonterra Co-operative Group Ltd	1	5 Allocation of Public resources	Policy 5.2.12	That policy 5.2.12 applies to groundwater conductivity limits	Support	Adding groundwater clarifies the policy.
676/22	Dairy NZ	1	5 Allocation of Public resources	Policy 5.2.13	That provision be made for new hydrological data to be considered.	Support	There needs to be some recognition where new information becomes available.
509/46	Nelson Marlborough Fish and Game	1	5 Allocation of Public resources	Policy 5.2.16	The submitter seeks greater specificity but does not provide specific amendments sought.	Oppose	There should be clarity as to what specific amendments the submitter seeks.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1251/8	Fonterra Co-operative Group Ltd	1	5 Allocation of Public resources	Policy 5.2.16	That the policy aligns with changes sought to Policy 5.2.5.	Support	A framework is included in the Plan for reducing takes and this should be the basis of Policy 5.2.16.
1189/46	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	1	5 Allocation of Public resources	Policy 5.2.20	The policy seeks to provide for storage of water with a preference for out of river storage. The submitter seeks to ensure that all storage is out of river.	Oppose	There are times when in river storage will be appropriate and would be assessed as part of the consent process and consider Policy 5.2.21.
1251/10	Fonterra Co-operative Group Ltd	1	5 Allocation of Public resources	Policy 5.2.24	That the policy aligns with changes sought to Policy 5.2.5.	Support	A framework is included in the Plan for reducing takes and this should be included in Policy 5.2.24.
509/69	Nelson Marlborough Fish and Game	1	5 Allocation of Public resources	Objective 5.3	The submitter seeks that common expiry dates and review conditions are included.	Oppose	HortNZ does not support common expiry dates as it can unfairly penalise some users.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
166/6	Te Runanga o Toa Rangatira	1	5 Allocation of Public resources	Policy 5.3.1	Move municipal water higher in the order of priority	Oppose	Domestic water is provided for higher in the hierarchy but municipal water can include a range of uses, not just domestic so it needs to be separated out. Domestic and stock drinking water is provided through the RMA.
280/13	Nelson Marlborough District Health Board	1	5 Allocation of Public resources	Policy 5.3.1	Move municipal water higher in the order of priority	Oppose	Domestic water is provided for higher in the hierarchy but municipal water can include a range of uses, not just domestic so it needs to be separated out. Domestic and stock drinking water is provided through the RMA.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
509/58	Nelson Marlborough Fish and Game	1	5 Allocation of Public resources	Policy 5.3.1	Relationship between natural and human use values and FMU's	Support in part	HortNZ considers that the values for FMU's should be determined through the FMU process and not apply the natural and human use values as set out in the Plan.
425/49	Federated Farmers of NZ	1	5 Allocation of Public resources	Policy 5.3.4	The submitter seeks to delete last part of policy so that management flows are set for municipal takes	Support	It is appropriate that management flows are applied to municipal takes so that they are required to reduce takes in times of low flow.
778/40	Irrigation NZ	1	5 Allocation of Public resources	Policy 5.3.4	The submitter seeks to delete last part of policy so that management flows are set for municipal takes	Support	It is appropriate that management flows are applied to municipal takes so that they are required to reduce takes in times of low flow.
717/24	Fulton Hogan	1	5 Allocation of Public resources	Policy 5.3.5	The submitter seeks clarification that takes with little or no adverse effects will be permitted activities	Support in part	If the effects of a take and use are minor then the activity should be permitted.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
501/14	Te Runanga O Ngati Kuia	1	5 Allocation of Public resources	Policy 5.3.6	The submitter seeks that there is a 20% allocation of water to iwi	Oppose in part	Currently water is allocated on a first in first served basis under the RMA.
1090/7	Ravensdown	1	5 Allocation of Public resources	Policy 5.3.8	Amend policy b) to refer to water Quantity	Support	It should be clear that the over-allocation refers to over-allocation of water quantity
509/68	Nelson Marlborough Fish and Game	1	5 Allocation of Public resources	Policy 5.3.14	The submitter seeks a policy based on shorter duration water permits and catchment expiry dates	Oppose	HortNZ does not support common expiry dates as it can unfairly penalise some users. Consent duration should be determined as part of the consent process and reflect the potential for adverse effects.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
698/27	Environmental Defence Society	1	5 Allocation of Public resources	Policy 5.3.14	The submitter seeks a policy based on common catchment review dates	Oppose	HortNZ does not support common expiry dates as it can unfairly penalise come users. .
698/28	Environmental Defence Society	1	5 Allocation of Public resources	Objective 5.4	The submitter seeks a policy based on common catchment review dates	Oppose in part Support in part	HortNZ does not support common expiry dates as it can unfairly penalise come users. However efficient use is supported to ensure water is put to best use.
425/61	Federated Farmers of NZ	1	5 Allocation of Public resources	Policy 5.4.4	The submitter seeks that the policy be reworded.	Support	The rewording sought clarifies the intent of the policy in respect of what are appropriate transfers of water.
509/77	Nelson Marlborough Fish and Game	1	5 Allocation of Public resources	Policy 5.4.4	The submitter seeks that the policy on transfers is deleted	Oppose	Transfers are an appropriate mechanism to use to assist in water management and should be retained.
509/78	Nelson Marlborough Fish and Game	1	5 Allocation of Public resources	Policy 5.4.5	The submitter seeks that the policy on transfers is deleted	Oppose	Transfers are an appropriate mechanism to use to assist in water management and should be retained.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
425/64	Federated Farmers of NZ	1	5 Allocation of Public resources	Policy 5.5 – new policy	The submitter sets out a range of mechanisms that will be used to reduce over-allocation	Support in part	The new policy sought would provide clarity as to how the Council may phase out over-allocation.
509/81	Nelson Marlborough Fish and Game	1	5 Allocation of Public resources	Objective 5.5	The submitter seeks specific timeframes by which over-allocation will be phased out.	Oppose in part	The NPSFM sets out the timeframes that Council needs to meet.
425/66	Federated Farmers of NZ	1	5 Allocation of Public resources	Policy 5.7.1	The submitter seeks that the policy apply to the take and use of water	Support	HortNZ supports that the consent should be for both the take and use of water in the one consent.
509/94	Nelson Marlborough Fish and Game	1	5 Allocation of Public resources	Policy 5.7.2	Significant changes setting out how reasonable use would be determined based on the Horizons One Plan.	Oppose in part	While HortNZ supports reasonable use there needs to be flexibility to ensure that all land uses are adequately provided for.
509/95	Nelson Marlborough Fish and Game	1	5 Allocation of Public resources	Policy 5.7.3	The submitter seeks to delete provision for exceptions based on information provided.	Oppose	It is fair and reasonable that if an applicant provides information to demonstrate why the reasonable use calculation is exceeded it should be considered.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
509/101	Nelson Marlborough Fish and Game	1	5 Allocation of Public resources	Policy 5.8.2	The submitter seeks that the policy prescribe the extent of takes as 20% of flow	Oppose	The rate of take should be appropriate for the specific water body and not prescribed in the policy.
1251/22	Fonterra Co-operative Group Ltd	1	5 Allocation of Public resources	Issue 5I, Objective 5.9 Policies 5.9.1. 5.9.2 and 5.9.3	The submitter seeks that these provisions be deleted	Support	It is inappropriate to apply a ballot system when water becomes available in over-allocated catchments. There should be a waiting list based on first in first served. Method 5.M.3 should also be deleted as a consequential change.
961/48	Marlborough Chamber of Commerce	1	14 Use of the Rural Environment	14.	Recognition of seasonal workers accommodation	Support	HortNZ supports the need for recognition of seasonal workers accommodation as an important issue for the district.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1192/10	Fertiliser Assoc of NZ	1	14 Use of the Rural Environment	Objective 14.1 – new policy	Add a new policy regarding reverse sensitivity	Support	The new policy would provide clear direction in the Plan.
280/24	Nelson Marlborough District Health Board	1	14 Use of the Rural Environment	Policy 14.1.2	Add location and density to Policy 14.1.2	Support	Location and density are important considerations in terms of managing potential for reverse sensitivity.
509/154	Nelson Marlborough Fish and Game	1	14 Use of the Rural Environment	Policy 14.1.4	The submitter seeks to add a range of matters for consideration in Policy 14.1.4.	Oppose	Effects on waterbodies are specifically provided for in Chapter 4 so do not need to be included in Policy 14.1.4. The policy should not just replicate S 6 and 7.
425/246	Federated Farmers of NZ	1	14 Use of the Rural Environment	Policy 14.1.7	The submitter seeks to reword the policy	Support	The reworded policy provides clearer direction as to what is anticipated and when mitigation would be required.
1251/100	Fonterra Co-operative Group Ltd	1	14 Use of the Rural Environment	Policy 14.1.9	The submitter seeks to reword the policy.	Support	The intent of the wording sought is similar to that sought by HortNZ

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
998/16	New Zealand Pork Industry Board	1	14 Use of the Rural Environment	Policy 14.2.1	The submitter seeks to add 'and biosecurity risks'.	Support	The change sought makes it clear that pests includes unwanted organism under the Biosecurity Act.
998/17	New Zealand Pork Industry Board	1	14 Use of the Rural Environment	Policy 14.2.3	The submitter seeks that the policy is retained	Support	HortNZ supports retaining Policy 14.2.3.
425/246	Federated Farmers of NZ	1	14 Use of the Rural Environment	Objective 14.3 – new policy	The submitter seeks a new policy to ensure that new activities in the rural area and consistent with the rural character	Support in part	The policy is supported but would be more appropriate to be clearly linked to non-rural activities.
1251/103	Fonterra Co-operative Group Ltd	1	14 Use of the Rural Environment	Objective 14.4– new policy	The submitter seeks a new policy to specifically set out how reverse sensitivity will be avoided.	Support	It should be clear how reverse sensitivity effects are to be avoided. The policy sought sets out appropriate mechanisms.
1090/20	Ravensdown Ltd	1	14 Use of the Rural Environment	Policy 14.4.4	The submitter seeks that reverse sensitivity is added to the policy criteria	Support	Reverse sensitivity is an important consideration when assessing a subdivision consent.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1251/105	Fonterra Co-operative Group Ltd	1	14 Use of the Rural Environment	Policy 14.4.7	Amend policy to include offensive and objectionable effects	Support	The use of offensive and objectionable is a more appropriate test of adverse effects.
425/268	Federated Farmers of NZ	1	14 Use of the Rural Environment	Objective 14.5	The submitter seeks recognition of residential activity associated with primary production	Support	There needs to be a clear recognition of the need for residential activity for primary production purposes.
425/269	Federated Farmers of NZ	1	14 Use of the Rural Environment	Policy 14.5.1	The submitter seeks recognition of residential activity associated with primary production	Support	There needs to be a clear recognition of the need for residential activity for primary production purposes.
1251/32 (not sure if point no is correct)	Fonterra Co-operative Group Ltd	1	14 Use of the Rural Environment	Policy 14.5.3	The submitter seeks to ensure that provision is made for dwelling directly linked to primary production	Support	There needs to be a clear recognition of the need for residential activity for primary production purposes.
509/155	Nelson Marlborough Fish and Game	1	15 Resource Quality (Water, Air, Soil)	15	The submitter seeks that that Schedule 2 is met for all FMU.	Oppose	Water quality standards should be set for each FMU.
509/156	Nelson Marlborough Fish and Game	1	15 Resource Quality (Water, Air, Soil)	15	The submitter seeks that the standards in Schedule 2 are met by 2030	Oppose in part	The timetable for meeting standards is set by the NPSFM

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
509/157	Nelson Marlborough Fish and Game	1	15 Resource Quality (Water, Air, Soil)	15	The submitter seeks that the standards in Schedule 2 are met by 2030	Oppose in part	The timetable for meeting standards is set by the NPSFM
509/158	Nelson Marlborough Fish and Game	1	15 Resource Quality (Water, Air, Soil)	15	The submitter seeks that the standards in Schedule 2 are met by 2030	Oppose in part	The timetable for meeting standards is set by the NPSFM
509/199	Nelson Marlborough Fish and Game	1	15 Resource Quality (Water, Air, Soil)	15	The submitter seeks a range of new policies to be included in the Plan to address water quality	Oppose	HortNZ opposes the requirements for nutrient budgets and their preparation as the requirements are not appropriate for horticultural activities which are not included in Overseer. New policies and rules are best developed as part of the FMU process to address specific issues in the catchments.
339/26	Sharon Parkes	1	15 Resource Quality (Water, Air, Soil)	Issue 15C – Objective 15.1a)	The submitter seeks that food production for humans and animal use is included in the objective	Support in part	HortNZ supports recognition of production of food for human consumption as an important value for society's wellbeing.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
509/199	Nelson Marlborough Fish and Game	1	15 Resource Quality (Water, Air, Soil)	Objective 15.1a)	The submitter seeks that the policy be amended but does not include specific changes	Oppose	It needs to be clear what changes to the Objective are actually sought. Any changes should align with the NPSFM.
1090/28	Ravensdown	1	15 Resource Quality (Water, Air, Soil)	Objective 15.1a)	The submitter seeks that improvements are sought where water quality is degraded.	Support	The rewording sought is more appropriate as an objective.
676/8	Dairy NZ	1	15 Resource Quality (Water, Air, Soil)	Objective 15.1b)	The submitter seeks that the objective is amended to align with the National Objectives Framework	Support	The NOF is a more appropriate standard and takes into account values for FMU's.
1251/36	Fonterra Co-operative Group Ltd	1	15 Resource Quality (Water, Air, Soil)	Objective 15.1b)	The submitter seeks that the objective is amended to align with the National Objectives Framework	Support	The NOF is a more appropriate standard.
1251/37	Fonterra Co-operative Group Ltd	1	R15 Resource Quality (Water, Air, Soil)	Objective 15.1c)	The submitter seeks that the objective is amended to align with the National Objectives Framework	Support	The NOF is a more appropriate standard.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1251/38	Fonterra Co-operative Group Ltd	1	15 Resource Quality (Water, Air, Soil)	Objective 15.1d)	The submitter seeks that the objective is amended to align with the National Objectives Framework	Support	The NOF is a more appropriate standard.
1251/39	Fonterra Co-operative Group Ltd	1	15 Resource Quality (Water, Air, Soil)	Objective 15.1e)	The submitter seeks that the objective is amended to align with the National Objectives Framework	Support	The NOF is a more appropriate standard.
676/10	Dairy NZ	1	15 Resource Quality (Water, Air, Soil)	Objective 15.1d)	The submitter seeks that the objective is reworded.	Support	The rewording sought better provides for a range of standards to reflect community values.
698/96	Environmental Defence Society	1	15 Resource Quality (Water, Air, Soil)	Policy 15.1.2	The submitter seeks that there is clarity between classifications and standards and WRU and FMU's	Support in part	It should be clear how various components work together.
1192/21	Fertiliser Assoc of NZ	1	15 Resource Quality (Water, Air, Soil)	Policy 15.1.2	The submitter seeks that the benchmark is to meet the FMU objectives	Support	The FMU objectives are an appropriate benchmark to meet,

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
698/106	Environmental Defence Society	1	15 Resource Quality (Water, Air, Soil)	Policy 15.1.27	The submitter seeks that the policy be amended to identify situations where riparian planting may be required as a condition of consent	Support in part	The approach is appropriate as it does not require planting of riparian areas in all situations but where there is a clear environmental benefit to be gained.
425/303	Federated Farmers of NZ	1	15 Resource Quality (Water, Air, Soil)	Policy 15.1.29	The submitter seeks that the policy be reworded to provide for land disturbance subject to standards being met	Support in part	The reworded policy is clearer in that land disturbance can be provided for subject to meeting standards.
1090/49	Ravensdown	1	15 Resource Quality (Water, Air, Soil)	15.M.24	That 15.M.24 be merged with 15.M.21	Oppose	Codes of Practice can be for a wide range of issues and it is appropriate that they are retained as a separate method.
425/310	Federated Farmers of NZ	1	15 Resource Quality (Water, Air, Soil)	Issue 15E	The submitter seeks to ensure that primary production activities can generate effects	Support	It should be clear that discharges to air do occur in rural areas.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
998/37	NZ Pork Industry Board	1	15 Resource Quality (Water, Air, Soil)	Issue 15E – new objective	The submitter seeks that the operational requirements of rural activities are recognised and provided for	Support	It should be clear that discharges to air can be reasonably anticipated in the rural areas,
998/38	NZ Pork Industry Board	1	15 Resource Quality (Water, Air, Soil)	Issue 15E – new policy	The submitter seeks that the operational requirements of rural activities are recognised and provided for	Support	It should be clear that discharges to air can be reasonably anticipated in the rural areas and that adequate setbacks are a means to address this issue.
1251/109	Fonterra Co-operative Group Ltd	1	15 Resource Quality (Water, Air, Soil)	Objective 15.3	The submitter seeks to reword Objective 15.3 by including offensive and objectionable effects.	Support	Inclusion of offensive and objectionable effects is an appropriate policy framework for managing discharges to air.
1251/110	Fonterra Co-operative Group Ltd	1	15 Resource Quality (Water, Air, Soil)	Policy 15.3.1	Include reference to the NES for Air Quality	Support	Reference to the NES for Air Quality is appropriate standard to apply for restricting discharges of specific substances.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1251/110	Fonterra Co-operative Group Ltd	1	15 Resource Quality (Water, Air, Soil)	Policy 15.3.2	Reword policy	Support in part	It is not appropriate to apply the ambient air quality standards to all discharges, such as localised discharges
1090/51	Ravensdown	1	15 Resource Quality (Water, Air, Soil)	Issue 15F	Add recognition of Code of Practice for Nutrient management	Support	Reference to best practice is supported.
973/8	Ministry for Primary Industries	2	All		Consider use of audited self-management programmes in the MRP	Support	The use of audited self-management programmes is supported as a means of regulating activities.
509/201	Nelson Marlborough Fish and Game	2	2 General Rules	2	The submitter seeks a schedule of farm practices and rules for each to be included in the Plan	Oppose	The rules adequately address farm practices so a schedule is not required.
509/202	Nelson Marlborough Fish and Game	2	2 General Rules	2	The submitter seeks a schedule of outlining requirements of FEP	Oppose in part	The development of any schedule for FEP needs input from all affected parties.
509/203	Nelson Marlborough Fish and Game	2	2 General Rules	2	The submitter seeks a that nutrients are allocated for farming activities according to principles from Beef and Lamb	Oppose in part	The development of any schedule for nutrient allocation for farming activities needs input from all affected parties.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
778/93	Irrigation NZ	2	2 General Rules	2	Include a new rule for replacement of existing take and use consents	Support	It is important that legally established users are able to reapply for consents when required taking into account the existing use.
1198/52	Transpower NZ Ltd	2	2 General Rules	2	Include PA standards for the National Grid yard requiring compliance with NZECP34:2001 and Tree Regulations and make non-compliance a non-complying activity for Drainage Channel Network Activity	Oppose in part	Compliance with NZECP34:2001 and the Tree Regulations are required regardless of the MEP and should not be the basis for a con-complying rule in the MEP.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1198/60	Transpower NZ Ltd	2	2 General Rules	2	That signs in the National Grid Yard be non-complying if over 2.5 m in height	Oppose	The NPSET seeks that sensitive activities are generally not provided for in the NG corridor. Signs are not sensitive activities and should not require a non-complying activity. Height of a sign would be dependent on the nature of the NG line.
1198/74	Transpower NZ Ltd	2	2 General Rules	2	That the reticulation and storage of water for irrigation purposes is non-complying in the National Grid Yard	Oppose	The NPSET seeks that sensitive activities are generally not provided for in the NG corridor. Storage of water for irrigation is not a sensitive activity and should not require a non-complying activity. The submitter singles out storage of water for irrigation but not storage of water for other purposes. This is not effects based.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
509/204	Nelson Marlborough Fish and Game	2	2 General Rules	2.1	Include requirements for permitted takes reduce in times of low flow	Oppose in part	Provision needs to be made for permitted takes in times of low flow.
509/256	Nelson Marlborough Fish and Game	2	2 General Rules	2.6.1	That the prohibited activity be amended	Oppose	The matters identified by the submitter are adequately addressed in the Plan and do not need to be prohibited activities
778/94	Irrigation NZ	2	2 General Rules	2.6.3	That the prohibited activity be amended so water for frost fighting is non-complying between 1 January and 30 April	Support	There should be the ability to apply for consent for frost fighting water during this period.
505/20	Earnslaw One	2	2 General Rules	2.8.1.4	Amend provisions for reasonable mixing	Support	The tests sought are more appropriate

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
962/137	Marlborough Forest Industry Association	2	2 General Rules	2.8.3.1	Amend provision	Support in part	The reword avoids the use of 'avoid' which clarifies the requirement. However it would be better to refer to bet practicable option which is defined in the RMA.
990/32	Nelson Forests Ltd	2	2 General Rules	2.10	Seek inclusion of controlled activity rules	Support	Where there is a minor non-compliance with PA standards it is appropriate that a controlled activity rule be included in the MEP.
91/214	Marlborough District Council	2	2 General Rules	2.12.10	Insert standard based on NZS8409:2014 Management of agrichemicals	Support	NZS8409:2004 is an appropriate best practice standard for use in the MEP.
91/76	Marlborough District Council	2	2 General Rules	2.12.11	Delete 2.12.11	Oppose	Agrichemicals to control aquatic vegetation can be undertaken if appropriate standards apply and the substance is approved by EPA for use in water.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
962/140	Marlborough Forest Industry Association	2	2 General Rules	2.17.1	Amend provision	Support in part	Measurements need to be practical and meaningful.
479/181	Department of Conservation	2	2 General Rules	2.17.2	Delete 2.17.2.3	Oppose	The product label includes information required by law and should be complied with.
717/69	Fulton Hogan	2	2 General Rules	2.21	Include PA rule for discharges to air	Support	There should be provision for discharges to air which are minor as a PA.
425/490	Federated Farmers of NZ	2	2 General Rules	2.21	Delete 2.21.1	Oppose	There needs to be a PA for application of agrichemicals or else a RC would be required for every activity.
479/184	Department of Conservation	2	2 General Rules	2.21.1	Delete 2.21.1 and 2.22.1 and include in zone specific rules	Oppose	The change sought would lead to considerable repetition in the plan unnecessarily.
91/48	Marlborough District Council	2	2 General Rules	2.22.1.1	Delete 2.22.1.1	Oppose	Substances not approved by HSNO should not be able to be applied as a PA.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1198/72	Transpower NZ Ltd	2	2 General Rules	2.38	That the reticulation and storage of water for irrigation purposes is non-complying in the National Grid Yard	Oppose	The NPSET seeks that sensitive activities are generally not provided for in the NG corridor. Storage of water for irrigation is not a sensitive activity and should not require a non-complying activity. The submitter singles out storage of water for irrigation but not storage of water for other purposes. This is not effects based.
1198/73	Transpower NZ Ltd	2	2 General Rules	2.39	That the reticulation and storage of water for irrigation purposes is non-complying in the National Grid Yard	Oppose	The NPSET seeks that sensitive activities are generally not provided for in the NG corridor. Storage of water for irrigation is not a sensitive activity and should not require a non-complying activity. The submitter singles out storage of water for irrigation but not storage of water for other purposes. This is not effects based.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1198/82	Transpower NZ Ltd	2	3 Rural Environment Rules	3.	Inclusion of new standard for buildings, structures and activities in vicinity of National Grid	Oppose in part	The activities listed in the exceptions 3.3x.2b) are not sensitive activities. The NPSET seeks that sensitive activities are generally not provided for in the National Grid Corridor. Provision for artificial crop protection structures is supported.
1198/82	Transpower NZ Ltd	2	3 Rural Environment Rules	3.	Addition on non-complying activity based on standards sought in 1198/82	Oppose in part	It is appropriate that sensitive activities are non-complying to meet the NPSET.
974/15	Ministry of Education	2	3 Rural Environment Rules	3..1	Include early child care facility for up to 10 children as a PA	Oppose	Location of an early child hood facility in the Rural Zone should be subject to a consent to determine if it is an appropriate location given the potential for reverse sensitivity effects.
1198/80	Transpower NZ Ltd	2	3 Rural Environment Rules	3.1	Addition of buildings and structures and activities in National Grid yard as a PA.	Support	Some activities are appropriate to be located in the National Grid Yard

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1193/60	Marlborough Environment Centre	2	3 Rural Environment Rules	3.1.1	Amend Farming to be a controlled activity	Oppose	Farming can be undertaken as a PA subject to conditions.
1193/63	Marlborough Environment Centre	2	3 Rural Environment Rules	3.1.12	Amend clearance of non-indigenous vegetation to be a controlled activity	Oppose	The submission would make harvesting of food crops a controlled activity.
425/566	Federated Farmers of NZ	2	3 Rural Environment Rules	3.1.22	Delete 3.22.1	Oppose	There needs to be a PA for application of agrichemicals or else a RC would be required for every activity.
1193/65	Marlborough Environment Centre	2	3 Rural Environment Rules	3.1.22	Amend application of agrichemicals to be a controlled activity	Oppose	Application of agrichemicals can be undertaken as a PA with appropriate standards and controls applied.
425/567	Federated Farmers of NZ	2	3 Rural Environment Rules	3.1.23	Delete 3.1.23	Oppose	There needs to be a PA for application of fertiliser and lime or else a RC would be required for every activity.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
509/312	Nelson Marlborough Fish and Game	2	3 Rural Environment Rules	3.1.23	Include standard based on Code of Practice for Nutrient management	Support in part	HortNZ supports the use of Code of Practice for Nutrient management as best practice. Nitrogen loading should be addressed in discharge rules.
1193/66	Marlborough Environment Centre	2	3 Rural Environment Rules	3.1.23	Amend application of fertilisers to be a controlled activity	Oppose	Application of fertiliser can be undertaken as a PA with appropriate standards and controls applied.
509/315	Nelson Marlborough Fish and Game	2	3 Rural Environment Rules	3.1.26	Amend to discretionary rule	Oppose	Applications can be undertaken subject to conditions.
425/608	Federated Farmers of NZ	2	3 Rural Environment Rules	3.1.36	Delete 3.1.36	Oppose	There needs to be a PA for burning or else a RC would be required for every activity.
425/609	Federated Farmers of NZ	2	3 Rural Environment Rules	3.1.37	Delete 3.1.37	Oppose	There needs to be a PA for burning or else a RC would be required for every activity.
425/503	Federated Farmers of NZ	2	3 Rural Environment Rules	3.2.1.8	Amend to apply to dwellings	Support in part	The restriction from the National Grid substation should only apply to sensitive activities.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
998/49	NZ Pork Industry Board	2	3 Rural Environment Rules	3.2.1.12	Increase set back distances for dwellings	Support in part	HortNZ has also sought increased setbacks for habitable buildings in the Rural Zone.
1198/78	Transpower NZ Ltd	2	3 Rural Environment Rules	3.2.1.17	Delete standard	Oppose in part	There needs to be provisions for activities in the National Grid Yard
1198/79	Transpower NZ Ltd	2	3 Rural Environment Rules	3.2.1.18	Delete standard	Oppose in part	There needs to be provisions for activities in the National Grid Yard
91/194	Marlborough District Council	2	3 Rural Environment Rules	3.2.3.1	Amend standard	Oppose	The measurement should be based on the notional boundary
280/97	Nelson Marlborough DHB	2	3 Rural Environment Rules	3.2.3.1	Amend standard	Oppose	The measurement should be based on the notional boundary
280/121	Nelson Marlborough DHB	2	3 Rural Environment Rules	3.2.3.2	Amend standard	Oppose	The measurement should be based on the notional boundary
1089/15	Rarangi District Residents Assoc	2	3 Rural Environment Rules	3.2.3.3	Seek rules for use of helicopters for frost fighting	Oppose	The Council cannot regulate aircraft in flight.
1251/132	Fonterra Co-operative Group Ltd	2	3 Rural Environment Rules	3.2.7	Amend provision regarding odour so linked to causing an adverse effect	Support	The test should be whether the odour causes an adverse effect.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1198/81	Transpower NZ Ltd	2	3 Rural Environment Rules	3.3	Include new standard	Oppose in part	HortNZ supports inclusion of artificial crop protection structures but opposes not including non-sensitive activities as permitted in the National Grid Yard.
459/29	Beef and Lamb NZ	2	3 Rural Environment Rules	3.3.1	Include new standard for farming as a PA based on Council approved Farm Environment Plan	Oppose in part	Any requirements for a FEP should be developed in consultation with all sectors.
1089/16	Rarangi District Residents Assoc	2	3 Rural Environment Rules	3.3.5	Seek to increase setback for audible bird scaring devices	Oppose	The key factor is the noise at sensitive activities, not imposition of a mandatory setback.
431/79	Wine Marlborough	2	3 Rural Environment Rules	3.3.5	Apply provision per 5ha block	Support in part	The change clarifies the intent but should just be 'per device' and not limited by area.
459/55	Beef and Lamb NZ	2	3 Rural Environment Rules	3.3.12	Include new standard for non-indigenous vegetation clearance	Oppose in part	Need to ensure that harvesting of food crops is provided for as a permitted activity.
459/56	Beef and Lamb NZ	2	3 Rural Environment Rules	3.3.13	Base activity on FEP	Oppose in part	HortNZ seeks inclusion of best practice guidelines for vegetable growing as an alternative pathway.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1198/89	Transpower NZ Ltd	2	3 Rural Environment Rules	3.3.15	Amend provisions for National Grid Yard	Support in part	Provision for normal horticultural activity and cultivation is supported.
1201/140	Trustpower Ltd	2	3 Rural Environment Rules	3.3.22	Add additional standard	Oppose	The condition should be that there are no adverse effects beyond the boundary of the property on which agrichemicals are applied.
91/49	Marlborough District Council	2	3 Rural Environment Rules	3.3.22	Delete 3.3.22.1	Oppose	Substances not approved by HSNO should not be able to be applied as a PA.
459/58	Beef and Lamb	2	3 Rural Environment Rules	3.3.23	Delete lime from 3.3.23 Include reference to fertiliser industry codes of practice	Oppose in part	Lime needs to be retained so that there is provision for it to be applied as it is not a fertiliser. Use of the Code of Practice for Nutrient Management is supported.
1192/56	Fertiliser Assoc of NZ	2	3 Rural Environment Rules	3.3.23	Amend provisions	Support in part	HortNZ has sought changes to the rule with a similar approach to the submitter.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
431/66	Wine Marlborough	2	3 Rural Environment Rules	3.4.1	Retain rule for frost fans	Support	HortNZ supports the rule providing for use of frost fans as a controlled activity.
1198/84	Transpower NZ Ltd	2	3 Rural Environment Rules	3.5	Rule for buildings or sensitive activities within 90m of NG Blenheim substation	Oppose in part	To give effect to the NPSET the rule should only apply to sensitive activities.
1251/135	Fonterra Co-operative Ltd	2	3 Rural Environment Rules	3.7.6	Delete rule re hazardous waste	Support	It is unclear what will be deemed 'hazardous waste'.
91/206	Marlborough District Council	2	25 Definitions	Vegetation clearance	Add clause re forestry	Support in part	The definition should exclude harvesting of food crops
232/38	Marlborough Lines Ltd	2	25 Definitions	Minor upgrading	Do not apply exclusion to lines up to 110kv	Oppose	There are implications for landowners when lines are upgraded so the definition of minor upgrading should apply to all lines.
425/381	Federated Farmers of NZ	2	25 Definition	Building	That the definition of building is included in full, including the exemptions	Support	The definition should be clear in the plan. Including crop protection structures as an exclusion is supported.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
425/392	Federated Farmers of NZ	2	25 Definition	Cultivation	Amend the definition of cultivation to include exclusions	Support	HortNZ seeks changes to eh definition of cultivation to ensure that harvesting of crops is not classed as cultivation.
425/397	Federated Farmers of NZ	2	25 Definition	Excavation	Include exclusions in the definition	Support	The exclusions are normal farm practices which should not be classed as excavations
425/398	Federated Farmers of NZ	2	25 Definition	Farming	Amend definition	Support	The amended definition provides greater clarity
425/405	Federated Farmers of NZ	2	25 Definition	Intensive farming	Delete requirement to meet 2 or more of the criteria	Support in part	HortNZ seeks changes to the definition of intensive farming
425/430	Federated Farmers of NZ	2	25 Definition	Worker accommodation	Remove limitation to location of worker accommodation	Support	The definition of worker accommodation is too limiting given the nature and requirements of seasonal workers
425/832	Federated Farmers of NZ	2	25 Definition	Farming	Include earthworks ancillary to farming as part of the farming definition	Support	Minor earthworks as part of farming activities should be included as part of the activity.
509/7	Nelson Marlborough Fish and Game	2	25 Definition	Wetland	Amend to remove exclusion for man-made wetlands and include improved pasture and crops as wetlands	Oppose	The focus should be on natural wetlands. Man-made sediment ponds could be considered a wetland under the definition sought.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
717/81	Fulton Hogan Ltd	2	25 Definitions	Productive rural activities	Include a new definition	Oppose in part	Intensive farming activities should also be included in a definition of productive rural activities
998/75	NZ Pork Industry Board	2	25 Definitions	Intensive farming	Amend definition	Support in part	The definition of intensive farming should be linked to activities where the effects such as odour are to be managed through the Plan.
1002/249	NZTA	2	25 Definitions	Regionally significant infrastructure	Include a definition	Oppose	HortNZ does not support the differentiation of infrastructure. In particular all the local electricity supply network would not be regionally significant.
1002/250	NZTA	2	25 Definitions	Reverse sensitivity	Include a definition	Support in part	HortNZ has sought a definition for reverse sensitivity that is preferred.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1198/155	Transpower NZ Ltd	2	25 Definitions	Minor upgrading	Delete exclusion from definition minor upgrading	Oppose	The exclusion for increase in voltage of the line should be retained as the effects of an increase in voltage have implications for landowners over whose property the line passes.
1198/158	Transpower NZ Ltd	2	25 Definitions	National Grid Yard	Amend definition	Oppose in part	Provision should be retained for the 100kv lines with a corridor of 10m either side.
1198/162	Transpower NZ Ltd	2	25 Definitions	Sensitive activities	Include definition	Oppose in part	The definition for sensitive activities is wider than the definition in the NPSET. In addition a definition for sensitive activities should be able to be applied wider than just the National Grid.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
1192/92	Fertiliser Assoc of NZ	3	All		Include an appendix for Farm management plan requirements	Oppose in part	HortNZ supports the use of FMP's but seeks that the development involves all sectors. In particular there should also be provision for industry self-management programmes such as NZGAP.
425/ 767	Federated Farmers of NZ	3	Appendix 1	Landscape schedule of values	Amendments to appendix to recognise primary production activities	Support	Recognition of the contribution that primary production has made to the landscape is important as a factor that has shaped that landscape.
698/110	Environmental Defence Society	3	Appendix 4	Determining Significant Adverse Effects	Add additional criteria	Oppose	The criteria should be able to standalone without the additional criteria sought.

Sub no and pt	Submitter	Vol	Chp	Plan provision	Changes sought by submitter	HortNZ Further submission Support/ Oppose	Reason
961/97	Marlborough Chamber of Commerce	3	Appendix 24	Worker accommodation exclusion area	Remove appendix	Support	HortNZ does not support having areas where worker accommodation is excluded in the manner anticipated in the Plan.

APPENDIX B - Name and address of persons to be served with a copy of this notice

A copy of this appeal will be served on the Council electronically by email to:
Kaye.McIlveney@marlborough.govt.nz.

The Environment Court Minute dated 15 April 2020 waives the requirement for an appellant to serve a copy of an appeal notice on submitters and provide associated information to the Registrar.