

## **SUBMISSION ON PROPOSED SOUTHLAND WATER AND LAND PLAN**

**TO:** Southland Regional Council

**SUBMISSION ON:** Proposed Water and Land Plan

**NAME:** Horticulture New Zealand

**ADDRESS:** PO Box 10 232  
WELLINGTON

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

Schedule 1 Background to horticulture in Southland  
Schedule 2 Submissions on pSWLP.

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

**3. Background to Horticulture New Zealand and its RMA involvement:**

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

3.2 On behalf of its 5,500 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 comment on the Proposed Southland Water and Land Plan.



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## **Schedule 1: Background to horticulture in Southland**

Commercial horticulture has been established in Southland since at least the early 1900s. Southland is the primary base of two major root vegetable growers that supply much of the South Island with carrots, parsnips and potatoes. At some stages of the season, particularly during the winter, Southland is the only hub supplying some of these products to the domestic market. Produce is also exported to Australia, Asia, and the Middle East. Southland has approximately 510 hectares of planted vegetables being mostly carrots and potatoes, with a substantial area of parsnips also grown. This is made up of 150ha potatoes, 215ha carrots and 80ha parsnips (as of 2015 this number varies annually).

The horticulture industry in Southland employs approximately 110 people at peak season.

The majority of the growing area is on land leased from sheep and beef farms and is located in the area surrounding Edendale (Mataura FMU) and Woodlands (Oreti FMU). The cooler soil temperatures in Southland provide ideal growing temperatures for root vegetables. Rotations for vegetables are approximately three years in duration, with a series of different vegetables, before being returned to pasture for at least six seasons before the rotation is repeated. Vegetables seldom need to be irrigated in Southland although occasionally it is required during drier months. If so, this is done from ponds and occasionally water is recycled from washing processes for irrigation purposes.

A recent study of horticulture in Southland has demonstrated that appropriate mitigation methods can be used to minimise the effects of horticulture on water quality and Horticulture NZ supports the use of best practice to achieve this.

## Schedule 2: Submissions on pSWLP

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
1.	New Objective		<p>The Plan sets out the Freshwater Management Unit (FMU) process and policies to provide direction.</p> <p>A number of objectives (e.g. 7,8) refer to the Freshwater Management Unit process in respect of specific issues.</p> <p>However there is no overall objective that states that the NPSFM will be given effect through the FMU process.</p> <p>In particular Horticulture NZ is concerned that a number of objectives refer to values that are to be recognised through the Water and Land Plan but a key part of the FMU process will be to identify the values for the catchments. It needs to be clear how such values relate to the values that will be part of the FMU process.</p>	<p>Include a new objective:</p> <p>Give effect to the National Policy Statement for Freshwater Management (2014) by undertaking a process for the identified Freshwater Management Units to identify values, establish objectives and set water quality and quantity limits and targets for each Freshwater Management Unit.</p> <p>Clarify in the Plan that the values for freshwater management will be set through the FMU process.</p>
2.	Objective 4	Support in part	The objective seeks to identify tangata whenua values and interests and reflect them in the management of freshwater and associated ecosystems. It should be clear that establishing such values is a key part of the FMU process	Amend Objective 4 as follows: Tangata whenua values and interests are identified through the FMU process and reflected in the management of freshwater and associated ecosystems.
3.	Objective 9	Support in part	The objective seeks to safeguard recreational values and historic heritage values. It should be clear that establishing such values is a key part of the FMU process.	Add to Objective 9 as follows: Recreational values and historic heritage values will be identified through the FMU process and reflected in the management of freshwater and associated ecosystems.
4.	Objective 11	Support	Horticulture NZ support ensuring that water is allocated and used efficiently.	Retain Objective 11.
5.	Objective 13	Support in part	Objective 13 seeks to enable the use and development of land and soils provided that potential for adverse effects are appropriately managed. Clause b) seeks that significant or cumulative effects on human health are avoided. Horticulture NZ consider that the policy should refer to adverse effects and also provide for remedying or mitigating the effects.	Reword Obj 13 clause b) the discharge of contaminants to land or water that have significant adverse or cumulative effects on human health are avoided, remedied or mitigated.

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6.	Objective 18	Support	Objective 18 recognises good management practices as a means to meet the plans objectives. Horticulture NZ supports this approach.	Retain Objective 18.
7.	Policy 2	Oppose	<p>Policy 2 seeks that any assessment of an activity covered by this must take into account any relevant iwi management plan and assess water quality and quantity based on Ngai Tahu indicators of health.</p> <p>The RMA requires that the plan should take into account iwi management plans but not that individual applicants need to do take iwi management plans into account when preparing an assessment for resource consent. While the Council can require through the plan that iwi management plans are considered at the resource consent stage Horticulture NZ considers that the plan should adequately have regard to iwi management plans which is then implemented through the resource consent process. Requiring applicants to take iwi management plans individually into account adds an additional layer of complexity that is not anticipated in the RMA.</p> <p>In addition Ngai Tahu indicators of health of water quality and quantity should also be incorporated into the plan so consent assessment is against the criteria in the plan not a set of criteria outside the plan.</p>	Delete Policy 2
8.	Policy 6 – Gleyed Physiographic Zone	Support	Horticulture NZ supports the implementation of good management practices as a means to avoid, remedy or mitigate adverse effects.	Retain Policy 6.
9.	Policy 10 – Oxidising Physiographic Zone	Support	Horticulture NZ supports the implementation of good management practices as a means to avoid, remedy or mitigate adverse effects.	Retain Policy 10.
10.	Policy 15 Maintaining and improving water quality	Support in part Oppose in part	Policy 15 seeks to maintain and improve water quality through a range of measure. However the focus of the measures, particularly clause 4, is on 'avoiding' discharges, which is to essentially prohibit the discharges given the King Salmon decision. Horticulture NZ considers that there should be greater flexibility as to how water	<p>Amend Policy 15 Clause 4 by adding, 'unless the adverse effects can be avoided, remedied or mitigated.'</p> <p>Delete Clauses 3 and 4 requiring compliance with:</p>

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			<p>quality will be maintained and improved, not only to avoid discharges.</p> <p>The policy sets a number of standards that water quality is required to meet:</p> <ul style="list-style-type: none"> <li>- Appendix E water quality standards</li> <li>- Drinking water standards</li> <li>- ANZECC sediment Guidelines (App C)</li> </ul> <p>Horticulture NZ considers that it is inappropriate for all discharges to comply with the Drinking Water Standards for NZ as not all discharges will be in drinking water supply areas and these standards generally related to community drinking water supplies. The ANZECC guidelines are international guidelines. It is considered that Southland has enough science/research based on local circumstances/waterbodies that is more appropriate to be used as a basis for guidelines than applying these international generic standards.</p>	<ul style="list-style-type: none"> <li>- Drinking Water Standards for NZ 2005 (Revised 2008)</li> <li>- ANZECC Sediment Guidelines (App C)</li> </ul>
11.	Policy 16 Farming activities that affect water quality	Support in part Oppose in part	<p>Objective 13 provides that use and development of land and soils is provided for in the Plan. While there are policies that seek to manage farming activities there is no specific policy which seeks to enable the use of land for farming activities. Policy 16 relates to farming activities that affect water quality but does not actually provide for or enable farming activities.</p> <p>Horticulture NZ supports the use of Management Plans and the use of a register of participants in Independently Audited Self-Management programmes. Programmes such as NZGAP can include the requirements set out in Appendix N and provide audited verification of such management plans. However it needs to be</p>	<p>Add to the beginning of Policy 16: <i>Enable the use of land for farming activities while:</i></p> <p>Retain Policy 16 Clause 2 a) but clarify how the Register of Independently Audited Self-Management Participants will operate.</p>

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			<p>clear in the plan how such a register will operate, such as approvals and requirements of programmes.</p> <p>Horticulture NZ does not support the approach in Policy 16 2 b) as it is sets arbitrary measures for managing sediment rather than being risk based and in response to specific site circumstances. For instance there are other mechanisms that may be more appropriate to manage potential sediment run-off than those listed in the policy. Horticulture NZ has developed a Code of Practice for Erosion and Sediment Control Guidelines for Vegetable Production (attached) that sets out a range of mechanisms and is based on a risk assessment of the site. Such an approach is more appropriate and effects based. The Plan has a risk based approach through the identification of critical source areas and such an approach should be included for management of potential for sediment run-off.</p>	<p>Amend Policy 16 2 b) as follows: Actively manage the risk of sediment run off from farming activities and hill country development by identifying critical source areas and assessing the risk associated with the activity to be undertaken and use mechanisms, such as setbacks from water bodies, riparian plantings or sediment control mechanisms to minimise the risk of sediment run off.</p>
12.	Policy 20 Management of water resources	Support in part	<p>Policy 20 sets out the framework for managing the taking, abstraction, used, damming or diversion of surface water and groundwater and lists a number of matters where adverse effects are to be avoided, remedied or mitigated.</p> <p>Horticulture NZ considers that while recreational use is important the actual 'recreational values' will be established through the FMU process so should not be prescribed at the overall plan level.</p> <p>Horticulture NZ supports the recognition of rights of lawful existing users. Reliability of supply is recognised in respect of groundwater, but not surface water. Reliability of supply is an important issue for all water users.</p>	<p>Amend Policy 20 1) c) to 'recreational uses'</p> <p>Add to Policy 20 1) g) the rights <i>and reliability of supply</i> for lawful existing users.</p> <p>Retain Policy 20 2) b).</p> <p>Retain Policy 20 3).</p>

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			Horticulture NZ support both efficient use and allocation of water	
13.	Policy 21 Allocation of water	Oppose in part	Objective 11 seeks that water is allocated and used efficiently. Policy 20 provides for the efficient use of water but no policy specifically seeks efficient allocation of water. Efficient allocation is defined in the NPSFM as including economic, technical and dynamic efficiency. Horticulture NZ seeks that the principle of efficient allocation is included within the policy framework of the Plan.	Amend Policy 21 as follows: <i>Efficient allocation of water</i>  <i>Manage the allocation of surface water and ground water to ensure efficient allocation by:</i>  Include a definition of <i>efficient allocation and use</i> as including economic, technical and dynamic efficiency
14.	Policy 25 Priority takes	Support in part	Policy 25 sets out the priorities in times of water shortages. It lists 'reasonable domestic needs' as priority 1 but the plan does not specify what is considered to be 'reasonable domestic needs.' It is considered to be narrower than community water supply which supplies water for a range of uses, not just domestic supply. A water demand management strategy is required to consider reasonable domestic needs and this should be the basis of the priority under water shortage directions.	Clarify that 'reasonable domestic needs' will be specific in water demand management strategies and will be the basis of water allocation under water shortage directions.
15.	Policy 33 Adverse effects on wetlands	Support in part	The Plan has a definition for natural wetlands and also wetlands. It needs to be clear the differentiation between the two types of wetlands. It is considered that Policy 33 should apply to 'natural wetlands'.	Amend Policy 33: Prevent the reduction in areas, function and quality of <i>natural</i> wetlands, including through drainage and vegetation removal.
16.	Policy 39A Integrated Management	Oppose	Horticulture NZ supports the integrated management in the development of the Plan, as required by the RMA. However the Plan lists integrated management as a consideration of resource consent applications. It is considered that this is an inappropriate consideration as integrated management requires consideration of factors beyond the individual consent application. Integrated management is appropriate at a plan level which is implemented through methods in the Plan but should not be a consideration of individual resource consent applications.	Delete Policy 39A.



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17.	Policy 45 Priority of FMU polices and rules	Support in part	Horticulture NZ supports the clarity that is provided in Policy 45 regarding the relationship between the region wide sections of the Plan and the FMU sections. However Horticulture NZ has identified areas which are best addressed through the FMU process rather than the region wide, such as the recognition of values. Such matters are specific to catchments and are best established through a community process than being set in the region wide section of the Plan.	Ensure that values are established in the FMU process and not prescribed in the region wide section of the Plan.
18.	Policy 47 FMU processes	Support in part	The first stage of the FMU process should be to identify the values for the FMU as these are then the basis of establishing objectives for the FMU. Policy 44 seeks to implement the NPS by identifying values but this process should be reflected in Policy 47.	Amend Policy 47 by adding a new step 1 and renumber the remaining clauses. 1. Identify values for the FMU as set out in Policy 44.
19	Rule 5 Discharges to surface waterbodies that meet water quality standards	Support in part Oppose in part	Horticulture NZ supports the rule based on meeting the Region specific water quality standards in Appendix E but consider that the activity status could be Restricted Discretionary given that there is specific standards against which the activity would be assessed.	Amend Rule 5 to Restricted Discretionary
20.	Rule 6 Discharges to surface waterbodies that do not meet water quality standards	Oppose in part	Rule 6 will apply if the Water Quality Standards in Appendix E are not able to be met. Horticulture NZ considers that activities that do not meet the water quality standards could be assessed as a discretionary activity as that provides the ability for all matters to be assessed.	Amend Rule 6 to Discretionary
21.	Rule 8 Discharges of surface water	Oppose in part	It is unclear if Rule 8 only provides for point source discharges or also includes non-point source discharges. It is considered that the rule should be clear as to which lawfully discharges it applies to.	Clarify whether Rule 8 applies to both point source and non-point source discharges.
22.	Rule 9 Discharge of agrichemicals onto or into surface water	Support in part	Horticulture NZ supports the rule to provide for use of agrichemical for aquatic purposes, including that there are no adverse effects of legally established water takes. However it is considered that a person who is applying agrichemicals to water for aquatic purposes	Add to Rule 9: h) The activity shall comply with best practice for aquatic use as set out in NZS8409:2004 Management of Agrichemicals.

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			<p>should be appropriately trained to undertake the activity by having completed the National Certificate in Agrichemical Aquatic strand. Appendix D of the Plan includes a number of extracts from NZS8409:2004 but the rule does not require compliance with the best practice guidance provided. In particular it is important that records are retained for the activity.</p> <p>A note should be added to both Rule 9 and 10 that there are provisions in the Regional Air Plan that will also apply to the discharge of agrichemicals.</p>	<p>i) Qualifications</p> <p>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>j) Records</p> <p>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</p>

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				water for their own use. Such records must be provided to Environment Southland when requested.  Add a Note: Provisions in the Regional Air Plan will also apply to the discharge of agrichemicals.
23	Rule 10 Discharge of agrichemicals to land where they may enter water	Support in part	A note should be added to Rule 10 that there are provisions in the Regional Air Plan that will also apply to the discharge of agrichemicals so that it is clear that the provisions in Rule 10 are not the only provisions that apply to the discharge of agrichemicals.	Amend Rule 10 by adding a Note: Provisions in the Regional Air Plan will also apply to the discharge of agrichemicals
24.	Rule 11 Discharge of vertebrate pest control poisons	Support in part	Rule 11 is generally supported, but note that clause a) refers to 'agrichemicals.' The definition of agrichemicals specifically excludes vertebrate pest control products so agrichemical is not an appropriate term to use in the rule.	Amend Rule 11 Clause a) by replacing agrichemical with 'vertebrate pest control product'
25.	Rule 13 Discharge from installed subsurface drainage systems	Oppose	Rule 13 is a permitted activity rule to provide for subsurface drainage systems, which are common in Southland and essential for farming in the Region. Some of the conditions of the rule are linked to s70 of the RMA but do not provide for reasonable mixing but rather sets an arbitrary distance of 20 metres from the point of discharge. It is sought that the rule better reflects s 70.	Amend Rule 13 as follows: a) i) After reasonable mixing: - There is no conspicuous change to the colour and or clarity of the receiving waters and - The discharge does not render freshwater unsuitable for consumption by farm animals Renummer clauses iii- v) Delete clause vi) Amend Rule 13 b) to Restricted Discretionary activity and include matters of discretion: The standards in Rule 13 that cannot be met.
26.	Rule 14 Discharge of fertiliser	Oppose	Rule 14 is not effects or risk based but rather sets arbitrary setback distances as a single mechanism to manage risks rather than considering factors such as slope, soil type, and method of application. If the rule cannot be met then it becomes a non-complying activity. The rule is also inconsistent with the cultivation rule in that land can be cultivated for a crop but fertiliser cannot be	Amend Rule 14 a) iii) 2) Does not have riparian planting best management practices as set out in Code of Practice for Nutrient Management (Fertiliser Association 2013) will be used within 10 metres of a bed where the slope is over 10 degrees or within 10

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			applied. The plan supports the use of best management practice and this rule is a clear example where best management practices should be applied. The Nutrient Management Code of Practice (Fertiliser Assoc) provides best practice for fertiliser applications. If the rule cannot be met it should default to a Restricted Discretionary activity with clear set of criteria to assess the effects of the activity.	metres of a wetland boundary or any identified significant indigenous biodiversity site.  Amend Rule 14 b) to Restricted Discretionary activity and include matters of discretion: The standards in Rule 14 that cannot be met.
27.	Rule 20 Farming	Support in part	<p>Horticulture growers are located primarily in the Oxidising and Gleyed Physiographic Zones so the Horticulture NZ interests are in respect of those zones.</p> <p>Rules 20 a) b) c) f) g), i) and j) are particularly relevant for horticulture.</p> <p>'Farming activities' is not defined in the Plan or the RPS. It needs to be clear that the term applies to all primary production land uses. A definition is sought based on the definition of production land in the RMA.</p> <p>Horticulture NZ supports the use of management plans which have a risk based approach and the identification of Independently audited self-management programmes and participants.</p>	<p>Include a definition for farming activity: Any land and auxiliary buildings used for the production (but not processing) of primary products including agricultural, pastoral, horticultural and forestry products).</p> <p>Retain Rule 20 a) Retain Rules 20 b), c), d) f) and g).</p>
28.	Rule 25 Cultivation on sloping ground	Oppose	Horticulture NZ seeks to ensure that cultivation activities are undertaken according to best practice to minimise the risk of sediment discharges to water. Best practice for cultivation is set out in the 'Erosion and Sediment Control Guidelines for vegetable production (Horticulture NZ 2014)' which take a risk based approach to assessing potential effects from the activity and selection of appropriate mechanisms to address such potential effects. The	<p>Amend Rule 25 as follows:</p> <p>a) The use of land for cultivation and associated sediment control mechanisms is a permitted activity provided the following conditions are met:</p> <p>Rule 25 a) i) (1) 3 metres from the outer edge of the bed on land with a slope under 10 degrees</p>

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			<p>Plan uses the critical source areas as a risk based mechanism and this should be incorporated into the rule for cultivation rather than relying on arbitrary setbacks.</p> <p>The rule as currently written would require resource consents for cultivation for vegetable growing even if the activity is undertaking best management practice for the activity. Use of best management practice is sought in Objective 18 and this is a clear instance where efficient resource use and environmental outcomes can be implemented through the use of best practice.</p> <p>The s32 Report does not consider the application of best practice as an option for managing cultivation as it only assess the application of setbacks and slope. Therefore the s32 does not consider an appropriate method for managing potential effects based on the identification of critical source areas and applying best management practices.</p> <p>Rule 59 provides for culverts and Sediment traps which are placed in the bed of a river. However there is not a clear provision for sediment control mechanisms that are not in-stream. It is appropriate that the cultivation rule also include 'associated sediment control mechanisms' so they are provided for in the Plan.</p>	<p>Rule 25 a) i) (2) 10 metres from the outer edge of the bed on land with a slope between 10 – 16 degrees.</p> <p>Amend Rule 25 b) as follows: The use of land for cultivation and associated sediment control mechanism, that does not meet the setback distances of Rule 25(a)(i), is a permitted activity provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>(i) cultivation does not take place within the bed of a lake, river, natural wetland, modified watercourse or artificial watercourse and a distance of 3 metres from the outer edge of the bed; and</li> </ul> <p>EITHER</p> <ul style="list-style-type: none"> <li>(ii) cultivation does not take place more than once in any five year period; and</li> <li>(iii) cultivation is for the purpose of renewing or establishing pasture; and</li> <li>(iv) cultivation does not occur above 700 metres above mean sea level.</li> </ul> <p>OR</p> <p>v) the cultivation is undertaken in accordance with the 'Erosion and Sediment Control Guidelines for vegetable production (Horticulture NZ 2014)'</p>
29.	Rule 36 Horticulture wash-water	Support in part	Rule 36 is a new rule that permits the discharge of contaminants associated with horticulture wash water and is assessed in 7.6.4 of the s32 Report. The conditions are intended to ensure that the effects of the activity are acceptable.	<p>Amend Rule 36 to add options for management and add a new condition: Before a) insert Either</p> <p>After d) iv) insert</p>

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			<p>Horticulture NZ is currently undertaking a project to develop a consistent approach to consenting vegetable washwater. It is proposed that a Code of Practice for vegetable washwater discharge is developed for all New Zealand processing operations which will assess the variety of technologies available to growers to meet food safety requirements for washwater and investigate options for water recycling as well as treatment to meet environmental standards for discharge consents.</p> <p>It is anticipated that the COP for Horticulture Washwater will be available by early 2017 and able to be provided to Council at the hearings on the Plan.</p> <p>Horticulture NZ seeks that Rule 36 recognise the COP as it will include best management practice for managing horticulture wash water.</p>	OR meets the requirements of the COP for Horticulture Washwater (Horticulture NZ 2016)
30.	Rule 49 Abstraction, diversion and use of surface water	Support in part	<p>Rule 49 provides for water takes as a permitted activity up to 86 cubic metres a day, subject to a number of conditions. This is supported.</p> <p>Rule 49 b) iii) however seeks that where the total volume of water taken is less than 70 cubic metres per day that restricted discretionary consent is required. It is unclear why consent would be required for less than 70 cubic metres per day.</p>	Clarify Rule 49 b) iii) or amend to stipulate an amount over which resource consent is required.
31.	Rule 50 Community water supply	Support in part	Rule 50 lists matters over which the Council will exercise control but it does not include how water shortages will be managed.	Include additional matter of control in Rule 50 Management of water shortages
32.	Rule 54 Abstraction and use of groundwater	Support in part	Rule 54 is generally supported but note that it is based on 'landholding' as defined in the Glossary which is based on a common 'occupier' rather than owner. It needs to be clear how this would be applied in respect to the rules for water takes.	Clarify how the definition of landholding will be applied in respect of 'occupier'.

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33.	Rule 76 Vegetation planting	Support in part	<p>Rule 76 provides for vegetation planting and limits what can be planted. It does not address vegetation removal.</p> <p>Horticulture NZ seeks that there is the ability to remove vegetation that is infected by unwanted organisms or pest species from both land and within the bed of a river, lake or modified water course as a permitted activity. If a biosecurity incursion occurs it is important that infected plants can be removed as a permitted activity.</p>	Provide for the removal of vegetation that is infected by unwanted organisms or pest species from both land and within the bed of a river, lake or modified water course as a permitted activity.
34.	Definition agrichemical	Support in part	The definition of Agrichemical should refer to NZS8409:2004 Management of Agrichemicals as the definition is from the 2004 version of the Standard.	Amend definition of agrichemical as from NZS8409:2004 Management of Agrichemicals
35.	Definition artificial water course	Oppose in part	It needs to be clear that subsurface drainage systems are not classed as an artificial watercourse.	Amend the definition of artificial watercourse by adding to the exclusions: or subsurface drainage systems.
36.	Definition cultivation	Oppose in part	Cultivation includes disturbing the soil by mechanical tillage as set out in the definition. However spraying does not disturb the soil so should not be classed as cultivation. In addition harvesting and the provision of sediment control measures should be included as part of the cultivation activity.	Amend the definition of cultivation: Preparing land for the growing and harvesting of pasture or crop by mechanical tillage and includes sediment control measures, but does not include direct drilling.
37.	Definition Farming activities		Horticulture NZ seeks that a definition is included in the Plan for farming activities as the term is widely used in the Plan but not defined.	Include a definition for farming activity: Any land and auxiliary buildings used for the production (but not processing) of primary products including agricultural, pastoral, horticultural and forestry products).
38	Definition fertiliser	Oppose	<p>The draft definition of fertiliser is limited to the application of essential nutrients to plant and soils.</p> <p>Fertiliser includes a number of components that are not specifically essential nutrients so a definition needs to be wider than just</p>	<p>Amend the definition of Fertiliser to either the ACVM definition of fertiliser or the definition as follows:</p> <p>Fertiliser: A substance or biological compound or mix of substances or biological compounds that is described as,</p>

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			<p>essential nutrients. For instance lime is a soil conditioner and not an essential nutrient.</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>A fertiliser additive is a non-nutrient substance added to a fertiliser, or applied by itself to land or plants, that:</p> <ul style="list-style-type: none"> <li>improves the supply and uptake of nutrients or</li> <li>increases biological activity or</li> <li>modifies the physical characteristics of a fertiliser to make it more fit for its purpose.</li> </ul> <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> <ul style="list-style-type: none"> <li>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— <ul style="list-style-type: none"> <li>(i) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or</li> <li>(ii) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or</li> <li>(iii) fertiliser additives; and</li> </ul> </li> <li>(b) includes non-nutrient attributes of the materials used in fertiliser; but</li> </ul>	<p>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"> <li>i) essential nutrients and</li> <li>ii) fertiliser additives; and</li> <li>iii) non-nutrient attributes of the materials used in fertiliser.</li> </ul>



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			(c) does not include substances that are plant growth regulators that modify the physiological functions of plants.  Horticulture NZ seeks that the definition in the Plan is either the ACVM definition or an amended version as set out in the Decision sought.	
39.	New Definition Management Plan		The term Management Plan is used throughout the Plan but is not defined. It would be useful to have a definition so it is clear what is anticipated by the term.	Include a definition for Management Plan as follows: A Management Plan describing on-farm management and best management practices that is prepared in accordance with Appendix N.
40.	Definition natural wetland	Oppose in part	The definition of natural wetland includes a list of exclusions. It should be clear that sediment control measures or artificial wetlands are not natural wetlands	Amend the definition of natural wetland to add to the exclusions: sediment control measures or artificial wetlands
41.	Definition significant de-vegetation	Oppose	Horticulture NZ is concerned about the application of significant de-vegetation as cultivation activities for horticultural production doe result in exposure of bare ground but can be appropriately managed through best management practices. It is unclear where the term is used and how it would be applied.	Delete the definition of significant de-vegetation.
42.	Definition Surface water body	Oppose in part	It should be clear that water in a subsurface drainage system is not a surface waterbody for the purposes of the Plan.	Add to the exclusion in the definition of surface water body by adding 'or subsurface drainage system.'
43	Definition unwanted organisms	Support	Horticulture NZ supports the inclusion of unwanted organisms as defined in the Biosecurity Act 1993.	Retain definition of unwanted organisms.
44.	Definition water demand management strategy	Support	Horticulture NZ supports the need for a water demand management strategy to consider the needs of other users including rural uses and a drought management plan.	Retain definition water demand management strategy
45.	Definition Wetland	Oppose in part	The plan has a definition for natural wetland and wetland. The definition of natural wetland includes a list of areas which are not regarded as natural wetlands, but such exclusions are not included in the definition of wetland. It needs to be clear that wet and boggy areas are not classed as a wetland.	Include the list of exclusions in the definition of natural wetland in the definition of wetland.

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
46.	Appendix C ANZECC Sediment Guidelines	Oppose	The ANZECC guidelines are international guidelines. It is considered that Southland has enough science/research based on local circumstances/waterbodies that is more appropriate to be used as a basis for guidelines than applying these international generic standards.	Delete Appendix C and reference to it in the Plan.  Include specific sediment guidelines in the FMU sections of the Plan that reflect local circumstances and conditions.
47	Appendix D Good Spray Management Practices	Support in part	<p>The Appendix sets out a range of best management practices for the use of agrichemicals for information purposes. However Horticulture NZ considers that some of the practices should be required as a means of compliance with a permitted activity rule, not just a list for information purposes.</p> <p>It needs to be clear that the first list of bullet points relates to use over or into water.</p> <p>Bullet point 12 refers to the 'proper concentration for the application'. There may be a range of opinions as to what is a 'proper concentration'. What is required is that the concentration is such that it will not lead to adverse effects. The ACVM and HSNO process establishes thresholds for the use of substances and it is these thresholds that should determine the amount of active ingredient in a spray mix.</p>	<p>Amend the Introduction by numbering the bullet point lists as A and B and require that these practices are complied with as a permitted activity best management practices.</p> <p>Label list A: Discharging agrichemicals over or into water</p> <p>Bullet point 4 should also include water taken for irrigation.</p> <p>Amend bullet point 12: dilute spray solutions to concentrations of active ingredient as determined by ACVM and HSNO.</p>
48	Appendix N Management Plan requirements	Support in part	Horticulture NZ generally supports the requirements set out in Appendix N subject to some changes which are sought. In particular Horticulture NZ supports the use of industry prepared management plan templates. NZGAP is a horticulture industry programme that can provide templates for the farm management plan against which the grower is audited by a third party to ensure that the plan is being implemented and objectives met.	<p>Retain Appendix N Part A.</p> <p>Amend Appendix N as follows:</p> <p>Under 4 Nutrient Budget a) change 'equivalent model' to 'alternative model'.</p> <p>Under 6 Riparian Management Plan a) add: A Riparian Management Plan, which takes into the nature</p>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
			<p>Horticulture NZ has developed a COP for Nutrient Management that includes best management practices for nutrient management to minimise the potential for adverse effects. This COP is included within the NZGAP framework and would be part of the nutrient budget requirements under Part A of an industry programme.</p> <p>Horticulture NZ supports the principle of inclusion under Nutrient Budget of an 'equivalent model' approved by ES. Overseer is not currently applicable for many horticultural crops and so an alternative model is required for nutrient budgets to be undertaken. Horticulture NZ considers that the wording 'alternative model' to be more appropriate so that justification of 'equivalence' are not required, but rather that appropriateness of the model and what it will deliver are the key considerations in the approval of alternative models.</p> <p>The focus in Section 6 Riparian Plan requirement is on where stock are located. It should be clear than the riparian management plan needs to reflect the nature and scale of the activity.</p> <p>Horticulture NZ has sought changes to the cultivation rule and the provisions in Section 7 Cultivation should be amended accordingly.</p> <p>Part 10 Irrigation Management is written as conditions for the irrigation system – not as a management plan that describes how the system will operate. The section should be reworded to list the information required rather than setting conditions.</p>	<p>and scale of the farming activity, is prepared and implemented and records in written and/or map form:....</p> <p>Under 7 cultivation amend:</p> <p>ii) 1) 3 metres with a slope under 10 degrees</p> <p>ii) 2) 10 metres where slopes are between 10 – 16 degrees</p> <p>10 Irrigation management: Write the requirements as matters to be included in the Management Plan, rather than as conditions.</p>
49	Appendix O Reasonable and efficient use of water	Support in part	Appendix O sets out how reasonable and efficient use of water will be ascertained. The section on irrigation is based on 80% reliability (4 in 5 years). Horticulture NZ considers that 90% reliability is	Amend Appendix O Irrigation a) Replace: 80 percent (4 in 5 year) reliability With: <i>90 percent (9 in 10 year) reliability.</i>

Sub pt	Plan provision	Support Oppose	Reason	Decision sought
		Oppose in part	<p>necessary for horticultural crops and seeks that the reliability is amended to reflect this. A low reliability can significantly affect horticultural operations as it can lead to total crop loss, not just a reduction in product.</p> <p>Replacement resource consents should also consider any changes to the farming system as well as the operation of the irrigation system.</p>	<p>Irrigation b) 2<sup>nd</sup> bullet point : Any proposed changes to the operation of the irrigation system <i>or farming system</i>.</p>

