

SUBMISSION ON PROPOSED REGIONAL PLAN FOR NORTHLAND

TO: Northland Regional Council

SUBMISSION ON: Proposed Regional Plan for Northland

NAME: Horticulture New Zealand

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

Schedule 1: Horticulture in Northland
Schedule 2: Key issues for horticulture in the Regional Plan
Schedule 3: Submission on definitions
Schedule 4: Submissions on rules
Schedule 5: Submissions on policies and objective
Schedule 6: Attachment - HortNZ Codes of Practice
Schedule 7: Attachment – Motutangi-Waiharara Groundwater Modelling Report

2. This submission is made by Horticulture NZ on behalf of growers in Northland who grow a range of crops including avocado, kumara, kiwifruit, citrus, flowers, tamarillos and persimmons.

HortNZ has developed this submission in conjunction with the product groups for each to the different groups of crops as well as members of the Northland Horticulture Forum which comprises of representatives of each of the different types of horticulture in Northland.

3. Horticulture New Zealand wishes to be heard in support of 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' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

4.2 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 sustainable economic production sense.

Thank you for the opportunity to submit on the Proposed Regional Plan for Northland

Lucy Deverall
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Horticulture New Zealand

Dated: 15 November 2017

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SCHEDULE ONE: Regional and local significance of horticulture

The horticulture industry in Northland occupies only 1% of the agricultural land area in Northland. Yet it represents between 26% and 30% of the total regional agricultural GDP. The industry is a significant employer, both directly and indirectly, and contributes more per hectare used to the social and economic well-being of the region than any other form of primary production.

Main crops are avocados, kiwifruit and citrus in the Far North and Whangarei, with kumara in the Kaipara area. Other crops grown in the region include berryfruit, summer fruit, apples, other sub-tropical fruit and fresh vegetables.

There are 420 hectares of kiwifruit in Northland, represented by 125 growers and 4% of the national kiwifruit production.

There are 1,640 hectares of avocados in Northland focussed in the Far North and Whangarei with 288 growers.

There is potential for a significant increase in horticultural production providing:

1. There is a regulatory environment that encourages investment in horticulture in Northland;
2. Soils most suited to horticulture are protected from sterilisation by urban, industrial, commercial and lifestyle block, that is non-agricultural, development;
3. The industry has access to water for irrigation.

Our industry growth prospects compare well with many other industries and central or local government sourced GDP growth.

Horticulture is a significant contributor to the Northland economy with \$40 million going directly to kiwifruit growers alone. Using standard economic multipliers this equates to a \$240 million effect on the local economy and again that is just for kiwifruit.

SCHEDULE TWO: Key issues for horticulture in the Regional Plan

2.1 Giving effect to the RPS

The Proposed Regional Plan for Northland relies on the Northland Regional Policy Statement (NRPS) and does not seek to duplicate it.

One of the key objectives in the NRPS is 3.5 Enabling Economic Wellbeing;

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

HortNZ supports this objective. There is no dispute about the importance of rural production (including horticulture) to the economic wellbeing of Northland. It is the accessibility and versatility of the land (and soil) resource and the provision of water to realise rural production capability that is a central issue for HortNZ. Achieving Objective 3.5 and the sustainable management of the rural resources requires informed decisions about how a regulatory framework can make the environment attractive for business and investment. If there are risks to investment, which in this case for the horticultural sector, translate into constraints on operations due to lack of access to rural resources, then the business will look elsewhere – potentially outside of the region.

The following sections below and the submission points contained in Schedule Three identify key provisions within the proposed plan which do not align with Objective 3.5 and are not conducive to enabling and encouraging the on-going operation and future growth of the horticultural sector in Northland.

The NRPS states that Objective 3.5 is achieved by the following relevant Policy (6.1):

6.1.1 Policy - Regional and district plans shall:

(a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;

(b) Be as consistent as possible;

(c) Be as simple as possible;

(d) Use or support good management practices;

(e) Minimise compliance costs and enable audited self-management where it is efficient and effective;

(f) Enable subdivision, use and development that accords with the Regional Policy Statement; and

(g) Focus on effects and where suitable use performance standards.

This policy should be the basis of testing provisions in the Regional Plan, including that they are simple, minimise compliance costs and support use of good management practices. Achieving these outcomes will help ensure that the aim of Northland being 'open to business' is realised.

In a number of places HortNZ seeks that the activity status of rules is changed, particularly inclusion of restricted discretionary activities rather than discretionary, where the activity can be adequately managed through clear matters of discretion. Such an approach will minimise compliance costs while still achieving environmental outcomes sought.

The submission points raised in the following schedules will assist in ensuring the Regional Plan gives effect to this objective and policy from the RPS.

2.2 Plan structure, including objectives

The Proposed Regional Plan contains very little optional content and is based on the primary purpose of being a rule book with a suite of policies to guide resource consent processes. While HortNZ commends the desire to create a user-friendly planning document, it is questionable as to whether the proposed policies and single objective are robust enough to provide sufficient direction to ensure informed decision making.

Normally context, explanations and environmental outcomes are contained within the plan content to support direction and interpretation of policies and rules. In this instance, reliance is had on the Section 32 report which has no legal status in considering resource consent applications.

There is only one objective (F.0.1) in the proposed plan as objectives are considered by council to be of little value. Reliance on one broad objective requires certainty that the following policies and rules are sufficient enough to achieve the environmental outcomes sought both in that objective and in the objectives and policies of higher-level documents such as the RPS.

HortNZ has raised concerns with a number of the proposed rules and policies which indicates a lack of certainty as to whether the proposed plan is robust enough to give effect to desired environmental outcomes. It is suggested that further consideration is had to identifying objectives which will support the resource consent process. This could include an objective referencing the Section 32 report to ensure adequate consideration of context and intent.

2.3 Cultivation, earthworks land preparation

The Proposed Plan has provisions for earthworks and cultivation.

The definition of cultivation is: the disturbance of earth by machinery in preparation for planting or replanting of crops and pasture but does not include:

- direct drilling and no till practices or
- mechanical land preparation associated with plantation forestry.

Earthworks is:

The mechanical disturbance of the surface of the land by excavation, cutting and filling, blading, ripping, contouring or placing or replacing earth but does not include:

- Earthworks associated with a plantation forestry activity
- The placement of cleanfill material
- Cultivation
- Construction of bores
- Maintenance of walking and other recreational tracks
- The placement of roading aggregates during road and track works
- Digging post holes
- Planting trees.

The definition of cultivation is limited to only preparation for planting or replanting of crops. While this definition applies to some horticulture grower activities there are a range of activities that could potentially be classed as earthworks but which have effects that can be sufficiently managed through HortNZ developed codes of practice and have minimal potential for creation of sediment laden stormwater. Such activities are root ripping shelter belts, mole ploughing, removal of shelterbelts or orchard trees and harvesting of crops. The policy framework on which the rules rely is not clear but the key issue identified in the RPS is sedimentation (RPS Obj 3.2 Policy 4.2.1). The RPS also identifies that catchment specific responses will be used to reducing loads of sediments, nutrients and faecal matter (Method 4.2.2 f) and incentivising and where necessary requiring good management practices to prevent and control diffuse source contaminants entering water bodies. HortNZ supports that approach

The Proposed Plan includes Policy D.4.31 Managing the effects of land disturbing activities

Earthworks, vegetation clearance and cultivation must:

- 1) *Be done in accordance with established good management practices*
- 2) *Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on:*
 - a) *human drinking water supplies*
 - b) *Areas of high recreational use*
 - c) *Aquatic receiving environment that area sensitive to sediment or phosphorus accumulation*

However, the rules for earthworks put in place permitted activity thresholds which do not appear to align with the policy framework which identifies specific areas where significant adverse effects are to be avoided. These areas are not identified as part of the permitted activity thresholds.

A particular concern is the Permitted activity earthwork thresholds in Table 8 and that earthwork activities would require resource consent if they did not meet the activity thresholds. By definition, potentially contaminated land, includes activities on the HAIL list. This captures orchards and commercial vegetable growing activities which would then require resource consent for earthworks. Orchards and commercial vegetable growing activities would need to meet the thresholds in Table 8 even though the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) does not apply to activities on production land where the land use is not being changed.

There is no policy framework in the RPS or the Plan that provides direction for managing contaminated land or potentially contaminated land.

HortNZ notes that the Operative Land and Water Plan has provisions for 'land preparation' that includes the range of activities that may be undertaken as part of a horticultural operation.

A definition of land preparation (based on the OL&WP) has recently been recommended to be included in the Whangarei District Plan as a description of the types of activities that are undertaken on horticultural properties.

The following definition incorporates the range of land preparation activities that would be managed through a land preparation rule, rather than either cultivation or earthworks.

Land preparation means the disturbance of soil by machinery for planting, replanting, tending or harvesting pasture or crops. Land preparation includes blading, contour ploughing,

ripping, mounding, stepping, contouring, bunding and sediment control measures and drainage associated with horticultural crops but does not include direct drilling or mechanical land preparation associated with plantation forestry.

HortNZ considers that an alternative approach to managing land disturbance on horticultural properties is more appropriate and would be consistent with Policy D.4.31.

Policy D.4.31 seeks use of “good management practices”. HortNZ has developed a code of practice for erosion and sediment control to provide guidance at an industry level for cultivation for vegetable crops (Horticulture New Zealand Code of Practice ‘Erosion and Sediment Control Guidelines for Vegetable Production’ (June 2014).

HortNZ also has NZGAP, an audited self-management programme which requires all growers to meet best practice. It is considered that the code of practice and NZGAP will adequately meet the environmental outcomes sought in the Proposed Regional Plan.

The proposed rule for cultivation includes a range of conditions, include prescribed setbacks from waterbodies. Rather than defined setbacks from waterbodies HortNZ seeks that land preparation activities should be required to implement best practice erosion and sediment control measures for the duration of the land preparation. Industry best practice for cultivation of vegetable crops is deemed to meet or exceed compliance with the Horticulture New Zealand Code of Practice ‘Erosion and Sediment Control Guidelines for Vegetable Production’ (June 2014).

This approach ensures an appropriate site specific response to the management of the waterbody interface that meets the environmental outcomes sought and does not compromise the rural production system.

Horticulture New Zealand supports a Permitted activity status for land preparation and any associated discharge of sediment into water and a Controlled activity status for that which is not permitted by rule C.8.2.1. This provides certainty for the applicant that consent will be granted subject to appropriate matters of control for erosion and sediment control.

HortNZ seeks the following changes in respect of cultivation and earthwork provisions:

1. The definition for cultivation be amended to ‘land preparation’
2. Amend all uses of ‘cultivation’ to ‘land preparation’
3. Include an exclusion in the definition of earthworks for ‘land preparation’
4. Amend Policy D.4.31 by deleting cultivation and replacing with ‘land preparation’.
5. Amend Rules in C.8.2 to ‘land preparation’
6. Amend C.8.2.1 Land preparation permitted activity
7. Amend Table 8 thresholds for potentially contaminated land to align with the NESCS

2.4 Water Quantity

HortNZ is generally supportive of the Councils approach to freshwater quantity management. However, the policy framework for achieving freshwater quantity related outcomes focuses on ecological values, recreational values, amenity values and tangata whenua values but the values of irrigation, cultivation and food production are not identified. The policy framework does recognise the critical need for horticultural crop survival water to retain the rural production system that is regionally and in part nationally significant, given the specific growing advantages of the far north – noting that in the far north this need extends beyond rootstock of horticultural trees and also to other water sensitive crops.

Minimum flows and limits for rivers and lakes are generally supportive and reflect the typically wetter climate than say Canterbury or Hawkes Bay for example. There is some concern with the allocation limits for aquifers being too conservative. In particular the limits for the Aupouri Peninsula. Of particular concern is the prohibited activity proposed in Rule C.5.1.13. HortNZ supports a precautionary approach where there is a deficiency in information but does not support a prohibited activity that provides no opportunity for an applicant (working with Council and the community) to apply for consent based on accurate information and assessment of effects.

2.5 Water Quality

Water quality standards

The proposed water quality standards are confusing in their current format as 'standards' for plan provisions. It is uncertain if they are intended as a holding pattern for the NOF in each of the proposed catchments as all catchments are effectively set at an A Band standard for ammonia and nitrate. An examination of the draft catchment plans shows that several of the sub-catchments already exceed the proposed standards (based on SOE data). The implication is that these standards are actually desired states, rather than standards. HortNZ also notes that standards for water quality are limited to nitrogen and ammonia. This is at odds with the other compulsory attributes in the NPSFM and the holistic management of waterbodies. The standards both in terms of the attributes and the A band NOF levels seem to have been picked randomly. HortNZ supports the introduction of a desired state for Northland Water bodies and also targets if these are required. However, it is preferred that this is undertaken with a process to examine the water quality values within Te Mana o Te Wai and the values identified through engagement with the community including tangata whenua.

The proposed water quality standards for lakes are similar to the above water quality standards for rivers. We believe that while the proposal for lake standards is admirable the provisions as notified make all deep lakes A band and all shallow lakes C band. While these may be the current state values for these lakes it seems that the cyanobacteria values are missing. As above we are concerned that the process for setting standards is confused with seeking a placeholder for the desired state of freshwater objective levels. An interim measure may be to call these provisions targets and include the A band and C band levels respectively for cyanobacteria. The quality target attribute levels need to be defined as measured state targets so temporal variability is accounted for by including a new column or adjusting the compliance state narrative.

HortNZ are supportive of the coastal standards framework. We do however, recommend that the standards include a definition for the measured state and levels.

Diffuse Discharges

The plans approach is to provide a catch all permitted activity status for discharges to land or water not provided for by other rules. For HortNZ this provides some uncertainty around the management of diffuse discharges. The rule itself is somewhat redundant as it repeats the restrictions in section 107 of the Act. The concern with the rule as it is currently drafted is that it implies a blanket restriction on discharges (outside those permitted by another authorising rule) where the existing water quality is at or above a current water quality or sediment quality standard. This may have been the intention, but it is not clear.

The implication is that other activities in the catchment may already have impacted the location of the discharge which may have a low or negligible effect on the environment but without specific authorisation in a rule is now subject to the discretionary rule C.6.9.6.

HortNZ suggest that a better approach is to provide activity specific discharge rules for those activities which can be managed through best practice conditions such as:

- Vegetable wash water
- Greenhouse nutrient water discharges
- Cultivation discharges

The 'catch all' rule can then be defined by the ability to meet the desired freshwater state as a freshwater objective or water quality standard or target described in policy D.4.1.

2.6 Wetlands

The plan has a number of definitions for various forms of wetlands which create significant interpretation and administration difficulties:

- Wetlands
- Natural wetlands
- Induced wetlands
- Reverted wetlands
- Significant wetlands
- Constructed wetlands (man made)

The definition of wetland is based on the RMA definition and the other definitions describe a specific type of wetland. Induced wetlands and Reverted wetlands are a subset of natural wetlands. Significant wetlands are identified using the criteria in Appendix 5 of the RPS.

Many of the rules in the Plan apply to 'natural wetlands' or 'significant wetlands' rather than 'wetlands' generically. However, there are some that refer generically to wetlands.

HortNZ is concerned that the approach is potentially confusing and is particularly concerned about the inclusion of 'constructed wetlands' which are defined the same as 'man made wetlands' in Appendix 5 of the RPS. Constructed wetlands cannot be identified as significant wetlands.

The definition of constructed wetlands includes a number of water storage structures and open drainage channels as being man made wetlands even though these structures were not built for the purposes of being a wetland. For instance, the water storage lake for the Kerikeri Irrigation Scheme would be classed as a constructed wetland and wherever the term wetland is used generically in the Plan then the lake would need to be considered. Sediment ponds constructed as best practice for managing sediment runoff would also be captured by the definition of constructed wetlands. HortNZ considers that such identification may be a disincentive to applying best practice and building such detention devices. Open drains are also included in the definition of constructed wetlands, thereby making all drains that growers have on their properties classified as constructed wetlands.

The definition of wetland is dependent of the existence of a natural ecosystem of plants and animals that are adapted to wet conditions – not just the existence of water.

The constructed wetlands definition states that they may contain emergent indigenous vegetation such as mangroves, rushes and sedges.

HortNZ does not consider the possibility of some emergent indigenous vegetation as a justification to apply a wetland status on all the waterbodies identified as constructed wetlands.

It is recognised that creating artificial wetlands can be an appropriate mechanism in some situations. HortNZ support the identification of wetlands that have been artificially created to provide wetland services and providing a natural ecosystem for plants and animals that are adapted to wet conditions.

HortNZ is seeking an approach in the Plan to wetlands that appropriately identifies areas which provide a natural ecosystem for plants and animals that are adapted to wet conditions but does not inappropriately classify waterbodies designed for non-wetland purposes as wetlands. The following changes are sought in the Schedules below:

1. Include a definition for artificial wetlands
2. Amend the definition of wetland to list the types of wetlands that are included where the generic term 'wetland' is used in the Plan.
3. Exclude 'constructed wetlands' from the definition of wetland
4. Specifically state that a range of water bodies are not constructed wetlands, such as sediment ponds, artificial water courses and dams
5. Amend provisions relating to 'constructed wetlands' to artificial wetlands.

HortNZ considers that this suite of changes will more appropriately provide for protection of wetlands in Northland while ensuring that Northland is 'open for business' as sought in the RPS.

2.7 Contaminated land/ potentially contaminated land

HortNZ is concerned about how provisions relating to contaminated land and potentially contaminated land have been included in the Plan.

There is no clear policy framework in either the RPS or the Proposed Plan relating to contaminated land and potentially contaminated land.

The Plan includes definitions for contaminated land and potentially contaminated land.

The definition of potentially contaminated land was not in the draft regional plan. The Section 32 report does not provide any in-depth comment on the inclusion of this definition and makes no mention of the National Environmental Standards for Assessing and Managing Contaminated Soils for Human Health (NESCS).

Section 11.4 of the report indicates that the definition may have been inserted solely to assist the council in identifying contaminated land at the time of development. However, the wording and application of the earthworks rules apply in a much broader way than just in relation to development.

The proposed definition for potentially contaminated land is taken from part of the NESCS but its application is not cognisant as to how the definition is applied in the NESCS with productive land being exempt – whether it is contaminated or not – unless certain circumstances apply. The result is a proposed rule framework that could significantly constrain rural production activities on production land when we interpret that this was not the intent.

Clause 5 (8) of the NESCS excludes production land (whether contaminated or potentially contaminated) where activities do not involve:

- removing or replacing a fuel storage system
- sampling or disturbing soil on land used for residential purposes
- subdivision that results in a change of land use that stops land being production land, or
- a change in land use that results in land to stop being production land.

The regulations are generally triggered where this is a change in land use. For instance, the NESCS regulations do not apply to:

- Existing uses on HAIL land (including consented activities prior to 1 January 2012)
- Subdivision of production land that continues a production activity (even if a District Plan permits future dwellings on the resulting lots)
- Changing use of HAIL land to a use that is not reasonably likely to harm human health (including a change of use to another type of production activity such as from dairy to horticulture).

The proposed definition and its application in the earthworks rules will result in significant burden to existing activities which are currently permitted under the operative plan and which are specifically exempt from the NESCS.

HortNZ seeks the definition either be deleted or amended to exclude production land (as defined in the RMA) as intended under the NESCS.

2.8 Good management practices

The NRPS identified the use of good management practices in regional and district plans as a means achieve the objectives in the RPS. HortNZ supports that approach as use good management practices by growers is an integral component of the NZGAP programme to which most growers are members.

It is noted that the draft Regional Plan for Northland proposed a definition for “good management practices” which included a list of industry agreed guidelines. This definition has been deleted from the proposed plan. The RPS provides a definition for good management practices which include “the evolving suite of tools or practical measures that could be put in place at a land user, sector and industry level to assist in achieving community agreed outcomes”. HortNZ supports the RPS definition.

HortNZ has developed a number of good practice manuals to minimise the effects of horticulture on the environment and supports the use of these to achieve this. HortNZ supports inclusion of these to achieve good environmental outcomes. The codes of practice include:

- *Erosion and Sediment Control Guidelines for Vegetable Production 2017*
- *Code of Practice – Managing Greenhouse Nutrient Solution Discharge 2007*
- *Code of Practice Vegetable Washwater Discharge (2017)*

Copies of these are attached in Schedule Six of this submission and the appropriate reference points are identified in Schedules Three to Five.

2.9 Noxious, dangerous, offensive and objectionable effects

Several rules in this Plan use the terms 'noxious', 'dangerous', 'offensive', and 'objectionable', particularly rules relating to the discharges of contaminants into air but no definition is included in the Glossary. Neither is there any description in the Plan that would guide interpretation and implementation of the terms. This provides considerable uncertainty for users, particularly where the use is a condition of a permitted activity rule.

It is recognised that there is no standard definition of these terms because the interpretations will vary depending on specific situations and also need to take account of case law precedent as it develops. However, plan users need some guidance as to what may be considered to be 'noxious', 'dangerous', 'offensive' or 'objectionable'.

NOXIOUS, DANGEROUS

The Concise Oxford Dictionary defines 'noxious' as "harmful, unwholesome". 'Dangerous' is defined as "involving or causing exposure to harm".

Therefore, dangerous discharges include those that are likely to cause adverse physical health effects, such as discharges containing toxic concentrations of chemicals. Noxious effects may include significant adverse effects on the environment (e.g. on plant and animal life) even though the effects may not be dangerous to humans.

OFFENSIVE, OBJECTIONABLE

'Offensive' is defined as "giving or meant to give offence disgusting, foul-smelling, nauseous, repulsive". 'Objectionable' is defined as "open to objection, unpleasant, offensive".

Whether an activity is 'noxious', 'dangerous', 'offensive' or 'objectionable' therefore depends upon an objective assessment of the specific situation.

In undertaking such an assessment key considerations include:

- (i) Location of an activity and sensitivity of the receiving environment – For example, what may be considered offensive or objectionable in an urban area, may not necessarily be considered offensive or objectionable in a rural area.
- (ii) Reasonableness - Whether or not an activity is offensive or objectionable should be determined by an ordinary person who is representative of the community at large and neither hypersensitive nor insensitive, in deciding whether the activity is disgusting, nauseous, repulsive or otherwise objectionable.
- (iii) Existing uses - It is important to consider what lawfully established activities exist in an area, i.e. if a new activity requires a permit, the effect of existing discharges of contaminants into air should be considered.

The MfE Guidelines for managing odour provide some direction in assessing cases, based on the FIDOL factors- frequency, intensity, duration, offensiveness, location.

HortNZ is concerned about the uncertainty of the provisions because if a discharge is found to be offensive or objectionable, then enforcement action may be taken. This could be in the form of an abatement notice, infringement notice, enforcement order or prosecution. In the case of a permitted activity, failure to comply with the conditions would also mean that the activity was no longer permitted, and would thus require a resource consent application to be lodged.

Therefore, guidance is sought in the Plan to assist plan users to determine whether these activities are likely to be classed as 'noxious', 'dangerous', 'offensive', or 'objectionable'.

Such guidance could be included in the Glossary or as a policy in the Plan. Given the uncertainty, a policy is the preferred approach. This would be best located under D.2 General policies so that it is relevant to all discharges.

SCHEDULE THREE: Submissions on Definitions

Provision	Support / Oppose	Reasons	Decision sought
Agrichemical	Oppose in part	The proposed definition is similar to the definition in NZS 8409:2004 Management of Agrichemicals. However, the definition does not specifically exclude VTA's, which are provided for in separate rules to agrichemicals and for which there is a separate definition. It should be clear that VTA's are not included in the definition of agrichemicals.	Amend the definition of agrichemicals to include an exclusion for VTA's (Vertebrate toxic agents.): Any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control flora and fauna. This includes adjuvants (any substance designed to enhance the effectiveness, reduce drift or act as a synergist when added to any agrichemical application mixture) and animal remedies but excludes fertilisers <u>and vertebrate toxic agents (VTA's.)</u>
Ambient air quality	Oppose in part	The proposed definition for ambient air quality is different to the definition in the Ambient air quality guidelines (MfE 2002). If the Plan seeks to implement the guidelines the definition should be the same as in the guidelines, which is clear about air that is not included as ambient air.	Delete proposed definition of ambient air quality and include: <u>The air outside buildings and structures. This does not refer to indoor air, air in the workplace, or contaminated air discharged from a source.</u>
Allocation Limit	Oppose and Support	The current definition is inconsistent with the intent of the National Policy Statement for freshwater management (2017) which seeks to avoid over-allocation through efficient allocation of resources. The definition creates unnecessary confusion with other terms in the plan	Amend the definition Allocation Limit The maximum amount of resource use available, which allows freshwater objectives to be met. The allocation limits for freshwater quantity A type of freshwater quantity limit. Allocation limits set in this plan are in Policy D.4.16 'Allocation limits for rivers' and Policy D.4.17 'Allocation limits for aquifers'.

Provision	Support / Oppose	Reasons	Decision sought
Artificial watercourse	Support in part	<p>The definition recognises that an artificial watercourse is a man-made channel constructed in or over land for carrying water and includes an irrigation canal, water supply race, canal for the supply of water for electricity power generation and farm drainage canals.</p> <p>Horticulturalists on the low-lying areas adjoining the Wairoa River in Dargaville, operate a system of artificial watercourse management to drain, regulate and store water to support kumara production. The area has unique conditions for kumara production and is nationally significant for the supply of the nationally significant crop.</p> <p>HortNZ is concerned that artificial water courses are not classed as constructed wetlands as the watercourses are designed for conveying water, not providing ecosystem services.</p>	<p>Amend definition of artificial water courses</p> <p>A man-made channel constructed in or over land for carrying water and includes an irrigation canal, water supply race, canal for the supply of water for electricity power generation and farm drainage canals. It does not include a channel constructed in or along the path of any historical or existing river or stream. <u>Artificial water courses are not constructed wetlands.</u></p>
Authorised	Support in part	<p>The definition states the circumstances by which an activity would be authorised (that is legally established). The list includes rules in regional plan and resource consent. For completeness and clarity HortNZ seeks that permitted activities are included as being 'authorised'.</p>	<p>Amend definition of authorised by adding to clause 2) <u>'including permitted activities'</u>.</p>
Constructed wetland	Oppose	<p>HortNZ is concerned as that a range of water storage structures are listed in the definition of constructed wetlands. Such structures</p>	<p>Add a new definition for artificial wetlands: <u>Artificial wetlands are wetlands specifically created to provide ecosystem services, or provide</u></p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>were not developed for the purposes of providing ecosystem services and so it is inappropriate to apply a wetland classification as this is contrary to their intended purpose. The structures identified in the definition of constructed wetlands do not meet the definition of wetland as they are not designed to support a natural ecosystem of plants and in many cases are not shallow. They are more akin to a water body or dam than a wetland.</p> <p>HortNZ is concerned that artificial water courses are not classed as constructed wetlands as the watercourses are designed for conveying water, not providing ecosystem services. in the definition of constructed wetlands</p> <p>Wetlands are wet areas where water accumulates or at the interface with land and water bodies. Wetlands may also be developed artificially for the purpose of providing ecosystem services. It is appropriate that such artificial wetlands are classified as wetlands as it is consistent with their purpose.</p>	<p><u>habitat for plants and animals which are adapted to wet conditions. Artificial wetlands are not natural wetlands or constructed wetlands.</u></p> <p>Where the plan includes ‘constructed wetlands’ as wetlands, replace with ‘artificial wetlands’.</p>
Contractor	Oppose in part Support in part	The definition of contractor is important in the Plan in terms of making a clear distinction between owner, occupier or manager of the land and those undertaking spraying as their main business activity. This is important in terms of where the onus of responsibility lies	<p>Amend definition of contractor by amending the last sentence:</p> <p><u>It does not include an employee or owner, occupier, manager or management company.”</u></p>

Provision	Support / Oppose	Reasons	Decision sought
		for activities undertaken as part of agrichemical use. While the proposed definition is similar to NZS8409:2004 Management of Agrichemicals it is not clear in terms of some of the contractual relationships that exist in the horticultural sector. For instance, it needs to be clear that someone undertaking orchard management is not a spray contractor, even though they may do some spraying as part of managing the orchard.	
Cultivation	Oppose	HortNZ seeks that the Plan include provisions for land preparation that includes cultivation and other land preparation activities that are undertaken as part of horticulture operations. The approach is set out in Schedule Two above.	Delete the definition of cultivation and replace with a definition of land preparation: <u>Land preparation means the disturbance of soil by machinery for planting, replanting, tending or harvesting pasture or crops. Land preparation includes blading, contour ploughing, ripping, mounding, stepping, contouring, bunding and sediment control measures and drainage associated with horticultural crops but does not include direct drilling or mechanical land preparation associated with plantation forestry.</u>
Dam		The definition of dam needs to be clarified that it includes a range of structures, but does not include constructed wetlands as defined in the Plan.	Amend the definition of dam: A structure intended primarily to retain or control surface water flows to form a reservoir, including a weir, or <u>water storage facilities, but does not include a stopbank or a constructed wetland.</u>
Direct or high connectivity aquifer	Insert new definition	The definition needs to be clarified to support application of Policy D.4.18.	Insert new definition: <u>An aquifer where river depletion after a period of 90 days at the maximum pumping rate is greater</u>

Provision	Support / Oppose	Reasons	Decision sought
			<u>than 60 percent of the pumped groundwater volume.</u>
Dust sensitive area	Support	HortNZ supports the definition of dust sensitive area.	Retain the definition of dust sensitive area
Earthworks	Oppose in part	HortNZ seeks that the Plan include provisions for land preparation that includes earthworks undertaken as part of horticulture operations included under the definition of land preparation, as sought in respect of submissions on the definition of cultivation. The approach is set out in Schedule Two above.	Amend the definition of earthworks by deleting cultivation and inserting ' <u>land preparation</u> '.
Farm wastewater	Oppose	<p>The definition of farm wastewater is the same as in the Regional Land and Water Plan and includes a wide range of wastewater, including farm effluent.</p> <p>Horticulture New Zealand seeks that horticulture wastewater is separated from farm wastewater that includes effluent as the effects of the activity are different and so should be managed according to the effects of the activity.</p>	<p>Amend the definition of farm wastewater to specifically exclude wastewater from horticulture activities: Farm wastewater</p> <p>All <u>wastewater</u> from a farm dairy, dairy yard, feed pad, standoff area, stock yard, sale yard, wintering barn, loafing pad, calf rearing barn, piggery, poultry farm, or any other stock yard, adjacent entrance and exit races, farm transit races when used for standoff, stock underpass or similar. Farm wastewater includes animal effluent, washdown water, pit washings, sediment and other solid matter, milk, milk residue, supplementary feed, molasses, detergents, sterilising agents and other residues associated with routine farming practices. <u>Farm wastewater does not include Horticulture wastewater.</u></p> <p>Insert new definition for Horticulture wastewater:</p>

Provision	Support / Oppose	Reasons	Decision sought
			<p><u>Horticulture wastewater includes wastewater from vegetable washing and greenhouses and may include sediment and residues from the activity, but does not include animal effluent or animal products.</u></p> <p>Insert new definition for Horticulture wastewater system:</p> <p><u>Horticulture wastewater system includes detention ponds and structures for storing and treating horticulture wastewater but they are not classed as constructed wetlands.</u></p>
Fertiliser	New definition	<p>There is no definition in the Plan for fertiliser. It should be clear what substances are included as fertilisers. The ACVM Regulations define fertiliser and HortNZ seeks that the definition is used in the Plan.</p> <p>It is important to recognise that fertiliser is made up of essential nutrients and non-nutrient 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"> improves the supply and uptake of nutrients or increases biological activity or 	<p>Include a definition for fertiliser:</p> <p><u>Fertiliser means</u></p> <p><u>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—</u></p> <ul style="list-style-type: none"> <u>(i) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or</u> <u>(ii) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or</u> <u>(iii) fertiliser additives; and</u> <p><u>(b) includes non-nutrient attributes of the materials used in fertiliser; but</u></p>

Provision	Support / Oppose	Reasons	Decision sought
		modifies the physical characteristics of a fertiliser to make it more fit for its purpose.	<u>(c) does not include substances that are plant growth regulators that modify the physiological functions of plants.</u>
Ground based spraying	Support in part	The proposed definition is 'spraying taking place at ground level but does not include hand held spraying'. Spraying taking place at ground level may project into the air so it needs to be clear that ground based spraying is spraying undertaken from a device that is located on the ground as opposed to being in the air. The Operative Air Plan has a definition for ground based application methods that more accurately describes ground based spraying.	Amend the definition of ground based spraying: <u>Any method of application where the equipment from which the agrichemical is emitted is on the ground but does not include hand held spraying</u>
Impervious area	Support in part	HortNZ supports the inclusion of a definition for impervious surfaces but seeks to clarify that artificial crop protection structures constructed with impervious cloth are not considered to be impervious areas. Artificial crop protection structures are designed to protect crops from wind and hail but allow water through.	Amend the definition of impervious area by adding to the list of exclusions: <u>6) artificial crop protection structures</u>
Land drainage	Support in part	The definition recognises the activity of lowering the water level in the soil to achieve productive land use, to facilitate the stability of land or structures. Land drainage is a common activity to support horticultural activity in Northland and achieve productive land use.	Amend the definition of Land Drainage as follows: The activity of <u>managing</u> lowering the water level in the soil (<u>including lowering, and seasonal water storage</u>) to achieve productive land use, and to facilitate the stability of land or structures.

Provision	Support / Oppose	Reasons	Decision sought
		<p>Horticulturalists on the low-lying areas adjoining the Wairoa River in Dargaville, operate a system of artificial watercourse management to drain, regulate and store water to support kumara production. The area has unique conditions for kumara production and is nationally significant for the supply of the nationally significant crop.</p> <p>The land drainage is therefore a more complex activity than lowering the water level in soil. The definition would be improved by recognising that the activity may also involve water management and storage.</p>	
Land drainage scheme	Support	There are land drainage schemes in Northland, upon which horticulturalists depend to achieve productive land use.	Retain definition as proposed.
Passive Discharge	Oppose	The term passive discharge is used in the Plan in the context of contaminated land (e.g. C.6.8.2). It needs to be clear that the term is linked to possible discharges from contaminated and not non-point source or diffuse discharges from other land.	<p>Amend definition of passive discharges:</p> <p>The movement of contaminants <u>from contaminated land</u> that are entrained in soil or groundwater from the location of a discharge to another property through groundwater or surface water movement. <u>Passive discharges do not include diffuse discharges from other land.</u></p>
Potentially contaminated land	Oppose in part	As stated in Schedule Two above HortNZ is concerned about the use and application of the term 'potentially contaminated land' and the reliance on the HAIL list.	<p>Amend the definition of potentially contaminated land:</p> <p>The part of a site where an activity or industry described in the Ministry for the Environment's Hazardous Activities or Industries List(1) has been or is being undertaken but excludes any site</p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>The NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS) does not require that assessment is undertaken for all activities on the HAIL list. In particular Clause 8 of the NES does not require an assessment on production land where there is no change of land use.</p> <p>HortNZ considers that the definition of potentially contaminated land should be consistent with the provisions in the NESCS.</p>	<p>where a detailed site investigation (2) has been completed and reported and which demonstrates that any contaminants in or on the site are at, or below, background concentrations, <u>or a site where the NESCS 2011 Clause 8 does not require an assessment to be undertaken for the activity.</u></p>
<p>New definition - Reasonable Mixing Zone</p>	<p>Introduce</p>	<p>The Plan uses the term reasonable mixing does not include a definition for it.</p> <p>Policy D.4.8 includes a description of reasonable mixing <i>When determining what constitutes a reasonable mixing zone, use the smallest zone necessary to achieve the required water quality in the receiving water and ensure that the mixing zone is free from contaminant concentrations and levels of dissolved oxygen that cause acute toxicity.</i></p> <p>However, the description is uncertain so is inadequate as a standard for a permitted activity.</p> <p>It is recognised that applying an arbitrary distance may not always be appropriate but some certainty is necessary for permitted activities.</p>	<p>Include a new definition – Reasonable Mixing Zone</p> <p>When determining the size of the zone of reasonable mixing, minimise the size of the area where the relevant water quality standards are breached. The zone shall not occupy more than two-thirds of the wetted channel width at flood flows (estimated Q95) for that location and be larger than:</p> <p>(a) for river and artificial watercourse locations with flowing water present at all times:</p> <p>(i) no longer than 10 times the width of the wetted channel (but not less than 50 metres), or</p> <p>(ii) 200 metres along the longest axis of the zone if the wetted channel is greater than 30 metres, or</p> <p>(iii) the distance downstream at which mixing of contaminants has occurred across the full width of the surface water body, but which must not be less than 50 metres.</p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>When considering a reasonable mixing zone as part of a consent application it is possible to develop a mixing zone appropriate for the activity and site.</p> <p>In C.2.3 General conditions 1 d) there is standard for a zone of reasonable mixing for sediment discharges for rivers, lakes or wetlands. It is sought that the standard as the basis for a definition for reasonable mixing in the Plan.</p>	
Regionally significant infrastructure	Support in part	<p>HortNZ recognises that the definition of regionally significant infrastructure (RSI) is the definition in the RPS. It notes that the definition 'includes' the listed infrastructure so it is not an exclusive list.</p> <p>Regional and district council water storage is included as RSI as is flood management schemes as significant social and community facilities.</p> <p>HortNZ seeks that irrigation scheme infrastructure is included as RSI because it is essential for regional development as identified in recent studies for development in Northland and also case law, Horticulture New Zealand Limited and Turners and Growers Horticulture Limited v Far North District Council [2016] NZEnvC 047 at [101].</p>	<p>Amend the definition of regionally significant infrastructure by adding: <u>For the purposes of this Plan irrigation scheme infrastructure is regionally significant infrastructure.</u></p>

Provision	Support / Oppose	Reasons	Decision sought
		Such infrastructure should be considered when assessing the effect of proposals in Northland.	
Smoke sensitive area	Support in part	<p>HortNZ is concerned that horticultural crops can be damaged by smoke and ash. Given that the crops are for human consumption it is important that they are not adversely affected by smoke and ash,</p> <p>Orchards were included as smoke sensitive area in the Draft Plan but have not been included in the Proposed Plan. HortNZ seeks that they be included in the definition for smoke sensitive area.</p>	Amend the definition of smoke sensitive area: Add 5) <u>Commercial orchards and vegetable growing</u>
Stormwater	Introduce	<p>The term stormwater is used throughout the plan but there is no definition. For clarity it would assist that a definition is included. The Operative land and Water Plan has a definition: Stormwater – Water that flows off pervious or impervious surfaces as a result of precipitation.</p> <p>Greater Wellington has included a definition for stormwater in the Proposed Regional Plan that clarifies when runoff becomes ‘stormwater’. HortNZ considers that this definition would assist in implementation of the Plan.</p>	<p>Include a definition for stormwater:</p> <p><u>Runoff that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or runoff from the external surface of any structure as a result of precipitation and including any contaminants contained therein.</u></p>

Provision	Support / Oppose	Reasons	Decision sought
Stormwater collection system	Support in part	<p>HortNZ suggests broadening the definition of stormwater collection system to provide more clarity around what is included.</p> <p>Greater Wellington provide a definition which will align with the suggested definition of stormwater above, and will assist in implementation of the Plan.</p>	<p>Amend the definition of stormwater collection system</p> <p><u>The network of devices designed to capture, detain, treat, transport and discharge stormwater, including but not limited to kerbs, intake structures, pipes, soak pits, sumps, swales and constructed ponds and wetlands, and that serves more than one property.</u></p>
Vegetation clearance	Support in part	<p>HortNZ seeks that the term “native” be replaced with “indigenous”. This is consistent with terminology in Policy D.2.7 of the proposed plan and used by the Ministry for the Environment.</p> <p>HortNZ seeks that “vegetation clearance” be amended to “indigenous vegetation clearance” for clarity.</p> <p>HortNZ seeks that the definition be amended to acknowledge works necessary to support survival and productivity of horticulture crops.</p> <p>Productive rural land use requires the ability to manage vegetation species and growth to ensure production activities are not compromised. Unmanaged vegetation, including shelter belts, can cause root intrusion or overhang of productive land as well as adverse shading effects, infrastructure (tracks, pipes, buildings) disruption and harbour pests and diseases.</p>	<p>Amend the term vegetation clearance to:</p> <p><u>Indigenous</u> vegetation clearance</p> <p>Amend the definition of vegetation clearance:</p> <p>The cutting, burning, crushing or destruction of native <u>indigenous</u> woody vegetation or <u>native indigenous dune vegetation</u>, but does not include clearing:</p> <ol style="list-style-type: none"> 1) <u>plantation forestry</u>, or 2) vegetation that is part of an understory of a <u>plantation forest</u> or immediately adjacent to a <u>plantation forest</u>, or 3) hedges, <u>shelter belts</u> and amenity plants, or 4) vegetation along fences and around dams and ponds, or 5) vegetation around public utility networks, or 6) vegetation that impedes or is likely to impede flood flows, 7) vegetation for the maintenance of roads and tracks, <u>or</u> 8) <u>scattered trees, shrubs or regenerating bush amongst pasture or horticultural crops, or</u>

Provision	Support / Oppose	Reasons	Decision sought
			<p><u>9) vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u></p>
Vertebrate toxic agents (VTA's)	Support in part	<p>HortNZ supports the inclusion of a definition for VTA's. It is correct that the vertebrate pest control products are identified, but not defined, in NZS8409:2004 Management of Agrichemicals but it should also be noted that these substances are not managed by NZS8409.</p>	<p>Amend the definition of vertebrate toxic agents:</p> <p>Any substance, whether inorganic, human-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control vertebrate animals including possums, rats and mustelids. Includes vertebrate pest control products as identified (but not defined <u>or managed</u>) in NZS 8409:2004 Management of Agrichemicals.</p>
Wetland	Oppose in part	<p>HortNZ is concerned that there are multiple definitions in the plan for various forms of wetlands and that this presents potential for confusion.</p> <p>While the definition is the definition in the RMA it is appropriate that it be amended to provide clarity for the purposes of the Plan.</p> <p>As stated in Schedule Two above HortNZ is concerned that constructed wetlands are classified as wetlands for the purposes of the Plan even though such areas were not constructed for that purpose. HortNZ seeks that constructed wetlands are specifically excluded from the definition of wetland and</p>	<p>Amend the definition of wetland by adding: <u>For the purposes of this plan wetlands are natural wetland, reverted wetlands, induced wetlands artificial wetland, and significant wetland but does not include constructed wetland.</u></p>

Provision	Support / Oppose	Reasons	Decision sought
		that artificial wetlands be included as wetlands.	

SCHEDULE FOUR: Submissions on Rules

C2: Activities in beds of lakes and rivers and in wetlands

Provision	Support / Oppose	Reasons	Decision sought
C.2.1.1 Introduction or planting of plants in rivers and lakes – Permitted activity	Support in part	<p>HortNZ supports the provision to enable the planting of plants in rivers and lakes but notes that there is no provision included for the clearance of plants.</p> <p>Clause 3) refers to landowners managing planted species to ensure that they do not cause an obstruction. HortNZ considers that this should more explicitly provide for clearance of planted species.</p> <p>Rule C.2.1.3 provides for some maintenance for the free flow of water but is limited to vegetation clearance as defined in the Plan which is indigenous woody vegetation.</p>	<p>Amend Rule C.2.1.1 3):</p> <p>the planted species are managed, <u>and where necessary cleared</u>, by the land owner or occupier to ensure that they do not create an obstruction to the free flow of water or spread to other properties, and</p>
C.2.1.3 Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity	Support in part	<p>In the Kaipara district there are a range of watercourses which require maintenance.</p> <p>Some are classed as ‘artificial water courses’. There are others that are similar to artificial water courses but are regarded as ‘modified watercourses’ because they are a channel constructed in or along the path of a historical or existing river or stream.</p> <p>There are no specific provisions in the Plan for such modified water courses and so are regarded as ‘rivers’.</p>	<p>Amend C.2.1.3 1):</p> <p><u>For work undertaken in rivers other than modified water courses</u> the regional council’s monitoring manager is notified (in writing or by email) of the date of the commencement of any works, at least five working days prior to the work starting, and</p> <p>Include a definition for modified water course: <u>A modified water course is where a channel is or has been constructed in or along the path of a historical or existing river or stream. Modified water courses are not a constructed wetland.</u></p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>HortNZ seeks to ensure that the provisions relating to modified water courses are appropriate for the type of watercourse.</p> <p>Generally, the conditions in C.2.1.3 are appropriate but consider that clause 1 is not necessary for minor works on a modified water course.</p>	
C.2.2 Activities affecting wetlands	Support in part	<p>HortNZ is concerned about the range of definitions for wetlands in the Plan and seeks that the definition of wetland be amended to clarify what are included as wetlands in respect of provisions in the Plan.</p> <p>In addition, HortNZ seeks that 'artificial wetlands' be included in the Plan and that 'constructed wetlands' are not included as a wetland because the purpose of the structures included in the definition of constructed wetlands are not for the purpose of providing natural ecosystems for plants and animals adapted to wet conditions.</p>	<p>Amend the Plan as sought elsewhere in this submission in respect of definitions for:</p> <ul style="list-style-type: none"> • Wetland • Constructed wetland and • Addition of 'artificial wetland' <p>Clarify through the definitions that the following waterbodies are not wetlands:</p> <ul style="list-style-type: none"> • Artificial water course • Modified water course • Dams • Horticulture wastewater system
C.2.2.1 Wetland management and enhancement –permitted activity	Support in part	<p>The rule provides for the removal or control of exotic plant species and the non-introduction of pest species. There is no specific provision that enable the removal of pest species or pest organisms. As such removal may be required under the Biosecurity Act there should be specific provision in the rule.</p>	<p>Amend C.2.2.1:</p> <ol style="list-style-type: none"> 1) the removal or control is limited to exotic plants species <u>and pest or pest organisms</u>, and 2) the introduction of any plant does not include a <u>pest species or pest organism</u> and 3) the activity complies with the general conditions <u>in C.2.3</u>, 4) as written

Provision	Support / Oppose	Reasons	Decision sought
C.2.2.3 Constructed wetland alteration – permitted activity	Oppose in part	HortNZ is concerned that concerned that constructed wetlands are inappropriately included as wetlands in the Plan and seeks that they be replaced with ‘artificial wetlands’ which have been specifically developed to provide a natural ecosystem for plants and animals adapted to wet conditions.	Amend C.2.2.3 Constructed wetland alteration to <u>Artificial wetland alteration- permitted activity</u> Any disturbance or alteration of a constructed <u>artificial</u> wetland and construction or installation of a structure in a constructed <u>artificial</u> wetland, is a permitted activity provided:
C.2.3 General conditions	Support in part	The General conditions include clauses 7 and 8 which are specific to natural wetlands. The header should indicate that they only relate to ‘natural wetlands’. Condition 1 d) highlights the words ‘zone of reasonable mixing’ to indicate that a definition is included in the Plan. However, there is no definition in the Plan. HortNZ has raised concerns elsewhere in this submission seeking clarity about the zone of reasonable mixing. A definition for reasonable mixing is sought in Schedule Three that is based on the standard in C.2.3.	Amend the heading for C.2.3 7) and 8) to ‘ <u>Natural wetlands.</u> ’ Include a definition for reasonable mixing as sought in Schedule Three Definitions.

C3: Damming and diverting water

Provision	Support / Oppose	Reasons	Decision sought
C.3.1 Off stream damming and diversion – permitted activity	Support in part	HortNZ supports the inclusion of a permitted activity for small off stream damming and diversion of rainfall runoff. It is anticipated that sediment ponds and retention structures	Clarify that C.3.1 provides for sediment ponds and retention structures that manage rainfall runoff.

Provision	Support / Oppose	Reasons	Decision sought
		that manage rainfall runoff are provided under Rule C.3.1. HortNZ seeks clarity that such activities are intended to be included under the rule.	Amend C.3.1 as follows: Damming and diversion of rainfall runoff, <u>including sediment ponds and retention structures</u> , is a permitted activity provided:

C4: Land drainage

Provision	Support / Oppose	Reasons	Decision sought
C.4.1 Land Drainage – permitted activity	Support	The permitted activity status for a drain and associated discharge of water is supported by HortNZ. These activities are a necessary requirement to maintain the rural productive capacity in large parts of Northland. A permitted activity status, subject to appropriate conditions is an appropriate resource management response.	Retain C.4.1 as proposed.
C.4.3 Repair and maintenance of a stopbank, floodgate or drain – permitted activity	Support in part	<p>The permitted activity status for the repair or maintenance of a stopbank, floodgate or drain is supported in part by HortNZ. These activities are a necessary requirement to maintain the rural productive capacity in large parts of Northland. A permitted activity status, subject to appropriate conditions is an appropriate resource management response.</p> <p>However, the rule is not clear that it will include cleaning and clearance of drains as well as repairs and maintenance. There needs to be clarity that such activities are provided for. Clearance of drains that are part of land drainage schemes is included in C.4.5 but there is no specific provision for clearance</p>	<p>Amend C.4.3 by deleting drains and including a new rule specific for drains.</p> <p>Repair and maintenance of a stopbank or floodgate or drain – permitted activity The repair or maintenance of a stopbank, or floodgate or drain is a permitted activity provided</p> <p>Insert new rule <u>C 4.x Repair, maintenance and clearance of a drain – permitted activity</u> <u>The repair, maintenance or clearance of a drain is a permitted activity, provided:</u> <u>1) the activity complies with the C.4.8 'Land drainage and flood control general conditions', and</u></p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>where the drain is not part of a drainage scheme.</p> <p>Clearing drains is aligned with good management practice as it prevents build-up of silt.</p> <p>Rule C.4.3 could be amended or alternatively Rule C.4.1 could be amended to include clearance of drains.</p> <p>It is considered that consideration of stopbanks and floodgates is different from clearance of drains so HortNZ seeks that a specific rule for clearance of drains be included as the most appropriate option to ensure that the standards are relevant for the activity.</p>	<p><u>2) there is no increase to the length, width or height of the original drain.</u></p>
C.4.4 Re-consenting flood control schemes – controlled activity	Support	The controlled activity status for activities relating to re-consenting flood control schemes is supported by HortNZ. A controlled activity status provides certainty that consent will be granted for the properties and activities that rely on flood control schemes.	Retain C.4.4 as proposed.
C.4.5 Land drainage schemes – controlled activity	Support	The controlled activity status for activities relating to existing land drainage schemes is supported by HortNZ. A controlled activity status provides certainty that consent will be granted for the properties and activities that rely on land drainage schemes. A more	Retain C.4.5 as proposed.

Provision	Support / Oppose	Reasons	Decision sought
		onerous activity status would not be supported.	
C.4.x – Land drainage – restricted discretionary activity	New rule	<p>It is considered that where the permitted activity rule for land drainage in C.4.1 or C.4.3 for repairs, maintenance and clearance of drains cannot be met a restricted discretionary rule should apply.</p> <p>The matters of discretion can be specific as they relate to the general conditions set out in C.4.8.</p>	<p>Add a new rule'</p> <p><u>Land drainage – Restricted Discretionary Activity</u></p> <p><u>A drain that is not in a drainage scheme including repairs, maintenance and clearance and associated discharge of drainage water that cannot meet permitted activity C.4.1 or C.4.3 is a restricted discretionary activity provided:</u></p> <p><u>Matters of discretion</u></p> <ol style="list-style-type: none"> 1) <u>The management of drainage effects</u> 2) <u>The size and zone of reasonable mixing</u> 3) <u>The degree of compliance with C.4.8</u> 4) <u>Effects on tangata whenua and their taonga.</u>
C.4.6 Other land drainage and flood control activities – discretionary activity	Support in part	The discretionary activity status for other land drainage or flood control work (including new land drainage or flood control schemes and new structures within schemes) is supported in part by HortNZ. HortNZ seeks that some land drainage be included as a restricted discretionary activity so Rule C.4.6 needs to be amended to provide for an RDA rule.	Amend C.4.6 by adding 6) <u>Restricted discretionary activities under rule C.4.x Land drainage – Restricted Discretionary Activity</u>

Provision	Support / Oppose	Reasons	Decision sought
C.4.8 Land drainage and flood control general conditions	Oppose in part	<p>C.4.8 sets out general conditions that will apply for land drainage and flood control activities that are permitted or controlled. Fair and reasonable conditions are supported however it is important that PA standards are clear and certain. Most of the standards in C.4.8 are clear as to how they would be assessed to determine compliance.</p> <p>HortNZ is concerned that Condition 11, which provides for the discharge of drainage water which does not contain concentrations of contaminants which have or are likely to have significant adverse effects on aquatic life in any river, wetland or the coastal marine area, is uncertain as a permitted activity standard.</p>	Amend C.4.8 by deleting condition 11) 11) any discharge of drainage water does not contain concentrations of contaminants which have or are likely to have significant adverse effects on aquatic life in any river, wetland, or the coastal marine area, and

C5 Taking and using water

Provision	Support / Oppose	Reasons	Decision sought
C.5.1.1 Minor takes – permitted activity	Support	Minor takes provide certainty for resource users and a permitted activity status subject to relevant limits is supported by HortNZ.	Retain Rule C.5.1.1
C.5.1.3 Water take from an off-stream dam – permitted activity	Support	A permitted activity status for the taking and use of water from an authorised dam is supported by HortNZ as this provides encouragement for water harvesting and storage options.	Retain C.5.1.3 as proposed.

Provision	Support / Oppose	Reasons	Decision sought
C.5.1.4 Water take from an artificial watercourse – permitted activity	Support in part	The permitted activity status for takes from artificial watercourses is supported, subject to the submission point seeking a new policy regarding modified watercourses being adopted.	Retain. Insert the new Policy on modified watercourses outlined in Policies D.4 Land and water
C.5.1.5 Water take associated with bore development, bore testing or dewatering – permitted activity	Oppose in part	<p>HortNZ opposes sub-clause C.5.1.5.2) which restricts testing to approximately 11.6 litres per second (L/s). This is unlikely to be adequate for larger horticultural bores (particularly in the Aupouri Shellbed) that often have flow rates up to 85 L/s (or 7,344m³ per day).</p> <p>It is proposed that the water take for testing be increased to 2,500m³ per day, or 30L/s which is more realistic for most horticultural bores.</p>	<p>Amend Rule C.5.1.5</p> <p>The taking of groundwater associated with bore development, bore testing, or dewatering by pumping is a permitted activity, provided:</p> <ol style="list-style-type: none"> 1) in coastal aquifers: <ol style="list-style-type: none"> a) the site of the bore or ground dewatering does not occur within 200 metres of mean high water springs, and b) the daily volume of the water taken does not exceed 100 cubic metres per day, and c) the activity is completed within seven days of its commencement, or 2) in other areas, the activity is completed within seven days of its commencement and the average rate of take does not exceed 1000 <u>2500</u> cubic metres per day, and 3) the activity does not adversely affect the reliability of water supply of an authorised water take, and 4) the activity is not in a natural wetland or does not cause any permanent change to water levels in any natural wetland, and 5) any resulting settlement or reduction in groundwater levels does not cause adverse effects on buildings, structures, underground infrastructure or services.

Provision	Support / Oppose	Reasons	Decision sought
C.5.1.6 Replacement water permits for registered drinking water supplies - controlled activity	Support	HortNZ supports the controlled activity status for a new resource consent to take and use water that will replace an existing resource consent for a registered drinking-water supply for the health needs of people subject to no increase in the rate of or volume of take and an assessment of reasonable and efficient use.	Retain C.5.1.6 as proposed.
C.5.1.7 Takes existing at the notification date of the plan - controlled activity	Support in part	<p>Rule C.5.1.7 provides for takes existing at the date of notification of the Plan, including takes that were not authorised or legally established at that date.</p> <p>HortNZ supports the approach to provide a period of time for users to obtain the necessary consents subject to an assessment of reasonable and efficient use and allocation as required in policies in D.4.</p> <p>However, there is no policy framework to support the approach of providing for unauthorised takes so HortNZ seeks that a policy is included in D.4 to support providing for unauthorised takes.</p> <p>Existing authorised users of freshwater must retain a priority on review of allocations in a sub-region over takes with are consented under these provisions.</p>	<p>Retain C.5.1.7 but include in D.4 a policy to support the rule framework</p> <p><u>New Policy D.4.x Unauthorised takes</u> <u>To provide an opportunity for existing users who require but do not have resource consents for their activities to become or remain authorised by:</u> <u>(a) Providing a more permissive activity status for applications to authorise those activities, where applications are lodged within 12 months Rule C.5.1.7 becoming operative;</u> <u>(b) Providing information regarding the need for resource consent;</u> <u>(c) Working in conjunction with industry groups and representatives of unauthorised users to increase awareness and share information;</u> <u>(d) Providing opportunities for authorisation in preference to compliance action; and</u> <u>(e) Undertaking compliance when the period provided for those activities to become authorised expires</u></p>

Provision	Support / Oppose	Reasons	Decision sought
C.5.1.8 Supplementary allocation - restricted discretionary activity	Support in part Oppose in part	<p>HortNZ supports the restricted discretionary activity status in Rule C.5.1.8</p> <p>HortNZ opposes the 20m³ per day limit as it unrealistic. The proposed limit is a very small flow, equivalent to a garden hose (0.2 L/s). To put this in context, the median flow in most <u>small</u> streams would exceed 100 L/s.</p> <p>Given that this provision is dealing only with flows greater than the median (high flow), the daily limit is unnecessary. Reliance solely on the two conditions to protect the water body without a daily limit is appropriate.</p>	<p>Amend Rule C.5.1.8</p> <p>The taking and use of water from a river at flows above the median flow that exceeds 10 cubic metres per property per day or 200 litres per hectare, up to a maximum of 20 cubic metres, per property per day is a restricted discretionary activity, provided:</p> <ol style="list-style-type: none"> 1) the frequency of flushing flows that exceed three times the median flow of the river is not changed, and 2) 50% of the river flow above the median flow remains in the river.
C.5.1.9 Takes existing at the notification date of this plan - discretionary activity	Support in part	<p>The discretionary activity covers the taking and use of water from a river, lake or aquifer that existed at the notification date of this plan but was not <i>lawfully established</i> and that exceeds 50 cubic metres per day per property from all sources. There is no definition of <i>lawfully established</i> despite the plan suggesting in blue highlight that these terms are defined. It is considered that the term should be replaced with the defined term <i>authorised</i>.</p>	Amend 'lawfully established' to 'authorised'
C.5.1.10 Other water takes – discretionary activity	Support	HortNZ supports the discretionary activity status but notes that there should be an explicit assessment for reasonable and	Retain Rule C.5.1.10

Provision	Support / Oppose	Reasons	Decision sought
		efficient use and allocation as provided for in policies in D.4.	
C.5.1.11 Water take below a minimum flow or water level - non-complying activity	Oppose	<p>The taking of water from a river, lake or natural wetland when the flow in the river or water level in the natural wetland or lake is below a minimum flow or minimum level is a non-complying activity which is inconsistent with the policy support provided in Policy D.4.19 for registered drinking water supplies and horticultural survival water.</p> <p>HortNZ seeks that the activity status be amended to be consistent with the policy framework.</p>	Amend C.5.1.11 to a Discretionary Activity status.
C.5.1.12 Water take that will exceed an allocation limit - non-complying activity	Oppose	<p>The limits set in this rule are the same as C.5.1.13 which is a prohibited activity. It is assumed that the rule is intended to apply to takes that exceed the default allocation limit, but by no more than 10 percent of the seven-day mean annual low flow.</p> <p>HortNZ seeks that the limits in the rule be amended to avoid repetition.</p> <p>HortNZ opposes the non-complying activity status as it is inconsistent with the policy support provided in Policy D.4.19 for registered drinking water supplies and horticultural survival water.</p>	<p>Amend C.5.1.12:</p> <p>Water take that will exceed an allocation limit – non-complying activity <u>discretionary activity</u></p> <p>The taking and use of water that would cause a <u>default allocation limit</u> for a river or aquifer to be exceeded is a non-complying activity, provided the take does not exceed:</p> <ol style="list-style-type: none"> 1) a <u>default allocation limit</u> for the river by <u>no</u> more than 10 percent of the seven-day mean annual low flow, or 2) a <u>default allocation limit</u> for the aquifer by <u>no</u> more than five <u>5</u> percent of the annual average recharge.

Provision	Support / Oppose	Reasons	Decision sought
		HortNZ seeks that the activity status be changed to discretionary activity. This will ensure consistency with Policy D.4.19.	
C.5.1.13 Water take that will exceed an allocation limit – prohibited activity	Oppose	<p>HortNZ opposes the prohibited activity status as this is overly restrictive and is inconsistent with the policy support provided in Policy D.4.19 for the registered drinking water supplies and horticultural survival water.</p> <p>HortNZ seek that the exceedance limit be set at 35 percent. This is in keeping with the Proposed National Environmental Standard on Ecological Flows and Water Levels 2008, which recommends 35 percent as the default limit in the absence of data.</p> <p>The 35 percent limit also allows for drilling of additional bores, hydraulic testing and measurements of groundwater levels to be undertaken. This will support on-going development and continued collation of data and knowledge about Northlands aquifers.</p>	<p>Amend C.5.1.13</p> <p>Water takes that will exceed an allocation limit - prohibited activity <u>non-complying activity</u></p> <p>The taking and use of water that would cause:</p> <ol style="list-style-type: none"> 1) a <u>catchment-specific allocation limit</u> to be exceeded, or 2) a <u>default allocation limit</u> for a river to be exceeded by more than 10 percent of the seven-day mean annual low flow, or 3) a <u>default allocation limit</u> for an aquifer to be exceeded by more than <u>35</u> percent of the annual average recharge is a <u>non-complying activity</u>.

C6 Discharges to land and water

Provision	Support / Oppose	Reasons	Decision sought
C.6.3.1 Farm wastewater to land – permitted activity	Oppose in part	<p>The permitted activity status for farm wastewater discharges to land is supported.</p> <p>However, Horticulture New Zealand seeks that horticulture wastewater is separated from waste water that contains effluent as the effects are different and conditions should reflect the different range of effects.</p> <p>A definition of horticulture wastewater is provided above.</p> <p>HortNZ has developed Codes of Practice (COP's) for both Vegetable Washing (2017) and Discharge of greenhouse nutrient solution (2007). These codes identify a variety of options available to growers for water recycling and treatment to meet environmental standards for discharge consents.</p> <p>It is considered that these COP's would be useful as conditions for permitted activities for vegetable washing and greenhouse nutrient solution. It is noted that the Auckland Unitary Plan (Operative in part) applies this approach for greenhouse nutrient discharges.</p> <p>Where horticulture wastewater activities do not meet the permitted activity conditions, the default rules should be:</p> <ul style="list-style-type: none"> controlled activity for vegetable wash water, with clear matters of control 	<p>The following rules be inserted:</p> <p><u>C.6.3.8 Horticulture waste water – permitted activity</u></p> <p><u>The discharge of horticulture wastewater, is a permitted activity, provided that the following conditions are met:</u></p> <ol style="list-style-type: none"> <u>The discharge of vegetable wastewater is in accordance with the Code of Practice for Vegetable wash water (HortNZ 2017)</u> <u>The discharge of greenhouse nutrient solution is in accordance with the Code of Practice for the Management of Greenhouse Nutrient Discharges (June 2007)</u> <p><u>C.6.3.9 Horticulture waste water – controlled activity</u></p> <p><u>Discharges associated with vegetable washing – controlled activity</u></p> <p><u>The discharge of water containing contaminants from vegetable washing to land, where contaminants may enter water that is not:</u></p> <ol style="list-style-type: none"> <u>a permitted activity under C.6.3.8</u> <p><u>is a controlled activity</u></p>

Provision	Support / Oppose	Reasons	Decision sought
		<ul style="list-style-type: none"> • restricted discretionary for greenhouse nutrient solution, with clear matters of discretion. <p>If the standards cannot be met it would be discretionary as in C.6.3.5.</p> <p>The Codes of Practice are attached to this submission</p>	<p><u>Matters of control:</u></p> <p>a) <u>the discharge volume does not exceed 20 cubic metres per day;</u></p> <p>b) <u>there is no overland flow or ponding of horticultural wash-water, or application of the water to land when soil moisture exceeds field capacity</u></p> <p>c) <u>the discharge only contains water and soil, and there are no measurable concentrations of chemical additives present in the discharge except for HSNO approved sanitisers that are used following the label and comply with NZS8409:2004 Management of Agrichemicals</u></p> <p>d) <u>the discharge is not within:</u></p> <ul style="list-style-type: none"> (i) <u>20 metres of any outstanding freshwater body</u> (ii) <u>20 metres of a neighbouring property owner or occupied by another person; or</u> (iii) <u>50 metres of any dwelling owned or occupied by another person; or</u> (iv) <u>20 metres of any public road or public space</u> <p><u>Discharges associated with greenhouse nutrient solutions – restricted discretionary activity</u></p> <p><u>The discharge of greenhouse nutrient solution into, or onto land, that is not:</u></p> <ul style="list-style-type: none"> a) <u>a permitted activity under C.6.3.8</u>

Provision	Support / Oppose	Reasons	Decision sought
			<p><u>is a restricted discretionary activity</u></p> <p><u>Matters of discretion:</u></p> <p>1) <u>the extent to which the effects on the environment are managed through the following:</u></p> <ul style="list-style-type: none"> (i) <u>the disposal area;</u> (ii) <u>the collection treatment and disposal equipment;</u> (iii) <u>the storage system; and</u> (iv) <u>monitoring measures.</u>
C.6.3.6 Farm wastewater discharges to water – discretionary activity	Support	<p>HortNZ supports an approach where discharges of farm wastewater to water are a discretionary activity.</p> <p>It would be appropriate that horticulture wastewater be added to C.6.3.6.</p>	<p>Amend C.6.3.6</p> <p>Farm <u>Agricultural</u> wastewater discharges to water – discretionary activity</p> <p>The discharge of treated <u>farm wastewater and horticulture wastewater</u> into water is a discretionary activity provided the discharge is not into a dune lake, <u>surface water</u> flowing into any dune lake, an <u>outstanding freshwater body</u> or a <u>significant wetland</u>.</p>
C.6.4 Stormwater Discharges			
C.6.4.2 Other Stormwater discharges – permitted activity	Support in part Oppose in part	<p>Rule C.6.4.2 is permitted activity for stormwater discharge subject to a range of conditions.</p> <p>HortNZ is concerned that the approach is not appropriate for rural situations and seeks that the standards are amended to better reflect the rural environment.</p>	<p>Retain provision that do not apply a maximum site coverage or impervious surface area limitation in rural environments to manage stormwater.</p> <p>Amend C.6.4.2 by adding:</p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>Plans that provide a maximum site coverage or impervious surface area in rural environments are blunt tools that do not reflect the activities or their effects in the rural environment.</p> <p>C.4.1 includes rules for discharges of drainage water which are subject to general conditions in C.4.8. It is considered that C.6.4.2 should not also apply to water that is managed through the drainage system.</p> <p>Clause 3 has standards for discharges from hazardous substance storage areas. These areas are controlled via the HSNO Regulations and there should not be duplication.</p> <p>Clause 5) applies a standard for stormwater diversion and discharge from contaminated land. The standard inadvertently captures production land and would be better aligned with clause 5(8) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 whereby the control should apply if a piece of land is production land and a person wants to change the land use by undertaking the following:</p> <p>(a) remove a fuel storage system from the piece of land or replace a fuel storage system in or on the piece of land:</p> <p>(b) sample or disturb—</p>	<p><u>Except that discharges managed under land drainage rules in C.4.1 are excluded from C.6.4.2</u></p> <p>Amend Clause 3 where the stormwater diversion or discharge is from a hazardous substance storage area: <u>The HSNO requirements for storage will be met.</u></p> <p>Amend Clause 5: Where the stormwater diversion or discharge is from contaminated land <u>and an assessment is required clause 5(7) or 5(8) under Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011:</u></p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>(i) soil under existing residential buildings on the piece of land: (ii) soil used for the farmhouse garden or other residential purposes in the immediate vicinity of existing residential buildings: (iii) soil that would be under proposed residential buildings on the piece of land: (iv) soil that would be used for the farmhouse garden or other residential purposes in the immediate vicinity of proposed residential buildings: (c)subdivide land in a way that causes the piece of land to stop being production land: (d) change the use of the piece of land in a way that causes the piece of land to stop being production land.</p>	
6.5 Agrichemicals			
C.6.5.1 Application of agrichemicals – permitted activity	Support in part Oppose in part	<p>HortNZ supports the general approach in the provisions for application of agrichemicals but seeks some specific changes.</p> <p>Clause 1a i) requires that there be no offensive or objectionable odour, smoke, spray or dust or noxious or dangerous levels of gases or emissions. This is a very uncertain standard for a permitted activity rule and a user would not know whether they would meet it or not because</p>	<p>Amend Rule C.5.1 as follows:</p> <p>Delete 1 a) i)</p> <p>Amend 1) c) neighbouring properties receive notification no less than <u>24 12</u> hours and no more than two <u>three</u> weeks before the spraying activity is to take place, as set out in Table 6 Spraying notification requirements.</p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>the assessment of offensive or objectionable can be subjective. Inclusion of the clause opens up the activity to complaints from neighbours who object to agrichemical applications being undertaken.</p> <p>Clause 1) c) requires neighbour notification no less than 24 hours and no more than two weeks before the spraying activity is to take place.</p> <p>Application of agrichemicals is risk and weather dependent and requiring 24 hours' notice in impractical. In addition, a spray regime may go over a number of weeks, such as spraying pre-flower extends over a 20-day period. Therefore, a period of three weeks would be more practical.</p> <p>The notification is required to be undertaken by the owner or the occupier of the property to be sprayed unless delegated to the applicator. Many grower's notification is undertaken by a management company or packhouse as they have the ability to notify multiple owners efficiently. Therefore, HortNZ seeks that the delegation also be provided to a management company or packhouse.</p> <p>The notification information requires 'any notable adverse effects'. NZS8409:2004 Management of Agrichemicals M4 sets out the information that should be provided as part of notification but does not include 'any notable adverse effects'. It does require 'indication of agrichemicals that</p>	<p>Retain 1) d)</p> <p>Amend Table 6 Notification requirements column. Is undertaken by the owner, or occupier of the property to be sprayed unless delegated to the applicator <u>or management company or packhouse</u></p> <p>Amend Table 6 Notification requirements column c) iv) any notable adverse effects <u>Indication of any specific hazards eg bee toxicity</u></p> <p>Amend 2) a) and b) and 3) a) by deleting (or its equivalent)</p> <p>Amend 3 a) to GROWSAFE-Pilot Chemical Rating <u>issued by CAA</u></p> <p>Amend 2 c) and 3 b): the activity is undertaken in accordance with NZS8409:2004 Management of Agrichemicals as it relates to the management of discharges of agrichemicals. <u>Specific sections are Storage – Appendix L4</u> <u>Use – Part 5.3</u> <u>Disposal – Appendix S</u> <u>Records – Appendix C9</u></p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>may present a specific hazard (e.g. bee toxicity). Identifying specific hazards is more appropriate wording than 'any notable adverse effects' as an adverse effect does not occur until after an event if the application is not carried out according to best practice.</p> <p>HortNZ supports the inclusion of training requirements in the Plan. However, in the <i>Bodley v Northland Regional Council</i> case the Court held that it was inappropriate to include an 'equivalent' condition as it was uncertain in a permitted activity rule. Therefore, deletion of the 'or its equivalent' is sought.</p> <p>HortNZ supports the use of NZS8409:2004 Management of Agrichemicals as best practice for application of agrichemicals. However, clause 2) c) and 3 b) require that the application be in accordance with provisions as it relates to the management of discharges of agrichemicals. HortNZ considers that the Plan should specify the sections of 8409 to which it requires compliance so that there is certainty in the rule. Appropriate sections include:</p> <ul style="list-style-type: none"> • Storage – Appendix L4 • Use – Part 5.3 • Disposal – Appendix S • Records – Appendix C9 <p>The Pilot Chemical Rating is issued by CAA so should be referenced in the 3a).</p>	

Provision	Support / Oppose	Reasons	Decision sought
C.6.5.2 Application of agrichemicals into water – permitted activity	Support in part	<p>HortNZ supports the specific provision for application of agrichemicals directly into water.</p> <p>Changes are sought consistent with changes to C.6.5.1 relating to use of NZS8409 and the Pilot Chemical Rating issued by CAA.</p> <p>It is important that those undertaking discharges direct to water are adequately trained so HortNZ supports the inclusion of Clause 3)</p>	<p>Amend C.6.5.2 as follows: Amend 4): the activity is undertaken in accordance with NZS8409:2004 Management of Agrichemicals as it relates to the management of discharges of agrichemicals. <u>Specific sections are Storage – Appendix L4</u> <u>Use – Part 5.3</u> <u>Disposal – Appendix S</u> <u>Records – Appendix C9</u></p> <p>Amend 6) to GROWSAFE Pilot Chemical Rating <u>issued by CAA</u></p> <p>Retain clause 3)</p>
C.6.5.5 Application of agrichemicals and vertebrate toxic agents – discretionary activity	Oppose in part	<p>HortNZ consider that where the permitted activity standards in C.6.5.1 or C.6.5.2 are not met then the activity should be a restricted discretionary activity. It is considered that agrichemicals should be separated from vertebrate toxic agents</p>	<p>Amend C.6.5.5 by deleting agrichemicals and clauses 1) and 2)</p> <p>Add a new rule C.6.5.x <u>Application of agrichemicals – restricted discretionary activity.</u></p> <p><u>The discharge of agrichemicals that is not permitted under rule c.6.5.1 or C.6.5.2 is a restricted discretionary activity.</u></p> <p><u>Matters of discretion</u> <u>When assessing an application of agrichemicals onto or into land or water from the use or application of agrichemicals, the matters to be considered are:</u></p>

Provision	Support / Oppose	Reasons	Decision sought
			<p><u>(a) The type of agrichemical to be discharged, including its toxicity and volatility and the carrying agent (formulation);</u> <u>(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;</u> <u>(c) The nature of any training undertaken by the operator;</u> <u>(d) Measures to avoid agrichemical spray drift;</u> <u>(e) The extent to which the use or application complies with NZS8409:2004 Management of Agrichemicals;</u> <u>(f) The proximity of the use or application to potable water including roof water;</u> <u>(g) The proximity of the use or application to waterbodies;</u> <u>(h) The timing of application in relation to weather conditions; and</u> <u>(i) Communication and notification requirements.</u></p>
C.6.9 Other discharges of contaminants			
C.6.9.3 Discharge of fertiliser – permitted activity	Support	HortNZ supports the rule for fertiliser that is in accordance with the Code of Practice for Nutrient Management. A definition is sought for fertiliser to clarify what substances are included under Rule C.6.9.3.	Retain C.6.9.3.
C.6.9.x Application of compost or animal manure	New provision	There does not appear to be any provision in the Plan that enables the application of compost or animal manure to production land. Such product	Include a new rule of Application of animal manure

Provision	Support / Oppose	Reasons	Decision sought
		<p>is not classed as a fertiliser but has nutrient and soil conditioning properties.</p> <p>It is recognised that such substances need to be applied with caution but subject to best practice standards any potential adverse effects can be managed.</p>	<p>The discharge of compost or animal manure onto or into production land including manure from poultry and piggeries is a permitted activity provided:</p> <p>a) There must be no direct discharge or run-off of manure into a surface water body or its bed or artificial watercourse, (b) The discharge must comply with the following separation distances: (i) for discharges of piggery and poultry manure, 150 m from any residential buildings, public places and amenity areas where people congregate and education facilities (ii) for other discharges, 20 m from any residential buildings, public places and amenity areas where people congregate and education facilities (iii) for all discharges, 20 m from bores, surface water bodies, artificial watercourses and the coastal marine area c) There must be no offensive or objectionable odour, dust, or drift beyond the property boundary.</p>
C.6.9.5 Discharges to land or water not provided for by other rules - permitted activity	Oppose	This is a somewhat redundant rule as it repeats the restrictions in section 107 of the Act. The concern with the rule as it is currently drafted is that it applies a blanket restriction on discharges (outside those permitted by another authorising rule) where the existing water quality is at or above a current water quality or sediment quality standard. This may have been the intention, but it is not clear.	<p>Provide activity specific discharge rules for those activities which can be managed through best practice conditions such as:</p> <ul style="list-style-type: none"> • Vegetable wash water • Greenhouse nutrient water discharges

Provision	Support / Oppose	Reasons	Decision sought
		<p>The implication is that other activities in the catchment may already have impacted the location of the discharge which may have a low or negligible effect on the environment but without specific authorisation in a rule is now subject to the discretionary rule C.6.9.6</p> <p>HortNZ is also concerned that conditions are arbitrary and not well defined. This includes the mixing zone which is often described as the zone of non-compliance. The lack of temporal conditions for the water quality attributes (Dissolved Oxygen; Colour/Clarity and pH).</p> <p>There needs to be provision that some hazardous substances are able to be discharged to land or water subject to meeting the provisions of HSNO. Changes are sought to clause 2 to this effect.</p>	<ul style="list-style-type: none"> • Cultivation or land preparation discharges <p>The 'catch all' rule can then be defined by the ability to meet the desired freshwater state as a freshwater objective or water quality standard or target described in policy D.4.1.</p> <p>Amend Rule C.6.9.5</p> <p>C.6.9.5 Discharges to land or water not provided for by other rules - permitted activity</p> <p>The discharge of water or contaminants into water or onto or into land where it may enter water that is not regulated by any other rule in this plan is a permitted activity, provided:</p> <ol style="list-style-type: none"> 1) the discharge does not contain any exotic organisms, and 2) <u>if the discharge does not contains a hazardous substance that the requirements of HSNO are met in respect of that substance,</u> and 3) the discharge does not contain biosolids, and 4) the discharge does not cause any of the following effects in the receiving waters beyond a 20-metre radius from the point of discharge: the waterbody to exceed the water quality standards or the sediment quality standards after the reasonable mixing zone.

C7 Discharges to air

Provision	Support / Oppose	Reasons	Decision sought
C.7.1.1 Outdoor burning – permitted activity	Support in part Oppose in part	<p>HortNZ supports the inclusion of a permitted activity rule for outdoor burning but notes that C.7.1.1 2) excludes the Whangarei and Kerikeri airsheds in which a number of growers are located.</p> <p>Clause 1a i) requires that there be no offensive or objectionable odour, smoke, spray or dust or noxious or dangerous levels of gases or emissions. This is a very uncertain standard for a permitted activity rule and a user would not know whether they would meet it or not because the assessment of offensive or objectionable can be subjective. Inclusion of the clause opens up the activity to complaints from neighbours who object to outdoor burning being undertaken.</p> <p>Notification to smoke sensitive activities where the burning is likely to last more than 24 hours and is within 100 metres of a smoke sensitive activity is supported</p>	<p>Amend Rule C.7.1.1 as follows:</p> <p>Delete clause 1</p> <p>Retain Clause 5)</p>
C.7.1.2 Outdoor burning in the Whangarei and Kerikeri airsheds – permitted activity	Support in part Oppose in part	<p>HortNZ supports the inclusion of a permitted activity rule for outdoor burning for the Whangarei and Kerikeri airsheds in which a number of growers are located.</p> <p>Clause 1a i) requires that there be no offensive or objectionable odour, smoke,</p>	<p>Amend Rule C.7.1.2 as follows:</p> <p>Delete clause 1</p> <p>Retain Clause 6)</p> <p>Retain Clause 4)</p>

		<p>spray or dust or noxious or dangerous levels of gases or emissions. This is a very uncertain standard for a permitted activity rule and a user would not know whether they would meet it or not because the assessment of offensive or objectionable can be subjective. Inclusion of the clause opens up the activity to complaints from neighbours who object to outdoor burning being undertaken.</p> <p>Notification to smoke sensitive activities where the burning is likely to last more than 24 hours and is within 100 metres of a smoke sensitive activity is supported.</p> <p>Burning is not permitted in the Whangarei airshed during June, July or August. The same restriction does not apply in the Kerikeri airshed. HortNZ supports that provision as the restriction in the Kerikeri airshed would be unworkable for growers.</p>	
C.7.1.4 Outdoor burning for biosecurity purposes – permitted activity	Support in part	<p>HortNZ supports the inclusion of a rule to permit burning of material for biosecurity purposes but note that it is subject to the clause regarding offensive and objectionable or noxious or dangerous effects.</p> <p>Such a condition is uncertain and inappropriate for a permitted activity rule and could prevent the rapid destruction of infected material</p>	Retain C.7.1.4 but delete clause 1).

C8 Land disturbance activities

Provision	Support / Oppose	Reasons	Decision sought
C.8.2 Cultivation	Oppose in part	<p>HortNZ seeks that the Plan include provisions for land preparation that includes cultivation and other activities that are undertaken as part of horticulture operations rather than a specific provision for only cultivation.</p> <p>Therefore, the section C.8.2 should be amended to 'Land preparation'.</p>	Amend C.8.2 by deleting 'cultivation' and add 'land preparation'.
C.8.2 Cultivation – permitted activity	Oppose in part	<p>HortNZ seeks that the Plan include provisions for land preparation that includes cultivation and other activities that are undertaken as part of horticulture operations rather than a specific provision for only cultivation. A definition is sought for land preparation that includes the range of land preparation activities that are undertaken as part of horticulture. It is considered that the effects of such activities are no more than minor and should be provided for as a permitted activity.</p> <p>HortNZ seeks that the code of practice for Erosion and Sediment Control be used as a standard in the rule as this incorporates best practice for land disturbance for horticulture activities.</p>	<p>Delete C.8.2.1 Cultivation and replace with the following:</p> <p>Land preparation is a permitted activity provided:</p> <ol style="list-style-type: none"> 1) Best practice measures are implemented to reduce sediment runoff from land preparation 2) the activity is not undertaken in the catchment of an outstanding lake, and 3) the activity is not done on highly erodible land, <u>OR</u> 4) The activity complies with the Horticulture New Zealand Code of Practice 'Erosion and Sediment Control Guidelines for Vegetable Production' (June 2014)
C.8.2.2 Cultivation – controlled activity	Oppose in part	Consequent to the changes sought to C.8.2.1 Rule C.8.2.2 should be changed to land preparation	Amend C.8.2.2 Cultivation- <u>Land preparation</u> - controlled activity Cultivation of land

			<p><u>Land preparation</u> that is not a permitted activity under C.8.2.1 '<u>Cultivation – Land preparation - permitted activity</u>' is a controlled activity.</p> <p>Matters of control:</p> <ol style="list-style-type: none"> 1) Effects on water quality, and 2) The scale, location, and timing of <u>cultivation, land preparation</u> and 3) Erosion and sediment control measures.
C.8.4 Vegetation clearance	Support in part	<p>Horticulture New Zealand supports the permitted activity status of vegetation clearance subject to the definition being amended as requested above.</p> <p>If HortNZ's submission point on land preparation is not accepted, HortNZ would oppose the 10m setback required in C.8.4.2.1) a). As currently proposed, cultivation is a permitted activity within 5m of a natural wetland, or the bed of a natural river or lake (C.8.2.1). Given that crops can be cultivated, planted and grown with 10m of a wetland, lake or river, it is necessary to allow vegetation clearance within that area for protection from pests or intrusion.</p> <p>Vegetation along riparian margins often harbours pests and diseases, and farmers need the ability to manage this vegetation to protect crops.</p> <p>Unmanaged vegetation (which could include shelter belts, scattered trees, regenerating bush or riparian planting), can cause root intrusion and overhang of productive land as well as adverse shading effects and</p>	<p>Amend as follows:</p> <p>C.8.4 <u>Indigenous</u> vegetation clearance</p> <p>C.8.4.2 Clearance of <u>indigenous</u> vegetation – permitted activity</p> <p><u>Indigenous</u> vegetation clearance outside rivers, lakes, wetlands, the coastal hazard management area, and the coastal marine area is a permitted activity, provided:</p> <ol style="list-style-type: none"> 1) <u>the activity complies with the Horticulture New Zealand code of practice 'Erosion and Sediment Control Guidelines for Vegetable Production (June 2014), or</u> 2) the area of cleared vegetation does not exceed the following thresholds in any 12 month period: <ol style="list-style-type: none"> a) 200 square metres within <u>5</u> metres of a natural wetland or the bed of a river or lake, or.....

		<p>infrastructure (tracks, pipes, buildings) disruption.</p> <p>The environmental benefits of indigenous vegetation and riparian planting need to be balanced against the appropriateness of restrictions on land use in the vicinity of waterbodies.</p> <p>Furthermore, the Section 32 report notes that the main issues associated with vegetation clearance is that it exposes soil to rainfall which can increase the amount of soil mobilised. The report notes that the root structure of woody vegetation helps stabilise land.</p> <p>It is therefore appropriate to permit clearance of indigenous vegetation where works meet best practice erosion and sediment control measures for the duration of land disturbance. Industry best practice is deemed to be the Erosion and Sediment Control Guidelines for Vegetable Production 2014.</p> <p>This approach ensures an appropriate site-specific response which meets the environmental outcome sought and does not compromise the rural production system.</p>	
C.8.5.1 Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction	Support	HortNZ supports the inclusion and wording of this rule.	Retain

– permitted activity			
C.8.5.2 Alteration or decommissioning of a bore – permitted activity	Support	HortNZ supports the inclusion and wording of this rule.	Retain
C.8.5.3 Construction or alteration of a bore – controlled activity	Support	HortNZ supports the inclusion and wording of this rule.	Retain
C.8.5.4 Construction, alteration, and decommissioning of a bore that is not a permitted or controlled activity – discretionary activity	Support	HortNZ supports the inclusion and wording of this rule.	Retain

SCHEDULE FIVE: Policies

D1 Policies Tangata Whenua

Provision	Support / Oppose	Reasons	Decision sought
<p>D.1.2 Requirements of an analysis of effects on tangata whenua and their taonga</p>	<p>Oppose in part</p>	<p>D.1.2 2)a) requires that activities captured by D.1.1 must take into account any relevant iwi management plan.</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.</p> <p>HortNZ 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>D.1.2 1) requires that the analysis of effects corresponds with the scale and significance of effects that the activity may have on tangata whenua but then lists in 2) a range of matters to which regard is to be had. The clause should clearly indicate that regard is where it is appropriate to consider the listed matters.</p>	<p>Delete D.1.2 2) a)</p> <p>Amend D.1.2 2) <u>where appropriate</u> have regard to <u>the following:</u></p>

D2 Policies General

Provision	Support / Oppose	Reasons	Decision sought
D.2.1 Rules for managing natural and physical resources	Support	<p>This policy aligns with the RPS Policy 6.1.1 d) which states regional and district plans shall use or support good management practices.</p> <p>As per the discussion in Schedule Two of this submission, HortNZ supports the RPS definition of good management practices and supports the adoption of HortNZ approved codes of practices as attached to this submission.</p>	Retain
D.2.2 Social, cultural and economic benefits of activities	Support	HortNZ supports taking a holistic approach to the overall cost-benefit analysis of resource consent applications.	Retain
D.2.3 Application of policies in the Regional Policy Statement for Northland for non-complying activities	Support in part	<p>HortNZ seeks that the RPS should be referred to in its entirety – including policies and objectives. According to the Section 32 report, only the policies identified are relevant for consideration of non-complying activities.</p> <p>However, these policies sit within a framework of integrated objectives and policies. In order to understand the true intent of the identified policies and to assess and understand all possible effects resulting from an activity – it is necessary to refer back to the relevant higher-level objective and related policies.</p>	<p>Amend Policy D.2.3</p> <p><u>Application of the Regional Policy Statement for Northland to non-complying activities</u></p> <p><u>When considering a resource consent for a non-complying activity under Section 104D of the RMA, all the objectives and policies in the Regional Policy Statement for Northland which are relevant to that activity shall be applied.</u></p>

		The Section 32 report does not provide any detailed analysis or explanation for why the specific policies have been identified. HortNZ is concerned that there are additional policies that should be taken into account and have not been given adequate consideration in the development of the proposed plan.	
D.2.4 Resource consent duration	Support	HortNZ supports the need to consider investment security, resource demand and environmental effects in determining the duration of resource consents.	Retain
D.2.7 Managing adverse effects on indigenous biodiversity	Support	HortNZ supports sub-clause 3 which gives considers the “system-wide” or bigger picture approach in assessing adverse effects of those activities requiring resource consent.	Retain D.2.7.3
D.2.X Noxious, dangerous, offensive and objectionable	Insert new policy	<p>Schedule Two of this submission outlines the concerns of HortNZ regarding guidance around assessment of whether an activity is ‘noxious’, ‘dangerous’, ‘offensive’, and ‘objectionable’.</p> <p>HortNZ seeks a new policy be inserted to provide guidance on applying these measures.</p>	<p>Insert new Policy:</p> <p><u>When assessing resource consent applications or complaints about permitted activities being noxious’, ‘dangerous’, ‘offensive’, or ‘objectionable the following factors will be taken into consideration:</u></p> <p>i) <u>The extent to which a discharge is likely to cause adverse physical health effects, or significant adverse effects on the environment (e.g. on plant and animal life)</u></p> <p>(ii) <u>The location of the activity and sensitivity of the receiving environment – For example, what may be considered offensive or objectionable in an urban area, may not necessarily be considered offensive or objectionable in a rural area.</u></p>

			<p><u>(iii) Reasonableness - Whether or not an activity is offensive or objectionable should be determined by an ordinary person who is representative of the community at large and neither hypersensitive nor insensitive, in deciding whether the activity is disgusting, nauseous, repulsive or otherwise objectionable.</u></p> <p><u>(iv) Existing uses - It is important to consider what lawfully established activities exist in an area, i.e. if a new activity requires a permit, the effect of existing discharges of contaminants into air should be considered</u></p> <p><u>The MfE Guidelines for Managing odour may be used in assessing cases, based on the FIDOL factors- frequency, intensity, duration, offensiveness, location.</u></p>
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D3 Policies Air

Provision	Support / Oppose	Reasons	Decision sought
D.3.1 General approach to managing air quality	Support in part	The general approach considers the best practicable option for managing air quality which is supported. However, the approach also seeks that the Ambient Air Quality Guidelines 2002 (AAQG) be taken into account when assessing discharges. The AAQG are only appropriate where the discharge being considered is to ambient air as opposed to being a localised discharge.	<p>Amend D.3.1 4): take into account the New Zealand Ambient Air Quality Guidelines 2002 when assessing the effects of the Discharge <u>on ambient air quality</u>, and</p> <p>Amend Clause 7: take into account the current environment and surrounding zoning in the relevant district plan</p>

		HortNZ supports clause 7 which recognises the current environment and surrounding zoning and seeks that reverse sensitivity be a specific matter that is considered. People locating in rural environments need to be cognisant that discharges to air occur in the rural environment.	including existing amenity values <u>and potential for reverse sensitivity effects</u>
D.3.2 Burning and smoke generating activities	Support	The policy applies where resource consent is required and includes that there be a smoke management plan where there is a likelihood of objectionable and offensive discharges of smoke across property boundaries. This approach is supported	Retain D.3.2
D.3.4 Spray generating activities	Support in part	The policy applies where resource consent is required and includes that there be a spray management plan where there is a likelihood of objectionable and offensive discharges of spray across property boundaries. This approach is supported. However, the policy could be more specific as to how the risk of spraydrift is to be managed.	Amend D.3.4 2) e) details of good management practice that will be used to control spray <u>manage the risk of spraydrift</u> to the extent that adverse effects from spray at the boundary of the site are managed.

D4 Policies Land and Water

Provision	Support / Oppose	Reasons	Decision sought
D.4.1 Water quality standards for rivers	Oppose	<p>The proposed water quality standards are confusing in their current format as 'standards' for plan provisions.</p> <p>It is uncertain if they are intended as a holding pattern for the National Objectives Framework (NOF) in each of the proposed catchments as all catchments are effectively</p>	<p>Provide Water quality targets for all rivers based on current SOE data for all NPSFM attributes.</p> <p>This will provide for maintaining and improving the current state while providing an incentive for discharges to meet existing background levels.</p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>set at an A Band standard for ammonia and nitrate.</p> <p>An examination of the draft catchment plans shows that several of the sub-catchments already exceed the proposed standards (based on State of Environment (SOE) data).</p> <p>The implication is that these standards are actually desired states, rather than standards.</p> <p>HortNZ also notes that standards for water quality are limited to nitrogen and ammonia. This is at odds with the other compulsory attributes in the NPSFM and the holistic management of waterbodies.</p> <p>The standards both in terms of the attributes and the A band NOF levels seem to have been picked randomly.</p> <p>HortNZ supports the introduction of a desired state for Northland Water bodies and also targets if these are required.</p> <p>However, it is preferred that this is undertaken with a process to examine the water quality values within Te Mana o Te Wai and the values identified through engagement with the community including tangata whenua.</p>	<p>The quality target attribute levels need to be defined as measured state targets so temporal variability is accounted for by including a new column or adjusting the compliance state text.</p> <p>This is important as the use of these levels for compliance with a proposed discharge means that a comparable value is required.</p> <p>Amend Policy D.4.1</p> <p>Water quality standards targets for rivers</p> <p>A discharge of a contaminant into a river or any surface water flowing to a river must not cause any of the following river water quality targets standards to be exceeded:</p> <p>Insert NOF table with SOE current state levels.</p> <p>Source from Northland Regional Council (2016).</p>

Provision	Support / Oppose	Reasons	Decision sought
D.4.2 Water quality standards for lakes	Oppose	<p>The proposed water quality standards for lakes are similar to the above water quality standards for rivers.</p> <p>We believe that while the proposal for lake standards is admirable the provisions as notified make all deep lakes A band and all shallow lakes C band. While these may be the current state values for these lakes it seems that the cyanobacteria values are missing.</p> <p>As above we are concerned that the process for standards is confused with seeking a placeholder for the desired state of freshwater objective levels.</p> <p>An interim measure may be to call these provisions targets and include the A band and C band levels respectively for cyanobacteria.</p> <p>The quality target attribute levels need to be defined as measured state targets so temporal variability is accounted for by included a new column or adjusting the compliance state narrative.</p>	<p>Amend Policy D.4.2 Water quality standards targets for lakes</p> <p>A discharge of a contaminant into a lake or any surface water flowing to a lake must not cause any of the following lake water quality targets standards to be exceeded:</p> <p><i>Update table to include cyanobacteria attribute levels for Deep Lakes A Band level and Shallow Lakes C band level.</i></p>
D.4.3 Coastal water quality standards	Support in part	<p>HortNZ are supportive of the coastal standards framework.</p> <p>We do however recommend that the standards include a definition for the measured state and levels.</p>	<p>Insert a column for temporal period for the compliance state</p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>For example, many of the attributes vary considerably with tide, temperature and sunlight.</p> <p>It would be sensible to include a measured state framework as an adjustment for the compliance metric</p> <p>We are happy to work with the Council science team to draft a column to provide for this.</p>	
D.4.4 Coastal sediment quality standards	Support	We support the inclusion of sediment standards in the Coastal Plan as a recognition of these sensitive environments as 'sinks' for catchment land use activities.	Retain
D.4.5 Overall water quality	Oppose	<p>This provision sets a very difficult test for discharges failing to meet a permitted rule in the proposed plan provisions.</p> <p>This provision needs to be refined in the context of the other policy provisions and proposed permitted rule for other discharges C.6.9.5 prior to the discretionary activity.</p> <p>The policy doesn't confine the application of this test to a mixing location or the state of the river at the time of the discharge proposal.</p>	<p>Amend Policy D.4.5</p> <p>Maintaining overall water quality</p> <p>An application for a resource consent that would allow <u>diffuse or point source discharge to the environment</u> will generally be declined where <u>(after the reasonable mixing zone)</u>:</p> <ul style="list-style-type: none"> a) <u>a coastal sediment standard will be exceeded or further exceeded; or</u> b) <u>a coastal water quality standard will be exceeded or further exceeded; or</u> c) <u>a lake water quality target will be exceeded or further exceeded; or</u> d) <u>a lake water quality target will be exceeded or further exceeded.</u>

Provision	Support / Oppose	Reasons	Decision sought
			Resource consent may be granted if existing <u>water quality targets are achieved through catchment offsetting of non-toxic contaminants beyond the mixing zone.</u>
D.4.6 Offsetting residual non-toxic contaminants	Support in part	<p>HortNZ support the use and introduction of an off-setting provision and policy into the proposed regional plan.</p> <p>However, the approach to offsetting needs to target the catchment where the discharge occurs and to ensure that the contaminants are linked to stream chemistry toxicity.</p> <p>HortNZ also believes that the offsetting should target discharges which won't cause legacy effects on the catchment.</p>	<p>Amend Policy D.4.6</p> <p>Offsetting residual non-toxic contaminants</p> <p>Regardless of the quality of the receiving waters, ensure that non-toxic contaminants that:</p> <ul style="list-style-type: none"> a) <u>are not causing coastal sediment standards to be exceeded; and</u> b) <u>are not causing toxic changes in stream chemistry; and</u> c) <u>cannot be removed from a discharge</u> <p>are offset to the fullest extent practicable in the catchment of the water body or coastal water <u>where the discharges occur.</u></p> <p>This will be achieved by way of re-vegetating riparian margins and restoring or constructing wetlands.</p>
D.4.7 Wastewater discharges to water	Oppose in part	<p>HortNZ supports the ongoing development of best practical options and have actively developed and promoted best practice guidelines and standards.</p> <p>However, this policy provision doesn't make it clear if it applies to direct discharges to</p>	<p>Amend Policy D.4.7</p> <p>Wastewater discharges to water</p> <p>An application to discharge wastewater to water will generally not be granted unless:</p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>water or both discharges to land entering water.</p> <p>As the act clearly defines discharges to water as both activities a refinement is sought.</p> <p>We believe that a direct discharge to water is not best practice and a land application, while needing control and management, is a better option.</p>	<p>1) discharging wastewater from a farm, domestic or municipal source to water is the best practicable option.</p> <p>or</p> <p>2) there is no trade waste connection available to receive industrial or trade wastewater or the network operator is unable or unwilling to accept the discharge.</p> <p><u>Resource consent may be granted if the discharge is to land entering water as a diffuse discharge and water quality targets are achieved through catchment offsetting of non-toxic contaminants beyond the mixing zone.</u></p>
D.4.8 Zone of reasonable mixing	Support	HortNZ supports this policy subject to the definition being amended as sought above.	Retain
D.4.10 Discharge of hazardous substances to land or water	Support in part	<p>HortNZ supports the provision of a policy for the control of hazardous substances in Northland.</p> <p>The provision as drafted however omits in the first clause the direction to 'contain' hazardous substances at source. This is a key principle of the HSNO Act and approach in the regulation of hazardous substances.</p>	<p>Amend Policy D.4.10</p> <p>Discharge of hazardous substances to land or water</p> <p>1) Where a substance is approved under the Hazardous Substances and New Organisms Act 1996 to be discharged to land or water, good management practices must be used to avoid, as far as practicable, adverse effects on:</p> <p>a) non-target organisms, and</p> <p>b) the use and consumption of water by humans or livestock, and</p> <p>c) <u>containment against</u> accidental spillage, and</p>

Provision	Support / Oppose	Reasons	Decision sought
			<p>2) where a substance is not approved under the Hazardous Substances and New Organisms Act 1996 to be applied to land or into water, activities involving the use, storage or disposal of hazardous substances must be undertaken using the best practicable options to:</p> <p>a) as a first priority, avoid a discharge (including accidental spillage) of hazardous substances onto land or into water, including reticulated stormwater systems, and</p> <p>b) as a second priority, ensure, where there is a residual risk of a discharge of hazardous substances, including any accidental spillage, it is contained on-site and does not enter surface water bodies, groundwater or stormwater systems.</p>
D.4.11 Discharges from landfills	Support in part	<p>The ability to store and manage a community's solid waste is an essential requirement for natural resource management. HortNZ supports this provision and the intent of the clauses.</p> <p>However, to protect the interests of the environment and other resource users a few amendments are proposed.</p> <p>The proposed policy provisions need explicit direction to avoid leachate from entering groundwater and the siting of landfill or leachate reticulation in groundwater recharge zones.</p>	<p>Amend Policy D.4.11</p> <p>Discharges from landfills</p> <p>The adverse effects on surface water, groundwater, and coastal water from discharges to land associated with landfills must be minimised by ensuring landfill <u>location</u>, design, construction, operation and maintenance include:</p> <p>1) methods for leachate management, collection, treatment and disposal, and</p> <p>2) methods for stormwater capture and control from both off-site and on-site sources, and</p>

Provision	Support / Oppose	Reasons	Decision sought
		HortNZ also recommend the policy include direction to ensure the active separation of stormwater and leachate in the landfill operation.	<p><u>3) methods for the separation of leachate and stormwater within the surface and subsurface water controls and reticulations, and</u></p> <p>4) maintenance and monitoring to minimise contamination of the receiving environment, and</p> <p><u>5) ensuring landfills are located in such a way as to avoid sensitive aquifers and recharge zones, and</u></p> <p>6) ensuring landfills are managed in accordance with site-specific landfill management plans, and</p> <p>7) controls to manage hazardous waste and avoid any discharge of hazardous wastes or the leaching of contaminants from hazardous wastes into or onto land where they may enter water, and</p> <p>8) ensuring landfills are closed and monitored in accordance with A Guide for the Management of Closing and Closed Landfills in New Zealand (Ministry for the Environment, 2001).</p>
D.4.13 Achieving freshwater quantity related outcomes	Support in part	The RPS has clarified that the national values of irrigation, cultivation and food production are particularly relevant to the Region and a means to realising the region's economic potential and improving the wellbeing of communities. The ability to provide for the growing social and economic needs of people is dependent on water being available.	<p>Amend Policy D.4.13 as follows:</p> <p>Achieving freshwater quantity related outcomes</p> <p>Manage the taking, use, damming, and diversion of fresh water so that:</p> <p>1) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh and coastal water are safe-guarded, and</p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>Ecological values, recreational values, amenity values tangata whenua values are noted in Policy D.4.13 but nothing on irrigation, cultivation and food production.</p> <p>Additionally, the wording of sub-clause 2 is ambiguous, particularly the words “natural” and “are not altered” are not quantified in the plan. HortNZ seeks that this sub-clause is reworded.</p>	<p>2) <u>there are no significant adverse effects to the natural hydrological variation of outstanding freshwater bodies and natural wetlands are not altered</u>, and</p> <p>3) rivers have sufficient flow variability to maintain habitat quality, including to flush rivers of deposited sediment and nuisance algae and macrophytes, and</p> <p>4) flows and water levels support sustainable mahinga kai, and</p> <p>5) saline intrusion in, and land subsidence above, aquifers is avoided, and</p> <p>6) recreational and amenity values associated with fresh water are maintained</p> <p><u>7) irrigation, cultivation and food production values are recognised with reliable and secure access to water provided.</u></p>
D.4.14 Minimum flows for rivers	Support	HortNZ supports these minimum flows which are fairly consistent with other Councils.	Retain
D.4.15 Minimum levels for lakes and wetlands	Support	The provisions within this policy are fairly standard and consistent with other regions.	Retain
D.4.16 Allocation limits for rivers	Support in part	<p>Generally, HortNZ supports the proposed allocation limits.</p> <p>Clause 2) b) iii) “resource consents for unauthorised takes” is confusing and should be re-worded.</p>	Amend Policy D.4.16 2) b) iii) <u>unauthorised takes that existed at the notification date of this plan, which are now authorised via resource consent.</u>

Provision	Support / Oppose	Reasons	Decision sought
D.4.17 Allocation limits for aquifers		<p>The allocation limits for the Aupouri Peninsula are based on the Lincoln Agritech (2015) report, which modelled the entire peninsula. More recent investigation and modelling have been undertaken in the Aupouri-Houhora, Aupouri-Motutangi and Aupouri-Waiparera sub-zones which demonstrate the aquifer's sustainable limit for these sub-zones is greater than the proposed value.</p> <p>Schedule Seven of this submission includes a copy of the recent investigation (Motutangi-Waiharara Groundwater Modelling Report). This demonstrates that even with the new Motutangi-Waiharara Water User Group consents, the only sub-unit that exceeds the allocation limit is the Aupouri_Motutangi zone.</p> <p>HortNZ seeks an increase to the groundwater allocation limits of the Aupouri-Houhora, Aupouri-Motutangi and Aupouri-Waiparera zones to 15% of recharge each. This still represents a conservative allocation limit, and is proven sustainable through the Motutangi-Waiharara Water User Group consent application modelling undertaken by Williamson Water Advisory earlier this year.</p>	Amend Table 12 in Policy D.4.17 to increase the groundwater allocation limits of the Aupouri-Houhora, Aupouri-Motutangi and Aupouri-Waiparera zones to 15% annual average recharge.
D.4.18 Conjunctive surface water and	Support	HortNZ supports Policy D.4.18 but seeks a definition of a "direct or high connectivity"	Retain

Provision	Support / Oppose	Reasons	Decision sought
groundwater management		aquifer to support the efficient application of the policy.	See Schedule Three for proposed definition of a “direct or high connectivity” aquifer
D.4.19 Exceptions to minimum flows or levels	Support in part	<p>The exceptions to minimum flows or levels where by resource consent may be granted for water taken for preventing the death of viticulture or horticulture crops is supported by HortNZ, however clarity is required in regards to the reference to permeant horticulture crops.</p> <p>The case for survival water to horticultural rootstock and water sensitive crops for human consumption is well established around New Zealand. The provision of crop and rootstock survival water in times of drought (fettered by rationing and subject to s329) is a sound resource management response. There are choices available for the other uses (and economic impacts) including at the extreme:</p> <ul style="list-style-type: none"> • In the case of pastoral production sourcing animal feed from offsite, reducing or moving stock, • Closing sports fields, parks, pools, • Moving nursery plants to another location, • Not watering the garden/washing cars or boats from municipal supply 	<p>Amend D.4.19 as follows:</p> <p>Exceptions to minimum flows or levels</p> <p>An Application for a water permit that would allow water to be taken from a river, lake or natural wetland when flows or levels are below a minimum flow or minimum level will generally not be granted. A resource consent may be granted if:</p> <p>1) the water is to be taken for:</p> <p>a) the health of people as part of a registered drinking water supply, or b) the sole purpose of preventing the death of permanent viticulture or <u>permanent or water sensitive horticulture crops</u> (excluding pasture species, animal fodder crops, and maize), or</p> <p>2) a different minimum flow or minimum level has been set for the water body in a resource consent.</p>

Provision	Support / Oppose	Reasons	Decision sought
		<p>There are no alternatives for water sensitive crops or rootstock. Without water they will die.</p> <p>Planning documents around New Zealand have moved to provision crop and rootstock survival water through various policy and methods. Examples include:</p> <p>Auckland Unitary Plan Chapter E2 Water quantity, allocation and use: Policy E2.3. Temporary water shortage, including minimum flow and groundwater conditions 12. Consider the use of water shortage directions under section 329 of the Resource Management Act 1991 to impose temporary restrictions... <i>(f) Takes for irrigating water sensitive crops for human consumption.</i></p> <p>Bay of Plenty Region-wide Water Quantity - Proposed Plan Change 9 to the Bay of Plenty Regional Water and Land Plan. Policy WQ P31:</p> <p>To give priority to water abstraction for the following uses during times of low water flows or aquifer levels... <i>(e) Crop and rootstock survival water.</i> <i>Crop and rootstock survival water - Water provided for the survival of crop or root stock intended for human consumption. This</i></p>	

Provision	Support / Oppose	Reasons	Decision sought
		<p><i>includes permanent horticultural crops (e.g. kiwifruit, avocado, stonefruit, pipfruit) and hydroponic glasshouse crops and excludes pasture species, animal fodder crops and maize.</i></p> <p>Tasman Resource Management Plan Chapter 30 – Taking, Using, Damming and Diverting Water 30.2 Allocation Of Fresh Water Between Competing Water Users: Equitable Water Allocation Policy 30.2.3.12 (D) Root Stock Survival Water</p> <p><i>In considering applications to take water in the Waimea Plains Zones ... the Council may provide for the taking of water authorised for the sole purpose of avoiding the death of pipfruit, stonefruit, viticulture and kiwifruit root stock and for the purpose of glasshouse irrigation as follows...</i></p> <p>Hawke's Bay Regional Resource Management Plan:</p> <p>Chapter 5.9 Tukituki River Catchment POL TT9 Implementing Minimum Flow Regime And Allocation Limits 5.9 Tukituki River Catchment <i>(iva) The taking of water authorised for the sole purpose of avoiding the death of horticultural or viticultural root stock or crops shall be allowed to occur to any extent</i></p>	

Provision	Support / Oppose	Reasons	Decision sought
		<p><i>allowed by conditions of consent as follows...</i></p> <p>Kumara are an example of a horticultural crop (not inground rootstock), permanently cropped in rotation.</p>	
D.4.20 Reasonable and efficient use of water - irrigation	Support in part	<p>Policy D.4.20 and the criteria that requires an irrigation application efficiency of at least 80 percent, and demand conditions that occur in nine out of 10 years is supported by HortNZ. The policy would be improved by recognising that the assessment of crop water use requirements should include the specified growth requirements of a business and the requirements of a crop through all phases of the life cycle.</p> <p>HortNZ seeks that the words “field-validated” and “within an accuracy of 15 percent” be deleted as it is unclear how these are to be measured.</p>	<p>Amend D.4.20 as follows:</p> <p>An application for a resource consent to take water for irrigation purposes must include an assessment using a field-validated water balance model that considers land use, crop water use requirements (<u>that includes the specified growth requirements of a business and the requirements of a crop through all phases of the life cycle</u>), on-site physical factors such as soil water holding capacity, and climate factors such as rainfall variability and potential evapotranspiration. The model must reliably predict annual irrigation volume within an accuracy of 15 percent.</p> <p>The annual volume calculated using the model must meet the following criteria:</p> <ol style="list-style-type: none"> 1) an irrigation application efficiency of at least 80 percent, and 2) demand conditions that occur in nine out of 10 years.
D.4.21 Reasonable and efficient use of water -	Support	The requirement that an application for resource consent to take or use water for group or community drinking water supplies	Retain D.4.21 as proposed.

Provision	Support / Oppose	Reasons	Decision sought
group or community water supplies		must include a water management plan to demonstrate efficiency and demand is supported by HortNZ.	
D.4.22 Reasonable and efficient use of water - other uses	Support in part	The requirement for resource consent application for other uses to include an assessment of reasonable and efficiency use is supported. However, the policy requires this only in respect of demonstrating water will not be wasted and to identify opportunities for re-use of conservation. An assessment of reasonable and efficient use is wider than this and must consider the effects of this application on other existing or future users.	Amend D.4.22 as follows: A resource consent application to take water for any other use of water must include an assessment of reasonable and efficient use <u>by which should include</u> demonstrating that water will not be wasted and identify any opportunities for re-use or conservation. <u>Priority should be given to potable water, stock animal and viticulture and permanent or water sensitive horticulture supply as per D.4.19.</u>
D.4.23 Conditions on permits	Support in part	HortNZ supports the introduction of a measuring/reporting provision for all consented takes. Supporting a more robust recording and reporting approach to freshwater management in Northland, there must more robust measurements of flow rates and determining base flows for water bodies across the region. Without this, limit setting is not informed by the best available information. However, HortNZ seeks that specific recognition should be given to the particular functions of modified watercourses, which are often primarily utilised for land drainage systems and water supply and are in such a highly modified state that minor takes should be considered differently from takes from a river.	Amend D.4.23 to include an additional clause: <u>7) In the case of takes from a modified watercourse, conditions of consent that recognise the particular functions of modified watercourses in rural production systems and that many do not display high natural or ecological values but are important for land drainage services and water supply.</u>

Provision	Support / Oppose	Reasons	Decision sought
D.4.24 Transfer of permits	Support in part	<p>The policy framework to be considered when an application to transfer a water permit is received is supported by HortNZ.</p> <p>However, a discretionary activity status appears onerous and is not an enabling approach to an activity that can achieve the efficient use of water.</p>	<p>Retain D.4.24 as proposed.</p> <p>Include a Restricted Discretionary Activity status and relevant matters of discretion for the transfer of water permits.</p>
D.4.25 Activities affecting flood control schemes	Support	<p>Policy D.4.25 that requires the avoidance of activities that could compromise the integrity or maintenance of flood control schemes is supported by HortNZ.</p> <p>The plan would be improved by extending the policy to protect land drainage schemes.</p>	<p>Amend D.4.25 as follows:</p> <p>Activities affecting flood control <u>and land drainage</u> schemes</p> <p>Avoid activities that are likely to:</p> <ol style="list-style-type: none"> 1) compromise the functional integrity of flood control <u>or land drainage</u> schemes, or 2) impede access to flood control <u>or land drainage</u> schemes for maintenance purpose
D.4.26 New land drainage	Support	The discretionary activity status and policy to provide for new land drainage is supported by HortNZ.	Retain
D.4.27 Wetlands – requirements	Support in part	HortNZ supports this policy subject to the submission point on wetlands in Schedule Three being accepted	Retain
D.4.28 Wetland – values	Support in part	HortNZ supports this policy subject to the submission point on wetlands in Schedule Three being accepted	Retain
D.4.31 Managing the effects of land-disturbing activities	Support in part	As per the discussion in Schedule Two of this submission, HortNZ supports the RPS definition of “good management practices” and supports inclusion of the relevant codes of practices as referenced throughout this submission.	<p>Amend Policy D.4.31</p> <p>Managing the effects of land-disturbing activities</p>

Provision	Support / Oppose	Reasons	Decision sought
		HortNZ also seeks consequential amendments to reflect submission points on land preparation.	<u>Earthworks, indigenous vegetation clearance and land preparation</u> must: 1) be done in accordance with the management practices, and 2) avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on: a) human drinking water supplies, and b) areas of high recreational use, and c) aquatic receiving environments that are sensitive to sediment or phosphorus accumulation.

F Objective

Provision	Support / Oppose	Reasons	Decision sought
F.0.1 Objective	Support in part	HortNZ supports the proposed objective in that it recognises the importance of natural and physical resources and recognises Part 2 of the RMA 1991. As per the discussion in Schedule Two of this submission, HortNZ considers it appropriate to include additional objectives to assist in directing the resource consent process, particularly to give legal consideration to the Section 32 report where necessary.	Retain Objective F.0.1 Insert new objectives: <u>Objective F.0.2:</u> <u>Resource management decision making is holistic and consistent and:</u> a) <u>is aligned across legislation and national and regional strategies;</u> b) <u>considers the issues and explanations outlined in the Section 32 analysis report – Proposed Regional Plan for Northland (September 2017)</u>

			<p>c) <u>takes an integrated approach to managing resources that cross regional and functional boundaries;</u></p> <p>d) <u>adopts an appropriate planning timeframe;</u></p> <p>e) <u>is transparent and maximises certainty in the decision-making process;</u></p> <p>f) <u>allows for flexible solutions for local variations;</u></p> <p>g) <u>recognises that time may be needed for change to occur;</u></p> <p>h) <u>is assisted by adequate and timely consultation between parties; and</u></p> <p>i) <u>considers a mix of methods to achieve objectives</u></p> <p><u>Objective F.0.3</u> <u>Controls exercised by the Plan are matched to the significance of adverse effects of the activity on the environment, either individually or cumulatively, and unnecessary bureaucracy and costs are avoided, so that:</u></p> <p>a. <u>activities requiring resource consent that do not have more than minor adverse environmental effects are allowed to occur; and</u></p> <p>b. <u>activities that require resource consent and have more than minor adverse environmental effects are managed to avoid, remedy, or mitigate those adverse effects.</u></p>
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