

Further Submission on the Proposed Plan Change 13 Air Quality to the Regional Natural Resource Plan for the Bay of Plenty

(Closing date: 4pm 31 July 2018)

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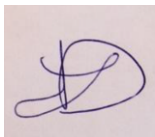
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Horticulture New Zealand (**HortNZ**) represents horticultural growers in the Bay of Plenty Region, so represents a relevant aspect of the public interest.

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

I do wish to be heard in support of my submission

If others make a similar submission, I **would** be prepared to consider preparing a joint case with them at any hearing.



Lucy Deverall
Advisor, Natural Resources and Environment

Date:
31 July 2018

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Fonterra Ltd	45-24	New Objective	Support in part	It is appropriate that the Plan recognises the need for some activities to discharge to air, provided effects are appropriately managed.	Accept submission to include new objective as sought by 45-24.
Jodie Bruning	21-2	New Objective	Oppose	The focus of the Plan is discharges to air. Discharges to land and water are addressed through land and water provisions	Reject submission to add a new objective for bio-accumulation in water and soil.
Jodie Bruning	21-3	New Objective	Oppose	The focus of the Plan is discharges to air. Discharges to land and water are addressed through land and water provisions	Reject submission to add a new objective.
Oji Fibre Solution	37-1	New Objective	Support in part	It is appropriate that the Plan recognises the need for some activities to discharge to air, provided effects are appropriately managed. The intent of the objective is similar to that sought by Submitter 45, whose wording is preferred.	Accept submission to include new objective as sought by 45-24.
Oji Fibre Solution	37-18	New Objective	Support in part	It is appropriate that the Plan recognises the need for some activities to discharge to air, provided effects are appropriately managed.	Accept submission to include new objective as sought by 37-18.
Fonterra Ltd	45-4	New Objective	Support in part	It is appropriate that the Plan recognises the need for some activities, including rural activities, to discharge to air, provided effects are appropriately managed. This is necessary to give effect to the RPS.	Accept submission to include new objective as sought by 45-4.
Federated Farmers on NZ	76-3	New Objective	Support in part	It is appropriate that the Plan recognises and enables activities, including rural activities, to discharge to air, provided effects are appropriately managed. This is necessary to give effect to the RPS.	Accept submission to include new objective as sought by 76-3 and other submitters.
Ballance Agri-Nutrients Ltd	33-1	AQ O1	Support in part Oppose in part	HortNZ recognises that Objective O1 needs to be amended but does not support the changes sought to add national air quality requirements in the objective as there is not sufficient clarity as to what may be included.	Amend AQ O1 as sought by HortNZ.

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Port of Tauranga	67-2	AQ O1	Support in part Oppose in part	HortNZ recognises that Objective O1 needs to be amended and supports the addition of 'significant' adverse effects but is concerned at retaining 'protect'	Amend AQ O1 as sought by HortNZ.
First Gas Ltd	66-2	AQ O1	Support in part	HortNZ recognises that Objective O1 needs to be amended in a similar manner as sought by the submitter.	Amend AQ O1 as sought by HortNZ.
Ballance Agri-Nutrients Ltd	33-2	AQ O2	Oppose in part	HortNZ does not support use of the Ambient Air Quality Guidelines as proposed in PC13. In addition the plan needs to be clear which external documents will be reference and not provide for subsequent standards	Reject submission and amend AQ O2 as sought by HortNZ.
Ravensdown Ltd	50-6	AQ O2	Support in part	HortNZ does not support use of the Ambient Air Quality Guidelines as proposed in PC13.	Either delete AQ O2 or amend as sought by HortNZ.
Port of Tauranga	67-3	AQ O2	Support in part	HortNZ recognises that Objective O2 needs to be amended and does not support use of the Ambient Air Quality Guidelines as proposed in PC13.	Either delete AQ O2 or amend as sought by HortNZ.
Western Bay of Plenty District Council	7-2	AQ O3	Oppose	Objective 3 is focused on localised air quality and should recognise that discharges to air are provided for where consistent with the background receiving environment and adverse effects are managed. An objective of 'protect' is inconsistent with this approach.	Reject submission.
Oil Companies	19-3	AQ O3	Support in part	The submitter seeks recognition of the receiving environment, similar to the change sought by HortNZ. However HortNZ also seeks that it is recognised that the receiving environment can vary across the region.	Accept submission and amend consistent with changes sought by HortNZ.
Jodie Bruning	21-1	AQ O3	Oppose	Objective 3 is focused on localised air quality and should recognise that discharges to air are provided for where consistent with the background receiving environment and adverse effects are managed.	Reject submission

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Jodie Bruning	21-9	AQ New policy	Oppose	PC13 focus is managing discharges to air. The matters that the submitter seeks to include are discharges to land or water and should be addressed in other sections of the plan.	Reject submission.
Jodie Bruning	21-10	AQ New policy	Oppose	PC13 focus is managing discharges to air. Soil fumigation is a discharge to land and should be addressed in other sections of the plan. Any unintentional release to air can be managed through the proposed provisions.	Reject submission.
Jodie Bruning	21-11	AQ New policy	Oppose	The submitter seeks a policy for Hazardous substances and emerging organic contaminants (EOC's) but does not state what substances are considered to be EOC's that need to be managed. The focus of PC13 is managing discharges to air. The matters that the submitter seeks to include are discharges to land or water and should be addressed in other sections of the plan.	Reject submission.
Trustpower Ltd	30-2	AQ P1	Support	The change sought by the submitter recognises that adverse effects can be managed to an acceptable nature and scale. The nature and scale will vary according to the nature of the background receiving environment, which HortNZ seeks be recognised in PC13.	Accept submission.
Jodie Bruning	21-5	AQ P2	Oppose	The submitter seeks inclusion of EEL's in sensitive areas, which are not defined in PC13. EPA sets EEL as part of the hazardous substance approval, and then may set the controls to manage the EEL. Those controls are a requirement regardless of regional council. The focus in PC 13 should be on the Regional Council responsibilities for discharges to air under the RMA.	Reject submission.

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Trustpower Ltd	30-3	AQ P2	Support in part	The submitter seeks that the focus is on hazardous air pollutants, rather than hazardous substances, and that a policy of avoidance is inappropriate. HortNZ has sought changes to provide for managing discharges of hazardous substances and supports the change in focus to hazardous air pollutants.	Accept submission to hazardous air pollutants and amend as sought by HortNZ.
Tauranga Moana – Te Arawa ki Takutai Partnership Forum	31-2	AQ P2	Oppose	The submitter states that if an activity cannot be mitigated it should be non-complying but seeks wording changes that does not provide for mitigation. Remedying or mitigating adverse effects is provided for in the RMA.	Reject submission
Fonterra Ltd	45-6	AQ P2	Support in part	The submitter seeks changes to provide a better balance within Policy 2, similar in intent to changes sought by HortNZ.	Accept submissions to amend Policy 2 to provide focus on environmental effects consistent with intent of RMA.
Port of Tauranga	67-6	AQ P2	Support in part	The submitter seeks that the focus is on hazardous air pollutants, rather than hazardous substances, and that a policy of avoidance is inappropriate. HortNZ has sought changes to provide for managing discharges of hazardous substances and supports the change in focus to hazardous air pollutants.	Accept submission to hazardous air pollutants and amend as sought by HortNZ.
Jodie Bruning	21-16	AQ P3 new clause	Oppose	The focus of PC13 is on the regional council's functions to managed discharges to air, not discharges to land and water as sought by the submitter.	Reject submission.
Gray Southon	13-2	AQ P3 whole policy	Oppose	Greenhouse gases are managed by central government and the outcome from consultation on the Zero Carbon Bill is yet unknown.	Reject submission.
Oil companies	19-6	AQ P3 a)	Support	The submitter seeks recognition of the relevant receiving environment, which is appropriate.	Accept submission
Trustpower Ltd	30-4	AQ P3 a)	Support	The submitter seeks the addition of 'avoid, remedy or mitigate', as also sought by HortNZ. This is supported.	Accept submission

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Port of Tauranga	67-7	AQ P3 a)	Support in part	The submitter seeks the focus on 'avoiding remedying or mitigating significant adverse effects on human health. HortNZ seeks a similar approach.	Accept addition and 'significant' adverse effects as sought by the submitter.
Oji Fibre Solution	37-13	AQ P3 b)	Support in part	The submitter seeks that all of P3 b) be deleted because they are more appropriately addressed in P4. HortNZ seeks that reference to the Ambient Air Quality Guidelines (AAQG's) be deleted.	Accept submission to delete references to the NESAQ and AAQG in Policy 3.
Port of Tauranga	67-20	AQ P3 b)	Support in part	The submitter seeks that all of P3 b) be deleted because it is inappropriate to have a measure of 'contribute to'. HortNZ seeks that reference to the AAQG's be deleted.	Accept submission to delete references to the NESAQ and AAQG in Policy 3.
Trustpower Ltd	30-16	AQ P3 d)	Support in part	The submitter seeks the addition of 'significant adverse effects in P3 d). This provides a clearer focus. HortNZ has also sought other changes to P3d).	Accept submission
Oji Fibre Solution	37-14	AQ P3 d)	Oppose	It is inappropriate that all regionally significant infrastructure be 'protected' in the manner sought by the submitter.	Reject submission.
Jon Burchett	8-1	AQ P3 e)	Oppose	The submitter seeks 'or be completely unacceptable practice to the owners/ occupiers of' in respect of discharges beyond the boundary of a subject property. The RMA test is managing adverse effects.	Reject submission
Oil companies	19-22	AQ P3 e)	Support in part	The submitter seeks recognition of the relevant receiving environment. HortNZ has sought deletion of environment in clause e) as it is confusing with clause a) However if retained the addition of 'relevant receiving environment' is appropriate.	Accept HortNZ submission to amend P3 e). If not accept submission 19-22.
Jodie Bruning	21-6	AQ P3 e)	Oppose	The focus of PC13 is on the regional council's functions to managed discharges to air, not discharges to land and water as sought by the submitter. It is inappropriate to apply EEL's in the manner sought by the submitter.	Reject submission.

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Nga Potiki Resource Management Unit	51-5	AQ P3 e)	Oppose	The submitter seeks to amend 'minimise' to 'avoid'. The issue is ensuring that potential adverse effects are managed.	Reject submission
Ngati Ranginui Iwi Society Inc	68-6	AQ P3 e)	Oppose	The submitter seeks to amend 'minimise' to 'avoid'. The issue is ensuring that potential adverse effects are managed.	Reject submission
Jodie Bruning	21-7	AQ P4 new clause	Oppose	New technologies are a method to achieve the policy, not a policy in themselves.	Reject submission.
Oji Fibre Solution	37-15	AQ P4 new clause	Support	Recognition of the operational requirements of rural production activities is supported.	Accept submission
Fonterra Ltd	45-21	AQ P4 new clause	Support	Recognition of positive effects such as economic and social wellbeing should be a matter to consider.	Accept submission
Federated Farmers on NZ	76-44	AQ P4 new clause	Support	The nature, frequency, intensity and duration of the discharge are matters that should form part of a consideration as to effects.	Accept submission
Western Bay of Plenty District Council	7-5	AQ P4 whole policy	Support	Reworded introductory sentence is more appropriate.	Accept submission
Federated Farmers of NZ	76-43	AQ P4 b)	Support in part	Including the appropriateness of the activity in the zone should form part of a consideration as to effects of an activity.	Accept submission
Oil companies	19-7	AQ P4 e)	Support in part	The submitter seeks recognition of the relevant receiving environment. HortNZ considers the addition of 'relevant receiving environment' is appropriate.	Accept submission
Ballance Agri-Nutrients Ltd	33-7	AQ P4g)	Support	The rewording of matter g) to better focus on reverse sensitivity is supported.	Accept submission

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Western Bay of Plenty District Council	7-7	AQ P5	Oppose in part	The policy is contingent on the definition of urban property. HortNZ has sought that the definition be amended which may address concerns of the submitter. A setback as sought by the submitter is not appropriate in all receiving environments, such as rural zones.	Accept HortNZ submission to amend definition of urban property
Jon Burchett	8-2	AQ P8	Oppose	HortNZ has sought changes to AQ P8a) to ensure that the framework reflects best practice.	Reject submission and accept changes sought by HortNZ.
Jodie Bruning	21-8	AQ P8	Oppose	HortNZ has sought changes to AQ P8 to ensure that the framework reflects best practice. It is inappropriate to include EEL's that are set by the EPA for different purposes. Utilising technology is a method to achieve the policy, not a policy in itself.	Reject submission and accept changes sought by HortNZ.
Tauranga Moana – Te Arawa ki Takutai Partnership Forum	31-5	AQ P8	Oppose	HortNZ seeks that best practice is used in respect of agrichemical use to ensure that significant adverse effects are avoided, remedied or mitigated. The submission does not state specific relief sought.	Reject submission and accept changes sought by HortNZ.
Nga Potiki Resource Management Unit	51-8	AQ P8	Oppose	The submitter seeks deletion of AQ P8b). However, there are mitigation actions that can be taken as part of best practice and these should be provided for in the Plan.	Reject submission and accept changes sought by HortNZ.
New Zealand Agrichemical Education Trust	65-1	AQ P8	Support	HortNZ seeks that best practice is used in respect of agrichemical use to ensure that significant adverse effects are avoided, remedied or mitigated.	Accept submission by 65-1.
Federated Farmers on NZ	76-11	AQ P8	Support in part	The submitter raises similar issues with Policy 8 as HortNZ to ensure that best practice is used.	Accept submission 76-11 and changes sought by HortNZ.
Tauranga Moana Fumigant Action Group	17-6	AQ P9	Oppose	Retaining provisions for fumigation for quarantine and biosecurity purposes is important to the country. The Regional Council should not be taking on functions that are the responsibility of the EPA.	Reject submission

Further submissions on Rules

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Trustpower Ltd	30-7	AQ R1	Support	The General Activities PA rule should not exclude all industrial or trade premises regardless of effects. Industrial or trade premises is not defined in the Plan	Accept submission.
Tauranga Moana – Te Arawa ki Takutai Partnership Forum	31-6	AQ R1	Oppose	The submitter states that the rules do not manage effects as the effects of discharge of contaminants of kiwifruit industry are not known and seeks further research. HortNZ considers that the rules are addressing effects of discharges to air.	Reject submission
Port of Tauranga	67-8	AQ R1	Support	Inserting 'effects' in a) ensures that the focus is on addressing potential adverse effects	Accept submission
Ngati Ranginui iwi Society Ltd	68-11	AQ R1	Oppose	Setbacks are one method that may be used to achieve the general conditions but it does not need to be specifically prescribed as other methods may be more appropriate.	Reject submission
Nga Potiki Resource Management Unit	51-10	AQ R3 Whole rule	Oppose	Rule AQ R3 provides for Miscellaneous Permitted Activities subject to conditions. The submitter seeks that the Rule is amended to a Controlled Activity, thereby requiring all activities covered by AQ R3 to require resource consents. This is not considered to be effects based	Reject submission
Fonterra Ltd	45-27	AQ R3 (1)	Support in part	The submitter seeks that the condition clause be amended. This should apply to all clauses, not just clause 1.	Amend as sought by submitter but apply to all activities listed.
Federated Farmers of NZ	76-23	AQ R5	Support	The submitter seeks clarification regarding the term offensive or objectionable. It is unclear why the submission is listed under AQ R5 because it applies on a broader level than that specific rule.	Provide clarification of offensive or objectionable as sought.
Western Bay of Plenty District Council	7-8	AQ R6	Oppose	HortNZ has sought changes to the definition of urban property to ensure that it is clear that open burning can occur on rural zoned properties.	Reject submission

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Federated Farmers of NZ	76-20	AQ R7	Support	The biosecurity provisions should apply in all situations where there has been a declaration of incursion of unwanted organisms by MPI, even if it is not an 'emergency' under the Biosecurity Act.	Accept and amend to ensure that 'emergency' is not limited by the use in the Biosecurity Act.
Western Bay of Plenty District Council	7-9	AQ R9	Oppose	HortNZ has sought changes to the definition of urban property to ensure that it is clear that open burning can occur on rural zoned properties. The effect of the change sought would mean that any new dwelling establishing in the rural area would effectively need a 100m setback from a neighbouring property to enable open burning to be undertaken.	Reject submission
Department of Conservation	52-1	AQ R15 Advice Note	Oppose	The Plan provides for NZS8409:2004 as an advice note only, which is supported by the submitter. HortNZ seeks that NZS8409:2004 Management of Agrichemicals be used as a basis of the provisions in the Plan, not just as an advice note.	Reject submission to retain advice note as proposed.
Waikato Regional Council	11-12	AQ R15 new condition	Support	The submitter seeks that training requirements are included in Rule 15 for application of agrichemicals. Being adequately trained is important in ensuring that the potential for adverse effects of spraying are appropriately managed.	Include requirement for training for all agrichemical applicators.
Spray Watchers Group	25-5	AQ R15 new condition	Support in part	HortNZ supports training for agrichemical applicators, not just contractors. The GROWSAFE courses have been updated to reflect current best practice for all applicators.	Include requirement for training for all agrichemical applicators.
NZ Agrichemical Education Trust	65-3	AQ R15 new condition	Support	HortNZ supports training for agrichemical applicators. Being adequately trained is important in ensuring that the potential for adverse effects of spraying are appropriately managed.	Include requirement for training for all agrichemical applicators.
Agcarm	32-2	AQ R15 whole rule	Support in part	The submitter seeks that NZS8409:2004 Management of Agrichemicals be used as a basis of the provisions in the Plan which is supported as it sets out best practice for agrichemical use.	Accept submission to include NZS8409:2004 in the rules PC13.

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Tauranga City Council	54-6	AQ R15 whole rule	Oppose in part	The submitter seeks that the whole rule is restructured to reduce cross referencing, with specific provisions for each type of application set out. HortNZ seeks to ensure that the plan is clear for users but repetition will increase the size of the rule.	Consider setting out Rule 15 in a clearer format.
NZ Agrichemical Education Trust	65-5	AQ R15 whole rule	Support in part	The submitter seeks that 1a) is replaced with wording consistent with Clause 46 of the Environmental Protection Agency (EPA) Hazardous Substances Notice. HortNZ has sought changes to 1a) to ensure that provisions are appropriate.	Amend AQ R15 1a) as sought by HortNZ or NZ Agrichemical Education Trust (NZAET).
Andrew Clow	14-4	AQ R15 (1)	Support in part	The submitter seeks that 1a) be replaced with alternate wording. HortNZ has sought changes to 1a) to ensure that provisions are appropriate.	Amend AQ R15 1a) as sought by HortNZ or NZAET.
Jodie Bruning	21-12	AQ R15 (1)	Oppose	The submitter seeks a new clause under general use of agrichemicals that is linked to environment exposure levels/ limits (EEL's) not being exceeded. EEL's are not intended to be used in such a manner and are not necessarily applied to all agrichemicals.	Reject submission
Department of Conservation	52-2	AQ R15 (1)	Oppose	The submitter seeks that 1) be retained. HortNZ has sought changes to 1a) to ensure that provisions are appropriate.	Reject submission to retain R15 (1) as proposed.
Federated Farmers of NZ	76-30	AQ R15 (1)	Support	The submitter seeks changes to the provisions relating to biosecurity 1b). Not all responses to an incursion of an unwanted organism are declared an 'emergency' under the Biosecurity Act so the wording should be amended.	Accept submission to amend AQ R15 (1) b)
Ngati Ranginui Iwi Society Inc	68-12	AQ R15 (2)	Oppose in part	The submitter seeks that the provisions for hand held motorised and low pressure boom applications are the same as for other methods of application and be required to prepare a spray management plan.	Reject submission
Federated Farmers of NZ	76-30	AQ R15 (2)	Oppose in part	The submitter seeks that the provisions for hand held motorised and low pressure boom applications are the same as for hand held non-motorised as they are considered to be low risk of spray drift.	Reject submission

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
PF Olsen	4-2	AQ R15 (3)	Support in part	The submitter seeks that clause 3 e) relating to signage on vehicles be deleted. HortNZ has sought that it only apply where the vehicles are in public places.	Accept submission to amend AQ R15 (3) e) by either deleting or limiting to 'public places'.
Western Bay of Plenty District Council	7-13	AQ R15 (3)	Support in part	The submitter seeks that condition 3 c) is deleted as it is too broad and the issues are addressed through other provisions in the rule. Clause b) and c) address similar issues so presents confusion in the rule.	Accept submission to delete AQ R15 (3) c) or amend to clarify relationship with AQ R15 (3) b)
Jon Burchett	8-4	AQ R15 (3)	Oppose	The submitter seeks that the provisions be amended to include 'public space' after 'public amenity area'. Public amenity area is defined in the Plan with specific areas listed. It is unclear what may be considered to be a public space but not a public amenity area. Use of the defined term is supported.	Reject submission.
Waikato Regional Council	11-8	AQ R15 (3)	Support in part	The submitter seeks that condition 3 c) is deleted or redefine how clauses b) and c) differ. The two clauses are similar so presents confusion in the rule.	Accept submission to delete AQ R15 (3) c) or amend to clarify relationship with AQ R15 (3) b)
Jodie Bruning	21-13	AQ R15 (3)	Oppose	The submitter seeks standardisation of sign colour, size and wording based on US legislation. Changes are also sought to the length of time that signs remain, linked to EEL's. The current signage requirements are similar to the Operative Plan and it is unclear why there is a need to change the approach as sought. Public amenity areas are defined so it is clear what areas are included in the signage provisions.	Reject submission
Hancock Forest Management	41-9	AQ R15 (3)	Support in part	The submitter seeks that clause 3 e) relating to signage on vehicles only apply when carried out on public roads or in public spaces. HortNZ has sought that it only apply where the vehicles are in public places.	Accept submission to amend AQ R15 (3) e) by limiting to 'public places'.

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Tauranga City Council	54-29	AQ R15 (3)	Support in part	The submitter seeks changes to the signage requirements as part of a suite of provisions to restructure the rule, particularly relating to signage near public amenity areas. There needs to be clarity that the signage requirements are practical and related to the potential risk of the spraying operation.	Ensure that there is clarity in the signage provisions in the rule.
New Zealand Kiwifruit Growers	73-3	AQ R15 (3)	Support	The submitter seeks that the Plan require signage at the entrance to private land and seeks specific wording that reflects best practice that growers undertake. Specification of re-entry time is consistent with NZS8409:2004 Appendix M3.	Amend AQ R15 3) as sought by the submitter.
Federated Farmers of NZ	76-32	AQ R15 (3)	Support in part	The submitter seeks changes to the distances from public amenity areas where signage would be required. There needs to be a clear rationale for the required distance. The submitter also seeks that clause e) relating to signage on vehicles is deleted.	Amend AQ R 15 3) by deleting clause e) or amending to only vehicles in public places.
P F Olsen	4-3	AQ R15 (4)	Support in part	The submitter seeks that the notification times be retained as in the Operative Plan (max 20 days – minimum of 12 hours). A minimum of 12 hours is supported because 24 hours is impractical and unworkable for those undertaking spraying.	Accept submission to amend 24 hours to 12 hours.
Jon Burchett	8-5	AQ R15 (4)	Oppose	The submitter seeks that the provisions be amended to include 'public space' after 'public amenity area'. Public amenity area is defined in the Plan with specific areas listed. It is unclear what may be considered to be a public space but not a public amenity area. Use of the defined term is supported.	Reject submission.

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Waikato Regional Council	11-10	AQ R 15 (4)	Oppose	The submitter queries why there is not a 300metre distances as recommended in NZS8409:2004. Table G2 in NZS8409:2004 is only a guideline for buffer distances, not a notification distance. Table G2 clearly states it is for guidance only and that there are a range of factors that influence distances so HortNZ does not consider it appropriate to use Table G2 as a basis of notification distances.	Reject submission.
Andrew Clow	14-3	AQ R 15 (4)	Support in part	There should be clarity as to the means of notification such as email or text message.	Ensure clarity as to how notification messages can be made.
Jodie Bruning	21-14	AQ R15 (4)	Oppose in part Support in part	The submitter seeks that the name and type of agrichemical to be applied is amended to the registered brand name, active ingredient/s and type of agrichemical used. NZS8409:2004 does not require that this information is provided. The submitter seeks to differentiate between the time of notification for public amenity areas from private use as public spraying is not as time dependent or urgent as horticultural and farming use and there are different levels of risk to the public. Such a differentiation may assist with the range of notification times that are sought by a number of submitters.	Consider differentiating time of notification for public amenity areas from times for private land. Retain information to be provided as proposed in PC13.
Spray Watchers Group	25-4	AQ R15 (4)	Oppose	The notification requirements in the Plan represent best practice. If urban areas encroach into horticultural areas then sufficient setbacks should be made in the urban areas.	Reject submission
Ngai Tukairangi Trust	35-1	AQ R15 (4)	Support	The submitter seeks that the notification times be no later than 12 hours. A minimum of 12 hours is supported because 24 hours is impractical and unworkable for those undertaking spraying.	Accept submission to amend 24 hours to 12 hours.

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Ravensdown Ltd	50-14	AQ R15 (4)	Oppose	The submitter seeks that Conditions 4 and 5 are deleted and replaced with a condition based on Hazardous Substances and New Organisms Act (HSNO) and NZS8409:2004. HSNO requirements need to be met regardless of the Plan but they do not usually address need for notification to other parties. HortNZ supports the use of NZS8409:2004, which includes notification in Appendix M2. The Proposed Plan provisions seek to address specific issues that have arisen in the BOP.	Reject submission.
Tauranga City Council	54-23	AQ R15 (4)	Support in part	The submitter seeks changes to the notification requirements as part of a suite of provisions to restructure the rule, particularly relating to public amenity areas and for applications by other methods. Any restructure of the rule needs to ensure that notification requirements are clear and certain.	Ensure that there is clarity in the notification provisions in the rule.
Federated Farmers of NZ	76-33	AQ R15 (4)	Oppose in part	The submitter seeks that the notification required is linked to the risk of the operation. However the actual changes sought are not necessarily linked to the risk of the operation. NZS8409:2004 has a basic principle that people who are likely to be affected have a right to be informed and HortNZ supports that principle. As notified PC13 seeks to implement that principle.	Amend notification provisions as sought by HortNZ and changes supported in this further submission.
Te Rereatukahia Marae	79-1	AQ R15 (4)	Oppose	The submitter seeks notification in writing at least one month in advance of spraying. Such a provision would be unworkable and impractical for horticultural operations.	Reject submission.

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Jon Burchett	8-6	AQ R15 (5)	Oppose	The submitter seeks that the provisions for the Spray Risk Management Plan include a mandatory setback for orchardists. Buffer zones are one tool or strategy that may be used to mitigate spray drift that may be used in the Spray Risk Management Plan. The purpose of the plan is to choose appropriate tools so PC13 should not stipulate which mechanisms are used as they will vary from property to property.	Reject submission.
Waikato Regional Council	11-13	AQ R15 (5)	Support	The submitter seeks that records are kept, such as a spray diary required by NZS8409:2004. Keeping records is best practice and is supported.	Accept submission
Ravensdown Ltd	50-15	AQ R15 (5)	Oppose	The submitter seeks that Conditions 4 and 5 are deleted and replaced with a condition based on HSNO and NZS8409:2004. HSNO requirements need to be met regardless of the Plan but they do not usually address need for notification to other parties. HortNZ supports the use of NZS8409:2004, which includes spray plans in Appendix M4. The Proposed Plan provisions are consistent with Appendix M4.	Reject submission.
Tauranga City Council	54-32	AQ R15 (5)	Oppose	The submitter seeks to delete provision of the Spray Risk Management Plan to potentially affected parties. This is inconsistent with Appendix M4 of NZS8409:2004.	Reject submission.
NZ Agrichemical Education Trust	65-4	AQ R15 (5)	Support in part	The submitter seeks that 5a) and b) are replaced with references to Appendices G and M of NZS8409:2004 which set out requirements for spray plans. Spray plans are best practice that should be included in the Plan	Accept submission.
Federated Farmers on NZ	76-34	AQ R15 (5)	Oppose in part	The purpose of the Spray Risk Management Plan is to identify sensitive activities near where spraying is to occur so appropriate actions can be taken to mitigate potential effects.	Reject submission

Further submissions on Definitions and Consequential changes

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Tauranga City Council	54-30	Definition Applicator	Support in part	The submitter seeks a definition of 'applicator' for clarity but does not seek specific wording. NZS8409:2004 defines applicator as 'any person or organisation engaged in the application of any agrichemical. Where application is delegated to employees it also includes the person (s) directly responsible for those employees.' In the context of AQ R15 this may be too broad a definition so clarity is sought.	Clarify who an 'applicator' is in the context of AQ R 15.
Trustpower Ltd	30-14	Definition Fuel burning equipment	Support	Generators used for emergency purposes should not be included as fuel burning equipment in respect of the rules for such fuel burning equipment. The addition to the exclusions that is sought is appropriate.	Accept submission.
Western Bay of Plenty District Council	7-18	Definition intensive farming	Oppose	HortNZ has sought an amendment to the definition of intensive farming that is simpler than that sought by the submitter. It is noted that the Draft National Planning Standards have a definition for intensive primary production.	Reject submission 7-18 and accept HortNZ submission point to amend the definition of intensive farming.
Agcarm	32-1	Definition low pressure boom	Support in part	The submitter considers that the definition for low pressure boom is too limited and that it should be reviewed. HortNZ supports a review to ensure that the criteria for low pressure booms are practical and so ensure that potential for spray drift is adequately managed by the criteria that are set.	Undertake review of definition as sought by the submitter.
Jon Burchett	8-7	Definition noxious or dangerous	Oppose	The definition of noxious or dangerous seeks to establish thresholds as to what are adverse effects on property and environment and reflects best practice and case law on this issue.	Reject submission.

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Waikato Regional Council	11-19	Definition noxious or dangerous	Support in part	The submitter seeks clarity as to the use of the term 'crop' and that it should not only apply to commercial crops. However, the change sought seeks damage to 'household/ non-commercial operations'. This is broad and could encompass a wide range of things. Any change should be limited to commercial and non-commercial crops and plants.	If clarity of crops and plants is sought it should be limited to commercial and non-commercial crops and plants.
Ravensdown Ltd	50-18	Definition noxious or dangerous	Oppose in part	Clause e) provides a basis for assessing where a crop or plants have been damaged. This is important where the damage leads to loss of income for the affected party, such as the market value of the crop is lost or reduced.	Reject submission to delete clause e).
Bay of Plenty Regional Council	74-15	Definition noxious or dangerous	Support	The deletion of allergic reactions is supported as the source of such reactions can be difficult to trace.	Accept submission
Federated Farmers on NZ	76-37	Definition offensive or objectionable	Support in part	HortNZ has sought that a definition be included for offensive or objectionable. The submitter seeks a similar definition to clarify what is intended.	Include definition or description of offensive or objectionable in PC13.
Jon Burchett	8-8	Definition public amenity area	Oppose	It is unclear what additional spaces would be included as 'public spaces' as the definition of public amenity area is broad.	Reject submission.
Hancock Forest Management	41-8	Definition recapture	Support	The definition should be based on best practice and EPA approvals.	Accept submission
Oil Companies	19-19	Definition sensitive activities	Support	A focus on activities rather than 'areas' is supported.	Accept submission
Port of Tauranga	67-19	Definition sensitive activities	Oppose in part	HortNZ seeks that incompatible crop or farming systems are retained as sensitive activities. The definition would be used as a basis for assessment as to whether the activity has the potential to create adverse effects on sensitive activities.	Reject submission

Submitter	Sub No.	Section Ref	Support/ Oppose	Reason	Decision sought
Bay of Plenty Regional Council	74-17	Definition sensitive activities	Support in part	The submitter seeks to clarify the application of the definition by amending the wording. This clarifies how the definition may be applied.	Accept submission
Bay of Plenty Regional Council	74-18	Definition subject property	Support	Clarification of subject property is supported.	Accept submission
Western Bay of Plenty District Council	7-20	Definition urban property	Oppose	HortNZ has sought changes to the definition of urban property rather than deleting as sought by the submitter.	Reject submission
Federated Farmers of NZ	76-41	Definition agrichemical	Oppose	The word 'undesirable' is not in the definition of agrichemical in NZS8409:2004 so should not be included in the definition in PC13.	Reject submission to add 'undesirable' flora and fauna.
Fonterra Ltd	45-9	Reverse sensitivity	Support	The submitter seeks a new policy for reverse sensitivity with a similar intent to that sought by HortNZ. It is considered important that there is recognition of reverse sensitivity in the Plan.	Include provisions for reverse sensitivity in the Plan.
Bay of Plenty Regional Council	74-16	Definition reverse sensitivity	Oppose	The submitter seeks that the definition of reverse sensitivity is deleted. This is opposed as provisions are sought for reverse sensitivity in the Plan.	Reject submission to delete definition of reverse sensitivity.
Federated Farmers of NZ	76-45	Reverse sensitivity	Support	The submitter seeks a new policy for reverse sensitivity with a similar intent to that sought by HortNZ. It is considered important that there is recognition of reverse sensitivity in the Plan.	Include provisions for reverse sensitivity in the Plan.