

From: [Eve Williams](#)
To: [Mailroom Mailbox](#)
Subject: Submission: Proposed Variation 3 to the Proposed Canterbury Land and Water Regional Plan Section 15 Waitaki and South Coastal Canterbury
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Attachments: [SUBMISSION ON PROPOSED VARIATION 3.pdf](#)

Good afternoon,

On behalf of Horticulture New Zealand, please find attached the submission to Environment Canterbury on the Proposed Variation 3 to the Proposed Canterbury Land and Water Regional Plan Section 15 Waitaki and South Coastal Canterbury.

Please confirm receipt of our submission.

Kind regards
Eve

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SUBMISSION ON PROPOSED VARIATION 3 TO THE PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN

TO: Environment Canterbury

SUBMISSION ON: Proposed Variation 3 to the Proposed Canterbury Land and Water Regional Plan Section 15 Waitaki and South Coastal Canterbury

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: Overall comments
- Schedule 2: Section 15.1A South Coastal Canterbury Sub-Regional Area
- Schedule 3: Section 15.1 South Coastal Canterbury definitions
- Schedule 4: 15.3 Freshwater Outcomes
- Schedule 5: 15.4 Policies
- Schedule 6: 15.5 Rules
- Schedule 7: 15.6 Fresh water outcomes - Tables
- Schedule 8: 15.7 Environmental Flow and Allocation and Water quality targets/ limits
- Schedule 9: Amendments to Section 16 Schedules

This submission is also made on behalf of the Horticulture Canterbury which incorporates fruit, vegetable and berry growers in Canterbury.

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

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

- 3.1 Horticulture New Zealand was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.
- 3.2 In making this submission we have also worked with arable farmers in the Zone and the arable sector organisation FAR (Foundation for Arable Research) along with other primary sector organisations.
- 3.3 On behalf of its 5,454 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.

4. Trade Competition

Pursuant to Schedule 1 of the Resource Management Act Horticulture NZ is not a body that could gain an advantage in trade competition through this submission.

Thank you for the opportunity to submit on the Proposed Variation 3 to the Proposed Canterbury Land and Water Regional Plan.



Chris Keenan
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Horticulture New Zealand

Dated: 25 May 2015

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Schedule One: Overall comments: Approach to Waitaki and South Coastal Canterbury Variation

1.1 Horticulture in South Coastal Canterbury Area

There are a variety of growing operations in the South Coastal Canterbury area. Many of the growers undertake other farming activities as well, particularly arable activities. Significant rotation, sharing and leasing occurs and the systems are transient for that reason. Vegetable growing is often attached to arable production.

1.2 Approach in Variation 3

Horticulture NZ generally supports the approach in Variation 3 to base nutrient limits on soil classes, to include flexibility caps and nutrient user groups.

However there is concern about the issue with the soil data and also issues with use of OVERSEER including version control. Both these matters will have significant effect on how the Variation is implemented.

1.2.1 Soil information

The Questions and Answers on the ECAN Var 3 website states:

The datasets for the modelling work were all extracted from their various sources at the beginning of the SCCS project in 2013. Since the soil information was extracted from S-map, there has been a significant update to the way a key soil property is calculated. This soil property (Profile Available Water) is used to determine the soil class (eg H, L, Pd etc) as described in Table 2 of Lilburne (2015). The revised profile available values in S-map now mean that the Claremont soils have been reclassified as PdL soils as their profile available water is now < 110 mm.

Horticulture NZ considers that the Variation should be based on up to date information so the soil maps should be updated based on new information and that the consequent nutrient limits be adjusted accordingly.

Changes are sought to address these issues so that farmers and growers are not penalised due to limitations in the data set on which the Variation is based.

Decisions sought:

Amend soil maps and recalculate nutrient limits based on revised data set.

1.2.2 OVERSEER

One of the problems with the use of OVERSEER in the Horticultural industry is that the accuracy of the modelling is just not known. As highlighted by the FAR (2013) review, the accuracy of the OVERSEER 6.1 model has not been tested against actual N leaching results for Horticultural properties. So the results presented from OVERSEER should be

regarded as approximate at this point of time and could change as further research information becomes available and is able to inform the model.

One of the key challenges is that the range of crops available to model in OVERSEER is limited. Therefore the rotations presented are not exact depictions of actual cropping rotations. A crop with very similar crop management or 'surrogate' crop must be substituted where it was necessary to replace a crop. Other problems with modelling Horticultural properties in OVERSEER at present include;

- Monthly time steps - OVERSEER works on monthly time steps of data entry for items such as cultivation, fertiliser applications and irrigation inputs. Horticultural operations work on much finer time steps which are unable to be incorporated into OVERSEER.
- Limited range of irrigation options - The choice of irrigation options is limited to those that are available for pastoral farming. This means that options that are available to horticulturalists such as soak mats etc. cannot be modelled.
- Fertiliser options limited - The range of fertiliser options available is limited to the standard range from each of the two major companies. Therefore it was not possible to test the impact of the application of slow release fertilisers. Also practices such as banded applications cannot be modelled in OVERSEER at present.

Predicting the potential for changes to OVERSEER results in Horticulture.

A nutrient budget completed for a horticultural property correctly as an annual **average** result for compliance purposes has limitations:

- An annual result is not going to indicate whether the average performance of the property has changed or not.
- A change in the annual average for a horticultural operation is not going to alter unless the basic management system of the farming operation has changed sufficiently to alter the result.

Changes which could alter the average result for a horticultural property:

- A significant change in the mix of crops grown,
- A significant change in the soil types used in the operation of the farming enterprise,
- A change in the irrigation system used,
- A significant change in the fertiliser policy adopted on the property.

Evidence from experts in the use of OVERSEER indicates that there would have to be a relatively large change in practices before it would alter the average result. Determining the significance of a change is something that requires further work.

Summary

Therefore Horticulture New Zealand proposes that the requirement for an updated OVERSEER budget for ECan should be based on whether the management practices have altered sufficiently to change the average result rather than the requirement to supply an annual actual result, whether it be a rolling average or not.

This is because the cost of providing rolling average data is not justified by the unknown accuracy of the provision of such a result.

Variation Control

There needs to be provision for all data to be updated when a new OVERSEER version is used. Currently limits and targets are based on the current version of OVERSEER. The nutrient baseline and nutrient loss calculations need to be based on the latest version of OVERSEER. Changes to OVERSEER can significantly change the farm calculations. However there also needs to be changes and adjustments to other number in the Variation if the version changes, not just on farm calculations. This will maintain the balance between the respective numbers. The ZIP Addendum sought that the Variation include this approach but it has not been included in Variation 3.

Decision sought:

Amend Variation 3 so that all numbers, including limits and targets, N loads, flexibility caps and maximum caps to be adjusted to match new versions of OVERSEER.

Ensure that there is adequate flexibility in the use of OVERSEER given the limitations associated with its use.

1.2.3 MGM

Linked to concerns about OVERSEER are the implications of the Good Management Practices that will be implemented once the MGM project is complete. At present the requirements and implementation is uncertain as the project is still being undertaken.

Horticulture NZ is participating in the MGM development process and recognises that there will be a Plan Change linked to the outcomes of the MGM process and inclusion of good management practices within the South Coastal Canterbury Area.

Decision sought:

Once the MGM project is complete review the Variation to ensure that the use of MGM is both reasonable and practical and consistent with new versions of OVERSEER.

1.3 Crop survival water

Horticulture NZ seeks specific inclusion for crop survival water in Variation 3.

Crop survival water is water that is able to be taken during restrictions to enable capital root stock and food crops to be maintained. The investment profile for horticultural crop production is different to other forms of farming. Crops produced directly for human consumption require greater levels of investment than other crops. Without survival water the crops could die and the investment be totally lost. It is also not possible to move trees and crops during a drought. For permanent crops if lost it would take years to re-establish. With seasonal crops, it is recognised that there will always be some risk; but the economic consequences are significantly higher for growers of those crops, and in our view this deserves recognition through a higher reliability standard provided for as a matter of discretion in consent application.

Decision sought:

Add a policy: In times of water shortages provide for taking of water for the sole purpose of avoiding the death of horticultural root stock or crops as provided for in consent conditions.

Add definition of rootstock and crop survival water: Water provided for the protection of root stock of permanent horticulture, and protection of crops, excluding pasture species, animal fodder crops and maize through a reliability standard set at 100%.

Include an additional consent assessment matter: Within the South Coastal Canterbury Area: The need for crop survival water as determined using Schedule 10 Method 1.

Amend Schedule 10 Reasonable Use Test Method 1: Within the South Coastal Canterbury Area method 1 shall determine seasonal irrigation demand for horticultural crops for crop survival water as 10 years out of 10.

Include the following in the s32 Report.

Crop Survival Water

An identified issue is the enabling of existing surface water and stream depleting groundwater abstractors to take water at times when the minimum flows are breached (and when irrigations takes are normally on 'ban') to prevent the death of permanent root stock.

In the Tukituki catchment, SKM modelled the effects of 409 L/s instantaneous abstraction for crop survival water on surface water flows using their SOURCE model. This resulted in a cumulative reduction in the simulated 7-day MALF of less than 50 L/s at all sites which was considered to be a minor adverse effect. A figure of 200 L/s was agreed between the parties. HBRC sought advice from Dr Hayes on the likely impact of such crop survival takes occurring when the rivers are below their minimum flow limits. Dr Hayes advised that it is unlikely that the cumulative effects of surface water depletion by groundwater abstraction and a 200 L/s crop survival abstraction below the minimum flows will result in large reductions in fish abundance or growth. He concluded that the provision for crop survival water to that extent (ie 200 L/sec) ought to result in little change in instream values (including flow critical key fish species) from the status quo.

As a result in the Tukituki catchment priority is given to the protection of root stock of permanent horticulture and protection of crops, excluding pasture species, animal fodder crops and maize.

It is anticipated that a similar situation would arise in South Coastal Canterbury Area so enabling crop survival water is likely to have no more than minor effects on water bodies but have significant economic benefits by enabling crops to survive through a drought. Such an approach will assist in giving effect to the NPSFM by providing for the food production value which is important in the South Coastal Canterbury area.

1.4 Consequential amendments.

Variation 3 covers a range of matters and provisions interrelated across the plan.

Horticulture NZ seeks that consequential changes be made as a result of changes sought in this submission.

Decision sought:

Make consequential changes as a result of changes sought in this submission.

Schedule Two: Section 15.1A South Coastal Canterbury Sub-Regional Area

- 2.1 Section 15 is a description of South Coastal Canterbury Sub Regional Area. It describes the issues arising from water use and land use, including agriculture. While the section describes a number of matters it does not describe the importance of the area in terms of agriculture, in particular food production and contributions to social and economic wellbeing.

It is important that a description adequately describes the zone therefore changes are sought to better reflect the importance of agriculture.

Decision sought:

Amend Section 15.1A by adding a new paragraph:

The South Coastal Canterbury Area is an important area for agriculture and food production which provides significant employment in the area, both on-farm and in processing and service industries. The social and economic wellbeing of the community is reliant on the agricultural industry and it is important that it is retained so that the communities can thrive.

- 2.2 Section 15A South Coastal Canterbury Area sets out the key actions from the Lower Waitaki South Coastal Canterbury ZIP Addendum. The Nutrient Allocation Reference Group (NARG) also considered the allocation framework and contributed to the Zone Committee process. It is Horticulture NZ's understanding that Variation 3 differs in some respects from the programme set out in the ZIP Addendum. It is considered important that the Variation reflect the 'solutions package' agreed through the community process.

Decision sought:

Amend Variation 3 to be consistent with the 'solutions package' in the ZIP Addendum and NARG allocation framework.

Schedule Three: Section 15.1 South Coastal Canterbury definitions

3.1 Access to an irrigation scheme

The definition means: *an irrigation scheme has developed to a stage where the land is able to be supplied with water.*

It is not clear if the term will mean that it applies to a land area even if the access to the irrigation scheme is not utilised.

Decision sought:

Amend the definition of access to an irrigation scheme to: *an irrigation scheme has developed to a stage where the land is able to be supplied with water.*

3.2 Existing farming activity and new farming activity

The Variation includes definitions for existing farming activity and new farming activity. Both are based on the farming activity that was being undertaken on a property at 1 May 2015. It is not clear how 'farming activity' would be applied. It is particularly relevant where a rotational cropping or horticulture system is part of the operation. It needs to be clear that the exact area in crop as at 1 May 2015 should not determine the 'farming activity' but rather that broad descriptors of the activity are used so that rotational activity is taken into account. Farms may, or may not, have had an area of crop at that point in time. Such cropping systems need to be included as part of the farming activity.

Decision sought:

Amend the definitions for Existing farming activity and new farming activity include recognition of crop rotation:

Existing farming activity means a farming activity in existence on the property at 1 May 2015 and includes the full rotational cropping systems and use of parts of the farm for crops that are part of the farming activity undertaken on the property.

3.3 Nutrient user group

Horticulture NZ supports the use of nutrient user groups in the Variation so that nutrient management is managed collectively.

Decision sought:

Retain the definition of nutrient user group.

3.4 Flexibility cap

As stated above there is a need for flexibility cap and maximum cap and limits in the Variation to be amended when a new version of OVERSEER is introduced. Nutrient baselines as defined in Section 2.9 require that the most version of OVERSEER is used. There can be significant changes in the numbers that emerge from OVERSEER as a result of version changes. Therefore other numbers in the Plan also need to be

adjusted following release of a new version of OVERSEER. A change is sought to the definitions to provide for such adjustments.

Decision sought:

Amend the definition of flexibility cap as follows:
means the allowable nitrogen loss rate in an area as set out in Table 15(n), adjusted following release of updated OVERSEER version.

3.5 Maximum cap

As stated in respect of 'flexibility cap' there is a need to adjust for release of new versions of OVERSEER.

Decision sought:

Amend the definition of maximum cap as follows:
means the maximum nitrogen loss rate allowed for the listed soil type in Table 15(m), adjusted following release of updated OVERSEER version.

Schedule Four: 15.3 Freshwater Outcomes

4.1 Freshwater outcomes (15.3)

Section 15.3 links the freshwater outcomes to the Objectives in Section 3 Tables 15a) and 15b).

Tables 15 a) sets out the freshwater outcomes for South Coastal Canterbury Area Rivers to be achieved by 2030 with ecological health, Macrophyte, periphyton, siltation, human health for recreation and cultural indicators for rivers in the area.

Table 15b) sets out the freshwater outcomes for South Coastal Canterbury Area Lakes to be achieved by 2030 with ecological, eutrophication, visual quality, human health for recreation and cultural indicators for lakes in the area.

The tables set out numerical numbers as the outcome sought. The wording in Section 15.3 indicates that the outcomes are considered to be 'objectives'. It is unclear if these are intended to be freshwater objectives as required by the NPSFM.

Decision sought:

Clarify if Tables 15a) and 15 b) are freshwater objectives under the NPSFM.

Delete 'objectives' in Section 15.3 Freshwater outcomes.

Schedule Five: 15.4 Policies

Managing landuse to maintain or improve water quality

5.1 Policy 15.4.2

Policy 15.4.2 seeks to achieve the water quality outcomes by not exceeding the nitrogen load limits in Tables 15 o) and 15 p).

The policy implies that all the water quality outcomes will be achieved through the nitrogen load limits. However not all outcomes are based on nitrogen management so meeting the nitrogen load limits will not achieve all the water quality outcomes.

Decision sought:

Amend Policy 15.4.2

Improve water quality for the Northern Streams Areas, Waihao- Wainono Area and the Morven–Sinclairs Area by not exceeding the nitrogen load limits in Tables 15 o) and 15p).

5.2 Policy 15.4.3

The policy seeks to 'avoid the movement of nitrogen' between the Plains Area and the Hill Areas. It is unclear what the intent of the policy is. The movement of nitrogen is not a matter over which the plan users have control so would be unachievable.

Decision sought:

Delete Policy 15.4.3

5.3 Policy 15.4.4

Policy 15.4.4 sets out the framework for improving water quality through farming activities operating at good management practice or better and the use of Farm Environment Plans where resource consent is required.

Use of both good management practices and Farm Environment Plans (FEPs) are supported. However use of FEPs should not necessarily be limited to where resource consent is required.

Decision sought:

Retain Policy 15.4.4.

5.4 Policy 15.4.5

Policy 15.4.5 sets out the timeframes for farming activities to comply with the maximum caps. Existing farming activities have till 1 January 2030 to comply and new farming activities are to comply immediately. There is no provision for farming enterprises or nutrient user groups. These should be included with existing farming activities.

Decision sought:

Amend Policy 15.4.5 a): "all existing farming activities, farming enterprises and nutrient

user groups, except those of extremely light soils as shown on the Planning maps, to comply with the maximum caps by 1 January 2030.”

5.5 Policy 15.4.7

Policy 15.4.7 sets out the mechanisms to be used to manage nitrogen losses and includes maximum caps, flexibility caps, and nitrogen baselines.

Clause b) enables a farming activity to operate in accordance with the greater of the nitrogen baseline OR the flexibility cap relevant to the respective area. The option of meeting the greater of the figures is supported.

It should be noted that changes are sought to the definitions of flexibility cap and maximum cap to ensure adjustment following release of new versions of OVERSEER.

Decision sought:

Retain Policy 15.4.7.

5.6 Policy 15.4.8

Policy 15.4.8 provides a framework for adjustments of the flexibility cap when augmentation of Wainono Lagoon has occurred in the preceding calendar year.

The approach to augmentation of the Wainono Lagoon is supported as it provides a mechanism to address the issues relating to the Lagoon.

It should be noted that changes are sought to the definitions of flexibility cap and maximum cap to ensure adjustment following release of new versions of OVERSEER.

Decision sought:

Retain Policy 15.4.8

5.7 Policy 15.4.9

Policy 15.4.9 relates to the Morven-Sinclair's Area and provides for nitrogen loss calculations to be above the nitrogen baseline if limits in Table 15 p) are not exceeded and considered through a resource consent process.

This approach is supported however it should be noted that the nitrogen load limits in Table 15 p) should be adjusted following release of new versions of OVERSEER.

Decision sought:

Retain Policy 15.4.9

Nutrient user groups and Farming Enterprises

5.8 Policy 15.4.10

Policy 15.4.10 provides flexibility in nitrogen management to enable an increase in nitrogen loss beyond the respective nitrogen baseline except for land in the Northern Streams Hill and Waihao-Wainono Hill Areas if the property is part of a nutrient user group, an irrigation scheme or a farming enterprise.

The farming enterprise and nutrient user group mechanism provide the opportunity to not exceed the aggregated nitrogen baselines across the properties in the enterprise or group but the policy seeks to limit the areas where this can occur. Such an approach limits the application of the policy and the flexibility that is anticipated.

Decision sought:

Delete from Policy 15.4.10: *“except for land in the Northern Streams Hill and Waihao-Wainono Hill Areas”*.

5.9 Policy 15.4.11

Policy 15.4.11 seeks to avoid catchment nutrient load limits being exceeded by requiring all the properties in the farming to be in the same Surface Water Allocation Zone. It would be more appropriate that they are in the same nutrient discharge allocation area within the South Coastal Canterbury Area.

Decision sought:

Amend Policy 15.4.11 by deleting Surface Water Allocation Zone and replacing with nutrient discharge allocation area.

5.10 Policy 15.4.12

Policy 15.4.12 seeks to restrict the ‘movement of nitrogen between properties’. It is unclear what is intended through this limitation as nitrogen losses don’t ‘move between properties’, but rather to ground or surface water. The matter appears to be more the movement of nitrogen ‘allowance’ between properties. The ability to manage the nitrogen allowance across all properties in a farming enterprise or nutrient user group is a key issue for the policy approach. Restricting the movement of nitrogen allowance between properties limits the ability for nutrient trading to be used as a mechanism to manage nutrient losses.

Clause b) is limited to nutrient user groups. It is unclear whether it is also intended to include farming enterprises or whether only clause a) applies to farming enterprises.

Clause c) relates to the maximum cap not being exceeded on any individual property. It is considered that the maximum cap should not be exceeded across the aggregated losses of the properties in the enterprise or group as a rolling average.

Decision sought:

Amend Policy 15.4.12 as follows: *Maintain water quality by limiting the movement of nitrogen allowances between properties*

Amend Condition c): The maximum cap is not exceeded across the aggregated losses

of the properties in the farming enterprise or nutrient user group.

5.11 Policy 15.4.13

Policy 15.4.13 sets out a process for considering applications to establish a Nutrient user group. A resource consent is not required to establish a nutrient user group. The matters that are listed should be considered as part of the assessment of a resource consent application for a nutrient user group under Rule 15.5.9.

The policy should be amended to recognise that nutrient user groups are enabled through the plan.

Decision sought:

Amend Policy 15.4.13 as follows:

Enable the use of nutrient user groups to manage nutrient losses from the collective group.

Include matters in Policy 15.4.13 a-d) be considered as matters of conditions in Rule 15.5.9.

5.12 New Policy

There needs to be provision in the Variation for a transfer regime for nitrogen to ensure that there is the ability to change land use, while still being limited by the catchment load limit. Horticulture New Zealand realises that the current Nutrient User Groups act as a small transfer system. In the long term however to allow for full flexibility it will be necessary to allow for the groups to merge or to trade between themselves to increase the efficiency of the use of nutrients within a limit and allow for the transfer of nutrients to the highest value uses over time.

Decision sought:

Add a new policy and commensurate permitted activity rules and methods to enable transfer of nitrogen within and between enterprises and farms within the same water management unit, or similar rules and methods to give effect to development of a transfer system.

Lake, catchment and flow restoration

5.13 Policy 15.4.16

Policy 15.4.16 sets out the framework for improving water quality in the Wainono Lagoon provided a number of conditions are met. It is noted that a number of the conditions are to be 'avoided'. There is concern about the use of 'avoid' in the light of the King Salmon decision. Condition a) has provision for mitigation where the effects cannot be avoided. This approach should also be used in conditions b), d) and e).

Decision sought:

Amend conditions b), d) and e) by adding 'or mitigated where avoidance is not practicable' after 'avoided'.

Sustainable use of water and improvement of flows

5.14 Policy 15.4.19

Policy 15.4.19 sets out how surface water and groundwater flows are to be improved. Clause c) seeks to avoid the reallocation of any surrendered water. It is appropriate that surrendered is not reallocated where there is over-allocation. However where there is not over-allocation it would be appropriate that reallocation of surrendered water is provided for.

The use of out-of river storage is supported.

Decision sought:

Retain Policy 15.4.19 a)

Amend Policy 15.4.19 c) as follows:

avoid the reallocation of any surrendered water *where there is over-allocation*.

5.15 Policy 15.4.20

Policy 15.4.20 sets out how groundwater will be managed within the Waihao Groundwater Allocation Zone. Clause a) refers to using both reasonable and demonstrated use based on Schedule 10. The schedule is 'reasonable use' not 'demonstrated use'. The criteria are used to determine reasonable use. Therefore demonstrated use should be deleted.

Decision sought:

Delete 'demonstrated use' from Policy 15.4.20 a).

5.16 Policy 15.4.21

Policy 15.4.21 sets out how groundwater will be managed outside the Waihao Groundwater Allocation Zone. Clause a) refers to using both reasonable and demonstrated use based on Schedule 10. The schedule is 'reasonable use' not 'demonstrated use'. The criteria are used to determine reasonable use. Therefore demonstrated use should be deleted.

Decision sought:

Delete 'demonstrated use' from Policy 15.4.21 a).

5.17 Policy 15.4.22

Policy 15.4.22 sets out how an application for water take consents will be assessed and refers to using both reasonable and demonstrated use based on Schedule 10. The schedule is 'reasonable use' not 'demonstrated use'. The criteria are used to determine reasonable use. Therefore demonstrated use should be deleted.

Decision sought:

Delete 'demonstrated use' from Policy 15.4.22.

5.18 Policy 15.4.23

As sought in relation to Policies 15.4.20 – 15.4.22 demonstrated use should be deleted from Policy 15.4.23 c)

Decision sought:

Delete 'demonstrated use' from Policy 15.4.23 c).

5.19 Policy 15.4.26

Policy 15.4.26 sets out how water takes will be reduced or ceased in accordance with Tables 15g) to 15 j). Horticulture NZ has sought that specific provision be made for crop survival water and such changes need to be incorporated into Policy 15.4.26 and Tables 15g) to 15 j) to provide for these specific water takes.

Decision sought:

Include provision for crop survival water in Tables 15g) to 15 j).

5.20 Policy 15.4.30

Policy 15.4.30 seeks to limit transfers of water permits to only community water supplies.

Horticulture NZ considers that the transfer of water is an important mechanism to addressing water allocation in catchments.

Decision sought:

Amend Policy 15.4.30 by allowing transfer of water permits, not limited to community water supplies.

Sharing water in times of restrictions

5.21 Policy 15.4.33

Policy 15.4.33 provides for use of water user groups in times of water shortage restrictions.

Horticulture NZ supports the use of water user groups.

Decision sought:

Retain Policy 15.4.33 and the use of water user groups in times of water shortage restrictions.

Consent duration

5.22 Policy 15.4.35

Policy 15.4.35 seeks to establish a common expiry date in the catchments. Moving to a common expiry date framework can unfairly penalise existing users.

Decision sought:

Delete Policy 15.4.35

Schedule Six: 15.5 Rules

Nutrient management, sediment and microbial contaminants

Farming activities

6.1 Rule 15.5.2

Rule 15.5.2 provides for the farming activity to be permitted subject to not exceeding the nitrogen baseline and other conditions. Generally the rule is supported however if conditions 1a) 1c) or 4 are not met the activity should be able to be assessed as part of a resource consent application.

Decision sought:

Retain Rule 15.5.2 but amend activity status for Rule 15.5.4 and 15.5.5 as sought below.

5.2 Rule 15.5.3

Rule 15.5.3 provides for assessment of a farming activity as a restricted discretionary activity if the conditions of Rule 15.5.2 are not met. A FEP is required and matters of discretion listed. The rule is supported.

Decision sought:

Retain Rule 15.5.3.

5.3 Rule 15.5.4

Rule 15.5.4 makes farming activities that do not meet condition 1 in the RDA Rule 15.5.3 relating to FEP to be non-complying

Horticulture NZ considers that the default if Condition 1 relating to farm environment plan is not met should be Discretionary.

Decision sought:

Amend Rule 15.5.4 to Discretionary activity.

5.4 Rule 15.5.5

Rule 15.5.5 makes farming activities that don't comply with permitted activity conditions 1a) 1c) or 4 in Rule 15.5.2 to be prohibited.

It is a significant leap to go from permitted activity to prohibited and there should be the ability to apply for consent and an assessment of the activity to be undertaken.

It is considered that prohibited activity status is unjustified and should be assessed as a non-complying activity to allow consideration given the uncertainties with establishing the nutrient baseline and the methodology on which it is based. A non-complying rule

allows for consideration of an application where a land user can demonstrate the effects of the activity.

Decision sought:

Amend Rule 15.5.5 to Non-complying activity.

Farming enterprises

5.5 Rule 15.5.6

Rule 15.5.6 provides for assessment of a farming enterprise as a discretionary activity providing conditions are met, including if the nitrogen loss calculation has not increased above the nitrogen baseline. The Variation should provide for where an operation includes multiple properties the 'farming enterprise' assessment provides the opportunity for the whole operation to be assessed. However Condition 3 requires that the respective nitrogen baseline for each land area is not exceeded by the nitrogen loss calculation for the enterprise. This limits the ability for nitrogen to be averaged across the whole farming enterprise and is not effects based.

Condition 4 requires all the properties to be in the same Surface Water Allocation Zone. It would be more appropriate that they are in the same nutrient discharge allocation area within the South Coastal Canterbury Area.

In addition the conditions for farming enterprises are considerably more stringent than for nutrient user groups and Policies 15.4.10 – 15.4.13. This is considered to be inequitable given opportunities for co-management of risks across multiple properties.

It is considered that a discretionary activity status is not required and farming enterprise should be included in the rules relating to properties or a specific restricted discretionary rule that includes assessment of the crop rotational system and compliance with industry good practices.

Decision sought:

Amend Rule 15.5.6 to Restricted Discretionary activity for farming enterprises and include matters of discretion that take into account the rotational nature of the operation and industry good management practices.

Delete condition 3.

Amend Condition 4 by deleting 'Surface water allocation Zone' and replacing with nutrient discharge allocation area.

5.6 Rule 15.5.7

Rule 15.5.7 makes farming enterprises that don't comply with condition 1 in Rule 15.5.6, relating to FEPs, to be non-complying.

Horticulture NZ considers that the default if Condition 1 relating to farm environment

plan is not met should be Discretionary.

Decision sought:

Amend Rule 15.5.7 to Discretionary activity.

5.7 Rule 15.5.8

Rule 15.5.8 makes farming enterprises that don't comply with conditions 2,3 or 4 in Rule 15.5.6, to be prohibited. It is considered that Rule 13.5.20 should be non-complying to allow consideration given the uncertainties with establishing the nutrient baseline and the methodology on which it is based. A non-complying rule allows for consideration of an application where a land user can demonstrate the effects of the activity. In addition clause 3 is sought to be deleted from Rule 15.5.6.

Prohibited activity is inconsistent with Policies 15.4.10 – 15.4.13. Non complying is more appropriate to implement the policy framework.

Decision sought:

Amend Rule 13.5.20 to non-complying and delete condition 3 of Rule 15.5.6

Nutrient user groups

5.8 Rule 15.5.9

Rule 15.5.9 provides for Nutrient User Groups to apply for discretionary activity consent and lists a number of matters to be included in a Management Plan. Matters from Policy 15.4.13 should also be included in the management plan.

The rule framework enables flexibility in how nitrogen losses will be managed and accounted for and this approach is supported.

The properties should be located within the same nutrient discharge allocation area.

Decision sought:

Retain Rule 15.5.9 but amend Condition 3 by deleting 'Surface water allocation Zone' and replacing with 'nutrient discharge allocation area.'

Take and use of water

5.9 Rule 15.5.27

Rule 15.5.27 provides for surface water takes as a restricted discretionary activity. Demonstration of efficient use in condition 2 iii) is supported. However the condition is an option.

Decision sought:

Add 'demonstration of efficient use' as a matter of discretion in Rule 15.5.27.

5.10 Rule 15.5.30

Rule 15.5.30 provides for groundwater water takes as a restricted discretionary activity. Demonstration of efficient use in condition 4 iii) is supported. However the condition is an option.

Decision sought:

Add 'demonstration of efficient use' as a matter of discretion in Rule 15.5.30.

5.11 Rule 15.5.39

Rule 15.5.39 provides for the temporary or permanent transfer of water if the transfer is for a community water supply.

It is sought that Policy 15.4.30 be amended and not limited to community water supplies.

Horticulture NZ supports the transfer mechanism to enable efficient allocation and use of water, consistent with the National Policy Statement for Freshwater Management.

Rule 15.5.39 should be amended to enable transfer of water takes where there is no over-allocation.

Decision sought:

Amend Rule 15.5.39 Condition 1 by adding: 'or where there is no overallocation.'

5.12 Rule 15.5.40

Rule 15.5.40 prohibits both temporary and permanent transfers of both groundwater and surface water within the South Coastal Canterbury Area if the transfer is not for community water supply.

Such an approach removes the potential for use of the transfer tool to achieve efficient use of water.

Prohibiting transfers is not an effective mechanism to address over-allocation.

Decision sought:

Amend Rule 15.5.40 to Discretionary.

5.13 New rule sought: nitrogen transfer.

To enable flexibility of land use Horticulture New Zealand seeks a controlled or permitted activity transfer rule to be overseen by Council to provide for transfer of nutrients within or between properties, farming enterprises or nutrient user groups within the water management unit where it can be demonstrated the transfer will not cause an increase that exceed the provision for the total nutrient load limit for the water management unit.

Decision sought:

Construct a new rule and method framework to support the policy requested on transfer of nutrients.

Schedule Seven: Fresh water outcomes - Tables

7.1 15.6 Fresh water outcomes.

7.1.1 Table 15(a) sets out the freshwater outcomes for the South Coastal Canterbury Area Rivers by 2030. These values are recognised as based on existing data and support this as a good initial guide for healthy ecosystem outcomes. Clarification should be provided if these values are intended as targets under the NPS and if so this should be included.

7.1.2 There are currently gaps in the table. These values and targets should not be set until a clear and modelled relationship is established between the catchment loads and the effects in the rivers and streams. This will allow targets and limits to be which can be used to adjust the load for each catchment in Table 15p).

Decision sought:

Add two notes to the tables:

- 1) Statement to confirm whether the values are intended as targets under the NPS
- 2) Statement to outline process for updating the table where new values are added or changed.

7.2 15.7 Water Quality Limits for Rivers.

7.2.1 Table 15(c) sets out the freshwater limits for the South Coastal Canterbury Area Rivers. These values are recognised as based on existing SoE data, this data will unlikely include a representative range of low flow and event based monitoring samples. As such while this is a good guide and supported in principle the values obtained need to be linked to the actual and predicted attenuation in the catchment. This is only possible if a relationship is established between the proposed loads in Table (p) and the values in Table (c).

The values should be included as targets until such a relationship is established and a timeframe provided to give certainty to both the establishment of the attenuation relationships to the streams and the individual loads provided in Table (p).

In the present table the values are provided as 3 and even 5 significant figures. This clearly will lead to repeated and unnecessary declarations of these limits being breached due to hydrological variations in the attenuation relationships.

In consequence, where the attenuation is 'under' predicted farmers will unnecessarily be required to mitigation and reduce farm operations to meet the proposed targets in Table (c); conversely where the attenuation relationship is 'over' predicted farmers will continue to operate at the levels provided for in the plan and the targets will be repeatedly breached.

We note from our experiences in modelling catchments to identify limits in both the Tukituki and Selwyn catchments, the water quality concentrations predicted through the establishment of an attenuation relationship are dependent on dynamic representations of water quantity in groundwater and surface water. As such establishing a water quality limit may involve a necessary change(s) to water allocation.

Decision sought:

Change the table to provide for interim targets for the streams in the table until the attenuation relationship between the load and the water quality outcome is established.

Schedule Eight: 15.7 Environmental Flow and Allocation and Water quality targets/ limits

8.1 Environmental flows and allocation limits 15.7.4

8.1.1 Tables 15 g) – 15j)

Tables 15 g) - Tables 15 j) includes the partial restrictions for surface water takes. Horticulture NZ has seeks that crop survival water be included in the plan framework. Adjustments are need to Tables 15 g) – 15 j) to provides for the higher level of security sought.

Decision sought:

Add a note to the tables: Partial restrictions do not include water consented for crop survival water for horticultural crops.

8.2 Water Quality limits and targets (15.7.6)

8.2.1 Table 15 m)

Table 15 m) sets out the nitrogen flexibility caps for the Northern Streams and Waihoa – Wainono Areas.

The table needs to be indexed to OVERSEER so if there is a version change the figures are amended.

Decision sought:

Add to Table 15 m): This table will be updated when a new version of OVERSEER is released.

8.2.2 Table 15 n)

Table 15 n) sets out maximum caps for the Northern Streams and Waihoa – Wainono Areas.

The table needs to be indexed to OVERSEER so if there is a version change the figures are amended.

As sought in respect to Policy 15.4.5 the timeframes for existing farming enterprises and nutrient user groups should be the same as for existing farming activities.

Decision sought:

Add to Table 15 n): This table will be updated when a new version of OVERSEER is released.

Amend headings in Table 15n)

Delete farming enterprises and nutrient user groups from column 4 and include in column 3

with Existing farming activities.

8.2.3 Table 15 p)

Table 15 p) lists nitrogen load limits for farming in the South Coastal Canterbury Area.

These limits are based on OVERSEER calculations. The table needs to be indexed to OVERSEER so if there is a version change the figures are amended.

Decision sought:

Add to Table 15 p): This table will be updated when a new version of OVERSEER is released.

Schedule Nine: Amendments to Section 16 Schedules

9.1 Schedule 24b Farm Practices

The rule framework requires that farming activities implement the practices set out in Schedule 24b, which sets out nutrient management, irrigation management, grazing of intensively farmed stock grazing, cultivation and collected animal effluent practices.

Horticulture NZ generally supports the practices identified in the schedule but considers that the schedule should be interim while the Matrix of Good Management Practices is being developed.

It is noted that the Schedule is not specific to South Coastal Canterbury and that it will be included with the other Schedules in the proposed Land and Water Plan. There should be clarity that the Schedule will only be applied in South Coastal Canterbury where it is linked to the policy framework.

Horticulture NZ is concerned about the application of a mandatory setback of 3 metres for cultivation. It is acknowledged that potential for sediment loss should be managed, but there are a range of tools available to manage sediment. A setback of 3 metres is only one such tool. Reliance on requiring only one method means that the most suitable method may not be used.

Horticulture NZ has developed a Code of Practice for Sediment and Erosion management that has a range of 'other methods' that are available to be used to address the potential for sediment loss. A vegetated strip is only one such method and may not be the most appropriate for the situation.

A better environmental outcome can be achieved by ensuring that the most appropriate and responsive tool is used for the environmental conditions of the site. A site with topography that ensures no potential runoff of contaminants into an adjacent waterbody will not require an additional buffer. Crop type and seasonal activity may also affect the risk of runoff and dictate more appropriate tools.

It would be appropriate to add wording to Schedule 24b) d) ii as follows: "or other appropriate sediment control measures such as benched headlands, interception drains, bunds, grassed swales, contour drains or sediment ponds." A note could be added to refer to the Horticulture NZ Erosion and Sediment Control Guidelines Vegetable Production June 2014.

<http://www.hortnz.co.nz/assets/Uploads/Auckland-Waikato-ES-Control-Guidelines-1-1.pdf>

Decision sought:

Clarify that Schedule 24b) relates specifically to South Coastal Canterbury.
Amend Schedule 24b – Farm Practices d) Cultivation ii) by adding after 'minimum of 3 metres uncultivated vegetative strip' "or other appropriate sediment control measures such as benched headlands, interception drains, bunds, grassed swales, contour drains or sediment ponds." A note could be added to refer to the Horticulture NZ Erosion and Sediment Control Guidelines Vegetable Production June 2014.

<http://www.hortnz.co.nz/assets/Uploads/Auckland-Waikato-ES-Control-Guidelines-1-1.pdf>