

BEFORE THE HEARING COMMISSIONERS AT CANTERBURY

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010

AND

IN THE MATTER of Variation 3 to the Proposed Canterbury Land and Water Regional Plan - South Coastal Canterbury Streams

Post-Hearing Track-Change from Submitter: Horticulture NZ

(Prepared by Vance Andrew Hodgson)

Dated: 27 November 2015

1. As requested at the hearing on 17 November 2015, this document sets out the changes sought by Horticulture NZ to Variation 3.
2. Specifically, the changes sought apply to:
 - a. Section 15A Introductory Text
 - b. 15.1 Definitions
 - c. 15.5 Rules
 - i. Rule 15.5.6 Farming Enterprises
 - ii. Rule 15.5.9 Nutrient User Groups
 - iii. Rule 15.5.40 Transfers (noting that the latest online ECan track-change includes the same change as sought by Horticulture NZ)
 - d. 15.7.6 Water Quality Limits and Targets
 - i. Tables 15(m), (n) and (p)
 - e. Schedule 24(b) – Farm Practices
3. The Horticulture NZ changes are set out in **Appendix A**, marked in green underline and ~~strikethrough~~ against a clean version of the notified Variation 3 text.

Horticulture NZ

27 November 2015

APPENDIX A: POST-HEARING TRACK-CHANGE

SECTION 15A

Insert new paragraphs to introduction:

The Lower Waitaki South Coastal Canterbury Area that is addressed in this section includes a diverse range of farming, industrial and township based activities. The sub-region is of significant economic, social and cultural importance to the wider Canterbury and Otago Regions.

The South Coastal Canterbury area is an important area for agriculture and food production which provides significant employment, both on farm and in processing and service industries.

15.1 South Coastal Canterbury Definitions

Word or Phrase	Definitions
Existing farming activity	means a farming activity in existence on the property at 1 May 2015 <u>and includes all activities undertaken during the period of 01 July 2009 – 30 June 2013 whether seasonal or rotational.</u>

15.5 RULES

Farming Enterprises

15.5.6 The use of land for a farming activity as part of a Farming Enterprise is a restricted discretionary activity provided the following conditions are met.

1. A Farm Environment Plan for the Farming Enterprise has been prepared in accordance with Schedule 7, and is submitted with the application for resource consent; and
2. In the Northern Streams and Waihao-Wainono Areas the maximum cap for the relevant soil type, as set out in Table 15(n), is not exceeded on any land comprising part of the Farming Enterprise; and
3. The nitrogen loss calculation for the Farming Enterprise does not exceed the respective cumulative nitrogen baseline for each land area forming part of the Farming Enterprise; and
4. The properties comprising the Farming Enterprise are located in the same Surface Water Allocation Zone.

Nutrient User Groups

15.5.9 The use of land for a farming activity that forms part of a Nutrient User Group is a restricted discretionary activity provided the following conditions are met:

1. A management plan is submitted with the application for resource consent, which sets out:
 - a) the properties forming the Nutrient User Group; and
 - b) a map showing the location of all properties forming part of the Nutrient User Group; and
 - c) the legal description of all properties and the legal names of the property owners forming part of the Nutrient User Group; and
 - d) the method by which nitrogen losses will be managed and accounted for within the Nutrient User Group; and
 - e) the method by which nitrogen losses will be redistributed upon any property or any part of the property withdrawing from the Nutrient User Group; and
 - f) how the Nutrient User Group will ensure each property complies with the maximum caps set out in Table 15(n); and
2. A Farm Environment Plan has been prepared for each property in the Nutrient User Group in accordance with Schedule 7 Part A and is submitted with the application for resource consent; and
3. All properties within the Nutrient User Group are located within the same Surface Water Allocation Zone; and
4. No property within the Nutrient User Group is part of an Irrigation Scheme or a Farming Enterprise.

Take and Use of Water

~~15.5.40 The temporary or permanent transfer, in whole or in part, (other than to the new owner of the site to which the take and use of water relates and where the location of the take and use of water does not change) of a water permit to take and use surface water or groundwater that does not meet condition 1 of Rule 15.5.39 is a prohibited activity.~~

The permanent or temporary transfer of a water permit is to be considered as if it is a discretionary activity where the following condition is met:

1. The total volume of water retained and transferred does not exceed:

- (i) For irrigation takes, the lesser of the volume of water which is reasonable for the existing land use for the transferor, calculated in accordance with Schedule 10 or the volume which the permit holder has demonstrated that they have abstracted on average each year over the last two years; and
- (ii) For other takes, the lesser of the volume which is reasonable for existing end use or the volume which the permit holder has demonstrated that they have abstracted on average each year over the last two years.

15.7.6 Water Quality Limits and Targets

Table 15(m): Nitrogen Flexibility cap limits for the Northern Streams and Waihao-Wainono Areas

	Waihao-Wainono Area				Northern Streams Area		
	Waihao-Wainono Plains			Waihao-Wainono Hill	Northern Streams Plains		Northern Streams Hill
	A	B	C	D	E	F	G
	From 01 May 2015 and when augmentation has not occurred in the preceding calendar year	When augmentation has occurred in the preceding calendar year	When augmentation has occurred in the preceding calendar year and after 01 January 2035*	From 01 May 2015	From 01 May 2015	After 01 January 2035*	From 01 May 2015
Flexibility Cap ¹ (kg/N/ha/yr)	10 15	15	17	5	15	17	5

¹ The Flexibility Caps were modelled using OVERSEER® Version 6.2

* Freshwater outcomes in Tables 15(a) and 15(b) must also be met.

Table 15(n): Nitrogen Maximum cap limits for the Northern Streams and Waihao-Wainono Areas

Soil type as shown on Planning Map	Maximum cap ¹ (kg/N/ha/yr)	Existing farming activities	New farming activities, Farming Enterprises or Nutrient User Groups (includes HDIS and WDIS)
Extremely light and Light	35	Achieve by 01 January 2035	Achieve immediately
Medium	25		
Poorly drained	20 35		

¹ The Maximum Caps were modelled using OVERSEER® Version 6.2

cont.

Table 15(p): Nitrogen load limits for farming in the South Coastal Canterbury Area		
Area	Timing	Load limit (t/yr)²
Northern Streams (Otaio, Kohika, Horseshoe, Makikihi)	From 1 May 2015	Otaio Plains 159 Otaio Hill Area 13 Kohika Plains 99 Kohika Hill Area 1 Horseshoe Plains 50 Horseshoe Hill Area 0 Makikihi Plains 123 Makikihi Hill Area 10
	From 2030	Otaio Plains 170 Otaio Hill Area 13 Kohika Plains 106 Kohika Hill Area 1 Horseshoe Plains 51 Horseshoe Hill Area 0 Makikihi Plains 134 Makikihi Hill Area 10
Waihao-Wainono	From 1 May 2015	1105 (178* Hunter Downs Irrigation Scheme and Waihao Downs Irrigation Scheme) and (125 Hill Area)
Morven-Sinclairs¹	From 1 May 2015	Morven-Sinclairs Plains 369 Morven-Sinclairs Hill Area 0

¹ Morven Glenavy Irrigation Scheme does not have a Nitrogen load limit. Within the command area, the sum of each individual property's nitrogen baseline makes up the total scheme load limit.

² The N load limits were modelled using OVERSEER® Version 6.0, using the input data files and assumptions documented in Environment Canterbury Technical Report No. R15/29 (ISBN: 978-0-478-15142-8 [web]) available on the Environment Canterbury website.

* The load allocated to the schemes (the 'scheme load') is the 'top-up' load that allows scheme members to increase above the nitrogen baseline (2009-2013) for their individual property. Scheme members are not permitted to increase above the property nitrogen baseline to flexibility cap before accessing scheme load. The scheme load must be used before any increase up to a flexibility cap.

(d) Cultivation:

- (i) Cultivation means the preparation of land for growing pasture or a crop and the planting, tending and harvesting of that pasture or crop, but excludes:
- direct drilling of seed;
 - no-tillage practices;
 - re-contouring of land; and
 - forestry.
- (ii) For all cultivation adjacent to any river, lake, artificial watercourse (excluding irrigation canals, stock water races or ephemeral streams) or a wetland, a minimum of 3m uncultivated vegetative strip (measured from the edge of the bed of the river, lake, artificial watercourse, or wetland) is maintained around the water body or other appropriate sediment control measures are adopted, such as benched headlands, interception drains, bunds, grassed swales, contour drains or sediment ponds in accordance with “Horticultural NZ Erosion and Sediment Control Guidelines Vegetable Production June 2014”.