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**Subject:** Plan Change 7 to the LWRP Submission  
**Date:** Friday, 13 September 2019 11:11:14 AM  
**Attachments:** [ARIA\\_PC\\_7\\_submission.pdf](#)

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Good Morning,

Please find attached the a submission on Plan Change 7 of the Land and Water Regional Plan on behalf of the Ashburton River Irrigators Association.

Regards,

[Eva Harris](#)  
Environmental Manager

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**SUBMISSION ON PROPOSED PLAN CHANGE 7 TO THE CANTERBURY LAND AND WATER REGIONAL PLAN**

*Clause 5 First Schedule, Resource Management Act 1991*

**TO:** Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

Environment Canterbury  
PO Box 345  
Christchurch 8140

By email: mailroom@ecan.govt.nz

**Name of submitter:**

1 Ashburton River Irrigators Association (**ARIA**)

Address: 326 Burnett St, Ashburton 7700

Contact: Eva Harris, Environmental Manager

Email: eva@irrigo.co.nz

**Trade competition statement:**

2 ARIA could not gain an advantage in trade competition through this submission.

**Proposal this submission relates to is:**

3 This submission is on proposed Plan Change 7 to the Canterbury Land and Water Regional Plan (**PC7**) (**Proposal**).

**Other Interested Parties**

4 ARIA have developed this submission in collaboration of the following parties and express our support of their submissions:

4.1 Opuha Water Limited

4.2 HortNZ

4.3 DairyNZ

4.4 Rangitata South Irrigation Limited

4.5 Acton Farmers Irrigation Co-operative

4.6 Barrhill-Chertsey Irrigation Limited

**The specific provisions of PC7 that this submission relates to:**

5 This submission relates to:

5.1 The following provisions of Part A of PC7 (Region-wide component of PC7):

(a) Policies and rules related to commercial vegetable growing operations

(b) Rules 5.60-5.62 (irrigation schemes)

(c) Policies 4.99 and 4.100 and Rules 5.189 to 5.190 (managed aquifer recharge);

- (d) Rule 5.111 (small and community water takes);
- (e) Schedule 7 Farm Management Plan;
- (f) Schedule 7A Management Plan for Farming Activities;

## **Submission**

### Submission Structure

- 6 ARIA's submission is structured as follows:
  - 6.1 Background Ashburton River Irrigators Association (ARIA)
  - 6.2 ARIA's overall position on PC7;
  - 6.3 ARIA's specific submissions on PC7, including reasons and detailed relief sought.

### Background

#### *Ashburton River Irrigators Association*

- 7 ARIA represents approximately 65 members who hold water take resource consents connected to the Ashburton River and was initially established to consult on the Ashburton River flow regime. We have reformed this year with the initiation of the Ashburton River Consents Review process. Our members are a mixture of land uses who are impacted by different aspects of PC7.

### ARIA's Overall Position on PC7

- 8 ARIA recognises the significant challenges in putting in place a land and water management regime within the framework of the Canterbury Water Management Strategy, which seeks to maximise opportunities for the environment, economy and communities within Canterbury, but at the same time ensuring alignment with the mandatory directives of the Resource Management Act 1991 (**RMA**) and higher order planning instruments such as the National Policy Statement for Freshwater Management 2014 (updated 2017) (**NPSFM**).
- 9 ARIA generally supports the direction of PC7, particularly the intention to manage nutrient losses from vegetable growing activities differently to other land uses. However, ARIA believes the regime developed by ECan and included in PC7 is fundamentally flawed as it:
  - 9.1 Fails to take into consideration the principles of the National Policy Statement for Highly Productive Soil
  - 9.2 Fails to consider the natural, and physical limitations of soil and climate for vegetable growing activities
  - 9.3 Fails to consider the social benefits of vegetable growing operations through the supply of cost-effective fresh food for the domestic market
  - 9.4 Fails to take into consideration the importance of vegetable growing operations for addressing climate change

- 9.5 Relies heavily on Overseer nutrient budgets for expanded vegetable growing operations
  - 9.6 Creates a barrier to farmers wishing to diversify their operation into vegetable growing activities
  - 9.7 Lacks clarity and certainty with the requirements to protect indigenous freshwater species.
- 10 As a consequence of the above, the proposed PC7 rules framework will increase barriers for vegetable growers to expand their operation in response to population growth and switches to plant-based diets in response to climate change. These barriers will limit production and increase prices for fresh vegetables on the domestic market as demand increases.

#### ARIA's Specific Concerns

- 11 Without limiting the generality of the foregoing, ARIA's specific concerns together with a summary of the decisions it seeks from ECan are set out in the following Annexures to this submission:
- 11.1 **Annexure A:** ARIA's submissions on Parts A of PC7

#### **Summary of decisions sought by ARIA**

- 12 ARIA seeks the following decisions from Environment Canterbury:
- 12.1 The alternative rules framework for vegetable growing operations is maintained
  - 12.2 That permitted activity rules for minor vegetable growing operations are included
  - 12.3 That the alternative rules framework for vegetable growing operations require operation at Good Management Practice until Overseer can realistically model these farming operations.
  - 12.4 Further consideration is provided in clarifying the special extent of indigenous freshwater species habitat.

#### **Wish to be Heard:**

- 13 ARIA wishes to be heard in support of this submission.
- 14 ARIA would be prepared to consider presenting a joint case with others making similar submissions at the hearing.

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**Ashburton River Irrigators Association**

**By its authorised Agents**

Irrigo Centre Limited

Date: 13 September 2019

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**ANNEXURE A: PLAN CHANGE 7 - REASONS FOR SUBMISSION AND DECISIONS SOUGHT BY ASHBURTON RIVER IRRIGATORS ASSOCIATION**

(1) The specific provisions of PC7 that ARIA's submission relates to are:		(2) ARIA's submission is that:		(3) ARIA seeks the following decisions from Environment Canterbury (ECan) (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in <del>strikethrough</del> ).
Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
Section 2.9 Definitions, Translations and Abbreviations				
Page 12	<i>Definition</i> Baseline commercial vegetable growing area	Oppose	ARIA disagree with limiting commercial vegetable growing operations to a baseline area.	Remove the proposed definition of Baseline commercial vegetable growing area. Means the aggregated area of land used for a commercial vegetable growing operation in any 12 month consecutive period within the period of 1 January 2009 to 31 December 2013 and under the control (owned or leased) of a single grower or enterprise.
	<i>Definition</i> Commercial vegetable growing operation	Support in part	ARIA supports the definition of commercial vegetable growing operation including the full sequence of crops which form the rotation. ARIA also recommends the expansion of this definition to include equivalent land use activities and exclude operations with a small proportion of vegetable activities.  Furthermore, a significant number of arable farms incorporate process crops, such as peas, into their cropping rotations. The proportion of crop in rotation meeting the "commercial vegetable growing operation" definition is small, and they may find it easier to operate under the existing rules framework.	Amend definition to account for the following: <ul style="list-style-type: none"> <li>- Inclusion of the term "predominantly vegetable growing" to exclude operations where vegetable growing activities are a minor component of their operations.</li> <li>- Expansion to allow for other land uses which face similar challenges, who would benefit from operation under the vegetable growing operation rules framework.</li> </ul>
	<i>Definition</i> Managed Aquifer Recharge	Support	The definition concisely recognises the purpose of MAR and its potential for assisting in the management of water quality issues in Canterbury.	Retain as notified.
	<i>Definition</i> Highest Groundwater Level.	Support	Given that MAR has the goal of lifting groundwater levels this definition identifying highest groundwater levels is appropriate to its outcomes.	Retain as notified.
	<i>Definition:</i> Indigenous freshwater species habitat	Oppose	Before this definition is adopted, there needs to be thorough analysis and discussion (especially with land owners and managers) about what is intended to be captured, the value of these habitats, how they will be mapped and within what timeframes, who is resourcing or funding the assessments, how widespread they are likely to be, what	Delete the definition of: Indigenous freshwater species habitat.

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			areas will be covered by them and what the impacts will be, especially economic impacts. Until this is done, ARIA is opposed to the inclusion of this definition and its use throughout the plan (including maps).	
	Vegetation clearance	Support	The amendment recognises that the Canterbury Regional Pest Management Plan has replaced the previous Canterbury Pest Management Strategy.	Retain the amended definition as notified.
<b>Section 4 Policies</b>				
	Policy 4.31 and 4.61A	Oppose	These policies refer to indigenous freshwater species habitat. As expanded on above, there needs to be thorough analysis and discussion about the identification and value of these habitats, what is intended to be captured, how widespread they are likely to be, what areas will be covered by them and what the impacts will be, especially economic impacts. Until this is done, ARIA is opposed to all references to indigenous freshwater species habitat.	Delete Policies 4.31 and 4.61A. There needs to be thorough analysis and discussion about the identification and value of these habitats, how assessment will be done and who will resource/fund this, how widespread they are likely to be, what areas will be covered by them and what the impacts will be, especially economic impacts.
Page 17	Policy 4.36A	Support in part	<p>ARIA supports recognition of the particular constraints applicable to commercial vegetable growing operations and the requirement for all growers to operate at Good Management Practice, complete Farm Environment Plans and to meet applicable nutrient loss reduction targets.</p> <p>However ARIA oppose the limitations on growing areas or management to baseline nitrogen loss rates on new commercial vegetable growing land. These constraints implement barriers for growth to keep up with demand, particularly in the domestic market, and is inconsistent with the purpose of the proposed National Policy Statement for Highly Productive Land (<b>NPS-HPL</b>), which aims to:</p> <ul style="list-style-type: none"> <li>Recognise the full range of values and benefits associated with the use of Highly Productive Land for primary production;</li> <li>Maintain its availability for primary production for future generations; and</li> <li>Protect it from inappropriate subdivision, use, and development.</li> </ul> <p>The requirement for expanded commercial vegetable growing operations to demonstrate compliance with a nitrogen baseline on the property is onerous in lease situations and will create a barrier for growth. Therefore, Policy 4.36A essentially prevents the full utilisation and conversion of rural, highly productive land to a commercial vegetable growing operation.</p>	<p>Amend Policy 4.36A as follows:</p> <p>Recognise the particular constraints that apply to commercial vegetable growing operations (including the need to rotate crops to avoid soil-borne diseases and for growing locations in close proximity to processing facilities) and provide a nutrient management framework that appropriately responds to and accommodates these constraints while improving or maintaining water quality by:</p> <ol style="list-style-type: none"> <li>requiring commercial vegetable growing operations to operate at good management practice;</li> <li><del>avoiding the establishment of a new commercial vegetable growing operation, or any expansion of an existing commercial vegetable growing operation beyond the baseline commercial vegetable growing area, unless the nitrogen losses from the operation can be accommodated within the lawful nitrogen loss rate applicable to the new location;</del></li> <li>requiring commercial vegetable growing operations to demonstrate, at the time of application for resource consent and at the time of any Farm Environment Plan audit, how any relevant nutrient loss reduction set out in Sections 6 to 15 of this Plan will be achieved;</li> <li><del>constraining, as far as practicable, commercial vegetable growing operations to a single nutrient allocation zone or sub-region; and</del></li> </ol>

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Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
			Furthermore, only a small number of vegetable crops present a potential risk to the environment, which can be managed through robust guidance on Good Management Practice and it's effective implementation.	e. requiring a Farm Environment Plan as part of any application for resource consent, and requiring that Farm Environment Plan to be prepared in accordance with Schedule 7 of this Plan.
	Policy 4.47	Oppose in part	The proposed amendment to Part b. would require the adverse effects of small-scale diversions, to enable gravel removal or other earthworks, to be minimised. The amendment seems reasonable but it is unclear what it would mean in practical terms.	Amend Part b. as follows: ... are minimised as much as practicable;
	Policy 4.87	Support	The amendment recognises that the Canterbury Regional Pest Management Plan has replaced the previous Canterbury Pest Management Strategy.	Retain the amended policy as notified.
page 19	Policies 4.99 and 4.100	Support	ARIA supports the principle of managed aquifer recharge and the inclusion of a bespoke set of planning provisions in PC7 to guide the further consenting of such activities.	Retain Policies 4.99 and 4.100 as notified.
	Policy 4.100 (b)	Support and extend	ARIA proposes that if, in situations where environmental flows or allocation limits exist, applicants holding existing water permits are to be permitted to use a portion of that water for MAR as long as benefits outweigh any adverse effects, then such applicants should also be permitted to use a portion of their water right for MAR where environmental flows or allocation limits are not over allocated.  Given the policy provision of 4.100(b), it follows that, where environmental flows or allocation limits are not exceeded those applicants should also be permitted to use a portion of their flows for MAR. In these situations, the risks to environmental flows or allocation limits are not present.	That Ecan include a policy so that when considering applications to take surface water for managed aquifer recharge where the rate of take and/or volume of water sought for abstraction from that surface water body, in combination with other takes, will not exceed the environmental flows and/or allocation limits in Sections 6 to 15 of this Plan: If the applicant holds an existing water permit that authorises the take and use of surface water for irrigation and proposes to use a portion of that water for managed aquifer recharge that this be permitted.
	Policy 4.101	Oppose	This policy refers to Indigenous Freshwater Species Habitat. We have expanded upon our concerns above in this regard (see under the accompanying definition and Policies 4.31 and 4.61A). There needs to be thorough analysis and discussion about the identification and value of these habitats, how widespread they are likely to be, what areas will be covered by them and what the impacts will be, especially economic impacts. Until this is done, ARIA is opposed to all references to Indigenous Freshwater Species Habitat.	Delete Policy 4.101. There needs to be thorough analysis and discussion about the identification and value of these habitats, how widespread they are likely to be, what areas will be covered by them and what the impacts will be, especially economic impacts.
	Policy 4.102	Oppose in part	Both parts of the policy especially the part relating to existing structures need to have a practicability qualification attached to them.	ARIA recommends amendment as follows: As far as practicable, structures enable the safe passage of indigenous fish, while avoiding as far as practicable, the passage of any invasive, pest or nuisance fish species by: ....



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Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
page 20	Policy 4.103	Support	ARIA accepts the need for water quality data supplied to ECan for consent compliance purposes to be in a form that is compatible with ECan's software.	Retain Policy 4.103 as notified.
<b>Section 5 Region Wide Rules</b>				
page 29	Rule 5.41	Support	ARIA supports the inclusion of the commercial vegetable growing activities within the permitted activity rules for land otherwise managed under another consent.  Appropriate rules for managing effects from commercial vegetable growing activities need to ensure the long-term supply of food on the domestic market is maintained. Excessive restrictions on commercial vegetables operations can result in reduced yields and less growth to feed a growing population, increasing the cost of food.	Retain Rule 5.41 as notified.
page 30	Rules 5.42CA – 5.42CD	Support in Part	ARIA supports the principle of providing specific provisions for managing effects from commercial vegetable growing operations.	Amend as described in the sections below.
page 30	Rule 5.42CA	Support in part	ARIA supports the inclusion of a permitted activity rule for small vegetable growing activities, however we oppose the minimum size limit as it introduces consent requirements on properties where the environmental impact is likely to be minimal and the scale of the operation is uneconomic to introduce further restrictions, such as on lifestyle properties with road-side stalls.  Furthermore, the proposed rules frame work requires nutrient budgets for expanded land. Overseer is designed to model N losses on a farm scale, and can produce erroneous results where there are a large number of blocks less than 1 ha in size, with more accurate analyses produced when block sizes are greater than 4 ha. Many smaller vegetable growing operations, such as market gardens, have small areas of vegetables and are not able to be modelled in Overseer.  ARIA therefore recommend no restrictions on vegetable growing operations less than 4 ha.	Amend Rule 5.42CA to state: The discharge of nutrients from a commercial vegetable growing operation on a property <del>0-5</del> <u>4</u> hectares or less in area is a permitted activity.
page 30	Rules 5.42CA – 5.42CD	Oppose	ARIA oppose the exclusion of an intermediate permitted activity rules. There is little evidence to suggest adverse effects from nitrogen losses on small commercial vegetable growing activities are any worse than other, currently permitted, small-scale land uses (such as winter grazing) and therefore applying similar nutrient management rules is equitable with the restrictions faced by other land uses in the region. Overseer can also produce erroneous results where there are very small blocks (less than 1 ha), which would be common in small-scale vegetable growing operations.	Include a two new permitted activity rules 5.42 CAA and 5.42 CAAA which states:  <u>5.42 CAA The discharge of nutrients from a commercial vegetable growing operation on a property greater than 4 ha and less than 10 ha and has no natural waterways, springs or wetlands is a permitted activity.</u>

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Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
			<p>However, ARIA recognise short rotations, regular cultivation and more regular periods in fallow may mean higher risks of sediment and phosphorus run-off into surface water, if present.</p> <p>ARIA therefore propose an additional two permitted activity rules for small commercial vegetable growing operations, which recognises the higher risks associated with having natural waterways on the land. The first recognises the low impact of commercial vegetable growing activities where there are no surface water bodies.</p> <p>The second proposed rules clearly sets out environmental expectations for small operators through implementation of FEPs and restrictions on other activities which may form part of the commercial vegetable operation, without the additional compliance burden related to obtaining and complying with a resource consent.</p>	<p><u>5.42CAAA The discharge of nutrients from a commercial vegetable growing operation which does not meet rule 5.42CAA a permitted activity provided the following conditions are met:</u></p> <ol style="list-style-type: none"> <li>1. <u>The commercial vegetable growing operation is registered in the Farm Portal by 1 July 2020 and information about the farming activity is reviewed and updated by the commercial vegetable growing operator or their agent every 36 months thereafter, or whenever a material change in the land use associated with the commercial vegetable growing activity occurs</u></li> <li>2. <u>The area of the commercial vegetable growing operation authorised to be irrigated with water is less than 50 hectares; and</u></li> <li>3. <u>The area of the commercial vegetable growing operation used for winter grazing is less than:</u> <ol style="list-style-type: none"> <li>a. <u>10 hectares, for a commercial vegetable growing operation less than 100 hectares in area; or</u></li> <li>b. <u>10% of the area of the commercial vegetable growing operation between 100 hectares and 1000 hectares in area; or</u></li> <li>c. <u>100 hectares, for any commercial vegetable growing operation greater than 1000 hectares in area; and</u></li> </ol> </li> </ol> <p><u>A Management Plan has been prepared in accordance with Schedule 7A and is implemented within 12 months of the rule being made operative and supplied to the Canterbury Regional Council on request.</u></p>
page 30	Rule 5.42CB	Support in part	<p>ARIA supports the inclusion of a discretionary activity rule for commercial vegetable growing activities which are of sufficient risk to ensure good management practice is implemented. However, ARIA oppose restrictions on the growth area and obligation for the grower to ensure additional land meets nitrogen baseline losses for the property, particularly limiting rotations to within Nutrient Allocation Zones.</p> <p>The s32 report states the challenges faced by growers with meeting existing nutrient management rules, including;</p> <ul style="list-style-type: none"> <li>- Complicated rotations which are difficult and expensive to model in Overseer</li> <li>- Management of N losses on leased land</li> </ul> <p>These challenges increase significantly if growers become responsible for ensuring N losses on new lease land also complies with property baseline. Furthermore, the</p>	<p>Amend Rule 5.42CB to state:</p> <p>5.42 CB The discharge of nutrients from a commercial vegetable growing operation that does not meet Rule 5.42CA is a restricted discretionary activity, provided the following condition is met:</p> <ol style="list-style-type: none"> <li>1. A Farm Environment Plan has been prepared for the activity in accordance with Part A of Schedule 7 and is submitted with the application for resource consent; and</li> <li>2. <del>The aggregated area of land used for the commercial vegetable growing operation is no greater than the baseline commercial vegetable growing area;</del> and</li> <li>3. <del>All land that forms part of the commercial vegetable growing operation is located within the same sub-region and Nutrient Allocation Zone.</del></li> </ol>

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Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
			<p>primary tool for managing nitrogen losses on a property, Overseer, has limited data supporting the calculated N losses for many vegetable crops, with a number of crops modelled using proxies. Our growers are able to provide long-term deep N test results which demonstrate the N losses calculated in Overseer significantly overstate the N losses expected when Good Management Practice is implemented.</p> <p>The s32 report also notes vegetable growing operations contribute between 3-5% of nitrogen losses to the catchment, therefore the additional costs and time related to managing nutrient losses using Overseer is out of proportion to the risks to the environment from these activities. Secondly, commercial vegetable growing activities are naturally limited by availability of appropriate soils, climate, crop rotations and proximity to processing plants and main centres. For these reasons enabling lease arrangements to continue ensure localised effects are minimised and optimum yields, maximising the utilisation of inputs, are obtained.</p> <p>ARIA therefore recommend a rules framework which ensures commercial vegetable growers are subject to implementation of Good Management Practice, which is sufficient to manage adverse effects from these activities.</p>	<p>The exercise of discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> <li>1. The timing of any actions or good management practices proposed to achieve the objectives and targets described in Schedule 7; and</li> <li>2. Methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and</li> <li>3. The commencement date for the first audit of the Farm Environment Plan and methods to address any non-compliance identified as a result of a Farm Environment Plan audit, including the timing of any subsequent audits; and</li> <li>4. Methods that demonstrate how any nutrient loss reductions required by Sections 6 to 15 of the Plan will be achieved; and</li> <li>5. Reporting of progress made towards any nutrient loss reductions required by Sections 6 to 15 of the Plan, and any actions implemented to remedy issues identified in any audit of the Farm Environment Plan; and</li> <li>6. Methods to prevent an exceedance of any relevant nutrient load limit set out in Sections 6 to 15 of the Plan if the region-wide rules continue to apply in the sub-region.</li> </ol>
page 30	Rule 5.42CC	Oppose	<p>ARIA opposes limitations on the area of a commercial vegetable operation and it would be impossible to apply for resource consent as the land subject to the application may not have been leased at that point in time. These challenges are directly contrary to the intention of the NPS-HPL, which looks to prioritise the use of elite soils for the purpose of growing food.</p> <p>ARIA propose growth in vegetable growing operations is promoted, provided they are managed to Good Management Practice.</p>	Remove Rule 5.42CC
page 30	Rule 5.42CC	Neutral	ARIA supports the preparation of a Farm Environment Plan in accordance with Schedule 7 of the LWPR, however does not feel it is necessary to be included as part of the application as the grower must prepare and adhere to their FEP when they are audited.	
page 30	Rule 5.42CD	Oppose	ARIA oppose a prohibited activity rule based on a tool (Overseer) which requires extensive use of proxy crops, produces erroneous results when small blocks are modelled and is not an accurate representation of N loss for many crops.	Remove Rule 5.42CD.
page 31	Rule 5.60 and 5.61	Support	ARIA support the removal of rules 5.60 and 5.61 as it provides clarity around the land use activity status for scheme shareholders.	Support removal of 5.60 and 5.61
page 31	Rule 5.62	Support in Part	ARIA support the simplification of rule 5.62. However, from our experience the s15(1) reference to this rule is a historical oversight, which significantly complicates the consenting process when all other nutrient management rules are written to be a s9	Amend Rule 5.62 to read as follows:

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Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
			authorisation. Scheme consents are simply aggregated land use consents and should be authorised under the same provisions of the RMA as all other nutrient management rules for consistency.	The use of land for a farming activity <del>discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water</del> that would otherwise contravene s15(1) s9 of the RMA, where the applicant is an irrigation scheme or a principal water supplier or the holder of the <del>discharge</del> farming activity permit will be an irrigation scheme or a principal water supplier, is a discretionary activity.
	Rule 5.71	Oppose in part	The proposed amendment to Rule 5.71, to refer to Indigenous Freshwater Species Habitat, would prohibit the access of farmed cattle, deer or pigs to these habitats. As explained in greater detail above, it is our view that, before this amendment is adopted, there needs to be thorough analysis and discussion (especially with land owners and managers) about the value of these habitats, their mapping, how widespread they are likely to be, what areas would be covered by them and what the impacts will be, especially economic impacts. Until this is done, ARIA is opposed to the definition of Indigenous Freshwater Species Habitat and its incorporation into Rule 5.71. ARIA supports the other amendments to Rule 5.71.	Amend the notified Rule 5.71 by removing the reference to Indigenous Freshwater Species Habitat, as follows: ....inanga spawning habitat, <del>or in any Indigenous Freshwater Species Habitat;...</del>
	Rule 5.120, 5.136, 5.137, 5.138, 5.139, 5.140, 5.140A, 5.141, 5.148, 5.151, 5.152, 5.163, 5.167, 5.168, 5.191	Oppose	These rules refer to indigenous freshwater species habitat. Our concerns have been expanded upon in greater detail above. In our view, there needs to be thorough analysis and discussion about the identification and value of these habitats, how widespread they are likely to be, what areas will be covered by them and what the impacts will be, especially economic impacts. Until this is done, ARIA is opposed to all references to indigenous freshwater species habitat.	Delete reference to indigenous freshwater species habitat
	Rule 5.140	Oppose in part	This rule refers to indigenous freshwater species habitat. As stated above, there needs to be thorough analysis and discussion about the identification and value of these habitats, how widespread they are likely to be, what areas will be covered by them and what the impacts will be, especially economic impacts. Until this is done, ARIA is opposed to the reference to indigenous freshwater species habitat. Condition 5. b. is unclear e.g. what does ...25% of the internal width of the culvert is below the bed of the river... mean?	Delete reference to indigenous freshwater species habitat in Condition 1. Re-write Condition 5. b. to clarify the culvert installation requirements
	Rules 5.141 and 5.152	Oppose in part	These rules refer to indigenous freshwater species habitat.	Delete reference to indigenous freshwater species habitat in Condition 2.

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			There needs to be thorough analysis and discussion about the identification and value of these habitats, how widespread they are likely to be, what areas will be covered by them and what the impacts will be, especially economic impacts. Until this is done, ARIA is opposed to the reference to indigenous freshwater species habitat. The required concentrations of suspended solids in Condition 3 need to be technically justified.	Delete Condition 3 until the required concentrations of suspended solids are technically justified.
	Rule 5.141A	Oppose in part	The rule should have restricted discretionary activity status, with matters for discretion to cover the conditions in Rules 5.135 – 5.141.	Change activity status to restricted discretionary, with matters for discretion to cover the conditions in Rules 5.135 – 5.141.
page 34-35	Rule 5.111 (Small and community water takes) and associated "interpretation" note	Support	ARIA considers the proposed amendments are required to better align Rule 5.111 and the associated interpretation note with section 14(3)(b) of the Resource Management Act 1991 (RMA).	Retain Rule 5.111 and the associated "interpretation" note as notified.
Pages 52 - 53	Rules 5.191 – 5.193 (Managed Aquifer Recharge)	Support in part	<p>ARIA supports the rules in 5.191 with two exceptions.</p> <p>5.191.5. ARIA recognises that where there is no existing drinking water supply source within 1 km of the discharge, there may still be a need to demonstrate that there will be no degradation of groundwater quality.</p> <p>As the potential for degradation of water quality reduces with distance from the discharge, it follows that, if there is no demonstrable reduction in quality within 1 kilometre, there will be less risk over longer distances. This provision is open ended. There is no limit to the distance so could potentially cover the whole of the Hinds Plains. At distances greater than 1 kilometre the "noise" from other factors such as other contamination makes the task of demonstrating that the discharge will not reduce quality problematic.</p> <p>5.191.6(a). Remove the inclusion of "artificial watercourse". Possible potential sites for MAR include irrigation races or stock water races that may now be redundant because of scheme piping. These would meet the classification of artificial water courses. MAR could also use artificial water courses such as irrigation races for the conveyance of water. These races commonly allow some water to leak into aquifers and ARIA considers this leakage to be a legitimate part of MAR. This rule would prevent these uses for no recognisable benefit or reduction of risk.</p>	<p>Amend Rule 5.191 to state:</p> <p>...</p> <p>5. The application demonstrates the proposal will not reduce the quality of human and animal drinking water at any existing drinking water supply source within 1 kilometre of the point of discharge; and where there are no existing drinking water supply sources within 1 kilometre of the proposal the application demonstrates there will be no degradation in groundwater quality <del>further than</del> <u>up to</u> 1 kilometre beyond the discharge point; and</p> <p>6. The point of discharge is not:</p> <ol style="list-style-type: none"> <li>directly into the bed of a river or lake, an <del>artificial watercourse</del> or a wetland, excluding an artificial wetland; or</li> <li>onto or into contaminated or potentially contaminated land; or</li> <li>within 50 m of an existing bore used for water abstraction; or</li> <li>within a Community Drinking-water Protection Zone as set out in Schedule 1; and...</li> </ol>

(1) The specific provisions of PC7 that ARIA's submission relates to are:		(2) ARIA's submission is that:		(3) ARIA seeks the following decisions from Environment Canterbury (ECan) (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in <del>strikethrough</del> ).
Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
<b>Schedules</b>				
page 189 – 196	Schedule 7	Support in Part	<p>ARIA support the update of Schedule 7 to recognise the different rules framework proposed for commercial vegetable growing operations. However, these changes fail to adequately address the technical challenges of lease land or where no nitrogen baseline is available or required.</p> <p>ARIA propose Schedule 7 property identification and nitrogen baseline requirements are updated to take into consideration short-term leases and the size of the operation.</p> <p>Furthermore, the current requirements for Schedule 7 do not take into consideration any situation where multiple properties form part of an integrated farming enterprise, such as a dairy and support block or other arable operation.</p>	Amend Schedule 7 Default Content to give relief to other submissions sought, in particular bespoke requirements for identifying and managing risks on temporary lease blocks.
page 197-199	Schedule 7a	Support in Part	ARIA supports the inclusion of a new permitted activity rule requiring minor commercial vegetable growing operations to minimise their impact through implementation of Good Management Practice and a simplified Farm Environment Plan.	Amend Schedule 7a to give relief to minor commercial vegetable growing operations, in particular include a section which addresses actions required to minimise potential direct discharges of sediments and other contaminants to water.