From:	Nic Conland
To:	Mailroom Mailbox; Nicola Loach
Cc:	
Subject:	Plan Change 7 LWRP Further Submission
Date:	Friday, 6 December 2019 3:14:32 PM

Good afternoon,

Please find attached the further submission on behalf of Potatoes New Zealand.

For any correspondence please contact Nicola Loach - accounts@potatoesnz.co.nz

Kind regards

Nic

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Nic Conland
Taiao - Natural Resource Management
0274 135 699

Science based policy and planning to reach informed decisions when managing your natural resources

FURTHER SUBMISSION ON:

PROPOSED PLAN CHANGE 7 – CANTERBURY LAND AND WATER REGIONAL PLAN
20th July, 2019

TO: CANTERBURY REGIONAL COUNCIL (Environmental Canterbury)

NAME OF SUBMITTER: Potatoes New Zealand

CONTACT FOR SERVICE:

Nicola Loach

Office & Finance Administrator

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FURTHER SUBMISSION ON A PLAN CHANGE 7

1. Potatoe New Zealand's (PNZ) further submissions are contained in the attached table.

2. PNZ represents commercial vegetable growers in Canterbury, so represents a relevant aspect of the public interest.

3. PNZ is not a trade competitor and could not gain any advantage in trade competition through this further submission.

4. PNZ wishes **to be heard** in support of its further submissions.

5. If others make similar submissions, PNZ **will consider** discussions prior to caucusing and presenting a joint case with them at the hearing.

Table of Further Submissions:

A full track Changes version showing the entirety of specific PNZ relief sought is attached below as SCHEDULE 1

Submitter (Id) - contact	Provision(s) in submissions	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
Agri Magic Limited (PC7-131) charlotte@agrimagic.co.nz	Nitrogen reduction targets	Support in part – Oppose in Part	The PC7 proposals for nitrogen reductions are supported in their intent, however PNZ recommends that targeted reductions based on an adaptive management framework supported by decision support tools is the most efficient mechanism for changing freshwater outcomes.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.
Andrew McKay – Alps Seed Ltd (PC7-327) moanadowns@farmside.co.nz	Proposed planning approach in general	Support	Seed Potatoes production is essential for continuation of commercial vegetable production. In particular the need for rotation without administrative restriction and scarcity of highly productive lands. The ability to form an collective as a farming enterprise across sub-catchments and zones.	PNZ supports the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions. The relief sought by submitter is provided in PNZ provision proposed with small amendments to the initial relief proposed by PNZ in the strikethrough attached to this further submission below. The relief amends the modified definition for baseline commercial

Submitter (Id) - contact	Provision(s) in submissions	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
				vegetable production area proposed by PNZ.
Ballance Agri-Nutrients Limited (PC7-441) Dominic.Adams@ballance.co.nz	Section 32 evaluation Policy 4.36 Rule 5.42CB Rule 5.42CC Schedule 7	Support in part – Oppose in Part	Assessment of economic and social impacts were insufficient to evaluate potential for highly productive land.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.
Barrhill-Chertsey Irrigation Limited (PC7-153) eva@irrigo.co.nz	*Definition:* Baseline commercial vegetable growing area Policy 4.36A Rules 5.42CB – 5.42CD	Support	The submitter disagrees with "limiting commercial vegetable growing operations to a baseline area" as proposed in the PC7 definition. PNZ agree that "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 vegetable operations can result in reduced yields and less growth to feed a growing population, increasing the cost of food" PNZ also oppose "a prohibited activity rule based on a tool (Overseer) which requires extensive use of proxy crops, produces erroneous results when small	PNZ supports the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions. Make small amendments to the initial relief proposed by PNZ in the strikethrough attached to this further submission below. The relief amends the new method proposed by PNZ as Rule 5.42CF.

Submitter (Id) - contact	Provision(s) in submissions	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
			blocks are modelled and is not an accurate representation of N loss for many crops"	
Beef + Lamb New Zealand (PC7-214) lauren.phillips@beeflambnz.com	Proposed planning approach in general	Support in part – Oppose in Part	The submission seeks a viable pathway for commercial vegetable production.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.
Ellesmere Sustainable Agriculture Incorporated - Carey Barnett (PC7-207) carey.barnett@xtra.co.nz	Proposed planning approach in general	Support in part – Oppose in Part	The submission seeks "flexibility for farmers and/or operators to determine which definition of farm type their operation falls into – farm, farm enterprise or commercial vegetable growing operation, and to ensure that other farming types and/or mixed farming types are also provided flexible nutrient limits"	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.

Submitter (Id) - contact	Provision(s) in submissions	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
Combined Canterbury Provinces, Federated Farmers of New Zealand (PC7-430) lhume@fedfarm.org.nz	Proposed planning approach in general	Support in part – Oppose in Part	The submitter supports amendments to the provisions for commercial vegetable production.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.
McCains Food Ltd (PC7-187) - John Jackson john.jackson@mccain.co.nz	Policy 4.36A Access to irrigation water for potato production.	Support	McCains Food Ltd do not support Policy 4.36A as proposed which will lead to a stagnation of the commercial potatoe production crops. PNZ has drafted as alternative which resolves these issues.	PNZ supports the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.
McFarlane Agriculture Ltd & McFlynn Potatoes Ltd (PC7-278) hamish@mcfarlaneag.co.nz	Proposed planning approach in general	Support in part	The submission supports the proposed approach of PNZ in general.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.

Submitter (Id) - contact	Provision(s) in submissions	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
Ngā Rūnanga Ngai Tahu - Treena Davidson (PC-423) Treena.davidson@ngaitahu.iwi.nz	Inclusion of mana whenua values Protection of indigenous species and their habitat	Support	The submission supports the proposed approach of PNZ to enhance ecosystems at the same time as providing for food production and community wellbeing. PNZ support the recognition of Ngāi Tahu values.	PNZ supports the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.
Rathkeale Farming Partnership (PC7-181) David Moore moore_farm@hotmail.com	Commercial Vegetable Production – Rules (5.42CE)	Support in part – Oppose in Part	The submission seeks a viable pathway for commercial vegetable production and opposes the prohibited pathway proposed in PC7.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions Suggested relief is to adopt the tracked changes version added to this further submission below to provide a viable pathway for commercial vegetable production.
Ravensdown Limited - Carmen Taylor (PC7-114) carmen@planzconsultants.co.nz	Definition – Baseline commercial vegetable growing area	Support in part – Oppose in Part	The submitter recognises the need to provide a policy and rule structure for commercial vegetable production in the Canterbury region. The submitter opposes the restriction in the policy and rule framework for	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent

Submitter (Id) - contact	Provision(s) in submissions	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
	Policy 4.36A Policy 4.103 Rules 5.42CA to Rule 5.42CE.		commercial vegetable production operational areas.	with the specific decisions sought by PNZ in its own submissions
Rhys Farm Ltd - Nicholas & Michelle Ward (PC7-297) wardnm@farmside.co.nz	Opposition to Commercial Vegetable Production Rules	Support in part – Oppose in Part	The submitter informs us that "a number of farmers have increased their area of commercial vegetable growing over their baseline". PNZ have proposed a realistic baseline area based on highly productive land to accommodate these increases without changing the commitments to improve catchment outcomes for freshwater.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions
Royal Forest & Bird Protection Society Inc. (PC7-472) n.snoyink@forestandbird.org.nz	Submission in general Approach to commercial vegetable production Consenting Framework	Support in part – Oppose in Part	PNZ opposes withdrawal of PC7; because it provides appropriately for transition to a planning framework which sets freshwater outcomes and regulates land use to reach ecosystem targets. PNZ supports the concept of a consent being required for commercial vegetable production; and PNZ recognises the benefits of plan changes establishing catchment specific load limits in the future.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions The proposed relief is to adopt the tracked changes version added to this further submission below.

Submitter (Id) - contact	Provision(s) in submissions	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
			PNZ seeks a more enabling pathway in transition that takes into account the activity of commercial vegetable growing including potato production. PNZ supports the intent of the Forest and Bird submission to protect and enhance the ecosystem services within the Canterbury Region.	
Scottfresh Limited - Ben Scott (PC7-328) Bens@scottfresh.co.nz	Opposition to pathway for discretionary consent	Support in part – Oppose in Part	The submitter "does not agree that land (for growers) need be in the same sub region or nutrient allocation zone" PNZ support this position and have provided scope for an amended definition for the production areas in policy and rules based on highly productive land (LUC Class I and II).	PNZ supports the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions The proposed relief is to adopt the tracked changes version added to this further submission below.

What relief is Potatoes NZ seeking?

1. Potatoes NZ seeks changes to the policy related to Commercial Vegetable Production (4.36A) and consequential amendments. Our requested changes are detailed further in The changes would be to provide for and enable commercial vegetable production on certain land; in the interest of communities more broadly across NZ. The policy should recognise that unimpeded growth would be unsustainable; but allow for some growth within the environmental limits that currently exist.

2. Potato production is complex and in general the sector would agree that the land use should be managed through regulatory tools. Within this proviso; we consider the discharges and transfer of discharges associated with fertiliser use and cultivation can be expressly *permitted* (generally, across the region) within some reserved limits without having an environmental impact. In our view the following land use controls could be adopted across the region:
    a. Permitted activity for use of land to cultivate potatoes up to 4 ha.
    b. Controlled activity for any activity at the current intensity and scale.
    c. Restricted discretionary activity for any activity increasing intensity and scale on Classes I and II land; if it can be accommodated within a regionally reserved nitrogen account.
    d. Full discretionary or non-complying for any other application.

3. The sector is actively developing collectivised approaches to regulatory compliance; along the lines of an irrigation scheme pathway. Accompanying this the sector is investing in direct measurement tools and better farm environment plan support. *We seek the ability to collectivise grower efforts to improve water quality by enabling a consent pathway for enterprises across water management zones;* as a discretionary activity.

4. *Rely on the grower's individualised farm plan for demonstration of environmental improvements.* The grower needs a systematic approach to discharge management on any land they are leasing or managing that does not negatively impact on the farm plans held by other users of the same land. The use of the nitrogen reference point or benchmark is problematic for potato production, due to technical issues with the estimation tools. Canterbury Regional Council has historically recognised this by allowing the use of proxies for vegetable production systems (N-Check) and this approach is to be commended. The main problem with the benchmark is that it seems to be a poor estimate of good or poor environmental performance. In our view the best indicator of environmental improvement is evidence of the actions within farm plans being implemented.

5. Providing an industry specific allocation based on suitable land and best practice.

6. All other changes requested relate to the relief sought above and are consequential amendments. These are detailed in the attached Schedule 1 below. Included are changes to policies, rules, numeric tables and definitions. Some deletions are also proposed.

7. The relief based on further submissions is minor changes to improve the interpretation and function of the proposed provisions.

SCHEDULE 1 – Amendments requested as strike through

Changes in blue are changes in response to further submissions

Changes in red are changes proposed in initial relief.

Proposed Plan Change 2 – Existing Intensive Farming Land Uses

General relief sought:

There is some concern that while Policy 4.36A is certainly seeking to enable commercial vegetable growing activities; there is not an appropriate link back to Objectives to support the policy.

Decision sought: Ensure there is an appropriate link back to the Objectives of the plan; with the purpose of ensuring the new policy is supported by the appropriate Objectives. An appropriate way to do this may be an advisory note linking Policy 4.36A to the appropriate Objectives. Appropriate Objectives might include 3.1, 3.2, 3.5, 3.10, 3.21 and 3.23.

We also note that Horticulture New Zealand is submitting on similar matters. PNZ supports the general thrust of the Horticulture NZ submission. Where there is an opportunity to provide relief that satisfies the general thrust of both submissions, PNZ is open to relief that varies from the methods set out in specific relief sought below.

Decision sought: Make consequential amendments that give effect to the intent and relief sought in this submission; or consider alternative methods, policies and objectives that achieve the same.

Policy 4.36A

Policy 4.36A seeks to provide for commercial vegetable growing operations at a regional scale and in particular tackle some if the existing barriers raised in this submission. We applaud this recognition of the issues facing the potato industry and support the need for a directing policy. The policy (as drafted) needs to be focused specifically on the unique barriers for the industry; and also provide direction for decision makers to address these constraints.

***Decision sought**: We recommend relief to improve the policy below:*

Nutrient Management
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: a. requiring commercial vegetable growing operations to operate at good management practice; b. ~~avoiding~~ the establishment of a new commercial vegetable growing operation, or any expansion of an existing commercial vegetable growing operation ~~beyond~~ is limited to 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; c. 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;

d. constraining, ~~as far as practicable~~ unless a farming enterprise, commercial vegetable growing operations to a single ~~nutrient allocation zone or~~ sub-region; and

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(b) of this Plan.

Commercial Vegetable Growing Operations Rules 5.42CA – 5.42CE

The proposed Plan Change 7 has responded to industry concerns regarding the operational requirements for potato production as a use of land in the Canterbury region. The methods proposed to manage vegetable growing are outlined in a rule structure which seeks to control the use of land through either area or a limitation based on the existing effects from the precedent land use.

This is a well-intentioned approach to managing and constraining the overall intensity of vegetable production and the effects on land; and those which are transmitted to the wider catchment.

Potato's New Zealand supports methods and an associated rule structure which provides these key elements:

- *Permitted activity status for a minimum area of 4.1Ha.*
- *Amendment of the Schedule 7 to produce an FEP more appropriate to the structure of the rotation across the range of commercial vegetable growing businesses including potatoes.*
- *The approval of an FEP for Vegetable Production under new amended Schedule 7(b) is a controlled activity*
- *Where an FEP is approved consistent with new amended Schedule 7(b), the operational growing area within the rotation cycle on LUC 1 and LUC 2 is a permitted activity.*
- *The permitted activity status is conditional on the vegetable growing operation in rotation across all locations is not exceeding the precedent nitrogen loss rate for the baseline vegetable growing area locations.*
- *Where an FEP is approved and consistent with new amended Schedule 7(b) and the vegetable growing operation in rotation within a sub-region the activity status is restricted discretionary.*
- *Where an FEP isn't consistent with new amended Schedule 7(b), the commercial vegetable growing operation is discretionary.*
- *Where the precedent nitrogen loss rate for the operational growing area within the rotation cycle is exceeded the activity status is non-complying.*

***Decision sought**: We recommend relief to improve the rules below:*

Rule	Rule provision
5.42CA	The discharge of nutrients from a commercial vegetable growing operation on a property ~~0.5~~ 4.1 hectares or less in area is a permitted activity.

Rule	Rule provision
5.42CB	The discharge of nutrients from a commercial vegetable growing operation that does not meet Rule 5.42CA is a ~~restricted discretionary~~ controlled activity, provided the following conditions are met: 1. A Farm Environment Plan has been prepared for the activity in accordance with Schedule 7(b) and is submitted with the application for resource consent; and 2. The aggregated area of land used for the commercial vegetable growing operation is no greater than the baseline commercial vegetable growing area within the Nutrient Allocation Zone; and 3. All land that forms part of the commercial vegetable growing operation is located within the same sub-region ~~and Nutrient Allocation Zone~~. The exercise of control is restricted to the following matters: 1. The timing of any actions or good management practices proposed to achieve the objectives and targets described in Schedule 7(b); and 2. Methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and 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 4. Methods that demonstrate how any nutrient loss reductions required by Sections 6 to 15 of the Plan will be achieved; and 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 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.
5.42CC	The discharge of nutrients from a commercial vegetable growing operation that forms a farming enterprise ~~does not comply with condition 2 or 3 of Rule 5.42CB~~ is a restricted discretionary activity provided the following conditions are met: 1. A Farm Environment Plan has been prepared for the activity in accordance with Schedule 7(b) and is submitted with the application for resource consent; and 2. The nitrogen loss rate from the new or expanded commercial vegetable growing operation does not exceed the lawful nitrogen loss rate applicable to the baseline

Rule	Rule provision
	commercial vegetable growing area ~~to~~ within the ~~proposed location~~ sub-region(s).
5.42CD	The discharge of nutrients from a commercial vegetable growing operation that does not comply with condition 1 of Rule 5.42CB or condition 1 of Rule 5.42CC, is a ~~non-complying~~ discretionary activity.
5.42CE	The discharge of nutrients from a commercial vegetable growing operation that does not comply with condition 2 of Rule 5.42CC is a ~~prohibited~~ non-complying activity.
5.42CF	The discharge of nutrients from a commercial vegetable growing operation that does not comply with Rule 5.42C~~C~~D or Rule 5.42C~~D~~E is a prohibited activity.

Notes

1 – The rules applicable to farming activities (Rules 5.42 to 5.42C and Rules 5.43 to 5.59) do not apply to commercial vegetable growing operations. These rules restrict land use in the red, orange, lake and blue zones.

2 – If a commercial vegetable growing operation is irrigated with water from an irrigation scheme or principal water supplier that does not hold a discharge permit under Rule 5.62 or is not a permitted activity under Rule 5.615.41, then it is assessed under Rules 5.42CA to 5.42CE.

Water Transfers

The current rule framework for the transfer of water is focused on the sustainable use of water and improved flows within the regional river catchments. Potato's New Zealand supports the policy requirement to reduce inefficient uses of water and in particular reduce overallocation as required by the existing and the proposed NPS FM.

We are also concerned that the efficient use of water is considered on the basis of allocative and economic efficiency and can provide opportunities to utilise water for commercial vegetable growing operations where appropriate.

Our recommendations relate to the preservation of the productive potential of the region's best soils as a function of allocation efficiency. This requires new transfer provisions for both policies and rules.

***Decision sought**: We recommend relief to improve the policy and rules below:*

Policy	*Policy provisions*
4.71	Enable the temporary transfer of water permits to take or use water, provided: a. the transfer of water is occurring within the same surface water catchment or sub-catchment, or the same groundwater zone, as defined in this Plan; aa. the transfer is to land included in the baseline commercial vegetable growing area; for the use of growing vegetables. b. the same or a lesser amount of water is being taken or used; ba. the transferee's water take is reasonable for their proposed use as determined under the provisions of this Plan including Schedule 10 for irrigation uses; c. the adverse effects of the take and use of water are not more than minor; and d. that in an over-allocated surface water catchment or groundwater zone, a proportion of the allocated water is surrendered and is not re-allocated, unless there is a method and defined timeframe to phase out over-allocation set out in an applicable sub-region Section of this Plan; or the water is utilised for the purpose outlined in Policy 4.71 aa.
8.4.18 – Waimakariri	Assist with phasing out over-allocation of freshwater resources in the Ashley River/Rakahuri, Taranaki Creek, Waikuku Stream, Saltwater Creek, Cust River, Cust Main Drain and Courtenay Stream Surface Water Allocation Zones by 2032, through implementing region-wide Policy 4.50 to address over-allocation, and in addition: a. only granting a permit to transfer water from one site to another where the permit has been exercised and records of past use are provided which demonstrate the water to be transferred has been used in the preceding 5 years; and b. requiring, in over-allocated Surface Water Allocation Zones and except where the water is to be used for community supply, baseline commercial vegetable growing areas or stock drinking water, that 50 percent of the water proposed to be transferred is surrendered and not re-allocated.
11.4.25 – Selwyn – Te Waihora	Restrict the transfer of water permits within the Rakaia-Selwyn and Selwyn-Waimakariri water allocation zones to minimise the cumulative effects on flows in hill-fed and spring-fed plains rivers from the use of allocated but unused water, by requiring that: a. irrigation scheme shareholders within the Irrigation Scheme Area shown on the planning maps do not transfer their permits to take and use groundwater; and b. fifty percent of any transferred water is surrendered except where: I. the transferred water is to be used for a community water supply, or II. the transferred water is to be used for commercial vegetable growing in a baseline area, or III. the transferred water is or will, following transfer, be used for an industrial or trade process and result in a neutral or positive water balance.

Policy	*Policy provisions*
14.4.13 – Orari – Opihi - Pareora	Assist with phasing out over-allocation of freshwater resources by implementing region-wide Policy 4.50 and in addition: a. by only granting a permit to transfer water from one site to another where the water permit has previously been exercised and the maximum rate and/or volume to be transferred is determined as efficient based on records of past use; and b. requiring in over-allocated surface water catchments and groundwater allocation zones and except where the water is to be used for community supply or is to be used for commercial vegetable growing in a baseline area or stock drinking water, that a portion of water to be transferred is surrendered that is proportionate to the status of over-allocation in the catchment, up to a maximum of 75%; and c. not granting any application to transfer a water permit from the Temuka Freshwater Management Unit.

Definitions – Baseline commercial vegetable growing area

The definition for the baseline is problematic for a sector which has traditionally responded to market needs and a production cycle which is mobile for practical and commercial reasons.
We note that the evidence provided in the sector analysis from Agri-base shows a net static area, it also shows a reduction between the period prior to the baseline period.
Potato's New Zealand strongly supports a baseline based on the unique soils which are inherently limited in Canterbury and which fundamentally restrict the industry outside this footprint.
Our recommendation is that the baseline area for vegetable production is based on the presence of LUC Class I and Class II.

WORD	*DEFINITION*
Baseline commercial vegetable growing area	means the aggregated area of land utilised for commercial vegetable production at the day of notification and the land defined by the Land Use Capability index as Class I and/or Class II ~~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. means the aggregated area of land utilised for commercial vegetable production at the day of notification under the control (owned or leased) of a single grower or enterprise; and the land defined by the Land Use Capability index as Class I and/or Class II.

APPENDIX AA

Proposed New Schedule 7 (b) – Farm Environment Plan

Potato's New Zealand recognises the absence within the primary sector of an effective modelling framework to predict nutrient losses and production efficiencies across differing cultivars, climates and soils. To provide growers with a solution PNZ has invested in a performance framework to enhance the Farm Environment Plan approach to sustainable management of the valuable resources including water, soils and people.

We consider that the performance based approach is at a stage where it can be introduced into the plan provisions for the LAWP as part of the proposed Plan Change 2.

Our recommendation is to provide a separate Schedule 7(b) – Farm Environment Plan for Potato Growing to enable the technology to assist both growers and CRC to obtain the best management outcomes for the environment and commercial vegetable production areas.

Decision Sought: Insert the proposed Schedule 7B into Schedule 7 as set out below:

Schedule 7B - Rotation (Commercial Vegetable Production) Management Plan

1. A Farm Environment Plan shall be prepared in accordance with the requirements of Schedule 7. The Farm Environment Plan shall be certified as meeting the requirements of Schedule 7 by a Certified Farm Environment Planner (commercial vegetable production).
2. The Rotation Plan does not require duplication of material within an existing Farm Environment Plan that is considered sufficient for purpose by a Certified Farm Environment Planner (commercial vegetable production).
3. Rotation Plans are not required to duplicate material provided to Canterbury Regional Council for the purpose of complying with other rules in the plan.
4. Rotation Plans will not be incorporated into consent conditions as a whole; but matters of control or discretion will include relevant actions committed to by the consent holder. The relevant consent holder can alter the farm plan to include new land without altering the consent; if the actions undertaken at the new locations to mitigate environmental effects have the equivalent outcome anticipated within the FEP.
5. The Rotation (Commercial Vegetable Production) Plan shall identify key risk areas for the discharge of sediment, nitrogen, phosphorus and microbial pathogens, and identify actions, and timeframes for those actions to be completed, in order to reduce the diffuse discharges of these contaminants where practicable.

Part A – Requirements for Rotation (Commercial Vegetable Production) Management Plan

1. The Rotation Plan must clearly identify how any specified consent condition will be complied with; and shall contain as a minimum:
    a. The name of the commercial vegetable production (enterprise) as the legal entity registered with the Canterbury Regional Council.
    b. A description of the enterprise, detailing the general rotational cropping system, properties owned, leased and otherwise farmed on over time within the domain of the rotation.
2. A legal description for each parcel of land included in the rotation domain for the enterprise:

a. A notification process to Council for changes to the parcels of land in the rotation.

b. The land use capability assessment for each of the parcels in the rotation.

Part B – Requirements for a risk assessment for commercial vegetable rotation

3. An assessment of the risk for diffuse discharges of sediment, nitrogen and phosphorus associated with the commercial vegetation production activities on the aggregated area of land used for commercial vegetation production, and the priority of those identified risks, having regard to the freshwater outcomes for Canterbury Rivers and Lakes in Tables 1a and 1b and the Region-wide Water Quality limits in Schedule 8.
4. As a minimum, the risk assessment shall include:
    a. A risk assessment for the precedent nitrogen losses for each of the land parcels in the rotational domain of the Rotational Management Plan;
    b. A nutrient management plan with demonstrates how any relevant nutrient loss reduction set out in Sections 6 to 15 will be achieved;
    c. The risk assessment should be equivalent to the process outlined in Section 4 of the Horticulture New Zealand Code of Practice for Nutrient Management Version 1.0 August 2014;
    d. A risk assessment for soil conservation, that is approved by a Certified Farm Environment Planner (commercial vegetable crops) and is equivalent to the process outlined in Section 1 of the Horticulture New Zealand Erosion & Sediment Control Guidelines for Vegetable Production Version 1.1 June 2014;
    e. Undertake a microbiological discharge risk assessment if animal or animal products are used on the rotation land parcels.
5. If stock are present on land managed within the enterprise, provisions of Schedule 1 relating to the farming of animals apply. If stock are present a risk assessment for stock related discharges must be undertaken.
6. A schedule of mitigation actions and target completion dates derived from the risk assessments undertaken in 4 and 5 above.
7. The risk assessment data management, reporting and auditing will be consistent with the NZGAP requirements for vegetable production.

Part C Vegetable Growing Minimum Standards

8. Rotation Plans required under Commercial Vegetable Growing Operations Rules shall, in addition to the matters set out above, ensure the following matters are addressed.

No	Contaminant	Vegetable growing minimum standards
1	Nitrogen, Phosphorus	Annual soil testing regime, fertiliser recommendations by block and by crop
2	Nitrogen, Phosphorus	Tailored fertiliser plans by block and by crop
3	Nitrogen, Phosphorus	Both (1) and (2) prepared by an appropriately qualified person
4	Nitrogen, Phosphorus	Annual calibration of fertiliser delivering systems through an approved programme such as Spreadmark/Fertspread
5	Soil / Phosphorus	As a minimum by block: an approved erosion and sediment control plan constructed in accordance with the Erosion and Sediment Control Guidelines for Vegetable Production June 2014
6	Nitrogen, Phosphorus	Documentation available for proof of fertiliser placement according to recommended instruction
7	Nitrogen, Phosphorus	Adoption and use of improved fertiliser products proved effective and available such as formulated prills, coatings and slow release mechanisms
8	Nitrogen, Phosphorus	Evidence available to demonstrate split applications by block/crop following expert approved practice relating to: • form of fertiliser applied • rate of application • placement of fertiliser • timing of application
9	Nitrogen	Maintain efficient irrigation to ensure yields and the export of nitrogen in crop are maximised.

Part D - Requirements for a Rotation Management Plan applying to Rule 5.42XX - Restricted Discretionary Activity Rule – The management of contaminants from Commercial Vegetable Growing Operations activities across sub-regions and Nutrient Allocation Zones.

A Rotation plan (RMP) shall be prepared in accordance with the requirements below.

1) The RMP must be approved by the Regional Council Chief Executive before an application under Rule 5.42XX can be granted by the Council.

2) The RMP must demonstrate for each sub-region and Nutrient Allocation Zone how the expected reduction in nutrient discharges to freshwater can be achieved through completing and implementing a farm environment plan action in accordance with Schedule 7. The achievement in reduction of discharges must be comparable when considered over all the properties and parcels managed by the RMP.

3) The RMP must be the responsibility of a legal entity that is accountable for achieving compliance with the conditions of resource consent issued under Rule 5.42X.

4) The RMP must be supported by a decision support tool that is able to be utilised as the accounting framework for the relevant enterprise. The decision support tool must:
    a) Provide measured and predicted data for adaptive management;
    b) Prioritise actions and review the performance of the commercial vegetable production rotation to meet targets and limits for nutrient management;
    c) Be capable of integrating with other sub-region, nutrient allocation zone and catchment scale accounting systems;
    d) Be able to measure mitigations for microbial, sediment, nitrogen and phosphorus discharges at all scales within the domain of the Rotation Management Plan to a standard approved by a peer review agent approved by the Chief Executive of the Regional Council;
    e) Provide data to Council for use in assessing compliance with the nutrient loss targets for the relevant nutrient allocation zones in Sections 6 to 15 of the Land and Water Regional Plan.

5) The RMP must clearly identify how any specified consent conditions will be complied with.

From:	Nic Conland
To:	Plan Hearings; Nicola Loach
Cc:	Chris Claridge; Chris Keenan
Subject:	Submission point points identified for PNZ further submission as requested.
Date:	Thursday, 23 January 2020 11:09:20 PM
Attachments:	Environment Canterbury - Plan Change 7 Further Submission Potatoes NZ - Submission points ammended.pdf

Kia ora Tavisha,

Thanks for your time to discuss this request with me. I have added the new column as agreed.

Please find attached as requested the individual submission points for the Potatoes NZ further submission for proposed Plan Change 7.

Please contact Nicola if you have any questions.

Kind regards

--
Nic Conland
Taiao - Natural Resource Management
0274 135 699

Science based policy and planning to reach informed decisions when managing your natural resources

FURTHER SUBMISSION ON:

PROPOSED PLAN CHANGE 7 – CANTERBURY LAND AND WATER REGIONAL PLAN
20th July, 2019

TO: CANTERBURY REGIONAL COUNCIL (Environmental Canterbury)

NAME OF SUBMITTER: Potatoes New Zealand

CONTACT FOR SERVICE:

Nicola Loach

Office & Finance Administrator

PO Box 10-232 WELLINGTON

Ph: 027 206 5390

Email: accounts@potatoesnz.co.nz

FURTHER SUBMISSION ON A PLAN CHANGE 7

1. Potatoe New Zealand's (PNZ) further submissions are contained in the attached table.

2. PNZ represents commercial vegetable growers in Canterbury, so represents a relevant aspect of the public interest.

3. PNZ is not a trade competitor and could not gain any advantage in trade competition through this further submission.

4. PNZ wishes **to be heard** in support of its further submissions.

5. If others make similar submissions, PNZ **will consider** discussions prior to caucusing and presenting a joint case with them at the hearing.

Table of Further Submissions:

A full track Changes version showing the entirety of specific PNZ relief sought is attached below as SCHEDULE 1

Submitter (Id) - contact	Provision(s) in submissions	Submission Point Number(s)	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
Agri Magic Limited (PC7-131) charlotte@agrimagic.co.nz	Nitrogen reduction targets	PC7-131.1 PC7-131.2 PC7-131.7 PC7-131.14	Support in part – Oppose in Part	The PC7 proposals for nitrogen reductions are supported in their intent, however PNZ recommends that targeted reductions based on an adaptive management framework supported by decision support tools is the most efficient mechanism for changing freshwater outcomes.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.
Andrew McKay – Alps Seed Ltd (PC7-327) moanadowns@farmside.co.nz	Proposed planning approach in general	All PC7-327-1	Support	Seed Potatoes production is essential for continuation of commercial vegetable production. In particular the need for rotation without administrative restriction and scarcity of highly productive lands. The ability to form an collective as a farming enterprise across sub-catchments and zones.	PNZ supports the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions. The relief sought by submitter is provided in PNZ provision proposed with small amendments to the initial relief

Submitter (Id) - contact	Provision(s) in submissions	Submission Point Number(s)	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
					proposed by PNZ in the strikethrough attached to this further submission below. The relief amends the modified definition for baseline commercial vegetable production area proposed by PNZ.
Ballance Agri-Nutrients Limited (PC7-441) Dominic.Adams@ballance.co.nz	Section 32 evaluation Policy 4.36 Rule 5.42CB Rule 5.42CC Schedule 7	PC7-441.4 PC7-441.8 PC7-441.9 PC7-441.31 PC7-441.47 PC7-441.48 PC7-441.49 PC7-441.54	Support in part – Oppose in Part	Assessment of economic and social impacts were insufficient to evaluate potential for highly productive land.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.
Barrhill-Chertsey Irrigation Limited (PC7-153) eva@irrigo.co.nz	*Definition:* Baseline commercial vegetable growing area Policy 4.36A	PC7-153.3 PC7-153.4 PC7-153.5 PC7-153.8 PC7-153.14 PC7-153.15 PC7-153.16 PC7-153.17 PC7-153.18 PC7-153.19 PC7-153.25	Support	The submitter disagrees with "limiting commercial vegetable growing operations to a baseline area" as proposed in the PC7 definition. PNZ agree that "Appropriate rules for managing effects from commercial vegetable growing activities need to ensure the	PNZ supports the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.

Submitter (Id) - contact	Provision(s) in submissions	Submission Point Number(s)	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
	Rules 5.42CB – 5.42CD	PC7-153.26 PC7-153.28 PC7-153.29		long-term supply of food on the domestic market is maintained. Excessive restrictions on commercial vegetable operations can result in reduced yields and less growth to feed a growing population, increasing the cost of food" PNZ also 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"	Make small amendments to the initial relief proposed by PNZ in the strikethrough attached to this further submission below. The relief amends the new method proposed by PNZ as Rule 5.42CF.
Beef + Lamb New Zealand (PC7-214) lauren.phillips@beeflambnz.com	Proposed planning approach in general	PC7-214.1 PC7-214.2 PC7-214.153 PC7-214.155	Support in part – Oppose in Part	The submission seeks a viable pathway for commercial vegetable production.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would

Submitter (Id) - contact	Provision(s) in submissions	Submission Point Number(s)	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
					be consistent with the specific decisions sought by PNZ in its own submissions.
Ellesmere Sustainable Agriculture Incorporated - Carey Barnett (PC7-207) carey.barnett@xtra.co.nz	Proposed planning approach in general	PC7-207.5 PC7-207.6 PC7-207.7 PC7-207.13 PC7-207.19	Support in part – Oppose in Part	The submission seeks "flexibility for farmers and/or operators to determine which definition of farm type their operation falls into – farm, farm enterprise or commercial vegetable growing operation, and to ensure that other farming types and/or mixed farming types are also provided flexible nutrient limits"	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.
Combined Canterbury Provinces, Federated Farmers of New Zealand (PC7-430) lhume@fedfarm.org.nz	Proposed planning approach in general	PC7-430.1 PC7-430.10 PC7-430.316 PC7-430.24 PC7-430.25	Support in part – Oppose in Part	The submitter supports amendments to the provisions for commercial vegetable production.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.
McCains Food Ltd	Policy 4.36A	PC7-187.1 PC7-187.2	Support	McCains Food Ltd do not support Policy 4.36A as	PNZ supports the submission because it is generally

Submitter (Id) - contact	Provision(s) in submissions	Submission Point Number(s)	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
(PC7-187) - John Jackson john.jackson@mccain.co.nz	Access to irrigation water for potato production.	PC7-187.3 PC7-187.4 PC7-187.6 PC7-187.7 PC7-187.8 PC7-187.9 PC7-187.10 PC7-187.11 PC7-187.12		proposed which will lead to a stagnation of the commercial potatoe production crops. PNZ has drafted as alternative which resolves these issues.	consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.
McFarlane Agriculture Ltd & McFlynn Potatoes Ltd (PC7-278) hamish@mcfarlaneag.co.nz	Proposed planning approach in general	PC7-278.51 PC7-278.56 PC7-278.57 PC7-278.52 PC7-278.5 PC7-278.7 PC7-278.17 PC7-278.35 PC7-278.41 PC7-278.19 PC7-278.37 PC7-278.43 PC7-278.10 PC7-278.20 PC7-278.38 PC7-278.44 PC7-278.21 PC7-278.39 PC7-278.45 PC7-278.22 PC7-278.40	Support in part	The submission supports the proposed approach of PNZ in general.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.

Submitter (Id) - contact	Provision(s) in submissions	Submission Point Number(s)	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
		PC7-278.46 PC7-278.4 PC7-278.50			
Ngā Rūnanga Ngai Tahu - Treena Davidson (PC-423) Treena.davidson@ngaitahu.iwi.nz	Inclusion of mana whenua values Protection of indigenous species and their habitat	PC7-423.79 PC7-423.81 PC7-423.82 PC7-423.85	Support	The submission supports the proposed approach of PNZ to enhance ecosystems at the same time as providing for food production and community wellbeing. PNZ support the recognition of Ngāi Tahu values.	PNZ supports the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions.
Rathkeale Farming Partnership (PC7-181) David Moore moore_farm@hotmail.com	Commercial Vegetable Production – Rules (5.42CE)	PC7-181.1	Support in part – Oppose in Part	The submission seeks a viable pathway for commercial vegetable production and opposes the prohibited pathway proposed in PC7.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions Suggested relief is to adopt the tracked changes version added to this further submission below to provide a viable

Submitter (Id) - contact	Provision(s) in submissions	Submission Point Number(s)	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
					pathway for commercial vegetable production.
Ravensdown Limited - Carmen Taylor (PC7-114) carmen@planzconsultants.co.nz	Definition – Baseline commercial vegetable growing area Policy 4.36A Policy 4.103 Rules 5.42CA to Rule 5.42CE.	PC7-114.2 PC7-114.5 PC7-114.100 PC7-114.6 PC7-114.11 PC7-114.12 PC7-114.13	Support in part – Oppose in Part	The submitter recognises the need to provide a policy and rule structure for commercial vegetable production in the Canterbury region. The submitter opposes the restriction in the policy and rule framework for commercial vegetable production operational areas.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions
Rhys Farm Ltd - Nicholas & Michelle Ward (PC7-297) wardnm@farmside.co.nz	Opposition to Commercial Vegetable Production Rules	PC7-297.1 PC7-297.2 PC7-297.3 PC7-297.4 PC7-297.5	Support in part – Oppose in Part	The submitter informs us that "a number of farmers have increased their area of commercial vegetable growing over their baseline". PNZ have proposed a realistic baseline area based on highly productive land to accommodate these increases without changing the commitments to improve	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions

Submitter (Id) - contact	Provision(s) in submissions	Submission Point Number(s)	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
				catchment outcomes for freshwater.	
Royal Forest & Bird Protection Society Inc. (PC7-472) n.snoyink@forestandbird.org.nz	Submission in general Approach to commercial vegetable production Consenting Framework	PC7-472.3 PC7-472.25 PC7-472.46 PC7-472.47 PC7-472.48 PC7-472.49 PC7-472.50 PC7-472.210 PC7-472.211 PC7-472.212 PC7-472.213 PC7-472.214 PC7-472.215	Support in part – Oppose in Part	PNZ opposes withdrawal of PC7; because it provides appropriately for transition to a planning framework which sets freshwater outcomes and regulates land use to reach ecosystem targets. PNZ supports the concept of a consent being required for commercial vegetable production; and PNZ recognises the benefits of plan changes establishing catchment specific load limits in the future. PNZ seeks a more enabling pathway in transition that takes into account the activity of commercial vegetable growing including potato production. PNZ supports the intent of the Forest and Bird submission to protect and enhance the ecosystem services within the Canterbury Region.	PNZ supports and opposes the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions The proposed relief is to adopt the tracked changes version added to this further submission below.

Submitter (Id) - contact	Provision(s) in submissions	Submission Point Number(s)	Support/oppose	Reason for support or opposition	Relief proposed (allow or disallow)
Scottfresh Limited - Ben Scott (PC7-328) Bens@scottfresh.co.nz	Opposition to pathway for discretionary consent	PC7-328.3 PC7-328.4	Support in part – Oppose in Part	The submitter "does not agree that land (for growers) need be in the same sub region or nutrient allocation zone" PNZ support this position and have provided scope for an amended definition for the production areas in policy and rules based on highly productive land (LUC Class I and II).	PNZ supports the submission because it is generally consistent with the key points made by PNZ in its own submissions, and seeks that the submission should be allowed insofar as this would be consistent with the specific decisions sought by PNZ in its own submissions The proposed relief is to adopt the tracked changes version added to this further submission below.

What relief is Potatoes NZ seeking?

1. Potatoes NZ seeks changes to the policy related to Commercial Vegetable Production (4.36A) and consequential amendments. Our requested changes are detailed further in The changes would be to provide for and enable commercial vegetable production on certain land; in the interest of communities more broadly across NZ. The policy should recognise that unimpeded growth would be unsustainable; but allow for some growth within the environmental limits that currently exist.

2. Potato production is complex and in general the sector would agree that the land use should be managed through regulatory tools. Within this proviso; we consider the discharges and transfer of discharges associated with fertiliser use and cultivation can be expressly *permitted* (generally, across the region) within some reserved limits without having an environmental impact. In our view the following land use controls could be adopted across the region:
    a. Permitted activity for use of land to cultivate potatoes up to 4 ha.
    b. Controlled activity for any activity at the current intensity and scale.
    c. Restricted discretionary activity for any activity increasing intensity and scale on Classes I and II land; if it can be accommodated within a regionally reserved nitrogen account.
    d. Full discretionary or non-complying for any other application.

3. The sector is actively developing collectivised approaches to regulatory compliance; along the lines of an irrigation scheme pathway. Accompanying this the sector is investing in direct measurement tools and better farm environment plan support. *We seek the ability to collectivise grower efforts to improve water quality by enabling a consent pathway for enterprises across water management zones;* as a discretionary activity.

4. *Rely on the grower's individualised farm plan for demonstration of environmental improvements.* The grower needs a systematic approach to discharge management on any land they are leasing or managing that does not negatively impact on the farm plans held by other users of the same land. The use of the nitrogen reference point or benchmark is problematic for potato production, due to technical issues with the estimation tools. Canterbury Regional Council has historically recognised this by allowing the use of proxies for vegetable production systems (N-Check) and this approach is to be commended. The main problem with the benchmark is that it seems to be a poor estimate of good or poor environmental performance. In our view the best indicator of environmental improvement is evidence of the actions within farm plans being implemented.

5. Providing an industry specific allocation based on suitable land and best practice.

6. All other changes requested relate to the relief sought above and are consequential amendments. These are detailed in the attached Schedule 1 below. Included are changes to policies, rules, numeric tables and definitions. Some deletions are also proposed.

7. The relief based on further submissions is minor changes to improve the interpretation and function of the proposed provisions.

SCHEDULE 1 – Amendments requested as strike through

Changes in blue are changes in response to further submissions

Changes in red are changes proposed in initial relief.

Proposed Plan Change 2 – Existing Intensive Farming Land Uses

General relief sought:

There is some concern that while Policy 4.36A is certainly seeking to enable commercial vegetable growing activities; there is not an appropriate link back to Objectives to support the policy.

Decision sought: Ensure there is an appropriate link back to the Objectives of the plan; with the purpose of ensuring the new policy is supported by the appropriate Objectives. An appropriate way to do this may be an advisory note linking Policy 4.36A to the appropriate Objectives. Appropriate Objectives might include 3.1, 3.2, 3.5, 3.10, 3.21 and 3.23.

We also note that Horticulture New Zealand is submitting on similar matters. PNZ supports the general thrust of the Horticulture NZ submission. Where there is an opportunity to provide relief that satisfies the general thrust of both submissions, PNZ is open to relief that varies from the methods set out in specific relief sought below.

Decision sought: Make consequential amendments that give effect to the intent and relief sought in this submission; or consider alternative methods, policies and objectives that achieve the same.

Policy 4.36A

Policy 4.36A seeks to provide for commercial vegetable growing operations at a regional scale and in particular tackle some if the existing barriers raised in this submission. We applaud this recognition of the issues facing the potato industry and support the need for a directing policy. The policy (as drafted) needs to be focused specifically on the unique barriers for the industry; and also provide direction for decision makers to address these constraints.

***Decision sought**: We recommend relief to improve the policy below:*

Nutrient Management
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: a. requiring commercial vegetable growing operations to operate at good management practice; b. ~~avoiding~~ the establishment of a new commercial vegetable growing operation, or any expansion of an existing commercial vegetable growing operation ~~beyond~~ is limited to 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; c. 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;

d. constraining, ~~as far as practicable~~ unless a farming enterprise, commercial vegetable growing operations to a single ~~nutrient allocation zone or~~ sub-region; and

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(b) of this Plan.

Commercial Vegetable Growing Operations Rules 5.42CA – 5.42CE

The proposed Plan Change 7 has responded to industry concerns regarding the operational requirements for potato production as a use of land in the Canterbury region. The methods proposed to manage vegetable growing are outlined in a rule structure which seeks to control the use of land through either area or a limitation based on the existing effects from the precedent land use.

This is a well-intentioned approach to managing and constraining the overall intensity of vegetable production and the effects on land; and those which are transmitted to the wider catchment.

Potato's New Zealand supports methods and an associated rule structure which provides these key elements:

- *Permitted activity status for a minimum area of 4.1Ha.*
- *Amendment of the Schedule 7 to produce an FEP more appropriate to the structure of the rotation across the range of commercial vegetable growing businesses including potatoes.*
- *The approval of an FEP for Vegetable Production under new amended Schedule 7(b) is a controlled activity*
- *Where an FEP is approved consistent with new amended Schedule 7(b), the operational growing area within the rotation cycle on LUC 1 and LUC 2 is a permitted activity.*
- *The permitted activity status is conditional on the vegetable growing operation in rotation across all locations is not exceeding the precedent nitrogen loss rate for the baseline vegetable growing area locations.*
- *Where an FEP is approved and consistent with new amended Schedule 7(b) and the vegetable growing operation in rotation within a sub-region the activity status is restricted discretionary.*
- *Where an FEP isn't consistent with new amended Schedule 7(b), the commercial vegetable growing operation is discretionary.*
- *Where the precedent nitrogen loss rate for the operational growing area within the rotation cycle is exceeded the activity status is non-complying.*

***Decision sought**: We recommend relief to improve the rules below:*

Rule	Rule provision
5.42CA	The discharge of nutrients from a commercial vegetable growing operation on a property ~~0.5~~ 4.1 hectares or less in area is a permitted activity.

Rule	Rule provision
5.42CB	The discharge of nutrients from a commercial vegetable growing operation that does not meet Rule 5.42CA is a ~~restricted discretionary~~ controlled activity, provided the following conditions are met: 1. A Farm Environment Plan has been prepared for the activity in accordance with Schedule 7(b) and is submitted with the application for resource consent; and 2. The aggregated area of land used for the commercial vegetable growing operation is no greater than the baseline commercial vegetable growing area within the Nutrient Allocation Zone; and 3. All land that forms part of the commercial vegetable growing operation is located within the same sub-region ~~and Nutrient Allocation Zone~~. The exercise of control is restricted to the following matters: 1. The timing of any actions or good management practices proposed to achieve the objectives and targets described in Schedule 7(b); and 2. Methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and 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 4. Methods that demonstrate how any nutrient loss reductions required by Sections 6 to 15 of the Plan will be achieved; and 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 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.
5.42CC	The discharge of nutrients from a commercial vegetable growing operation that forms a farming enterprise ~~does not comply with condition 2 or 3 of Rule 5.42CB~~ is a restricted discretionary activity provided the following conditions are met: 1. A Farm Environment Plan has been prepared for the activity in accordance with Schedule 7(b) and is submitted with the application for resource consent; and 2. The nitrogen loss rate from the new or expanded commercial vegetable growing operation does not exceed the lawful nitrogen loss rate applicable to the baseline

Rule	Rule provision
	commercial vegetable growing area ~~to~~ within the ~~proposed location~~ sub-region(s).
5.42CD	The discharge of nutrients from a commercial vegetable growing operation that does not comply with condition 1 of Rule 5.42CB or condition 1 of Rule 5.42CC, is a ~~non-complying~~ discretionary activity.
5.42CE	The discharge of nutrients from a commercial vegetable growing operation that does not comply with condition 2 of Rule 5.42CC is a ~~prohibited~~ non-complying activity.
5.42CF	The discharge of nutrients from a commercial vegetable growing operation that does not comply with Rule 5.42C~~C~~D or Rule 5.42C~~D~~E is a prohibited activity.

Notes

1 – The rules applicable to farming activities (Rules 5.42 to 5.42C and Rules 5.43 to 5.59) do not apply to commercial vegetable growing operations. These rules restrict land use in the red, orange, lake and blue zones.

2 – If a commercial vegetable growing operation is irrigated with water from an irrigation scheme or principal water supplier that does not hold a discharge permit under Rule 5.62 or is not a permitted activity under Rule 5.615.41, then it is assessed under Rules 5.42CA to 5.42CE.

Water Transfers

The current rule framework for the transfer of water is focused on the sustainable use of water and improved flows within the regional river catchments. Potato's New Zealand supports the policy requirement to reduce inefficient uses of water and in particular reduce overallocation as required by the existing and the proposed NPS FM.

We are also concerned that the efficient use of water is considered on the basis of allocative and economic efficiency and can provide opportunities to utilise water for commercial vegetable growing operations where appropriate.

Our recommendations relate to the preservation of the productive potential of the region's best soils as a function of allocation efficiency. This requires new transfer provisions for both policies and rules.

***Decision sought**: We recommend relief to improve the policy and rules below:*

Policy	*Policy provisions*
4.71	Enable the temporary transfer of water permits to take or use water, provided: a. the transfer of water is occurring within the same surface water catchment or sub-catchment, or the same groundwater zone, as defined in this Plan; aa. the transfer is to land included in the baseline commercial vegetable growing area; for the use of growing vegetables. b. the same or a lesser amount of water is being taken or used; ba. the transferee's water take is reasonable for their proposed use as determined under the provisions of this Plan including Schedule 10 for irrigation uses; c. the adverse effects of the take and use of water are not more than minor; and d. that in an over-allocated surface water catchment or groundwater zone, a proportion of the allocated water is surrendered and is not re-allocated, unless there is a method and defined timeframe to phase out over-allocation set out in an applicable sub-region Section of this Plan; or the water is utilised for the purpose outlined in Policy 4.71 aa.
8.4.18 – Waimakariri	Assist with phasing out over-allocation of freshwater resources in the Ashley River/Rakahuri, Taranaki Creek, Waikuku Stream, Saltwater Creek, Cust River, Cust Main Drain and Courtenay Stream Surface Water Allocation Zones by 2032, through implementing region-wide Policy 4.50 to address over-allocation, and in addition: a. only granting a permit to transfer water from one site to another where the permit has been exercised and records of past use are provided which demonstrate the water to be transferred has been used in the preceding 5 years; and b. requiring, in over-allocated Surface Water Allocation Zones and except where the water is to be used for community supply, baseline commercial vegetable growing areas or stock drinking water, that 50 percent of the water proposed to be transferred is surrendered and not re-allocated.
11.4.25 – Selwyn – Te Waihora	Restrict the transfer of water permits within the Rakaia-Selwyn and Selwyn-Waimakariri water allocation zones to minimise the cumulative effects on flows in hill-fed and spring-fed plains rivers from the use of allocated but unused water, by requiring that: a. irrigation scheme shareholders within the Irrigation Scheme Area shown on the planning maps do not transfer their permits to take and use groundwater; and b. fifty percent of any transferred water is surrendered except where: I. the transferred water is to be used for a community water supply, or II. the transferred water is to be used for commercial vegetable growing in a baseline area, or III. the transferred water is or will, following transfer, be used for an industrial or trade process and result in a neutral or positive water balance.

Policy	*Policy provisions*
14.4.13 – Orari – Opihi - Pareora	Assist with phasing out over-allocation of freshwater resources by implementing region-wide Policy 4.50 and in addition: a. by only granting a permit to transfer water from one site to another where the water permit has previously been exercised and the maximum rate and/or volume to be transferred is determined as efficient based on records of past use; and b. requiring in over-allocated surface water catchments and groundwater allocation zones and except where the water is to be used for community supply or is to be used for commercial vegetable growing in a baseline area or stock drinking water, that a portion of water to be transferred is surrendered that is proportionate to the status of over-allocation in the catchment, up to a maximum of 75%; and c. not granting any application to transfer a water permit from the Temuka Freshwater Management Unit.

Definitions – Baseline commercial vegetable growing area

The definition for the baseline is problematic for a sector which has traditionally responded to market needs and a production cycle which is mobile for practical and commercial reasons.
We note that the evidence provided in the sector analysis from Agri-base shows a net static area, it also shows a reduction between the period prior to the baseline period.
Potato's New Zealand strongly supports a baseline based on the unique soils which are inherently limited in Canterbury and which fundamentally restrict the industry outside this footprint.
Our recommendation is that the baseline area for vegetable production is based on the presence of LUC Class I and Class II.

WORD	*DEFINITION*
Baseline commercial vegetable growing area	means the aggregated area of land utilised for commercial vegetable production at the day of notification and the land defined by the Land Use Capability index as Class I and/or Class II ~~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. means the aggregated area of land utilised for commercial vegetable production at the day of notification under the control (owned or leased) of a single grower or enterprise; and the land defined by the Land Use Capability index as Class I and/or Class II.

APPENDIX AA

Proposed New Schedule 7 (b) – Farm Environment Plan

Potato's New Zealand recognises the absence within the primary sector of an effective modelling framework to predict nutrient losses and production efficiencies across differing cultivars, climates and soils. To provide growers with a solution PNZ has invested in a performance framework to enhance the Farm Environment Plan approach to sustainable management of the valuable resources including water, soils and people.

We consider that the performance based approach is at a stage where it can be introduced into the plan provisions for the LAWP as part of the proposed Plan Change 2.

Our recommendation is to provide a separate Schedule 7(b) – Farm Environment Plan for Potato Growing to enable the technology to assist both growers and CRC to obtain the best management outcomes for the environment and commercial vegetable production areas.

Decision Sought: Insert the proposed Schedule 7B into Schedule 7 as set out below:

Schedule 7B - Rotation (Commercial Vegetable Production) Management Plan

1. A Farm Environment Plan shall be prepared in accordance with the requirements of Schedule 7. The Farm Environment Plan shall be certified as meeting the requirements of Schedule 7 by a Certified Farm Environment Planner (commercial vegetable production).
2. The Rotation Plan does not require duplication of material within an existing Farm Environment Plan that is considered sufficient for purpose by a Certified Farm Environment Planner (commercial vegetable production).
3. Rotation Plans are not required to duplicate material provided to Canterbury Regional Council for the purpose of complying with other rules in the plan.
4. Rotation Plans will not be incorporated into consent conditions as a whole; but matters of control or discretion will include relevant actions committed to by the consent holder. The relevant consent holder can alter the farm plan to include new land without altering the consent; if the actions undertaken at the new locations to mitigate environmental effects have the equivalent outcome anticipated within the FEP.
5. The Rotation (Commercial Vegetable Production) Plan shall identify key risk areas for the discharge of sediment, nitrogen, phosphorus and microbial pathogens, and identify actions, and timeframes for those actions to be completed, in order to reduce the diffuse discharges of these contaminants where practicable.

Part A – Requirements for Rotation (Commercial Vegetable Production) Management Plan

1. The Rotation Plan must clearly identify how any specified consent condition will be complied with; and shall contain as a minimum:
    a. The name of the commercial vegetable production (enterprise) as the legal entity registered with the Canterbury Regional Council.
    b. A description of the enterprise, detailing the general rotational cropping system, properties owned, leased and otherwise farmed on over time within the domain of the rotation.
2. A legal description for each parcel of land included in the rotation domain for the enterprise:

a. A notification process to Council for changes to the parcels of land in the rotation.

b. The land use capability assessment for each of the parcels in the rotation.

Part B – Requirements for a risk assessment for commercial vegetable rotation

3. An assessment of the risk for diffuse discharges of sediment, nitrogen and phosphorus associated with the commercial vegetation production activities on the aggregated area of land used for commercial vegetation production, and the priority of those identified risks, having regard to the freshwater outcomes for Canterbury Rivers and Lakes in Tables 1a and 1b and the Region-wide Water Quality limits in Schedule 8.
4. As a minimum, the risk assessment shall include:
    a. A risk assessment for the precedent nitrogen losses for each of the land parcels in the rotational domain of the Rotational Management Plan;
    b. A nutrient management plan with demonstrates how any relevant nutrient loss reduction set out in Sections 6 to 15 will be achieved;
    c. The risk assessment should be equivalent to the process outlined in Section 4 of the Horticulture New Zealand Code of Practice for Nutrient Management Version 1.0 August 2014;
    d. A risk assessment for soil conservation, that is approved by a Certified Farm Environment Planner (commercial vegetable crops) and is equivalent to the process outlined in Section 1 of the Horticulture New Zealand Erosion & Sediment Control Guidelines for Vegetable Production Version 1.1 June 2014;
    e. Undertake a microbiological discharge risk assessment if animal or animal products are used on the rotation land parcels.
5. If stock are present on land managed within the enterprise, provisions of Schedule 1 relating to the farming of animals apply. If stock are present a risk assessment for stock related discharges must be undertaken.
6. A schedule of mitigation actions and target completion dates derived from the risk assessments undertaken in 4 and 5 above.
7. The risk assessment data management, reporting and auditing will be consistent with the NZGAP requirements for vegetable production.

Part C Vegetable Growing Minimum Standards

8. Rotation Plans required under Commercial Vegetable Growing Operations Rules shall, in addition to the matters set out above, ensure the following matters are addressed.

No	Contaminant	Vegetable growing minimum standards
1	Nitrogen, Phosphorus	Annual soil testing regime, fertiliser recommendations by block and by crop
2	Nitrogen, Phosphorus	Tailored fertiliser plans by block and by crop
3	Nitrogen, Phosphorus	Both (1) and (2) prepared by an appropriately qualified person
4	Nitrogen, Phosphorus	Annual calibration of fertiliser delivering systems through an approved programme such as Spreadmark/Fertspread
5	Soil / Phosphorus	As a minimum by block: an approved erosion and sediment control plan constructed in accordance with the Erosion and Sediment Control Guidelines for Vegetable Production June 2014
6	Nitrogen, Phosphorus	Documentation available for proof of fertiliser placement according to recommended instruction
7	Nitrogen, Phosphorus	Adoption and use of improved fertiliser products proved effective and available such as formulated prills, coatings and slow release mechanisms
8	Nitrogen, Phosphorus	Evidence available to demonstrate split applications by block/crop following expert approved practice relating to: • form of fertiliser applied • rate of application • placement of fertiliser • timing of application
9	Nitrogen	Maintain efficient irrigation to ensure yields and the export of nitrogen in crop are maximised.

Part D - Requirements for a Rotation Management Plan applying to Rule 5.42XX - Restricted Discretionary Activity Rule – The management of contaminants from Commercial Vegetable Growing Operations activities across sub-regions and Nutrient Allocation Zones.

A Rotation plan (RMP) shall be prepared in accordance with the requirements below.

1) The RMP must be approved by the Regional Council Chief Executive before an application under Rule 5.42XX can be granted by the Council.

2) The RMP must demonstrate for each sub-region and Nutrient Allocation Zone how the expected reduction in nutrient discharges to freshwater can be achieved through completing and implementing a farm environment plan action in accordance with Schedule 7. The achievement in reduction of discharges must be comparable when considered over all the properties and parcels managed by the RMP.

3) The RMP must be the responsibility of a legal entity that is accountable for achieving compliance with the conditions of resource consent issued under Rule 5.42X.

4) The RMP must be supported by a decision support tool that is able to be utilised as the accounting framework for the relevant enterprise. The decision support tool must:
    a) Provide measured and predicted data for adaptive management;
    b) Prioritise actions and review the performance of the commercial vegetable production rotation to meet targets and limits for nutrient management;
    c) Be capable of integrating with other sub-region, nutrient allocation zone and catchment scale accounting systems;
    d) Be able to measure mitigations for microbial, sediment, nitrogen and phosphorus discharges at all scales within the domain of the Rotation Management Plan to a standard approved by a peer review agent approved by the Chief Executive of the Regional Council;
    e) Provide data to Council for use in assessing compliance with the nutrient loss targets for the relevant nutrient allocation zones in Sections 6 to 15 of the Land and Water Regional Plan.

5) The RMP must clearly identify how any specified consent conditions will be complied with.