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FURTHER SUBMISSION ON:

**PROPOSED PLAN CHANGE 2 - EXISTING
INTENSIVE FARMING LAND USES**

Monday 21st October, 2019

**TO: MANAWATŪ-WHANGANUI (HORIZONS)
REGIONAL COUNCIL**

NAME OF SUBMITTER: Potatoes New Zealand



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Table of Further Submissions:

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

Submitter	Provision	Support/oppose	Further submission	Relief proposed
2 Ruapehu DC	Table 14.2 & Gen	Support in part	PNZ has not proposed the deletion of Table 14.2 but has sought an alternative regime enabling vegetable cropping and potato production.	Adopt the tracked changes version added to this further submission below.
40 DairyNZ	Approach to pastoral farming	Support	PNZ acknowledges the acceptance of DairyNZ that the proposed approach may not work for other sector including <i>particularly</i> the commercial vegetable growing sector (DairyNZ Sub para 1.8).	Adopt the tracked changes version added to this further submission below.
41 Mike Moleta Freshpik Farms	GEN	Support	<p>The submitter seeks: "Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leases land arrangements and to enable growers to move to less environmentally sensitive locations".</p> <p>The submitter also seeks to: "Enable collaborative or collective approaches to regulating potato production activities. This has been demonstrated as workable by the irrigations schemes and should be expressly provided for in the Plan."</p> <p>PNZ submitted in this regard but made errors in the transcription of strikethrough changes to Rule 14.1 and 14.2, and an error in the farm planning Schedule attached as Schedule X to PNZ's Submission.</p>	<p>Make small amendments to the initial relief proposed by PNZ in the strikethrough attached to this further submission below. The relief amends the new methods proposed by PNZ as RDA Rule 14-2AA and DA Rule 14-2B. Also make small changes to Schedule X in the PNZ submission.</p>

Submitter	Provision	Support/oppose	Further submission	Relief proposed
			PNZ Proposes new submissions and seek to align more with the intent of Mr Moleta's submission by amending our initial submission on this point.	
42 Horowhenua District Council	GEN	Support	The submission seeks a viable pathway for commercial vegetable production.	Adopt the tracked changes version added to this further submission below.
43 Ohakune Growers Association	GEN	Support	The submission seeks a controlled or restricted discretionary pathway for commercial vegetable production.	Adopt the tracked changes version added to this further submission below. Make small amendments to the initial relief proposed by PNZ in the strikethrough attached to this further submission below. The relief proposed amends a new method proposed by PNZ as CA Rule 14-1A.
45 Ravensdown Ltd	Nutrient Management Plan	Support in part	PNZ generally supports the intent of the change proposed but not the exact wording; and while the Massey Course provides suitable backup for OVERSEER; it does not for alternative models so there must be an alternative pathway for certification.	Adopt the tracked changes version added to this further submission below.
46 Arawhata Wetland Alliance Group	Table 14.2 Consent Pathway Good Management Practices	Support	The submission supports the proposed approach of PNZ in general.	Adopt the tracked changes version added to this further submission below.
54 Environmental Defense Society	Proposed planning approach in general	Oppose in part	Not providing an alternative pathway for commercial vegetable production does not recognise and provide for the social and cultural benefits of food production; and the focus on nitrogen alone does not recognise the climate change impacts or reductions in other contaminants associated with increased plant	Adopt the tracked changes version added to this further submission below.

Submitter	Provision	Support/oppose	Further submission	Relief proposed
			<p>production. Nor does the approach recognise the Govt's proposed direction on highly productive land.</p> <p>The approach also does not recognise that no subcatchment load limits have been set and the current Horizons One Plan is not compliant with the existing NPS or the proposed NPS for this reason and other reasons.</p> <p>In addition, both the proposed NPS and the existing NPS provide for transition to allow communities to progressively achieve resource allocation targets over time. The amendments proposed by EDS fail to provide this path for commercial vegetable production and an alternative consenting pathway is appropriate.</p>	
55 Wellington Fish and Game Council	Proposed planning approach in general	Oppose in part	<p>Not providing an alternative pathway for commercial vegetable production does not recognise and provide for the social and cultural benefits of food production; and the focus on nitrogen alone does not recognise the climate change impacts or reductions in other contaminants associated with increased plant production. Nor does the approach recognise the Govt's proposed direction on highly productive land.</p> <p>The approach also does not recognise that no subcatchment load limits have been set and the current Horizons One Plan is not compliant with the existing NPS or the proposed NPS for this</p>	Adopt the tracked changes version added to this further submission below.

Submitter	Provision	Support/oppose	Further submission reason and other reasons.	Relief proposed
57 Woodhaven Gardens	GEN	Support in part	<p>In addition, both the proposed NPS and the existing NPS provide for transition to allow communities to progressively achieve resource allocation targets over time. The amendments proposed by EDS fail to provide this path for commercial vegetable production and an alternative consenting pathway is appropriate.</p> <p>The submitter makes reference to activities within a water management zone as opposed to outside; and as such the submission may not have used the correct language. We have assumed that the submission relates to activities occurring within <u>target</u> WMZ's or in other WMZ's.</p> <p>The submitter seeks a pathway for vegetable production outside the target water management subzones. The submission seeks controlled activity consent for new commercial vegetable production in non-target zones.</p> <p>PNZ also submitted seeking a controlled activity; but in error did not seek controlled activity outside the targeted water management zones listed in Table 14.1. PNZ wishes to rectify the error in the initial submission by clarifying the intent is to see a controlled activity regime in non-target water management zones for existing horticultural production. A suite of differing activity classes are sought for new commercial</p>	<p>Make small amendments to the initial relief proposed by PNZ in the strikethrough attached to this further submission below. The relief proposed amends a new method proposed by PNZ as CA Rule 14-1A.</p>

Submitter	Provision	Support/oppose	Further submission	Relief proposed
58 Federated Farmers of NZ	<p>Opposition to LUC</p> <p>Proposed planning pathway – 75th percentile reductions including amendments to Rule 14.1</p>	<p>Oppose in part</p>	<p>vegetable production activities.</p> <p>While PNZ considers the FFNZ submission has some relevance for the pastoral sector; the vegetable sector specific provisions of the PNZ submission are preferred.</p> <p>PNZ does not hold the view that allocation based on natural capital is flawed; and considers that allocating to land is preferable than allocating to activities or people.</p> <p>LUC is used as a proxy for Highly Productive Land (subject of proposed NPS) and as such should be recognised within the planning framework due to the scarcity of Classes I, II, and III land in general across the country. As such; while LUC is not ideal it is the most suited proxy for natural capital given the absence of comparable methods.</p> <p>PNZ also notes the proposed amendments related to 75th percentile reductions and prefers the PNZ approach for commercial vegetable production.</p>	<p>Adopt the tracked changes version added to this further submission below.</p> <p>Retain the use of LUC as a substitute for natural capital.</p> <p>Provide an exceptions process for the reclassification of land from one LUC class to another to ensure that better mapping of resources at finer scale more accurately identifies the appropriate LUC class for land.</p>
59 Forest and Bird	<p>Submission in general:</p> <p>Subcatchment appropriate allocation tables</p> <p>Approach to commercial</p>	<p>Support in part</p> <p>Oppose in part</p>	<p>PNZ opposes withdrawal of PC2; because it provides appropriately for transition to a more appropriate planning framework.</p> <p>PNZ support 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.</p>	<p>Adopt the tracked changes version added to this further submission below.</p>

Submitter	Provision	Support/oppose	Further submission	Relief proposed
	vegetable production Consenting Framework		PNZ seeks a more enabling pathway in transition that takes into account the activity of commercial vegetable growing including potato production. The Forest and Bird submission in fairness does not address vegetable production.	
61 Director General of Conservation	Opposition to pathway for discretionary consent	Oppose in part	PNZ does not consider that the proposal for discretionary consent is unsuitable in the absence of load limits but agrees the absence of load limits is problematic and must be addressed. PNZ considers discretionary status to grow vegetables gives enough scope to avoid any increase in discharges from those activities; within the target WMZ's. PNZ also considers the benefits of plant production are not being fully recognised in the approach of the Director General.	Adopt the tracked changes version added to this further submission below.
63 Nga Waihua o Paerangi Trust	Inclusion of Whangaeahu Catchment Objection to unquantified development and further intensification of lands. Amendments to Table 14.1 and consequential changes.	Support in part	PNZ has proposed a regime that manages vegetable production more broadly by providing a better regulatory oversight to encourage recording and reporting of good management. PNZ has no objection in principle to Whangaeahu being included as a target catchment but would like to consider how the catchment reflects commercial vegetable production activities in general, and specifically potato production activities.	Adopt the tracked changes version added to this further submission below. Include wider reflection of the way land is considered within the Whangaeahu catchment and more broadly in terms of LUC Classification and commercial vegetable production, in line with identification of LUC III land in the Ohakune district / Waimarino Valley and more broadly in the Whangaeahu Catchment.

Submitter	Provision	Support/oppose	Further submission	Relief proposed
67 Ngāti Turanga	Amendments to Table 14.1 and consequential changes.	Support in part	<p>PNZ has proposed a regime that manages vegetable production more broadly by providing a better regulatory oversight to encourage recording and reporting of good management.</p> <p>PNZ has no objection in principle to more catchments being added to Table 14.1 if the science justifies the approach.</p> <p>But PNZ would like to consider how the catchment reflects commercial vegetable production activities in general, and specifically the potato production activity within the WMZ's targeted for inclusion.</p>	<p>Adopt the tracked changes version added to this further submission below.</p> <p>Include wider reflection of the way land is considered within the water management zones proposed catchment and more broadly in terms of LUC Classification and commercial vegetable production, in line with identification of LUC III land in the catchments proposed for inclusion by Ngāti Turanga.</p>
72 Ballance Agrinutrients Ltd.	Amendments to Table 14.1	Oppose in part	PNZ considers that updates to Table 14.2 could occur as a result of any approved decision support tool not just OVERSEER.	Adopt the tracked changes version added to this further submission below. Amend to address the principle reasons for this further submission.
82 Combined Councils	Discharge of sewage to HPL	Oppose in part	The submission appears unclear on how highly productive land (HPL) will be affected by discharges. PNZ retains an interest in ensuring the ability to produce food on HPL is not degraded by discharge activities.	Ensure any relief adopted to address municipal wastewater treatment does not result in further degradation of highly productive land from any future treatment facility or discharge.
83 Palmerston North CC	Discharge of sewage to HPL	Oppose in part	The submission appears unclear on how highly productive land (HPL) will be affected by discharges. PNZ retains an interest in ensuring the ability to produce food on HPL is not degraded by discharge activities.	Ensure any relief adopted to address municipal wastewater treatment does not result in further degradation of highly productive land from any future treatment facility or discharge.

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

The proposed insertions by Council are shown as underlined text and proposed deletions are shown as ~~strikethrough~~.

The relief is sought by PNZ for the policy and rules which are deemed to affect the production of commercial vegetables in the Horizons region.

New Policy 5-8A

The following policy is sought to provide direction for the movement of commercial vegetable production within the areas defined as HPL. The policy seeks to provide a balance between access to the versatile soils and the controls required on production to manage the environmental risks associated with the activity. The outcome sought is meeting the community values and Objective 5-2 for Water quality.

Policy 5-8A: Management and regulation of commercial vegetable production land^ use activities affecting groundwater and surface water^ quality

Recognise the particular constraints that apply to commercial vegetable production (including the need to rotate crops to avoid soil- borne diseases and for growing locations in close proximity to processing facilities), while giving effect to Policy 5-7 to manage the effects on groundwater and surface water by providing 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) ensuring new commercial vegetable growing operations, or any expansion of an existing commercial vegetable growing operation is limited to the baseline commercial vegetable growing area, unless the nitrogen losses from the operation can be accommodated within the Table 14.2A nitrogen loss rate limits at the new location(s);
- c) requiring commercial vegetable growing operations to demonstrate, at the time of application for resource consent and at the time of any Nutrient Management Plan audit, how any relevant nutrient loss reductions will be achieved;
- d) constraining, unless a farming enterprise, commercial vegetable growing operations to a single water management sub-zone; and
- e) requiring a Rotation Management Plan as part of any application for resource consent, and requiring that Rotation Management Plan to be prepared in accordance with Schedule X of this Plan.

Policy 5-9:

Policy 5-8: Management and Regulation of intensive farming land^ use activities affecting groundwater and surface water^ quality

In order to give effect to Policy 5-7, the effects of intensive farming land^ use activities on groundwater and surface water^ quality must be managed in the following manner:

(a) Nutrients

(i) Nitrogen leaching maximums must be established in the regional plan which:

(A) take into account all the non-point sources of nitrogen in the catchment

~~(B) will achieve the strategies for surface water^ quality set out in Policies 5-2, 5-3, 5-4 and 5-5, and the strategy for groundwater quality in Policy 5-6~~

~~(B)~~(C) recognise the productive capability of land^ including commercial vegetable growing areas in the Water Management Sub-zone*

~~(C)~~ (D) are achievable on all farms using good management practices and recognising the rotation requirements for vegetable growing.*

~~(D)~~ (E) provide for appropriate timeframes for achievement where large changes to management practices or high levels of investment are required to achieve the nitrogen leaching maximums.

(ii) Existing intensive farming land^ use activities must be regulated in targeted Water Management Sub-zones* to achieve the nitrogen leaching maximums specified in (i) except as provided for in (iia) and (iib) below.

(iia) Existing intensive land^ use activities which do not comply with (ii) must be regulated to reduce nitrogen leaching which is in excess of the nitrogen leaching maximums established under (a) by implementing good management practice*, and additional measures to minimise the degree of non-compliance, having regard to:

(A) the feasibility, practicality, and cost of achieving the nitrogen leaching maximums specified in (i); and

(B) the strategy for surface water^ quality set out in Policies 5-2, 5-3, 5-4 and 5-5, and the strategy for groundwater quality in Policy 5-6.

(iib) Existing land^ use activities which do not comply with (ii) but are intended to transition to an alternative non-intensive farming land^ use must be regulated to ensure that they are able to continue for a limited period of time in order to enable that transition and only where there is no increase in the exceedance of the nitrogen leaching maximums established under (a).

(iii) New intensive farming land^ use activities must be regulated throughout the Region to achieve the nitrogen leaching maximums specified in (i).

(b) Faecal contamination

(i) Those persons carrying out existing intensive farming land^ use activities in the targeted Water Management Sub-zones* listed in Table 14.1 or new conversions to intensive farming land^ use activities anywhere in the Region must be required, amongst other things, to:

(A) prevent cattle access to some surface water bodies^ and their beds^

(B) mitigate faecal contamination of surface water^ from other entry points (eg., race run-off)

(C) establish programmes for implementing any required changes.

(c) Sediment

(i) In those Water Management Sub-zones* where agricultural land^ use activities are the predominant cause of elevated sediment levels in surface water^, the Regional Council will promote the preparation of voluntary management plans under the Council's Sustainable Land Use Initiative or Whanganui Catchment Strategy for the purpose of reducing the risk of accelerated erosion*, as described in Chapter 4.

(d) Good management practices*

(i) All intensive farming land^ use activities must be regulated to manage nutrient leaching and run-off, faecal contamination, and sediment losses in accordance with good management practices*.

<u>Method 5-12</u>	<u>Innovative Land Use Research</u>
<u>Description</u>	Support initiatives by local communities, sector groups or tangata whenua which develop options for sustainable land use in the Region. Support for work in Water Management Sub-zones* where nitrogen leaching is an issue will be a priority in order to find viable options for intensive farming land users that will have difficulty in achieving the cumulative nitrogen leaching maximums* (refer Table 14.1). Horizons will provide assistance through providing data and information that will assist in the identification and evaluation of innovative land use options and participating in any evaluative work as appropriate.
<u>Who</u>	Local communities, rural and other sector groups, Territorial Authorities, Regional Council.
<u>Links to Policy</u>	This method implements Policies 5-7 and 5-8. Target Advice and assistance is available for landowners in the Region regarding land use management practices

<u>Method 5-13</u>	<u>Provision of Information</u>
<u>Description</u>	Horizons will collate and publish information regarding Overseer version changes and the identification and evaluation of nutrient management models other than Overseer that may be more appropriate for calculation of on-farm nutrient losses.
<u>Who</u>	Regional Council, rural sector groups, and nutrient management model providers.
<u>Target</u>	<ul style="list-style-type: none"> Horizons will consider whether it needs to respond to changes in Overseer

	<p>through a plan change process.</p> <ul style="list-style-type: none"> • <u>A list of nutrient management models appropriate for use in intensive farming land is maintained on Horizons' website.</u>
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Policy 14-3: ~~Industry-based standards~~ Good management practices*

When making decisions on resource consent[^] applications, and setting consent conditions, for activities affecting groundwater and surface water[^] quality, the Regional Council must have regard to good management practices* will examine on an on-going basis relevant industrybased standards (including guidelines and codes of practice), recognising that such industry-based standards generally represent current best practice, and may accept compliance with those standards as being adequate to avoid, remedy or mitigate adverse effects[^] to the extent that those standards good management practices* address the matters in Policies 14-1, 14-2, 14-4, and 14-5 and 14-6.

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Policy 14-5: Management of intensive farming land[^] uses

In order to give effect to Policy 5-7, and Policy 5-8, and intensive farming land[^] use activities affecting groundwater and surface water[^] quality must be managed in the following manner:

(a) The following land uses have been identified as intensive farming land[^] uses:

(i) Dairy farming*

~~(ii) Commercial vegetable growing*~~

(iii) Cropping*

~~(iiiiv)~~ Intensive sheep and beef*

(b) The intensive farming land[^] uses identified in (a) must be regulated where:

(i) They are existing (ie., established prior to the Plan having legal effect) intensive farming land[^] uses, in the targeted Water Management Sub-zones* identified in Table 14.1¹.

(ii) They are new (ie., established after the Plan has legal effect²) intensive farming land[^] uses, in all Water Management Subzones* in the Region.

c) Nitrogen leaching maximums have been established:

(i) In Table 14.2 for intensive farming; and

(d) Except as provided for in Policy 14-6(d), Existing intensive farming land[^] uses regulated in accordance with (b)(i) must be managed to ensure that the leaching of nitrogen from those land[^] uses does not exceed the cumulative nitrogen leaching maximum* values for each year contained in Table 14.2, unless the circumstances in Policy 14-6 apply.

¹ The Plan has legal effect in the case of existing intensive farming land[^] uses in these zones from the dates identified in Table 14.1.

² The Plan has legal effect in the case of dairy farming* from 24 August 2010 and for commercial vegetable growing*, cropping* and intensive sheep and beef* it has legal effect from 9 May 2013

(e) New intensive farming land^ uses regulated in accordance with (b)(ii) must be managed to ensure that the leaching of nitrogen from those land^ uses does not exceed the cumulative nitrogen leaching maximum* values for each year contained in Table 14.2.

(f) Intensive farming land^ uses regulated in accordance with (b) must exclude cattle from:

(i) A wetland^ or lake^ that is a rare habitat*, threatened habitat* or at-risk habitat*.

(ii) Any river^ that is permanently flowing or has an active bed* width greater than 1 metre.

(g) All places where cattle cross a river that is permanently flowing or has an active bed* width greater than 1 metre must be culverted or bridged and those culverts or bridges must be used by cattle whenever they cross the river.

Policy 14-5A: Management of commercial vegetable production land^ uses

In order to give effect to Policy 5-7, and Policy 5-8A, commercial vegetable production land^ use activities affecting groundwater and surface water^ quality must be managed in the following manner:

- a) Commercial vegetable production land is within the baseline commercial production area within each water management sub-zone.
- b) Except as provided for in (d) below, commercial vegetable production land^ uses regulated in accordance with Policy 5-8A, must be managed to ensure that the leaching of nitrogen from those land^ uses does not exceed the cumulative nitrogen leaching maximum* values contained in Table 14.2A.
- c) A Rotation Management Plan (RMP) is prepared in accordance with Schedule X for applications where the commercial vegetable production is across more than one Water Management sub-zones.
- d) Where nitrogen leaching from commercial vegetable production land exceeds the cumulative nitrogen leaching maximum* values contained in Table 14.2A a decision support tool is used to assess risks to groundwater and surface water and predict mitigation actions in accordance with Schedule X.

Policy 14-6A: Management of commercial vegetable production land^ uses

When making decisions on resource consent^ applications, and setting consent conditions^, for commercial vegetable production land^ uses the Regional Council must:

- (a) Ensure the nitrogen leaching from the land^ is managed in accordance with Policy 14-5A.
- (b) Ensure implementation of good management practices* to manage nutrient leaching and run-off, and sediment loss, as part of any commercial vegetable production land^ use.
- (c) Provide for exceptions to (a) for existing commercial vegetable production land^ uses that exceed the cumulative nitrogen leaching maximum* where:
 - (i) Good management practices* are implemented in accordance with a nutrient management plan*, along with monitoring and performance measures to further reduce nutrient leaching and run-off, and sediment losses from the land^ progressively over time; or

(ii) The existing commercial vegetable production land^ use is to continue for no longer than five years in order to enable the transition to alternative baseline commercial vegetable growing area without an increase in nutrient leaching and run-off, and sediment losses from the land^ over that period of time.

(d) When determining whether to enable an existing intensive farm land^ use to continue under (c)(i), have regard to:

(i) Whether the proposed monitoring and performance measures represent the best practicable option^ to minimise the nutrient leaching and run-off, and sediment losses from the land^, having particular regard to:

(A) The extent of the exceedance of the cumulative nitrogen leaching maximum* in Table 14.2A;

(B) The rate of reduction of nitrogen loss towards the cumulative nitrogen leaching maximum* in Table 14.2A;

(C) The mitigation actions and controls in accordance with a Rotation Management Plan meet the Surface Water Quality Targets in Schedule E.

(D) Whether further reductions are currently possible for the commercial vegetable production land^ use based on existing technologies.

(ii) The extent to which the non-compliance with the cumulative nitrogen leaching maximum* specified in Table 14.2A is attributable to updates in versions of OVERSEER;

(iii) The nature and characteristics of the land^, having regard to physical characteristics of the soil including in terms of attenuation capacity, climatic conditions, and topography of the property;

(iv) The contribution of the progressive reduction in nutrient leaching and run-off, and sediment losses from the land^, over time, to the improvement of water^ quality within that Water Management Sub-zone*;

(v) The strategy for surface water^ quality set out in Policies 5-2, 5-3, 5-4 and 5-5, and the strategy for groundwater quality in Policy 5-6.

(e) When determining whether to enable the existing commercial vegetable production land^ use is to continue under (c)(ii), have regard to:

(i) Measures implemented in accordance with a nutrient management plan* to ensure that nutrient leaching and run-off, and sediment losses from the land^ do not increase over the duration of the resource consent^;

(ii) good management practices* proposed to avoid, remedy or mitigate nutrient leaching and run-off, and sediment losses from the land^;

(iii) the nature, sequencing, measurability and enforceability of any steps proposed to transition to alternative baseline commercial vegetable growing area use by the expiry of the resource consent^.

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14.1 Rules - Agricultural Activities

Table 14.1 sets out the target Water Management Sub-zones* where management of existing intensive farming land^ use activities must be specifically controlled.

Table 14.1 Targeted Water Management Sub-zones*

Catchment	Water Management Sub-zone*	Date the Rules of the Plan have legal effect ³ in relation to Rule 14-1
Mangapapa	Mangapapa Mana_9b	1 July 2014
Waikawa	Waikawa West_9a Manakau West_9b	1 July 2014
Other south-west catchments (Papaitonga)	Lake Papaitonga West_8	1 July 2014
Mangatainoka	Upper Mangatainoka Mana_8a Middle Mangatainoka Mana_8b Lower Mangatainoka Mana_8c Makakahi Mana_8d	1 July 2015
Other coastal lakes	Northern Manawatu Lakes West_6 Kaitoke Lakes West_4 Southern Wanganui Lakes West_5	1 July 2015
Coastal Rangitikei	Coastal Rangitikei Rang_4	1 July 2015
Lake Horowhenua	Lake Horowhenua Hoki_1a Hokio Hoki_1b	1 July 2015
Upper Manawatu above Hopelands	Upper Manawatu Mana_1a Mangatewainui Mana_1b Mangatoro Mana_1c Weber-Tamaki Mana_2a Mangatera Mana_2b Upper Tamaki Mana_3 Upper Kumeti Mana_4 Tamaki-Hopelands Mana_5a Lower Tamaki Mana_5b Lower Kumeti Mana_5c Oruakeretaki Mana_5d Raparapawai Mana_5e	1 July 2016
Manawatu above gorge	Hopelands-Tiraumea Mana_6 Upper Gorge Mana_9a Mangaatua Mana_9c	1 July 2016

Table 14.2 sets out the cumulative nitrogen leaching maximum* for the land^ used for intensive farming land^ use activities within each specified land use capability class*. Table 14.2 Cumulative nitrogen leaching maximum* by Land Use Capability Class*

Period (from the year that the rule has legal effect ⁴)	LUC* I	LUC* II	LUC* III	LUC* IV	LUC* V	LUC* VI	LUC* VII	LUC* VIII
Year 1	51 30	45 27	40 24	29 18	25 16	24 15	11-8	3 2
Year 5	46 27	42 25	35 21	26 16	20 13	16 10	8 6	3 2
Year 10	44 26	37 22	32 19	23 14	20 13	16 10	8 6	3 2
Year 20	43 25	35 21	30 18	21 13	19 12	16 10	8 6	3 2

Table 14.2A sets out the cumulative nitrogen leaching maximum* for the land^ used for commercial vegetable production land^ use activities within each specified land use capability class*. Table

14.2A Cumulative nitrogen leaching maximum as determined across a rotation by Land Use Capability Class*

<u>Period (from the year that the rule has legal effect⁴)</u>	<u>LUC* I</u>	<u>LUC* II</u>	<u>LUC* III</u>
<u>Baseline commercial vegetable production area.</u>	<u>51</u>	<u>45</u>	<u>40</u>
<u>New commercial vegetable production areas.</u>	<u>46</u>	<u>42</u>	<u>35</u>

Rules for Commercial Vegetable Production Activities

<u>Rule</u>	<u>Activity</u>	<u>Classification</u>	<u>Conditions/Standards/Terms</u>	<u>Control/Discretion Non-Notification</u>
<u>14-1AA</u>	<u>The use of land[^] pursuant to s9(2) RMA for commercial vegetable production and any ancillary discharge[^] of contaminants[^] into air pursuant to ss15(1) or 15(2A) RMA.</u>	<u>Permitted</u>	<ul style="list-style-type: none"> (a) <u>The area of land in commercial vegetable production must be less than 4.1Ha.</u> (b) <u>The discharge[^] of fertiliser* onto or into land[^] and any ancillary discharge[^] of contaminants[^] into air must comply with the conditions[^] of Rule 14-5.</u> (c) <u>All activities must be undertaken in accordance with good management practice.</u> 	

<u>Rule</u>	<u>Activity</u>	<u>Classification</u>	<u>Conditions/Standards/Terms</u>	<u>Control/Discretion Non-Notification</u>
<u>14-1A Existing Commercial Vegetable Production land^ use activities</u>	<u>The existing use of land^ pursuant to s9(2) RMA for commercial vegetable production land that is within the baseline commercial growing area in the Water Management Sub-zones* including those listed in; and from the dates specified in Table 14.1 and any ancillary discharge^ of contaminants^ into air pursuant to ss15(1) or 15(2A) RMA..</u>	<u>Controlled</u>	<p><u>(a) A nutrient management plan* must be prepared for the land^, and provided annually to the Regional Council.</u></p> <p><u>(b) The activity must be undertaken in accordance with the nutrient management plan* prepared under (a).</u></p> <p><u>(c) The nutrient management plan* prepared under (a) must demonstrate that the nitrogen leaching loss from the activity will not exceed the cumulative nitrogen leaching maximum* specified in Table 14.2A.</u></p> <p><u>(d) The discharge^ of fertiliser* onto or into land^ and any ancillary discharge^ of contaminants^ into air must comply with the conditions^ of Rule 14-5.</u></p> <p><u>(e) The discharge^ of grade Aa biosolids* or compost* onto or into production land^ and any ancillary discharge^ of contaminants^ into air must comply with the conditions^ of Rule 14-7.</u></p> <p><u>(f) The discharge^ of poultry farm litter* onto or into production land^ and any ancillary discharge^ of contaminants^ into air must comply with the conditions^ of Rule 14-9.</u></p> <p><u>(g) The discharge^ of farm animal effluent* onto or into production land^ including:</u> <u>(i) effluent from dairy sheds and feedpads*</u> <u>(ii) effluent received from piggeries</u> <u>(iii) sludge from farm effluent ponds</u> <u>(iv) poultry farm effluent and any ancillary discharge^ of contaminants^ into air must comply with the conditions^, standards and terms of Rule 14-11.</u></p>	<p><u>Control is reserved over:</u></p> <p><u>(a) the implementation of the nutrient management plan*</u></p> <p><u>(b) compliance with the cumulative nitrogen leaching maximum* specified in Table 14.2A</u></p> <p><u>(c) good management practices* to avoid, remedy or mitigate nutrient leaching and run-off, and sediment losses from the land^</u></p> <p><u>(d) the matters of control in Rule 14-11</u></p> <p><u>(e) avoiding, remedying or mitigating the effects of odour, dust, fertiliser* drift or effluent drift</u></p> <p><u>(f) provision of information including the nutrient management plan*</u></p> <p><u>(g) duration of consent</u></p> <p><u>(h) review of consent conditions^</u></p> <p><u>(i) compliance monitoring</u></p> <p><u>(j) the matters in Policies 14-5A, 14-6A and 14-9.</u></p> <p><u>Resource consent^ applications under this rule^ will not be notified and written approval of affected persons will not be required (notice of applications need not be served^ on affected persons).</u></p>
<u>14-2AA New Vegetable Production Activities</u>	<u>The use of land^ pursuant to s9(2) RMA for commercial vegetable</u>	<u>Restricted Discretionary</u>	<u>(a) A nutrient management plan* must be prepared for the land^, and provided annually to the Regional</u>	<u>Discretion is restricted to:</u> <u>(a) preparation of and compliance with a nutrient management plan*</u>

<u>Rule</u>	<u>Activity</u>	<u>Classification</u>	<u>Conditions/Standards/Terms</u>	<u>Control/Discretion Non-Notification</u>
<u>within the baseline commercial vegetable production land area.</u>	<p><u>growing that is within the baseline commercial vegetable production area but was not existing in the Water Management Sub-zones* listed in and from the dates specified in Table 14.1, and any ancillary discharge^ of contaminants^ into air pursuant to ss15(1) or 15(2A) RMA.</u></p> <p><u>Including commercial vegetable production operated as an enterprise across the regional baseline commercial vegetable growing area where a growing rotation may include multiple land parcels.</u></p>		<p><u>Council.</u></p> <p><u>(b) The activity must be undertaken in accordance with the nutrient management plan* prepared under (a).</u></p> <p><u>(c) The nutrient management plan* prepared under (a) must demonstrate that the nitrogen leaching loss from the activity will not exceed the cumulative nitrogen leaching maximum in Table 14.2A.</u></p> <p><u>(d) A RMP must be prepared in accordance with Schedule X.</u></p>	<p><u>for the land^</u></p> <p><u>(b) good management practices* to avoid, remedy or mitigate nutrient leaching and runoff, faecal contamination and sediment losses from the land^</u></p> <p><u>(c) measures to exclude cattle from wetlands^ and lakes^ that are a rare habitat* or threatened habitat*, and</u></p> <p><u>rivers^ that are permanently flowing or have an active bed* width greater than 1 m</u></p> <p><u>(d) the bridging or culverting of rivers^ that are permanently flowing or have an active bed* width greater than 1 m that are crossed by cattle</u></p> <p><u>(e) the matters referred to in the conditions^ of Rules 14-5, 14-6, 14-7, and 14-9(f) (g) the matters referred to in the conditions^ of Rule 14-11 and the matters of control in Rule 14 -11</u></p> <p><u>(g) avoiding, remedying or mitigating the effects of odour, dust, fertiliser* drift or effluent drift</u></p> <p><u>(h) provision of information including the annual nutrient management plan*</u></p> <p><u>(i) duration of consent</u></p> <p><u>(j) review of consent conditions^</u></p> <p><u>(k) compliance monitoring</u></p> <p><u>(l) the matters in Policy 14-9.</u></p>
<u>Rule 14 -2B New Vegetable Production Activities exceeding the baseline commercial vegetable production land area.</u>	<p><u>The use of land^ pursuant to s9(2) RMA for commercial vegetable growing inside the baseline commercial vegetable growing area and any of the following discharges^ pursuant to ss15(1) or 15(2A) RMA associated with that intensive farming and any ancillary discharge^ of contaminants^ into air pursuant to ss15(1) or 15(2A) RMA.</u></p>	<u>Discretionary</u>	<p><u>(a) A nutrient management plan* must be prepared for the land^, and provided annually to the Regional Council.</u></p> <p><u>(b) The activity must be undertaken in accordance with the nutrient management plan* prepared under (a).</u></p> <p><u>(c) The nutrient management plan* prepared under (a) must demonstrate that the nitrogen leaching loss from the activity will not exceed the cumulative nitrogen leaching maximum in Table 14.2A. A RMP must be prepared in accordance with Schedule X.</u></p>	<p><u>Applications which demonstrate mitigation actions in a nutrient management plan and controls in accordance with a Rotation Management Plan which meet the Surface Water Quality Targets in Schedule E will generally be granted as non-notified.</u></p>

<u>Rule</u>	<u>Activity</u>	<u>Classification</u>	<u>Conditions/Standards/Terms</u>	<u>Control/Discretion Non-Notification</u>
<u>Rule 14 -2C New Vegetable Production Activities exceeding the baseline commercial vegetable production land area.</u>	<u>All other uses of land^ pursuant to s9(2) RMA for commercial vegetable growing, including any of the following discharges^ pursuant to ss15(1) or 15(2A) RMA associated with that intensive farming and any ancillary discharge^ of contaminants^ into air pursuant to ss15(1) or 15(2A) RMA.</u>	<u>Non-Complying</u>		

Rule Guide:

The location of archaeological sites when defined by a single co-ordinate is unlikely to define the true extent of subsurface archaeological evidence. The 50 metre rule should apply from the outer perimeter of the site.

Some activities in rare habitats*, threatened habitats* and at-risk habitats* are regulated by Rules 13-8 and 13-9. Discharges from agricultural activities at other locations are regulated as follows:

(a) Discharges not covered by rules - Agricultural discharges pursuant to ss15(1) RMA that are not covered by the rules above are a discretionary activity under Rule 14-30.

(b) Activities that do not comply—Except for Rule 14-3, activities pursuant to ss15(1) or 15(2A) RMA that do not comply with the permitted or controlled activity rules above are a discretionary activity under general Rule 14-30.

Glossary

A term or expression that is defined in this glossary is marked with the symbol * when used in the Plan.

A term or expression that is defined in the Resource Management Act 1991 (RMA) and used in the Plan, but which is not included in this glossary, has the same meaning as in the RMA. Definitions provided in the RMA are not repeated in this glossary. A term or expression that is defined in the RMA is marked with the symbol ^ when used in the objectives, policies or rules of the Plan, this glossary and the schedules to the Plan, other than Schedules F, G and I.

When:

- * is not used to identify a term anywhere in the Plan, or
- ^ is not used to identify a term in the objectives, policies or rules of the Plan, this glossary or the schedules to the Plan the term has its ordinary meaning.

...

Good management practices refers to evolving practical measures and methods, including those established in industry-based standards, which are used at a sector or community level to measure, manage and minimise the effects of discharges to land^ and water^.

...

Nutrient management plan means a plan prepared annually in accordance with the Code of Practice for Nutrient Management (NZ Fertiliser Manufacturers' Research Association 2007) which records (including copies of the OVERSEER® input and output files of a recognised nutrient management model used to prepare the plan) and takes into account all sources of nutrients for intensive farming and identifies all current and relevant nutrient management practices and mitigations, and which is prepared by a person who has been approved by the CEO, Whanganui-Manawatu Regional Council both a Certificate of Completion in Sustainable Nutrient Management in New Zealand Agriculture and ~~a Certificate of Completion in Advanced Sustainable Nutrient Management from Massey University.~~

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 Horizons 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.

New Definitions:

Term	DEFINITION
<u>Baseline commercial vegetable growing area</u>	means the aggregated area of land utilised for commercial vegetable production at the dates in Table 14.1 and the land is under the control (owned or leased) of a single grower or enterprise; and includes the area of land which is categorised as LUC Class I and/or Class II in each water management sub-zone.
<u>Crop rotation</u>	<u>Crop rotation is the systematic planting of different crops in a particular order over several years in the same growing space. This process helps maintain nutrients in the soil, reduce soil erosion, and prevents plant diseases and pests.</u>

Consequential changes to Schedule B – Surface Water Management Values.

There are consequential links between the provisions which are critical to commercial vegetable production on crop rotation systems which require clarification and identification in the plan. These changes apply within the Surface Water Management Value's framework. This requires the following consequential amendments to the values framework:

1. The Domestic Food Supply (DFS) value is changed to reflect the plan provisions to
 - a. **Commercial Vegetable Production (CVP)**
2. Commercial Vegetable Production areas redrawn within Fig B:13 on page B-113 as the LUC Class I, Class II and Class III areas inclusive [LRI Map].
3. The following table B.13 on page B-115, which provides details of the CVP locations is updated to reflect the relief sought above (new map as composed for Fig B:13).

- a. Table B.13: Commercial Vegetable Production (CVP) Value in the Region.
- b. Column 5 heading: Commercial Vegetable Production Value
- c. Entries for Column 5: Suitable for vegetable production (including seed production)
- d. Part B.3 – Row 3: Land and Water Use
- e. Row 3 - sub-row 5
 - i. Column 1: **CVP**
 - ii. Column 2: **Commercial Vegetable Production**
 - iii. Column 3: **The land and water is suitable for commercial vegetable production.**
 - iv. Column 4: **Land-use suitability Class I, Class II and Class III**

The relief is also able to be provided in visual maps and amended tables.

APPENDIX AA

Proposed New Schedule X – 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.

Proposed Schedule X:

Schedule X - Rotation (Commercial Vegetable Production) Management Plan

1. A Nutrient Management Plan shall be prepared in accordance with the requirements of Schedule Y. The Nutrient Management Plan shall be certified as meeting the requirements of Schedule Y by a Certified Farm Environment Planner (commercial vegetable production).
2. The Rotation Plan does not require duplication of material within an existing Nutrient Management 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 Horizons 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 NMP.
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 and shall contain 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.
 - c. A legal description for each parcel of land included in the rotation domain for the enterprise.

- d. A notification process to Council for changes to the parcels of land in the rotation.
- e. The Land Use Capability assessment for each of the parcels in the rotation.

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

- 2. 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 vegetable production, and the priority of those identified risks, having regard to the freshwater outcomes for Rivers and Lakes in Water Management Subzones and the Region-wide Water Quality Targets in Schedule E.
- 3. 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. 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;
 - c. For the purposes of rule 14.2AA a A nutrient management plan that with demonstrates how any relevant nutrient loss reductions to meet Table 14.2A limits will be achieved;
 - 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.
- 4. If stock are present on land managed within the enterprise, provisions of Schedule Y relating to the farming of animals apply. If stock are present a risk assessment for stock related discharges must be undertaken.
- 5. A schedule of mitigation actions and target completion dates derived from the risk assessments undertaken in clause 4 and 5 above.
- 6. The risk assessment data management, reporting and auditing will be consistent with the NZGAP requirements for vegetable production.

Part C Vegetable Growing Minimum Standards

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

<u>1</u>	<u>Nitrogen, Phosphorus</u>	<u>Both (1) and (2) prepared by an appropriately qualified person</u>
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<u>2</u>	<u>Nitrogen, Phosphorus</u>	<u>Annual calibration of fertiliser delivering systems through an approved programme such as Spreadmark/Fertspread</u>
<u>3</u>	<u>Soil / Phosphorus</u>	<u>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</u>
<u>4</u>	<u>Nitrogen, Phosphorus</u>	<u>Documentation available for proof of fertiliser placement according to recommended instruction</u>
<u>5</u>	<u>Nitrogen, Phosphorus</u>	<u>Adoption and use of improved fertiliser products proved effective and available such as formulated prills, coatings and slow release mechanisms</u>
<u>6</u>	<u>Nitrogen, Phosphorus</u>	<u>Evidence available to demonstrate split applications by block/crop following expert approved practice relating to:</u> <ul style="list-style-type: none"> • <u>form of fertiliser applied</u> • <u>rate of application</u> • <u>placement of fertiliser</u> • <u>timing of application</u>
<u>7</u>	<u>Nitrogen</u>	<u>Maintain efficient irrigation to ensure yields and the export of nitrogen in crop are maximised.</u>

<u>No</u>	<u>Contaminant</u>	<u>Vegetable growing minimum standards</u>
<u>1</u>	<u>Nitrogen, Phosphorus</u>	<u>Annual soil testing regime, fertiliser recommendations by block and by crop</u>
<u>2</u>	<u>Nitrogen, Phosphorus</u>	<u>Tailored fertiliser plans by block and by crop</u>

Part C - Requirements for a Rotation Management Plan – The management of contaminants from Commercial Vegetable Growing Operations activities across Water Management sub-zones and new commercial vegetable growing areas.

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

- 1) The RMP must be certified by a person approved by the Regional Council Chief Executive before an application under Rule 14.2AA and 14.2B can be granted by the Council.
- 2) The RMP must demonstrate for each sub-region and Water Management Sub-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 14.2AA and Rule 14.2B.
- 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.

