

ECan Plan Change 7 Decision Summary - Commercial Vegetable Growing

Canterbury region | November 2021

The Plan Change 7 (PC7) decision was publicly notified by Environment Canterbury (ECan) on 20 November 2021. This provides a summary of the key aspects of the decision.

The decision report (setting out the decision of the Hearing Panel and their reasons) can be accessed on ECan's website [here](#).

PC7 was notified by ECan in August 2019 - the intent of the plan change is to provide a revised nutrient framework for commercial vegetable growing (CVG), as the rules were unworkable, leaving many vegetable growers unable to get consents under the Canterbury Land and Water Plan.

Previous summaries of the process can be found on HortNZ's website [here](#).

Summary of the PC7 decision

New Policy 4.36A	A new policy that recognises the importance of CVG and constraints that apply to CVG (e.g. - the need to rotate crops to avoid soil borne disease).
Consent pathways	The decision has clarified that additional permits for CVG would not be required where nutrient losses from CVG are accounted for and authorised under a farming land use consent or discharge permit.
New CVG consent pathway	The decision recognised the need for a tailored approach to consenting commercial vegetable growing (CVG). This includes a permitted activity, restricted discretionary activity, discretionary activity and non-complying activity. Each are described below and are also included in the flow diagram on page 3.
Permitted activity (no permit/consent required)	PC7, as notified, proposed a permitted activity rule for the discharge of nutrients from CVG on a property of 0.5 hectares or less. However, the decision found that an increase in the permitted activity threshold to 5ha of CVG per property would not be likely to jeopardise the Land and Water Plan outcomes and limits. Therefore, the new rule (5.42CA) allows for CVG up to 5ha or less in area as a permitted activity.
A new Restricted Discretionary Activity pathway for existing CVG	This will require a Farm Environment Plan (excluding a nutrient budget) to be prepared in accordance with Part A of Schedule 7 and that the area of land used for Commercial Vegetable Growing activity is no greater than the baseline commercial vegetable growing area. There are several matters to be addressed in the resource consent application that are listed with the rule.

A new Discretionary Activity pathway for new or expanded CVG	This will require a Farm Environment Plan (excluding a nutrient budget) to be prepared in accordance with Part A of Schedule 7 and demonstrate that the lawful nitrogen loss rate for the location is not exceeded.
A new non-complying pathway CVG	PC7 as notified proposed a Prohibited activity status for CVG if it could not meet the lawful nitrogen loss rate for the location. However, the decision has classified this as a non-complying activity for which a resource consent application can be made.
Definitions relating to CVG have been added:	<ul style="list-style-type: none"> • A definition for commercial vegetable growing area has been added and reads as follows: Baseline Commercial Vegetable growing area means the maximum total aggregated area of land under the control (owned or leased) of a single grower or enterprise used for commercial vegetable growing in any 12 month consecutive period within the period of 1 January 2009 to 31 December 2013. • A definition of Commercial vegetable growing activity has been added and reads as follows: Commercial Vegetable Growing Activity is a sub-set of 'farming activity' and means the growing, for the purpose of commercial gain, of vegetable crops for human consumption, on one or more parcels of land held in single or multiple ownership (whether or not held in common ownership) that constitutes a single operating unit, and may include crop-rotation across different parcels of land over time, but excludes vegetable crops grown under cover.

What next?

Parties have a period of 15 working days (Friday 10th December) to lodge an appeal on points of law with the High Court. If the decision is not appealed by any party, the provisions will become 'operative' and replace the current Canterbury Land and Water Plan wording. HortNZ will be reviewing the decision in greater detail and have requested a meeting with Council staff to better understand the likely information requirements for resource consent applications.

WHERE TO GO FOR MORE INFORMATION

- The PC7 page on Environment Canterbury's website [here](#)
- Keep an eye on HortNZ's website [here](#)
- Or you can contact Rachel McClung who is leading HortNZ's involvement in PC7 (rachel.mcclung@hortnz.co.nz)

Flow Chart Summary of PC7 decision for Commercial Vegetable Growing | November 2021

