

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Environment Canterbury (Transitional Governance Arrangements) Act 2016

AND

IN THE MATTER of proposed Plan Change 7 to the
Canterbury Land and Water Regional Plan and Plan Change 2 to the Waimakariri River Regional Plan

**REPORT AND RECOMMENDATIONS
OF THE HEARING COMMISSIONERS**

APPENDIX B – Part 1 - PC7 to the LWRP

Plan Change 7 Provisions - Inclusive of Recommended Amendments

Hearing Commissioners:
David F Sheppard
Rob van Voorthuysen
Raewyn Solomon

I hereby certify that this is a true and correct copy of the decisions on, Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan approved at a meeting of the Canterbury Regional Council on 17 November 2021.

The Common Seal of the Canterbury Regional Council was fixed in the presence of:



Dr Stefanie Rixecker
Chief Executive
Canterbury Regional Council

Jenny Hughey
Chairperson
Canterbury Regional Council

17 November 2021

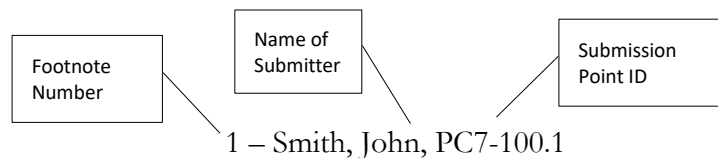
Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

How to read this plan change

- Operative parts of the Canterbury Land and Water Regional Plan not amended by proposed Plan Change 7 are shown in black text.
- Additions proposed by Plan Change 7 (as notified for submissions), and which the Hearing Commissioners recommend **accepting**, are indicated in black text with underlining.
- Deletions proposed by Plan Change 7 (as notified for submissions), and which the Hearing Commissioners recommend **accepting**, are indicated in ~~black text with a strikethrough~~.
- Further additions which, in response to a submission, the Hearing Commissioners recommend inserting are indicated in red text with underlining.
- Additions proposed by Plan Change 7 (as notified for submissions), and which in response to a submission the Hearing Commissioners recommend **rejecting**, are indicated in ~~red text with black underline and red strikethrough~~.
- Deletions to operative text proposed by Plan Change 7 (as notified for submissions), but which in response to a submission the Hearing Commissioners recommend **rejecting**, are indicated in black text with red double underlining.
- Further deletions to operative provisions, which as a consequence of a submission, the Hearing Commissioners recommend deleting are indicated in ~~red text with a double strikethrough~~.

Submission point references

- Where the Hearing Commissioners recommend an addition or deletion (as compared to PC7 as notified), the submission point that provides the scope to make that change is indicated with a footnote. Refer to Appendix A to our Report for our decisions in relation to submissions. Footnotes are indicated as follows:



2.9 Definitions, Translations and Abbreviations

Definitions

The words used in this Plan have their ordinary meaning as set out in the Oxford English Dictionary (Second Edition or Oxford English Dictionary Online), except where the words are defined in either the RMA, the RPS 2013, or this Plan. The definitions in italics below are from the RMA and are reproduced here for information purposes.

Word	Definition
<u>Baseline commercial vegetable growing area</u>	means the maximum total aggregated area of land under the control (owned or leased) of a single grower or enterprise 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. ²
<u>Commercial vegetable growing activity operation</u>	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, and includes the full sequence of crops and pasture used as part of that rotation. ³
Defence against water	means: a. any structure or equipment, including any bund, weir, spillway, floodgate, bank, stopbank, retaining wall, rock or erosion protection structure, groyne, vegetation (including anchored tree protection) or reservoir, or b. any re-contouring or re-battering; and ⁴ that is designed to have the effect of stopping, diverting, controlling, restricting or otherwise regulating the flow, energy or spread of water, including floodwaters, in or out of a waterbody, artificial watercourse, or artificial lake. For the purposes of this definition, dams are excluded.
<u>Highest groundwater level</u>	means the single highest elevation to which groundwater has historically risen that can be reasonably inferred for the site, based on all available relevant ⁵ hydrogeological and topographic information.
<u>Indigenous Freshwater Species Habitat Critical Habitat</u> ⁶	means an area identified as ‘ Indigenous Freshwater Species Critical ⁷ Habitat’ on the Planning Maps, and which provides habitat for at least one of the freshwater species listed below: 1. <u>Giant kōkopu/Taiwharu</u> (<i>Galaxias argenteus</i>) 2. <u>Lowland longjaw galaxias (Waitaki River)</u> (<i>Galaxias aff. cobitinis</i> “ <i>Waitaki</i> ”) ⁸ 3. <u>Canterbury mudfish/Kōwaro</u> (<i>Neochanna burrowsius</i>) 4. <u>Bignose galaxias</u> (<i>Galaxias macronasus</i>) 5. <u>Upland longjaw galaxias (Canterbury, West Coast)</u> (<i>Galaxias prognathus</i>) ⁹ 6. <u>Upland longjaw galaxias (Waitaki River)</u> (<i>Galaxias aff. prognathus</i> “ <i>Waitaki</i> ”) ¹⁰ 7. <u>Shortjaw kōkopu</u> (<i>Galaxias postvectis</i>)

² Clause 10(2)(b) of Schedule 1 to the RMA – consequential to the amendment of definition commercial vegetable growing operation and Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect to relocate phrase.

³ Pye Group PC7-352.9

⁴ Ngā Rūnanga PC7-423.1

⁵ Fulton Hogan PC7-458.1

⁶ G Fenwick PC7-339.2

⁷ Clause 10(2)(b) of Schedule 1 to the RMA – consequential to G Fenwick PC7-339.2

⁸ DOC PC7-160.1

⁹ DOC PC7-160.1

¹⁰ DOC PC7-160.1

	<p>8. Northern flathead galaxias (Species N (undescribed) Galaxias "northern")¹¹</p> <p>9. Lamprey/Kanakana (<i>Geotria australis</i>)</p> <p>10. Freshwater crayfish/Kekewai (<i>Paranephrops zealandicus</i>)</p> <p>11. Freshwater mussel/Kākahi (<i>Echyridella menziesi</i>)</p>
<u>Managed aquifer recharge</u>	means the controlled and managed addition of freshwater into groundwater an activity ¹² that is for the express purpose of improving the quality and ¹³ or quantity of water in an receiving groundwater aquifer or a hydraulically connected surface water body.
<u>Nutrient management area</u>	means a geographical area, delineated on the Planning Maps, to manage nutrient losses from land use and may be described as an Area, Nutrient Allocation Zone, sub-region, freshwater management unit or zone. ¹⁴
<u>Plantation forest or plantation forestry</u>	<p>means a forest of selected species of trees that are specifically planted and managed for a carbon sink or planted and managed specifically for harvesting and production of timber or other wood based products, and includes under story that has established beneath the canopy and areas that are demonstrated to be failed plantings from the previous rotations, deliberately established for commercial purposes, being—</p> <p>a. at least 1 ha hectare¹⁵ of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and</p> <p>b. includes all associated forestry infrastructure; but</p> <p>c. does not include—</p> <p>i. a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or</p> <p>ii. forest species in urban areas; or</p> <p>iii. nurseries and seed orchards; or</p> <p>iv. trees grown for fruit or nuts; or</p> <p>v. long-term ecological restoration planting of forest species; or</p> <p>vi.¹⁶ willows and poplars space planted for soil conservation purposes.</p>
<u>Seasonal High Water Table</u>	means, at the time the activity is established, the highest elevation that the water table has reached between the months of June and August inclusive
<u>Vegetation clearance</u>	<p>means removal of vegetation by physical, mechanical, chemical or other means but excludes:</p> <p>a. cultivation for the establishment of, or harvesting of, crops or pasture;</p> <p>b. clearance for the establishment or maintenance of utilities or structures;</p> <p>c. removal of a species listed in the Biosecurity NZ Register of Unwanted Organisms or the Canterbury Pest Management Strategy Regional Pest Management Plan;</p> <p>d. clearance for the purposes of maintaining existing fence lines, vehicle tracks, firebreaks, drains, ponds, dams or crossings;</p> <p>e. domestic gardening and the maintenance of amenity planting;</p> <p>f. clearance by, or on behalf of, the Canterbury Regional Council for the purposes of maintaining the flood-</p>

¹¹ DOC PC7-160.1

¹² Forest and Bird PC7-472.10

¹³ Clause 10(2)(b) of Schedule 1 to the RMA – consequential to Forest and Bird PC7-472.31

¹⁴ Clause 10(2)(b) of Schedule 1 to the RMA – consequential to Scottfresh Limited PC7-328.3

¹⁵ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

¹⁶ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

	<p>carrying capacity of a river; or</p> <p>g. exotic vegetation clearance by the Department of Conservation or Land Information New Zealand for the purposes of pest management and maintenance of public access.</p>
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Livestock Exclusion from Waterbodies

- 4.31 Damage to the bed or banks of water bodies, sedimentation and disturbance of the water body, direct discharge of contaminants, and degradation of aquatic ecosystems, ~~and~~³³ inanga and salmon spawning habitat and ~~Indigenous Freshwater Species Habitat Critical Habitat~~³⁴ is avoided by:
- a. excluding intensively farmed stock from lakes, rivers and wetlands; and
 - b. excluding stock from within freshwater bathing sites listed in Schedule 6, salmon spawning sites listed in Schedule 17, Community Drinking-water Protection Zones ~~for surface water takes~~³⁵ as set out in Schedule 1, other sensitive water body areas; and the water body bed and banks closely adjacent to and upstream of these areas; and
 - ba excluding stock from inanga spawning habitat; and
 - ~~bb. excluding stock from any Indigenous Freshwater Species Habitat Critical Habitat; and~~³⁶
 - c. limiting access to wetlands, and the banks or beds of lakes and rivers to stock species that prefer to avoid water and at stocking rates that avoid evident damage.

Nutrient Management

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- 4.36A Recognise the ~~importance of commercial vegetable growing for domestic food supply and the~~³⁷ particular constraints that apply to commercial vegetable growing ~~activities operations~~³⁸ (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:
- aa. ~~providing alternative rule frameworks to authorise commercial vegetable growing;~~³⁹
 - a. requiring commercial vegetable growing ~~activities operations~~ to operate at good management practice;
 - b. ~~avoiding constraining~~⁴⁰ the establishment of a new commercial vegetable growing ~~activities operation~~, or any expansion of ~~an~~ existing commercial vegetable growing ~~activities operation~~ beyond the baseline commercial vegetable growing area, unless the nitrogen losses from the ~~new or expanded~~⁴¹ ~~activity operation~~ can be accommodated within the lawful nitrogen loss rate applicable to the ~~new or expanded~~⁴² location;
 - c. requiring commercial vegetable growing ~~activities 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 reductions, ~~nutrient limits or targets~~⁴³ set out in Sections 6 to 15 of this Plan will be achieved;
 - d. ~~constraining, as far as practicable, requiring a method for accounting for cumulative nutrient losses where~~⁴⁴ commercial vegetable growing ~~activities operations to operate across more than one Nutrient Management Area single nutrient allocation zone or sub-region~~⁴⁵; and

³³ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

³⁴ Clause 10(2)(b) of Schedule 1 to the RMA – consequential to G Fenwick PC7-339.2

³⁵ Clause 10(2)(b) of Schedule 1 to the RMA – consequential to CDHB PC7-347.8

³⁶ Clause 10(2)(b) of Schedule 1 to the RMA – consequential to G Fenwick PC7-339.2

³⁷ HortNZ PC7-356.12

³⁸ Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

³⁹ Clause 10(2)(b) of Schedule 1 to the RMA, consequential to ESAI PC7-207.19

⁴⁰ HortNZ PC7-356.12

⁴¹ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

⁴² Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

⁴³ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

⁴⁴ Clause 10(2)(b) of Schedule 1 to the RMA – consequential to Rule 5.42CB

⁴⁵ Scottfresh PC7-328.3

- e. requiring a Farm Environment Plan, ~~excluding a nutrient budget,~~⁴⁶ as part of any application for resource consent, and requiring that Farm Environment Plan to be prepared in accordance with Schedule 7 of this Plan.

Damming and Diversion of Water Bodies

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4.47

Small-scale diversions of water within the beds of lakes, rivers or adjoining wetlands are provided for as part of:

- a. establishing, maintaining or repairing infrastructure;
- b. removing gravel or other earthworks ~~provided potential adverse effects on any person, their property, or the ecological, cultural, recreational or amenity values of the fresh waterbody are minimised provided the activity is consistent with Policies 2A.3 and 2A.4.~~⁴⁷
- c. undertaking minor flood or erosion control or repair works and the diversion is occurring within the boundaries of a site or an individual's property ~~and provided there are no potential adverse effects that are more than minimal on any other person, their property, or any ecological, cultural, recreational or amenity values of the fresh waterbody;~~
- d. emergency rural fire fighting purposes; or
- e. maintaining intakes for animal drinking water.

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Abstraction of Water

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4.61A

Preserve indigenous biological diversity within Critical Habitats⁴⁸ ~~by applying the effects management hierarchy when considering⁴⁹ water bodies by requiring applications to abstract surface water or stream depleting groundwater to assess the potential effects, including cumulative effects, of the proposed abstraction on any Indigenous Freshwater Species Habitat Critical Habitat and:~~

- ~~a. by refusing any application to take water that would reduce the area or compromise the values of the Indigenous Freshwater Species Habitat Critical Habitat⁵⁰, except for an application to take water for a community water supply; and~~
- ~~b. if the application is to take water for a community water supply and the take would reduce the area or compromise the values of the Indigenous Freshwater Species Habitat, allow any significant adverse effects on that habitat to be offset by the creation of new habitat in the same surface water catchment and with the same or improved habitat characteristics.⁵¹~~

Activities in the Beds of Lakes and Rivers

4.87

Plant species listed in the Biosecurity NZ Unwanted Organisms Register or the ~~Regional Pest Management Strategy~~ Canterbury Regional Pest Management Plan are not introduced or planted in the beds or margins of lakes, rivers, hāpua, coastal lakes and lagoons, or in wetlands.

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⁴⁶ Balle Bros Group PC7-185.7; Eyreton Produce Limited PC7-231.3

⁴⁷ Forest and Bird PC7-472.26

⁴⁸ Forest and Bird PC7-472.30

⁴⁹ Recommended amendment for consistency with the effects management hierarchy in the NPSFM 2020

⁵⁰ Clause 10(2)(b) of Schedule 1 to the RMA – consequential to G Fenwick PC7-339.2

⁵¹ DOC PC7-160.105

Nutrient Management

Note:

1. The Nutrient Management Rules set out a different set of rules for each of the five Nutrient Allocation Zones that are shown on the series A Planning Maps (Lake, Red, Orange, Green and Light Blue). Overlaying the rules for each Nutrient Allocation Zone are alternative rules that may apply if nutrient management is being undertaken by an irrigation scheme or principal watersupplier.
2. ~~Rules 5.42 to 5.42C and Rules 5.43 to 5.59 do not apply to commercial vegetable operations.~~ Nutrient losses from commercial vegetable growing are to be authorised by either Rule 5.41 (use of land for a farming activity where the nitrogen loss is managed by a consent held by an irrigation scheme or principal water supplier), or Rules 5.42CA to 5.42CD (discharge of nutrients from a commercial vegetable growing operation), or a resource consent for the use of land for a farming activity.⁷⁸

All Nutrient Allocation Zones

- 5.41** **Despite Rules 5.43 5.42CA to 5.59, the use of land for a farming activity where either:**
- a. the nitrogen loss from the farming activity is being managed under a resource consent that is held by an irrigation scheme or principal water supplier and the permit contains conditions which limit:
 - i. the maximum rate (kg/ha/yr) or amount (kg/yr) at which nitrogen may be leached from the subject land; or
 - ii. the concentration of nitrogen in the drainage water leached from the subject land (as measured in ppm or gm³); or
 - b. the land is subject to a water permit that authorises the use of water for irrigation and:
 - i. the permit as granted prior to 18 January 2014; and
 - ii. the permit is subject to conditions that specify the maximum rate of nitrogen that may be leached from the land; and
 - iii. the water permit is subject to conditions which require the preparation and implementation of a plan to mitigate the effects of the loss of nutrients to water
- is a permitted activity.

Commercial Vegetable Growing ~~Activities Operations~~⁷⁹

5.42CA **The discharge of nutrients from a commercial vegetable growing ~~activity operation~~⁸⁰ on a property ~~0.5 5~~⁸¹ hectares or less in area is a permitted activity.**

5.42CB **The discharge of nutrients from a commercial vegetable growing ~~activity operation~~⁸² that does not ~~meet comply with~~⁸³ Rule 5.42CA is a restricted discretionary activity, provided the following conditions are met:**

⁷⁸ ESAI PC7-207.19

⁷⁹ Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

⁸⁰ Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

⁸¹ Peelview Orchard PC7-5.4

⁸² Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

⁸³ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect. The word ‘comply’ is more appropriate than ‘meet’ given permitted activity Rule 5.42CA does not contain conditions to be met.

1. A Farm Environment Plan, excluding a nutrient budget,⁸⁴ has been prepared for the activity in accordance with Part A of Schedule 7 and is submitted with the application for resource consent; and
2. The aggregated area of land used for the commercial vegetable growing activity operation is no greater than the baseline commercial vegetable growing area; and
3. All land that forms part of the commercial vegetable growing operation is located within the same sub-region and Nutrient Allocation Zone.⁸⁵

The exercise of discretion 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; 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 achieving⁸⁶ 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 or⁸⁷ limit set out in Sections 6 to 15 of the Plan if the region-wide rules continue to apply in the sub-region; and
7. The area of land to be used for the proposed commercial vegetable growing activity relative to:
 - a. the total area of land used for commercial vegetable growing in the Nutrient Management Area where the proposed activity is to occur, and
 - b. the total area of land used for commercial vegetable growing in the Canterbury region.⁸⁸

5.42CC

The discharge of nutrients from a commercial vegetable growing activity operation⁸⁹ that does not comply with condition 2 or 3⁹⁰ of Rule 5.42CB is a discretionary activity provided the following conditions are met:⁹¹

1. A Farm Environment Plan, excluding a nutrient budget,⁹² has been prepared for the activity in accordance with Part A of Schedule 7 and is submitted with the application for resource consent; and
2. The nitrogen loss rate from the new or expanded commercial vegetable growing activity operation does not exceed the lawful nitrogen loss rate applicable to the proposed location.

5.42CD

The discharge of nutrients from a commercial vegetable growing activity operation⁹³ that does not comply with condition 1 of Rule 5.42CB or condition 1 or 2⁹⁴ of Rule 5.42CC, is a non-complying activity.

⁸⁴ Balle Bros Group PC7-185.7

⁸⁵ Rhodes Hill Limited and Belmont Farm Limited PC7-332.8

⁸⁶ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

⁸⁷ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

⁸⁸ Eyreton Produce Limited PC7-231.8

⁸⁹ Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

⁹⁰ Ravensdown PC7-114.13

⁹¹ Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

⁹² Balle Bros Group PC7-185.7

⁹³ Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

⁹⁴ HortNZ PC7-356.38

~~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 activity.~~⁹⁵

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Irrigation Schemes

Notes:

1. If a property 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 ~~5.64~~ 5.41, then it is assessed under Rules 5.43 to 5.59.
2. If the applicant is not an irrigation scheme or a principal water supplier, or the holder of the discharge permit will not be an irrigation scheme or a principal water supplier, then the discharge is assessed under Rules 5.63 to 5.64.
3. ~~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 5.41, then it is assessed under Rules 5.42CA to 5.42CE.~~⁹⁶

~~5.60 Notwithstanding Rules 5.43 to 5.59, the use of land for a farming activity is a permitted activity, provided the following conditions are met:~~

1. ~~The property is irrigated with water from an irrigation scheme or a principal water supplier, and the irrigation scheme or a principal water supplier holds a discharge permit that specifies the maximum annual amount of nitrate nitrogen that may be discharged or leached under Rule 5.62 or the discharge or leaching is a permitted activity under Rule 5.61.~~

~~5.61 Until 1 January 2017, the discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA is a permitted activity, provided the following conditions are met:~~

1. ~~There is an existing consent, held by an irrigation scheme or a principal water supplier, that has conditions that specify the maximum amount or rate at which nutrients may be discharged or leached from the subject land; and~~
2. ~~The consent was granted prior to 11 August 2012.~~

~~5.62 Where the applicant is an irrigation scheme or a principal water supplier, or the holder of the discharge permit will be an irrigation scheme or a principal water supplier, the discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA, where the applicant is an irrigation scheme or a principal water supplier or the holder of the discharge permit will be an irrigation scheme or a principal water supplier,~~⁹⁷ is a discretionary activity, ~~provided the following condition is met:~~

1. ~~The applicant is an irrigation scheme or a principal water supplier, or the holder of the discharge permit will be an irrigation scheme or a principal water supplier.~~

Notification

Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification, provided that:

1. The nutrient loss is equal to or less than that currently authorised through conditions on a water permit to take and use water; or
2. The nutrient loss is equal to or less than the aggregation of the nutrient baseline across properties within the command area, calculated on a

⁹⁵ HortNZ PC7-356.39

⁹⁶ Clause 10(2)(b) of Schedule 1 to the RMA – consequential to the insertion of new notes to this effect at the start of Section 5

⁹⁷ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect phrase relocated in paragraph

surface water catchment basis.

Note: That limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant.

Incidental Nutrient Discharges

- 5.63** **The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA is a permitted activity, provided the following conditions are met:**
1. The land use activity associated with the discharge is authorised under Rules 5.41 to 5.42C or Rules 5.43 to 5.59; or
 2. The land use activity associated with the discharge is authorised under ~~Rules 10.1, 10.2, 11.1 or 11.1A~~ rules in Section 3.3: Cumulative Effects of Land Use on Water Quality of the Hurunui-Waiiau River Regional Plan.
- 5.64** **The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA and that does not meet ~~condition 1 of Rules 5.62~~ or conditions 1 or 2 of Rule 5.63 is a non-complying activity.**

Fertiliser Use

Note: The discharge of fertiliser may also be restricted by Rules 5.43-5.42A to 5.64

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Stock Exclusion

5.67A **The discharge of fertiliser onto land, or onto or into land in circumstances where a contaminant may enter water that does not meet the condition in Rule 5.67 is a non-complying activity.**

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- 5.71** **The use and disturbance of the bed (including the banks) of a lake or river by any farmed cattle, farmed deer or farmed pigs and any associated discharge to water is a prohibited activity in the following areas:**
1. In a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat, ~~or in any Indigenous Freshwater Species Habitat Critical Habitat~~; or⁹⁸
 2. Within ~~a~~ the Community Drinking-water Protection Zone ~~of a surface water intake~~⁹⁹ as set out in Schedule 1; or
 3. ~~In the bed of a river~~ Within within 1,000 m upstream, in the bed of a lake river of a¹⁰⁰ freshwater bathing site listed in Schedule 6,¹⁰¹ or in the bed of a lake within 500 m of a freshwater bathing site listed in Schedule 6; or
 4. In the bed (including the banks) of a spring-fed plains river, as shown on the Planning Maps.

⁹⁸ Clause 10(2)(b) of Schedule 1 to the RMA – consequential to G Fenwick PC7-339.2

⁹⁹ Clause 10(2)(b) of Schedule 1 to the RMA – consequential to CDHB PC7-347.8

¹⁰⁰ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

¹⁰¹ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

Schedule 7 Farm Environment Plan

Definitions

In Schedule 7 the following definitions apply:

Management Area – means the areas of farm management practice as set out below:

- a. Nutrients
- b. Irrigation
- c. Cultivation and soil structure
- d. Animal Effluent and Solid Animal Waste
- e. Waterbodies (riparian areas, drains, rivers, lakes, wetlands, springs)
- f. Point sources – offal pits, farm rubbish pits, silage pits
- g. Water use (excluding water associated with irrigation) – stock water and wash-down water

Objective – means the overarching outcome sought in relation to each **Management Area**

Target – means a measureable, auditable statement that contributes to achievement of the **Objective** in each **Management Area**.

Part A – Farm Environment Plans

A Farm Environment Plan can be based on either of:

1. The material set out in Part B below;

OR

2. Industry prepared Farm Environment Plan templates and guidance material that:
 - a. Include the following minimum components:
 - i. The matters set out in 1, 2, 3, 4B and 5 of Part B below;
 - ii. Contains a methodology that will enable development of a plan that will identify actual and potential environmental effects and risks specific to the property or land area, addresses those effects and risks and has a high likelihood of appropriately avoiding, remedying or mitigating those effects;
 - iii. Performance measures that are capable of being audited as set out in Part C below; and
 - iv. matters or requirements set out in Part B of Schedule 7 that have been added as a result of a sub-region planning process; and
 - b. Has been approved as meeting the criteria in (a) and being acceptable to the Canterbury Regional Council by the Chief Executive of the Canterbury Regional Council.

Part B – Farm Environment Plan Default Content

The plan requirements will apply to:

- a. a plan prepared for an individual property or farm enterprise; or
- b. a plan prepared for an individual property which is part of a collective of properties, including an irrigation scheme, principal water supplier, or an Industry Certification Scheme; or
- c. a plan prepared for a commercial vegetable growing activity operation.⁵⁸⁸

The plan shall contain as a minimum:

1. Property, or farm enterprise, or commercial vegetable growing activity operation⁵⁸⁹ details
 - a. Physical address
 - b. Description of the ownership and name of a contact person
 - c. Legal description of the land and farm identifier
2. A map(s) or aerial photograph at a scale that clearly shows:
 - a. The boundaries of the property or land areas comprising the farming enterprise or commercial vegetable growing activity operation.⁵⁹⁰
 - b. The boundaries of the main land management units on the property or within the farming enterprise or commercial vegetable growing activity operation.⁵⁹¹
 - c. The location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands or springs.
 - d. The location of riparian vegetation and fences adjacent to water bodies.
 - e. The location on all waterways where stock access or crossing occurs.
 - f. The location of any areas within or adjoining the property or land area that are identified in a District Plan as “significant indigenous biodiversity”.
 - g. The location of any critical source areas for phosphorus or sediment loss for any part of the property or land area including any land within the High Runoff Risk Phosphorus Zone.
 - h. The location of flood protection or erosion control assets, including flood protection vegetation.
 - i. Public access routes or access routes used to maintain the rivers, streams, or drains.
3. A list of all Canterbury Regional Council resource consents held for the property, or farming enterprise, or commercial vegetable growing activity operation.⁵⁹²
- 4A. An assessment of the adverse environmental effects and risks associated with the farming activities and how the identified effects and risks will be managed, including irrigation, application of nutrients, effluent application, stock exclusion from waterways, ofal pits and farm rubbish pits.
- 4B. a. nutrient budgets which show the nitrogen baseline and nitrogen loss calculation for the property, or farming enterprise or, if relevant,⁵⁹³ commercial vegetable

⁵⁸⁸ Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

⁵⁸⁹ Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

⁵⁹⁰ Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

⁵⁹¹ Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

⁵⁹² Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

⁵⁹³ HortNZ PC7-356.66

growing activity operation; and⁵⁹⁴

- b. a report from the Farm Portal which shows for any property, or farming enterprise or commercial vegetable growing operation⁵⁹⁵ the Baseline GMP Loss Rate and Good Management Practice Loss Rate or in those circumstances provided for in this Plan, the Equivalent Baseline GMP Loss Rate and Equivalent Good Management Practice Loss Rate.
5. A description of how each of the following objectives and targets for each Management Area, where relevant, will be met and the specific actions that will be implemented to attain the targets.

5A Management Area: Nutrients

Objectives:

1. Use nutrients efficiently and minimise nutrient losses to water.
2. Nutrient losses do not exceed consented nitrogen loss limits.

Targets:

1. Nitrogen losses from farming activities are at or below the
 - a. Baseline GMP Loss Rate or Good Management Practice Loss Rate (whichever is the lesser) or
 - b. consented nitrogen loss limits.
2. Available nitrogen loss mitigation measures (excluding those associated with irrigation, fertiliser or effluent management) are implemented.
3. Phosphorus and sediment losses from farming activities are minimised.
4. Manage the amount, timing and application of fertiliser inputs to match the predicted plant requirements and minimise nutrient losses.
5. Store and load fertiliser to minimise the risk of spillage, leaching and loss into water bodies.

5B Management Area: Irrigation

Objective:

The amount and timing of irrigation is managed to meet plant demands, minimise risk of leaching and runoff and ensure efficient water use.

Targets:

1. New irrigation systems are designed and installed in accordance with industry codes of practice and standards.
2. The performance of irrigation systems is assessed annually and irrigation systems are maintained and operated to apply irrigation water at their optimal efficiency.
3. The timing and depth of irrigation water applied takes account of crop requirements and is justified through soil moisture monitoring or soil water budgets and climatic information.
4. Staff are trained in the operation, maintenance and use of irrigation systems.

⁵⁹⁴ Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

⁵⁹⁵ Clause 10(2)(b) of Schedule 1 to the RMA, consequential to the amendment of definition commercial vegetable growing operation

5C Management Area: Cultivation and Soil structure

Objective:

The physical and biological condition of soils is maintained or improved in order to minimise the movement of sediment, phosphorus and other contaminants to waterways.

Targets:

1. Farming activities are managed so as to not exacerbate erosion.
2. Farming practices are implemented that optimise infiltration of water into the soil profile and minimise run-off of water, sediment loss and erosion.

5D Management Area: Animal Effluent and Solid Animal Waste

Objective:

Animal effluent and solid animal waste is managed to minimise nutrient leaching and run-off.

Targets:

1. Effluent systems meet industry Codes of Practice or an equivalent standard.
2. The timing and rate of application of effluent and solid animal waste to land is managed so as to minimise the risk of contamination of groundwater or surface water bodies.
3. Sufficient and suitable storage is available to enable animal effluent and wash-down water to be stored when soil conditions are unsuitable for application.
4. Staff are trained in the operation, maintenance and use of effluent storage and application systems.

5E Management Area: Waterbodies (wetlands, riparian areas, drains, rivers, lakes, springs)

Objective:

Wetlands, riparian areas, springs⁵⁹⁶ and the margins of surface waterbodies are managed to avoid damage to the bed and margins of the water body, and to avoid the direct input of nutrients, sediment, and microbial pathogens.

Targets:

1. Stock are excluded from waterbodies in accordance with regional council rules or any granted resource consent.
2. Vegetated riparian margins of sufficient width are maintained to minimise nutrient, sediment and microbial pathogen losses to waterbodies.
3. Farm tracks, gateways, water troughs, self-feeding areas, stock camps wallows and other farming activities that are potential sources of sediment, nutrient and microbial loss are located so as to minimise the risks to surface water quality.
4. Mahinga kai values are protected as a result of measures taken to protect and enhance water quality and stream health.

5F Management Area: Point Sources (offal pits, farm rubbish pits, silage pits)

⁵⁹⁶ Ngā Rūnanga PC7-424.40

Objective:

The number and location of pits are managed to minimise risks to health and water quality.

Target:

1. All on-farm silage, offal pit and rubbish dump discharges are managed to avoid direct discharges of contaminants to groundwater or surface water.

5G Management Area: Water-use (excluding irrigation water)

Objective:

To use water efficiently ensuring that actual use of water is monitored and efficient.

Target:

1. Actual water use is efficient for the end use.

The plan shall include for each objective in 5 above;

- a. detail commensurate with the scale of the environmental effects and risks;
 - b. a description of the actions and Good Management Practices (and a timeframe within which those actions will be completed) that will be implemented to achieve the objectives and targets.
 - c. records required to be kept for measuring performance and attainment of the targets and objectives.
6. Nutrient budgets, prepared by a suitably qualified person, using the OVERSEER[®] nutrient budget model, or equivalent model approved by the Chief Executive of Environment Canterbury, for each of the identified land management units and the overall farm or farm enterprise.

7. Selwyn Te Waihora – Additional Requirements

Within the Selwyn Te Waihora sub-region the following additional requirements for farm environment plans apply:

1. Include a map(s) or aerial photograph at a scale that clearly shows the location of any known mahinga kai, wahi tapu or Wāhi taonga within any property or farming enterprise located in the Cultural Landscape/Values Management Area.
2. Include a description of how the following objective will be met:

Nutrient management: To maximise nutrient use efficiency while minimising nutrient losses to water by:

- a. minimising the loss of phosphorus and sediment within the Phosphorus Sediment Risk Area as shown in the planning maps; and
- b. achieving good management practice in respect of nutrient losses; and
- c. managing the discharge from drains within the Lake area of the Cultural Landscape/Values Management Area; and
- d. further reducing the nitrogen loss calculation from 2022 where a property or farming enterprise's nitrogen loss calculation is greater than 15 kg of nitrogen per hectare per annum.

8. Hinds

Within the Hinds/Hekeao Plains include a description of how the following objectives will be met:

Nutrient management: To maximise nutrient use efficiency while minimising nutrient losses to water by:

- a. Achieve from 2017 the loss rates that could reasonably be expected from implementing good management practices
- b. In the Upper and Lower Hinds/Hekeao Plains Area further reduce the nitrogen loss rate in accordance with Policies 13.4.13 and 13.4.15.
- c. Irrigation management: To operate irrigation systems efficiently and ensuring that the actual use of water is monitored and is efficient.
- d. Soils management: To maintain or improve the physical and biological condition of soils in order to minimise the movement of sediment, phosphorus and other contaminants to waterways.
- e. Collected animal effluent management: To manage the risks associated with the operation of effluent systems to ensure effluent systems are compliant 365 days of the year.
- f. Livestock management: To manage wetlands and water bodies so that stock are excluded as far as practicable from water, to avoid damage to the bed and margins of a waterbody, and to avoid the direct input of nutrients, sediment, and microbial pathogens.
- g. Offal pits: To manage the numbers and locations of pits to minimise risks to health and water quality.

9. Waitaki – Additional Requirements

Within the Waitaki, Part A of Schedule 7 includes the following:

Note: A farm plan developed under this schedule may also contain information about the management of any other environmental effect and can be used to assist in demonstrating compliance with other regulatory requirements in any other Regional Plan or the District Plan.

Within the Waitaki, Part B includes the following:

Management Area: Mahinga kai

Objective:

To protect mahinga kai values.

Target:

Mahinga kai values of surface waterbodies on the property are recognised by achieving other objectives and targets in the Farm Environment Plan, and in addition by:

- a. maintaining existing indigenous vegetation in accordance with relevant regional council and district council vegetation clearance rules or any granted resource consent;
- b. identifying opportunities to undertake additional plantings of indigenous vegetation, and carrying out and managing any additional plantings in accordance with regional council guidelines for riparian planting;
- c. undertaking farming activities in a manner that minimises adverse effects on existing indigenous vegetation and on any additional plantings of indigenous riparian vegetation; and
- d. managing pest plants in accordance with regional council rules.

Management Area: In-stream Biodiversity Values

Objective:

To protect and enhance in-stream biodiversity values.

Targets:

1. On the map or aerial photograph of waterbodies required under Part A of this Schedule, specify the location of any spring heads, wetlands and spring-fed streams on the property or within the farming enterprise to recognise their high instream biodiversity values.
2. Prioritise achievement of the targets for Management Area: Waterbody Management for any spring heads, wetlands and spring-fed streams so as to protect and enhance the instream biodiversity values.

10. Waimakariri - Additional Requirements

Within the Waimakariri Sub-region, the following additional requirements for farm environment plans apply:

*Note: Management Area 5A: Nutrients, Objective 2, Target 1 does not apply to properties that comply with the irrigation and winter grazing thresholds in Rule 8.5.25.*⁵⁹⁷

1. The information required under Part B 2(c) includes the location of any artificial watercourses.

2. **Management Area 5A: Nutrients** includes the following additional objectives and targets:

Objectives:

1. Staged reductions in nitrogen loss for land within the Nitrate Priority Area to meet nitrate-nitrogen limits for surface water, groundwater and drinking water sources in Section 8.

Targets:

1. Where required, ~~by 1 January 2030,~~⁵⁹⁸ further reductions in the nitrogen loss rate for properties within the Nitrate Priority Area as required by Table 8-9.
2. Within the Ashley Estuary (Te Aka Aka) and Coastal Protection Zone, any property greater than 5 ha in area that includes or directly adjoins a river or coastal lake, and with winter grazing or irrigation on the property, is to prepare, implement, and have audited a Farm Environment Plan in accordance with this Schedule. However, **Management Area 5A: Nutrients, Objective 2, Target 1** does not apply to properties that comply with the irrigation and winter grazing thresholds in Rule 8.5.25.

11. Orari-Temuka-Opihi-Pareora – Additional Requirements

Within the Orari-Temuka-Opihi-Pareora Sub-region, ~~Part B of Schedule 7 also includes~~ the following additional requirements for farm environment plans apply.⁵⁹⁹

*Note: Management Area 5A: Nutrients, Objective 2, Target 1 does not apply to properties that comply with the irrigation and winter grazing thresholds in Rule 14.5.18.*⁶⁰⁰

⁵⁹⁷ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

⁵⁹⁸ Ravensdown PC7-114.24

⁵⁹⁹ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect for clarity

⁶⁰⁰ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

1. The information required under Part B 2(c) includes the location of any artificial watercourses.

2. **Management Area 5A: Nutrients** includes the following additional objective and targets:

Objectives:

1. Staged reductions beyond Baseline GMP Loss Rates, or lawful nitrogen loss rates, within the Rangitata Orton, Fairlie Basin, and Levels Plains⁶⁰¹ High Nitrogen Concentration Areas to meet nitrate-nitrogen limits for surface and groundwater within Section 14.

Targets:

1. Where required, ~~by 1 January 2030,~~⁶⁰² further reductions in nitrogen losses beyond Baseline GMP Loss Rates, or lawful nitrogen loss rates for properties within the Rangitata Orton, Fairlie Basin and Levels Plains⁶⁰³ High Nitrogen Concentration Zones as required by Table 14(zc). However, **Management Area 5A: Nutrients, Objective 2, Target 1** does not apply to properties that comply with the irrigation and winter grazing thresholds in Rule 14.5.17.

3. **Management Area: Mahinga kai**

Objective:

1. To protect mahinga kai values.

Target:

Mahinga kai values of surface waterbodies on the property are recognised by achieving other objectives and targets in the Farm Environment Plan, and in addition by:

- a. maintaining existing indigenous vegetation in accordance with relevant regional council and district council vegetation clearance rules or any granted resource consent;
- b. identifying opportunities to undertake additional plantings of indigenous vegetation, and carrying out and managing any additional plantings in accordance with regional council guidelines for riparian planting;
- c. undertaking farming activities in a manner that minimises adverse effects on existing indigenous vegetation and on any additional plantings of indigenous riparian vegetation; and
- d. managing pest plants in accordance with regional council rules.

4. **Management Area: In-stream Biodiversity Values**

Objective:

1. To protect and enhance in-stream biodiversity values.

Targets:

1. On the map or aerial photograph of waterbodies required under Part A of this Schedule, specify the location of any springs, wetlands and spring-fed streams on the property or within the farming enterprise to recognise their high instream biodiversity values.

⁶⁰¹ Clause 16(2) of Schedule 1 to the RMA – correction of a minor error

⁶⁰² Ravensdown PC7-114.25

⁶⁰³ Clause 16(2) of Schedule 1 to the RMA – correction of a minor error

2. Prioritise achievement of the targets for Management Area: Waterbody Management for any springs, wetlands and spring-fed streams so as to protect and enhance the instream biodiversity values.

5. Management Area: ~~Tuhituhi neherā (Rock Art sites)~~

Objective: To protect ~~tuhituhi neherā (rock art)~~ sites and the historic, ecological and Ngāi Tahu values associated with these sites and their surroundings

Targets:

1. For any property that has all or part of the property within the Rock Art Management Area, irrigation is managed to avoid any adverse effects on ~~tuhituhi neherā (rock art)~~ sites and the historical, ecological and Ngāi Tahu values associated with these sites and their surroundings; and
2. Stock are excluded from any ~~tuhituhi neherā (rock art)~~ site so as to avoid damage to the art work and surrounding area;
3. Manage farming practices to protect ~~tuhituhi neherā (rock art)~~ sites by avoiding adverse effects that may modify, damage or destroy these sites and the values associated with these sites.⁶⁰⁴

6. Management Area: Mātaitai and waipuna (Mātaitai and Waipuna Protection Zone)

Objective: To protect mātaitai and waipuna sites and the historic, ecological and Ngāi Tahu values associated with these sites and their surroundings.

Target:

1. For any property that has all or part of the property within the Mātaitai and Waipuna Protection Zone, farming practices are managed to avoid any adverse effects on mātaitai and waipuna sites, and the historic, ecological and Ngāi Tahu values associated with these sites and their surroundings.⁶⁰⁵

Part C – Farm Environment Plan Audit Requirements

The Farm Environment Plan must be audited by a Certified Farm Environment Plan Auditor who is independent of the farm being audited (i.e. is not a professional adviser for the property) and has not been involved in the preparation of the Farm Environment Plan.

The farming activity occurring on the property will be audited against the following minimum criteria:

1. An assessment of the performance against the objectives, targets, and timeframes in the Farm Environment Plan;
2. An assessment of the robustness of the nutrient budget/s;
3. An assessment of the efficiency of water use (if irrigated).

The Environment Canterbury Certified Farm Environment Plan Auditor Manual sets out the standards and methods to be used by a Certified Farm Environment Plan Auditor to demonstrate proficiency and competency in the auditing of Farm Environment Plans.

⁶⁰⁴ Arowhenua and Te Rūnanga PC7-424.124

⁶⁰⁵ Arowhenua and Te Rūnanga PC7-424.127

Schedule 7A Management Plan for Farming Activities

Part A – Management Plans

A Management Plan can be either:

1. A Plan prepared in accordance with the requirements of Part B below; or
2. A Plan prepared in accordance with an industry prepared Farm Environment Plan template that has been certified by the Chief Executive of Environment Canterbury as providing at least an equivalent amount of information and practice guidance contained in Part B below.

Part B – Management Plan Default Content

The Management Plan shall contain as a minimum:

1. Property details
 - a. Physical address
 - b. Description of the ownership and name of a contact person
 - c. Legal description of the land and farm identifier
2. A map(s) or aerial photograph at a scale that clearly shows:
 - a. The boundaries of the property.
 - b. The boundaries of the main land management units on the property.
 - c. The location of permanent or intermittent rivers, streams, lakes, drains, ponds ~~or~~ wetlands or springs.
 - d. The location of riparian vegetation and fences adjacent to water bodies.
 - e. The location on all waterways where stock access or crossing occurs.
 - f. The location of any areas within or adjoining the property that are identified in a District Plan as “significant indigenous biodiversity”.
 - g. The location of any critical source areas for phosphorus loss including any part of the property within the High Runoff Risk Phosphorus Zone.
3. A description of:
 - a. the on-farm actions that have been undertaken in the previous 01 July to 30 June period to implement the applicable practices described in the table below; and
 - b. the on-farm actions that will be undertaken over the next 01 July to 30 June period to implement the applicable practices described below.
4. A copy of the Farm Environment Plan or Management Plan shall be retained by the landowner and updated at least once every 12 months as necessary, and provided to the Canterbury Regional Council on request.

2. the activity is carried out on a seasonal basis, as the maximum weekly volume multiplied by the number of weeks of the season for which the activity is typically carried out; and
- iv. for other uses not specified above, or where there is a combination of uses listed in (i), (ii) or (iii) above, on a case by case basis; and
- c. in any case, the maximum instantaneous rate of take consented from a bore should not exceed the rate that is physically capable of being yielded from the bore.

Note: A reduction in the annual volume allocated from the groundwater block will only be applied where site-specific stream depletion assessments have been carried out.

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