

ECan Plan Change 7 Decision and Consent Process Summary

Canterbury region | December 2023

Canterbury Regional Land and Water Plan Change 7 (PC7) decision is partially operative from 1 September 2023¹ and provides a revised consenting framework for commercial vegetable growing (CVG).

The first restricted discretionary consent to be considered under Plan Change 7 has now been issued by ECan. This consent provided an opportunity to confirm information requirements and the consenting process.

Summary of the PC7 decision

Provision	Description
New Policy 4.36A (nutrient management)	Recognise the importance of commercial vegetable growing for domestic food supply and the particular constraints that apply to commercial vegetable growing activities (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
Permitted activity	The discharge of nutrients from a commercial vegetable growing activity on a property 5 hectares or less in area is a permitted activity
Restricted Discretionary Activity pathway for existing CVG	The discharge of nutrients from a CVG activity that does not comply with the permitted activity rule is a restricted discretionary activity. The aggregated area of land used for the CVG activity is no greater than the baseline CVG area and a farm environment plan is required (no nutrient budget)
Discretionary Activity pathway for new or expanded CVG	The discharge of nutrients from a CVG activity that does not comply with the restricted discretionary activity rule is a discretionary activity. A farm environment plan is required (no nutrient budget) and the nitrogen loss rate from the new or expanded CVG activity does not exceed the lawful nitrogen loss rate applicable to the proposed location.
Non-complying pathway	If the permitted, restricted discretionary or discretionary activity rules cannot be met, CVG will be a non complying activity however a consent can still be applied for.

¹ Outstanding appeal relating to plantation forestry

The first restricted discretionary consent to be considered under Plan Change 7 has now been issued by ECan. This consent provided an opportunity to confirm information requirements and the consenting process. The key points from the consent application are noted below:

Key Points	
Key point	Commentary
Time frame	The consent took 11 months from lodgement with ECan to the decision. The length of time was impacted greatly by staff availability within ECan, Runanga engagement and the requirement to provide additional information adding significant time
Consent duration	The consent was granted for 12 years. The consent holder requested 15
Determining baseline CVG area	The matters of discretion require consideration of the total area of land used for CVG in the 'nutrient management area' where the proposed activity is to occur. As required, this focused largely at the sub-region level and also considered any specific management areas within the area (eg. if there were nitrate reduction areas etc). It was noted that land use change to vegetable production is likely to be difficult in areas where reductions in N loss are required from baseline. There are limited tools/research available to help demonstrate how a vegetable system could be a reduction. The applicant should present the best information they have to verifying baseline state. Examples to use - aerial imagery, own records, old farming records, old dairies of farming records, accounting records (if kept after seven years) ECan have produced some guidance on this.
Farming land use consent	If a grower already has a farming land use consent, then there is no requirement to get a separate CVG consent

There were a number of consent requirements the applicant had to provide which are likely to be similar in nature with further consents:

Consent application requirements

Assessment of Effects on the Environment

A robust AEE required guided by the matters of discretion:

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 achieving 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 or 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.

Maps

Provide a map that details:

- Property Outline
- Soil Types
- Nutrient Allocation Zones

	• Other Notable Property Features and/or Sensitive Receptors • Slope Map
Existing Environment	Provide information on the existing environment: • Zoning • Groundwater • Surface Water • Vurrnet Farming System
Commercial Areas Growing Areas	Provide evidence on: • Baseline CVG Areas • Proposed CVG Areas
Groundwater Effects	Provide evidence on how the following contaminants will affect groundwater and groundwater sourced drinking water. • Nitrogen • E.Coli • Phosphorous
Surface Water Effects	Provide evidence on how the following contaminants will affect surface water, including in rivers, lakes and wetlands, and surface water sourced drinking water. • Nitrogen • E.Coli • Phosphorous • Sediment
Ecological Effects	For discretionary or non-complying activities provide evidence of impacts on • Wetlands

	• Areas of Indigenous Biodiversity
Cultural Effects	Provide evidence on how the activity may impact on • Values related to the quality of surface or groundwater (refer relevant Iwi Management Plan) For discretionary or non-complying activities also consider • Potential effects on culturally significance sites e.g silent files, Statutory Acknowledgement Areas, Rock Art sites

The consent was issued with a number of consent conditions. These are likely to form the conditions in other consents depending on the make up of the consent application.

Consent conditions

The consent included definitions from the LWRP to reiterate the terms under which consent had been granted:

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.

Commercial vegetable growing area

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

The consent also included a definition of Commercial Vegetable Production

Means the following vegetables grown for commercial purposes:

a. Artichokes, Asian vegetables, beetroot, boxthorn, brocco flower, broccoli, broccolini, Brussels sprouts, burdock, cabbage, capsicums, carrots, cauliflower, celeriac, celery, chilli peppers, chokos, courgettes, cucumbers, eggplant, Florence fennel, garland chrysanthemum, garlic, gherkins,

	herbs, Indian vegetables, kohlrabi, kumara, leeks, lettuces, marrows, melons, okra, onions, parsnips, potatoes, puha, pumpkin, purslane, radishes, rakkyo, rhubarb, salad leaves, salsify, scallopini, scorzonera, shallots, silverbeet, spinach, spring onions, sprouted beans and seeds, squash, swedes, sweetcorn, taro, tomatoes, turnips, ulluco, watercress, witloof, yacon, yams, zucchinis; and b. The hybrids of the vegetables listed in subparagraph a. For the avoidance of doubt, the following are not commercial vegetable production: the production of apples, asparagus, avocados, babacos, beans, berry crops, casanas, cherimoyas, citrus, feijoas, figs, guavas, kiwifruit, kiwiberries, loquats, passionfruit, pears, peas, persimmons, quinces, sapotes, summer fruit (including apricots, cherries, nectarines, peaches, and plums), and tamarillos, tree leaf crops (including tea); and any hybrids of these crops.
Limits	The consent limits the maximum area of commercial vegetable growing to that confirmed as the <i>baseline commercial vegetable growing area</i> which in this case is across three Sub Regions with a maximum effective area identified for each. Prior to any land being used as part of the effective hectare area the consent holder is required to provide an updated Farm Environment Plan or alternatively a yearly report detailing: • Changes in the commercial vegetable production • The area of land within the commercial vegetable area and sub region • The GMPs undertaken. Records are to be maintained to confirm consistency with the maximum effective area limits
Farm Environment Plan and Auditing Requirements	Farm Environment Plan details (in accordance with LWRP Schedule 7) and auditing requirements are prescribed. NZGAP audits are acceptable.

Growers are encouraged to start the consenting process to be compliant with the provisions in Plan Change 7. ECan consenting team offers a one hour free service that could be the first step in the process of understanding what information is required and what likely timeframes will apply.

WHERE TO GO FOR MORE INFORMATION

- [Link to Council website](#)
- HortNZ Website