

Resource Management (Form, Fees and Procedures) Regulations - Schedules 2003
Form 5

Clause 6 of the First Schedule, Resource Management Act 1991
Submission on a publicly notified proposal for a plan

To: Environment Canterbury
PO Box 345
Christchurch

EQ - CHCH		
FILE REF:		
DOCUMENT No.		
117129	- 8 OCT 2012	
EC287070		
	ACTION	INFO

Name of Submitter:

[Insert name here]

Kenneth Novella Tomlinson

submitter 0372

This is a submission on the following proposed plan - Proposed Canterbury Land and Water Regional

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to is:

Policies 4.27 to 4.38, Rules 5.39 to 5.42 and rules 5.46 to 5.5.51; and schedules 7 and 8.

My submission is:

I oppose the provisions as they apply to the management of nutrient discharges from existing farming activities.

My reasons are:

- Policies 5.39 to 5.41 assume that farmers are not aware of their nutrient discharges and are not farming at good practice and that making farmers audit their discharges through OVERSEER will somehow correct this situation. There is no evidence on which the Regional Council has based this presumption.
- The provisions are uncertain, as the Nutrient Discharge Allowances (NDAs) have not been calculated and included in Schedule 8. No indication has been given as to how those nutrient discharge allowances will be developed, by whom, or how they will apply. Therefore, no person reading the plan (including the Canterbury Regional Council) can possibly know whether the NDAs for each activity will achieve the purpose of the RMA or give effect to the NPS for Freshwater or the RPS, or be the most appropriate method in terms of s32 of the RMA.

- The Overseer model used to calculate nitrogen loss is not wholly accurate and as we understand it, is not calibrated for use of other than commercial-based fertilisers such as superphosphate and urea. The requirement to use Overseer has the potential perverse outcome of requiring farmers who are currently using other forms of fertilizer or soil management, to move to phosphate and nitrate based fertilizers to comply.
- Unfair – the same level of compliance is required by any person undertaking any sort of farming activity, irrespective of the degree to which one is discharging nutrients. This includes landholders who are leaching less than the 20kg/N/ha/yr that is necessary to trigger a nutrient management plan. The cause and effects are not married in the plan provisions.
- Unnecessarily expensive – the compliance costs for these provisions are potentially very large for both individual landholders and the Region as a whole, for very little environmental gain in many instances. The costs are also unnecessary as it is possible to identify the nature of land use activities that are likely to fall well below a nutrient discharge of 20kg/N/ha/yr. Those activities can be identified and written out of the regulatory process through rules for permitted activities.
- Does not achieve the purpose of the RMA – The policies and rules do not consider the appropriateness of the level of nutrient leaching to the sensitivity of the receiving environment. Rather as long as someone is operating at the NDA for that activity it may continue, even if that activity is a very high nutrient leaching activity at best practice, and the environment is very sensitive to nutrient leaching.
- Unnecessary to control at this stage – changes in farming activities in Canterbury that are likely to result in significant increases in nutrient leaching are only likely to occur with either irrigation water or dairy conversion; and the latter is unlikely to occur without irrigation water. Those activities are managed through the ‘change in farming activity’ provisions. The ‘claw-back’ in existing over-allocated catchments is being managed through the sub-regional sections and in this submission, that is the most appropriate place.

Therefore, I do not agree the policies and rules achieve the purpose of the Resource Management Act 1991(RMA) or give effect to the NPs for Freshwater or the Regional Policy Statement. In regard to these provisions, I do not believe the Council has fulfilled its duty under s32 of the RMA to be satisfied that the provisions are the most appropriate to achieve the plan’s objectives.

I seek the following decisions from the Council:

As a first preference, delete the provisions for existing farming activities from the plan and manage any ‘claw-back’ of over-allocated catchments through the sub-regional plan sections.

As a second preference, develop appropriate nutrient discharge allowances or other controls for existing farming activities first, and then notify the plan provisions once they have been developed.

Include in those provisions, rules for farming as a permitted activity where nutrient discharges will be below the 20kg/N/ha/yr. This submission suggests a rule which reads:

The discharge of nutrients from any farming activity is a permitted activity provided it complies with all of the following conditions:

- (i) *The farming activity does not carry more than 10 stock units per hectare averaged over any two year period;*
- (ii) *Fertilizer (except for urine and dung discharged by animals grazing on the property) is not applied to any land area more than once in any six month period;*
- (iii) *Any fertilizer application complies with rules 5.52 and 5.53;*
- (iv) *The land area is not irrigated;*
- (v) *The land area is not used to spread stored effluent; and*
- (vi) *The land area is not used to graze dairy herds.*

Any activity which does not comply with these conditions shall be a permitted activity if it complies with the nutrient discharge allowance for that activity shown in the plan and that nutrient discharge allowance is less than 20kg/ha/yr; or

A discretionary activity if it cannot comply with the nutrient discharge allowance or the nutrient discharge allowance is over 20kg/ha/yr.

Any consequential amendments required to give effect to this submission.

I do wish to be heard in support of my submission. *Yes*

I/we are/~~are not~~ prepared to make a joint case with other parties.

Signature of Submitter (or person authorised to sign on behalf of submitter)

K. N. Robinson

Date:

4/10/12

Address for Service of Submitter:

{Include postal address for where you want your correspondence to come to, fax, e-mail; and name of contact person}

Resource Management (Form, Fees and Procedures) Regulations - Schedules 2003
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Clause 6 of the First Schedule, Resource Management Act 1991

Submission on a publicly notified proposal for a plan

EC - CHCH

To: Environment Canterbury
PO Box 345
Christchurch

FILE REF:		
DOCUMENT No.		
	- 8 OCT 2012	

Name of Submitter:

[Insert name here] Kenneth Novella Tomlinson.

This is a submission on the following proposed plan - Proposed Canterbury Land and Water Regional

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to is:

Policies 4.28 to 4.34; Rules 5.42 and 5.45, Rules 5.46 and 5.49 and Rules 5.50 and 5.51; and Nutrient Zone map on p4-8, as they apply to the Waipara Catchment.

My submission is:

I oppose the provisions as they apply to the Waipara Catchment.

My reasons are:

- The plan provisions rely on periphyton indicators to identify catchments where water quality outcomes are not being met. The plan provisions then assume that the reason for water quality outcomes not being met is nutrient enrichment from land uses in the catchment. The plan provisions require significant reductions in nutrient discharges for both changes in land uses; and from 2017 for existing land uses which do not comply with the yet to be developed NDAs or the NDA is over 20kgN/ha/yr.
- This scenario is inaccurate for the Waipara Catchment. The Canterbury Regional Council's own technical reports (including Mosley 1994, Hayward 2003 and the staff technical report 2010) have repeatedly recorded the water quality in the Waipara catchment as generally very good, and identified the catchment as susceptible to periphyton growth during periods of prolonged low flow (below 100 l/s) in late summer. Factors affecting prolonged summer low flow have been attributed in various reports, with differing degrees of

certainty, to natural climatic conditions, afforestation in the upper catchment, willows, and abstraction.

- I understand from the Regional Council's own staff (Dr Tim Davie) that there is a high natural nutrient content in the river due to the geology of the upper catchment, particularly the Waipara Gorge.
- Given the land uses in the catchment (forestry, viticulture and dryland sheep and beef) it will be very difficult for landholders to significantly reduce their nutrient discharges. Even if they could, it will not result in the Waipara Catchment achieving the water quality outcomes set in the plan.
- The NRRP already has rules managing further afforestation in the catchment and these have been included in the proposed Land and Water Regional Plan. Abstraction in the catchment is managed through the Waipara Catchment Environmental Flow and Allocation Regional Plan which was heard and determined by the Canterbury Regional Council in 2011 and does not form part of this plan.
- The one remedy identified by the Hurunui-Waiapu Zone Committee to relieve low flows in the Waipara Catchment is through the Hurunui Water Project Scheme either augmenting the river or as an alternative supply for abstractors. A significant portion of the Waipara Catchment is in the command area for that scheme. The proposed plan provisions work against this aspiration.
- Any change in land uses in the Waipara Catchment that increases nutrient discharges needs to be managed, to ensure it does not exacerbate periphyton growth. This issue can be addressed through a policy and rule construct suggested in this submission.

Therefore, I do not agree the policies and rules achieve the purpose of the Resource Management Act 1991(RMA) or give effect to the NPs for Freshwater or the Regional Policy Statement. In regard to these provisions, I do not believe the Council has fulfilled its duty under s32 of the RMA to be satisfied that the provisions are the most appropriate to achieve the plan's objectives.

I seek the following decisions from the Council:

As a first preference, delete the provisions for managing nutrient discharges from the Waipara Catchment from this plan and address the matter through the sub-regional plan section in due course.

As a second preference:

Reclassify the Waipara Catchment from Red Zone to Blue Zone (unclassified); or

Develop a new classification for catchments such as the Waipara where water quality outcomes for periphyton are not being met but which the predominant cause is not nutrient discharges from land uses.

Introduce a new policy which reads:

In the Blue/X Zone, to ensure any change in land uses and associated increase in nutrient discharges do not, singularly or cumulatively, exacerbate periphyton growth or any other water quality issues in the catchment.

Amend the status for the change of land uses from non-complying to restricted discretionary activity and apply the discretion from Rule 5.47.

Any consequential amendments required to give effect to this submission.

I do wish to be heard in support of my submission.

Yes

I/we are/~~are~~ not prepared to make a joint case with other parties.

Signature of Submitter (or person authorised to sign on behalf of submitter)

H. N. Robinson.

Date:

4/10/12

Address for Service of Submitter:

{Include postal address for where you want your correspondence to come to, fax, e-mail; and name of contact person}

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To: Environment Canterbury
PO Box 345
Christchurch

Name of Submitter:

[Insert name here] Kenneth Novella Tomlinson

This is a submission on the following proposed plan - Proposed Canterbury Land and Water Regional

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are:

Policy 4.64 and Rules 5.109 to 5.111

My submission is:

I support the policy and rules for plantation forests in flow-sensitive catchments.

My reasons are:

- The rules applying to 15% of the area of the site rather than 15% of the catchment as a whole, is a much fairer way to allocate a land uses when the cumulative effect has to be managed than on first in first served. It is also much easier to administer and to comply with.
- In the Waipara catchment, the effects of various regulations including limits on irrigation water, afforestation, and now nutrient discharges already leave landholders with very few viable land use options.
- The 'first in-first served' approach continues to disadvantage those landholders who are already restricted in their land use options due to the effects of other land uses in the catchment.
- The rules do not prevent a person from making an applicator to plant more than 15% of their site if they can show the additional planting will not have an adverse effect on water yield.

I seek the following decision from the Council:

Retain Policy 4.64 and rules 5.109 to 5.111 as written.

Any consequential amendments required to give effect to this submission.

I do wish to be heard in support of my submission. *Yes*

I/we are/~~are~~ not prepared to make a joint case with other parties.

Signature of Submitter (or person authorised to sign on behalf of submitter)

K.M. Zornlinson

Date: *4/10/12*

Address for Service of Submitter:

{Include postal address for where you want your correspondence to come to, fax, e-mail; and name of contact person}

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Name of Submitter:

[Insert name here]

Kenneth Novella Tomlinson

This is a submission on the following proposed plan - Proposed Canterbury Land and Water Regional

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to is:

The definition of 'change' in relation to farming activities on p.2-5 and its application to rules 5.42 to 5.45.

My submission is:

I oppose the definition as it is currently written.

My reasons are:

- The definition of a 'change' in farming activity being an increase of more than 10% in nitrogen loss from the same land as measured for the period 01 July 2011 to 30 June 2013 is:
- Uncertain, as no one can know by the close of submissions on this plan what their nitrogen loss will be on a piece of land by 30 June 2013.
- Uncertain, as the Overseer model used to calculate nitrogen loss is not wholly accurate.
- Impractical from a farm management perspective, as the nitrogen discharge from any area of land will vary year to year depending on the season, climatic conditions and the use to which that land is being put as part of the farm cycle.
- Unfair -one gets caught by the definition and thus rules 5.43 to 5.45 requiring resource consents to change the farming activity, irrespective of how much nitrogen is being leached. This approach is inconsistent with the approach for existing farming activities, and imposes

the same cost on all landholders whether they are contributing significantly to nutrient enrichment in the catchment or not.

- Unnecessary – changes in farming activities in Canterbury that are likely to result in significant increases in nitrogen leaching are only likely to occur with either irrigation water or dairy conversion; and the latter is unlikely to occur without irrigation water.

Therefore, I do not agree the definition and associated rules achieve the purpose of the Resource Management Act 1991 or that the Council has fulfilled its duty under s32 to be satisfied that the definition and associated rule structure is the most appropriate method to achieve the plan's objectives.

I seek the following decision from the Council:

Amend the definition of 'change' to a farming activity to be either:

- (a) The application of irrigation water or an increase in irrigation water; or
- (b) A change in land use which increases the nitrogen discharged per hectare to over 20/kg/ha/yr, averaged over the farm.

Any consequential amendments required to give effect to this submission.

I do wish to be heard in support of my submission.

Yes

I/we are/~~are not~~ prepared to make a joint case with other parties.

Signature of Submitter (or person authorised to sign on behalf of submitter)

H. N. Tomlinson

Date:

4/10/12

Address for Service of Submitter:

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Clause 6 of the First Schedule, Resource Management Act 1991
Submission on a publicly notified proposal for a plan

To: Environment Canterbury
PO Box 345
Christchurch

EC - CICH	
FILE REF:	
DOCUMENT No.	
- 8 OCT 2012	
	ACTION
	INFO

Name of Submitter:

[Insert name here]

Kenneth Novella Tomlinson

This is a submission on the following proposed plan - Proposed Canterbury Land and Water Regional

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are:

Definition of stock holding area (p.2-14) and rules 5.35 to 5.36

My submission is:

I oppose the definition of stock holding area and rules 5.35 to 5.36.

My reasons are:

- Rule 5.35 makes the use of land for a stock-holding area a restricted discretionary activity. From the rule it would appear this is to deal with effluent run-off and presumably aimed at dairy feed pads, dairy sheds and other areas of a farm where effluent may collect and needs to be washed down, and the run-off collected and disposed of.
- However, the definition of stock holding area in the plan includes any holding area used to confine stock for more than 30 days in any 12 month period. This definition will apply to every ordinary set of sheep or cattle yards on every farm in the Region.
- It is normal practice for sheep farmers, except possibly on very extensive high country stations, to hold some stock in their yards at least once a week for activities such as weighing finishing stock, animal health, for transport etc.
- The yards are usually dirt-based, are not washed down, and do not result in the need to collect and dispose of effluent to avoid it entering water or groundwater.

- The rule as written imposes an unnecessary cost of compliance on farmers for effects which are *de minimus* and for which there is no remedy.

Therefore, I do not agree the rules as written achieve the purpose of the Resource Management Act 1991 or that the Council has fulfilled its duty under s32 to be satisfied that the rules in this form are the most appropriate method to achieve the plan's objectives

I seek the following decision from the Council:

Amend the definition of stock holding area to:

Exclude sheep and cattle yards which do not have an impervious floor area and which are used for not more than 90 days in any 12 month period.

Any consequential amendments required to give effect to this submission.

I do wish to be heard in support of my submission. *Yes*

-

I/we are/~~are not~~ prepared to make a joint case with other parties.

Signature of Submitter (or person authorised to sign on behalf of submitter)

H.M. Robinson

Date:

4/10/12

Address for Service of Submitter:

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To: Environment Canterbury
PO Box 345
Christchurch

EC - CNGH	
FILE REF:	
DOCUMENT No.	
- 8 OCT 2012	
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	INFO

Name of Submitter:

[Insert name here]

Kenneth Nouella Tomlinson

This is a submission on the following proposed plan - Proposed Canterbury Land and Water Regional

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are:

Rules 5.52 to 5.54 and rules 5.133 to 5.137

My submission is:

I support the rules for fertiliser use and stock exclusion from waterways as they are written except for the unqualified use of the terms river and wetland.

My reasons are:

- River and wetland are very broadly defined in the Resource Management Act 1991 (RMA).
- As a result, a river includes any continually or intermittently flowing body of fresh water and a wetland includes any permanently or intermittently wet area that supports a natural ecosystem of plants and animals that are adapted to wet conditions.
- Consequently, any gully or rivulet on a hill and any wet patch on a farm paddock could be argued as having to be excluded by these rules. This is impractical, especially for extensive hill farms, and is not necessary as these areas are unlikely to be sources of drinking water, mahinga kai or hold other values. They are also often the only source of stock water on extensive hill properties.

Therefore, I do not agree the rules as written achieve the purpose of the Resource Management Act 1991 or that the Council has fulfilled its duty under s32 to be satisfied that the rules in this form are the most appropriate method to achieve the plan's objectives.

I seek the following decision from the Council:

Add a size component to each rule so they apply to:

Rivers which are over 1m in width and where water is flowing; and
Wetlands which are 0.5 hectares or greater in size.

Any consequential amendments required to give effect to this submission.

I do wish to be heard in support of my submission.

Yes

I/we are/~~are not~~ prepared to make a joint case with other parties.

Signature of Submitter (or person authorised to sign on behalf of submitter)

K.M. Robinson

Date:

4/10/12

Address for Service of Submitter:

{Include postal address for where you want your correspondence to come to, fax, e-mail; and name of contact person}

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Clause 6 of the First Schedule, Resource Management Act 1991
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To: Environment Canterbury
PO Box 345
Christchurch

EC - CROH	
FILE REF:	
DOCUMENT No.	
- 8 OCT 2012	ACTION
	INFO

Name of Submitter:

[Insert name here]

Kenneth Novella Tomlinson

This is a submission on the following proposed plan - Proposed Canterbury Land and Water Regional

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are:

Rule 5.162

My submission is:

I support the rule providing for storage of hazardous substances in portable containers as a permitted activity; however I oppose condition 1 as it relates to diesel or petrol.

My reasons are:

- Condition 1 limits the total amount of fuel able to be stored in portable containers on farm to 2000 litres, as a permitted activity.
- This amount is insufficient for rural areas, where fuel has to be stored on site in sufficient quantities to fuel farm and private vehicles, so both petrol and diesel may need to be stored.
- As more of our local rural communities are losing petrol stations, the need to store fuel on farm is increasing.

Therefore, I do not agree the rules as written achieve the purpose of the Resource Management Act 1991 or that the Council has fulfilled its duty under s32 to be satisfied that the rules in this form are the most appropriate method to achieve the plan's objectives

I seek the following decision from the Council:

Amend Rule 5.162 condition 1 to read 5 000 litres.

Any consequential amendments required to give effect to this submission.

I do wish to be heard in support of my submission.

Yes

-

I/we are/~~are not~~ prepared to make a joint case with other parties.

Signature of Submitter (or person authorised to sign on behalf of submitter)

H. N. Tomlinson

Date:

4/10/12

Address for Service of Submitter:

{Include postal address for where you want your correspondence to come to, fax, e-mail; and name of contact person}

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To: Environment Canterbury
PO Box 345
Christchurch

EQ - CCH		
FILE REF:		
DOCUMENT No.		
- 8 OCT 2012		

Name of Submitter:

[Insert name here]

Kenneth Novella Tomlinson.

This is a submission on the following proposed plan - Proposed Canterbury Land and Water Regional

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are:

Rule 5.29 and Rule 5.125.

My submission is:

I support the rules allowing for the establishment of offal pits and the removal of small amounts of gravel from riverbeds as permitted activities. However, I oppose condition (3) of Rule 5.29 limiting farms to one 50m³ offal pit per annum; and condition 4(a) of Rule 5.125 limiting the volume of gravel extracted to 5m³ in any 12 month period.

My reasons are:

- Both offal pits and gravel extraction are essential parts of day to day farm management and it is sensible that they are permitted activities subject to conditions which on the whole appear reasonable.
- However, the condition restricting farms to one offal pit of no more than 50m³ per annum is insufficient for extensive farming operations. It is also impractical on large farms to have only one offal pit and having to transport carcasses from one end of the farm to another.

- The limit of 5m³ for gravel is insufficient for even basic driveway repairs let alone farm tracks and is substantially less than the volume allowed in the Natural Resources Regional Plan.

Therefore, I do not agree the rules as written achieve the purpose of the Resource Management Act 1991 or that the Council has fulfilled its duty under section 32 to be satisfied that the rules in this form are the most appropriate method to achieve the plan's objectives.

I seek the following decision from the Council:

Delete Rule 5.29 condition 3.

Amend Rule 5.125 condition 4(a) to read 50m³

Any consequential amendments required to give effect to this submission.

I do wish to be heard in support of my submission. Yes

I/we are/~~are not~~ prepared to make a joint case with other parties.

Signature of Submitter (or person authorised to sign on behalf of submitter)

K.M. Zorlison

Date:

4/10/12

Address for Service of Submitter:

{Include postal address for where you want your correspondence to come to, fax, e-mail; and name of contact person}



Environment Canterbury

P.O. Box 345

Christchurch.

FILE REF:	DOCUMENT NO.
EO - 0104	- 8 OCT 2012
ACTION	
INFO	

Sender

Name: K.N. Tomlinson

Company: Sparkleton Downs Ltd

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