

## Steph Bennett

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**From:** Brandon Watts <Brandon.Watts@cowpercampbell.co.nz>  
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**To:** Mailroom Mailbox  
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EC180240- EC123694

SUBMITTER ID: F558

Please find **attached** Fonterra Co-operative Group Limited's further submissions on the Proposed Canterbury Land & Water Regional Plan.

Regards

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**FURTHER SUBMISSIONS OF FONTERRA CO-OPERATIVE GROUP LIMITED ON  
SUBMISSIONS ON THE PROPOSED CANTERBURY LAND AND WATER REGIONAL  
PLAN**

**To** Canterbury Regional Council

- 1. Name of person making further submission: Fonterra Co-operative Group Limited.**
- 2. These further submissions are in support of or in opposition to (as specified in the attached table) submissions on the following proposed plan (the proposal):**

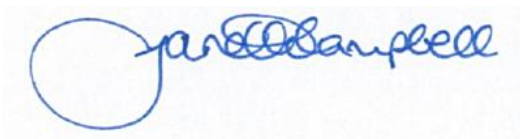
The Canterbury Land and Water Regional Plan.

- 3. Fonterra is a person who has an interest in the proposal that is greater than the interest the general public has:**

Fonterra's members produce and the Company collects and processes billions of litres of milk annually from the Canterbury Region. The provisions of the Canterbury Land and Water Regional Plan will affect the manner, extent and cost of milk production and processing in the Canterbury Region.

- 4. The attached table sets out:**
  - (a) The submissions or parts of submissions that Fonterra supports or opposes;**
  - (b) Fonterra's reasons for support or opposition; and**
  - (c) The relief sought by Fonterra in relation to those submissions or parts of submissions.**

5. Fonterra wishes to be heard in support of its further submissions.



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**JC Campbell**

Solicitor for Fonterra Co-operative Group Limited

**Date: 14 November 2012**

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Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Ellesmere Irrigation Society Inc	19.7	2.4	Amend section 2.4 so that it explains precisely when a rule in one part of the Plan takes precedence over a rule in another part of the Plan and make any consequential amendments.	Support.	A framework is to be set that makes it clear whether the rules in the regional or sub regional sections of the Plan take precedence.	Accept submission.
Ellesmere Irrigation Society Inc	19.15	2.10	Definition of “ <i>nutrient discharge</i> ” should be reworded or deleted until the point when it is known exactly what model is the appropriate one to use for this work. As yet there are no accurate models for this determination.	Support.	Defining “ <i>nutrient discharge</i> ” by reference to OVERSEER modelling is not justified in terms of the reliability and accuracy of the OVERSEER modelling methodology.	Accept submission.
Ellesmere Irrigation Society Inc	19.20	3.12	Reword Objective 3.12 as follows:  “ <i>Groundwater continues to provide a sustainable source of adequate substantive quality water for flows and ecosystem health and surface water bodies and for abstraction</i> ”  and make any necessary consequential amendments.	Support.	An objective of high rather than adequate groundwater quality presupposes value judgments about the groundwater quality standard to be aimed for in particular catchments.	Accept submission.
Ellesmere Irrigation Society Inc	19.21	3.14	Reword Objective 3.14 as follows:  “ <i>Adequate quality freshwater is available to meet actual and reasonably foreseeable needs for community drinking</i> ”  and make any necessary consequential amendments.	Support.	An objective requiring the availability of high quality fresh water rather than adequate quality fresh water pre-empts value judgments about the fresh water quality standard that is desired in each particular catchment.	Accept submission.
Central Plains Water Limited	20.2	2.10	The measurement timeframe in the definition of “ <i>changed</i> ” needs clarification.	Support.	Normal fluctuations in farming activity and inaccuracies in the OVERSEER modelling could be balanced out by using a longer modelling period.	Accept submission to the extent that it is compatible with Fonterra’s own submission.
Central Plains Water Limited	20.4	1.2.6	Make explicit reference in section 1.2.6 to Part 104(2A) of the RMA which states that:  “ <i>The consent authority must have regard to the value of the investment of the existing consent holder</i> ”.	Support.	Recognition of the value of infrastructural investments is part of managing the region’s physical resources sustainably.	Accept submission.
Central Plains Water Limited	20.6	3.22	Amend Objective 3.22 to say:  “ <i>Community outcomes for water quality and quantity are met through managing within limits and by utilising a range of different methods so optimal outcomes are achieved.</i> ”	Support.	The objective of the Regional Plan should be to utilise a wide range of methods to achieve community outcomes for water quality and quantity.	Accept submission.
Central Plains Water Limited	20.9 20.10 20.11 20.12	5.46 5.47 5.48 5.49	Amend Rules 5.46, 5.47, 5.48 and 5.49 to provide a 7 – 10 year timeframe for the implementation of these rules.	Support.	The logistics of implementing the regime required by these rules require a longer lead-in period.	Accept submissions.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Royal Forest & Bird Protection Society of New Zealand Inc, Ashburton Branch	31.62	5.107	Rule 5.107 should allow a transfer of a water permit to an adjacent piece of land (property), but the water coming from the same point of take, i.e. where the property was previously being sourced prior to the transfer being made.	Support.	This is a sensible amendment that would facilitate rural activities.	Accept submission.
Hurunui District Council	86.12	16 Schedule 1	In Schedule 1, amend the note under Table 1A – Protection Areas as follows:  <i>“Existing surface water group or community drinking water supplies, including galleries, are protected for the following distances, across the full width of the bed, and within a lateral distance of 50 metres from the bed ...”</i>	Oppose.	The implication of this submission is that no discharges of any sort should be allowed within 50 metres of the bed. The nature of the discharge and the intervening topography needs to be considered in each case. A standard 50 metre rule will be inappropriate and inefficient in many instances.	Reject submission.
Freshpork Farms Limited	101.2	2.10	Amend the definition of “ <i>changed</i> ” (in terms of Rules 5.42 – 5.45). The definition needs to be established after the consultation with primary industry groups and with appropriate consideration of the economic and social impacts to the region.	Support.	The definition of “ <i>change</i> ” is not sufficiently flexible to account for year to year fluctuations in rotations or OVERSEER’s margin of error.	Accept submission.
Freshpork Farms Limited	101.5 101.6 101.7	4 Tables 1a, 1b and 1c	Tables 1a, 1b and 1c are opposed on the basis that the values they contain should not be used until accurate economic and social impacts on the region can be ascertained.	Support.	The approach contained in Tables 1a, 1b and 1c is too generalised and will not result in appropriate and sustainable outcomes for the region during the interim period during which the Tables apply. It is appropriate for catchment by catchment guidance to be provided after economic and social impact analysis, however this has not yet occurred.	Accept submissions.
Freshpork Farms Limited	101.8 101.9 101.14	4.34 4.35 4.36	To oppose the Nutrient Zones Map and Nutrient Zones Policies 4.34, 4.35 and 4.36 until a robust review has been undertaken to determine whether the colour values are appropriate to meet environmental, economic and social impacts on the region.	Support.	The Nutrient Zones Map and Policies 4.34, 4.35 and 4.36 predetermine value judgments about the water quality standards that will be most appropriate for the affected communities and environments. In some instances the benefits of allowing land use changes in areas presently denoted as red zones may outweigh any adverse effects.	Accept submission.
Freshpork Farms Limited	101.23	5.46	In relation to Rule 5.46:  1. Amend Conditions 2, 3 and 4, to specify that the average loss of N must be averaged over at least 5 years, reflecting the fact that OVERSEER is designed to provide average long term estimates of nutrient flows.  2. Review Conditions 3 and 4 and review the 20kg/ha limit to determine if it is still appropriate with the reliefs of OVERSEER 6.	Support.	Normal fluctuations in farming activity and inaccuracies in the OVERSEER modelling could be balanced out by using a longer modelling period. Ongoing review of the OVERSEER modelling is also appropriate, given changes in the outcomes produced by different versions of OVERSEER.	Accept submission.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
			3. Review Condition 4 to reflect the capacity of the rural sector to be able to meet the Conditions by 2017.			
Director-General of Conservation	120.12 120.108 120.110	2.10	Insert a definition of “ <i>over-allocation</i> ” consistent with the NES on ecological flows and water levels.	Oppose.	Reference to Table 1 and Policy 4.1 is inappropriate as these requirements preempt the catchment by catchment judgments that will be made with regard to the water quality and quantity standards that will be implemented in sections 6 – 15 of the Plan.	Delete the words “ <i>or Table 1 to Policy 4.1 is not being met</i> ”.
Director-General of Conservation	120.26	3.11 4.4 3.15 3.16	Combine Objective 3.11 with elements of Policy 4.4 to make an objective that recognises sustainable limits of abstraction from the original water bodies. Separate out another objective relating to storage and distribution with Objectives 3.15-3.16.	Oppose.	Fonterra supports Objective 3.11 in its notified form. It is one of the few objectives in the Plan that addresses the role of water in supporting a variety of economic and social activities and the need to maximise the benefits of water’s use and abstraction.	Reject submission.
Director-General of Conservation	120.27	3.12	Replace Objective 3.12 with a new objective:  “ <i>Canterbury groundwater is managed to:</i> (a) <i>provide high quality water for surface water bodies,</i> (b) <i>prevent long term declines in aquifer yields, and</i> (c) <i>maintain or improve groundwater quality.</i> ”	Oppose.	Fonterra supports the reference to the need for water quality to support abstraction that is contained in the notified version of Objective 3.12.	Reject submission.
Director-General of Conservation	120.29	3.14	Replace the phrase “ <i>high quality</i> ” with the word “ <i>potable</i> ” in Objective 3.14 so that it requires potable fresh water to be available to meet actual and reasonably foreseeable needs for community drinking water supplies.	Support in part.	Potable is a better standard than “ <i>high quality</i> ” because it refers to the suitability of the water for a particular purpose. “ <i>Adequate</i> ” would be preferable.	Accept submission so long as submission No. 19.21 is rejected.
Director-General of Conservation	120.32	3.18	Amend Objective 3.18 to read:  “ <i>The risk of flooding, erosion of land, damage to structures and environmental effects (that are more than minor) are not exacerbated by the diversion of water ...</i> ”	Oppose.	This objective is focused on the particular risks to property that can be caused by the modification of waterways, dams and so forth. The inclusion of the broad reference to adverse effects, as proposed, would have unintended effects.	Reject submission.
Director-General of Conservation	120.36	3.23	Make Objective 3.23, requiring all activities to operate at good practice or better to protect the region’s freshwater resources from quality and quantity degradation, to be reclassified as a policy.	Oppose.	Good practice or better is a reasonable and proper objective that balances aspirations against practicability.	Reject submission.
Director-General of Conservation	120.38	4 Tables 1a, 1b and 1c	Amend Tables 1a, 1b and 1c so that they set minimum standards rather than maximum. Ensure outcomes in all sub-regional chapters meet or exceed the outcomes specified in Tables 1a, 1b and 1c.	Oppose.	It is not appropriate to set blanket minimum standards for the interim period in question. Nor is it appropriate to predetermine the values that should be ascertained collaboratively for each sub-regional section.	Reject submission.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Director-General of Conservation	120.42	4.4	Amend Policy 4.4 to read:  <i>“Water is managed through the setting of limits to safe-guard the life-supporting capacity of ecosystems ...”</i>	Oppose.	Use of the phrase “ <i>safe-guard</i> ” would merely parrot the wording in s 5(b) of the RMA. “ <i>Maintain</i> ” better represents the overall vision of this strategic policy, taking into account the other factors in s 5.	Reject submission.
Director-General of Conservation	120.43	4.6	Amend Policy 4.6 to read:  <i>“Where a water quality or quantity limit is set in sections 6 to 15, resource consents will not be granted if the granting will cause the limit to be breached or further over-allocation to occur.”</i>	Oppose.	The proposed amendment would function as a prohibition on activities that would breach a limit or cause further over-allocation. Removing the word “ <i>generally</i> ” would take too much discretion away from the Regional Council in considering applications on case by case bases.	Reject submission.
Director-General of Conservation	120.151	5.35	Restructure and amend Rule 5.35 so that effectively Rule 5.35(2) is amended by having the following two preconditions to restricted discretionary activity status added to it:  <i>“(f) is not onto land when the soil moisture exceeds field capacity; and (g) is not onto land covered by snow.”</i>	Oppose.	The two additional matters proposed are better left to be dealt with by way of resource consent conditions. These two matters are too variable to be proper determinants of activity status.	Reject submission.
Director-General of Conservation	120.155 120.156	5	Clarify in all relevant rules the version of OVERSEER to be used and how the Plan will deal with OVERSEER upgrades in the future.	Support in part.	OVERSEER continues to evolve and different versions of OVERSEER have been shown to produce different results.	Accept this part of submission.
Orari River Protection Group (Inc)	159.1	5.2	Regarding Rule 5.2, sub-regional rules should not prevail over region-wide rules.	Oppose.	Region-wide rules should not trump sub-regional rules. The sub-regional rules will be the result of a more fine-grained and fully considered analysis. The sub-regional rules will take into account the particular values of water bodies, their uses and benefits that are derived from them and reach a conclusion specific to each water body. Such a case by case analysis is fundamental to achieving the sustainable management purpose of the RMA in each case.	Reject submission.
Canterbury Regional Council	167.17	4.34	That Policy 4.34 be amended as follows:  <i>“Prior to 1 July 2017, to minimise the loss of nitrogen to water from any change in farming activities in an area coloured red or within a lake zone as shown on the planning maps, an applicant for a resource consent must demonstrate that the nitrogen loss from the proposed activity, when assessed in combination with the effects of other land uses or discharges, will not prevent the water quality outcomes of Policy 4.1 being achieved <u>or</u> and show that the</i>	Support.	If a discharge will not prevent the water quality outcomes of Policy 4.1 being achieved, then there is no justification for requiring significant and enduring reductions in terms of nitrogen losses. Similarly, if reductions in nitrogen discharges are significant and enduring then the policy should not stand in the way of changes to farming activities, regardless of whether the water quality outcomes of Policy 4.1 are being met.	Accept submission.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
			<i>nitrogen discharges from the property are a significant and enduring reduction from existing levels."</i>			
Canterbury Regional Council	167.18	4.35	That Policy 4.35 is amended as follows:  <i>"To minimise the loss of nitrogen to water prior to 1 July 2017, where the land owner holds an existing water permit to take and use water, or is a shareholder in an irrigation scheme, or holds a discharge permit, and there are conditions on the water permit that addresses nutrient management, any change in farming activities will be enabled subject to requirements to prepare and implement a farm environment plan, a regular audit of that plan and to record, on a per enterprise basis, nitrogen discharges."</i>	Support.	It is appropriate that discharge permit holders be treated in the same way as holders of existing permits to take and use water and shareholders in irrigation schemes.	Accept submission.
Canterbury Regional Council	167.34	5.42 5.43 5.44 5.45	That a new rule is added, immediately after Rule 5.45:  <i>"Prior to 1 July 2017, the use of land for a change to an existing farming activity that does not comply with one or more of Conditions 2 to 6 in Rule 5.42 is a discretionary activity."</i>	Support in part.	The proposed rule would only apply to "changes" to existing farm activities that complied with Condition 1 of Rule 5.42 but failed to comply with one or more of Conditions 2 through 6 of that rule. If the "change" failed to comply with Condition 1 then it would fall under one of Rules 5.43 to 5.45. This rule is necessary to fill a lacuna in the planning framework. However, non-compliance with any of Conditions 2 through 6 can be addressed by way of restricted discretionary rather than full discretionary activity status. Discretion should be restricted to matters relevant to Conditions 2 through 6 of Rule 5.42. Conditions that specify a maximum amount of nitrogen that may be leached. Conditions 2 through 6 are for the most part monitoring type conditions that should be imposed on any resource consent.	Accept submission in part. The word "discretionary" should be replaced with the words "restricted discretionary".
Canterbury Regional Council	167.44	5.96 5.101	That Rules 5.96 and 5.101 are amended by adding to the matters to which discretion is restricted:  <i>"The proximity of any water use to significant indigenous biodiversity".</i>	Oppose.	It does not follow from the fact that a water use is proximate to significant indigenous biodiversity that it will have an adverse effect on that significant indigenous biodiversity.	Reject submission.
Canterbury Regional Council	167.97	3 4 5	Change all references to "hazardous substances" in the Policies and Rules to "hazardous substances as set out in Schedule 4".	Conditionally support.	As per Fonterra's submissions number 270.67-69 request, milk and milk products need to be excluded from the hazardous substances regime.	Accept submission if Fonterra's submissions 270.67-69 are accepted.



Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Benmore Irrigation Company Limited	183.5	Whole LWRP	The economic impact of the Canterbury Land and Water Regional Plan needs to be considered.	Support.	The submitter notes that irrigation and subsequent dairy farming of land in their area has increased the level of employment to eight times its previous level. Fonterra considers this dimension of the Land and Water Regional Plan has received insufficient attention. Water quantity and quality standards, and the concept of over allocation, are all relative to the end goal. The Canterbury Land and Water Regional Plan seems to generally proceed on an assumption that in every case higher quality water is the most desirable outcome in terms of the sustainable management of the region's natural and physical resources. Fonterra's submission the most sustainable outcome may instead be that while some water bodies have high qualities, other water bodies are best managed by using them to promote the region's economic wellbeing.	Accept submission.
Synlait Milk Limited	187.14	4.1	Amend Policy 4.1 so as not to cross reference Table 1 but to instead require maintenance of water resources largely in their existing state until such time as water quality outcomes are collaboratively established.	Support.	The standards of Table 1 are aspirational and inappropriately worked into a policy against which resource consent applications may be assessed. The wording sought by the submitter is preferred to that of the Plan as notified.	Accept submission.
Synlait Milk Limited	187.16	4.4	Amend Policy 4.4 to set limits on a long-term average basis.	Support.	The reasons set out in the original submission.	Accept submission.
Synlait Milk Limited	187.21	4.10	Limit Policy 4.10 to point source discharge effects.	Support.	As presently worded, the policy has a very wide reach and will have unintended consequences for many activities that require resource consent and will be assessed against it.	Accept submission.
Synlait Milk Limited	187.60 187.61	5.39	Seeking various amendments to Rule 5.39, which controls nutrient discharges.	Support.	The reasons given in the original submission. In particular, Fonterra is concerned that the planning map, with its coarse scale requires further refinement in the way suggested by the submitter. In addition, the social and economic impacts of the use of this map through the rule framework has not been undertaken. The rules should be reviewed and the zonings reassessed to ensure that they properly meet the requirements met in s 32 of the Resource Management Act.	Amend the Plan so that until values agreed by the community have been ascertained and decisions made about which water bodies are over allocated in terms of water quality, the ambition of the Plan is to allow no significant reductions in water quality in the areas identified as red-zone under the present notified version of the Plan.

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Synlait Milk Limited	187.64 187.65 187.66	5.43 5.44 5.45	Rules 5.43 – 5.45 and the planning maps are subjective and unnecessarily restrictive.	Support.	The reasons given in the submission.	Amend the Plan so that until values agreed by the community have been ascertained and decisions made about which water bodies are over allocated in terms of water quality, the ambition of the Plan is to allow no significant reductions in water quality in the areas identified as red-zone under the present notified version of the Plan.
Synlait Milk Limited	187.68 187.69 187.70	5.47 5.48 5.49	Rules 5.47 – 5.49 and the planning maps are subjective and unnecessarily restrictive. The rules should be amended to allow Nitrogen losses to groundwater to be managed as a controlled or restricted discretionary activity by implementing industry good practice in situations where modelling indicates that high nitrate losses are occurring and shallow groundwater nitrate concentrations are elevated.	Support.	The reasons given in the primary submission. The Plan should not make use of non-complying activity status until such time as a decision has been made by consensus as to which water bodies are over-allocated and the appropriate response to that over-allocation in terms of nutrients. In the meantime, allow management of nitrogen discharges through controlled or restricted discretionary activity status as suggested in the submission.	Accept submission.
Synlait Farms Limited	188.14	4.1	Delete the words following “ <i>then</i> ” in Policy 4.1 and replace with:  <i>“Water resources shall be maintained largely in their existing state until water quality outcomes are collaboratively established”.</i>	Support.	The reasons given in the original submission. In particular, Fonterra is concerned that the planning map requires further refinement in the way suggested by the submitter. In addition, the social and economic impacts of the use of this map through the rule framework have not been undertaken. The rules should be reviewed and the zonings reassessed to ensure that they properly meet the requirements of s 32 of the Resource Management Act.	Amend the Plan so that until values agreed by the community have been ascertained and decisions made about which water bodies are over allocated in terms of water quality, the ambition of the Plan is to allow no significant reductions in water quality in the areas identified as red-zone under the present notified version of the Plan.
Synlait Farms Limited	188.15	4.2 4 Tables 1a, 1b and 1c	Retain Policy 4.2, subject to Table 1 being removed from Policy 4.1.	Support.	The reasons given in the original submission. In particular, Fonterra is concerned that the planning map requires further refinement in the way suggested by the submitter. In addition, the social and economic impacts of the use of this map through the rule framework have not been undertaken. The rules should be reviewed and the zonings reassessed to ensure that they properly meet the	Amend the Plan so that until values agreed by the community have been ascertained and decisions made about which water bodies are over allocated in terms of water quality, the ambition of the Plan is to allow no significant reductions in water quality in the areas

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					requirements of s 32 of the Resource Management Act.	identified as red-zone under the present notified version of the Plan.
Synlait Farms Limited	188.64 188.65 188.66	5.43 5.44 5.45	Submissions relating to the planning maps recording zone boundaries and water quality classifications.	Support.	The rationale behind the zone boundaries is not clear and does not appear to be consistent. The reasons for classifying the zones the proposed colours are not sound. Neither are they based on a sufficiently broad or well-informed understanding of the environmental or economic impacts of the proposed classifications.	Amend the planning maps recording the zone boundaries and classifications so that the rationale behind them is consistent and assists to implement the CWMS.
Irrigation New Zealand Inc, Christchurch	192.3 192.4	2.6	Delete reference to Table 1 ... and acknowledge that the zone committee collaborative approach is a more appropriate mechanism for the establishment of catchment scale fresh water outcomes and limits ...	Support.	For the reasons set out in the submission. These determinations should be made at the catchment scale level with appropriate input from the communities affected by them.	Accept submission.
Irrigation New Zealand Inc, Christchurch	192.12	2.10	Add definition for water permit transfers ...	Support.	The Plan provisions should incentivise more efficient use of water. The transfer provisions at present will not do that. In addition, all permits will need to be transferred on sale, so it would not be appropriate for those transfers to be captured by the proposed surrender provisions. The requirement to surrender may conflict with the other policies relating to transfer (4.71 and 4.72).	Accept submission.
Irrigation New Zealand Inc, Christchurch	192.15 192.17	3 4.4	Community outcomes for quality and quantity are met through managing within limits and by utilising a range of different methods so optimal outcomes are achieved.	Support.	Limits are likely to be one potential solution, but there are a range of other methods which may better achieve the intended results. Over emphasis on limits in this context may preclude proper consideration of the alternatives.	Accept submission.
Irrigation New Zealand Inc, Christchurch	192.19	4	Add an additional policy as follows:  <i>"Where there is an over allocation of water quantity or quality, an all-inclusive, catchment-based approach, that recognises existing investment will be adopted for its resolution."</i>	Support in part.	The existing investment should be factored into the catchment consideration of whether water quantity or quality is over allocated. This consideration should not be left until after a decision is made on over allocation. The extent of existing investment and the value that the community in the relevant catchment places on that investment will be an important consideration in setting limits. Having said that, recognition of existing investment should be undertaken in circumstances where the community decides that claw back of over allocation is necessary.	Amend as follows:  <i>"<u>During the process of assessing whether water quantity or quality is over allocated and following that determination, where there is an over allocation of water quantity or quality an all inclusive, catchment based approach that recognises existing investment will be adopted for its resolution.</u></i>

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Genesis Power Limited	196.15	3.24	<p>Add the following two objectives to Section 3 of the LWRP:</p> <p><i>“3.24 Development that limits the use or maintenance of existing electricity generating infrastructure or restricts the generation output of that infrastructure is avoided.</i></p> <p><i>3.25 To recognise and provide opportunities for new renewable electricity generation infrastructure, particularly multiple use schemes incorporating hydro-electricity and irrigation components and enable their development where the adverse effects on the environment can be appropriately managed.”</i></p>	Oppose in part.	Proposed objective 3.24 is too absolute and inappropriately assumes that existing electricity generating infrastructure always has more importance than other uses. There may be circumstances where some limitation is appropriate when balanced against the benefits of other development and bearing in mind the magnitude of the limitation. Or, a limitation may be necessary to reflect existing inefficiencies.	Reject submission.
Genesis Power Limited	196.17	4.4	<p>Amend Policy 4.4 to read:</p> <p><i>“Water is sustainably managed through the setting of limits to maintain the life-supporting capacity of ecosystems, support customary uses, and provide for any actual or reasonably foreseeable requirements for community and stock drinking water supplies and hydro-electricity generation, as a first priority and meet the needs of people and communities for water for irrigation, hydro-electricity generation and other economic activities and to maintain river flows and lake levels needed for recreational activities, as a second priority.”</i></p>	Oppose	Such an amendment would be inconsistent with the CWMS which was developed in consultation with the community and forms the base for further regional policy and plan development. The submission would elevate water for hydro-electricity generation above irrigation and other economic activities which may have a higher value or more social and economic benefit than hydro-electricity generation.	Reject submission.
Genesis Power Limited	196.25	4	<p>Insert the following new policies:</p> <p><i>“4.XX The generation output of existing electricity generation facilities in Canterbury will be maintained, and obtaining the maximum electricity supply benefit from those facilities will be enabled where this can be achieved without creating additional significant adverse effects on the environment.</i></p> <p><i>4.XX Development which limits the ability of the existing electricity generation infrastructure to be used or maintained and which may limit the generation output of that infrastructure is avoided.”</i></p>	Oppose in part	This policy should not disadvantage other existing users, particularly where used for new generation proposals.	<p>Amend relief as follows:</p> <p><i>“4.XX The generation output of existing electricity generation facilities in Canterbury will be maintained, and obtaining the <del>maximum</del> further electricity supply benefit from those facilities will be enabled where this can be achieved without creating additional significant adverse effects on the environment or at the cost of other uses.</i></p> <p><i><del>4.XX Development which limits the ability of the existing electricity generation infrastructure to be used or</del></i></p>

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						<i>maintained and which may limit the generation output of that infrastructure is avoided."</i>
Environmental Defence Society Incorporated	200.23	3.11	Amend the objective to state that sustainable abstraction means abstraction where the limits contained in the PRP are met and the values identified in the PRP are maintained or enhanced where degraded	Oppose	It is not appropriate to define sustainable abstraction in such a limited way in this policy.	Reject submission.
Environmental Defence Society Incorporated	200.41	4.6	Amend the policy [4.6] by removing the word "generally".	Oppose	The submission appears to seek prohibition of allocation of water where there is over allocation. Clawing back over-allocation is intended to take place over time. The NPS does not require complete prohibition of further allocation over that time.	Reject submission.
Environmental Defence Society Incorporated	200.43	4.8	Amend Policy 4.8 as follows:  "or a water quantity limit set in sections 6-15 (or Table 1 when outcomes have not yet been established for a catchment)."	Oppose	Catchment level plans will determine the matter of how to manage to limits. In addition, table 1 parameters should not be considered limits, as the determination of over allocation of catchments has not yet been made. This submission confuses the rules of Policy 4.1 and Policy 4.8.	Reject submission
Environmental Defence Society Incorporated	200.64 200.65 200.68 200.69 200.70 200.137 200.159 200.168	4.29 4.30 4.33 4.34 4.35 5.46 6-15	The use of interim management techniques for the next 5 years is an unacceptably long timeframe, especially considering the number of areas where water quality outcomes are not currently met or at risk. Plan changes for nutrient discharge allowances should be notified within 24 months. Amend the policy to read "Until 11 August 2014..."	Oppose	Nutrient discharge allowances may be one but not the only potential management solution to addressing water quality. Realistically, it may take 5 years to establish catchment scale plans. The LWRP should not set unrealistic expectations.	Reject submission
Environmental Defence Society Incorporated	200.78	4.46	Amend Policy 4.46 to require consideration of all alternatives and preference for any option that complies with the environmental flow and allocation regime. Amend the policy to require management of the water supply to restrict use whenever the environmental flow and allocation regime is breached.	Oppose	The relief is unclear. The tests for requiring consideration of alternatives in a resource consent process are already set out in the RMA and should not be augmented or changed.	Reject submission
Environmental Defence Society Incorporated	200.108	4.76	Amend policy 4.76 to read:  "...that are over-allocated will be subject to a 5 year duration. However, no new resource consent will be granted if it will allow further over-allocation."	Oppose	The submission appears to seek prohibition of allocation of water where there is over allocation. Clawing back over-allocation is intended to take place over time. The NPS does not require complete prohibition of further allocation over that time.	Reject submission.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Environmental Defence Society Incorporated	200.113	4.79	Amend policy 4.79 by removing the word "significant".	Oppose	Human-made wetlands, such as those formed for nutrient management purposes, should be excluded from policies relating to significant wetlands.	Reject submission.
Environmental Defence Society Incorporated	200.130 200.131	5.34 5.40 5.41 5.42 5.43 5.44 5.45 5.46	Rules 5.39-5.46 – changes to existing farm provisions in various nutrient allocation zones.	Oppose	It is unreasonable to require existing farming operations throughout the red and orange zones to require authorisation by resource consent to continue farming. The social, economic and cultural costs of such a rule would not withstand analysis in terms of s 32 of the Act.	Reject submission.
Environmental Defence Society Incorporated	200.146 200.148	5.96 5.101	Delete the statements "Unless the proposed take is the replacement of a lawfully established take affected by the provisions of section 124 of the RMA" in condition 1 and 2.	Oppose	Existing takes need to be treated differently to new takes, given their potential reliance on water to ensure business viability.	Reject submission
Meridian Energy Limited	221.7	4	Add a new policy after Policy 4.47:  "Where new abstraction or use of water is from the catchment of an existing hydro electricity generating scheme, the take or use shall not diminish the generation potential of the scheme."	Oppose.	This policy attempts to create new restrictions on activities other than hydro electricity generation. A hydro electricity generating scheme may be limited in the amount of water that it has been allocated for the purpose of generating electricity. This policy would restrict the abstraction and other purposeful use of that water even if it left unchanged the water allocated to hydro electricity use. The existing framework of the Act and the case law under the Act are sufficient to protect hydro electricity generation. No further policy, such as the one suggested, is required.	Reject submission.
Meridian Energy Limited	221.8	4.68	Amend Policy 4.68 to read:  "Enable the spatial and temporal sharing of allocated water between different uses and users, subject to existing consent holders retaining priorities to access water."	Support.	The reasons given in the primary submission. The amended version of this policy better promotes the efficient use of water.	Accept submission.
Meridian Energy Limited	221.17	4.1	Add a qualifying clause to Tables 1a and 1b that provides that compliance with a specified indicator is required for 85-95% of the time, depending on the very rule and the correct scientific measure.	Support.	The policy and tables are expressed too absolutely, with no reference to the frequency with which the standards might permissibly be breached. It is unrealistic to require compliance with every one of these measures at all times in all places.	Accept submission.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Meridian Energy Limited	221.76	4.70	Amend Policy 4.70 to read:  <i>"Systems to convey or apply water are designed to maximise efficient use of water, and the efficiency of existing systems is improved over time, except where the costs of improving efficiency outweigh the benefits, having regard to</i> <i>(a) the nature of the activity;</i> <i>(b) the practical options to implement any change require; and</i> <i>(c) the physical environment in which the activity takes place; and</i> <i>(d) adverse effects on ecosystems or existing abstractors from a loss of recharge."</i>	Support.	The wording put forward by the submitter better captures the context in which the efficiency of the existing system can be improved.	Accept submission.
Waihora Ellesmere Trust	244.2	3.16	That the word environmental is added to the wellbeings listed in the Objective 3.16	Oppose	There is no need to refer to environmental imperatives in this objective. These matters are adequately addressed through the other objectives of the Plan.	Reject submission
Waihora Ellesmere Trust	244.3 244.8 244.9	3.23 4.28 4.29	Amend "good practice" to "best practice" in Objective 3.23, Policy 4.28 and Policy 4.29.	Oppose	It is appropriate to seek to achieve good industry practice. Best practice is cutting edge and may require substantial changes to infrastructure and even regulation to facilitate. Over time, good practice will improve and what was yesterday's best practice will become today's good practice. Time should be allowed for this transition to occur.	Reject submission.
Waihora Ellesmere Trust	244.12	5.133	Rule 5.133 is supported but should extend to larger drains in the Selwyn Waihora Catchment. Outdoor intensively farmed livestock should be excluded from the banks as well as beds of rivers.	Oppose	There is no definition of the term "banks". If a large drain meets the definition of a river, then it will already be covered by this rule. If not, the rule should not be further expanded to encompass such a drain.	Reject submission
TrustPower Limited	250.56	4.67	Delete Policy 4.67 and replace it with the following (or words to like effect):  <i>"Water for irrigation is applied to land between October and April unless specified otherwise."</i>	Oppose	This would mean removing the current wording which refers to 'winter flows are available for abstraction to storage, while ensuring ecosystem recovery...' appears to make for a more restrictive irrigation framework. The submission seeks to preclude water abstraction from winter flows, which would unreasonably restrict the ability of people and communities to provide for their social, cultural and economic wellbeing.	Reject submission

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Landcorp Farming Limited	251.6	4.32	Modifying the wording of the policy to refer to 'overall' nitrogen discharges from 'properties' rather than just an individual property. This would assist farmers in allowing 'significant reductions' across a range of properties to meet the policy.	Support	This reflects the fact that farmers will often run their operations across a number of properties. The submission will increase flexibility for farmers.	Accept submission.
Landcorp Farming Limited	251.7	4.34	Modifying the wording of the policy to refer to 'overall' nitrogen discharges from 'properties' rather than just an individual property. This would assist farmers in allowing 'significant reductions' across a range of properties to meet the policy.	Support	This reflects the fact that farmers will often run their operations across a number of properties. The submission will increase flexibility for farmers.	Accept submission.
Dairy Holdings Limited	298.8	4.36 5.42	Amend Policy 4.36 and Rule 5.42 so that water users groups are provided for in a similar manner to holders of shares in an irrigation company.	Support.	There is no substantive difference between the members of a water users group and the shareholders in an irrigation company so long as the water permit held by either contains the required conditions relating to limits on nitrogen leaching.	Accept submission.
Dairy NZ Incorporated	315.5	3	Add an additional objective below Objective 3.1:  <i>"The importance of water to our social and economic well-being is recognised and the potential for water to further improve our social and economic well-being is realised as far as possible while meeting other listed objectives."</i>	Support.	It is appropriate that the Canterbury LWRP should aim to always bear in mind the importance of water to social and economic wellbeing and the Region's capacity to improve that wellbeing.	Accept submission.
Dairy New Zealand Incorporated	315.15	4.34	Amend Policy 4.34 as follows:  <i>"Prior to 1 July 2017, to minimise the loss of underlying nutrients <del>nitrogen</del> to water from any change in farming activities in an area coloured red or within a lake zone as shown on the planning maps, an applicant for resource consent must demonstrate that the underlying nutrient <del>nitrogen</del> loss from the proposed activity, when assessed in combination with the effects of other land uses or discharges, will <del>not prevent the water quality outcomes of Policy 4.1 being achieved,</del> over the duration of the consent, contribute to the achievement of water quality outcomes of Policy 4.1 and show that the nitrogen discharges from the property are a significant and enduring reduction from existing levels."</i>	Support.	<i>"Changes"</i> to farming activities in the red zone should not be excluded when the proposed change will embody good practice and lead to a sustainable outcome in the long term.	Accept submission.



Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Beef and Lamb	318.13	2.10	Amend the definition of “ <i>Property</i> ” to be consistent with other planning documents:  “ <i>Property, means any contiguous area of land held in one, or more than one, ownership that is utilised as a single operating unit, and may include one or more titles/ sites.</i> ”	Support	The submission will enable farmers to offset increases in N loss on some land with improvement (e.g. planting) on another. This would encourage flexibility and land to be used for the best activity.	Accept submission.
Combined Canterbury Provinces Federated Farmers NZ	320.9	2.10	1. Delete part 1 of the definition of “ <i>change</i> ” because well managed irrigation enables better management of nutrients than in a rain-fed system.  2. Amend part 2 of the definition of “ <i>change</i> ” by focusing on a genuine change in land-use, based on a threshold proportion of land area on which the change occurs (e.g. 20%); or  Amend as follows: - Increase the percentage threshold; or - Use an absolute number (at least 5 kg/ha/year); or - Use an absolute number at the lower end of the range (e.g. 5kg/ha/year) and a percentage at the upper end of the range; and - Extend the baseline for comparison from 2 years to at least 5 years, ideally any 5 year period in the last 10.	Support	The submission puts forward a range of helpful options for redefining “ <i>changed</i> ” in a fashion that reflects the realities of the OVERSEER model.	Accept submission.
Combined Canterbury Provinces Federated Farmers NZ	320.12	3.11	Add a new objective 3.11, as follows:  “ <i>Water is recognised as a key driver for the economic and social wellbeing of the region.</i> ”	Support	The proposed objective gives necessary and proper recognition to the importance of water to the Region’s economic and social wellbeing. The existing objectives do so to some degree, but more obliquely. The proposed objective improves the collective objectives of the LWRP.	Accept submission.
Horticulture New Zealand	326.21	4.10	Amend Policy 4.10(c) so that it says:  “ <i>Thirdly, reduce the volume or amount or effects of the discharge.</i> ”	Support.	In the case of some discharges of contaminants, the effects of the discharge may best be minimised by increasing the volume or amount of the discharge in some circumstances. The policy framework should not prevent such measures from being taken.	Accept submission.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Horticulture New Zealand	326.47 326.48 326.49 326.50	5.42 5.43 5.44 5.45	Amend Rules 5.42 to 5.45 so that where reference is made to existing farming activities, arable or horticultural operations are excluded.	Oppose.	The proposed nutrient management framework will be deficient and ineffective if the significant nutrient discharges from arable and horticultural operations are excluded from the ambit of Rules 5.42 to 5.45.	Reject submission.
Horticulture New Zealand	326.71	5	Add a new rule as follows:  <i>"Prior to 1 July 2017 the use of land for a change to an existing arable and horticultural operation is permitted if the following conditions are met:</i>  <i>1. The operation has an audited self-management programme.</i> <i>2. Nutrient losses over a rotation are estimated using an appropriate modelling tool such as APSIM or LUCI if available for the crops being grown and provided to CRC upon request."</i>	Oppose.	It would undermine the efforts being made throughout the region to measure and reduce nutrient discharges if existing arable and horticultural operations were to be granted permitted activity status without any requirements or targets relating to their nutrient discharges. Arable and horticultural operations make significant contributions to the nutrient discharges in the catchment and should not be treated on a different footing.	Reject submission.
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.5 347.6	16 Schedule 3	The submissions seek classification of water bodies in accordance with Schedule 3 of the RMA and that rules should be developed requiring compliance with Schedule 3 at a minimum.	Oppose.	Section 69 of the RMA allows Regional Councils to set standards in Plans which may result in a reduction of the quality of water and any water at the time of the notification of the Proposed Plan if that is consistent with the purpose of the Act. At this stage, the impacts of requiring compliance with Schedule 3 standards on the social, economic and cultural wellbeing of people has not been assessed. Neither have the costs or benefits of such an approach been assessed. The setting of limits that are consistent with the purpose of the Act is a task that has yet to be undertaken.	Reject submissions.
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.8	4 Tables 1a, 1b and 1c	That Table 1 in Chapter 4 be amended to include numerical water quality limits, which are set to protect the values of freshwater bodies and give effect to National Water Conservation Orders in the region. Various limit parameters are sought.	Oppose.	A broad brush approach to the region's water bodies focusing solely on environmental concerns to the exclusion of the other elements of sustainable management is not appropriate. National water conservation orders apply to specific water bodies. It is not appropriate to substitute the content of those orders as general standards applicable to water bodies across the region.	Reject submission.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.9	Whole LWRP	The LWRP should be amended so that it is consistent with the Sports Fishing Game Management Plan of the Nelson / Marlborough, North Canterbury and Central South Island Fish & Game regions.	Oppose.	It is not appropriate to treat a Sports Fishing Game Management Plan as if it were a high level planning document with which the Regional Plan should be consistent. Such Plans give little or no consideration to the water needs of other sectors.	Reject submission.
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.13	3 4 Tables 1a, 1b and 1c	Subsequent or existing catchments of sub-regional Plans and outcomes must achieve the objectives set out in section 3 and limits as set out in amended Table 1.	Oppose.	Proposed Table 1 contains general standards that have not been arrived at or agreed upon by the community, nor have they been set on a catchment by catchment basis, nor do they reflect any overall judgment in terms of s 5 of the RMA. It is essential that any broad brush standards such as those set by Table 1 are superseded in due course by the sub-regional sections of the Plan.	Reject submission.
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.38	Whole LWRP	Include provisions to protect high naturalness in significant water bodies. Include provisions to protect natural character. Include provisions to recognise and protect recreational values, salmonid fishery values, salmonid spawning values, and amenity values. Such other or further relief as addressed with the issues raised by this appeal point.	Oppose.	Fonterra opposes this submission because the submitter has not described the particular relief sought. Provisions relating to the topics proposed could have significant impacts on a range of activities and uses depending on precisely how they are worded.	Reject submission.
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.41	3	Add a new objective as follows:  <i>“Water quality of aquifers, lakes, rivers, and wetlands is managed to ensure that:</i>  <i>(i) water quality is maintained where the existing water quality is at a level sufficient to support the values (listed);</i> <i>(ii) water quality is restored where the existing water quality is not at a level sufficient to support the values (listed);</i> <i>(iii) accelerated eutrophication and sedimentation of water bodies in the region is prevented;</i> <i>(iv) the special values of water bodies protected by water conservation orders are maintained.”</i>  Or such other or further relief as addresses the issues raised by this appeal point.	Oppose.	The sort of objectives sought by the submitter are already provided for in a more carefully considered way by a range of other objectives, and strategic policies. The identification and protection of particular values should occur within the rubric of sub-regional sections 6 to 15 of the Plan where such values can be identified and addressed on a catchment by catchment basis.	Reject submission.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.54	3.16	Amend Objective 3.16 as follows:  "3.16 <i>Infrastructure of national or regional significance is resilient and positively contributes to economic, cultural and social wellbeing through its efficient and effective operation, ongoing maintenance, repair, development and upgrading, while avoiding any significant adverse effects on the environment.</i> "	Oppose.	It is not realistic to require important infrastructure to avoid any significant adverse effects on the environment. Such infrastructure usually has some adverse effects which are counterbalanced by the positive effects. Other objectives in Chapter 3 adequately deal with issues relating to adverse effects on the environment.	Reject submission.
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.57	3.20	Replace Objective 3.20 which relates to the extraction of gravel from river beds and replace it with a reworded objective encompassing other aspects of river management.	Oppose.	Other aspects of river management are dealt with under other objectives and strategic policies. Objective 3.20 relates to extraction of gravel and should remain focused on the outcome sought in that particular sphere.	Reject submission.
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.63	4.1	Amend Policy 4.1 as follows:  "4.1 <i>Lakes, rivers, wetlands and aquifers will meet the freshwater outcomes set through the NPS and RPS, in this Plan and its Schedule XX and in sections 6 – 15. In order to ensure the NPS requirements to maintain or enhance overall water quality in the region and in each catchment, zone or catchment based outcomes shall not be less than those for the region in this Plan, or allow water quality to decline in any catchment. If outcomes have not been established for a catchment, then each type of lake, river or aquifer will meet the outcome set in Table 1 within a timeframe specified in sections 6 to 15 and in any case not after 2030.</i> "	Oppose.	The purpose of the amendment sought by the submitter seems to be to elevate broad brush or generic water quality objectives in limits above the catchment-specific outcomes that will be set by the subregional sections 6 – 15 of the LWRP. It is not appropriate for the general to over-ride the specific. Neither is it consistent with the catchment-specific approach advocated by the freshwater NPS or scheme of the LWRP itself.	Reject submission.
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.64	4.1	Add a new policy after Policy 4.1 requiring lakes and rivers to meet region-wide freshwater outcomes in Chapter 3 and catchment-specific freshwater objectives in Chapters 6 – 15 (which must not be contrary to the objectives in Chapter 3). Various further requirements relating to freshwater objectives and limits are described.	Oppose.	It is not appropriate for the content of the subregional chapters 6 – 15 to be pre-empted or overridden by generic region-wide objectives and limits. It is critical that subregional sections 6 – 15 of the LWRP set objectives and limits based on the CWMS, the NPS and the broad range of considerations required by s 5 of the RMA. The one size fits all approach advocated by the submitter is not appropriate.	Reject submission.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.71	4.6	That Policy 4.6 is amended so that it prohibits the water quality or quantity limits set in sections 6 – 15 from being contrary to Table 1 of Chapter 4.	Oppose.	The values in Table 1 have not been set using any catchment by catchment analysis or by reference to the outcomes sought by communities or the broader judgment required by the CWMS in s 5 of the RMA. It is not appropriate to use the Table 1 values to predetermine the outcomes that will be sought in subregional sections 6 – 15.	Reject submission.
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.74	4.9	Amend Policy 4.9 so that it does not provide for indirect discharges to surface water bodies or groundwater of stock effluent, in addition to the matters already provided for.	Oppose.	All farming of stock would be contrary to this policy if amended as sought by the submitter.	Reject submission.
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.82 347.83 347.84 347.85 347.86 347.87 347.88	4.28 4.29	Submitter proposes a new policy regime relating to nutrient management comprising new Policies 28A to 28G. Of note, the policies would state that no permitted activity rules shall allow discharge of nutrients from any source, including land uses in catchments which are classified as overallocated for nutrient discharge.	Oppose.	The consequences of the proposed changes are too far reaching. They do not promote the sustainable management of natural and physical resources. The do not allow people and communities resources to provide for their social, economic and cultural wellbeing.	Reject submissions.
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.96	4.37	Amend Policy 4.37 so that it states that no specific catchment limits establish in sections 6 to 15 of the LWRP can breach the standards set out in Table 1 (of Chapter 4).	Oppose.	It is not appropriate for the generic standards in Table 1 to take precedence over the more detailed and broad analysis and judgments that will inform subregional sections 6 – 15 of the LWRP.	Reject submission.
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.112	4.67	Amend Policy 4.67(b) so that instead of providing that water abstraction for irrigation is to be managed so that abstraction is for the summer (October – April irrigation) irrigation season unless specified otherwise, subregional sections 6 – 15 and resource consents must specify that abstraction will be for the summer (October to April) irrigation season.	Oppose.	The amendments sought by the submitter are insufficiently flexible in relation to particular activities that might seek resource consent or the outcomes and needs of particular catchments as will be set out in subregional sections 6 – 15.	Reject submission.
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.131	5.2	Delete Rule 5.2 which states that unless the Plan states to the contrary, any rule on the same subject in the relevant subregional zones in sections 6 to 15 of the LWRP prevails over the relevant rule in section 5.	Oppose.	The specific catchment-based rules that will emerge in subregional sections 6 to 15 should not be trumped by the generic regional rules. Otherwise there would be little point in having the subregional sections at all. Moreover, the subregional sections of the Plan will be informed by the type of close analysis and broad judgment that the general rules have not been informed by.	Reject submission.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Fish & Game New Zealand (Nelson / Marlborough, North Canterbury and Central South Island)	347.157	5.101	Amend Rule 5.101 so that it no longer contains an exception for proposed takes that are replacements of lawfully established takes affected by the provisions of s 124 of the RMA.	Oppose.	Restricted discretionary activity status is appropriate for lawfully established groundwater takes under Rule 5.101, just as it is appropriate for the take and use of surface water under Rule 5.96.	Reject submission.
Water Rights Trust	351.2 351.3	2.7	Amend by adding in the words: Sub-regions should have a maximum of 2 years to describe targets, and mechanisms to address over-allocation. If not addressed in sub-regional plans then Canterbury Regional Council must adopt a progressive reduction in the amount of water allocated, and/or nutrient discharged.	Oppose	The current 2017 timeframe is already short. The collaborative process will take time to work through, Zone process requires significant time from volunteers who are involved putting further time pressures on them undermines the collaborative process.	Reject submission.
Water Rights Trust	351.5	3.5	Amend Objective 3.5 by changing the words to: All surface and ground fresh water resources and hapua and their margins are maintained in their existing state or restored where degraded.	Oppose	Maintaining or improving state of every water body is too far reaching. In some instances around the region, the responsible use and development of resources may have great benefits but minor adverse effects on water bodies. In some circumstances this will be an acceptable trade-off and represent the most sustainable outcome in terms of s 5 of the RMA.	Reject submission.
Water Rights Trust	351.12	3.23	Expand objective 3.23 by adding " <i>If a particular activity, even when operated at "good practice" or better, will degrade the water quantity and quality then the activity must be modified, reduced or changed to avoid that degradation</i> ".	Oppose	As Fonterra's submissions sets out, water has been and will continue to be a key driver for the social and economic development and prosperity of the region. This should be recognised in the objectives of the Plan, which presently focus heavily upon the management of environmental effects, with insufficient recognition that resource use is crucial to the social, economic and cultural wellbeing of the region.	Accept submission, except also include reference to " <i>cultural wellbeing</i> ".
Water Rights Trust	351.14	4.1	Amend wording of first sentence to:  <i>"Lakes, rivers, wetlands and aquifers will meet the fresh water outcomes set in Sections 6-15 but these outcomes must be the same or better than those in Table 1"</i> .	Oppose	Table 1 should not pre-empt the collaborative process. Limits need to be set at a catchment level as described in the CWMS. Any reference to Table 1 targets undermines the collaborative process.	Reject submission.
Water Rights Trust	351.16	4.6	Amend by deleting " <i>generally</i> " from the policy statement.	Oppose	The proposed amendment would function as a prohibition on activities that would breach a limit or cause further over-allocation. Removing the word " <i>generally</i> " would take too much discretion away from	Reject submission.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
					the Regional Council in considering applications on case by case bases.	
Water Rights Trust	351.20 351.21 351.22 351.23 351.24 351.25 351.26 351.28	4.30 4.31 4.32 4.33 4.34 4.35 4.36	Replace "1 July 2017" with "1 July 2015"	Oppose	The current 2017 timeframe is already short. The collaborative process will take time to work through, Zone process requires significant time from volunteers who are involved putting further time pressures on them undermines the collaborative process.	Reject submissions.
Water Rights Trust	351.27	4.37	Extend wording to include:  "...and nutrient allowance for the catchment in Sections 6-15 of this plan but in no catchment to be more than 20 kilograms per hectare averaged over three consecutive years."	Oppose	It is for the Zone committees operating via a collaborative process to set limits. This amendment would undermine this process. An arbitrary limit of 20 kg per hectare is unnecessary and unrealistic. It would substantially curtail economic activity in the Region.	Reject submission.
Southern Pork	357.13	5.39	Prior to 1 July 2017, the use of land for any farming activity existing at 11 August 2012, 1 of November 2013 and outside of the lake Zone shown on the Planning Maps, is a permitted activity if the following condition is met:  1. A record of the annual amount of nitrogen <u>nutrient discharge</u> , for the period from 1 July in one year to 30 June in the following year, <del>calculated using the OVERSEER TM nutrient model</del> , is kept and is provided to the CRC upon request	Support	It is unduly onerous to expect land users to be able to achieve better than "good practice". To do so would be to unduly constrain the ability of people and communities to provide for their social, economic and cultural wellbeing. The relief sought by the submission would make provision for farmers who have commenced converting their existing farming activities to dairy farming. Those farmers have already made a substantial financial commitment to their new use and should not be precluded from completing their conversion and operating their farms as dairy farms.	Accept submission.
Nga Runanga of Canterbury & Te Runanga o Ngai Tahu	358.87	Whole LWRP	All the LWRP's policies and rules should apply to the sub-regional sections of the LWRP except for the development of specific allocation regimes and limits for water quality and quantity.	Oppose	The sub-regional sections of the LWRP should be allowed to contain catchment-specific planning provisions. To foreclose that possibility would undermine the collaborative process that has been assigned to the Zone committees. It would also compromise the ability of the LWRP to provide the most appropriate outcome for each catchment, where differing values, concerns and issues will necessitate unique outcomes.	Reject submission.
Nga Runanga of Canterbury & Te Runanga o Ngai Tahu	358.95	3.2	Replace Objective 3.2 with:  "Objective 2(a): <i>Kaitiakitanga is exercised - freshwater bodies and their catchments are maintained in a healthy state</i>	Oppose	Proposed objectives 2(a) and 2(b)(v) do not allow for any loss of water quality in any water body in the Region, regardless of the significance or otherwise of any such diminution in quality. Such an	Reject submission.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
			<p>or, where they have been degraded, they are improved.</p> <p><i>Objective 2(b): The quality and quantity of water in fresh water bodies and their catchments is managed to:</i></p> <p>(i) <i>Safeguard the life-supporting capacity of ecosystems and ecosystem processes, including ensuring sufficient flow and quality of water to support the habitat and feeding, breeding, migratory and other behavioural requirements of indigenous species, nesting birds and, where appropriate trout and salmon;</i></p> <p>(ii) <i>Provide for actual and any reasonably foreseeable needs for drinking water or stockwater;</i></p> <p>(iii) <i>Support customary uses and contact recreation in water bodies which are valued for these purposes;</i></p> <p>(iv) <i>Maintain natural hydrological and geomorphic processes including flushing and opening hāpua and river mouths, flushing algal and weed growth, and transporting sediment;</i></p> <p>(v) <i>Maintain or enhance water quality in all lakes, rivers, wetlands, springs, hāpua and coastal lagoons;</i></p> <p>(vi) <i>Maintain water levels in aquifers, and avoid salt-water intrusion of coastal groundwater sources; and</i></p> <p>(vii) <i>Maintain water levels in wetlands, hāpua, coastal lagoons, lowland springs and spring-fed water bodies or improves levels where the values of these water bodies have been degraded through diversions, abstractions or land drainage</i></p> <p>(viii) <i>Maintain or enhance the natural character of freshwater bodies including braided rivers, and their margins, wetlands and hāpua and coastal lagoons.”</i></p>		<p>absolute approach is not consistent with sustainable management, which requires consideration to be given to the value of the use of water to people and communities’ social, economic and cultural wellbeing.</p>	
<p>Nga Runanga of Canterbury &amp; Te Runanga o Ngai Tahu</p>	<p>358.102</p>	<p>3.9</p>	<p>Replace Objective 3.9 with:</p> <p><i>“Objective 9 Water harvest and storage schemes are developed which provide for all of the following:</i></p> <p>(a) <i>The exercise of kaitiakitanga;</i></p>	<p>Oppose</p>	<p>Proposed objective 9(c) does not allow for any loss of water quality in any water body in the Region, regardless of the significance or otherwise of any such diminution in quality. Such an absolute approach is not consistent with</p>	<p>Reject submission.</p>



Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
			<p>(b) <i>Reliable water for irrigation or hydro-electricity generation; and</i></p> <p>(c) <i>The maintenance or enhancement of the flows or levels and the quality of water in water bodies within the catchment; and</i></p> <p>(d) <i>Integrated management of the supply of irrigation water and land uses and resulting contaminant discharges.”</i></p>		sustainable management, which requires consideration to be given to the value of the use of water to people and communities’ social, economic and cultural wellbeing.	
Nga Runanga of Canterbury & Te Runanga o Ngai Tahu	358.117	2.10	<p>Amend the definition of “change” to a farming activity to be:</p> <p>“(a) <i>The application of irrigation water or an increase in irrigation water; or</i></p> <p>(b) <i>A change in land use which increases the nitrogen discharged per hectare to over 20/kg/ha/yr, averaged over the farm.”</i></p>	Oppose	It is for the Zone committees operating via a collaborative process to set limits. This amendment would undermine this process. An arbitrary limit of 20 kg per hectare is unnecessary and unrealistic. It would substantially curtail economic activity in the Region.	Reject submission.
Nga Runanga of Canterbury & Te Runanga o Ngai Tahu	358.118 358.119	4.28 4.29 5.39 5.40 5.41 5.42 5.43 5.44 5.45 5.46 5.47 5.48 5.49 5.50	<p>Replace Nutrient Zone Map (p4-8) with a map classifying the Region into two nutrient zones based on the sensitivity of the receiving environment to further nutrient enrichment from land uses and non-point source discharges.</p> <p>Insert new policies:</p> <p>“<i>To require all land uses which involve the non-point-source discharge of contaminants to water onto land where it may enter water, to take all practicable measures to minimise the amount of potential contaminants discharged.</i></p> <p><i>To manage land uses which involve non-point source discharges of higher concentrations of contaminants, and:</i></p> <ul style="list-style-type: none"> <li>- <i>In the Nutrient 1 Zone ensure any change in land use activities and associated increase in the discharge of contaminants will not, singularly or cumulatively, adversely affect existing water quality in the catchment; and</i></li> <li>- <i>In the Nutrient 2 Zone, to ensure any change in land use activities does not result in any increase in the volume of nitrates, phosphates, sediment or other contaminants being discharged from that property, into water.</i></li> </ul> <p><i>To ensure that every catchment in the region has water quality standards which achieve the objectives of this plan, by (a specified date); and</i></p> <p><i>Where a catchment is over-allocated for</i></p>	Oppose	The proposed new policies do not allow for any loss of water quality in any water body in proposed Nutrient Zone 1, or any increase in nitrate, phosphate, sediment or other contaminant levels in proposed Nutrient Zone 2, regardless of the significance or otherwise of any such diminution in quality. Such an absolute approach is not consistent with sustainable management, which requires consideration to be given to the value of the use of water to people and communities’ social, economic and cultural wellbeing.	Reject submission

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
			<i>discharges of contaminants considering those water quality standards, that a programme and timeframe to reduce over-allocation to meet those standards is also included in the sub-regional section of this plan (by the same specified date)."</i>			
Royal Forest & Bird Protection Society of New Zealand Inc, Canterbury/West Coast Regional Office	364.1 364.2 364.3, 364.20 364.21 364.22 364.23 364.24	2.6 2.7 2.8 4.1 4.7 4.28 4.29 4.30	<p>Submitter seeks that:</p> <p>(a) Good practice is not relied upon as a surrogate for meeting defined sub-catchment and catchment load limits based on cumulative effects;</p> <p>(b) The limits and standards in Tables 1a, 1b and 1c of section 4 be applied universally across Canterbury;</p> <p>(c) That zone committees not be given a mandate for setting water quality (or quantity) limits, unless those limits are more stringent than the regional setting but less;</p> <p>(d) That region-wide policies and rules apply universally and cannot be weakened;</p> <p>(e) That over-allocation should be addressed decisively and immediately at a regional level;</p> <p>(f) That the subregional focus should be on achieving water quality/quantity aims through clients, collaboration and innovation;</p> <p>(g) That the region-wide policies and rules based on cumulative effects apply universally and immediately in over-allocated catchments;</p> <p>(h) That the limits and standards in Tables 1a, 1b, and 1c (with amendments sought by Fish &amp; Game) be applied universally and immediately throughout Canterbury;</p> <p>(i) Oppose waiting until subcatchments methods and timeframes have been established.</p>	Oppose.	The question of whether a water body is "over-allocated" cannot be answered purely by reference to scientific or environmental concerns. Both the NPS on freshwater and the CWMS recognise this. A catchment by catchment analysis and the application of a broad judgment taking into account all the relevant matters and the particular circumstances of each catchment are required to produce a sustainable outcome. The generic or default limits and standards in Tables 1a, 1b and 1c of section 4 are not appropriate in every circumstance across the Canterbury Region. The generic values in Tables 1a, 1b and 1c, if applied in the interim period before subregional sections 6 to 15 are established, would potentially be disastrous. The limits and standards in those tables have not been set with reference to a broader range of factors that are relevant under the CWMS and parts of the RMA.	Reject submissions.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Royal Forest & Bird Protection Society of New Zealand Inc, Canterbury/West Coast Regional Office	364.10	3.5	That Objective 3.5 should apply to all freshwater bodies and hapua and their margins, rather than just to outstanding freshwater bodies and hapua and their margins.	Oppose.	Maintaining or improving state of every water body is too far reaching. In some instances around the region, the responsible use and development of resources may have great benefits but minor adverse effects on water bodies. In some circumstances this will be an acceptable trade-off and represent the most sustainable outcome in terms of s 5 of the RMA.	Reject submission.
Royal Forest & Bird Protection Society of New Zealand Inc, Canterbury/West Coast Regional Office	364.16	3.13	Amend Objective 3.13 so that it relates to the suitability of all lakes and rivers for contact recreation, whether or not they are popularly or currently valued for such.	Oppose.	The amendment sought by the submitter is not appropriate because in many instances other values of the water body (particularly use values) are of higher importance than contact recreational values.	Reject submission.
Royal Forest & Bird Protection Society of New Zealand Inc, Canterbury/West Coast Regional Office	364.18	3.21	Delete Objective 3.21 which is that land uses continue to develop and change in response to socio-economic and community demand while remaining consistent with the CWMS targets.	Oppose.	The ability to adapt land use practices to the region's changing needs is crucial to both sustainable management and consistency with the CWMS.	Reject submission.
Royal Forest & Bird Protection Society of New Zealand Inc, Canterbury/West Coast Regional Office	364.34	5.1	Amend Rule 5.1 to ensure region-wide standards and limits cannot be breached in subregional sections 6 to 15.	Oppose.	Whatever standards and limits are set as part of subregional sections 6 to 15 should apply instead of the general standards and limits. The same approach will not be appropriate in every catchment throughout the region due to a variety of reasons, many of which have not been given proper consideration at this stage in the LWRP's process.	Reject submission.
Royal Forest & Bird Protection Society of New Zealand Inc, Canterbury/West Coast Regional Office	364.35	5.2	Amend Rule 5.2 so that the limits and standards in Tables 1a, 1b, and 1c (with amendments supplied by Fish & Game) be applied universally and immediately throughout Canterbury. Also that sub-catchments be allowed to set their own water quality and quantity only where those will provide demonstrably better water quality and quantity than the regional parameters and that in the interim the regional rules shall apply immediately.	Oppose.	The question of whether a water body is "over-allocated" cannot be answered purely by reference to scientific or environmental concerns. Both the NPS on freshwater and the CWMS recognise this. A catchment by catchment analysis and the application of a broad judgment taking into account all the relevant matters and the particular circumstances of each catchment are required to produce a sustainable outcome. The generic or default limits and standards in Tables 1a, 1b and 1c of section 4 are not appropriate in every circumstance across the Canterbury Region. The generic values in Tables 1a, 1b and 1c, if applied in the interim period before subregional	Reject submission.

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
					sections 6 to 15 are established, would potentially be disastrous. The limits and standards in those tables have not been set with reference to a broader range of factors that are relevant under the CWMS and parts of the RMA.	

## Steph Bennett

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**From:** Emona Numanga <Emona.Numanga@cowpercampbell.co.nz> on behalf of Janette Campbell <Janette.Campbell@cowpercampbell.co.nz>  
**Sent:** Thursday, 20 December 2012 4:10 p.m.  
**To:** Mailroom Mailbox  
**Subject:** Addendum to Further Submissions of Fonterra Co-operative Group Limited on Submissions on the Proposed Canterbury Land and Water Regional Plan C - Additional Further Sub Prop Cant LWRP FON116 F.pdf  
**Attachments:**  
**Categories:** Purple Category

EC124714

Submitter ID: F620

Please find attached a copy of the above Addendum to Further Submissions of Fonterra Co-operative Group Limited.

The submitters are being served by post today.

Emona Numanga  
on behalf of

**Janette Campbell**  
Partner

**Cowper Campbell**  
RESOURCE MANAGEMENT LAW



### Celebrating 10 years of Partnership



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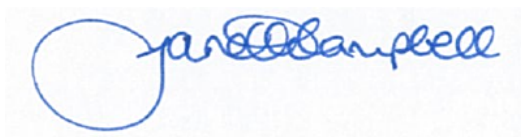
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**ADDENDUM TO FURTHER SUBMISSIONS OF FONTERRA CO-OPERATIVE GROUP  
LIMITED ON SUBMISSIONS ON THE PROPOSED CANTERBURY LAND AND WATER  
REGIONAL PLAN**

**To** Canterbury Regional Council

- 1. Fonterra Co-operative group Limited filed further submissions on the proposed Canterbury Land and Water Regional Plan on 14 November 2012.**
- 2. The Summary of Submissions was subsequently amended and the deadline for further submissions extended.**
- 3. The attached table is an addendum to the table attached to Fonterra's further submission dated 14 November 2012, which set out:**
  - (a) The submissions or parts of submissions that Fonterra supports or opposes;**
  - (b) Fonterra's reasons for support or opposition; and**
  - (c) The relief sought by Fonterra in relation to those submissions or parts of submissions.**



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**JC Campbell**

Solicitor for Fonterra Co-operative Group Limited

**Date: 20 December 2012**

**Address for service of Fonterra Co-operative Group Limited**

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Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
Bowden Environmental	89.3	5.84	Amend the word "site" to "property" in rule 5.84, as defined in the NRRP.	Oppose.	The NRRP definition of "property" relates to any number of legal properties that are managed as a single unit. Adopting the definition sought by the submitter would discourage the management of multiple legal properties as a single unit. It would also mean that the total per property allocation of water in any catchment would fluctuate depending on management at any given point in time. By contrast, per "site" provides a more certain and readily calculable quantification of water allocation. In addition, while a per "site" allocation is likely to meet farmers' needs, a per "property" allocation is not.	Reject submission.
Dunsandel Groundwater Users Group	189.21	Policy 4.47(a)	Delete Policy 4.47(a).	Support in part.	Policy 4.47(a) should be refined to require that any abstraction necessary to meet community drinking and stockwater needs takes all reasonable measures to ensure efficient take and use. This is only reasonable in a situation where environmental low flows or water allocation limits are being breached.	Give effect to the submission in part by amending Policy 4.47(a) to read: <i>"any abstraction necessary to meet community drinking and stockwater needs (provided all reasonable measures are taken to ensure efficient take and use)"</i> or words to like effect.
Ngai Tahu Property Limited	209.28 209.29	5.45 5.44	Delete Rule 5.45 and add the words "or red" after the word "orange" in Rule 5.44, and make Rule 5.44 a restricted discretionary activity, with discretion limited to the measures to limit effects on water quality and preparation of and compliance with a farm management plan prepared under Schedule 7.	Support in part.	The delineation of the orange and red zones has not occurred at a fine enough scale. It can be scientifically demonstrated that there are areas within the red and orange zones where "changes" should be allowed as those areas are not as over-allocated as the red or orange zoning indicates. Non-complying status would pose an inappropriately difficult threshold to "changes" in such circumstances. Restricted discretionary status would be more appropriate given the local variations within the red and orange zones, with discretion restricted to water quality matters.	Accept submission in part.
Fulton Hogan Limited	245.43	4.52	Delete Policy 4.52(b) or amend to circumscribe, with certainty, those values that are to be protected.	Support in part.	It would be useful for the unspecified Ngai Tahu values to be amended to refer to the Ngai Tahu Freshwater Policy. However, some parts of that policy are framed in too absolute a fashion to strive to avoid all adverse effects on	Accept submission in part by rewording Policy 4.52 so that (b) refers to having regard to Ngai Tahu

Submitter	Subn No.	LWRP ref	Submission	Support / Oppose	Reasons	Relief
					those values. The policy should be reframed to ensure that the values be "had regard to" rather than "not adversely affected".	values as articulated in the Ngai Tahu Freshwater Policy 1999.
Waitaki Irrigators Collective Limited	288.41 288.42	5.44 4.45	Amend Rules 5.44 and 5.45 so that "changes" in the red and orange zones are restricted discretionary activities.	Support.	The delineation of the orange and red zones has not occurred at a fine enough scale. It can be scientifically demonstrated that there are areas within the red and orange zones where "changes" should be allowed as those areas are not as over-allocated as the red or orange zoning indicates. Non-complying status would pose an inappropriately difficult threshold to "changes" in such circumstances. Restricted discretionary status would be more appropriate given the local variations within the red and orange zones, with discretion restricted to water quality matters.	Accept submission.