

BEFORE THE INDEPENDENT COMMISSIONERS

SUBMITTER NO: 0347

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of the Proposed Canterbury Land
and Water Regional Plan

**MEMORANDUM OF COUNSEL - SYNOPSIS OF FISH AND GAME
PROPOSED FARMING RULES**

2 April 2013

**ANDERSON LLOYD
LAWYERS
DUNEDIN**

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1. Fish and Game have sought leave for an extension to submit planning evidence, for Hearing Group 2, by Phillip Percy, due to unforeseen personal circumstances.
2. As an interim measure, in order to give context to the evidence of Fish and Game's other Hearing Group 2 experts (Dr Cooke, Ms Dewes, Associate Professor Death and Dr Marsh), outlined below is a summary of the rule framework being proposed by Fish and Game for farming and associated discharges.
3. The proposed rules will have the following effect:
4. **Red and Orange Catchments**
 - a. Existing farming is a controlled activity if the sustainable leaching standard is met along with minimum practice standards specified in the rule.
 - b. Existing farming that cannot meet the sustainable leaching rate is a restricted discretionary activity if it meets the minimum practice standards, and achieves N Leaching reduction standards from (2011/12) leaching rates. Reductions may be achieved by trading.
 - c. Existing farming in catchments that do not comply with standards terms and conditions of the above rules are non-complying.
 - d. New farming in red catchments is non-complying.
 - e. New farming in orange catchments is a controlled activity if leaching at or below the sustainable leaching standard, and if minimum practice standards specified within the rule are met.
 - f. New farming in orange catchments that cannot meet the sustainable leaching rate are a restricted discretionary activity if minimum practice standards specified within the rule are met. This rule facilitates trading such that the total N leaching of all farms does not exceed the cumulative amount for all farms

participating in the trade set by the sustainable leaching standard.

- g. New farming in orange catchments that does not comply with standards terms and conditions of the above rules is non-complying.

5. **Blue and green catchments**

- a. New and existing farming is a controlled activity if leaching at or below the sustainable leaching rate and minimum practice standards specified in the rule are met.
- b. New and existing farming that cannot achieve the sustainable leaching standard is a restricted discretionary activity if the minimum practice standards specified in the rule are met. Matters of discretion include the maximum amount that can be leached from the property and measures to implement best management practices and reduce phosphorus, sediment, and faecal contaminant losses from the property.
- c. New and existing farming is non-complying if the standards and conditions of the two rules above are not met.

6. **Sustainable leaching standard** – 20 kgN/ha/yr.

7. Rules for **existing** farming to come into effect on a staged basis:

- a. Red catchments 2014.
- b. Orange catchments 2016.
- c. Blue and green catchments – 2017/2018.

DATED this 2nd day of April 2013

A handwritten signature in cursive script, appearing to read "Maree Baker".

Maree Baker-Galloway

Counsel for Fish and Game Councils