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Please find attached a submission lodged on behalf of Ravensdown Fertiliser Co-operative Ltd to proposed Variation 1 to the PCLWRP.

Please do not hesitate to contact me if you have any questions or points of clarification.

Regards

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SUBMISSION ON PROPOSED VARIATION 1 TO THE PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN

To: Chief Executive Officer
Environment Canterbury
P O Box 345,
Christchurch 8140

Submission on: Proposed Variation 1 to the Proposed Canterbury
Land & Water Regional Plan (PCLWRP)

Name of Submitter: Ravensdown Fertiliser Co-operative Limited
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1. The specific provisions of the proposed plan change that Ravensdown's submission relates to are:

Proposed Variation 1 to the Proposed Canterbury Land & Water Plan as included in the attached submission below.

2. Trade Competition

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

3. Ravensdown's submission is:

Refer to submission points below. The relief sought by Ravensdown are also outlined in the submission points below.

4. Ravensdown wishes to be heard in support of this submission.

Ravensdown would be prepared to present a joint case with others that have made similar submissions at a hearing.



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Chris Hansen
Authorised Agent for Ravensdown Fertiliser
Co-operative Ltd
21 March 2014

SUBMISSION ON PROPOSED VARIATION 1 TO THE PROPOSED CANTERBURY LAND & WATER REGIONAL PLAN

1 Ravensdown's interest in the Canterbury Region

The following submission is made on behalf of Ravensdown Fertiliser Co-operative Ltd (Ravensdown) to Proposed Variation 1 to the Proposed Canterbury Land & Water Regional Plan (PCLWRP). The period for submission closes on 21 March 2014.

Ravensdown owns and operates three fertiliser-manufacturing plants in Ravensbourne (Dunedin), Hornby (Christchurch) and Awatoto (Napier). Ravensdown also operates 46 bulk fertiliser stores throughout NZ, and has an interest in a further 70 consignment fertiliser stores which are operated by third parties in which Ravensdown products are stored.

In addition to these facilities, Ravensdown operates a number of quarries that mine and process agriculture lime in various parts of New Zealand.

Ravensdown takes an interest in regional and district plans from two perspectives – how plan provisions affect their own manufacture and storage activities, and how the plan provisions may affect the users of their products. When considering plans Ravensdown wishes to ensure planning provisions are enabling and are not unduly restrictive.

In this context, Ravensdown is mindful that the purpose of the Resource Management Act 1991 (RMA) is to promote the sustainable management of natural and physical resources, while achieving a number of outcomes, including avoiding, remedying or mitigating the actual or potential adverse environmental effects of an activity. Ravensdown therefore seeks for policies and plans to recognise that the RMA enables activities and anticipates environmental effects will occur, so long as these effects are managed to levels considered acceptable by the community. The RMA does not anticipate no development or zero effects from activities.

2 General Comment on Variation 1 to the Proposed Plan

Ravensdown has had a close involvement in the preparation of the Proposed Canterbury Land & Water Regional Plan (PCLWRP), and has more recently followed the Zone Committee process for the preparation of provisions to be included (through Variation 1) in the Selwyn-Waihora Sub-regional Section 11 of the PCLWRP. Ravensdown generally supports the direction and findings of the Zone Committee, and the outcomes sought included in the "*Selwyn Waihora ZIP Addendum; October 2013*".

For the preparation of this submission Ravensdown has also reviewed the Section 32 Evaluation Report (February 2014). While overall it supports the intent of Variation 1 to the PCLWRP, there are a number of inconsistencies between the findings of the ZIP, the s.32 Evaluation Report and the provisions of Variation 1 that it wishes to address through this submission. Ravensdown also questions the timing of Variation 1.

Of particular interest are the following matters:

- Phosphorus Loss –
 - Point source vs diffuse
 - Reducing the phosphorus load in the catchment by 50%
 - Use of Good Management Practices (GMP) to manage phosphorus loss
 - Information requirements
 - Phosphorus module in OVERSEER
 - Property Discharge Allowances (PDA)
- Nitrogen Loss –
 - Incorporating the results of the Matrix of Good Management (MGM) project into the PCLWRP
 - Consistency with Variation 1 rules and PCLWRP rules
 - Capacity of industry to prepare Nutrient Budgets for all farms, both to establish nutrient baselines and on an ongoing annual basis and the capacity of Council to review and audit Nutrient Budgets
 - Similarly the capacity for industry to prepare Farm Environment Plans and for Council to review these plans
 - The definition of ‘farming activity’
 - The default position of not exceeding a property nutrient baseline in the rules

3 General Submission Points

Ravensdown has assessed Variation 1 and wishes to raise the following ‘General Matters’ that apply to a number of provisions or are matters that raise questions that require some consideration.

Matrix of Good Management (MGM) Project

Ravensdown is aware of and supports Environment Canterbury (the Council) and the Primary Sector Industry undertaking the MGM Project to define nitrogen and phosphorus losses under Good Management Practice (GMP). Ravensdown understands that the results from the MGM project will be available in mid-2015. These results will allow the farmer to assess and compare nitrogen and phosphorus losses under agreed GMP and will allow Council to have the ability to assess compliance at a farm and at a Catchment scale.

Notwithstanding this support for the MGM Project, Ravensdown questions the timing of Variation 1 which requires farms to meet the MGM values for nitrogen and phosphorus loss, and then requiring further reductions beyond GMP, when the MGM Project has not been completed and therefore there are no nitrogen and phosphorus loss rates to compare a farms performance with. From this perspective, Variation 1 is pre-mature as the achievement of the required outcomes in Selwyn will highly depend on farms meeting GMP and then going beyond GMP.

It would make more sense to Ravensdown for Variation 1 to be introduced after the MGM numbers are ready to be included in the Selwyn sub-regional chapter, which would be mid-2015. If Council was to withdraw Variation 1 until the MGM numbers are available, the PCLWRP provisions would apply until then. In Ravensdown's view, these provisions provide adequate control of land uses, and are similar to the proposed nutrient management framework, in that a farm's nitrogen losses cannot exceed their 2009-2013 Baseline. The only difference is that (in general) the PCLWRP threshold is 20kg N and the Selwyn threshold is 15kg N. This seems a sensible and practicable interim solution.

If Council is of the mind to continue with Variation 1 in the absence of the MGM numbers, Ravensdown notes on Page 79 of the s.32 Evaluation Report that the Council propose a planning framework where the MGM numbers can be used to set conditions on nitrogen loss rates from 2017. However, Variation 1 does not include a mechanism for this proposal to occur. Ravensdown considers that Variation 1 should provide clarity on how the MGM numbers will be incorporated into the PCLWRP, and assumes that a further plan variation or change will be required.

In addition to the above, Ravensdown also raises issues with Policies 11.4.13 – 11.4.15 including GMP loss rates later in this submission. Ravensdown seeks for the removal of any reference to the GMP rates until they are available.

Ravensdown would seek:

- Council to withdraw Variation 1 until such time as the MGM Project numbers are available and re-notify the Variation at that point;
- If Council does not accept the above request, include a policy outlining that Council will introduce into the PCLWRP by variation or plan change the MGM numbers for the primary sectors once available in mid-2015;
- Remove from Policies 11.4.13 – 11.4.15 reference to GMP loss rates, as sought later in this submission.

Timeframes for Achieving GMP reductions

Ravensdown notes that there is variety of terms used in the policies regarding when GMP phosphorus and nitrogen loss rates are to be achieved. For example, Policy 11.4.13 states that from 1 January 2017 farming activities that leach >15kg N/ha/yr are required to meet the GMP nitrogen & phosphorus loss rates. Similarly, Policy 11.4.14 also states that the reductions from these nitrogen loss rates are required from 1 January 2022. Because a specific day is given from which rates are to be achieved, there is uncertainty regarding exactly when (after 1 January 2017 or 1 January 2022) the GMP nitrogen or phosphorus loss rates are to be met.

In contrast, Policy 11.4.15 says that if a farm is unable to meet the reductions required in Policy 11.4.14(b) by 2022 then an extension will be considered by Council. In this case only a year is stated, so presumably the farmer has until 31 December 2022 to comply.

Ravensdown considers any timeframes stated should be consistent between policies so that the intent and when the policy has to be achieved are clear.

Use of Nitrogen Baseline as a ‘Backstop’ Measure

Ravensdown is concerned there seems to be a ‘disconnect’ between the Nitrogen Baseline; Policy 11.4.13 and Rules 11.5.9 – 11.5.12. In particular Ravensdown understood that the purpose of the Nitrogen Baseline was to provide a benchmark for farms to be measured against, but the focus was on MGM numbers to be introduced for the different sectors, and the GMP be implemented to achieve the MGM numbers.

Ravensdown notes Policy 11.4.13 (and 11.4.14 for that matter) address nutrient losses to first meet the GMP rates from 1 January 2017 and then to go beyond GMP from 1 January 2022. There is no mention in these policies about exceeding the Nitrogen Baseline (as specified in Policy 11.4.12 (a)). Presuming that the GMP nitrogen and phosphorus loss rates are included by 1 January 2017 (given Policy 11.4.13), then under Rule 11.5.9 farming activities that lose over 15 kg N/ha/yr will need to meet the GMP nitrogen and phosphorus loss rates (as listed in Policy 11.4.13(b)) from 1 January 2017.

However, Ravensdown notes that Condition 3 of Rule 11.5.9 states that the use of land for a farming activity is a restricted discretionary activity if the nitrogen loss calculation exceeds the Nitrogen Baseline, and the matters of discretion for this rule include the GMP nitrogen and phosphorus loss rates that are required from 1 January 2017.

Ravensdown considers the policies imply that the Nitrogen Baseline is not important from 1 January 2017 as the GMP loss rates will take over from this date, but then the rules dictate that the use of land for farming activities, even after the GMP loss rates are introduced, will have to comply with their Nitrogen Baseline irrespective of what GMP dictates.

In fact, Ravensdown considers the Nitrogen Baseline is used as a ‘backstop’ in the rules, as any exceedence of the Nitrogen Baseline requires prohibited activity consent. This seems contrary to the intention of the Policies 11.4.13 – 11.4.15 that promotes the use of GMP without any indication that the Nitrogen Baseline cannot be exceeded.

For example, Policy 11.4.12 requires farming activities to ‘*not exceed the nitrogen baseline*’ if the property leaches >15kg N/ha/yr. Is this the over-riding nutrient management policy requirement in Variation 1, or is it only intended to apply until 1 January 2017 when the provisions in Policies 11.4.13 – 11.4.15 take over?

Ravensdown would seek for Council to:

- Clarify its intention to rely of GMP loss rate calculations as the means to achieve the water quality outcomes sought; and
- Change the activity status that apply to the use of land for farming activities that exceed the Nitrogen Baseline after 1 January 2017 from Prohibited to Non-complying; and

- Amend Policies 11.4.14 and 11.4.15 to address how the Nitrogen Baseline will be considered.

Phosphorus Discharge Allowances (PDA)

Ravensdown notes in Chapter 10.2 of the s.32 Evaluation Report (managing diffuse phosphorus from farming) Council acknowledges that due to the pathways for phosphorus contamination of waterways and lakes, managing phosphorus will require a different approach than managing nitrogen discharges (Page 99).

One of the options evaluated in the s.32 Evaluation Report is Phosphorus Discharge Allowances (PDA) (Option 3). The description of this Option states that a PDA would be set based on the loss rate anticipated under GMP; it will determine if the activity was a Permitted Activity or requires consent; and, like the GMP nitrogen loss rates, would be required to be met by 2017.

The evaluation of this Option (Pg. 105) states that a PDA would need to cover leaching and overland flow and that *“in order to set a numeric discharge allowance, the source, the pathway, the impact in the receiving environment, and how these change with various actions would need to be able to be reasonably articulated (numerically)”*. Council acknowledges in the s.32 Evaluation Report that the phosphorus module in OVERSEER is not as well developed as the nitrogen module, and following that say that in groundwater-dominated catchments like the Selwyn there is not yet an adequate pathway model connecting the source to the receiving environment. It also acknowledges that *“a reliable conceptual model of phosphorus movement in the catchment can therefore currently not be developed”*. Council conclude the evaluation of PDA’s by saying that there is currently not sufficient information and/or knowledge to set a PDA in the Selwyn Catchment.

Ravensdown strongly supports this evaluation, the acknowledgement that the phosphorus module in OVERSEER is not as well developed as the nitrogen module, and that there is not sufficient information and/or knowledge to set a PDA in the Selwyn Catchment.

In the s.32 Evaluation Report Council consider that managing phosphorus loss is best achieved by a combination of Codes of Practice (Option 4) and additional Farm Environment Plan (FEP) requirements (Option 2).

Notwithstanding the above, Variation 1 defines ‘*good management practice nitrogen and phosphorus loss rates*’ as a property discharge allowance based on soil, rainfall and farm type operating at GMP. In particular Policy 11.4.13 states that from 1 January 2017, where a property loses more than 15 kg N/ha/yr, a farm must meet the GMP nitrogen and phosphorus loss rates. This is also required under Rule 11.5.9 as a condition of the restricted discretionary consent (and presumably Rules 11.5.10 and 11.5.11 – after 1 January 2017).

In effect the s.32 Evaluation Report conclusions are contrary to the provisions included in Variation 1.

Ravensdown is unable to understand why this contradiction occurs, and seeks for Variation 1 to adopt the recommended s.32 Evaluation Report conclusion that managing phosphorus loss is best achieved by a combination of Codes of Practice (Option 4) and additional Farm Environment Plan requirements (Option 2) and delete the reference to GMP phosphorus loss rates in the policies. While Ravensdown accepts that the development of phosphorus loss rates under GMP may be an outcome of the MGM project, these rates should not be used for comparing against farm losses as a compliance mechanism due to OVERSEER's acknowledged current limitations.

4 Specific Submission Points

Plan Provision: Introductory Section – Key Resulting Actions (Page 4-3)

- *“Restricting the agricultural nitrogen load losses from the catchment;*
- *A 50 percent reduction in the catchment phosphorus load;*
- *Requiring all farming activities to operate at good management practice then make further improvements over time in managing nitrogen”*

The following paragraph states:

“The package of actions is significant but it will not achieve the catchment vision. Modelling indicates that to achieve the full vision for the lake under current land management techniques would require wholesale changes in land use in the catchment which would not enable people and communities to provide for their economic and social well-being. There is however, potential for further improvement in the management of irrigation and diffuse pollution as innovation continues to develop within the agricultural sector. This will provide the opportunity for continual improvement in the health of Te Waihora/Lake Ellesmere and water bodies in the catchment over time.”

Submission: Ravensdown wishes to comment on each of these 3 Key Resulting Actions as follows:

Restricting the agricultural nitrogen load losses from the catchment

While overall Ravensdown supports the intent of the Key Resulting Action to restrict agricultural nitrogen load losses from the catchment, it does raise in this submission some concerns about how the Nitrogen Baseline is to be used in the rules, as discussed above.

A 50 percent reduction in the catchment phosphorus load

Ravensdown is unclear how this Key Resulting Action will be achieved for phosphorus. While Ravensdown considers Variation 1 adopts mechanisms to manage nitrogen, it is still concerned that phosphorus is not managed accordingly, and that a 50% reduction in the catchment phosphorus load will not be achieved.

In particular, Ravensdown notes in Chapter 5 of the s.32 Evaluation Report that the technical assessment of the Selwyn Catchment only assesses nitrogen losses from diffuse (non-point)

sources (Section 5.8, page 35), while assessing the nitrogen and phosphorus losses from point sources (Section 5.9, page 38). Phosphorus loss from diffuse sources (such as farm runoff/leaching) is not assessed. This is considered an oversight because diffuse phosphorus losses are evaluated in Chapter 10.2 (page 99 onwards) of the s.32 Evaluation Report and are to be regulated under Policy 11.4.13 and Rules 11.5.9 to 11.5.11.

While overall Ravensdown supports a balanced approach to the management of nitrogen and phosphorus losses, it is concerned that if the assessment has not been undertaken of phosphorus losses from diffuse sources, and yet regulation is being introduced, then achieving the 50% reduction in the catchment may not be realistic.

Ravensdown seeks Council to review its approach to the management of phosphorus to attain a 50% reduction in the catchment load, as outlined in this submission.

Requiring all farming activities to operate at good management practice then make further improvements over time in managing nitrogen

Overall Ravensdown supports the intent of this Key Result Action for GMP to be the basis for managing nitrogen. However, as discussed above in relation to using the Nitrogen Baseline as a 'backstop', the current rule regime makes the use of land for farming activities that exceeds the Nitrogen Baseline prohibited activity which is not encouraging further improvements over time, but is constraining.

Ravensdown seeks Council to retain the Key Action Result as written, and amend the rule regime as request by Ravensdown later in this submission.

Relief Sought: Ravensdown seeks the following outcomes from Council:

- Retain the intent of the Key Resulting Action to restrict agricultural nitrogen load losses from the catchment, subject to addressing concerns about how the Nitrogen Baseline is to be used in the rules raised elsewhere in this submission
- Review its approach to the management of phosphorus to attain the Key Action Result 50% reduction in the catchment load, as outlined in this submission
- Retain the intent of the Key Action Result requiring all farming activities to operate at good management practice as written, subject to addressing concerns about how the Nitrogen Baseline is to be used in the rules raised elsewhere in this submission

Plan Provisions: (New Heading) 11.1A Selwyn-Waihora Sub-regional Section Definitions (Page 4-4)

“Baseline land use - means the land use, or uses, on a property between 1 July 2009 and 30 June 2013 used to determine a property’s ‘nitrogen baseline’ as defined in section 2.10 of this Plan.”

“Good Management Practice Nitrogen and Phosphorus Loss Rates - means nitrogen and phosphorus loss rates (in kilograms per hectare per annum) from a property (including losses

below the root zone of a property) for different soils, rainfall and farm type operating at good management practice.”

Submission: Ravensdown wishes to make the following comments on the definitions above, and seeks a new definition of *‘farming activity’*.

‘Baseline Land Use’

Ravensdown is unclear what the definition is trying to describe, and whether the definition is required or appropriate. While the only time the term is used is in Policy 11.4.13, in this context it appears to be trying to define a term that the Ravensdown understands the MGM Project partners themselves may not have yet defined, and it describes the MGM numbers that are yet to be determined. It may be more appropriate to introduce such a definition after it has been defined by the MGM Project partners and with the MGM numbers, if it is required at that stage. Ravensdown therefore considers the term is inappropriate, unclear and unnecessary, and should be deleted.

‘Good Management Practice Nitrogen and Phosphorus Loss Rates’

Ravensdown’s comments above regarding how the MGM numbers will be incorporated into the PCLWRP are relevant. In addition, the current definition of GMP nitrogen & phosphorus loss rates does not specify how the rate is to be determined – will it be by OVERSEER or some other mechanism? Ravensdown seeks clarity on this matter in the definition.

‘Farming Activity’

Ravensdown notes that in the s.32 Evaluation Report, the evaluation of Option 2 estimates that approx. 1900 properties leach less than 15 kg N/ha/yr and many of these are properties lifestyle blocks. However the policies and rules included in Variation 1 do not differentiate between land uses. Ravensdown considers there are practical and legal (RMA) implications for Council implementing Variation 1. Ravensdown considers a definition of the term *‘farming activity’* would assist with these concerns. A suggested definition of *‘farming activity’* would be:

“farming activity means the use of land for the production of primary products including agricultural, pastoral, horticultural and forestry products.”

Relief Sought: In relation to the definitions, Ravensdown seeks for council to:

- Delete the definition *‘Baseline Land Use’*
- Amends the definition of *‘Good Management Practice Nitrogen and Phosphorus Loss Rates’* to specify how the rate is to be determined
- Introduce a new definition *‘Farming activity’*

Plan Provision: 11.4 Policies – Policy 11.4.1 (Page 4-5)

“11.4.1 Manage water abstraction and discharges of contaminants within the entire Selwyn Waihora catchment to avoid cumulative effects on the water quality of Te Waihora/Lake Ellesmere and flow of water in springs and tributaries flowing into Te Waihora/Lake Ellesmere.”

Submission: Overall Ravensdown supports the approach to manage discharges of contaminants at a catchment level to avoid cumulative effects on the water quality of Te Waihora/Lake Ellesmere, subject to addressing matters raised in this submission.

Relief Sought: Ravensdown seeks Council to retain the intent of Policy 11.4.1, subject to addressing matters raised in this submission.

Plan Provision: 11.4 Policies Managing Land Use to Improve Water Quality – Policy 11.4.6 (Page 4-6)

“11.4.6 Limit the total nitrogen load entering Te Waihora/Lake Ellesmere by restricting the losses of nitrogen from farming activities, industrial and trade processes and community sewerage systems in accordance with the target (the limit to be met over time) and limits in Table 11(i).”

Submission: While overall Ravensdown supports the intent of the policy to limit the total nitrogen load entering Te Waihora/Lake Ellesmere by restricting the losses of nitrogen from farming activities, as discussed above it would be helpful to define ‘farming activities’ in order to be clear and focused on which activities will be controlled.

In addition, while Ravensdown understands the logic behind the 4,830 tonne/yr catchment load for nitrogen, it is not clear how the MGM numbers that are to be developed by 2015 will work in with achieving this target.

Relief Sought: Ravensdown seeks council to:

- Adopt a definition of ‘farming activities’ as discussed above
- Amend Policy 11.4.6 by replacing the term ‘restricting’ with the term ‘controlling’ to be consistent with s.30 of the RMA

Plan Provision: 11.4 Policies Managing Land Use to Improve Water Quality – Policy 11.4.12 (Page 4-6)

“11.4.12 Reduce discharges of nitrogen, phosphorus, sediment and microbial contaminants from farming activities in the catchment by requiring farming activities to:

- (a) Not exceed the nitrogen baseline where a property's nitrogen loss calculation is more than 15 kg of nitrogen per hectare per annum; and*
- (b) Implement the practices set out in Schedule 24; and*
- (c) Implement a Farm Environment Plan prepared in accordance with Schedule 7 Part A, from 1 July 2015, when a property is greater than 10 hectares and is within the Lake Area in the Cultural Landscape/Values Management Area; and*

(d) Exclude stock from drains, in addition to the regional requirements to exclude stock from lakes, rivers and wetlands.”

Submission: As already discussed above, Ravensdown considers a definition of ‘*farming activities*’ is essential to assist with the implementation of the policy.

In addition, and in line with earlier comments regarding how a 50% reduction in phosphorus in the catchment will be achieved, Policy 11.4.12 states that it intends to reduce phosphorus, but the requirements listed in (a) – (d) as a package only seem to have limited application to addressing phosphorus loss. Ravensdown therefore questions how such a large reduction (50%) is to be achieved through only limited mechanisms addressing phosphorus loss.

In addition, it is not clear to Ravensdown the relationship between Policy 11.4.12 (which is ‘over-arching’ in nature and has no timeframes) and Policies 11.4.13 – 11.4.16 which have specific provisions and timeframes. In particular Ravensdown seeks clarification as to whether the requirements of Policy 11.4.12 prevail over the requirements and timeframes included in Policies 11.4.13 – 11.4.16 once they are implemented.

Relief Sought: Ravensdown seeks Council to:

- Adopt a definition of ‘*farming activities*’ as discussed above;
- Review Policy 11.4.12 to also focus on the management of phosphorus loss;
- Clarify the relationship between Policy 11.4.12 and Policies 11.4.13 – 11.4.16 and in particular whether the requirements of Policy 11.4.12 prevail over the requirements and timeframes included in Policies 11.4.13 – 11.4.16 once they are implemented.

Plan Provision: 11.4 Policies Managing Land Use to Improve Water Quality – Policy 11.4.13 (Page 4-6/7)

“11.4.13 From 1 January 2017, further reduce discharges of nitrogen, phosphorus, sediment and microbial contaminants from farming activities in the catchment by requiring farming activities to:

(a) Implement a Farm Environment Plan prepared in accordance with Schedule 7 Part A, where a property is greater than 50 hectares; and

(b) Where a property's nitrogen loss calculation is greater than 15 kg of nitrogen per hectare per annum, meet the Good Management Practice Nitrogen and Phosphorus Loss Rates for the property's baseline land use.”

Submission: Comment made above regarding the timing to reduce discharges and the definition of ‘*Baseline land use*’ discussed above applies.

In addition, Ravensdown wishes to make the following comments in regards to Policy 11.4.13:

Capacity of industry to prepare FEP's from 1 January 2017

Ravensdown notes that according to the s.32 Evaluation Report, approx. 1900 farms currently leach greater than 15 kg N/ha/yr and be required to prepare FEPs. Ravensdown is concerned that there is not enough capacity within the industry for the preparation of these plans. Ravensdown estimates that the preparation of a FEP would take on average 16 hours meaning over 30,400 hours of staff time would be required for the preparation of 1900 FEPs (or 16.5 FTEs). Ravensdown currently has 1 FTE in Canterbury, and is intending to increase its capacity in the future.

Ravensdown also questions whether Council also has the resources or capacity to monitor and review FEPs, as well as capacity of FEP auditors.

Compliance with GMP P loss rate

As discussed in the General Comments above, the evaluation in Chapter 10.2 of the s.32 Evaluation Report concluded that managing phosphorus loss is best achieved by a combination of Codes of Practice (Option 4) and additional FEP requirements (Option 2). One of the key reasons is that OVERSEER currently has limitations for assessing phosphorus loss for compliance purposes as it does not indicate spatially where the phosphorus losses are. The current wording of Policy 11.4.13 is contrary to that conclusion as it adopts Option 3.

Ravensdown considers this is a significant flaw in the wording of the policy, and seeks the removal of the need to comply with the GMP phosphorus loss rates from Policy 11.4.13.

Relief Sought: Ravensdown seeks Council to:

- Review Council’s ability to review and audit FEPs, while also noting the ability of the industry to prepare these FEPs
- Delete the reference to GMP nitrogen and phosphorus loss rates (as discussed in the ‘General Matters’ section above) until the MGM Project is completed, and adoption of an approach consistent with the findings of the s.32 Evaluation Report
- Clarity regarding exceeding the nitrogen baseline from 1 January 2017

Plan Provision: 11.4 Policies Managing Land Use to Improve Water Quality – Policy 11.4.14 (Page 4-7)

“11.4.14 From 1 January 2022, to achieve the water quality limits in Section 11.7.3 require farming activities to:

- (a) Implement a Farm Environment Plan prepared in accordance with Schedule 7 Part A, where a property is greater than 20 hectares; and*
- (b) Where a property's nitrogen loss calculation is greater than 15 kg of nitrogen per hectare per annum, make the following further percentage reduction in nitrogen loss rates, beyond those set out in Policy 11.4.13(b), to achieve the catchment target for farming activities in Table 11(i):*
- (i) 30% for dairy*
- (ii) 22% for dairy support; or*

- (iii) 20% for pigs; or*
- (iv) 13% for irrigated sheep, beef or deer; or*
- (v) 10% for dryland sheep and beef; or*
- (vi) 7% for arable; or*
- (vii) 5% for fruit, viticulture or vegetables; or*
- (viii) 0% for any other land use.”*

Submission: Comment made above regarding the timing to reduce discharges discussed in the General Matters’ section above applies.

Furthermore, Ravensdown is unclear how Council assessed that the reductions identified beyond the GMP nitrogen loss rates (MGM) will achieve the catchment target in Table 11(i) when those loss rates have yet to be established.

In addition, Ravensdown notes that the ZIP Addendum (October 2013) recommended (amongst other things) that land users discharging more than 15 kgN/ha/yr are required to make about 15 - 20 % improvement on GMP loss rates by 2022 (Page 2). Ravensdown therefore questions the merit and basis for requiring dairy farming to achieve a further 30% reduction in nitrogen loss.

Relief Sought: Ravensdown seeks for Council to:

- Verify its assessment that has determined these further percentage reductions in nitrogen loss rates when the MGM numbers have not yet been determined;
- Amend the further reduction loss for dairy farming to 20% to be consistent with the recommendations of the ZIP Addendum.

Plan Provision: 11.4 Policies Managing Land Use to Improve Water Quality – Policy 11.4.15 (Page 4-7)

“11.4.15 In circumstances where the reductions required in Policy 11.4.14(b) are unable to be achieved by 2022, any extension of time to achieve the reductions will be considered having regard to:

- (a) The implications on achieving the catchment nitrogen load target in Table 11(i) by 2037;*
- and*
- (b) The nature of any proposed steps to achieve the reduction; and*
- (c) The sequencing, measurability and enforceability of any steps proposed.”*

Submission: Comment made above regarding the timing to reduce discharges discussed above applies. Overall Ravensdown supports the intent of the policy to provide an extension, subject to clarification of the timing.

Relief Sought: Ravensdown seeks Council to retain the intent of the policy to provide an extension, subject to clarification of the timing as discussed above.

Plan Provision: 11.4 Policies Managing Land Use to Improve Water Quality – Policy 11.4.16 (Page 4-7)

“11.4.16 Despite Policy 11.4.14 and 11.4.15, from 2037 no property or farming enterprise shall leach more than 80 kg of nitrogen per hectare per annum.”

Submission: Comment made above regarding the timing to reduce discharges discussed above applies. Ravensdown considers the 80 kg/N/ha/yr number is arbitrary and may be inconsistent with a nitrogen loss allocation in an irrigation scheme (see 11.4.17 below).

Relief Sought: Ravensdown seeks Council to retain the intent of the policy to provide an upper nitrogen loss limit, subject to clarification of the appropriateness of the 80 kg/N/ha/yr number and the question of timing as discussed above.

Plan Provision: 11.4 Policies Managing Land Use to Improve Water Quality – Policy 11.4.17 (Page 4-7)

“11.4.17 To achieve the farming activity water quality targets in Section 11.7.3 require all farming activities within the command area of any Irrigation Scheme listed in Table 11(j), where they are irrigated with water from the Scheme:

- (a) To collectively not exceed the Irrigation Scheme Nitrogen Limits in Table 11(j); and*
- (b) Where properties convert from dry land to irrigated land use, the nitrogen loss rates from the outset shall be managed in accordance with Policy 11.4.14(b).”*

Submission: Ravensdown is concerned that the reductions from MGM cannot be achieved immediately because the MGM numbers are not available for at least another 12-18 months. It is therefore not clear how a farm converting under the scenario listed in (b) will be able to comply with Policy 11.4.14(b)

Relief Sought: Ravensdown seeks Council to provide clarity on the implications of complying with (b) if the nitrogen loss rates referred to in Policy 11.4.14(b) are not available (for another 12 – 18 months) if a property converts under the scenario suggested in 11.4.17 before then.

Plan Provision: 11.5 Rules Nutrient Management, Sediment and Microbial Contaminants – Rule 11.5.6 (Page 4-12)

“11.5.6 Despite any of Rules 11.5.7 to 11.5.13, the use of land for a farming activity in the Selwyn Waihora catchment is a permitted activity provided the following conditions are met:

- 1. The property is less than 5 hectares; and*
- 2. The nitrogen loss calculation for the property does not exceed 15 kg per hectare per annum.”*

Submission: Ravensdown considers that the current wording of Rule 11.5.6 is not consistent and conflicts with PCLWRP Rule 5.41 and the s.32 evaluation. Ravensdown notes that the s.32 Evaluation Report states that the framework for Option 2 has exceptions – farming activities where nitrogen loss is less than 15 kg N/ha/yr or the property is less than 5 hectares (page 80). In addition it states that this is like the regional rules in the PCLWRP.

However, Rule 11.5.6 states that, to be a permitted activity, the property needs to be less than 5 hectares and the nitrogen loss does not exceed 15 kg N /ha/yr. This is inconsistent with the PCLWRP Rule 5.41, and the s.32 Evaluation Report.

Relief Sought: Ravensdown seeks Rule 11.5.6 to be amended as follows (~~strikeout~~ word to be deleted; underlined word to be included):

“11.5.6 Despite any of Rules 11.5.7 to 11.5.13, the use of land for a farming activity in the Selwyn Waihora catchment is a permitted activity provided the following conditions are met:

- 1. The property is less than 5 hectares; ~~and~~or*
- 2. The nitrogen loss calculation for the property does not exceed 15 kg per hectare per annum.”*

Plan Provision: 11.5 Rules Nutrient Management, Sediment and Microbial Contaminants – Rule 11.5.7 (Page 4-12)

“11.5.7 Until 1 January 2017 the use of land for a farming activity in the Selwyn Waihora catchment is a permitted activity provided the following conditions are met:

- 1. The nitrogen loss calculation for the property does not exceed 15 kg per hectare per annum; or*
- 2. The nitrogen loss calculation for the property is greater than 15 kg per hectare per annum and the nitrogen loss calculation for the property or farm enterprise will not increase above the nitrogen baseline; and*
- 3. The Practices in Schedule 24 are being implemented and the information required is recorded in accordance with Schedule 24, and supplied to Canterbury Regional Council on request; and*
- 4. From 1 July 2015, for properties within the Lake Area in the Cultural Landscape/Values Management Area a Farm Environment Plan has been prepared and implemented in accordance with Schedule 7 Part A for all properties greater than 10 hectares.”*

Submission: Ravensdown supports the permitted activity provisions of Rule 11.5.7.

Relief Sought: Ravensdown seeks Council to retain Rule 11.5.7 as it is currently written.

Plan Provision: 11.5 Rules Nutrient Management, Sediment and Microbial Contaminants – Rule 11.5.8 (Page 4-12)

“11.5.8 From 1 January 2017, the use of land for a farming activity in the Selwyn Waihora catchment is a permitted activity, provided the following conditions are met:

1. *The nitrogen loss calculation for the property does not exceed 15 kg per hectare per annum; and*
2. *A Farm Environment Plan has been prepared and implemented in accordance with Schedule 7 Part A for all properties greater than 10 hectares within the Lake Area in the Cultural Landscape/Values Management Area, and is supplied to Canterbury Regional Council on request; and*
3. *A Farm Environment Plan has been prepared and implemented in accordance with Schedule 7 Part A for all properties greater than 50 hectares, and is supplied to Canterbury Regional Council on request;*
4. *For properties less than 50 hectares but greater than 20 hectares:*
 - (a) *Until 31 December 2021, the Practices in Schedule 24 are being implemented; and*
 - (b) *From 1 January 2022, a Farm Environment Plan has been prepared and implemented in accordance with Schedule 7 Part A.”*

Submission: Similar to the discussion above in relation to Policy 11.4.13, Rule 11.5.8 says that from 1 January 2017 farms greater than 50 ha in area require a FEP (only if nitrogen loss is greater than 15 kg N/ha/yr). Ravensdown understands that Council estimate that there are approx. 780 properties larger than 50 ha in the catchment, although some of these will be extensive farms and not leach more than 15kg N/ha/yr. Ravensdown understands this provision will add approx. 500 more farms to the FEP requirement. Ravensdown is concerned that there will still be a sizeable number of farms in the catchment requiring a FEP from 1 January 2017, and this has implications for the capacity of the industry to prepare these plans. Ravensdown is unclear what position Council might take if a farmer is proactive and tries to obtain a FEP but due to a lack of capacity within the industry to prepare the FEP has a delay that pushes the date beyond 1 Jan 2017. In this scenario the farmer could be considered to be non-compliant with Clause 2 or 3 of Rule 11.5.8 meaning that their farming activity is considered to be a non-complying activity under Rule 11.5.11.

Relief Sought: Ravensdown seeks confirmation from Council that farmers will not be penalised if the industry cannot cope with the demand to prepare FEP's or Council's ability to review and audit these plans.

Plan Provision: 11.5 Rules Nutrient Management, Sediment and Microbial Contaminants – Rule 11.5.9 (Page 4-12/13)

“11.5.9 From 1 January 2017, the use of land for a farming activity in the Selwyn Waihora catchment is a restricted discretionary activity, provided the following conditions are met:

1. *The nitrogen loss calculation for the property is greater than 15 kg per hectare per annum; and*
2. *A Farm Environment Plan has been prepared in accordance with Schedule 7 Part A; and*
3. *The nitrogen loss calculation for the property has not increased above the nitrogen baseline.*

The exercise of discretion is restricted to the following matters:

1. *The quality of, compliance with the Farm Environment Plan; and*
2. *The Good Management Practice Nitrogen and Phosphorus Loss Rates to be applied to the property in accordance with Policy 11.4.13(b); and*
3. *The nitrogen loss rates to be applied to the property in accordance with Policy 11.4.14 (b), Policy 11.4.15 and Policy 11.4.16; and*
4. *The nitrogen load target for farming activities in Table 11(i); and*
5. *The potential benefits of the activity to the applicant, the community and the environment.”*

Submission: While overall Ravensdown supports the restricted discretionary activity status, the comments and changes sought by Ravensdown above in relation to timeframes; the requirement for phosphorus loss rates to be met in Policy 11.4.13(b); and the further percentage reduction in nitrogen loss rates included in Policy 11.4.14(b) are relevant to this rule.

Relief Sought: Ravensdown seeks Council to retain the restricted discretionary status of Rule 11.5.9, and amend the rule by:

- Clarifying the timeframe issue raised
- Deleting the requirement for GMP phosphorus loss rates to be applied in matter of discretion 2.
- Amendments to Policy 11.4.14(b) as sought above

Plan Provision: 11.5 Rules Nutrient Management, Sediment and Microbial Contaminants – Rules 11.5.12 – 11.5.13 (Page 4-13)

“11.5.12 The use of land for a farming activity or farming enterprise that does not comply with condition 2 of Rule 11.5.7, condition 3 of Rule 11.5.9 or condition 2 of Rule 11.5.10 is a prohibited activity.”

“11.5.13 From 1 January 2037, the use of land for a farming activity or farming enterprise where the nitrogen loss calculation for the property is greater than 80 kg per hectare per annum is a prohibited activity.”

Submission: Ravensdown has two of concerns regarding these rules. Firstly, as discussed in the General Submissions section above, Ravensdown is concerned that the nitrogen baseline is being used as the ‘backstop’ rather than the adoption of GMP as proposed in the policies. Secondly, Ravensdown opposes in principle Variation 1 assigning prohibited activity status to the use of land for a farming activity or a farm enterprise where the nitrogen loss calculation exceeded the nitrogen baseline, or the 80kg N/ha/yr threshold included in Policy 11.4.16. Such an approach is considered to be overly restrictive, unnecessary and inappropriate.

Relief Sought: Ravensdown seeks Council to amend the activity status of Rules 11.5.12 and 11.5.13 to non-complying activity.

Plan Provision: 11.7.3 Water Quality Limits and Targets – Table 11 (i) (Page 4-34)

“11.7.3 Water Quality Limits and Targets(3)

The water quality limits in Tables 11(k) 11(l) and 11(m) prevail over the region wide limits in Schedule 8. The limits and targets in Tables 11(i) and 11(j) are additional limits for the Selwyn Waihora catchment.

Table 11(i): Catchment Target and Limits for Nitrogen Losses from Farming Activities, Community Sewerage Systems and Industrial or Trade Processes

Catchment	Activity	Nitrogen Load (tonnes/year)	Limit/Target
Selwyn Waihora	Farming	4830 ⁽⁴⁾	Target to be met by no later than 2037
	Community sewerage systems	62	Limit
	Industrial or trade processes	106	Limit

Submission: Overall Ravensdown supports the requirement for the target is to be achieved by 2037.

Relief Sought: Ravensdown seeks Council to retain the intent of Table 11(i) to require the target for farming to be met by 2037.

Plan Provision: 11.7.3 Water Quality Limits and Targets – Table 11 (j) (Page 4-35)

Table 11(j): Irrigation Scheme Nitrogen and Phosphorus Limits

Irrigation Scheme	Tonnes of nitrogen per year	
	From 1 January 2017	From 1 January 2022
Central Plains Water	1944	1742

Submission: The comments made by Ravensdown on Policy 11.4.17 above apply here. Ravensdown is concerned that the reductions from MGM cannot be achieved immediately because the MGM numbers are not available for at least another 12-18 months. Ravensdown is not clear what happens where a farm converting from dryland to irrigated has to comply with the MGM numbers with the reduction immediately – how does this affect the load limit in the table?

Relief Sought: Ravensdown seeks clarification regarding how the load limit in Table 11 (j) might be affected if the MGM numbers are not available for another 12 – 18 months.

Plan Provision: (New Heading) 11.11 Schedules – Schedule 7 – Farm Environment Plan (Page 4-37/38)

“Schedules 1 to 23 apply in the Selwyn Waihora catchment. Additions apply to Schedules 7,10 and 13.

Schedule 7 – Farm Environment Plan

Within the Selwyn Waihora catchment Part B clause 2 shall include the following additional matter:

(1) The location of any known mahinga kai, wāhi tapu or wāhi taonga within any property located in the Cultural Landscape/Values Management Area.

Within the Selwyn Waihora catchment Part B clause 5(a) shall also include following:

- *Curtail the loss of phosphorus and sediment loss rate within the Phosphorus and Sediment Risk Zone.*
- *Achieve the Good Management Practice Nitrogen and Phosphorus Loss Rates from 2017.*
- *Further reduce nitrogen loss rate from 2022, where a property’s nitrogen loss calculation is greater than 15 kg of nitrogen per hectare per annum.”*

Submission: A number of matter discussed above are relevant to the matters included into Schedule 7. In particularly:

- What does ‘*curtail the loss of phosphorus*’ mean?
- How are the GMP phosphorus loss rates to be determined and what is the compliance mechanism?

Relief Sought: Ravensdown seeks Council to better define what ‘*curtail the loss of phosphorus*’ might mean, and to either delete the reference to GMP in the first instance, or if the reference to GMP is retained, delete the reference to nitrogen and phosphorus loss rates altogether (as discussed in the ‘General Matters’ section above) until the MGM Project is completed.

Plan Provision: Schedule 24 – Farm Practices – (a) Nutrient Management (Page 5-1)

“Add a new schedule 24 – Farm Practices as follows (shown underlined):

Schedule 24 – Farm Practices

(a) Nutrient Management:

(i) A nutrient budget based on soil nutrient tests has been prepared, using OVERSEER in accordance with the OVERSEER Best Practice Data Input Standards [2013], or an equivalent model approved by the Chief Executive of Environment Canterbury and is reviewed annually.

(ii) Fertiliser is applied in accordance with the Code of Practice for Nutrient Management [2007];

and either

(a) the Spreadmark Code of Practice; or

(b) With spreading equipment that is maintained and self-calibrated to Spreadmark Code of Practice standards.

(iii) Records of soil nutrient tests, nutrient budgets and fertiliser applications are kept and provided to the Canterbury Regional Council upon request”

Submission: While overall Ravensdown supports the intent of the provisions included in Schedule 24, it does question what is meant by ‘*and reviewed annually*’? It is not clear how Council will assess compliance with an annual nutrient budget, and the plan provisions do not require a nutrient budget to be submitted annually.

Relief Sought: Ravensdown seeks Council to clarify what is meant by the term ‘*and reviewed annually*’, how compliance with the annual nutrient budget will be assessed, and how the annual nutrient budget is to be provided to Council.