

Gay Gibson

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Sent: Monday, 9 June 2014 4:20 p.m.
To: Mailroom Mailbox
Cc: Gavin Kemble; Nigel Sadlier; Warwick Catto
Subject: TRIM: Ballance Agri Nutrients Limited - V1 pLWRP Further Submission
Attachments: FINAL_T2014-28_Ballance Agri-Nutrients Further Submissions to Variation 1 pL&WRPn_090614.pdf; ATT00001.htm; FINAL_T2014-28_Ballance Agri-Nutrients Further Submissions to Variation 1 pL&WRPn_090614.2.pdf; ATT00002.htm

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**FURTHER SUBMISSION TO PROPOSED VARIATION 1 TO THE PROPOSED
CANTERBURY LAND & WATER REGIONAL PLAN (FEBRUARY 2013)**

TO: Proposed Variation 1 to the Proposed
Canterbury Land & Water Regional Plan
(February 2014)
Environment Canterbury
PO Box 345
CHRISTCHURCH 8140

BY E-MAIL: mailroom@ecan.govt.nz

FURTHER SUBMISSION ON: **Proposed Variation 1 to the Proposed
Canterbury Land & Water Regional Plan
(February 2014)**

NAME OF SUBMITTER: Ballance Agri-Nutrients Limited

ADDRESS FOR SERVICE: Ballance Agri-Nutrients Limited
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Attention: Mr Nigel Sadlier

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1.0 INTRODUCTION

Ballance Agri-Nutrients Limited (hereafter referred to as '**Ballance**', or '**the Company**') made submissions to the provisions of Variation 1 ('**Variation 1**') to the Canterbury Land & Water Regional Plan ('**pLWRP**') in March 2014. Ballance's submissions (Council Submitter Number 52309) covered a range of topics relating to the Company's interests within the Selwyn Te Waihora Catchment. This information is not re-stated here.

Ballance has an interest in the various provisions and submission points that is greater than that of the general public.

Ballance wishes to be heard in support of its submissions and Further Submissions. If others make a similar submission Ballance would consider presenting a joint case with them at any hearing.

Ballance cannot gain an advantage in trade competition through this submission.

Ballance's further submissions and the reasons for the same are set out within the following table, entitled 'Further Submissions to Variation 1 to the pL&WRP'

Signature:

A handwritten signature in black ink, appearing to read 'Nigel Sadler', with a long horizontal flourish extending to the right.

Nigel Sadler, for and on behalf of Ballance Agri-Nutrients Limited

Date: 9th of June 2014

2.0 FURTHER SUBMISSIONS TO VARIATION 1 TO THE PROPOSED CANTERBURY LAND & WATER REGIONAL PLAN

Submitter Name / Submitter Number	Submission Number	Relevant Variation 1 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
Horticulture New Zealand 52267	V1pLWRP-1383	<p>Section 11 - Selwyn Waihora</p> <p><u>Submission Summary:</u></p> <p>Submitter seeks amendments to Section 11 by adding a new paragraph:</p> <p><u>Relief Sought:</u></p> <p><i>“Selwyn-Waihora is an important area for agriculture and food production which provides significant employment in the area, both on- farm and in processing and service industries. The social and economic wellbeing of the community is reliant on the agricultural industry and it is important that it is retained so that the communities can thrive.”</i></p>	Support	<p>The reasons for Ballance supporting this submission is:</p> <p>1) The Selwyn Te Waihora Zone Implementation Programme (‘ZIP’) sets out a number of priority outcomes including Priority Outcome 3a: “a. Thriving communities and sustainable economies”. Ballance concurs with the submitter that it is important that the description for the zone within Variation 1 adequately describes the importance of agriculture in the zone.</p>	<p>Ballance seeks:</p> <p>That Submission Number V1pLWRP-1383 be allowed.</p>
Horticulture New Zealand 52267	V1pLWRP-1419	<p>Schedule 7 – Farm Environment Plan</p> <p><u>Submission Summary:</u></p> <p><i>“The Variation seeks to amend Schedule 7 in the Proposed Land and Water Plan by applying additional matters to the Selwyn Waihora catchment. These include achieving the Good Management Practice Nitrogen and Phosphorus Loss Rates from 2017.</i></p> <p><i>As stated elsewhere in this submission the Good Management Practice Nitrogen and Phosphorous</i></p>	Support (in part)	<p>The reasons for Ballance's support (in part) for this submission is:</p> <p>1) Ballance’s submission point (V1pLWRP-783) raised similar concerns to the submitter, that presently good management practice, as this relates to phosphorus and sediment loss, is not defined. Ballance, therefore, considers that the Council should advance further work to define what constitutes good</p>	<p>That Submission Number V1pLWRP-1419 (as this relates to deleting “Achieve the Good Management Practice Nitrogen and Phosphorus Loss Rates from 2017”) be allowed.</p>

¹ at page 79

Submitter Name / Submitter Number	Submission Number	Relevant Variation 1 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
		<p><i>Loss Rates ('GMPNPLR') are not yet known and the effects have not been assessed. Therefore it is inappropriate to include these within Variation 1."</i></p> <p><u>Relief Sought:</u></p> <p>Delete Schedule 7 bullet point 2 'Achieve the Good Management Practice Nitrogen and Phosphorus Loss Rates from 2017.'</p>		<p>management practice as this relates to phosphorus and sediment loss within the catchment.</p> <p>2) The section 32 report supporting Variation 1 sets out¹ that the Council is leading a Matrix of Good Management Project (the 'MGM') with a wide range of industry and other organisations, the objective of which is to develop and set outcome agreed table of nitrogen losses for farm systems across Canterbury. Ballance understands that the MGM is to be completed by mid-2015 and will be used to support a planning framework whereby it will be used to set conditions on nitrogen leaching loss rates across Canterbury (for 2017 then apply percentage reductions to derive a loss rates from 2022).</p> <p>3) While it is acknowledged that the introduction of "Achieve the Good Management Practice Nitrogen and Phosphorus Loss Rates from 2017" into Schedule 7 implies that this will not be triggered until 2017, at which time good management practice for phosphorus and sediment loss for the Selwyn Waihora catchment should be better defined, the Company considers that it is premature to seek</p>	

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				<p>this amendment to Schedule 7 at this point in time.</p> <p>4) Ballance considers that until such time Good Management Practice is better defined, that those management outcomes set out in Schedule 24 of Variation 1 be used to inform Good Management Practice Nitrogen and Phosphorus Loss Rates. Further, the Company considers that as part of the Matrix of Good Management Project, good management practices for phosphorus and sediment discharges within the Selwyn-Waihora catchment are further investigated and that, where necessary, that any outcomes of this further work is included in Section 11 - Selwyn-Waihora of the pLWRP by way of a Variation or Plan Change in accordance with Schedule 1 of the Resource Management Act 1991 ('RMA').</p>	
Jane Demeter Submitter Number 52312	V1pLWRP-1021, V1pLWRP-1022, V1pLWRP-1017, V1pLWRP-1018, V1pLWRP-1019	<p>Various Provisions within Variation 1 are identified within the Summary of Decision Requested and include:</p> <p>Schedule 7 – Farm Environment Plan (V1pLWRP-1021)</p>	Oppose	<p>The reasons for Ballance's opposing submission is:</p> <p>1) The Company notes that Farm Environment Plans ('FEPS') have been found by the Commissioners</p>	<p>Ballance seeks:</p> <p>That Submission Numbers V1pLWRP-1021, V1pLWRP-1022, V1pLWRP-1017,</p>

Submitter Name / Submitter Number	Submission Number	Relevant Variation 1 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
		<p>Schedule 24 – Farm Practices (V1pLWRP-1022); Policy 11.4.12 (V1pLWRP-1017); Policy 11.4.13 (V1pLWRP-1018); Policy 11.4.14 (V1pLWRP-1019).</p> <p><u>Submission Summary:</u></p> <p>The submitter states “[t]oo much reliance appears to be placed on farm plans and good management practice to effect the needed change in land use practice.”</p> <p><u>Relief Sought:</u></p> <p>No specific decision requested.</p>		<p>appointed to hear the submissions and further submissions to the L&WRP to be appropriate and to give effect to a number of Policies (4.40 and 4.41) under the L&WRP.² Further, the Commissioners found “that the preparation and implementation of farm specific FEPs would be an effective and efficient way of minimising nutrient losses and achieving the objectives of the LWRP. The use of the FEP is more appropriate than a general imposition of relatively arbitrary leaching rate limits which may or may not be achievable by individual farms in a cost- effective manner.”³</p> <p>2) This is supported by Policy 4.40 of the L&WRP which states:</p> <p>“Farm Environment Plans are used as a primary means of identifying and delivering good environmental practice across a range of farm activities, including nutrient loss management, efficient and effective use of water for irrigation, riparian management, stock movements across waterways, offal and farm rubbish pits, the storage and application of</p>	<p>V1pLWRP-1018, V1pLWRP-1019 be disallowed.</p>

² paragraph 236

³ paragraph 236

Submitter Name / Submitter Number	Submission Number	Relevant Variation 1 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
				<p><i>effluent and fertiliser use.”</i></p> <p>3) The use of FEP’s and audited self management approach and associated implementation timeframes to give effect to change within the respective nutrient management zones across the region, including Selwyn Te Waihora, is therefore recognised as an acceptable solution for arresting nutrient management issues for the Canterbury Region.</p>	
Jane Demeter Submitter Number 52312	V1pLWRP-1008, V1pLWRP-1012, V1pLWRP-1014, V1pLWRP-1015	<p>Various Provisions within Variation 1 are identified within the Summary of Decision Requested and include:</p> <p>11.4.6 (V1pLWRP-1008), 11.4.21 (V1pLWRP-1012), 11.4.15 (V1pLWRP-1014),</p> <p>(New Heading) 11.7 Environmental Flow and Allocation Regime and Water Quality Targets/Limits (V1pLWRP-1015).</p> <p><u>Submission Summary:</u></p> <p>The Submitter seeks shorter timeframes for achieving the nutrient loads and water quality limits to limit the risk of not meeting NPS Freshwater Management requirements and Canterbury Water Management Strategy targets (timeframes are not</p>	Oppose	<p>The reasons for Ballance's opposing submission is:</p> <p>1) The Company notes that as with the farming provisions contained within pLWRP, Variation 1 requires all farming activities to demonstrate compliance with their ‘nitrogen baseline’ and (under Rule 11.5.7(3)) requires each property to be assessed in accordance with Schedule 24 supporting Variation 1, in the short term, and for the implementation of FEPs beyond 2017.⁴</p> <p>2) The logistical constraints of implementing these outcomes over a shorter timeframe, as requested by the submitter, would, in the Company’s opinion, be impractical.</p>	<p>Ballance seeks:</p> <p>That Submission Numbers V1pLWRP-1008, V1pLWRP-1012, V1pLWRP-1014, V1pLWRP-1015 be disallowed.</p>

⁴ As per the requirements of rules 11.5.8(3) and 11.5.9(2)

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		<p>specified).</p> <p><u>Relief Sought:</u></p> <p>No specific decision requested.</p>		<p>The Council seems to have recognised this challenge within Variation 1, which is advancing a regime whereby Farm Environment Plans will be progressively produced between the 1st of July 2015 and the 1st of January 2022. This is, in the Company's opinion, appropriate.</p> <p>3) Given the foregoing, the Company seeks that the submissions seeking a shorter implementation timeframe for achieving nutrient load limits be disallowed.</p>	
<p>Nga Rūnanga and Te Rūnanga O Ngāi Tahu ('Ngai Tahu')</p> <p>Submitter Number 52233</p>	<p>V1pLWRP-430</p>	<p>Rule 11.5.8</p> <p><u>Submission Summary:</u></p> <p>The submitter supports the use of FEP's as a management tool for addressing water quality issues. However, considers that from 2017 the quality of these need to be assessed via the consenting regime. Therefore, the submitter requests that Rule 11.5.8 needs to be amended from a permitted activity to a Restricted Discretionary Activity.</p> <p><u>Relief Sought:</u></p> <p>Amend Rule 11.5.8 as follows: <i>"From 1 January 2017, the use of land for a farming activity in the Selwyn-Waihora catchment is a permitted <u>Restricted Discretionary</u> activity, provided the following conditions are met: AND</i></p>	<p>Oppose</p>	<p>The reasons for Ballance's opposing submission is:</p> <ol style="list-style-type: none"> 1) The Company considers that the audited self management and audit review processes provided for under Schedule 7 of the L&WRP and Schedule 24 of Variation 1 are appropriate and will likely promote the production of FEPs which accord with the direction set out within these respective schedules. The Company sees no need for FEPs to be audited through a resource consent process. 2) Further, Ballance notes that a number of the matters that the submitter has set out under the matters that the Council has restricted its discretion already form part of Schedule 24 of 	<p>Ballance seeks:</p> <p>That Submission Number V1pLWRP-430 be Disallowed.</p>

Submitter Name / Submitter Number	Submission Number	Relevant Variation 1 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
		<p>Delete condition 1 1. The nitrogen loss calculation for the property does not exceed 15 kg per hectare per annum; and AND Add a new condition <u>The farming activity is greater than 50 hectares in area; and AND</u> Replace Condition 2 with 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 Cultural Landscape/Values Management Area, and supplied to Canterbury Regional Council on request; and <u>The farming activity is not located within the Cultural Landscape/Values Management Area; and AND</u> Amend Condition 3 3. A Farm Environment Plan has been prepared and implemented in accordance with Schedule 7 Part A for all properties greater than 50 hectare, and is supplied to Canterbury Regional Council on request; AND Delete condition 4 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. AND Add a new condition <u>The farming activity is not irrigated with water from an irrigation scheme.</u> Add new matters of discretion for amended Rule 11.5.8: <u>The exercise of discretion is restricted to the</u></p>		<p>Variation 1 and Schedule 7 of the L&WRP. Further still, Schedule 7, imposes a requirement for the FEP to address environmental risks, risks specific to that property and measures necessary to address these effects and risks.</p> <p>3) Schedule 7 is extremely detailed in terms of the form and requirements of the Farm Environment Plan, and is specific as to the requirements of the auditor. The Farm Environment Plan Auditor must have a prescribed level of experience and hold one of two certificates (or be otherwise approved by the Chief Executive of the Canterbury Regional Council).</p> <p>4) Given the foregoing, Ballance considers that the permitted activity rules, as they relate to farming activities, are sufficiently robust so as to ensure that they achieve their intended outcomes.</p>	

Submitter Name / Submitter Number	Submission Number	Relevant Variation 1 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
		<p><u>following matters:</u></p> <p><u>1. The quality of and compliance with the Farm Environment Plan; and</u></p> <p><u>2. The effects of the activity on Ngāi Tahu Cultural Values; and</u></p> <p><u>3. Stock exclusion from waterways; and</u></p> <p><u>4. Whether the farming activity is meeting the nitrogen loss calculation, calculated using the Matrix of Good Management or some alternative method approved by Environment Canterbury; and</u></p> <p><u>5. The potential benefits of the activity to the applicant, the community and the environment.”</u></p>			
<p>Royal New Zealand Forest and Bird Protection Society ('Forest & Bird') Submitter Number 52265</p>	<p>V1pLWRP-1304, V1pLWRP-1248, V1pLWRP-1263, V1pLWRP-1271, V1pLWRP-1273, V1pLWRP-1274, V1pLWRP-1275</p>	<p>Various Provisions within Variation 1 are identified within the Summary of Decision Requested and include:</p> <p>11.5 Rules (V1pLWRP-1304), Whole Plan (V1pLWRP-1248), Policy 11.4.6 (V1pLWRP-1263), Policy 11.4.12 (V1pLWRP-1271), Policy 11.4.13 (V1pLWRP-1273), Policy 11.4.14 (V1pLWRP-1274), Policy 11.4.15 (V1pLWRP-1275).</p> <p><u>Submission Summary:</u></p> <p>Policies 11.4.6-11.4.11 & 11.4.12-11.4.15 & Rules 11.5</p> <p>The submitter contends that there needs to be an assurance that Council is able to monitor how these targets are tracking, and that provision be made for</p>	<p>Oppose</p>	<p>The reasons for Ballance opposing this is:</p> <ol style="list-style-type: none"> 1) The submitters proposed amendments are not required as the provisions of the RMA and the L&WRP (within Section 4) already provide mechanisms for the Council to undertake reviews to the relevant statutory planning instruments and/or resource consents for farming land uses, if it was identified through state of environment reporting that limits set within Variation 1 were not being met. 2) The RMA provides for the ability for the Council to revise the provisions supporting the L&WRP (by way of Plan Change implemented in accordance with the Schedule 1 of the RMA). In Ballance's opinion, there is no need to specify an automatic 5 year review 	<p>Ballance seeks:</p> <p>That Submission Numbers V1pLWRP-1304, V1pLWRP-1248, V1pLWRP-1263, V1pLWRP-1271, V1pLWRP-1273, V1pLWRP-1274, V1pLWRP-1275 be disallowed.</p>

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		<p>both the Council to review the limits during the life of the Plan, and to take appropriate action to ensure the targets will be met by 2037. As a consequence, the submitter requests that Policies 11.4.6-11.4.15 be amended to provide for the policy outcomes (prescribed within the limits in Table 11 to be reviewed within 5 years).</p> <p>Forest and Bird supports rules 11.5.9-11.5.13, subject to there being an additional policy in the Plan to allow for the review of Targets and Limits as set out in various Tables within 5 years of life of the Plan.</p> <p><u>Relief Sought:</u></p> <p>Amend Polices 11.4.6-11.4.11 and add a sentence to end of each policy to read <u>these limits will be reviewed within 5 years</u> or words similar and amend Table 11 (i) accordingly.</p> <p>Amend policies 11.4.12 to 11.4.15 and provide for a review of the achievement and efficacy of the proposed reduction targets and nitrogen baseline within five years or words to that effect.</p>		<p>clause in all of the policies supporting Variation 1 that provide reference to Table 1 limits.</p> <p>3) Further, the L&WRP already recognises the sensitivity of over allocated catchments and the need to provide for review mechanisms through Policy 4.76. Policy 4.76 of the L&WRP states:</p> <p><i>“Resource consents for the use of land for farming activities and the associated discharge of nutrients in catchments that are within a Nutrient Allocation Zone in which water quality outcomes are not met (areas coloured Red on the Series A Planning Maps) and resource consents for water take and use in catchments or groundwater allocation zones that are over-allocated will generally be for a specified term not exceeding 15 year (with any nutrient losses from farming, nutrient discharges, and rates and volumes of water taken being subject to regular review under section 128(1)(a) of the RMA) if the land use and associated nutrient discharges or water take and use may impede the ability of the community to find an integrated solution to manage water quality and the over-allocation of water.....”.</i></p>	

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				<p>4) Further still, for those farming activities being advanced within this catchment there is an ongoing property level audit/review requirement under Schedule 24 supporting Variation 1 and Schedule 7 of the L&WRP. This will ensure that ongoing feedback is provided to the Council through the FEP and nutrient budget processes. Collectively these initiatives will record the state of individual properties across the catchment. It is the Company's understanding that the thrust of Variation 1 (and indeed the L&WRP) is for farming activities to be operating at GMP for all contaminants by 2017 and that farming activities are to make further improvements on GMP by 2022. The Variation 1 plan provisions clearly envisage a staged implementation of these reductions over time and therefore imposing an automatic review requirement within 5 years time simply ignores the complexity of the issues at hand and the time requirements necessary for the improvements in nutrient discharges to be reduced in accordance with the limits set within Variation 1.</p>	