

Morag Hamilton

From: Rab McDowell <rabmcd@ihug.co.nz>
Sent: Friday, 30 January 2015 2:28 p.m.
Subject: V2 pCLWRP Further Submission - Hinds Plains Land and Water Partnership
Attachments: HPLWP further submission LWRP Var 2.pdf

To **Canterbury Regional Council**

- Please find attached a further submission from Hinds Land and Water Partnership with respect to V2 pCLWRP.

To: **Synlait Farms Ltd; Ashburton District Council; Central South Island Fish and Game Council; Upper Hinds Plains Land User Group; DairyNZ; Federated Farmers Combined Canterbury Branch; Ashburton Hinds Drainage Rating District Liaison Committee; Irrigation New Zealand; Mayfield Hinds Irrigation Ltd; Synlait Milk Ltd; Dairy Holdings Ltd; Rangitata Diversion Race Management Limited; Eiffelton Community Group Irrigation Scheme; P Everest and Others; Director General of Conservation; Barrhill Chertsey Irrigation Scheme; Ravensdown Fertiliser Co-operative Ltd; Nga Rununga and te Rununga O Ngai Tahu; and Valetta Irrigation Ltd, Fonterra Co-operative Group Ltd.**

- Please find attached by way of service the further submission from Hinds Land and Water Partnership with respect to V2 pCLWRP

Rab McDowell
Chair
Hinds Plains Land and Water Partnership

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Hinds Plains Land and Water Partnership

FURTHER SUBMISSION TO EVIRONMENT CANTERBURY ON PROPOSED VARIATION 2 TO THE PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN – SECTION 13 ASHBURTON

Form 6

Further submission in support of, or in opposition to, submission on publicly notified
proposed policy statement or plan
Clause 8 of First Schedule, Resource Management Act 1991

To: *Canterbury Regional Council*
PO Box 345
Christchurch 8140

Name of further submitter: Hinds Plains Land and Water Partnership

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This is a further submission in response to submission/s made on the following Proposed Variation 2 to the Proposed Canterbury Land and Water Regional Plan.

The following pages detail the specifics in relation to our support or opposition to various submissions lodged. Our further submissions include the particular parts of each submission supported or opposed alongside our reasons for that position and what decision we seek from the local authority.

Hinds Plains Land and Water Partnership (HPLWP) wishes to be heard in support of its further submission.

Note to person making further submission

A copy of your further submission must be served on the original submitter within 5 working days after making the further submission to the local authority.

Where HPLWP submitted on the same variation point as any other submitter it stands by its original submission.

This Further Submission provides HPLWP views on points raised by other submitters.

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
Fish and Game	53274	V2 pLWRP-393	Add a new objective: Where the quality and quantity of fresh water has been degraded by human activities to such an extent that the freshwater Objectives set out above and in table 13(a) are not being achieved, water quality and quantity shall not be allowed to degrade further and it shall be improved progressively over time so that the objectives set out above and in table 13(a) is achieved by 2050.	Oppose	It is probable that, even with mitigation measures, a backlog effect will mean that there may be an increase of contaminants before mitigation has an effect. In this case quality may degrade further in the short term, whether it is allowed to or not.
Bank of NZ	53830	V2 pLWRP-1139	Give full consideration to the significant economic and social consequences for the community, given the nitrogen discharge levels and required reductions across the region.	Support	HPLWP considers improvements in environmental outcomes can only be achieved if social and economic consequences are sustainable.
Irrigation NZ	52278	Policy 13.4.6	Amend Policy 13.4.6: The water resulting from any surrendered surface water and stream depleting groundwater takes in the Hakatere/Ashburton River catchment will not be reallocated and will be left in the river until such time as the catchment is no longer over allocated and in the Hinds/Hekeao Plains Area will not be reallocated and will be left in the river.	Support	Allows more effective management of the water resource.
Upper Hinds Plains Land User Group	56707	V2 pLWRP-962 Policy 13.4.9(c)	Delete Policy 13.4.9(c) While UHPLUG supports carrying out practices which aim to minimise the entry of contaminants into surface water bodies, it is opposed to including a policy for restricting nitrogen losses in the Upper Hinds/Hekeao Plains Area catchment where the water quality data indicates that nitrate toxicity in the surface waterways of the Upper Hinds/Hekeao Plains Area is not currently, and is unlikely in the future, to be an issue.	Support	Water quality risks in the Upper Hinds area are primarily from sediment, P and E. coli inputs rather than nitrogen leaching. Managing these risks via controls on nitrogen losses is unnecessary and is not likely to effectively manage the risks. We support management of N loss (and other contaminants) through use of Farm Environment Plans, adoption of GMPs and in-stream contaminant (including DIN)

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
					concentration limits.
Dairy NZ	52271	V2 pLWRP-547 & V2 pLWRP-549 Policy 13.4.9 (c) & (b)	Delete Policy 13.4.9(c) and amend Policy 13.4.9(b) as follows: <i>Improving management of microbes, <u>nitrogen</u>, phosphorous, and sediment in both areas</i>	Support	<p>We support a policy that recognises that water quality risks in the Upper Hinds area are primarily from sediment, P and E. coli inputs rather than nitrogen leaching and therefore managing these risks via controls on nitrogen losses is unnecessary and is not likely to effectively manage the risks.</p> <p>We support management of N loss (and other contaminants) through use of Farm Environment Plans, adoption of GMPs and in-stream contaminant (including DIN) concentration limits.</p> <p>We also note that inclusion of Nitrogen in 13.4.9(b) supports improved management N loss in the area, while not going as far as setting restrictions on N loss increases.</p>
Central South Island Fish and Game Council	53274	V2 pLWRP-403 Policy 13.4.9	Delete Policy 13.4.9 and replace with new text including (amongst other matters) provision that: <i>“...<u>(4) Increases in nitrogen leaching are prohibited...</u>”</i>	Oppose	<p>HPLWP support a policy that recognises that water quality risks in the Upper Hinds area are primarily from sediment, P and E. coli inputs rather than nitrogen leaching and therefore managing these risks via controls on nitrogen losses is unnecessary and is not likely to effectively manage the risks.</p> <p>We support management of N loss (and other contaminants) through use of Farm Environment Plans, adoption of GMPs and in-stream contaminant (including DIN)</p>

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					concentration limits.
DairyNZ	52271	V2 pLWRP-550 and 552 Policy 13.4.9(d)	Amend policy 13.4.9(d) as follows: <i>Reducing overall nitrogen losses by 45 30 percent in the lower Hinds/Hekeao Plains Area and adopting the use of managed aquifer recharge to augment groundwater and/or surface water.</i> Add a further Policy 13.4.9 (e) as follows: <i><u>Adopting the use of catchment scale mitigations for ground or surface water of the Hinds/Hekeao Plains, including augmentation, by way of managed aquifer recharge and targeted stream augmentation.</u></i>	Support in part	We support the separation of policies that look to the use of managed aquifer recharge (i.e. dilution) to help improve water quality from those that set requirements for N loss reductions (i.e. restrictions on land use). The requirements for a 45% reduction are not supported by the plan targets. The computation appears wrong. While Dairy NZ request a 30% reduction, the analysis by HPLWP shows a 26 % reduction is required.
Fish and Game Council Central South Island	53274	V2 Plwrp-403 Policy 13.4.9(d)	They request that a 45% reduction in nitrogen leaching be achieved by 2030.	Oppose	We support the separation of policies that look to the use of managed aquifer recharge (i.e. dilution) to help improve water quality from those that set requirements for N loss reductions (i.e. restrictions on land use). Targets must be achievable. While HPLWP agrees that nitrogen losses need to be reduced, there is no known technology that would allow this kind of reduction in the next 13 years.
Eiffelton Community Group Irrigation Scheme	56798	13.4.10	Amend policy 13.4.10(a) to clarify the reference to drain, ensuring that this only applies to the main stems of drains, as listed in Table 13(e). Ensure the FEP's address the stock exclusion from other drains.	Support	Consistent with our own submission, an appropriate definition of drain is needed in the context of this rule
Fish and Game Council Central South	53274	V2 pLWRP - 472 Policy	Amend policy to read: <i>Excluding cattle, pigs, and deer from surface waterbodies including drains and ephemeral</i>	Oppose	We support a policy that does not require stock exclusion from water bodies (natural or artificial) that are ephemeral in nature.

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Island		13.4.10	<i>waterbodies</i>		
DairyNZ	52271	V2 pLWRP-557 Policy 13.4.11	Amend as follows: <i>Maintain water quality in the Upper Hinds/Hekeao Plains Area by capping discharges of nitrogen at 144 tonnes of nitrogen per year and requiring all farming activities to operate at good management practice to manage nutrient, microbial and sediment losses to maintain current phosphorus losses to achieve the limits in Table 13(ga).</i> See submission for Table 13(ga).	Support	The science behind the proposed 144 tonne cap is insufficient to support the target. The Upper Plains chief concerns are contaminants other than Nitrogen.
Irrigation NZ	52278	Policy 13.4.11	Amend as follows: <i>Maintain water quality in the Upper Hinds/Hekeao Plains Area by capping discharges of nitrogen at 144 tonnes of nitrogen per year and requiring all farming activities to operate at good management practice</i>	Support	Adherence to good management practices is sufficient in the upper catchment
Fish and Game Council Central South Island	53274	Policy 13.4.11	Delete Policy 13.4.11 and replace with a new policy which ensures that land use will be managed to ensure that the objectives, limits/ targets set out in tables 13(a), 13(g) and 13 (j) will be achieved by 2050 for the objectives, and 2030 for the loads. Nutrient loads should be calculated based on the loads required to achieve the instream DRP and DIN limits/ targets set out in the amended table 13(j).	Oppose	Inconsistent with the RMA definition of sustainable management Should also consider flexibility cap option for the upper catchment as in FFNZ submission.
DairyNZ	52271	V2 pLWRP-558 Policy 13.4.12	Amend as follows <i>Improve water quality in the Lower Hinds/Hekeao Plains Area by reducing the discharge of nitrogen from farming activities to achieve a target load of 3400 tonnes of nitrogen per year 70% of the catchment load contributed by farming activities as at</i>	Support in part	We support a policy that does not lock in a catchment load limit when there is considerable uncertainty as to its validity or when the calculation may change over time (due to, for example, updating of Overseer). Consistent with our submission, the initial focus should be on

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			<i>1 October 2014</i> by 2035.		implementing GMP's. If a numerical catchment load is required, this should be expressed in policy as a formula rather than as a fixed tonnage.
Fish and Game Council Central South Island	53274	V2 pLWRP-474 Policy 13.4.12	That the 3400 tonne/yr load limit be replaced by in-stream targets relating to DIN and DRP – however these are not specified.	Oppose	The submission provides insufficient detail to assess the effect of the proposal. We are of the view that the existing freshwater outcomes of Table 13(a) together with the limits of Tables 13(g), 13(j) and 13(k) provide a sufficient framework for managing nutrient contaminant risks.
DairyNZ	52271	V2 pLWRP-559 13.4.13(a)	Amend as follows: <i>Farming activities including farm enterprises in the Lower Hinds/Hekeao Plains Area whether or not they are supplied with water by an irrigation scheme or a principal water supplier, achieve a target load calculated as 70% of catchment load contributed by farming activities as at 1 October 2014 of 3400 tonnes of nitrogen per year</i> by: <i>a) Requiring existing farming activities to <u>implement meet</u> good management practices <u>nitrogen loss rates</u> from 1 January 2017, calculated on the baseline land uses;</i>	Support in part	As science and knowledge improves the assessed load of 3400 will undoubtedly be updated and amended. Fixing catchment load at 3400 locks the figure in no matter how lacking in rigour it is. The DairyNZ submission proposes a more credible and workable approach.
Fertiliser Association of NZ	56725	13.4.13(b)	Delete Policy 13.4.13 (b) and review the approach required to meet overall N loss reductions once Good Management Practice Nitrogen Loss Rate values are established for all sectors	Support	Consistent with HPLWP submission
	52271	V2 pLWRP-559 13.4.13(b)	Amend as follows: <i>Requiring <u>a collective reduction in nitrogen loss from farming activities across the lower Hinds/Hekeao Plains Area for all properties with a nitrogen loss</u></i>	Support in part	Discriminating for or against certain land uses raise issues of equity and of difficulties in precisely defining the land use subject to the discrimination..

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			<p><i>calculation exceeding 25 kg per hectare per annum further reductions for dairy farming and dairy support from 1 January 2020, in accordance with Table 13(h); and</i></p> <p>And add a new related sub policy as follows</p> <p><i>c) Determining the extent and timing of nitrogen loss reductions to be achieved on individual farm properties from 1 January 2020 by:</i></p> <p><i>A. use of an expert farm systems advisory panel reviewing resource consent applications and any associated Farm Environment Plans and providing independent advice to Canterbury Regional Council about the opportunities for nitrogen loss mitigation given the individual circumstances of each farm property.</i></p> <p><i>B. having regard to the following matters in considering the individual circumstances of each farm property:</i></p> <p><i>i. The nitrogen baseline for the property and the level of any reductions already achieved from that baseline; and</i></p> <p><i>ii. Any natural or physical constraints to lower nitrogen leaching faced on-farm that are outside of a farmer's control; and</i></p> <p><i>iii. The level of investment in farm infrastructure and where a farm might be in</i></p>		

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			<p><i>the cycle of infrastructure replacement; and</i></p> <p><i>iv. The capital and operational costs of making nitrogen loss reductions and the benefit (in terms of maintaining a farm's financial sustainability) of spreading that investment over time.</i></p>		
DairyNZ	52271 V2 pLWR P-566	Policy 13.4.14	<p>Add a new Policy 13.4.14A as follows:</p> <p><u><i>Enable catchment scale mitigations that improve overall water quality in the Hinds/Hekeao Plains Area and improve reliability of supply for surface water takes, including:</i></u></p> <p><u><i>(a) improving flows in the spring fed water bodies;</i></u></p> <p><u><i>(b) decreasing nitrate nitrogen concentrations in the Hinds River/Hekeao and spring fed waterbodies; or</i></u></p> <p><u><i>(c) enhancing in-stream habitat.</i></u></p> <p>And amend Policy 13.4.14 to state:</p> <p><i>Improve the flows in spring-fed waterbodies and/or decrease nitrate nitrogen concentrations in the Hinds/Hekeao spring-fed waterbodies and groundwater in the Lower Hinds/Hekeao Plains Area by enabling Enable managed aquifer recharge (MAR) and targeted stream augmentation (TSA), where adverse effects can be appropriately managed. In determining whether adverse effects can be appropriately managed Canterbury Regional Council will:</i></p> <p><u><i>(a) Encourage consultation to be undertaken with affected communities and landholders before any application is lodged for a MAR or TSA project;</i></u></p>	Support in part	<p>The policy is unnecessarily limited to MAR and TSA while there are other catchment scale mitigations that could also improve overall water quality and should also be enabled.</p> <p>Further, the purpose of MAR and TSA should include improving water quality and in-stream habitat generally as well as reliability of supply for surface water takes.</p> <p>There is potential for increased flows and levels to adversely affect drainage in the lower catchment in the autumn through to spring. While increasing flows is an important part of the solutions package the potential for conflict/adverse effects on farming needs to be both acknowledged and carefully managed. Consultation with the community and land owners during development of projects will be crucial.</p>

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			<p><i>and</i></p> <p><i><u>(b) Ensure research is undertaken to allow (in conjunction with the information gathered through the process described in (a) above) for the full assessment of the matters listed in (c) below.</u></i></p> <p><i><u>(c) Require that:</u></i></p> <ul style="list-style-type: none"> <i>i. adverse effects on cultural values, including those associated with unnatural mixing of water are satisfactorily avoided <u>or mitigated</u>;</i> <i>ii. adverse effects on the availability and quality of community drinking water supplies are avoided;</i> <i>iii. adverse effects on fish passage are avoided or mitigated;</i> <i>iv. Inundation of existing wetlands is avoided, remedied or mitigated through scheme design, constructions and operation;</i> <i>v. There is no net loss of significant biodiversity habitat of indigenous biodiversity; and</i> <i>vi. Adverse effects on people and property from raised groundwater levels and higher flows are avoided; and</i> <i><u>vii. Adverse effects on farming activities and production are avoided.</u></i> 		
Fish and Game Council Central South Island	53274	13.4.14	Amend Policy 13.4.14 to include salmonid fishery, salmonid spawning, and recreational use values. Any consequential amendments.	Oppose	Focus should appropriately be on indigenous species.
Eiffelton Community Group Irrigation	56799	13.4.14	Amend Policy 13.4.14 as follows: Improve flows in spring-fed waterbodies and/or decrease nitrate nitrogen concentrations in the Hinds River/Hekeao spring-fed waterbodies and	Support	Need to recognise the co-benefits derived from the use of existing infrastructure.

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Scheme Inc			<p>groundwater in the Lower Hinds/Hekeao Plains Area by enabling having regard to managed aquifer recharge and targeted stream augmentation, where:</p> <p>And Ensure the expected outcome is an 'overall net improvement' (in at least matters (a)-(e)) rather than a focus on 'avoidance'</p> <p>Or Add new condition to Policy 13.4.14 as follows: [x] the benefits that derive from ensuring existing irrigation schemes that harvest and discharge water into waterbodies are able to continue.</p>		
Eiffelton Community Group Irrigation Scheme	56798	13.4.14	<p>Amend Policy to (1) retain the use of existing infrastructure and methods used by ECGIS to run their irrigation scheme and others who have invested in infrastructure (ponds) and (2) Allow similar schemes to be established within the Hinds Drains district if this is feasible and necessary as a way of improving the flow and decreasing nitrates. Add new condition as follows: Where existing infrastructure such as used by the ECGIS and others to supplement flows or harvest water for irrigation are encouraged</p>	Support in part	Need to recognise the co-benefits derived from the use of existing infrastructure.
Eiffelton Community Group Irrigation Scheme	56798	13.4.14	Ensure 13.4.14(f) is given adequate consideration, given the potential effects that MAR is likely to have.	Support	Consistent with Federated Farmers' submission.
Irrigation New Zealand Inc	52278	V2 pLWRP-179 13.4.16	<p>Amend as follows: <i>Improve flows in spring-fed waterbodies and the Lower Hinds River/Hekeao to meet economic cultural, social and environmental outcomes in the Hinds/Hekeao Plains Area by requiring adherence to</i></p>	Support in Part	There are circumstances when transfer will not have negative effects on water usage and may have positive in-stream effects. While this policy appears to recognise that, it does not follow through

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			<p><i>flow and allocation limits, and limiting the volume and rate of abstraction on replacement water permits to reasonable use calculated in accordance with method 12 in Schedule 10. and prohibiting increased use arising from the transfer of consented volumes of water within surface water catchments and the Valetta Groundwater Allocation Zone.</i></p>		<p>to the relevant rules. Transfer is generally something to be encouraged to provide for allocative efficiency. Prohibition would be contrary to Policy B3 of the NPS for Freshwater Management 2014.</p> <p>The provisions of the pLWRP provide an adequate framework for managing transfers and this part of Policy 13.4.16 is superfluous (and misleading).</p>
Ashburton Hinds Drainage Rating District Liaison Committee	56687	13.4.16	Amend Policy 13.4.16 to allow for some farms to access water off farm by using the drains as a means of conduit.	Support	Need to recognise the co-benefits derived from the use of existing infrastructure and to be flexible about where water is sourced from.
Fish and Game Council Central South Island	53274	V2 pLWRP-500 13.4.18	Retain Policy 13.5.18.	Oppose	It is noted that Variation 2 as drafted will mean replacements of existing water permits processed under section 124-124C will be considered restricted discretionary activities in accordance with Rule 5.123, and until 2020 new takes not meeting the limits in Table 13(e) prohibited activities. However, by limiting the term of Table 13(e) to 2020 and including Policy 13.4.19 the Council appears to have inadvertently created a regime where new takes post 2020 become non-complying activities (under Rule 5.124) and exiting takes, in accordance with Policy 13.4.19, will become subject to the default flow and allocation regime from the regional rules

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					(in Rule 5.123(2)) that currently only applies to new takes.
Eiffelton Community Group Irrigation Scheme Inc	56799	V2 pLWRP-104 13.4.18	Amend Policy 13.4.18: <i>In the Lower Hinds/Hekeao Plains Area, with the exception of the Lower Hinds River/Hekeao, and until 30 June 2020, any water permit granted to replace an existing water permit will be subject to the minimum flow and allocation limits in</i> <i>(i) Table 13(e); or</i> <i>(ii) any replacement to Table 13(e) that has been collaboratively developed and included in this Plan through a Schedule 1 RMA process.</i> Include advice note stating: <i>The replacement of an existing water permit that complies with the minimum flow and allocation limits referred to in Policy 13.4.18 and Table 13(e) will be a restricted discretionary activity under Rule 5.132.</i>	Support in part	It is noted that Variation 2 as drafted will mean replacements of existing water permits processed under section 124-124C will be considered restricted discretionary activities in accordance with Rule 5.123, and until 2020 new takes not meeting the limits in Table 13(e) prohibited activities. However, by limiting the term of Table 13(e) to 2020 and including Policy 13.4.19 the Council appears to have inadvertently created a regime where new takes post 2020 become non-complying activities (under Rule 5.124) and exiting takes, in accordance with Policy 13.4.19, will become subject to the default flow and allocation regime from the regional rules (in Rule 5.123(2)) that currently only applies to new takes.
Eiffelton Community Group Irrigation Scheme	56798	V2 pLWRP-1095 13.4.18	Amend Policy 13.4.18 as follows: <i>In the Lower Hinds/Hekeao Plains Area, with the exception of the Lower Hinds River/Hekeao, and until 30 June 2020, any water permit granted to replace an existing water permit will be subject to the minimum flow and allocation limits in Table 13(e) until there is a collaboratively developed flow and allocation regime that has been included in the plan through a schedule 1 RMA process.</i>	Support	It is noted that Variation 2 as drafted will mean replacements of existing water permits processed under section 124-124C will be considered restricted discretionary activities in accordance with Rule 5.123, and until 2020 new takes not meeting the limits in Table 13(e) prohibited activities. However, by limiting the term of Table 13(e) to 2020 and including Policy 13.4.19 the Council appears to have inadvertently created a

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					regime where new takes post 2020 become non-complying activities (under Rule 5.124) and exiting takes, in accordance with Policy 13.4.19, will become subject to the default flow and allocation regime from the regional rules (in Rule 5.123(2)) that currently only applies to new takes.
Director General of Conservation	53688	V2 pLWRP-429 13.4.19	Delete Policy 13.4.19	Support	It is noted that Variation 2 as drafted will mean replacements of existing water permits processed under section 124-124C will be considered restricted discretionary activities in accordance with Rule 5.123, and until 2020 new takes not meeting the limits in Table 13(e) prohibited activities. However, by limiting the term of Table 13(e) to 2020 and including Policy 13.4.19 the Council appears to have inadvertently created a regime where new takes post 2020 become non-complying activities (under Rule 5.124) and exiting takes, in accordance with Policy 13.4.19, will become subject to the default flow and allocation regime from the regional rules (in Rule 5.123(2)) that currently only applies to new takes.
Fish and Game Council Central South Island	53274	V2 pLWRP-501 13.4.19	Retain Policy 13.4.19	Oppose	It is noted that Variation 2 as drafted will mean replacements of existing water permits processed under section 124-124C will be considered restricted discretionary activities in accordance with

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					<p>Rule 5.123, and until 2020 new takes not meeting the limits in Table 13(e) prohibited activities. However, by limiting the term of Table 13(e) to 2020 and including Policy 13.4.19 the Council appears to have inadvertently created a regime where new takes post 2020 become non-complying activities (under Rule 5.124) and exiting takes, in accordance with Policy 13.4.19, will become subject to the default flow and allocation regime from the regional rules (in Rule 5.123(2)) that currently only applies to new takes.</p>
Eiffelton Community Group Irrigation Scheme Inc	56799	V2 pLWRP-1039 13.4.19	Delete Policy 13.4.19	Support	<p>It is noted that Variation 2 as drafted will mean replacements of existing water permits processed under section 124-124C will be considered restricted discretionary activities in accordance with Rule 5.123, and until 2020 new takes not meeting the limits in Table 13(e) prohibited activities. However, by limiting the term of Table 13(e) to 2020 and including Policy 13.4.19 the Council appears to have inadvertently created a regime where new takes post 2020 become non-complying activities (under Rule 5.124) and exiting takes, in accordance with Policy 13.4.19, will become subject to the default flow and allocation regime from the regional rules (in Rule 5.123(2)) that currently only applies to new takes.</p>

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Ashburton Hinds Drainage Rating District Liaison Committee	56687	V2 pLWRP-1079 13.4.19	Minimum flow and allocation limits should continue as listed in Table 13(e) until there is a collaborative agreement achieved on individual drains by the Working Drains Party.	Support in part	It is noted that Variation 2 as drafted will mean replacements of existing water permits processed under section 124-124C will be considered restricted discretionary activities in accordance with Rule 5.123, and until 2020 new takes not meeting the limits in Table 13(e) prohibited activities. However, by limiting the term of Table 13(e) to 2020 and including Policy 13.4.19 the Council appears to have inadvertently created a regime where new takes post 2020 become non-complying activities (under Rule 5.124) and exiting takes, in accordance with Policy 13.4.19, will become subject to the default flow and allocation regime from the regional rules (in Rule 5.123(2)) that currently only applies to new takes.
Eiffelton Community Group Irrigation Scheme	56798	V2 pLWRP-1096 13.4.19	Delete Policy 13.4.19	Support	It is noted that Variation 2 as drafted will mean replacements of existing water permits processed under section 124-124C will be considered restricted discretionary activities in accordance with Rule 5.123, and until 2020 new takes not meeting the limits in Table 13(e) prohibited activities. However, by limiting the term of Table 13(e) to 2020 and including Policy 13.4.19 the Council appears to have inadvertently created a regime where new takes post 2020 become non-complying activities (under Rule 5.124) and exiting takes, in

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					accordance with Policy 13.4.19, will become subject to the default flow and allocation regime from the regional rules (in Rule 5.123(2)) that currently only applies to new takes.
Fish and Game Council Central South Island	53274	V2 pLWRP-506 Rule 13.5.8	Require farms to comply with a sustainable leaching rate on basis of either a flat per hectare leaching rate or on the basis of LUC.	Oppose	<p>The Hinds Plains is well over 60% irrigated. Under irrigation almost all the soils have similar productivity. They do however have differing propensity to leak nutrients. The LUC approach advocated by F&G allocates greater leaching losses to those soils where leakage mitigation is easiest and reduced leaching losses to soils that have much less ability to mitigate these losses. It gives to those that don't need it and takes away from those who need it most. It is the opposite of the approach taken by the irrigation schemes and the community in retaining productivity while addressing catchment loads.</p> <p>Proposal does not recognise different starting positions of farms or differing abilities to comply. Costs of compliance would therefore be highly variable.</p> <p>Nitrogen is not, in any event, the main driver of water quality in the Upper Hinds/Hekeao.</p>
Upper Hinds Plains Land User Group	56707	V2 pLWRP-967 Rule 13.5.9	Delete condition 1.	Support	Nitrogen is not the main risk to water quality in the Upper Hinds/Hekeao Plains area. In the event that simple deletion of condition 1 is not accepted then introduce

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					an appropriate flexibility as requested in Federated Farmers submission.
Fish and Game Council Central South Island	53274	V2 pLWRP-507 Rule 13.5.9	Require farms to comply with a sustainable leaching rate on basis of either a flat per hectare leaching rate or on the basis of LUC.	Oppose	<p>The Hinds Plains is well over 60% irrigated. Under irrigation almost all the soils have similar productivity. They do however have differing propensity to leak nutrients. The LUC approach advocated by F&G allocates greater leaching losses to those soils where leakage mitigation is easiest and reduced leaching losses to soils that have much less ability to mitigate these losses. It gives to those that don't need it and takes away from those who need it most. It is the opposite of the approach taken by the irrigation schemes and the community in retaining productivity while addressing catchment loads.</p> <p>Proposal does not recognise different starting positions of farms or differing abilities to comply. Costs of compliance would therefore be highly variable.</p> <p>Nitrogen is not, in any event the main risk to water quality in the Upper Hinds/Hekeao.</p>
			Fed Farmers' sub is also a valid option i.e. delete condition 1 and introduce an appropriate flexibility threshold.		
DairyNZ	52271	V2 pLWRP-572 Rule 13.5.10	Delete Rule 13.5.10	Support	With the nitrogen baseline condition removed from Rules 13.5.8 and 13.5.9, Rule 13.5.10 is unnecessary and can be removed.

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Fish and Game Council Central South Island	53274	V2 pLWRP-507 Rule 13.5.10	Require farms to comply with a sustainable leaching rate on basis of either a flat per hectare leaching rate or on the basis of LUC.	Oppose	<p>The Hinds Plains is well over 60% irrigated. Under irrigation almost all the soils have similar productivity. They do however have differing propensity to leak nutrients. The LUC approach advocated by F&G allocates greater leaching losses to those soils where leakage mitigation is easiest and reduced leaching losses to soils that have much less ability to mitigate these losses. It gives to those that don't need it and takes away from those who need it most. It is the opposite of the approach taken by the irrigation schemes and the community in retaining productivity while addressing catchment loads.</p> <p>Proposal does not recognise different starting positions of farms or differing abilities to comply. Costs of compliance would therefore be highly variable.</p> <p>Nitrogen is not, in any event the main risk to water quality in the Upper Hinds/Hekeao.</p> <p>Fed Farmers' sub is also a valid option i.e. delete condition 1 and introduce an appropriate flexibility threshold.</p>
Fish and Game Council Central South Island	53274	V2 pLWRP-509 Rule 13.5.11	Require farms to comply with a sustainable leaching rate on basis of either a flat per hectare leaching rate or on the basis of LUC.	Oppose	<p>Proposal does not recognise different starting positions of farms or differing abilities to comply. Costs of compliance would therefore be highly variable.</p> <p>Nitrogen is not, in any event the main risk to water quality in the Upper</p>

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					Hinds/Hekeao.
Ravensdown Fertiliser Co-operative Limited	56708	V2 pLWRP-748 Rule 13.5.11	Amend Rule 13.5.11: The use of land for a farming activity that does not comply with conditions 2 or 3 of Rule 13.5.9 or condition 3 of Rule 13.5.10 is a restricted discretionary non-complying activity. Matters for discretion relate to nutrient management and the catchment load, including: 1. The quality of, compliance with and auditing of the Farm Environment Plan; and 2. The ability to meet the nitrogen load target for farming activities in Table 13(g); and 3. From 1 January 2017 the Good Management Practice Nitrogen Loss Rates to be applied- these Good Management Nitrogen Loss Rates are calculated based on the baseline land uses; and 4. The potential benefits of the activity to the applicant, the community and the environment. (or similar wording)	Support	The activity status requested by the submitter is more appropriate than that in the proposed plan.
Fish and Game Central South Island	53274	V2 pLWRP-513 Rule 13.5.14	Delete rule and replace with a rule that requires farms to comply with a sustainable leaching rate on basis of either a flat per hectare leaching rate or on the basis of LUC.	Oppose	Proposal does not recognise different starting positions of farms, different farms systems or differing abilities to comply. Costs of compliance would therefore be highly variable.
Fish and Game Central South Island	53274	V2 pLWRP-514 Rule 13.5.15	Delete rule and replace with a rule that requires farms to comply with a sustainable leaching rate on basis of either a flat per hectare leaching rate or on the basis of LUC.	Oppose	Proposal does not recognise different starting positions of farms, different farms systems or differing abilities to comply. Costs of compliance would therefore be highly variable.
Eiffelton Community Group	56798	V2 pLWRP-1295	Amend Rule 13.5.15: Immediately interpret and apply the baseline provisions in a realistic way, recognising that farming	Support	The approach developed by the land and water partnership provides for an

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Irrigation Scheme		Rule 13.5.15	businesses need flexibility to adjust land use and practises and that many farm systems are cyclical in nature. Medium term, replace the baseline provisions with a more equitable allocation strategy as soon as possible, such as the approach developed by the Land and Water Partnership.		equitable allocation of N discharge rights over time (see appendix 1).
Fish and Game Central South Island	52271	V2 pLWRP-578 Rule 13.5.16	Amend the Rule so that the activity status is controlled as the rule covers both s9 and s15 land use and associated discharges.	Oppose	Controlled activity status is unnecessary for low leaching activities. A flexibility cap of 20kgs (or less) as a permitted activity threshold is below the LUC leaching rates (promoted by the submitter) for the LUC classes predominant in the Hinds/Hekeao Plains Area.
DairyNZ	52271	V2 pLWRP-579 Rule 13.5.17	Amend as follows: <i>From 1 January 2017, the use of land for a farming activity in in the Lower Hinds/ Hekeao Plains Area is a restricted discretionary activity, provided the following conditions are met:</i> <i>1. The nitrogen loss calculation for the property is greater than 2025 kgs per hectare per annum; and</i> <i>2. The nitrogen loss calculation for the property, excluding any area of land subject to a resource consent granted under Rule 13.5.14, does not increase above the nitrogen baseline; and/or</i> <i><u>3. The property is within that area shown as Green on the LWRP Planning Maps and the nitrogen loss calculation for the property, excluding any area of land subject to resource consent granted under Rule 13.5.14, does not exceed the nitrogen baseline plus 5kgs per hectare per annum, whichever is greater; and</u></i> <i>4 A Farm Environment Plan has been prepared in accordance with Schedule 7 Part A, and supplied to Environment Canterbury on request.</i>	Support in part	With regard to condition 1, a change to 25 kgs is consequential to the changes sought in respect of Rule 13.5.15. With regard to matter of discretion 2, requiring compliance with a “locked in” load target is inappropriate when there is uncertainty as to its validity or when the calculation may change over time (due to, for example, updating of Overseer). With regard to matter of discretion 3, good management practice rates currently do not exist and their appropriateness therefore cannot be tested. With regard to matter of discretion 4, a single reduction target should apply equally to all farming activity above the flexibility cap. Criteria are required to guide decision-making as how this key

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			<p>The exercise of discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> 1. The quality of, compliance with and auditing of the Farm Environmental Plan; and 2. The ability to meet the nitrogen load target for farming activities in Table 13(g); and 3. From 1 January 2017 the implementation of gGood management pPractices Nitrogen Loss Rates to be applied for the baseline land uses; and 4. For the period after 1 January 2020, the matters listed in Policy 13.4.13. Any nitrogen loss rates to be applied in accordance with Table 13 (h); and 5. The potential benefits of the activity to the applicant, the community and the environment. 		discretion will be exercised.
Eiffelton Community Group Irrigation Scheme	56798	V2 pLWRP-1315 Rule 13.5.17	<p>Amend as follows:</p> <p>From 1 January 2017, the use of land for a farming activity in in the Lower Hinds/ Hekeao Plains Area is a restricted discretionary activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The nitrogen loss calculation for the property is greater than 2025 kgs per hectare per annum; and 2. The nitrogen loss calculation for the property, excluding any area of land subject to a resource consent granted under Rule 13.5.14, does not increase above the nitrogen baseline; and/or 3. The property is within that area shown as Green on the LWRP Planning Maps and the nitrogen loss calculation for the property, excluding any area of land subject to resource consent granted under Rule 13.5.14, does not exceed the nitrogen baseline plus 5kgs per hectare per annum, whichever is greater; and 4 A Farm Environment Plan has been prepared in accordance with Schedule 7 Part A, and supplied to the Canterbury Regional Council on request. 	Support in part	With regard to condition 1, a change to 25 kgs is consequential to the changes sought in respect of Rule 13.5.15.

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Fertiliser Association of New Zealand	56725	V2 pLWRP-865 Rule 13.5.17	Delete reference to Table 13 (h) in condition 4 of Rule 13.5.17 until such time as Good Management Practice Nitrogen Loss Rates can be established. Amend condition 3 for Matter for Discretion under Rule 13.5.17 as follows: From 1st January 2017 the Good Management Practice Nitrogen Loss Rates be applied. These Good Management Practice Nitrogen Loss Rates are calculated based on to be applied for the baseline land uses under Good Management Practice .	Support in part	Consistent with Federated Farmers submission on Table 13(h).
Fish and Game Central South Island	53274	V2 pLWRP-543 Rule 13.5.17	Include within the rule requirements to achieve the nitrogen reductions set out in table 13(h). Deletion of clause 3 and 4.	Oppose	The extent and timing of N loss reductions is an appropriate matter over which to exercise discretion given the wide range of circumstances that will determine what is appropriate in any individual case. Imposed as standard ("requirement" of the rule) would result in highly variable and unnecessary costs.
DairyNZ	52271	V2 pLWRP-580 Rule 13.5.18	Amend Rule 13.5.18: The use of land for a farming activity as part of a farming enterprise in the Lower Hinds/Hekeao Plains Area is a discretionary activity, provided the following conditions are met: 1. The farming enterprise is solely in the Lower Hinds/Hekeao Plains Area; and 2. The nitrogen loss calculation for the farming enterprise, excluding any area of land subject to a resource consent granted under Rule 13.5.14, does not increase above the nitrogen baseline; and or 3. <u>The property is within that area shown as Green on the LWRP Planning Maps and the nitrogen loss calculation for the property, excluding any area of land subject to a resource consent granted under Rule 13.5.14, does not exceed the nitrogen baseline plus 5 kg per hectare per annum, whichever is</u>	Support in part	Provides recognition of land designated as part of green zones in the Canterbury LWRP.

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			<p><u>greater; and</u></p> <p>3. A Farm Environment Plan has been prepared for the farm enterprise, or <u>for each parcel of land, property or land management unit, within the farm enterprise</u>, in accordance with Schedule 7 Part A.</p> <p>Any consequential amendments</p>		
DairyNZ	52271	V2 pLWRP-582 Rule 13.5.21	<p>Amend Rule 13.5.21: Despite Rules 13.5.13 to 13.5.20, the use of land for a farming activity in the Lower Hinds/Hekeao Plains Area is a permitted activity, provided the following condition is met:</p> <p>1. The property is irrigated with water from an irrigation scheme or a principal water supplier, and the irrigation scheme or principal water supplier <u>is authorised by Rule 5.61, or</u> holds a discharge consent granted under Rule 5.61, Rule 5.62 or Rule 13.5.22.</p> <p>Any consequential amendments</p>	Support	The submission offers a more correct way to write the rule.
Mayfield Hinds Irrigation Ltd	56723	V2 pLWRP-412 Rule 13.5.31 Matter of discretion 1.	Delete reference to "Method 1 in".	Support	Schedule 10 provides three accepted methods by which "reasonable use" can be calculated. It is inappropriate to limit this to method 1 in this rule.
Valetta Irrigation Limited	56723	V2 pLWRP - 681 Rule 13.5.32	<p>Amend 13.5.32 by deleting "prohibited" and substituting "discretionary"</p> <p>Any consequential amendments</p>	Support	Discretionary is a more appropriate activity status for an activity which needs to be facilitated/encouraged.
Irrigation NZ	52278	V2-pLWRP-198 Rule 13.5.33	Delete	Support	There are circumstances when transfer will not have negative effects on water usage and may have positive in-stream effects. Transfer is generally something to be encouraged to provide for allocative efficiency. Prohibition would be contrary to Policy B3 of the NPS for Freshwater

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					Management 2014.
Irrigation NZ	52278	V2-pLWRP-204 Rule 13.5.33	Delete	Support	There are circumstances when transfer will not have negative effects on water usage and may have positive in-stream effects. Transfer is generally something to be encouraged to provide for allocative efficiency. Prohibition would be contrary to Policy B3 of the NPS for Freshwater Management 2014.
Fish and Game Council Central South Island	53274	V2 pLWRP-504 Table 13(d)	Amend Table 13(d) to ensure: - that if the minimum flow does not meet the depth predictions it will be reviewed within 5 years. - apply fair sharing of water between instream and out of stream users as flows approach the minimum. And Include a new column that specifies a reduced allocation goal.	Oppose	Any changes to the flow and allocation regime must be agreed with the relevant consent holders.
Fish and Game Council Central South Island	53274	V2 pLWRP-505 Table 13(e)	Retain Table 13(e) and review in 2020.	Oppose	It is noted that Variation 2 as drafted will mean replacements of existing water permits processed under section 124-124C will be considered restricted discretionary activities in accordance with Rule 5.123, and until 2020 new takes not meeting the limits in Table 13(e) prohibited activities. However, by limiting the term of Table 13(e) to 2020 and including Policy 13.4.19 the Council appears to have inadvertently created a regime where new takes post 2020 become non-complying activities (under Rule 5.124) and exiting takes, in accordance with Policy 13.4.19, will become subject to the default flow and

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					allocation regime from the regional rules (in Rule 5.123(2)) that currently only applies to new takes.
Upper Hinds Plains Land User Group	56730	V2 pLWRP - 973 Table 13(g)	Insert a new Table of concentration objectives/limits for the Upper Hinds/Hekeao Plains Area	Support	Specification of concentration objectives/limits is more appropriate in the Upper Hinds/Hekeao Plains Area than a nitrogen load limit.
DairyNZ	52227	V2 pLWRP- 594, 595 & 596. Table 13(g)	Delete the N load limit for the Upper Hinds/Hekeao Plains Area and replace the fixed load limit for the Lower Plains Hinds/Hekeao Plains Area with a formula of 70% of the current N load contributed from farming activities. Include new proposed Table 13(ga) with concentration objectives/limits for the Upper Hinds/Hekeao Plains Area.	Support	Water quality issues in the Upper Hinds are related to sediment, phosphorus and E.coli issues rather than nitrogen. The risks associated with nitrogen concentrations in-stream do need to be managed (alongside other contaminants that adversely affect values) but the load limits approach is unnecessary as N loss risk can be managed through the Schedule 24a and Farm Environment Plan mechanisms and through specification of freshwater objectives (contaminant concentrations) in a new Table 13(ga). A "fixed" N load limit in the Lower Hinds/Hekeao Plains Area is inappropriate given that it is based on an assessment of current load that is uncertain and which may change over time (due to, for example, updating of Overseer). Because the understanding of the 2013-2014 load will evolve over time, the N load limit needs to be expressed in such a way that it to may change.

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DairyNZ	52271	V2 pLWRP - 597 Table 13(h)	Amend Table 13(h) so that: <ul style="list-style-type: none"> ▪ Farming activities with a nitrogen loss calculation for a property of greater than 25kg/ha/yr are required to reduce N loss by 15%, 22% and 30% from GMP by 2025, 2030 and 2035 respectively; and ▪ Farming activities with a nitrogen loss calculation for a property of less than 25kg/ha/yr are not required to reduce N loss beyond GMP. 	Support in part	A 45% percent reduction is not required to meet desired water quality outcomes provided MAR and TSA are implemented. With those measures 30% reduction is sufficient to achieve water quality outcomes sought by the variation. Reduction obligations should be shouldered across all contributors with the highest reductions to be achieved by the highest emitters regardless of the land use type/ farming system.