
From: Lionel Hume <lhume@fedfarm.org.nz>
Sent: Friday, 30 January 2015 5:54 p.m.
Subject: RE: V2 pLWRP Further Submissions
Attachments: Chris Allen Further submission LWRP Var 2.pdf

EC155015

Dear Sir/Madam

I discovered some typos (including a superfluous row) in the further submission sent earlier. Attached is an amended version without the typos. Please use this version if you can.

Many thanks.

Regards
Lionel Hume

From: Lionel Hume
Sent: Friday, 30 January 2015 5:03 p.m.
To: 'mailroom@ecan.govt.nz' (mailroom@ecan.govt.nz)
Cc: Chris Allen
Subject: V2 pLWRP Further Submissions

Dear Sir/Madam

Further submission of Chris Allen attached.

LIONEL HUME
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**FURTHER SUBMISSION TO ENVIRONMENT 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: Mr Christopher Allen

Contact person: Mr Christopher Allen

Address for service: 3856 Thompsons Track, RD 1, Ashburton 7771

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 my support or opposition to various submissions lodged. My further submissions include the particular parts of each submission supported or opposed alongside my reasons for that position and what decision I seek from the local authority.

I wish to be heard in support of my 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.

Allocation of N Discharge

On pages 3-4 of its submission, Federated Farmers expressed concern about the approach taken to the allocation of rights to discharge N and highlighted the inequities contained in Proposed Variation 2. The inequities are particularly stark for land users in the upper catchment, but also exist in the lower catchment. They stated that their preferred approach would be to apply a consistent and more equitable N discharge allocation regime across the entire Hinds Plains area (over a suitable timeframe).

To this end, Federated Farmers asked that the approach to nutrient management/N allocation being developed by the primary sector Land and Water Partnership (LWP) be adopted and applied in the Hinds catchment. This request (which I support), was made by Federated Farmers on pages 3-4 of its submission (but not acknowledged in the summary of submissions) and by Federated Farmers and the Eiffelton Community Group Irrigation Scheme at specific points throughout their submissions on specific parts of the proposed plan. The most recent version of the LWP approach is included as Appendix 1. It should be noted that this document has not been signed off by the primary sector groups but it is supported by the Combined Canterbury Provinces of Federated Farmers and by me.

This approach would begin with the adoption of good management practice, based on the Matrix of Good Management (MGM) benchmarks, and will move over time to an allocation based on the productive potential and physical characteristics of land (soil type, climate and topography – essentially the MGM criteria without land use). This would result in greater equity among land users. This approach would be implemented in a staged manner, based on the platform of MGM benchmarks which will apply from 2017.

Where I have submitted on the same variation point as any other submitter I stand by my original submission.

This Further Submission provides my 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
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, consistent with Federated Farmers' submission on the relevant rules.
Upper Hinds Plains Land User Group	56707 V2 pLWR P-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	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. 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.
DairyNZ	52271 V2 pLWR P-547 & V2 pLWR P-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	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. We support management of N loss (and

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					<p>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 pLWR P-403	Policy 13.4.9	Delete Policy 13.4.9 and replace with new text including (amongst other matters) provision that: “`...(4) <u>Increases in nitrogen leaching are prohibited...</u> ”	Oppose	<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>
DairyNZ	52271 V2 pLWR P-550 and 552	Policy 13.4.9(d)	<p>Amend policy 13.4.9(d) as follows:</p> <p><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></p> <p>Add a further Policy 13.4.9 (e) as follows:</p> <p><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</u></i></p>	Support	<p>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).</p> <p>Further, we consider that the percentage for N loss reductions (i.e. 45%) is incorrect and over states what is needed from land users as part of the fuller</p>

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
			<u>recharge and targeted stream augmentation.</u>		package for achieving water quality objectives. We understand that the appropriate “all of catchment” nitrogen loss reduction target to be achieved by existing land use is 30%, and that a higher percentage reduction would only be needed if managed aquifer recharge was not used or was not successful.
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). Further, we consider that the percentage for N loss reductions (i.e. 45%) is incorrect and over states what is needed from land users as part of the fuller package for achieving water quality objectives. We understand that the appropriate “all of catchment” nitrogen loss reduction target to be achieved by existing land use is 30%, and that a higher percentage reduction would only be needed if managed aquifer recharge was not used or was not successful.
Hinds Plains Land and Water Partnership	56730	13.4.9 – 13.4.19	Add a new policy to: Allow the formation of land user groups [so farmers can get together to manage losses within overall policy]. Amend Variation so that 'Land User Group' has similar status to 'Farming Enterprise' and where farming enterprise is referred to it also refers to Land User Groups.	Support	Would assist with the management of nutrient discharge on a whole catchment basis.

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
			Any consequential amendments		
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 Island	53274 V2 pLWR P - 472	Policy 13.4.10	Amend policy to read: <i>Excluding cattle, pigs, and deer from surface waterbodies including drains and ephemeral waterbodies</i>	Oppose	We support a policy that does not require stock exclusion from water bodies (natural or artificial) that are ephemeral in nature.
DairyNZ	52271 V2 pLWR P-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	We support a policy that recognises that risks to water quality and ecological health in the Upper Hinds area are affected by sediment, P, E.coli and N but that N is not the over-riding priority in management. Accordingly the policies should direct focus appropriately on managing all key risks rather than a single focus on an N load limit. Nevertheless, a mechanism is required to ensure N remains at levels that are not problematic. A DIN concentration limit, as contained within Table 13 (ga), will do that. Managing to achieve the limits in Table 13(ga) ensures that <i>all</i> the key risks to water quality in the Upper Hinds are considered.
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</i>	Support	Adherence to good management practices is sufficient in the upper catchment

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
			<i>activities to operate at good management practice</i>		
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.
DairyNZ	52271 V2 pLWR P-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 1 October 2014 by 2035.</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 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 pLWR P-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 pLWR	13.4.13(a)	Amend as follows: <i>Farming activities including farm enterprises in the Lower Hinds/Hekeao Plains Area whether or not they</i>	Support in part	A catchment load limit should not be "locked in" when there is uncertainty as to its validity or when the calculation may

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
	P-559		<p>are supplied with water by an irrigation scheme or a principal water supplier, achieve a target load <u>calculated as 70% of catchment load contributed by farming activities as at 1 October 2014 of 3400 tonnes of nitrogen per year</u> by:</p> <p>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;</p>		<p>change over time (due to, for example, updating of Overseer).</p> <p>The catchment load should be expressed in policy as a formula rather than a fixed tonnage.</p> <p>With particular respect to 13.4.13(a), it is not appropriate to imply that there are specific quantified GMP rates that need to be complied with when these do not exist yet and hence their appropriateness cannot be tested through the submission/hearing process.</p> <p>The DairyNZ submission proposes a more credible and workable approach.</p>
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 Federated Farmers' submission.
DairyNZ	52271 V2 pLWR P-559	13.4.13(b)	<p>Amend as follows:</p> <p><u>Requiring a collective reduction in nitrogen loss from farming activities across the lower Hinds/Hekeao Plains Area for all properties with a nitrogen loss 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</u></p> <p>And add a new related sub policy as follows</p> <p><u>c) Determining the extent and timing of nitrogen loss</u></p>	Support in part	<p>All farming activities should be treated the same i.e. there should be no land use discrimination when setting N loss requirements.</p> <p>Regardless of the farming activity, higher emitters should make greater N loss reductions than lower emitters.</p> <p>The rule appropriately lists the reduction targets (Table 13 h) as matters of discretion (rather than as conditions of the rule). Hence some policy/criteria is required to guide the way in which that discretion is to be exercised. Note though</p>

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			<p><i>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 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>		<p>this should focus on defining the limited circumstances under which a departure from the reduction schedule of Table 13(h)</p> <p>In our view, departure from the reduction schedule of Table 13(h) may be appropriate in the circumstances described.</p>
DairyNZ	52271 V2	Policy 13.4.14	<p>Add a new Policy 13.4.14A as follows:</p> <p><u><i>Enable catchment scale mitigations that improve</i></u></p>	Support in part	The policy is unnecessarily limited to MAR and TSA while there are other catchment

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	pLWR P-566		<p><u>overall water quality in the Hinds/Hekeao Plains Area and improve reliability of supply for surface water takes, including:</u></p> <p><u>(a) improving flows in the spring fed water bodies;</u></p> <p><u>(b) decreasing nitrate nitrogen concentrations in the Hinds River/Hekeao and spring fed waterbodies; or</u></p> <p><u>(c) enhancing in-stream habitat.</u></p> <p>And amend Policy 13.4.14 to state:</p> <p>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:</p> <p><u>(a) Encourage consultation to be undertaken with affected communities and landholders before any application is lodged for a MAR or TSA project; and</u></p> <p><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></p> <p><u>(c) Require that:</u></p> <p>i. adverse effects on cultural values, including those associated with unnatural mixing of water are satisfactorily avoided <u>or mitigated;</u></p>		<p>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>ii. adverse effects on the availability and quality of community drinking water supplies are avoided;</i></p> <p><i>iii. adverse effects on fish passage are avoided or mitigated;</i></p> <p><i>iv. Inundation of existing wetlands is avoided, remedied or mitigated through scheme design, constructions and operation;</i></p> <p><i>v. There is no net loss of significant biodiversity habitat of indigenous biodiversity; and</i></p> <p><i>vi. Adverse effects on people and property from raised groundwater levels and higher flows are avoided; and</i></p> <p><i><u>vii. Adverse effects on farming activities and production are avoided.</u></i></p>		
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 Scheme Inc	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 groundwater in the Lower Hinds/Hekeao Plains Area by enabling having regard to managed aquifer recharge and targeted stream augmentation, where: And Ensure the expected outcome is an 'overall net improvement' (in at least matters (a)-(e)) rather than a focus on 'avoidance' 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.	Support in part	Need to recognise the co-benefits derived from the use of existing infrastructure.

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Eiffelton Community Group Irrigation Scheme	56798	13.4.14	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	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.
Rangitata Diversion Race Management Limited	56706	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 groundwater quality in the Lower Hinds/Hekeao Plains Area by enabling managed aquifer recharge and targeted stream augmentation <u>(and proposals that will supply the water needed to support managed aquifer recharge and targeted stream augmentation)</u> , where: (a) adverse effects on cultural values, including those associated with unnatural mixing of water are satisfactorily <u>avoided as the first preference and where avoidance is not practicable, they are satisfactorily remedied or mitigated;</u> (b) adverse effects on the availability and quality of community drinking water supplies are avoided as the first preference, and where avoidance is not practicable, they are	Support	Options to remedy or mitigate are needed, especially in the light of recent court decisions about the meaning of "avoid".

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			<p>satisfactorily <u>remedied</u> or mitigated;</p> <p>(c) adverse effects on fish passage are avoided, remedied or mitigated;</p> <p>(d) inundation of existing wetlands is avoided, remedied or mitigated through scheme design, construction and operation;</p> <p>(e) there is no net loss of significant biodiversity habitat of indigenous biodiversity; and</p> <p>(f) adverse effects on people and property from raised groundwater levels and higher flows are avoided <u>as the first preference, and where avoidance is not practicable, they are satisfactorily remedied or mitigated.</u></p> <p>Any similar and/or consequential amendments.</p>		
Irrigation New Zealand Inc	52278 V2 pLWR P-179	13.4.16	<p>Amend as follows:</p> <p><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 flow and allocation limits, and limiting the volume and rate of abstraction on replacement water permits to reasonable use calculated in accordance with method 42 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>	Support in Part	<p>Although purporting to prohibit only those transfers that lead to increase water usage, the associated rules prohibit any transfer. 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 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>

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
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.
Director General of Conservation	53688 V2 pLWR P-428	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 Table 13(e) <u>until replaced by minimum flow and allocation limits introduced by a plan change.</u></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.
Fish and Game Council Central South Island	53274 V2 pLWR P-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

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					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 Inc	56799 V2 pLWR P-104	13.4.18	<p>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></p> <p>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></p>	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	56798 V2 pLWR	13.4.18	<p>Amend Policy 13.4.18 as follows: <i>In the Lower Hinds/Hekeao Plains Area, with the</i></p>	Support	It is noted that Variation 2 as drafted will mean replacements of existing water

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
Irrigation Scheme	P-1095		<p><i>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) <u>until there is a collaboratively developed flow and allocation regime that has been included in the plan through a schedule 1 RMA process.</u></i></p>		<p>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>
Director General of Conservation	53688 V2 pLWR P-429	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 existing takes, in accordance with Policy 13.4.19, will become subject to the default flow and</p>

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
					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 pLWR P-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 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 Inc	56799 V2 pLWR P-1039	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

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
					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.
Ashburton Hinds Drainage Rating District Liaison Committee	56687 V2 pLWR P-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 pLWR P-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

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
					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.
Nga Runanga and Te Runanga o Ngai Tahu	52233 V2 pLWR P-206	13.5 Rules	Requested N discharge and other limits based on soil properties and land use modelling (using bands based on soil properties).	Support in part	Support the allocation of N discharge based on soil properties and the establishment of flexibility caps based on soil properties/soil type.
Upper Hinds Plains Land User Group	56707 V2 pLWR P-966	Rule 13.5.8	Delete condition 2	Support	Water quality risks in the Upper Hinds are primarily related to sediment, phosphorus and E. coli inputs rather than nitrogen. The risks associated with nitrogen concentrations in-stream does need to be managed (alongside other contaminants that adversely affect values) but the main risks to water quality are from run-off and riparian management rather than nitrogen leaching.
Fish and Game Council Central South	53274 V2 pLWR	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	Proposal does not recognise different starting positions of farms or differing abilities to comply. Costs of compliance

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
Island	P-506				would therefore be highly variable. Nitrogen is not, in any event, the main driver of water quality in the Upper Hinds/Hekeao.
Upper Hinds Plains Land User Group	56707 V2 pLWR P-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 an appropriate flexibility as requested in Federated Farmers submission.
Fish and Game Council Central South Island	53274 V2 pLWR P-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	Proposal does not recognise different starting positions of farms or differing abilities to comply. Costs of compliance would therefore be highly variable. Nitrogen is not, in any event the main risk to water quality in the Upper Hinds/Hekeao.
DairyNZ	52271 V2 pLWR P-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.
Fish and Game Council Central South Island	53274 V2 pLWR P-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	Proposal does not recognise different starting positions of farms or differing abilities to comply. Costs of compliance would therefore be highly variable. Nitrogen is not, in any event the main risk to water quality in the Upper Hinds/Hekeao.
Fish and Game Council	53274 V2	Rule 13.5.11	Require farms to comply with a sustainable leaching rate on basis of either a flat per hectare leaching rate	Oppose	Proposal does not recognise different starting positions of farms or differing

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
Central South Island	pLWR P-509		or on the basis of LUC.		abilities to comply. Costs of compliance would therefore be highly variable. Nitrogen is not, in any event the main risk to water quality in the Upper Hinds/Hekeao.
Ravensdown Fertiliser Co-operative Limited	56708 V2 pLWR P-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.
Ravensdown Fertiliser Co-operative Limited	56708 V2 pLWR P-754	Rule 13.5.14	Delete the Rule.	Support in part.	The Rule potentially allows for further land use intensification when existing intensive farming activities are already faced with significant reduction expectations. Land that is already within the command area of a consented irrigation scheme should be provided for in the Variation (even where land use change has yet to occur) but this is adequately achieved by Rules 13.5.21 and 13.5.32.
Fish and	53274	Rule 13.5.14	Delete rule and replace with a rule that requires	Oppose	Proposal does not recognise different

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
Game Central South Island	V2 pLWR P-513		farms to comply with a sustainable leaching rate on basis of either a flat per hectare leaching rate or on the basis of LUC.		starting positions of farms, different farms systems or differing abilities to comply. Costs of compliance would therefore be highly variable.
Hinds Plains Land and Water Partnership	56730 V2 pLWR P -322	Rule 13.5.15	Amend Variation 2 to provide for a flexibility cap (similar to the South Canterbury Coastal Streams proposal) and include in Rule 13.5.15.	Support	Farming activity that has a low nitrogen discharge should not be limited to its nitrogen baseline but be allowed some flexibility to increase up to a cap as a permitted activity to allow for seasonal variation and to help maintain viability as circumstances change.
Fish and Game Central South Island	53274 V2 pLWR P-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 Irrigation Scheme	56798 V2 pLWR P-1295	Rule 13.5.15	Amend Rule 13.5.15: Immediately interpret and apply the baseline provisions in a realistic way, recognising that farming 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.	Support	The approach developed by the land and water partnership provides for an equitable allocation of N discharge rights over time (see appendix 1).
Hinds Plains Land and Water Partnership	56730 V2 pLWR P -324	Rule 13.5.16	Amend Variation to provide for a flexibility cap (similar to the South Canterbury Coastal Streams proposal) and include in Rule 13.5.15	Support	With regard to the relationship between condition 1 and 2, a farming activity that has a low nitrogen discharge should not be limited to its nitrogen baseline but be

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
					<p>allowed some flexibility to increase up to a cap as a permitted activity to allow for seasonal variation and to help maintain viability as circumstances change.</p> <p>With regard to condition 2, a 25kgs cap on an baseline N loss before resource consent is required to allow for:</p> <ul style="list-style-type: none"> • Farming activities to remain at a relatively low nitrogen loss baseline within obligations to reduce further; and • The equal treatment of properties within and outside irrigations schemes (assuming a corresponding change is made to Table 13(i) to change 27 kgs allowance to 25kgs).
Fish and Game Central South Island	52271 V2 pLWR P-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 pLWR P-579	Rule 13.5.17	<p>Amend as follows:</p> <p><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></p> <ol style="list-style-type: none"> 1. <i>The nitrogen loss calculation for the property is greater than 2025 kgs per hectare per annum; and</i> 2. <i>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> 	Support in part	<p>With regard to condition 1, a change to 25 kgs is consequential to the changes sought in respect of Rule 13.5.15.</p> <p>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).</p> <p>With regard to matter of discretion 3, good</p>

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
			<p><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></p> <p>4 A Farm Environment Plan has been prepared in accordance with Schedule 7 Part A, and supplied to Environment Canterbury on request.</p> <p>The exercise of discretion is restricted to the following matters:</p> <p>1. The quality of, compliance with and auditing of the Farm Environmental Plan; and</p> <p>2. The ability to meet the nitrogen load target for farming activities in Table 13(g); and</p> <p>3. From 1 January 2017 the implementation of gGood management pPractices Nitrogen Loss Rates to be applied for the baseline land uses; and</p> <p>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</p> <p>5. The potential benefits of the activity to the applicant, the community and the environment.</p>		<p>management practice rates currently do not exist and their appropriateness therefore cannot be tested.</p> <p>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 discretion will be exercised.</p>
Eiffelton Community Group Irrigation Scheme	56798 V2 pLWR P-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> <p>1. The nitrogen loss calculation for the property is greater than 2025 kgs per hectare per annum; and</p> <p>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</p>	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.

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
			<p><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></p> <p>4 A Farm Environment Plan has been prepared in accordance with Schedule 7 Part A, and supplied to the Canterbury Regional Council on request.</p>		
Fertiliser Association of New Zealand	56725 V2 pLWR P-865	Rule 13.5.17	<p>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:</p> <p>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 .</p>	Support in part	Consistent with Federated Farmers submission on Table 13(h).
Fish and Game Central South Island	53274 V2 pLWR P-543	Rule 13.5.17	<p>Include within the rule requirements to achieve the nitrogen reductions set out in table 13(h). Deletion of clause 3 and 4.</p>	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 pLWR P-580	Rule 13.5.18	<p>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:</p> <ol style="list-style-type: none"> 1. The farming enterprise is solely in the Lower Hinds/Hekeao Plains Area; and 2. The nitrogen loss calculation for the farming 	Support in part	Provides recognition of land designated as part of green zones in the Canterbury LWRP.

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
			<p>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</p> <p>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 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 pLWR P-582	Rule13.5.21	<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 holds a discharge consent granted under Rule 5.61, Rule 5.62 or Rule 13.5.22.</u></p> <p>Any consequential amendments</p>	Support	The submission offers a more correct way to write the rule.
Mayfield Hinds Irrigation Ltd	56723 V2 pLWR P-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 pLWR	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.

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
	P - 681				
Irrigation NZ	52278 V2- pLWR P-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 Management 2014.
Irrigation NZ	52278 V2- pLWR P-204	Rule 13.5.34	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 pLWR P-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 pLWR P-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

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
					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.
Upper Hinds Plains Land User Group	56730 V2 pLWR P -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 1 V2 pLWR P-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

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					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.
DairyNZ	52271 V2 pLWR P - 597	Table 13(h)	<p>Amend Table 13(h) so that:</p> <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	<p>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.</p> <p>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.</p>

Nutrient Management Process to Deliver Better Water Quality

December 2014

Introduction

The 2011 National Policy Statement for Freshwater Management (NPS-FM) requires regional councils to set binding limits for freshwater quality and quantity. Changes to the NPS-FM in 2014 require these limits to comply with national bottom lines. Once limits have been set, farm businesses will be required by regulation to comply with them.

The NPS-FM requires regional councils to work with their communities to identify values, set objectives and agree limits for achieving them. This process is intended to be transparent, iterative and informed by high quality information. The NPS-FM, however, provides a great deal of procedural scope and allows regional councils to approach the management of nutrients and water quality with a high degree of flexibility.

This paper provides a general set of principles the primary sector considers should underpin policies and processes for agreeing water quality limits and managing to them. It is complemented by papers on information requirements (paper 2) and procedural steps for nitrogen management (paper 3).

Principles for managing nutrients to deliver better water quality

- 1. The process for managing nutrients needs to be based on good quality science, treat all land users fairly and protect the maximum possible flexibility of land use.**

When establishing a fair process for managing nutrients, the following matters must be taken into account:

- *Impacts on business viability,*
- *Impacts on land value,*
- *Impacts on the ability of farmers to respond to changing market signals, and both seasonal and long-run climate variation.*

- 2. The primary focus of regulatory authorities should be on incentivising and supporting on-farm action and behaviour change to achieve desired outcomes.**

Modelled estimates of leaching rates or runoff should play a part in nutrient management but should not be the primary focus – water quality outcomes will only be achieved through action on farm.

- 3. The process for managing water quality must be flexible enough to adapt in response to new information.**

Natural systems are complex and interactions difficult to predict. Actions may achieve environmental outcomes faster or slower than expected and may be easier (or cheaper) or more difficult (or costly) to implement than anticipated. Plan change processes need to be flexible enough to allow the timely modification of objectives and limits in response to monitoring results.

- 4. Timeframes for achieving targets and objectives must be realistic, and frequently reviewed and adjusted to reflect observed improvements in water quality and new information.**

Changes should be gradual. Timeframes for achieving objectives must reflect social, economic and technical reality, and must be able to be modified to reflect practical findings. If modelled estimates change, however, farmers should be given realistic timeframes to adjust their practices.

- 5. All parties affected by (regulators of and those regulated by) the process for managing nutrients need to be held accountable.**

Accountability implies reliable monitoring (including council baseline monitoring), robust auditing, transparent reporting and enforcement.

- 6. All contributors to the problem should contribute to the solution in accordance with their impact. The approach to managing contaminants (including nutrients) should be informed by the ‘polluter pays’ principle.**

“All contributors” includes urban, rural and industrial, point and diffuse sources, and productive and non-productive land-uses. Any nutrient management system should be designed to avoid rewarding inefficiency or encouraging ‘gaming’ (e.g. deliberate increases in leaching rates to elevate historical records and obtain an advantage on transition to a new management regime that provides for a provisional period of grandparenting).

- 7. The degree of regulatory control – including rules and conditions, monitoring, auditing and reporting – needs to relate to the degree of environmental impact and pressure.**

If there is limited environmental pressure and if an activity has a low impact then regulation – and the financial cost of complying with that regulation – should be commensurate with that pressure and impact.

- 8. As a minimum expectation, all land users should be at or moving towards industry defined Good Management Practice (GMP), recognising that GMP is an evolving standard and that continuous improvement is inherent in GMP**

In many catchments, lifting everyone to GMP is likely to go a long way towards achieving community objectives.

9. Long term investment certainty is a critical feature of a viable nutrient management system.

Although flexibility and adaptability are important features of an effective nutrient management system, changes must be signalled as far out as possible. Refinements to the nutrient management approach must be managed to smooth their impacts on business viability, land value and the flexibility of land use, and to reduce adverse social and economic consequences.

10. In under-allocated catchments the system for managing nutrients must be signalled well before the limit is reached, clear and easy to understand, and designed to avoid over-allocation.

These controls should be clear from the outset and triggered once a pre-agreed catchment-specific environmental threshold has been met (e.g. 75%-90% of a limit).

X. The rights and interests of mana whenua are considered alongside the rights and interests of other landowners.

Iwi have rights and interests in fresh water that need to be recognised. The responsibility for resolving the nature of these rights and interests, including any options for providing for them, rests with iwi and the Crown.

Others parties have established rights and interests in New Zealand's freshwater resource that must also be respected. Existing rights should not be compromised, and costs relating to Crown-Iwi resolutions should not be transferred on to other parties.

The Treaty Partners should seek solutions which provide win-win opportunities to develop New Zealand's freshwater resource and enhance all parties' interests in fresh water.

Principles relating to the management of specific contaminants

11. The management of nitrate loss must be informed by stable and reliable catchment and nitrogen/nitrate modelling and measuring. These models and measuring tools need to be able to account for the spatially variable implications of allocating and transferring nitrate loss allowances.

Regulators and land managers need to have a good understanding of how land management practices relate to observed water quality. This requires robust methods for identifying where contaminant loads are being generated, estimating how contaminants move and where they concentrate within a catchment, as well as rates of attenuation below the root zone. There is an urgent need to increase the emphasis placed on estimating the attenuation of nitrates below the root-zone and catchment-scale modelling.

Overseer is a key part of the toolkit for managing nitrate loss but in the short term there are limitations that need to be catered for in any regulatory regime underpinned by its estimates (e.g. assumptions in Overseer regarding GMP, modelling of cropping regimes and the validation of Overseer estimates). Other measures may need to be included in the approach to managing nitrate loss to ensure innovative change is incentivised and that the focus remains on prompting good practice rather than regulating compliance with numbers. It is expected that, over time, modelling designed to estimate nitrate loss will become more stable and reliable. If modelled estimates change, appropriate transition periods should be provided for.

12. Allocation regimes for managing nitrate-loss should take in to account the: natural capital, productive capacity, vulnerability of soils to leaching and runoff, and context of the receiving environment.

Variation in hydrology, soils, climate and historic and current land use patterns mean that regimes for managing nitrate-loss need to be tailored to the context.

13. Depending on the catchment, different contaminants will drive water quality. All contaminants should be managed, but the focus of regulatory attention should be on the contaminant or contaminants that are causing water quality issues in a particular catchment.

All contaminants need to be managed but in some catchments particular contaminants will have a dominant effect on water quality and this needs to be reflected in the approach to regulation.

14. Microbial, phosphate and sediment allowances should not at this stage be allocated to individual farms. Land owners' efforts to address these contaminants should be recognised and factored in to regulatory decisions, including timeframes for achieving limits.

Some contaminants can be the legacy of historic land management decisions and can be more difficult to trace to their source. At this stage the behaviour of microbial, phosphate and sediment contaminants cannot be modelled as effectively as nitrate loss. Off farm mitigation – often requiring significant investment over long periods – is the most promising approach to managing these contaminants.

Information Requirements and Section 32 Analyses

Introduction

The 2011 National Policy Statement for Freshwater Management (NPS-FM) requires regional councils to set binding limits for freshwater quality and quantity. Changes to the NPS-FM in 2014 require these limits to comply with national bottom lines. Once limits have been set, farm businesses will be required by regulation to comply with them.

The NPS-FM requires regional councils to work with their communities to identify values, set objectives and agree limits for achieving them. This process is intended to be transparent, iterative and informed by high quality information. The NPS-FM, however, provides a great deal of procedural scope and allows regional councils to approach the management of nutrients and water quality with a high degree of flexibility.

It is a fundamental expectation of the primary sector that Section 32 analyses (cost benefit analysis made under the Resource Management Act) provide information that enables a community to assess the impacts of different nutrient and water quality management options **before** making a decision.

Establishing the best management approach at the catchment level will require a fairly standard set of information requirements for the community to make informed decisions, especially in a context of over-allocation. This paper sets out a basic platform of information and analysis that should underpin nutrient and water quality management decision-making. It is complemented by papers on nutrient management principles (paper 1) and procedural steps for nitrogen management (paper 3)

Information and analysis to support high quality and effective regulation

1. High-quality catchment ecological/biophysical modelling/information/data appropriate to the scale of the issue. If there are likely to be future modelling/information/data needs, these should be taken into account at the start. Integration with flow regimes and ground water levels is particularly critical for irrigated catchments. Catchment modelling should look to provide the management tools for managing within limits in the future.
2. Realistic farm mitigation/intensification and future land use/demand scenarios based on local farm systems, or national models where they are locally relevant.
3. Change in farm profit or total revenue (or expenditure if more appropriate), changes in land/capital value and the implications for debt servicing.
4. Sensitivity analysis to test the level of resilience to climate or changes in market values.
5. Change in catchment revenue, and any wealth transfer effects between individuals within the catchment.
6. Evaluation of effects (positive and negative) on economic growth and employment, and the associated social and cultural implications.
7. Mātauranga Māori frameworks for generating and interpreting information.

The cost in time and money of doing everything outlined above at the same time and in every catchment is likely to be prohibitive. Central government will need to investigate options for supporting the timely and cost-effective delivery of robust local planning processes. This might include providing 'off the shelf' templates, models and processes. It might also include direct resourcing.

As with the development of the National Objectives Framework, any central direction on templates, models and processes should be provided following a collaborative process that brings together people from the various interest groups who have experience implementing the NPS-FM on the ground.

Procedural steps for the management of nitrate-loss

The Land and Water Partnership examined a number of different options for allocating nitrate loss. The challenge has been reconciling principles of long-run equity with short-run efficiency and economic sustainability. We propose a decision-support framework for managing nitrate-loss that assists communities, farmers, other stakeholders and regulators to: (a) agree – with reference to the principles set out earlier in this paper – a Nitrate- loss

allocation system that is equitable and sustainable in the long term; and (b); suitably manage risks and impacts and provide the necessary support to farm businesses as they transition towards the agreed management system.

Step 1 – Establish current land use (Load 1)

Overlay climate, land use, soils and hydrology to define the relationship between current leaching and the catchment load. At present we do not have the necessary understanding of the behaviour of nitrates below the root zone to make a robust estimate of attenuation. This uncertainty needs to be reflected in any limit-setting process and decisions on how to manage nitrate-loss (it has significant implications, for instance, for any allocation regime).

Step 2 – Good management practice (Load 2)

Industry defines good management practice (GMP) in collaboration with the regulators and equates this to an estimated nitrate-loss 'number' or range for a particular catchment under current GMP. This is then compared to the catchment load at current land use (Step 1) to provide the mass balance for accounting purposes.

Step 3 – Establish limit or target (Load 3)

Calculate catchment load based on agreed community values for water bodies (limit or target load). Use Section 32 analysis to develop and evaluate a number of different solutions and feed the information this generates into discussions with the community aimed at confirming values, objectives and limits (as per the iterative process established by the NPS-FM).

Step 4 – Does headroom exist?

- Where GMP Load 2 is less than the limit Load 3, the catchment is under-allocated, allocation is not currently necessary and the costs outweigh the benefits.
- Calculate from the GMP numbers the level of intensification that the limit can accommodate.
- If the maximum likely level of intensification is more than the limit load, regulations must be put in place that are triggered above a specified level of environmental pressure, to avoid over-allocation and provide certainty.
- If the maximum likely level of intensification is less than the limit load, then nitrate loss is unlikely to be a factor in the quality of water in that catchment. In any case, farm planning based on a variety of GMP to address multiple contaminants will be the most effective method of addressing water quality issues in those catchments (including addressing sediment and faecal contamination).
- Overseer nitrate loss numbers may be of use for planning purposes to give investors certainty and planners comfort that they know the triggers for oversight or intervention.

Step 5 – Managing over-allocation

- In a context of over-allocation and when considering subsequent allocation and mitigation processes, modelled estimates of nitrate leaching have significant value as decision support tools, but the focus needs to remain on what makes a difference for water quality.
- Where GMP is insufficient to meet the catchment limit (Load 3), further mitigation is required.
- The precise level of mitigation that is possible will vary by region and by catchment, and will require detailed analysis (see information requirements). Reductions beyond GMP should be assessed in the Section 32 analysis to determine the economic and social consequences and identify the point at which economic viability and resilience is undermined.
- Realistic timeframes must be provided to allow land users to work to phase out overallocation.
- Phase out of overallocation must allow for flexibility of land use and normal development by low-leaching land uses. This could be provided for via a flexibility cap/threshold calculated to ensure that land owners are able to continue to farm and respond to changing market conditions.
- Higher-leaching land users will have to reduce nitrate losses, or find alternative means to continue at higher levels of loss. Over time reductions should ensure the target load limit is achieved. Longer timeframes will enable solutions that have lower impacts on the social and economic sustainability and resilience of communities.
- Allocations of nitrate loss allowances should be based on soil type, climate (water availability), topography and land use, appropriate to the context of a particular catchment. It should not be presumed that there will be a straight line correlation between land characteristics and nitrate-loss allocations.
- The extent and duration of grandfathering occurring as an interim measure must be negotiated in line with the legitimate expectations of farmers to maintain economic viability and land use flexibility. High loss systems should not, however, benefit from any interim grandfathering of allocations other than to allow for more time for transition – the expectation is that nitrate-loss reduction will occur over the shortest possible timeframe while maintaining financial viability.
- Farmers on land with similar soil, climate and topography should, over time, be provided with equal development opportunity. In over allocated catchments this will inevitably take more time and in some catchments may not be feasible. This approach is inherently conservative and recognises the limitations of the current state of knowledge and mitigation practices. It will set a direction of travel to drive environmental improvement and equity between land users but also recognises the importance of local decisions that take account of local circumstances.
- It must be recognised that the management of nitrogen leaching may require major structural change for farmers and rural areas and that avoiding and managing over allocation will have wide-ranging social consequences.

Conclusion

I thank Environment Canterbury for the opportunity to further-submit on Proposed Variation 2 of the Proposed Canterbury Land and Water Regional Plan. I look forward to ongoing dialogue about Variation 2 and continuing to work constructively with Council.

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

Chris Allen