

Make Submission

Consultee	(64044)
Email Address	ellislea@xtra.co.nz
Company / Organisation	Ellis-Lea Farms (2000) Ltd
Address	5 Kellands Hill Road Timaru 7910
Event Name	Proposed Variation 3 to the Proposed Canterbury Land and Water Regional Plan
Submission by	Ellis-Lea Farms (2000) Ltd ()
Submission ID	V3pLWRP-80
Response Date	25/05/15 10:45 AM
Consultation Point	7 Mandatory Information (View)
Status	Submitted
Submission Type	Web
Version	0.1
If so	

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Submission ID	V3pLWRP-20
Response Date	25/05/15 10:44 AM
Consultation Point	Proposed Variation 3 to the Proposed Canterbury Land and Water Regional Plan - Section 15- Waitaki and South Coastal Canterbury (View)
Status	Submitted
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Support Oppose	
	Supports in Part or Opposes in Part

State concisely whether you support or oppose the provision being submitted on, or wish to have amendments made.

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Nutrient Management Provisions of Variation 3

Before making detailed submissions on the specific provisions in Variation 3, Federated Farmers wishes to make an over-arching submission in light of some major issues which have emerged regarding its incorporation of the N Allocation framework agreed by the Nitrogen Allocation Reference Group, and the extent to which it now delivers on the intentions of that group.

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Submissions on Specific Provisions of Variation 3

15A South Coastal Canterbury Area (p 15-1 – 15-3)

Paragraph 2 on page 15-2

Submission

The second paragraph on page 15-2 states that *in-catchment water use is at or beyond sustainable limits for both surface and groundwater and water quality has declined* . This is true for the Waihao/Wainono catchment but not for other areas.

Decision sought

Amend the paragraph to accurately summarize the balance between land use, water flow and allocation, and water quality in the three sets of catchments covered by Variation 3.

Paragraph 2 on page 15-3

Submission

The ZIP Addendum: South Coastal Canterbury (based on scenario 2b) contains clear recommendations about water and nutrient management in the area covered by the Morven Drain in the south to the Otaio River catchment in the north. These have not always been well articulated in the current draft of variation 3. For example, the ZIP Addendum placed a lot of emphasis on the achievement of good management practice (GMP) as defined by the Matrix of Good Management project. This emphasis is not carried through to draft Variation 3 which places more emphasis on adherence to nitrogen baselines. Federated Farmers supports the approach taken by the ZIP Addendum in this regard.

Definitions

New definition of Surface drain

Submission

A definition of drains is required in the context of Policy 15.4.1. The definition needs to exclude small drains which are not likely to have a significant impact on water quality and aquatic habitat – where the cost of exclusion out-weighs the benefit gained. As a minimum, sub-surface drains, storm-water swales, or other artificial watercourses that are ephemeral in nature should be excluded.

Decision sought

Include a definition of surface drain, as follows:

Surface drain: includes any open channel, artificial watercourse constructed for the purpose of land drainage, excluding storm-water swales, or other artificial watercourses that are ephemeral in nature.

Definition of Nutrient user group (p 15-4)

Submission

Federated Farmers supports the definition of *Nutrient User Group* , in the context of Rule 15.5.9. It must be clear that nutrient user groups are able to manage nutrients by averaging discharge both across entire properties and between properties.

Decision sought

Retain the definition of *Nutrient User Group* .

Policies

Managing land-use to maintain or improve water quality

Policy 15.4.1

Submission

Policy 15.4.1 requires the exclusion of extensively farmed stock from drains. A definition of drains is required, to exclude small drains which are not likely to have a significant impact on water quality and aquatic habitat – where the cost of exclusion out-weighs the benefit gained. As a minimum, sub-surface drains, storm-water swales, or other artificial watercourses that are ephemeral in nature should be excluded.

Decision sought

Include a definition of surface drains as requested above.

Policy 15.4.2

Submission

The water quality outcomes or limits for the Northern Streams, Waihao-Wainono and Morven-Sinclairs areas are set out in Tables 15(a), 15(b), 15(c), 15(d), and 15(e). The nitrogen load limits specified in Table 15(o) and 15(p) contribute to the achievement of some, but not all, of those outcomes. Therefore, the policy overstates the benefit of nitrogen load limits in “achieving” the water quality outcomes, and should be re-written to reflect that.

In addition, the policy should include a commitment to review the load limits in Tables 15(o) and 15(p) when the MGM project is complete and when new versions of Overseer are issued.

Decision sought

Amend Policy 15.4.2, as follows:

Contribute to ~~Achieving~~ the water quality outcomes for the Northern Streams Area, Waihao-Wainono Area and the Morven Sinclairs Area by not exceeding the nitrogen load limits in Tables 15(o) and 15(p). The load limits in Tables 15(o) and 15(p) will be reviewed when the MGM project is complete and when new versions of Overseer are issued.

Policy 15.4.3

Submission

Policy 15.4.3 refers to “avoiding the movement of nitrogen” from the Plains Area to the Hills areas. It is unclear what the intention of this policy is. Nitrogen moves naturally (including between properties) in ground and surface water. It appears that the policy is referring to the transfer of nitrogen loss *allowance* between properties. However this is not clear because the wording used leaves open a number of interpretations. If the intent is to limit the transfer and sharing of nitrogen loss entitlement between properties, users and user groups, it would be best to state that directly and avoid using the term “movement of nitrogen”.

Decision sought

Therefore, it would be best to avoid using the term “movement of nitrogen” if the intent is to limit the transfer and sharing of nitrogen loss entitlement between properties, users and user groups. The policy should be reworded as follows:

Meet the nitrogen load limits for the Northern Streams, Waihao-Wainono and Morven-Sinclairs Plains and Hill Areas by ensuring that nitrogen management occurs within each of those areas to meet the catchment loads that apply to each respective area.

Policy 15.4.4

Submission

Policy 15.4.4 (a) states that all farming activities are to operate at *good management practice or better*. Good management practice will be defined by the benchmarks and practices defined by the Matrix of Good Management Project. These will be available before Variation 3 goes to hearing and should be referred to directly in this policy and throughout the variation. Good management practice (as defined by the MGM project benchmarks) will obviously change over time. This needs to be acknowledged and a mechanism for adjusting the benchmarks needs to be established.

Policy 15.4.4 (b) states that water quality will be improved by the *preparation and implementation of a Farm Environment Plan for the use of land for any farming activity subject to a resource consent*. FEP's are a useful mechanism for addressing practices which may result in sediment/P loss and could be included in the plans as permitted activity conditions in situations where it is not appropriate/desirable to require a consent application.

Decision sought

Amend part (a), as follows:

- 1 All farming activities to operate at good management practice or better, as defined by the benchmarks and practices defined by the Matrix of Good Management Project. These benchmarks and practices will change, as appropriate, with the development of good management practice over time.

Amend part (b) to enable FEP's to be used as a permitted activity condition where it is not appropriate/desirable to require a consent application.

- 1 ...

Policy 15.4.5

Submission

Policy 15.4.5 (a) requires compliance with the maximum caps (except those on extremely light soils) by 2030. This is an extension of the 2025 deadline agreed by the NARG group. The agreement reached by the NARG was reached after much discussion among the diverse interest groups involved and, as a matter of principle, Federated Farmers supports it.

Decision sought

Amend Policy 15.4.5 (a) to be consistent with the NARG framework, in particular to require existing farming activities to comply with the maximum cap by 2025.

Policy 15.4.6

Submission

Policy 15.4.6 allows for the continued operation of existing farming activities on extremely light soils provided the activity is operated in accordance with a FEP that sets out actions to ensure long-term compliance with the maximum cap. Federated Farmers supports this approach.

Decision sought

Retain Policy 15.4.5, as written.

Policies 15.4.5, 15.4.6, 15.4.7 and 15.4.8

Submission

Policies 15.4.5, 15.4.6, 15.4.7 and 15.4.8 refer to maximum caps and flexibility caps. The relevance of these is obviously closely linked with Overseer estimates of N discharge from individual properties. Therefore, there needs to be an acknowledgement that the caps need to be indexed in some way to the latest version of Overseer, to ensure that there are not effective changes in the caps with each new version of Overseer.

Decision sought

Make provision for the amendment of load targets/limits and relevant thresholds, including flexibility caps and maximum caps, along with the introduction of new versions of Overseer, to ensure that those loads, caps and thresholds continue to serve their intended purpose.

Policy 15.4.9

Submission

Reference to “economic development” is too broad. The policy should be more explicit and refer to intensification.

Decision sought

Reword as follows:

Manage nitrogen losses within the Morven-Sinclairs Area while providing flexibility for intensification of farming activities by:

.....

Nutrient User Groups and Farming Enterprises

Policy 15.4.10

Submission

The policy is misleading as it purports to provide for increases in nitrogen losses above the baseline for activities within nutrient user groups, irrigation schemes and farming enterprises when increases are subject conditions and qualifications (e.g. those set out in Policies 15.4.12(b) and 15.4.14(c)). Compliance with those 2 policies effectively limits the ability of Nutrient User Groups, irrigation schemes

or Farming Enterprises to manage nutrient discharge. The policy should be more accurately re-written as follows:

Except for any land within the Northern Streams Hill, Waihao-Wainono Hill Areas, and subject to Policies 15.4.12 and 15.4.14, enable flexibility in nitrogen management by allowing for an increase in nitrogen beyond the respective nitrogen baseline provided:

The property is part of:

- 1 *A Nutrient User Group*
- 2 *An Irrigation scheme; or*
- 3 *A Farming Enterprise*

Decision sought

Policy 15.4.11

Submission

Policy 15.4.11 allows *Farming Enterprises or Nutrient User Groups to establish and operate where all properties are located in the same Surface Water Allocation Zone*. The purpose of the policy is not clear in the context of managing nutrient discharge. It would make more sense if the properties were required to be part of the same nutrient discharge allocation area.

Decision sought

Delete Policy 15.4.11 because its purpose is not clear.

Policy 15.4.12

Submission

Maintaining water quality relates to much more than nitrogen loss. Reference to “restricting movement of nitrogen between properties” is confusing as nitrogen moves naturally between properties in ground and surface water. It appears that the policy is referring to the transfer of *nitrogen loss allowance* between properties. However, this is unclear because the terminology used leaves open a number of interpretations.

Decision sought

Redraft Policy 15.4.12, as follows:

Manage nitrogen losses by attributing responsibility for nitrogen loss to individual properties unless:

...

Policy 15.4.13

Submission

The policy refers to “application for a resource consent to establish a Nutrient User Group”. No such resource consent is required by the Variation and the RMA provides no such consenting system. Further, no such requirement for a consent is referred to in the definition of “Nutrient User Group”. It is unclear what this policy refers to or what consenting system is envisaged.

Decision sought

Clarify the intent of this policy. This may involve an amendment to the definition of Nutrient User Group to clarify that such a group exists only if approved by ECan through a specified process.

Irrigation Schemes

Policy 15.4.14

Submission

Part (b) of the policy, which requires that the irrigation scheme load in Table 15(p) is apportioned in proportion to the area of the scheme that is operational, could cause problems for developing schemes where the operational area is increasing. Therefore, Part (b) should be deleted.

Decision sought

Delete part (b) because this could cause operational difficulties for developing schemes.

Lake, catchment and flow restoration

Policy 15.4.15

Submission

Policy 15.4.15 should be reworded in the interests of clarity. The policy should be limited in its focus to enabling augmentation. Nutrient loss management is dealt with in earlier policies. The words "and in the absence of either require nutrient loss reductions beyond those achieved by good management practice" should be deleted.

Decision sought

Amend Policy 15.4.15 as follows:

Improve water quality of the Waihao-Wainono Area by enabling augmentation of Wainono Lagoon and catchment restoration activities ~~and in the absence of either require nutrient loss reductions beyond those achieved by good management practice~~.

Policy 15.4.16

Submission

Policy 15.4.16 states that water quality of the Waihao Wainono area will be improved by *enabling the discharge of water to the lagoon through a constructed wetland, provided:...* (d) *Net loss of significant biodiversity habitat and habitats of significant indigenous biodiversity is avoided and the application for a resource consent is accompanied by a management plan that describes how the wetland(s) will be maintained;* Presumably the intention of proviso (d) is to protect significant indigenous biodiversity habitat rather than the habitat of introduced species (e.g. pasture species, weeds or pests)? Therefore (d) should be re-written as follows: *(d) net loss of significant indigenous biodiversity habitat is avoided;* The reference to maintenance of wetlands should be deleted because this is covered in part (f).

In addition, part (e) should be amended to refer to *significant* adverse effects. The complete avoidance of adverse effects would be difficult if not impossible.

Decision sought

Reword part (d), as follows:

Net loss of significant indigenous biodiversity habitat ~~and habitats of significant indigenous biodiversity~~ is avoided ~~and the application for a resource consent is accompanied by a management plan that describes how the wetland(s) will be maintained~~ ; and

Reword part (e), as follows:

significant adverse effects on people and property from raised groundwater levels and land inundation are avoided;

Sustainable use of water and improvement of flows

Policy 15.4.19

Submission

Additional wording is required in part b). This policy requires the use of irrigation scheme water, where available, to the fullest extent possible. This requirement should be qualified to make allowance for economic factors. The move should not threaten the economic viability of farm businesses.

Policy 15.4.20(e) requires reduction of over-allocation by the avoidance of reallocation of any surrendered water. This is a reasonable requirement as long as there is over-allocation but water should be available for allocation once there is no over-allocation.

Decision sought

Amend part (b), as follows:

(b) utilizing water available from irrigation schemes before utilizing run-of-river takes . taking into account the financial viability for the property concerned .

Amend part (e), as follows:

(e) avoiding the reallocation of any surrendered water until such time as the water resource is no longer over-allocated .

Policy 15.4.20

Submission

Support Policy 15.4.20 (a).

Policy 15.4.20 (b) states that *Ground water is sustainably managed within the Waihao Groundwater Allocation Zone by: (b) not exceeding the applicable allocation limit set out in Table 15(k);* This rule should only apply to new consents . Consent renewals should be granted provided the volume and rate of take are reasonable according to Schedule 10 methodology.

Policy 15.4.20 (c) please see submission on Policy 15.4.35.

Decision sought

Retain Policy 15.4.20 (a) as written.

Amend Policy 15.4.20 (b), as follows:

Ground water is sustainably managed within the Waihao Groundwater Allocation Zone by: (b) for new consents, not exceeding the applicable allocation limit set out in Table 15(k). Consent renewals should be granted provided the volume and rate of take are reasonable according to Schedule 10 methodology ;

-

Policy 15.4.21

Submission

The stated intent of Policy 15.4.21 is to sustainably manage water from the specified zones. However, this should not preclude a consent holder applying his/her consented water onto new or different land areas provided water use is within the annual volume limit calculated according to Schedule 10. The policy should focus on the sustainable management of water and allow irrigators the flexibility to use their reasonable use water allocation to best effect on their land. Flexibility is particularly important for those producing arable and horticultural crops who have to manage crop rotations and respond to a range of market and physical conditions.

Decision sought

Delete part (b) to enable effective use of consented annual volumes.

Policy 15.4.22

Submission

Support Policy 15.4.22.

Decision sought

Retain Policy 15.4.22 as written.

Policy 15.4.23

Submission

Policy 15.4.23 (a) enables the replacement of surface water and stream depleting groundwater takes with deep groundwater takes provided there are no stream depletion effects are. In this process it must be acknowledged that the annual volume on some such takes is insufficient to meet reasonable demand for the area of land, because of system capacity issues. Therefore, where people are replacing surface water or stream-depleting groundwater takes with non stream depleting ground water takes, the consented annual volume must be calculated according to method 2 in Schedule 10 of the LWRP. If people are making are substantial investments in new infrastructure for environmental benefit, it is reasonable to ensure that they will end up with an annual volume appropriate for their land area. The policy should refer to Policy 15.4.21 in this regard.

In addition, Policy 15.4.23 (a) establishes an impossible test by suggesting replacement of stream depleting groundwater permits must ensure stream depletion effects are avoided. The policy should be re-worded to specify that the replacement takes will be from greater than 30 metres to avoid stream depletion effects.

Decision sought

Amend Policy 15.4.23, as follows:

Surface water flows are improved by enabling an applicant to take deep groundwater provided the applicant holds a lawfully established surface water take or stream depleting groundwater take ~~for an equal or greater rate and volume than is sought from the deep groundwater,~~ and the surface water take or stream depleting groundwater take is surrendered provided:

(a) The volume of take will be that required to meet reasonable demand for the area of land (calculated according to method 2 of Schedule 10).

~~(- a - b - there are no stream depletion effects -~~ to avoid stream depletion effects, the take will be from greater than 30 m depth;

Re-letter parts (b) to (d) accordingly.

Policy 15.4.24

Submission

Support.

Decision sought

Retain as written.

Policy 15.4.25

Submission

Policy 15.4.25 requires the use of irrigation scheme water, where available, to the fullest extent possible (during re-consenting processes). This requirement should be qualified to make allowance for physical practicality and economic factors. The move should not threaten the economic viability of farm businesses.

Decision sought

Amend Policy 15.4.25, as follows:

Over-allocation of water is reduced by requiring applications for water permits affected by section 124-124C of the RMA to use irrigation scheme water, where available, to the fullest extent possible taking into account practicality and financial viability for the property concerned.

Policy 15.4.26

Submission

Policy 15.4.26 sets requirements for the abstraction of surface water and stream depleting groundwater in addition to those contained in Policy 4.61 of the LWRP.

The requirements additional to Policy 4.61 (7 day volume and seasonal volume) are unnecessary from an environmental perspective, may lead to the less effective use of water and merely serve to complicate the compliance process. There, the policy is unnecessary and should be deleted.

If the policy is retained it should state what it applies to, namely the abstraction of surface water and stream depleting groundwater.

Decision sought

Delete Policy 15.4.26 because the requirements contained in Rule 4.61 are more than adequate.

If the policy is retained it should state that it applies to the abstraction of surface water and stream depleting groundwater.

Policy 15.4.27

Submission

Support.

Decision sought

Retain wording as notified.

Policy 15.4.28

Submission

Support.

Decision sought

Retain wording as notified.

Policy 15.4.29

Submission

Support.

Decision sought

Retain wording as notified.

Policy 15.4.30

Submission

Policy 15.4.30 states that environmental outcomes are to be met by *only allowing the transfer of water permits (other than to the new owner of the same property at the same location), to occur where the transferred water is to be used for a community water supply.* Achievement of environmental outcomes and transfer are separate issues and should be treated as such. Environmental outcomes are largely achieved by setting limits, and transfer processes would be subject to those limits. There is no logical reason to prevent transfers if the water resource is under-allocated.

Further, in order to facilitate the replacement of surface water and stream depleting groundwater permits with new groundwater permits (Policy 15.4.23)) it would be beneficial to amend this policy so that groundwater can be transferred from where it is available to where it is needed.

Decision sought

Amend Policy 15.4.30, by adding the words:

...or where the transfer can occur without increasing volume of allocated water used.

Policy 15.4.31

Submission

Support protection of water availability for community supply.

Decision sought

Retain wording as notified.

Consent Duration

Policy 15.4.32

- 1 The policy provides for a common expiry date. The reason for this is not clear. It is also not clear what activities this policy is intended to apply to. Because the policy is unqualified it appears to apply to all consents (i.e. water takes, discharges, and duration-limited land use consents). In the context of water permits, it is worth recalling that there is currently no option for allocation other than first in first served. Critically, the process to manage consenting at common expiry is unstated by the Variation. That creates significant uncertainty for all resource users with fixed term consents. In the absence of a clear understanding of which applications the policy applies to and how allocation is to occur at comment expiry, such a policy cannot be supported. Further, a 10 year consent duration is too short for activities which require substantial investment. Therefore, Policy 15.4.32 should be deleted.

Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand the outcome you are seeking.

I seek the following decisions from Environment Canterbury:

Submissions on Specific Provisions of Variation 3

15A South Coastal Canterbury Area (p 15-1 – 15-3)

Paragraph 2 on page 15-2

Submission

The second paragraph on page 15-2 states that *in-catchment water use is at or beyond sustainable limits for both surface and groundwater and water quality has declined* . This is true for the Waihao/Wainono catchment but not for other areas.

Decision sought

Amend the paragraph to accurately summarize the balance between land use, water flow and allocation, and water quality in the three sets of catchments covered by Variation 3.

Paragraph 2 on page 15-3

Submission

The ZIP Addendum: South Coastal Canterbury (based on scenario 2b) contains clear recommendations about water and nutrient management in the area covered by the Morven Drain in the south to the Otaio River catchment in the north. These have not always been well articulated in the current draft of variation 3. For example, the ZIP Addendum placed a lot of emphasis on the achievement of good management practice (GMP) as defined by the Matrix of Good Management project. This emphasis is not carried through to draft Variation 3 which places more emphasis on adherence to nitrogen baselines. Federated Farmers supports the approach taken by the ZIP Addendum in this regard.

Definitions

New definition of Surface drain

Submission

A definition of drains is required in the context of Policy 15.4.1. The definition needs to exclude small drains which are not likely to have a significant impact on water quality and aquatic habitat – where the cost of exclusion out-weighs the benefit gained. As a minimum, sub-surface drains, storm-water swales, or other artificial watercourses that are ephemeral in nature should be excluded.

Decision sought

Include a definition of surface drain, as follows:

Surface drain: includes any open channel, artificial watercourse constructed for the purpose of land drainage, excluding storm-water swales, or other artificial watercourses that are ephemeral in nature.

Definition of Nutrient user group (p 15-4)

Submission

Federated Farmers supports the definition of *Nutrient User Group* , in the context of Rule 15.5.9. It must be clear that nutrient user groups are able to manage nutrients by averaging discharge both across entire properties and between properties.

Decision sought

Retain the definition of *Nutrient User Group* .

Policies

Managing land-use to maintain or improve water quality

Policy 15.4.1

Submission

Policy 15.4.1 requires the exclusion of extensively farmed stock from drains. A definition of drains is required, to exclude small drains which are not likely to have a significant impact on water quality and aquatic habitat – where the cost of exclusion out-weighs the benefit gained. As a minimum, sub-surface drains, storm-water swales, or other artificial watercourses that are ephemeral in nature should be excluded.

Decision sought

Include a definition of surface drains as requested above.

Policy 15.4.2

Submission

The water quality outcomes or limits for the Northern Streams, Waihao-Wainono and Morven-Sinclairs areas are set out in Tables 15(a), 15(b), 15(c), 15(d), and 15(e). The nitrogen load limits specified in Table 15(o) and 15(p) contribute to the achievement of some, but not all, of those outcomes. Therefore, the policy overstates the benefit of nitrogen load limits in “achieving” the water quality outcomes, and should be re-written to reflect that.

In addition, the policy should include a commitment to review the load limits in Tables 15(o) and 15(p) when the MGM project is complete and when new versions of Overseer are issued.

Decision sought

Amend Policy 15.4.2, as follows:

Contribute to ~~A~~ achieving the water quality outcomes for the Northern Streams Area, Waihao-Wainono Area and the Morven Sinclairs Area by not exceeding the nitrogen load limits in Tables 15(o) and 15(p). The load limits in Tables 15(o) and 15(p) will be reviewed when the MGM project is complete and when new versions of Overseer are issued.

Policy 15.4.3

Submission

Policy 15.4.3 refers to “avoiding the movement of nitrogen” from the Plains Area to the Hills areas. It is unclear what the intention of this policy is. Nitrogen moves naturally (including between properties) in ground and surface water. It appears that the policy is referring to the transfer of nitrogen loss *allowance* between properties. However this is not clear because the wording used leaves open a number of interpretations. If the intent is to limit the transfer and sharing of nitrogen loss entitlement between properties, users and user groups, it would be best to state that directly and avoid using the term “movement of nitrogen”.

Decision sought

Therefore, it would be best to avoid using the term “movement of nitrogen” if the intent is to limit the transfer and sharing of nitrogen loss entitlement between properties, users and user groups. The policy should be reworded as follows:

Meet the nitrogen load limits for the Northern Streams, Waihao-Wainono and Morven-Sinclairs Plains and Hill Areas by ensuring that nitrogen management occurs within each of those areas to meet the catchment loads that apply to each respective area.

Policy 15.4.4

Submission

Policy 15.4.4 (a) states that all farming activities are to operate at *good management practice or better*. Good management practice will be defined by the benchmarks and practices defined by the Matrix of Good Management Project. These will be available before Variation 3 goes to hearing and should be referred to directly in this policy and throughout the variation. Good management practice (as defined by the MGM project benchmarks) will obviously change over time. This needs to be acknowledged and a mechanism for adjusting the benchmarks needs to be established.

Policy 15.4.4 (b) states that water quality will be improved by the *preparation and implementation of a Farm Environment Plan for the use of land for any farming activity subject to a resource consent*.

FEP's are a useful mechanism for addressing practices which may result in sediment/P loss and could be included in the plans as permitted activity conditions in situations where it is not appropriate/desirable to require a consent application.

Decision sought

Amend part (a), as follows:

- 1 All farming activities to operate at good management practice or better as defined by the benchmarks and practices defined by the Matrix of Good Management Project. These benchmarks and practices will change, as appropriate, with the development of good management practice over time.

Amend part (b) to enable FEP's to be used as a permitted activity condition where it is not appropriate/desirable to require a consent application.

- 1 ...

Policy 15.4.5

Submission

Policy 15.4.5 (a) requires compliance with the maximum caps (except those on extremely light soils) by 2030. This is an extension of the 2025 deadline agreed by the NARG group. The agreement

reached by the NARG was reached after much discussion among the diverse interest groups involved and, as a matter of principle, Federated Farmers supports it.

Decision sought

Amend Policy 15.4.5 (a) to be consistent with the NARG framework, in particular to require existing farming activities to comply with the maximum cap by 2025.

Policy 15.4.6

Submission

Policy 15.4.6 allows for the continued operation of existing farming activities on extremely light soils provided the activity is operated in accordance with a FEP that sets out actions to ensure long-term compliance with the maximum cap. Federated Farmers supports this approach.

Decision sought

Retain Policy 15.4.5, as written.

Policies 15.4.5, 15.4.6, 15.4.7 and 15.4.8

Submission

Policies 15.4.5, 15.4.6, 15.4.7 and 15.4.8 refer to maximum caps and flexibility caps. The relevance of these is obviously closely linked with Overseer estimates of N discharge from individual properties. Therefore, there needs to be an acknowledgement that the caps need to be indexed in some way to the latest version of Overseer, to ensure that there are not effective changes in the caps with each new version of Overseer.

Decision sought

Make provision for the amendment of load targets/limits and relevant thresholds, including flexibility caps and maximum caps, along with the introduction of new versions of Overseer, to ensure that those loads, caps and thresholds continue to serve their intended purpose.

Policy 15.4.9

Submission

Reference to “economic development” is too broad. The policy should be more explicit and refer to intensification.

Decision sought

Reword as follows:

Manage nitrogen losses within the Morven-Sinclairs Area while providing flexibility for intensification of farming activities by:

.....

Nutrient User Groups and Farming Enterprises

Policy 15.4.10

Submission

The policy is misleading as it purports to provide for increases in nitrogen losses above the baseline for activities within nutrient user groups, irrigation schemes and farming enterprises when increases are subject conditions and qualifications (e.g. those set out in Policies 15.4.12(b) and 15.4.14(c)). Compliance with those 2 policies effectively limits the ability of Nutrient User Groups, irrigation schemes or Farming Enterprises to manage nutrient discharge. The policy should be more accurately re-written as follows:

Except for any land within the Northern Streams Hill, Waihao-Wainono Hill Areas, and subject to Policies 15.4.12 and 15.4.14, enable flexibility in nitrogen management by allowing for an increase in nitrogen beyond the respective nitrogen baseline provided:

The property is part of:

- 1 *A Nutrient User Group*
- 2 *An Irrigation scheme; or*
- 3 *A Farming Enterprise*

Decision sought

Policy 15.4.11

Submission

Policy 15.4.11 allows *Farming Enterprises or Nutrient User Groups to establish and operate where all properties are located in the same Surface Water Allocation Zone*. The purpose of the policy is not clear in the context of managing nutrient discharge. It would make more sense if the properties were required to be part of the same nutrient discharge allocation area.

Decision sought

Delete Policy 15.4.11 because its purpose is not clear.

Policy 15.4.12

Submission

Maintaining water quality relates to much more than nitrogen loss. Reference to “restricting movement of nitrogen between properties” is confusing as nitrogen moves naturally between properties in ground and surface water. It appears that the policy is referring to the transfer of *nitrogen loss allowance* between properties. However, this is unclear because the terminology used leaves open a number of interpretations.

Decision sought

Redraft Policy 15.4.12, as follows:

Manage nitrogen losses by attributing responsibility for nitrogen loss to individual properties unless:

...

Policy 15.4.13

Submission

The policy refers to “application for a resource consent to establish a Nutrient User Group”. No such resource consent is required by the Variation and the RMA provides no such consenting system. Further, no such requirement for a consent is referred to in the definition of “Nutrient User Group”. It is unclear what this policy refers to or what consenting system is envisaged.

Decision sought

Clarify the intent of this policy. This may involve an amendment to the definition of Nutrient User Group to clarify that such a group exists only if approved by ECan through a specified process.

Irrigation Schemes

Policy 15.4.14

Submission

Part (b) of the policy, which requires that the irrigation scheme load in Table 15(p) is apportioned in proportion to the area of the scheme that is operational, could cause problems for developing schemes where the operational area is increasing. Therefore, Part (b) should be deleted.

Decision sought

Delete part (b) because this could cause operational difficulties for developing schemes.

Lake, catchment and flow restoration

Policy 15.4.15

Submission

Policy 15.4.15 should be reworded in the interests of clarity. The policy should be limited in its focus to enabling augmentation. Nutrient loss management is dealt with in earlier policies. The words “and in the absence of either require nutrient loss reductions beyond those achieved by good management practice” should be deleted.

Decision sought

Amend Policy 15.4.15 as follows:

Improve water quality of the Waihao-Wainono Area by enabling augmentation of Wainono Lagoon and catchment restoration activities ~~and in the absence of either require nutrient loss reductions beyond those achieved by good management practice~~.

Policy 15.4.16

Submission

Policy 15.4.16 states that water quality of the Waihao Wainono area will be improved by *enabling the discharge of water to the lagoon through a constructed wetland, provided:....(d) Net loss of significant biodiversity habitat and habitats of significant indigenous biodiversity is avoided and the application for a resource consent is accompanied by a management plan that describes how the wetland(s) will be maintained;* Presumably the intention of proviso (d) is to protect significant indigenous biodiversity habitat rather than the habitat of introduced species (e.g. pasture species, weeds or pests)? Therefore (d) should be re-written as follows: *(d) net loss of significant indigenous biodiversity habitat is avoided;* The reference to maintenance of wetlands should be deleted because this is covered in part (f).

In addition, part (e) should be amended to refer to *significant* adverse effects. The complete avoidance of adverse effects would be difficult if not impossible.

Decision sought

Reword part (d), as follows:

Net loss of significant indigenous biodiversity habitat ~~and habitats of significant indigenous biodiversity~~ is avoided ~~and the application for a resource consent is accompanied by a management plan that describes how the wetland(s) will be maintained~~ ; and

Reword part (e), as follows:

significant adverse effects on people and property from raised groundwater levels and land inundation are avoided;

Sustainable use of water and improvement of flows

Policy 15.4.19

Submission

Additional wording is required in part b). This policy requires the use of irrigation scheme water, where available, to the fullest extent possible. This requirement should be qualified to make allowance for economic factors. The move should not threaten the economic viability of farm businesses.

Policy 15.4.20(e) requires reduction of over-allocation by the avoidance of reallocation of any surrendered water. This is a reasonable requirement as long as there is over-allocation but water should be available for allocation once there is no over-allocation.

Decision sought

Amend part (b), as follows:

(b) utilizing water available from irrigation schemes before utilizing run-of-river takes into account the financial viability for the property concerned .

Amend part (e), as follows:

(e) avoiding the reallocation of any surrendered water until such time as the water resource is no longer over-allocated .

Policy 15.4.20

Submission

Support Policy 15.4.20 (a).

Policy 15.4.20 (b) states that *Ground water is sustainably managed within the Waihao Groundwater Allocation Zone by: (b) not exceeding the applicable allocation limit set out in Table 15(k);* This rule should only apply to new consents . Consent renewals should be granted provided the volume and rate of take are reasonable according to Schedule 10 methodology.

Policy 15.4.20 (c) please see submission on Policy 15.4.35.

Decision sought

Retain Policy 15.4.20 (a) as written.

Amend Policy 15.4.20 (b), as follows:

Ground water is sustainably managed within the Waihao Groundwater Allocation Zone by: (b) for new consents, not exceeding the applicable allocation limit set out in Table 15(k). Consent renewals should be granted provided the volume and rate of take are reasonable according to Schedule 10 methodology ;

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Policy 15.4.21

Submission

The stated intent of Policy 15.4.21 is to sustainably manage water from the specified zones. However, this should not preclude a consent holder applying his/her consented water onto new or different land areas provided water use is within the annual volume limit calculated according to Schedule 10. The policy should focus on the sustainable management of water and allow irrigators the flexibility to use their reasonable use water allocation to best effect on their land. Flexibility is particularly important for those producing arable and horticultural crops who have to manage crop rotations and respond to a range of market and physical conditions.

Decision sought

Delete part (b) to enable effective use of consented annual volumes.

Policy 15.4.22

Submission

Support Policy 15.4.22.

Decision sought

Retain Policy 15.4.22 as written.

Policy 15.4.23

Submission

Policy 15.4.23 (a) enables the replacement of surface water and stream depleting groundwater takes with deep groundwater takes provided there are no stream depletion effects are. In this process it must be acknowledged that the annual volume on some such takes is insufficient to meet reasonable demand for the area of land, because of system capacity issues. Therefore, where people are replacing surface water or stream-depleting groundwater takes with non stream depleting ground water takes, the consented annual volume must be calculated according to method 2 in Schedule 10 of the LWRP. If people are making are substantial investments in new infrastructure for environmental benefit, it is reasonable to ensure that they will end up with an annual volume appropriate for their land area. The policy should refer to Policy 15.4.21 in this regard.

In addition, Policy 15.4.23 (a) establishes an impossible test by suggesting replacement of stream depleting groundwater permits must ensure stream depletion effects are avoided. The policy should be re-worded to specify that the replacement takes will be from greater than 30 metres to avoid stream depletion effects.

Decision sought

Amend Policy 15.4.23, as follows:

Surface water flows are improved by enabling an applicant to take deep groundwater provided the applicant holds a lawfully established surface water take or stream depleting groundwater take ~~for an equal or greater rate and volume than is sought from the deep groundwater,~~ and the surface water take or stream depleting groundwater take is surrendered provided:

(a) The volume of take will be that required to meet reasonable demand for the area of land (calculated according to method 2 of Schedule 10).

~~(- a b) there are no stream depletion effects~~ to avoid stream depletion effects, the take will be from greater than 30 m depth;

Re-letter parts (b) to (d) accordingly.

Policy 15.4.24

Submission

Support.

Decision sought

Retain as written.

Policy 15.4.25

Submission

Policy 15.4.25 requires the use of irrigation scheme water, where available, to the fullest extent possible (during re-consenting processes). This requirement should be qualified to make allowance for physical practicality and economic factors. The move should not threaten the economic viability of farm businesses.

Decision sought

Amend Policy 15.4 25, as follows:

Over-allocation of water is reduced by requiring applications for water permits affected by section 124-124C of the RMA to use irrigation scheme water, where available, to the fullest extent possible taking into account practicality and financial viability for the property concerned .

Policy 15.4.26

Submission

Policy 15.4.26 sets requirements for the abstraction of surface water and stream depleting groundwater in addition to those contained in Policy 4.61 of the LWRP.

The requirements additional to Policy 4.61 (7 day volume and seasonal volume) are unnecessary from an environmental perspective, may lead to the less effective use of water and merely serve to complicate the compliance process. There, the policy is unnecessary and should be deleted.

If the policy is retained it should state what it applies to, namely the abstraction of surface water and stream depleting groundwater.

Decision sought

Delete Policy 15.4.26 because the requirements contained in Rule 4.61 are more than adequate.

If the policy is retained it should state that it applies to the abstraction of surface water and stream depleting groundwater.

Policy 15.4.27

Submission

Support.

Decision sought

Retain wording as notified.

Policy 15.4.28

Submission

Support.

Decision sought

Retain wording as notified.

Policy 15.4.29

Submission

Support.

Decision sought

Retain wording as notified.

Policy 15.4.30

Submission

Policy 15.4.30 states that environmental outcomes are to be met by *only allowing the transfer of water permits (other than to the new owner of the same property at the same location), to occur where the transferred water is to be used for a community water supply.* Achievement of environmental outcomes and transfer are separate issues and should be treated as such. Environmental outcomes are largely achieved by setting limits, and transfer processes would be subject to those limits. There is no logical reason to prevent transfers if the water resource is under-allocated.

Further, in order to facilitate the replacement of surface water and stream depleting groundwater permits with new groundwater permits (Policy 15.4.23)) it would be beneficial to amend this policy so that groundwater can be transferred from where it is available to where it is needed.

Decision sought

Amend Policy 15.4.30, by adding the words:

...or where the transfer can occur without increasing volume of allocated water used.

Policy 15.4.31

Submission

Support protection of water availability for community supply.

Decision sought

Retain wording as notified.

Consent Duration

Policy 15.4.32

- 1 The policy provides for a common expiry date. The reason for this is not clear. It is also not clear what activities this policy is intended to apply to. Because the policy is unqualified it appears to apply to all consents (i.e. water takes, discharges, and duration-limited land use consents). In the context of water permits, it is worth recalling that there is currently no option for allocation other than first in first served. Critically, the process to manage consenting at common expiry is unstated by the Variation. That creates significant uncertainty for all resource users with fixed term consents. In the absence of a clear understanding of which applications the policy applies to and how allocation is to occur at comment expiry, such a policy cannot be supported. Further, a 10 year consent duration is too short for activities which require substantial investment. Therefore, Policy 15.4.32 should be deleted.

Choose one of the following three

Tick relevant topics

Make Submission

Consultee	(64044)
Email Address	ellislea@xtra.co.nz
Company / Organisation	Ellis-Lea Farms (2000) Ltd
Address	5 Kellands Hill Road Timaru 7910
Event Name	Proposed Variation 3 to the Proposed Canterbury Land and Water Regional Plan
Submission by	Ellis-Lea Farms (2000) Ltd ()
Submission ID	V3pLWRP-23
Response Date	25/05/15 10:50 AM
Consultation Point	15.5 Rules (View)
Status	Submitted
Submission Type	Web
Version	0.1

Support Oppose

Supports in Part or Opposes in Part

State concisely whether you support or oppose the provision being submitted on, or wish to have amendments made.

My submission is that: . Oppose

Please state your reasons for supporting/opposing/amendments sought

My reason(s) for supporting, opposing or requesting amendments to this specific provision are:

Rules

The Variation 3 rules are complex and it would be helpful to plan-users if the variation included a decision-tree to assist with explaining what rules apply, where, when and how.

Rules 15.5.1 – 15.5.14

Submission

Federated Farmers opposes the nutrient management rules for the reasons given above, under the heading Nutrient Management Provisions of Variation 3.

Decision sought

Delete Rules 15.5.1 – 15.5.14 or amend as follows:

- 1 Amend Variation 3 to give effect to the NARG recommendations and to the ZIP Addendum.
- 2 Replace maximum cap numbers in Variation 3 with relevant good management practice benchmark N loss numbers from the MGM project.
- 3 Amend Variation 3 to enable N Loads, flexibility caps and maximum caps to be adjusted to match new versions of overseer i.e. to retain their purpose, consistent with the intentions of the NARG recommendations and the ZIP Addendum.
- 4 Amend Variation 3 to correct modelling errors, to accommodate S-map updates and align modeled estimates with on-farm estimates of N loss.

Nutrient management, sediment and microbial contaminants

Rule 15.5.2

Submission

Rule 15.5.2(2) states that, in order to be a permitted activity, *the nitrogen loss calculation for any part of the property within the Morven Sinclairs Area does not exceed the nitrogen baseline.* Federated Farmers opposes this condition because it is inconsistent with the agreement reached by the N Allocation Reference Group and with the ZIP Addendum. It was agreed that Good Management Practice (as will be defined in the MGM project) will be sufficient to protect the current quality of groundwater for Morven Drain and Sinclairs Creek. It was also agreed that headspace created by future N load reductions, as a result of conversion from border-dyke to spray irrigation, may be used for further intensification within the catchment managed by the irrigation scheme or by ECan for load outside the catchment. The Rule should be amended to reflect this agreement.

Decision sought

Amend condition 2, as follows:

The nitrogen loss calculation for any part of the property within the Morven-Sinclairs Area does not exceed the Good Management Practice nitrogen loss benchmark defined by the MGM project.

Rule 15.5.3

Submission

Matter of discretion 1 and reference to the ability to meet the nitrogen load limits for farming in Table 15(o) is not supported. The specified load targets are too uncertain and should be subject to refinement on the basis more consistent use of Overseer and its input protocols and improved catchment modelling.

In addition, it is unclear why discretion is to be restricted over soil mapping “for the property” (matter for discretion 6) because the proposed variation applies maximum caps to areas mapped by the variation. If it is to acknowledge that the mapping of areas of extremely light, light and medium soils may not be fully accurate then the matter of discretion should be recast in those terms.

Decision sought

Delete the reference to *total catchment load limits* in matter for discretion 1.

Re-word matter for discretion 6 as follows:

Whether the soil map in Variation 3 accurately reflects the distribution of soil on the property for the purpose of applying maximum caps.

Rule 15.5.5

Submission

Rule 15.5.4 applies prohibited activity status if the N baseline or flexibility cap to apply on 1 May 2015 (whichever is the greater) is exceeded in the Waihao Wainono Plains, the Waihao- Wainono Hill, or Northern Streams Hill; or if a new farming activity in the Waihao-Wainono or Northern Streams areas exceeds the maximum cap. Given the arbitrary nature of the caps and the error associated with N discharge estimates, prohibited activity status is not appropriate, with the possible exception of new farming activities which exceed the maximum cap. Prohibited activity status is particularly inappropriate for Northern Streams Hill, given that the Northern Streams Area has scope for further development, and is inconsistent with the ZIP Addendum. Non complying status would be more appropriate for Waihao Wainono Plains and Waihao-Wainono Hill, and discretionary status for Northern Streams Hill.

Decision sought

Change activity status to non complying for Waihao Wainono Plains and Waihao-Wainono Hill, and discretionary for Northern Streams Hill.

Farming Enterprises

Rule 5.5.6

Condition 3 of Rule 5.5.6 states that *the nitrogen loss calculation for the farming enterprise does not exceed the respective nitrogen baseline for each land area forming part of the farming enterprise;* If each block of land within a farming enterprise is required to operate within its nitrogen baseline, this would defeat the purpose of forming a farm enterprise for the purpose of managing nutrient discharge.

It must be made clear that rights to discharge nutrients can be averaged across properties, and shared between properties where they are part of a Farm Enterprise.

Decision sought

Amend condition 3, as follows:

the nitrogen loss calculation for the farming enterprise does not exceed the cumulative ~~respective~~ nitrogen baseline for the ~~each~~ land area s forming part of the farming enterprise;

Rule 15.5.8

Rule 5.5.8 applies prohibited activity status to land within Farming Enterprises that exceeds the relevant maximum cap or exceeds the N baseline, and to Farming Enterprises which straddle more than one Surface Water Allocation Zone. Given the arbitrary nature of the caps, the various issues with determining N baselines, the large error associated with N discharge estimates and the current issues with S-maps, prohibited activity status is not appropriate. This is especially true for the Northern Streams Area.

Decision sought

Change activity status to non complying.

Rule 15.5.12

Submission

Rule 15.5.12 applies prohibited activity status to *the discharge of nutrients onto or into land within the command area of an irrigation scheme which may result in contaminants entering water ... where the load limits in Table 15(p) are exceeded (condition 1 of Rule 15.5.11).* Given the uncertainties associated with modelling catchment loads and the large errors associated with N discharge estimates, prohibited activity status is not appropriate.

Decision sought

Change activity status to non complying.

Rule 15.5.17

- 1 The rule begins with the words “Despite Rules 15.5.1 to 15.5.12” but it is unclear what the intent and effect of these words is. This problem is accentuated by the fact there appears to be no policy in relation to this matter contained in the Variation.
- 2 The key question is does Rule 15.5.17 apply in addition to constraints imposed by Rules 15.5.1 to 15.5.12 or instead of those rules. (That is “despite” may be read as “despite complying with...” or it may be read as “despite the referenced rules implying they cover the discharge of industrial waste water to land it is actually covered by rule 15.5.17”).
- 3 Hence it is unclear whether the discharge of wastewater to farmland from the Studholm dairy processing site needs comply with the farming activity rules and Rule 15.5.17. It would be unnecessary to require a farm that accepts wastewater from Studholm to be subject to a further consent requirement in addition to meeting the requirements of the farming activity rules.
- 1 This rule proposes that an activity does not exceed the nitrogen load limit in Table 15(n) or BPO. BPO is a difficult concept to demonstrate clearly and, accordingly, compliance with BPO ought be used as a threshold for requiring a consent.
- 2 Policies need to be inserted and rules amended to make it clear that:
 - 1 Farms accepting wastewater and liquid waste from industrial and trade processes are captured by, and must comply with Rules 15.5.1 to 15.5.12; and
 - 2 Farms accepting wastewater and liquid waste from industrial and trade processes need not gain a discretionary activity consent under Rule 15.5.17 if they are in compliance with Rules 15.5.1 to 15.5.12
 - 3 Farms that are accepting sludge waste as a fertilizer replacement are, in addition to Rules 15.5.1 to 15.5.12, required to gain a discretionary consent under Rule 15.5.17
- 1 A specific policy on BPO should be added (given that it is deleted from Rule 15.5.17 as proposed below):

Industrial and trade processes

Maintain water quality by ensuring any industrial or trade discharges to water, or to land in a manner that may enter water, uses the best practical option for the treatment and disposal of the discharge

1 Rule 15.5.17 should be rewritten as follows:

The discharge of sludge waste from an industrial or trade process, including livestock processing, excluding sewage, into or onto land, or onto land in circumstances where a contaminant may enter water is a restricted discretionary activity where the following conditions are met:

- 1 The discharge of the industrial or trade sludge is undertaken in association with a farming activity, being used as a substitute, or part substitute, for fertilizer;
- 2 The farming activity on the land where the discharge occurs is a permitted activity under Rules 12.5.1 or 15.5.2 or has been granted a resource consent in accordance with Rules 15.5.3, 15.5.6 or 15.5.6
- 3 The discharge, in addition to all lawfully established existing discharges by industrial or trade processes, does not exceed the nitrogen limit in Table 15(n) for industrial or trade processes.

Matters for discretion:

- 1 The location volume, rate and timing of the application of sludge waste to land
- 2 Setbacks from water bodies and sensitive receptors
- 3 Monitoring to characterise the sludge waste discharges

Rule 15.5.26

- 1 Rule 15.5.26 prohibits the use of any ground or surface water from any water body that is not listed in Tables 15(f) – 15(k). This rule is problematic because there are large areas of the Waihao catchment and some other areas that are not included in the current groundwater allocation zones. The rule in its present form would prohibit takes in these areas which would potentially cause issues for domestic or livestock drinking water takes and for other small takes. The rule should be deleted (to defer to the pLWRP rules that provide for small water takes) or amended to specify hydraulically connected takes and to specify that Table 18 is in the Proposed Canterbury Land and Water Regional Plan, as follows:

The taking and use of hydraulically connected groundwater or surface water from any water body that is not listed in Tables 15(f) – 15(k) and Table 18 of the Canterbury Land and Water Regional Plan is a prohibited activity.

Rule 15.5.27

- 1 This rule and following rules create a different regime from the pLWRP rules for surface water takes and make all existing takes subject to the minimum flow and allocation regime as a condition when applying to renew a water permit. It is unclear why a significantly more restrictive regime has been introduced as of part of Variation 3 for existing takes of surface water.
- 2 All the methods contained in Schedule 10 for determining reasonable use should be available. It is unclear why methods 2 and 3 are satisfactory until 2021 but not after. Of the methodologies available in Schedule 10, method 1 is the most problematic. The reasonable use test methodologies in Schedule 10 were the result of a great deal of work during the Natural Resources Regional Plan process and there is absolutely no need to re-visit the issue in Variation 3. Use of a daily water balance model, such as Irricalc (method 2), is a far more robust way to determine seasonal irrigation demand than records of past use moderated to ensure that the annual volume is sufficient to meet demand in 9 years out of 10 (method 1).

- 3 Condition 3 requires that the take is not from a hapua or wetland. Many wetlands classified on ECan GIS are unknown to farm owners and sometimes there are takes from them already. Thought needs to be put into how replacement consents should be handled.
- 4 Therefore, Rule 15.5.27 should be deleted and Tables 15(g) to 15(j) should be implemented under Rule 5.123. As a minimum, Condition 2 (a), (b) and (c) should be deleted.

Rule 15.5.29

- 1 The rule makes groundwater takes that replace surface water or groundwater depleting takes a controlled activity. No consideration is to be given to the level of allocation in the groundwater zone. This raises the issue of whether the allocation limits in Table 15(k) anticipate an increase in take volumes under this rule. This is important because if they do not, existing lawful groundwater abstractors could face reduced reliability and/or clawback on or before consent expiry to ensure allocation stays with specified limits.
- 2 Insert a new condition as follows:
5. The take, in combination with all other lawful groundwater takes does not exceed the allocation limit for the relevant zone as set out in Table 15(k).
- 1 Review groundwater limits to ensure they provide for the additional takes under this rule and existing deep groundwater abstractors.
- 2 We support the position agreed by Otaio Water Users Group in consultation with ECan that a limit of 3 million m³ annually be made available to allow for transfers from the Otaio River surface water allocation.

Rule 15.5.30

- 1 Amend the rule to make it consistent with the amended Rule 15.5.29.

Rule 15.5.38

- 1 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 of transfers in circumstances where there would be no additional adverse effects but greater allocative efficiency is contrary to Policies B3 and B4 of the NPS for Freshwater Management 2014.
- 2 Delete rule and rely on existing pLWRP rules.

Rule 15.5.35

- 1 The intent of the rule is to ensure that the available B-block water is split evenly between existing A-block users and new users. In order to ensure this, Conditions 1 and 2 need to be reworded, as follows:
 1. The applicant holds an existing resource consent to take water from the Otaio River 'A' allocation block, and the application for resource consent is received by the CRC prior to 20 December 2021 and not more than 250 L/s from the 'B' allocation would be allocated to existing 'A' permit holders in combination with other granted water permits if the water permit was granted.
 2. The applicant does not hold an existing resource consent to take water from the Otaio River 'A' allocation block, and the application for resource consent is received by the CRC prior to 20 December 2021; and not more than 250 L/s from the 'B' allocation block has been allocated to users who do not hold an existing 'A' permit; or
 3. All B Block users will have the same minimum flow of 780 l/s and be required to work within a Water User Group.
 4. A total annual volume of 6 million m³ is included on both existing water users and new water users (12 million m³ in total) to ensure reliability is not eroded.

Note: The flow rates above need to be amended depending on whatever the final "B" allocation is set to – e.g. if we use a 1000 l/s "B" allocation, then 500 l/s is allocated to existing users and 500 l/s to new users.

Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand the outcome you are seeking.

I seek the following decisions from Environment Canterbury:

Rules

The Variation 3 rules are complex and it would be helpful to plan-users if the variation included a decision-tree to assist with explaining what rules apply, where, when and how.

Rules 15.5.1 – 15.5.14

Submission

Federated Farmers opposes the nutrient management rules for the reasons given above, under the heading Nutrient Management Provisions of Variation 3.

Decision sought

Delete Rules 15.5.1 – 15.5.14 or amend as follows:

- 1 Amend Variation 3 to give effect to the NARG recommendations and to the ZIP Addendum.
- 2 Replace maximum cap numbers in Variation 3 with relevant good management practice benchmark N loss numbers from the MGM project.
- 3 Amend Variation 3 to enable N Loads, flexibility caps and maximum caps to be adjusted to match new versions of overseer i.e. to retain their purpose, consistent with the intentions of the NARG recommendations and the ZIP Addendum.

- 4 Amend Variation 3 to correct modelling errors, to accommodate S-map updates and align modeled estimates with on-farm estimates of N loss.

Nutrient management, sediment and microbial contaminants

Rule 15.5.2

Submission

Rule 15.5.2(2) states that, in order to be a permitted activity, *the nitrogen loss calculation for any part of the property within the Morven Sinclairs Area does not exceed the nitrogen baseline*. Federated Farmers opposes this condition because it is inconsistent with the agreement reached by the N Allocation Reference Group and with the ZIP Addendum. It was agreed that Good Management Practice (as will be defined in the MGM project) will be sufficient to protect the current quality of groundwater for Morven Drain and Sinclairs Creek. It was also agreed that headspace created by future N load reductions, as a result of conversion from border-dyke to spray irrigation, may be used for further intensification within the catchment managed by the irrigation scheme or by ECan for load outside the catchment. The Rule should be amended to reflect this agreement.

Decision sought

Amend condition 2, as follows:

The nitrogen loss calculation for any part of the property within the Morven-Sinclairs Area does not exceed the Good Management Practice nitrogen loss benchmark defined by the MGM project.

Rule 15.5.3

Submission

Matter of discretion 1 and reference to the ability to meet the nitrogen load limits for farming in Table 15(o) is not supported. The specified load targets are too uncertain and should be subject to refinement on the basis more consistent use of Overseer and its input protocols and improved catchment modelling.

In addition, it is unclear why discretion is to be restricted over soil mapping “for the property” (matter for discretion 6) because the proposed variation applies maximum caps to areas mapped by the variation. If it is to acknowledge that the mapping of areas of extremely light, light and medium soils may not be fully accurate then the matter of discretion should be recast in those terms.

Decision sought

Delete the reference to *total catchment load limits* in matter for discretion 1.

Re-word matter for discretion 6 as follows:

Whether the soil map in Variation 3 accurately reflects the distribution of soil on the property for the purpose of applying maximum caps.

Rule 15.5.5

Submission

Rule 15.5.4 applies prohibited activity status if the N baseline or flexibility cap to apply on 1 May 2015 (whichever is the greater) is exceeded in the Waihao Wainono Plains, the Waihao- Wainono Hill, or Northern Streams Hill; or if a new farming activity in the Waihao-Wainono or Northern Streams areas exceeds the maximum cap. Given the arbitrary nature of the caps and the error associated with N discharge estimates, prohibited activity status is not appropriate, with the possible exception of new farming activities which exceed the maximum cap. Prohibited activity status is particularly inappropriate for Northern Streams Hill, given that the Northern Streams Area has scope for further development, and is inconsistent with the ZIP Addendum. Non complying status would be more appropriate for Waihao Wainono Plains and Waihao-Wainono Hill, and discretionary status for Northern Streams Hill.

Decision sought

Change activity status to non complying for Waihao Wainono Plains and Waihao-Wainono Hill, and discretionary for Northern Streams Hill.

Farming Enterprises

Rule 5.5.6

Condition 3 of Rule 5.5.6 states that *the nitrogen loss calculation for the farming enterprise does not exceed the respective nitrogen baseline for each land area forming part of the farming enterprise;* If each block of land within a farming enterprise is required to operate within its nitrogen baseline, this would defeat the purpose of forming a farm enterprise for the purpose of managing nutrient discharge.

It must be made clear that rights to discharge nutrients can be averaged across properties, and shared between properties where they are part of a Farm Enterprise.

Decision sought

Amend condition 3, as follows:

the nitrogen loss calculation for the farming enterprise does not exceed the cumulative ~~respective~~ nitrogen baseline for the ~~each~~ land area s forming part of the farming enterprise;

Rule 15.5.8

Rule 5.5.8 applies prohibited activity status to land within Farming Enterprises that exceeds the relevant maximum cap or exceeds the N baseline, and to Farming Enterprises which straddle more than one Surface Water Allocation Zone. Given the arbitrary nature of the caps, the various issues with determining N baselines, the large error associated with N discharge estimates and the current issues with S-maps, prohibited activity status is not appropriate. This is especially true for the Northern Streams Area.

Decision sought

Change activity status to non complying.

Rule 15.5.12

Submission

Rule 15.5.12 applies prohibited activity status to *the discharge of nutrients onto or into land within the command area of an irrigation scheme which may result in contaminants entering water ... where the load limits in Table 15(p) are exceeded (condition 1 of Rule 15.5.11).* Given the uncertainties associated with modelling catchment loads and the large errors associated with N discharge estimates, prohibited activity status is not appropriate.

Decision sought

Change activity status to non complying.

Rule 15.5.17

- 1 The rule begins with the words “Despite Rules 15.5.1 to 15.5.12” but it is unclear what the intent and effect of these words is. This problem is accentuated by the fact there appears to be no policy in relation to this matter contained in the Variation.
- 2 The key question is does Rule 15.5.17 apply in addition to constraints imposed by Rules 15.5.1 to 15.5.12 or instead of those rules. (That is “despite” may be read as “despite complying with...” or it may be read as “despite the referenced rules implying they cover the discharge of industrial waste water to land it is actually covered by rule 15.5.17”).
- 3 Hence it is unclear whether the discharge of wastewater to farmland from the Studholm dairy processing site needs comply with the farming activity rules and Rule 15.5.17. It would be unnecessary to require a farm that accepts wastewater from Studholm to be subject to a further consent requirement in addition to meeting the requirements of the farming activity rules.
- 1 This rule proposes that an activity does not exceed the nitrogen load limit in Table 15(n) or BPO. BPO is a difficult concept to demonstrate clearly and, accordingly, compliance with BPO ought to be used as a threshold for requiring a consent.
- 2 Policies need to be inserted and rules amended to make it clear that:
 - 1 Farms accepting wastewater and liquid waste from industrial and trade processes are captured by, and must comply with Rules 15.5.1 to 15.5.12; and
 - 2 Farms accepting wastewater and liquid waste from industrial and trade processes need not gain a discretionary activity consent under Rule 15.5.17 if they are in compliance with Rules 15.5.1 to 15.5.12
 - 3 Farms that are accepting sludge waste as a fertilizer replacement are, in addition to Rules 15.5.1 to 15.5.12, required to gain a discretionary consent under Rule 15.5.17
- 1 A specific policy on BPO should be added (given that it is deleted from Rule 15.5.17 as proposed below):

Industrial and trade processes

Maintain water quality by ensuring any industrial or trade discharges to water, or to land in a manner that may enter water, uses the best practical option for the treatment and disposal of the discharge

- 1 Rule 15.5.17 should be rewritten as follows:

The discharge of sludge waste from an industrial or trade process, including livestock processing, excluding sewage, into or onto land, or onto land in circumstances where a contaminant may enter water is a restricted discretionary activity where the following conditions are met:
- 1 The discharge of the industrial or trade sludge is undertaken in association with a farming activity, being used as a substitute, or part substitute, for fertilizer;

- 2 The farming activity on the land where the discharge occurs is a permitted activity under Rules 12.5.1 or 15.5.2 or has been granted a resource consent in accordance with Rules 15.5.3, 15.5.6 or 15.5.6
- 3 The discharge, in addition to all lawfully established existing discharges by industrial or trade processes, does not exceed the nitrogen limit in Table 15(n) for industrial or trade processes.

Matters for discretion:

- 1 The location volume, rate and timing of the application of sludge waste to land
- 2 Setbacks from water bodies and sensitive receptors
- 3 Monitoring to characterise the sludge waste discharges

Rule 15.5.26

- 1 Rule 15.5.26 prohibits the use of any ground or surface water from any water body that is not listed in Tables 15(f) – 15(k). This rule is problematic because there are large areas of the Waihao catchment and some other areas that are not included in the current groundwater allocation zones. The rule in its present form would prohibit takes in these areas which would potentially cause issues for domestic or livestock drinking water takes and for other small takes. The rule should be deleted (to defer to the pLWRP rules that provide for small water takes) or amended to specify hydraulically connected takes and to specify that Table 18 is in the Proposed Canterbury Land and Water Regional Plan, as follows:

The taking and use of hydraulically connected groundwater or surface water from any water body that is not listed in Tables 15(f) – 15(k) and Table 18 of the Canterbury Land and Water Regional Plan is a prohibited activity.

Rule 15.5.27

- 1 This rule and following rules create a different regime from the pLWRP rules for surface water takes and make all existing takes subject to the minimum flow and allocation regime as a condition when applying to renew a water permit. It is unclear why a significantly more restrictive regime has been introduced as of part of Variation 3 for existing takes of surface water.
- 2 All the methods contained in Schedule 10 for determining reasonable use should be available. It is unclear why methods 2 and 3 are satisfactory until 2021 but not after. Of the methodologies available in Schedule 10, method 1 is the most problematic. The reasonable use test methodologies in Schedule 10 were the result of a great deal of work during the Natural Resources Regional Plan process and there is absolutely no need to re-visit the issue in Variation 3. Use of a daily water balance model, such as Irricalc (method 2), is a far more robust way to determine seasonal irrigation demand than records of past use moderated to ensure that the annual volume is sufficient to meet demand in 9 years out of 10 (method 1).
- 3 Condition 3 requires that the take is not from a hapua or wetland. Many wetlands classified on ECan GIS are unknown to farm owners and sometimes there are takes from them already. Thought needs to be put into how replacement consents should be handled.
- 4 Therefore, Rule 15.5.27 should be deleted and Tables 15(g) to 15(j) should be implemented under Rule 5.123. As a minimum, Condition 2 (a), (b) and (c) should be deleted.

Rule 15.5.29

1 The rule makes groundwater takes that replace surface water or groundwater depleting takes a controlled activity. No consideration is to be given to the level of allocation in the groundwater zone. This raises the issue of whether the allocation limits in Table 15(k) anticipate an increase in take volumes under this rule. This is important because if they do not, existing lawful groundwater abstractors could face reduced reliability and/or clawback on or before consent expiry to ensure allocation stays with specified limits.

2 Insert a new condition as follows:

5. The take, in combination with all other lawful groundwater takes does not exceed the allocation limit for the relevant zone as set out in Table 15(k).

1 Review groundwater limits to ensure they provide for the additional takes under this rule and existing deep groundwater abstractors.

2 We support the position agreed by Otaio Water Users Group in consultation with ECan that a limit of 3 million m3 annually be made available to allow for transfers from the Otaio River surface water allocation.

Rule 15.5.30

1 Amend the rule to make it consistent with the amended Rule 15.5.29.

Rule 15.5.38

1 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 of transfers in circumstances where there would be no additional adverse effects but greater allocative efficiency is contrary to Policies B3 and B4 of the NPS for Freshwater Management 2014.

2 Delete rule and rely on existing pLWRP rules.

Rule 15.5.35

1 The intent of the rule is to ensure that the available B-block water is split evenly between existing A-block users and new users. In order to ensure this, Conditions 1 and 2 need to be reworded, as follows:

1. The applicant holds an existing resource consent to take water from the Otaio River 'A' allocation block, and the application for resource consent is received by the CRC prior to 20 December 2021 and not more than 250 L/s from the 'B' allocation would be allocated to existing 'A' permit holders in combination with other granted water permits if the water permit was granted.

2. The applicant does not hold an existing resource consent to take water from the Otaio River 'A' allocation block, and the application for resource consent is received by the CRC prior to 20

December 2021; and not more than 250 L/s from the 'B' allocation block has been allocated to users who do not hold an existing 'A' permit; or

3. All B Block users will have the same minimum flow of 780 l/s and be required to work within a Water User Group.

4. A total annual volume of 6 million m³ is included on both existing water users and new water users (12 million m³ in total) to ensure reliability is not eroded.

Note: The flow rates above need to be amended depending on whatever the final "B" allocation is set to – e.g. if we use a 1000 l/s "B" allocation, then 500 l/s is allocated to existing users and 500 l/s to new users.

Choose one of the following three

Tick relevant topics

Make Submission

Consultee	(64044)
Email Address	ellislea@xtra.co.nz
Company / Organisation	Ellis-Lea Farms (2000) Ltd
Address	5 Kellands Hill Road Timaru 7910
Event Name	Proposed Variation 3 to the Proposed Canterbury Land and Water Regional Plan
Submission by	Ellis-Lea Farms (2000) Ltd ()
Submission ID	V3pLWRP-25
Response Date	25/05/15 10:51 AM
Consultation Point	Schedule 24b- Farm Practices (View)
Status	Submitted
Submission Type	Web
Version	0.1

Support Oppose

Supports in Part or Opposes in Part

State concisely whether you support or oppose the provision being submitted on, or wish to have amendments made.

My submission is that: . Oppose

Please state your reasons for supporting/opposing/amendments sought

My reason(s) for supporting, opposing or requesting amendments to this specific provision are:

Schedule 24b

- 1 Practice (e) relates to collected animal effluent. Item (ii) refers to “ *the application, separation distance, depth, uniformity and intensity of dairy effluent disposal is checked annually in accordance with Section 4 ‘Land Application’ in the Dairy NZ Farm Dairy Effluent Design Standard [2013].*”

- 2 However, while the DairyNZ FDE Design Standard's Section 4 does contain specific design standards for "application, separation distances, depth, uniformity and intensity" of FDE, it does not address annual self-checking methodologies as purported by Schedule 24b.
- 3 Section 4 of another DairyNZ document ("A farmers guide to managing farm dairy effluent – a good practice guide for land application systems") does, however, contain detailed advice on how to measure application depth, application rates and related matters. It is that document that should be referenced in the Appendix.
- 4 Reference to 'Land Application' in the Dairy NZ Farm Dairy Effluent Design Standard [2013] in Schedule 24b (e) (ii) should be deleted and replaced with the following
"A farmers guide to managing farm dairy effluent – a good practice guide for land application systems".

Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand the outcome you are seeking.

I seek the following decisions from Environment Canterbury:

Schedule 24b

- 1 Practice (e) relates to collected animal effluent. Item (ii) refers to " *the application, separation distance, depth, uniformity and intensity of dairy effluent disposal is checked annually in accordance with Section 4 'Land Application' in the Dairy NZ Farm Dairy Effluent Design Standard [2013].*"
- 2 However, while the DairyNZ FDE Design Standard's Section 4 does contain specific design standards for "application, separation distances, depth, uniformity and intensity" of FDE, it does not address annual self-checking methodologies as purported by Schedule 24b.
- 3 Section 4 of another DairyNZ document ("A farmers guide to managing farm dairy effluent – a good practice guide for land application systems") does, however, contain detailed advice on how to measure application depth, application rates and related matters. It is that document that should be referenced in the Appendix.
- 4 Reference to 'Land Application' in the Dairy NZ Farm Dairy Effluent Design Standard [2013] in Schedule 24b (e) (ii) should be deleted and replaced with the following
"A farmers guide to managing farm dairy effluent – a good practice guide for land application systems".

Choose one of the following three

Tick relevant topics