

**From:** [Sarah Drummond](#)  
**To:** [Mailroom Mailbox](#)  
**Subject:** FW: Variation 3 to the Proposed Canterbury Land and Water Regional Plan - Further Submissions  
**Date:** Monday, 20 July 2015 8:02:41 a.m.  
**Attachments:** [CHCDOC01-#716770-v6-Fonterra further submissions on V3.pdf](#)

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For Trimming Please

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**From:** Judy-Anne Stapleton [mailto:[Judy-Anne.Stapleton@chapmantripp.com](mailto:Judy-Anne.Stapleton@chapmantripp.com)] **On Behalf Of** Jo Appleyard  
**Sent:** Friday, 17 July 2015 4:28 p.m.  
**To:** Sarah Drummond  
**Cc:** Ben Williams  
**Subject:** Variation 3 to the Proposed Canterbury Land and Water Regional Plan - Further Submissions

Sarah

We act for Fonterra Co-operative Group Limited (*Fonterra*).

We **attach**, for lodging, Fonterra's further submissions on Variation 3 to the Proposed Canterbury Land and Water Regional Plan.

Regards,

Jo

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# FONTERRA CO-OPERATIVE GROUP LIMITED

## VARIATION 3 TO THE PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN - FURTHER SUBMISSIONS

**To:** Environment Canterbury

**Submitter:** **Fonterra Co-operative Group Limited**

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(Client representative - Sue Ruston / Brigid Buckley)

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### 1. INTRODUCTION

- 1.1. This is a further submission by Fonterra Co-operative Group Limited ("**Fonterra**") on proposed Variation 3 ("**Variation 3**") to the proposed Canterbury Land and Water Regional Plan ("**pLWRP**").
- 1.2. Fonterra is a person who has an interest in the proposal that is greater than the interest the general public has:
  - (a) Fonterra's shareholders produce, and Fonterra collects and processes, over 3.5 billion litres of milk annually from the Canterbury Region. The region makes up near on 20% of Fonterra's total milk supply. The provisions of Variation 3 to the proposed Canterbury Land and Water Regional Plan will affect the manner, extent and cost of milk production in the South Coastal Canterbury area and milk processing through wider Canterbury. This will have social and economic implications for the Waimate District and the Canterbury Region as a whole; and

- (b) Fonterra owns and operates the Studholme manufacturing site (“**Studholme Site**”). The site processes up to 900,000 litres of milk per day during the peak period (being almost 30,000 metric tonnes of whole milk powder each year).

1.3. For completeness it is also noted that Canterbury Regional Council is treating the submissions and further submissions to the pLWRP (the initial submissions) as submissions and further submissions on this Variation. Fonterra considers that its further submissions made during the Schedule 1 process on the pLWRP provide adequate scope to address any issues or concerns that may arise in this Variation process. Fonterra has not therefore lodged any further submissions to the initial submissions as this will duplicate what has already been done.

## 2. SUBMISSIONS SUPPORTED AND OPPOSED

2.1. The submissions supported or opposed, and the reasons for the support or opposition are set out in the table attached as an **Appendix** to this submission.

2.2. The **Appendix** sets out:

- (a) The submissions or parts of submissions that Fonterra supports or opposes, divided (as per its original submission) between:
  - i. **Part A** – Farming related issues; and
  - ii. **Part B** – Manufacturing related issues.
- (b) In relation to each part, Fonterra also sets out:
  - i. the reasons for support or opposition; and
  - ii. the relief sought by Fonterra in relation to those submissions or parts of submissions.

2.3. Fonterra wishes to be heard in support of the further submission points listed in the **Appendix** and would be prepared to consider presenting a joint case with submitters raising similar concerns.

2.4. I confirm that I am authorised on behalf of Fonterra Co-operative Group Limited to make this submission.



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Jo Appleyard / Ben Williams  
Partner /Senior Associate  
Chapman Tripp

17 July 2015

## Fonterra's Further Submission Points on Variation 3

### PART A - FARMING ACTIVITIES

The text included in the "Submission" column of the following table that is italics, underlined and in **red** font is text proposed by the submitter. Text in *italics* only is text proposed by Variation 3 as notified.

REF	SUBMITTER	SUBMITTER NUMBER	VARIATION 3 REFERENCE	SUBMISSION	SUPPORT / OPPOSE	REASONS	RELIEF SOUGHT
1	Central South Island Fish and Game	53274 V3pLWRP-356	General	Variation 3 should identify which waterbodies support the values set out in Schedule 3 [to the RMA] water quality classes.	Oppose	<p>Fonterra considers the National Policy Statement on Freshwater Management 2014 (<i>NPSFM</i>) and its national objectives framework is the key reference document for determining the appropriateness of the final provisions of Variation 3.</p> <p>That framework recognises that water bodies can be managed for multiple purposes that extend beyond those listed in Schedule 3 (and accordingly, reference to Schedule 3 provides limited assistance to determining the appropriateness of the final provisions).</p>	Reject the submission
2	Central South Island Fish and Game	53274 V3pLWRP-358	General	Variation 3 should identify contact recreation sites in relation to the regional salmonids fishery and include these as "contact recreational sites," incorporate numerical water quality and quantity limits to protect these values, and include rules in relation to those identified water bodies which must ensure the standards set out in Schedule 3 [to	Oppose	<p>There is insufficient information presented in the submission for potentially affected parties to understand and assess the implications of the proposal.</p> <p>In terms of the information that is available, it appears that in the context of the NPSFM an appropriate water quality level is being proposed. A higher level of protection is not justified.</p>	Reject the submission

REF	SUBMITTER	SUBMITTER NUMBER	VARIATION 3 REFERENCE	SUBMISSION	SUPPORT / OPPOSE	REASONS	RELIEF SOUGHT
				the RMA] are complied with.			
3	Beef and Lamb New Zealand Ltd	64125 V3pLWRP-792	General	Variation 3 should provide greater flexibility to low nitrogen loss activities in the allocation method - including making all activities with a nitrogen baseline below 15kgN/Ha permitted activities.	Oppose	Accepting the relief sought would have implications for other farming activities that have not been acknowledged by the submitter.  Fonterra understands that the modelling undertaken has not provided for additional "headroom" to provide for increases beyond those set out in the maximum caps and flexibility caps of Variation 3.	Reject the submission
4	Horticulture New Zealand	52267 V3pLWRP-286	Definitions 15.1	Amend the definition of "Flexibility cap" as follows:  <i>means the allowable nitrogen loss rate in an area as set out in Table 15(m), <u>adjusted following release of updated OVERSEER® version.</u></i>	Support	The flexibility cap must be adjusted whenever OVERSEER® is updated or it will become technically irrelevant and open to challenge, undermining the integrity of the Plan.	Accept the submission
5	Horticulture New Zealand	52267 V3pLWRP-288	Definitions 15.1	Amend the definition of "Maximum cap" as follows:  <i>means the maximum nitrogen loss rate allowed for the listed soil type in Table 15(m), <u>adjusted following release of updated OVERSEER® version.</u></i>	Support	The maximum cap must be adjusted whenever OVERSEER® is updated or it will become technically irrelevant and open to challenge, undermining the integrity of the Plan.	Accept the submission
6	Horticulture New Zealand	52267 V3pLWRP-283	Definitions 15.1	Amend the definition of "Access to an Irrigation Scheme" as follows:  <i><u>an irrigation scheme has developed to a stage where the land is <del>able to be</del> supplied with water.</u></i>	Oppose	Fonterra notes that the term "Access to an irrigation scheme" is not used in Variation 3. The term "access to irrigation scheme water" is used in Table 15(g) and it is that usage that	Reject the submission

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						<p>Fonterra assumes the definition relates to.</p> <p>In that case, the effect of the submission would be to allow those abstractors who are within the command area of irrigation schemes but not yet supplied with water from those schemes, to continue to get access to water on the preferential terms set out in the left hand column of Table 15(g) (labelled "<i>Properties that do not have access to Irrigation Scheme water</i>") rather than the more restrictive terms that apply to those properties that receive water from irrigation schemes (set out in the right hand column of Table 15(g) labelled "<i>Where a property can access Irrigation Scheme water or 01 January 2030, whichever occurs first</i>")</p> <p>Fonterra is concerned that the amendment proposed in the submission would:</p> <ul style="list-style-type: none"> <li>(a) reduce the potential environmental benefit to be gained from irrigation schemes (because pre irrigation scheme flow regimes would continue to apply to a greater extent than they need to); and</li> <li>(b) create a disincentive for farming properties to sign up to receive irrigation scheme water and potential adversely affect the financial feasibility of irrigation</li> </ul>	

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						scheme development.	
7	Horticulture New Zealand	52267 V3pLWRP-276	Definitions 15.1  (and associated proposed new policy and consent assessment matter)	<p>Insert a definition of “Rootstock and Crop survival water” as follows:</p> <p><u><i>Water provided for the protection of root stock of permanent horticulture, and protection of crops, excluding pasture species, animal fodder crops and maize through a reliability standard set at 100%.</i></u></p> <p>Include a policy and rule allowing for the taking of crop survival water during times of water shortage.</p>	Oppose	<p>In conjunction with the proposed policy and rules (i.e. assessment matter) the definition would allow for water for the protection of root stock and the protection of crops to continue to be taken regardless of flows and levels (i.e. water for these purposes would be exempt from partial restrictions during times of water shortage/low flows). The volume of water taken for these purposes does not appear to be any lesser volume/rate of take than could be taken under normal flow conditions. In that respect, the provisions appear to put horticultural crops in the position of not being bound by minimum flows (limits) like other water users. Fonterra considers this elevates the importance of horticultural crops beyond other essential water uses including, for example, municipal supply and stock drinking water. The regime as proposed may also be contrary to the NPSFM.</p> <p>Fonterra understands that Variation 3 (as notified) does not prioritise water takes for the purpose of applying differentiated partial restrictions when minimum flows are threatened.</p> <p>The submission would introduce such a prioritisation approach into the Variation but the only priority would be root stock and crop survival water. All other water</p>	<p>Reject that part of the submission that would prioritise water:</p> <ul style="list-style-type: none"> <li>for root stock protection ahead of domestic, municipal and stock drinking water; and</li> <li>for the protection of crops ahead of other water takes that support other food production and associated manufacturing processes.</li> </ul>

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						<p>takes would be of equal but secondary priority.</p> <p>Fonterra considers that if a priority approach to the application of partial restrictions is to be taken in Variation 3, a full and comprehensive assessment of the criticality of all water takes must be undertaken and root stock and crop survival water considered within that broader context.</p> <p>Fonterra does not support a priority list of water takes (except as provided by section 14(3)(b)) because of the inherent difficulty in making choices about the relative importance of water takes. It is also unclear how the submitter's proposed amendments would address the expected 'first in first served' treatment of non-section 14(3)(b) activities under the RMA.</p> <p>If, contrary to position set out above, some priority for horticultural crops can be justified (amongst other priorities), Fonterra suggests that a clear distinction should be made between water for root stock protection and water for the protection of (non fodder) crops.</p> <p>Any priority for root stock protection should be limited to the volume necessary to ensure survival. Fonterra does not accept that water for the protection of (non-fodder) crops should receive that same level of priority.</p>	



REF	SUBMITTER	SUBMITTER NUMBER	VARIATION 3 REFERENCE	SUBMISSION	SUPPORT / OPPOSE	REASONS	RELIEF SOUGHT
8	South Canterbury Province, Federated Farmers of New Zealand	64848 V3pLWRP-180	Definitions 15.1	<p>Insert a new definition for Surface drain as follows:</p> <p><u><i>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.</i></u></p>	Support	The proposed definition clarifies the scope of required stock exclusion and sets a practical limit that will be clear to farmers.	Accept the submission
9	Te Rununga o Ngai Tahu	64073 V3pLWRP-125	15.1 (new policy)	<p>Add the following new policy to the start of Section 15.4:</p> <p><u><i>Recognize the Wainono Lagoon, the Dead Arm, the Waihao River, Fenton Reserves and mātaītai as Cultural Landscapes as shown on the planning maps.</i></u></p> <p><u><i>Ensure Ngāi Tahu's interests and values in the Cultural Landscape Areas are reflected in:</i></u></p> <ul style="list-style-type: none"> <li>• <u><i>Environmental restoration or enhancement projects that affect areas in the Cultural Landscapes including any augmentation of Wainono Lagoon and the Wainono Restoration Programme;</i></u></li> <li>• <u><i>Farm Environment Plans involving land in or adjoining the Cultural Landscapes areas; and</i></u></li> <li>• <u><i>Resource consents to dam, divert, take or use water, to use land, or to discharge</i></u></li> </ul>	Oppose in part	<p>Fonterra acknowledges Ngai Tahu's interests and values in Wainono Lagoon, the Dead Arm, the Waihao River, Fenton Reserves and mātaītai and, in principle, would support a defined Cultural Landscape area with specific and defined obligations for landowners and resource users within those areas. The provisions proposed, however, create an uncertain planning environment. As a result, the effect of undertaking an activity within a Cultural Landscape area cannot be assessed. Furthermore, it is not clear that any additional obligations within any Cultural Landscape area would be confined to that part of the property within the Cultural Landscape area.</p> <p>Fonterra is concerned to ensure the final provisions of Variation 3 do not prevent or make it unnecessarily onerous for activities that occur within a Cultural Landscape area.</p>	Reject that part of the submission that imposes imprecise obligations on landowners and resource users within cultural landscape areas or which extend any additional obligations beyond the boundary of the defined Cultural Landscape area (i.e. the second of the two proposed policies).

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				<u>contaminants which may affect areas in the Cultural Landscape Areas.</u>			
10	Te Rununga o Ngai Tahu	64073 VV3pLWRP-583	Planning Maps	Amend the planning maps to identify a Cultural Landscape area that follows 100 metres inland from the highest level of Wainono lagoon, 10020 [sic] metres each side of the banks of the Waihao River and the Dead Arm, and 20 metres inland of the Fenton Reserves and the Waituna [S]Astream and Hook River east of SH 1 where form part of the mātaītai.	Oppose in part	Fonterra acknowledges the desire for a Cultural Landscape area with boundaries as defined by the submitter but notes the apparent typological error of “10020 metres each side of the banks of the Waihao River and the Dead Arm”.	Reject that part of the submission that seeks a cultural landscape area 10020 metres each side of the banks of the Waihao River and the Dead Arm
11	Central South Island Fish and Game	53274 V3 pLWRP-367	Policy 13.4.1	Replace Policy 15.4.1 with the following: <u>Improve water quality in the South Coastal Canterbury Area by reducing losses of microbial contaminants, nitrogen, phosphorus and sediment by excluding cattle, pigs and deer from surface waterbodies, drains and ephemeral waterways and enabling the Wainono Restoration Project through constructing, planting and maintaining suitable riparian areas to buffer waterways, including artificial waterways, from the effects of stock and surrounding land use.</u>	Oppose	The term “ephemeral waterbody” is not defined in the Act, in the pLWRP or in Variation 3. Fonterra is concerned that it is a term open to wide interpretation potentially imposing a broad, unnecessary and impractical obligation on dairy farmers to exclude stock from areas of farms that do not contain water (and seldom ever contain water).  The wording in Rule 15.4.1 needs to work in conjunction with Rules 5.68, 5.69, 5.70 and 5.721 of the pLWRP. The wording proposed by the submitter does not achieve that and leads to inconsistencies between the policy and rules.	Reject the submission.
12	South	64848	Policy 15.4.1	Retain Policy 15.4.1 but include a	Support in	Although the intent of including drains	Accept that part of the

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	Canterbury Province, Federated Farmers of New Zealand	V3 pLWRP-182		new definition of Surface Drain  (See proposed definition of surface drain above - V3pLWRP-180)	part	(and the meaning of “drain”) for the purpose of stock exclusion is articulated within Rule 15.5.9, the term is defined within the pLWRP. It would be helpful if the policy reflected the rule as written (which Fonterra supports).	submission that clarifies that stock exclusion is not required from waterbodies that do not have water in them.
13	Central South Island Fish and Game	53274 V3 pLWRP-371	Policy 15.4.9	Allowing farming activities to increase nitrogen limits will not meet the freshwater objectives of the NPSFM.  Delete Policy 15.4.9.	Oppose	Central South Island Fish and Game’s submission is incorrect. The NPSFM’s objective is to maintain overall water quality. This can be achieved by allowing some farmers to increase their discharges if compensatory actions are required that offset the effect at the catchment or sub catchment scale (such as requiring other dischargers to decrease their contaminant load or by catchment scale actions such as Wainono Lagoon augmentation).	Reject the submission
14	Horticulture New Zealand	52267 V3pLWRP-324	Rule 15.5.6	Amend Rule 15.5.6 as follows: <ul style="list-style-type: none"> <li>Delete condition 3.</li> <li>Amend condition 4 by deleting 'Surface Water Allocation Zone' and replacing it with 'nutrient discharge allocation area'.</li> <li>Amend to a Restricted Discretionary activity and include matters of discretion that take into account the rotational nature of the operation and industry good management practice.</li> </ul>	Support in part	The wording of condition 3 is unclear but appears to require that the nitrogen loss calculation for each land area within a farming enterprise must not exceed the nitrogen baseline for that area. Such an interpretation would negate the benefit of the farming enterprise rule.  (Note this issue might be resolved by reference to the farming enterprise as a whole having a nitrogen loss calculation that does not exceed the <i>aggregate</i> nitrogen baseline of each area within	Accept that part of the submission that seeks deletion of Condition 3 submission

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						the farming enterprise.)	
15	Oceania Dairy Ltd	64075 V3pLWRP-11	Rule 15.5.17	Amend Rule 15.5.17 to provide Oceania Dairy Limited with an industrial allocation of 40t N/yr on top of the farming allocation.	Oppose	Fonterra is concerned that an allocation of 40t N/yr to Oceania in the Morven Sinclair catchment could lead to an over-allocation of N with the load limits, flexibility and maximum caps currently provided for.	Reject that part of the submission that would see an additional 40t N/yr allocated within the Morven Sinclair catchment without consideration of the necessity for that allocation or the implications for the catchment load limit.
16	Horticulture New Zealand	52267 V3pLWRP-333	Rule 15.5.6	Amend Rule 15.5.39 Condition 1 by adding: or where there is no over-allocation.	Support in part	The transfer of water should be facilitated where there is no over-allocation and/or where the transfer will maintain use within the allocation limit (even if consented allocation remains over the allocation limit).	Accept the submission
17	Department of Conservation	64095 V3pLWRP-544	New rule (15.5.43)	Insert a new rule to give effect to the ZIP Addendum recommendation 1.1 for the protection of Canterbury mudfish habitat that reads:  <i><u>The use of land within 3 meters of the bed and banks of the river, stream, creek or drain for the purposes of planting or removal of vegetation or disturbance of the bed between the upstream and downstream sites listed in schedule X (enclosed), is a discretionary activity.</u></i>	Oppose in part	Fonterra supports the protection of mudfish and mudfish habitat. However, it has concerns about the approach proposed by the submitter.  Although co-ordinates are provided for the mudfish sites Fonterra considers it would be difficult for potentially affected parties to understand the scope of the proposed new rule.  In a practical sense it is unlikely that a farmer undertaking, for example, riparian planting would know whether or	Reject that part of the submission that would require consent for activities within scheduled mudfish habitat areas.

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						<p>not co-ordinates in a schedule to Variation 3 relate to their property</p> <p>Fonterra is also conscious that the rule could act as a disincentive to riparian planting (and increase the cost of riparian improvement projects).</p> <p>Fonterra would support mudfish and mudfish habitat being recognised and managed through the Farm Environment Plan process. That is likely to be a more effective mechanism.</p>	
18	Central South Island Fish and Game	53274 V3pLWRP-380	Table 15(a)	<p>Amend Table 15(a) to include all relevant Freshwater Objectives such as DIN, DIP, clarity, Nitrate and other toxicants, and PH that will achieve life supporting capacity and ecosystem health.</p> <p>See Appendix 1 to submission for detail of amendments to Table 15(a).</p>	Oppose	<p>Most of the matters the submitter seeks to be included in Table 15(a) are better described as limits rather than freshwater objectives/outcomes. That is because they are parameters that contribute to whether the outcomes listed in Table 15(a) are achieved rather than being desired end states in their own right.</p> <p>Several proposed additional parameters are the same or very closely related to parameters listed in Table 15(c) (i.e. DIN and DIP/DRP). The limits proposed for those parameters in the respective Tables are, however, different. This inconsistency would lead to planning uncertainty.</p> <p>In addition, the DIP and DIN outcomes proposed are very low and their achievability (and cost) given the land</p>	Reject the submission

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						use in the catchment is highly uncertain. Similarly, the periphyton outcome is proposed to be increased to the "C" band of the NPSFM (120 mg/m <sup>2</sup> ). Such a change has not been costed but is likely to have very significant economic implications for resource users and the community.	
19	Central South Island Fish and Game	53274 V3pLWRP-364	Table 15(b)	Amend Table 15(b) so that the <i>E.coli</i> indicator is improved beyond the NPSFM national bottom line within a set timeframe to meet at least Attribute State "B" (540/100ml) as defined in the NPSFM.	Oppose	<p>Fonterra considers that achieving <i>E.coli</i> levels significantly better than the national bottom line will be difficult to achieve given the shallow nature of the Lake and the sediment bound bacteria will always be re-suspended during storms.</p> <p>Fonterra also notes that:</p> <ul style="list-style-type: none"> <li>The surface water bodies discharging to the Wainono Lagoon have an <i>E.coli</i> outcome of 260/100ml which already sets a high expectation on land use within the catchment.</li> <li>The Wainono is an intermittently opening and closing lagoon (ICOL) and as such is not intended to be caught by the national objectives framework of the NPSFM.</li> </ul> <p>That said, Fonterra would support improving <i>E.coli</i> levels in Wainono lagoon as a longer term goal (i.e. after 2030) provided there was:</p>	Reject the submission

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						<p>a) acknowledgement that the measurement statistic (i.e. the timing and frequency of measurement) needs further consideration; and</p> <p>b) that improvements will be reliant on off-farm (non-agricultural sector) actions.</p>	
20	Department of Conservation	64095 V3pLWRP-555	Table 15(b)	Amend Table 15(b) and replace the Human Health for Recreation Indicator of "1000 (wading and boating)" with "<260 " [number of <i>E.coli</i> per 100 millilitres].	Oppose	<p>Fonterra considers that achieving <i>E.coli</i> levels significantly better than the national bottom line will be difficult to achieve given the shallow nature of the Lake and the sediment bound bacteria will always be re-suspended during storms.</p> <p>Fonterra also notes that:</p> <ul style="list-style-type: none"> <li>The surface water bodies discharging to the Wainono Lagoon have an <i>E.coli</i> outcome of 260/100ml which already sets a high expectation on land use within the catchment.</li> <li>The Wainono is an intermittently opening and closing lagoon (ICOL) and as such is not intended to be caught by the national objectives framework of the NPSFM.</li> </ul> <p>That said, Fonterra would support improving <i>E.coli</i> levels in Wainono lagoon as a longer term goal (i.e. after 2030) provided there was:</p>	Reject the submission

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						<p>a) acknowledgement that the measurement statistic (i.e. the timing and frequency of measurement) needs further consideration; and</p> <p>b) that improvements will be reliant on off-farm (non-agricultural sector) actions.</p>	
21	Community Public Health	64076 V3pLWRP-982	Table 15(b)	Amend Table 15(b) so that the E. coli levels do not exceed the Microbial Assessment Category D value of <550 E. coli per 100ml within the current Suitability for swimming indicator update (2013) of the Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas (2003), where food is gathered for consumption	Oppose	<p>Fonterra considers that achieving <i>E.coli</i> levels significantly better than the national bottom line for lakes will be difficult to achieve given the shallow nature of the Lake and the sediment bound bacteria will always be re-suspended during storms.</p> <p>Fonterra also notes that:</p> <ul style="list-style-type: none"> <li>The surface water bodies discharging to the Wainono Lagoon have an E.coli outcome of 260/100ml which already sets a high expectation on land use within the catchment.</li> <li>The Wainono is an intermittently opening and closing lagoon (ICOL) and as such is not intended to be caught by the national objectives framework of the NPSFM.</li> </ul> <p>That said, Fonterra would support improving <i>E.coli</i> levels in Wainono lagoon as a longer term goal (i.e. after 2030) provided there was:</p> <p>a) acknowledgement that the</p>	Reject the submission



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						<p>measurement statistic (i.e. the timing and frequency of measurement) needs further consideration; and</p> <p>b) that improvements will be reliant on off-farm (non-agricultural sector) actions.</p>	
22	Central South Island Fish and Game	53274 V3pLWRP-382	Table 15(c)	<p>Amend Table 15(c) so that all DIN limits are improved to 0.8 mg/l or less and include target dates.</p> <p>As a consequence amend Tables 15(m), (n), (o) and (p) so that the nitrogen load limits (tonnes per year) and phosphorus load limits (tonnes per year) are calculated to achieve the set concentrations for DIN and DRP in the amended Table 15(c).</p>	Oppose	<p>The DIN limits proposed in Variation 3 for the spring-fed streams and the small hill-fed lower streams such as Kohika and Horseshoe are appropriate because the macrophyte and periphyton risk can be managed with sufficient riparian planting.</p> <p>Fonterra considers that managing to the toxicity thresholds is appropriate where the macrophyte and periphyton risk can be appropriately managed through other means (e.g. managing P, achieving good levels of riparian shading etc).</p> <p>As a consequence the nitrogen load limits do not need amending (except for the reasons submitted by Fonterra).</p>	Reject the submission
23	Horticulture New Zealand	52267 V3pLWRP-313	Table 15(g)	<p>Amend Table 15(g) by:</p> <ul style="list-style-type: none"> <li>including provision for crop survival water [See submission points V3 pLWRP- 275 to 279 and 311 regarding crop survival water] and</li> <li>inserting a note as follows: Partial restrictions do not include water consented for crop survival water</li> </ul>	Oppose	<p>Crop survival water is too broadly defined and appears to be all water used to irrigate crops (other than animal fodder crops). This would effectively put horticultural irrigation outside the freshwater limits (minimum flows) regime. Other uses of water are potentially more essential (including, for example, municipal supply and human</p>	Reject the submission that would prioritise water for the protection of crops ahead of other water takes that support other food production and associated

REF	SUBMITTER	SUBMITTER NUMBER	VARIATION 3 REFERENCE	SUBMISSION	SUPPORT / OPPOSE	REASONS	RELIEF SOUGHT
				for horticultural crops.		and animal drinking water)	manufacturing processes.
24	Central South Island Fish and Game	53274 V3pLWRP-383	Table 15(g)	<p>Amend Table 15(g) to include a new allocation framework that protects life supporting capacity and ecosystem health.</p> <p>The Ministry for Environment (2008) NES [Proposed National Environmental Standard on Ecological Flows and Water Levels (2008)] can be used as a starting point.</p> <p><b>For rivers and streams with mean flows less than or equal to 5 m<sup>3</sup>/s:</b></p> <p>A minimum flow of 90% of the mean annual low flow (MALF) as calculated by the regional council and an allocation limit of, whichever is the greater of:</p> <ul style="list-style-type: none"> <li>• 30% of MALF as calculated by the regional council</li> <li>• the total allocation from the catchment on the date that the national environmental standard comes into force less any resource consents surrendered, lapsed, cancelled or not replaced.</li> </ul> <p><b>For rivers and streams with mean flows greater than 5 m<sup>3</sup> /s:</b></p> <p>A minimum flow of 80% of MALF as calculated by the regional council and</p>	Oppose	<p>The document to which the submitter refers is not a National Environmental Standard but a discussion document that has not been progressed by the Ministry for the Environment.</p> <p>In any event, the proposals in that document were for the default metrics specified in the submission to apply in the absence of specific catchment limit setting processes (such as has been undertaken through South Coastal Canterbury ZIP).</p> <p>Furthermore, the document referenced specifically provides for the allocation limits to be <u>the greater</u> of the default metrics specified or the <i>total existing allocation</i>.</p>	Reject the submission

REF	SUBMITTER	SUBMITTER NUMBER	VARIATION 3 REFERENCE	SUBMISSION	SUPPORT / OPPOSE	REASONS	RELIEF SOUGHT
				<p>an allocation limit of, whichever is the greater of:</p> <ul style="list-style-type: none"> <li>• 50% of MALF as calculated by the regional council</li> <li>• the total allocation from the catchment on the date that the Standard comes into force less any resource consents surrendered, lapsed, cancelled or not replaced.</li> </ul>			
25	Central South Island Fish and Game	53274 V3pLWRP-384	Table 15(h)	<p>Amend Table 15(h) to include a new allocation framework that protects life supporting capacity and ecosystem health.</p> <p>The Ministry for Environment (2008) NES [Proposed National Environmental Standard on Ecological Flows and Water Levels (2008)] can be used as a starting point.</p> <p><b>For rivers and streams with mean flows less than or equal to 5 m<sup>3</sup> /s:</b></p> <p>A minimum flow of 90% of the mean annual low flow (MALF) as calculated by the regional council and an allocation limit of, whichever is the greater of:</p> <ul style="list-style-type: none"> <li>• 30% of MALF as calculated by the regional council</li> <li>• the total allocation from the catchment on the date that the</li> </ul>	Oppose	<p>The document to which the submitter refers is not a National Environmental Standard but a discussion document that has not been progressed by the Ministry for the Environment.</p> <p>In any event, the proposals in that document were for the default metrics specified in the submission to apply in the absence of specific catchment limit setting processes (such has been undertaken through Coastal South Canterbury ZIP).</p> <p>Furthermore, the document referenced specifically provides for the allocation limits to be <u>the greater</u> of the default metrics specified or the <i>total existing allocation</i>.</p>	Reject the submission

REF	SUBMITTER	SUBMITTER NUMBER	VARIATION 3 REFERENCE	SUBMISSION	SUPPORT / OPPOSE	REASONS	RELIEF SOUGHT
				<p>national environmental standard comes into force less any resource consents surrendered, lapsed, cancelled or not replaced.</p> <p><b>For rivers and streams with mean flows greater than 5 m3 /s:</b></p> <p>A minimum flow of 80% of MALF as calculated by the regional council and an allocation limit of, whichever is the greater of:</p> <ul style="list-style-type: none"> <li>• 50% of MALF as calculated by the regional council</li> <li>• the total allocation from the catchment on the date that the Standard comes into force less any resource consents surrendered, lapsed, cancelled or not replaced.</li> </ul>			
26	Horticulture New Zealand	52267 V3pLWRP-314	Table 15(h)	<p>Amend Table 15(g) by:</p> <ul style="list-style-type: none"> <li>• including provision for crop survival water [See submission points V3 pLWRP- 275 to 279 and 311 regarding crop survival water] and</li> <li>• inserting a note as follows: Partial restrictions do not include water consented for crop survival water for horticultural crops.</li> </ul>	Oppose	Crop survival water is too broadly defined and appears to be all water used to irrigate crops (other than animal fodder crops). This would effectively put horticultural irrigation outside the freshwater limits (minimum flows) regime. Other uses of water are potentially more essential (including, for example, municipal supply and human and animal drinking water)	Reject that part of the submission that would prioritise water for the protection of crops ahead of other water takes that support other food production associated manufacturing processes.

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27	Horticulture New Zealand	52267 V3pLWRP-315	Table 15(i)	Amend Table 15(g) by: <ul style="list-style-type: none"> <li>including provision for crop survival water [See submission points V3 pLWRP- 275 to 279 and 311 regarding crop survival water] and</li> <li>inserting a note as follows: Partial restrictions do not include water consented for crop survival water for horticultural crops.</li> </ul>	Oppose	Crop survival water is too broadly defined and appears to be all water used to irrigate crops (other than animal fodder crops). This would effectively put horticultural irrigation outside the freshwater limits (minimum flows) regime. Other uses of water are potentially more essential (including, for example, municipal supply and human and animal drinking water)	Reject that part of the submission that would prioritise water for the protection of crops ahead of other water takes that support other food production associated manufacturing processes.
28	Horticulture New Zealand	52267 V3pLWRP-316	Table 15(j)	Amend Table 15(g) by: <ul style="list-style-type: none"> <li>including provision for crop survival water [See submission points V3 pLWRP- 275 to 279 and 311 regarding crop survival water] and</li> <li>inserting a note as follows: Partial restrictions do not include water consented for crop survival water for horticultural crops.</li> </ul>	Oppose	Crop survival water is too broadly defined and appears to be all water used to irrigate crops (other than animal fodder crops). This would effectively put horticultural irrigation outside the freshwater limits (minimum flows) regime. Other uses of water are potentially more essential (including, for example, municipal supply and human and animal drinking water)	Reject that part of the submission that would prioritise water for the protection of crops ahead of other water takes that support other food production associated manufacturing processes.
29	Central South Island Fish and Game	53274 V3pLWRP-387	Table 15(m)	Flexibility cap allowed for when augmentation occurs negating the possible beneficial outcome for water quality.  Delete Table 15(m).	Oppose	The Variation allows for some <u>sharing</u> of the benefits of augmentation (i.e. some benefit to land users/irrigators and some to water bodies). If there were no benefit for resource users from augmentation there would be no incentive to invest in augmentation. The variation appropriately provides that incentive.	Reject the submission
30	Horticulture New Zealand	52267 V3pLWRP-347	Table 15(n)	Amend Table 15(n) by including a note as follows:	Support	Existing farming activities that are part of a farming enterprise or nutrient group	Accept the submission

REF	SUBMITTER	SUBMITTER NUMBER	VARIATION 3 REFERENCE	SUBMISSION	SUPPORT / OPPOSE	REASONS	RELIEF SOUGHT
				<p><i><u>This table will be updated when a new version of OVERSEER® is released;</u></i> and</p> <p>Amend the headings as follows: Delete "farming enterprises and nutrient user groups" from column 4 and include in column 3 with "Existing Farming activities".</p>		should be treated the same as other existing farming activities.	
31	Central South Island Fish and Game	53274 V3pLWRP-366	Table 15(p)	<p>Amend Table 15(p) to include amended and lower Nitrogen load limits (tonnes per year) from 2030.</p> <p>s.30 RMA inherently requires Regional Councils to achieve DIN in-stream concentrations in order to maintain and enhance water quality and ecosystem health</p>	Oppose	<p>Increased nitrogen loads at 2030 are not necessarily inconsistent with improving water quality. Higher loads and improved water quality will be possible with augmentation of the Wainono Lagoon.</p> <p>Section 30 of the RMA requires councils to control the use of land for the purpose of maintaining or enhancing ecosystems in waterbodies. How they do that is not specified. The section does not require, inherently or otherwise, a regional council to achieve DIN in-stream concentrations. That would be the role of the NPSFM. The current NPSFM does not impose a DIN limit but does require a nitrate-nitrogen limit to be met. Variation 3 does that consistent with the national objectives framework.</p>	Reject the submission
32	Te Rununga o Ngai Tahu	64073 V3pLWRP-125	Schedule 7	<p>Add a new section to Part B of Schedule 7 of the pLWRP</p> <p><i><u>7. Waihao-Wainono Cultural</u></i></p>	Oppose	Although Fonterra supports the concept of a recognised Cultural Landscape area, it considers that Schedule 7 already requires the critical information	Reject that part of the submission that would create duplication with the

REF	SUBMITTER	SUBMITTER NUMBER	VARIATION 3 REFERENCE	SUBMISSION	SUPPORT / OPPOSE	REASONS	RELIEF SOUGHT
				<p><u>Landscape Areas</u></p> <p><u>a. A description of the land within or adjoining the Cultural Landscape Area shown on the Planning Maps in Section 15.</u></p> <p><u>b. A description of any discharges on to land or into water in the Cultural Landscape Area which may result from the property, including: livestock, discharge from an effluent pond or the spreading of effluent, septic tanks, offal pits or silage pits, or irrigation water, use of hazardous substances.</u></p> <p><u>c. Any mitigation measures proposed to minimize the risk of a discharge of contaminants directly or indirectly into water within the Cultural Landscape Area.</u></p> <p><u>d. Any actions to maintain or enhance indigenous vegetation or mahinga kai.</u></p> <p><u>e. Any consultation undertaken with Te Runanga o Waihao or Te Runanga o Arowhenua and the results of that consultation.</u></p>		<p>required for farmers to recognise and managed risks to the cultural landscape area. The matters suggested in the submission are largely duplicative of the existing provisions of Schedule 7.</p> <p>Matter e) implies that consultation will be required for every farm environment plan prepared for properties that include an area of land within the Cultural Landscape area. That may be an unnecessary and onerous obligation for individual farmers undertaking normal farming activities in accordance with good management practice.</p> <p>Fonterra is concerned to ensure the final provisions of Variation 3 do not prevent or make it unnecessarily onerous for activities that occur within a Cultural Landscape area.</p>	existing contents of Schedule 7.

## PART B – MANUFACTURING ISSUES

The text included in the “Submission” column of the following table that is italics, underlined and in **red** font is text proposed by the submitter. Text in *italics* only is text proposed by Variation 3 as notified.

REF	SUBMITTER	SUBMITTER NUMBER	VARIATION 3 REFERENCE	SUBMISSION	SUPPORT / OPPOSE	REASONS	RELIEF SOUGHT
33	Oceania Dairy Ltd	64011 V3pLWRP-7 (part only)	Policy 15.4.21	As written the rule [sic] appears to assume that all groundwater takes are for irrigation and it could be interpreted as applying to the Waihao Groundwater Allocation Zone.	Support	Policy 15.4.21 does refer to Schedule 10 and hence it does assume all takes are for irrigation. That is inappropriate since there are other takes within the zone and Schedule 10 is not relevant to determining the reasonable use of water for those non-irrigation takes.	Accept the submission
34	South Canterbury Province, Federated Farmers of New Zealand	64848 V3 pLWRP-214	Policy 15.4.30	Amend Policy 15.4.30 by adding the words:  <u><i>...or where the transfer can occur without increasing volume of allocated water used.</i></u>	Oppose in part	In catchments/zones that are fully allocated Federated Farmers’ suggested policy is appropriate. However in catchments/zones that are not fully allocated the policy would be unduly restrictive.  Further, a transfer to an industrial user that results in more water being used may still be appropriate if the take results in a positive water balance. This can occur, for example, with dairy processing where condensate water from the milk evaporation process is irrigated to land resulting in extra drainage to the aquifer and a net gain for the groundwater resource.	Reject that part of the submission that would result in transfers being limited despite a net water balance being achieved or the level of allocation remaining below limits.
35	Oceania Dairy Ltd	64075 V3pLWRP-9	Policy 15.4.35	Amend Policy 15.4.35 [common catchment expiry dates for consents] to make an exemption for industrial takes to ensure certainty of supply.	Support	A maximum 10-year consent term is insufficiently long to provide the investment certainty required for large scale industrial investment.	Accept the submission



REF	SUBMITTER	SUBMITTER NUMBER	VARIATION 3 REFERENCE	SUBMISSION	SUPPORT / OPPOSE	REASONS	RELIEF SOUGHT
36	Te Rununga o Ngai Tahu	64073 V3pLWRP-125 VV3pLWRP-583	15.1 (new policy)  Planning Maps	<p>Fonterra has already set out the detail of the proposed amendments in its Part A further submission (refer pages [9] to 10]).</p> <p>Fonterra repeats that material in this Part B of its further submission.</p>	Oppose in part	In addition to the reasons set out in its Part A further submission, Fonterra notes that part of the infrastructure associated with the expansion of the Studholme Site is likely to be located in the proposed Cultural Landscape Area.	Reject that part of the submission (in addition to that set out in Part A) to the extent that it might prevent or introduce additional consenting obligations on the placement and operation of Studholme Site infrastructure within any Cultural Values landscape area