

Tabled at Hearing on 5 November 2015

Proposed Plan Change 3 to the Partially Operative Canterbury Land and Water Regional Plan - Section 15- Waitaki and South Coastal Canterbury

(Previously known as Variation 3 to the proposed Canterbury Land and Water Regional Plan)

Version Showing Officer s42A Report
Recommendations as **red** "Tracked Changes"
Amendments sought by Ravensdown in **BLUE**

4 September 2015

- Realising the gains from the Wainono Restoration Project⁸ and a successor to the project including, but not limited to, on-farm actions such as stream battering, wetland rehabilitation and identification of critical sediment source areas;
- Abstracting Waitaki River water to provide for additional irrigation development;
- Augmentation of Wainono Lagoon to improve lagoon health;
- Capping current water allocation and ~~reducing~~ phasing out over-allocation by reducing the quantum of water able to be abstracted from over-allocated resources over time, and enabling alternative supplies such as new irrigation scheme water, on-farm storage and, where appropriate, deep groundwater over time as new water sources are available and irrigation efficiency improves, enabling alternative sources of water, and signalling a future date for higher flows to be implemented and increasing environmental flows in over-allocated rivers and streams over time⁹; and
- Restricting nitrogen load losses from the catchment and introducing flexibility caps, maximum caps based on soil type and Nutrient User Groups.

It is acknowledged by the Zone Committee, tangata whenua, the community and stakeholders that this package of solutions will be reached over time. This sub-region section focuses on the regulatory actions while enabling the non-regulatory actions where possible.

15.1 South Coastal Canterbury Definitions

For this sub-regional section the following definitions apply in addition to the definitions contained in Section 2.9.

Word or Phase	Definition
Access to an irrigation scheme	means an irrigation scheme has developed to a stage where the land is able to be supplied with water.
Augmentation	means the discharge of water to the Wainono Lagoon through a wetland, the primary purpose of which is to improve water quality by meeting and sustaining a TLI of 6.0 or <u>lower</u> ¹⁰ better in the Wainono Lagoon.
<u>Change in land use</u>	[Ravensdown seeks for a definition to be added that ensures a change of land use solely applies to the difference between an existing farming activity and a new farming activity as per the relief sought by Ravensdown, where a new farming activity is the 'change in land use'.]
Flow Protection Zone	means the area shown as the Flow Protection Zone on the Planning Maps.
<u>Farming activity</u>	<u>means the use of land for the production of primary products including agricultural, pastoral, horticultural and forestry products.</u>
Existing farming activity	means a farming activity in existence on the property at 1 May 2015 <u>and includes all activities undertaken during the period of 01 July 2009 – 30 June 2013 whether seasonal or rotational</u> ¹¹ .

⁸ A works programme carried out by CRC and approved parties to improve ecological habitat, and water quality in Wainono

Lagoon and its catchment

⁹ Ngāi Tahu V3pLWRP-115

¹⁰ Director General of Conservation V3pLWRP-439

¹¹ Ravensdown V3pLWRP-769

Flexibility cap	means the allowable nitrogen loss rate in an area as set out in Table 15(m) <u>as modelled with OVERSEER™, or equivalent model approved by the Chief Executive of Environment Canterbury. If OVERSEER™ is updated, the most recent version is to be used.</u>
Maximum cap	means the maximum nitrogen loss rate allowed for the listed soil type in Table 15(mn)¹².
Morven-Sinclairs Area	means the area shown as Morven-Sinclairs on the Planning Maps.
New farming activity	means a farming activity that was not in existence on the property at 1 May 2015 <u>this excludes routine rotational land use activity within a Farming Enterprise, Nutrient User Group or Irrigation Scheme when there is no significant increase in land area used for that activity within a catchment.</u>
Nitrogen baseline	<p>means the definition as set out in section 2.9, except that for the purposes of Section 15A<u>this section of the plan</u>¹³, the term nitrogen baseline applies separately to that area of land that is entirely located within the Northern Streams Hill or Northern Streams Plains or Waihao-Wainono Plains or Waihao-Wainono Hill Area.</p> <p>For the avoidance of doubt, where a property, Farming Enterprise or Nutrient User Group comprises land in more than one of the Northern Streams Hill or Northern Streams Plains or Waihao-Wainono Plains or Waihao-Wainono Hill Areas, individual nitrogen baselines shall be prepared for each and the individual nitrogen baseline limits shall apply respectively.</p>
<u>Nitrogen Loss Calculation</u>	<u>[definition to be developed to apply specifically to the four areas in order to be consistent with the nitrogen baseline definition amendment]</u>
Northern Streams Area	means the area shown as the Northern Streams on the Planning Maps.
Northern Streams Hill	means land within the Northern Streams Area identified on the Planning Maps as Hill Area.
Northern Streams Plains	means land within the Northern Streams Area not identified on the Planning Maps as Hill Area.
Nutrient User Group	means a group of properties in multiple ownership, where the owners of those properties undertake farming activities and operate as a collective for the purposes of nutrient management.
<u>Surface Water Allocation Zone</u>	<u>[Ravensdown seeks definition as term used in Policy 15.4.11]</u>
South Coastal Canterbury Area	means the area shown as South Coastal Canterbury on the Planning Maps.

Waihao-Wainono Area	means the area shown as Waihao-Wainono on the Planning Maps.
Waihao-Wainono Hill	means land within the Waihao-Wainono Area identified on the Planning Maps as Hill Area.
Waihao-Wainono Plains	means land within the Waihao-Wainono Area not identified on the Planning Maps as Hill Area.

¹² Fertiliser NZ V3pLWRP-699

¹³ Ballance V3pLWRP-689

Wainono Restoration Project	means a works programme carried out by or on behalf of or in partnership with a local authority for the purposes of reducing sediment or nutrient loss to water and improving ecological habitat, to improve the water quality in Wainono Lagoon and its catchment and shown as Waihao-Wainono on the Planning Maps.
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15.2 Other Plans and Instruments that Apply to the South Coastal Canterbury Sub-regional Area

15.2.1 Other Regional Plans that Apply to the South Coastal Canterbury Sub-regional Area

Nil.

15.2.2 Iwi Management Plans that Apply to the South Coastal Canterbury Area

Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 1999¹⁴

Iwi Management Plan of Kati Huirapa for the area Rakia¹⁵ to Waitaki July 1992

Te Whakatau Kaupapa – Resource Management Strategy for Canterbury¹⁶

15.2.3 Water conservation orders that apply to the South Coastal Canterbury Sub-regional Area

Nil.

15.3 freshwater Outcomes

See Objectives in Section 3, and freshwater outcomes in¹⁷ Tables 15(a) and 15(b).

15.4 Policies

The following policies apply in the South Coastal Canterbury Area, in addition to those set out in Section 4 of the Plan.

Managing landuse to maintain or improve water quality

15.4.1 Improve water quality in the South Coastal Canterbury Area by:

¹⁴ Ngāi Tahu V3pLWRP-120

¹⁵ Minor amendment (Clause 16, Schedule 1 RMA)

¹⁶ Ngāi Tahu V3pLWRP-120

¹⁷ Fertiliser Association NZ V3pLWRP-702

- (a) reducing losses of ~~microbes-microbial contaminants~~¹⁸, phosphorus and sediment through excluding intensively farmed stock from drains (in addition to the region-wide stock exclusion provisions) ~~and enabling the Wainono Restoration Project; and~~¹⁹
- (b) ~~requiring all farming activities to implement the good management practices set out in Schedule 24b,~~²⁰ ~~or better; and~~
- (c) ~~requiring any farming activity which requires a resource consent to develop and implement a Farm Environment Plan prepared in accordance with Schedule 7; and~~²¹
- (d) ~~limiting the aggregate nitrogen discharge from all industrial and farming activities to the load limits specified in Tables 15(o) and 15(p) requiring the cumulative nitrogen losses from urban and industrial discharges and farming activity respectively to not exceed the load limits in Tables 15(o) and 15 (p) at the timeframes specified.~~²²

~~15.4.1A Recognise the cultural significance of the Waihao-Wainono catchment, the Northern Area Streams, and the Morven-Sinclairs Area to Ngāi Tahu; and enable Ngāi Tahu to exercise kaitiakitanga and enhance mahinga kai through:~~

- (a) ~~minimising the discharge of any contaminants into water;~~
- (b) ~~protecting natural wetlands and springheads;~~
- (c) ~~maintaining flow and water quality in the Waihao River;~~
- (d) ~~improving flows in lowland streams over time;~~
- (e) ~~restoring the quality of water in lowland streams to enable mahinga kai; and~~²³
- (f) ~~improving the water quality and biodiversity of Wainono Lagoon.~~

~~15.4.2 Achieve 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).~~²⁴

~~15.4.3 Meet the nitrogen load limits for the Northern Streams Area, Waihao-Wainono Area and Morven-Sinclairs Area by avoiding the movement sharing of allowable nitrogen loss rates between the Plains Areas and the Hill Areas.~~²⁵

~~15.4.4 Improve water quality in the South Coastal Canterbury Area by requiring:~~

- (a) ~~all farming activities to operate at good management practice or better; and~~

¹⁸ Director General of Conservation V3pLWRP-475

¹⁹ Ngāi Tahu V3pLWRP-126

²⁰ Ngāi Tahu V3pLWRP-127

²¹ Ngāi Tahu V3pLWRP-127

²² Fonterra V3pLWRP-630 and Dairy NZ V3pLWRP-235

²³ Ngāi Tahu V3pLWRP-123

²⁴ Ngāi Tahu V3pLWRP-127

²⁵ Federated Farmers V3pLWRP-184, Willans Holdings V3pLWRP-884, Dairy NZ V3pLWRP-240, Otaio Water User Group V3pLWRP-503

- (b) ~~the preparation and implementation of a Farm Environment Plan for the use of land for any farming activity subject to a resource consent.~~²⁶

15.4.5 ~~Improve water quality in the Northern Streams Area and Waihao-Wainono Area by requiring:~~

- (a) ~~all existing farming activities, except those on extremely light soils as shown on the Planning Maps, to comply with the maximum cap by 1 January 2030; and~~
- (b) ~~all new farming activities to comply with the maximum cap from 1 May 2015.~~

Improve water quality in the Northern Stream Area and Waihao-Wainono Area while providing flexibility in land-use by:

- (a) permitting farming activities whose ~~estimated nitrogen losses do not~~ nitrogen loss calculation does not exceed the flexibility cap ~~limits~~ set out in Table 15(m);
- (b) ~~allowing~~ permitting farming activities whose ~~estimated~~ nitrogen losses calculation exceeds the flexibility cap in Table 15(m) provided ~~there is no~~ it does not increase ~~in above~~ the nitrogen baseline for the farming activity, and the nitrogen baseline ~~or the nitrogen loss calculation~~ does not exceed the maximum cap set out in Table 15(n);
- (c) requiring farming activities with ~~estimated nitrogen losses~~ nitrogen loss calculation that exceeds the maximum caps in Table 15(n) to start reducing their nitrogen losses and to comply with the maximum cap in Table 15(n) by no later than 01 January 2025; and
- (d) allowing new farming activities to exceed the nitrogen baseline (in accordance with Policy 15.4.10), provided the ~~estimated nitrogen losses~~ nitrogen loss calculation does not exceed the maximum nitrogen cap in Table 15(n).²⁷

15.4.5A Notwithstanding Policy 15.4.5, on soils shown on the Planning Maps as extremely light, allow farming activities with estimated nitrogen losses which exceed the maximum cap in Table 15(n) to continue past 01 January 2025 provided that:

- (a) the farming activity is subject to a Farm Environment Plan which shows how the maximum cap will be met and by what timeframe; and
- (b) there is no change in land use, unless that change of land use is part of facilitating nitrogen loss reductions under the Farm Environment Plan.²⁸

15.4.6 ~~In the Northern Streams Area and Waihao-Wainono Area, improve water quality while allowing for the continued operation of existing farming activities on~~

²⁶ Ngāi Tahu V3pLWRP-127

²⁷ Ngāi Tahu V3pLWRP-129

²⁸ Ngāi Tahu V3pLWRP-129

~~extremely light soils, provided the farming activity is operated in accordance with a Farm Environment Plan that sets out actions to be implemented to ensure long-term compliance with the maximum cap in Table 15(n).~~

~~15.4.7 Manage nitrogen losses from land within Northern Streams Plains, Northern Streams Hill, Waihao-Wainono Plains and Waihao-Wainono Hill by:~~

- ~~(a) farming activities operating in accordance with maximum caps and relevant flexibility cap; and~~
- ~~(b) enabling farming activities to operate in accordance with the greater of the nitrogen baseline or the flexibility cap relevant to the respective area~~

15.4.8 Improve water quality within the Waihao-Wainono Area by enabling farming activities to access the higher flexibility caps in Table 15(m) when augmentation of Wainono Lagoon has occurred in the preceding calendar year and if the freshwater outcomes in Tables 15(a) and 15(b) are met²⁹.

15.4.9 Manage Control nitrogen losses within the Morven-Sinclairs Area while providing for economic development intensification³⁰ by:

- (a) providing for farming activities to increase their nitrogen loss calculation above the nitrogen baseline only if the nitrogen load limit in Table 15(p) is not exceeded; and
- (b) requiring any proposal for a farming activity to increase the nitrogen loss calculation above the nitrogen baseline to be considered through a resource consent process.

15.4.9A Avoid the exceedance of N load limits in Table 15(p), taking into account version changes to OVERSEER® by:

- (a) using the same input data used to generate the load limits in Table 15(p); and
- (b) demonstrating that any additional input parameters required by the updated version of OVERSEER® reflect good management practice or better.³¹

Nutrient User Groups and Farming Enterprises

15.4.10 Flexibility in nitrogen management is enabled by allowing an increase in nitrogen loss beyond the respective nitrogen baseline, except for any land within the Northern Streams Hill and Waihao-Wainono Hill areas, provided the property is part of:

²⁹ Roger and Lisa Small V3pLWRP-29

³⁰ Federated Farmers V3pLWRP-190, Willans Holdings V3pLWRP-890

³¹ Federated Farmers V3pLWRP-189

- (a) a Nutrient User Group, or
- (b) an irrigation scheme; or
- (c) a Farming Enterprise.

15.4.11 ~~Avoid~~ Ensure the catchment nutrient load limits ~~being are not~~ exceeded by only allowing Farming Enterprises or Nutrient User Groups to establish and operate where all the properties are located in the same Surface Water Allocation Zone.

15.4.12 ~~Maintain water quality by restricting the movement sharing³² of nitrogen between properties unless:~~

- ~~(a) the property is part of a Farming Enterprise or Nutrient User Group; and~~
- ~~(b) the combined nitrogen loss calculation from all properties forming the Nutrient User Group does not exceed the sum either:~~
 - ~~(i) the flexibility cap for the respective area; or~~
 - ~~(ii) the nitrogen baselines for the respective area whichever is the greater; and~~
- ~~(c) the maximum cap is not exceeded on any individual property.~~

15.4.13 Manage nutrient losses by requiring applications for a resource consent to establish a Nutrient User Group to describe:

- (a) the procedures and methods for recording nitrogen losses from properties within the Nutrient User Group; and
- (b) the methods for redistributing nitrogen when a property joins or leaves the Nutrient User Group; and
- (c) the annual reporting requirements; and
- (d) how compliance with the actions set out in each Farm Environment Plan will be achieved.

15.4.13A Maintain water quality while enabling the disestablishment of Farming Enterprises by requiring each parcel of land formerly included in the Farming Enterprise to not exceed either:

- (a) the individual flexibility cap and nitrogen baseline (which is ever is greater) for the land in that parcel; or

³² Fertiliser NZ V3pLWRP-711

- (b) a nitrogen loss limit to be determined so that the aggregate of the flexibility caps and nitrogen baselines (which is ever is greater) of all the parcels formerly included in the Farming Enterprise is not exceeded.³³

Irrigation Schemes

15.4.14 Nutrient discharges within the command area of an irrigation scheme are managed by requiring any discharge permit granted to an irrigation scheme to include conditions that:

- (a) restrict the total nitrogen loss in accordance with the limits in Table 15(p); and
- (b) apportion the irrigation scheme load in Table 15(p) in proportion to the area of the scheme that is operational; and
- ~~(c) prevent the maximum caps in Table 15(n) being exceeded on any property; and~~
- (d) require all properties within the irrigation scheme command area to be subject to a Farm Environment Plan specific to each property, prepared and implemented in accordance with Schedule 7; and
- (e) require the irrigation scheme to manage all nitrogen losses from properties that are partially or fully supplied with water from the irrigation scheme.

Lake, catchment and flow restoration

15.4.15 Improve water quality of the Waihao-Wainono Area by enabling augmentation of Wainono Lagoon and catchment restoration activities, and in the absence of either occurring³⁴ require nutrient loss reductions beyond those achieved by good management practice.

15.4.16 Improve water quality in Wainono Lagoon by enabling the discharge of water to the lagoon through a constructed wetland, provided:

- (a) adverse effects on cultural values and sites of importance to Ngāi Tahu are, as a first priority avoided, and where avoidance is not practicable, mitigated; and
- (b) adverse effects on the availability and quality of community drinking water supplies are avoided; and
- (c) adverse effects on fish passage are mitigated; and

³³ Dairy Holdings V3pLWRP-405

³⁴ Minor amendment (Clause 16, Schedule 1 RMA)

- (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;~~³⁵ and
- (e) adverse effects on people and property from raised groundwater levels and land inundation are avoided; and
- (f) the application for a resource consent is accompanied by a management plan that describes the works and how the effects arising from those works will be avoided or mitigated, and how the wetland(s) will be maintained.

15.4.17 Catchment restoration activities focus on the protection of springheads the protection, establishment or enhancement of planted riparian margins, the creation restoration or enhancement of wetlands, indigenous biodiversity in riparian planting; weeding and pest control³⁶ and the targeted³⁷ removal of fine sediments from waterways.

Works and waterways

15.4.18 Any resource consent application to modify the course of a waterway shall consider the cumulative effects of the activity on flows, water quality, riparian and aquatic habitats.

Sustainable use of water and Improvement of flows

15.4.19 Surface water and groundwater flows are improved by:

- (a) providing for out-of-river storage; and
- (b) utilising water available from irrigation schemes to the fullest extent possible³⁸ before utilising run-of-river takes; and
- (c) avoiding the reallocation of any surrendered water, until such time as the zone is no longer over allocated³⁹; and
- (d) avoiding the granting of any resource consent within any 'A' surface water allocation block or in the Otaio, Makikihi, Waimate and Hook groundwater allocation zones, excluding any activity affected by the provisions of Section 124 - 124C of the RMA .

³⁵ Federated Farmers V3pLWRP-197

³⁶ Ngāi Tahu V3pLWRP-137, Director General of Conservation V3pLWRP-476

³⁷ Minor amendment (Clause 16, Schedule 1 RMA)

³⁸ Federated Farmers V3pLWRP-199; Willans Holdings V3pLWRP-899; Otaio Water Users Group pLWRP-536

³⁹ Federated Farmers V3pLWRP-199; Willans Holdings V3pLWRP-899

User Group or Farming Enterprise, or a property that is supplied with water by an irrigation scheme, is a permitted activity.

15.5.2 The use of land for a farming activity, ~~within the Waihao-Wainono Area and/or Northern Streams Area~~⁶¹, except any land that is part of a Nutrient User Group or Farming Enterprise, or a property that is supplied with water by an irrigation scheme, is a permitted activity provided the following conditions are met:

1. The nitrogen loss calculation does not exceed the greater of either the nitrogen baseline or the flexibility cap for the respective area as set out in:
 - (a) column A of Table 15(m) for any land within the Waihao-Wainono Plains; or
 - (b) column B or C of Table 15(m) for any land within the Waihao-Wainono Plains; or columns E or F of Table 15(m) for any land within the Northern Streams Plains; or
 - (c) column D of Table 15(m) for any land within the Waihao-Wainono Hill, or column G of Table 15(m) for any part of the property within the Northern Streams Hill; and

~~The nitrogen loss calculation for any part of the property within the Morven-Sinclairs Area does not exceed the nitrogen baseline; and~~⁶²

~~In the Northern Streams Area and Waihao-Wainono Area~~⁶³ the use of land is for an existing farming activity and the maximum cap for the relevant soil type, as set out in Table 15(n) is not exceeded; or

~~In the Northern Streams Area and Waihao-Wainono Area~~⁶⁴ the use of land is for a new farming activity and the maximum cap as set out in Table 15(n) for the relevant soil type is not exceeded; and

2. ~~The farming activity is operating at good management practice as set out in Schedule 24b. The good management practices in Schedule 24b are being implemented and the information required is recorded in accordance with Schedule 24b, and supplied to Canterbury Regional Council on request.~~⁶⁵

15.5.2 The use of land for a farming activity within the Morven-Sinclairs Area, except any land that is part of a Nutrient User Group or Farming Enterprise, or a

⁶¹ Dairy NZ V3pLWRP-224 and Fonterra V3pLWRP-629

⁶² Dairy NZ V3pLWRP-224 and Fonterra V3pLWRP-629

⁶³ Dairy NZ V3pLWRP-224 and Fonterra V3pLWRP-629

⁶⁴ Dairy NZ V3pLWRP-224 and Fonterra V3pLWRP-629

⁶⁵ Fish and Game V3pLWRP-378

property that is supplied with water by an irrigation scheme, is a permitted activity provided the following conditions are met:⁶⁶

1. The nitrogen loss calculation for any part of the property within the Morven-Sinclairs Area does not exceed the nitrogen baseline; and
2. The good management practices in Schedule 24b are being implemented and the information required is recorded in accordance with Schedule 24b, and supplied to Canterbury Regional Council on request.⁶⁷

15.5.3 The use of land for a farming activity, except any land that is part of a nutrient User Group or Farming Enterprise, or land that is within the command area of an irrigation Scheme where the nutrient loss from the farming activity is being managed by the scheme that does not meet any of Conditions 1(b), and 2 or 4 of Rule 15.5.2 or Conditions 1 and 2 of Rule 15.5.2A ~~any of the conditions of Rule 15.4.2 excluding conditions 1(a), 1(c) or 4 of Rule 15.5.2~~⁶⁸, is a restricted discretionary activity provided the following condition is met:

1. A Farm Environment Plan has been prepared in accordance with Schedule 7 Part A, and is submitted with the application for resource consent.

The exercise of discretion is restricted to the following matters:

1. Whether the nitrogen loss from the farming activity will result in the total catchment load limits as per Table 15(p) or the flexibility caps in Table 15(m) being exceeded; and

1A. The nitrogen loss rates to be applied to the property and rate at which they should reduce to achieve the ~~maximum cap loss rate~~ MGM rate for the land use⁶⁹; and

2. The quality of, compliance with and auditing of the Farm Environment Plan; and
3. The proposed management practices to avoid or minimise the discharge of nitrogen, phosphorous, sediment and microbiological contaminants to water from the use of land; and
4. The potential effects of the land use on surface and groundwater quality and sources of drinking-water; and

⁶⁶ Dairy NZ V3pLWRP-224

⁶⁷ Fish and Game V3pLWRP-378

⁶⁸ Consequential amendment

⁶⁹ Fonterra V3pLWRP- 990

5. The appropriateness of the actions and time frames described in the Farm Environment Plan in achieving the nitrogen baseline, or flexibility caps in Table 15(m)⁷⁰ or maximum cap loss rates in Table 15(n) or the good management practice values in Table 15(n) (to be included at a later date) (whichever is relevant); and
6. The soil type having regard to the⁷¹ quality and appropriateness of any soil mapping carried out for the property; and
7. The potential adverse effects of the activity on Ngāi Tahu cultural values;⁷² and

7A. The matters set out in Policy 15.4.5⁷²

15.5.4 The use of land for a farming activity, except any land that is part of a Nutrient User Group or Farming Enterprise, or land that is within the command area of an Irrigation Scheme where the nutrient loss from the farming activity is being managed by the scheme, that does not meet condition 1 of Rule⁷³ 15.5.3 is a non-complying discretionary activity.

15.5.4A The use of land for a farming activity, except any land that is part of a Nutrient User Group or Farming Enterprise, or land that is within the command area of an irrigation scheme where the nutrient loss from the farming activity is being managed by the scheme, that does not meet either conditions 1(a) or 1(c) of Rule 15.5.2 or condition 1 of Rule 15.5.2A is a discretionary activity provided the following conditions are met:

1. The use of land is for an existing farming activity and the nitrogen loss calculation for the property does not exceed the greater of the either the nitrogen baseline or flexibility cap for the respective area as set out in Table 15(m) unless the nitrogen baseline or flexibility cap was lawfully exceeded prior to 24 April 2015; and
2. The application for resource consent demonstrates that the exceedance was lawful; and
3. The Farm Environment Plan and nutrient budget submitted with the application for resource consent has been prepared or reviewed by an accredited Farm Environment Plan Auditor.⁷⁴

15.5.5 The use of land for a farming activity, except any land that is part of a Nutrient User Group or Farming Enterprise, or land that is within the command area of an Irrigation Scheme where the nutrient loss from the farming activity is being managed by the scheme, that does not meet Rule 15.5.4A or one or more of

⁷⁰ Ravensdown V3pLWRP-840

⁷¹ Fonterra V3pLWRP-990

⁷² Fonterra V3pLWRP-990

⁷³ Minor amendment (Clause 16, Schedule 1 RMA)

⁷⁴ Dairy NZ V3pLWRP-271

conditions 1(a), 1(c) or 4 of Rule 15.5.2 or condition 1 of 15.5.2A⁷⁵, is a prohibited non-complying activity.

Farming Enterprises

15.5.6 The use of land for a farming activity as part of a Farming Enterprise is a restricted discretionary activity provided the following conditions are met.

1. A Farm Environment Plan for the Farming Enterprise has been prepared in accordance with Schedule 7, and is submitted with the application for resource consent; and
2. In the Northern Streams and Waiho-Wainono Areas the maximum cap MGM value for the relevant soil type, as to be set out in Table 15(n), is not exceeded on any land comprising part of the Farming Enterprise; and
3. The nitrogen loss calculation for the Farming Enterprise does not exceed the respective cumulative⁷⁶ nitrogen baseline for each land area forming part of the Farming Enterprise; and
4. The properties comprising the Farming Enterprise are located in the same Surface Water Allocation Zone.

15.5.7 The use of land for a farming activity as part of a Farming Enterprise that does not comply with conditions 1 and 3 of Rule 15.5.6 is a non-complying discretionary activity.

15.5.8 The use of land for a farming activity as part of a Farming Enterprise that does not meet one or more of conditions 2, 3 or 4 of Rule 15.5.6 is a prohibited non-complying activity.

Nutrient User Groups

15.5.9 The use of land for a farming activity that forms part of a Nutrient User Group is a discretionary activity provided the following conditions are met:

1. A management plan is submitted with the application for resource consent, which sets out:
 - (a) the properties forming the Nutrient User Group; and
 - (b) a map showing the location of all properties forming part of the Nutrient User Group; and

⁷⁵ Consequential amendments

⁷⁶ Federated Farmers V3pLWRP-238

- (c) the legal description of all properties and the legal names of the property owners forming part of the Nutrient User Group; and
 - (d) the method by which nitrogen losses will be managed and accounted for within the Nutrient User Group; and
 - (e) the method by which nitrogen losses will be redistributed upon any property or any part of the property withdrawing from the Nutrient User Group; and
 - (f) how the Nutrient User Group will ensure each property complies with the maximum caps set out in Table 15(n); and
2. A Farm Environment Plan has been prepared for each property in the Nutrient User Group in accordance with Schedule 7 Part A and is submitted with the application for resource consent; and
 3. All properties within the Nutrient User Group are located within the same Surface Water Allocation Zone; and
 4. No property within the Nutrient User Group is part of an Irrigation Scheme or a Farming Enterprise.

15.5.10 The use of land for a farming activity that forms part of a Nutrient User Group that does not comply with one or more of the conditions in Rule 15.5.9 is a prohibited non-complying activity.

Irrigation Schemes

Rules 15.5.11 and 15.5.12 prevail over regional Rules 5.60 to 5.62

15.5.11 The discharge of nutrients onto or into land within the command area of an Irrigation Scheme in circumstances which may result in contaminants entering water and where the property is supplied with water by an irrigation scheme is a discretionary activity provided the following conditions are met:

1. The nitrogen load limits in Table 15(p) are not exceeded; and
2. The application for resource consent does not include any land that is part of a Nutrient User Group or Farming Enterprise.

15.5.12 The discharge of nutrients onto or into land within the command area of an Irrigation Scheme in circumstances which may result in contaminants entering water and where the property is supplied with water by an irrigation scheme that does not meet any of the conditions of Rule 15.5.11 is a prohibited non-complying activity.

15.5.12A The use of land for a farming activity on a property that is supplied with water by an irrigation scheme, provided the irrigation scheme holds a consent that is

subject to conditions that specify the maximum rate of discharge that may be leached from the land for the area where the property is located is a permitted activity.⁷⁷

Incidental Discharges

15.5.13 The discharge of nitrogen, ~~phosphorous~~ **phosphorus**⁷⁸, sediment and microbial contaminants onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene section 15(1) of the RMA, is a permitted activity, provided the following condition is met:

1. The land use activity associated with the discharge is authorised under Rule 15.5.1 to Rule 15.5.12.

15.5.14 The discharge of nitrogen, ~~phosphorous~~ **phosphorus**⁷⁹, sediment and microbial contaminants onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene section 15(1) of the RMA that does not meet condition 1 of Rule 15.5.13 is a non-complying discretionary activity.

Sewage Systems

Regional Rules 5.85, 5.86, 5.87 and 5.88 apply in the South Coastal Canterbury Area. Rule 15.5.15 prevails over Regional Rule 5.84. Rule 15.5.16 is a new rule.

15.5.15 The use of land for a community wastewater treatment system and the discharge of sewage sludge, bio-solids and treated sewage effluent from a community wastewater treatment system and the discharge of sewerage sludge and bio-solids from a domestic on-site wastewater treatment system into or onto land, or into or onto land in circumstances where a contaminant may enter water is a discretionary activity provided the following conditions are met:

1. The discharge in addition to all lawfully established existing discharges does not exceed the nitrogen load limit in Table 15(o) for community sewerage systems; and
2. The best practicable option is used for the treatment and discharge.

15.5.16 The use of land for a community wastewater treatment system and the discharge of sewage sludge, bio-solids and treated sewage effluent from a community wastewater treatment system and the discharge of sewerage sludge and bio-solids from a domestic on-site waste water treatment system into or onto land, or into or onto land in circumstances where a contaminant may enter water that

⁷⁷ Hunter Downs V3pLWRP-659

⁷⁸ Fertiliser Association NZ V3pLWRP-954

⁷⁹ Fertiliser Association NZ V3pLWRP-955

15.7.6 Water Quality Limits and Targets

Table 15(m): Nitrogen Flexibility cap limits for the Northern Streams and Waihao-Wainono Areas

	Waihao-Wainono Area			Northern Streams Area			
	Waihao-Wainono Plains			Waihao-Wainono Hill	Northern Streams Plains		Northern Streams Hill
	A	B	C	D	E	F	G
	From 01 May 2015 and when augmentation has not occurred in the preceding calendar year	When augmentation has occurred in the preceding calendar year	When augmentation has occurred in the preceding calendar year and after 01 January 2030 ²⁵ *	From 01 May 2015	From 01 May 2015	After 01 January 2030 ²⁵ *	From 01 May 2015
Flexibility Cap ¹ (kg N/ha/yr)	10	15	17	5	15	17	5

¹ *The Flexibility Caps were modelled using OVERSEER® Version 6.2*¹⁰⁹

* Freshwater outcomes in Tables 15(a) and 15(b) must also be met.

Note: the methods used to generate the target loads should be reapplied when there is a new release of Overseer to ensure that the derived target load and consequent nutrient discharge allowance are compatible with the farm-scale nutrient budgets that land managers might be required to produce for compliance purposes.

Table 15(n): Nitrogen Maximum cap limits for the Northern Streams and Waihao-Wainono Areas

Soil type as shown on Planning Map	Maximum cap ¹ (kg N/ha/yr)	Existing Existing ¹¹⁰ farming activities	New farming activities, Farming Enterprises or Nutrient User Groups (includes HDIS and WDIS)
Extremely light and Light	35	Achieve by 01 January 2030 ²⁵ ¹¹¹	Achieve immediately
Medium	25		
Poorly drained	20 ³⁵ ¹¹²		

¹ *The Maximum Caps were modelled using OVERSEER® Version 6.2*¹¹³

Note: the methods used to generate the target loads should be reapplied when there is a new release of Overseer to ensure that the derived target load and consequent nutrient discharge allowance are compatible with the farm-scale nutrient budgets that land managers might be required to produce for compliance purposes.

¹⁰⁷ NARG V3pLWRP-733

¹⁰⁸ NARG V3pLWRP-733

¹⁰⁹ Otaio Water User Group V3pLWRP-601

¹¹⁰ Minor Amendment Clause 16, Schedule 1 RMA

¹¹¹ NARG V3pLWRP-733

¹¹² Roger and Lisa Small V3pLWRP-55

¹¹³ Otaio Water User Group V3pLWRP-601

Table 15(o): Nitrogen load limits for urban and industrial discharges in the South Coastal Canterbury Area

Area	Timing	Load limit (t/yr)
Northern Streams	From 01 May 2015	8 (Potato processing wastewater)
Waihao-Wainono		40 (Milk processing wastewater) 2 (Waimate community sewerage)
Morven-Sinclairs		0

Table 15(p): Nitrogen load limits for farming in the South Coastal Canterbury Area

Area	Timing	Load limit (t/yr) ²
Northern Streams (Otaio, Kohika, Horseshoe, Makikihi)	From 1 May 2015	Otaio Plains 159 Otaio Hill Area 13 Kohika Plains 99 Kohika Hill Area 1 Horseshoe Plains 50 Horseshoe Hill Area 0 Makikihi Plains 123 Makikihi Hill Area 10
	From 2030	Otaio Plains 170 Otaio Hill Area 13 Kohika Plains 106 Kohika Hill Area 1 Horseshoe Plains 51 Horseshoe Hill Area 0 Makikihi Plains 134 Makikihi Hill Area 10
Waihao-Wainono	From 1 May 2015	1105 (178* Hunter Downs Irrigation Scheme and Waihao Downs Irrigation Scheme) and (125 Hill Area)
Morven-Sinclairs¹	From 1 May 2015	Morven-Sinclairs Plains 369 Morven-Sinclairs Hill Area 0

¹ Morven Glenavy Irrigation Scheme does not have a Nitrogen load limit. Within the command area, the sum of each individual property's nitrogen baseline makes up the total scheme load limit.

² The N load limits were modelled using OVERSEER® Version 6.0, using the input data files and assumptions documented in Environment Canterbury Technical Report No. R15/29 (ISBN: 978-0-478-15142-8 [web]) available on the Environment Canterbury website.¹¹⁴

* The load allocated to the schemes (the 'scheme load') is the 'top-up' load that allows scheme members to increase above the nitrogen baseline (2009-2013) for their individual property. Scheme members are not permitted to increase above the property nitrogen baseline to flexibility cap before accessing scheme load. The scheme load must be used before any increase up to a flexibility cap.

Note: the methods used to generate the target loads should be reapplied when there is a new release of Overseer to ensure that the derived target load and consequent nutrient discharge allowance are compatible with the farm-scale nutrient budgets that land managers might be required to produce for compliance purposes.

Note: Avoid the exceedance of N load limits in Table 15(p), taking into account version changes to OVERSEER® by:

- a. using the same input data used to generate the load limits in Table 15(p); and
- b. demonstrating that any additional input parameters required by the updated version of OVERSEER® reflect good management practice or better.

15.8 8 Flow Sensitive Catchments

Flow Sensitive Catchments

The following are to be applied when reading relevant policies and rules in Sections 4 and 5.

Major Catchment (see Planning Maps)	Sub-catchment	Sensitive part of catchment	Monitoring site – lower boundary of catchment
Otaio	Mainstem	Upstream of Otaio Gorge	Otaio Gorge recorder site
	St Andrews Stream	Whole catchment	Otaio Gorge recorder site
Morven	Dog Kennel Stream	Upstream from Old Ferry Road	Old Ferry Road
Waihao	Waihao River	Catchment upstream from McCulloughs Bridge	McCulloughs Bridge recorder site
	North Branch	Whole catchment	Waihao Forks