

From: [Elizabeth Soal](#)
To: [Mailroom Mailbox](#)
Subject: Land and Water Regional Plan Change 5
Date: Wednesday, 9 March 2016 10:20:15 p.m.
Attachments: [Waitaki Irrigators Collective LWRP Plan Change 5 Submission Form.pdf](#)
[WIC submission re LWRP PC5 March 2016.docx](#)

Hello,

Please find attached a submission form and written submission filed on behalf of the Waitaki Irrigators Collective Limited in relation to Proposed Plan Change 5 to the Land and Water Regional Plan.

Kind regards,
Elizabeth Soal

Elizabeth Soal
Policy Manager
WAITAKI IRRIGATORS COLLECTIVE LTD



Cell: 021 454 615 | DDI: 03 434 5472 | Email: elizabeth@waitakiirrigators.co.nz
Level 1, 72 Thames Street, Oamaru 9400 | PO Box 159, Oamaru 9444 | New Zealand
www.waitakiirrigators.co.nz

This email is intended only for the person to which it is addressed and may contain confidential or legally privileged material. Any dissemination or other use of or taking of any action in reliance upon the content of this email by persons other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the email from any computer. Opinions and other information in this email that do not relate to the business of my employer are not given nor endorsed by it. Unencrypted email is not secure and may not be authentic. If you have any doubts as to the contents please telephone to confirm. Waitaki Irrigators Collective Ltd and its related entities accept no responsibility for changes made to this email or its attachments after transmission from Waitaki Irrigators Collective Ltd and its related entities and do not guarantee that this email or attachments are virus or error free.



FOR OFFICE USE ONLY

Submitter ID:

File No:

Submission on Proposed Plan Change 5 to the Canterbury Land and Water Regional Plan

Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by 5.00pm Friday 11 March 2016 to:

Freepost 1201 Plan Change 5 to LWRP
Environment Canterbury
P O Box 345
Christchurch 8140

Full Name: <u>Elizabeth Soal</u>	Phone (Hm): _____
Organisation*: <u>Waitaki Irrigators Collective Limited</u> <small>* the organisation that this submission is made on behalf of</small>	Phone (Wk): <u>03 434 5472</u>
Postal Address: <u>PO Box 159, Oamaru</u>	Phone (Cell): <u>021 454 615</u>
	Postcode: <u>9444</u>
Email: <u>elizabeth@waitakiirrigators.co.nz</u>	Fax: _____
Contact name and postal address for service of person making submission (if different from above): _____ _____	
Trade Competition	
Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:	
a) adversely affects the environment; and	
b) does not relate to trade competition or the effects of trade competition.	
Please tick the sentence that applies to you:	
<input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission; or	
<input type="checkbox"/> I <u>could</u> gain an advantage in trade competition through this submission.	
If you have ticked this box please select one of the following:	
<input type="checkbox"/> I <u>am</u> directly affected by an effect of the subject matter of the submission	
<input type="checkbox"/> I <u>am not</u> directly affected by an effect of the subject matter of the submission	
Signature: <u></u>	Date: <u>8 March 2016</u>
<small>(Signature of person making submission or person authorised to sign on behalf of person making the submission)</small>	
<small>Please note: (1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.</small>	

<input type="checkbox"/>	I <u>do not</u> wish to be heard in support of my submission; or
<input checked="" type="checkbox"/>	I <u>do</u> wish to be heard in support of my submission; and if so,
<input checked="" type="checkbox"/>	I would be prepared to consider presenting your submission in a joint case with others making a similar submission at any hearing



Waitaki Irrigators Collective Limited

Submission to the
Canterbury Regional Council

Plan Change 5 to the
Canterbury Land and Water
Regional Plan
March 2016

Representative: Elizabeth Soal, Policy Manager
Organisation Name: Waitaki Irrigators Collective Limited
Address: PO Box 159, Oamaru, 9444
Telephone: 021 454 615
Email: elizabeth@waitakiirrigators.co.nz

Signature:

Date: 8 March 2016

About the Waitaki Irrigators Collective

The Waitaki Irrigators Collective Limited (WIC) is a company whose shareholders are irrigation schemes and a society of individual irrigators that take water from the Lake Waitaki, the Lower Waitaki River (or its tributaries or connected groundwater) and use that water to irrigate land downstream of the Waitaki Dam.

WIC was formed in 2010 in response to a number of common issues which the schemes were facing at the time. In mid-2011, WIC expanded to include the incorporated society of individual irrigators.

WIC represents over 580 irrigators, with an irrigated area around 80,000 hectares across North Otago and South Canterbury, which is approximately 12 per cent of irrigated land in New Zealand. The irrigators within the Collective contribute approximately \$550 million per annum in gross income to the local and national economies, and represent a capital value of land (with infrastructure) in excess of \$2.5 billion.

The overarching goal of WIC is to ensure the ongoing surety of water for its members. There are various dimensions to water surety, including surety of supply, reliability of supply, resource consent conditions relating to water take and usage, and community support for irrigation. WIC seeks to gain surety of supply within an approach which recognises the need for continuous improvement and environmental protection.

WIC recognises and accepts the need to work with the community within which it operates, in order to promote and support social and economic development. WIC's role is neither technical nor operational (although it may facilitate operational or technical projects), but to lead the development of an integrated social contract between irrigators and the wider Waitaki community of interest.

The shareholders of WIC are:

- The Kurow-Duntroon Irrigation Company Limited (KDIC);
- The North Otago Irrigation Company Limited (NOIC);
- The Morven, Glenavy, Ikawai Irrigation Company Limited (MGI);
- The Maerewhenua District Water Resource Company Limited (MDWRC);
- The Lower Waitaki Irrigation Company Limited (LWIC); and
- The Waitaki Independent Irrigators Incorporated (WIII) (which includes the Haka Valley Irrigation Company Limited).

These schemes and individuals use irrigation water for production across the primary sector, including the agriculture, horticulture, dairying and viticulture industries. Some of the schemes also provide water to other industries, town supplies and sports clubs. WIC represents a large number of farmers, farming companies and irrigators who bring significant benefits to their communities, well beyond the farm gate.

The irrigators within WIC have water take consents within Environment Canterbury territory. MGI, KDIC, MDWRC, and the majority of WIII members use water to irrigate land within Environment Canterbury territory (the balance of shareholders using water within the Otago region).

Format of submission

Although WIC has some concerns regarding the region-wide policies and rules, because these rules are essentially superseded in the Waitaki by the sub-regional rules in Part B of the Plan Change, this is the primary focus for our submission. WIC submits that a new rule framework be adopted in place of the proposed rule framework for the Lower Waitaki as set out in Appendix B.

Our principle reasons for taking this position are set out in our narrative discussion, below. Our specific submission points are then set out in Appendix A.

Our principle reasons for taking this position are set out in our narrative discussion, below. Our specific submission points with relief sought are then set out in Appendix A.

In the absence of the amendments sought in accordance with this submission (or similar to achieve the intent of the issues raised and relief sought), WIC considers that the plan change:

1. Will not promote the sustainable management of natural and physical resources, will not achieve the purpose of the Resource Management Act 1991 (RMA), and is otherwise contrary to Part 2 and other relevant provisions of the RMA, particularly when having regard to efficiency and effectiveness of the provisions in relation to other means.
2. Will not promote the efficient use and development of natural and physical resources;
3. Does not represent sound resource management practice.

Sub-regional nutrient management rules

WIC understands the underlying rationale and philosophical approach reflected in the Plan rules framework. By this, we mean the need to improve and maintain water quality outcomes, and that some land-use practices can, in some circumstances, lead to degraded water quality and habitats. As stewards of the land and water, farmers are under a socially contracted obligation to farm using the best practices possible in order to minimise their environmental footprint, and where possible, undertake practices which are beneficial to the natural environment.

The proposed changes to the Land and Water Regional Plan (LWRP) do seek to recognise this, through the development of the farm portal tool, which seeks to define what good management practices on-farm are, so that farmers might work towards this objective standard.

WIC also recognises that there are some areas where water quality and habitats are declining in terms of health, and that actions need to be taken in such areas in order to halt further degradation, and ideally reverse the trend to result in water quality and habitat improvements.

However, it is at this point that WIC departs from the approach proposed by Environment Canterbury. It is our submission that the proposed rule framework will lead to overwhelming compliance and enforcement burdens on both the farming community and the Regional Council itself, and perhaps not lead to improved outcomes in water quality.

WIC submits that the proposed sub-regional rules set out in Plan Change 5 do not reflect the recommendations made by the Zone Committee in the Lower Waitaki Zone Implementation Programme Addendum dated July 2015, and are overly complex, burdensome, and unwieldy.

WIC's submits that sub-regional policies 15B.4.10 - 15B.4.18; 15B.4.24 - 15B.4.27; and 15B.5.6 - 15B.5.9 be amended as required in order to enable the implementation of the alternative sub-regional rule framework which we are proposing.

WIC submits that sub-regional rules 15B.5.24 - 15B.5.46 in their entirety be amended to the alternative rule framework we are proposing.

WIC requests any and all other subsequent or consequential amendments to any rules or policies (whether region-wide or sub-regional) required in order enable the intent of the changes (or the intent of the changes) proposed in our alternative rule framework for the Lower Waitaki.

Reasons for requesting the amendments

WIC is a full supporter of collaborative processes for managing freshwater. As a Collective, we participated fully in the community consultation process undertaken by the Lower Waitaki-South Coastal Canterbury Zone Committee ("the Zone Committee"), and in general we support the recommendations made by the Zone Committee. The process led to the Zone Committee adopting the Lower Waitaki Zone Implementation Programme (ZIP) Addendum dated July 2015. WIC

considers that the Zone Committee recommendations (both the explicit wording set out in the ZIP Addendum and the unrecorded discussions which took place with the community) have not been reflected in the proposed sub-regional rules.

In relation to the Valley and Tributaries and Whitney's Creek Zones, we consider that the proposed rules impose an unnecessary and unreasonable level of consenting on areas that "are currently meeting water quality outcomes" and are "highly developed" (pages 6 and 12 of the Addendum document). There is realistically very little "room" within these catchments for further intensification, and current farming should be able to continue, provided activities are managed through (objective) good practices (determined in a wider sense than simply focusing on modelled nitrogen losses through the OVERSEER program). WIC provided substantial information to the Regional Council during the pre-planning phase of the process as to potential irrigation expansion in these areas, based in part on a comprehensive study undertaken by WIC with support from the Ministry for Primary Industries to investigate options for future irrigation expansion, integration and optimisation. There is unlikely to be much intensification occurring without irrigation, due to the drought-prone nature of the Waitaki (receiving on average only 550mm of rain per year and some years much less). It should be also noted that there is unlikely to be further irrigation expansion beyond that predicted by WIC, as the allocation available to agricultural and horticultural activities from the Lower Waitaki River under the Waitaki Catchment Water Allocation Regional Plan is likely to be reduced to only 79 cubic metres per second under Proposed Plan Change 3 to that Plan. Any remaining allocation available will largely be consumed by applications that are currently lodged and on hold pending an outcome to that plan change process. The tributary waterbodies are either fully allocated (or could become over-allocated when limits are set for them), and therefore no further water for intensification is available from them.

A report presented to the Zone Committee on 18 February 2015 by Environment Canterbury staff¹ stated that current land use and irrigation resulted in an in-stream nitrogen load of 165 tonnes per year. It went on to state that even with likely WIC irrigation expansion of 1,768 hectares, the load would increase to 170, and that even further intensification up to 4,252 of extra irrigation would result in a load of 175 tonnes. Environment Canterbury staff then recommended to the Committee that "a nitrogen load limit equivalent to WIC expansion plus, with an additional 10% on current load to allow for dryland intensification (~192 tonnes measured as an instream total catchment load)".

These calculations were further refined by Environment Canterbury late in 2015, when the final catchment load calculations were undertaken.² Based on this report, the load limit stated in Table 15.7.4 of Part B of the Land and Water Regional Plan sets a current load limit of 244 tonnes for the Valley and Tributaries Management Unit. This load limit is based on current and consent landuse and irrigation, with an additional 4,268 hectares of irrigation.

WIC submits that although there may be concerns around the lack of nitrogen "trigger" to require resource consents before intensification can occur, any intensification will not occur without irrigation. Therefore, the intensification of land use in these areas can be adequately and safely managed through the farm environmental plan process (which will be required through a scheme or individual water permit, or even a dairy effluent discharge consent), and well within the load limit. This may not be appropriate for all receiving environments, but it certainly is for the Valley and Tributaries and Whitney's Creek areas.

It is submitted that the strict adherence to farm-level OVERSEER limits inherent in the Council's proposed rules, and the resulting complex layers of consenting are unlikely to lead to improved water quality outcomes (which are already good), and these proposed rules have been introduced as

¹ <http://ecan.govt.nz/publications/Council/lwsczc-agenda-20150218.pdf> at pages 23-25

²

http://files.ecan.govt.nz/public/pc5/Waitaki_Technical_Reports/Modelling_nutrient_losses_from_the_Waitaki_catchment.PDF

a method to control theoretical and improbable wide-scale land-use intensification in areas currently farmed in more extensive manners (such as steep hill and back country or where water availability is a limiting factor). Such land-use intensification is unlikely to occur, due to the natural controls of water availability, aspect, slope, as well as economic factors. As stated above, realistic intensification options are very limited.

All these issues were discussed thoroughly through the Zone Committee consultation process, and there was a general level of agreement within the community that there shouldn't be the creation of complex rules applicable to all, in order to control highly unlikely land-use intensification. WIC understood the Zone Committee's discussions and recommendations around the use of a formula to derive the load limit for the catchment in Schedule 27 (as well as in-stream water quality indicators) to be the bounds within which it should be considered whether or not intensification was reaching untenable levels - not individual farm-level or even scheme-level discharge allowances. WIC was an active participant in the Zone Committee deliberations and contributed a Discussion Document on it.

However, Plan Change 5 essentially requires that all farms operating at some level of intensity have a resource consent, even to continue their current operations. This applies even if the farm in question is subject to audited farm environmental management planning, required through an irrigation company's water permit (and subsequently the scheme's water supply agreements).

The first irrigation-related audited farm environmental management plan processes in New Zealand were developed and implemented by irrigation schemes within WIC. These processes manage farming practices across a range of areas including nutrient management, effluent management, irrigation, soils, and riparian zones. These farm plans are given "teeth" through the scheme's water supply agreements, which each shareholder must comply with in order to continue to receive water. WIC is confident that, in the main, the environmental effects of intensive farming activities within the lower Waitaki can be managed through these processes, and should therefore continue to be permitted activities.

Where there is an increased risk due to the sensitivity of the receiving environment (for example, in the Hakataramea and Waikakahi catchments), we are submitting that there should be consenting requirements stricter than in the Valley and Tributaries and Whitneys Creek Zones, but that these should be more simplified and streamlined than those proposed in the sub-regional rules.

Good management practices on-farm encompass far more than only a nitrogen loss rate modelled through OVERSEER. This can be seen in the range of practices included in the Environment Canterbury document *Industry-agreed Good Management Practices relating to water quality*. Our approach, based on farm environmental management planning seeks to incorporate this broad range of practices within the permitted activity regime. These practices are likely to lead to improved water quality outcomes across a range of indicators, as they seek to improve effects on freshwater habitat, not only nitrogen levels.

WIC understands the desire for regionally-consistent rules, and the perceived risk of allowing a more "permissive" rule framework for the lower Waitaki than in other catchments or zones. However, the reasoning behind the development of the Canterbury Water Management Strategy and its focus on the local and catchment scales was that those who understood the realities of each catchment or zone could participate in and contribute to the development of the rules that would be applicable to that area. For example, the 2009 Strategic Framework document for the Canterbury Water Management Strategy states that the Zone areas are "small enough to avoid becoming remote from local catchment issues or allowing people from outside the relevant area to have a say in matters that are not directly related to their interests" (p. 10), that they are "the level at which many decisions affecting water management can be made efficiently and effectively" (pp.11 and 44), that "there will be an increase in pre-planning activity (informal processes) and a reduction in the need for hearings and other formal processes. This should produce better outcomes with less compliance costs" (p. 15), that "the implementation programmes will aim to "smooth the passage" for the approval of Resource Management Act instruments by winning public support for a balanced

strategic way forward, in contrast to the current reliance on adversarial processes" (p. 47) and that "for a collaborative governance model, efficiency will be achieved by bringing decision making to the lowest possible level to include those who need to be involved in decision making" (p. 47). Crucially, the document states that:

The key objective will be to provide long term planning stability. The implementation programmes will be social contracts in which all parties agree on a balanced way forward that will enable community and economic wellbeing to occur whilst safeguarding the ecosystems on which they depend. Once the programmes have been put in place stakeholders and investors must both be confident that all elements will be delivered in their entirety. Legal processes that follow in the wake of the adoption of the programmes should not be allowed to undermine this balanced, holistic approach to managing water resources in each zone and across the region as a whole" (p.57).

WIC submits that it is critical that the sub-regional rules reflect the on-the-ground realities of the catchment and that we understand these realities. WIC submits that the proposed rule framework for the lower Waitaki set out in Appendix B reflects those realities and the desired outcomes sought by the community (as set out in the ZIP Addendum), better than those proposed in Plan Change 5.

Other submission points

Permitted activity thresholds

WIC submits that the permitted activity thresholds in relation to irrigation and winter grazing should not be based solely on a defined number of hectares. Some very large, extensive properties may have more than 50 hectares of irrigation, but still have a very small environmental footprint, whereas some smaller operations could have less than 50 hectares of irrigation but a larger relative footprint. The same can be said for winter grazing. Therefore, WIC submits that the threshold be changed to that of a percentage of total farm size (that is, 25 per cent for irrigation and 10 per cent for winter grazing). The proposed changes are set out in our proposed replacement rule framework set out in Appendix B. WIC also submits that all Regional Rules and Policies be also amended to this effect (for example, Rules 5.44A, 5.54A, 5.57B).

Nutrient load limits

Table 15.7.4 sets out the Waitaki Nitrogen Load Limits. It is noted that for the Haldon Zone, the Mid Catchment Zone, and Valley and Tributaries Freshwater Management Unit, and the Northern Fan Freshwater Management Unit that the respective loads are to be calculated according to the formula contained in Schedule 27. This is due to the fact that the total tonnage could change on any day given updates to the computer models used to derive the numbers, and frequently changing land-use or inputs from adjacent zones, units, or even regions. It is unclear, therefore, why there is a number (expressed in tonnes of nitrogen per year) included in the second column of the table at all. Indeed, it would seem more logical that load numbers, which will inevitably change over time, are not included. This is also true for the Hakataramea Freshwater Management Unit, as the total tonnage for the unit is not linked to any of the Council's proposed rules for the zones within that unit. WIC's proposed rule framework does provide such a link.

Definition of winter grazing

The definition of "Winter Grazing" in Section 2 of the Plan is currently "...the grazing of cattle within the period of 1 May to 30 September...". The month of September is within Spring, and is not within the commonly understood meaning of winter grazing in farming practices. For instance, in relation to dairy farming, cows will generally be calving (or will have finished calving), and back into being milked. Therefore, WIC seeks that the definition be amended to "...1 May to 31 August...".

Discharges of nutrients

Regional rules 5.60-5.64 of the "original" Land and Water Regional Plan manage the discharge of nutrients, both from irrigation schemes and "incidental nutrient discharges". Essentially, these rules work by allowing discharges that might otherwise contravene Section 15(1) of the Resource Management Act 1991 through the authorisation of their associated land use activities via the farm-level land-use rules, or irrigation scheme-level discharge consents.

It is submitted that the explicit link between these discharge rules and their associated land-use rules or irrigation scheme discharge rules has been somewhat lost in the replacement of the original region-wide rules with either new region-wide or sub-regional rules in this Plan Change 5. WIC is concerned that this may lead to confusion around the application and interpretation of the rules relating to land-use and/or discharges (particularly when these are covering the same farming activities). Therefore, WIC is requesting that new rules 15B.5.9A and 15.5.9B be inserted to this effect as set out in Appendix B.

WIC also submits that the prohibition in Rule 15B.5.9 on nutrient discharges where the land is supplied by water from an irrigation scheme or principal water supplier which forms part of a nutrient user group or farming enterprise is too strong, and this instead should be a non-complying activity. This change is also set out in Appendix B.

Errors and inconsistencies

There are errors or inconsistencies contained within the rules as drafted as follows (although it should be noted that WIC is seeking these be amended in their entirety):

- Policy 15B.4.11(a) refers to "...specific on-arm actions...". This should instead be "...on-farm..."
- There is inconsistency (which may be deliberate, but it is unclear why) between the rules relating to the entering of data into the Farm Portal in different zones in the Lower Waitaki. That is, Regional Rule 5.57B refers to the date in question as being 1 January 2018, whereas Rules 15B.5.24 refers to 1 July 2017. These should be consistent with each other.

Description of irrigation in the Lower Waitaki

It is submitted that the description of irrigation in the Lower Waitaki catchment at paragraph 3 on page 4.4 of Part B is very narrow, and only describes irrigation in two areas of the catchment and it also contains inaccuracies. It is submitted that the paragraph be replaced with the following text:

There are several irrigation schemes in the lower Waitaki catchment. The Morven, Glenavy, Ikawai Irrigation Company is a large scheme which supplies water to the majority of landowners in the Northern Fan Management Unit. This includes the Waihao Downs Irrigation Scheme which has a resource consent to irrigate land within the catchment and is in the process of being built. The Haka Valley Irrigation company delivers water from the Waitaki River to approximately 1,200 hectares of land in the Hakataramea Valley.

On the south side of the Waitaki River, the Kurow-Duntroon Irrigation Company (which takes water from Lake Waitaki) and the Maerewhenua District Water Resource Company (which takes water from the Lower Waitaki River) irrigate several thousand hectares within Canterbury. The Lower Waitaki Irrigation Scheme and the North Otago Irrigation Company are large schemes which also take water from Lower Waitaki River, but use that water to irrigate land within the Otago Region. There are also numerous independent irrigators on both the North and south sides of the Waitaki River who have their own consents to irrigate, outside of the irrigation schemes.

Appearance before the Council

WIC wishes to be heard in support of its submission.

Appendix A: Specific amendments sought

(1) The specific provisions of the Plan that this submission relates to are:		(2) It is submitted that:		(3) Relief sought from Environment Canterbury
Section and page number	Sub-section/point	Oppose/support (in part or full)	Reasons	
Section 2, page 3-3	Definition of Winter Grazing	Oppose in part	As set out in narrative submission	Amend the definition of Winter Grazing to read "...the grazing of cattle within the period of 1 May to 31 August <u>30 September</u> ..."
Section 15B, page 4-4, paragraph 3	Description of irrigation in the Lower Waitaki	Oppose in part	As set out in narrative submission	Replace paragraph with wording set out in narrative submission
Section 15B, page 4-8	Policy 15B.4.11(a)	Typographical error	As set out in narrative submission	Amend Policy to read "the specific <u>on-farm</u> on- farm actions that will..."
Section 5 and 15B	Rule 5.57B and (for example Rule 15B.5.24	Oppose in part	As set out in narrative submission	Ensure consistency with dates that information is to be entered into Farm Portal.
Section 15B, page 4-15	Rule 15B.5.9	Oppose	As set out in narrative submission	Amend rule to read "The discharge of nutrients onto or into land where the property is supplied with water by an irrigation scheme or principal water supplier that does not meet condition 1 of Rule 15B.5.8 is a prohibited <u>non-complying activity</u> ."
Section 15B, page 4-15	Incidental Nutrient Discharges		As set out in narrative submission	Insertion of new Rules 15B.5.9A and 15B.5.9B as set out in Appendix B.
Section 15B	Rules 15B.5.24 - 15B.5.48	Oppose	As set out in narrative submission	Replace with the proposed rules set out in Appendix B and make any subsequent or consequential amendments to any other policies or rules required to enable the intent of the requested amendments.

Appendix B: Proposed alternative rule framework for the Valley and Tributaries, Hakataramea, and Northern Fan Freshwater Management Units

WIC seeks the following amended wording to rule 15B.5.9 (or similar to achieve the intent of the submission):

Irrigation Schemes

...

15B.5.9 The discharge of nutrients onto or into land where the property is supplied with water by an irrigation scheme or principal water supplier that does not meet condition 1 of Rule 15B.5.8 is a ~~prohibited~~ non-complying activity.

WIC seeks the following new rules (or similar to achieve the intent of the submission):

Incidental Nutrient Discharges

15B.5.9A The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA is a permitted activity, provided the following condition is met:

The land use activity associated with the discharge is authorised under Rules 15B.5.13A - 15B.5.I.

15B.5.9B The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA and does not meet the conditions of Rule 15B.5.9A is a non-complying activity.

All Management Zones excluding the Hakataramea River Zone, Hakataramea Hill Zone, and Greater Waikakahi Zone

15B.5.A The use of land for a farming activity is a permitted activity provided the following conditions are met:

- (1) The property is less than ten hectares; or
- (2) The property is greater than ten hectares, but not more than 25% of the total farm area is irrigated; or
- (3) The property is greater than ten hectares, but not more than 10% of the total farm area is used for Winter Grazing.

Valley and Tributaries and Whitneys Creek Zone

15B.5.B The use of land for a farming activity in the Valley and Tributaries Freshwater Management Unit or Whitneys Creek Freshwater Management Unit, which is not permitted by Rule 15B.5.W, is a permitted activity provided the following conditions are met:

- (1) (a) the nitrogen loss from the farming activity is being managed under a resource consent that is held by an irrigation scheme or principal water supplier and the permit is subject to conditions which require the

preparation and implementation of a plan to mitigate the effects of the loss of nutrients to water and that plan specifies auditing requirements; or

(b) the land is subject to any other permit that is subject to conditions which require the preparation and implementation of a plan to mitigate the effects of the loss of nutrients to water and that plan specifies auditing requirements; or

- (2) A Farm Environment Plan has been prepared, implemented and is audited in accordance with Schedule 7; and
- (3) The property is registered in the Farm Portal by 1 July 2017 and information about the farming activity and the property is reviewed and updated by the property owner or their agent, every 24 months thereafter.

15B.5.C The use of land for a farming activity in the Valley and Tributaries Freshwater Management Unit or Whitneys Creek Freshwater Management Unit, which is not permitted by Rule 15B.5.W and where any of the conditions of rule 15B.5.X are not complied with, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The timing of any actions or good management practices proposed to achieve the objectives and targets described in Schedule 7; and
2. Methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and
3. Reporting of estimated nutrient losses and audit results of the Farm Environment Plan to the Canterbury Regional Council; and
4. Compliance with the local in-stream and groundwater quality limits set out in Tables 15B(c) and 15b(e) for the relevant zone.

Hakataramea River Zone and Greater Waikakahi Zone

15B.5.D The use of land for a farming activity in the Hakataramea River Zone or Greater Waikakahi Zone, is a permitted activity provided the property is less than ten hectares.

15B.5.E The use of land for a farming activity in the Hakataramea River Zone or Greater Waikakahi Zone, which is not permitted by Rule 15B.5.A, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The existing use of land within the zone and whether this is proposed to change; and
2. The timing of any actions or good management practices proposed to achieve the objectives and targets described in Schedule 7; and
3. Any other resource consents held that are subject to water quality management conditions; and
4. Methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and
5. Reporting of estimated nutrient losses and audit results of a Farm Environment Plan to the Canterbury Regional Council; and

6. Whether the granting of consent is likely to result in the local in-stream and groundwater quality limits set out in Tables 15B(c) and 15b(e) for the Hakataramea Zone being breached.

Hakataramea Hill Zone

15B.5.F In the Hakataramea Hill Zone, the use of land for a farming activity is a permitted activity, provided the following conditions are met:

- (1) The property is less than ten hectares; or
- (2) The property is registered in the Farm Portal by 1 July 2017 and information about the farming activity and the property is reviewed and updated by the property owner or their agent, every 24 months thereafter; and
- (3) No part of the property within the Hakataramea Hill Zone is irrigated with water; and
- (4) No part of the property within the Hakataramea Hill Zone is used for winter grazing; and
- (5) A Farm Environment Plan has been prepared, implemented and audited in accordance with Schedule 7.

15B.5.G The use of land for a farming activity in the Hakataramea Hill Zone, on a property greater than 10 hectares, where any of the conditions of rule 15B.5.B are not complied with, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The use of land within the zone and whether this is proposed to change; and
2. The timing of any actions or good management practices proposed to achieve the objectives and targets described in Schedule 7; and
3. Any other resource consents held that are subject to water quality management conditions; and
4. Methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and
5. Reporting of estimated nutrient losses and audit results of a Farm Environment Plan to the Canterbury Regional Council; and
6. Compliance with the local in-stream and groundwater quality limits set out in Tables 15B(c) and 15b(e) for the Hakataramea Zone.

Hakataramea Flat Zone

15B.5.H The use of land for a farming activity in the Hakataramea Flat Zone, which is not permitted by Rule 15B.5.A, is a permitted activity, provided the following conditions are met:

- (1) (a) the nitrogen loss from the farming activity is being managed under a resource consent that is held by an irrigation scheme or principal water supplier and the permit subject to conditions which require the preparation and implementation of a plan to mitigate the effects of the loss of nutrients to water and that plan specifies auditing requirements; or
(b) the land is subject to any other permit that is subject to conditions which require the preparation and implementation of a plan to mitigate the effects

of the loss of nutrients to water and that plan specifies auditing requirements; and

- (2) A Farm Environment Plan has been prepared, implemented and is audited in accordance with Schedule 7; and
- (3) The property is registered in the Farm Portal by 1 July 2017 and information about the farming activity and the property is reviewed and updated by the property owner or their agent, every 24 months thereafter.

15B.5.I

The use of land for a farming activity in the Hakataramea Flat Zone, which is not permitted by Rule 15B.5.A, or where any of the conditions of rule 15B.5.E are not complied with, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The use of land within the zone and whether this is proposed to change; and
2. The timing of any actions or good management practices proposed to achieve the objectives and targets described in Schedule 7; and
3. Any other resource consents held that are subject to water quality management conditions; and
4. Methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and
5. Reporting of estimated nutrient losses and audit results of a Farm Environment Plan to the Canterbury Regional Council; and
6. Compliance with the local in-stream and groundwater quality limits set out in Tables 15B(c) and 15b(e) for the Hakataramea Zone.