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Subject: Submissions on Plan Change 5 to the Canterbury Land and Water Regional Plan - Ellesmere Sustainable Agriculture Inc
Date: Thursday, 10 March 2016 2:06:07 p.m.
Attachments: [EISI cover letter for subs PC5 LWRP 100316.pdf](#)
[ESAI subs lwp pc5 final 100316.pdf](#)

Hello

Please find attached cover letter and submissions on Plan Change 5 to the Canterbury Land and Water Plan from Ellesmere Sustainable Agriculture Inc. Please send me a response email to recognise receipt of these submissions. A hard copy will be forwarded in tomorrow's post.

Kind regards

Carey Barnett

Ellesmere Sustainable Agriculture Inc

ELLESMERE SUSTAINABLE AGRICULTURE INCORPORATED

c/- Ms C M Barnett
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10 March 2016

Environment Canterbury

Freepost 1201

Proposed Plan Change 5 to the Canterbury Land & Water Regional Plan

PO Box 345

CHRISTCHURCH 8140

Dear Sir/Madam

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

Please find attached submissions on 'Proposed Plan Change 5 to the Canterbury Land and Water Regional Plan' from Ellesmere Sustainable Agriculture Incorporated.

If you have any queries regarding the attached information then please do not hesitate to contact Ms Carey Barnett – phone 03 3243429.

Yours faithfully

ELLESMERE SUSTAINABLE AGRICULTURE INCORPORATED



C M Barnett
Secretary

SUBMISSIONS

ON

PROPOSED PLAN CHANGE 5 OF THE CANTERBURY LAND AND WATER REGIONAL PLAN

NAME OF SUBMITTER: Ellesmere Sustainable Agriculture Incorporated.

ADDRESS FOR SERVICE: Ellesmere Sustainable Agriculture Incorporated
c/- C M Barnett
Lakeside
R D 3
LEESTON 7683

CONTACT DETAILS Phone: 03 324 3429
Mobile: 0274888055



SIGNATURE OF SUBMITTER (or person authorised to sign on behalf of submitter)

C M Barnett on behalf of S Osborne – Chairman, Ellesmere Sustainable Agriculture Incorporated

Background of the Submitter

Ellesmere Sustainable Agriculture Incorporated (hereafter referred to as 'ESAI') is made up of farmers located between the Rakaia and Selwyn Rivers and east of State Highway 1 to the east coast. This area is located within the existing Selwyn Te Waihora and Little Rakaia Zones under the provisions of the Canterbury Land and Water Regional Plan.

ESAI, previously named the Ellesmere Irrigation Society Inc (EISI), was formed in 2009 in order to provide a collective representation on water related issues, predominantly in respect to irrigation and the protection and maintenance of the water resource, both ground and surface water, within the Ellesmere area of the Canterbury Region. Recently the group has expanded its concerns in relation to agriculture and the environment and consequently changed its name in July 2015 to better reflect the widened areas of stakeholder interest. EISI submitted on the Canterbury Land and Water Regional Plan and Variation One to that Plan. ESAI appealed to the High Court the decision of the Commissioners on Variation One which has recently been settled. ESAI also submitted on Plan Change 4 to the CLWRP.

ESAI has a significant interest in the Canterbury Land and Water Regional Plan and would be agreeable to engaging in any discussions relating to the matters raised in the following submissions.

The submitter does wish to be heard in relation to this submission.

ESAI could not gain an advantage in trade competition through this submission.

11 March 2016

SUBMISSIONS ON PLAN CHANGE 5 – Please note that the red wording below are the proposed amendments provided by ESAI.

Section	Page Number	Part	Support/Oppose	Decision Requested	Reason
Section 2 How the Plan Works and Definitions					
Definitions, Translations and Abbreviations	3-1	Definition of 'Baseline GMP Loss Rate'	Oppose	Delete definition. Make any relevant consequential amendments.	ESAI opposes the use of OVERSEER as a method of determining nutrient losses as it does not reflect appropriately the management of arable farming systems. ESAI are also concerned that there has been inadequate testing of the Farm Portal, that there are significant inefficiencies and inaccuracies in the system and that the portal does not work for some farm systems. As a consequence ESAI does not consider the farm portal is ready for use or application at this stage.
		Definition of 'Farm Portal'	Oppose	Delete definition. Make any relevant consequential amendments.	Same reasons as above.
	3-2	Definition of 'Good Management Practice Loss Rate'	Oppose	Delete definition. Make any relevant consequential amendments.	Same reasons as above based on the use of the Farm Portal and OVERSEER which is not applicable to all farming systems effectively.
		Definition of 'Phosphorus Risk Zone'	Oppose	Amend definition so that it reflects 'high runoff risk' in its title and is not confused with the Phosphorus Sediment Risk Zone. Make	ESAI is concerned with the relationship of this definition with that of the Phosphorus Sediment Risk zone inserted by Plan Change 1 and is not relevant to 'High Runoff Risk' in most locations.

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				any relevant consequential amendments.	
Section 4 - Policies					
Sub-Region Section Development	4-2	Policy 4.11	Oppose	Delete amendments to this policy and make any consequential amendments necessary.	ESAI opposes this amendment as it would limit consents issued within the sub-regions to 5 years in length. The wording of this section is cumbersome in its intent. Environment Canterbury has advised that Plan Change 5 does not relate to areas that have had a sub-regional plan inserted into the CLWRP through Sections 6-15. However, this policy is now saying that these region wide rules will impose a five year consent duration past the expected notification date of any plan change that introduces further water quantity and quality changes via the sub-regional plan sections. This is insufficient time to operate and plan farm systems and will effectively result in no progression of farm development, due to risk associated with having to constantly apply for resource consents. More clarity needs to be provided in this wording as to what it is actually about and what the intent is.
Activity and Resource Policies Nutrient Management	4-3 to 4-5	Policies 4.37, 4.38, 4.38AA, 4.38AB, 4.38A, 4.38B, 4.38C, 4.38D, 4.38E	Oppose	Delete amendments to and insertion of these policies and make any consequential amendments necessary.	EASI opposes the amendment to and insertion of these policies on the basis that: <ol style="list-style-type: none"> 1. OVERSEER is not an appropriate tool at assess all farming activities i.e. arable farming; 2. The Farm Portal is not appropriate or suitable for application in its present state; 3. The Farm Portal is scientifically flawed; 4. The dates proposed for compliance in policy 4.38D will not be able to be met due to the inability for

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	4-6	Policy 4.41A	Oppose	Delete insertion of this policy and make any consequential amendments necessary.	<p>appropriately qualified parties to undertake the work required. Unrealistic timeframes.</p> <p>ESAI opposes this policy because:</p> <ol style="list-style-type: none"> 1. OVERSEER is not an appropriate tool at assess all farming activities i.e. arable farming; 2. The Farm Portal is not appropriate or suitable for application in its present state; 3. The Farm Portal is scientifically flawed; 4. It is inappropriate to apply a status of consent such as 'controlled activity' purely based on who prepared or audited the consent application. This is contrary to the provisions of the Resource Management Act 1991.
	4-6 to 4-7	Policies 4.41B and 4.41C	Oppose	Delete insertion of these policies and make any consequential amendments necessary.	<p>ESAI opposes these policies because:</p> <ol style="list-style-type: none"> 1. OVERSEER is not an appropriate tool at assess all farming activities i.e. arable farming; 2. The Farm Portal is not appropriate or suitable for application in its present state; 3. The Farm Portal is scientifically flawed
Section 5 Region-wide Rules					
All Nutrient Allocation Zones	5-3	Rule 5.41A	Oppose	<p>Delete proposed new rule.</p> <p>Make any relevant consequential amendments.</p>	ESAI opposes this rule because it does not make provision for small farms that do not irrigate and will potentially result in very small scale operations having to obtain resource consent. It is also drafted in a way that conflicts with first 'permitted' rule under each allocation zone rule heading. One rule is permitting farming of a certain 10 size then Rule 5.41A contradicts by having another set of permitted rules which appear

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Red Nutrient Allocation Zones	5-4	Rule 5.43A	Support in part	Retain this rule as long as it gets precedence over Rule 5.41A should that be retained.	to override it. There is also no wording in this section of the plan that indicates that these rules do not apply to those areas that have an operative sub-regional section of the plan. Same as above.
	5-4 to 5-7	Rules 5.44A to 5.48A	Oppose	Delete proposed new rules. Make any relevant consequential amendments.	ESAI opposes these rules because: <ol style="list-style-type: none"> 1. OVERSEER is not an appropriate tool at assess all farming activities i.e. arable farming; 2. The Farm Portal is not appropriate or suitable for application in its present state; 3. The Farm Portal is scientifically flawed.
Lake Zones	5-7 to 5-8	Rule 5.49A	Support in part	Retain this rule as long as it gets precedence over Rule 5.41A should that be retained.	ESAI supports this rule because it makes provision for small farms and will not result in very small scale operations having to obtain resource consent. However, it is drafted in a way that conflicts with Rule 5.41A. There is also no wording in this section of the plan that indicates that these rules do not apply to those areas that have an operative sub-regional section of the plan.
	5-7 to 5-9	Rules 5.50A to 5.52A	Oppose	Delete proposed new rules. Make any relevant consequential amendments.	ESAI opposes these rules because: <ol style="list-style-type: none"> 1. OVERSEER is not an appropriate tool at assess all farming activities i.e. arable farming; 2. The Farm Portal is not appropriate or suitable for application in its present state; 3. The Farm Portal is scientifically flawed.

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Orange Nutrient Allocation Zones	5-8 to 5-11	Rules 5.53A to 5.56A	Oppose	Delete proposed new rules. Make any relevant consequential amendments.	ESAI opposes these rules because: <ol style="list-style-type: none"> 1. OVERSEER is not an appropriate tool at assess all farming activities i.e. arable farming; 2. The Farm Portal is not appropriate or suitable for application in its present state; 3. The Farm Portal is scientifically flawed.
Green and Light Blue Nutrient Allocation Zones	5-11	Rule 5.57A	Support in part	Retain this rule as long as it gets precedence over Rule 5.41A should that be retained.	ESAI supports this rule because it makes provision for small farms and will not result in very small scale operations having to obtain resource consent. However, it is drafted in a way that conflicts with Rule 5.41A. There is also no wording in this section of the plan that indicates that these rules do not apply to those areas that have an operative sub-regional section of the plan.
	5-12 to 5-14	Rule 5.57B to 5.59A	Oppose	Delete proposed new rules. Make any relevant consequential amendments.	ESAI opposes these rules because: <ol style="list-style-type: none"> 1. OVERSEER is not an appropriate tool at assess all farming activities i.e. arable farming; 2. The Farm Portal is not appropriate for arable farming and other methods such as a Farm Environment Plan and use of ProductionWISE application are far more relevant and applicable; 3. The Farm Portal is scientifically flawed.
Schedules					
Schedule 7 – Farm Environment Plan	6-3 to 6-8	Part B – Farm Environment Plan Default	Oppose	Delete this part of Schedule 7 until such time that the Phosphorus Risk Zones are	As previously advised through other hearings and as advised to the Selwyn Te Waihora Zone Committee, the Phosphorus Risk Zone was established loosely based on

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		Content Point 2(g)		derived using the appropriate science and evaluation, not based on somewhat irrelevant soil types only. And make any relevant consequential amendments.	soil types and did not take into account more important features such as topography and land character. ESAI disagrees with the continued recognition of this zone without again investigating its relevance in the plains areas of the region. There is no reference in this Schedule to the 'High Runoff Risk Phosphorus Zone' located on the planning maps where in fact more risk of contamination might actually occur. Effects in these areas are vastly different to those that may or may not be experienced in the lowland/plains areas.
		Points 4B(a), (bi-iv), 5	Oppose	Delete proposed new provisions. Make any relevant consequential amendments.	ESAI opposes these provisions because: <ol style="list-style-type: none"> 1. OVERSEER is not an appropriate tool at assess all farming activities i.e. arable farming; 2. The Farm Portal is not appropriate or suitable for application in its present state; 3. The Farm Portal is scientifically flawed.
Schedule 7 – Farm Environment Plan	6-5	Targets: (1)	Oppose	Delete Target 1. Make any relevant consequential amendments.	ESAI opposes these provisions because: <ol style="list-style-type: none"> 1. OVERSEER is not an appropriate tool at assess all farming activities i.e. arable farming; 2. The Farm Portal is not appropriate for arable farming and other methods such as a Farm Environment Plan and use of ProductionWISE application are far more relevant and applicable; 3. The Farm Portal is scientifically flawed.
Management Area: Nutrient Management					
Management Area: Waterbody Management (wetlands, riparian areas, drains, rivers, lakes)	6-5	Objective	Oppose in part	Amend objective as follows: <i>'To manage wetlands,</i>	ESAI proposes this amendment as there are provisions in the regional plan that allows for a certain level of contaminant within waterways and this should be recognised and retained as consistent.

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Point 5(b)	6-6 (bottom of this page and top of page 6-7)	Point 5(b)	Oppose	<p><i>riparian areas and surface waterbodies to avoid damage to the bed and margins of a waterbody, and to avoid the direct input of nutrients, sediment and microbial pathogens <u>that do not meet regional council rules.</u></i></p> <p>Delete this amendment and make any consequential amendments.</p>	<p>ESAI opposes these provisions because:</p> <ol style="list-style-type: none"> 1. OVERSEER is not an appropriate tool at assess all farming activities i.e. arable farming; 2. The Farm Portal is not appropriate or suitable for application in its present state; 3. The Farm Portal is scientifically flawed.
Part C – Farm Environment Plan Audit Requirements	6-7	Point 1	Oppose	<p>Delete this amendment and make any consequential amendments.</p>	<p>ESAI opposes these provisions because:</p> <ol style="list-style-type: none"> 1. OVERSEER is not an appropriate tool at assess all farming activities i.e. arable farming; 2. The Farm Portal is not appropriate or suitable for application in its present state; 3. The Farm Portal is scientifically flawed.
Schedule 7A Management Plan for Farming Activities	6-9 to 6-10	Point 2(c)	Oppose	<p>Amend as follows:</p> <p><i>(c) the location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands <u>and ephemeral drains.</u></i></p>	<p>ESAI recognises the need to show ephemeral drains on these plans as they are largely dry year round and have different regional council provisions relating to them.</p>

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		Point 3 Good Practice Table	Oppose	Delete these practices until they have been consulted on with affected stakeholders and make any consequential amendments.	<p>ESAI opposes these provisions for the following reasons:</p> <ol style="list-style-type: none"> 1. It is inappropriate to require calibration of irrigation, fertigation, and fertiliser or manure systems every year and it is unknown who would actually do this type of work in some cases when it is only the farmer that is able to do some of this work. Calibration of these items is easily done by the farmer and it is self-managing in that it costs more to run your machinery or applications where they are spreading or applying more than is necessary to the crop and therefore the wider environment. Ensuring efficient application therefore is required to maximise farm output both from a production sense and an environmental one; 2. A mandatory 5m vegetation buffer strip around winter grazing along any river, lake, drain or wetland is inappropriate where the drain is ephemeral and does not have water in it. Permanent planting of natives etc. is inappropriate in many of these locations.
Schedule 28 Good Management Practice Modelling Rules	6-11 to 6-22	All of Schedule 28	Oppose	Delete entire schedule and make any consequential amendments.	<p>ESAI opposes these provisions because:</p> <ol style="list-style-type: none"> 1. OVERSEER is not an appropriate tool at assess all farming activities i.e. arable farming; 2. The Farm Portal is not appropriate or suitable for application in its present state; 3. The Farm Portal is scientifically flawed.