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**To:** [Mailroom Mailbox](#)  
**Cc:** [Haldon Station](#)  
**Subject:** Fwd: Submission document proposed plan change 5-Haldon Station  
**Date:** Friday, 11 March 2016 12:07:17 p.m.  
**Attachments:** [11032016120016-0001.pdf](#)

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

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

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Contact name and postal address for service of person making submission (if different from above):

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I wish to be heard in support of my submission.

### 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:

- I could not gain an advantage in trade competition through this submission; or
- I could gain an advantage in trade competition through this submission.  
If you have ticked this box please select one of the following:
  - I am directly affected by an effect of the subject matter of the submission
  - I am not directly affected by an effect of the subject matter of the submission

Signature:  Date: 11 March 2016  
(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note: (1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

## **Our Submission:**

- We wish to be heard in support of our submission.
- We submit in **opposition** on the following matters relating to the Plan Change 5. Please note that this submission encompasses any related objective, policy, or rule that alters as a result of our submission or any other submissions made. We therefore wish to be included in all matters related to the entire plan, but not specifically identified in my submission. Any aspects of the plan or proposed changes to the plan that do not support or achieve the outcomes sought by us are opposed. The rules and tables have been focused on and the policies will need to also reflect the outcome sought.
- Our principle reasons for taking this position are set out in our narrative discussion, below, with specific outcomes detailed in the table.
- Haldon Station is a 22,000 hectare farm, with flats and high country running approximately 8,000 – 10,000 Merino and half-bred sheep, 1,000 Hereford and Angus cattle, and 6,000 Red deer. The property is located beside the Haldon Arm of Lake Benmore. The primary surface water feature on the property is the Stony River which runs through the farm and discharges into the Haldon Arm. We have irrigated a part of the property with border dyke irrigation for many years and went through a renewal consent process in the 2009 Upper Waitaki hearings. We also gained new water permits from this hearing for spray irrigation using groundwater. We are currently in the process of seeking consent to increase our spray irrigation area and plan to half the size of our border dyke irrigation over the next 1-2 years.
- As a result of the previous resource consent hearing process, we now have consents with a Nutrient Discharge Allowance (NDA) for both N and P, and extensive water quality conditions specific to local water bodies (Stony River and Lake Benmore - Haldon Arm). We therefore operate our farming practice within Overseer (NDA) limits and according to a Farm Environmental Plan (FEP) as part of consent requirements. We also regularly take samples of water from the Stony Creek both upstream and downstream of our irrigation area to monitor any effects of irrigation practices on local water quality. Our consent currently sets water quality levels that need to be adhered to. In our view, these were incorrectly set in the last hearing, whereby the NRRP standards were used which, unbeknown to us, did not reflect actual background water quality in the stream.
- To date we have spent considerable money obtaining these consents and subsequently improving or putting in new irrigation infrastructure, and we hope to continue these improvements over the coming years. Protection of these investments is essential under PC5.

## **Reasons for the Submission:**

### General

1. The Plan in its current form is complex and difficult to understand and there are concerns that parts are unworkable and not enforceable. As farmers, our expectation of the plan is that we should be able to pick it up and determine on our own, how our farming operation fits in.
2. We have concerns that some parts of the plan are unenforceable.
3. GMP (Good Management Practices) should be about actual on-farm practice and incorporated into Farm Environment Plans. The GMP practices that are appropriate for our catchment should be better defined in the plan. These are then easily monitored and enforced as well and the expectations of farmers are made clear.
4. GMP numbers from the Farm Portal are generated using the Matrix of Good Management (MGM) narratives. There is concern around how the narratives have

been used to create input rules in Overseer. There is also concern that the MGM narratives do not accurately represent some farming systems, particularly large high country stations in low rainfall environments, and therefore require validation to give more confidence in the Farm Portal and the GMP outputs it produces.

5. We understand that we will require a consent to farm even though we have a water permit with a NDA which manages the N and P losses from our property along with extensive water quality monitoring conditions. This is another layer of consenting that is considered to be totally unnecessary. There is no protection for these consents with an NDA, and this is a serious injustice to consent holders who have spent a lot of time and money obtaining consents, and then implementing expensive irrigation or upgrading irrigation systems without the need to obtain another consent.
6. The use of the narratives '50 hectares irrigated' and '20 hectares of winter grazing' are arbitrary, with no consideration of scale taken into account. In my view, percentages of total farm area would be a more appropriate mechanism (for example 25% irrigated and 10% winter grazing).
7. Local stream and river water quality limits appear to be set in policy and tables with no supporting rule framework to enforce this. The next question is whether these levels in Tables 15B a) b) and c) have been set on actual water quality data and whether they are realistic and achievable. We know from our own resource consent monitoring programme that the Stony River as it exits the high country (upstream of all irrigation and intensive farming land) has a background dissolved reactive phosphorus concentration that is close or equal to the proposed water quality limit of 0.005 mg/L for hill-fed upland rivers under Table 15B(c). We consider it will be virtually impossible to operate an intensive farming operation in the lower catchment of the Stony River and be able to meet this limit.

#### Issues Specific to the Haldon and Mid Catchment Zones

8. Rule 15B.5.18A condition 3 a) specifies a date of consents granted prior to 13 February 2016. What does this mean for any subsequent variations or replacements to consents that occur after this date? At present they will fall into a non-complying category, which is not appropriate.
9. The Haldon Arm nitrogen headroom appears to have been allocated for dry-land farm areas only, with the intention that this will be equally split amongst those hectares meeting the definition. The mechanism for this split is in Schedule 27 (On-Land Nitrogen Load Conversion). This was agreed amongst all parties and the intention of this must be reflected clearly and robustly in the rules, and not just policies.
10. Table 15B(d) – water quality limits for lakes in the Upper Waitaki Freshwater Management unit, sets a TLI for the Haldon Arm of Lake Benmore of 2.7. This is not the same as the TLI imposed as a condition on consent holders following the 2009 Upper Waitaki consent hearings, which was 2.75. The TLI needs to align with that imposed as conditions of consent. Otherwise, this creates an equity issue in the zone that must be sorted out.

**What we seek from our submission**

All points below are in **opposition** to the plan:

| Plan Reference                          | Reason for Submission  | Relief Sought   |
|---|--|---|
| Nitrogen baseline definition (page 3-2) | Clause (b) of this definition still only refers to a building consent and effluent discharge consent being able to be modelled as if the dairy farming activity was operational. However, it should be extended to include all other consents granted during that period also. | Change clause b to read:<br><i>In the case where a consent has been granted in the period 01 January 2009 to 31 December 2013, the calculation under (a) will be on the basis that the activity is operational.</i>                           |
| Winter grazing definition (page 3-3)    | The definition extends into spring. A more appropriate date is considered to be 31 August.   | Amend the definition to read:<br><i>Means the grazing of cattle within the period 1 May to 31 August, where cattle are contained for break-feeding of in-situ forage crops or supplementary feed that has been brought onto the property.</i> |
| GMP numbers from the Farm Portal        | We have concerns regarding the use of MGM narrative to determine the GMP Overseer input rules.   | We consider more work needs to be completed to ensure the MGM narratives used to general the input rules in Overseer are robust and reflect actual farming systems throughout Canterbury.   |
| Rule 15B.5.13A and Rule 15B.5.18A       | Condition 3 a) means any change of conditions or new consent after 13 February 2016 becomes non-complying.   | Add an additional rule that provides for changes/new consents providing an existing consented NDA is applied to the change or new consent. Permitted status is required for consents granted after this date with NDA                         |
| Rule 15B.5.13A and Rule 15B.5.18A       | Condition 3 b), clarification is required regarding commencement is those granted or in appeal rather than physically irrigating.  | Provide clarification sought as to the intention of this. Ensure those whom are still in appeal or have not commenced irrigation yet are not precluded from being permitted activities.   |
| Rule 15B.5.18B – 20B                    | These rules provide for dry-land parts of properties only to obtain the agreed Upper Waitaki Nitrogen Headroom, and the intention is within the policies that this is split equally (not first in first served) based on Schedule 27.  | This intention needs to be clearly and robustly reflected in the rules and in relation to Schedule 27, not just the policies to ensure this headroom is equally split to dry land areas meeting the definition.                               |

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|---|--|---|
| All Upper Waitaki rules                       | There is no protection for those who already hold irrigation permits with NDAs attached to them; they will require another consent under PC5.  | Include provision for these consent holders to continue as a permitted activity.  |
| Table 15 B a), b) and c)                      | Query whether the levels set are correct, based on actual data and achievable.<br>We know from recent monitoring data that the DRP limit for Stony River is inappropriate and is close to not being met even as it exits the dryland farming catchment.  | Seek confirmation that levels set are correct and achievable and how they apply and integrate to the rules. Suggest Rule 15B.5.45 condition 12) for Whitneys Creek Zone is an example of how this can be achieved in rules.<br>Suggest the DRP limit and other nutrient limits for lower Stony River be amended to more fairly reflect actual baseline water quality. |
| Table 15B(d)                                  | Address the miss-match between consented TLI's and PC5 TLI's for the Haldon Arm of Lake Benmore. Confirm what the appropriate levels should be for the lakes.  | Align the TLI for the Haldon Arm of Lake Benmore to that imposed in conditions of consent, or create a consenting pathway as a controlled activity to enable those wish to change their NDA to align with PC5. Rules need to reflect this table to enable it to be enforced.  |
| Table 15 B (e)                                | Query whether the levels set are correct, based on actual data and achievable.   | Seek confirmation that levels set are correct and achievable and how they apply and integrate to the rules.   |
| Table 15 B (f)                                | Query whether the loads have been correctly determined especially since a lot of modelling has been used rather than actual and estimates on lawful exceedance. How will these loads be managed and what happens if they are exceeded.   | Seek confirmation that the loads are correctly determined and the ability to enforce these are clearly achievable.  |
| Schedule 27: On-Land Nitrogen Load Conversion | Confirmation is required that this formula provides for existing and consented land use activities. In particular provision is made for those consents not yet granted and still in appeal or those not actually physically irrigating yet. This schedule must ensure equal allocation of the nitrogen head room and that over-allocation does not occur for those not first in. | Ensure the formula of Schedule 27 accurately reflects existing and consented land use, and those whom are still in appeal or not yet physically irrigating.   |