From:	Andy Munro
To:	Mailroom Mailbox
Subject:	Submission
Date:	Friday, 11 March 2016 12:59:47 p.m.
Attachments:	Submission.docx

Please find attached Submission

Kind regards

Andy Munro

Resource Management (Form, Fees and Procedure) Regulations - Schedules 2003
Form 5

Clause 6 of the First Schedule, Resource Management Act 1991
Submission on a publicly notified proposal for a plan or plan change

To: Environment Canterbury
PO Box 345
Christchurch

Name of Submitter**: A R & K H MUNRO**

This is a submission on the following proposed plan **– Plan Change 5 to the Partially Operative Canterbury Land and Water Regional Plan**

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

The specific provisions of the proposal that my submission relates to are: **The entire plan change and section 32 report.**

PART 1 GENERAL COMMENTS**:**

1.1 My submission is:

We are intergenerational, family famers in North Canterbury. Our farm is our home, our livelihood, our vocation and our passion; we farm to the highest standards of animal welfare and environmental ethics. We are committed to leaving for our children the land, water bodies and biodiversity on our farms in as good if not better state than we inherited them. As such we are committed to addressing land uses and farm practices that are resulting in deterioration of water bodies.

We are committed to obtaining quality information to better understand the state of water bodies in Canterbury and the causes of any reductions in quality or flow. Where decision-making by farmers or by regulatory authorities is shown to be the cause of these issues, we are committed to having that situation redressed, using methods and timeframes that are practicable and workable on farm.

To survive we must retain flexibility in our land use. To live in harmony as part of a rural community, we need a planning regime that treats activities that are having like effects consistently. We expect the extent of any management or regulatory intervention to be commensurate with the contribution an activity is making to the problem; and to be focused on dealing with the issue at hand.

We fully support planning regimes that are based on these principles. We do not support planning regimes that:

- Require farmers to comply with bureaucracy that is not going to result in any improvements in water quality;
- Assume all farming is the same and that the worst examples of poor practice are representative of all or the majority of farmers;
- Do not take into account the activities and practices being carried out on farm to promote good land husbandry and environmental management; or

- Rely on poor quality information, no information, or disregard the scientific information available in coming to a position.

We believe the combination of flexibility caps for nitrogen loss for permitted activities in every zone and the combination of nitrogen loss controls and Farm Environment Plans for higher nitrogen loss activities is a workable approach.

It was our understanding that the purpose of Plan Change 5 was to essentially replace the flexibility caps expressed as kgN/ha/yr modeled in Overseer™ with land use rules, due to the ever changing versions of Overseer™. We note that part of Plan Change 5 has attempted to do this. However the rest for Plan Change 5 still relies heavily on N loss numbers from Overseer™ only this time they numbers are modeled approximates for nitrogen loss rates when Good Management Practices (GMP) are assumed. It seems Plan Change 5 has an inherent tension.

We also note that Plan Change 5 has made changes to both the policy positions for management of nutrient losses from farming activities in the various water quality zones, and the amount of bureaucracy required for farms as permitted activities from that in the partially operative Canterbury Land and Water Regional Plan (LWRP). These changes we do not support as necessary or appropriate.

We;

Challenge the portal & management plan requirements particularly as they relate to coastal areas of Omihi, Motunau & Conway. ECan have no science in these areas, they are not in river catchments & ECan have not quantified the existence of any adverse effects on freshwater. [They have already admitted that dryland farming has an insignificant effect on water quality.] Permitted landuse should not have extra unnecessary obligations.

Oppose the high cost compliance model being rolled out by ECan.

Seek the removal of the inaccurately mapped Phosphorus zone. Lack of robust science & unfairly places the burden once again on landowners.

Support the removal of OVERSEER requirements. It is still fraught with inaccuracies & the inventors had said it was never intended as a regulatory tool.

Support the need for landowners to be responsible owners of their land & their impacts on freshwater.

Support a Catchment Board type model similar to what operates in other regions [& used to work well in Canterbury]. This model has voluntary farm plans used to support on the ground actions not as a compliance tool & works with landowners in a system of trust. No regulatory use of OVERSEER & no auditing. Very low cost model for Councils & landowners

More detail is provided specific provisions of Plan Change 5 below.

1.2 **Our reasons are**:

In our view the changes requested in this submission are necessary to:

- Achieve the purpose of the Resource Management Act 1991 (RMA);
- Discharge the Council's duty under s32 of the RMA;
- Give effect to the National Policy Statement for Freshwater 2014 (NPSF);
- Give effect to the Canterbury Regional Policy Statement (CRPS); or
- Ensure consistency with the Council's very recent decisions in the LWRP.

1.3 The decisions we request are:

(i) To amend Plan Change 5 along the lines outlined in this submission including any consequential amendments necessary to give effect to the amendments sought in this submission.

PART 2: POLICIES

2.1 Our submission is: we oppose policies 4.11, 4.34, 4.36 to 4.41D.

2.2 Our reasons are as set out below:

(i) Policy Drafting

The policies essentially explain or repeat the rules, rather than identifying the key environmental effects to be managed or outcomes for water quality sought to achieve the objectives of the LWRP. This approach is inconsistent with the rest of the LWRP which largely uses effects-based policies and is less helpful than effect-based policies especially in the resource consent decision-making process. The policies could be condensed and made more concise. Policies 4.11 and 4.38AB as currently worded fetter discretions given to the consent authority in statute.

(ii) Policy 4.11

Policy 4.11 seems to miss the mark a little; it isn't the time before a plan is reviewed that should determine the duration of the consent. The issue is when resource consents are granted with very long durations for activities that have a significant impact on water quality and quantity, and those impacts may not be appropriate long-term. A 35 year consent will limit the effect of any new plan to manage water quality or quantity whether it is granted two years before a plan review occurs or one year after it.

(iii) Policy Positions for N Loss in Water Quality Zones

Policies 4.37 to 4.38AA assume that the water quality classifications for the zones in the LWRP are correct and that poor water quality is the result of farming activities. The Council's own information and evidence on the LWRP shows this isn't always the case.

The Council's decisions on the LWRP stated the LWRP was about 'holding the line' in Red and Orange zones and that any issues with inaccurate zoning or incorrect presumptions relating to the causes of water quality issues would be addressed in sub-regional sections.

The Blue and Green zones in the LWRP either meet water quality outcomes or do not have water quality outcomes set as there is no sensitive receiving environment. Either way, it does not achieve the purpose of the Act nor is it necessary to give effect to the NPSF to restrict all farming activities in those zones to no more than a 5kg/ha increase in nitrogen (N) loss.

Similarly some lakes in Lake Sensitive Zones have very good water quality but would be vulnerable to nutrient enrichment if a change of land use resulted in significant increases in N or phosphorous (P)/sediment losses; while the water quality in some lakes in the Lake Sensitive Zones is affected by N or P/sediment losses. A 'one boot fits all' policy position is not appropriate.

(iv) Permitted Baseline – Policy 4.38A

A key component of the purpose of the RMA is to manage the effects of activities on the environment. The permitted baseline concept is provided for within the RMA and is very beneficial particularly in the case of activities which do not meet the thresholds for permitted activities but which have low N losses.

Alternative Policy Framework

We suggest an alternative policy framework that:

(i) Recognizes the need for farmers to retain flexibility in their land uses to provide for their economic well-being and the economic well-being of New Zealand, and to ensure any planning regime provides for flexibility in land uses within limits for N loss that are appropriate considering both the need for farmers to make reasonable use of their interests in their land, and the sensitivity of the receiving environment.

(ii) Encourage farmers to use Good Management Practices or other appropriate farm management programmes to minimize the risk of N or P/sediment losses to water and recognize this is best fostered within the farming industry.

(iii) Specify that any management of existing farming activities that is necessary to manage N losses or P/sediment losses beyond adopting GMPs is done as part of catchment planning processes. Plan Change 5 should send a signal that those catchment process should follow a principle that any management of N or P/sediment losses should be commensurate with the amount of N or P/sediment an activity is contributing to the problem; and give appropriate timeframes for people to adjust their farming activities where necessary.

(iv) Manage changes to land uses in the interim to avoid people shifting from relatively low to relatively high N loss land uses within Red, Orange and Lake Sensitive zones; and to ensure any change for land use in Blue or Green zones will not affect water quality in those catchments.

3.3. **The decision we seek is** to delete Policies 4.11, 4.34, 4.36 to 4.41D and replace with the following policies:

1. Farmers, mana whenua and the Council work in partnership to ensure all farming activities are operating at GMP or better.

2. Farming activities with higher potential nitrogen or phosphorous/sediment losses are managed through a combination of nitrogen loss controls and Farm Environment Plans as appropriate to maintain water quality in the receiving environment, without unnecessarily restricting flexibility in farming activities or changes in land use.

3. Continual improvement in the knowledge of the state of water bodies within the region and the cause(s) of any deterioration in water quality by the Council in partnership with the community implementing a comprehensive water quality monitoring and investigations programme using data from scientific investigations and local knowledge.

4. Where appropriate, limiting the duration for which resource consents may be granted for activities which have high potential impacts on water quality in a catchment and a long duration consent may unduly compromise the ability to address water quality issues through catchment planning processes.

5. In Lake Sensitive Zones, there is no deterioration on water quality as a result of the discharge of contaminants or from nitrogen or phosphorous/sediment losses from land uses in the catchment.

6. In Red and Orange Nutrient Allocation Zones:
(i) There is no further deterioration of water quality as a result of changes in land use; and
(ii) Improvements in water quality result from reductions in nitrogen or phosphorous/sediment losses as land uses operate at GMP or better.

7. In Blue or Green Nutrient Allocation Zones changes in land uses do not adversely affect existing water quality.

8. In Nutrient Allocation Zones where reductions in nitrogen losses from land uses are required beyond GMPs to achieve water quality outcomes, these reductions will be identified as part of the catchment planning and limit setting process in sections 6 to 15 of this plan; and will be based on the principles of:

(i) Requiring those land uses which contribute have the greatest losses making the most reductions, allowing for the effects of soil type and rainfall on nitrogen losses; and

(ii) Ensuring the pathways and timeframes for nitrogen reductions are reasonable, considering any investment required in new infrastructure or any requirements to change land use.

PART 3. CONDITIONS FOR FARMING AS A PERMITTED ACTIVITY

3.1 Areas under 10ha in Size - Rule s 5.43A, 5.49A, 5.53A, 5.57A

3.1.1 Our submission is: we oppose rules 5.43A, 5.49A, 5.53A, 5.57A

3.1.2 Our reason is: We do not agree that it is appropriate to differentiate whether a landholder has to comply with any rules for water quality based on the size of the property. It isn't the size of the property which is important but the land uses and whether any risk to water quality is appropriately identified and managed.

3.1.3 The decision we request is:

- Delete Rules 5.43A 5.49A, 5.53A, 5.57A and replace with the amended rule for any farming activity as a permitted activity which is requested below.

3.2 Farming as a Permitted Activity in Red, Orange, Green & Blue Zones - Rules 5.44A, 5.54A, 5.57B and Schedule 7A

3.2.1 Our submission is we oppose these provisions, in particular conditions (1), (3), (4) and (5) of Rule 5.44A and conditions (1), (3) and (4) of Rules 5.54A and 5.57B, and Schedule 7A.

3.2.2 Our reasons are outlined below:

(i) Registration in the Farm Portal

Condition 1 is not an appropriate condition by which a farming activity is permitted. It makes no difference to water quality whether a farmer registers in the Portal. It is the activities on the ground which should determine whether the activity can be considered a permitted activity under the RMA.

If the information is being requested to assist in catchment accounting purposes, this should be decoupled from the rules for compliance as a permitted activity. There are other, possibly more accurate, ways to obtain estimates for N loss from permitted activities for catchment accounting purposes.

The Portal requires farmers to submit information on their land use to the regulatory authority without being advised what the rules are for permitted activities. This may be a breach of s60 of the Evidence Act 2006.

Farmers are being asked to provide details of their farming activities without any information about how or by whom that information will be used or will be accessible to under the Local Government Official Information and Meetings Act 1987.

The issuing of a GMP Loss Rate number for farms as permitted activities based on the information they are providing in the Portal is unhelpful. The questions are insufficient to calculate an accurate N loss number and anecdotal evidence is indicating the numbers being issued by the Portal vary considerably from the numbers for farm-specific Overseer™ modeling.

The important part of Plan Change 5 is ensuring farmers, especially those with higher N or P/sediment losses are operating in accordance with Good Management Practices. The GMP Loss Rate number itself is only of a value if it can provide a reasonably accurate numerical representation of those actions. The Portal can be a very useful information source for farmers on Good Management Practices and on estimated reductions in nitrogen loss. However it should be a source of information only.

(ii) Additional Irrigation in Red Zones– Rule 5.44A (3)

It isn't clear why people who are already irrigating up to 50 hectares of land in a Red Zone may be a permitted activity, but those irrigating less than 50ha can only increase their land irrigation by 10ha. This condition appears to reflect a notion that even the smallest increases in N loss from current farming activities will result in further deterioration in water quality in Red Zones. The modeling of the impact of flexibility caps on nutrient loads in Selwyn, Hinds and Hurunui-Waiau catchments have shown that this is not the case.

(iii) Winter Grazing - Rule 5.44A(4) and Rules 5.54A (3) and 5.57B (3)

Alongside soil type and rainfall, the single biggest influence on N loss numbers is the intensive grazing of cattle. Therefore we accept that as part of the thresholds for permitted activities it is appropriate to limit intensive cattle grazing.

We do not support the current proposal for 20 hectares of land because it isn't the area that is the determinant of nitrogen loss but many cattle graze it intensively, which depends on the DM yield of the fodder crop. It isn't clear how the feeding of supplements relates to the 20 hectare proposed land area limit. There is no exemption for the feeding of supplements to cattle during adverse climatic events such as drought or snow.

In our submission a more effective measure would be to limit the number of weaned cattle that can be intensively grazed on a winter fodder crop at a stocking density of more than 15su/ha as a permitted activity. An alternative is to limit the land area used for winter grazing as a percentage of the property.

(iv) Farm Management Plan - Rule 5.44A(5) and Rules 5.54A (4) and 5.57B (4) and Schedule 7A

The requirement to prepare a Farm Management Plan in accordance with Schedule 7A which is to be retained by the farmer and produced for Environment Canterbury on request is an example of unnecessary bureaucracy that costs time and money but is of no benefit to improving water quality. A similar approach was rejected by the Council in its decisions on the LWRP. In addition the requirements in Schedule 7A includes information that is not relevant to manginge effects of farming activities on water quality, including identification of Significant Sites of Indigenous Vegetation.

In our submission a more effective approach would be to encourage farmers to focus on practices on farm. Many farmers already partake in farm management planning either through their grower representative bodies such as Beef and Lamb, FAR, Horticulture NZ or Dairy NZ or through farm consultancies. Many of these programmes are more advanced than the industry articulated GMPs.

(v) Activities that do not Meet the Conditions for Permitted Activities but have Low N losses

Rules 5.43, 5.53, and 5.57 in the LWRP provide flexibility for those activities with low nitrogen losses to be able to change and alter their land uses and associated changes in nitrogen loss, provided their nitrogen losses remain under the limits set in these rules; a flexibility cap.

The value of providing some flexibility for low nitrogen loss farming activities was recognized by the Council in its decisions on the LWRP and plan changes 1 and 2. Therefore we can only deduce that this change has been made in Plan Change 5 because the Council has assumed any farming activity which does not meet the conditions for a permitted activity will have a high nitrogen loss number. There are examples

of properties in North Canterbury which are irrigating more than 50 hectares of land and have very low nitrogen losses. They have very few options should they be confined to their nitrogen baseline or GMP loss rate.

We agree that in Orange and Red zones farmers should not be allowed to change from land sues with relatively low to relatively high nitrogen loss activities until such time as catchment limit setting occurs, but they need some flexibility in their nitrogen loss baselines to respond to changes in production output son farm and market conditions.

3.2.3 The decisions we seek are:

- Delete Rules 5.44A, 5.54A, 5.57B and replace with the following rules:

1. *Within the Red, Orange, Green or Blue Nutrient Allocation Zones, any farming activity is a permitted activity if it complies with all of the following conditions:*
   - *(i) The farming activity is undertaken in accordance with an industry recognized farm management programme or in accordance with the Industry-Agreed Good Management Practices Relating to Water Quality – September 2015; and*
   - *(ii) The area of the property irrigated or authorized to be irrigated by any water permit is less than 50 hectares; and*
   - *(iii) The number for weaned cattle winter grazing on the property does not exceed the lesser of 200 cows or 10% of the area for the property*

2. *Any farming activity which does not comply with conditions (2) or (3) is a permitted activity if it meets all of the following conditions:*
   - *(i) The farming activity is undertaken in accordance with an industry recognized farm management programme or in accordance with the Industry-Agreed Good Management Practices Relating to Water Quality – September 2015; and*
   - *(ii) The estimated nitrogen losses from the farming activity as modeled in Overseer™ do not exceed the following:*

     15kg/ha/yr in a Red Zone; or

     20kg/ha/yr in an Orange, Green or Blue zone, as measured in Overseer™ version 6.1.3.

   Or as an alternative to (ii);

   The estimated nitrogen losses from the farming activity as modeled in Overseer™ do not exceed the estimated nitrogen losses for any farming activity on the property that could be undertaken as a permitted activity under Rule X above.

   Or as a second preferred relief to Rule 2 above:

   Any farming activity which is not a permitted activity is a controlled activity if it complies with the following conditions:

   - *(i) The farming activity is undertaken in accordance with an industry recognized farm management programme or in accordance with the Industry-Agreed Good Management Practices Relating to Water Quality – September 2015; and*
   - *(ii) The estimated nitrogen losses from the farming activity as modeled in Overseer™ do not exceed the estimated nitrogen losses for any farming activity on the property that could be undertaken as a permitted activity;*

   Any application made under this rule shall not be notified or require the written approval of affected parties.

   The consent authority shall reserve its control over the following matters:

   (i) *The maximum nitrogen loss allowed for the farming activity*.

- Make a consequential amendment to include the following definition -
  'recognized farm management programme' means a programme for farm management that is being undertaken by the farmer and includes steps to identify and manage potential effects of farming activities on water quality.

- Amend the definition of '*winter grazing*' to read:
  '*Winter grazing means the grazing of weaned cattle from the period 01 May to 30 September in any year under conditions whereby the cattle are contained for break-feeding of forage crops or supplements at a stocking rate of* **more** *than 15su/ha, as part of normal farming activities. It does not include the containment of cattle and feeding of supplementary crops during adverse climatic events such as drought, flood or snow.'*

- Delete Schedule 7A.
- Make consequential amendments to other provisions as necessary to give effect to the relief sought.

PART 4 - RULES FOR FARMING AS A CONSENTED ACTIVITY

4.1 **Our submission is** we oppose Rules 5.44B to 5.48A, Rules 5.54B to 5.56AB and Rules 5.57C to 5.59A and the definitions of 'nitrogen baseline' and 'Good Management Practice Loss Rates.'

4.2 **Our reasons are** as set out below.

4.2.1 Identification of a Nitrogen Baseline

The approach in Plan Change 5 of distinguishing between permitted activities based on land use rules and managing activities authorized by resource consent by reference to a nitrogen baseline is supported. The use of nitrogen baselines estimated in Overseer™ are not absolute and the resource consent process provides an opportunity for the Council and the applicant to work together to establish a nitrogen baseline which fairly reflects the farming activity. However the definition of nitrogen baseline and the corresponding provisions need amending.

- The provisions assume farming is a static activity and that nitrogen losses are consistent from year to year unless there is a deliberate change in land use by the farmer.
- It also makes no allowance for people who have changed or intensified their land use during the baseline period and as a result their current nitrogen loss number will be higher than their four yearly average ; other than the provision for dairy conversions.
- The definition is based on average nitrogen losses over the 48 month period and turns that average into a maximum.
- As nitrogen baseline is only required to be calculated for farming activities which require resource consent there is an opportunity for a slightly less prescriptive definition.

4.2.2 Use of Good Management Practice Loss Rate Numbers

The notion of requiring land uses to have a nitrogen baseline that incorporates GMPs, is supported. This is a step towards ensuring that poor farming practice is not 'rewarded' because it generates a higher nitrogen baseline number. However There is a reasonable error factor in Overseer™ estimates of nitrogen loss when it is used with specific on-farm data; errors that are compounded when further modeling of that modeled data is undertaken to create the GMP loss rates. It isn't surprising that there is anecdotal evidence of substantial discrepancies between the GMP loss rate numbers generated in the Portal and modeling on farm, taking into account GMPs.

It isn't the GMP Loss Rate that is important for existing activities but ensuring that the GMPs are adopted on farm. The Portal GMP Loss Rates could be used as a reference for information only, but they should not form the rules for GMP Loss Rates. It should not be a prohibited activity if one does comply with the GMP Loss Rate number generated in the Portal; that is a numbers game. The plan should focus on dealing with failure to implement the GMPs on the ground.

4.2.3 Managing Land Use Change and Increases in Nitrogen Losses

A fundamental part of the regional wide provisions for manginge effects of farming on water quality is to avoid further deterioration in water quality resulting from farmers moving from low to high nitrogen loss farming activities without appropriate mitigation measures. The changes in land use which are precursors to significant potential changes in nitrogen loss are well documented and the plan provisions can be targeted to focus on this issue. This would remove the situation where a farmer finds themselves non-complaint due to changes in nitrogen loss estimates which are not the result of a deliberate change in land use.

We agree that in Red and Orange zones it is reasonable to prevent such land use changes (low to high N loss activities) until catchment limit setting processes are established. However it does not achieve the purpose of the Act nor is it necessary to give effect to the NPSF to impose a limit of no more than a 5kg/ha increase in nitrogen loss from farming activities in Blue or Green zones. These zones have already been identified as having good water quality or not having sensitive receiving environments. It is important that land use changes are managed to avoid any deterioration in water quality in these areas, but there is no basis to justify a blanket maximum limit of a 5kg/ha increase.

4.3 The decisions we request are:

- Amend the definition of nitrogen baseline to read: *'the discharge of nitrogen below the root zone, as modeled with Overseer^{TM} (where the required data is inputted into the model in accordance with Overseer^{TM} Best Practice Data Input Standards) or an equivalent model approved by the Chief Executive of Environment Canterbury, using land use data which is representative of the farming activities which take place on the farm but excluding any destocking or reduction in area under cultivation as a result of adverse climatic events such as drought or flooding; or*

  The land use is authorized by resource consent for the property which has not lapsed.

- Delete the definition of Good Management Practice Loss Rate.

- Amend the definition of 'Baseline GMP Loss Rate' to read: *'means the nitrogen baseline for a farming activity which has been adjusted to take account of any applicable Good Management Practices.'*

- Delete Rules 5.44B to 5.48A, 5.54B to 5.56AB and 5.57C to 5.59A and replace with the following:

  1. *Within the Red or Orange Nutrient Allocation Zones, any farming activity which is not a permitted or controlled activity is a restricted discretionary activity if it complies with all of the following conditions:*
     - *(i) A Farm Environment Plan has been prepared for the property in accordance with Schedule 7; and*
     - *(ii) Until 30 June 2020 the nitrogen loss calculation for the property or that part of the property contained within a Red or Orange Nutrient Allocation Zone does not exceed the nitrogen baseline and from 01 July 2020 the Baseline GMP Loss Rate; and*
     - (iii) *Any change of land use does not result in any increase in the lesser of the Baseline GMP Loss Rate for the property under the current farming activity and the estimated Baseline GMP Loss Rate for the property as a result of the land use change*.

Any application made under this rule shall not be notified and shall not require the written approval of affected parties.

The consent authority shall restrict its discretion to all of the following matters:

(a) The need for auditing of the Farm Environment Plan and the commencement date and frequency of any such audits;

(b) The content, quality and accuracy of the estimated Nitrogen Baseline and Baseline GMP Loss Rates submitted with the application;

(c) The adequacy of any mitigation measures in the Farm Environment Plan to mitigate effects of nitrogen or phosphorous/sediment loss and for ensuring Baseline GMP Loss Rates will be achieved;

(d) Where applicable, methods to prevent any exceedance of the relevant nutrient load limits set out for that catchment in sections 6 to 15 of the Plan; and

(e) With nay change of land use, the ability of the applicant to make any further reductions in nitrogen losses above Baseline GMP Loss Rates if required under the provisions in sections 6 to 15 of the plan.

2. *Any activity that does not comply with this rule shall be a non-complying activity.*

3. Within the Green or Blue Nutrient Allocation Zones, any farming activity which is not a permitted or controlled activity is a restricted discretionary activity if it complies with all of the following conditions:

(i) The farming activity is undertaken in accordance with an industry recognized <u>farm management programme</u> or in accordance with the Industry-Agreed Good Management Practices Relating to Water Quality – September 2015;

(ii) Until 30 June 2020 the nitrogen loss calculation for the property or that part of the property contained within a Green or Blue Nutrient Allocation Zone does not exceed the nitrogen baseline and from 01 July 2020 the Baseline GMP Loss Rate.

(iii) *Any change of land use complies with the Baseline GMP Loss Rate for the new land use.*

Any application made under this rule shall not be notified and shall not require the written approval of affected parties.

The consent authority shall restrict its discretion to all of the following matters:

(a) The need for a Farm Environment Plan prepared in accordance with Schedule 7, and the need for auditing of any such Farm Environment Plan, including the commencement date and frequency of audits;

(b) The effects of any change of land use on water quality within the receiving environment and the adequacy of any mitigation measures in the Farm Environment Plan to address any potential adverse effects of the land uses on water quality, and for ensuring Baseline GMP Loss Rates will be achieved;

(c) Where applicable, methods to prevent any exceedance of the relevant nutrient load limits set out for that catchment in sections 6 to 15 of the Plan; and

(d) Where applicable the ability of the applicant to make any further reductions in nitrogen losses above Baseline GMP Loss Rates if required in the catchment under the provisions in sections 6 to 15 of the plan.

5. *In the Green and Blue Nutrient Allocation Zones any activity that does not comply with this rule shall be a non-complying activity.*

- As a consequence add a new definition - *'change of land use' means:*
  - *Any increase in the amount of land irrigated or consented to be irrigated on a property; or*
  - *Any increase in the number of cattle 'winter grazed' on a property; or*
  - *Any change to a dairy system;*
    From that occurring as at 01 February 2016 or authorized by a resource consent which has not lapsed,.'

4.3 Amendments to Schedule 7

4.3.1 Our submission is we oppose the changes proposed to Schedule 7.

4.3.2 Our reasons are:

Schedule 7 to the LWRP contains the matters which must be included in Farm Environment Plans when they are required under the plan rules. There is no indication on p1-2 of the plan change that lists the proposed amendments to the LWRP that any changes are to be made to Schedule 7, except as it applies in the Waitaki sub-regional section. It is possible there will be people who may be affected by the amendments to Schedule 7 who have not anticipated that Schedule 7 is proposed to be amended on reading the introduction to Plan Change 5.

Schedule 7 clearly and comprehensively identifies issues that need to be included in Farm Environment Plans. It isn't clear what value is added by the new amendments.

The new amendments are a little vague. It isn't clear what is meant by the various management areas proposed, how they apply to individual farms and how they are defined. It isn't clear what the proposed objectives and targets mean for each management area and how they are to be reflected in the Farm Environment Plans, particularly at a farm level. There does not seem to be any option not to use the area management plan approach even if it is irrelevant to a farm.

Several grower industry bodies and irrigation companies have had Farm Environment Plan templates approved by Environment Canterbury as complying with Schedule 7 and farmers have started using them. It isn't clear whether these templates will need to be amended and reapproved for compliance with the amended Schedule 7 and if so, the reason that justifies the cost of doing this and the confusion for people who have started using them.

4.3.3 The decision we request is to delete the proposed amendments to Schedule 7.

PART 5. MAPS SHOWING HIGH SEDIMENT AND PHOSPHOROUS RISK AREAS

5.1 Our submission is: we oppose the inclusion of the Replacement Map Series showing the High Runoff Risk Phosphorous Zones.

5.2 Our reasons are:

These maps have been produced as a desktop exercise on maps with a scale of 1:75 000. There has been no 'ground-truthing. ' As with all maps prepared in this way they will contain many generalizations and inaccuracies. Our issue is not with identification of areas with high phosphorus loss risk per se. Where that information is correct it is important to identify it and to accommodate that risk in farm management. The issue is the use of desk-top mapping.

The Council has a duty of care when including information in statutory planning documents that it is correct. The burden is on the planning authority to make sure the information is correct, not on the landholder to prove to the Council their desktop map is wrong as it applies to their property.

If an activity requires a Farm Environment Plan then one of the matters in Schedule 7 as it is currently written in the LWRP is to identify sources of P/sediment loss and how they will be managed. If any action above GMP is required for managing P/sediment loss in a particular area this should be identified and provided for in catchment planning processes in the sub-regional sections.

5.3 The decision we request is to delete the replacement map series as it relates to showing High Risk Runoff and Phosphorous Zones.

PART 6. LAKE SENSITIVE ZONES – RULE 5.49

6.1 Our submission is: we oppose Rules 5.50A to 5.52A.

6.2 Our reasons are:

The LWRP provides for farming activities with nitrogen losses not exceeding 10kg/ha/yr as a controlled activity in the Lake Sensitive Zones under Rule 5.49. Every farming activity is subject to a Farm Environment Plan prepared in accordance with Schedule 7. Under plan Change 5 this provision is removed, leaving any farming activity within a Lake Sensitive Zone a restricted discretionary activity. In addition, the requirements in Schedule 7 change.

It seems unreasonable and at odds with the rest of plan Change 5 not to provide some recognition in the planning regime for an easier management process for those faming activities which have relatively low nitrogen losses and are less likely to contribute to water quality issues.

The current provisos in the LWRP are only just coming in to force in Lake Sensitive Zones so there is no data to suggest the approach in the LWRP is not working and that farming activities losing less than 10kgN/ha/yr are causing water quality issues in Lake Sensitive Zones that justify their change in status to restricted discretionary activities.

Several fares in the Rakaia and Ashburn gorges have been working with staff from Environment Canterbury to come up with a process for obtaining resource consents and completing Farm Environment Plans under the provisions in the LWRP in a way that is cost effective and achieves the desired environmental outcomes. It is disappointing that once again farmers in the community in good faith work with the council only to have the 'rules change' halfway through that process.

6.3 The decision we request is:

- Delete rules 5.50A to 5.52A and replace with the following provisions:

1. *Within the Lake Sensitive Zones, any farming activity is a permitted activity if it complies with all of the following conditions:*

    (i) The farming activity is undertaken in accordance with an industry recognized farm management program me or in accordance with the Industry-Agreed Good Management Practices Relating to Water Quality – September 2015; and

    (ii) Any land on the property that is within the Lake Sensitive Zone is not irrigated; and

    (iii) Any land on the property that is within the Lake Sensitive Zone is not used for winter grazing by cattle.

2. *Any farming activity which is not a permitted activity is a controlled activity if it complies with the following conditions:*
    - *(i) A Farm Environment Plan is prepared for the area of the property contained within the Lake Sensitive Zone ina accordance with Schedule 7; and*
    - *(ii) The estimated nitrogen losses from the farming activity as modeled in Overseer^{TM} do not exceed the estimated nitrogen losses for any farming activity on the property that could be undertaken as a permitted activity;*

Any application made under this rule shall not be notified or require the written approval of affected parties.

The consent authority shall reserve its control over the following matters:

- *(i) The maximum nitrogen loss allowed for the farming activity*;
- *(ii) The need for auditing of the Farm Environment Plan and the commencement date and frequency of any such audits; and*
- *(iii) The adequacy of any mitigation measures in the Farm Environment Plan to mitigate effects phosphorous/sediment loss and for ensuring estimated Baseline Nitrogen Loss Rates will be adhered to.*

3. *Within the Lake Sensitive Zones, any farming activity which is not a permitted or controlled activity is a restricted discretionary activity if it complies with all of the following conditions:*
    - *(i) A Farm Environment Plan has been prepared for the property in accordance with Schedule 7; and*
    - *(ii) Until 30 June 2020 the nitrogen loss calculation for that part of the property contained within the Lake Sensitive Zone does not exceed the nitrogen baseline and from 01 July 2020 the Baseline GMP Loss Rate; and*
    - *(iii) Any change of land use does not result in any increase in the lesser of the Baseline GMP Loss Rate for the property under the current farming activity and the estimated Baseline GMP Loss Rate for the property as a result of the land use change*.

Any application made under this rule shall not be notified and shall not require the written approval of affected parties.

The consent authority shall restrict its discretion to all of the following matters:

(a) The effects of the land use on water quality in the receiving environment;
(b) The need for auditing of the Farm Environment Plan and the commencement date and frequency of any such audits;
(c) The content, quality and accuracy of the estimated Nitrogen Baseline and Baseline GMP Loss Rates submitted with the application;
(d) The adequacy of any mitigation measures in the Farm Environment Plan to mitigate effects of nitrogen or phosphorous/sediment loss and for ensuring Baseline GMP Loss Rates will be achieved;
(e) Where applicable, methods to prevent any exceedance of the relevant nutrient load limits set out for that catchment in sections 6 to 15 of the Plan; and
(f) With any proposed change in land use, the ability of the applicant to make any further nitrogen reductions if required in the catchment under the provisions in sections 6 to 15 of the plan.

3. *Any activity that does not comply with this rule shall be a non-complying activity.*

- Or in the alternative reinstate rules 5.49 and 5.50 of the LWRP.

(Signature of submitter or person authorized to sign on behalf of the submitter)

11th March 2016

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