

**From:** [Murray Valentine](#)  
**To:** [Mailroom Mailbox](#)  
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**Subject:** Mackenzie Irrigation Company Limited/Submission Plan Change 5  
**Date:** Saturday, 12 March 2016 5:05:46 p.m.  
**Attachments:** [SC364e0040016031216250.pdf](#)

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Due to computer/scanning problems I had to email 5 photos of our Submission on Plan Change 5 at 4.54pm to 4.57pm on Friday 11 March

I also sent a complete confirmation copy later that evening

Would you be able to confirm you received the photos before 5.00pm and the complete submission in the one document (which is again attached to this email )

Thankyou Murray Valentine

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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):

Murray Valentine

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:



Director 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 on the following matters relating to the Plan Change 5 and our overall position it to **oppose the plan in its current form**. 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.

## **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. Our expectation of the plan as farmers, is that we should be able to pick it up and determine on our own, where our farming operation fits in.
2. We have concerns that some parts of the plan are unenforceable.

3. GMP should be about actual on-farm practice and yet, this plan links GMP to an Overseer output number. 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 is 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 system, particularly large high country stations in low rainfall environments and therefore require validation to give more confidence in the Farm Portal and the outputs it produces.
5. Many farmers under this plan will require a consent to farm. This is another layer of consenting that is considered to be totally unnecessary. This is a particular issue for many consent holders in the Upper Waitaki who already hold resource consents for irrigation that have Nutrient Discharge Allowances, and a comprehensive suite of water quality conditions. There is no protection for these consent holders, and this is a serious injustice to these consent holders who have spent a lot of time and money obtaining consents in the first place, and then implementing them.
6. The use of the narratives of 50 hectares irrigated or 20 hectares of winter grazing are arbitrary, with no consideration of scale taken into account. In our view, percentages of total farm area would be more appropriate (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 set in Table 15B a) b) and c) are being set on actual water quality data and whether they are realistic and achievable. Our consent currently sets trigger levels that need to be adhered to that were incorrectly set in the last hearing whereby the NRRP standards were used which unbeknown to us were incorrect. It is essential this time that they are determined correctly, and consent holders with incorrect trigger levels have a mechanism to amend the trigger levels in their consents to be consistent with PC5 tables.

#### Issues specific to the Ahuriri and Upper Waitaki Hill Zones

8. Our understanding of the objective of the PC5 provisions relating to the Ahuriri Arm was that if any nutrient headroom was to become available (due to the lake's TLI levels reducing), it would first be available to the low emitters. The proposed rule framework does not clearly address this (Rules 15B.5.13A to 15B.5.18)
9. We are also concerned that if 'clawbacks' are required in the future, and that all farmers in the zone will be required to then reduce N & P losses. There is no rule or policy relevant to this, but discussions occurred during the community process in development of PC5. The lack of clarity around this leaves those in the Ahuriri Zone vulnerable.
10. Table 15B(d) – water quality limits for lakes in the Upper Waitaki Freshwater Management unit, sets a TLI for the Ahuriri Arm of Lake Benmore of 2.9. This is not the same as the TLI imposed as a condition on consent holders following the 2009 Upper Waitaki consent hearings, which has a trigger of 2.75 but does not exceed 3.0 then the NDA's need to be reduced by 5% These consent holders are therefore subject to a more stringent TLI



definition (page 2)	3-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.	<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)	The definition extends into spring. A more appropriate date is considered to be August.	Amend the definition to read: <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 from the Portal	We have concerns regarding the use of the Farm narrative to determine the GMP 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 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 properties only to obtain the agreed Waitaki Nitrogen Headroom, and the intention is within the policies that this is split (not first in first served) based on Schedule 27 headroom is equally split to dry land areas meeting the definition.	This intention needs to be clearly and robustly reflected in the rules in relation to Schedule 27, not just the policies to ensure this is equally split to dry land areas meeting the definition.
All Upper Waitaki rules	There is no protection for those who already hold irrigation permits with NDA's 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 based on actual data and achievable	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 Whitney's Creek Zone is an example of how this can be achieved in rules
Table 15B(d)	Address the miss-match between TLI's and PC5 TLI's for the Ahuriri and Haldon Arms of Lake Benmore. Confirm what the appropriate levels should be for the lakes	Align the TLI for the Ahuriri and Haldon Arms 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 and the claw-back mechanism determined clearly for the Ahuriri catchment
Table 15 B (e)	Query whether the levels set are 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 determined especially since a lot of modelling has been used rather than actual	Seek confirmation that the loads are correctly determined and the ability to enforce these are clearly

trigger level, with specific responses required at this TLI level. This creates an equity issue in the zone that must be sorted out and clear direction set within the plan that consents can easily be changed into line with the agreed level set in PC5.

11. There appears to be no policies and rules linking the catchment loads for the Ahuriri Zone in Table 15 B (f) and therefore how are these going to be managed and enforced under the current framework.
12. Rule 15B.5.13A 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 fill into non-complying which is not appropriate.
13. Rule 15B.5.13A condition 3 b) requires the consent to have commenced, and it is our understanding re the RMA that this refers to consents granted whom were in appeal rather than physical irrigation occurring. Clarification is sought

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

14. 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 fill into non-complying which is not appropriate.
15. The Haldon Arm headroom appears to have been allocated for dry-land farm area 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. This was agreed amongst all parties and the intention of this must be reflected clearly and robustly in the rules, and not just the policies.
16. 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.
- 17.

#### **What we seek from our submission**

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

Accredited farm Many of the rules, such as 5.57C condition 3, Either:  
consultant state that a Farm Environment Plan and  
definition (page 3- nutrient budget must have been prepared or Change the reference in the rules  
1) reviewed by an Accredited Farm Consultant. from Accredited Farm Consultant  
The definition, in part b, refers to other to Certified Farm Environment  
qualifications as approved by the CEO. Does Plan Auditor; or  
this include Certified Farm Environment Plan Provide clarification of what "other  
auditors as fitting the "other qualifications" qualifications" that are likely going  
part, otherwise the resource pool of people to meet clause (b) of the definition.  
who meet the Accredited Farm Consultant  
definition is extremely small.

Nitrogen baseline Clause (b) of this definition still only refers to Change clause b to read:



estimates on lawful exceedance. How will achievable  
these loads be managed and what happens if  
they are exceeded

Schedule 27: On-Confirmation is required that this formula Ensure the formula of Schedule 27  
Land Nitrogen provides for existing and consented land use accurately reflects existing and  
Load Conversion activities. In particular provision is made for consented land use, and those  
those consents not yet granted and still in whom are still in appeal or not yet  
appeal or those not actually physically physically irrigating.  
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.