

From: [Georgina Hamilton](#)
To: [Mailroom Mailbox](#)
Cc: [Tom Evatt](#)
Subject: Plan Change 5 - Canterbury Land and Water Regional Plan
Date: Friday, 11 March 2016 3:50:26 p.m.
Attachments: [tplogo1e05be](#)
[Submission on PC5 Canterbury Land & Water Regional Plan \(11.3.16\).pdf](#)

Dear Sir/Madam

Please find **attached** for filing a submission on behalf of Glentanner Station Limited, Classic Properties Limited, Simons Hill Station Limited, and Pukaki Irrigation Limited in relation to proposed Plan Change 5 to the Canterbury Land and Water Regional Plan.

Kind regards,

Georgina Hamilton | Associate



**Tavendale
and Partners**

T +64 3 308 4188 **M** 0212210723
F +64 3 308 7412
E georgina.hamilton@tp.co.nz

Tavendale and Partners Limited
19 Beswick Street
Timaru 7910, New Zealand

www.tp.co.nz

SUBMISSION ON PLAN CHANGE 5 TO THE CANTERBURY LAND AND WATER REGIONAL PLAN

Clause 6 First Schedule, Resource Management Act 1991

TO: Environment Canterbury
Freepost 1201
Plan Change 5 to the Canterbury Land and Water Regional Plan
PO Box 345
Christchurch 8140

By email: mailroom@ecan.govt.nz

Name of Submitter:

1 Glentanner Station Limited, Classic Properties Limited, Simons Hill Station Limited, and Pukaki Irrigation Limited (**Submitters**)

Address: c/- Tavendale and Partners
PO Box 324
Ashburton 7740

Contact: Georgina Hamilton

Phone: 021 221 0723

Email: georgina.hamilton@tp.co.nz

Trade Competition Statement:

2 The Submitters could not gain an advantage in trade competition through this submission.

Proposal this submission is on:

3 This submission is on proposed Plan Change 5 to the Canterbury Land and Water Regional Plan (**Plan Change**).

The specific provisions of the Plan Change that this submission relates to:

4 The specific provisions of Plan Change that this submission relates to are:

4.1 The nutrient management rules contained in Part B of PC5, including proposed Permitted Activity Rules 15B.5.6; 15B.5.13A; and 15B.5.18A; and

4.2 Proposed Schedule 27: On-Land Nitrogen Load Conversion.

Submission

Submitter's Overall Position

- 5 Overall, the Submitters **oppose** the aspects of the Proposal referred to above at paragraph 4 as they consider those aspects:
- 5.1 would not promote the sustainable management of the Waitaki Sub-region's resources;
 - 5.2 would not enable the social and economic well-being of the rural communities of the Waitaki Sub-region;
 - 5.3 would not enable the efficient use and development of the Submitter's assets and the resources which those assets are dependent on;
 - 5.4 do not represent the most appropriate plan provisions in terms of section 32 of the Resource Management Act 1991 (**RMA**); and
 - 5.5 would otherwise be contrary to the RMA, particularly Part 2.

Specific Concerns

- 6 Without limiting the generality of the foregoing, the Submitters' specific concerns together with a summary of the decisions they seek from Environment Canterbury are set out in **Annexure A** attached to this submission.

Decisions Sought by Submitter:

- 7 The Submitters seeks the following decisions from Environment Canterbury:
- 7.1 that the decisions sought in **Annexure A** to this submission be accepted; and
 - 7.2 such alternative and/or consequential amendments required to address the concerns raised in this submission.

Wish to be Heard:

- 8 The Submitters wish to be heard in support of this submission.
- 9 The Submitters would be prepared to consider presenting a joint case with others making similar submissions at the hearing.



Glentanner Station Limited; Classic Properties Limited, Simons Hill Station Limited and Pukaki Irrigation Limited

By its solicitors and authorised agents

Tavendale and Partners Limited: T W Evatt / G C Hamilton

Date: 11 March 2016

ANNEXURE A – DECISIONS SOUGHT BY THE SUBMITTERS

Specific Provision of Plan Change 5 (PC5) that the Submission Relates To	Submission		Decisions Sought
	Oppose/support	Reasons	
<p>The nutrient management rules contained in Part B of PC5, including proposed Permitted Activity Rules 15B.5.6; 15B.5.13A; and 15B.5.18A.</p>	<p>Oppose</p>	<p>Proposed Rules 15A.5.6, 15B.5.13A and 15B.5.18A (Proposed Rules) provide by way of permitted activity status an exemption from compliance with the proposed land use rules for nutrient management in Part B of PC5 for the Waitaki sub-region for certain qualifying irrigation water permits.</p> <p>The Submitters are concerned that, under the Proposed Rules, irrigation water permits that have been the subject of a variation application and/or an Environment Court appeal process, and had not been granted or did not commence before 13 February 2016 but would otherwise satisfy the conditions of the Proposed Rules, would not qualify for that exemption. Such permits would appear to be non-complying activities under Part B of PC5.</p> <p>This creates significant uncertainty as to the status of the farming activities associated with the implementation or exercise of these permits and the nutrient discharge allowances (NDAs) authorised by them. It also fails to reflect the significant financial resources that the holders of these permits have already invested in order to secure the rights to use water for irrigation and NDAs for the associated farming activities.</p> <p>The Submitters seek that PC5 be amended to ensure that these categories of irrigation water permits have permitted activity status. The Submitters consider that such amendments are necessary and appropriate as the permits form part of the existing environment now (or</p>	<ul style="list-style-type: none"> Proposed Rules 15B.5.6, 15B.5.13A and 15B.5.18A be amended to provide permitted activity status for irrigation water permits that had not been granted or did not commence before 13 February 2016, but would otherwise satisfy the criteria of those Rules. Alternative amendments be made to PC5 to provide an exemption for farming activities associated with the implementation or exercise of such irrigation water permits from compliance with the land use rules for nutrient management proposed in Part B of PC5.

		will do so in the near future), and consequently should be able to be exercised in accordance with the terms and conditions on which they have been granted.	
Proposed Schedule 27: On-Land Nitrogen Load Conversion	Oppose	<p>The Submitters wish to ensure that the formula set out in proposed Schedule 27 for calculating the “nitrogen headroom” for the Haldon Zone takes proper account of all existing and consented land use within that Zone.</p> <p>It is presently unclear how the Schedule 27 formula takes account of farming activities associated with the implementation or exercise of irrigation water permits that have been the subject of variation applications and/or Environment Court appeal processes and were granted or commenced after 13 February 2016, and the NDAs authorised by those permits.</p> <p>The Submitters are concerned that if the land use associated with the exercise of these permits is not accurately reflected in the formula (and consequently any future nutrient headroom calculations), there is a risk that moving forward ECan could over-allocate nitrogen in the Haldon Zone. Such an outcome would have potentially significant implications for consented farming activities and existing investment within that part of the Waitaki Sub-region. It would also be inconsistent with the objectives and policies of PC5, and the National Policy Statement for Freshwater Management 2014.</p>	<p>That all necessary amendments be made to Schedule 27 (and other provisions in PC5 as required) to ensure that the formula used for calculating the nitrogen headroom for the Haldon Zone takes proper account of all existing and consented land use within that Zone, including all farming activities associated with the implementation or exercise of irrigation water permits that were granted or commenced after 13 February 2016.</p>