

From: [Judy-Anne Stapleton](#) on behalf of [Ben Williams](#)
To: [Mailroom Mailbox](#)
Cc: [Ben Williams](#)
Subject: Proposed Plan Change 5 to the Canterbury Land and Water Regional Plan - Barrhill Chertsey Irrigation Limited
Date: Friday, 11 March 2016 4:27:53 p.m.
Attachments: [CHCDOC01-#806521-v5-BCI - PC 5 submission.pdf](#)

Good afternoon,

We act for Barrhill Chertsey Irrigation Limited (*BCI*).

We attach, for lodging, BCI's submission on the above.

Regards,

Ben

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Form 5**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Canterbury Regional Council

Name of submitter: Barrhill Chertsey Irrigation Limited (BCI)

- 1 This is a submission on:
 - proposed Plan Change 5 to the Canterbury Land and Water Regional Plan (LWRP).
- 2 Its submissions and sought relief are split between its general submissions (including the background to BCI) in **Annexure 1** and its specific submissions in **Annexure 2**.
- 3 BCI wishes to be heard in support of the submission.
- 4 If others make a similar submission, BCI will consider presenting a joint case with them at a hearing

Signed for and on behalf of Barrhill Chertsey Irrigation Limited by its solicitors and authorised agents Chapman Tripp



Ben Williams
Partner

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Annexure 1

Background to BCI

- 1 BCI (through a joint venture arrangement with Electricity Ashburton Limited) is the entity responsible for the development and operation of the Barrhill Irrigation Scheme (*BCI Scheme*).
- 2 BCI holds resource consent CRC143165 to take up to 17 cumecs of water from the Rakaia River. It also has a 'water swap' agreement with Rangitata Diversion Race Management Ltd (RDRML) to take up to 10 cumecs from the Rangitata Diversion Race (with the default assumption being that BCIL would make up any shortfall to RDR from their Rakaia River abstraction). According to condition 11 of consent CRC143165 water may only be used to:
 - a) irrigate up to 40,000 hectares of land:
 - i) within Areas 1 to 8, shown on the attached plan (CRC990088.3 which forms part of this consent); and/or
 - ii) on any land between the Rakaia and Rangitata Rivers covered by a separate consent to use water (if required); and
 - b) to fill on-farm storage reservoirs; and
 - c) to generate electricity.
- 3 Areas 1 to 8 of the BCI Scheme are set out in **Figure 1**. It includes much of the Hinds Plains and Chertsey catchments (i.e. it straddles more than more nutrient allocation zone).
- 4 The BCI resource consents do not include any restriction on where, or the amount of water, that can be used in any of areas 1 to 8 – although there are restrictions brought about through the Hinds Plains (Plan Change 2) process that are under appeal to the High Court. At the time of preparing this submission there is no certainty on what, if any, restrictions may be in place in that area in the future.
- 5 For present purposes it is simply noted that part of the BCI Scheme will fall within an area covered by a sub-regional chapter (being the Plan Change 2 area) and the balance of the scheme will be more directly impacted by Plan Change 5.
- 6 For completeness it is also noted that BCIL also hold consent CRC162882, which authorises the use of land for farming up to 40,000 ha and the discharge of nutrients to water arising from that farming activity. This consent was granted in September 2013 and at that time BCIL had irrigation supply agreements in place to supply water to 17,604 ha of land (with around 4629 ha being located in Hinds Plains Plan Change 2 area and the balance across the wider Ashburton District).
- 7 In order for this consent application to be processed in a non-notified manner, the Council determined that it would only be granted for a 5 year term, on the basis that

the future planning requirements for nutrient management were uncertain in 2013, but would be confirmed through the Land and Water Management Plan process within a 5 year period (at which point it would be appropriate for a new consent application to be lodged assuming it was required under the plan).

- 8 That process has become Plan Change 5.
- 9 Although only a 5 year consent, it is important to emphasise that consent CRC162882 requires BCIL farmers to prepare Farm Environment Plans to a standard consistent with the now operative Land and Water Regional Plan and to operate an audit system to ensure the integrity of these plans (very similar to the approach being taken by PC5). Each farm that utilises the BCIL supply must also maintain detailed records of all the on-farm inputs required by the OVERSEER nutrient budgeting model, which must be available to ECan on request.
- 10 Consent CRC162882 specifies a whole of scheme nitrogen leaching limit of 1,232 tonnes per year (based on OVERSEER version 6.0.2). This load is the total load applying to all of areas 1 to 8 (there is no further restriction on where the load may be applied).
- 11 As a recently developed irrigation Scheme, BCI shareholders that are undertaking new irrigation will generally have high efficiency spray irrigation systems with wider farming activities which, through the Farm Environment Plan structure, exhibit 'good practice' (as commonly referred to) – and generally consistent with the good management practice approach taken by Plan Change 5.
- 12 Those receiving 'top up' water from the Scheme can also, given the cost and requirements (for example those associated with the Farm Environment Plan), be expected to have better performing irrigation systems.
- 13 Through the audit process already included in the BCI consents, it is anticipated that this will be maintained and improve in the future.

Further irrigation

- 14 Given that BCI is in the development phase:
 - 14.1 it is anticipated that further dryland within the BCI command area will be irrigated in the future (along with further 'top-up water') - as permitted by resource consents CRC162882 and CRC143165. It is currently unclear as to exactly where such development will occur; and
 - 14.2 there are a large number of existing BCI shareholders that are still in the process of getting irrigation infrastructure in place.
- 15 In this context, the 'nitrogen baseline', 'Baseline GMP Loss Rate' and 'Good Management Practice Loss Rate' as defined in Plan Change 5 currently have little relevance for individual properties within the BCI Scheme.

- 16 Such properties may, as a part of investing in irrigation infrastructure, lawfully change their landuse (relying on the Scheme load consented to BCI) - such that any comparison with the "*farming activity carried out during the nitrogen baseline period*" (as per the proposed definition of 'Baseline GMP Loss Rate') or "*the most recent four year period*" (as per the proposed definition of 'Good Management Practice Loss Rate') is not useful in terms of informing future land use.
- 17 Overall BCI considers it important that nutrient losses from properties within an irrigation scheme continue to be managed at the scheme level (through a whole of scheme load) rather than at the individual property level. This, under Plan Change 5, would continue to be achieved through Rules 5.60 to 5.62 and any relevant existing sub-regional chapters which fall outside of the plan change.

General comments on Plan Change 5

- 18 BCI has the following general submissions on Plan Change 5:
- 18.1 Schedule 28 is generally supported (subject to some relatively minor amendments to *inter alia* better address the nature of farm environment plans prepared within an irrigation scheme framework and the correction of some modelling rules as they relate to the Farm Portal);
- 18.2 It appears that the primary consenting of irrigation schemes will continue to occur through Rules 5.60 to 5.62 and any sub regional chapters (i.e. outside of Plan Change 5). BCI supports this approach. As structured, Plan Change 5 is well adapted to dealing with the irrigation schemes – especially in the development phase;
- 18.3 Concepts such as an individual's 'Baseline GMP Loss Rate', 'Nitrogen Baseline' and 'Good Management Practice Loss Rate' are not (in their notified form) applicable to irrigation schemes. The nutrient losses from an irrigation scheme should continue to be managed at the Scheme level;
- 18.4 There is currently no provision for the formation of nutrient management groups or collectives within Plan Change 5 to support implementation of Good Management Practice for properties outside (or potentially within or alongside) an irrigation scheme or principal water suppliers. BCI have found its shareholders have generally been pro-active and responsive in the preparation and implementation of Farm Environment Plans under audited self-management processes and it would like to see a collective framework supported in Plan Change 5 to achieve the desired water quality outcomes.
- 18.5 BCI considers the Farm Portal is *potentially* a useful tool when used as an indicator of Good Management Practice within the context of a whole farm operation and it therefore supports a greater focus on ensuring Schedule 7 Farm Environment Plans and their audits adequately address good management practices needed to improve water quality. Reference to the Farm Portal should therefore not be a requirement in respect of a resource consent granted to a developing irrigation scheme, but rather a reference guide within Schedule 7 and monitored through the FEP audits.

18.6 Despite the above, BCI remains concerned that the Farm Portal does not accurately reflect the good management practices as set out in Schedule 28 and that the rules set out in Schedule 28 (especially in relation to, for example, the GMP fertiliser proxies). Based on BCI's limited (at the time of preparing this submission) experience of the Farm Portal it also appears that it is not capable of providing results for some farm systems and soil types and for those that have been run through the Farm Portal, some results appear to be inconsistent with the auditing that has been carried out in respect of the relevant properties (a property audited as A-grade for example was still required to make substantial reductions in order to achieve Good Management Practice Loss Rate, whereas a C-graded property achieved its required Good Management Practice Loss Rate). This suggests to BCI that there are a number of issues with use of the existing Farm Portal.

In light of this it appears necessary for Plan Change 5:

- (a) to only become operative at such time all parties have confidence that that Farm Portal correctly reflects Schedule 28 (and that the modelling rules around Schedule 28 and correct (and correctly reflected in the Farm Portal));
- (b) to make it clear that the Farm Portal is not a requirement for those operating under irrigation schemes (as appears to be approach provided by Rules 5.60 to 5.62 and the sub regional chapters outside of Plan Change 5 - and also Rule 5.41A); and
- (c) for Plan Change 5 to provide an alternative consenting pathway where the Farm Portal is not appropriate or the relevant person undertaking the farming activity chooses to seek resource consent (to be considered against Schedule 28) that might exceed the 'Baseline GMP Loss Rate', 'Nitrogen Baseline' and 'Good Management Practice Loss Rate' as calculated by the Farm Portal.

18.7 To the extent that Plan Change 5 relies on the use of an Accredited Farm Consultant and a Certified Farm Environment Plan Auditor for various matters set out in the proposed provisions, BCI is concerned, especially in light of the timeframes set out that there may not currently be enough people in the industry with the requisite qualifications. BCI would be reluctant to see the qualification standard reduced, but Plan Change 5 should only be approved at such time there is confidence that the relevant matters can be met.

- 19 Finally, BCI is concerned that the section 32 analysis accompanying the plan change does not appropriately consider the costs associated with the Farm Portal - and in particular the implications that will arise through in many instances requiring significant on-farm reductions and changes in management tools to meet the relevant outputs of the Farm Portal (albeit in circumstances where those reductions may have been brought about by errors or a lack of representativeness in the Farm Portal framework).

Annexure 2: Specific relief sought

Note : Text from plan change relevant to sought amends is set out in the Relief Sought. Further amends are shown in red and either as ~~strikethrough~~ or underline.

Definitions

#	Page	Reference	Issue/concern	Relief sought
1	3-1	"Baseline GMP Loss Rate"	<p>It is understood that the intention of the definition of "<i>Baseline GMP Loss Rate</i>" is to bring those properties currently operating within their nitrogen baseline into line with "<i>good management practice</i>".</p> <p>It relies on an analysis of "<i>for the farming activity carried out during the nitrogen baseline period</i>". This appears difficult to apply where there may have been more than one farming activity carried out during "<i>nitrogen baseline period</i>" – or where dryland is converted to irrigation.</p>	<p>Ensure irrigation scheme nutrient losses continue to be managed at the Scheme level (rather than at the individual property level).</p> <p>In that context, the 'Baseline GMP Loss Rate' should not apply to the management of irrigation scheme losses. This in turn means that the Farm Portal should not be used as a means of assessing a 'Baseline GMP Loss Rate' for properties within the Scheme. BCI has set out relief in respect of further advisory notes elsewhere in this submission that would assist in achieving that.</p> <p>In the alternative, BCI seeks that:</p> <ul style="list-style-type: none"> the definition of 'nitrogen baseline' be amended to expressly accommodate properties converting to irrigation (or an equivalent amendment made to the definition of 'Baseline GMP Loss Rate' (see submission below on 'nitrogen baseline'))); and the Farm Portal be used/structured in a manner that accommodates a dryland property converting to irrigation. This

#	Page	Reference	Issue/concern	Relief sought
				would require assumptions around the irrigation system and a farming activity that was based on irrigated landuse.
2	3-2	"Good Management Practices"	The good management practices (as reflected in this definition and Schedule 28) are supported, although it is noted that BCI is seeking relief elsewhere in this submission that would require the Good Management Practices to be kept under review and if necessary a further plan change promulgated at the time any material change occurred.	Retain notified wording of definition and include relied as set out elsewhere in this submission.
3	3-2	"Good Management Practice Loss Rate"	<p>Consistent with its submission in relation to "Baseline GMP Loss Rate", it is not clear how the Council intends to treat properties which have undertaken different farming activities within (for "Good Management Practice Loss Rate") the most recent four year period – especially those that have converted to irrigation.</p> <p>Even without conversion to irrigation, in many cases, different farming activities or a combination of farming activities will be undertaken during each 4 year period. Each farming activity may have a different good management practice loss rate.</p>	<p>Amend the definition of "Good Management Practice Loss Rate":</p> <p><u>means the nitrogen loss rate below the root zone, as estimated by the Farm Portal, for:</u></p> <ul style="list-style-type: none"> <u>the farming activity with the highest annual losses carried out over the most recent four year period, if operated at good management practice; or</u> <u>in the case of a property that has converted to irrigation, the irrigated land use, if operated at good management practice.</u> <p>And ensure the Farm Portal is used/structured in a manner that accommodates a dryland property converting to irrigation. This would require assumptions around the irrigation system and a farming activity that was based on irrigated landuse.</p>
4	3-2	"Nitrogen	Although there has been some minor amendment to the definition to change the timeframes to which it applies, BCI	Amend the definition to include a new (d):

#	Page	Reference	Issue/concern	Relief sought
		baseline"	<p>considers further amendment is required to address the concern set out in respect of (for example) the Baseline GMP Loss Rate around the conversion of dryland properties to irrigation.</p> <p>It is noted that this submission is in part an alternative submission to the primary BCI submission that Rules 4.34 to 4.38E (along with associated definitions and a requirement to use the Farm Portal) should not apply to irrigation schemes.</p>	<p><u>(d) in the case of an irrigation scheme, the maximum, as included in a resource consent:</u></p> <p><u>i) rate at which nitrogen may be leached from the properties supplied water by the irrigation scheme or principal water supplier; or</u></p> <p><u>ii) concentration of nitrogen in drainage water leached from the properties supplied water by the scheme or principal water supplier.</u></p>
5	3-2	"Nutrient User Group"	<p>To assist in the implementation of nutrient controls, BCI seeks a definition of "Nutrient User Group" (along with further provision relating to the implementation of collectives).</p> <p>This will ensure consistency with the Waitaki provisions and other sub-regional chapters that make reference to nutrient user groups. A Nutrient User Group should be able to occur within and outside an irrigation scheme.</p>	<p>Include a definition of "Nutrient User Group":</p> <p><u>means a group of properties in multiple ownership, where the owners of those properties undertake farming activities and operate as a collective for the purposes of nutrient management.</u></p>
6	3-2	"Principal water supplier"	<p>This submission is generally supportive of the amendments proposed to the definition but notes that use of the word "<i>subsequently</i>" appears to suggest that the supply of water is different to the conveyance of water. In most cases they will be the same thing. The definition would read better if the definition was removed.</p>	<p>Support in part.</p> <p>Delete the word "<i>subsequently</i>" from the definition:</p> <p>a publicly or privately owned supplier that is the sole abstractor of water which is subsequently conveyed and distributed to constituent irrigation schemes, community Principal water supplier and/or stockwater</p>

#	Page	Reference	Issue/concern	Relief sought
				schemes, hydro-electricity generators and/or other users of the water.
7	3-3	"Winter grazing"	Reference to supplementary feed within this definition creates uncertainty and is in circumstances where at least in some cases supplementary feed can be provided without causing high nitrogen or phosphorous losses.	<u>Means the grazing of cattle within the period of 1 May to 30 September, where the cattle are contained for break-feeding of in-situ forage brassica and root vegetable crops or supplementary feed that has been brought onto the property</u>

Policies

#	Page	Reference	Issue/concern	Relief sought
8	4-2	4.11	<p>Limiting the duration of resource consents is potentially problematic, especially in the case of irrigation infrastructure where the level of investment is such that finance will be difficult to obtain if consent durations are short with no certainty that consent will be renewed.</p> <p>In addition, the revised policy refers to the Council's Progressive Implementation Programme. On the basis of the section 32 report it appears that this is a reference to the publicly notified programme relating to the implementation of the NPSFM. Although BCI does not necessarily take issue with the correct implementation of the National Policy Statement for Freshwater Management, it is unclear from reading the policy as to exactly that is envisaged and how it might be applied.</p> <p>This includes for example the Selwyn Waihora, Hinds Plains and South Canterbury Areas that have all been through a plan change process (so to varying extents in line with the NPSFM)</p>	<p>Delete 4.11</p> <p>Or (contrary to BCI's primary submission), if 4.11 is retained it should be amended to read</p> <p>Acknowledging the pivotal role of good management practices in the sustainable management of the Region's water bodies, good management practice will be codified and introduced into this Plan by way of a plan change on or before 30 October 2016. The setting and attainment of catchment specific water quality and quantity outcomes and limits is enabled through <u>limiting the duration of any resource consent granted under the region wide rules in this Plan to a period not exceeding five years past the expected notification date (as set out in the Council's Progressive Implementation Programme) of any ensuring that any consent granted under the region wide rules in this Plan includes appropriate review conditions to assist in meeting any catchment specific water quality and quantity outcomes introduced by way of future plan change</u> plan change that will introduce water quality</p>

#	Page	Reference	Issue/concern	Relief sought
			<p>but further plan changes may be required in the future to bring the relevant area full in line with the NPSFM. It is unclear whether 4.11 will apply as consents in those areas are not “<i>granted under the region wide rules in this Plan</i>”.</p> <p>There is no reason why effective review conditions within any consents granted prior to the notification of any further plan change cannot serve a similar function – while ensuring that consent holders have the certainty of holding consent. This is especially so in relation to existing green/blue and orange zones where water quality outcomes are being met.</p>	<p>or water quantity provisions into Sections 6 – 15 of this Plan.</p>
9	4-2	4.36	<p>As set out elsewhere in this submission, it appears that applications for resource consent by irrigation schemes will continue to be determined through Rule 5.60 and 5.62 (which are now supplemented by Rule 5.41A) and the relevant sub-regional chapters.</p> <p>Under Rule 5.60 to 5.62 there is no requirement for irrigation schemes to manage their nutrient losses through the Farm Portal and in many cases irrigation schemes will have their own system – with the primary objective being to manage farming activities to achieve whole-of-scheme nutrient loss/load limit(s).</p> <p>Rule 4.36 should be amended to reflect the flexibility that needs to be extended to irrigation schemes and principal water suppliers.</p>	<p>Include a new clause (bbb) within Policy 4.36:</p> <p><u>(bbb) enable irrigation schemes and principal water suppliers to manage nutrient loss on the properties supplied with water through use of the Farm Portal or other mechanisms included in a resource consent for the purpose of controlling nutrient losses.</u></p>

#	Page	Reference	Issue/concern	Relief sought
10	4-3 – 4-4	4.37 4.38 4.38AA 4.38A 4.38B 4.38C 4.38D	<p>In the case of irrigation schemes, these are consented and form part of the existing environment (noting the existing environment is relevant for the determination of plan changes as set out in <i>Shotover Park Ltd v Queenstown Lakes District Council</i>¹).</p> <p>If not yet fully implemented then it appears there will be issues with undertaking further development as it will exceed the Baseline GMP Loss Rate on the individual properties within the Scheme. It is currently not clear around the extent to which the Policies identified are intended to apply to irrigation schemes although it appears they are only intended to apply to individual properties.</p> <p>In such circumstances the Baseline GMP Loss rate (if it is to apply at all) should be determined on the basis of the proposed irrigated land use (as set out in the relevant resource consent(s)) based on irrigation occurring.</p>	<p>Include an explanatory note advising that Policies 4.36 to 4.38E are not to apply to Irrigation Schemes:</p> <p>Policies 4.37 to 4.38E only apply to individual farming activities and farming enterprises. Irrigation Scheme nutrient losses are to be managed through policies 4.40 to 4.41D.</p>
11	4-4	4.38AB	<p>Application of the permitted baseline is orthodox in respect of resource consent applications and anticipated by the Act. It is accepted that in the context of sections 95D(2) and 104(2) regard to the permitted baseline is discretionary, but that discretion will typically be exercised in favour of application of the permitted baseline provided it is 'non-fanciful' and useful in terms of informing decision making. There is considerably caselaw surrounding the permitted baseline that assists in</p>	Delete Policy 4.38AB.

¹ *Shotover Park Ltd v Queenstown Lakes District Council* [2013] NZHC 1712.

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			<p>informing the exercise of that discretion.</p> <p>By removing the permitted baseline (and having regard to the fact that a number of other policies and rules that, for example, anticipate water quality being "<i>maintained</i>"), Policy 4.38AB effectively undermines the wider suite of policies that do anticipate resource consent applications being made.</p> <p>In particular, an activity that might require resource consent in circumstances where the 'effects' might be less than minor or even result in an improvement (as against an existing permitted activity) might be problematic if the starting point is to assume that the permitted activity does not exist in the first place.</p> <p>It is also emphasised (in accordance with <i>Rodney District Council v Eyres Eco-Park Limited</i> (CIV 2005-485-33, High Court, 13 March 2006 , para [105])) that the permitted baseline is not intended to include activities being carried out in reliance of any existing use rights (which in this context would include existing resource consents or authorisations). Removal of the permitted baseline accordingly serves little utility in the case of any existing activity being carried at the moment.</p> <p>There appears to be no reason for departing from the orthodox position.</p>	
12	4-4	4.38A	Given that under BCI's proposed relief Policy 4.38A would apply only to individual farming activities, BCI's submission in respect	Oppose

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			<p>of this policy is effectively in the alternative.</p> <p>Policy 4.38A does not include any express provision for activities that are consented but not yet implemented (as at 13 February 2016). This is especially relevant for any farm enterprise consent or irrigation scheme consent (were the policy to apply) where there might be considerable 'headroom' included in the consent to accommodate the full implementation of the farm enterprise or irrigation scheme. It could however also apply to individual farming operations – especially where they may have obtained consent prior to 13 February 2016 but are yet to fully implement it.</p> <p>In green and light blue zones greater flexibility should be afforded to increases over the nitrogen baseline. It should not be included in Policy 4.38A.</p>	<p>Amend Policy 4.38A to read:</p> <p><u>4.38A Within the Red, Orange, Green or Light Blue Nutrient Allocation Zones, only consider the granting of an application for resource consent to exceed the nitrogen baseline where:</u></p> <p>(a) <u>the applicant holds a resource consent authorising an exceedance of the nitrogen baseline that was granted prior to 13 February 2016 (including any renewal of that resource consent after 13 February 2016); or</u></p> <p>(b) (a) the:</p> <p>(i) <u>nitrogen baseline has been lawfully exceeded prior to 13 February 2016 and the application contains evidence that the exceedance was lawful; and</u></p> <p>(c)(ii) <u>the nitrogen loss calculation remains below the lesser of the Good Management Practice Loss Rate or the nitrogen loss calculation that occurred in the four years prior to 13 February 2016.</u></p>
13	4-5	4.38B	<p>Given that in accordance with BCI's preferred relief it appears that Policy 4.38B is intended to apply to individuals, BCI does not have any particular issue with the intent of Policy 4.38B (although notes that in many instances it will not necessarily be "property owners" that are responsible for undertaking a farming activity and providing information to the Farm Portal – but</p>	<p>Amend Policy 4.38B to refer to "people undertaking a farming activity" rather than "property owners".</p>

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			rather a Scheme, share-milker or lessee etc (it is suggested that the focus should be on " <i>people undertaking a farming activity</i> ").	
14	4-5	4.38C 4.38D New (adjunct to the above)	<p>Given that under BCI's proposed relief Policy 4.38C and 4.38D would apply only to individual farming activities, BCI's submission in respect of these policies is effectively in the alternative.</p> <p>In that context it is noted that BCI has concerns with the extent to which Baseline GMP Loss rates will be achievable (including but not limited to the extent to which the Farm Portal is able to accurately and correctly calculate an appropriate Baseline GMP Loss rate).</p> <p>In addition to that:</p> <ul style="list-style-type: none"> 30 June 2020 may not be achievable for some farming operations without significant social and economic repercussions (especially those that are required to make significant reductions in order to reach their relevant Baseline GMP Loss rate). Given the inability of submitters to 'ground truth' the Farm Portal as part of the submission process it unclear on exactly the extent to which such reductions will be required and achievable; and In terms of the Farm Portal itself, if it does become further apparent that there are errors in the assumptions and modelling framework then there needs to be ability to seek resource consent to effectively remove the requirement to 	<p>In order to ensure scope within this submission, the policies should be amended to ensure that the Baseline GMP Loss rate only need to be complied with by 30 June 2030 (emphasising that this relief is only being sought in circumstances where the extent to which compliance with the notified policy is possible is currently unknown – it might well be that a different date either before or after 30 June 2030 is appropriate).</p> <p>In addition a further policy is sought and Policy 4.38C and 4.38D should be amended to provide:</p> <p><u>4.38C Where a policy or a condition in a rule requires compliance with a Baseline GMP Loss rate, compliance with that loss rate shall, except as provided by Policy 4.33CC, not be required prior to 30 June 2020.</u></p> <p><u>4.38D Where a policy or rule requires a farming activity to be managed in accordance with the Good Management Practice Loss Rate, compliance with that loss rate shall not be required prior to:</u></p> <p>(a) <u>1 July 20167 for any land where part of the property is located within the Lake Zone;</u></p> <p>(b) <u>1 January 20178 for any land where part of the property</u></p>

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			<p>comply with an incorrect or misrepresentative Baseline GMP Loss rate.</p> <ul style="list-style-type: none"> Based on BCI's experience, the Farm Poortal is not reliable for most arable farm systems or where reasonable adjustments to the original inputs have been made to the original OVERSEER file to mitigate 'bugs' in the programme. The authors of OVERSEER have indicated timeframes of up to 10 years before the arable module will be functional without manual adjustments. 	<p><u>is located within the Orange Nutrient Allocation Zone;</u></p> <p><u>(c) 1 July 2017⁸ for any land where part of the property is located within the Red Nutrient Allocation Zone;</u></p> <p><u>(d) 1 January 2018⁹ for any land where part of the property is located within the Green or Light Blue Nutrient Allocation Zone,</u></p> <p><u>except where it can be demonstrated by the applicant that:</u></p> <p><u>(e) the Farm Portal does not provide accurate or appropriate Good Management Practice Loss Rate for the farming activity undertaken; and</u></p> <p><u>(f) good management practices and the matters set out in Schedule 28 are being achieved.</u></p> <p>The new Policy 4.33CC would provide:</p> <p><u>4.33CC To enable resource consent to be obtained for a farming activity with a nitrogen loss that is greater than its Baseline GMP Loss Rate or Good Management Practice Loss Rate, provided that the applicant demonstrates:</u></p> <p><u>(a) the nitrogen loss does not exceed the nitrogen baseline;</u> <u>or</u></p> <p><u>(b) that the nitrogen loss was authorised by a resource consent that was granted prior to 13 February 2016</u></p>

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				<p><u>(including any renewal of that resource consent after 13 February 2016).</u></p> <p><u>and:</u></p> <p><u>(c) the Farm Portal does not provide accurate or realistic Baseline GMP Loss rates for the farming activity undertaken; and</u></p> <p><u>(d) good management practices and the matters set out in Schedule 28 are being achieved.</u></p> <p>The new rule is discussed below.</p>
15	5-4	New Policy (adjunct to Rule 5.42A)	<p>The Farm Portal (and the 'Baseline GMP Loss Rate', 'Nitrogen Baseline' and 'Good Management Practice Loss Rate') all appear to assume that the property area is effectively fixed in perpetuity.</p> <p>This is typically not the case with farmers regularly 'adding on' or 'subtracting' land from their farming operation. In the case of irrigation development in particular farmers will often undertake boundary adjustments, subdivision or enter into informal arrangements in order to optimise the efficiency or irrigation infrastructure (for example to allow a centre pivot to go over the original property boundary).</p> <p>Following such changes to land area the original OVERSEER input files will no longer be relevant to the farming operation</p>	<p>Include a new Policy:</p> <p><u>[x] Where any property area is amended during or following the establishment of the nitrogen baseline, the Baseline GMP Loss Rate, and the Good Management Practice Loss Rate for the new property area shall be modelled with corrected input data on the basis that:</u></p> <p><u>a. the amendment to the property area existed prior to the nitrogen baseline period; and</u></p> <p><u>b. the farming activity being carried out on the property was that occurring after the amendment to the property area,</u></p>

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			<p>and/or will need to be amended to accommodate the changes based on the more recent/changed farming system.</p> <p>Rule 5.42A deals with properties that straddle more than one Nutrient Allocation Zone but does not deal with properties that might change their area within the same Nutrient Allocation Zone.</p>	<p><u>provided that the nitrogen baseline (as pro-rated across the original property areas) is not exceeded.</u></p>
16	4-5	New	<p>To assist in the implementation of nutrient controls, BCI seeks a definition of "Nutrient User Group" along with further provision relating to the implementation of collectives.</p> <p>This will ensure consistency with the Waitaki provisions and other sub-regional chapters that make reference to nutrient user groups. A Nutrient User Group should be able to occur within and outside an irrigation scheme.</p>	<p>Include a new policy (consistent with Policy 15B.4.17 of the proposed Waitaki provisions):</p> <p><u>Collectives</u></p> <p><u>15B.4.17 Applications for a resource consent to establish a Nutrient User Group shall describe:</u></p> <p>(a) <u>the procedures and methods for recording nitrogen losses from properties within the Nutrient User Group; and</u></p> <p>(b) <u>the methods for redistributing nitrogen losses when a property joins or leaves a Nutrient User Group; and</u></p> <p>(c) <u>the annual reporting requirements; and</u></p> <p>(d) <u>how compliance with the actions set out in each Farm Environment Plan will be achieved.</u></p>

#	Page	Reference	Issue/concern	Relief sought
17	4-6	4.41A	<p>Policy 4.41A relates to the preparation of accurate nutrient budgets and farm environment plans. It appears to be primarily aimed at ensuring nutrient budgets and farm environment plans relating to individual properties are prepared in an accurate matter.</p> <p>It cross-references a controlled activity consenting pathway for those properties where (under Rule 5.44B for example) a farm environment plan has been prepared by an Accredited Farm Consultant.</p> <p>In the case of an irrigation scheme, the farm environment plans that apply to each property will be prepared in accordance with the procedure set out in the relevant resource consents held by the irrigation scheme. In such circumstances Policy 4.41A would be assisted by a further clause that anticipates preparation of farm environment plans within irrigation schemes.</p>	<p>Amend Policy 4.41A to provide:</p> <p><u>4.41A The contribution that the preparation of accurate nutrient budgets and Farm Environment Plans make to the attainment of the water quality outcomes is recognised by:</u></p> <p>(a) <u>requiring the preparation of nutrient budgets in accordance with the Overseer Best Practice Input Standards; and</u></p> <p>(b) <u>applying to any nutrient budget that forms part of an application for resource consent a level of scrutiny that is proportional to the qualifications, experience and performance of the person who prepared the budget; and</u></p> <p>(c) <u>providing a requirement in resource consents held by irrigation schemes and principal water suppliers for the preparation and oversight of Farm Environment Plans</u></p> <p>(d) <u>providing a controlled activity consent pathway for resource consent applications in relation to properties that do not receive water from an irrigation scheme or principal water supplier that have been prepared or reviewed by an Accredited Farm Consultant.</u></p>
18	4-6	4.41B	There is an error in the numbering of Policy 4.41B – what is currently (f) should be (e)(i) – which will in turn mean that (f)(i)	Correct typographical errors as set out in the <i>Issue/concern</i> column.

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			<p>becomes (e)(ii) and (f)(ii) will become (e)(iii).</p> <p>In addition to the above, BCI understands that in the context of requiring an Accredited Farm Consultant and a Certified Farm Environment Plan Auditor there are doubts over whether there are currently sufficient people in the industry to accommodate the various requirements of Plan Change 5. This is discussed further in BCI's general submission.</p>	
19	4-6	4.41C	<p>Consistent with the concerns set out elsewhere in this submission, there is little provision made for consented but yet to be fully implemented resource consents.</p> <p>This is especially relevant for any irrigation scheme consent or farm enterprise consent where there might be considerable 'headroom' included in the consent to accommodate the full implementation of the farm enterprise or irrigation scheme.</p> <p>Policy 4.41C can also be compared with the wider suite of policies that anticipate some increase in the nitrogen baseline in some circumstances, whereas an irrigation scheme is limited to its nitrogen baseline.</p>	<p>Amend Policy 4.41C to provide:</p> <p><u>4.41C MaintainManage water quality in Orange, Green and Light Blue Nutrient Allocation Zones, and improve water quality in Red NutrientAllocation Zones and Lake Zones by requiring:</u></p> <p>(a) <u>any application for resource consent for the discharge of nutrients submitted by an irrigation scheme or principal water supplier to describe the methods that will be used to implement the good management practices on any land that will be supplied with water from the scheme or principal water supplier; and</u></p> <p>(b) <u>discharge permits granted to irrigation schemes or principal water suppliers to be subject to conditions that restrict the total nitrogen loss to a limit not exceeding:</u></p> <p><u>(i) the nitrogen loss that was authorised by a resource consent that was granted prior to 13 February 2016 (including any renewal of that</u></p>

#	Page	Reference	Issue/concern	Relief sought
				<p><u>resource consent after 13 February 2016); or</u></p> <p>(ii) <u>the Baseline GMP Loss Rate for any land within the Red, Lake or Orange Nutrient Allocation Zones; and</u></p> <p>(iii) <u>in the case of a total of 5kg/ha/yr above the Baseline GMP loss rate for any land within the Green or Light Blue Allocation Zones, a Good Management Practice Loss Rate based on the proposed irrigated land use and spray irrigation with an efficiency of 80%.</u></p>
20	4-7	New (adjunct to 4.41D)	<p>Policy 4.41D provides for the matters that need to be provided in any Environmental Management Strategy for an irrigation scheme. There is no equivalent policy that applies to farming enterprises.</p> <p>It is noted that the relief sought is generally consistent with the express provision that was made for farming enterprises in Plan Changes 1, 2 and 3.</p> <p>BCI considers that a farming enterprise regime is appropriate in the circumstance that a property within the farming enterprise is also a member of an irrigation scheme.</p>	<p>Include a new Policy 4.41DD:</p> <p><u>4.41DD Applications by farm enterprises for a resource consent for the use of land for a farming enterprise or the discharge of nutrients are to be accompanied by an Environmental Management Strategy that describes:</u></p> <p>(a) <u>how the nutrient load for which resource consent is sought has been calculated, and the rationale for that nutrient load applied; and</u></p> <p>(b) <u>how nutrients from all land subject to the farming enterprise will be accounted for; and</u></p> <p>(c) <u>how properties joining or leaving the farming enterprise are to be managed, including the method to be used to</u></p>

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				<p><u>calculate the nutrient load that will be allocated to any property leaving the farming enterprise; and</u></p> <p><u>(d) the proposed monitoring and reporting regime to the CRC, including, but not limited to, a description of the:</u></p> <p><u>(i) audit systems that will be used to assess individual on-farm compliance with the content of any Farm Environment Plan; and</u></p> <p><u>(ii) methods used to address non-compliances identified in individual on-farm audits; and</u></p> <p><u>(iii) proposed data to be collected and the frequency of any proposed reporting to the CRC.</u></p>
21	4-7	4.41D	<p>Policy 4.41D is specific to irrigation schemes.</p> <p>Policy 4.41D(b) provides for “<i>how nutrients from all land subject to any permit granted to the scheme or principal water supplier will be accounted for</i>”. Although the intent is understood, it needs to be recognised that irrigation schemes typically have:</p> <ul style="list-style-type: none"> • properties that are actually supplied water by the scheme or principal water supplier; • land that is actually irrigated by the scheme (generally been a subset of the above); 	<p>Amend Policy 4.41D(b) to provide:</p> <p><u>4.41D Applications by irrigation schemes or principal water suppliers for a resource consent for the use of land for a farming activity or the discharge of nutrients are to be accompanied by an Environmental Management Strategy that describes:</u></p> <p><u>(a) how the nutrient load for which resource consent is sought has been calculated, and the rationale for that nutrient load applied, including whether the nutrient losses from properties that are only partially irrigated by the scheme or principal water supplier are proposed to</u></p>

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			<ul style="list-style-type: none"> a much larger command areas within which irrigation is authorised to occur; and some properties receiving water within the scheme meet permitted activity nutrient status as they may be less than 10 hectares total, irrigate less than 50 hectares or winter graze less than 20 hectares. <p>Reference to “<i>all land subject to any permit granted</i>” is therefore unclear. It is assumed that the intended reference is to properties that are actually supplied water by the Scheme.</p> <p>Flexibility also needs to be included in the policy and rules framework to accommodate the supply of water to a property that is either partially irrigated, or fully irrigated with the Scheme only providing ‘top up’ water to the relevant property.</p>	<p><u>be fully accounted for by the scheme; and</u></p> <p>(b) <u>how nutrients from all land subject to properties supplied with water under any permit granted to the scheme or principal water supplier will be accounted for, including whether the nutrient losses from properties that are only partially irrigated by the scheme or principal water supplier are proposed to be fully accounted for by the scheme or managed by the individual property; and</u></p> <p>(c) <u>how properties joining or leaving the irrigation scheme or principal water supplier area are to be managed, including the method to be used to calculate the nutrient load that will be allocated to any property leaving the scheme; and</u></p> <p>(d) <u>the proposed monitoring and reporting regime to the CRC, including, but not limited to, a description of the:</u></p> <p>(i) <u>audit systems that will be used to assess individual on-farm compliance with the content of any Farm Environment Plan; and</u></p> <p>(ii) <u>methods used to address non-compliances identified in individual on-farm audits; and</u></p> <p>(iii) <u>proposed data to be collected and the frequency of any proposed reporting to the CRC.</u></p>

#	Page	Reference	Issue/concern	Relief sought
				<p>In addition to the above (and on the basis that Policy 4.38AB is deleted), BCI seeks a further proviso on the end of clauses (a) and (b) to the effect that:</p> <p><u>and excluding properties irrigated by the scheme that are less than 10 hectares, or irrigate less than 50 hectares or winter graze less than 20 hectares.</u></p>

Rules

#	Page	Reference	Issue/concern	Relief sought
22	5-3	5.41A	<p>Rule 5.41A proposes that the use of land within an irrigation scheme will be a permitted activity where the irrigation scheme holds an exist permit that controls the maximum rate at which nitrogen may be leached or the concentration of nitrogen in the drainage water.</p> <p>For completeness it is noted that Rule 5.41A <i>in itself</i> appears to accommodate irrigation schemes (or other entities) that may hold relevant resource consents but are yet to fully implement those resource consents.</p> <p>To this extent it is also noted that on the basis that rules 5.60 to 5.62 of the Canterbury Land & Water Regional Plan are not being amended by PC5, Rules 5.43A to 5.59A will have no relevance to</p>	<p>Rule 5.41A. should be amended to provide:</p> <p><u>5.41A Despite Rules 5.43A to 5.59A5.62 (or any sub-regional chapter), the use of land for a farming activity where either:</u></p> <p>a. <u>the nitrogen loss from the farming activity is being managed under a resource consent that is held by an irrigation scheme or principal water supplier and the permit contains conditions which limit:</u></p> <p>(i) <u>the maximum rate at which nitrogen may be leached from the subject land (as measured in kg/ha/yr); or</u></p> <p>(ii) <u>the concentration of nitrogen in the drainage</u></p>

#	Page	Reference	Issue/concern	Relief sought
			<p>determining the nutrient losses from an irrigation scheme.</p> <p>The introductory wording of Rule 5.41A should however be extended to cover irrigation schemes as consented through 5.60 to 5.62.</p> <p>It is also noted that there is currently a note included in the proposed Land and Water Regional Plan (on page 94) that provides useful guidance as to how Rules 5.60 to 5.62 are to be read in light of the [former] 5.43 to 5.59. Application of the plan would be assisted if this note were also amended as a consequential amendment to the changes proposed.</p> <p>More generally, BCI considers it important that an alternative consenting pathway is available in the circumstance where an irrigation scheme, principal water supplier, farming enterprise or individual considers the Farm Portal is not appropriate for their farming activity. Given that it appears resource consents for irrigation schemes will continue to be determined through Rule 5.60 to 5.62 (or the relevant sub-regional chapter), there appears to be no explicit requirement for the Farm Portal to apply to the management of nutrients within a Scheme (so no further changes to the rules are sought).</p>	<p><u>water leached from the subject land (as measured in ppm or q/m3); or</u></p> <p>b. <u>the land is subject to a water permit that authorises the use of water for irrigation and:</u></p> <p>(i) <u>the permit was granted prior to 18 January 2014; and</u></p> <p>(ii) <u>the permit is subject to conditions that specify the maximum rate of nitrogen that may be leached from the land; and</u></p> <p>(iii) <u>the water permit is subject to conditions which requires the preparation and implementation of a plan to mitigate the effects of the loss of nutrients to water is a permitted activity.</u></p> <p>And amend the note on page 94 of the Land & Water Regional Plan (as a consequential and necessary clause 16 amendment arising from the other changes sought):</p> <p><i>Notes:</i></p> <p>1. <i>If a property is irrigated with water from an irrigation scheme or principal water supplier that does not hold a discharge permit under Rule 5.62 <u>or a sub-regional chapter</u> or is not a permitted activity under Rules <u>5.41A or 5.61</u>, then it is assessed under Rules 5.43 to 5.59 <u>5.42A to 5.59A</u>.</i></p>

#	Page	Reference	Issue/concern	Relief sought
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23	5-3	5.42A	<p>Rule 5.42A a. provides that where a property farms within more than one Nutrient Allocation Zone <i>"the rules for each Nutrient Allocation Zone apply respectively only to the part of the property within that Zone"</i>.</p> <p>The intent of the rule is understood. However, from a practical perspective there are concerns that it will be difficult to implement given that the wider planning framework envisages nutrient loss being managed on a 'whole of property basis' and the fact a farming property will (for example) rotate cropping or winter grazing areas between paddocks. More flexibility therefore needs to be included within the plan framework – the intention being that nutrient losses will generally be 'pro-rated' across the respective Nutrient Allocation Zones but that this needs to be approached in a practical and workable way.</p>	<p>Amend Rule 5.42A to provide:</p> <p>a. <u>regard shall be had to the rules for each Nutrient Allocation Zone that apply respectively only to the part of to the property within that Zone while ensuring that nutrient loss is managed on a whole of property basis.</u></p>
24	5-6	New (adjunct to Rule 5.47A)	<p>Plan Change 5 Part A makes provision for farm enterprises whereas Part B (the Waitaki provisions) also makes provision for nutrient user groups. There appears to be no basis for the distinction.</p> <p>Nutrient User Groups are a useful tool and would assist in ensuring irrigation schemes and members within schemes (as well as those outside of a scheme) are able to more effectively manage the implications of the nutrient management regime in manner that is consistent with their respective farming</p>	<p>Include a new Rule:</p> <p><u>Nutrient User Groups</u></p> <p><u>[x] The use of land for a farming activity on a property that forms part of a Nutrient User Group is a discretionary activity, provided the following conditions are met:</u></p> <p>1. <u>A management plan is submitted with the application for resource consent, which sets out:</u></p>

#	Page	Reference	Issue/concern	Relief sought
			<p>operations.</p> <p>There is also no reason for preventing those within a farming enterprise also being part of a nutrient management group (although BCI's view is that they are really a reference to the same thing so there may be no need to duplicate the relevant provisions).</p>	<ul style="list-style-type: none"> a. <u>the properties forming the Nutrient User Group; and</u> b. <u>a map showing the location of all properties forming part of the Nutrient User Group; and</u> c. <u>the legal description of all properties and the legal names of the property owners forming part of the Nutrient User Group; and</u> d. <u>the method by which nitrogen losses will be managed and accounted for within the Nutrient User Group; and</u> e. <u>the method by which nitrogen losses will be redistributed upon any property or any part of any property withdrawing from the Nutrient User Group; and</u> <p>2. <u>A Farm Environment Plan has been prepared for each property in the Nutrient User Group in accordance with Schedule 7 and is submitted with the application for resource consent; and</u></p> <p>3. <u>The nitrogen loss calculation for the Nutrient User Group does not exceed the combined total of:</u></p> <ul style="list-style-type: none"> a. <u>for the properties that do not receive water from an irrigation scheme or principal water supplier:</u> <ul style="list-style-type: none"> i. <u>until 30 June 2020, the nitrogen baseline; and</u> ii. <u>from 1 July 2020, the Baseline GMP Loss Rate.</u>

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				<p><u>plus any increase lawfully permitted by this plan; and</u></p> <p>b. <u>for the properties that do receive water from an irrigation scheme or principal water supplier, where that irrigation scheme or principal water supply holds a resource consent that controls nutrient loss from properties supplied, the amount specified for those properties by that resource consent.</u></p>
25	5-6	5.47A	<p>In limited instances a farm enterprise may already be established across more than one surface water catchment – or part of a property within a farm enterprise may also include that falls outside the surface water catchment within which the majority of land is located.</p> <p>The use of non-complying activity status in the case of Rule 5.46A 3. is therefore supported. This is on the basis that if the applicant can show that the additional effect is no more than minor then it should be granted consent.</p>	Retain as notified.

Schedules

#	Page	Reference	Issue/concern	Relief sought
26	6-3 - 6-8	Schedule 7	<p>The matters set out in Schedule 7 are generally supported.</p> <p>There is currently no explicit requirement within Schedule 7 to include a description of the “base” land use within the faFrm Environment Plan to cross reference at a later date to determine if, for example, intensification may have occurred. Currently up to 8 OVERSEER files (2009-2013 baseline period and previous four years) are required, all of which may need to be updated into the most recent version of OVERSEER to determine whether a property has intensified. As a scheme, we also would like to track changes of land use to prevent creep. Including a description of land use for key “intensification” indicators will screen out those who have made no significant changes to their land use and nutrient budgeting resources can be concentrated where there is most likely to be an issue. Assessment of this information can be included as a target in the Farm Environment Plan Audit.</p> <p>Clause 4B does not appear to be adequately structured to accommodate irrigation schemes (where the nitrogen baseline for dryland property will be irrelevant for ongoing farming activity and the establishment Baseline GMP Loss Rates). In such cases the nitrogen losses on the property will need to be managed according to the terms of any resource consent and management procedures applied by the irrigation scheme.</p> <p>The “<i>Management Area: Nutrient Management</i>” is similarly focused on individual farming activities and farming enterprises.</p>	<p>Retain Schedule 7 (subject to the amendments set out below).</p> <p>Include 1A: Base land use description</p> <p><u>Where the farming activity or farming enterprise is not being managed under a resource consent held by an irrigation scheme or principal water supplier, the base land use description is the land use within the baseline period.</u></p> <p><u>Where the farming activity or farming enterprise is being managed under a resource consent held by an irrigation scheme or principal water supplier, the base land use description applies at the date determined by the Environmental Management Strategy, and shall include a description of the</u></p> <ul style="list-style-type: none"> (a) <u>Area of property;</u> (b) <u>Farm system description;</u> (c) <u>Area and method(s) of irrigation;</u> (d) <u>Area and timing of winter grazing;</u> (e) <u>Stock type and Relative stock units per hectare; and</u> (f) <u>Average nitrogen fertiliser inputs (kg N/ha)</u>

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			<p>The use in 'Target 1' of the 'Good Management Practice Loss Rates' is not applicable for irrigation schemes, as the individuals within the scheme are managed within Scheme loading limits.</p> <p>The target also assumes "GMP Loss Rates" is the only measure needed to determine whether nutrient losses to groundwater are managed to good practice. Due to the limitations of the OVERSEER model, (and going forward given the time it takes to incorporate new science into the model), new mitigation strategies to reduce nitrogen leaching are currently not built into the model and are therefore not able to be assessed - however early adopters of these strategies should be recognised for their efforts through the Farm Environment Plan audit process.</p> <p>Also, to minimise the resourcing needed to update baseline files to OVERSEER, the Farm Environment Plan Auditor can assess current practice against base land use recorded in the Farm Environment Plan to determine whether or not the farm has likely intensified. BCI feels this approach will ensure closer management of "intensification creep" without the resourcing required to update all relevant OVERSEER files annually.</p> <p>These two strategies also address the issue of the Farm Portal assessing GMP Loss Rates for land uses which cannot be reliably modelled in OVERSEER.</p> <p>BCI therefore seeks to include two new targets within the nutrient management objective to enable the auditors to assess effective nutrient management and identify changes in land use</p>	<p>Amend clause 4B to include new introductory wording:</p> <p><u>Where the nitrogen loss from the farming activity or farming enterprise is not being managed under a resource consent held by an irrigation scheme or principal water supplier:</u></p> <p>...</p> <p>Include a new clause 4C:</p> <p><u>Where the nitrogen loss from the farming activity or farming enterprise is being managed under a resource consent held by an irrigation scheme or principal water supplier:</u></p> <p>a. <u>a description of how the conditions of the resource consent held by the irrigation scheme or principal water supplier that relate to nitrogen loss on the individual property(ies) are being met.</u></p> <p>Amend <i>Management Area: Nutrient Management</i> to read:</p> <p><u>Target (1) Nitrogen losses from farming activities are at or below the Good Management Practice; or are compliant with the Scheme Nitrogen Discharge Allowance; or any applicable and consented nitrogen loss rates.</u></p> <p><u>Target (1a) Nitrogen losses to groundwater from farming activities are minimised</u></p> <p>Amend <i>Management Area: Water-Use Management (excluding</i></p>

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			<p>over time.</p> <p>BCI is also concerned around the uncertainty of the application of "Management Area: Water-use Management (excluding irrigation water)" and the weighting of creating a new management area for other water usage on the overall Farm Environment Plan Audit outcome. This new management area appears to cover at least some water that can be taken as of right under section 14(3)(b) (without any requirement for metering etc) or under permitted activity rules. It is noted that the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 only anticipate metering in respect of takes where a water permit is held and where the take is over 5 litres per second.</p> <p>Overall FEP audit grades are determined by Level of Confidence (LOC) assessments for each management area. A Low LOC for a single management area will result in an overall "D" grade and require immediate action to avoid scheme penalties or a non-compliance with their consent. Due to much of the water used falling below permitted activity, 14(3)(b) rights or water metering requirements, the adverse environmental effect of not installing a water meter is minimal. Therefore, a farm receiving a D grade for not having a water meter installed when it has never been a requirement seems disproportionate to the actual adverse environmental effects of that activity.</p> <p>BCI seeks amendments to move the target under Water-Use Management to be a target within the Management Area: Irrigation and delete the Management Area: Water Usage</p>	<p>irrigation water) to read:</p> <p><u>Management Area: Irrigation Water Use Management</u></p> <p><u>...</u></p> <p><u>Target:</u></p> <p><u>(6) Actual consented water use for other water uses (excluding irrigation) is efficient for the end use.</u></p> <p><u>The plan shall only apply to water that is taken under a resource consent. Water taken under section 14(3)(b) or a permitted activity rule is not controlled by the Farm Environment Plan.</u></p> <p><u>The plan shall include for each objective and target in section 5 above:</u></p> <p><u>(a) detail commensurate with the scale of the environmental effects and risks;</u></p> <p><u>(b) a description of the actions and Good Management Practices (and a timeframe within which those actions will be completed) that will be implemented to achieve the objectives and targets.</u></p> <p><u>(c) the records required to be kept for measuring performance and achievement of the targets and objectives.</u></p> <p>Under this approach <i>Management Area: Water-use</i></p>

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			(excluding irrigation) or, in the alternative submission, ensure it only applies to water to which a resource consent is held. Water for domestic or stockwater supply (for example) that is taken under section 14(3)(b) falls outside the ambit of the plan.	<p><i>Management (excluding irrigation water)</i> would be deleted</p> <p>Alternatively, the Management Area: Water Use Management (excluding irrigation water) should be amended to achieve the same outcome as set out above.</p>
27	6-11	Schedule 28 (and the Portal)	<p>The intent of Schedule 28 is generally supported.</p> <p>BCI however has significant concerns with regard to the Farm Portal – given the proxies and rules currently relied on (and in part referenced in Schedule 28).</p> <p>This includes a concern (based on preliminary work done by other members of the primary sector) that there are errors within the proxies/inputs for the Farm Portal. To date, it is BCI's direct experience, albeit with the limited results available at the time of preparing this submission, that Good Management Practice loss rates for properties graded as an "A" during a Farm Environment Plan audit will more than likely still require significant reductions to achieve Good Management Practice Loss Rates. Properties audited as an "A" are best practice farms, early adopters of technology and have taken many years of development and education to achieve their level of farm practice. If these farmers are not able to achieve Good Management Practice Loss rates, the Farm Portal is clearly targeting nitrogen losses at or beyond best practice, not at Good Management Practice.</p>	<p>Correct all errors in the Farm Portal to ensure it correctly represents Schedule 28. Ensure Schedule 28 correctly reflects the intended good management practices.</p> <p>Include a new policy [X]:</p> <p><u>Reviews of the Farm Portal will be undertaken annually by the Canterbury Regional Council for the purposes of ensuring that:</u></p> <p>(a) <u>the Farm Portal includes accurate and up to date settings, parameters and formulae that correctly reflect Good Management Practices as included in Schedule 28; and</u></p> <p>(b) <u>the terminology and settings used in the Farm Portal are adjusted to align with the latest version of OVERSEER®; and</u></p> <p>(c) <u>that any consequential changes in:</u></p> <p>(i) <u>the Good Management Practices and Good Management Practice modelling Rules as incorporated into Schedule 28; or</u></p>

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			<p>There is also no ability to update the Portal to correct such errors and it appears it would need to be done via plan change (except in the case of minor Schedule 1 RMA, clause 16 amendments).</p> <p>It is noted that at the time of preparing this submission it is BCI's understanding that the Council had determined not to release a number of files that would be critical to understanding the extent to of the errors. BCI simply takes the position that full consideration of the Farm Portal assumptions and modelling framework are within the scope of the plan change and the correction of errors is within the scope of this submission.</p> <p>In terms of Schedule 28 itself (an how it has been reflected in the Farm Portal), BCI has concerns, in particular, that:</p> <ul style="list-style-type: none"> • the irrigation triggers have not been appropriately refined for different soil types; and • the fertiliser calculation is not robust. 	<p>(ii) <u>the settings, parameters and formulae within the Farm Portal</u></p> <p><u>that result in a change to the Baseline GMP Loss Rate or Good Management Practice Loss Rate that might apply to an individual farming operation are incorporated by way of plan change into Schedule 28 and the Farm Portal.</u></p> <p><u>In preparing any plan change as contemplated by Policy [X](c), the Council will:</u></p> <p>(a) <u>establish methods and a timeframe for the implementation of any revised Baseline GMP Loss Rate and Good Management Practice Loss Rate.</u></p>

