

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 - Central Plains Water Limited
Date: Friday, 11 March 2016 4:28:08 p.m.
Attachments: [CHCDOC01-#806663-v3-CPW_submission_on_PC5.pdf](#)

Good afternoon,

We act for Central Plains Water Limited (CPWL).

We attach, for lodging, CPWL'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**

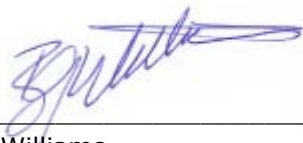
Clause 6 of Schedule 1, Resource Management Act 1991

To Canterbury Regional Council

Name of submitter: Central Plains Water Limited (CPWL)

- 1 This is a submission on:
 - proposed Plan Change 5 (PC5) 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 CPWL) in **Annexure 1** and its specific submissions in **Annexure 2**.
- 3 CPWL wishes to be heard in support of the submission.
- 4 If others make a similar submission, CPWL will consider presenting a joint case with them at a hearing.

Signed for and on behalf of Central Plains Water Limited by its solicitors and authorised agents Chapman Tripp



Ben Williams
Partner

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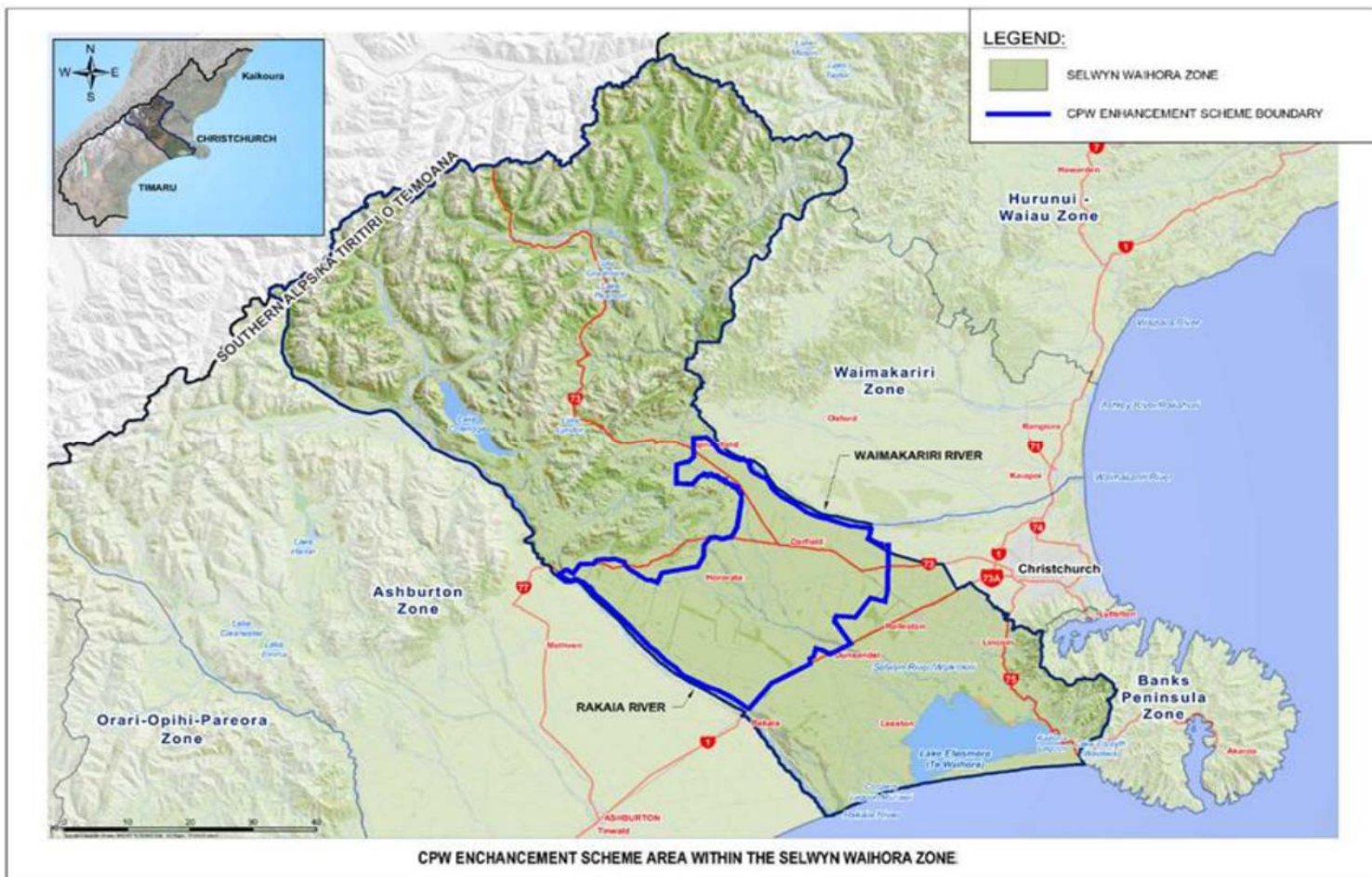
Annexure 1

Background to CPWL

Central Plains Water Limited

- 1 CPWL is the entity that has been licenced (from the Central Plains Water Trust) to oversee the development and operation of the Central Plains Water Scheme (*CPW Scheme*)
- 2 The CPW Scheme holds consent to take water from the Rakaia and Waimakariri Rivers for the irrigation of 60,000 hectares within the Central Plains area (being the area between the two rivers and the State Highway 1 / foothills as shown in Figure 1). Around half of this will replace (mainly) existing groundwater takes. The balance is 'new irrigation' on dryland.

**Figure 1: Central Plains Water command area
(relative to Selwyn Waihora Zone)**



- 3 Stage 1 of the Central Plains Water Scheme was completed in time for the 2015/16 irrigation season and enables the irrigation of approximately 20,000 hectares of farmland in the Canterbury Plains in an area bordered by the Rakaia and Hororata Rivers. Stage 1 takes water from the Rakaia River (with the primary infrastructure being sufficient to accommodate the development of the wider Scheme).
- 4 Planning for Stages 2+ is now well advanced (with all primary consents already being held).
- 5 When complete, the Central Plains Scheme will have been one of the largest construction projects to have been undertaken in the Canterbury Region (with a construction cost estimated to be \$385 million). In addition to this is the considerable expenditure required in relation to the development of irrigation infrastructure on each individual shareholder property.
- 6 The benefits of irrigation in the area are considerable. Economic assessment undertaken suggests that in 2020, the direct effect of the additional 30,000 new hectares of irrigated land on the Canterbury and New Zealand economy is \$158.63 million of additional revenue, with 465 additional full-time equivalent (FTE) jobs. In addition to this are significant indirect effects.¹

Interface with plan change 5

- 7 The CPW Scheme command area is all located within the area that has been separately addressed through the Plan Change 1 process (being Selwyn Waihora).
- 8 On the basis of the instruction provided at page 1-3 of Plan Change 5:

"Amendments to the Plan as a result of other plan changes (ie Plan Change 1, Plan Change 2, Plan Change 3, Plan Change 4 and Plan Change 6) do not form part of Part of Plan Change 5. No submission may be lodged on Plan Change 5 which seeks to amend provisions that are the subject of a separate plan change"
- 9 Accordingly, CPWL does not repeat or seek any amendments relevant to the matters that will included in the Canterbury Land and Water Regional Plan by virtue of Plan Change 1
- 10 Nevertheless, the reason CPWL makes this submission is that:
 - 10.1 the existence of a sub-regional chapter (in this case Plan Change 1) does not necessarily remove the need to consider the "Region-wide Amendments" being introduced through PC5 (although it appears that there are only a limited number of provisions that are directly relevant to CPW); and
 - 10.2 at some point in the future it is anticipated that the final provisions of the 'sub regional' plan changes (e.g. Selwyn Waihora, Hinds Plans and South Coastal Canterbury) may be brought into line with the final provisions of PC5.

¹ *Economic Value of Potential irrigation in Canterbury* Saunders and Saunders (2012) – as included in the evidence of Dr Caroline Mary Saunders to the Plan Change 1 hearing process.

- 11 The final provisions of PC5 are therefore *potentially* very relevant to the CPW Scheme.

Annexure 2: Specific relief sought

Note : Text from Variation relevant to sought amends is set out in italics. Further amendments are shown in red and either as ~~strikethrough~~ or underline.

General

#	Page	Reference	Issue/concern	Relief sought
1	Various	Definition of 'Farm Portal', Schedule 28, and all provisions that rely on the Farm Portal	<p>CPWL is generally supportive of the intent of the 'management tools' set out in Schedule 28. The core matters set out in the Schedule are already requirements of the CPWL farm plan framework and they largely reflect CPWL's understanding of 'good management practices'.</p> <p>Under the current CPWL consent framework these good management practices would be incorporated into the farm plan and water users (i.e. those receiving water from the Scheme) will need to comply with discharge limits that are already incorporated into CPWL take and use consent (and will be further incorporated into a land use/discharge consent being sought).</p> <p>Overall, the concept of using a web-based Farm Portal is supported but CPWL is concerned that it does not currently reflect the good management practices agreed with industry and might also be inconsistent with the management practices required in the Plan Change 3 area.</p> <p>Given that the CPWL Scheme is still in the development stage (with, for Stages 2+ in particular generally dryland being converted to irrigation) particular care also needs to be taken to</p>	<p>Ensure the Farm Portal provides accurate outputs that correctly reflect the good management practices as they were understood at the time of preparing the plan change.</p> <p>Provide that:</p> <ul style="list-style-type: none"> the Farm Portal and the requirement to comply with it do not apply to individual properties where those properties are receiving water from an irrigation scheme and the irrigation scheme is required under resource consents held by it to account for nutrient losses; and/or that the Farm Portal is used/structured to manage properties converting to irrigation. that flexibility is retained to select on-farm good management practices that are tailored to the property and not overtly prescriptive – including provisions for an alternative consenting pathway that does not rely on the outputs of the Farm Portal. <p>This is again on the understanding that irrigation schemes will continue to be considered and consented through (as a default Rules 5.60 to 5.62 with the support of proposed Rule 5.41A). This means</p>

#	Page	Reference	Issue/concern	Relief sought
			<p>ensure that 'Baseline GMP Loss Rate', 'Good Management Practice Loss Rate' and the 'Nitrogen baseline' (for example), along with the plan provisions that rely on those definitions/calculations are not used as a means to restrict development of irrigation within the CPWL Scheme.</p> <p>Water users who join the CPWL Scheme and convert to irrigation will in most cases have nitrogen losses that are higher than their nitrogen baseline. Equally, if Baseline GMP Loss Rates and Good Management Practice Loss Rate are to apply, they are to only apply to the extent that they assume irrigation and irrigated landuse (and not the farming activity that was occurring prior to irrigation).</p> <p>For completeness it is noted that given that 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). CPWL supports that approach – with in the instance of an irrigation scheme the key matter being management of a scheme load as anticipated by Rule 5.41A.</p>	<p>that there is no direct requirement within the rules to comply with the Farm Portal requirements (although it may still be relevant when, for example, considering the content of Farm Environment Plans through Scheme 7.</p> <p>To this extent CPWL supports irrigation schemes having the flexibility of either using the Farm Portal as a 'tool' to assist to manage their scheme losses (or continuing to rely on the conditions of resource consents). The ability to extract individual good management practice loss rates for individual farmers within the CPWL Scheme is potentially a very useful tool for the management of nutrient losses across the scheme.</p>

Definitions

#	Page	Reference	Issue/concern	Relief sought
2	3-1	"Baseline GMP Loss Rate"	<p>It is understood that the intention of the definition of "Baseline GMP Loss Rate" is to bring those properties currently operating within their nitrogen baseline into line with "good management practice".</p> <p>This will not work for properties that are changing their landuse from dryland to irrigation – or the definition needs to be adapted to assume irrigation is occurring under the irrigated land use (as provided under resource consents held by any irrigation scheme or principal water supplier).</p>	Ensure that 'Baseline GMP Loss Rate' does not apply directly to the management of irrigation scheme losses (which appears to the structure of the wider rules framework). In this context irrigation schemes will continue to be consented through Rules 5.41A, and 5.60 to 5.62 which provide greater flexibility in terms of how the Farm Portal might or might not be applied.
3	3-1	"Farm Portal"	<p>CPWL has already discussed the farm portal in the context of the general submissions set out above.</p> <p>CPWL is concerned to ensure that it provides accurate modelling outputs that correctly reflect Schedule 28 and that is able to accommodate properties converting to irrigation.</p>	CPWL repeats the relief set out in its General submission (#1, above)
4	3-2	"Good Management Practices"	The good management practices (as reflected in this definition and Schedule 28) are supported, although it is noted that CPWL 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.
5	3-2	"Good Management Practice Loss"	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	Amend the definition of " <i>Good Management Practice Loss Rate</i> ": <u>means the nitrogen loss rate below the root zone, as estimated by the</u>

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		Rate"	<p>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><u>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>
6	3-2	"Nitrogen baseline"	<p>Although there has been some minor amendment to the definition to change the timeframes to which it applies, CPWL considers further amend 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 CPWL 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>Amend the definition to include a new (d):</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>

#	Page	Reference	Issue/concern	Relief sought
7	3-2	"Principal water supplier"	This submission is generally supportive of the amendments proposed to the definition but notes that use of the word "subsequently" 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.	Support in part. Delete the word "subsequently" from the definition: 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 schemes, hydro-electricity generators and/or other users of the water.

Policies

#	Page	Reference	Issue/concern	Relief sought
8	4-2	4.11	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. 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 CPWL 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.	Delete 4.11 Or (contrary to CPWL's primary submission), if 4.11 is retained it should be amended to read 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 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

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			<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 are in line with the NPSFM) 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><u>includes appropriate review conditions to assist in meeting any catchment specific water quality and quantity outcomes introduced by way of future plan change plan change that will introduce water quality or water quantity provisions into Sections 6 – 15 of this Plan.</u></p>
9	4-1	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</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
			suppliers.	
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>²).</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>For completeness it is noted the effect of the note sought would be to control the matters considered when considering an application by an irrigation scheme. CPW still seeks that provision be made for individuals within an irrigation scheme to also be members of a farming enterprise.</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> <p>In the alternative, to the extent that the policies refer to a requirement to comply with the nitrogen baseline, the CPWL seeks that:</p> <ul style="list-style-type: none"> • amendments to the definition of nitrogen baseline as set out elsewhere in this submission be accepted; or • the relevant policies include an alternative to complying with the nitrogen baseline through inclusion of the following or similar text: <p><u>the nitrogen loss was authorised by a resource consent that was granted prior to 13 February 2016 (including any renewal or replacement of that resource consent after 13 February 2016).</u></p>

² *Shotover Park Ltd v Queenstown Lakes District Council* [2013] NZHC 1712.

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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 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</p>	Delete Policy 4.38AB.

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			<p>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	4-5	4.40 4.41 4.41B	<p>CPWL supports the use of Farm Environment Plans as a means of identifying and delivering good management practice.</p> <p>In the case of irrigation schemes, many such as the CPW Scheme already have comprehensive farm environment plan requirements that address all the matters set out in Policy 4.40.</p> <p>Care would need to be taken to ensure that only a single Farm Environment Plans need be prepared (that covers the matters required by any permitted activity or other rule under PC5 and the matters required by any resource consent held by an irrigation scheme).</p>	Support – subject to the understanding that in the case of an irrigation scheme there is no requirement to prepare ‘duplicate’ farm environment plans.
13	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</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><u>(a) requiring the preparation of nutrient budgets in accordance with the Overseer Best Practice Input</u></p>

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			<p>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><u>Standards; and</u></p> <p><u>(b) 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><u>(c) 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><u>(d) 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>
14	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</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 Nutrient Allocation Zones and Lake Zones by requiring:</u></p> <p><u>(a) 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</u></p>

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			<p>some circumstances, whereas an irrigation scheme is limited to its nitrogen baseline.</p>	<p><u>principal water supplier; and</u></p> <p><u>(b) 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 or replacement of that resource consent after 13 February 2016); or</u></p> <p><u>(ii) the Baseline GMP Loss Rate for any land within the Red, Lake or Orange Nutrient Allocation Zones; and</u></p> <p><u>(iii) 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>
15	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</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</u></p>

#	Page	Reference	Issue/concern	Relief sought
			<p>express provision that was made for farming enterprises in Plan Changes 1, 2 and 3.</p> <p>CPWL 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><u>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 calculate the nutrient load that will be allocated to any property leaving the farming enterprise; 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>
16	4-7	4.41D	Policy 4.41D is specific to irrigation schemes.	Amend Policy 4.41D(b) to provide:

#	Page	Reference	Issue/concern	Relief sought
			<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 being a subset of the above); and • a much larger command areas within which irrigation is authorised to occur. <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>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>(a) <u>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 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>

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				<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>

Rules

#	Page	Reference	Issue/concern	Relief sought
17	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</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</u></p>

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			<p>amended by PC5, Rules 5.43A to 5.59A will have no relevance to 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, CPWL 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>kg/ha/yr); or</u></p> <p>(ii) <u>the concentration of nitrogen in the drainage water leached from the subject land (as measured in ppm or g/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 or a sub-regional chapter or is not a permitted activity</i></p>

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				<p>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>.</p> <p>...</p>

Schedules

#	Page	Reference	Issue/concern	Relief sought
18	6-3 - 6-8	Schedule 7	<p>The matters set out in Schedule 7 are generally supported.</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>Retain Schedule 7 (subject to the amendments set out below).</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>

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				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 propert(ies) are being met.</u>
19	6-11	Schedule 28 (and the Farm Portal)	<p>The intent of Schedule 28 is generally supported.</p> <p>CPWL 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.</p> <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 CPWL’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. CPWL 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 (and how it has been reflected in</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> <p>(ii) <u>the settings, parameters and formulae within the Farm Portal</u></p>

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			<p>the Farm Portal), CPWL has concerns, in particular, that:</p> <ul style="list-style-type: none"> • the irrigation triggers have not been appropriately refined; and • the fertiliser calculation is not robust. 	<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>