

From: [Peter Anderson](#)
To: [Mailroom Mailbox](#)
Subject: PC5 Submission
Date: Friday, 11 March 2016 5:02:56 p.m.
Attachments: [Forest & Bird submission PC5 CLWRP.pdf](#)

Hello

Please see attached submission by Forest & Bird on PC5 to the CLWRP.

Regards

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Submission to Canterbury Land and Water Plan – Proposed Plan Change 5

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Date: 11 March 2016
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I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting jointly with them at a hearing.

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) is an independent community-based conservation organisation, established in 1923. Its mission is to be a voice for nature, on land, in fresh water, and at sea, on behalf of its 70,000 members and supporters. Volunteers in 50 Forest & Bird branches, including the South Canterbury Branch carry out community conservation projects around New Zealand. Forest & Bird has been involved in resource management processes around New Zealand for many years, at the national, regional and district level.
2. Forest & Bird has for many years expressed a strong interest in the Waitaki catchment, particularly the Upper Waitaki. This has including advocating for greater protection of indigenous species, on land and in freshwater and in protecting and enhancing the health function and integrity of indigenous ecosystems.

3. This is a submission on all the provisions of the proposed Plan Change 5 (PC5) on behalf of Forest and Bird. This submission sets out our relief sought in relation to key issues and with reference to relevant section/provisions.
4. This submission focuses on the need to give better effect to Section 6 RMA matters, the maintenance of indigenous biodiversity, the National Policy Statement on Freshwater Management, and the Canterbury Regional Policy Statement.

Water Quality

5. Forest & Bird generally supports the water quality goals in PC5 as set out in the relevant policies:
 - a. Improve water quality in Red Nutrient Allocation Zones ('Red zones') and the Lake Zone (Policy 4.37);
 - b. Maintain water quality in Orange Zones (Policy 4.38); and
 - c. Maintain water quality in Green and Light Blue Zones (Policy 4.38AA).
6. Forest and Bird also generally supports the:
 - a. approach of PC5 seeking better information from farmers on nutrient inputs and farming practices to support development of a nutrient management regime which protects water quality; and
7. Forest & Bird supports the provisions of rules that contribute to the maintenance and enhancement of water quality including:
 - a. The general policy goals to maintain and improve water quality; and
 - b. The requirement in red and orange zones for farms that require resource consent to be restricted to whichever is the lesser of their Baseline GMP Loss Rate or their GMP Loss Rate – this prevent farms currently leaching less than the GMP loss rate from increasing up to that level.

8. However, Forest and Bird has significant concerns about PC5. The key concern is that the policies and rules proposed in PC5 do not achieve these goals, and require amendment ensure that they give effect to the NPSFM, as required by RMA s67(3)(a), and to ensure that water quality is as a minimum maintained as required by RMA s30(1)(c)(ii) and (iia). In particular provisions that will not lead to a maintenance and enhancement of water quality are as follows.
- a. The ability for farms that are permitted activities in a red zone to increase leaching. This could occur by them increasing the irrigated area up to 10ha and their winter grazing area up to 20ha, or by any other intensification that does not require either irrigation or winter grazing (such changing stocking class) as a permitted activity. If this option is taken up by farmers it will lead to degradation in water quality.
 - b. Allowing increases in leaching by up to 5kg/ha/year in the green zone and light blue zones. This will lead to a degradation in water quality.
 - c. Not requiring phosphorus management on farms that are permitted activities, even if they are in high runoff risk phosphorus zones. Phosphorus management is only required for farms that require resource consent, and the trigger for requiring resource consent is based on nitrogen loss increases, not on phosphorus loss risk. This will not lead to an improvement water quality in those zones.
 - d. Properties less than 10ha are permitted with no controls on nitrogen leaching. This is a significant increase from the current plan which permits farms up to 5ha and caps nitrogen leaching at 10kg/ha/year. This means the properties can leach as much nitrogen as they wish, with no maximum, and no limit on increases or intensification. The s32 report (Table 9) estimates this will apply to 53% of rural properties (approximately 9000 properties), and that 58% of these leach between 15 – 25 kg/ha/year.
9. Forest and Bird is concerned that the changes to the permitted rules will mean that the associated permitted discharge rules will not comply with section 70 RMA. Given the effect of the permitted land use rules is to permit the associated discharge, the new permitted rules need to be assessed with respect to this section.

Significant indigenous biodiversity

10. There has been significant loss of significant indigenous biodiversity in the sub-region with greatest loss has been associated with intensification of land use and irrigation. This loss is on-going. In Forest and Bird's view the significance and vulnerability of the high natural values (including landscape) has not been properly recognised throughout the Plan Change. It is a stronghold for many of New Zealand's rare and threatened species those endemic to the region such as the black stilt (kaki) and Bignose Galaxias. Forest & Bird supports the policies and rules which apply to significant indigenous biodiversity, including Policy 15B.4.23 and Rule 15B.5.20. However these rules need to apply throughout the sub-region. Forest and Bird seeks that the importance of protecting the outstanding natural landscapes are properly recognised in policies and rules. Land use change such as irrigation can result in the irrevocable loss, and the experience of, the unique landscapes within the sub region. As the Plan is currently worded it is inconsistent with the Biodiversity and Landscape provisions set out in the Canterbury Regional Policy Statement.

Monitoring and review of permitted activities

11. PC5 contains a number of permitted activities. There is inadequate information about how these permitted activities will be monitored and review of permitted activities. This is cost to community to support these activities. It is not stated how ECan will resource this. The regime proposed does not provide certainty that objectives and targets will be met, from individual property or from cumulative effects perspective, and has not adequately addressed the requirements of s70 RMA.

Section 32A page 4-8 Limit the use of OVERSEER® to resource consent processes and define permitted activities using "narrative" thresholds.

12. Non-regulatory methods such as the Hakataramea River Management Plan mentioned in the s32A report page 10-4 should be identified within the LWRP to provide a full picture of the management needed to support achieving the water quality targets and the level of permitted activity provided for. This will help to demonstrate how the risks of permitting nutrient discharges will be managed and monitored by ECan. Policy 15B.4.28 is not

sufficient and needs to be strengthened to set out what actions ECan will do ensure that the PC5 achieves the water quality targets. If the current permitted rules are retained then these provisions should include a trigger to enable review of permitted activities.

Good management practice

13. Forest and Bird accept this current evolution in providing consistent framing practices to assist in achieving water quality outcomes. However, there needs to be ongoing work into developing “best environmental practices” as per outcomes originally set in CLWRP and the Section 32A report page 4-3

“There is considerable benefit for regional councils, primary sector and farmers in developing an agreed set of clearly defined good management practices that would apply across all the industry sectors (LWF, 2012, Recommendation 15). The MGM project concluded that GMP is what should be reasonably expected from all farming activities (MGM, 2015a). In Canterbury, these minimum requirements are intended to initiate in the farming sector a paradigm shift that will further protect the region’s fresh water resources from quality and quantity degradation, by making efficient resource use a standard for any farming activity.”

Title of Provision	Support/Amend	Reasons	Relief Sought
Definitions			
Accredited Farm Consultant	Support with amendment	Support the requirement for farm consultants to hold both a nutrient and a relevant agricultural certification. However the definition as written is not clear as to whether the nutrient certification from Massey is a third option or is required in addition to	Clarify definitions and Include schedule outlining the knowledge and competencies required for approval to be considered by the CE of ECan.

		clauses a. or b.	
Audit	Support with amendment	<p>Support the approach grading farm practice against farm environment plans if this will be used to establish whether, at any grade, the catchment water quality targets/limits can be achieved.</p> <p>Identification of non-compliance with Farm environment plan and consent conditions is necessary to establish that the remediation actions are appropriate</p>	Amend the definition to include identification of non-compliance with consent conditions and objectives and targets of the farm environment plan in setting remediation actions.
Baseline GMP Loss Rate	Support	<p>This provides a workable baseline. However the provisions need to ensure this is not interpreted as an appropriate loss rate.</p> <p>Provisions need to require improvements in practices so that loss rates will maintain water quality and enhance it in overallocated catchments</p>	Retain
Farm portal	Support	<p>Including definition improves clarity of plan.</p> <p>How this is monitored and applied within the plan provisions of concern to Forest and Bird</p>	Retain definition as worded
Certified Farm Environment Plan Auditor	Support with amendment	<p>Support the PC5 changes to this definition as “Certified”. However clause 3 of the criteria remains unclear.</p>	Amend to include description of how demonstrating proficiency will be achieved.
Good Management Practices	Support in part and oppose in part	<p>The definition does not describe “good management practices”. The reference to another document that is not part of the plan</p>	<p>The definition should provide some more guidance about the practises it is referring to.</p>

		is not good practise.	
Good Management Practice Loss Rate	Support in part	Needs to be clear that the farming activity was carried out at best management practice for the full four year period. Otherwise it is not a true representation of “Good Management Practice Loss Rate”	Amend to ensure that the rate is calculated good management practise for four years.
Management Plan	Oppose	<p>This is not the general meaning of the term “Management Plan”, but rather a specific plan for farming activities.</p> <p>Schedule 7A does not provide for adequate requirements for a framing activity to managed adverse effects as required by the RMA.</p>	If Schedule 7A is retained then amend the term defined to be: “Management Plan for Farming Activities”
Nitrogen baseline	Support in part, oppose in part	<p>Clause (a) is supported as the 48 consecutive month period provides for an appropriate baseline</p> <p>Clause (b) is opposed. This provides for the calculation of the baseline to include the activity as fully operation, where some of the consents have been granted for the activity.</p> <p>A dairy farming activity that is not “fully” operational under Clause (b) is allowed to set N leaching rate based on what they would leach at full operation. This applies irrespective of whether the farm has all the</p>	Delete (b)

		<p>consents necessary to operate. There is no certainty that a farm will operate as a dairy farm. This is inappropriate as it provides for inefficient use. It would also allow a farm with the building and effluent consent never to operate a farm but sell the pollution rights.</p> <p>Support use of updated OVERSEER provided for within the definition</p>	
Nitrogen loss calculation	Support	Full four year period is appropriate as leaching may occur throughout the year due to application rates, irrigation and climatic/soil conditions.	Retain
Phosphorus Risk Zone	Support	Support the identification of High Runoff Risk Phosphorus Zones	Retain
Principal water supplier	Support with amendment	Not clear if the scheme itself could be a supplier	Amend as follows: “a publicly or privately owned supplier of water which is subsequently conveyed and distributed to constituents of irrigation schemes , community and/or stockwater schemes, hydro-electricity generators and/or other users of the water.”
Winter Grazing	Support in part	<p>This definition is not broad enough to cover all of the types of winter grazing activity that would increase the risk of nutrient loss.</p> <p>Appears to perversely exclude the most intensive of options, that is stock at high</p>	<p>The definition should be amended to include all activities that would increase nutrient loss risk including:</p> <p>(a) break feeding grass (not just forage</p>

		stocking rates on a small area (less than 20ha) being fed supplementary feed.	<p>crops);</p> <p>(b) feeding supplementary feed that was grown on the property (not just bought in);</p> <p>(c) clarification of the word 'contained' – (cattle could just have access to a supplementary feeding area, which may just be an area within a paddock and not be contained within it – would they meet the definition?)</p>
Policies			
Policy 4.11	Support with amendment	For clarity the expected notification dates should be included in 4.11	Amend to address submission
Policy 4.24	Oppose	The amendment in PC5 would result in the use of the term "good practices" in clause (c). However this term has not been defined in the plan.	Oppose PC5 amendment
Policy 4.34		Support to the extent that information does not need to be restricted to "modelled" nutrient loss.	Retain
Policy 4.36	Support with amendments	<p>This policy as written relies on minimising nutrient loss while potentially permitting an increase for permitted activities. Please refer to submission discussion in paragraphs 10 and 11 above.</p> <p>This Policy does should include recognition of</p>	<p>Delete clause (b) unless changes are made to schedule 7A as requested in this submission.</p> <p>Amend Clause (bb): "farming activities with subject to a resource consent process, subject to conditions that ensure water</p>

		<p>other mechanisms including that:</p> <ul style="list-style-type: none"> • Achieving water quality outcomes will also require the setting of appropriate conditions on resource consents including further reductions below the GMP loss rate. • recognising that framing activities are not appropriate in all areas and direction should be given to avoiding activities which have significant nutrient loss where appropriate. 	<p>quality targets are achieved;”</p> <p>Add new clause:</p> <p>Recognise that activities which result in significant losses of nutrients are not appropriate in all locations and avoid such activities in locations where this may result in the water quality targets being breached</p>
Policy 4.37	Support with amendment	<p>The policy intent is consistent with the National Policy Statement on Freshwater Management (NPSFM) and RMA s30(1)(c)(ii).</p> <p>The requirement to achieve at least Baseline GMP Loss Rate in clause (b)(ii) is necessary to achieve the water quality outcomes sought by policy.</p>	<p>Remove reference to Policy 4.38A</p> <p>Add a clause recognising that reductions beyond GMP may be required to achieve freshwater objectives.</p>
Policy 4.38	Support with amendment	<p>The policy intent is consistent with the National Policy Statement on Freshwater Management (NPSFM) and RMA s30(1)(c)(ii).</p> <p>The requirement for activities to achieve at least Baseline GMP Loss Rate in clause (b)(ii) is necessary to achieve the outcomes sought by policy.</p>	<p>Remove reference to Policy 4.38A</p> <p>Add a new cause under b. avoid and mitigate other adverse effects</p>

		However it should also recognise the need for other consent conditions to avoid, remedy or mitigate adverse effects.	
Policy 4.38AA	Support with amendment	<p>The policy intent is consistent with the National Policy Statement on Freshwater Management (NPSFM) and RMA s30(1)(c)(ii).</p> <p>However. The policy could lead degradation in water quality due to cumulative effects of the allowance for 5kg/ha/yr above the Baseline GMP Loss Rate.</p> <p>However it should also recognise the need for other consent conditions to avoid, remedy or mitigate adverse effects.</p>	<p>Delete the parts of the policy which provide for a 5kg/ha/year increase in nitrogen leaching.</p> <p>Add a new cause under b. avoid and mitigate other adverse effects</p>
Policy 4.38AB	Support	The permitted baseline approach would be inconsistent with achieving the water quality targets.	Retain as worded
Policy 4.38A	Oppose	This policy is inconsistent with the outcomes sought in Policies 3.37, 4.38, 4.38A and 4.38AA	Delete this policy in its entirety
Policy 4.38B	Support with amendment	<p>Support the farm portal initiative however the success of this approach is reliant on accurate information and environmental monitoring at a permitted activity level.</p> <p>This policy directs that ECan will do periodic</p>	Include provisions such as methods outlining the periodic review and monitoring requirements necessary to support the success of the Farm Portal to be undertaken by ECan.

		<p>checks on the information submitted to the Portal. Because the success of this Portal is so dependent on ECan checking this information and assessing against environmental monitoring the plan needs to provide more certainty of what is required and how/when it will be carried out. This need to inform development of the annual plan to provide budget on an ongoing basis.</p> <p>The plan should include provisions to identify a course of action should the portal prove ineffective.</p> <p>Use of the portal in itself is not a mitigation of effects and the permitted activity levels should be reduced to recognise this.</p>	Add provisions which identify a course of action should the portal prove ineffective within 5 years.
Policy 4.38C	Support with amendment	<p>This policies appears to be inconsistent the other policies.</p> <p>A more appropriate response would be applying the Baseline GMP Loss Rate immediately.</p>	Amend the policy so that the baseline GMP Loss Rate has effect immediately.
Policy 4.38D	Support in part	As above	Amend the policy so that the Good Management Practice Loss Rate has effect immediately.
Policy 4.38E	Support with	It is not clear if this policy intends further identification of High Runoff Risk Phosphorus	Amend policy to direct resource consent applicant to identify any further areas

	amendment	<p>Zones.</p> <p>Overall the provisions do not provide adequate management for phosphorus.</p> <p>All farming activities should manage risk of sediment and phosphorus loss to waterbodies by excluding stock, preventing overland flow of contaminants to waterbodies, adopting GMP, establishing riparian margins in relation to the risk of contaminant loss and sensitivity of receiving environment e.g. inanga spawning or salmonid spawning habitats.</p> <p>Relying solely on the Planning Maps is not adequate. Some criteria or direction should be included to ensure resource consent applicants identify further areas on their properties where the loss of phosphorus to water may occur.</p> <p>Amend the policy to include direction of how this will be addressed for permitted activities. At the very least this could be through the inclusion assessment and management response in the Farm Plan.</p>	<p>where phosphorus loss is likely.</p> <p>Amend to include direction for phosphorus management to be set out Farm Plans or other provisions to address this submission.</p>
Policy 4.40	Support with amendment	<p>This policy provides for identifying and delivering good environmental practice. However this has been recognised in the s32A as a minimum requirement. The policy should</p>	<p>Amend this policy or other provisions within the plan to provide for direction achieving best practice.</p>

		also provide direction towards best practice.	
Policy 4.41	support	<p>Support the approach requiring remedying of compliance issues raise in the audit and setting timing for subsequent audits.</p> <p>To support this the audit requirements should include development of methods, management approaches and mitigation to achieve N leaching standards and where required reductions in contaminant discharges overtime consistent with maintaining water quality and where degraded improving water quality so that the freshwater objectives are met within a defined time period.</p>	<p>Retain</p> <p>Include direction for audit requirements to address submission.</p>
Policy 4.41A	Oppose	An accurate budget and nicely prepared application does not make an activity appropriate. Consideration must be given to sustainable land uses and environmental effects. A controlled activity status for having a good application is not appropriate.	Delete cause (c).
Policy 4.41B	Support with amendments	<p>Consent compliance and monitoring information will form a key source of information and should be more clearly recognised in this policy.</p> <p>This policy should include the actions which ECan will undertake to support the permitted</p>	<p>Amend Clause (f) as follows: “reviewing the consent where the results of ...; or</p> <p>(i) ...</p> <p>(ii) ...</p> <p>(iii) implementation of progressively more</p>

		<p>activity approach set out in PC5 is it is retained.</p> <p>Clause (f) as written does not connect with the first sentence. This clause should also provide more guidance on the appropriate response where audit or monitoring results indicate an issue.</p>	<p>stringent N loss reductions to ensure that water quality is either maintained or where degraded is improved consistent with achieve freshwater objectives/outcomes, water quality limits within a defined time period.”</p> <p>Add the following new clauses</p> <p>“taking enforcement action where non-compliance with consent conditions is leading to adverse effects on the environment and posing a risk to attaining the water quality outcomes for the region.”</p> <p>“undertaking regular checks of the farm portal information”</p> <p>“analysis of consent and general environmental monitoring results”</p>
Policy 4.41C	Support with amendment	<p>This policy as written does not ensure that water quality will not be degraded.</p> <p>Should also include methods to achieve N leaching standards, which are consistent with maintaining water quality where it currently achieves freshwater outcomes/objectives, or reducing contaminant losses consistent with achieving the freshwater outcomes/objectives over defined time period. Exclusion</p>	<p>Remove the provision for 5kg exceedance.</p> <p>Add a new clauses:</p> <p>“setting of N leaching standards to maintain water quality where freshwater outcomes are being achieved or reducing contaminant losses consistent with achieving freshwater outcomes over a defined time period.”</p> <p>“excluding cattle, deer and pigs from</p>

		of cattle, deer and pigs from permanent waterbodies and intermitted waterbodies with an active bed greater than 1m.	permanent waterbodies and intermittent waterbodies with an active bed greater than 1m.”
Policy 4.41D	Support with amendment	This provision does not include consideration of the full range of matters which should be considered for a irrigation scheme or supplier for land use consent for farming or discharge consent for nutrients.	Amend to include: New clauses as follows: “setting of N leaching standards to maintain water quality where freshwater outcomes are being achieved or reducing contaminant losses consistent with achieving freshwater outcomes over a defined time period.” “excluding cattle, deer and pigs from permanent waterbodies and intermittent waterbodies with an active bed greater than 1m.”
Section 5 – Region-wide Rules			
Rule 5.41A	Oppose	This rule permits farms operating under a scheme or water permit with nitrogen conditions. The only condition for this rule is that there is a resource consent for some part of the activity with nitrogen loss conditions. This rule is inappropriate because it: (a) doesn’t have any conditions that manage adverse effects; (b) will not achieve the objectives of the	Amend to address submission or revert to previous rule 5.41

		plan.	
5.43	Oppose	Oppose deletion of the rule	Retain previous rule 5.43
5.43A	Oppose	Activities permitted under this rule could have significant cumulative adverse effects	Delete rule 5.43A and retain the previous Rule 5.43
5.44A	Oppose	Activities permitted under this rule could have significant cumulative adverse effects	Delete rule 5.44A and retain the previous Rule 5.43
5.44B	Oppose	The trigger for going from controlled to restricted discretionary activity status is the provisions of a Farm Management Plan prepared or reviewed by a accredited farm consultation. This is not a good enough reason for changing activity status.	Delete controlled rule so that activities that fail to comply with Rule 5.43 are restricted discretionary activities.
5.45A	Support	Restricted discretionary is appropriate for this activity	Retain
5.46A:	Support	Discretionary is appropriate for this activity	Retain
5.47A	Support	Non-complying is appropriate for this activity	Retain
5.48A	Support	Prohibited activity status is appropriate for activities that breach limits	Retain
5.49	Oppose	Oppose deletion of the rule	Retain existing rule 5.49
5.49A	Oppose	Activities permitted under this rule could have significant cumulative adverse effects	Delete the rule and revert to existing rule 5.49

5.50A	Support	Restricted discretionary is appropriate for this activity	Retain and amend Clause 2 consistent with our submission on Policy 4.38C
5.51A	Support	Non-complying is appropriate for this activity	Retain
5.52A	Support	Prohibited activity status is appropriate for activities that breach limits	Retain
<i>Orange Nutrient Allocation Zones</i>			
5.53A	Oppose	Activities permitted under this rule could have significant cumulative adverse effects	Replace rule with a rule that provides that activities covered by the rule cannot increase nutrient losses, similar to existing Rule 5.53
5.54A	Oppose	<p>Activities permitted under this rule could have significant cumulative adverse effects</p> <p>In addition, this rule allows a greater increase in irrigated area than the rule for the red zone as condition 2 does not limit the increase in irrigated area to 10ha – up to 50ha new irrigation could occur on any farm and remain a permitted activity. Given what is known about the increasing N loss risk of irrigated land over dryland, this rule will not maintain water quality in orange zones.</p>	Delete 5.54A
5.54B	Oppose	The trigger for going from controlled to restricted discretionary activity status is the	Delete controlled rule so that activities that fail to comply with Rule 5.53 are restricted

		provisions of a Farm Management Plan prepared or reviewed by a accredited farm consultation. This is not a good enough reason for changing activity status.	discretionary activities.
5.55A	Support	Restricted discretionary is appropriate for this activity	Retain although consequential amendment required to refer to Rule 5.53 not 5.54B
5.56AA	Support	Restricted discretionary is appropriate for this activity	Retain and amend Clause 2 consistent with our submission on Policy 4.38C
5.56AB	Oppose	This provides for farming activities that will exceed their GMP baseline to be considered as a non-complying activity. This is inconsistent with the policy that seeks to maintain water quality, and which does not provide a policy pathway for activities which will exceed their GMP baseline.	Activities in the Orange zone that exceed their GMP baseline should be a prohibited activity, in the same way they are in Red and lake zones, in order to maintain water quality.
<i>Green and Light Blue Nutrient Allocation Zones</i>			
5.57	Oppose	Oppose deletion of the rule	Retain existing rule
5.57A	Oppose	Activities permitted under this rule could have significant cumulative adverse effects	Delete the rule and revert to existing rule 5.57
5.57B	Oppose	Activities permitted under this rule could have significant cumulative adverse effects . In addition, this rule allows a greater increase in irrigated area than the rule for the red zone	Delete 5.57B

		as condition 2 does not limit the increase in irrigated area to 10ha – up to 50ha new irrigation could occur on any farm and remain a permitted activity. Given what is known about the increasing N loss risk of irrigated land over dryland, this rule will not maintain water quality in orange zones.	
5.57C	Oppose	The trigger for going from controlled to restricted discretionary activity status is the provisions of a Farm Management Plan prepared or reviewed by a accredited farm consultation. This is not a good enough reason for changing activity status.	Delete controlled rule so that activities that fail to comply with Rule 5.57 are restricted discretionary activities.
5.58A	Support	Restricted discretionary is appropriate for this activity	Retain and amend Clause 2 consistent with our submission on Policy 4.38C
5.58B	Support	Discretionary is appropriate for this activity	Retain
5.59A	Support	Non-complying is appropriate for this activity	Retain
Schedule 7 Farm Environment Plan			
Management Area – means the list of topics as set out below:		Strange definition that is hard to follow	<p>Amend as follows</p> <p>Management Area - means an area over which any of the following apply ...”</p> <p>Management Area means the practice of any of the following...”</p>

			<p>Means an area of management as set out in the Management Plan requirements schedule 7 and includes the following topics...”</p> <p>Means an area of farm management practice as set out in the Management Plan requirements schedule 7 and includes the following topics...”</p>
Part B – Farm Environment Plan Default Content	Support in part, oppose in part	<p>Clause 2(f) only required showing location of “significant indigenous biodiversity” identified in District Plan.</p> <p>Support clause 4B, though date aspect could be clearer</p>	<p>What about outstanding waterbodies, and sensitive receiving environments eg inanga spawning or salmonid spawning habitats?</p> <p>Amend (g) to delete “within phosphorus risk zone’ Phosphorus and sediment management should apply everywhere</p> <p>Amend (4A) to include prevention of any overland flow of contaminants, achievement of N loss standards or reduction in N leaching in order to be consistent with water quality limits and protect or where degraded improve health of aquatic ecosystems so that the freshwater objectives are achieved over given time period</p> <p>Stock exclusion target – cattle deer pigs are excluded from all permanently flowing waterbodies and intermittent waterbodies greater than 1m active bed on flat and rolling country and in the hill country are</p>

			excluded from critical source areas, wetlands and lakes, and excluded from all waterbodies if mob stocked (set stocked behind a wire). Delete (1) circular and meaningless
Schedule 7A Management Plan for Farming Activities	Support in part	<p>Schedule 7A does not provide for adequate requirements for a farming activity.</p> <p>Also note the term “good practice” used in Schedule 7 is not defined. This as a key requirement for permitted activity as it does not provide certainty that adverse effects will be avoided, minimised or mitigated. Not consistent with sustainable management</p> <p>We support Clause 2(f) Ask for more things to be identified. Also refer to paragraphs 10-11 above.</p>	Amend to clearly define good practise
Schedule 28 Good Management Practice Modelling Rules	Support	Critical that ECan provides resourcing to monitor effects of Good Management Practice, recognising it is not Best Management Practice	Retain
Planning Maps	Support in part	The maps are very hard to follow	Improve clarity of maps so various locations are easy to identify

Part B (Waitaki Amendments)			
Section 15B Waitaki Sub-region	Support with amendment	<p>The introduction understands the values of the Waitaki sub-region.</p> <p>Forest & Bird is concerned that these values are not recognised in the plan as irrigation and land use activities can have significant adverse effects on these values.</p>	<p>Amend the introduction as discussed in paragraph 10</p> <p>Remove reference to Mackenzie Agreement</p>
15B.1 Waitaki Sub-region Definitions			
All definitions	Support	The definitions are clear.	Retain as worded
15B.2.1	Support with amendment	The current wording implies that the provisions in this section of the plan are not relevant to activities of allocation. As discharges are a result of water allocating water, guidance should be included on how these plans work together so that users are clear that any nutrient discharge resulting from the taking of water is considered by this plan.	<p>Amend to include guidance on how it is intended that these two plans work together by including the following, or similar:</p> <p>“In general the provisions of the LWRP Part B – Waitaki sub region apply to discharges associated with Allocation activities controlled under the Waitaki Catchment Water Allocation Regional Plan.”</p>
15B.4 Policies	Support	Provides for consistency across the region and targeted local policy approach	Retain

15B.4.5	Support	This policy is appropriate	Retain
15B.4.6	Support in part	This policy is appropriate but should be applied region wide.	Apply this policy region wide.
15B.4.7	Support	Appropriate to provide for community waste water	Retain
15B.4.8	Support	This policy is appropriate as it restricts location of aquaculture and avoid new if likely to exceed load limits.	Retain
15B.4.9	Support with amendment	Add an additional clause to this policy so that the consent will specify a review clause	Add additional clause providing for review of consent in certain circumstances
15B.4.10	Support with amendment	Forest & Bird generally supports this policy but seeks that it make it clear that consents will be granted subject to conditions that require the water quality limits are achieved	Add the following to the end of (c), "which will be subject to conditions that ensure that the water quality limits in 15.7 are achieved."
15B.4.11 and 12	Support	These policies ensure that current nutrient information can be used and that management actions are adapted to achieve the targets set in schedule 27.	Retain
15B.4.13	Support with amendment	Does it need to be more clearly stated that clause (a) relates to an exceedance on the same property/area. Using an example from elsewhere in the catchment is not	Clarify that the grant of consent will be limited to the extend of the lawful exceedance that existed at 13 February 2016

		appropriate.	
15B.4.14	Support with amendment	<p>Allows consideration of continuation of exceedance within the Hakataramea and Northern Fan management Units.</p> <p>It is appropriate to consider this in these situations but this approach will need to be reviewed if it is found that allowing such consents will no achieve the targets. Where uncertainty exists consent should not be granted. Reduced consent duration should also be linked to the use of this policy.</p>	Retain
15B.4.15	Support with amendment	<p>This policy requires clarification as it not clear what the “increase nitrogen loss”. This needs to be clarified.</p>	<p>Amend as follows:</p> <p>“Within the Hakataramea Flat Zone or Greater Waikākahi Zone, consider granting applications for resource consent to exceed the nitrogen baseline where</p> <p>(a) the application contains evidence that demonstrates that the nitrogen baseline has been lawfully exceeded and the increased portion of exceeded nitrogen loss is the result of irrigation or winter grazing that has been undertaken as a permitted activity; and...”</p>

15B.4.16	Support	<p>Support 15 year consent duration as maximum and review clause</p> <p>Forest & Bird seeks an additional provision that sets out the matters that should be considered in conditions</p>	<p>Retain with following addition</p> <p>“Resource consents will include conditions setting out:</p> <ul style="list-style-type: none"> a) water quality monitoring sites including requirements for visual monitoring if appropriate b) Methods to avoid remedy or mitigate localised other effects
15B.4.17	Oppose	<p>This appears to be unlawful and/or inappropriate. It is unclear how the provision works in the context of a land use consent.</p> <p>There is no need to provide for an exception for Nutrient User Groups or Aquaculture Nutrient User Groups. The usual consenting provisions are appropriate.</p>	Delete
15B.4.18	Support in part, with amendment	<p>This policy does not make it clear the conditions are required to address other matters that might arise from the granting of consents for irrigation schemes. This includes ensuring that conditions are imposed to manage nuisance periphyton growths, stock access to waterbodies, and discharges of phosphorous.</p>	<p>Add condition (c) which provides “any discharge permit granted to an irrigation scheme or principal water supplier will be subject to conditions that avoid remedy or mitigate other adverse effects”</p>

15B.4.19	Support	This policy is appropriate	Retain
15B.4.20	Support in part and oppose in part	These policies are unclear. provide for an increase in nitrogen loss. This does not maintain water quality	Delete (a) and amend (b): <ul style="list-style-type: none"> so that it applies to all the Haldon Zone and Mid Catchment Zone (by replacing the reference to Ahuriri Zone and Upper Waitaki Hill Zone with Haldon Zone and Mid Catchment Zone; and deleting the words “except where Policy 15B.4.13 applies”.
15B.4.21	Oppose	This policy will provide for an increase in nutrient losses and is not consistent with the requirement to maintain water quality and is inconsistent with Part A.	Delete
15B.4.22	Support in part, oppose in part	The level of intensification in the Haldon Zone and Mid Catchment Zone and is inconsistent with Part A.	Delete (a) and make (b) apply to Haldon Zone and Mid Catchment Zone.
15B.4.23	Support with amendment	This is appropriate to ensure that adverse effects associated with the activity are considered together at the time of consent.	Replace “Haldon Zone and Mid Catchment Zone” with “Waitaki sub-regions”

		<p>However there is no reason to limits it to the Haldon Zone and Mid Catchment Zone. The policy should apply across the Waitaki sub-region.</p> <p>It also needs to be made clear that the assessment of significance is carried out accordance wit the CRPS and that the definition of not net loss in the CRPS applies.</p>	<p>Include the words “as defined in the CRPS” after “significant indigenous biodiversity” and “no net loss”</p>
15B.4.24	Support in part, oppose in part	<p>We support this policy except the reference “except where Policy 15B.4.13 and 15B.4.15 applies” means that freshwater will not be maintained.</p>	<ul style="list-style-type: none"> deleting the words “except where Policy 15B.4.13 and 15B.4.15 applies”.
15B.4.25	Conditionally support	<p>We support this policy in isolation. However, Forest & Bird is concerned that the permitted activities provided in Part A will undermine the effectiveness of this</p>	<p>Retain, subject to changes to the permitted rules in Part A.</p>
15B.4.26	Support in part, oppose in part	<p>We support this policy except the the reference “except where Policy 15B.4.13 and 15B.4.15 applies” means that freshwater will not be maintained.</p>	<ul style="list-style-type: none"> deleting the words “except where Policy 15B.4.13 and 15B.4.15 applies”.
15B.4.27	Oppose	<p>Whitney’s Creek is red-zoned and there is a requirement to improve water quality in overallocated catchments. The provisions in (b) for additional losses is inconsistent with</p>	<p>Delete</p>

		this requirement.	
15B.4.28	Support	This policy is appropriate.	Retain
15B.5 Rules			
General	Support	The use of notes within the rules section provides useful guidance and helps simplify use of the plan.	Retain the notes providing guidance on where regional rules apply and which rules prevail
15B.5.1 and 2	Support		Retain as worded
Rules 15B.5.3, 4 and 5	Support	Aquaculture can have significant effects on water quality and marine and riparian habitat	Retain as worded
15B.5.6	Oppose	<p>This permits activities which may have significant adverse effects, including from losses of nutrients (P and N) .</p> <p>There is no requirement that activities undertaken are accordance with GMP</p>	Delete
15B.5.7	Support	Control should also include consent duration and review conditions on consent to ensure all consents can be reviewed if significant cumulative effects in these areas are identified or to address other localised adverse effects which may not be addressed	Retain

		through conditions on the existing consent.	
15B.5.8 and 9		<p>Application for resource consent to discharge nutrients from scheme irrigation/principle supply cannot include land which is part of a Nutrient user group or Farming enterprise</p> <p>Support these rules as this avoids duplication of nutrient budgets/allowance</p>	Retain
15B.5.10 -13	Oppose	<p>It is unclear how these collectives will work.</p> <p>While the rule requires that the way in which losses will be redistributed must be set out. There is no obvious way in which this legally can occur. That is, if a land user who is permitted a high loss rate pools with another land owner who increases their losses, it is not clear how the circumstance can legally be addressed where both leave the collective. Relying on contractual obligations is inadequate.</p> <p>The provisions require a great deal more clarity about how this will occur than is provided.</p>	Delete
15B.5.14	Support in part oppose in part	This rule allows for the ongoing irrigation and winter grazing without any restrictions.	<p>Add a new Condition 6</p> <p>The farming activities operates at or</p>

		<p>The rule doesn't prevent other intensification of land use</p> <p>The rule doesn't address phosphorous issues.</p> <p>Condition 5 is inadequate.</p> <p>There is no requirement to comply with GMP</p>	<p>below the Good Management Practise Loss Rate, in any circumstance where that Good Management Practise Loss Rate is less than the Baseline GMP Loss Rate</p>
15B.5.15	Oppose	<p>The trigger for going from controlled to restricted discretionary activity status is the provisions of a Farm Management Plan prepared or reviewed by a accredited farm consultation. This is not a good enough reason for changing activity status.</p>	<p>Delete controlled rule so that activities that fail to comply with Rule 15B.5.14. are restricted discretionary activities.</p>
15B.5.16	Support with amendment	<p>There is no requirement to identify and protect significant indigenous biodiversity</p>	<p>Replace reference to condition 3 of Rule 15B.5.15 with Rule 5.54 (as amended)</p> <p>Include a new condition:</p> <p>Except where areas of significant indigenous biodiversity have been identified and maintained in accordance with the provisions of any relevant district plan notified after 13 February 2016, the application</p>

			<p>for resource consent is accompanied by an assessment, undertaken by a suitably qualified ecologist, which identifies any areas of significant indigenous biodiversity located on the application area, and proposes methods to avoid or mitigate any adverse effects on significant indigenous biodiversity.</p> <p>Include a matter of discretion the methods to avoid remedy or mitigate adverse effects significant indigenous biodiversity by adding</p> <p>Until biodiversity provisions in a district plan are notified post 13 February 2016, the extent to which the proposal avoids or mitigates any adverse effects on any areas of significant indigenous biodiversity.</p>
15B.5.17 - 18	Support		Retain
15B.5.19	Oppose	The trigger for going from controlled to restricted discretionary activity status is the provisions of a Farm Management Plan	Delete controlled rule so that activities that fail to comply with Rule 5.53 are restricted discretionary activities.

		prepared or reviewed by a accredited farm consultation. This is not a good enough reason for changing activity status.	
15B.5.20	Support with amendment	Support the inclusions identification of significant indigenous biodiversity as this means areas or habitats that meet one or more of the criteria in Appendix 3 to the Canterbury RPS 2013.	Replace reference to condition 2 of Rule 15B.5.19 with Rule 5.53
15B.5.21	Support with amendment		Delete Condition 2
15B.5.22 -23	Support		Retain
15B.5.24	Support		Retain
15B.5.25	Oppose	The trigger for going from controlled to restricted discretionary activity status is the provisions of a Farm Management Plan prepared or reviewed by a accredited farm consultation. This is not a good enough reason for changing activity status.	Delete controlled rule so that activities that fail to comply with Rule 15B5.24 (as amended) are restricted discretionary activities.
15B.5.26	Support with amendment	There is no requirement to identify and protect significant indigenous biodiversity	Replace reference to condition 3 of Rule 15B.5.15 with Rule 5.53 Include a new condition: Except where areas of significant indigenous biodiversity have been identified and maintained

			<p>in accordance with the provisions of any relevant district plan notified after 13 February 2016, the application for resource consent is accompanied by an assessment, undertaken by a suitably qualified ecologist, which identifies any areas of significant indigenous biodiversity located on the application area, and proposes methods to avoid or mitigate any adverse effects on significant indigenous biodiversity.</p> <p>Include a matter of discretion the methods to avoid remedy or mitigate adverse effects significant indigenous biodiversity by adding</p> <p>Until biodiversity provisions in a district plan are notified post 13 February 2016, the extent to which the proposal avoids or mitigates any adverse effects on any areas of significant indigenous biodiversity.</p>
15B.5.27	Support		Retain

15B.5.28 -29	Support		Retain
15B.5.30	Oppose	The trigger for going from controlled to restricted discretionary activity status is the provisions of a Farm Management Plan prepared or reviewed by a accredited farm consultation. This is not a good enough reason for changing activity status.	Delete controlled rule so that activities that fail to comply with Rule 5.53 are restricted discretionary activities.
15B.5.31	Support with amendment	There is no requirement to identify and protect significant indigenous biodiversity	<p>Replace reference to condition 3 of Rule 15B.5.15 with Rule 5.53</p> <p>Include a new condition:</p> <p>Except where areas of significant indigenous biodiversity have been identified and maintained in accordance with the provisions of any relevant district plan notified after 13 February 2016, the application for resource consent is accompanied by an assessment, undertaken by a suitably qualified ecologist, which identifies any areas of significant indigenous biodiversity located on the application area, and</p>

			<p>proposes methods to avoid or mitigate any adverse effects on significant indigenous biodiversity.</p> <p>Include a matter of discretion the methods to avoid remedy or mitigate adverse effects significant indigenous biodiversity by adding</p> <p>Until biodiversity provisions in a district plan are notified post 13 February 2016, the extent to which the proposal avoids or mitigates any adverse effects on any areas of significant indigenous biodiversity.</p>
15B.5.32 -.33	Support		Retain
15B.5.34	Oppose	The activity should be restricted discretionary if it fails to comply with Rule 5.43	Delete
15B.5.35	Support with amendment	<p>Condition 2 of proposed controlled rule should be included</p> <p>There is no requirement to identify and protect significant indigenous biodiversity</p>	<p>Add after condition 2</p> <p>Or;</p> <p>Until 30 June 2020, the nitrogen loss calculation for the part of the property within the Valley and Tributaries Zone does not exceed the nitrogen baseline, and from 1 July 2020 the Baseline GMP</p>

			<p>Loss Rate; unless the nitrogen baseline was lawfully exceeded prior to 13 February 2016, and the application for resource consent demonstrates that the exceedance was lawful; or</p> <p>Replace reference to condition 3 of Rule 15B.5.15 with Rule 5.53</p> <p>Include a new condition:</p> <p>Except where areas of significant indigenous biodiversity have been identified and maintained in accordance with the provisions of any relevant district plan notified after 13 February 2016, the application for resource consent is accompanied by an assessment, undertaken by a suitably qualified ecologist, which identifies any areas of significant indigenous biodiversity located on the application area, and proposes methods to avoid or mitigate any adverse effects on significant indigenous biodiversity.</p>
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			<p>Include a matter of discretion the methods to avoid remedy or mitigate adverse effects significant indigenous biodiversity by adding</p> <p>Until biodiversity provisions in a district plan are notified post 13 February 2016, the extent to which the proposal avoids or mitigates any adverse effects on any areas of significant indigenous biodiversity.</p>
15B.5.37- 38	Support		Retain
15B.5.39	Oppose	The activity should be restricted discretionary if it fails to comply with Rule 5.43	Delete
15B.5.40		There is no requirement to identify and protect significant indigenous biodiversity	<p>Include a new condition:</p> <p>Except where areas of significant indigenous biodiversity have been identified and maintained in accordance with the provisions of any relevant district plan notified after 13 February 2016, the application for resource consent is accompanied by an assessment, undertaken by a suitably</p>

			<p>qualified ecologist, which identifies any areas of significant indigenous biodiversity located on the application area, and proposes methods to avoid or mitigate any adverse effects on significant indigenous biodiversity.</p> <p>Include a matter of discretion the methods to avoid remedy or mitigate adverse effects significant indigenous biodiversity by adding</p> <p>Until biodiversity provisions in a district plan are notified post 13 February 2016, the extent to which the proposal avoids or mitigates any adverse effects on any areas of significant indigenous biodiversity.</p>
15B.5.41 -43	Support		Retain
15B.5.44	Oppose	The activity should be restricted discretionary if it fails to comply with Rule 5.43	Delete
15B.5.45	Support with amendment	<p>Condition 2 of proposed controlled rule should be included</p> <p>There is no requirement to identify and</p>	<p>Add after condition 2</p> <p>Or;</p>

		protect significant indigenous biodiversity	<p>Until 30 June 2020, the nitrogen loss calculation for the part of the property within the Whitney's Creek Zone does not exceed the nitrogen baseline, and from 1 July 2020 the Baseline GMP Loss Rate; unless the nitrogen baseline was lawfully exceeded prior to 13 February 2016, and the application for resource consent demonstrates that the exceedance was lawful; or</p> <p>Replace reference to condition 3 of Rule 15B.5.15 with Rule 5.53</p> <p>Include a new condition:</p> <p>Except where areas of significant indigenous biodiversity have been identified and maintained in accordance with the provisions of any relevant district plan notified after 13 February 2016, the application for resource consent is accompanied by an assessment, undertaken by a suitably qualified ecologist, which identifies any areas of significant indigenous biodiversity located on the application area, and</p>
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			<p>proposes methods to avoid or mitigate any adverse effects on significant indigenous biodiversity.</p> <p>Include a matter of discretion the methods to avoid remedy or mitigate adverse effects significant indigenous biodiversity by adding</p> <p>Until biodiversity provisions in a district plan are notified post 13 February 2016, the extent to which the proposal avoids or mitigates any adverse effects on any areas of significant indigenous biodiversity.</p>
15B.5.46 -50	Support		Retain
Table 15B(a)	Support in part oppose in part	<p>There is a risk that the outcomes identified will not provide for the ecological health. This includes outcomes sought for DO, temperature and chlorophyll</p> <p>The table needs to provide for values that ensure ecological health will be achieved. This may require a reduction in the losses of nutrients associated with farming activities to ensure that the outcomes are achieves.</p>	<p>DO should not be set below 80%</p> <p>Chlorophyll A should not be set above 120</p>

Table 15B(b)	Support inclusion of limits	Targets need to ensure ecological health are achieved	Amend as required
15B.7, 15B.7.1 and Table 15B(c):	Support inclusion of water quality limits for nitrogen and phosphorus and seek that they be retained.	Some of the limits are too high to provide for the freshwater outcomes set out in tables 15B.6, 15B(a) and 15B(b) and therefore where they are managed to e.g. through the setting of loads, will result in failure to achieve freshwater outcomes/objectives of the plan	Amend the nitrate nitrogen annual median concentration to not exceed 0.4mg/L in the following areas: Upper Waitaki – Spring Fed Upland - Willowburn Quailburn Rd: map reference 1359156 5072727· Valley and Tributaries - Spring fed plains - Penticotico Stream: map reference 1413126 5034783 Northern Fan - Spring fed plains - Whitneys Creek: map reference 1451757 5026547 - - Rd: map reference 1449636 5024541
15.7.2 Water Quality Limits for Lakes Table 15B(d): Water Quality Limits for Lakes in the Upper Waitaki Freshwater Management Unit	Support		Retain

15.7.3 Water Quality Limits for Groundwater Table 15B(e): Water Quality Limits for Waitaki Groundwater	Support		Retain
15.7.4 Waitaki Nitrogen Load Limits Table 15B(f)-(h)	Support on part, oppose in part	<p>Forest & Bird support the catchment load limits but they must be set at a level that ensures that the water quality limits are met.</p> <p>This may require a reduction in the losses of nutrients associated with farming activities to ensure that the outcomes are achieved.</p>	
Schedule 7 Farm Environment Plan Amendments	Support in Part.	<p>Management Area: Mahinga Kai</p> <p>The Targets seek to protect the mahinga kai values by maintaining indigenous vegetation which is supported and is consistent with Regional Councils responsibilities in s 30 RMA. The Objective and Targets should apply generally to protect riparian areas and in-stream values generally and to ensure the management of these values throughout the sub region are consistent with the CRPS and Part 2 RMA.</p> <p>Management Area: Waterbody Management (wetlands, riparian areas, drains rivers, lakes)</p>	<p>Provide new policy to make clear that indigenous biodiversity should be maintained for in stream values generally and not only for mahinga kai.</p> <p>Target (d) needs to refer to the Regional Pest Management Strategy</p>

		<p>The Objective and targets need to better reflect responsibilities to protect the natural character of wetlands, lakes and rivers as set out in s.6 (a) RMA.</p> <p>Management Area: In-stream biodiversity values</p> <p>Support in part.</p> <p>The Objective is supported.</p> <p>Target 1 is supported. Spring heads, wetlands and spring fed streams have important values. It is in the spring heads that native fish species are often found (Big nose galaxias). Their habitat is being rapidly reduced due to intensification. The identification of these waterbodies will require a degree of expertise and this needs to be stated. It is not always clear for instance from a lay persons viewpoint the area extent of a wetland. Regional Council should note in the Schedule that it \ may have information to assist in the identification of these important (and highly vulnerable) waterbodies.</p> <p>Target 2 It is agreed that priority needs to be given to these important waterbodies in achieving the Targets in the Waterbody</p>	
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		Management Area	
Maps	Support in part	The maps are very hard to follow	Improve clarity of maps so various locations are easy to identify