

From: [ECInfo](#)
To: [Johnston Robert](#)
Cc: [Mailroom Mailbox](#)
Subject: FW: Submission to Plan Change 5 EMAIL:05270002958
Date: Friday, 11 March 2016 1:25:12 p.m.
Attachments: [Plan Change 5 to the Canterbury Land and Water Regional Plan.docx](#)
Importance: Low

Dear Robert

Thank you for your submission to Plan Change 5.

I have forwarded your email to our Records Team for processing.

If you have any further enquiries, please reply to this email or call Customer Services (details below).

Kind regards

Alanna

----- Original Message -----

From: Johnston Robert
Received: 11/03/2016 12:27 p.m.
To: ECInfo
Subject: Submission to Plan Change 5

Attached please find my submission to this Plan change proposal

My thanks to Melanie and her colleagues for their help particularly during our power outage yesterday.

Regards

Robert Johnston

**Submission on Proposed Plan Change 5 to the
Canterbury Land and Water Regional Plan**

Submission from

Robert Hugh Merrell Johnston

519 Ashley Gorge Rd

RD 1 Oxford 7495

Phone (03) 3124166 0272280830

Fax (03) 3124085

email eandrjohnston@xtra.co.nz

Date 19th March 2016



Submission on Proposed Plan Change 5 to the Canterbury Land and Water Regional Plan

FOR OFFICE USE ONLY

Submitter ID:
File No:

Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by 5.00pm Friday 11 March 2016 to:

Freepost 1201 Plan Change 5 to LWRP
Environment Canterbury
P O Box 345
Christchurch 8140

Full Name: ROBERT HUSH MERRELL JOHNSTON Phone (Hm): 03) 3124166
 Organisation*: _____ Phone (Wk): 03) 3124166
* the organisation that this submission is made on behalf of
 Postal Address: 519 ASHLEY SARGE Rd Phone (Cell): 0272280830
Rd1 OXFORD 7495 Postcode: 7495
 Email: eand.rjohnston@kta.co.nz Fax: 03) 3123085
 Contact name and postal address for service of person making submission (if different from above):
Same as above

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

- I could not gain an advantage in trade competition through this submission; or
- I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

- I am directly affected by an effect of the subject matter of the submission
- I am not directly affected by an effect of the subject matter of the submission

Signature: [Signature] Date: 10 March 2016

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note:

(1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

I do not wish to be heard in support of my submission; or

I do wish to be heard in support of my submission; and if so,

I would be prepared to consider presenting your submission in a joint case with others making a similar submission at any hearing

Plan Change 5 to the Canterbury Land and Water Regional Plan

Submission from Robert Johnston 10th March 2016

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11 Sub Regional Plans -----Fundamentally I do not agree with them in principle ---not because I do not recognise that there are differences and nuances within and throughout the region, but rather because I do not support two sets of rules applying to adjacent properties divided by a line on a map. More importantly, I question the ability of the Zone Committees to assume an elevated role as the Council (or its officers) to pass judgment on farming operations in the future. Their membership is finite (they will be 'refreshed' and replaced just about the time they have grasped enough of the complexities of their position to make informed judgements)---they are appointed and as such it is an undemocratically formed committee, and many

of those non farming members would struggle to comprehend the ramifications and effect of their determinations on the farming community . It is obvious to me that they will be “guided” in their decision making by Ecan staff and their lack of accountability to the people they purport to represent will be manifest----a problem over which no body “out there “ will have any control over. Quite simply I do not feel I am represented, rather I have people imposed upon me who are accountable perhaps only to Ecan..

12 Accountability -----As it stands right now Ecan is protected by the Special Empowering 2010 Legislation which prevents any challenge to the Environment Court on a matter of substance ----but allows only an appeal to the High Court on the grounds of a “Point of Law.” This situation is set to be extended for a further 3 years and therefore into the activities and conclusions of the Zone Committees and their determinations. That is not a great confidence builder. Ecan is currently accountable only to Central Government----certainly not to the people of Canterbury or the farmers who are the ones directly affected

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13 Complexity --- Yet again the goal posts are being shifted Farmers were coming to terms with and getting an understanding of base line nutrient levels and losses (notwithstanding the differing figures produced by each ‘upgrade’ of “Overseer”) And now we are faced with yet another proposal /approach - The substance of this variation is very very complex , so complex in fact that without being disrespectful to my fellow farmers, it would be beyond many of them, and I know I am struggling to comprehend much of it. I believe most would be forced to employ a consultant at yet more expense.----that is unless they choose to ignore these provisions I suspect many may well do just that and where would that leave Ecan so far as enforcement is concerned..

By retaining reliance on "Overseer" for the practical application of the MGM , the provisions of this Variation 5 are virtually unenforceable -----no judge in any Court would enter a prosecution based on a flawed computer modelling mechanism with a variability of plus or minus 30%

14 Central Government criticized Ecan for its lack of water management in Canterbury ---Central Government were wrong ---Ecan did have a Water Plan - the Natural Resources Regional Plan (NRRP) which was about 98% complete when the Councillors were sacked and replaced with Commissioners. (I was one of those NRRP Commissioners for 4years.) The NRRP was unfairly criticized then discarded and replaced by what ---the current Land and Water Plan which has been found wanting on so many fronts, to the point of requiring all these variations (including this Plan Change 5) It seems pretty clear that both Ecan staff and Commissioners are struggling to find a mechanism that will satisfy everybody's needs ----Central Government ,Local Government, the environmental lobby and the practitioners most affected – the farmers . What you have before you today is not a step forward in water management ---rather it is a very complex proposal that will further sour relationships with perhaps their most important stakeholder ---the farmers.

15 The fundamental problem is that between Commissioners and staff there are very few people in Ecan who have a thorough understanding of agriculture and farming. Having an idealistic vision for improved environmental outcomes is one thing ----having practical solutions that are realistic and achievable is another and what is needed . In my view none of the plans or mechanisms devised or employed to date achieve that . In many respects we would be no worse off environmentally if the emphasis was turned around from being output focused to setting some realistic limits on inputs and letting farmers get on with it What is currently on the table quite clearly is not workable not practical, not acceptable or enforceable and will cause continuing angst to both Ecan and their important stakeholder-- the farming community, and most likely not achieve the environmental outcomes hoped for .

Robert H M Johnston MNZM Dip VFM MNZIPIIM

10th March 2016

From: notify@gfifax.com
To: [GFI FaxMaker](#)
Subject: New 5 pages fax message from 6433123085, 006433123085
Date: Friday, 11 March 2016 12:41:51 p.m.
Attachments: [ct6433653194-20160310153907898-392-1.pdf](#)

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From: notify@gfifax.com
To: [GFI FaxMaker](#)
Subject: New 3 pages fax message from 6433123085, 006433123085
Date: Friday, 11 March 2016 12:44:30 p.m.
Attachments: [ct6433653194-20160310154328447-391-2.pdf](#)

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Submission on Proposed Plan Change 5 to the Canterbury Land and Water Regional Plan

FOR OFFICE USE ONLY

Submitter ID:
File No:

Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by 5.00pm Friday 11 March 2016 to:

Freepost 1201 Plan Change 5 to LWRP
Environment Canterbury
P O Box 345
Christchurch 8140

Full Name: ROBERT HUSH MERRELL JOHNSTON Phone (Hm): 03) 3124166
 Organisation*: _____ Phone (Wk): 03) 3124166
* the organisation that this submission is made on behalf of
 Postal Address: 519 ASHLEY SORGE RD Phone (Cell): 0272280830
RD1 OXFORD 7495 Postcode: 7495
 Email: eandjohnston@stra.co.nz Fax: 03) 3123085
 Contact name and postal address for service of person making submission (if different from above):
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Signature: [Signature] Date: 10 March 2016

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

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Robert H M Johnston MNZM Dip VFM MNZIPIM

10th March 2016

Page 6

R HM Johnston

Submission

From: [ECInfo](#)
To: [Johnston Robert](#)
Cc: [Mailroom Mailbox](#)
Subject: FW: Plan Change 5 EMAIL:05270002960
Date: Friday, 11 March 2016 2:23:34 p.m.
Attachments: [Plan Change 5 to the Canterbury Land and Water Regional Plan.docx](#)
Importance: Low

Dear Robert

Thank you for your email regarding an alteration to your submission.

I have forwarded your email to our Records Team for processing.

If you have any further enquiries, please reply to this email or call Customer Services (details below).

Kind regards

Alanna

----- Original Message -----

From: Johnston Robert
Received: 11/03/2016 1:49 p.m.
To: ECInfo
Subject: Plan Change 5

Please find attached a further copy of my submission

This time on page 1, I have indicated that **I do** wish to be heard in support of my submission

Thank you

Robert Johnston

**Submission on Proposed Plan Change 5 to the
Canterbury Land and Water Regional Plan**

Submission from

Robert Hugh Merrell Johnston

519 Ashley Gorge Rd

RD 1 Oxford 7495

Phone (03) 3124166 0272280830

Fax (03) 3124085

email eandrjohnston@xtra.co.nz

Date 10th March 2016

**I could not gain an advantage in trade competition through this
submission**

I DO wish to be heard in support of my submission

Plan Change 5 to the Canterbury Land and Water Regional Plan

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5 As a young man, 40 years ago, I was a director of the NZ Wool Board, the IWS in London and the Wool Research Organisation (WRONZ) at Lincoln. This was at the time when Objective Measurement and Sale by Sample was being introduced into the Wool Industry to replace hand and eye appraisal to assess wool's value and processing capabilities. For that change to be universally accepted, the wool processors of the world had to be given the confidence that the testing and measurement of the key parameters of the wool fibre affecting processing performance and hence price, were accurate, defensible, repeatable, and reliable. The Board and Industry I was a member of was able to do just that, ---to the precise measurement of one tenth of a percentage point for yield and vegetable content and more importantly to one tenth of one millionth of a meter for fibre diameter (0.1% of a micron) Compare that with the "Overseer" variability of plus or minus 30%--a 60 point margin !!!!

6 'Overseer' is just so far away from the accurate and defensible Objective Measurement technology used in the Wool industry, that its use for these important environmental and regulatory considerations must be seriously questioned. One must ask- How can such a flawed system be continued with.?

7 Requirement for a Resource Consent -- Several factors may trigger this but one particularly seems quite bizarre,-----that is when a property over 10ha has an area of winter crop, (eg kale), greater than 20ha. This it seems without any consideration to the size of the property—whether it is 30 ha, 100ha, 200ha, or 400ha.-----I just cannot understand this, or grasp any logic behind it. In my case there may well be 45ha of winter crop and a further 45 ha of rape for lamb finishing sown with new grass ----this out of an arable area of 450 ha and a property area of 1677ha, all but 40ha of which will be in the orange zone. To be required to apply for a consent to farm in these circumstances is quite bizarre particularly when the average base line N loss is down at a very low level over the whole property.

8 Number of and Cost of Consents -----This will cause both Ecan and hundreds of farmers a lot of griefEcan's ability to cope with the volume will stretch their resources, and farmers / land occupiers with the application and then ongoing costs to revise and update the data particularly when we all know the very foundations for its measurement and accuracy are very problematical. How many farmers have the time or skills to go in to "the

Portal” to enter their data to find out whether or not they are above or below some magical figure ? A few –yes, all of them –no that means those who can’t will have to employ a consultant (registered of course) at more expense to begin ---- before the actual expense of the consent process itself –At \$3000, \$4000, \$6000, even \$10,000 or more could be quite possible plus an ongoing annual fee.-----All this to comply with laudable ideals using flawed mechanisms to measure them

9 Timing of fertilizer applications under Schedule 28 GMP Modelling Rules Page 6/ 13 ‘ Overseer ‘ setting , methodologies and rules applied by the Farm Portal to model “good Management Practice’ Under Pastoral, the rules applying will be that maintenance fertilizer is to be applied in the month of October. I am unclear whether that is an example or quite what it is Quite simply if it is not an example then it is ridiculous , will not be complied with and would be unenforceable.--—Apart from its stupidity from a farming perspective,-the ramifications would extend back to the fertilizer supplying Companies and transport and spreading operators ----- a rule requiring 12 months of supply , cartage and spreading to be compressed into one month of October ----a rule conceived by someone with very little practical understanding of a pastoral operation . Somewhere else I read that no fertilizer was to be applied in the months of May , June and July ---why not ?

10 Orange Zone Nutrient Allocation rules and Audit provisions---- As outlined in the Plan and depending on size of holding --- (greater than 10 ha) , a property could tumble from permitted , to controlled, to restricted discretionary , to discretionary then non complying most with a varying number of conditions and/or controls retained by Ecan Similarly for the Green and Light Blue zones. The conditions , control and/or discretion applied or retained by Ecan and its officers in the practical application/determination of these stages and subsequent Audit are quite formidable, indeed daunting. They are in essence a recipe for discontent , disillusionment and will farmers have faith in or respect for the Audit requirements as proposed?----that has yet to be tested.----yet another layer of bureaucracy hovering over a farming enterprise.

11 Sub Regional Plans -----Fundamentally I do not agree with them in principle ---not because I do not recognise that there are differences and nuances within and throughout the region ,but rather because i do not support

two sets of rules applying to adjacent properties divided by a line on a map. More importantly, I question the ability of the Zone Committees to assume an elevated role as the Council (or its officers) to pass judgment on farming operations in the future. Their membership is finite (they will be 'refreshed' and replaced just about the time they have grasped enough of the complexities of their position to make informed judgements)—they are appointed and as such it is an undemocratically formed committee ,and many of those non farming members would struggle to comprehend the ramifications and effect of their determinations on the farming community . It is obvious to me that they will be “guided” in their decision making by Ecan staff and their lack of accountability to the people they purport to represent will be manifest----a problem over which no body “out there “ will have any control over. Quite simply I do not feel I am represented, rather I have people imposed upon me who are accountable perhaps only to Ecan..

12 Accountability -----As it stands right now Ecan is protected by the Special Empowering 2010 Legislation which prevents any challenge to the Environment Court on a matter of substance ----but allows only an appeal to the High Court on the grounds of a “Point of Law.” This situation is set to be extended for a further 3 years and therefore into the activities and conclusions of the Zone Committees and their determinations. That is not a great confidence builder. Ecan is currently accountable only to Central Government----certainly not to the people of Canterbury or the farmers who are the ones directly affected

12 Consultation, -----Not surprisingly very little time has been given between notification and the close of submissions 13th Feb until 11th March just on 4 weeks or about 20 working days. There has been a noticeable absence of consultation meetings or discussion opportunities and those I now know to have been held, were not widely advertised and therefore missed a lot of people . This is similar to the Land & Water Plan where the new Ecan only held 3 public meetings before the door was shut on the construction of that Plan in2010/2011. Now as then it seems the course had been chartered

13 Complexity --- Yet again the goal posts are being shifted Farmers were coming to terms with and getting an understanding of base line nutrient levels and losses (notwithstanding the differing figures produced by each 'upgrade'

of "Overseer") And now we are faced with yet another proposal /approach - The substance of this variation is very very complex , so complex in fact that without being disrespectful to my fellow farmers, it would be beyond many of them, and I know I am struggling to comprehend much of it. I believe most would be forced to employ a consultant at yet more expense.----that is unless they choose to ignore these provisions I suspect many may well do just that and where would that leave Ecan so far as enforcement is concerned.. By retaining reliance on"Overseer" for the practical application of the MGM , the provisions of this Variation 5 are virtually unenforceable -----no judge in any Court would enter a prosecution based on a flawed computer modelling mechanism with a variability of plus or minus 30%

14 Central Government criticized Ecan for its lack of water management in Canterbury ---Central Government were wrong ---Ecan did have a Water Plan - -the Natural Resources Regional Plan (NRRP) which was about 98% complete when the Councillors were sacked and replaced with Commissioners. (I was one of those NRRP Commissioners for 4years.) The NRRP was unfairly criticized then discarded and replaced by what ---the current Land and Water Plan which has been found wanting on so many fronts, to the point of requiring all these variations (including this Plan Change 5) It seems pretty clear that both Ecan staff and Commissioners are struggling to find a mechanism that will satisfy everybody's needs ----Central Government ,Local Government, the environmental lobby and the practitioners most affected – the farmers . What you have before you today is not a step forward in water management ---rather it is a very complex proposal that will further sour relationships with perhaps their most important stakeholder ---the farmers.

15 The fundamental problem is that between Commissioners and staff there are very few people in Ecan who have a thorough understanding of agriculture and farming. Having an idealistic vision for improved environmental outcomes is one thing ----having practical solutions that are realistic and achievable is another and what is needed . In my view none of the plans or mechanisms devised or employed to date achieve that . In many respects we would be no worse off environmentally if the emphasis was turned around from being output focused to setting some realistic limits on inputs and letting farmers get on with it What is currently on the table quite clearly is not workable

not practical, not acceptable or enforceable and will cause continuing angst to both Ecan and their important stakeholder-- the farming community, and most likely not achieve the environmental outcomes hoped for .

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10th March 2016