

**From:** Cole Burmester [<mailto:c.burmester@ryderconsulting.co.nz>]  
**Sent:** Tuesday, 29 March 2016 5:06 p.m.  
**To:** Raymond Ford  
**Subject:** Re: Amuri Irrigation submission on Plan Change 5

Hi Raymond,

Thanks for this.

Paragraph (c) of submission point 9 (page 9) should refer to Policy 4.41C(a). **Not** Policy 4.41B(a).

For completeness, I note that we have two submission points '2' and all points should be +1. Therefore, the above should in fact be submission point 10...

I am happy to that change and resubmit an updated version of the submission if necessary?

Kind regards,  
Cole

**Cole Burmester**  
Associate & Environmental Planner

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M: 027 373 9728  
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Website: [www.ryderconsulting.co.nz](http://www.ryderconsulting.co.nz)

**Ryder Consulting Limited**  
Level 1, 89 Grey Street  
PO Box 13009  
Tauranga 3141

On 29/03/2016, at 8:36 am, Raymond Ford <[Raymond.Ford@ecan.govt.nz](mailto:Raymond.Ford@ecan.govt.nz)> wrote:

Hi Cole  
We can make the change once you have advised us by email

Raymond

**From:** Cole Burmester [<mailto:c.burmester@ryderconsulting.co.nz>]  
**Sent:** Monday, 28 March 2016 6:09 p.m.  
**To:** Raymond Ford  
**Subject:** Re: Amuri Irrigation submission on Plan Change 5

Hi Raymond,

Do you require me to edit the submission for Amuri Irrigation, as per your email to Gavin, or can we make this change via email request?

Thanks,  
Cole

**Cole Burmester**

Associate & Environmental Planner

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Begin forwarded message:

**From:** Raymond Ford <[Raymond.Ford@ecan.govt.nz](mailto:Raymond.Ford@ecan.govt.nz)>  
**Subject:** Amuri Irrigation submission on Plan Change 5  
**Date:** 24 March 2016 at 2:14:32 PM NZDT  
**To:** Gavin Kemble <[g.kemble@ryderconsulting.co.nz](mailto:g.kemble@ryderconsulting.co.nz)>

Hi Gavin

I see the same error has occurred with the Amuri Irrigation Scheme submission (pg 10 submission row 9)

Can you let me know if the same correction is required?

Regards

Raymond

**From:** Gavin Kemble [<mailto:g.kemble@ryderconsulting.co.nz>]  
**Sent:** Tuesday, 22 March 2016 12:48 p.m.  
**To:** Raymond Ford  
**Subject:** Re: re RDR submission on Plan Change 5

Good afternoon Raymond.

Well spotted. Para (c) should refer to Policy 4.41C(a). **Not** Policy 4.41B(a).

Is this email sufficient, or do you want me to make that change and email an updated version of our submission?

Kind regards,

Gavin

**Gavin Kemble**

Managing Director & Environmental Planner

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<image001.jpg>

On 22/03/2016, at 9:56 AM, Raymond Ford <[Raymond.Ford@ecan.govt.nz](mailto:Raymond.Ford@ecan.govt.nz)> wrote:

Hi Gavin  
Thanks for returning my phone call.

I noticed that submission 9 ( page 5) concerns Policies 4.41C and 4.41D, but in your relief Point (c), you refer to Policy 4.4.1B(a). This seems to be out of place.

Is the reference to Policy 4.4.1B(a) correct?.

Regards

Raymond

---

**Raymond Ford**  
Principal Planner  
Environment Canterbury

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[Raymond.Ford@ecan.govt.nz](mailto:Raymond.Ford@ecan.govt.nz)

*Facilitating sustainable development in the Canterbury region*

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**Pollution Hotline**

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<~WRD000.jpg>

**Gavin Kemble**

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**From:** [Cole Burmester](#)  
**To:** [Mailroom Mailbox](#)  
**Cc:** [Andrew Barton](#); [Gavin Kemble](#)  
**Subject:** Submission to Plan Change 5 to the LWRP  
**Date:** Friday, 11 March 2016 2:30:25 p.m.  
**Attachments:** [T2016-042\\_CGB\\_070316\\_Amuri\\_PC5\\_Submission\\_\(Final\).pdf](#)  
[ATT00001.htm](#)

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Good afternoon,

Please find attached a submission from Amuri Irrigation Co Limited for Plan Change 5 to the Environment Canterbury Regional Land and Water Regional Plan.

If you have any questions regarding the same, please don't hesitate to contact Andrew Barton of Amuri Irrigation Co Limited in the first instance.

Kind regards,  
Cole

**Cole Burmester**

Associate & Environmental Planner

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**SUBMISSION TO THE PROPOSED PLAN CHANGE 5 TO THE  
CANTERBURY LAND AND WATER REGIONAL PLAN**

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

**SUBMISSION ON:** Proposed Plan Change 5 to the Canterbury Land  
and Water Regional Plan

**NAME OF SUBMITTER:** Amuri Irrigation Co Limited

**ADDRESS FOR SERVICE:** Amuri Irrigation Co Limited  
C/- Mackay Bailey  
PO Box 13311  
Christchurch 8141

Attention: Andrew Barton

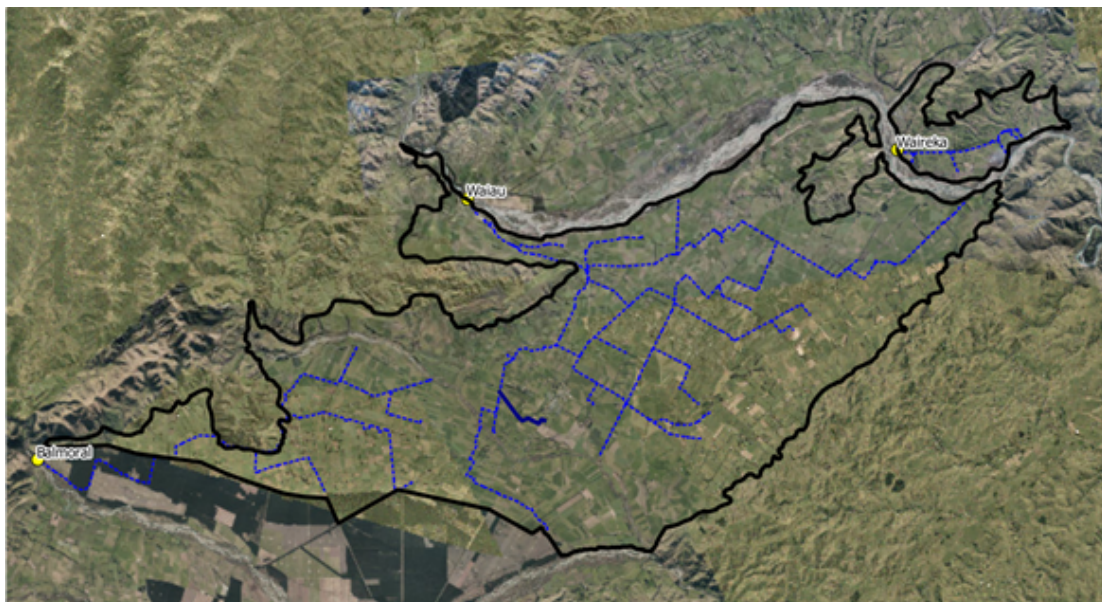
**Phone:** (022) 318 5488

**E-mail:** [andrew@amuriirrigation.co.nz](mailto:andrew@amuriirrigation.co.nz)

# 1 INTRODUCTION

Amuri Irrigation Co Limited ('AIC' or 'the Company') operates three irrigation schemes, known as the Waiau, Balmoral and Waiareka (hereafter referred to collectively as the 'Amuri Irrigation Scheme'), within the Hurunui and Waiau catchments (**Figure 1**). The Amuri Irrigation Scheme was designed and constructed in the 1970s and 1980s and supplied irrigation water (typically via border dyke allocations) to its shareholders. Currently, over 90 percent of AIC shareholders use spray irrigation as a result of an estimated \$100 million investment across the scheme in converting border dyke land to spray irrigation.

The Waiau scheme takes eleven cubic metres per second ('cumecs') of water from the Waiau River at the Leslie Hills Bridge. The abstracted water is used to irrigate approximately 14,000 hectares. The Balmoral scheme takes five cumecs from the Hurunui River, downstream of the Mandamus confluence. The abstracted water is used for the irrigation of approximately 6,000 hectares of land. The Waiareka scheme takes 450 litres per second from the Waiau River, downstream of Waiau township, for irrigation of approximately 500 hectares of land.



**Figure 1 – AIC Irrigation schemes**

AIC strives to be a progressive irrigation company, efficiently and sustainably supplying reliable water, while protecting and enhancing shareholder assets. The Company's vision for the future is optimistic and forward-looking with a commitment to sustainable, modern productive agriculture that:

- Seeks continuous improvement in its economic productivity;
- Efficiently uses natural resources with a high standard of environmental care; and
- Remains a major contributor to the general prosperity and well being of the Canterbury Region.

For completeness, AIC's shareholders continue to demonstrate a willingness to become engaged in projects that aim to address identified environmental concerns. In that regard, AIC's shareholders have made continuous developments and improvements in irrigation practice, which has also led to greater efficiency of water use and a consequent reduction in

environmental impacts. This includes significant investment to move away from borderdyke irrigation to more efficient and technologically advanced spray irrigation systems that have reduced runoff and associated nutrient loss. This is not only beneficial in terms of protecting water quality, but also in terms of resource use efficiency and a reduction in operating costs for farmers. These operational changes have significantly reduced loss of sediment and associated phosphorous to waterways, and in part is the reason for a trend of reducing phosphorous load in the Hurunui River in recent years.

Most recently AIC has taken on a leading role in contributing to achieving the water quality objectives of the Hurunui and Waiau Regional River Plan (**'HWRRP'**). The policy of the company is to work in close partnership with the Zone Committee, Canterbury Regional Council (**'CRC'**), various industry organisations other community groups and most importantly the irrigated and dry land landowners and farmers of the Hurunui and Waiau catchments to help achieve the shared objectives for the catchment. The Company has prepared an ambitious Environmental Management Strategy (**'EMS'**) as its contribution to achieving the water quality objectives of the HWRRP.

AIC's EMS sets out how the company will contribute to achieving:

- The reduction of nitrogen and phosphorous loads in catchment waterways;
- More efficient use of natural resources including water, soils and nutrients through improved farm management practices;
- The protection of ecologically important wetlands and areas of native vegetation and habitats;
- Well trained and motivated farm staff and managers that have the skills and understanding to deliver environmentally sustainable and socially acceptable farming; and
- The maintenance and enhancement of economically sustainable farming in the Hurunui and Waiau catchments, which underpin the wider economic and social well being of the area.

## **2 SUBMISSION**

This submission is made to the provisions of the proposed Plan Change 5 (**'PC5'**) to the Canterbury Land and Water Regional Plan (hereafter referred to as the **'oLWRP'**). The Company's submissions are set out within Table 1 that follows.

While AIC recognises that PC5 does not apply directly to the HWRRP, it is considered that any proposed amendments to the oLWRP could set a precedence that may be introduced to the HWRRP in the future. As such, AIC seeks to ensure that consistency is kept across all the Regional Plans.

While outside the scope of PC5, the Company also wishes to raise its concern regarding the process and development of PC5 to the oLWRP. In that regard, AIC considers that it has not been adequately consulted as significant partner in the development of these Plan Changes. The Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 ("the **ECan Act**") is a trade-off, in that, the right of appeal to the Environment Court has been removed in exchange for the greater involvement in plan development through a collaborative process. When a Plan Change is notified the Company has no right of appeal, except on points of law. AIC requests that further consideration is



given to the ECan Act and ensuring a 'Collaborative Approach' is adopted by the CRC to ensure that all relevant parties are consulted with appropriately through future plan change developments, such as that related to the Hurunui-Waiau zone.

**Table 1: Amuri Irrigation Company Limited Submission to PLAN CHANGE FIVE to the partially operative Canterbury Land and Water Regional Plan: 'NUTRIENT MANAGEMENT & WAITAKI SUB-REGION'**

No.	Provision	Submission	Requested Relief
1.	Introduction and Extent of Plan Change 5 ('PC5'), of the partially operative Canterbury Land & Water Regional Plan (hereafter referred to as the 'oLWRP').	<p>Amuri Irrigation Company Limited ('AIC') is <b>opposed</b> to the extent of PC5.</p> <p>The Section 32 Evaluation Report ('s32 Report') for PC5 sets out that under section 67(4)(b) of the Resource Management Act 1991 ('RMA'), PC5 must not be inconsistent with any other regional plan for the region. Under section 1.4 of the s32 Report ('Extent of Plan Change 5') it states that no part of PC5 applies to:</p> <ul style="list-style-type: none"> <li>The Coastal Marine Area, which is managed by the Regional Coastal Environment Plan ('RCEP'); or</li> <li>The Hurunui, Waiau and Jed River Catchments, which are managed by the Hurunui and Waiau River Regional Plan ('HWRRP').</li> </ul> <p>For completeness, the HWRRP provides a framework for the sustainable management of water resources in the Hurunui, Waiau and Jed catchments. It controls the taking, diverting, using and damming of surface water and stream depleting groundwater; the taking and using of groundwater; the discharge of water used for non-consumptive activities; and the use of land which may result in the discharge of nitrogen or phosphorus to water.</p>	<p>AIC seeks the following relief from the Canterbury Regional Council ('CRC'):</p> <p>(a) That specific reference is made within PC5 to clarify that no part of PC5 applies to:</p> <ul style="list-style-type: none"> <li>The Coastal Marine Area, which is managed by the RCEP; or</li> <li>The Hurunui, Waiau and Jed River Catchments, which are managed by the HWRRP.</li> </ul> <p>This includes amending (via a footnote or similar reference) any policies and / or rules to ensure that it is clear that these policies and / or rules do not apply to the Hurunui, Waiau and Jed River Catchments.</p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
2.	Introduction of the High Runoff Risk Phosphorus Zone to the oLWRP Planning Maps.	<p>AIC is <b>opposed</b> (in part) to the introduction of the 'High Runoff Risk Phosphorus Zone' to the Planning Maps, as set out in PC5.</p> <p>While not opposing the definition and introduction of the 'Phosphorus Risk Zone' in principle, AIC is concerned with the introduction of the 'High Runoff Risk Phosphorus Zone' on the Planning Maps associated with the areas that are contained within the HWRRP.</p> <p>As set out in submission point 1, AIC is concerned that it is not clear that the amendments proposed in PC5 do not apply to the Hurunui, Waiau and Jed River Catchments, which are managed by the HWRRP. In that regard, the HWRRP provides a framework for the sustainable management of water resources in the Hurunui, Waiau and Jed catchments. It controls the taking, diverting, using and damming of surface water and stream depleting groundwater; the taking and using of groundwater; the discharge of water used for non-consumptive activities; and the use of land which may result in the discharge of nitrogen or phosphorus to water. Therefore, it is considered by the Company that the new 'High Runoff Risk Phosphorus Zone' to these maps creates confusion and inconsistencies.</p>	<p>AIC seeks the following relief from the CRC:</p> <p>(a) That specific reference is made within PC5 to clarify that the 'High Runoff Risk Phosphorus Zone' does not apply to the planning maps associated with the HWRRP and that any maps that are associated with the same area as that covered by the HWRRP are deleted.</p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
2.	Definition of 'Accredited Farm Consultant', Definitions, Translations & Abbreviations, Section 2: How the Plan Works & Definitions, of the partially oLWRP.	<p>AIC is <b>opposed</b> (in part) to the proposed definition of 'Accredited Farm Consultant', as set out in PC5.</p> <p>The definition of 'Accredited Farm Consultant' seems to offer two alternatives; either the person has the prescribed qualifications and certification, or has another qualification that has been approved by the Council. While this approach is not opposed in principle, as presently structured the definition creates some uncertainty. This uncertainty can be removed by restructuring the definition. Indeed, such restructuring is required to achieve good planning and resource management practice.</p>	<p>AIC seeks the following relief from the CRC:</p> <p>(a) That the definition of 'Accredited Farm Consultant':</p> <p><i>"means a person that either:</i></p> <p><i>a. holds a Certificate of completion ... from Massey University; <u>and</u> has been certified ... consultant'; or</i></p> <p><i>b. holds any other qualification ... competencies required."</i></p> <p><b>and</b></p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
3.	Definitions of 'Baseline GMP Loss Rate', 'Farm Portal', 'Good Management Practice Loss Rates', Definitions, Translations & Abbreviations, Section 2: How the	<p>AIC <b>opposes</b> (in part) the proposed definitions of 'Baseline GMP Loss Rate', 'Farm Portal', 'Good Management Practice Loss Rate', the Farm Portal mechanism and Schedule 28 as set out in PC5.</p> <p>While not opposing the definitions of 'Baseline GMP Loss Rate' or 'Good Management Practice Loss Rate' in principle, AIC is concerned with the requirement that both rates are estimated using the 'Farm Portal'. This concern centres</p>	<p>AIC seeks the following relief from the CRC:</p> <p>(a) That:</p> <p>i. CRC commissions a peer review (by an appropriately qualified and experienced independent expert in nutrient modelling) of the detail set out in the Farm</p>

No.	Provision	Submission	Requested Relief
	<p>Plan Works &amp; Definitions, of the oLWRP.</p> <p>Schedule 28: Good Management Practice Modelling Rules, Section 16: Schedules, of the oLWRP.</p> <p>The Farm Portal Mechanism, as introduced by PC5 into the oLWRP.</p>	<p>upon a number of the deficiencies that are apparent in the Farm Portal, as it exists. In this regard, AIC has been advised that use of the Farm Portal has produced results that lead to nutrient reductions, from present day, of some 24 percent if the various Good Management Practice ('GMP') loss rates are to be achieved. This is a significant reduction, particularly given the timeframes that apply to all farming activity having to be at Good Management Practice Loss Rates (refer, for example to the timeframes set out in proposed policy 4.38D).</p> <p>AIC notes the definition of 'Farm Portal' refers to Schedule 28. While it has not been possible for AIC to interrogate the Farm Portal in detail or to assess how it relates to the modelling rules set out in Schedule 28, preliminary indications suggest that there is not a strong correlation between the Farm Portal and the approach set out in the schedule. Not only is this disconcerting, it casts doubt over the accuracy of the definition of 'Farm Portal'.</p> <p>AIC is not, opposed, in principle to the modelling rules set out in Schedule 28 (including Tables s28.1 to s28.3 and methods s28.1 to s28.4). Indeed, the Company has long advocated for common standards to drive the consistent modelling of nutrient losses. As we have already noted, AIC is concerned with the outcomes of the Farm Portal. If, however, the outcomes from the Farm Portal are derived from the accurate implementation of the modelling rules set out in Schedule 28 (as the definition of Farm Portal suggests), AIC questions the validity of the modelling rules. In particular, it questions appropriateness of the irrigation and fertiliser rules.</p> <p>In summary, therefore, AIC does not question the appropriateness of the planning rationale that underlies the Council's advancement of the Farm Portal concept, including the associated concepts embodied in the definitions of the terms 'Baseline GMP Loss Rate' and 'Good Management Practice Loss Rate'. It does, however, question the appropriateness of the outcomes that are likely to be achieved as a consequence of the implementation of the Farm Portal as it exists at the time of public notification. Without certainty that the Farm Portal will create robust loss rates that accords with the modelling rules set out in Schedule 28, AIC has little option but to oppose the provisions that rely on the Farm Portal, and the Farm Portal mechanism itself.</p>	<p>Portal. The objective of the peer review would be to determine if the Farm Portal accords with the Modelling Rules set out in Schedule 28. The peer review report should be made available to all submitters at least six (6) weeks prior to the commencement of the further submissions period. AIC also asks that CRC enable any submitter to PC5 to immediately conduct / commission their own peer reviews of the Farm Portal also;</p> <p><b>and</b></p> <p>ii. Should the peer review in (a)(i) determine that the Farm Portal accords with modelling rules set out in Schedule 28, AIC seeks that:</p> <ul style="list-style-type: none"> <li>Both Schedule 28 and the Farm Portal mechanism be amended to ensure that the losses required to achieve GMP do not unacceptably constrain farming activity in Canterbury, and cause the associated unacceptable social and economic effects; and</li> <li>The timeframes for the achievement of GMP in a manner that will not result in unacceptable social and economic consequences be determined. This could necessitate amendments to the definitions of 'Baseline GMP Loss Rate' and 'Good Management Practice Loss Rate' so that they establish timeframes for the achievement of GMP. Equally, it could necessitate changes to the policy and rule frameworks. We address this latter possibility in subsequent sections of this submission.</li> </ul> <p><b>and</b></p> <p>iii. Should the peer review in (a)(i) determine that the Farm Portal does not accord with modelling rules set out in Schedule 28, AIC seeks that:</p> <ul style="list-style-type: none"> <li>The Farm Portal mechanism be amended so that it gives effect to the modelling rules in Schedule 28, and then be trialled to ensure that the losses required to achieve GMP do not unacceptably constrain farming activity in Canterbury, and cause unacceptable social and economic effects;</li> <li>Should the trialling of the revised version of the Farm Portal produce outcomes that do not unacceptably effect the social and economic wellbeing of Canterbury, no further amendments to the provisions cited in this submission are sought.</li> <li>Should the trialling of the revised version of the Farm Portal produce outcomes that unacceptably effect the social and economic wellbeing of Canterbury, AIC seeks the relief set out in (a)(ii) of this submission.</li> </ul> <p><b>and</b></p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
4.	<p>Definition of 'Certified Farm Environment Plan Auditor', Definitions, Translations &amp; Abbreviations, Section 2 ('How the Plan Works &amp; Definitions') of the oLWRP.</p>	<p>AIC is <b>opposed</b> (in part) to the proposed amendment of the term 'Certified Farm Environment Plan Auditor', as set out in PC5.</p> <p>AIC is not opposed to the existence of this definition, or limbs (1) and (2) of the same. While understanding the rationale behind limb (3) of the definition, AIC is concerned that it is subjective and thus does not provide a great deal of assistance to parties seeking to implement PC5. While accepting that Schedule 7 (Part C) is to be amended to</p>	<p>AIC seeks the following relief from the CRC:</p> <p>(a) <b>Either</b> delete limb (3) to the definition of the term 'Certified Farm Environment Plan Auditor';</p> <p><b>or</b></p>

No.	Provision	Submission	Requested Relief
		<p>provide standards and methods that can be used by prospective auditors to demonstrate proficiency and competency (albeit by cross reference to a manual that sits outside of the oLWRP), AIC questions the need for a party that achieves limbs (1) and (2) to satisfy any further tests. Put another way, we are of the opinion that any person that satisfies limbs (1) and (2) of this definition will be sufficiently qualified and experienced to audit Farm Environment Plans.</p> <p>Should, however, the Council feel compelled to retain limb (3), AIC is of the opinion that the ‘demonstration standards’ should be clearly stated in the oLWRP, preferably in the definition of ‘Certified Farm Environment Plan Auditor’, and not in a document that sits outside of the same. In this regard, while cross referencing a document that sits outside of the oLWRP provides flexibility to the Council, doing so creates unnecessary uncertainty for those seeking to implement PC5.</p>	<p>(b) Amend limb (3) of the definition of ‘Certified Farm Environment Plan Auditor’ so that the ‘demonstration standards’ are clearly stated and do not sit outside of the oLWRP;</p> <p><b>and</b></p> <p>(c) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
5.	Policy 4.11, Section 4: Policies, of the oLWRP.	<p>AIC is <b>opposed</b> to the proposed amendment of Policy 4.11, as set out in PC5.</p> <p>Policy 4.11 limits the duration of any resource consent granted under the ‘region-wide’ rules (as opposed to the ‘sub-regional’ rules) to not more than five years after the public notification date for any plan change that will introduce sub-regional water quality / water quantity provisions.</p> <p>In the case of irrigation company’s, that rule could apply to any resource consent application that seeks to enable the continued discharge of nutrients from an irrigation command area that is split across catchments. By having different consent terms applying outside of a catchment to within it could threaten irrigation company’s Environmental Management Systems (<b>‘EMS’</b>). In that regard, having separate EMS processes for various catchments, or requiring individual farmers to assume responsibility for their own nutrient consents, will result in greater inefficiency, and, we expect, slower change / environmental improvement. It will also cut across Limb (c) of Policy 4.36, which is not subject to change via PC5.</p> <p>Further, constraining the consent term for a catchment to a shorter term that applies (in accordance with Policy 4.11) to different command areas would be arbitrary and have little foundation in the RMA’s purpose. Particularly given that the CRC will be able to review (under section 128 of the RMA) the consent conditions of any resource consent that it does grant to ensure that the consented activity meets the levels, flow rates, or standards introduced by a future plan change.</p> <p>A preferable approach, and one that better accords with good planning and resource management practice and the RMA’s purpose is to enable the term of a resource consent to be determined on the basis of the information that is before the Council when it considers a resource consent application.</p>	<p>AIC seeks the following relief from the CRC:</p> <p>(a) Delete the Policy 4.11;</p> <p><b>and</b></p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
6.	Policy 4.36, Section 4: Policies, of the oLWRP.	<p>AIC <b>opposes</b> (in part) the amendments proposed to Policy 4.36 in PC5.</p> <p>AIC does not oppose the intent of the amendments proposed to Policy 4.36, subject to the requested relief sought in Submission 2 being approved. It questions, however, the use of the phrase ‘more significant nutrient loss’. While accepting that objectives and policies can contain subjective terms and phrases, AIC considers that certainty should be promoted where it can. Indeed, it believes that doing so accords with good planning and resource management practice.</p> <p>In the context of Policy 4.36, it appears that the phrase ‘more significant nutrient loss’ means anything that is not provided for as a permitted activity. Policy 4.36 should be reworked to make that plain, and thus reduce the unnecessary ambiguity that presently exists.</p> <p>AIC also questions the obligation that is imposed by Policy 4.36(bb), when it states that all farming activities with the potential for more significant losses are to manage their operations in accordance with the Good Management Practice Loss Rates. While this may be an aspiration, AIC is of the opinion that a more appropriate response is to</p>	<p>AIC seeks the following relief from the CRC:</p> <p>(a) Amend Policy 4.36(bb) to read:</p> <p><i>“farming activities <del>with the potential for more significant nutrient losses that require a resource consent to discharge nutrients to ground or surface water, managing, over time, their nitrogen loss in accordance with either the Baseline Good Management Practice Loss Rate or the Good Management Practice Loss Rates</del> and being subject to a <del>resource consent process</del> (as set out in policies 4.37 to 4.38AA, and Policy 4.38A)”</i>;</p> <p><b>and</b></p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>

No.	Provision	Submission	Requested Relief
		<p>enable lawfully established activities with higher nutrient losses to move to the Good Management Practice Loss Rate ('<b>GMPLR</b>') over a time period that accords with the purpose of the RMA. If, as preliminary results from the Farm Portal suggest, up to 24 percent reductions will be needed to achieve the GMPLR, a reasonable period needs to be provided to fund and implement the various practices. We note, for completeness, that CRC provides a 14-year transition period for a 25 percent reduction in Plan Change 2 (Policy 13.4.13(b)) to the oLWRP. AIC accepts that its concern here could be resolved if the relief in Submission point 3 above is accepted by CRC. Should that relief not be accepted, it seeks a change to Policy 4.36(bb) to make plain that the transition to the GMPLR should occur over time.</p> <p>Lastly on this point, AIC notes that other policies, such as Policy 4.37(b), refer, effectively, to farming activity needing to be in accordance with the lower of the GMPLR or the Baseline GMP Loss Rate ('<b>BGMPLR</b>'). To avoid confusion, Policy 4.36 needs to employ consistent language, and highlight the interconnection of this policy with the 'zone related' policies that follow.</p>	
7.	Policies 4.37, 4.38, 4.38AA, 4.38C and 4.38D, Section 4: Policies, of the oLWRP.	<p>The AIC <b>opposes</b> (in part) policies 4.37, 4.38, 4.38AA, 4.38C and 4.38D in PC5.</p> <p>AIC supports the principle that appears to underlie policies 4.37, 4.38 and 4.38AA. In that regard, AIC accept that farming activities should be striving to operate at GMP. Further more, AIC accepts the broad approach to GMP that is set out in the document entitled 'Industry-agreed Good Management Practices relating to water quality – Canterbury Matrix of Good Management Project, 9 April 2015' and actively promotes the same within its EMS. However, as we have already noted, preliminary results from the Farm Portal suggest that nutrient reductions in the vicinity of 24 percent may need to be made to achieve the BGMPLR / GMPLR. Should more rigorous testing ultimately bring that about, an appropriate timeframe is needed to enable that transition. As we have already noted in earlier submission points, Plan Change 2 to the oLWRP provides 14 years for a 25 percent reduction in nutrient losses.</p> <p>In the absence of better information about the reductions that the Farm Portal will require, AIC is not in a position to offer firm guidance as to the duration of the transition period that should be provided. The Company is, however, aware that other irrigation companies and industry groups are working together to better understand the average magnitude of the reductions that will be needed, and to define a transition period that achieves the water quality outcomes sought without causing unacceptable social or economic harm. That aside, however, AIC is of the opinion that the changes promoted by policies 4.37, 4.38 and 4.38A need to be supported by a robust modelling mechanism (which is not, from what we understand the Farm Portal, as publically notified and discussed in Submission point 3) and need to occur over a timeframe that accords with the RMA's purpose.</p> <p>Given the foregoing, policies 4.38C and 4.38D are also supported in principle, as they make it plain that PC5 anticipates a transition to both the BGMPLR and the GMPLR. The timeframes associated with the achievement of the BGMPLR and GMPLR are, however, highly optimistic (ranging from the 1<sup>st</sup> of July 2016 until the 30<sup>th</sup> of June 2020). If the further trialling of the Farm Portal confirms the preliminary results, substantial reductions will be needed to achieve both the BGMPLR and the GMPLR. We question if such transitions could be made in even the most lenient timeframe (June 2020). The social and economic consequences in trying to achieve these timeframes are likely to be significantly adverse.</p> <p>AIC notes that while the relief sought in its Submission point 3 will go some way to addressing some of the concerns that underlie this submission, modification to the policies, of the nature sought in this submission, could still be needed. In that regard, the transition periods need to be realistic and in accordance with the RMA.</p> <p>We note, for completeness, that AIC's concern can be allayed via two different means. We set out both alternative means in the relief sought. AIC has no preference as to which is adopted by the CRC, should it be of a mind to accept this submission.</p>	<p>AIC seeks the following relief from the CRC:</p> <p>(a) <b>Either:</b></p> <p>i. Amend the policies 4.37, 4.38 and 4.38AA so they are clear that the GMPLR or BGMPLR need to be achieved over a transition period that achieves the purpose of the RMA, having regard to the precedent that has been set in planning instruments such as Plan Change 2 to the oLWRP, and delete policies 4.38C and 4.38D;</p> <p><b>or</b></p> <p>ii. Amend policies 4.38C and 4.38D so that it is clear that there is a robustly derived and appropriate transition period for the achievement of both the BGMPLR and the GMPLR, and replaces the transition periods set in the publically notified versions of both policies with transition periods that achieves the purpose of the RMA, having regard to the precedent that has been set in planning instruments such as Plan Change 2 to the oLWRP;</p> <p><b>and</b></p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
8.	Policy 4.38A, Section 4: Policies, of the oLWRP.	AIC <b>opposes</b> (in part) the Policy 4.38A, as set out in PC5.	AIC seeks the following relief from the CRC:

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		<p>AIC supports the apparent intent of Policy 4.38A. In this regard, we understand the intent of this policy is to enable existing, lawfully established activities to apply for resource consent, but to require those applicants to work towards the achievement of the GMPLR. If this is not the intent of Policy 4.38A, AIC is of the opinion that it needs to be recast so that it is. In that regard, lawfully established activities should not be unduly penalised for acting in accordance with, and investing in accordance with, an authority that they have to do so, be it via resource consent or a permitted activity rule. Rather, they should be authorised to continue to operate, but required to do so in a manner that achieves the expectations and standards being applied to others over an appropriate transition period.</p> <p>AIC questions if it is realistic to expect a farming activity that falls within the ambit of Policy 4.38A to achieve the lesser of the GMPLR or the nitrogen loss rate for the four years ending at the 13<sup>th</sup> of February 2016. In this regard, an activity that exceeds its nitrogen baseline will almost certainly, in our opinion and experience, exceed the GMPLR. A more appropriate response would be to recast Limb (b) of 4.38A to require that the activity is to remain below the nitrogen loss rate for the preceding four years to the 13<sup>th</sup> of February 2016, and to improve their management practices so that they achieve the GMPLR within an appropriate transition timeframe, preferably that specified in Policy 4.38D (as recast in accordance with the relief sought in Submission point 7).</p> <p>AIC has offered three alternative amendments to Policy 4.38A. Its preference is the second or third options, provided the relief sought in Submission point 7 is accepted by CRC. Should that not be the case, AIC seeks the first option, on the basis that it will enable the timeframes to be determined on a case-by-case basis, and on the facts that are before CRC at the time.</p>	<p>(a) That Policy 4.38A(b) be amended to read <b>either</b>:</p> <p><i>“the nitrogen loss calculation remains <u>at, or below the lesser of the Good Management Practice Loss Rate or the nitrogen loss calculation that occurred in the four years prior to the 13<sup>th</sup> of February 2016 but that management practices are improved such that nitrogen losses below the root zone achieve the Good Management Practice Loss Rate over time.</u>”;</i></p> <p><b>or</b></p> <p><i>“the nitrogen loss calculation remains <u>at, or below the lesser of the Good Management Practice Loss Rate or the nitrogen loss calculation that occurred in the four years prior to the 13<sup>th</sup> of February 2016 but that management practices are improved such that nitrogen losses below the root zone achieve the Good Management Practice Loss Rate in accordance with the timeframes set out in Policy 4.38D.</u>”</i></p> <p><b>or</b></p> <p><i>“the nitrogen loss calculation remains <u>at, or below the lesser of the Good Management Practice Loss Rate or the nitrogen loss calculation that occurred in the four years prior to the 13<sup>th</sup> of February 2016 but that management practices are improved such that nitrogen losses below the root zone achieve the Good Management Practice Loss Rate in accordance with the timeframes set out in policies 4.37, 4.38 and 4.38AA.</u>”</i></p> <p><b>and</b></p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
9.	Policies 4.41C and 4.41D, Section 4: Policies, of the oLWRP.	<p>AIC <b>supports</b> (in part) and is <b>opposed</b> (in part) to policies 4.41C and 4.41D, as set out in PC5.</p> <p>It is appropriate in AIC’s opinion, that PC5 makes specific provision for irrigation schemes and principal water suppliers. As already discussed in Submission 5, aggregated management of discharges (via mechanisms such as the AIC’s EMS) promotes improved environmental outcomes and is efficient. This is particularly the case where the entity running the EMS mechanism also has the ability to take more direct (and prompt) compliance action. In order to effectively establish and operate an effective EMS mechanism, an entity must be of sufficient size to be able to offer economies of scale to its shareholders. Experience suggests that irrigation schemes and principal water suppliers are well placed to be able to achieve this.</p> <p>While not opposed, in principle, to the requirement set out in Limb (b)(i) of Policy 4.41C, it is critical (for the reasons already set out in preceding submissions) that principal water suppliers and irrigation schemes be afforded an appropriate transition timeframe. In keeping with the submissions we have already made on PC5, and the relief that we have sought in preceding submissions, that transition time needs to be specified in Policy 4.41C, or be inserted into either Policy 4.38C or policies 4.37, 4.38 and 4.38AA (as noted in Submission 7, the transition time presently provided for is not thought to be sufficient to achieve the reductions being required by the use of the Farm Portal).</p> <p>As with Submission 8, AIC has offered three alternative amendments to limbs (b)(i) and (b)(ii) of Policy 4.41C. Its preference is the second or third options, provided the Council accepts the relief sought in Submission 7. Should that not be the case, AIC seeks the first option, on the basis that it will enable the timeframes to be determined on a case-by-case basis, and on the facts that are before the Council at the time.</p>	<p>AIC seeks the following relief from the CRC:</p> <p>(a) Amend limbs (b)(i) and (b)(ii) to read <b>either</b>:</p> <p><i>“(i) <u>over time, the Baseline GMP Loss Rate for any ...</u> ”</i></p> <p><i>“(ii) <u>over time, a total of 5kg/ha/yr ...</u>”</i></p> <p><b>or</b></p> <p><i>“(i) <u>by the timeframe set out in Policy 4.38C, the Baseline GMP Loss Rate for any ...</u> ”</i></p> <p><i>“(ii) <u>by the timeframe set out in Policy 4.38C, a total of 5kg/ha/yr ...</u>”</i></p> <p><b>or</b></p> <p><i>“(i) <u>by the timeframe set out in policies 4.37, 4.38 and 4.38AA, the Baseline GMP Loss Rate for any ...</u> ”</i></p> <p><i>“(ii) <u>by the timeframe set out in policies 4.37, 4.38 and 4.38AA, a total of 5kg/ha/yr ...</u>”</i></p>



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		<p>AIC supports the focus in Policy 4.41C on the achievement of the BGMPLR. AIC has been working to implement GMP through its EMS, and its shareholders have made a number of significant changes. It is appropriate that AIC shareholders are not penalised for having been proactive. This would be the case were they Policy 4.41C to require AIC to achieve GMPLR. It follows that AIC seeks that this focus be retained.</p> <p>AIC's existing resource consent has a calculated nitrogen load that can be discharged. AIC administers that load as a whole, and is working towards reducing its load (as a whole) to GMP. AIC seeks an amendment to Policy 4.41C to made it plain that irrigation schemes and principal water suppliers can continue to manage their water on an aggregated basis, rather than requiring farm-by-farm compliance, which could bring about additional costs (for farmers) and reduce efficiencies that the Company has introduced through its EMS.</p> <p>Policy 4.41D is appropriate, as it reflects a key benefit of collective nutrient load management. AIC seeks that this policy be retained unchanged.</p>	<p><b>and</b></p> <p>(b) Insert a new limb (Limb (c)) into Policy 4.41C that reads:</p> <p><i><u>"an application is to specify if the irrigation scheme or principal water supplier is to manage the nutrient load associated with the discharge permit on a 'property by property basis' or aggregated across the command area of the scheme or supplier."</u></i></p> <p><b>and</b></p> <p>(c) Retain Policy 4.41B(a) unchanged;</p> <p><b>and</b></p> <p>(d) Retain Policy 4.41D unchanged;</p> <p><b>and</b></p> <p>(e) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
10.	Rule 5.41A, Section 5: Region wide rules, of the oLWRP.	<p>The AIC is <b>supports</b> Rule 5.41A, as set out in PC5.</p> <p>AIC supports Rule 5.41A. In this regard, it is appropriate that the use of land for a farming activity is permitted where an irrigation scheme or principal water supplier holds a resource consent (discharge permit) that places limits on nutrient losses. Such an approach accords with good planning and resource management practice, is efficient (while recognising the significant role that irrigation schemes and principal water suppliers play in the social and economic well being of Canterbury), and achieves the purpose and principles of the RMA.</p>	<p>The AIC seeks the following relief from the CRC:</p> <p>(a) Retain Rule 5.41A unchanged.</p>
11.	Rule 5.44B, Section 5: Region wide rules, of the oLWRP.	<p>The AIC is <b>opposed</b> (in part) Rule 5.44B, as set out in PC5.</p> <p>The AIC supports the intent of Rule 5.44B. In this regard, it is appropriate to provide a controlled activity resource consent pathway for a farming activity in the Red Nutrient Allocation Zone where limbs (1) to (3) are achieved. This provides the necessary certainty to applicants, while enabling the CRC to impose the conditions needed to ensure that the activity accords with the RMA. AIC is, however, concerned with the timeframe imposed in Limb (2). As has been highlighted in earlier submissions, achieving the BGMPLR may prove extremely challenging if the preliminary results from the Farm Portal (which suggest that losses need to be reduced by 24 percent in some cases to achieve GMP) are found to be a fair representation of the results that this mechanism produces. Indeed, to do so would, we expect, cause significant adverse social and economic effects. Given this, AIC asks that the Council amend Rule 5.44B to provide a timeframe that better reflects the transition period needed for the farming community to adapt and respond while not causing unacceptable social and economic harm. As we have noted in other submissions to PC5, CRC has allowed 14 years to achieve a 25 percent reduction in the Hinds River catchment (refer to the 'decisions version' of Plan Change 2 to the oLWRP).</p> <p>For the same reason, AIC asks that assessment criteria (4) and (5) be amended to make it clear that the BGMPLR and GMPLR can be achieved over time.</p> <p>Lastly on this rule, AIC is confused by the inclusion of Assessment Criterion (9). This provision suggests that the General Rules of the oLWRP have a role to play in the consideration of a resource consent application for a nutrient discharge advanced under the provisions of one of the sub-regional chapters. That seems to run contrary to the purpose of the sub-regional chapters, and will cause unnecessary duplication and confusion amongst plan users. A</p>	<p>The AIC seeks the following relief from the CRC:</p> <p>(a) Amend Limb (2) Rule 5.44B by deleting the references to the 30<sup>th</sup> of June 2020 and the 1<sup>st</sup> of July 2020 and replacing them with dates that do not cause unacceptable social and economic harm. We note, for completeness, that this relief accords with, and is consequential to the relief sought in Submission 3;</p> <p><b>and</b></p> <p>(b) Amend Assessment criteria (4) and (5) of Rule 5.44B to read:</p> <p><i><u>"(4) Methods that limit the nitrogen loss <del>calculation</del> for the... baseline GMP Loss Rate, and the timeframes for achieving the Baseline GMP Loss Rate; and</u></i></p> <p><i><u>(5) Methods that require the farming activity to ... Baseline GMP Loss Rate, and the timeframes for achieving the Good Management Practice Loss Rate ...";</u></i></p> <p><b>and</b></p> <p>(c) Delete Assessment Criterion (9) of Rule 5.44B;</p> <p><b>and</b></p>

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		more appropriate approach, and one that accords with the direction of the oLWRP, is to remove Assessment Criterion (9), thereby making is clear that Rule 5.44B only applies where nutrient loss provisions do not exist for an area in the sub-regional chapters of the oLWRP.	(d) Any similar and/or consequential amendments that stem from the changes and/or additions described above.
12.	Rule 5.45A, Section 5: Region wide rules, of the oLWRP.	<p>The AIC is <b>opposed</b> (in part) to Rule 5.45A, as set out in PC5.</p> <p>The AIC supports the intent of Rule 5.45A. In this regard, it is appropriate to provide a restricted discretionary activity resource consent pathway for a farming activity in the Red Nutrient Allocation Zone that can not comply with Rule 5.44B, but which can achieve limbs (1) and (2) of Rule 5.45A. This provides the necessary certainty to applicants, while enabling the CRC to consider the merits of the proposal before it either declines or approves the proposal, subject to the conditions needed to ensure that the activity accords with the RMA. As with Rule 5.44B, however, AIC is concerned with the timeframe imposed in Limb (2). As has already been highlighted in earlier submissions, achieving the BGMPLR may prove extremely challenging if the preliminary results from the Farm Portal (which suggest that losses need to be reduced by 24 percent in some cases to achieve GMP) are found to be a fair representation of the results that this mechanism produces. Indeed, to do so would, we expect, cause unacceptably significant adverse social and economic effects. Given this, AIC asks that the Council amend Rule 5.45A to provide a timeframe that better reflects the transition period needed for the farming community to adapt and respond while not causing unacceptable social and economic harm. As we have noted in other submissions to PC5, CRC has allowed 14 years to achieve a 25 percent reduction in the Hinds River catchment (refer to the ‘decisions version’ of Plan Change 2 to the oLWRP).</p> <p>For the same reason, AIC asks that assessment criteria (5) and (6) be amended to make it clear that the BGMPLR and GMPLR can be achieved over time.</p> <p>AIC does, however, support the reference to resource consent applications being enabled under Rule 5.45A where the nitrogen baseline was lawfully exceeded prior to the 13<sup>th</sup> of February 2016. This is appropriate, as it enables existing, lawfully established farming activities to continue, albeit on the basis that they, over time, achieve the applicable GMP loss rates.</p> <p>Given the limitations of the Farm Portal to manage some land uses, it would be appropriate, in our opinion, for Rule 5.45A to add a third limb. That additional limb would enable farm activities that cannot be modelled by the Farm Portal to be considered as a restricted discretionary activity. It would seem unnecessary and not in accordance with the purpose and principles of the RMA to penalise an activity for the failings of the Farm Portal.</p> <p>Lastly on this rule, AIC is again confused by the inclusion of Assessment Criterion (10). This provision suggests that the General Rules of the oLWRP have a role to play in the consideration of a resource consent application for a nutrient discharge advanced under the provisions of one of the sub-regional chapters. That seems to run contrary to the purpose of the sub-regional chapters, and will cause unnecessary duplication and confusion amongst plan users. A more appropriate approach, and one that accords with the direction of the oLWRP, is to remove Assessment Criterion (10), thereby making is clear that Rule 5.45A only applies where nutrient loss provisions do not exist for an area in the sub-regional chapters of the oLWRP.</p>	<p>The AIC seeks the following relief from the CRC:</p> <p>(a) Amend Limb (2) Rule 5.45A by deleting the references to the 30<sup>th</sup> of June 2020 and the 1<sup>st</sup> of July 2020 and replacing them with dates that do not cause unacceptable social and economic harm. We note, for completeness, that this relief accords with, and is consequential to the relief sought in Submission 3;</p> <p><b>and</b></p> <p>(b) Add a third limb to Rule 5.45A that enables the consideration of farm activities that can not be accurately modelled by the Farm Portal;</p> <p><b>and</b></p> <p>(c) Amend Assessment criteria (5) and (6) of Rule 5.45A to read:</p> <p><i>“(4) Methods that limit the nitrogen loss <del>calculation</del> for the... baseline GMP Loss Rate, and the timeframes for achieving the Baseline GMP Loss Rate; and</i></p> <p><i>(5) Methods that require the farming activity to ... Baseline GMP Loss Rate, and the timeframes for achieving the Good Management Practice Loss Rate ...”;</i></p> <p><b>and</b></p> <p>(d) Delete Assessment Criterion (10) of Rule 5.45A;</p> <p><b>and</b></p> <p>(e) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
13.	Rule 5.54B, Section 5: Region wide rules, of the oLWRP.	<p>The AIC is <b>opposed</b> (in part) Rule 5.54B, as set out in PC5.</p> <p>The AIC supports the intent of Rule 5.54B. In this regard, it is appropriate to provide a controlled activity resource consent pathway for a farming activity in the Orange Nutrient Allocation Zone where limbs (1) to (3) are achieved. This provides the necessary certainty to applicants, while enabling the CRC to impose the conditions needed to ensure that the activity accords with the RMA. AIC is, however, concerned with the timeframe imposed in Limb (2). As has been highlighted in earlier submissions, achieving the BGMPLR may prove extremely challenging if the preliminary results from the Farm Portal (which suggest that losses need to be reduced by 24 percent in some cases to achieve GMP) are found to be a fair representation of the results that this mechanism produces. Indeed, to do so</p>	<p>The AIC seeks the following relief from the CRC:</p> <p>(a) Amend Limb (2) Rule 5.54B by deleting the references to the 30<sup>th</sup> of June 2020 and the 1<sup>st</sup> of July 2020 and replace them with dates that do not cause unacceptable social and economic harm. We note, for completeness, that this relief accords with, and is consequential to the relief sought in Submission 3;</p> <p><b>and</b></p>



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		<p>would, we expect, cause significant adverse social and economic effects. Given this, AIC asks that the Council amend Rule 5.54B to provide a timeframe that better reflects the transition period needed for the farming community to adapt and respond while not causing unacceptable social and economic harm. As we have noted in other submissions to PC5, CRC has allowed 14 years to achieve a 25 percent reduction in the Hinds River catchment (refer to the 'decisions version' of Plan Change 2 to the oLWRP).</p> <p>For the same reason, AIC asks that assessment criteria (4) and (5) be amended to make it clear that the BGMPLR and GMPLR can be achieved over time.</p> <p>Lastly on this rule, AIC is again confused by the inclusion of Assessment Criterion (9). This provision suggests that the General Rules of the oLWRP have a role to play in the consideration of a resource consent application for a nutrient discharge advanced under the provisions of one of the sub-regional chapters. That seems to run contrary to the purpose of the sub-regional chapters, and will cause unnecessary duplication and confusion amongst plan users. A more appropriate approach, and one that accords with the direction of the oLWRP, is to remove Assessment Criterion (9), thereby making it clear that Rule 5.54B only applies where nutrient loss provisions do not exist for an area in the sub-regional chapters of the oLWRP.</p>	<p>(b) Amend Assessment criteria (4) and (5) of Rule 5.54B to read:</p> <p><i>“(4) <del>Methods that limit the nitrogen loss calculation for the...</del> <u>baseline GMP Loss Rate, and the timeframes for achieving the Baseline GMP Loss Rate</u>; and</i></p> <p><i>(5) <del>Methods that require the farming activity to ...</del> <u>Baseline GMP Loss Rate, and the timeframes for achieving the Good Management Practice Loss Rate ...</u>”;</i></p> <p><b>and</b></p> <p>(c) Delete Assessment Criterion (9) of Rule 5.54B;</p> <p><b>and</b></p> <p>(d) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
14.	Rule 5.55A, Section 5: Region wide rules, of the oLWRP.	<p>The AIC is <b>opposed</b> (in part) to Rule 5.55A, as set out in PC5.</p> <p>The AIC supports the intent of Rule 5.55A. In this regard, it is appropriate to provide a restricted discretionary activity resource consent pathway for a farming activity in the Orange Nutrient Allocation Zone that can not comply with Rule 5.54B, but which can achieve limbs (1) and (2) of Rule 5.55A. This provides the necessary certainty to applicants, while enabling the CRC to consider the merits of the proposal before it, and either decline or approve the proposal subject to the conditions needed to ensure that the activity accords with the RMA. As with Rule 5.54B, however, AIC is concerned with the timeframe imposed in Limb (2). As has already been highlighted in earlier submissions, achieving the BGMPLR may prove extremely challenging if the preliminary results from the Farm Portal (which suggest that losses need to be reduced by 24 percent in some cases to achieve GMP) are found to be a fair representation of the results that this mechanism produces. Indeed, to do so would, we expect, cause unacceptably significant adverse social and economic effects. Given this, AIC asks that the Council amend Rule 5.55A to provide a timeframe that better reflects the transition period needed for the farming community to adapt and respond, while not causing unacceptable social and economic harm. As we have noted in other submissions to PC5, CRC has allowed 14 years to achieve a 25 percent reduction in the Hinds River catchment (refer to the 'decisions version' of Plan Change 2 to the oLWRP).</p> <p>For the same reason, AIC asks that assessment criteria (5) and (6) be amended to make it clear that the BGMPLR and GMPLR can be achieved over time.</p> <p>AIC does, however, support the reference to resource consent applications being enabled under Rule 5.55A where the nitrogen baseline was lawfully exceeded prior to the 13<sup>th</sup> of February 2016. This is appropriate, as it enables existing, lawfully established farming activities to continue, albeit on the basis that they, over time, achieve the applicable GMP loss rates.</p> <p>Further, given the limitations of the Farm Portal to manage some land uses, it would be appropriate, in our opinion, for Rule 5.55A to add a third limb. That additional limb would enable farm activities that cannot be modelled by the Farm Portal to be considered as a restricted discretionary activity. It would seem unnecessary and not in accordance with the purpose and principles of the RMA to penalise an activity for the failings of the Farm Portal.</p> <p>Lastly on this rule, AIC is again confused by the inclusion of Assessment Criterion (10). This provision suggests that the General Rules of the oLWRP have a role to play in the consideration of a resource consent application for a nutrient discharge advanced under the provisions of one of the sub-regional chapters. That seems to run contrary to the purpose of the sub-regional chapters, and will cause unnecessary duplication and confusion amongst plan users.</p>	<p>The AIC seeks the following relief from the CRC:</p> <p>(a) Amend Limb (2) Rule 5.55A by deleting the references to the 30<sup>th</sup> of June 2020 and the 1<sup>st</sup> of July 2020 and replacing them with dates that do not cause unacceptable social and economic harm. We note, for completeness, that this relief accords with, and is consequential to the relief sought in Submission 3;</p> <p><b>and</b></p> <p>(b) Add a third limb to Rule 5.55A that enables the consideration of farm activities that can not be accurately modelled by the Farm Portal;</p> <p><b>and</b></p> <p>(c) Amend Assessment criteria (5) and (6) of Rule 5.55A to read:</p> <p><i>“(4) <del>Methods that limit the nitrogen loss calculation for the...</del> <u>Baseline GMP Loss Rate, and the timeframes for achieving the Baseline GMP Loss Rate</u>; and</i></p> <p><i>(5) <del>Methods that require the farming activity to ...</del> <u>Baseline GMP Loss Rate, and the timeframes for achieving the Good Management Practice Loss Rate ...</u>”;</i></p> <p><b>and</b></p> <p>(d) Delete Assessment Criterion (10) of Rule 5.55A;</p> <p><b>and</b></p> <p>(e) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>

No.	Provision	Submission	Requested Relief
		A more appropriate approach, and one that accords with the direction of the oLWRP, is to remove Assessment Criterion (10), thereby making is clear that Rule 5.55A only applies where nutrient loss provisions do not exist for an area in the sub-regional chapters of the oLWRP.	
15.	Rule 5.57C, Section 5: Region wide rules, of the oLWRP.	<p>The AIC is <b>opposed</b> (in part) Rule 5.57C, as set out in PC5.</p> <p>The AIC supports the intent of Rule 5.57C. In this regard, it is appropriate to provide a controlled activity resource consent pathway for a farming activity in the Green or Light Blue nutrient allocation zones where limbs (1) to (3) are achieved. This provides the necessary certainty to applicants, while enabling the CRC to impose the conditions needed to ensure that the activity accords with the RMA. AIC is, however, concerned with the timeframe imposed in Limb (2). As has already been highlighted in earlier submissions, achieving the BGMPLR may prove extremely challenging if the preliminary results from the Farm Portal (which suggest that losses need to be reduced by 24 percent in some cases to achieve GMP) are found to be a fair representation of the results that this mechanism produces. Indeed, to do so would, we expect, cause significant adverse social and economic effects. Given this, AIC asks that the Council amend Rule 5.57C to provide a timeframe that better reflects the transition period needed for the farming community to adapt and respond, while not causing unacceptable social and economic harm. As we have noted in other submissions to PC5, CRC has allowed 14 years to achieve a 25 percent reduction in the Hinds River catchment (refer to the ‘decisions version’ of Plan Change 2 to the oLWRP).</p> <p>For the same reason, AIC asks that assessment criteria (4) and (5) be amended to make it clear that the BGMPLR and GMPLR can be achieved over time.</p> <p>Lastly on this rule, AIC is again confused by the inclusion of Assessment Criterion (9). This provision suggests that the General Rules of the oLWRP have a role to play in the consideration of a resource consent application for a nutrient discharge advanced under the provisions of one of the sub-regional chapters. That seems to run contrary to the purpose of the sub-regional chapters, and will cause unnecessary duplication and confusion amongst plan users. A more appropriate approach, and one that accords with the direction of the oLWRP, is to remove Assessment Criterion (9), thereby making is clear that Rule 5.57C only applies where nutrient loss provisions do not exist for an area in the sub-regional chapters of the oLWRP.</p>	<p>The AIC seeks the following relief from the CRC:</p> <p>(a) Amend Limb (2) Rule 5.57C by deleting the references to the 30<sup>th</sup> of June 2020 and the 1<sup>st</sup> of July 2020 and replace them with dates that do not cause unacceptable social and economic harm. We note, for completeness, that this relief accords with, and is consequential to the relief sought in Submission 3;</p> <p><b>and</b></p> <p>(b) Amend Assessment criteria (4) and (5) of Rule 5.57C to read:</p> <p><i>“(4) <del>Methods that limit the nitrogen loss calculation for the...</del> <u>Baseline GMP Loss Rate, and the timeframes for achieving the Baseline GMP Loss Rate; and</u></i></p> <p><i>(5) <del>Methods that require the farming activity to ...</del> <u>Baseline GMP Loss Rate, and the timeframes for achieving the Good Management Practice Loss Rate ...</u>”;</i></p> <p><b>and</b></p> <p>(c) Delete Assessment Criterion (9) of Rule 5.57C;</p> <p><b>and</b></p> <p>(d) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
16.	Rule 5.58A, Section 5: Region wide rules, of the oLWRP.	<p>The AIC is <b>opposed</b> (in part) to Rule 5.58A, as set out in PC5.</p> <p>The AIC supports the intent of Rule 5.58A. In this regard, it is appropriate to provide a restricted discretionary activity resource consent pathway for a farming activity in the Green or Light Blue nutrient allocation zones that can not comply with Rule 5.57C, but which can achieve limbs (1) and (2) of Rule 5.58A. This provides the necessary certainty to applicants, while enabling the CRC to consider the merits of the proposal before it, and either decline or approve the proposal subject to the conditions needed to ensure that the activity accords with the RMA. As with Rule 5.57C, however, AIC is concerned with the timeframe imposed in Limb (2). As has already been highlighted in earlier submissions, achieving the BGMPLR, even with an additional 5kgN/ha/yr allowance, may prove extremely challenging if the preliminary results from the Farm Portal (which suggest that losses need to be reduced by 24 percent in some cases to achieve GMP) are found to be a fair representation of the results that this mechanism produces. Indeed, to do so would, we expect, cause significant adverse social and economic effects. Given this, AIC asks that the Council amend Rule 5.58A to provide a timeframe that better reflects the transition period needed for the farming community to adapt and respond, while not causing unacceptable social and economic harm. As we have noted in other submissions to PC5, CRC has allowed 14 years to achieve a 25 percent reduction in the Hinds River catchment (refer to the ‘decisions version’ of Plan Change 2 to the oLWRP).</p> <p>For the same reason, AIC asks that assessment criteria (5) and (6) be amended to make it clear that the BGMPLR and GMPLR can be achieved over time.</p> <p>AIC does, however, support the reference to resource consent applications being enabled under Rule 5.58A where</p>	<p>The AIC seeks the following relief from the CRC:</p> <p>(a) Amend Limb (2) Rule 5.58A by deleting the references to the 30<sup>th</sup> of June 2020 and the 1<sup>st</sup> of July 2020 and replacing them with dates that do not cause unacceptable social and economic harm. We note, for completeness, that this relief accords with, and is consequential to the relief sought in Submission 3;</p> <p><b>and</b></p> <p>(b) Add a third limb to Rule 5.58A that enables the consideration of farm activities that can not be accurately modelled by the Farm Portal;</p> <p><b>and</b></p> <p>(c) Amend Assessment criteria (5) and (6) of Rule 5.58A to read:</p> <p><i>“(4) <del>Methods that limit the nitrogen loss calculation for the...</del> <u>Baseline GMP Loss Rate, and the timeframes for achieving the total of 5kgN/kg/ha plus the Baseline GMP Loss Rate; and</u></i></p> <p><i>(5) <del>Methods that require the farming activity to ...</del> <u>Baseline GMP Loss Rate, and the</u></i></p>

No.	Provision	Submission	Requested Relief
		<p>the nitrogen baseline was lawfully exceeded prior to the 13<sup>th</sup> of February 2016. This is appropriate, as it enables existing, lawfully established farming activities to continue, albeit on the basis that they, over time, achieve the applicable GMP loss rates.</p> <p>Further, given the limitations of the Farm Portal to manage some land uses, it would be appropriate, in our opinion, for Rule 5.58A to add a third limb. That additional limb would enable farm activities that cannot be modelled by the Farm Portal to be considered as a restricted discretionary activity. It would seem unnecessary and not in accordance with the purpose and principles of the RMA to penalise an activity for the failings of the Farm Portal.</p> <p>Lastly on this rule, AIC is again confused by the inclusion of Assessment Criterion (10). This provision suggests that the General Rules of the oLWRP have a role to play in the consideration of a resource consent application for a nutrient discharge advanced under the provisions of one of the sub-regional chapters. That seems to run contrary to the purpose of the sub-regional chapters, and will cause unnecessary duplication and confusion amongst plan users. A more appropriate approach, and one that accords with the direction of the oLWRP, is to remove Assessment Criterion (10), thereby making it clear that Rule 5.58A only applies where nutrient loss provisions do not exist for an area in the sub-regional chapters of the oLWRP.</p>	<p><i>timeframes for achieving the Good Management Practice Loss Rate ...”;</i></p> <p><b>and</b></p> <p>(d) Delete Assessment Criterion (10) of Rule 5.58A;</p> <p><b>and</b></p> <p>(e) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
17.	Section 5: Region wide rules, of the oLWRP	<p>The AIC is <b>opposed</b> (in part) to section 5; Region wide rules, as set out in PC5.</p> <p>PC5 introduces numerous rules to control nutrient losses where they are not otherwise covered by the sub-regional chapters of the oLWRP. A number of our previous submissions comment on the rule framework, our objective being to ensure that the framework, as it applies to the shareholders of AIC, is appropriate, reasonable and accords with the various provisions of the RMA, including its purpose and principles.</p> <p>In analysing the rule framework, however, we note that no provision is made for applications to be made by irrigation schemes and principal water suppliers on behalf of their shareholders. This seems to have been an oversight, as:</p> <ol style="list-style-type: none"> <li>1. The policy framework acknowledges the role that irrigation schemes and principal water suppliers can play in nutrient management; and</li> <li>2. Provision has been made for farm enterprises, thereby confirming that the CRC is happy to differentiate between individual farming applicants and applicants representing groups of farmers.</li> </ol> <p>The benefits of the aggregated management of nutrient loads is apparent in mid-Canterbury where parties such as AIC (which falls within the definition of a principal water supplier) has been driving (and continues to drive) consistent farm environment plan development, monitoring, auditing and change amongst its farming community. It is appropriate, in our opinion, that this situation is allowed to continue and further develop.</p> <p>The fundamental requirements of the rule sought by AIC are:</p> <ol style="list-style-type: none"> <li>1. The rule must not be confined to a catchment, and/or ‘nutrient allocation zone’ type. Rather, it must apply to the lawfully established command areas of existing irrigation schemes and principal water suppliers; and</li> <li>2. While it is appropriate to establish the nutrient load that applies to a resource consent of the irrigation scheme or principal water supplier by modelling the existing load and applying GMP to the load, irrigation schemes or principal water suppliers need to be left to administer the allocation of the consented load as they see fit; and</li> <li>3. In keeping with our preceding submissions to PC5, sufficient time must be provided for irrigation schemes or principal water suppliers to work with their shareholders to transition from their existing, lawfully established load to the applicable GMP loss rate.</li> </ol> <p>Should a rule for principal water suppliers and irrigation schemes not embody these requirements, questions will be posed as to the merit of a group of farming activities joining together to manage nutrient losses and promote improved management and compliance. Any consequential move away from aggregated nutrient management, and the EMS approaches typically associated with the same, will reduce efficiency and, at worst undo, and, at best,</p>	<p>The AIC seeks the following relief from the CRC:</p> <p>(a) Insert a new rule into Section 5: Region wide rules that reads:</p> <p><i>“Within the Red, Orange, Green, Light Blue or Lake Zone nutrient allocation zones, the use of land for a farming activity is a discretionary activity provided the following conditions are met:</i></p> <ol style="list-style-type: none"> <li>1. <i>The nitrogen loss is to be managed by an irrigation scheme or principal water supplier;</i></li> <li>2. <i>A Environment Management Strategy that accords with Policy 4.41D has been prepared and lodged with the resource consent application;</i></li> <li>3. <i>The timeframes for achieving the Good Management Practices Loss Rate or Baseline GMP Loss Rate are set out in the resource consent application lodged with the CRC.”</i></li> </ol> <p><b>and</b></p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>

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		dramatically slow the progress that has been seen in mid-Canterbury. Such an outcome would not, in our opinion, be the most appropriate means of achieving the RMA's purpose.	

### 3 CONCLUSION

AIC wish to be heard in support of this submission.

If others make a similar submission AIC would consider presenting a joint case with them at any hearing.

AIC cannot gain an advantage in trade competition through this submission.



Andrew Barton, for and on behalf of Amuri Irrigation Co Limited.

**Date:** 11<sup>th</sup> of March 2016.

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