

From: Raymond Ford
Sent: Tuesday, 22 March 2016 1:24 p.m.
To: Sarah Drummond
Cc: Amelia Ching
Subject: FW: re RDR submission on Plan Change 5

Hi Sarah

I have picked a mistake in the RDR submission, which was confirmed by the submitter. I'll note it on the hard copy

Where do we lodge the correspondence on the submissions ?

Raymond

From: Raymond Ford
Sent: Tuesday, 22 March 2016 1:21 p.m.
To: 'Gavin Kemble'
Subject: RE: re RDR submission on Plan Change 5

Thanks Gavin
This email should suffice.

I will make the change so the correct reference appears in the Summary of Decisions Requested.
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

C 027 437 7613

T 07 571 8289

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Ryder Consulting Limited

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PO Box 13009

Tauranga 3141



On 22/03/2016, at 9:56 AM, Raymond Ford <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?.

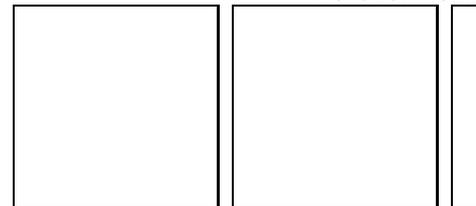
Regards

Raymond

Raymond Ford
Principal Planner
Environment Canterbury

[027 549 7645](tel:0275497645)
Raymond.Ford@ecan.govt.nz

PO Box 345, C
Customer Service
Pollution Hotlin



From: [David Greaves](#)
To: [Mailroom Mailbox](#)
Cc: [Gavin Kemble](#)
Subject: Plan Change 5 Submission - RDRML
Date: Friday, 11 March 2016 11:30:52 a.m.
Attachments: [RDRML_PC5_Submission_CoverLetter_.pdf](#)
[ATT00001.htm](#)
[RDRML_PC5_CLWRP_Submission110316.pdf](#)
[ATT00002.htm](#)
[ATT00003.htm](#)

Please find attached a cover letter and the submission of Rangitata Diversion Race Management Limited (RDRML) to Canterbury Regional Council's Plan Change 5. Can you please confirm receipt of this submission.

Cheers



Rangitata Diversion Race Management Limited

SUBMISSION TO THE PROPOSED PLAN CHANGE 5 ('NUTRIENT MANAGEMENT & WAITAKI SUB-REGION') TO THE PARITALLY OPERATIVE CANTEBURY LAND AND WATER REGIONAL PLAN

TO: Submission on Plan Change 5 to the partially operative Canterbury Land & Water Regional Plan

Canterbury Regional Council
PO Box 345
CHRISTCHURCH 8140
By Email: mailroom@ecan.govt.nz

FURTHER SUBMISSION ON: Proposed Plan Change 5 ('NUTRIENT MANAGEMENT & WAITAKI SUB-REGION') ('**PC5**') to the partially operative Canterbury Land & Water Regional Plan ('**oLWRP**')

NAME OF FURTHER SUBMITTER: Rangitata Diversion Race Management Limited ('**RDRML**')

ADDRESS FOR SERVICE: **Rangitata Diversion Race Management Limited**
C/o Ryder Consulting Limited
PO Box 13009
TAURANGA
Attention: Mr Gavin Kemble

CONTACT via PHONE: (07) 571 8289 **or** 0274 377 613

CONTACT via EMAIL: g.kemble@ryderconsulting.co.nz

1.0 Introduction

This letter supports the submissions from RDRML to PC5 to the oLWRP.

2.0 RDRML's interests in the Canterbury Region

RDRML is a water supply company responsible for the (i) delivery of water to its shareholders, and (ii) maintenance, control and management of the Rangitata Diversion Race ('**RDR**') and its associated structures. The RDR, which is located wholly in the Ashburton District, provides water to:

- The Mayfield Hinds Irrigation Scheme;
- The Valetta Irrigation Scheme;
- The Ashburton Lyndhurst Irrigation Scheme;
- The Montalto Hydroelectric Power Station;
- The Highbank Hydroelectric Power Station; and
- The Ashburton District Council for stock water purposes.

Put simply, the RDR takes water from the Rangitata and South Ashburton Rivers at a maximum rate of 35.4 cubic metres per second, and delivers it to two power stations and to the three irrigation schemes. The irrigation schemes have priority of access to water ahead of the power stations during the summer period, which is when the demand for irrigation is high. The power stations have priority of access outside of the irrigation season. At all times the provision of stock water is the highest priority water use.

The RDR is the largest race that supplies water for irrigation in New Zealand. Its supply of water to the two hydroelectric power stations enhances the efficiency of its operation.

Together, the RDR, the irrigation schemes, and the hydroelectric power stations are a nationally significant resource.

3.0 General Comments

The RDRML is concerned that PC5 has the potential to unacceptably adversely affect the manner in which both it and its shareholders operate, particularly in relation to the irrigation and agricultural activities that the RDR enables.

This submission focuses on the RDRML's key areas of concern and provides the Company's comments with regard to PC5. The submission also provides recommended amendments and proposes the re-wording of the PC5 to address the RDRML's concerns to particular provisions within the same.

4.0 Conclusion

Thank you for the opportunity to present this submission. Please do not hesitate to contact myself, or Gavin Kemble (of Ryder Consulting Limited) should you wish to discuss this submission.

We note, for completeness that:

RDRML has an interest in the various provisions of PC5 that is greater than that of the general public.

RDRML wishes to be heard in support of its submissions. If others make a similar submission RDRML would consider presenting a joint case with them at any hearing.

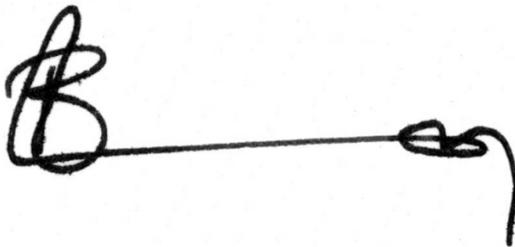
RDRML cannot gain an advantage in trade competition through this submission.

RDRML's submissions and the reasons for the same are set out within the following table, entitled:

'Rangitata Diversion Race Management Limited Submission to PLAN CHANGE FIVE to the partially operative Canterbury Land and Water Regional Plan: 'NUTRIENT MANAGEMENT & WAITAKI SUB-REGION'

Yours faithfully

Rangitata Diversion Race Management Limited

A handwritten signature in black ink, consisting of a large, stylized initial 'B' followed by a long horizontal line that ends in a small loop.

Benedict Curry
Chief Executive Officer

11th of March 2016

Table 1: Rangitata Diversion Race Management 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.	<p>Definition of 'Accredited Farm Consultant', Definitions, Translations & Abbreviations, Section 2: How the Plan Works & Definitions, of the partially operative Canterbury Land & Water Regional Plan (hereafter referred to as the 'oLWRP').</p>	<p>Rangitata Diversion Race Management Limited ('RDRML') is opposed (in part) to the proposed definition of 'Accredited Farm Consultant', as set out in Plan Change 5 ('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>RDRML seeks the following relief from the Canterbury Regional Council ('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; and has been certified ... consultant'; or</i></p> <p><i>b. holds any other qualification ... competencies required."</i></p> <p>and</p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
2.	<p>Definitions of 'Baseline GMP Loss Rate', 'Farm Portal', 'Good Management Practice Loss Rates', Definitions, Translations & Abbreviations, Section 2: How the Plan Works & 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>RDRML opposes (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, RDRML is concerned with the requirement that both rates are estimated using the 'Farm Portal'. This concern centres upon a number of the deficiencies that are apparent in the Farm Portal, as it exists. We expect that these deficiencies have arisen when the Council has taken an agreed narrative of Good Management Practices and sought to convert that narrative into specific targets against which farm performance is assessed. The deficiencies are likely to have been exacerbated when the Council took the additional step of trying to model these narratives and develop corresponding nutrient loss values for use in assessing compliance against nutrient loss values (which are themselves determined by Overseer Modelling).</p> <p>RDRML has been advised that use of the Farm Portal has produced results that lead to nutrient reductions, from present day, of some 24% 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>RDRML notes the definition of 'Farm Portal' refers to Schedule 28. It has not been possible for RDRML to interrogate the Farm Portal in detail or to assess how it relates to the modelling rules set out in Schedule 28. Further RDRML has not had the opportunity to determine whether the modelling rules themselves are a fair and accurate representation of the agreed GMP narratives. Our preliminary analysis suggests 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 'Farm Portal' mechanism, and its use in PC5.</p> <p>RDRML 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, RDRML 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), RDRML questions the validity of the modelling rules. In particular, it questions appropriateness of the irrigation and fertiliser rules.</p> <p>In summary, therefore, RDRML 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, RDRML has little option but to oppose the provisions that rely on the Farm Portal, and the Farm Portal mechanism itself.</p>	<p>RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) That:</p> <p>i. The CRC commissions a peer review (by an appropriately qualified and experienced independent expert in nutrient modelling) of the detail set out in the Farm 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 and that the Modelling Rules are an accurate interpretation of the GMP narratives. 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. RDRML also asks that the CRC also enable any submitter to PC5 to immediately conduct / commission their own peer reviews of the Farm Portal also;</p> <p>and</p> <p>ii. Should the peer review in (a)(i) determine that the Farm Portal accords with Modelling Rules set out in Schedule 28 and that the Modelling Rules are an accurate interpretation of the GMP narratives, RDRML seeks that:</p> <ul style="list-style-type: none"> • 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 • 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. <p>and</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 or that these Modelling Rules are not an accurate interpretation of the GMP narratives, RDRML seeks that:</p> <ul style="list-style-type: none"> • The Farm Portal mechanism be amended so that it gives effect to the modelling rules in Schedule 28 and that the Modelling Rules are an accurate interpretation of the GMP narratives, 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; • 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

No.	Provision	Submission	Requested Relief
			<p>the provisions cited in this submission are sought.</p> <ul style="list-style-type: none"> Should the trialling of the revised version of the Farm Portal produce outcomes that unacceptably effect the social and economic wellbeing of Canterbury, RDRML seeks the relief set out in (a)(ii) of this submission. <p>and</p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
3.	Definition of 'Certified Farm Environment Plan Auditor', Definitions, Translations & Abbreviations, Section 2 ('How the Plan Works & Definitions') of the oLWRP.	<p>RDRML is opposed (in part) to the proposed amendment of the term 'Certified Farm Environment Plan Auditor', as set out in PC5.</p> <p>RDRML 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, RDRML 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 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), RDRML 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), RDRML 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>RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) Either delete limb (3) to the definition of the term 'Certified Farm Environment Plan Auditor';</p> <p>or</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>and</p> <p>(c) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
4.	Policy 4.11, Section 4: Policies, of the oLWRP.	<p>RDRML is opposed 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. In the case of RDRML, that rule applies to any resource consent application that seeks to enable the continued discharge of nutrients from a substantial portion of its irrigation command area. In this regard, only the Hinds River catchment has bespoke water quality provisions.</p> <p>RDRML is in the process of preparing a resource consent application to enable the continued operation of its three irrigation schemes on the expiry of its existing 'nutrient losses' resource consent (which expires in May of 2019). RDRML's resource consent application will seek to build on the certainty and benefits that the Company's 'audited self management' system ('ASM') brings to the Company, its shareholders, the CRC and, indeed, mid-Canterbury. The strength of the ASM rests on its integrated approach across all three of the irrigation scheme's that benefit from Rangitata Diversion Race ('RDR') water. This integration generates economies of scale that are fundamental to an entity like RDRML operating an ASM. Adding complexity to this system by, for example, having different consent terms applying outside of the Hinds River catchment to within it, threatens the continued commitment of RDRML and its shareholders to ASM. Moving away from a 'RDR wide' ASM system to separate ASM process for the three component irrigation schemes, or to a situation whereby individual farmers will 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>Equally, constraining the consent term for the Hinds River catchment to a shorter term that applies (in accordance with Policy 4.11) to the other portions of RDRML's command area would be arbitrary and have little foundation in the Resource Management Act 1991's ('the Act') purpose. Particularly given that the CRC will be able to review (under section 128 of the Act) 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 Act'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>RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) Delete the Policy 4.11;</p> <p>and</p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
5.	Policy 4.36, Section 4: Policies, of the	RDRML opposes (in part) the amendments proposed to Policy 4.36 in PC5.	RDRML seeks the following relief from the Canterbury Regional Council:

No.	Provision	Submission	Requested Relief
	oLWRP.	<p>RDRML 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, RDRML 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>RDRML 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, RDRML is of the opinion that a more appropriate response is to enable lawfully established activities with higher nutrient losses to move to the Good Management Practice Loss Rate ('GMPLR') over a time period that accords with the purpose of the Act. If, as preliminary results from the Farm Portal suggest, up to 24% 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% reduction in Plan Change 2 (Policy 13.4.13(b)) to the oLWRP. RDRML accepts that its concern here could be resolved if the relief in Submission 2 is accepted by the Council. 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, RDRML 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 ('BGMPLR'). 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>	<p>(a) Amend Policy 4.36(bb) to read:</p> <p><i>"farming activities with the potential for more significant nutrient losses that require a resource consent to discharge nutrients to ground or surface water, managing, over time, ... with either the Baseline Good Management Practice Loss Rate or the Good Management Practice Loss Rates and being subject to a resource consent process (as set out in policies 4.37 to 4.38AA, and Policy 4.38A);"</i></p> <p>and</p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
6.	Policies 4.37, 4.38, 4.38AA, 4.38C and 4.38D, Section 4: Policies, of the oLWRP.	<p>The RDRML opposes (in part) policies 4.37, 4.38, 4.38AA, 4.38C and 4.38D of PC5.</p> <p>RDRML supports the principle that appears to underlie policies 4.37, 4.38 and 4.38AA. In that regard, we accept that farming activities should be striving to operate at GMP. Further more, RDRML 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 is actively promoting the same within its ASM practices. However, as we have already noted, preliminary results from the Farm Portal suggest that nutrient loss reductions in the vicinity of 24% may need to be made to achieve the BGMPLR / GMPLR. This includes properties where the farm management practices compare favourably to the agreed GMP narratives. Should that ultimately be borne out by more rigorous testing, 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% reduction in nutrient losses.</p> <p>In the absence of better information about the nutrient loss reductions that the outcomes of the Farm Portal modelling process, RDRML 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, working with other industry groups 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, RDRML 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 – refer to Submission 2) and need to occur over a timeframe that accords with the Act'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 1st of July this year until the 30th of June of January 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 is likely to be significantly adverse.</p> <p>RDRML notes that while the relief sought in Submission 2 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 Act.</p>	<p>RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) Either:</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 Act, 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>or</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 Act, having regard to the precedent that has been set in planning instruments such as Plan Change 2 to the oLWRP;</p> <p>and</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>We note, for completeness, that RDRML's concern can be allayed via two different means. We set out both alternative means in the relief sought. RDRML has no preference as to which is adopted by the CRC, should it be of a mind to accept this submission.</p>	
7.	<p>Policy 4.38A, Section 4: Policies, of the oLWRP.</p>	<p>RDRML opposes (in part) the Policy 4.38A, as set out in PC5.</p> <p>RDRML 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 a consent, but to require those applicants to work towards the achievement of the GMPLR. If this is not the intent of Policy 4.38A, RDRML 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 a 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>RDRML 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 13th 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 to remain below the nitrogen loss rate for the preceding four years to the 13th 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 6).</p> <p>RDRML has offered three alternative amendments to Policy 4.38A. It's preference is the second or third options, provided the relief sought in Submission 6 is accepted by the Council. Should that not be the case, RDRML 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>RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) That Policy 4.38A(b) be amended to read either:</p> <p><i>"the nitrogen loss calculation remains 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 13th 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."</i>;</p> <p>or</p> <p><i>"the nitrogen loss calculation remains 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 13th 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."</i></p> <p>or</p> <p><i>"the nitrogen loss calculation remains 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 13th 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."</i></p> <p>and</p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
8.	<p>Policy 4.38B, Section 4: Policies, of the oLWRP.</p>	<p>RDRML opposes (in part) the Policy 4.38B, as set out in PC5.</p> <p>RDRML accepts that robust and accurate data needs to be supplied to the CRC by those undertaking agricultural activities in Canterbury. Further, we accept that this data is needed for the CRC to determine the effectiveness of its water quality policy (including the objectives, policies and rules advanced by PC5) in achieving the various outcomes that are advanced in PC5 and the other nutrient loss provisions of the oLWRP. We are concerned, however, that requiring all farms to submit data in the manner required by Policy 4.38B has the potential to be both inefficient and unnecessary (in some circumstances).</p> <p>As is noted in Submission 4, RDRML has established an effective and comprehensive ASM mechanism for its, approximately, 450 shareholding families. The ASM mechanism has been implemented to give effect to RDRML's resource consent that defines a nutrient load within which the Company's shareholding families must operate. In summary, RDRML assumes control (for its farming families) for monitoring the allocation of nutrients, and ensuring that the prescribed nutrient load is not exceeded. It does this by collecting and auditing the data from its shareholding families, and undertaking modelling (using OVERSEER™) and providing assistance / taking action to require improved practices. CRC can access the data that is collected and, indeed, all of the monitoring / auditing outcomes from RDRML's ASM mechanism. We note that this approach was accepted by CRC when it granted RDRML's resource consent application (thereby issuing Resource Consent CRC121664), and has been working effectively since May 2014.</p> <p>In summary, therefore, RDRML accepts that the Farm Portal approach advanced by Policy 4.38B could be appropriate for those undertaking farming activities that are not part of an irrigation scheme or supplied with water from principal water supplier, where the irrigation scheme or principal water supplier is managing the nutrient load collectively. The proposed approach is not, however appropriate for organisations such as RDRML who have an effective ASM mechanism in place. Policy 4.38B needs to be amended to reflect and provide for this difference.</p>	<p>RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) Amend Policy 4.38B to read:</p> <p><i>"Effects on water quality ... , are monitored through by either:</i></p> <p><i>(a) requiring property owners to submit ... as part of its monitoring programme; or</i></p> <p><i>(b) where irrigation schemes or principal water suppliers are managing nutrient loads on behalf of a group of farming activities, to require the principal water suppliers or irrigation schemes to periodically submit details of their nutrient load to the Environment Canterbury, setting out how the load was calculated and how it conforms with any nutrient load prescribed in their resource consent or in a permitted activity rule."</i>;</p> <p>and</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
9.	Policies 4.41C and 4.41D, Section 4: Policies, of the oLWRP.	<p>RDRML supports (in part) and is opposed (in part) to policies 4.41C and 4.41D, as set out in PC5.</p> <p>It is appropriate in RDRML's opinion, that PC5 makes specific provision for irrigation schemes and principal water suppliers. As already discussed in Submission 4, aggregated management of discharges (via mechanisms such as ASM) promotes improved environmental outcomes and is efficient. This is particularly the case where the entity running the ASM mechanism also has the ability to take more direct (and prompt) compliance action. In order to effectively establish and operate an effective ASM 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 6, 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 7, RDRML has offered three alternative amendments to limbs (b)(i) and (b)(ii) of Policy 4.41C. It's preference is the second or third options, provided the relief sought in Submission 6 is accepted by the Council. Should that not be the case, RDRML 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>RDRML supports the focus in Policy 4.41C on the achievement of the BGMPLR. RDRML has been working to implement GMP for some years, and its shareholders have made a number of significant changes. It is appropriate that RDRML shareholders are not penalised for having been proactive. This would be the case were they Policy 4.41C to require RDRML to achieve GMPLR. It follows that RDRML seeks that this focus be retained.</p> <p>RDRML's existing resource consent has a calculated nitrogen load that can be discharged. That load was derived by determining the load for the land under irrigation (in round figures, 75,000 hectares) and then establishing an allowance for the development of the remaining, lawfully established, command area (again in round terms, an additional 20,000 hectares). RDRML administers that load as a whole, and is working towards reducing its load (as a whole) to GMP. This flexibility is a central reason for why RDRML secured the resource consent on behalf its shareholders. It is also a reason that our shareholders have agreed to ASM, and the additional compliance costs that come with it. Were the provisions of PC5 to require that approach to change, and to require individual properties to not exceed specified levels, rather than for the load as a whole not to be exceeded, much of the reason for the RDRML's resource consent would be lost, and the appetite for ASM greatly reduced. Given this, and the consequences it is likely to have for the adoption of GMP in mid-Canterbury, RDRML seeks an amendment to Policy 4.41C to made it plain the irrigation schemes and principal water suppliers can continue to manage their water on an aggregated basis, rather than requiring farm-by-farm compliance.</p> <p>Policy 4.41D is appropriate, as it reflects a key benefit of collective nutrient load management. RDRML seeks that this policy be retained unchanged.</p>	<p>RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) Amend limbs (b)(i) and (b)(ii) to read either:</p> <p><i>"(i) over time, the Baseline GMP Loss Rate for any ... "</i></p> <p><i>"(ii) over time, a total of 5kg/ha/yr ... "</i></p> <p>or</p> <p><i>"(i) by the timeframe set out in Policy 4.38C, the Baseline GMP Loss Rate for any ... "</i></p> <p><i>"(ii) by the timeframe set out in Policy 4.38C, a total of 5kg/ha/yr ... "</i></p> <p>or</p> <p><i>"(i) by the timeframe set out in policies 4.37, 4.38 and 4.38AA, the Baseline GMP Loss Rate for any ... "</i></p> <p><i>"(ii) by the timeframe set out in policies 4.37, 4.38 and 4.38AA, a total of 5kg/ha/yr ... "</i></p> <p>and</p> <p>(b) Insert a new limb (Limb (c)) into Policy 4.41C that reads:</p> <p><i>"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."</i></p> <p>and</p> <p>(c) Retain Policy 4.41B(a) unchanged;</p> <p>and</p> <p>(d) Retain Policy 4.41D unchanged;</p> <p>and</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 RDRML is supports Rule 5.41A, as set out in PC5.</p> <p>RDRML 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 Act.</p>	<p>The RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) Retain Rule 5.41A unchanged.</p>
11.	Rule 5.44B, Section 5: Region wide rules, of the oLWRP.	<p>The RDRML is opposed (in part) Rule 5.44B, as set out in PC5.</p>	<p>The RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) Amend Limb (2) Rule 5.44B by deleting the references to the 30th of June 2020 and the 1st of July 2020 and</p>

No.	Provision	Submission	Requested Relief
		<p>The RDRML 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 Act. RDRML 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% 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, RDRML 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% reduction in the Hinds River catchment (refer to the 'decisions version' of Plan Change 2 to the oLWRP).</p> <p>For the same reason, RDRML 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, RDRML 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 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 5.44B only applies where nutrient loss provisions do not exist for an area in the sub-regional chapters of the oLWRP.</p>	<p>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 2;</p> <p>and</p> <p>(b) Amend Assessment criteria (4) and (5) of Rule 5.44B to read:</p> <p><i>"(4) Methods that limit the nitrogen loss calculation 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>and</p> <p>(c) Delete Assessment Criterion (9) of Rule 5.44B;</p> <p>and</p> <p>(d) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
12.	Rule 5.45A, Section 5: Region wide rules, of the oLWRP.	<p>The RDRML is opposed (in part) to Rule 5.45A, as set out in PC5.</p> <p>The RDRML 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, and either decline or approve the proposal subject to the conditions needed to ensure that the activity accords with the Act. As with Rule 5.44B, however, RDRML 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% 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, RDRML 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% reduction in the Hinds River catchment (refer to the 'decisions version' of Plan Change 2 to the oLWRP).</p> <p>For the same reason, RDRML 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>RDRML 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 13th 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 Act to penalise an activity for the failings of the Farm Portal.</p> <p>Lastly on this rule, RDRML 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 5.45A only applies where nutrient loss provisions do not exist for an area in the sub-regional chapters of the oLWRP.</p>	<p>The RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) Amend Limb (2) Rule 5.45A by deleting the references to the 30th of June 2020 and the 1st 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 2;</p> <p>and</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>and</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 calculation 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>and</p> <p>(d) Delete Assessment Criterion (10) of Rule 5.45A;</p> <p>and</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
13.	Rule 5.54B, Section 5: Region wide rules, of the oLWRP.	<p>The RDRML is opposed (in part) Rule 5.54B, as set out in PC5.</p> <p>The RDRML 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 Act. RDRML 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% 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, RDRML 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% reduction in the Hinds River catchment (refer to the 'decisions version' of Plan Change 2 to the oLWRP).</p> <p>For the same reason, RDRML 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, RDRML 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>The RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) Amend Limb (2) Rule 5.54B by deleting the references to the 30th of June 2020 and the 1st 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 2;</p> <p>and</p> <p>(b) Amend Assessment criteria (4) and (5) of Rule 5.54B to read:</p> <p><i>"(4) Methods that limit the nitrogen loss calculation 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>and</p> <p>(c) Delete Assessment Criterion (9) of Rule 5.54B;</p> <p>and</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 RDRML is opposed (in part) to Rule 5.55A, as set out in PC5.</p> <p>The RDRML 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 Act. As with Rule 5.54B, however, RDRML 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% 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, RDRML 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% reduction in the Hinds River catchment (refer to the 'decisions version' of Plan Change 2 to the oLWRP).</p> <p>For the same reason, RDRML 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>RDRML 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 13th 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>Lastly, 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 can not 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 Act to penalise an activity for the failings of the Farm Portal.</p>	<p>The RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) Amend Limb (2) Rule 5.55A by deleting the references to the 30th of June 2020 and the 1st 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 2;</p> <p>and</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>and</p> <p>(c) Amend Assessment criteria (5) and (6) of Rule 5.55A to read:</p> <p><i>"(4) Methods that limit the nitrogen loss calculation 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>and</p> <p>(d) Delete Assessment Criterion (10) of Rule 5.55A;</p> <p>and</p>

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		<p>Lastly on this rule, RDRML 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 5.55A only applies where nutrient loss provisions do not exist for an area in the sub-regional chapters of the oLWRP.</p>	<p>(e) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>
15.	Rule 5.57C, Section 5: Region wide rules, of the oLWRP.	<p>The RDRML is opposed (in part) Rule 5.57C, as set out in PC5.</p> <p>The RDRML 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 Act. RDRML 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% 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, RDRML 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% reduction in the Hinds River catchment (refer to the 'decisions version' of Plan Change 2 to the oLWRP).</p> <p>For the same reason, RDRML 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, RDRML 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 5.57C only applies where nutrient loss provisions do not exist for an area in the sub-regional chapters of the oLWRP.</p>	<p>The RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) Amend Limb (2) Rule 5.57C by deleting the references to the 30th of June 2020 and the 1st 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 2;</p> <p>and</p> <p>(b) Amend Assessment criteria (4) and (5) of Rule 5.57C to read:</p> <p><i>"(4) Methods that limit the nitrogen loss calculation for the... <u>Baseline GMP Loss Rate, and the timeframes for achieving the Baseline GMP Loss Rate; and</u></i></p> <p><i>(5) Methods that require the farming activity to ... <u>Baseline GMP Loss Rate, and the timeframes for achieving the Good Management Practice Loss Rate ...</u>;"</i></p> <p>and</p> <p>(c) Delete Assessment Criterion (9) of Rule 5.57C;</p> <p>and</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 RDRML is opposed (in part) to Rule 5.58A, as set out in PC5.</p> <p>The RDRML 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 Act. As with Rule 5.57C, however, RDRML 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% 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, RDRML 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% reduction in the Hinds River catchment (refer to the 'decisions version' of Plan Change 2 to the oLWRP).</p> <p>For the same reason, RDRML 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>RDRML does, however, support the reference to resource consent applications being enabled under Rule 5.58A where the nitrogen baseline was lawfully exceeded prior to the 13th 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>The RDRML seeks the following relief from the Canterbury Regional Council:</p> <p>(a) Amend Limb (2) Rule 5.58A by deleting the references to the 30th of June 2020 and the 1st 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 2;</p> <p>and</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>and</p> <p>(c) Amend Assessment criteria (5) and (6) of Rule 5.58A to read:</p> <p><i>"(4) Methods that limit the nitrogen loss calculation for the... <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) Methods that require the farming activity to ... <u>Baseline GMP Loss Rate, and the timeframes for achieving the Good Management Practice Loss Rate ...</u>;"</i></p>

No.	Provision	Submission	Requested Relief
		<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 Act to penalise an activity for the failings of the Farm Portal.</p> <p>Lastly on this rule, RDRML 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>and</p> <p>(d) Delete Assessment Criterion (10) of Rule 5.58A;</p> <p>and</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 RDRML is opposed (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 RDRML, is appropriate, reasonable and accords with the various provisions of the Act, 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"> 1. The policy framework acknowledges the role that irrigation schemes and principal water suppliers can play in nutrient management; and 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. <p>The benefits of the aggregated management of nutrient loads is apparent in mid-Canterbury where parties such as RDRML (which falls within the definition of a principal water supplier) has been driving consistent farm environment plan development, monitoring, auditing and change amongst its 450 farming families for a number of years now. 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 RDRML are:</p> <ol style="list-style-type: none"> 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 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 the concept of GMP to the total/cumulative load, irrigation schemes or principal water suppliers need to be left to administer the allocation of the consented load as they see fit; and 3. In keeping with out 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. <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 ASM approaches typically associated with the same, will reduce efficiency and, at worst undo, and, at best, 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 Act's purpose.</p>	<p>The RDRML seeks the following relief from the Canterbury Regional Council:</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"> 1. <i>The nitrogen loss is to be managed by an irrigation scheme or principal water supplier;</i> 2. <i>A Environment Management Strategy that accords with Policy 4.41D has been prepared and lodged with the resource consent application;</i> 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> <p>and</p> <p>(b) Any similar and/or consequential amendments that stem from the changes and/or additions described above.</p>



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