

From: [David Greaves](#)
To: [Mailroom Mailbox](#)
Subject: Further Submission - PC5 CLWRP
Date: Friday, 13 May 2016 12:58:01 p.m.
Attachments: [RDRML Further Submissions PC5 CLWRP.pdf](#)
[ATT00001.htm](#)
[Ryder consulting logo_small.jpg](#)
[ATT00002.htm](#)

Please find attached the further submissions of RDRML relating to Plan Change 5 of the Canterbury Land and Water Regional Plan.



Rangitata Diversion Race Management Limited

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

TO: Canterbury Regional Council
PO Box 345
Christchurch 8140

BY E-MAIL: 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 SUBMITTER: Rangitata Diversion Race Management
Limited (**'RDRML'**)

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Limited**
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1.0 INTRODUCTION

As identified in its primary submission, RDRML (also referred to as 'the Company') is a water supply company responsible for the delivery of water to its shareholders, as well as the 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.

The RDR is the largest race that supplies water for irrigation in New Zealand. As such, The Company has considerable interest in the regulatory framework associated with the management of the environment, in particular the taking and distribution of water as well as the use of the land and management of nutrients.

2.0 GENERAL COMMENTS

The Company generally supports the principles advanced by Canterbury Regional Council (the 'CRC') through the suite of Plan Changes to the oLWRP, with the intention of producing a comprehensive planning document that will result in the sustainable management of the environment. However, as identified in the Company's primary submission, the RDRML is concerned that the provisions of PC5 do not provide a mechanism to achieve the desired environmental outcomes, and have the ability to result in unacceptable social and economic impacts for Canterbury, RDRML's shareholders included.

As such, the company maintains the key points of its primary submission, being:

1. That the planning provisions need to accurately identify how the environmental outcomes sought are able to be achieved. Currently this is proposed through the use of the Farm Portal. Unfortunately, however, the Company is concerned (like many other submitters) that currently the Farm Portal does not provide results that can be used to accurately model Nitrogen and Phosphorus losses and as such ensure that an assessment can be undertaken to reflect the 'on the ground' farming operations. Given the considerable doubt associated with the accuracy of the Farm Portal, the RDRML questions the appropriateness of aspects of the planning framework that PC5 advances.
2. The timeframe associated with any proposed reductions in nutrient losses need to be achievable and balanced with the social and economic impacts that such reductions bring. The timeframes proposed within PC5 do not achieve this balance and are inconsistent with the timeframes identified in other planning documents administered by CRC.
3. As identified in paragraph (1), the framework proposed in PC5 is reliant on one modelling tool producing accurate results for all situations. The provisions proposed do not provide for the evaluation of the effects of a proposal using an alternative assessment, even if that evaluation identifies that the proposal will achieve the identified environment outcomes sought.

RDRML has an interest in the various provisions and submission points (provided within the attached Further Submission Table) that is greater than that of the general public.

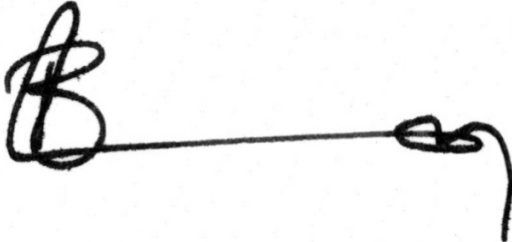
RDRML wishes to be heard in support of its submissions and Further Submissions. If others make a similar submission the Company would consider presenting a joint case with them at any hearing.

RDRML cannot gain an advantage in trade competition through the further submissions set out in the

'Further Submissions Table'.

RDRML's further submissions and the reasons for the same are set out within the following table, entitled 'Further Submissions to Proposed Plan Change 5 to the partially operative Canterbury Land & Water Regional Plan'.

Signature:

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.

Ben Curry
Chief Executive Officer

Date: 13rd of May 2016

2.0 FURTHER SUBMISSION TO PROPOSED PLAN CHANGE 5 TO THE PARTIALLY OPERATIVE CANTERBURY LAND & WATER REGIONAL PLAN

Submitter Name	Submission Number	Relevant Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By RDRML
Ravensdown Limited & Others	PC5LWRP-2719	<p>The Submitter's requested relief that:</p> <p><i>Place PC 5 on hold until the issues with modelling the rules [detailed in technical paper attached to submission] are addressed</i></p> <p>AND</p> <p><i>Amend rules to provide an alternative consenting pathway for farm users who do not have confidence in the Farm Portal proxy numbers; and for those farm systems that cannot be modelled</i></p> <p>AND</p> <p><i>Amend PC5 to provide an additional formal process for reviewing and moderating inaccurate portal results</i></p> <p>AND</p> <p><i>Place PC 5 on hold until a sensitivity analysis on the impact of the GMP in the Farm Portal nutrient report can be undertaken, with modifications to the reporting to provide clear directions to the farm user how GMP can be achieved;</i></p> <p>AND</p> <p><i>Address the robustness of the GMP nitrogen loss value in the Farm Portal [see Submission point PC5LWRP- 2715] , and provide a clear statement or disclaimer regarding the accuracy and robustness of the GMP estimates, once the Farm Portal is 'fixed'.</i></p> <p>AND Amend PC5 to embed the GMP Loss Rate within the FEP process, rather than using this as a basis for granting a consent [See submission for details] Such other or alternative wording for the provisions that would properly address the concerns raised in this submission</p>	Support in part	<p>The reasons for RDRML's support, in part, for the submission are as follows:</p> <p>1.The submission has identified a number of technical issues with the modelling methodology proposed to be used within the Farm Portal. These technical issues have generated uncertainty regarding the actual effects being identified and the mitigation methods required for compliance with the proposed rule framework. Before committing to the use of such a critical tool (particularly given its role in determining the resource consent activity status that applies to proposals), it is essential that it (the tool) be robustly assessed and tested. Such assessment and testing will ensure that robust outcomes are both predicted and, in time, achieved while ensuring that those most effected by it (being industry and the community) have confidence that the desired environmental outcomes are able to be achieved and accurately measured. At this point in time the Company does not believe that the Farm Portal provides that level of confidence.</p> <p>The Company supports the use of technology and tools such as the Farm Portal as a means of monitoring and driving environmental compliance. However it is not considered appropriate to rely on these tools until such time that they can be recognised as providing accurate information.</p> <p>As such, the Company supports that part of the submission that requests PC5 not be advanced until such time as comprehensive testing and auditing of the Farm Portal is undertaken, and confidence is delivered to the community that the results are an accurate reflection of the effects on the environment.</p> <p>2.The planning framework that is proposed relies on a general methodology to determine the consenting pathway and ultimately compliance with the desired environmental outcomes.</p> <p>As identified in limb (1) of this further submission, the Company is concerned with the accuracy of the Farm Portal, and (as a consequence) its ability to accurately model the nutrient losses required to achieve good management practices. As currently proposed, the planning framework relies on the Farm Portal to determine the consenting pathway for activities. The introduction of a prohibited activity status for activities that are identified by the Farm Portal as not meeting the required standard, does not allow for the introduction of alternative methods that may more accurately identify the actual effects on the environment.</p> <p>The Company considers that an alternative assessment method should be made available so that applications for resource consent can be made in circumstances where the Farm Portal does not accurately reflect the environmental effect of the activity.</p> <p>As such, RDRML also supports that part of the submission that seeks an alternative consenting pathway be provided.</p>	<p>RDRML seeks:</p> <p>That submission PC5LWRP-2719 be accepted, in part.</p>
Fonterra Co-operative Group Ltd & Others	PC5LMRP-1851 & PC5LMRP-1853	<p>The Submitter's requested relief that:</p> <p><i>Retain the Farm Portal, but review the [modelling] proxies in Schedule 28 and amend as necessary to ensure that the Farm Portal will produce reliable and realistic GMP loss rates [see PC5 LWRP - 1853].</i></p> <p>AND</p>	Support	<p>The reasons for RDRML's support for the submission are as follows:</p> <p>1.The submission has identified a number of technical issues with the modelling methodology to be used within the Farm Portal. These technical issues have generated uncertainty regarding the actual effects being identified and the mitigation methods required for compliance with the proposed rule framework. Before committing to the use of such a critical tool (particularly given its role in determining the resource consent activity status that applies to proposals), it is essential that it (the tool) be robustly assessed and tested. Such assessment and testing will ensure that robust outcomes</p>	<p>RDRML seeks:</p> <p>That submissions PC5LWRP-1851 and PC5LMRP-1853 be accepted.</p>

		<p><i>Provide an alternative pathway for considering consent applications for farming activities to farm at GMP that does not rely on the Farm Portal;</i></p> <p>AND</p> <p><i>Make any further or other consequential or alternative relief as necessary to fully give effect to the relief sought.</i></p>		<p>are both predicted and, in time, achieved while ensuring that those most effected by it (being industry and the community) have confidence that the desired environmental outcomes are able to be achieved and accurately measured. At this point in time the Company does not believe that the Farm Portal provides that level of confidence.</p> <p>The Company supports the use of technology and tools such as the Farm Portal and Overseer as a means of monitoring and driving environmental compliance. However it is not considered appropriate to rely on these tools until such time that they can be recognised as providing accurate information.</p> <p>As such, the Company supports that part of the submission that seeks the Farm Portal to be amended to ensure that it produces reliable and realistic results reflecting the objectives of the Plan.</p> <p>2. As identified in the Company’s primary submission, the planning framework that is proposed relies on the Farm Portal to determine the Baseline and Loss Rate calculations, and as a result the activity status for resource consent applications.</p> <p>Submissions PC5LMRP-1851 and PC5LMRP-1853 propose an alternative pathway for securing a resource consent, where determination of the GMP Baseline and GMP Loss Rate calculation can be produced by methods other than the Farm Portal. An alternative method of calculating GMP Baseline and GMP Loss Rate figures addresses the issues of accuracy and reliability that have been identified with the Farm Portal. As such, the Company supports the inclusion of an alternative consenting pathway as proposed by the submission.</p>	
DairyNZ	PC5LWRP-250	<p>The Submitter’s requested relief that:</p> <p><i>Retain:</i></p> <ul style="list-style-type: none"> <i>the Portal for collecting farm information for collation, environmental modelling and reporting, and farm decision making purposes, and;</i> <i>the requirement for all properties over 10 ha to use the Portal and not for properties under 10 ha; and</i> <i>the use of the Portal for catchment accounting.</i> <p><i>Amend:</i></p> <ul style="list-style-type: none"> <i>the proposed use of proxies within the portal to ensure the proxies are not inconsistent, technically flawed and not validated;</i> <i>to avoid the application of proxies on a farm by farm basis;</i> <i>to delete the use of proxies as the sole or primary basis for a prohibited activity or declining a consent;</i> <i>to include Phosphorus Risk Zones identification through the Farm Portal to aid farmers in identifying if</i> 	Support, in Part.	<p>The reasons for RDRML’s support, in part, for the submission are as follows:</p> <p>The submission has specifically identified a number of technical issues with the modelling methodology to be used within the Farm Portal. Additionally, the submission has identified a number of potential methods to address these issues including amending the proxies, using alternative methods to determine loss rates and the placement of a cap on N-fertiliser use.</p> <p>As identified in RDRML’s primary submission, the Company supports the use of technology and tools such as the Farm Portal as a means of monitoring and driving environmental compliance. It is not considered appropriate, however, to rely on these tools until such time that they can be proven to provide accurate information.</p> <p>The submission of DairyNZ proposes a process whereby results from the Farm Portal are able to be reviewed and moderated as a means of addressing the identified technical limitations of the system that has led to irregular calculations. The Company considers that this proposal will assist in ensuring that equitable and relative results are able to be assessed on a farm by farm basis through the resource consent process. As such, the Company supports that part of the submission that provides for the moderation of data from the Farm Portal and its subsequent application in the resource consent process.</p>	<p>RDRML seeks:</p> <p>That submission PC5LWRP-250 be accepted, in part.</p>

		<p>they have Phosphorus Risk Zone on their property.</p> <p>AND</p> <p>...</p> <p>OR</p> <p>An additional formal process for reviewing and moderating random portal results that is developed and agreed with stakeholders, to be used either where CRC has indications that the Baseline GMP Loss Rate calculated is inaccurate or the consent applicant considers this to be the case.</p> <p>OR</p> <p>...</p> <p>AND</p> <p>...</p>			
Irrigation New Zealand Inc & Others	PC5LWRP-2536	<p>The Submitter's requested relief that:</p> <p><i>Delete Method s28.3 [Note: submitter supports the submission of Dairy NZ's on the fertiliser modelling rules].</i></p> <p>AND</p> <p><i>Amend Irrigation and Water Use modelling proxies to:</i></p> <p><i>Develop a new 80% irrigation application efficiency modelling rule. Of the 95% of each irrigation application that makes it to the soil (this accounts for 5% delivery system and evaporative losses), 20% is lost to drainage and 80% available for plant use.</i></p> <p><i>Refine the current irrigation modelling rule so it truly reflects a travelling irrigator scenario. See original submission for detail.</i></p>	Support	<p>The reasons for RDRML's support for the submission are as follows:</p> <p>The submission has identified technical issues with the modelling methodology associated with the Farm Portal. In particular it identifies a number of irrigation specific proxies that the submitter states are not recognised as industry best practice and as such will impact on the accuracy of results. The submission seeks that the irrigation and water use modelling proxies are revised to reflect accurate performance and advances in technology and efficiency.</p> <p>As such, RDRML supports that part of the submission that is seeking to amend the proxies to more accurately reflect application of irrigation systems within the Farm Portal.</p>	<p>RDRML seeks:</p> <p>That submission PC5LWRP-2536 be accepted.</p>
Dairy Holdings Limited	PC5LWRP-187	<p>The Submitter's requested relief that:</p> <p><i>Amend Policy 4.38D to ensure that the Baseline GMP Loss Rate only needs to be complied with by 30 June 2030.</i></p> <p>AND Amend Policy 4.38D as follows:</p> <p><i>4.38D Where a policy or rule requires a farming activity to be managed in accordance with the Good Management Practice Loss Rate, compliance with that loss rate shall not be required prior to:</i></p> <p><i>(a) 1 July 2017 for any land where part of the</i></p>	Support, in part.	<p>The reasons for RDRML's support, in part, for the submission are as follows:</p> <p>RDRML continue to seek the relief sought in its primary submission, being that policies 4.37, 4.38 and 4.38AA be amended so they are clear that the Baseline GMP Loss Rate or GMP Loss Rate need to be achieved over a transition period that achieves the purpose of the Act, along with the deletion of policies 4.38C and 4.38D.</p> <p>However, in the alternative, RDRML supports that part of the submission that seeks an increased period of time for compliance with the Baseline GMP Loss Rate that better reflects a transition period that will not result in unacceptable social and economic harm.</p>	<p>RDRML seeks:</p> <p>That submission PC5LWRP-187 be accepted, in part.</p>

		<p><i>property is located within the Lake Zone;</i></p> <p><i>(b) 1 January 2018 for any land where part of the property is located within the Orange Nutrient Allocation Zone;</i></p> <p><i>(c) 1 July 2018 for any land where part of the property is located within the Red Nutrient Allocation Zone;</i></p> <p><i>(d) 1 January 2019 for any land where part of the property is located within the Green or Light Blue Nutrient Allocation Zone, except where it can be demonstrated by the applicant that:</i></p> <p><i>(e) the Farm Portal does not provide accurate or appropriate Good Management Practice Loss Rate for the farming activity undertaken;</i> and</p> <p><i>(d) good management practices and the matters set out in Schedule 28 are being achieved.</i></p>			
Barrhill Chertsey Irrigation Scheme	PC5LWRP- 681	<p>The Submitter's requested relief that:</p> <p><i>Amend page 94 of the Land and Water Regional Plan as follows: Notes:</i></p> <p><i>1. If a property is irrigated with water from an irrigation scheme or principal water supplier that does not hold a discharge permit under Rule 5.62 or a sub-regional chapter or is not a permitted activity under Rules 5.41A or 5.61, then it is assessed under Rules 5.43 to 5.595.42A to 5.59A.</i></p> <p><i>[Note: submitter seeks amendment consequential to and as a clause 16 amendment to the decision sought in PC5 LWRP-122]</i></p>	Support	<p>The reasons for RDRML's support for the submission are as follows:</p> <p>RDRML continue to seek the relief sought in its primary submission regarding the addition of a rule in Section 5 of the oLWRP to provide for resource consent applications to be sought as a discretionary activity, if the nitrogen loss is to be managed by an irrigation scheme or principle water supplier.</p> <p>However, in the alternative, RDRML supports the submission as it provides clarity for how resource consent applications from irrigation schemes or principal water suppliers are considered.</p>	<p>RDRML seeks:</p> <p>In the event that RDRML's relief identified in primary submission point PC5LWRP-745 is not adopted, the Company seeks that the submission PC5LWRP-681 be accepted.</p>
Opuha Water Limited	PC5LWRP-837	<p>The Submitter's requested relief that:</p> <p><i>Clarify, through an amendment to, or deletion of Rule 5.41A to:</i></p> <p><i>(1) schemes can apply for nutrient discharge consents as set out in Rules 5.60 and 5.62 and where such a consent is held farmers do not need to comply with other land use rules; but</i></p> <p><i>(2) schemes do not have to apply for such consents and where they have not, a farmer must comply the other nutrient discharge rules; Or words to similar effect and make any consequential amendments.</i></p>	Support	<p>The reasons for RDRML's support for the submission are as follows:</p> <p>RDRML continue to seek the relief sought in its primary submission regarding the addition of a rule in Section 5 of the oLWRP to provide for resource consent applications to be sought as a discretionary activity, if the nitrogen loss is to be managed by an irrigation scheme or principle water supplier.</p> <p>However, in the alternative, RDRML supports the submission as it provides clarity for how resource consent applications from irrigation schemes or principal water suppliers are considered.</p>	<p>RDRML seeks:</p> <p>In the event that RDRML's relief identified in primary submission point PC5LWRP-745 is not adopted, the Company seeks that the submission PC5LWRP-837 be accepted.</p>

Forest and Bird New Zealand	PC5LWRP-1807	<p>The Submitter's requested relief that:</p> <p><i>Amend Policy 4.38D to ensure that the Good Management Practice Loss Rate has effect immediately.</i></p>	Oppose	<p>The reasons for RDRML's opposition to the submission are as follows:</p> <p>The submitter has requested that the GMP Loss Rate becomes effective immediately. As identified in the Company's primary submission, the social and economic implications associated with implementing the proposed reductions have not been fully considered as part of the current Section 32 analysis. The imposition of these reductions without an appropriate transition period at all is not considered sustainable and will result in considerable harm to the community. As such, the Company opposes the submission.</p>	<p>RDRML seeks:</p> <p>That submission PC5LWRP-1807 be rejected.</p>
Nga Rūnanga and Te Rūnanga O Ngāi Tahu	PC5LWRP-792	<p>The Submitter's requested relief that:</p> <p><i>Amend Policy 4.37 to insert new clause [ba] as follows:</i></p> <p><i>(b[a]) Where, as at 13 February 2016, properties nitrogen loss is greater than 15kgs per hectare per annum in the Red Nutrient Allocation Zone and 10kgs per hectare per annum in the Lake Zone there are further reductions in nitrogen loss over time (relative to the properties Baseline GMP Loss Rate or the Good Management Practice Loss Rate whichever is lesser) of not less than:</i></p> <p><i>(i) 15% by 1 January 2025</i></p> <p><i>(ii) 25% by 1 January 2030</i></p> <p><i>(iii) 35% by 1 January 2035</i></p> <p><i>provided that these nitrogen loss reductions do not require the property's nitrogen loss calculation to reduce below the permitted nitrogen baseline in the Red Nutrient Allocation Zone and the Lake Zone.</i></p> <p><i>And any consequential amendments.</i></p>	Support, in part	<p>The reasons for RDRML's support, in part, to the submission are as follows:</p> <p>The submission seeks to place a 'cap' on nitrogen loss, followed by a managed reduction in nitrogen values through to 2035. Whilst in principle the Company supports improvements to farming practices that result in the managed reduction of adverse effects on the environment, it considers that the 'limits' proposed as part of the submission are promoted without appropriate justification or evidence to support them.</p> <p>As such, the Company opposes that part of the submission that proposes percentage reductions in nitrogen loss without a comprehensive Section 32 analysis supporting this approach as being the best method. Further to this, the Company supports, in part, the introduction of a transition period for the reduction of nitrogen loss over time, providing the timeframe identified within the transition period is supported by a comprehensive Section 32 analysis to identify that the period will not result in unreasonable social and economic harm to operators.</p>	<p>RDRML seeks:</p> <p>That submission PC5LWRP-792 be accepted, in part.</p>