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**Subject:** Further Submission on Proposed Plan Change 5 to the Canterbury Land & Water Regional Plan  
**Date:** Friday, 13 May 2016 2:54:33 p.m.  
**Attachments:** [FINAL Further Submission ECan Plan Change 13 May 2016.pdf](#)  
[20160513145420546.pdf](#)

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Good afternoon,

Please find attached DairyNZ's Further Submission on Plan Change 5. (A separate, signed copy of the cover sheet is also attached).

We would appreciate it if you could acknowledge safe receipt of our Further Submission. Please do not hesitate to contact us if you have any questions.

Thanks and regards,

Kay

**Kay Brown**

Regional Policy Manager

**DairyNZ**

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## Further Submission on proposed Plan Change 5 to the Canterbury Land and Water Regional Plan

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**Submitter:** DairyNZ

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This is a Further Submission in relation to Proposed Plan Change 5 to the Canterbury Land & Water Regional Plan. DairyNZ is making this Further Submission because, as the industry good organisation representing New Zealand's dairy farmers, it has an interest in this Plan Change process which is greater than the general public interest.

DairyNZ's support and/or opposition to specific submissions is outlined in the attached table together with its detailed reasoning and confirmation of the relief sought.

DairyNZ wishes to be heard in support of its Further Submission and, is willing to consider presenting a joint case at hearing with other submitters addressing similar issues.

I can confirm that I am authorised to make this Further Submission on DairyNZ's behalf and, that copies will be served on the persons who made the original submissions to which it relates within 5 working days of today's date.

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**Kay Brown**  
Regional Policy Manager  
Dairy NZ

13 May 2016

**TABLE 1: DairyNZ’s Further Submissions on proposed Plan Change 5 to the Canterbury Land & Water Regional Plan**

Submitter Name	Submitter ID	CLWRP Reference	Part(s) of the submission supported or opposed	Position	Reasons	Relief sought
<b>Barrhill Chertsey Irrigation Limited</b>						
Barrhill Chertsey Irrigation Limited	56731	Schedule 7 – Farm Environment Plan	<p>Retain Schedule 7 (subject to the amendments set out below)</p> <p>Include 1A: Base land use description</p> <p><u>Where the farming activity or farming enterprise is not being managed under a resource consent held by an irrigation scheme or principal water supplier, the base land use description is the land use within the baseline period.</u></p> <p><u>Where the farming activity or farming enterprise is being managed under a resource consent held by an irrigation scheme or principal water supplier, the base land use description applies at the date determined by the Environmental Management Strategy, and shall include a description of the:</u></p> <ul style="list-style-type: none"> <li>a) <u>Area of property;</u></li> <li>b) <u>Farm system description;</u></li> <li>c) <u>Area and method(s) of irrigation;</u></li> <li>d) <u>Area and timing of winter grazing;</u></li> <li>e) <u>Stock type and relative stock units per hectare, and</u></li> <li>f) <u>Average nitrogen fertiliser inputs (kg N/ha)</u></li> </ul>	Support in part	<p>This matches the structure of the Operative LWRP Schedule 7 where many Farm Environment Plan templates including the DairyNZ Sustainable Milk Plan template has been approved. The DairyNZ Sustainable Milk Plan already has both of these water use management areas included as one section of the Sustainable Milk Plan. Significant investment has already been made by many parties with an approved template and it will be more reasonable to include this area within an existing objective.</p>	<p>Allow the submission subject to the requirement that the Irrigation Water Use Management Area and Water Use (non-irrigation) Management Area should be merged into one Management Area in Schedule 7 with the respective targets.</p>

**Central South Island Fish and Game Council**

Fish and Game	53274	Table 15(B)- Freshwater Outcomes - A Dissolved Oxygen, Temperature, Chlorophyll a	<p>Dissolved oxygen should not fall below 80% saturation and temperature should be set at a maximum of 19°C (Oct-Apr) and 11°C during spawning times (May- Sep).</p> <p>A freshwater outcome for Chlorophyll a of 200 mg chl-a/m<sup>2</sup> does not reflect ecosystem health in the Upper Waitaki.</p>	Oppose and support in part	<p>Daily variations will occur in both temperature and oxygen levels for short periods of time with less than minor effects on aquatic organisms.</p> <p>A chlorophyll a concentration of 200 mg chl-a/m<sup>2</sup> does not provide sufficient ecosystem protection for upper Waitaki rivers.</p>	<p>Allow the submission changing the periphyton outcome to 120 mg chl-a/m<sup>2</sup> for Upper Waitaki Rivers.</p> <p>Disallow the submission seeking to change the temperature and oxygen outcomes as notified.</p>
		Table 15(B) b	<p>Water quality limits have been set for a number of lakes in the Upper Waitaki FMU. However, Lake Ruataniwha has not been included despite supporting significant recreation opportunities. Wairepo Arm and Kellands Pond are showing signs of degradation due to intensification of farming activities and the proposed TLI score of 4 would allow for continued degradation.</p>	Support	<p>Environmental outcomes should be included for all lakes. Lake Ruataniwha supports numerous recreational values which are worthy of protection and water quality should be maintained in this lake.</p> <p>The current TLI scores for Wairepo Arm and Kellands Pond are lower (better) than those proposed in Table 15(B)b. While the Table is headed with a statement that states that if an objective is currently better than written in the Table it should be maintained, this provides some 'grey area'. If a waterway has to maintain its current state, its current state should be written numerically.</p>	<p>Allow the submission in respect of amending:</p> <ul style="list-style-type: none"> <li>• Table 15(B)b to include Lake Ruataniwha with a TLI that reflects current state, and</li> <li>• Table 15(B)b to include TLI scores for Wairepo Arm and Kellands Pond that reflect current state.</li> </ul>
		Table 15(B)c	<p>Fish &amp; Game support many of the nitrogen values allotted to waterbodies in the Upper-Waitaki sub-zone that support life-supporting capacity and ecosystem health. Where</p>	Oppose	<p>The requested Nitrate-nitrogen concentrations for annual median have no scientific basis, and the proposed 95<sup>th</sup> percentiles have not considered the economic</p>	<p>Disallow the submission</p>

			annual statistics for nitrate-nitrogen do not safeguard life supporting capacity and ecosystem health, Fish & Game seek that they are met over time.		consequences of managing to such a limit.  DairyNZ considers that the nitrate-nitrogen limits in the plan as notified should be retained.	
<b>Dairy Holdings Limited</b>						
Dairy Holdings	53683	Include a new definition of "Nutrient User Group"	Dairy Holdings have requested the inclusion of the following definition:  <u>"Nutrient User Group":</u>  <u>means a group of properties in multiple ownership, where the owners of those properties undertake farming activities and operate as a collective for the purposes of nutrient management</u>  The additional definition and subsequent policies and rules allowing for nutrient user groups to be formally recognised in the CLWRP.	Support	Nutrient user groups facilitate the optimisation of resource use between farming activities which are highly susceptible to seasonal and climatic fluctuations which influence their farming businesses.	Allow the submission
<b>Director General of the Department of Conservation</b>						
Department of Conservation (DOC)	67193	Policy 15B.4.19 Upper Waitaki Freshwater and Habitat Quality	Amend as follows:  Water <u>and Habitat</u> quality in the Upper Waitaki Freshwater management unit is maintained by:  a) <u>After 13 February 2016, avoiding adverse effects on threatened native fish habitats.</u>	Support in part	DairyNZ supports the inclusion of "habitat", but does not support the inclusion of new sub-clause (a) due to the retrospective nature of this sub-clause, and the absence of a clear baseline condition rendering it difficult to assess the adverse effects on native fish and their habitat in an evidence-based manner.	Allow the submission in respect of including the words " <u>and habitat</u> " but disallow all other parts.

			<u>Consequential renumbering of (a) and (b) to (b) and (c)</u>			
		Policy 15B.4.24 Hakataramea Freshwater and Habitat Quality	Amend as follows:  Water <u>and Habitat</u> quality in the Hakataramea Freshwater management unit is maintained by:  <u>After 13 February 2016, avoiding adverse effects on threatened native fish habitats.</u>  <u>Consequential renumbering of (a) and (b) to (b) and (c)</u>	Support in part	As noted above in relation to Policy 15B.4.19	Allow the submission in respect of including the words " <u>and habitat</u> " but disallow all other parts.
		Policy 15B.4.25 Valley and Mid Tributaries Freshwater and Habitat Quality	Amend as follows:  Water <u>and Habitat</u> quality in the Valley and Mid Tributaries Freshwater management unit is maintained by:  <u>After 13 February 2016, avoiding adverse effects on threatened native fish habitats.</u>  <u>Consequential renumbering of (a) and (b) to (b) and (c)</u>	Support in part	As noted above in relation to Policy 15B.4.19	Allow the submission in respect of including the words " <u>and habitat</u> " but disallow all other parts.

		Policy 15B.4.26 Northern Fan Freshwater and Habitat Quality	<p>Amend as follows:</p> <p>Water <u>and Habitat</u> quality in the Northern Fan Freshwater management unit is maintained by:</p> <p><u>After 13 February 2016, avoiding adverse effects on threatened native fish habitats.</u></p> <p><u>Consequential renumbering of (a) and (b) to (b) and (c)</u></p>	Support in part	As noted above in relation to Policy 15B.4.19	Allow the submission in respect of including the words “ <u>and habitat</u> ” but disallow all other parts.
<b>Fonterra Cooperative Group (Fonterra) Ltd</b>						
Fonterra	677200	Multiple	<p>Include new alternate consenting pathway to the Farm Portal that can be used at the landowner’s election.</p> <p>Fonterra’s submission notes that operationalising this approach requires extensive drafting changes throughout the plan including, but not necessarily limited to, the following provisions:</p> <p><b>Part A- Region Wide Provisions</b></p> <ul style="list-style-type: none"> <li>- Definitions of Loss Rate Assessed as Good Management Practice (GMP), Loss Rate Assessed as Baseline GMP</li> <li>- Policy 4.36</li> <li>- Policy 4.37</li> <li>- Policy 4.38</li> <li>- Policy 4.38A</li> <li>- Rule 5.45A</li> <li>- Rule 5.46A</li> </ul>	Support	<p>DairyNZ’s original submission outlined the need for Plan Change to include an alternative consenting pathway in addition to that provided by the Farm Portal.</p> <p>Further analysis indicates that Fonterra’s amendments will provide a more complete solution to the problems we have identified. DairyNZ therefore endorses all of Fonterra’s suggested amendments.</p>	Allow <b>all</b> submissions relating to the introduction of an alternate pathway

			<ul style="list-style-type: none"> <li>- Rule 5.50A</li> <li>- Rule 5.55A</li> <li>- Rule 5.56AA</li> <li>- Rule 5.58A</li> </ul> <p><b>Part B- Waitaki</b></p> <ul style="list-style-type: none"> <li>- Policy 15B.4.13</li> <li>- Policy 15B.4.14</li> <li>- Policy 15B.4.15</li> <li>- Policy 15B.4.2</li> <li>- Policy 15B.4.24</li> <li>- Policy 15B.4.26</li> <li>- Rule 15B.5.16</li> <li>- Rule 15B.5.26</li> <li>- Rule 15B.5.27</li> <li>- Rule 15B.5.31</li> <li>- Rule 15B.5.40</li> <li>- Rule 15B.5.4</li> <li>- Addition of a new discretionary activity rule for farming enterprises</li> </ul> <p><i>(Please note that we have not included the text of Fonterra's suggested amendments in this Further Submission for the purposes of conciseness only)</i></p>			
<b>Forest and Bird NZ</b>						
Forest and Bird NZ	52265	Definition – Winter Grazing	<p>The definition of winter grazing should be amended to include all activities that would increase nutrient loss risk including:</p> <p>a) Break feeding grass (not just</p>	Oppose	DairyNZ considers that the suggested amendments to the winter grazing definition captures many low risk activities and, includes several measures that are not capable of efficient or effective implementation.	Disallow the submission

			<p>forage crops;</p> <p>b) Feeding supplementary feed that was grown on the property (not just brought in);</p> <p>c) Clarification of the word “contained” – (cattle could just have access to a supplementary feeding area, which may just be an area within a paddock and not be contained within it?)</p>			
<b>Lower Waitaki River Management Society</b>						
Lower Waitaki River Management Society (LWRMS)	51521	Table 15B – Freshwater Outcomes	Nitrogen limits for lowland waterways should be set at the ANZEEC guideline limit of 0.44 mg/l for nitrate nitrogen and 0.61 mg/l for total nitrogen or less than 0.8 mg/l for dissolved nitrogen.	Oppose	<p>DairyNZ considers that the ANZEEC numbers are trigger values and have not been designed to serve as limits or thresholds. The ANZEEC triggers have been designed to act as triggers until catchment wide investigations and limit setting processes have occurred.</p> <p>The 0.8 mg/l dissolved nitrogen proposal has no scientific application to the Waitaki system.</p> <p>The nitrate-nitrogen limits as notified in the plan should be retained.</p>	Disallow the submission
<b>Te Rūnanga o Ngāi Tahu (Ngai Tahu)</b>						
Ngāi Tahu	67166	Definition of Accredited Farm Consultant	<p>Insert an additional requirement to the definition as follows:</p> <p><u>Has completed a course approved by Te Rūnanga o Ngāi Tahu and supplied to Environment Canterbury that addresses cultural competencies</u></p>	Oppose	DairyNZ agrees that it is important for Farm Consultants to be cognisant of the cultural dimensions of their work. However, the decision on whether to include Ngāi Tahu’s suggested amendments should be deferred pending a comprehensive review of the curriculum and expected learning	Disallow the submission

					outcomes of the training offered by current accreditation providers and Environment Canterbury.	
		Definition of Accredited Farm Environment Plan Auditor	<p>Insert an additional requirement to the definition as follows:</p> <p><u>Has completed a course approved by Te Rūnanga o Ngāi Tahu and supplied to Environment Canterbury that addresses cultural competencies</u></p>	Oppose	Please see comments above in relation to the definition of “Accredited Farm Consultant”.	Disallow the submission
		Definition of Good Management Practice	Address, as a specific aspect of Good Management Practice, the effects of farming activities on mahinga kai, wāhi tapu or wāhi taonga and the exercise of kaitiakitanga	Oppose	DairyNZ agrees that Ngāi Tahu have raised important considerations but these issues are best addressed at the national level (with the organisations that produced the Good Management Practice Guide) rather than in the context of a regional planning process	Disallow the submission
		Policy 4.37 – Nutrient Management	Introduce new nitrogen loss reduction targets (for 2025, 2030 and 2035) to address the perceived risk that the current planning approach locks in the status quo and will engender a sense of entitlement for high risk polluters thereby reducing the incentives for adaptations in management practice and the reduction of nutrient losses	Oppose	Ngāi Tahu’s analysis has no evidential basis and is not supported by robust cost/benefit analysis. It also fails to recognise that Good Management Practice is specifically designed to catalyse measurable and sustained changes in farm management practices	Disallow the submission
<b>North Canterbury Fish &amp; Game and Central South Island Fish &amp; Game</b>						
North Canterbury Fish & Game and Central South Island Fish & Game	65939	Definition – Winter Grazing	<p>Amend to:</p> <p>Means the grazing of cattle....or supplementary feed that has been brought onto the property <u>or from another part of the property</u></p>	Oppose	DairyNZ considers that the suggested amendments to the winter grazing definition captures many low risk activities and, includes several measures that are not capable of efficient or effective implementation.	Disallow the submission

		Rule 5.41A- Nutrient Management	Insert an additional clause c) stating:  <u>c) the land is not subject to a whole of catchment review of resource consents in order to maintain or improve water quality or meet plan limits</u>	Oppose	The additional Clause (c) suggested is a statutory right of the regional council and does not need to be included in this part of the plan.	Disallow the submission
<b>Irrigation New Zealand (INZ)</b>						
INZ	53910	New Policy 4.41D – Irrigation Good Management Practice expectations	Irrigation Good Management Practice for water quality achieves an irrigation efficiency of not less than 80%	Support	DairyNZ supports the assessment that Irrigation Good Management Practice expectations for water quality should be consistent with those for water quantity. Policy 4.68 states that water used for irrigation is applied with good practice that achieves an irrigation application efficiency of not less than 80%. Further, that there needs to be an equivalent policy for water quality that reflects this or, policy 4.68 should be refined accordingly.	Allow the submission
		Schedule 28- Irrigation and Fertiliser Rules	The following two options for optimising the performance of the irrigation modelling proxy rules should be investigated namely:  a) Developing 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% is available for plant use; b) Refine the current irrigation modelling rule so it truly reflects a	Support	DairyNZ's original submission outlined a number of significant concerns regarding the modelling proxy rules. DairyNZ considers that the two options developed by Irrigation NZ to improve the accuracy of the irrigation modelling proxy rules have merit and require further investigation.	Allow the submission

			travelling irrigator scenario			
<b>Ravensdown Limited</b>						
Ravensdown Limited	30953	Schedule 28 – Irrigation and Fertiliser Rules	Ravensdown has annexed a Technical Paper on Schedule 28 – Good Management Practice Modelling Rules. We endorse the analysis and recommendations contained in this paper in full.	Support	The modelling proxies including the details outlined in the Ravensdown Limited submission show technical flaws with the modelling proxies. These flaws require further analysis and remedial action, including amendments to Schedule 28 as required. It is imperative that these issues are addressed before the modelling proxies are used in the regulatory context envisaged by Plan Change 5.	Allow the submission

**SUBMISSION ENDS**