

**From:** [Judy-Anne Stapleton](#) on behalf of [Ben Williams](#)  
**To:** [Mailroom Mailbox](#)  
**Cc:** [Ben Williams](#)  
**Subject:** Further Submission to Plan Change 5: Barrhill Chertsey Irrigation Limited  
**Date:** Friday, 13 May 2016 3:49:49 p.m.  
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Good afternoon,

We act for Barrhill Chertsey Irrigation Limited (BCI).

We attach, for lodging, BCI's further submission to Plan Change 5.

Please acknowledge receipt.

Regards,

Ben

**BEN WILLIAMS**  
PARTNER



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## Form 5

**FURTHER SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY  
STATEMENT OR PLAN, CHANGE OR VARIATION**

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To** Canterbury Regional Council

Name of submitter: Barrhill Chertsey Irrigation Limited (*BCI*)

- 1 This is a further submission on:
  - proposed Plan Change 5 to the Canterbury Land and Water Regional Plan (*LWRP* and *PC 5*).
- 2 *BCI* is submitter number 56731 on *PC 5*.
- 3 *BCI*'s further submissions and the further relief it seeks are recorded in the table set out in **Annexure 1**.
- 4 *BCI* wishes to be heard in support of this further submission.

**Signed** for and on behalf of Barrhill Chertsey Irrigation Limited by its solicitors and authorised agents Chapman Tripp



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Ben Williams / Allan Brent  
Partner / Solicitor  
13 May 2016

Address for service of submitter:

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## Annexure 2: Further submission points

#	Reference*	Submitter	Support/ oppose	Comment
<b>General – Part A</b>				
1	PC5LWRP-249 (General Part A)	Dairy NZ	Support	The submission point includes a good summary of the matters that are generally supported and the wider concerns that arise in respect of PC5. BCIL generally supports all matters raised.
2	PC5LWRP-724 PC5LWRP-792 PC5LWRP-812 (General Part A)	Nga Rūnanga and Te Rūnanga O Ngāi Tahu	Oppose in part	<p>BCIL supports the intent of this submission to the extent that it seeks clarity between PC5 and sub-regional plan changes. It also acknowledges the possibility of updating GMP.</p> <p>However, BCIL submits that any actual update to GMP (by way for example of a review provision) will need to be exposed to a section 32 analysis, and so take place (only) through a plan change.</p> <p>BCIL also opposes further mechanisms of staged reduction in nutrient loss allocations (including the 'sinking-lid caps' Ngai Tahu proposed to add to Policy 5.37)(see PC5LWRP-792, 812).</p> <p>BCIL further opposes maximum nutrient loss rates (nutrient caps) as called for across all zones.</p>
3	PC5LWRP-1543 (General Part A)	Horticulture New Zealand	Support in part	BCIL supports the intent of this submission, but is of the view that proposals any supporting documents must be exposed to a section 32 analysis.

#	Reference*	Submitter	Support/ oppose	Comment
4	PC5LWRP-1723 (General Part A)	Ravensdown Limited & Others	Support in part	BCIL supports the incorporation by reference of technical reports and other supporting documents that provide the basis for the modelling rules and proxy numbers in the Farm Portal into PC5 so that the methodology and findings of those documents can be formally considered.  That supporting material must be exposed to a section 32 analysis.
5	PC5LWRP-2726 (General)	Dairy Holdings Limited	Support	See commentary on PC5LWRP-724.
6	PC5LWRP-723 PC5LWRP-750  PC5LWRP1078	Nga Rūnanga and Te Rūnanga O Ngāi Tahu  Dave Ashby Rural Consultants Limited	Oppose	BCIL opposes amended definitions of 'Accredited Farm Consultant' and 'Certified Farm Environment Plan Auditor'.  While the intent of these provisions may be sound, the industry reality is that qualified farm consultants and auditors are scarce, and the requirements of these amendments could exacerbate that issue to the point of undermining the practical workability of PC5.
7	PC5LWRP-759 PC5LWRP-855 PC5LWRP-848 PC5LWRP-899 PC5LWRP-902 PC5LWRP-1104 PC5LWRP-1152 PC5LWRP-1164 PC5LWRP-1176	Nga Rūnanga and Te Rūnanga O Ngāi Tahu  Orari Users Group Limited  Kokoamo Farms Limited  Spectrum Group	Support in part	BCIL supports in part the concept of widening paragraph (b) of the 'Nutrient Baseline' definition. However, an expansion of the definition would need to appropriately cater to irrigation schemes (where typically only primary consents are sought at the outset), so should refer only to "primary consents" or similar.

#	Reference*	Submitter	Support/ oppose	Comment
		Killermont Station 2012 Limited  Twinburn Limited  Haldon Station Limited  Cameron WN and SP  Craigmore Farming  Keeling Dairies Limited		
8	PC5LWRP-207	Dairy NZ	Support in part.	BCIL supports this submission as it relates to the validation of proxies.
<b>Definitions – Part A</b>				
9	PC5LWRP-949 (Definition – Principal Water Supplier)	Trustpower Limited	Support in part	BCIL supports this amendment with the addition of the words “ <i>or exercises</i> ” after “ <i>who holds</i> ” in Trustpower’s proposed addition (to reflect the fact the entity operating the irrigation scheme will not always be the consent holder).

#	Reference*	Submitter	Support/ oppose	Comment
10	PC5LWRP-1854 (Definition – Loss Rate Assessed as Good Management Practice)	Fonterra Co-Operative Group Limited & Ors	Support	The proposal by Fonterra to include a further regime based on <i>inter alia</i> OVERSEER assessed losses using Good Management Practice Rates is supported (effectively as an alternative pathway to addressing a number of concerns raised by BCIL in respect of the farm portal etc).
11	PC5LWRP-1857 (Definition – Loss Rate Assessed as Baseline GMP)	Fonterra Co-Operative Group Limited & Ors	Support	As above.
<b>Policies – Part A</b>				
12	PC5LWRP-225 (Policy 4.11)	DairyNZ	Support in part	<p>BCIL supports the concept set out, but submits that irrigation schemes should expressly fall within the exception identified by amending the explanatory text and as follows (with further additions in <del>strike through</del>/<u>underline</u>) – on the basis that irrigation schemes will inevitably fall within the exception so it is not appropriate to consider those as ‘something different than the norm’):</p> <p style="text-align: center;">Exceptions will be made <u>for irrigation schemes and</u> where <del>a the</del>-consent application <u>for an individual farming activity</u> is able to demonstrate significant environmental benefit and a requirement for a longer period of consent to realise that benefit.</p>
13	PC5LWRP-2076 (Policy 4.34)	Irrigation NZ & Ors	Support	BCIL supports the removal of reference to “ <i>modelled</i> ” and the provision of information on nutrient loss from more than just ‘farming activities’.
14	PC5LWRP-978 (Policy 4.36)	Amuri Irrigation Company Limited	Support	BCIL considers the approach more certain (without for example any uncertainty on what is meant by “ <i>significant</i> ”.

#	Reference*	Submitter	Support/ oppose	Comment
15	PC5LWRP-239 (Policy 4.37)	Dairy NZ	Support	BCIL supports the further references to " <i>Baseline GMP Loss Rate or Loss Rate Assessed as Baseline GMP</i> " as the basis of an alternative pathway to addressing a number of concerns raised by BCIL in respect of the farm portal, etc.
16	PC5LWRP-792 (Policy 4.37)	Nga Rūnanga and Te Rūnanga O Ngāi Tahu	Oppose	BCIL opposes further mechanisms of staged reduction in nutrient loss allocation beyond GMP reviews that are not exposed to a section 32 analysis.
17	PC5LWRP-247 (Policy 4.38)	Dairy NZ	Support in Part	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.  In terms of the drafting note in the summary of submissions BCIL notes that it considers a standard of " <i>maintained</i> " is appropriate for the Lake and Orange Zones.
18	PC5LWRP-726 (Policy 4.38AA)	Fonterra Co-Operative Group Limited & Ors	Support	BCIL supports the references to timeframes.
19	PC5LWRP-728 (Policy 4.38A)	Fonterra Co-Operative Group Limited & Ors	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
20	PC5LWRP-2105 (Policy 4.38B)	Irrigation NZ & Ors	Support in part	BCIL supports the intent of this amendment, but considers that it is too narrow. The exception should relate to those that " <i>are irrigated or managed through a consent held by an irrigation scheme or farming enterprise</i> ". It won't typically be the case that the irrigation scheme owns property (which appears to be how the sought amendment reads).

#	Reference*	Submitter	Support/ oppose	Comment
21	PC5LWRP-894 (Policy 4.38E)	Opuha Water Limited	Support	BCIL supports the retention of Policy 4.38E as notified.
22	PC5LWRP-625 (Policy 4.40)	Central Plains Water Limited	Support	BCIL supports the retention of Policy 4.40 as notified (subject to clarification that there is no requirement to prepare 'duplicate' farm environment plans for irrigation schemes).
23	PC5LWRP-626 (Policy 4.41)	Central Plains Water Limited	Support	BCIL supports the retention of Policy 4.41 as notified (subject to clarification that there is no requirement to prepare 'duplicate' farm environment plans for irrigation schemes).
24	PC5LWRP-263 (Policy 4.41B)	Dairy NZ	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
<b>Rules – Part A</b>				
25	PC5LWRP-2166 (New rule related to Rule 5.41A)	Irrigation NZ & Ors	Support	BCIL supports the use of a permitted activity rule where there is a permit in place (potentially held by an irrigation scheme) authorising the farming activity (discharge/land use)
26	PC5LWRP-837 (Rule 5.41A)	Opuha Water Limited	Support	BCIL supports the intent of the wording (in short clarifying both the ability and obligation to gain consent under Rules 5.60 to 5.62).
27	PC5LWRP-1342 PC5LWRP-1369 PC5LWRP-1370 PC5LWRP-1373 PC5LWRP-1377 PC5LWRP-1381 PC5LWRP-1386	Beef & Lamb New Zealand Limited & Others	Oppose	Deletion of the relevant provisions and replacement with a collaborative rule framework and a "natural capital approach" would render PC 5 inconsistent with PC 1 to PC 3. A "natural capital approach" does not provide for a workable or certain plan regime.



#	Reference*	Submitter	Support/ oppose	Comment
	PC5LWRP-1387 PC5LWRP-1389 PC5LWRP-1391 PC5LWRP-1392 PC5LWRP-1395 PC5LWRP-1396 PC5LWRP-1398 PC5LWRP-1401 PC5LWRP-1407 PC5LWRP-1412 PC5LWRP-1415 PC5LWRP-1416 PC5LWRP-1417 PC5LWRP-1418 PC5LWRP-1419 PC5LWRP-1420 PC5LWRP-1421 (Rules 5.43A, 5.44A, 5.44B, 5.45A, 5.46A, 5.47A, 5.48A, 5.49A, 5.50A, 5.51A, 5.52A, 5.53A, 5.54A, 5.54B, 5.55A, 5.56AA, 5.56AB, 5.57A 5.57B, 5.57C, 5.58A, 5.58B, 5.59A)			

#	Reference*	Submitter	Support/ oppose	Comment
28	PC5LWRP-698 (Rule 5.44A)	North Canterbury Fish & Game and South Island Fish & Game	Oppose	BCIL opposes further restrictions on winter grazing.
29	PC5LWRP-1771 (Rule 5.44A)	Ravensdown Limited & Others	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
30	PC5LWRP-314 (Rule 5.44B)	Dairy NZ	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
31	PC5LWRP-318 (Rule 5.45A)	Dairy NZ	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
32	PC5LWRP-818 PC5LWRP-835 PC5LWRP-844 PC5LWRP-858 PC5LWRP-860 (Rules 5.45A, 5.44B, 5.50A, 5.55A, 5.57B)	Nga Rūnanga and Te Rūnanga O Ngāi Tahu	Oppose	<p>Hard caps on nitrogen loss rates are not consistent with the concept of GMP.</p> <p>While BCIL supports the intent of Ngāi Tahu submissions calling for Management Plans and Farm Environment Plans to address the effects of farming activities on mahinga kai, and the similar Ngāi Tahu submissions calling for the inclusion of known sites or areas of wāhi tapu and wāhi taonga in those same plans, it submits that:</p> <ul style="list-style-type: none"> <li>• It is not appropriate to include formal requirements concerning the effects of farming activities on mahinga kai. In the main, this is because the entirety of the PC5 regime is directed to maintaining and enhancing water quality, and so indirectly to managing the effects of farming activities on mahinga kai. Further, most farms do not include surface water, so stating any effects on mahinga kai is a non-trivial (and unrealistic) exercise both to undertake and audit; and</li> <li>• Identifying wāhi tapu and wāhi taonga sites is properly the purview of a formal</li> </ul>

#	Reference*	Submitter	Support/ oppose	Comment
				<p>district-council level process that engages landowners and takata whenua. Typically, after a rigorous identification process, sites will appear on district council planning maps and will trigger special district rules. It is not appropriate that individuals bear the cost of such a process, potentially do so repeatedly (MPs and FEPs require review), and do so in a regional plan context (through the general use of land cannot be regulated anyway).</p> <p>Accordingly, BCIL does not support the inclusion of mahinga kai, wāhi tapu and wāhi taonga content in PC5.</p>
33	PC5LWRP-331 (Rule 5.46A)	Dairy NZ	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
34	PC5LWRP-1076 (Rule 5.46A)	Fonterra Co-Operative Group Limited & Ors	Support	BCIL supports further provision being made for farming enterprises as a controlled activity.
35	PC5LWRP-1780 (Rule 5.46A)	Ravensdown Limited & Others	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
36	PC5LWRP-333 (Rule 5.47A)	Dairy NZ	Support	BCIL supports the largely consequential amendments proposed.
37	PC5LWRP-334 (Rule 5.48A)	Dairy NZ	Support	BCIL supports the deletion of Rule 5.48A.

#	Reference*	Submitter	Support/ oppose	Comment
38	PC5LWRP-2154 (Section 5 – new Rule 5.49A)	Irrigation NZ & Ors	Support	BCIL supports the deletion of Rule 5.49A.
39	PC5LWRP-336 (Rule 5.50A)	Dairy NZ	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
40	PC5LWRP-338 (Rule 5.52A)	Dairy NZ	Support	BCIL supports the deletion of Rule 5.52A (and farming activities that do not meet condition 2 of Rule 5.50A being a non-complying activity under Rule 5.51A).
41	PC5LWRP-2158 (Rule 5.53A)	Irrigation NZ & Ors	Support	BCIL supports the deletion of 5.53A
42	PC5LWRP-704 (Rule 5.54A)	North Canterbury Fish & Game and South Island Fish & Game	Oppose	BCIL opposes further restrictions on winter grazing and the amendments proposed in respect of increased irrigation (which are particularly non-applicable to irrigation schemes still in the development phase).
43	PC5LWRP-2003 (Rule 5.54A)	Ravensdown Limited & Others	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
44	PC5LWRP-235 5.54B	Dairy Holdings Limited	Support	BCIL supports better recognition of existing but only partially implemented (or unimplemented) resource consents.
45	PC5LWRP-340 (Rule 5.54B)	Dairy NZ	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.

#	Reference*	Submitter	Support/ oppose	Comment
46	PC5LWRP-128 (Rule 5.55A)	Hunter Downs Development Company Limited	Support	The orange zone should support limited intensification – BCIL supports enabling such increases (provided environmental outcomes continue to be met).
47	PC5LWRP-238 (Rule 5.56AA)	Dairy Holdings Limited	Support	BCIL supports better recognition of existing but only partially implemented (or unimplemented) resource consents.
48	PC5LWRP-341 (Rule 5.56AA)	Dairy NZ	Support	The orange zone should support limited intensification – BCIL supports enabling such increases (provided environmental outcomes continue to be met).
49	PC5LWRP-742 (Rule 5.56AA)	Fonterra Co- Operative Group Limited & Ors	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
50	PC5LWRP-1082 (Rule 5.56AA)	Fonterra Co- Operative Group Limited & Ors	Support	BCIL supports further provision being made for farming enterprises as a controlled activity.
51	PC5LWRP-2009 (Rule 5.56A)	Ravensdown Limited & Others	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
52	PC5LWRP-343 (Rule 5.56AB)	Dairy NZ	Support	BCIL supports the retention of Rule 5.56AB, provided the relief sought in PC5LWRP-340 (Rule 5.54B), PC5LWRP- 342 (Rule 5.55A) and PC5LWRP- 341 (Rule 5.56AA) is adopted.
53	PC5LWRP-1673 (Rule 5.57B)	Horticulture New Zealand	Support	BCIL supports further reference being made to farming enterprises.

#	Reference*	Submitter	Support/ oppose	Comment
54	PC5LWRP-133 (Rule 5.57C)	Hunter Downs Development Company Limited	Support	BCIL supports better provision being made in orange, blue and green zones for potential increases in nutrient loss (provided environmental limits are not exceeded and good management is complied with).
55	PC5LWRP-240 (Rule 5.57C)	Dairy Holdings Limited	Support in part	BCIL supports better recognition of existing but only partially implemented (or unimplemented) resource consents.
56	PC5LWRP-345 (Rule 5.57C)	Dairy NZ	Support	BCIL supports land use being a permitted activity (subject to conditions) in the green and light blue nutrient allocation zones.
57	PC5LWRP-134 (Rule 5.58A)	Hunter Downs Development Company Limited	Support	BCIL supports better provision being made in orange, blue and green zones for potential increases in nutrient loss (provided environmental limits are not exceeded and good management is complied with).
58	PC5LWRP-743 (Rule 5.58A)	Fonterra Co- Operative Group Limited & Ors	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
59	PC5LWRP-243 (Rule 5.58B)	Dairy Holdings Limited	Support	BCIL supports better recognition of existing but only partially implemented (or unimplemented) resource consents.
60	PC5LWRP-349 (Rule 5.58B)	Dairy NZ	Support	BCIL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
61	PC5LWRP-1084 (Rule 5.58B)	Fonterra Co- Operative Group Limited & Ors	Support	BCIL supports further provision being made for farming enterprises as a controlled activity.

#	Reference*	Submitter	Support/ oppose	Comment
62	PC5LWRP-136 (Rule 5.59A)	Hunter Downs Development Company Limited	Support	BCIL supports the deletion of the restrictions on intensification in orange and blue and green zones. It also supports amending the rules to allow for intensification up to good management practice loss rates.
<b>Schedules</b>				
63	PC5LWRP-861 (Schedule 7)	Nga Rūnanga and Te Rūnanga O Ngāi Tahu	Oppose	See commentary on mahinga kai, wāhi tapu and wāhi taonga content in PC5 above.
64	PC5LWRP-312 (Schedule 7A)	Dairy NZ	Support	BCIL supports the retention of Schedule 7A as notified
65	PC5LWRP-685 (Schedule 7)	BCIL	Support	<p>To assist in clarifying that the base land use should provide a way to provide a "base" land use while avoiding the complexities associated with changing OVERSEER and Farm Portal modelling, BCIL seeks that the submission point be accepted subject to the following further amendments:</p> <ul style="list-style-type: none"> <li>• add capitalised definition of "Base Land Use" and capitalise term wherever used;</li> <li>• add subparagraph g to Clause 1A reading: "(g) <i>Supplementary feed used on and removed from the individual property</i>"; and</li> <li>• split existing Management Area: Nutrient Management Target 1 into sub-targets. Sub-target 1a should comprise the existing proposed Target 1, and sub-target 1b should comprise a new sub-target reading: "<u><i>at or below the loss rate associated with Base Land Use.</i></u>"</li> </ul>

#	Reference*	Submitter	Support/ oppose	Comment
66	PC5LWRP-1853 (Schedule 28)	Fonterra Co- Operative Group Limited & Ors	Support	BCI shares the concerns raised by the submitter around the modelling proxies within the Farm Portal. It also supports the need to provide a possible alternative consenting pathway.