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To: [Mailroom Mailbox](#)
Cc: [Ben Williams](#)
Subject: Further Submission to Plan Change 5: Dairy Holdings Limited
Date: Friday, 13 May 2016 3:52:12 p.m.
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Good afternoon,

We act for Dairy Holdings Limited (DHL).

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

Please acknowledge receipt.

Regards,

Ben

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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: Dairy Holdings Limited (*DHL*)

- 1 This is a further submission on:
 - proposed Plan Change 5 to the Canterbury Land and Water Regional Plan (*LWRP* and *PC 5*).
- 2 DHL is submitter number 53683 on PC 5.
- 3 DHL's further submissions and the further relief it seeks are recorded the table set out in **Annexure 1**.
- 4 DHL notes that submission points 15 and 16 of its initial submission appear not to have been recorded in the Summary of Decisions Requested report as notified on 30 April 2016. DHL wishes to advise that it maintains those submissions.
- 5 DHL wishes to be heard in support of this further submission.

Signed for and on behalf of Dairy Holdings Limited by its solicitors and authorised agents
Chapman Tripp



Ben Williams / Allan Brent
Partner / Solicitor
13 May 2016

Address for service of submitter:

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Annexure 1: Further submission points

#	Reference*	Submitter	Support/ oppose	Comment
General – Part A				
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. DHL 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>DHL 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, DHL 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>DHL 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).</p> <p>DHL further opposes maximum nutrient loss rates (nutrient caps) as called for across all zones.</p>
3	PC5LWRP1723 (General Part A)	Ravensdown Limited & Others	Support in part	DHL 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.

#	Reference*	Submitter	Support/ oppose	Comment
				That supporting material must be exposed to a section 32 analysis.
4	PC5LWRP-723 PC5LWRP-750 PC5LWRP1078	Nga Rūnanga and Te Rūnanga O Ngāi Tahu Dave Ashby Rural Consultants Limited	Oppose	DHL 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.
5	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 Killermont Station 2012 Limited Twinburn Limited	Support in part	DHL 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
		Haldon Station Limited Cameron WN and SP Craigmore Farming Keeling Dairies Limited		
6	PC5LWRP-207	Dairy NZ	Support in part.	DHL supports this submission as it relates to the validation of proxies.
Definitions – Part A				
7	PC5LWRP-949 (Definition – Principal Water Supplier)	Trustpower Limited	Support in part	DHL supports this amendment with the addition of the words “ <i>or exercises</i> ” after “ <i>who holds</i> ” in Truspower’s proposed addition (to reflect the fact the entity operating the irrigation scheme will not always be the consent holder).
8	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 DHL in respect of the farm portal etc).

#	Reference*	Submitter	Support/ oppose	Comment
9	PC5LWRP-1857 (Definition – Loss Rate Assessed as Baseline GMP)	Fonterra Co-Operative Group Limited & Ors	Support	As above.
Policies – Part A				
10	PC5LWRP-225 (Policy 4.11)	DairyNZ	Support in part	<p>DHL 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 strike through/<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 a the 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>
11	PC5LWRP-2076 (Policy 4.34)	Irrigation NZ & Ors	Support	DHL supports the removal of reference to “ <i>modelled</i> ” and the provision of information on nutrient loss from more than just ‘farming activities’.
12	PC5LWRP-978 (Policy 4.36)	Amuri Irrigation Company Limited	Support	DHL considers the approach more certain (without for example any uncertainty on what is meant by “ <i>significant</i> ”)
13	PC5LWRP-239 (Policy 4.37)	Dairy NZ	Support	DHL 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 DHL in respect of the farm portal etc

#	Reference*	Submitter	Support/ oppose	Comment
14	PC5LWRP-792 (Policy 4.37)	Nga Rūnanga and Te Rūnanga O Ngāi Tahu	Oppose	DHL opposes further mechanisms of staged reduction in nutrient loss allocation beyond GMP reviews that are not exposed to a section 32 analysis.
15	PC5LWRP-247 (Policy 4.38)	Dairy NZ	Support in Part	DHL 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 DHL notes that it considers a standard of "maintained" is appropriate for the Lake and Orange Zones.
16	PC5LWRP-728 (Policy 4.38A)	Fonterra Co- Operative Group Limited & Ors	Support	DHL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
17	PC5LWRP-2105 (Policy 4.38B)	Irrigation NZ & Ors	Support in part	DHL supports the intent of this amendment, but considers that it is too narrow. The exception should relate to those that "are irrigated or managed through a consent held by an irrigation scheme or farming enterprise". It won't typically be the case that the irrigation scheme owns property (which appears to be how the sought amendment reads)
18	PC5LWRP-625 (Policy 4.40)	Central Plains Water Limited	Support	DHL 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)
19	PC5LWRP-626 (Policy 4.41)	Central Plains Water Limited	Support	DHL 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)

#	Reference*	Submitter	Support/ oppose	Comment
20	PC5LWRP-263 (Policy 4.41B)	Dairy NZ	Support	DHL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
Rules – Part A				
21	PC5LWRP-2166 (New rule related to Rule 5.41A)	Irrigation NZ & Ors	Support	DHL 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/landuse)
22	PC5LWRP-837 (Rule 5.41A)	Opuha Water Limited	Support	DHL supports the intent of the wording (in short clarifying both the ability and obligation to gain consent under Rules 5.60 to 5.62).
23	PC5LWRP-1342 PC5LWRP-1369 PC5LWRP-1370 PC5LWRP-1373 PC5LWRP-1377 PC5LWRP-1381 PC5LWRP-1386 PC5LWRP-1387 PC5LWRP-1389 PC5LWRP-1391 PC5LWRP-1392 PC5LWRP-1395 PC5LWRP-1396 PC5LWRP-1398 PC5LWRP-1401	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-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)			
24	PC5LWRP-698 (Rule 5.44A)	North Canterbury Fish & Game and South Island Fish & Game	Oppose	DHL opposes further restrictions on winter grazing.

#	Reference*	Submitter	Support/ oppose	Comment
25	PC5LWRP-1771 (Rule 5.44A)	Ravensdown Limited & Others	Support	DHL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
26	PC5LWRP-314 (Rule 5.44B)	Dairy NZ	Support	DHL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
27	PC5LWRP-318 (Rule 5.45A)	Dairy NZ	Support	DHL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
28	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	Hard caps on nitrogen loss rates are not consistent with the concept of GMP.
29	PC5LWRP-331 (Rule 5.46A)	Dairy NZ	Support	DHL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
30	PC5LWRP-1076 (Rule 5.46A)	Fonterra Co- Operative Group Limited & Ors	Support	DHL supports further provision being made for farming enterprises as a controlled activity.
31	PC5LWRP-1780 (Rule 5.46A)	Ravensdown Limited & Others	Support	DHL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.

#	Reference*	Submitter	Support/ oppose	Comment
32	PC5LWRP-334 (Rule 5.48A)	Dairy NZ	Support	DHL supports the deletion of Rule 5.48A.
33	PC5LWRP-2154 (Section 5 – new Rule 5.49A)	Irrigation NZ & Ors	Support	DHL supports the deletion of Rule 5.49A.
34	PC5LWRP-336 (Rule 5.50A)	Dairy NZ	Support	DHL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
35	PC5LWRP-338 (Rule 5.52A)	Dairy NZ	Support	DHL 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).
36	PC5LWRP-2158 (Rule 5.53A)	Irrigation NZ & Ors	Support	DHL supports the deletion of 5.53A
37	PC5LWRP-2003 (Rule 5.54A)	Ravensdown Limited & Others	Support	DHL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
38	PC5LWRP-235 5.54B	Dairy Holdings Limited	Support	DHL supports better recognition of existing but only partially implemented (or unimplemented) resource consents.
39	PC5LWRP-340 (Rule 5.54B)	Dairy NZ	Support	DHL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.

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

#	Reference*	Submitter	Support/ oppose	Comment
48	PC5LWRP-133 (Rule 5.57C)	Hunter Downs Development Company Limited	Support	DHL 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).
49	PC5LWRP-240 (Rule 5.57C)	Dairy Holdings Limited	Support in part	DHL supports better recognition of existing but only partially implemented (or unimplemented) resource consents.
50	PC5LWRP-345 (Rule 5.57C)	Dairy NZ	Support	DHL supports land use being a permitted activity (subject to conditions) in the green and light blue nutrient allocation zones.
51	PC5LWRP-134 (Rule 5.58A)	Hunter Downs Development Company Limited	Support	DHL 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).
52	PC5LWRP-743 (Rule 5.58A)	Fonterra Co- Operative Group Limited & Ors	Support	DHL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
53	PC5LWRP-243 (Rule 5.58B)	Dairy Holdings Limited	Support	DHL supports better recognition of existing but only partially implemented (or unimplemented) resource consents.
54	PC5LWRP-349 (Rule 5.58B)	Dairy NZ	Support	DHL supports the proposed amendment to the extent that it provides a possible alternative consenting pathway.
55	PC5LWRP-1084 (Rule 5.58B)	Fonterra Co- Operative Group Limited & Ors	Support	DHL supports further provision being made for farming enterprises as a controlled activity.

#	Reference*	Submitter	Support/ oppose	Comment
56	PC5LWRP-136 (Rule 5.59A)	Hunter Downs Development Company Limited	Support	DHL 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.
Schedules				
57	PC5LWRP-312 (Schedule 7A)	Dairy NZ	Support	DHL supports the retention of Schedule 7A as notified
58	PC5LWRP-1853 (Schedule 28)	Fonterra Co- Operative Group Limited & Ors	Support	DHL 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.