

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on Proposed Plan Change 5 (Nutrient Management and Waitaki Sub-region) to the Canterbury Land and Water Regional Plan

BY **WAITAKI IRRIGATORS COLLECTIVE LIMITED**
Submitter

TO **CANTERBURY REGIONAL COUNCIL**
Local authority

STATEMENT OF EVIDENCE OF LOUISE TAYLOR

Dated 22 July 2016

1. INTRODUCTION

Qualifications and Experience

- 1.1 My name is Louise Elizabeth Robertson Taylor. I hold a Bachelor's degree in Geography and a Master's degree in Regional and Resource Planning from the University of Otago (completed in 1996). I am a full member of the New Zealand Planning Institute. I am a Partner and Director of the firm Mitchell Partnerships Limited, which practices as an environmental consultancy nationally, with offices in Dunedin, Auckland and Tauranga.
- 1.2 I have been engaged in the field of resource and environmental management for 19 years. My experience includes a mix of local authority and consultancy resource management work. This experience has included particular emphasis on providing consultancy advice with respect to resource consent and environmental impact assessments, regional and district plans, and designations. This includes extensive experience with large-scale projects involving inputs from a multi-disciplinary team. I hold the Chair accreditation to hear RMA applications and have sat on several hearings panels for resource consent applications.
- 1.3 I have prepared submissions on proposed Regional Policy Statements and Regional Plans throughout New Zealand, and have prepared resource consent applications for various activities under almost all district and city plans in the South Island and many in the North Island. A summary of my recent experience is included at **Appendix A**.
- 1.4 I have been engaged by Waitaki Irrigators Collective (WIC) to provide planning advice with respect to Plan Change 5 (PC5) to the Canterbury Land and Water Regional Plan (Land and Water Plan).
- 1.5 While I appreciate that this is not an Environment Court hearing, I confirm that I have read and agree to comply with the Code of Conduct for expert witnesses contained in the Environment Court Practice Note dated 1 December 2014. Unless I state otherwise, this evidence is within my scope of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express. I understand it is my duty to assist impartially on relevant matters within my area of expertise and that I am not an advocate for the party which has engaged me.

1.6 In preparing this evidence I have read the provisions of PC5 and the section 32 assessment, the submissions and further submissions relevant to WIC's submissions points, and the section 42A report prepared on behalf of the Canterbury Regional Council (the Council or Environment Canterbury).

Scope of Evidence

1.7 In my evidence I will:

- Provide a background to the relevant provisions of PC5 in respect of WIC's interests;
- Discuss the matters WIC has raised in its submissions to PC5, comment on how they are addressed in section 42A recommendations and provide my opinion on the appropriateness of the provisions relating to the Waitaki Catchment;¹
- Provide a set of suggested policy and rule amendments which I consider will achieve the relevant objectives of the plan and to the purpose of the Plan Change;
- Conclude my evidence including coming to conclusions in terms of s32 of the Resource Management Act 1991 ("the Act") regarding the suggested alternative provisions.

2. BACKGROUND TO WIC'S SUBMISSION

2.1 In essence WIC sought that the provisions in PC5 relating to the Waitaki Catchment (Section 15) better recognise existing farming activities, current management regimes and consents, as well as the likelihood and the sensitivities within the catchment to existing and future land use intensification. The WIC submission also sought that the provisions more accurately reflect the recommendations of the Lower Waitaki-South Coastal Canterbury Zone Committee.

2.2 More particularly, the submission sought to:

- Recognise that many farms are provided water by irrigation schemes which have existing consents that are subject to extensive water quality and modelling conditions, or hold their own consent to take and use water with the same

¹ Section 15 of PC5

conditions, and questions the need for an additional consent to be obtained under the Proposed PC5 rule framework for the activity of farming per se;

- Impose a more simplified structure to the rules applicable to land use activities in the Waitaki Catchment which better reflects the recommendations made by the Zone Committee in the Lower Waitaki Zone Implementation Programme Addendum dated July 2015 (ZIP Addendum) and remove the duplication of approvals already required;
- Delete the prohibited activity status;
- Amend sub-regional Policies 15B.4.10 - 15B.4.18; 15B.4.24 - 15B.4.27; and 15B.5.6 - 15B.5.9 in order to enable the implementation of the alternative sub-regional rule framework that is being proposed by WIC;
- Minor other amendments to provisions in PC5 for clarification purposes.

3. ALTERNATIVE SUB-REGIONAL NUTRIENT MANAGEMENT RULES

- 3.1 As discussed in the evidence of Ms Soal, WIC is seeking an alternative approach to the nutrient management regime set out in Part B of Plan Change 5 as it applies to the Lower Waitaki. WIC seeks to replace Rules 15B.5.24 – 15B.5.48 with a new suite of provisions for the Valley and Tributaries, and Hakataramea and Northern Fan Freshwater Management Units, as set out in Appendix B to its submission. As set out in its submission WIC states that the proposed rule framework will lead to overwhelming compliance and enforcement requirements for both the farming community and the Regional Council, and questions whether or not this approach will lead to improved outcomes in water quality. In addition, WIC is concerned that the proposed rules do not reflect the recommendations made by the Zone Committee in the Lower Waitaki ZIP Addendum, and are overly complex, burdensome and unwieldy.
- 3.2 From the perspective of s32 of the Act and best practice planning I agree that the proposed rule framework, when added to the already complex suite of region wide provisions appears to be particularly complicated and will likely result in difficulties in implementation and enforcement. The rules essentially require that resource consent be obtained for all farms of any scale for the activity of “farming”, in addition to the other consents they are required to obtain such as water and discharge permits. The rules, for example, require an extensive assessment of the nitrogen loss from individual

properties (via OVERSEER) prior to determining which activity class applies.² Requiring such an assessment does not provide certainty to enable compliance with the rules to be objectively assessed by all resource users. The setting of nutrient loss limits on an individual farm basis appears overly onerous for those zones where water quality is good.

- 3.3 As outlined in its submission WIC is concerned that with respect to the Valley and Tributaries and Whitney's Creek Zones, the proposed rules impose an unnecessary and unreasonable level of consenting on areas that "are currently meeting water quality outcomes" and are already highly developed (refer to Rule 15B.5.7). Ms Johnston explains that there is very little capacity for these catchments to be further developed due to current and likely future water allocation limits for irrigation, and considers that current farming should be able to continue, provided activities are managed through good practice land management. It is expected that increased efficiency gains in terms of water use due to technology and farm practice improvements will occur over time, which, when developed under the appropriate framework, is not expected to increase contaminants to land or water. Furthermore, should any land intensification occur, this will not occur without irrigation which will require further consenting. Therefore, the intensification of land use in these areas can be adequately and safely managed through the Farm Environmental Plan (FEP) process that is required as part of any scheme or individual water permit (to take and use) and (if necessary) discharge permit, and will be well within the nitrogen load limit, as explained in the evidence of Ms Johnston.
- 3.4 I do not see the need for individual properties to obtain consent as a controlled activity when they are already covered under the umbrella of a scheme irrigation and/or a water permit of discharge consent that requires the adoption of good practice farm management requirements which will in turn reduce appropriate management nitrogen losses.
- 3.5 On page 315 of the section 42A report, the author in response to this matter states that:

² See for example Rule 15B.5.34

“PC5 applies nitrogen limits on individual properties to ensure all properties undertaking intensive farming activities are operating within catchment limits and are operating at GMP. I acknowledge that many of the consents granted since 2009 in the Waitaki are subject to extensive water quality monitoring and modelling conditions. ...

The technical assessment undertaken as part of the community process modelled the estimated nitrogen loss rates associated with these consents and therefore these nitrogen limits are accounted for in the load limits set in Table 15B(f). However my understanding of the relevant resource consents is that they do not include property based nitrogen limits. Therefore, it is uncertain that the cumulative loss rates will be managed within the PC5 nitrogen limits and on that basis I am not recommending amendment to the rule. However, if further evidence was provided that demonstrated these farming activities would be managed within catchment limits, appropriate amendments to PC5 framework to provide for these consents as a permitted activity may be justified.”

- 3.6 This matter was addressed in WIC’s submission and is further explained in the evidence of Ms Johnston. I understand that the load limit stated in Table 15B(f) for nitrogen in the Valley and Tributaries FMU of 244 tonnes/year is based on current and consented land use and irrigation, and provides for an additional 4,268 ha of irrigation, noting that a good proportion of this is replacing "old" irrigation (e.g. from deemed permits) with "new", and is therefore not entirely expansion of the overall irrigated area. In my view Ms Johnson’s evidence provides certainty that existing and potentially future farming activities will be managed to achieve the catchment limits. I therefore question the need for an additional layer of consenting to be applied.
- 3.7 I appreciate that the proposed rule framework has been developed by the Council alongside complex technical and scientific investigations, and this has probably resulted in the level of complexity that is evident in the drafting of the rules. However, I agree with WIC that requiring strict adherence to individual properties’ OVERSEER limits and the resulting complex layers of consenting, is unlikely to lead to improved water quality outcomes in the case of the Lower Waitaki. Mr Evans set this out in some detail in his evidence. The rules appear to have been developed as a method to control wide scale land use intensification, but apply to areas farmed in more extensive manners (such as steep hill and back country or where water availability is a limiting factor). I understand that in the Lower Waitaki land use intensification is unlikely to occur, due to the natural controls of water availability, aspect, slope, as well as economic factors. In my view, such matters should have been factored in when

developing the proposed rules for this catchment, particularly in the context of considering costs and benefits in the s32 analysis.

3.8 While I also appreciate that the Council has the ultimate statutory responsibility for developing rules, I am surprised that the collaborative process and recommendations from the Zone Committee that extensively canvassed the issues that have been raised in WIC's submission have not been expressly considered and reported on in developing the proposed rule framework for PC5. The evidence of Ms White, Mr Hayes, Mr Murphy and Mr Kingsbury, Ms Soal, Mr Hellewell and Mr Ross explains this in more detail. I had understood that the involvement of the Zone Committees was critical to ensure integrated water management in the region. The recommendations are underpinned by the appropriate scientific, environmental, economic and community values inherent within the catchments. I note that in the introduction of the plan change it states full package of action to be implemented and includes both regulatory and non-regulatory recommendations. The key actions to give effect to these recommendations include³:

- Establishing three freshwater management units (FMUs) for the lower Waitaki and setting zones within FMUs for the purpose of nutrient management, including the Valley and Tributaries Zone within the Valley and Tributaries FMU; the Hakataramea Hills, River and Flat Zones within the Hakataramea FMU; and the Greater Waikākahi and Whitneys Creek Zones within the Northern Fan FMU;
- The implementation of Farm Environment Plans for all farming activities located throughout the lower Waitaki area;
- The adoption of good practices for agriculture, aquaculture, urban and industrial activities;
- Restricting nitrogen losses; and
- The setting of surface water flow and allocation limits for Whitneys Creek.

3.9 Nowhere in these recommendations does it state that it was intended that resource consents should be required across the board for all irrigated farms of any reasonable scale for the activity of farming itself, which is my interpretation of the rule framework proposed by the plan change. I am of the view that the outcomes from the Zone

³ Lower Waitaki Zone Implementation Programme Addendum 2015

Committee process should have been better recognised in developing the proposed rules.

3.10 Against these concerns, WIC has developed a revised set of rules that better recognise the existing level of regulatory control in place for land use activities in the Waitaki catchments, and more accurately reflects the outcomes and recommendations of the Zone Committee.

3.11 The section 42A report writer recommends rejecting WIC's alternative drafting on the basis that the provisions:

“generally weaken the provisions set out in PC5 such that the integrity of the provisions are compromised and are unlikely to ensure that freshwater management outcomes are met. Given the obligation to maintain or improve overall water quality, and the requirement to have particular regard to the vision and principles of the CWMS it is not recommended that the proposed alternative nutrient regime is adopted for the Waitaki sub-region, nor in the region-wide sections of the CLWRP.”⁴

3.12 I do not agree with the report writer that the revised rule framework suggested by WIC compromises the Council's ability to give effect to its obligations within the National Policy Statement for Freshwater Management (Freshwater NPS), the Canterbury Water Management Strategy (CWMS), or the relevant objectives of the Canterbury land and water plan (CLWP⁵). WIC is not seeking to promote an approach whereby farming activities have an increased ability to discharge contaminants as a permitted activity. Rather WIC is seeking a more simplistic rule framework which is more easily understood and applicable, as well as better reflecting the outcomes recommended by the Zone Committee and existing consents in place.

3.13 For example the Zone Committee ZIP Addendum records that the Valley and Tributaries area is currently meeting water quality outcomes and is already highly developed. The regime aims to protect the high water quality in the Waitaki River and tributaries, by:

- *Requiring Good Management Practices for resource use;*
- *Requiring consent for change above an intensity threshold;*

⁴ Page 181 of the Environment Canterbury Section 42A Report – Part 5

⁵ Refer Objectives 3.5, 3.6, 3.8 and 3.24 in particular

- *Through an in-stream monitoring network and by relying on natural development constraints e.g. access to water, slope, elevation, and temperature.*
- *A simple regime is proposed which builds on the regional 'green-zone' rules by requiring GMP [good management practice] and providing a simple structure.⁶*

3.14 In my opinion the rule framework that has been developed by WIC is consistent with the above recommendations and will be effective and appropriate in achieving the required outcomes of the Freshwater NPS and other higher order regional documents or strategies. It does so by:

- Establishing a clear threshold for determining whether or not an activity is permitted, based on, in the first instance, the size and scale of the land use operation and consequent risk of the discharge of contaminants from such intensity;
- Taking into account the existing receiving environment in certain catchments to determine whether the activity can operate as a permitted activity within the bounds of existing irrigation/discharge consents, and by ensuring that good practice farm management is employed via the use of FEPs and by registering on the Farm Portal by 2017;
- Applying a restricted discretionary activity status if there is any failure to achieve the permitted activity conditions. This enables certain matters to be considered including whether or not the activity will comply with local in stream and water quality limits for the relevant catchment.

3.15 I note that where there is an increased risk due to the sensitivity of the receiving environment (for example, in the Hakataramea and Waikakahi FMUs), WIC is proposing that there should be consenting requirements stricter in these Zones, but is promoting a more simplified and streamlined approach.

3.16 The consenting pathway proposed by PC5 places a large degree of emphasis on the calculation of individual farm-based nitrogen losses. Failure to achieve compliance with conditions requiring compliance with nitrogen load limits in the relevant catchment ultimately results in a prohibited activity status⁷.

⁶ Page 6

⁷ Refer for e.g. to Rule 15B.5.29

- 3.17 While I accept that achieving the nitrogen loads within the catchment is consistent with the Freshwater NPS and the higher order regional documents and strategies, I do not agree that a prohibited status is appropriate in this instance.
- 3.18 As is evident from WIC's submission and evidence, intensive land use activities in the Waitaki catchment are already largely existing and there is limited potential for further intensification, therefore these rules are likely to apply to existing activities, or on consent renewals rather than individuals seeking new consents.
- 3.19 Given the range of tools available under the RMA to manage adverse effects, the use of a prohibited activity status in this catchment is lacking in appropriate balance. For example, a non-complying or discretionary activity status would enable a farmer to apply for resource consent and put improvements in place over time due to having certainty of ongoing operation to enable the required investment. Obtaining consent may be critical to a land owner's ongoing investment in the property and in such instances it is likely to be more effective to work through any such non compliances through improving onsite farm management practices and mitigation proposed within the application and then which is enforceable via consent conditions.

Policy Amendments

- 3.20 WIC in its submission sought appropriate amendments to the relevant policies in order to give effect to its proposed alternative rule framework. I agree that such amendments are necessary, and I have worked up a suite of amended policy provisions that I think are necessary to support the alternative rule framework (refer **Appendix B** attached). In summary, the suggested policies aim to achieve the relevant CLWP objectives in that, together with other relevant policies in the plan, they provide specific direction to how farming activities are to be considered in the relevant Zones.
- 3.21 More specifically the policies focus on the specific values of each Zone and the matters which are important to ensure are being achieved by farming activities in each zone.
- 3.22 I have set out consequential amendments to policy 15B.4.10, which relates to securing water quality outcomes in the Waitaki Sub-Region to reflect that the management of potentially significant nutrient losses can be managed either at an individual farm level, or via a scheme level.

- 3.23 I have set out an amendment to policy 15B.4.11 to reflect that Farm Environmental Plans should be prepared regardless of whether a resource consent is required or not.
- 3.24 I do not consider that the policies relating to consenting considerations are necessary, as they repeat the intention of other policies⁸, and with the WIC framework, in some instances resource consents will not be necessary.
- 3.25 With respect to irrigation schemes, clause (a) of policy 15B.4.18 appears to add nothing additional to the existing relevant CLWP policy 4.41D which applies to discharge of nutrients and the use of land for a farming activity by irrigation schemes or principal water suppliers. I therefore consider clause (a) could be deleted, and clause (b) be shortened to simply reflect that for the more sensitive Zones, any discharge permit granted to an irrigation scheme or principal water supplier is to be subject to conditions that restrict the total nitrogen loss.
- 3.26 I have set out amendments to policies 15B.4.24 and 15B.4.25 and have suggested deleting 15B.4.26 and 15B.4.27 to provide better direction for the relevant rules for these Zones in terms of land management as opposed to assuming a resource consent will be required for the majority of the time.

Relevant Rules

- 3.27 In Appendix B (attached) I have made several suggested changes to the rules put forward in WIC's submission. These changes primarily tidy up cross referencing between the rules and ensure the rule which relates to irrigation scheme applies only to when a scheme supplier itself is the applicant (as opposed to individual farmers).

4. OTHER SUBMISSION POINTS

- 4.1 WIC submitted that the permitted activity thresholds in relation to irrigation and winter grazing should not be based solely on a defined number of hectares. WIC submitted that the thresholds be amended to that of a percentage of total farm size (that is, 25% for irrigation, and 10% for winter grazing). The rationale for these amendments is set out in the evidence of farmers such as Mr Sutton and Ms Gray. Given that the effects arising from irrigation and winter grazing appear to be based on number of influences (i.e. soil type and precipitation, affecting nutrient attenuation and transportation) and

⁸ Policy 15B.4.13-15B.4.16

not simply the size of the property and irrigation area I agree that a percentage based approach is more appropriate. I note that s42A author rejects the percentage based approach on the basis that it would allow an increase in nitrogen loss.

- 4.2 WIC's submission identifies a query with regard to the nutrient loads in Table 15B(f) in that it is noted that for the Haldon Zone, the Mid Catchment Zone, and Valley and Tributaries FMU, and the Northern Fan FMU that the respective loads are to be calculated according to the formula contained in Schedule 27. WIC therefore queries why the load limits are in fact included in Table 15B(f). I note that this matter has not been responded to by the section 42A report writer.
- 4.3 WIC also submitted on the definition of 'winter grazing' and sought that the time period be amended to "1 May to 31 August". The section 42A report writer has recommended rejecting this submission on the basis that it is understood that during September, cattle may continue to be grazed on fodder crops, particularly fodder beet. They consider it appropriate that the definition refers to 30 September. Based on the evidence of Ms Johnston, which includes direct evidence of typical farming practices, I understand that the time period being sought by WIC is consistent with the commonly understood meaning of 'winter grazing' in farming practices and is therefore more appropriate.
- 4.4 WIC also sought amendments to the description of irrigation in the Lower Waitaki catchment. The amendments being sought better describe the actual irrigation activity that occurs within the catchment. I note that these amendments are considered acceptable to the section 42A report writer and changes to give effect to the additional text is recommended. This outcome is acceptable to WIC, and appropriate in my view.

5. S32AA ANALYSIS

- 5.1 Section 32AA of the Act requires that when making changes to a Plan Change since the s32 evaluation has been made, a further evaluation be carried out in terms of s32(1) to (4)⁹. As part of developing the suggested policies and rule framework attached in **Appendix B**, I have considered these in terms of s32 of the Act.

⁹ At a level of detail that corresponds to the scale of the significance of the changes. I also note that a report of such an evaluation is not necessary if the evaluation is made clear in the decision-making record.

- 5.2 In particular I have considered the policies and rules sought to resolve the concerns raised in the WIC submission compared with the provisions proposed as notified and amended by the s42A author in terms of whether they are more appropriate to achieve the relevant objectives. As I set out in section 3 of my evidence, it is my view that a more permissive and less cumbersome rule framework will better achieve the objective of the plan change, and relevant objectives of the Plan, primarily due to reduced repetition of consenting obligations.
- 5.3 I consider the policies and associated rules I have suggested will (together) be a more efficient method to manage water quality in the Lower Waitaki as a reduced number of resource consents will be required to be obtained in order to control the same or similar effects compared with the proposed provisions. This is also a benefit of this option – a benefit to both farmers and the Council in reduced consenting obligations and bureaucratic processes.
- 5.4 The lower level of control in terms of not applying nutrient discharge limits to almost all farms on an individual basis via “farming activity” rule presents a potential cost of the WIC proposal compared with the more conservative approach of the PC.
- 5.5 Having said that I consider the framework suggested will be effective in ensuring that farming activities are undertaken in a careful, best practice manner making use of the latest technology via FEPs and measured through OVERSEER. I do not consider the more stringent framework is necessary to achieve the relevant objectives.¹⁰
- 5.6 It is my opinion that the suggested policies and rule framework (or similar to achieve their intent) are the most appropriate methods of achieving the relevant objectives Of the CLMP and the objective of the Plan Change.

Louise Taylor

22 July 2016

¹⁰ Add objective ref from CLWP

APPENDIX A

Summary of Recent Project Experience

- Presentation of planning evidence to the Board hearing Plan Change 3 to the Waitaki Catchment Water Allocation Regional Plan, on behalf of Waitaki Irrigators Collective Limited and others.
- Presentation of planning evidence for Plan Change 6A to the Otago Regional Water Plan on behalf of Waitaki Irrigators Collective Limited and others.
- Preparation of various resource consent applications on behalf of Otago Regional Council for structures to control flood risk.
- Sole Hearing Commissioner for water take application for irrigation purposes for Southland Regional Council.
- Commissioner for Invercargill City Council's stormwater discharge permit, on behalf of Environment Southland.
- Preparation of Plan Change and s32 report and presentation of planning evidence for extension of Marina Zone and introduction of Mooring Management Areas in Waikawa Bay, Marlborough on behalf of Port Marlborough.
- Planner advising the Board of Enquiry for New Zealand Transport Agency's Christchurch Southern Motorway notice of requirement and resource consents, Canterbury, including hearing appearance in front of the Board and expert witness conferencing.
- Preparation of resource consent application and presentation of planning evidence on behalf of Borst Holding for discharge permit for nitrogen to ground.
- Preparation of proposed private plan change to create a Mercy Hospital Zone, and presentation of planning evidence, on behalf of Mercy Hospital, Dunedin.
- Planner advising the Board of Enquiry for New Zealand Transport Agency's Basin Bridge project involving notice of requirement and resource consents, Wellington, including hearing appearance in front of the Board and expert witness conferencing.
- Preparation of various resource consents for works at Mercy Hospital, on behalf of Mercy Hospital, Dunedin.

- Preparation of resource consent application for a multi-level carparking building at Wellington Airport, and a café within the Wellington Airport Retail Park, on behalf of Wellington Airport Limited.
- Preparation of resource consent applications and hearing attendance for commercial re-development of heritage buildings in Dunedin.
- Preparation of plan change to extend Peninsula Bay low density residential zone in Wanaka, on behalf of Peninsula Bay Joint Venture.
- Preparation of various resource consent applications and consent notice variations for the development of a sustainable life style farm at Ayrburn, Lake Hayes.
- Preparation of various resource consents for retirement villages in Canterbury on behalf of Ryman Healthcare Limited.
- Preparation of resource consent application for Observatory Retirement Village, Oamaru on behalf of Waitaki District Health Limited.
- Preparation of resource consent applications for a student accommodation facility at Logan Park, Dunedin on behalf of Dunedin City Council, Ngai Tahu Property Limited and Otago Polytech.
- Preparation of Plan Change 50, to extend the town centre in Queenstown on behalf of Queenstown Lakes District Council.
- Preparation of numerous submissions to proposed district and regional plans and policy statements, along with plan changes and variations on behalf of clients Nationally.
- Provision of resource management advice, including the preparation of resource consent applications and the management of specialist experts for various residential, subdivision and commercial activities in Central Otago and the Queenstown Lakes, including Bendemeer, Damper Bay and Roys Peninsula.
- Preparation of Assessment of Environmental Effects, including management of a team of specialist inputs for a Concession application from the Department of Conservation for a monorail linking Queenstown and Te Anau Downs.

- Project managing the process for obtaining Environment Canterbury and Waimakariri District Council resource consents required to develop Pegasus, a new town in Canterbury, including the management of specialist inputs.

APPENDIX B

Recommended Policies and Rules

Suggested policy and rule amendments

Relevant CLWRP Objectives

As reflected in the s42A report, while all the objectives must be considered, for the purpose of evaluating this group of provisions, the most relevant CLWRP objectives are considered to be:

- 3.2 Water management applies the ethic of ki uta ki tai – from the mountains to the sea – and land and water are managed as integrated natural resources, recognising the connectivity between surface water and groundwater, and between fresh water, land and the coast.
- 3.5 Land uses continue to develop and change in response to socio-economic and community demand.
- 3.6 Water is recognised as essential to all life and is respected for its intrinsic values.
- 3.8 The quality and quantity of water in fresh water bodies and their catchments is managed to safeguard the life-supporting capacity of ecosystems and ecosystem processes, including ensuring sufficient flow and quality of water to support the habitat and feeding, breeding, migratory and other behavioural requirements of indigenous species, nesting birds and, where appropriate, trout and salmon.
- 3.24 All activities operate at 'good environmental practice' or better to optimise efficient resource use and protect the region's fresh water resources from quality and quantity degradation.

Relevant Policies

Text shown as underline and ~~strikethrough~~ in blue reflects changes suggested by s42A report.

Text shown as underline and ~~strikethrough~~ in red reflects suggested changes to notified wording by Louise Taylor:

- 4.41D Applications by irrigation schemes or principal water suppliers for a resource consent for the use of land for a farming activity or the discharge of nutrients are to be accompanied by an Environmental Management Strategy that describes:
 - (a) how the nutrient load for which resource consent is sought has been calculated, and the rationale for that nutrient load applied; and
 - (b) how nutrients from all land subject to any permit granted to the scheme or principal water supplier will be accounted for; and

- (c) how properties joining or leaving the irrigation scheme or principal water supplier area are to be managed, including the method to be used to calculate the nutrient load that will be allocated to any property leaving the scheme; and
- (d) the proposed monitoring and reporting regime to the CRC, including, but not limited to, a description of the:
 - (i) audit systems that will be used to assess individual on-farm compliance with the content of any Farm Environment Plan; and
 - (ii) methods used to address non-compliances identified in individual on-farm audits; and
 - (iii) proposed data to be collected and the frequency of any proposed reporting to the CRC.

Nutrient Management

Waitaki Sub-Region

15B.4.10 Water Quality outcomes in the Waitaki Sub-region are achieved by:

- (a) all farming activities minimising nutrient losses through implementation of good practice; and
- (b) all permitted farming activities on properties greater than 10 hectares preparing and implementing a Management Plan in accordance with Schedule 7A; and
- (c) farming activities with the potential for more significant nutrient losses being subject to a resource consent process, ~~which will be subject to conditions that ensure compliance with the water quality limits in Tables 15B(c), 15B(d) and 15B(e)~~ either on an individual farm basis, or via an irrigation scheme to take and use water.

15B.4.11 The contribution that land management practices make to the attainment of the water quality outcomes in the Waitaki Sub-region, is recognised by requiring a Farm Environment Plan to be ~~part of any application for resource consent prepared~~ to use land for a farming activity, and by requiring that Farm Environment Plan to:

- (a) describe the specific on-farm actions that will be undertaken (and the timeframe within which these actions will be undertaken) to implement the Good Management Practices;

and

- (b) provide an explanation of how those on-farm actions will ensure progress towards the attainment of the management objectives and targets in Schedule 7 of this Plan.

15B.4.12 In recognition of the need to account for changes to modelled nutrient losses as a result of updates to OVERSEER®, on-land nitrogen limits are recalculated in accordance with the methodology set out in Schedule 27 to ensure the limits in Table 15B(f) are not exceeded.

Consenting Considerations

- ~~15B.4.13~~ Within the Waitaki Sub-region, consider granting applications for resource consent to exceed the nitrogen baseline where:
- ~~(a)~~ the nitrogen baseline has been lawfully exceeded prior to 13 February 2016 and the application contains evidence that the exceedance was lawful; and
 - ~~(b)~~ the nitrogen loss calculation remains below the lesser of the Good Management Practice Loss Rate or the nitrogen loss that occurred in the four years prior to 13 February 2016.
- ~~15B.4.14~~ Within the Hakataramea Freshwater Management Unit, the Northern Fan Freshwater Management Unit and the Valley and Tributaries Freshwater Management Unit, consider granting applications for resource consent to exceed the nitrogen baseline where:
- ~~(a)~~ the land is subject to a water permit granted between 1 November 2009 and 31 August 2010 and that permit authorises the use of water for irrigation; and
 - ~~(b)~~ the nitrogen losses from the farming activity remain below the Good Management Practice Loss Rate for the farming activity proposed at the time the water permit was granted.
- ~~15B.4.15~~ Within the Hakataramea Flat Zone or Greater Waikākahi Zone, consider granting applications for resource consent to exceed the nitrogen baseline where
- ~~(a)~~ the application contains evidence that demonstrates that the nitrogen baseline has been lawfully exceeded and the increased [portion of exceeded](#) nitrogen loss is the result of irrigation or winter grazing that has been undertaken as a permitted activity; and
 - ~~(b)~~ the farming activity will be managed so that the nitrogen loss calculation remains below the Good Management Practice Loss Rate.
- ~~15B.4.16~~ Within the Waitaki Sub-region, resource consents granted for [aquaculture or](#) the use of land for farming activities and the associated discharge of nutrients are restricted to a term of no more than 15 years and include conditions that enable a review of the resource consent under section 128(1)(a) of the RMA where an exceedance of the limits in Tables 15B(c), 15B(d) and 15B(e) is identified.

Collectives

- 15B.4.17 Applications for a resource consent to establish a Nutrient User Group or an Aquaculture Nutrient User Group shall describe:
- (a) the procedures and methods for recording nitrogen losses from properties within the Nutrient User Group or Aquaculture Nutrient User Group; and

- (b) the methods for redistributing nitrogen losses when a property joins or leaves a Nutrient User Group, or when an aquaculture operation joins or leaves an Aquaculture Nutrient User Group; and
- (c) the annual reporting requirements; and
- (d) how compliance with the actions set out in each Farm Environment Plan or Aquaculture Environment Plan will be achieved.

Irrigation Schemes

15B.4.18 Within the Waitaki Sub-region, water quality is maintained by requiring:

- ~~(a) any application for resource consent for the discharge of nutrients, submitted by an irrigation scheme or principal water supplier, to describe the methods that will be used to implement the Good Management Practices on any land that will be supplied with water by the scheme or principal water supplier and~~
- ~~(b) any discharge permit for the discharge of nutrients granted to an irrigation scheme or principal water supplier in the Upper Waitaki Freshwater Management Unit, Greater Waikakahi Zone or Hakataramea River Zone to be subject to conditions that restrict the total nitrogen loss.~~

[Louise Taylor comment: Note that Policy 4.41D applies to applications by irrigation schemes or principal water suppliers for a resource consent for the use of land for a farming activity or the discharge of nutrients so no need for policy 15B.4.18(a)]

~~from properties that are partially or fully supplied with water from a scheme to a limit not exceeding:~~

- ~~(i) the Upper Waitaki Nitrogen Headroom applicable to those properties supplied with water from the scheme and that are located in the Haldon Zone or Mid-Catchment Zone;~~
- ~~(ii) the nitrogen load limit specified in Table 15B(f) and the local in-stream and groundwater quality limits set out in Tables 15B(c) and 15B(e) for the Valley and Tributaries Zone or Whitneys Creek Zone;~~
- ~~(iii) 90% of the Good Management Practice Loss Rate for the part of the property within the Greater Waikākahi Zone that is irrigated or used for winter grazing;~~
- ~~(iv) 90% of the Good Management Practice Loss Rate for the part of the property within the Hakataramea River Zone that is irrigated or used for winter grazing;~~
- ~~(v) the Baseline GMP Loss Rate for any area not specified above.~~

Hakataramea Freshwater Management Unit and Greater Waikakahi Zone

15B.4.24 Freshwater quality is maintained within the Hakataramea Freshwater Management Unit and Greater Waikakahi Zone by requiring resource consent for farming activities for larger landholdings, and via that process aiming to:

- ~~a) mitigate adverse effects of any proposed change of land use on water quality; and~~
- ~~b) ensure the timing of any actions or good management practices proposed assist to achieve the objectives and targets described in Schedule 7; and~~
- ~~c) avoid duplication of resource consents for the same use relating to water quality management; and~~
- ~~d) require methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and~~
- ~~e) require reporting of estimated nutrient losses and audit results of a Farm Environment Plan to the Canterbury Regional Council; and~~
- ~~f) reduce the likelihood of the granting of consent to result in the local in-stream and groundwater quality limits set out in Tables 15B(c) and 15b(e) for the Hakataramea Zone being breached.
avoiding the granting of any resource consent that will allow nitrogen losses from farming activities in the Hakataramea Freshwater Management Unit to exceed the Baseline GMP Loss Rate, except where Policy 15B.4.13 and 15B.4.15 apply; and~~
- ~~(b)- restricting, in the Hakataramea River Zone, nitrogen losses for the portion of the property irrigated or used for winter grazing to 90% or less of the Good Management Practice Loss Rate.~~
- ~~(c)- requiring, in the Hakataramea Hill Zone and the Hakataramea Flat Zone, farming activities to operate at the Good Management Practice Loss Rate, where that loss rate is less than the Baseline GMP Loss rate.~~

Valley and Tributaries Freshwater Management Unit and Whitneys Creek Zone

15B.4.25 Freshwater quality is maintained within the Valley and Tributaries Freshwater Management Unit and Whitneys Creek Zone by:

- ~~a) ensuring that nitrogen losses from farming activities are being specifically managed under a resource consent held by an irrigation scheme or principal water supplier; and~~
- ~~b) ensuring a Farm Environment Plan has been prepared, implemented and audited in accordance with Schedule 7; and~~
- ~~c) ensuring the property is registered in the Farm Portal by 1 July 2017 and information is regularly reviewed and updated; or~~
- ~~d) by requiring resource consent for farming activities for larger landholdings, and via that process aiming to:
 - ~~i. ensure the timing of any actions or good management practices proposed assist to achieve the objectives and targets described in Schedule 7; and~~
 - ~~ii. require methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and~~
 - ~~iii. require reporting of estimated nutrient losses and audit results of a Farm Environment Plan to the Canterbury Regional Council; and~~~~

- iv. reduce the likelihood of the granting of consent to result in the local in-stream and groundwater quality limits set out in Tables 15B(c) and 15b(e) for the relevant Zone being breached.

Northern Fan Freshwater Management Unit

15B.4.26 ~~Freshwater quality is maintained within the Greater Waikākahi Zone by:~~

- ~~(a) avoiding the granting of a resource consent that will allow the nitrogen loss calculation from a farming activity in the Greater Waikākahi Zone to exceed the Baseline GMP Loss Rate, except where Policies 15B.4.13 and 15B.4.15 apply; and~~
- ~~(b) restricting nitrogen losses from the part of the property in the Greater Waikākahi Zone that is irrigated or used for winter grazing, to no more than 90% of the Good Management Practice Loss Rate.~~

15B.4.27 ~~Freshwater quality is maintained within the Whitneys Creek Zone by:~~

- ~~(a) avoiding increases in nitrogen loss from farming activities that would cause the Whitneys Creek Zone nitrogen load limit, calculated in accordance with Schedule 27, to be exceeded;~~
- ~~and~~
- ~~(b) only granting resource consents for a farming activity to exceed the nitrogen baseline where the application demonstrates that the local in-stream and groundwater quality limits in Table 15B(c) and 15B(e) will not be exceeded; and~~
 - ~~(c) including, on any resource consent granted for the use of land for a farming activity, conditions that require farming activities to operate at or below the Good Management Practice Loss Rate, in any circumstance where that Good Management Practice Loss Rate is less than either the Baseline GMP Loss Rate or the agricultural nitrogen load limit as calculated in accordance with Schedule 27.~~

Relevant Rules:

Text shown as underline and ~~strikethrough~~ in black reflects changes sought by WIC in its submission.

Text shown as underline and ~~strikethrough~~ in red reflects suggested changes to WIC submission wording by Louise Taylor.

Irrigation Schemes

...

15B.5.8 The discharge of nutrients onto or into land that may result in a contaminant entering water that would otherwise contravene s1591)A ~~The discharge of nutrients onto or into land where the property is supplied with water by an irrigation scheme or principal water supplier~~ is a discretionary activity, provided the following conditions are met:

1. The application is lodged by an irrigation scheme or principle water supplier or the holder of the discharge permit will be an irrigation scheme or principle water supplier.
2. The application for resource consent does not include any land that is part of a Nutrient User Group or Farming Enterprise; and

15B.5.9 The discharge of nutrients onto or into land where the property is supplied with water by an irrigation scheme or principal water supplier that does not meet condition 1 or 2 of Rule 15B.5.8 is a ~~prohibited~~ non-complying activity.

Delete Rules 15B.5.24 – 15B.5.46 and replace with:

Incidental Nutrient Discharges

15B.5.9A The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA is a permitted activity, provided the following condition is met:

The land use activity associated with the discharge is authorised under Rules 15B.5.13A - 15B.5.13B.

15B.5.9B The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA and does not meet the conditions of Rule 15B.5.9A is a non-complying activity.

All Management Zones excluding the Hakataramea River Zone, Hakataramea Hill Zone, and Greater Waikakahi Zone

15B.5.A The use of land for a farming activity is a permitted activity provided the following conditions are met:

- (1) The property is less than ten hectares; or
- (2) The property is greater than ten hectares, but not more than 25% of the total farm area is irrigated; or
- (3) The property is greater than ten hectares, but not more than 10% of the total farm area is used for Winter Grazing.

Valley and Tributaries and Whitneys Creek Zone

15B.5.B The use of land for a farming activity in the Valley and Tributaries Freshwater Management Unit or Whitneys Creek Freshwater Management Unit, which is not permitted by Rule 15B.5.WA, is a permitted activity provided the following conditions are met:

- (1) (a) the nitrogen loss from the farming activity is being managed under a resource consent that is held by an irrigation scheme or principal water supplier and the permit is subject to conditions which require the preparation and implementation of a plan to mitigate the effects of the loss of nutrients to water and that plan specifies auditing requirements;
or
(b) the land is subject to any other permit that is subject to conditions which require the preparation and implementation of a plan to mitigate

the effects of the loss of nutrients to water and that plan specifies auditing requirements; or

- (2) A Farm Environment Plan has been prepared, implemented and is audited in accordance with Schedule 7; and
- (3) The property is registered in the Farm Portal by 1 July 2017 and information about the farming activity and the property is reviewed and updated by the property owner or their agent, every 24 months thereafter.

15B.5.C The use of land for a farming activity in the Valley and Tributaries Freshwater Management Unit or Whitneys Creek Freshwater Management Unit, which is not permitted by Rule 15B.5.W-A and where any of the conditions of rule 15B.5.X-B are not complied with, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The timing of any actions or good management practices proposed to achieve the objectives and targets described in Schedule 7; and
2. Methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and
3. Reporting of estimated nutrient losses and audit results of the Farm Environment Plan to the Canterbury Regional Council; and
4. Compliance with the local in-stream and groundwater quality limits set out in Tables 15B(c) and 15b(e) for the relevant zone.

Hakataramea River Zone and Greater Waikakahi Zone

15B.5.D The use of land for a farming activity in the Hakataramea River Zone or Greater Waikakahi Zone, is a permitted activity provided the property is less than ten hectares.

15B.5.E The use of land for a farming activity in the Hakataramea River Zone or Greater Waikakahi Zone, which is not permitted by Rule 15B.5.AD, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The existing use of land within the zone and whether this is proposed to change; and
2. The timing of any actions or good management practices proposed to achieve the objectives and targets described in Schedule 7; and
3. Any other resource consents held that are subject to water quality management conditions; and
4. Methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and
5. Reporting of estimated nutrient losses and audit results of a Farm Environment Plan to the Canterbury Regional Council; and
6. Whether the granting of consent is likely to result in the local in-stream and groundwater quality limits set out in Tables 15B(c) and 15b(e) for the Hakataramea Zone being breached.

Hakataramea Hill Zone

15B.5.F In the Hakataramea Hill Zone, the use of land for a farming activity is a permitted activity, provided the following conditions are met:

- (1) The property is less than ten hectares; or
- (2) The property is registered in the Farm Portal by 1 July 2017 and information about the farming activity and the property is reviewed and updated by the property owner or their agent, every 24 months thereafter; and
- (3) No part of the property within the Hakataramea Hill Zone is irrigated with water; and
- (4) No part of the property within the Hakataramea Hill Zone is used for winter grazing; and
- (5) A Farm Environment Plan has been prepared, implemented and audited in accordance with Schedule 7.

15B.5.G The use of land for a farming activity in the Hakataramea Hill Zone, ~~on a property greater than 10 hectares,~~ where any of the conditions of rule 15B.5.B-F are not complied with, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The use of land within the zone and whether this is proposed to change; and
2. The timing of any actions or good management practices proposed to achieve the objectives and targets described in Schedule 7; and
3. Any other resource consents held that are subject to water quality management conditions; and
4. Methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and
5. Reporting of estimated nutrient losses and audit results of a Farm Environment Plan to the Canterbury Regional Council; and
6. Compliance with the local in-stream and groundwater quality limits set out in Tables 15B(c) and 15b(e) for the Hakataramea Zone.

Hakataramea Flat Zone

15B.5.H The use of land for a farming activity in the Hakataramea Flat Zone, which is not permitted by Rule 15B.5.A, is a permitted activity, provided the following conditions are met:

- (1) (a) the nitrogen loss from the farming activity is being managed under a resource consent that is held by an irrigation scheme or principal water supplier and the permit subject to conditions which require the preparation and implementation of a plan to mitigate the effects of the loss of nutrients to water and that plan specifies auditing requirements;
or
(b) the land is subject to any other permit that is subject to conditions which require the preparation and implementation of a plan to mitigate

the effects of the loss of nutrients to water and that plan specifies auditing requirements; and

- (2) A Farm Environment Plan has been prepared, implemented and is audited in accordance with Schedule 7; and
- (3) The property is registered in the Farm Portal by 1 July 2017 and information about the farming activity and the property is reviewed and updated by the property owner or their agent, every 24 months thereafter.

15B.5.I The use of land for a farming activity in the Hakataramea Flat Zone, which is not permitted by Rule 15B.5.A, or where any of the conditions of rule 15B.5.E-H are not complied with, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The use of land within the zone and whether this is proposed to change; and
2. The timing of any actions or good management practices proposed to achieve the objectives and targets described in Schedule 7; and
3. Any other resource consents held that are subject to water quality management conditions; and
4. Methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and
5. Reporting of estimated nutrient losses and audit results of a Farm Environment Plan to the Canterbury Regional Council; and
6. Compliance with the local in-stream and groundwater quality limits set out in Tables 15B(c) and 15b(e) for the Hakataramea Zone.