

IN THE MATTER

of the Resource
Management Act 1991
(RMA);

AND

IN THE MATTER

Environment
Canterbury (Temporary
Commissioners and
Improved Water
Management) Act 2010

AND

IN THE MATTER

of the proposed Plan
Change 5 to the
Canterbury Land &
Water Regional Plan
(CL&WRP)

Memorandum on Behalf of Ravensdown Limited

03 October 2016

Introduction

1. Ravensdown Limited (Ravensdown) lodged submissions to proposed Plan Change 5 to the Canterbury Land & Water Regional Plan (CL&WRP) and attended the hearings of its submissions on Tuesday 20 September 2016.
2. At the hearing, Commissioner van Voorthuysen asked three questions of Ravensdown's representatives, relating to the following matters:
 - i. Policy 4.38AA and whether there should be reference to Table 15 in the policy to ensure there is a limit;
 - ii. Whether the GMP Loss Rate and Baseline GMP Loss Rate determined through the alternative consenting pathway should be entered into the Farm Portal for catchment accounting purposes;
 - iii. Policy 15B.4.24 and restricting nitrogen loss rates for the portion of the property irrigated or used for winter grazing to 90% or less of GMP Loss Rate.
3. The following provides answers to Commissioner van Voorthuysen's questions.

Policy 4.38AA

4. In its submission Ravensdown, while agreeing that there should be some provision for providing exceedance of baseline GMP loss rates, it considered the current wording of the policy sets a very high bar for a consent application. Ravensdown sought an amendment to Clause (c) to address this issue.
5. At the hearing, Commissioner van Voorthuysen noted Ravensdown had requested for applications to be assessed against the current state of the water quality, and asked if reference to Table 15 is appropriate in this policy. Ravensdown was invited to consider this suggestion, and reply in writing.
6. I have considered the suggestion, and while referring to water quality limits or targets in the policy would have planning merit, I consider it would not be appropriate for Policy 4.38AA included in Part A of PC5, which applies to the entire Canterbury Region, to reference Table 15 included in Part B of PC5, which relate to water quality limits for Waitaki Rivers.

Entering Alternative Consenting Pathway Findings into Farm Portal

7. In its submission Ravensdown sought an alternative consenting pathway to allow for farming activities operating at GMP to be provided for in PC5 where the Farm Portal cannot be relied upon to generate an accurate GMP loss rate, and for those farming activities that cannot be modelled using OVERSEER.
8. At the hearing Commissioner van Voorthuysen asked whether the GMP Loss Rate numbers determined through the alternative consenting pathway I have proposed could be entered into the Farm Portal for catchment counting purposes.
9. As I understand the Farm Portal, there is currently no mechanism whereby the GMP Loss Rate numbers generated from the alternative consenting pathway I propose could be 'entered' into the portal. The portal only allows for input of nutrient budgets that make up the 'Nitrogen Baseline' and 'Nitrogen Loss Calculation' definitions, or if the property meets the permitted activity narrative thresholds, inputting information regarding the farming activity so the portal can generate an estimated GMP Loss Rate.
10. Through the alternative consenting pathway I have proposed, the GMP Loss Rates determined by the Certified Nutrient Management Adviser (CNMA) will be presented (as one or more nutrient budgets) within the consent application. Council will assess those nutrient budgets and the justification provided by the CNMA and grant (or not) the consent based on their criteria. It would be my expectation that Council could add these property-specific nitrogen loss rates to their catchment accounting system, separate to the Farm Portal.
11. However, for the GMP Loss Rate determined through the alternative consenting pathway I have proposed to be entered directly into the Farm Portal, it is my understanding that the portal would need to be amended to allow for this to occur.

90% GMP in areas of Irrigation or Winter Grazing

12. Ravensdown lodged submissions on a number of policies and rules in PC5 that seek to limit a farms nitrogen losses to a rate that doesn't exceed 90% of the GMP Loss Rate for the part of the property that is used for irrigation or for

winter grazing. Ravensdown expressed the view that the Farm Portal, which generates the GMP loss rates, has been developed to estimate the nitrogen losses at GMP for the entire property, and does not apportion those losses at the paddock scale.

13. At the hearing Commissioner van Voorthuysen indicated that Council Officers have replied to evidence on this matter to say that this provision has been removed as an entry condition and is now proposed as a matter of discretion/control. Commissioner van Voorthuysen invited Ravensdown's comment on the Council Officer's recommended change in the provision.
14. Ravensdown's initial response would be that not having the requirement to meet 90% of GMP Loss Rate on the winter grazing and irrigation areas of a portion of the property as an entry condition, but now as a matter of discretion/control, is a positive move.
15. I note that paragraph [22.279] of the S42A report recommends that Policy 15B.4.24(b) be amended to delete the reference to the portion of property irrigated or used for winter grazing. This would mean the policy now restricts nitrogen losses to 90% or less of the GMP Loss Rate in the Hakataramea FMU. I support this recommended deletion as I consider the policy is now clear on how the 90% requirement is to be applied.
16. I also note in the Panel Q&A the Council Officers recommend to delete policy 15B.4.26 and incorporate the provisions for the Greater Waikakahi Zone into Policy 15B.4.24. Again I support this recommendation.
17. The Panel Q&A also asked if the rules need to be similarly amended. My understanding is that the Council Officers have now recommended that any reference to the portions of the property that have irrigation or winter grazing present to meet 90% GMP be deleted. If this is correct, I support this recommendation.
18. Such a recommendation is consistent with Ravensdown's own submission that sought all references to meeting 90% GMP on a portion of a property be deleted for the reasons given in the submission and expert planning evidence.



Chris Hansen

Planner for Ravensdown Limited