

## Appendix B

### Louise Taylor Evidence

Dated 12.9.16 with amendments discussed at hearing

#### 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:*

*Text shown as underline and ~~strikethrough~~ in green reflects suggested changes to notified wording discussed at the hearing with 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-arm 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) ~~(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 Waikāhahi Zone by:

- ~~(a) avoiding the granting of a resource consent that will allow the nitrogen loss calculation from a farming activity in the Greater Waikāhahi 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 Waikāhahi 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

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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 Hakatamea River Zone, Hakatamea 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~~ and
- (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 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.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 ~~either any of the conditions (1) or any of conditions (2) – (5)~~ 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.