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To: [Mailroom Mailbox](#)
Cc: [Johanna King](#); "john@bcewater.co.nz"; [Eva Harris](#)
Subject: Plan Change 7 to the LWRP Submission
Date: Friday, 13 September 2019 8:48:07 AM

Good morning

We act for Rangitata South Irrigation Limited.

We **attach**, for lodging, our client's Submission on Plan Change 7 to the Operative Canterbury Land and Water Regional Plan.

Please acknowledge receipt.

Regards

Judy-Anne

Judy-Anne Stapleton | Personal Assistant



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From 1 July 2018, we are required to verify our clients identities and addresses, and obtain other information in accordance with the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (AML/ CFT).

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**SUBMISSION ON PLAN CHANGE 7 TO THE OPERATIVE CANTERBURY LAND AND WATER
REGIONAL PLAN**

Clause 5 First Schedule, Resource Management Act 1991

TO: Environment Canterbury
Freepost 1201
Plan Change 7 to the Canterbury Land and Water Regional Plan
PO Box 345
Christchurch 8140

By email: mailroom@ecan.govt.nz

Name of Submitter:

1 Rangitata South Irrigation Limited (**Submitter**)

Address: c/- Irrigo Centre Limited
326 Burnett Street,
Ashburton 7700

Contact: John Wright / Johanna King

Phone: (03) 928 8321

Email: john@bcewater.co.nz / johanna.king@tp.co.nz

Trade Competition Statement:

2 RSIL could not gain an advantage in trade competition through this submission.

Proposal this submission is on:

3 This submission is on proposed Plan Change 7 to the Operative Canterbury Land and Water Regional Plan (**PC7**).

The specific provisions of PC7 that this submission relates to:

4 The specific provisions of PC7 that this submission relates to are:

Oppose (or support in part):

- 4.1 Proposed new Definitions, Policy 4.36A(b) and proposed new Rules 5.42CA, 5.42CB, 5.42CC and 5.42E – Commercial Vegetable Growing Operations;
- 4.2 Proposed amendments to Rule 5.62 – Discharge permits relating to principal water suppliers / irrigation schemes;

- 4.3 Definition of Nitrogen Baseline as it applies to RSIL shareholders and/or proposed new Policies 14.4.17, 14.4.19 and 14.4.20, and proposed new Rules 14.5.19 and 14.5.22 – intensification during the baseline period;
- 4.4 Proposed new Policy 14.4.21 – immediate review of existing surface water and stream depleting groundwater permits with direct or high stream-depletion effect; and
- 4.5 Introduction, Proposed new Policies 14.4.18, 14.4.19, proposed new Rule 14.5.19 and 14.5.20, Table 14(zc) and Planning Maps – Rangitata-Orton High Nitrogen Concentration Area and related restrictions.

Support:

- 4.6 Proposed Definition of Highest Groundwater Level;
 - 4.7 Proposed Definition and Policies 4.99 and 4.100 – Managed Aquifer Recharge;
 - 4.8 Proposed new Rule 5.41 – permitted activity status where farming land use is managed under an irrigation scheme's or principal water supplier's consent;
 - 4.9 Proposed amendment to Rule 5.62 – discretionary activity status where a principal water supplier applies for a nutrient discharge permit;
 - 4.10 Proposed new Policy 14.4.20A(c) – consideration of capital and operational costs in meeting nitrogen loss rate reductions; and
 - 4.11 Proposed new Policy 14.4.20B – equivalent Baseline GMP Loss Rate or Equivalent Good Management Practice Loss Rate.
- 5 RSIL is not opposed to and recognises the need for limits and targets to improve and protect water quality in the OTOP region. However, RSIL opposes fully or in part the provisions in paragraphs 4.1–4.5.

Submission

Introduction

- 6 RSIL operates the Rangitata South Irrigation Scheme at Arundel (**the Scheme**) under a number of resource consents. The irrigation scheme involves the abstraction of up to 20 m³/s from the Rangitata River in order to irrigate farmland between the Rangitata and Orari Rivers.
- 7 Irrigation water is abstracted directly from the Rangitata River by RSIL to fill the seven storage ponds. Water from the storage ponds is then transported to shareholders using open races.
- 8 The area of distribution and Scheme infrastructure is shown in the plan overleaf—



- 9 RSIL has the benefit of many resource consents with CRC, including those transferred to it by Rangitata Water Limited (**RWL**). The resource consents authorise the necessary activities of the Scheme's dam and irrigation operations, in order to supply shareholding farmers in the command area with water for irrigation.
- 10 The Scheme was originally mooted for construction in 1998 and Rangitata South Irrigation Limited was incorporated in 1999. Consent applications were submitted to CRC in three tranches: 2000, 2004 and 2006.¹ Delays occurred due to the Water Conservation Order progressing through the Tribunal and Environment Court stages, before being enacted in July 2006. The Scheme consents were later granted in January 2009.
- 11 RSIL entered into arrangements with Rooney Earthmoving Limited in 2007 to assist RSIL with consent applications and to allow land to be acquired in anticipation of the construction. Arrangements with the Rooney Group were further formalised in September 2010 under which

¹ Land use consent application was later submitted to Timaru District Council in 2007.

RWL (a Rooney Group entity) held the consents, the form of Water User Agreement with irrigators was agreed, and construction and ownership rights were vested in RWL.

- 12 Construction of the Scheme commenced in January 2011, run by RWL and Rooney Earthmoving Limited. The construction period took longer than projected, such that first irrigation water was not supplied to shareholders until 2014. Subsequently RWL and the Scheme were purchased outright by the farmer shareholder owned company RSIL in 2018. RWL was then amalgamated into RSIL.
- 13 RSIL is principally concerned in representing the interests of its farmer shareholders and therefore is expressly interested in the farming activity and/or irrigation scheme constituent rules in PC7.
- 14 Shareholders have needed to financially commit to the irrigation scheme to ensure its development, and invested heavily in on-farm infrastructure in anticipation of the receipt of RSIL water. These decisions and investments were made prior to the notification of the Land and Water Regional Plan in 2012, which subsequently introduced rules which frustrate the land use change decisions made. RSIL shareholders are in a similar position to dairy farmers who converted during the baseline period and RSIL requests they are provided with an equivalent methodology for calculating their nitrogen baseline. For this reason, the time and investment required to establish an irrigation scheme needs to be recognised. The OTOP framework needs to avoid penalising RSIL shareholders for the unfortunate timing of delays in the construction of the Scheme and the notification of the nutrient management framework under the LWRP.
- 15 Farms receiving Scheme water sit across all nutrient allocation zones (red, orange, green). A proportion of the Scheme's farms are within a red nutrient allocation zone. The proposed Rangitata-Orton High Nitrate Zone extends to approximately 85% of the scheme's command area.

Submitter's Overall Position

- 16 Overall, RSIL **opposes** the aspects of PC7 referred to above at paragraphs 4.1–4.5 as it considers they:
 - 16.1 would not promote the sustainable management of the OTOP subregion's resources;
 - 16.2 would not enable the social and economic well-being of the rural communities of the OTOP subregion;
 - 16.3 would not enable the efficient use and development of RSIL's assets and the resources which those assets are dependent on;
 - 16.4 do not represent the most appropriate plan provisions in terms of section 32 of the Resource Management Act 1991 (**RMA**); and
 - 16.5 would otherwise be contrary to the RMA, particularly Part 2.

Specific Concerns

- 17 Without limiting the generality of the foregoing, RSIL's specific concerns together with a summary of the decisions it seeks from CRC are set out in **Annexure A** attached to this submission.

Decisions Sought by Submitter:

- 18 RSIL seeks the following decisions from CRC:
- 18.1 that the decisions sought in **Annexure A** to this submission be accepted (and any related amendments required to the planning maps as a result of the decisions sought); and/or
 - 18.2 alternative amendments to the provisions of PC7 to address the substance of the concerns raised in this submission; and
 - 18.3 all consequential amendments required to address the concerns raised in this submission and ensure a coherent planning document.

Wish to be Heard:

- 19 RSIL wishes to be heard in support of this submission.
- 20 RSIL would be prepared to consider presenting a joint case with others making similar submissions at the hearing.



Rangitata South Irrigation Limited

John Wright / Johanna King

Date: 13 September 2019

ANNEXURE A – DECISIONS SOUGHT BY RANGITATA SOUTH IRRIGATION LIMITED

Specific Provision of PC7 that Submission Relates To		Submission		Decisions Sought
Section & Page Number	Sub-section/Point	Oppose/ support	Reasons	
Region-Wide				
Section 2.9 Page 12	Proposed Definition <i>Baseline commercial vegetable growing area</i>	Oppose	RSIL disagree with limiting commercial vegetable growing operations to a baseline area.	Remove the proposed definition of Baseline commercial vegetable growing area. Means the aggregated area of land used for a commercial vegetable growing operation in any 12 month consecutive period within the period of 1 January 2009 to 31 December 2013 and under the control (owned or leased) of a single grower or enterprise.
	Proposed Definition <i>Commercial vegetable growing operation</i>	Support in part	RSIL supports the definition of commercial vegetable growing operation including the full sequence of crops which form the rotation. RSIL also recommends the expansion of this definition to include equivalent land use activities and exclude operations with a small proportion of vegetable activities. Furthermore, a significant number of arable farms incorporate process crops, such as peas, into their cropping rotations. The proportion of crop in rotation meeting the “commercial vegetable growing operation” definition is small, and they may find it easier to operate under the existing rules framework.	Amend definition to account for the following: - Inclusion of the term “predominantly vegetable growing” to exclude operations where vegetable growing activities are a minor component of their operations. - Expansion to allow for other land uses which face similar challenges, who would benefit from operation under the vegetable growing operation rules framework.
	Proposed Definition <i>Managed Aquifer Recharge</i>	Support	The definition concisely recognises the purpose of MAR and its potential for assisting in the management of water quality issues in Canterbury.	Retain as notified.
	Proposed Definition <i>Highest Groundwater Level</i>	Support	Given that MAR has the goal of lifting groundwater levels this definition identifying highest groundwater levels is appropriate to its outcomes.	Retain as notified.
Section 4 Page 17	Proposed new Policy 4.36A	Support in part	RSIL supports recognition of the particular constraints applicable to commercial vegetable growing operations and the requirement for all growers to operate at Good Management Practice, complete	Amend Policy 4.36A as follows to remove the limitation of growth and reporting by nutrient allocation zone: Recognise the particular constraints that apply to commercial vegetable growing operations (including the need to rotate

			<p>Farm Environment Plans and to meet applicable nutrient loss reduction targets.</p> <p>However RSIL oppose the limitations on growing areas or management to baseline nitrogen loss rates on new commercial vegetable growing land. These constraints implement barriers for growth to keep up with demand, particularly in the domestic market, and is inconsistent with the purpose of the proposed National Policy Statement for Highly Productive Land (NPS-HPL), which aims to:</p> <ul style="list-style-type: none"> • Recognise the full range of values and benefits associated with the use of Highly Productive Land for primary production; • Maintain its availability for primary production for future generations; and • Protect it from inappropriate subdivision, use, and development. <p>The requirement for expanded commercial vegetable growing operations to demonstrate compliance with a nitrogen baseline on the property is onerous in lease situations and will create a barrier for growth. Therefore, Policy 4.36A essentially prevents the full utilisation and conversion of rural, highly productive land to a commercial vegetable growing operation.</p> <p>Furthermore, only a small number of vegetable crops present a potential risk to the environment, which can be managed through robust guidance on Good Management Practice and it's effective implementation.</p>	<p>crops to avoid soil-borne diseases and for growing locations in close proximity to processing facilities) and provide a nutrient management framework that appropriately responds to and accommodates these constraints while improving or maintaining water quality by:</p> <p>a. requiring commercial vegetable growing operations to operate at good management practice;</p> <p>b. avoiding the establishment of a new commercial vegetable growing operation, or any expansion of an existing commercial vegetable growing operation beyond the baseline commercial vegetable growing area, unless the nitrogen losses from the operation can be accommodated within the lawful nitrogen loss rate applicable to the new location;</p> <p>c. requiring commercial vegetable growing operations to demonstrate, at the time of application for resource consent and at the time of any Farm Environment Plan audit, how any relevant nutrient loss reduction set out in Sections 6 to 15 of this Plan will be achieved;</p> <p>d. constraining, as far as practicable, commercial vegetable growing operations to a single nutrient allocation zone or sub-region; and</p> <p>e. requiring a Farm Environment Plan as part of any application for resource consent, and requiring that Farm Environment Plan to be prepared in accordance with Schedule 7 of this Plan.</p>
Section 4 page 19	Proposed new Policies 4.99 and 4.100	Support	RSIL supports the principle of management aquifer recharge and the inclusion of a bespoke set of planning provisions in PC7 to guide the further consenting of such activities.	Retain Policies 4.99 and 4.100 as notified.
	Proposed new Policy 4.100 (b)	Support and extend	RSIL proposes that if, in situations where environmental flows or allocation limits exist, applicants holding existing water permits are to be permitted to use a portion of that water for MAR as long as benefits outweigh any adverse effects, then such applicants should also be permitted to use a portion of their water	That Ecan include a policy so that when considering applications to take surface water for managed aquifer recharge where the rate of take and/or volume of water sought for abstraction from that surface water body, in combination with other takes, will not

			<p>right for MAR where environmental flows or allocation limits are not over allocated.</p> <p>Given the policy provision of 4.100(b), it follows that, where environmental flows or allocation limits are not exceeded those applicants should also be permitted to use a portion of their flows for MAR. In these situations, the risks to environmental flows or allocation limits are not present.</p>	<p>exceed the environmental flows and/or allocation limits in Sections 6 to 15 of this Plan:</p> <p>If the applicant holds an existing water permit that authorises the take and use of surface water for irrigation and proposes to use a portion of that water for managed aquifer recharge that this be permitted.</p>
Section 5 Page 29	Proposed new Rule 5.41	Support	<p>RSIL supports the inclusion of the commercial vegetable growing activities within the permitted activity rules for land otherwise managed under another consent.</p> <p>Appropriate rules for managing effects from commercial vegetable growing activities need to ensure the long-term supply of food on the domestic market is maintained. Excessive restrictions on commercial vegetables operations can result in reduced yields and less growth to feed a growing population, increasing the cost of food.</p>	Retain Rule 5.41 as notified.
Page 30	Proposed new Rules 5.42CA – 5.42CD	Support in part	RSIL supports the principle of providing specific provisions for managing effects from commercial vegetable growing operations.	Amend as described in the sections below.
Page 30	Proposed new Rule 5.42CA	Support in part	<p>RSIL supports the inclusion of a permitted activity rule for small vegetable growing activities, however it opposes the minimum size limit. The 0.5 hectare minimum size limit introduces consent requirements on properties where the environmental impact is likely to be minimal and the scale of the operation is sufficiently small to be uneconomic to implement such consent requirements, such as lifestyle properties with road-side stalls.</p> <p>Furthermore, the proposed rules frame work requires nutrient budgets for expanded land. Overseer is designed to model N losses on a farm scale, and can produce erroneous results for blocks less than 1 ha in size, with more accurate analyses produced when block sizes are greater than 4 ha. Many smaller vegetable growing operations, such as market gardens, have a number of very small areas of</p>	<p>Amend Rule 5.42CA to state:</p> <p>The discharge of nutrients from a commercial vegetable growing operation on a property 0.5 <u>4</u> hectares or less in area is a permitted activity.</p>

			<p>vegetables and are not able to be modelled in Overseer.</p> <p>RSIL therefore recommend no restrictions on vegetable growing operations less than 4 ha.</p>	
Page 30	Proposed new Rules 5.42CA – 5.42CD	Oppose	<p>RSIL oppose the exclusion of an intermediate permitted activity rules. There is no evidence to suggest adverse effects from nitrogen losses on small commercial vegetable growing activities are any worse than other, currently permitted, small-scale land uses (such as winter grazing). Therefore, applying similar nutrient management rules is equitable with the restrictions faced by other land uses in the region. Overseer can also produce erroneous results where there are very small blocks (less than 1 ha), which would be common in small-scale vegetable growing operations.</p> <p>However, RSIL recognise short rotations, regular cultivation and more regular periods in fallow may mean higher risks of sediment and phosphorus run-off into surface water, if present.</p> <p>RSIL propose an additional two permitted activity rules for small commercial vegetable growing operations, which recognises the higher risks associated with having natural waterways on the land. The first recognises the low impact of commercial vegetable growing activities where there are no surface water bodies.</p> <p>The second proposed rule clearly sets out environmental expectations for small operators through implementation of FEPs and restrictions on other activities which may form part of the commercial vegetable operation, without the additional compliance burden related to obtaining and complying with a resource consent.</p>	<p>Include two new permitted activity rules 5.42 CAA and 5.42 CAAA which allows for smaller, lower risk vegetable growing activities to be managed at GMP, which states:</p> <p><u>5.42 CAA The discharge of nutrients from a commercial vegetable growing operation on a property greater than 4 ha and less than 10 ha and has no natural waterways, springs or wetlands is a permitted activity.</u></p> <p><u>5.42CAAA The discharge of nutrients from a commercial vegetable growing operation which does not meet rule 5.42CAA a permitted activity provided the following conditions are met:</u></p> <ol style="list-style-type: none"> 1. <u>The commercial vegetable growing operation is registered in the Farm Portal by 1 July 2020 and information about the farming activity is reviewed and updated by the commercial vegetable growing operator or their agent every 36 months thereafter, or whenever a material change in the land use associated with the commercial vegetable growing activity occurs</u> 2. <u>The area of the commercial vegetable growing operation authorised to be irrigated with water is less than 50 hectares; and</u> 3. <u>The area of the commercial vegetable growing operation used for winter grazing is less than:</u> <ol style="list-style-type: none"> a. <u>10 hectares, for a commercial vegetable growing operation less than 100 hectares in area; or</u> b. <u>10% of the area of the commercial vegetable growing operation between 100 hectares and 1000 hectares in area; or</u> c. <u>100 hectares, for any commercial vegetable growing operation greater than 1000 hectares in area; and</u> 4. <u>A Management Plan has been prepared in accordance with Schedule 7A and is implemented within 12 months of the rule being made operative and supplied to the Canterbury Regional Council on request.</u>

page 30	Proposed new Rule 5.42CB	Support in part	<p>RSIL supports the inclusion of a discretionary activity rule for commercial vegetable growing activities which are of sufficient risk to ensure good management practice is implemented. However, RSIL oppose restrictions on the growth area and obligation for the grower to ensure additional land meets nitrogen baseline losses for the property, particularly limiting rotations to within Nutrient Allocation Zones.</p> <p>The s32 report states the challenges faced by growers with meeting existing nutrient management rules, including;</p> <ul style="list-style-type: none"> - Complicated rotations which are difficult and expensive to model in Overseer - Management of N losses on leased land <p>These challenges increase significantly if growers become responsible for ensuring N losses on new lease land also complies with property baseline. Furthermore, the primary tool for managing nitrogen losses on a property, Overseer, has limited data supporting the calculated N losses for many vegetable crops, with a number of crops modelled using proxies. Our growers are able to provide long-term deep N test results which demonstrate the N losses calculated in Overseer significantly overstate the N losses expected when Good Management Practice is implemented.</p> <p>The s32 report also notes vegetable growing operations contribute between 3-5% of nitrogen losses to the catchment, therefore the additional costs and time related to managing nutrient losses using Overseer is out of proportion to the risks to the environment from these activities.</p> <p>Commercial vegetable growing activities are also naturally limited by availability of appropriate soils, climate, crop rotations and proximity to processing plants and main centres. For these reasons enabling lease arrangements to continue ensure localised effects are minimised and optimum yields, maximising the utilisation of inputs, are obtained.</p>	<p>Amend Rule 5.42CB to remove limitations on growing area or nutrient allocation zone For example:</p> <p>5.42 CB The discharge of nutrients from a commercial vegetable growing operation that does not meet Rule 5.42CA is a restricted discretionary activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. A Farm Environment Plan has been prepared for the activity in accordance with Part A of Schedule 7 and is submitted with the application for resource consent; and 2. The aggregated area of land used for the commercial vegetable growing operation is no greater than the baseline commercial vegetable growing area; and 3. All land that forms part of the commercial vegetable growing operation is located within the same sub-region and Nutrient Allocation Zone. <p>The exercise of discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> 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. The commencement date for the first audit of the Farm Environment Plan and methods to address any non-compliance identified as a result of a Farm Environment Plan audit, including the timing of any subsequent audits; and 4. Methods that demonstrate how any nutrient loss reductions required by Sections 6 to 15 of the Plan will be achieved; and 5. Reporting of progress made towards any nutrient loss reductions required by Sections 6 to 15 of the Plan, and
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			RSIL therefore recommend a rules framework which ensures commercial vegetable growers are subject to implementation of Good Management Practice, which is sufficient to manage adverse effects from these activities.	any actions implemented to remedy issues identified in any audit of the Farm Environment Plan; and 6. Methods to prevent an exceedance of any relevant nutrient load limit set out in Sections 6 to 15 of the Plan if the region-wide rules continue to apply in the sub-region.
Section 5 Page 30	Proposed new Rule 5.42CC	Oppose	RSIL opposes limitations on the area of a commercial vegetable operation and it would be impossible to apply for resource consent as the land subject to the application may not have been leased at that point in time. These challenges are directly contrary to the intention of the NPS-HPL, which looks to prioritise the use of elite soils for the purpose of growing food. RSIL propose growth in vegetable growing operations is promoted, provided they are managed to Good Management Practice.	Remove Rule 5.42CC
Section 5 Page 31	Proposed new Rule 5.42E	Oppose	RSIL oppose a prohibited activity rule based on a tool (Overseer) which requires extensive use of proxy crops, produces erroneous results when small blocks are modelled and is not an accurate representation of N loss for many crops.	Remove Rule 5.42CD.
Section 5 Page 31-32	Amendments to Rule 5.62	Support in Part	RSIL support the simplification of rule 5.62. However, the s15(1) reference to this rule is a historical oversight, which significantly complicates the consenting process when all other nutrient management rules are written to be a s9 authorisation. Scheme consents are simply aggregated land use consents and should be authorised under the same provisions of the RMA as all other nutrient management rules for consistency.	Amend Rule 5.62 to read as follows: The use of land for a farming activity discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(4) s9 of the RMA, where the applicant is an irrigation scheme or a principal water supplier or the holder of the discharge farming activity permit will be an irrigation scheme or a principal water supplier, is a discretionary activity.
Shareholders who converted farming operations during or after the baseline period				
Section 14 page 126-129	Definition <i>Nitrogen Baseline</i>	Oppose	Some farmers within RSIL's scheme already hold resource consents for Farming Land Use, and others have submitted applications or will do so in the future. Some of those farmers who do not yet have FLU consents include those who have converted to more intensive use after the baseline period (for example, dryland farming or irrigated sheep and beef farming, to dairy farming or dairy support). That intensification	Expand definition of nitrogen baseline in the OTOP zone to state: a. the discharge of nitrogen below the root zone, as modelled with OVERSEER, (where the data is inputted into the model in accordance with OVERSEER Best Practice Data Input Standards), or an equivalent model approved by the Chief Executive of Environment Canterbury, averaged over a 48 month consecutive period within the period 1 January

			<p>aligned with the first provision of water by the Scheme to its shareholders.</p> <p>The Water Conservation (Rangitata River) Order provided for existing takes on the Rangitata River, and in addition it contemplated the Scheme coming to fruition.</p> <p>RSIL is concerned that for properties that intended to intensify before or during the baseline period (ie held shares in the Scheme), but were unable to convert until water was able to be delivered by the Scheme, will be pegged to their unconverted baseline loss rates, when applying for FLU consents. Those farmers have most recently converted their farms with considerable time and investment. This situation would be unduly arduous and costly to them, and in some cases could prevent them from being able to continue in their current farming operation, only by virtue of unfortunate timing.</p> <p>The nitrogen baseline definition does not specifically allow for land use change which occurred subsequent to the delivery of Rangitata South Irrigation Scheme water.</p> <p>RSIL recommend the regional plan recognise the significant investment by shareholders, which occurred prior to the notification of the LWRP in a similar way to how the plan recognises consented dairy conversions in this time.</p>	<p>2009 to 31 December 2013, and expressed in kg per hectare per annum, except in relation to Rules 5.46, 5.56, 5.58A and 5.62, where it is expressed as a total kg per annum from the identified area of land; and</p> <p>b. in the case where a building consent and effluent discharge consent have been granted for a new or upgraded dairy milking shed in the period 01 January 2009 to 31 December 2013, the calculation under (a) will be on the basis that the dairy farming activity is operational; and</p> <p>c. <u>in the case where shares were purchased with Rangitata South Irrigation Scheme prior to 31 December 2013, the calculation of (a) will be on the basis of the farming activity enabled by the shares was operational.</u></p> <p>d. if OVERSEER is updated, the most recent version is to be used to recalculate the nitrogen baseline using the same input data for the same period as used in (a) above.</p>
<p>Section 14 Pages 135-136</p>	<p>Proposed new Policies 14.4.17, 14.4.19 and 14.4.20</p>	<p>Oppose (in part)</p>	<p>As an alternative to the relief sought above, RSIL does not intend for those properties to avoid decreases beyond GMP into the future. Rather, RSIL suggests those properties not be held to the Baseline GMP Loss Rates, but instead their GMP Loss Rate, as calculated between 2016-2020. These amendments would align with the intention of proposed new Policy 4.4.20Ac.</p>	<p>As an alternative relief to the expansion of nitrogen baseline definition, amend the following policies and rules to allow properties which held RSIL shares during the baseline period, to exceed the property's Baseline GMP Loss Rate, but not the Good Management Practice Loss Rate for the property.</p> <p>For example:</p> <p>14.4.17 Water quality outcomes, limits and targets in Tables 14(a) to 14(g) in the Orari-Temuka-Opihi-Pareora sub-region are achieved by requiring:</p> <p>...</p> <p>c. farming activities with the potential for higher nitrogen losses to not exceed the Baseline GMP Loss <u>Rate (except where Policy 14.4.20.a applies).</u></p> <p>14.4.19 Water quality targets within the Rangitata-Orton High Nitrogen Concentration Area, Fairlie Basin High Nitrogen</p>

				<p>Concentration Area and Levels Plan High Nitrogen Concentration Area are achieved by:</p> <p>...</p> <p>c. avoiding the grant of any resource consent that will result in a farming activity not reducing nitrogen losses beyond Baseline GMP Loss Rates or consented nitrogen loss rates <u>(except where Policy 14.4.20.a applies)</u>.</p> <p>14.4.20 In the Orari-Temuka-Opihi-Pareora sub-region, only consider granting an application for a land use consent for a farming activity to exceed the Baseline GMP Loss Rate where:</p> <p>a. the Baseline GMP Loss Rate has been lawfully exceeded prior to 20 July 2019 and the application for resource consent contains evidence that directly and specifically establishes that the exceedance was lawful; <u>and, or the property held shares in the Rangitata South Irrigation Scheme during the baseline period, continues to hold shares and the application for resource consent establishes that the present day use does not exceed the Good Management Practice Loss Rate taken between 2016 and 2020.</u></p> <p>Amendments also to Condition 2 of Rule 14.5.19 and Condition 2 of 14.5.20 to the same effect. For example:</p> <p>14.5.19 The use of land for a farming activity...</p> <p>2. Until 30 June 2020, the nitrogen loss calculation does not exceed the nitrogen baseline, and from 1 July 2020 the Baseline GMP Loss Rate; unless</p> <p>(i) the nitrogen baseline was lawfully exceeded prior to 20 July 2019, and the application for resource consent demonstrates that the exceedance was lawful; <u>or</u></p> <p>(ii) <u>the property held shares in the Rangitata South Irrigation Scheme during the baseline period, continues to hold shares and the application for resource consent establishes that the present day use does not exceed the Good Management Practice Loss Rate taken between 2016 and 2020.</u></p> <p>And further, consequential amendments to Policy 14.4.19 to align with the decisions sought in relation to policies 14.4.17, 14.4.19, and 14.4.20, and Rules 14.5.19 and 14.5.20.</p>
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<i>Water permits</i>				
Section 14 Page 137	Proposed new Policy 14.4.21	Oppose (in part)	RSIL is currently undertaking works to further line the Scheme's races, to increase the reliability of supply to constituent shareholders. RSIL agrees direct or high stream-depleting takes ought to be revised, however the immediacy of impact on some shareholders may be disproportionate and negatively impact their ability to implement improvements on farm to continue to meet the LWRP and other aspects of PC7. These amendments would reflect the intention of proposed new Policy 14.4.20A(c).	Amend Policy 14.4.21 to the effect of affording additional time to RSIL shareholders, to provide some staging of consent review and/or implementation of the allocation regimes on those water permits, while RSIL increases reliability of supply to its constituent shareholders.
<i>Rangitata-Orton High Nitrogen Concentration Area</i>				
Section 14 Page 125	Introduction – High Nitrate Zone	Oppose in part	<p>As notified, the narrative erroneously records that nitrate-nitrogen concentrations in groundwater and surface water exceed recommended guidelines in the current New Zealand Drinking Water Standards 2005 (revised 2008) (DWS) (Maximum Acceptable Value (MAV) of 11.3 mg/L) and national bottom line (NBL) for ecosystem health (rivers) in the National Policy Statement for Freshwater Management 2014 (updated 2017) (NPSFM) (6.9 mg/L (annual median)).</p> <p>On the contrary, the technical reports supporting PC7² indicate that measured average concentrations of nitrate-nitrogen in groundwater in the HNCAs are 6.9mg/L (Fairlie Basin), 6.3mg/L (Levels Plain) and 8.8 mg/L (Rangitata Orton). This information demonstrates that nitrate-nitrogen concentrations in groundwater and spring-fed streams in each of the HNCAs do not exceed the recommended guidelines in the DWS, and that the national bottom line in the</p>	<p>Amend the introductory narrative under the heading “High Nitrogen Concentration Areas” as follows:</p> <p>High Nitrogen Concentration Areas</p> <p><i>The Orari, Opihi and Timaru Freshwater Management Units contain the High Nitrogen Concentration Areas (<u>HNCAs</u>) of Rangitata Orton, Fairlie Basin and Levels Plain. Within these</i></p> <p><i>areas, nitrate-nitrogen concentrations in groundwater and surface water <u>comply with</u>exceed recommended guidelines in the New Zealand Drinking Water Standards 2005 (revised 2008), <u>but exceed community outcomes in relation to water quality</u>. In the Rangitata Orton HNCA, and <u>nitrate-nitrogen concentrations in groundwater and surface water exceed</u> national bottom lines for ecosystem health in the National Policy Statement for Freshwater Management. Water quality targets have been established in these areas alongside a two- or three-tiered approach of nitrate reductions.</i></p>

² Groundwater technical report to support the Orari-Temuka-Opihi-Pareora limit-setting process, Report R19/72, Environment Canterbury, Appendix 1, Memo 8, page 120-121 (Groundwater Technical Report).

			<p>NPSFM is only exceeded in spring-fed streams in the Rangitata Orton HNCA.</p> <p>Furthermore, nitrate-N levels in the Rangitata-Orton spring-fed streams have reduced significantly since the RSIL scheme started delivering water, with any dilution effect removed from projected N concentration on the assumption the leakage from the scheme would be removed. While RSIL is looking to reduce leakage into groundwater, it is unlikely to be 100% efficient, nor has consideration been given to the possibility of the scheme formally implementing MAR. It is therefore unreasonable to assume the dilution effect from the scheme is not going to continue in the future and the actual N-concentration will be significantly lower than projected.</p> <p>It is noted that the OTOP Zone Implementation Programme Addendum (ZIPA) Recommendation 4.8.1(II)(b) that groundwater in all HCNAs be subject to a nitrate-nitrogen target of ½ MAV (5.65mg/L). In RSIL's view, it would be more appropriate for the narrative to describe the quality of groundwater and spring-fed streams with reference to this "community outcome", rather than the DWS alone. Correction of that part of the narrative concerning exceedances of the NPSFM NBL for nitrate-nitrogen is also required.</p> <p>The acronym "HNCAs" is referred to in the later narrative concerning the Orari-Temuka-Opihi-Pareora Zone Committee (pages 124/125), but is not defined anywhere in PC7. RSIL considers it appropriate and necessary that this issue be addressed by including the acronym after the first reference to the term "High Nitrogen Concentration Areas" in PC7, which appears to be in the narrative under the heading "High Nitrogen Concentration Areas".</p>	
Section 14 Page 126	Introduction ZIPA Outcomes	Support (in part)	<p>RSIL support the key actions to implement the recommendations in the ZIPA, however the proposed actions fail to consider alternatives for reducing nitrate-N in High Nitrogen Concentration Areas, other than on-farm reductions. The plan as it is written provides no incentive for developing catchment-specific solutions, such as MAR, which may achieve the water</p>	<p>Amend key actions to implement the ZIPA to include:</p> <ul style="list-style-type: none"> • <u>Enable alternative solutions for improving nitrate-N concentration, such as managed aquifer recharge or other catchment-driven solutions.</u>

			quality outcomes sought through other mechanisms envisioned by the plan.	
Section 14 Page 135	Proposed new policy 14.4.18	Support (in part)	<p>RSIL acknowledges that some areas of the OTOP sub-region may require additional reductions in order to meet environmental and freshwater outcomes. However, the reductions targets stated in Table 14(zc) apply irrespective of whether or not water quality outcomes are met. As an irrigation scheme, we are in a position to support shareholders with meeting these requirements and potentially enable other, catchment-based solutions which achieve the same outcomes, such as MAR.</p> <p>Other sub-regional plans, such as the Hinds Plains/Hekao, allow for reduction targets to cease when water quality outcomes are met. RSIL believe this is an appropriate method to encourage development of alternative solutions and should be available to OTOP.</p>	Amend all policies which refer to Table 14(zc) to allow for cessation of the reduction targets where water quality outcomes are met.
Section 14 Page 136	<p>Proposed new Policy 14.4.19</p> <p>Proposed new Rules 14.5.15 and 14.5.19 (matter of discretion 8).</p> <p>Table 14(zc) Proposed Rangitata-Orton High Nitrogen Concentration Area on the Planning Maps</p>	Oppose (in part)	<p>The Rangitata-Orton High Nitrogen Concentration Area overlays the majority of the Scheme's command area. The command area covers properties within green, orange and red Nutrient Allocation Zones. Farmers within the command area have been implementing FEPs and on-farm improvements to achieve GMP. Those benefits may not yet be seen in measurements and reports undertaken less recently.</p> <p>RSIL is concerned that a broad brush has been used to paint a large number of properties that may not require such reductions (for example, those areas previously zoned green and orange).</p>	<p>Amendments to one or more of the Policy, Rules, Table and/or Planning Maps to accurately reflect the percentage of reduction required to meet required outcomes and/or the areas of the Scheme command area that require those additional reductions.</p> <p>For example: Re-draw the Planning Maps so that the Rangitata-Orton High Nitrogen Concentration Area overlays the particular areas of the red zone where freshwater outcomes have not improved since 1 January YYYY.</p>
	Proposed Policy 14.4.19 (b)	Oppose	<p>Investment in on-farm infrastructure to achieve Good Management Practice requires a high level of certainty as farmers need to be confident they can secure and pay for finance to cover the costs of these upgrades.</p> <p>A 10 year consent does not provide the level of certainty needed to be confident in the investments needed to achieve GMP. The sub-regional plan allows for staged nutrient reductions until 2030, which are projected to achieve water quality outcomes. The plan will also be reviewed at this time and will likely take some years to be made operative.</p> <p>For this reason, RSIL recommend consent terms of up to 2035 or more is considered appropriate, as it would</p>	<p>Amend Policy 14.4.19(b) as follows:</p> <p><i>b. limiting the duration of any resource consent for a farming activity that is required to make further reductions in nitrogen loss (beyond Baseline GMP Loss Rates or consented nitrogen loss rates) in accordance with Table 14(zc), to no more than ten years and only imposing one reduction beyond Baseline GMP Loss Rates or consented nitrogen loss rates per consent term more than 2035 or until the water quality targets in Table 14(g) are achieved; and</i></p>

			allow renewed consents to be applied for soon after an updated, operative regional plan is in place or allow for longer consents where water quality outcomes are met.	
	Alternative Policies to achieve water quality outcomes	Oppose	<p>RSIL would also like to enable alternative solutions to achieve water quality outcomes. As an irrigation scheme, we are in a unique position for bring together a significant portion of the Rangitata Orton HNZ under one banner and, in time, we may identify other ways to achieve the same outcomes.</p> <p>Other catchments where groups of farms facing similar challenges could benefit from working together to address their collective challenges in meeting water may benefit from a policy and rules framework which allows them to do this.</p> <p>RSIL therefore would like to encourage the inclusion of a framework to enable development of Nutrient User Groups, similar to that provided for in the Waitaki.</p>	Include additional definitions, policies and rules which enable the formation of Nutrient User Groups within OTOP zone. For example, equivalent framework to policy 15B.4.14, rules 15B.5.40 and 15B.5.41, amended to be applicable to the OTOP zone.

<i>Other supported aspects</i>				
Section 14 Page 136	Proposed new Policy 14.4.20A(c)	Support in part	RSIL supports the inclusion of the consideration of capital and operational costs of achieving the nitrogen loss rate reductions and the benefit (in terms of maintaining a farming activity's financial viability) of spreading investment over time.	No decision sought.
Section 14 Page 137	Proposed new Policy 14.4.20B	Support	RSIL supports the inclusion of the Equivalent Baseline GMP Loss Rate and Equivalent Good Management Practice Loss Rate where the farm portal is unable to generate a Baseline GMP Loss Rate or Good Management Practice Loss Rate or the number generated is erroneous.	No decision sought