

From: [Lauren Phillips](#)
To: [Mailroom Mailbox](#)
Cc: [Corina Jordan](#); [Dave Harrison](#)
Subject: LWRP Plan Change 7 Submissions
Date: Friday, 13 September 2019 3:15:00 PM
Attachments: [B+LNZ Submission on CLWRP PC7.pdf](#)

Good afternoon,

Please find **attached** the submissions on Plan Change 7 to the Canterbury Land and Water Regional Plan on behalf of Beef + Lamb NZ.

If you need any further information please do not hesitate to contact me.

Lauren Phillips

Lauren Phillips | Environment Policy Manager – South Island

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**BY FARMERS.
FOR FARMERS**



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SUBMISSION

13 September 2019

**TO
ENVIRONMENT CANTERBURY**

SUBMISSION ON

**Proposed Canterbury Land and Water
Plan Change 7**

**BY
Beef + Lamb New Zealand Ltd**



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

Submission on publicly notified proposal for policy statement or plan
Clause 6 of First Schedule, Resource Management Act 1991

To: Proposed Plan Change 7 to the Land and Water Regional Plan
Environment Canterbury
P O Box 345
Christchurch 8140

Email: mailroom@ecan.govt.nz

Name of submitter: Beef + Lamb New Zealand Limited

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Beef + Lamb New Zealand Limited could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that Beef + Lamb NZ Ltd submission relates to and the decisions it seeks from Council are as detailed on the following pages. The outcomes sought and the wording used is as a suggestion only, where a suggestion is proposed it is with the intention of 'or words to that effect'. The outcomes sought may require consequential changes to the plan or restructuring of the Plan, or parts thereof, to give effect to the relief sought.

Beef + Lamb New Zealand Ltd wishes to be heard in support of its submission, and will consider presenting a joint case at hearing with others presenting similar submissions.

Submission

A. Introduction

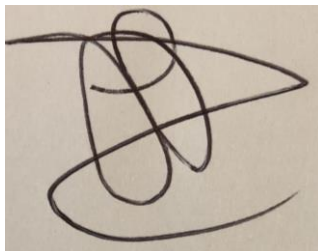
1. Beef + Lamb New Zealand Ltd (B+LNZ) welcomes the opportunity to make a submission on Environment Canterbury's proposed Canterbury Land and Water Regional Plan Change 7 (PC 7).
2. B+LNZ is an industry-good body funded under the Commodity Levies Act through a levy paid by producers on all cattle and sheep slaughtered in New Zealand. Its mission is to deliver innovative tools and services to support informed decision making and continuous improvement in market access, product positioning, and farming systems.
3. B+LNZ is actively engaged in environmental issues that affect the pastoral production sector, and in building farmer specific capability and capacity in these areas to ensure that the industry supports an ethos of environmental stewardship, together with a vibrant, resilient, and profitable sector. Maintaining and where degraded enhancing the health of freshwater, aquatic habitats, and biodiversity across the region is important to the people of the Canterbury region, it is important for our economy, and it is important to farmers.
4. B+LNZ is actively building our work programme throughout the region to support the integrated and sustainable management of land and water resources. B+LNZ is:
 - (i) Working with farmers to develop Land Environment Plans (LEP) through levy funded workshops;
 - (ii) Supporting farmer representatives to engage in the collaborative catchment plan development processes;
 - (iii) Working with the Regional Council to ensure that management frameworks developed through Regional Plans are fit for purpose, and enable flexibility in land use and management practices, while ensuring that environmental issues are addressed in a targeted, efficient and effective way;
 - (iv) Working with the Regional Council to develop Farm Environment Plans which meet the requirements of the Land and Water Regional Plan;
 - (v) Developing and implementing science and extension programmes to help identify, prioritise and implement on farm actions that will make a difference to improving water quality, aquatic habitats, and biodiversity; and
 - (vi) Working with farmer leaders throughout the region to support uptake of farm environment plans and to encourage and support the development of sub catchment approaches to managing water quality
5. B+LNZ looks forward to continuing to build a positive and enduring relationship with the Council, and to work proactively on environmental initiatives of mutual interest and benefit for the people of the Canterbury region and farmers.
6. This submission reflects the views of our levy payers. As an organisation we have gone to great lengths over a long period of time to ensure that our proposed approach is supported fully by the farmers who ultimately will play a critical role of implementing,

funding and supporting the actions required to improve water quality throughout Canterbury.

7. The specific provisions of the proposal that this submission relates to and the decisions it seeks from Council are as detailed in the table in Section B below.
8. The outcomes sought and the wording used is a suggestion only. Where a suggestion is proposed it is with the intention of 'or words to that effect'. The outcomes sought may require consequential changes to the Plan, including Objectives, Policies, or other rules, or restructuring of the Plan, or parts thereof, to give effect to the relief sought.

We welcome the opportunity to further discuss any of the points above with Environment Canterbury, should you require more information. For any inquiries relating to this feedback please contact Lauren Phillips on 027 279 0117 or lauren.phillips@beeflambnz.com.

Yours faithfully,

A handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Lauren Phillips

Environment Policy Manager – South Island

13 September 2019

Section B. Feedback

General Submissions on Plan Change 7

B+LNZ supports in part and opposes in part ...

Reasons for the submission

1. B+LNZ strongly supports the sub catchment approach to sustainable and integrated management of land and water resources, but considers that a number of amendments are required to PC7 in order to ensure that the plan enables and supports sub catchment approaches, in an efficient and effective manner.
2. The provisions put forward by B+LNZ provide a more efficient and effective approach to the integrated and sustainable management of land and water resources, and are consistent with the requirements of the NPSFWM, and Canterbury Land and Water Regional Plan and provide for healthy and sustainable communities including economic wellbeing.
3. B+LNZ supports the intention by the Canterbury Regional Council (CRC) to develop an integrated catchment land and water plan. The aim to address significant resource management issues, ensure that the catchments land and water resources are sustainably managed, their values protected, and the NPSFWM, and Canterbury Regional Policy Statement is achieved.
4. With that support for the intent in mind, B+LNZ's primary focus in this submission is seeking changes to PC7 to ensure that this proposed Plan change:
 - (i) safeguards the life supporting capacity and ecosystem health of freshwater;
 - (ii) recognises and provides for sustainable agricultural land uses;
 - (iii) gives effect to the *Resource Management Act 1991* (RMA or the Act), and NPSFWM;
 - (iv) that PC7 includes policies that give effect to the Objectives of the Canterbury Land and Water Regional Plan, and freshwater objectives as required, and that the methods including rules achieve the objectives in the most efficient and effective manner.
 - (v) establishes a clear pathway that provides individuals and communities certainty about what will be required of them in order for the Objectives including freshwater objectives will be achieved in a way that is consistent with the principles of sustainable management;
 - (vi) ensures that water quality is at a minimum maintained, and where degraded is improved;
 - (vii) ensures that the assimilative capacity of water is allocated efficiently, including the allocation of nutrient discharge authorisations, and where the assimilative capacity of water is over allocated that allocation is clawed back overtime; and

- (viii) sets numerical standards/ limits/ targets for water quality, which safeguard the life supporting capacity and ecosystem processes of freshwater, and provide for the economic, recreational, cultural, amenity and intrinsic values of freshwater.

Relief sought to give effect to submissions on the plan

5. That the relief outlined below and under section B specific submission points, is adopted and subsequent changes that give effect to the relief sought are adopted including the following amendments to PC7:
 - (i) provisions (objectives, policies, and rules) are included in the Plan which ensure that freshwater resource use (assimilative capacity) is necessary, reasonable, and efficient;
 - (ii) land use (including "farming") methods including rules include ancillary discharges (s9 and s15 RMA);
 - (iii) land use and ancillary discharge activity rules are holistic, in that they apply to the farming operation and systems rather than taking a single activity focus;
 - (iv) land use and ancillary discharge activity rules meet the requirements of s70 RMA, and relevant planning considerations;
 - (v) Nitrogen discharge/ leaching standards/ allocations are established based not on existing use and discharge profiles, but on the underlying natural capacity of soils and within the assimilative capacity of water.
 - (vi) That nitrogen loads are allocated within (sub)catchments in such a way that there is an equitable allocation of a total catchment nitrogen load to all users/activities who may wish to use the available resource;
 - (vii) That this plan gives effect to RMA and the NPSFWM (2014) and in particular is consistent with the objectives and policies under section C(a) National Objectives Framework;
 - (viii) That in formulating freshwater objectives and limits, the economic wellbeing, including productive economic opportunities, are provided for within the context of environmental objectives, attributes, and limits;
 - (ix) That water quality outcomes below environmental limits which is caused by naturally occurring processes, or is due to the impacts of regionally or nationally significant infrastructure is provided for;
 - (x) That objectives, policies and methods, including rules, are included which facilitate and support the establishment and operation of (sub)catchment collective groups to manage water quality and biodiversity issues facing a catchment; and
 - (xi) That objectives, policies and methods support innovative and, where required, edge of field mitigation which facilitates flexible, viable businesses and encourages communities to work together to identify, understand and act collectively to improve water quality;

6. That land use and ancillary discharges objectives policies and methods including rules recognise and provide for drystock sector farming operations including:
 - (i) diversity of systems, soil, geology, and climate;
 - (ii) provide flexibility for land and resource users to adopt land use and farming operations to adapt to and meet markets, technology, and environmental constraints such as climate;
 - (iii) specifically provide objectives policies and methods that recognise and provide for activities that have a low discharge risk for one contaminant, to allow flexibility in implementation to target actions and expenditure to address other priority contaminants;
 - (iv) acknowledge the management and protection of existing biodiversity values; and support and enable enhancement and development of biodiversity values;
 - (v) provide for adaptation and changes in farm systems and management approaches to respond to technology, climate change and markets;
 - (vi) provide for flexibility in Nitrogen use and discharges that enable increases beyond historic discharge levels, where these are low and where these discharges will not exceed long term determined sub catchment determined load limits;
 - (vii) remove any reference to requiring (grand-parenting) farming operations to be held at historic nitrogen discharge levels or stocking rates, through application of the nitrogen reference point, and/or restrictions on stocking rates;
 - (viii) apply tailored farm and catchment specific Land and Environment or Farm and Environment Planning principles including addressing critical source management specific to a property with preference over prescriptive input type rules and standards; and
 - (ix) ensure the requirement for specific mitigation is able to be tailored to a farm level and can provide for the future aspirations of the business, and is tailored to specifically meeting the environmental risks of concern specifically for the property and sub catchment.
7. That regulatory methods are tailored to address the environmental issues specific to a sub catchment or watershed and the land use;
8. That methods, including rules, are put in place now to achieve the policies and Objectives of the Plan, give effect to the RMA, and the NPSFWM. Management frameworks should be incorporated into PC7 which provide for land use and discharge permits to be consented for up to 35 years as is provided for under section 123(d) RMA, to provide applicants with certainty in order to make decisions for their families, and businesses, and where required to invest in environmental mitigation or reconfigure their systems.
9. Such other or further relief as addresses the issues raised by this submission.

Specific Submissions on Plan Change 7

Specific Provision in the Proposed Plan		Submission	Decision sought from Environment Canterbury
DEFINITIONS			
1.	Commercial Vegetable Growing Operation	<p>B+LNZ opposes this definition as notified.</p> <p>Including pasture in the definition imposes the suite of rules associated with this definition onto the pastoral element of mixed agricultural systems which are not appropriate or proportionate. These rules are not appropriate for predominantly pastoral farming practices, and the controls they create are disproportionate to the risks the pastoral element of those systems pose to the environment.</p>	<p>B+LNZ seeks that the provision is amended as set out below:</p> <p><i>Is a sub-set of 'farming activity' and means the growing, for the purpose of commercial gain, of vegetable crops for human consumption, and includes the full sequence of crops and pasture used as part of that rotation.</i></p>
2.	Highest Groundwater Level	<p>B+LNZ opposes this definition as notified.</p> <p>This definition is too broad and does not give effect to the reasoning provided by the Section 32 Evaluation Report for PC 7.</p> <p>The current wording suggests that Environment Canterbury is giving itself discretion to set the groundwater level as it applies to rules introduced in PC7 based on the groundwater level at any point in history, on a case by case basis. Whether this goes back 10,000 years or is limited to European settler recorded history, that degree of discretion is unreasonable. The proposed definition as notified as the potential to give rise to absurd and perverse outcomes through implementation by affected rules.</p> <p>The definition should reflect the reasoning provided in the Section 32 Report, which was that the normal highest annual groundwater level may not actually be between the months of June and August, and so Highest Seasonal Groundwater is not adequate to protect groundwater from contamination where that is the case.</p>	<p>B+LNZ seeks that the provision is deleted in its entirety and replaced as set out below:</p> <p>Means the single highest elevation to which groundwater has historically risen that can be reasonable inferred for the site, based on all available hydrogeological and topographic information.</p> <p><u>Means, at the time the activity is established, the highest elevation that the water table has reached, taken over an average of the preceding 10 years.</u></p>
3.	Indigenous Freshwater Species Habitat	<p>B+LNZ opposes this definition in part.</p> <p>The policies and rules associated with this definition impose restrictions and obligations on private land where waterways on that land are marked as Indigenous Freshwater Species Habitat. For that reason, it is important to ground-proof the presence of the species listed for protection in those marked areas with the assistance of a suitably qualified and experienced ecologist. Furthermore, this assistance should be provided at Environment Canterbury's cost.</p>	<p>B+LNZ seeks that the provision is amended as set out below:</p> <p><i>Means an area identified as 'Indigenous Freshwater Species Habitat' on the Planning Maps, and which provides habitat for at least one of the freshwater species listed below where the presence of that species has been confirmed by a suitably qualified and experienced practitioner:</i></p> <ol style="list-style-type: none"> 1. Giant kokopu/Taiwharu (<i>Galaxias argenteus</i>) 2. Lowland longjaw galaxias (Waitaki) (<i>Galaxias cobitinis</i>) 3. Canterbury mudfish/ Kowaro (<i>Neochanna burrowsius</i>) 4. Bignose galaxias (<i>Galaxias prognathus</i>) 5. Shortjaw kokopu (<i>Galaxius postvectis</i>) 6. Northern flathead galaxius (Species N (Undescribed)) 7. Lamprey/ Kanakana (<i>Geotria australis</i>)

			<p>8. <i>Freshwater crayfish/ Kekewai (Paranephrops zealandicus)</i></p> <p>9. <i>Freshwater muddel/ Kakahi (Echyridella menziesi)</i></p>
4.	Plantation Forest or Plantation Forestry	B+LNZ supports the proposed changes.	Retained as proposed.
5.	Seasonal High Water Table	<p>B+LNZ opposes the proposed change.</p> <p>Seasonal High Water Table is still relevant for application in the rules of the plan.</p>	Reject the deletion of this definition.
6.	Vegetation Clearance	B+LNZ supports the proposed changes.	Retained as proposed.
POLICIES			
7.	4.6	B+LNZ supports the proposed change.	Retain as proposed
8.	Table 1a Freshwater Outcomes for Canterbury Rivers	B+LNZ opposes the proposed table in part.	<p>Amend Table 1a to provide for primary contact recreation for those sites where primary contact recreation is an identified value and during the periods where this activity occurs.</p> <p>Ecoli attributes should apply during flows below medium flow during the bathing season, and should exclude high flow events and periods which fall outside the bathing season.</p>
9.	4.31	B+LNZ opposes the proposed change in part for the reasons given in row 3 above.	<p>Amend the definition of Indigenous Freshwater Species Habitat as proposed in row 3 above.</p> <p>If the definition is not amended, then B+LNZ seeks that the changes to this policy are deleted.</p>
10.	4.36A	B+LNZ opposes the proposed change in part for the reasons given in row 1 above.	<p>Amend the definition of Commercial Vegetable Growing Operation as proposed in row 1. above.</p> <p>If the definition is not amended, then B+LNZ seeks that this policy is deleted in its entirety.</p>
11.	4.47	B+LNZ supports the proposed change.	Retain as proposed.
12.	4.61A	B+LNZ opposes the proposed change in part for the reasons given in row 3 above.	<p>Amend the definition of Indigenous Freshwater Species Habitat as proposed in row 3 above.</p> <p>If the definition is not amended, then B+LNZ seeks that this policy is deleted in its entirety.</p>
13.	4.87	B+LNZ supports the proposed change.	Retain as proposed.
14.	4.99	B+LNZ supports the proposed change.	Retain as proposed.
15.	4.100	B+LNZ supports the proposed change.	Retain as proposed.
16.	4.101	B+LNZ opposes the proposed change in part for the reasons given in row 3 above.	<p>Amend the definition of Indigenous Freshwater Species Habitat as proposed in row 3 above.</p> <p>If the definition is not amended, then B+LNZ seeks that this policy is deleted in its entirety.</p>
17.	4.102	B+LNZ supports the proposed change.	Retain as proposed.
18.	4.103	B+LNZ supports the proposed change.	Retain as proposed.
REGION-WIDE RULES			
19.	5.8A	B+LNZ opposes the proposed change in part for the reasons given in row 2 above.	Amend the definition of Highest Groundwater Level as proposed in row 2 above.

			If the definition is not amended, then B+LNZ seeks that the proposed change is deleted.
20.	5.9	B+LNZ supports the proposed change in principle, however there are concerns relating to the proposed change because the rule applies to existing activities. More clarity is needed to help land users with existing activities under this rule understand what matter of discretion 5 would mean for them, if anything.	Provide for existing activities which might be affected by the change.
21.	5.11	B+LNZ supports the proposed change.	Retain as proposed.
22.	5.12	B+LNZ opposes the proposed change in part for the reasons given in row 2 above.	Amend the definition of Highest Groundwater Level as proposed in row 2 above. If the definition is not amended, then B+LNZ seeks that the proposed change is deleted.
23.	5.13	B+LNZ supports the proposed change in principle, however there are concerns relating to the proposed change because the rule applies to existing activities. More clarity is needed to help land users with existing activities under this rule understand what matter of discretion 3 would mean for them, if anything.	Provide for existing activities which might be affected by the change.
24.	5.14	B+LNZ opposes the proposed change in part for the reasons given in row 2 above.	Amend the definition of Highest Groundwater Level as proposed in row 2 above. If the definition is not amended, then B+LNZ seeks that the proposed change is deleted.
25.	5.15	B+LNZ supports the proposed change in principle, however there are concerns relating to the proposed change because the rule applies to existing activities. More clarity is needed to help land users with existing activities under this rule understand what subsection 3 would mean for them, if anything.	Provide for existing activities which might be affected by the change.
26.	5.17	B+LNZ supports the proposed change.	Retain as proposed.
27.	5.19	B+LNZ supports the proposed change.	Retain as proposed.
28.	5.24	B+LNZ opposes the proposed change for the following reasons: 1. For the reasons given in row 2 above. 2. Land users who acted in good faith to ensure that offal pits were created to comply with the previous rules will have existing pits that are no longer compliant. 3. This rule applies to existing offal pits whether they are in use or not. Even where the amendment to the definition of Highest Groundwater Level sought is accepted, under this rule existing offal pits may need to be excavated and moved. This may not be practicable, safe, or even possible. This is particularly problematic where the land is flat and there is nowhere for the land user to relocate the contents of the offal pit.	B+LNZ seeks the following amendments to the rule: 1. Amend the definition of Highest Groundwater Level as proposed in row 2 above; and 2. Amend the rule to the effect of: <i>The use of land for an offal pit and the associated discharges onto or into land in circumstances where a contaminant may enter water are permitted activities, provided the following conditions are met [...]</i> <i>5.[...]</i> <i>c. unless there is at least 3 m of soil or sand between the point of discharge and the highest groundwater level for new, modified, or upgraded offal pits, or</i> <i>cc. unless there is at least 3 m of soil or sand between the point of discharge and the seasonal high water table level for existing offal pits, or</i> Or 3. If the definition is not amended, then B+LNZ seeks that the proposed change is deleted.
29.	5.26	B+LNZ supports the proposed change in principle, however there are concerns relating to the proposed change because the rule applies to existing activities.	Provide for existing activities which might be affected by the change.

		More clarity is needed to help land users with existing activities under this rule understand what matter of discretion 3 would mean for them, if anything.	
30	5.26A	B+LNZ opposes the proposed rule in part for the reasons given in rows 2 and 28 above.	Amend the definition of Highest Groundwater Level as proposed in row 2 and amend Rule 5.24 above. If the amendments sought to the definition and to Rule 5.24 are not made, then B+LNZ seeks that this rule is deleted in its entirety.
31.	5.27	B+LNZ opposes the proposed change for the following reasons: 1. For the reasons given in row 2 above. 2. Land users who acted in good faith to ensure that on-site refuse pits were created to comply with the previous rules will have existing refuse pits that are no longer compliant. 3. This rule applies to existing on-site refuse pits whether they are in use or not. Even where the amendment to the definition of Highest Groundwater Level sought is accepted, under this rule existing refuse pits may need to be excavated and moved. This may not be practicable, safe, or even possible. This is particularly problematic where the land is flat and there is nowhere for the land user to relocate the contents of the pit, or where geographical isolation makes disposal at a suitable landfill not practicable. 4. Where the land user is able to relocate the contents of the existing refuse pit, doing so would create a new potentially contaminated site under the Hazardous Activities and Industries List and would not support the Canterbury Land and Water Regional Plan objective 3.23 and the Canterbury Regional Policy Statement Objective 18.2.2 and Policy 15.3.1.	B+LNZ seeks the following amendments to the rule: 1. Amend the definition of Highest Groundwater Level as proposed in row 2 above; and 2. Amend the rule to the effect of: <i>The use of land for an on-site refuse disposal pit and the associated discharges onto or into land in circumstances where a contaminant may enter water are permitted activities, provided the following conditions are met [...]</i> <i>5.[...]</i> <i>c. unless there is at least 3 m of soil or sand between the point of discharge and the highest groundwater level for new, modified, or upgraded on-site refuse pits, or</i> <i>cc. unless there is at least 3 m of soil or sand between the point of discharge and the seasonal high water table level for existing on-site refuse pits.</i> <i>or</i> Or If the definition is not amended, then B+LNZ seeks that the proposed change is deleted.
32.	5.28	B+LNZ supports the proposed change in principle, however there are concerns relating to the proposed change because the rule applies to existing activities. More clarity is needed to help land users with existing activities under this rule understand what matter of discretion 3 would mean for them, if anything.	Provide for existing activities which might be affected by the change.
33.	5.28A	B+LNZ opposes the proposed rule in part for the reasons given in rows 2 and 31 above.	Amend the definition of Highest Groundwater Level as proposed in row 2 and amend Rule 5.27 above. If the amendments sought to the definition and to Rule 5.27 are not made, then B+LNZ seeks that this rule is deleted in its entirety.
34.	5.36	B+LNZ supports the proposed change in principle, however there are concerns relating to the proposed change because the rule applies to existing activities. More clarity is needed to help land users with existing activities under this rule understand what matter of discretion 3 would mean for them, if anything.	Provide for existing activities which might be affected by the change.
35.	5.40	B+LNZ opposes the proposed change in part. Essentially, this rule provides for existing resource consent holder who have a Farm Environment Plan. PC 7 has introduced Management Plans for permitted activity land uses and this rule should provide for the discharge to be managed by a Management Plan as well as a Farm Environment Plan.	Amend the rule as follows: <i>The use of land for a silage pit or the stockpiling of other decaying organic matter (including compost) and any associated discharge into or onto land where a contaminant may enter water, that does not meet one or more of the conditions in Rule 5.29 is a</i>

			<p><i>restricted discretionary activity where the following condition is met:</i></p> <ol style="list-style-type: none"> <i>The silage pit, stockpile, and discharge is the subject of a Farm Environment Plan that has been prepared in accordance with Schedule 7, or</i> <i>The silage pit, stockpile, and discharge is the subject of a Management Plan that has been prepared in accordance with Schedule 7A.</i>
36.	5.40A	<p>B+LNZ opposes the proposed rule for the following reasons:</p> <ol style="list-style-type: none"> Regulation should be proportional to risk and effect, and a non-complying activity status for discharges from a silage pit is excessive and disproportionate. PC 7 has introduced Management Plans for permitted farming land use instead of a Farm Environment Plan. This recognises the need for regulation to be proportionate to risk of adverse effects to the environment and means that those land uses which present a lower risk to the environment would not have to produce a nutrient budget or be regularly audited at the land user's own cost. <p>Rule 5.40 does not provide for Management Plans. Permitted farming land uses would therefore not be able to apply for restricted discretionary activity resource consents to use land for silage pits and would immediately default to requiring a non-complying activity resource consent. This is excessive and effectively either penalises land users for using the tools that PC 7 offers for permitted activity farming land use, namely the Management Plan; or PC 7 is in effect disingenuous because it offers a new tool in the form of Management Plans but compels land users to have a Farm Environment Plan anyway.</p> <p>B+LNZ assumes any disingenuity was not intended and that, instead, there has been an oversight in drafting PC 7. Under the current plan change, permitted farming land use would be significantly disadvantaged by the oversight not to amend Rule 5.40 to provide for Management Plans.</p>	<p>Make the amendments proposed to Rule 5.40 as detailed in Row 35 above, and amend Rule 5.40A as follows:</p> <p><i>The use of land for a silage pit or the stockpiling of other decaying organic matter (including compost) and any associated discharge into or onto land where a contaminant may enter water that does not meet the conditions of Rule 5.40 is a non-complying discretionary activity.</i></p> <p>If the amendments sought to above are not made, then B+LNZ seeks that this rule is deleted in its entirety.</p>
37.	5.41	B+LNZ supports the proposed change.	Retain as proposed.
38.	5.42CA – 5.42CE	B+LNZ opposes the proposed rules for the reasons given in row 1 above.	<p>Amend the definition of Commercial Vegetable Growing Operation as proposed in row 1 above.</p> <p>If the definition is not amended, then B+LNZ seeks that these rules are deleted in their entirety.</p>
39.	5.63	<p>B+LNZ supports the proposed change in part provisionally and in principle.</p> <ol style="list-style-type: none"> Without prejudice to the amendments sought to the definition of Commercial Vegetable Growing Operation and Rules 5.42CA-5.42CE; B+LNZ does not support or oppose the proposed changes to subsection 1 of this rule. B+LNZ has made submissions on Plan Change 1 to the Hurunui Waiau River Regional Plan, and that plan change process is still underway. As the outcome for Section 3.3 of that plan is not yet determined, B+LNZ provisionally and in principle supports the proposed change to Rule 5.63(2) in so far as it might align with B+LNZ's submission on Plan Change 1. 	Retain subsection 2 as proposed.
40.	5.67A	<p>B+LNZ opposes the proposed rule.</p> <p>PC 7 has introduced Management Plans for permitted farming land uses instead of a Farm Environment Plan. This recognises the need for regulation to be proportionate to risk of adverse effects to the environment and means that those land uses which present a lower risk to the environment would not have to produce a nutrient budget or be regularly audited at the land user's own cost.</p> <p>The existing Rule 5.67 does not provide for Management Plans under the operative plan or the proposed plan change. Permitted farming land uses would therefore not be able to apply for restricted discretionary activity resource consents where fertiliser application may enter water and would immediately default to requiring a non-complying activity resource consent. This is excessive and effectively either penalises land users for using the tools that PC 7 offers for permitted activity farming land use,</p>	<p>Amend Rule 5.67 as follows:</p> <p><i>The discharge of fertiliser onto land, or onto or into land in circumstances where a contaminant may enter water that does not meet one of the conditions in Rule 5.65 or 5.66 is a restricted discretionary activity, provided the following condition is met:</i></p> <ol style="list-style-type: none"> <i>The discharge is a subject of a Farm Environment Plan that has been in accordance with Schedule 7 Part A or a</i>

		<p>namely the Management Plan; or PC 7 is in effect disingenuous because it offers a new tool in the form of Management Plans but compels land users to have a Farm Environment Plan anyway.</p> <p>B+LNZ assumes any disingenuity was not intended and that, instead, there has been an oversight in drafting PC 7. Under the current plan change, permitted farming land uses would be significantly disadvantaged by the oversight to not change Rule 5.67 to provide for Management Plans.</p>	<p><u>subject of a Management Plan that has been in accordance with Schedule 7A.</u></p> <p>If the proposed amendments are not made, then B+LNZ seeks that Rule 5.67A is deleted in its entirety.</p>
41.	5.71	B+LNZ opposes the proposed change in part for the reasons given in row 3 above.	<p>Amend the definition of Indigenous Freshwater Species Habitat as proposed in row 3 above.</p> <p>If the definition is not amended, then B+LNZ seeks that the changes to this rule are deleted.</p>
42.	5.96	B+LNZ opposes the proposed rule in part for the reasons given in row 2 above.	<p>Amend the definition of Highest Groundwater Level as proposed in row 2 above.</p> <p>If the amendments sought to the definition are not made, then B+LNZ seeks that the changes to this rule are deleted.</p>
43.	5.110	<p>B+LNZ supports the proposed change in principle, however there are concerns relating to the proposed change because the rule applies to existing activities.</p> <p>More clarity is needed to help land users with existing activities under this rule understand what matter of discretion 2 would mean for them, if anything.</p>	Provide for existing activities which might be affected by the change.
44.	5.111	B+LNZ supports the proposed change.	Retain as proposed.
45.	5.112	B+LNZ supports the proposed change.	Retain as proposed.
46.	5.115	<p>B+LNZ opposes the proposed change in part.</p> <p>More clarity is needed around what is 'significant habitats of indigenous fauna and flora', how this habitat is identified and by whom, what relationship if any this has to wider policy or legislation, what the wider implications are for land users, and what the procedures are to challenge the identification of a significant habitat of indigenous fauna and flora.</p> <p>Additionally and with regards to matter of discretion 10, B+LNZ supports the proposed change in principle, but has concerns relating to the proposed change because the rule applies to existing activities.</p> <p>More clarity is needed to help land users with existing activities under this rule understand what matter of discretion 2 would mean for them, if anything.</p>	<p>Delete proposed matter of discretion 11.</p> <p>Provide for existing activities which might be affected by the change in matter of discretion 10.</p>
47.	5.123	<p>B+LNZ supports the proposed change in principle, however there are concerns relating to the proposed change because the rule applies to existing activities.</p> <p>More clarity is needed to help land users with existing activities under this rule understand what matter of discretion 14 would mean for them, if anything.</p>	Provide for existing activities which might be affected by the change.
48.	5.126	<p>B+LNZ supports the proposed change in principle, however there are concerns relating to the proposed change because the rule applies to existing activities.</p> <p>More clarity is needed to help land users with existing activities under this rule understand what matter of discretion 9 would mean for them, if anything.</p>	Provide for existing activities which might be affected by the change.
49.	5.128	<p>B+LNZ supports the proposed change in principle, however there are concerns relating to the proposed change because the rule applies to existing activities.</p> <p>More clarity is needed to help land users with existing activities under this rule understand what matter of discretion 12 would mean for them, if anything.</p>	Provide for existing activities which might be affected by the change.
50.	5.133	B+LNZ supports the proposed change in principle, however there are concerns relating to the proposed change because the potential implications for transfers of stock water takes.	Provide for stock drinking water takes which might be affected by the change.
51.	5.137	B+LNZ opposes the proposed change in part for the reasons given in row 3 above.	<p>Amend the definition of Indigenous Freshwater Species Habitat as proposed in row 3 above.</p> <p>If the definition is not amended, then B+LNZ seeks that the changes to this rule are deleted.</p>

52.	5.163	B+LNZ opposes the proposed change to subsection 7 in part for the reasons given in row 3 above.	Amend the definition of Indigenous Freshwater Species Habitat as proposed in row 3 above. If the definition is not amended, then B+LNZ seeks that the changes to this rule are deleted.
53.	5.164	B+LNZ supports the proposed change in principle, however there are concerns relating to the proposed change where vegetation around lakes is controlled through pest plant management or grazing, for example by sheep; or where planting is necessary for erosion control. More clarity is needed to help land users under this rule understand what matter of discretion 2 would mean for them, if anything.	Provide for certain activities which might be affected by the change.
54.	5.167	B+LNZ opposes the proposed change in part for the reasons given in row 3 above.	Amend the definition of Indigenous Freshwater Species Habitat as proposed in row 3 above. If the definition is not amended, then B+LNZ seeks that the changes to this rule are deleted.
55.	5.170	B+LNZ supports the proposed change.	Retain as proposed.
56.	5.180	B+LNZ supports the proposed change in principle, however there are concerns relating to the proposed change because the rule applies to existing activities. More clarity is needed to help land users with existing activities under this rule understand what matter of discretion 4 would mean for them, if anything.	Provide for existing activities which might be affected by the change.

SECTION 8 WAIMAKARIRI

POLICIES

57.	8.4.7	B+LNZ opposes the proposed change. Under current case law, “avoid” is a strong word, meaning “not allow” or “prevent the occurrence of”. This may have the effect of prohibiting activities, which does not appear to be the intent of PC 7.	B+LNZ seeks that Environment Canterbury delete ‘avoid’ from this policy and replace it with a more appropriate term which would reflect the intent of the Plan Change.
58.	8.4.8	B+LNZ opposes the proposed change in part.	Amend the policy as follows: <i>Protect mahinga kai values for all lakes, rivers, wetlands and springs (waipuna) through else evaluation of any actions and timeframes described in the Farm Environment Plan when considering applications for resource consent for farming activities.</i>
59.	8.4.9	B+LNZ opposes proposed subsection d for the reasons given in row 68 below.	Amend as sought in row 68 below.
60.	8.4.12	B+LNZ supports subsection b in part. Stock drinking water is a priority 1 take. It is appropriate that stock drinking water takes should not be subject to prorated partial restrictions.	Retain as proposed.
61.	8.4.16	B+LNZ opposes this change in part. Stock drinking water is a priority 1 take and is not always exclusively supplied through community water supplies. Furthermore, permitted rates or volumes on takes for stock water may be less than what is required for the number of stock, and so a water permit may be required to supplement the permitted take and provide sufficient volumes for reasonable stock drinking water use.	Amend as follows: <i>Avoid the grant of any water permit for the take and use of surface water or stream depleting groundwater until the freshwater outcomes in Tables 8(a) and 8(b) are met for that surface waterbody, except where:</i> <ul style="list-style-type: none"> <i>a. The take will replace an existing lawfully established take affected by the provisions of section 124-124C of the RMA; or</i> <i>b. The take and use is for a community water supply, <u>stock drinking water</u>, enhancement of mahinga kai, environmental enhancement (including managed aquifer recharge of</i>

			<i>targeted stream augmentation), or the take is non-consumptive.</i>
62.	8.4.18	B+LNZ supports subsection b in part. It is appropriate that stock drinking water takes should not have to surrender 50% of the proposed water where the water permit is transferred.	Retain subsection b as proposed.
63.	Provisions 8.4.25, 26, 27 And 8.5.25, 26, 27 And Table 8-9	<p>B+LNZ opposes the provisions proposed to reduce nutrient contamination to freshwater as a result of farming land use and activities for the following reasons:</p> <ol style="list-style-type: none"> 1. The measures and provisions proposed represents a one size fits all approach that grandparents nutrient losses to the environment. This approach does not provide for the economic or social wellbeing of the land users and communities affected by it, and is also not the most effective way to achieve the desired environmental results. 2. Nutrient management or allocation should be based on principles of sustainable management including providing for future generations, and which incentivise land use and land use change appropriate to soils, climate, and achievement of water quality outcomes. Nitrogen allocation and methods for managing Nitrogen should not reward current land uses and practices where nutrient discharges exceed the assimilative capacity of soils and water. 3. Management approaches should ensure that those activities and land uses which are contributing the most to the overallocated parameter bear the majority of the cost of reducing the overallocation (polluter pays principle). 4. PC 7's proposed approach means that land uses with the lowest leaching rates or impacts on the environment – arguably not the intended target of the proposed provisions – will be the most affected by proposed provisions. They have the fewest levers to pull in terms of reducing already lower nutrient losses, and it is harder to make reductions from an already efficient system. The proposed framework can make it harder for a system to remain viable while the higher impact systems are able to remain operating due to the greater flexibility in their system. This is a perverse outcome which would have corresponding social and economic repercussions for the communities that the land users of these systems are part of. 5. Specifically for Wamakariri sub-region, Table 8-9 essentially sets a 'floor' of 10kgN/ha/yr leaching rates for non-dairy systems and 30kgN/ha/yr for dairy systems by stipulating that the required reductions for land uses that are captured by the percentage reductions in that table do not need to be made if the reductions are equal to or less than 1kgN/ha/yr and 3kgN/ha/yr respectively. These reductions would need to be made by anyone within the Nitrate Priority Area who requires a resource consent for farming land use. The Nitrate Priority Area covers the majority of the Waimakariri plains area. Under PC 7, this will particularly target systems with more than 50ha of irrigation and/or a certain threshold of land in winter grazing. These two activities have been targeted as presenting a high risk of causing adverse effects on the environment. These two activities are also often associated with higher nitrogen losses to the environment than other farming activities. In that light, it is noted that the floor that land uses that Table 8-9 applies to is set at, essentially dryland loss rates for both system types where there is little to no irrigation and/or winter grazing. Achieving the required percentage reductions might, in fact, not be possible while continuing those activities that land users hold a resource consent for and for which the system is under the percentage reductions framework in the first place. 	<p>Delete the proposed provisions in their entirety.</p> <p>Include new provisions which achieve the following:</p> <ol style="list-style-type: none"> 1. Ensure resource use is efficient including through establishment of nitrogen allocation frameworks if nitrogen is required to be allocated; and 2. Ensure that resource use takes into account the natural capital of soils including the natural productive potential of soils (for example Land Use Capability(LUC)), climate, geology, and assimilative capacity of water; and 3. Manage or allocate nitrogen based on: <ol style="list-style-type: none"> a) 'flat rate per hectare' permitted threshold (where the sub catchment load is divided by the total number of hectares in the sub catchment and this amount is allocated as a nitrogen discharge threshold to each hectare of land) for example 20kgN/ha/yr; or b) Natural capital or land use capability based allocation per hectare' where a sub catchment nitrogen load is attributed to land based on its underlying characteristics and factors (including productive capability using the Land Use Capability classification system). This approach is used to determine the permitted baseline, and where required to stage reductions in nitrogen discharges over time for example as set out in the table below¹; and c) Natural capital or land use capability based threshold for the discharge of Nitrogen per hectare' that is used to determine where and when Council require additional regulatory standards or stricter activity status to reduce nitrogen loss over time – based on calculating a sub catchment Nitrogen load and focussing on priority areas where nitrogen is over allocated and therefore

¹ Categories and discharge numbers are indicative only.

reductions from land uses are required. For example as set out in the table below.

Land Use Capability – Natural Capital							
Class	I	II	III	IV	V	VI	VII
Year 1 (Kg/N/ha/yr)	30	27	24	18	16	15	8
Year 5 (kgN/ha/yr)	27	25	21	16	13	12	8

- And
- 4. Ensure that low discharging land uses such as small scale (<20kg N/ha) or low impact activities (those discharging at or below the sustainable level) are enabled to continue and are provided with flexibility to change farm systems and stocking rates up to the sustainable levels for the subcatchment (FMU); and
 - 5. Require farming activities which exceed the ‘sustainable level’ for the sub-catchment (FMU) to progressively reduce contaminant discharges over time, where the reductions are proportionate to the level of overallcoation within the sub-catchment and proportionate to the discharge level of the activity; and
 - 6. Enable establishment of nutrient user groups within the same catchment as part of catchment collective groups, and enable transfer of nutrients (at a level not exceeding the desired instream nutrient load), where the following principles are met:
 - the initial allocation system meets all of the allocation principles in **Appendix 1** (annexed to these submissions), for clarity this precludes nutrient transfer when allocation is based on current or historic discharges (NRP or Grandparenting, the allocation framework that PC 7 currently proposes).
 - transfer within nutrient user groups should only occur:

			<ul style="list-style-type: none"> ○ within a sub-catchment or watershed; and ○ within an established sub catchment programme that's based on fair allocation of a load • only pertains to the load which achieves the desired environmental outcome. • results in improved economic outcomes and land use optimisation <p>and</p> <p>7. Require the application of best practicable option to avoid, remedy, or mitigate adverse effects of a discharge (either directly or indirectly to freshwater) where the discharge may cause or contribute to a freshwater attribute being exceeded, through resource consents.</p>
64.	8.4.28	B+LNZ opposes the proposed policy for the reasons given in row 63 above.	Amend as sought in row 63 above.
65.	8.4.28A	<p>B+LNZ opposes the proposed change.</p> <p>Under current case law, “avoid” is a strong word, meaning “not allow” or “prevent the occurrence of”. This may have the effect of prohibiting activities, which does not appear to be the intent of PC 7.</p>	B+LNZ seeks that Environment Canterbury delete ‘avoid’ from this policy and replace it with a more appropriate term which would reflect the intent of the Plan Change.
66.	8.4.28B	B+LNZ opposes the proposed change for the reasons given in row 68 below.	Delete in its entirety.
67.	8.4.28C	B+LNZ opposes the proposed policy for the reasons given in row 63 above.	Amend as sought in row 63 above.
68.	8.4.30	<p>B+LNZ opposes the proposed change in part.</p> <p>Regulation should be proportionate to risk, and therefore it is appropriate to manage intermittently flowing springs as critical source areas rather than requiring stock to be excluded, similar to ephemeral waterways.</p> <p>Furthermore, downlands or hill country farms may have many springs which discharge into lakes, rivers or wetlands) – springs may also be intermittent and transient (new springs may appear over time while others dry up). Physically excluding beef cattle may not be practical, nor cost-effective to achieve a good environmental outcome. A Management Plan would better address the issue of springs discharging into rivers, lakes or wetlands in the presence of livestock, rather than a blanket requirement to exclude stock, regardless of cost or likely environmental impact. The mitigation measures (e.g. stocking rate, livestock species/classes, time of year and duration that stock are in the same paddock as the spring, downstream remediation, placement of shade, feed and water supplies) can be assessed for their effectiveness in maintaining water quality.</p> <p>These proposed provision 8.4.30 will effectively require farms with many springs or artificial watercourses to apply for a discretionary activity consent (Rule 5.69) – given that some pugging or de-vegetation may occur around the spring or waterbody bank (Rule 5.68.3.a).</p> <p>.</p>	<p>B+LNZ has read the submission on PC 7 by the NZ Deer Farmers Association, and support that submission with regards to seeking recognition that livestock exclusion from springs on non-intensive farms may not always be needed to achieve good water quality. Alternative management practices exist and are used by drystock farmers.</p> <p>The risk assessment for springs and appropriate management practices can be expressed through a Management Plan (or a Farm Environment Plan where this is required for other reasons such as nitrogen management, irrigation or winter grazing) and this may be a requirement for a permitted activity (with the farmer to provide the Management Plan upon request) or as a <i>controlled</i> activity consent instead of a discretionary activity under Rule 5.69.</p>
69.	8.4.31	<p>B+LNZ opposes the proposed change in part for the reasons outlined in row 68. above.</p> <p>B+LNZ supports the policy not requiring sheep to be excluded under subsection b.</p>	Amend to recognise that livestock exclusion from springs on non-intensive farms may not always be needed to achieve good water quality. Alternative management practices exist and are used by drystock farmers.

			The risk assessment for springs and appropriate management practices can be expressed through a Management Plan (or a Farm Environment Plan where this is required for other reasons such as nitrogen management, irrigation or winter grazing) and this may be a requirement for a permitted activity (with the farmer to provide the Management Plan upon request) or as a <i>controlled</i> activity consent instead of a discretionary activity under Rule 5.69.
70.	8.4.34	<p>B+LNZ opposes the proposed change in part for the reasons outlined in row 68. above.</p> <p>B+LNZ supports the policy not requiring sheep to be excluded under subsection a.</p>	<p>Amend to recognise that livestock exclusion from springs on non-intensive farms may not always be needed to achieve good water quality. Alternative management practices exist and are used by drystock farmers.</p> <p>The risk assessment for springs and appropriate management practices can be expressed through a Management Plan (or a Farm Environment Plan where this is required for other reasons such as nitrogen management, irrigation or winter grazing) and this may be a requirement for a permitted activity (with the farmer to provide the Management Plan upon request) or as a <i>controlled</i> activity consent instead of a discretionary activity under Rule 5.69.</p>
71.	8.4.37	<p>B+LNZ opposes subsections a and c of the proposed change.</p> <p>Short term consents do not provide any certainty to allow for farm planning. Aside from the cost of obtaining the consent itself, a number of measures to mitigate or reduce adverse effects on the environment require significant investment, financial and in terms of resources. Having no certainty as to whether or not the land user can continue a particular activity beyond ten years disincentivises undertaking those measures on farm.</p> <p>For example, moving irrigation onto a more efficient infrastructure would require significant financial investment. It is a risky investment for both the land user and the financial institution that the land owner would need to borrow from in order to fund it.</p>	B+LNZ seeks that the proposed policy is amended to allow for more certainty through longer consent durations.
RULES – WAIMAKARIRI			
72.	8.5.9	<p>B+LNZ opposes the proposed change in part.</p> <p>PC 7 has introduced Management Plans for permitted farming land use instead of a Farm Environment Plan. This recognises the need for regulation to be proportionate to risk of adverse effects to the environment and means that those land uses which present a lower risk to the environment would not have to produce a nutrient budget or be regularly audited at the land user's own cost.</p> <p>PC 7 also provides for up to 50ha of irrigation where other conditions of the permitted activity Rule 8.5.24 are met. Rule 8.5.24 only requires land users to produce a Management Plan, not a Farm Environment Plan. Rule 8.5.9 effectively requires permitted activity farming land uses to produce a Farm Environment Plan to 'renew' a water permit once their existing permit expires.</p> <p>Permitted farming land uses may therefore be precluded from applying for water permits under this rule unless they take on additional expense and regulation which is out of proportion to the risk as implied by Rule 8.5.4.</p> <p>Permitted farming land uses are effectively either penalised for using the tools that PC 7 offers for permitted activity farming land use, namely the Management Plan; or PC 7 is in effect disingenuous because it offers a new tool in the form of Management Plans but compels land users to have a Farm Environment Plan anyway.</p> <p>B+LNZ assumes any disingenuity was not intended and that, instead, there has been an oversight in drafting PC 7.</p>	<p>Amend the proposed rule as follows:</p> <p><i>The taking and use of surface water is a restricted discretionary activity, provided the following conditions are met:</i></p> <p>[...]</p> <p><i>The exercise of discretion is restricted to the following matters:</i></p> <p>[...]</p> <p><i>14. Where the water is to be used for irrigation, the preparation and implementation of a Farm Environment Plan in accordance with Schedule 7 or a Management Plan in accordance with Schedule 7A that demonstrates that the water is being used efficiently; and</i></p> <p>[...]</p>

		<p>Under the current plan change, permitted farming land use would be significantly disadvantaged by the oversight not to amend matters of discretion under Rule 5.8.5.9 to provide for Management Plans.</p> <p>With regards to matter of discretion 15, B+LNZ supports this change in principle but has concerns relating to it because the rule will affect existing activities and applications where existing resource consents expire. More clarity is needed to help water users understand what matter of discretion 15 would mean for them, if anything.</p>	If the rule is not amended, then B+LNZ seeks that the rule is deleted in its entirety.
73.	8.5.17	<p>B+LNZ supports subsection 1 in part.</p> <p>It is appropriate that stock drinking water takes should not need to surrender 50% of the proposed water where the water permit is transferred.</p>	Retain as proposed.
74.	8.5.18	<p>B+LNZ opposes the proposed change in part.</p> <p>The proposed rule does not make it clear that subsection 6 also provides for stock drinking water, which is a priority 1 take.</p>	<p>Amend as follows:</p> <p><i>The taking and use of groundwater for targeted stream augmentation and the subsequent discharge of that water into a surface water body is a restricted discretionary activity provided the following conditions are met:</i></p> <p>[...]</p> <p><i>6. The discharge is not within 100 m of an abstraction used to supply drinking water <u>or stock drinking water</u>.</i></p>
75.	8.5.22	B+LNZ supports the proposed rule in principle without prejudice to the submission made in row 63.	Retain as proposed.
76.	8.5.23	B+LNZ supports the proposed rule in principle without prejudice to the submission made in row 63.	Retain as proposed.
77.	8.5.24	<p>B+LNZ opposes the proposed rule in part.</p> <p>Regulation of an activity should be proportionate to risk that the activity poses in terms of adverse effects to the environment. This rule recognises this through requiring registration in Farm Portal instead of a nutrient budget, and through a Management Plan instead of a Farm Environment Plan.</p> <p>B+LNZ supports the permitted activity allowing irrigation and winter grazing within thresholds if those thresholds have been established through rigorous scientific, social, and economic cost/benefit assessment.</p> <p>B+LNZ does not support subsection 4 of the proposed rule.</p> <p>It is excessive and does not recognise management practices that can avoid or mitigate risk of adverse effects on the environment. Additionally, it can give rise to absurdities, for example where the property adjoins a river or lake within that area but undertakes irrigation or winter grazing on the opposite end of the property.</p>	Delete subsection 4 from the proposed rule.
78.	8.5.25	B+LNZ opposes the proposed rule for the reasons given in row 77 above.	Delete the proposed rule in its entirety.
79.	Provisions 8.5.26, 27, 29	B+LNZ opposes the provisions proposed to reduce nutrient contamination to freshwater as a result of farming land use and activities for the reasons given in row 63 above.	Delete the provisions in their entirety and amend PC 7 as sought in row 63 above.
80.	8.5.31	B+LNZ supports the proposed rule.	Retain as proposed.
81.	8.5.33	<p>B+LNZ opposes the proposed rule in part for the reasons given in row 68. above.</p> <p>However, B+LNZ supports the following part of Rule 8.5.33: <i>but does not include any sub-surface drain or artificial watercourse that does not have surface water in it.</i></p>	<p>Remedy as sought in row 68. above, and retain the following segment of the rule:</p> <p><i>but does not include any sub-surface drain or artificial watercourse that does not have surface water in it.</i></p>
TABLES – WAIMAKARIRI			
82.	Table 8b	B+LNZ opposes Table 8b in part.	Amend table 8b to provide for primary contact recreation for those sites where primary contact recreation is an identified value and during the periods where this activity occurs.

			<p>Ecoli attributes should apply during flows below medium flow during the bathing season, and should exclude high flow events and periods which fall outside the bathing season.</p> <p>Trophic level indices, Chlorophyll a, and cyanobacteria outcomes should reflect water quality at the date of notification, or if degraded should reflect the instream outcomes required to provide for achievement of trophic state such as macroinvertebrate health, and/or periphyton outcomes, consistent with the requirements of the NPSFWM including consideration of economic and cultural impacts.</p>
83.	Table 8-8	B+LNZ opposes Table 8-8 in part.	<p>Instream nitrogen concentrations should reflect water quality at the date of notification, or if degraded should reflect the instream concentration required to provide for achievement of trophic state such as macroinvertebrate health, and/or periphyton outcomes, consistent with the requirements of the NPSFWM including consideration of economic and cultural impacts.</p>
84.	Table 8-9	B+LNZ opposes this table and its contents.for the reasons given in row 63 above.	Amend as sought in row 63 above.
SECTION 13 ASHBURTON			
85.	13.5.26	<p>B+LNZ opposes the proposed change in part.</p> <p>With regards to the section of the policy that states ‘<i>and any other drain that has water in it</i>’, better clarification is needed on what that means. If that applies to drains other than the Main and Secondary Hinds Drain, and only at times that there is water in them, it should be noted that precipitation events may cause the drains to fill with water quickly, and the land user may be in breach of stock exclusion rules if not able to exclude stock in time. Based on the deletion made, it is assumed that this was not intended and that there has been an error or oversight in drafting the proposed policy.</p>	<p>Amend as follows:</p> <p><i>Within the Hinds/Kekeao Plains Area, any reference to the bed of a lake, river, or wetland in Rules 5.68, 5.69, 5.70, and 5.71 also includes any Main and Secondary Hinds Drain whether or not there is water in it, and any other drain that permanently has water in it. but does not include any sub-surface drain.</i></p>
SECTION 14 ORARI – TEMUKA - OPIHI – PAREORA			
86.	Cultural Significance, page 122	<p>B+LNZ opposes this provision in part.</p> <p>Farming has been singled out as the only land use which sites of cultural significance need to be protected from, but is not the only land use which may have adverse effects on those sites. For example, springs occur across the sub region regardless of land use type or zoning.</p>	<p>Amend as follows:</p> <p><i>The Orari-Temuka-Opihi-Pareora sub region is located with the takiwa of [...]. This section includes provisions which seek to protect these sites of cultural importance from the effects of the use of land uses for farming, the take and use of water, and the discharge of contaminants. [...]</i></p>
87.	14.4.2	<p>B+LNZ opposes the proposed policy in part.</p> <p>Land users are not necessarily in a position to determine how a culturally significant site can be protected from adverse effects at a farm or paddock scale, and neither is a regional council. Appropriate experts from the culture that considers that site significant (for example a cultural advisor) should be provided by Environment Canterbury, at Environment Canterbury’s cost, to assist a land user with determining how a culturally significant site can be best managed should the land user choose to request that assistance.</p>	<p>Amend the policy to ensure that appropriate cultural advisors can be provided at Environment Canterbury’s cost to land users who request to use the cultural advisors’ assistance in protecting culturally significant sites.</p>
88.	Mataitai planning map layer	B+LNZ has read the submission by Federated Farmers as it applies to Mataitai conditions within PC 7 (as written at 10 September 2019) and supports these submissions as they pertain to the Mataitai conditions and planning map.	Amend as sought by Federated Farmers submissions.

	and relevant provisions		
POLICIES – OTOP			
89.	14.4.3	Without prejudice to the submission in row 68. above, B+LNZ supports the proposed policy.	Retain as proposed.
90.	14.4.4	B+LNZ opposes the proposed change. Under current case law, “avoid” is a strong word, meaning “not allow” or “prevent the occurrence of”. This may have the effect of prohibiting activities, which does not appear to be the intent of PC 7.	B+LNZ seeks that Environment Canterbury delete ‘avoid’ from this policy and replace it with a more appropriate term which would reflect the intent of the Plan Change.
91.	14.4.5	B+LNZ opposes the proposed policy in part for the reasons given in rows 87 and 88 above.	Amend the provision as sought in rows 87 and 88 above.
92.	14.4.6B	B+LNZ supports the proposed policy.	Retain as proposed.
93.	14.4.10	B+LNZ opposes the proposed policy in part. Stock drinking water is a priority 1 take and is not always exclusively supplied through community water supplies.	Amend as follows <i>Enable the taking of water for community water supply <u>and stock drinking water</u> by not requiring compliance with any minimum flow, residual flow, or partial restriction conditions, or the environmental flow and allocation regime [...]</i>
94.	14.4.13	B+LNZ supports subsection b in part. It is appropriate that stock drinking water takes should not have to surrender 50% of the proposed water where the water permit is transferred.	Retain as proposed.
95.	14.4.15	B+LNZ opposes the proposed change in part. Regulation should be proportionate to risk, and therefore it is appropriate to manage intermittently flowing springs as critical source areas rather than requiring stock to be excluded, similar to ephemeral waterways. Furthermore, downlands or hill country farms may have many springs which discharge into lakes, rivers or wetlands) – springs may also be intermittent and transient (new springs may appear over time while others dry up). Physically excluding beef cattle may not be practical, nor cost-effective to achieve a good environmental outcome. A Management Plan would better address the issue of springs discharging into rivers, lakes or wetlands in the presence of livestock, rather than a blanket requirement to exclude stock, regardless of cost or likely environmental impact. The mitigation measures (e.g. stocking rate, livestock species/classes, time of year and duration that stock are in the same paddock as the spring, downstream remediation, placement of shade, feed and water supplies) can be assessed for their effectiveness in maintaining water quality. These proposed provision 14.4.15 will effectively require farms with many springs or artificial watercourses to apply for a discretionary activity consent (Rule 5.69) – given that some pugging or de-vegetation may occur around the spring or waterbody bank (Rule 5.68.3.a). Drains that are not permanently flowing should also be managed in a similar way to ephemeral waterways. ‘ <i>Open drains and other artificial water courses with surface water in them</i> ’ needs better clarification. If that applies to drains that do not have water in them all the time, it should be noted that precipitation events may cause the drains to fill with water quickly, and the land user may be in breach of stock exclusion rules if not able to exclude stock in time. It is assumed that this was not intended and that there has been an error or oversight in drafting the proposed policy.	B+LNZ has read the submission on PC 7 by the NZ Deer Farmers Association, and support that submission with regards to seeking recognition that livestock exclusion from springs on non-intensive farms may not always be needed to achieve good water quality. Alternative management practices exist and are used by drystock farmers. The risk assessment for springs and appropriate management practices can be expressed through a Management Plan (or a Farm Environment Plan where this is required for other reasons such as nitrogen management, irrigation or winter grazing) and this may be a requirement for a permitted activity (with the farmer to provide the Management Plan upon request) or as a <i>controlled</i> activity consent instead of a discretionary activity under Rule 5.69. Additionally, amend the provision to clarify that the drains referred to as requiring stock exclusion are those that permanently contain surface water.
96.	14.4.16	B+LNZ opposes the proposed policy for the reasons given in rows 88 and 95 above.	Amend as per the relief sought in rows 88 and 95 above.
97.	14.4.17	B+LNZ opposes the proposed policy for the reasons given in rows 87, 88 and 95 above row 98 below.	Amend as per the relief sought in rows 87, 88 and 95 above.
98.	Provisions 14.4.18, 19, 20, 20A, 28, 41; And	B+LNZ opposes the provisions proposed to reduce nutrient contamination to freshwater as a result of farming land use and activities for the following reasons: 1. The measures and provisions proposed represents a one size fits all approach that grandparents nutrient losses to the environment. This approach does not provide for the economic or social wellbeing of the land users and communities affected by it, and is also not the most effective way to achieve the desired environmental results.	Delete the proposed provisions in their entirety. Include new provisions which achieve the following: 8. Ensure resource use is efficient including through establishment of nitrogen allocation

	14.5.19, 20, 21, 22, 23 And Table 14(zc)	<div><div><div>2. Nutrient management or allocation should be based on principles of sustainable management including providing for future generations, and which incentivise land use and land use change appropriate to soils, climate, and achievement of water quality outcomes. Nitrogen allocation and methods for managing Nitrogen should not reward current land uses and practices where nutrient discharges exceed the assimilative capacity of soils and water.</div><div>3. Management approaches should ensure that those activities and land uses which are contributing the most to the overallocated parameter bear the majority of the cost of reducing the overallocation (polluter pays principle).</div><div>4. PC 7's proposed approach means that land uses with the lowest leaching rates or impacts on the environment – arguably not the intended target of the proposed provisions – will be the most affected by proposed provisions. They have the fewest levers to pull in terms of reducing already lower nutrient losses, and it is harder to make reductions from an already efficient system. The proposed framework can make it harder for a system to remain viable while the higher impact systems are able to remain operating due to the greater flexibility in their system. This is a perverse outcome which would have corresponding social and economic repercussions for the communities that the land users of these systems are part of.</div><div>5. Specifically for OTOP sub-region, Table 14(zc) requires nitrogen blanket reductions. These reductions would need to be made by anyone who requires a resource consent for farming land use and is in a High Nitrate Concentration Area. Under PC 7, this will particularly target systems with more than 50ha of irrigation and/or a certain threshold of land in winter grazing. Unlike in proposed changes to Section 8 Waimakariri, no default floor is established below which reductions no longer need to be made, and this is significant because the reductions apply regardless of the original actual or assumed good management practice leaching rates. Lower impact systems with efficient practices that are nevertheless required to hold a resource consent may not be able to make the percentage reductions in order to continue the activities they hold a resource consent to practice, and will be the most harshly affected by the proposed reductions.</div></div></div> <div><div><div>frameworks if nitrogen is required to be allocated; and</div><div>9. Ensure that resource use takes into account the natural capital of soils including the natural productive potential of soils (for example Land Use Capability(LUC)), climate, geology, and assimilative capacity of water; and</div><div>10. Manage or allocate nitrogen based on:<div><div>d) 'flat rate per hectare' permitted threshold (where the sub catchment load is divided by the total number of hectares in the sub catchment and this amount is allocated as a nitrogen discharge threshold to each hectare of land) for example 20kgN/ha/yr; or</div><div>e) Natural capital or land use capability based allocation per hectare' where a sub catchment nitrogen load is attributed to land based on its underlying characteristics and factors (including productive capability using the Land Use Capability classification system). This approach is used to determine the permitted baseline, and where required to stage reductions in nitrogen discharges over time for example as set out in the table below²; and</div><div>f) Natural capital or land use capability based threshold for the discharge of Nitrogen per hectare' that is used to determine where and when Council require additional regulatory standards or stricter activity status to reduce nitrogen loss over time – based on calculating a sub catchment Nitrogen load and focussing on priority areas where nitrogen is over allocated and therefore reductions from land uses are required. For example as set out in the table below.</div></div></div></div><table><tr><th colspan="8">Land Use Capability – Natural Capital</th></tr><tr><td>Class</td><td>I</td><td>II</td><td>III</td><td>IV</td><td>V</td><td>VI</td><td>VII</td></tr></table></div>	Land Use Capability – Natural Capital								Class	I	II	III	IV	V	VI	VII
Land Use Capability – Natural Capital																		
Class	I	II	III	IV	V	VI	VII											

² Categories and discharge numbers are indicative only and subject to change through schedule 1 process as more evidence and data becomes available.

Year 1 (Kg/N/ha/yr)	30	27	24	18	16	15	8
Year 5 (kgN/ha/yr)	27	25	21	16	13	12	8

And

11. Ensure that low discharging land uses such as small scale (<20kg N/ha) or low impact activities (those discharging at or below the sustainable level) are enabled to continue and are provided with flexibility to change farm systems and stocking rates up to the sustainable levels for the subcatchment (FMU); and
12. Require farming activities which exceed the 'sustainable level' for the sub-catchment (FMU) to progressively reduce contaminant discharges over time, where the reductions are proportionate to the level of overallcoation within the sub-catchment and proportionate to the discharge level of the activity; and
13. Enable establishment of nutrient user groups within the same catchment as part of catchment collective groups, and enable transfer of nutrients (at a level not exceeding the desired instream nutrient load), where the following principles are met:
 - the initial allocation system meets all of the allocation principles in **Appendix 1** (annexed to these submissions), for clarity this precludes nutrient transfer when allocation is based on current or historic discharges (NRP or Grandparenting, the allocation framework that PC 7 currently proposes).
 - transfer within nutrient user groups should only occur:
 - within a sub-catchment or watershed; and
 - within an established sub catchment programme that's based on fair allocation of a load
 - only pertains to the load which achieves the desired environmental outcome.

			<ul style="list-style-type: none"> results in improved economic outcomes and land use optimisation <p>and</p> <p>14. Require the application of best practicable option to avoid, remedy, or mitigate adverse effects of a discharge (either directly or indirectly to freshwater) where the discharge may cause or contribute to a freshwater attribute being exceeded, through resource consents.</p>
99.	14.4.20B	B+LNZ opposes the change for the reasons given in 98 above.	Delete in its entirety.
100.	14.4.20C	B+LNZ opposes the proposed policy for the reasons given in row 98 above.	Amend as sought in row 98 above.
101.	14.4.22	B+LNZ supports the change in part.	Retain the proposed wording around and to the effect of protecting security of supply for stock drinking water.
RULES OTOP.			
102.	14.5.4	<p>B+LNZ opposes the proposed change in part.</p> <p>PC 7 has introduced Management Plans for permitted farming land use instead of a Farm Environment Plan. This recognises the need for regulation to be proportionate to risk of adverse effects to the environment and means that those land uses which present a lower risk to the environment would not have to produce a nutrient budget or be regularly audited at the land user's own cost.</p> <p>PC 7 also provides for up to 50ha of irrigation where other conditions of the permitted activity Rule 14.5.17 are met. Rule 14.5.17 only requires land users to produce a Management Plan, not a Farm Environment Plan. Rule 14.5.4 effectively requires permitted activity farming land uses to produce a Farm Environment Plan to 'renew' a water permit once their existing permit expires.</p> <p>Permitted farming land uses may therefore be precluded from applying for water permits under this rule unless they take on additional expense and regulation which is out of proportion to the risk as implied by Rule 14.5.17.</p> <p>Permitted farming land users are effectively either penalised for using the tools that PC 7 offers for permitted activity farming land use, namely the Management Plan; or PC 7 is in effect disingenuous because it offers a new tool in the form of Management Plans but compels land users to have a Farm Environment Plan anyway.</p> <p>B+LNZ assumes any disingenuity was not intended and that, instead, there has been an oversight in drafting PC 7. Under the current plan change, permitted farming land use would be significantly disadvantaged by the oversight not to amend matters of discretion under Rule 14.5.4 to provide for Management Plans.</p>	<p>Amend the proposed rule as follows:</p> <p><i>The taking and use of surface water is a restricted discretionary activity, provided the following conditions are met:</i></p> <p>[...]</p> <p><i>The exercise of discretion is restricted to the following matters:</i></p> <p>[...]</p> <p><i>14. Where the water is to be used for irrigation, the preparation and implementation of a Farm Environment Plan in accordance with Schedule 7 or a Management Plan in accordance with Schedule 7A that demonstrates that the water is being used efficiently; and</i></p> <p>[...]</p> <p>If the rule is not amended, then B+LNZ seeks that the rule is deleted in its entirety.</p>
103.	14.5.7	<p>B+LNZ opposes the proposed change in part.</p> <p>PC 7 has introduced Management Plans for permitted farming land use instead of a Farm Environment Plan. This recognises the need for regulation to be proportionate to risk of adverse effects to the environment and means that those land uses which present a lower risk to the environment would not have to produce a nutrient budget or be regularly audited at the land user's own cost.</p> <p>PC 7 also provides for up to 50ha of irrigation where other conditions of the permitted activity Rule 14.5.17 are met. Rule 14.5.17 only requires land users to produce a Management Plan, not a Farm Environment Plan. Rule 14.5.7 effectively requires permitted activity farming land uses to produce a Farm Environment Plan to 'renew' a water permit once their existing permit expires.</p> <p>Permitted farming land uses may therefore be precluded from applying for water permits under this rule unless they take on additional expense and regulation which is out of proportion to the risk as implied by Rule 14.5.17.</p>	<p>Amend the proposed rule as follows:</p> <p><i>The taking and use of groundwater that will replace an existing surface water or groundwater permit that has a direct, high, or moderate stream depletion effect is a restricted discretionary activity, provided the following conditions are met:</i></p> <p>[...]</p> <p><i>The exercise of discretion is restricted to the following matters:</i></p> <p>[...]</p> <p><i>7. Where the water is to be used for irrigation, the preparation and implementation of a Farm</i></p>

		<p>Permitted farming land users are effectively either penalised for using the tools that PC 7 offers for permitted activity farming land use, namely the Management Plan; or PC 7 is in effect disingenuous because it offers a new tool in the form of Management Plans but compels land users to have a Farm Environment Plan anyway.</p> <p>B+LNZ assumes any disingenuity was not intended and that, instead, there has been an oversight in drafting PC 7. Under the current plan change, permitted farming land use would be significantly disadvantaged by the oversight not to amend matters of discretion under Rule 14.5.7 to provide for Management Plans.</p>	<p><i>Environment Plan in accordance with Schedule 7 or a Management Plan in accordance with Schedule 7A that demonstrates that the water is being used efficiently; and</i> [...]</p> <p>If the rule is not amended, then B+LNZ seeks that the rule is deleted in its entirety.</p>
104.	14.5.9	<p>B+LNZ opposes the proposed change in part.</p> <p>PC 7 has introduced Management Plans for permitted farming land use instead of a Farm Environment Plan. This recognises the need for regulation to be proportionate to risk of adverse effects to the environment and means that those land uses which present a lower risk to the environment would not have to produce a nutrient budget or be regularly audited at the land user's own cost.</p> <p>PC 7 also provides for up to 50ha of irrigation where other conditions of the permitted activity Rule 14.5.17 are met. Rule 14.5.17 only requires land users to produce a Management Plan, not a Farm Environment Plan. Rule 14.5.9 effectively requires permitted activity farming land uses to produce a Farm Environment Plan to 'renew' a water permit once their existing permit expires.</p> <p>Permitted farming land uses may therefore be precluded from applying for water permits under this rule unless they take on additional expense and regulation which is out of proportion to the risk as implied by Rule 14.5.17.</p> <p>Permitted farming land users are effectively either penalised for using the tools that PC 7 offers for permitted activity farming land use, namely the Management Plan; or PC 7 is in effect disingenuous because it offers a new tool in the form of Management Plans but compels land users to have a Farm Environment Plan anyway.</p> <p>B+LNZ assumes any disingenuity was not intended and that, instead, there has been an oversight in drafting PC 7. Under the current plan change, permitted farming land use would be significantly disadvantaged by the oversight not to amend matters of discretion under Rule 14.5.9 to provide for Management Plans.</p>	<p>Amend the proposed rule as follows:</p> <p><i>The taking and use of groundwater is a restricted discretionary activity, provided the following conditions are met:</i> [...] <i>The exercise of discretion is restricted to the following matters:</i> [...] <i>12. Where the water is to be used for irrigation, the preparation and implementation of a Farm Environment Plan in accordance with Schedule 7 or a Management Plan in accordance with Schedule 7A that demonstrates that the water is being used efficiently; and</i> [...]</p> <p>If the rule is not amended, then B+LNZ seeks that the rule is deleted in its entirety.</p>
105.	14.5.12	<p>B+LNZ opposes the proposed rule in part.</p> <p>Stock drinking water is a priority 1 take and is not always exclusively supplied through community water supplies. Furthermore, permitted rates or volumes on takes for stock water may be less than what is required for the number of stock, and so a water permit may be required to supplement the permitted take and provide sufficient volumes for reasonable stock drinking water use.</p> <p>Takes for stock drinking water takes should not need to surrender up to 75% of the proposed water where the water permit is transferred.</p>	<p>Amend as follows:</p> <p><i>The temporary or permanent transfer, in whole or in part, other than to the new owner of the site to which the take and use of water relates and where the location of the take and use of water does not change) or a water permit to take or use surface water or groundwater, is a restricted discretionary activity provided the following conditions are met:</i> [...] <i>5. Unless the transfer is for a community water supply or stock drinking water,</i> [...]</p>
106.	14.5.15	B+LNZ supports the proposed rule in principle and without prejudice to the earlier submission at row. 98.	Retain as proposed.
107.	14.5.17	<p>B+LNZ opposes the proposed rule in part.</p> <p>Regulation of an activity should be proportionate to risk that the activity poses in terms of adverse effects to the environment. This rule recognises this through requiring registration in Farm Portal instead of a nutrient budget, and through a Management Plan instead of a Farm Environment Plan.</p> <p>B+LNZ supports the permitted activity in subsections 3 and 4 allowing irrigation and winter grazing within thresholds if those thresholds have been established through rigorous scientific, social, and economic cost/benefit assessment.</p> <p>B+LNZ opposes subsection 4 for the reasons given in row 88 above.</p>	<p>Amend as sought in rows 77 and 88 above. Additionally, amend subsection 7 as follows:</p> <p><i>For any property greater than 20 hectares in area that has part of the property located within the High Runoff Risk Phosphorus Zone, the area within the High Runoff Risk Phosphorus Zone used for winter grazing of cattle or deer does not exceed 20ha.</i></p>

		<p>B+LNZ opposes subsection 7. The subsection has been written to mean that if one has any land whatsoever within the High Runoff Risk Phosphorus Zone (HRRPZ), the property may not have more than 20ha in winter grazing in spite of the threshold for land outside of the HRRPZ zone, and irrespective of whether the winter grazing is occurring on that piece of land which is in the HRRPZ or not. The current wording produces a condition which is excessive, disproportionate, and gives rise to an absurdity where the property has land within a HRRPZ but undertakes or winter grazing on the opposite end of the property and is nevertheless limited to 20ha of winter grazing.</p> <p>This intent is not reflected in the Section 32 Report or rest of the plan change; and Rule 14.5.15 suggests that the current wording of Rule 14.5.17 subsection 7 is in fact a drafting error.</p>	
108.	14.5.18	B+LNZ opposes the proposed rule for the reasons given in row 107 above.	Amend Rule 14.5.17 as sought in row 107 above.
109.	14.5.19	B+LNZ opposes the proposed rule for the reasons given in rows 98 and 107 above.	Amend Rule 14.5.17 as sought in rows 98 and 107 above.
110.	14.5.25	B+LNZ opposes the proposed rule for the reasons given in row 95 above.	Amend as sought in row 95.
111.	14.5.25A	B+LNZ opposes the proposed rule for the reasons given in row 88 above.	Amend as sought in row 88.
TABLES OTOP			
112.	Table 14(zc)	B+LNZ opposes this table for the reasons given in row 98 above.	Amend as sought in row 98 above.

Appendix 1

Principles for the Allocation of Nutrients

These principles have been developed to guide decisions on nutrient allocation. They seek to ensure that nutrient allocation is fair, equitable, recognises the complexity of farming systems, and provides for continued flexibility of land use. They support catchment specific solutions to nutrient management and that different allocation regimes will be established that reflect differences between communities and their catchments, and to meet water quality objectives in those catchments. These principles should be considered carefully when forming any nutrient allocation policies or methods to achieve them. Each principle is important but they should be considered as a whole to inform allocation discussions.

Principle 1 Like land should be treated the same

Allocation should be based on the intrinsic qualities of the land. Two pieces of land with the same qualities should receive the same allocation. This principle recognises that allocation regimes should not be overly influenced by existing land use.

Principle 2 Those undertaking activities that have caused water quality problems should be required to improve their management to meet water quality limits.

All New Zealanders have a responsibility to manage their activities to maintain or improve water quality. This principle reflects the need for those who have caused water quality problems or who are contributing a greater amount to them to take a greater responsibility for meeting the costs of reducing nutrient loss to water. It also reinforces that those who have managed responsibly should not be required to have their land use constrained as a result of others' activity.

Principle 3 Flexibility of land use must be maintained

Land owners need to have the ability to respond to changes in climate, input costs, markets and technological innovation in order to maintain a profitable and sustainable farming enterprise. Allocating nutrients in such a way that unnecessarily limits land use change constrains the ability of land users to respond to those changes and optimally utilise the land resource.

Principle 4 The allocation system should be technically feasible, simple to operate and understandable

A high level of technical feasibility is fundamental to a successful allocation approach. The simpler the system, the more likely it is to be able to operate effectively. The approach must also be understandable by land users and the wider community. It must be able to be administered fairly and at minimum transaction costs to users and the regulator.

Principle 5 The natural capital of soils should be the primary consideration when establishing an allocation mechanism for nutrient loss

A natural capital approach allows for an economically efficient allocation of nutrients. Those soils with the greatest ability to retain nutrients and optimise nutrient use give land users the greatest flexibility to optimise production, respond to markets and technology while managing

potential effects on water quality. Allocation systems should reflect the ability of these soil types to optimise production and land use flexibility.

Principle 6 Allocation approaches should provide for adaptive management and new information

Allocation decisions are primarily made on the information we know now and modelled future scenarios. Our understanding and the availability of both catchment and farm systems will change over the life of an allocation system as will possible management techniques. Allocation systems should provide sufficient flexibility to provide for adaptive management and be reviewed regularly to incorporate new information. Adequate transition times should be provided to incorporate new information where allocation changes as a result.

Principle 7 Appropriate timeframes must be set to allow for transition from current state to one where allocation of nutrients applies

Timeframes should take account of the degree to which any waterway is over-allocated (if that is the case), the period over which this state has come about and the costs for businesses and the current ability to manage to that allocation.

It should be recognised that current water quality issues are sometimes the result of many years of land use within catchments and may have developed over generations. Consideration needs to be taken of the legitimate expectations of people and natural justice. Accordingly time should be provided for them to adjust. There needs to be a balanced approach and recognition of the uncertainty associated with water science versus the likely economic impact on businesses and the region. The primary objective should be to set an appropriate direction of travel that will see a steady improvement in water quality.

Principle 8 Long term investment certainty is a critical feature of a viable nutrient management system

Changes to nutrient allocation regimes must be signalled as far out as possible. Refinements to those systems must be managed to minimise their impacts on business viability, land value and the flexibility of land use. The aim must be to reflect the underlying elements of sustainable management in achieving improved water quality outcomes including reducing those adverse impacts on social and economic outcomes.

Principle 9 Improvement in water quality must remain the primary objective of adopting any nutrient allocation regime

When exploring the adoption of methods to achieve water quality improvements and manage to limits, the focus of community debates, modelling and discussion of allocation of nutrients can distract from the primary goal – maintaining and improving water quality. This principle emphasises that allocating nutrients to a property level doesn't in itself result in improved in water quality; it is the actions of land users that ultimately result in improved nutrient management.

Principle 10 In under-allocated catchments, where property based nutrient allocation has not been adopted in setting water quality limits, the system for allocating nutrients must be determined well before the limit is reached, be clear and easy to understand, and designed to avoid over-allocation

The mechanism for allocating nutrients, even if it does not have immediate effect, should be clear from the time when water quality limits are set. Allocation mechanisms should reflect the level of risk that the catchment will become over allocated. This may include the adoption of a pre-agreed catchment-specific environmental threshold (e.g. 75%-90% of a limit) to determine when an allocation regime should be adopted.

Principle 11 In designing the allocation system the benefits of a nutrient transfer system within the catchment or water management unit should be considered

Maximum economic efficiency of land use could be assisted by a mechanism for transferring nutrient discharge allowances within the same catchment. Nutrient transfer systems are only appropriate where:

- The initial allocation system meets all of the allocation principals
- Only occurs within a subcatchment or watershed and enable and support Catchment Collective Groups
- The transferable portion of the resource (eg nitrogen) only pertains to the load which achieves the desired environmental outcome.
- be a transfer within an established sub catchment programme that's based on fair allocation of a load
- result in improved economic outcomes and land use optimisation

Principle 12 Regulation, monitoring, auditing and reporting of nutrients within an allocation regime needs to relate to the degree of environmental impact and pressure

If there is limited environmental pressure and if an activity has a low impact then regulation – and the financial cost of complying with that regulation – should be commensurate with the degree to which the activities are causing an adverse effect on water quality

Principle 13 As a minimum expectation, in all catchments, all land users should be at or moving towards (industry defined) Good Management Practice (GMP), recognising that GMP is constantly evolving and continuous improvement is inherent in GMP

In many catchments, lifting everyone to GMP is likely to go a long way towards achieving community objectives for managing to water quality limits. In catchments where nutrients are not over allocated, requiring good management practice is a sound alternative method to allocating nutrients to a farm (property based) level.

Principle 14 Nutrient allocation must be informed by sound science and stable and reliable catchment and farm system modelling and measurement

Modelling nutrient loss is important to inform nutrient allocation, but all models have limitations. Overseer is a key tool for understanding and managing nutrients on farms and to inform nutrient allocation decisions. In the short term there are significant limitations that need to be catered for in determining any regulatory or nutrient allocation regime (e.g. assumptions in Overseer regarding GMP, modelling of cropping regimes, ability of Overseer to estimate nutrient loss from the adoption of certain mitigations and the validation of Overseer estimates). Other measures may need to be included in the approach to managing nutrient loss to ensure innovative change is incentivised and that the focus remains on promoting good practice. Over time modelling designed to estimate nutrient loss will improve. Modelled estimates will change, so allocation regimes should account for modelling uncertainty and provide for appropriate transition periods.

Estimates of nutrient loss are a necessary input to decisions on nutrient management but broader catchment-scale modelling is critical if these decisions are to be robust. There is an urgent need to increase the emphasis placed on catchment-scale modelling.

Note: The principles have been adopted by the Board of Beef + Lamb New Zealand.