

From: [Te Moana Dairy](#)
To: [Mailroom Mailbox](#)
Subject: Plan Change 7 to the LWRP Submission
Date: Friday, 13 September 2019 2:21:15 PM
Attachments: [PC7 LWRP SUBMISSION Richard Robinson Te Moana DairyLtd.docx](#)

Full Name: <u>Richard James Robinson</u> Organisation*: <u>Te Moana Dairy Ltd</u> <small>* the organisation that this submission is made on behalf of</small> Postal Address: <u>133 Four Peaks Rd, RD 21 Geraldine</u> <u>7991</u> Email: <u>temoanadairy@gmail.com</u> Contact name and postal address for service of person making submission (if different from above): 	Phone (Hm): <u>03</u> <u>6939077</u> Phone (Wk): _____ Phone (Cell): <u>0274 990</u> <u>213</u> Postcode: <u>7991</u> Fax: _____
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition. Please tick the sentence that applies to you:

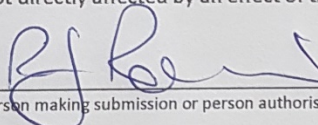
☒ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☒ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission

Signature:  Date: 13 Sept 2019
 (Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note: (1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

☐ I do not wish to be heard in support of my submission; or

☒ I do wish to be heard in support of my submission; and

☒ I would be prepared to consider presenting my submission in a joint case with others making a similar submission at any hearing

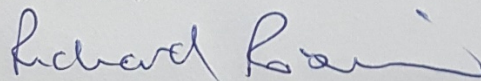
Submission

A. Introduction

- A. Thank you for the opportunity to provide feedback on proposed Plan Change 7 to the Canterbury Land and Water Regional Plan.
- B. I am a 60-year-old dairy farmer who has farmed and lived on our family property next to the Te Moana River for virtually all my life. The property has been owned and farmed by my family since 1908 and during that time our farm has changed from sheep with some cropping supporting one family (ours) and occasionally a single worker, to a bull beef and intensive sheep finishing farm with some deer but still supporting one family and an occasional farm worker as well to now be a 480 cow dairy farm which supports 3-4 families on the same area of land. Over this time as an adjoining landholder we have managed and paid for the maintenance of this non-rateable river as well as enjoyed the beauty, recreation opportunities and fish and bird life that our proximity to it allows. The Te Moana Four Peaks community has supported us and we have supported it for all that time. As well as this my wife (Jacqui) and I facilitate field days in the South Canterbury region for BeefLambNZ where we bring together experts and local farmers to help participants see how best practice or new innovative farming thinking can get better outcomes on their own farms.
- C. I am making this submission because in my role running a farm business as well as what I have seen attending and or facilitating farm field days for BeefLambNZ throughout South Canterbury and Otago I have been privileged to meet, talk with and question many different farmers and experts on some fantastic and diverse properties. I believe there is a risk that Ecan can potentially undo some of the great things that they have begun if changes suggested are not carefully considered and made to be obviously fair, reasonable and forward thinking. Nevertheless I support and encourage the thinking and intentions behind Ecan's attempt to foster further improvements to our environment.
- D. 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.
- E. 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.

I welcome the opportunity to further discuss any of the points above with Environment Canterbury, should you wish for more information. For any inquiries relating to this feedback please contact Richard Robinson on 03 693 9077 or temoanadairy@gmail.com

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Richard Robinson".

Richard Robinson

B. Feedback

Specific Provision in the Proposed Plan	Submission	Decision sought from Environment Canterbury
<i>The specific provisions my submission relates to are:</i>	<i>My submission is that:</i>	<i>The decision I would like Environment Canterbury to make is:</i>
<p>Rule 14.5.17 In particular regarding; High Runoff Risk Phosphorus Zone</p>	<p>I oppose in part and wish to amend the wording.</p> <p>The reasons for this are:</p> <ul style="list-style-type: none"> <i>Although we do not have any land affected by this rule, I am submitting on this as some farmers in our district have a small proportion of their property with land identified as high Phosphorus run-off risk and the wording of this would mean that their whole property would be treated as such. This seems to be most unfair.</i> 	<p>I seek that the provision is: amended as set out below</p> <p>For any property greater than 20 hectares within the High Runoff Risk Phosphorus Zone, consent is required if the area used for winter grazing of cattle or deer exceeds 20 hectares of the identified high Runoff Phosphorus Zone land.</p>

<p>Proposed rule 14.5.17 Subsection 7</p> <p>(ref Table 14(zc): High Nitrogen Concentration Area Staged Reductions in Nitrogen Loss for Farming Activities)</p>	<p>I support in part this proposal although I think that it risks undoing the very good work Ecan has done in the past when focusing on Good Management Practice.</p> <ul style="list-style-type: none"> The reason for this is that it brings the focus back to the ‘grandparenting’ of Nitrogen loss on farm which has basically rewarded farmers with historically poor figures of Nitrogen leaching and not recognising the good work done by farmers operating and striving towards Best Management Practice in their farming decisions and actions. I have seen these differences first hand when attending particularly the LUDF fieldays and hearing from other farmers about their systems and consequent loss figures. A far greater and faster improvement to all groundwater N levels could be made by quickly getting all farms to operate at least at a level of Good Management Practice. 	<p>I seek that the provision is: amended as set out below As an alternative I propose:</p> <ul style="list-style-type: none"> All cattle and deer farms in the High Nitrogen Concentration areas are required to show they operate at Good Management Practice. Farms that cannot show this will be required to obtain a resource consent to allow them to continue to intensively farm cattle or deer.
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>14.5.9</p>	<p>I oppose 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. As Permitted farming land users, we 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 us to have a Farm Environment Plan anyway.</p> <p>I assume 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></p> <p>[...]</p> <p><i>The exercise of discretion is restricted to the following matters:</i></p> <p>[...]</p> <p><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 <u>or a Management Plan in accordance with Schedule 7A</u> that demonstrates that the water is being used efficiently; and</i></p> <p>[...]</p> <p>If the rule is not amended, then I seek that the rule is deleted in its entirety.</p>
---------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Provision Highest Groundwater Level</p>	<p>I oppose this definition as notified</p> <p>The reasons for this are:</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. In my farming lifetime I have seen large variation across different seasons and years. Over the history of the creation of the Canterbury Plains this is clearly extreme and unintended.</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.</p> <p>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>I seek that the provision is: amended as set out below</p> <p>As an alternative I propose:</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>
------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>14.5.7</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>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>assume 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>Amend the proposed rule as follows:</p> <p>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:</p> <p>[...]</p> <p>The exercise of discretion is restricted to the following matters:</p> <p>[...]</p> <p>7. 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</p> <p>[...]If the rule is not amended, then B+LNZ seeks that the rule is deleted in its entirety.</p>
---------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

