

**From:** [Hans van der Wal](#)  
**To:** [Mailroom Mailbox](#)  
**Cc:** [ngakuroa@xtra.co.nz](#); [John Talbot](#); [Jamie Robinson](#); [Alan](#); [Erin Harvie](#)  
**Subject:** Submission on Plan Change 7 Canterbury Land and Water Regional Plan for As One Inc. [DC-Documents.FID2823399]  
**Date:** Friday, 13 September 2019 2:09:51 PM  
**Attachments:** [image001.png](#)  
[PC7 submission - As One covering letter \( 10569909 1\).PDF](#)  
[AS ONE Submission \( 10569915 1\).PDF](#)  
[AS ONE Submission annexure table \( 10569921 1\).PDF](#)

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Dear Sir/Madam

Please find **attached**, by way of filing, using the specified filing method of sending by email to [mailroom@ecan.govt.nz](mailto:mailroom@ecan.govt.nz) the submission on Plan Change 7 to the Canterbury Land and Water Regional Plan, comprising:

- Our cover letter;
- The submission, in accordance with Form 5 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003; and
- The table referred to in the submission, which forms part of the submission.

We would be grateful for confirmation of receipt of the submission and documents that form part of that submission.

Kind regards

**Hans van der Wal**  
Special Counsel

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13 September 2019

Proposed Plan Change 7 to the LWRP  
Environment Canterbury  
PO Box 345  
Christchurch 8140

By email: mailroom@ecan.govt.nz

Dear Sir/Madam

**As One Incorporated - submission on PC7**

- 1 We act for As One Incorporated (**As One**), a duly incorporated society which, as of 13 September 2019, is made up of the members outlined in **Appendix A**, all of whom farm in the Waimakariri sub-region and are adversely affected by the proposed Plan Change 7 to the Land and Water Regional Plan.
- 2 Please find **enclosed** with this letter:
  - 2.1 A submission on behalf of As One; and
  - 2.2 A submission table forming part of the As One submission.
- 3 Please direct any correspondence relating to the proposed Plan Change to us, our contact details are below.

Yours sincerely



**Hans van der Wal / Jamie Robinson**  
Special Counsel / Senior Solicitor

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jamie.robinson@duncancotterill.com

## APPENDIX 1 – MEMBERS OF AS ONE INCOPORATED

Member name	Farm type
Gavin Reed	Crop and grazing
Nan Bay	Dairy
K. Avery	Beef grazing
Four Hooves Limited	Dairy and equestrian
Darren Rowe	Dairy
Donald Smith	Dairy
Alister Smith	Dairy runoff
Wayne Bishop	Dairy
Belbrook Farming Limited	Dairy
Stoneleigh Park Limited	Dairy
Midhurst Fams Limited	Diary grazing and crop
Maurice Borcoskie	Two farms with land currently leased for dairy grazing
Craig McAllister	Crop, dairy grazing, sheep grazing and lamb fattening
Warwick Croft	Dairy grazing and beef fattening
Andrew Mehrtens	Dairy

**BEFORE THE CANTERBURY REGIONAL COUNCIL**

**In the matter** of Schedule 1 and s32 the Resource Management Act 1991

**And**

**In the matter** of Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

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**SUBMISSION OF AS ONE INCORPORATED ON PROPOSAL CONCERNING  
PROPOSED PLAN CHANGE 7 TO THE CANTERBURY LAND AND WATER  
REGIONAL PLAN**

**13 September 2019**

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**Duncan Cotterill**

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PO Box 5, Christchurch

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[hans.vanderwal@duncancotterill.com](mailto:hans.vanderwal@duncancotterill.com)

To The Canterbury Regional Council.

This is a submission on the following proposed policy statement (the **proposal**):

Part C of Plan change 7 to the Canterbury Land and Water Regional Plan as publicly notified on 20 July 2019.

This submission is made by:

As One Incorporated (“As One”), being a society duly incorporated in accordance with the Incorporated Societies Act 1908. As One is authorised to make a submission on behalf of its members, who are commercial farmers undertaking a range of farming activities and associated discharges within the Waimakariri Sub-Zone and in particular within Nitrate Priority Area (“NPA”).

As One could not gain an advantage in trade competition through this submission.

As One is directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

In this submission:

“**Act**” means the Resource Management Act 1991

“**Statutory Water Quality Requirements**” means the applicable statutory provisions, superior planning and statutory documents, and objectives which relate to the control of the quality of water, to which the policies and methods in a Regional Plan must give effect.

1 The specific provisions of the proposal to which As One’s submission relates are:

- 1.1 All provisions relating to the maintenance and enhancement of water quality in groundwater, surface water and water bodies in general, and in particular the methods and policies adopted to achieve the objectives, policies, national policy statements, national environmental standards and provisions of the Act to which they must give effect, within the Waimakariri Sub-Zone. Those provisions include, but are not restricted to those identified in the **attached** table.

2 As One’s Submission is that it:

- 2.1 Agrees that the Statutory Water Quality Requirements do require improvements to the controls on land uses and contaminant discharge controls within the Waimakariri Sub-Zone;
- 2.2 Supports the general intent of the proposal to implement improved controls on the loss of nutrients to groundwater and surface water, in order to give effect to the Statutory Water Quality Requirements;
- 2.3 Disagrees that the particular wording of the policies, rules and other methods or provisions as notified reflects the most appropriate means of giving effect to the Statutory Water Quality Requirements, when tested against the considerations in section 32 of the Act (“the s32 tests”);
- 2.4 Considers that the changes identified in the attached table, and/or any alternative or consequential relief with the same or similar effect to those changes, including that identified elsewhere in paragraph 3 below, will more appropriately give effect to the Statutory Water Quality Requirements in accordance with the s32 tests;
- 2.5 Considers that the key reasons for the failure of the proposal as notified to represent the most appropriate means of giving effect to the Statutory Water Quality Requirements when measured against the s32 tests are:
  - 2.5.1 A reliance on modelling for matters for which the modelling was not designed. In particular, the model was not designed to assess the actual reductions in nutrient losses and loadings that would result from the methods imposed. As One submits the more appropriate approach is through actual water quality measurements that allow an adaptive management response, depending on whether or to what extent the measures implemented through the proposal do actually result in improvements in water quality sought;
  - 2.5.2 Further to the above, fundamental errors in the assumptions made which inform the modelling, which have resulted in outcomes (and policies and rules) which impose restrictions on areas which will not result in the improvements sought by the proposal;
  - 2.5.3 The targeting of commercial farming activities in a specific geographical location (the NPA) not aligned to catchment boundaries. Commercial farming activities face more stringent controls, rather than the targeting of those particular land users and dischargers across the full Waimakariri

Sub-Zone, shown to be contributing the greatest amount of contaminants to water through nutrient losses and who also have the greatest opportunity for reductions of those losses. The higher discharges are able to mitigate those losses at commercially sustainable cost, with the best prospect of resulting in actual water quality improvements;

- 2.5.4 The likely rendering of many commercial farming activities that implement good management practice economically unsustainable;
- 2.5.5 The failure to recognise and provide appropriately against the loss of considerable capital and infrastructure investments by commercial farming operations, by imposing measures beyond good management practice that would render such operations commercially unviable;
- 2.5.6 The omission of controls on many types of smaller size nutrient loss sources with smaller individual but a likely significant cumulative adverse effect on water quality within specific catchments and groundwater resources and the wider Waimakariri Sub-Zone;
- 2.5.7 The failure to undertake a cost-benefit analysis in sufficient depth and detail to correspond with the significance of likely adverse effect on the ability of those affected by the particular approach adopted to provide for their social, economic and cultural health and wellbeing, while still appropriately avoiding, remedying or mitigating adverse effects on the environment;
- 2.5.8 The resultant failure to ensure that the people and communities within the “NPA” in particular and the Waimakariri Sub-Zone in general are most appropriately enabled to provide for their social, economic and cultural health and wellbeing, while still appropriately avoiding, remedying or mitigating adverse effects on the environment.

- 2.6 Considers that the relief sought as set out in paragraph 3 below more appropriately achieves the Statutory Water Quality Outcomes and more appropriately enables people and communities within the “NPA” and the Waimakariri Sub-Zone in general to provide for their social, economic and cultural health and well-being while avoiding, remedying or mitigating adverse effects on water quality, when measured against the s32 tests.

3 As One seeks the following changes (“Relief Sought”) to the proposal:

- 3.1 The amendments outlined in the **attached** table; and/or
- 3.2 Any consequential or alternative relief that addresses the failures set out in paragraph 2.5 above as appropriately or more appropriately than the relief identified in the **attached** table, which:
  - 3.2.1 Promotes and enables reliance on actual measured data for the assessment of the actual reductions in nutrient losses and loadings that would or do result from the methods imposed, thereby allowing an adaptive management response tailored and able to respond to whether or to what extent the measures implemented through the proposal do actually result in improvements in water quality sought;
  - 3.2.2 Amends planning maps, overlays, policies and rules which limit land use, where it is shown the modelling has relied on inaccurate or inappropriate assumptions or information;
  - 3.2.3 Targets those particular land users and dischargers within specific catchments and groundwater resources, and across the full Waimakariri Sub-Zone, shown to be those with the greatest unmitigated contribution of contaminants to water through nutrient losses who also have the greatest opportunity for reductions of those losses at sustainable cost with the best prospect of resulting in actual water quality improvements;
  - 3.2.4 Includes controls on other smaller size nutrient loss sources with smaller individual but a significant cumulative adverse effect on water quality, in addition to vegetable growers, within specific catchments and groundwater resources and the wider Waimakariri Sub-Zone;
  - 3.2.5 Recognises and provides appropriately against the loss of considerable capital and infrastructure investments by commercial farming operations through measures beyond good management practice that would render such operations commercially unviable;
  - 3.2.6 Abandons measures that are likely to have a significant adverse effect on the ability of people and communities within the “NPA” and the Waimakariri Sub-Zone in general to provide for their social, economic and cultural health and well-being, particularly where these are not proven to be likely to have any real or significant positive effect on water quality and/or are operating at good management practice already;



3.2.7 Adopts instead measures that are established to be more likely to achieve actual improvements in water quality without removing or significantly reducing the ability of people and communities within the “NPA” and the Waimakariri Sub-Zone in general to provide for their social, economic and cultural health and well-being, while avoiding, remedying or mitigating adverse effects on water quality. Such measures would better maintain the commercial viability of established commercial farming activities operating at good management practice.

- 4 As One notes that the public notice for the proposal does not identify in accordance with Form 4A of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 that the proposal has been prepared in accordance with a collaborative planning process. Accordingly it notes that s80A does not apply. It has prepared its submission on that basis. It records that the outcomes of the zone committee process cannot be given the weight and cannot have the consequences that would follow had Form 4A been followed. It respectfully submits that there will be many members of the people and communities of the NPA and the Waimakariri Sub-Zone who do not necessarily regard the zone committee outcomes as reflective of their views. Those outcomes are therefore not determinative of what will enable the relevant people and communities to provide for their social, economic and cultural health and wellbeing. As One’s submission sets out what will achieve that while also meeting the Statutory Water Quality Tests.
- 5 As One wishes to be heard in support of its submission.
- 6 If others make a similar submission, it will consider presenting a joint case with them at a hearing.

Dated 13 September 2019



J M van der Wal  
Solicitor for the submitter

This document is filed by J M van der Wal of Duncan Cotterill, solicitor for the submitter.

The address for service of the submitter is:  
Duncan Cotterill

148 Victoria Street  
Christchurch  
8140

Documents for service on the submitter may be:

- Left at the address for service.
- Posted to the solicitor at PO Box 5, Christchurch 8140
- Transmitted to the solicitor by fax on +64 3 379 7097

Please direct enquiries to:

Hans van der Wal

Duncan Cotterill

Tel +64 3 379 2430

Fax +64 3 379 7097

Email **Error! Reference source not found.**

Section and number	Position	Reasons	Relief sought
<b>Definitions</b>			
<p><b>Indigenous Freshwater Species Habitat</b> 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:</p> <ol style="list-style-type: none"> <li>1. Giant kōkopu/Taiwharu (<i>Galaxias argenteus</i>)</li> <li>2. Lowland longjaw galaxias (Waitaki) (<i>Galaxias cobitinis</i>)</li> <li>3. Canterbury mudfish/Kōwaro (<i>Neochanna burrowsius</i>)</li> <li>4. Bignose galaxias (<i>Galaxias macronasus</i>)</li> <li>5. Upland longjaw galaxias (<i>Galaxias prognathus</i>)</li> <li>6. Upland longjaw galaxias (Waitaki) (<i>Galaxias prognathus</i>)</li> <li>7. Shortjaw kōkopu (<i>Galaxias postvectis</i>)</li> <li>8. Northern flathead galaxias (Species N (undescribed))</li> <li>9. Lamprey/Kanakana (<i>Geotria australis</i>)</li> <li>10. Freshwater crayfish/Kekewai (<i>Paranephrops zealandicus</i>)</li> <li>11. Freshwater mussel/Kākahi (<i>Echyridella menziesi</i>)</li> </ol>	Support with amendments	<p>Freshwater mussels are present throughout the Waimakariri stock water system. The proposed rule 8.5.33 includes artificial watercourses in stock exclusion rules. The LWRP definition of artificial watercourses includes irrigation channels and water supply races. The combined effect could be to make use of a stock water supply races for stock drinking a prohibited activity. There are also consequential impacts on rules that may govern the management of the stock water system. These rules relate to structures, gravel from lake and riverbeds, vegetation in lake and riverbeds and earthworks and vegetation clearance in riparian areas. This is triggered by the inclusion of freshwater mussels in the Indigenous Freshwater Species Habitat definition.</p>	<p>Add the following words following 11. Freshwater mussel/Kākahi (<i>Echyridella menziesi</i>): <b><u>except where found in an artificial waterway</u></b></p>
<p><b>Nitrogen Baseline</b> means:</p> <ol style="list-style-type: none"> <li>a. the discharge of nitrogen below the root zone, as modelled with OVERSEER, (where the data is inputted into the model in accordance with OVERSEER Best Practice Data Input Standards), or an equivalent model approved by the Chief Executive of Environment Canterbury, averaged over a 48 month consecutive period within the period 1 January 2009 to 31 December 2013, and expressed in kg per hectare per annum, except in relation to Rules 5.46, 5.56, 5.58A and 5.62, where it is expressed as a total kg per annum from the identified area of land; and</li> <li>b. in the case where a building consent and effluent discharge consent have been granted for a new or upgraded dairy milking shed in the period 01 January 2009 to 31 December 2013, the calculation under (a) will be on the basis that the dairy farming activity is operational; and</li> <li>c. if OVERSEER is updated, the most recent version is to be used to recalculate the nitrogen baseline using the same input data for the same period as used in (a) above.</li> </ol>	Support with amendments	<p>Sub-paragraph b provides for consideration of investment (by way of resource consents, building consents, and potentially physical building works having started) to be included when considering the Nitrogen Baseline. However, sub-paragraph b only provides for dairy operations that had applied for resource consent in that period. It is appropriate that all investment in the baseline period is treated the same, and so any resource consents for water take and use should be given the same 'dispensation' under the Nitrogen Baseline definition.</p>	<p>Add new sub-paragraph as follows:</p> <p><b><u>d. in the case where a resource consent to take and use water has been granted for irrigation in the period 1 January 2009 – 31 December 2013 the calculation under (a) will be on the basis that the farming activity is operational, including the consented irrigation.</u></b></p>
Add a new definition: <b>Dairy Support</b>	Support	<p>PC7 differentiates significantly between reductions required by dairy operations and 'other' farming activities, which includes dairy support. This has a significant impact on those farms within the Nitrate Priority Areas. On that basis, "dairy support" should be defined, so that self-sufficient farms (i.e. dairy farms which also include a dairy support element) can accurately split the activities.</p>	<p>Add the following definition for dairy support (aligns with the NES):</p> <p><b><u>Dairy support means pastoral farming where the animals grazed are dairy cattle not being milked (young animals or mixed-age cows) that are grazed off the milking platform (i.e. the area devoted to feeding</u></b></p>

			<p><b><u>dairy cows on a daily basis during the milking season) either temporarily or throughout the year.</u></b></p> <p><i>Note that this definition is only required if the primary relief (to delete the Nitrate Priority Areas, and Table 8-9) is declined.</i></p>
<b>Nitrate Priority Area:</b> means the area identified as the Nitrate Priority Area on the Planning Maps.	Oppose	For the reasons outlined in detail in the As One submission document, this submission seeks the removal of the Nitrate Priority Areas, so that all farmers within the region are treated equally.	Delete in its entirety.
<b>Nitrate Priority Sub-area:</b> means, within the Nitrate Priority Area, any area identified as Sub-areas A, B, C, D or E on the Planning Maps.	Oppose	For the reasons outlined in detail in the As One submission document, this submission seeks the removal of the Nitrate Priority Areas, so that all farmers within the region are treated equally.	Delete in its entirety.
<b>Section 4 - Policies</b>			
<b>Policy 4.103</b> – Submission of Water Quality Data. Any resource consent granted with a consent condition requiring the collection of water quality samples, shall also include a condition requiring all water quality sample data to be submitted to the Canterbury Regional Council in a format suitable for automated upload to the Council's water quality database software.	Support with amendments	For the reasons outlined in the As One submission document, this submission seeks less reliance on modelled outcomes, and more reliance on actual measured data, linked to adaptive management. On that basis, the amended wording sought will continue to increase the information available to ECan from existing bores, enabling current management and future planning to respond to more reliable actually measured data.	<p><b>Policy 4.103</b> – Submission of Water Quality Data.</p> <p><b><u>The holder of a resource consent which authorises water take and use, or the use of land for a farming activity, shall be required to collect water quality sample data, granted with a consent condition requiring the collection of water quality samples, shall also include a condition requiring all water quality sample data</u></b> to be submitted to the Canterbury Regional Council in a format suitable for automated upload to the Council's water quality database software.</p>
<b>Section 8 - Waimakariri</b>			
<b>POLICIES</b>			
<p><b>Policy 8.4.25:</b> Nitrate-nitrogen limits for the Waimakariri sub-region are achieved, and potential future impacts on the nitrate-nitrogen concentrations of waterbodies outside the Waimakariri Sub-region are managed by:</p> <ol style="list-style-type: none"> <li>further restricting, relative to the region-wide rules, the area of land used for a farming activity as a permitted activity, and the area of winter grazing that may occur as a permitted activity; and</li> <li>requiring within the Nitrate Priority Area, further reductions in nitrogen loss from farming activities (including farming activities managed by an irrigation scheme or principal water supplier) in accordance with Table 8-9, provided that any further stage of reduction required is greater than 3 kg of nitrogen per hectare per year for dairy, or 1 kg of nitrogen per hectare per year for all other farming activities.</li> </ol>	Oppose	For the reasons outlined in the As One submission document, this submission seeks the removal of the Nitrate Priority Areas, so that measures are directed at those demonstrated to be key sources of elevated losses and opportunities to reduce losses, enabling all farmers within the region are treated with equity.	<p>Delete sub-section b of the Policy.</p> <p><b>Policy 8.4.25:</b> Nitrate-nitrogen limits for the Waimakariri sub-region are achieved, and potential future impacts on the nitrate-nitrogen concentrations of waterbodies outside the Waimakariri Sub-region are managed by:</p> <ol style="list-style-type: none"> <li>further restricting, relative to the region-wide rules, the area of land used for a farming activity as a permitted activity, and the area of winter grazing that may occur as a permitted activity; <b>and</b></li> <li><del>requiring within the Nitrate Priority Area, further reductions in nitrogen loss from farming activities (including farming activities managed by an irrigation scheme or principal water supplier) in accordance with Table 8-9, provided that any further stage of reduction required is greater than 3 kg of nitrogen per hectare per year for dairy, or 1 kg of nitrogen per hectare per year for all other farming activities.</del></li> </ol> <p><i>Note that this submission seeks the deletion of all references to Nitrate Priority Areas, and Table 8-9. The relief sought by this submission includes any subsequent changes which need to occur following the deletion of these.</i></p>
<p><b>Policy 8.4.26</b> Within the Waimakariri sub-region only consider granting an application for resource consent to exceed the Baseline GMP Loss Rate where:</p> <ol style="list-style-type: none"> <li>the Baseline GMP Loss Rate has been lawfully exceeded prior to 20 July 2019 and the application for resource consent contains evidence that directly and specifically establishes that the exceedance was lawful; and</li> <li>the nitrogen loss calculation remains below the lesser of either the Good Management Practice Loss Rate or the nitrogen loss</li> </ol>	Oppose	For the reasons outlined in the As One submission document, this submission seeks the removal of the Nitrate Priority Areas, so that measures are directed at those demonstrated to be key sources of elevated losses and opportunities to reduce losses, enabling all farmers within the region are treated with equity.	<p>Delete sub-section c of the Policy</p> <p><b>Policy 8.4.26</b> Within the Waimakariri sub-region only consider granting an application for resource consent to exceed the Baseline GMP Loss Rate where:</p> <ol style="list-style-type: none"> <li>the Baseline GMP Loss Rate has been lawfully exceeded prior to 20 July 2019 and the application for resource consent contains evidence that directly and specifically establishes that the exceedance was lawful; and</li> <li>the nitrogen loss calculation remains below the lesser of either the Good Management Practice Loss Rate or the nitrogen loss calculation that occurred in the four years prior to 20 July 2019; and</li> </ol>

<p>calculation that occurred in the four years prior to 20 July 2019; and</p> <p>c. for properties within the Nitrate Priority Area, the applicant demonstrates through actions and a timeframe set out in the Farm Environment Plan, how any further reductions required by Table 8-9 will be achieved.</p>			<p><del>c. for properties within the Nitrate Priority Area, the applicant demonstrates through actions and a timeframe set out in the Farm Environment Plan, how any further reductions required by Table 8-9 will be achieved.</del></p>
<p><b>Policy 8.4.27:</b> Where an application for a land use consent for a farming activity demonstrates the nitrogen loss rate reductions required by Policy 8.4.26(c) are unable to be achieved by the dates specified in Table 8-9, any application for an extension of time to achieve those reductions will be considered having regard to:</p> <ul style="list-style-type: none"> <li>a. the Baseline GMP Loss Rate and the level of any enduring nitrogen loss rate reduction already achieved; and</li> <li>b. the nature and extent of any mitigations implemented during the nitrogen baseline period that are better than Good Management Practice, and the extent to which these have been effective in minimising nitrogen losses; and</li> <li>c. the capital and operational costs of achieving the nitrogen loss rate reductions and the benefit (in terms of maintaining a farming activity's financial viability) of spreading that investment over time; and</li> <li>d. the nature, sequencing, measurability, effectiveness and enforceability of any steps proposed to achieve the nitrogen loss rate reductions; and</li> <li>e. progress made towards achieving nitrate-nitrogen limits and targets in Tables 8-5, 8-6, 8-7 and 8-8.</li> </ul>	Oppose	<p>For the reasons outlined in the As One submission document, this submission seeks the removal of the Nitrate Priority Areas, so that measures are directed at those demonstrated to be key sources of elevated losses and opportunities to reduce losses, enabling all farmers within the region are treated with equity.</p>	Delete the entire Policy.
<p><b>Policy 8.4.29:</b> Facilitate the achievement of water quality limits within the Waimakariri sub-region by requiring:</p> <ul style="list-style-type: none"> <li>a. any resource consent application for the discharge of nutrients submitted by an irrigation scheme or principal water supplier to: <ul style="list-style-type: none"> <li>i. describe the methods that will be used to implement the Good Management Practices on any land supplied with water from the scheme or principal water supplier; and</li> <li>ii. describe whether the irrigation scheme or principal water supplier intends to manage nutrient losses within their command area on an aggregated basis or on a 'property by property' basis; and</li> <li>iii. describe how any nitrogen loss reductions required by Table 8-9 will be achieved; and</li> </ul> </li> <li>b. discharge permits granted to irrigation schemes or principal water suppliers to be subject to a limit not exceeding:</li> </ul>	Support with amendment	<p>For the reasons outlined in the As One submission document, this submission seeks the removal of the Nitrate Priority Areas, so that measures are directed at those demonstrated to be key sources of elevated losses and opportunities to reduce losses, enabling all farmers within the region are treated with equity.</p>	<p>Amend the policy as shown:</p> <p><b>Policy 8.4.29:</b> Facilitate the achievement of water quality limits within the Waimakariri sub-region by requiring:</p> <ul style="list-style-type: none"> <li>c. any resource consent application for the discharge of nutrients submitted by an irrigation scheme or principal water supplier to: <ul style="list-style-type: none"> <li>i. describe the methods that will be used to implement the Good Management Practices on any land supplied with water from the scheme or principal water supplier; and</li> <li>ii. describe whether the irrigation scheme or principal water supplier intends to manage nutrient losses within their command area on an aggregated basis or on a 'property by property' basis; and</li> <li>iii. <del>describe how any nitrogen loss reductions required by Table 8-9 will be achieved; and</del></li> </ul> </li> <li>d. discharge permits granted to irrigation schemes or principal water suppliers to be subject to conditions that restrict the total nitrogen losses to a limit not exceeding: <ul style="list-style-type: none"> <li>i. the Baseline GMP Loss Rate (or Equivalent Baseline GMP Loss Rate where any one of the criteria in clauses (a) to (c) of Rule 8.5.23A is met), <del>for land within the Waimakariri sub-region but outside the Nitrate Priority Area; and</del></li> </ul> </li> </ul>

<p>t to conditions that restrict the total nitrogen loss to a limit not exceeding:</p> <ul style="list-style-type: none"> <li>i. the Baseline GMP Loss Rate (or Equivalent Baseline GMP Loss Rate where any one of the criteria in clauses (a) to (c) of Rule 8.5.23A is met), for land within the Waimakariri sub-region but outside the Nitrate Priority Area; and</li> <li>ii. the Baseline GMP Loss Rate (or Equivalent Baseline GMP Loss Rate where any one of the criteria in clauses (a) to (c) of Rule 8.5.23A is met) less any further reductions required by Table 8-9, for land within the Nitrate Priority Area,</li> </ul> <p>except that where the nitrogen loss from the land is authorised by a condition on an existing water permit or discharge permit granted to an irrigation scheme or principal water supplier, and intensification on that land or change of land use occurred prior to 20 July 2019, the new discharge permit is to include a condition that limits the nitrogen loss to a rate that not greater than the aggregated Good Management Practice Loss Rate (or Equivalent Good Management Practice Loss Rate where any one of the criteria in clauses (a) to (c) of Rule 8.5.23A is met) less any further reductions required by Table 8-9 for land within the Nitrate Priority Area.</p>			<p><del>ii. the Baseline GMP Loss Rate (or Equivalent Baseline GMP Loss Rate where any one of the criteria in clauses (a) to (c) of Rule 8.5.23A is met) less any further reductions required by Table 8-9, for land within the Nitrate Priority Area,</del></p> <p>except that where the nitrogen loss from the land is authorised by a condition on an existing water permit or discharge permit granted to an irrigation scheme or principal water supplier, and intensification on that land or change of land use occurred prior to 20 July 2019, the new discharge permit is to include a condition that limits the nitrogen loss to a rate that not greater than the aggregated Good Management Practice Loss Rate (or Equivalent Good Management Practice Loss Rate where any one of the criteria in clauses (a) to (c) of Rule 8.5.23A is met) <del>less any further reductions required by Table 8-9 for land within the Nitrate Priority Area.</del></p>
<b>New Policy</b>	Support	As outlined above, this submission seeks the removal of the Nitrate Priority Areas, and Table 8-9. The submission seeks that the reliance on modelling is removed from the planning framework, and is instead replaced by a focus on achieving Baseline GMP Loss Rates, and improving water quality data and knowledge through increased monitoring. It is considered that this approach will better achieve the outcomes in Tables 8.5 – 8.8, while providing for the social and economic well-being of the district.	<p><b><u>Policy 8.4.XX</u></b>  <b><u>Maintain and improve the water quality limits within the Waimakariri sub-region in order to achieve the outcomes in Tables 8.5, 8.6, 8.7 and 8.8 by requiring farming activities comply with GMP.</u></b></p>
<b>New Policy</b>	Support	In order to improve water quality data and knowledge, this submission seeks the introduction of a new policy, and associated rules, that require consent holders to test a water sample for nitrate from the shallowest on-farm bore, and provide the details of that sample to ECan. This will greatly increase the data available to ECan when assessing trends and actual results from reductions in nitrate losses due to the GMP requirements, and will inform future planning approaches.	<p><b><u>Policy 8.4. XX</u></b>  <b><u>Increase knowledge and understanding of water quality results through increased monitoring of nitrate nitrogen levels in groundwater, by requiring any consent holder of a resource consent to take and use water, or a resource consent to use land for a farming activity, to undertake in the month of August a groundwater sample.</u></b></p> <p><b><u>Give effect to policy 8.4.xx by including an new condition under rule 8.5.9 (take and use surface water), Rule 8.5.12, Rule 8.5.14 (take and use groundwater), and rules xx -xxx (nutrient management) which states.</u></b>  <b><u>A groundwater sample, (the sample) is to be taken from the shallowest bore on the property for which a consent is held; or in the case of a scheme requiring a sample from each property supplied. The sample shall be analysed by a laboratory that is certified for that method of analysis for nitrate-nitrogen and the results of this analysis shall be provided to the Canterbury Regional Council, Attention RMA Compliance and Enforcement Manager, within one month of the sample collection.</u></b></p>

<b>New Policy 8.4.X</b>	Support	<p>The cumulative adverse effects of small individual discharges such as those from onsite domestic waste disposal are another key potential contributor to nutrient loss to ground and surface water. This is exacerbated by:</p> <ul style="list-style-type: none"> <li>• Leakage and other malfunctions of systems that are older and/or not well maintained;</li> <li>• Concentration of discharges in relatively small disposal fields, resulting in highly elevated localised loadings considerably beyond the absorption capacity of the soil and as a result, far higher percentage of nutrient loss to ground and surface water than where the equivalent nutrients are spread over a large area. If an average household produces 8.7kg/year (based on ORC research) and that is distributed over a 100m<sup>2</sup> disposal field, it results in the equivalent of 870kg/ha/year for that field. That is to be contrasted with the target rate of 20kg/ha for commercial operators.</li> </ul> <p>This is demonstrated by the elevated nutrient level “hotspots” that are typically found around areas with high concentrations of on-site domestic wastewater systems. A new policy is required to address this by:</p> <ul style="list-style-type: none"> <li>• Requiring regular checks and certification of existing lawfully established onsite domestic wastewater disposal systems to detect and eliminate leaks and other malfunctions;</li> <li>• Requiring phased improvement of on-site domestic wastewater disposal fields to systems by implementing the best practicable option to achieve loadings within the disposal field that are as close as is reasonably practicable to 20kg/ha/year.</li> <li>• Promoting on-going investigation of other small scale but high concentration discharges of nutrients to land, with a view to including further controls on these in future plan changes or reviews.</li> </ul>	<p><b>Address the cumulative adverse effect on water quality of small scale but high localised nutrient loading rates by:</b></p> <ul style="list-style-type: none"> <li>• <b>Requiring regular checks and certification of existing lawfully established onsite domestic wastewater disposal systems to detect and eliminate leaks and other malfunctions;</b></li> <li>• <b>Requiring phased improvement of on-site domestic wastewater disposal fields to systems by implementing the best practicable option to achieve loadings within the disposal field that are as close as is reasonably practicable to 20kg/ha/year.</b></li> <li>• <b>Promoting on-going investigation of other small scale but high concentration discharges of nutrients to land, with a view to including further controls on these in future plan changes or reviews.</b></li> </ul>
<p><b>Policy 8.4.35:</b> Inform successive plan review cycles by reporting every 5 years on:</p> <ol style="list-style-type: none"> <li>a. the current state of groundwater, surface water, estuarine water quality and ecosystem health, and any trends observed; and</li> <li>b. any assessments of downstream impacts on the Waimakariri River and Christchurch deep aquifers; and</li> <li>c. the results of any relevant investigations carried out in relation to the groundwater system; and</li> </ol> <p>progress made towards freshwater outcomes and limits, including an assessment of the effectiveness of the framework, (including any non-</p>	Support	<p>This submission supports this policy, as consistent reporting of actual measured results will be critical in informing a plan change based on actual situations, rather than modelled scenarios.</p> <p>This approach also allows for an adaptive approach to future planning.</p>	Retain.

statutory actions) in achieving those outcomes and limits.			
<b>RULES</b>			
<b>8.5.21:</b> The use of land for a farming activity on a property 5 hectares or less in area is a permitted activity.	Support		
<b>8.5.22:</b> Where any property or Farming Enterprise includes land within the Nitrate Priority Area, the nitrogen loss reductions in Table 8-9 only apply to that part of the property within the Nitrate Priority Area.	Oppose	For the reasons outlined in the As One submission document, this submission seeks the removal of the Nitrate Priority Areas, so that measures are directed at those demonstrated to be key sources of elevated losses and opportunities to reduce losses, enabling all farmers within the region are treated with equity.	Delete
<b>8.5.23:</b> Where any property or Farming Enterprise includes land within more than one Nitrate Priority Sub-area, the required reduction in nitrogen loss for each sub-area is applied only to that part of the property that is within the sub-area.	Oppose	For the reasons outlined in the As One submission document, this submission seeks the removal of the Nitrate Priority Areas, so that measures are directed at those demonstrated to be key sources of elevated losses and opportunities to reduce losses, enabling all farmers within the region are treated with equity.	Delete
<b>8.5.26:</b> The use of land for a farming activity on a property greater than 5 hectares in area that does not comply with one or more of conditions 1, 2 or 3 of Rule 8.5.24 or one or more of conditions 2, 3 or 4 of Rule 8.5.25 is a restricted discretionary activity, provided the following conditions are met: <ol style="list-style-type: none"> <li>1. A Farm Environment Plan has been prepared for the property in accordance with Part A of Schedule 7 and is submitted with the application for resource consent; and</li> <li>2. Until 30 June 2020, the nitrogen loss calculation for the property does not exceed the nitrogen baseline, and from 1 July 2020 the Baseline GMP Loss Rate unless the nitrogen baseline was lawfully exceeded prior to 20 July 2019, and the application for resource consent demonstrates that the exceedance was lawful.</li> </ol> <p>The exercise of discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> <li>1. The efficacy of the Farm Environment Plan; and</li> <li>2. The commencement date for the first audit of the Farm Environment Plan; and</li> <li>3. The content, quality and accuracy of the nutrient budgets provided with the application for resource consent; and</li> <li>4. The actual or potential adverse effects of the activity on surface and groundwater quality and sources of drinking water and how these will be avoided or mitigated; and</li> <li>5. The timing of any actions or Good Management Practices proposed to achieve the objectives and targets described in Schedule 7; and</li> </ol>	Support in part	For the reasons outlined in the As One submission document, this submission seeks the removal of the Nitrate Priority Areas, so that measures are directed at those demonstrated to be key sources of elevated losses and opportunities to reduce losses, enabling all farmers within the region are treated with equity.	Delete the matters of discretion as follows: <ol style="list-style-type: none"> <li><del>7. For land within the Nitrate Priority Management Area, the methods and timeline in the Farm Environment Plan for achieving the nitrogen loss rate reductions set out in Table 8-9; and</del></li> <li><del>8. For land within the Nitrate Priority Area, the extent to which any mitigations better than Good Management Practice implemented during the 2009-13 Baseline period have been taken into account when applying the further reductions in nitrogen loss required by Table 8-9; and</del></li> </ol>



<p>6. Methods that limit the nitrogen loss calculation for the farming activity to the Baseline GMP Loss Rate; and</p> <p>7. For land within the Nitrate Priority Management Area, the methods and timeline in the Farm Environment Plan for achieving the nitrogen loss rate reductions set out in Table 8-9; and</p> <p>8. For land within the Nitrate Priority Area, the extent to which any mitigations better than Good Management Practice implemented during the 2009-13 Baseline period have been taken into account when applying the further reductions in nitrogen loss required by Table 8-9; and</p> <p>9. Methods that require the farming activity to operate at or below the Good Management Practice Loss Rate, in any circumstance where the Good Management Practice Loss Rate has not been influenced by severe extraordinary events (including but not limited to droughts and floods) and is less than the Baseline GMP Loss Rate; and</p> <p>10. Methods to address any non-compliances identified as a result of a Farm Environment Plan audit, including the timing of any subsequent audits;</p> <p>11. Reporting of estimated nutrient losses and audit results of the Farm Environment Plan to the Canterbury Regional Council, including via the Farm Portal; and</p> <p>12. The efficacy of any proposals in the Farm Environment Plan to as a first priority, avoid, and where impracticable, mitigate any adverse effects on mahingakai, wāhi tapu or wāhi taonga.</p>			
<p><b>8.5.27:</b> The use of land for a farming activity as part of a farming enterprise is a discretionary activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> <li>1. A Farm Environment Plan has been prepared for the farming enterprise in accordance with Part A of Schedule 7 and is submitted with the application for resource consent; and</li> <li>2. Until 30 June 2020, the nitrogen loss calculation for the farming enterprise does not exceed the nitrogen baseline, and from 1 July 2020 the Baseline GMP Loss Rate; and</li> <li>3. The properties comprising the farming enterprise are in the same Surface Water Allocation Zone as shown on Planning Maps.</li> </ol>	Support with amendments	<p>As One support this rule as it is currently worded. However, if the main relief sought (to remove the NPA) is declined, then As One consider that this rule needs to be amended to require that all farming enterprises also have to comply with the reductions required for the NPA. Farming enterprises should be treated consistently with other farming activities.</p> <p>As One also see no reason that the properties within a farming enterprise be located within the same Surface Water Allocation Zone.</p>	<p>Delete requirement 3 as follows:</p> <p><b><del>3. The properties comprising the farming enterprise are in the same Surface Water Allocation Zone as shown on Planning Maps.</del></b></p> <p>If the NPAs are not removed, introduce a requirement in this rule that any Farm Enterprise must comply with the reductions, so that all farming operations are treated with equity.</p>
<p><b>8.5.30:</b> The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA where the applicant is an irrigation scheme or a principal water supplier or the holder of the discharge permit will be an irrigation scheme or a pri</p>	Support with amendments		<p>Delete condition 1 requiring staged reductions. This will also require sequential changes to other rules.</p>

<p>ncipal water supplier is a discretionary activity provided the following condition is met:</p> <ol style="list-style-type: none"> <li>1. The staged reductions in nitrogen loss required by Table 8-9 will be met for any land within the Nitrate Priority Area.</li> </ol> <p><b>Notification</b> Pursuant to section 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.</p> <p>Note: Limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.</p>			
<p><b>New Rule 8.5.X</b> <b>Addition of new permitted activity Rule specifically for Waimakariri Sub-Region</b></p>	Support	<p>For the reasons identified in relation to proposed new policy 8.4.X regarding small scale but concentrated nutrient discharges, a new rule is required to give effect to that policy, within the Waimakariri sub-zone:</p> <ul style="list-style-type: none"> <li>• Requiring regular checks and certification of existing lawfully established onsite domestic wastewater disposal systems to detect and eliminate leaks and other malfunctions;</li> <li>• Requiring phased improvement of on-site domestic wastewater disposal fields to systems by implementing the best practicable option to achieve loadings within the disposal field that are as close as is reasonably practicable to 20kg/ha/year.</li> </ul>	<p><b>This rule applies to the discharge of domestic wastewater from an on-site system in the Waimakariri Sub-Zone instead of Rules 5.7, 5.8 and 5.9. The discharge of domestic wastewater to land via an on-site system is a:</b></p> <ul style="list-style-type: none"> <li>• <b>permitted activity only if:</b> <ul style="list-style-type: none"> <li>• It complies with the terms and conditions of Rule 5.7 or 5.8; and</li> <li>• Within the month of June each year, a certificate is provided to the Canterbury Regional Council by a registered drainlayer certifying that the system and associated disposal field are operating as designed and have no leaks or other flaws; and</li> <li>• For any system installed after 1 January 2021, a certificate is provided by a registered drainlayer as soon as reasonably practicable following installation and every five years thereafter, certifying that it meets the best practicable option for minimisation of loss of nutrients to surface and groundwater;</li> <li>• For any system installed before 1 January 2021, a certificate is provided by no later than 1 January 2025 and every five years thereafter, from a registered drainlayer, certifying that it meets the best practicable option for minimisation of loss of nutrients to surface and groundwater;</li> </ul> </li> <li>• <b>Prohibited activity if it fails to comply with one or more of the above conditions.</b></li> </ul>
<p><b>8.5.33</b> Within the Waimakariri Sub-region any reference in Rules 5.68A, 5.68B, 5.68, 5.69, 5.70 and 5.71 to the bed of a lake, river or wetland also includes a spring, and an artificial watercourse that discharges into a lake, river or wetland, but does not include any subsurface drain or artificial watercourse that does not have surface water in it.</p>	Support	<p>As One considers that stock exclusion is a positive thing, and supports the inclusion of this rule.</p>	
<b>TABLES</b>			
<p><b>Table 8.5:</b> Water Quality Limits and Targets for Waimakariri Rivers</p>	Support	<p>As One acknowledges that the actual water quality measured in Waimakariri Rivers is generally better than the NPS requires, and supports the target to maintain these levels (as well as the improvements that will come through the introduction of the PC5 Baseline GMP Loss Rate rules).</p> <p>As One also supports the improvements sought to water quality in the Silverstream catchment.</p>	

<b>Table 8.6:</b> Water Quality Limits and Targets for Waimakariri Lakes	Support		
<b>Table 8.7:</b> Waimakariri Nitrate-nitrogen Limits for Drinking Water Supplies from Groundwater	Support	As One supports the aim for the Waimakariri NN Limits for Drinking Water supplied from Groundwater to be better than the MAV. As One notes that the current water quality is better than the MAV nearly everywhere already, and As One supports the maintenance of these levels (and improvements that will come through the introduction of the PC5 Baseline GMP Loss Rate rules).	
<b>Table 8.8:</b> Waimakariri Water Quality Limits and Targets for Groundwater	Support with amendments	Generally, As One supports the groundwater quality limits set out in Table 8.8. In particular, As One supports the limits which reflect current water quality, which is much better than the NZ Drinking Water Standard of 11.3 mg/l NN.  However, As One considers that the 4.1 mg/l NN limit in the Eyre Zone should be amended to 5.65 mg/l NN.	Amend the Eyre Zone limit as follows:  <del>4.1 mg/l NN</del> <b><u>5.65 mg/l NN</u></b>
Table 8.9: Nitrate Priority Area Staged Reductions in Nitrogen Loss for Farming Activities, Farming Enterprises and Irrigation Schemes.	Oppose	Delete	Delete table, and associated Nitrate Priority Area and sub-Areas overlay.
<b>SCHEDULES</b>			
<b>Schedule 7: Farm Environment Plan</b>  Part 10 Waimakariri – Additional Requirements.  Within the Waimakariri Sub-region, the following additional requirements for farm environment plans apply: <ol style="list-style-type: none"> <li>The information required under Part B 2(c) includes the location of any artificial watercourses</li> <li><b>Management Area 5A: Nutrients</b> includes the following additional objectives and targets:  <b>Objectives:</b> <ol style="list-style-type: none"> <li>Staged reductions in nitrogen loss for land within the Nitrate Priority Area to meet nitrate-nitrogen limits for surface water, groundwater and drinking water sources in Section 8.</li> </ol> <b>Targets:</b> <ol style="list-style-type: none"> <li>Where required, by 1 January 2030, further reductions in the nitrogen loss rate for properties within the Nitrate Priority Area as required by Table 8-9.</li> <li>Within the Ashley Estuary (Te Aka Aka) and Coastal Protection Zone, any property greater than 5 ha in area that includes or directly adjoins a river or coastal lake, and with winter grazing or irrigation on the property, is to prepare, implement, and have audited a Farm Environment Plan in accordance with this Schedule. However,  <b>Management Area 5A: Nutrients, Objective 2, Target 1</b> does not apply to properties that comply with the irrigation and winter grazing thresholds in Rule 8.5.25.</li> </ol> </li> </ol>	Oppose		Delete additional requirements for Waimakariri.