

From: [Stephanie Hantler](#)
To: [Mailroom Mailbox](#)
Cc: [Dominic Adams](#)
Subject: Plan Change 7 to the LWRP Submission Friday,
Date: 13 September 2019 4:47:36 PM

Good afternoon,
Please find attached a submission on Plan Change 7 to the CLWRP, by Ballance Agri-Nutrients Limited.
If you could confirm receipt of this email it would be greatly appreciated.

Kind regards,
Steph



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

TO: Canterbury Regional Council
PO Box 345
Christchurch 8140

BY EMAIL: mailroom@ecan.govt.nz

SUBMISSION TO: Proposed Plan Change 7 to the operative Canterbury Land and Water Regional Plan

NAME OF SUBMITTER: Ballance Agri-Nutrients Limited

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This is a submission by Ballance Agri-Nutrients Limited¹ on Proposed Plan Change 7² to the operative Canterbury Land and Water Regional Plan³.

Ballance cannot gain a trade competition advantage through this submission.

This submission is divided into two parts as follows:

Part A: Introduces Ballance, its activities and shareholders; and

Part B: Sets out the specific submissions and relief sought by Ballance.

Ballance seeks the relief set out in this submission, including such other additional, alternative or consequential relief as may be necessary to give effect to the changes sought.

Ballance wishes to be heard in support of this submission.

Signed for and on behalf of Ballance by



Dominic Adams

Environmental Manager

13th of September 2019

¹ Hereafter referred to as 'Ballance'

² Hereafter referred to as 'PC7'

³ Hereafter referred to as 'the CLWRP'

Part A: Ballance Agri-Nutrients Limited

Ballance Agri-Nutrients Limited is a farmer-owned co-operative with over 19,000 shareholders and approximately 800 staff throughout New Zealand. We own and operate super-phosphate manufacturing plants located in Tauranga and Invercargill, as well as New Zealand's only ammonia-urea manufacturing plant located at Kapuni, South Taranaki. The Company also owns and operates the agricultural aviation company 'Super Air' and 'SealesWinslow' (a high-performance compound feed manufacturer). Ballance owns and operates four Service Centres which supply fertiliser to farms in Canterbury. In addition to manufacturing and sales Ballance provides farm sustainability services including nutrient management advice. We place a strong emphasis on delivering value to our shareholders and on the use of the best science to inform sustainable nutrient management.

Reinforcing this, Ballance has extensive interest in the development of tools to manage nutrient losses on farms. Ballance, with Ag Research, has undertaken extensive research into 'MitAgator' which is a GIS-based water quality decision support tool that links with OVERSEER® to refine the latter models output. The use of management tools such as MitAgator, provides greater insight into the spatial variability of nutrient (as well as sediment and microbial) loss within a farm landscape and allows users to identify critical source areas (or 'hot spots') for nitrogen, phosphorus, sediment and microbial loss across their own farm. Targeted application of mitigation and management strategies to these critical source areas help to provide more cost-effective environmental management solutions for farmers, while ensuring that effective water quality outcomes can be achieved in timeframes that recognise the socio-economic impacts of changing farm management practices.

In light of these matters, Ballance has a direct interest in PC7.

Ballance supports the intent of PC7 which has an overall aim to protect and restore water quality in rivers, lakes and aquifers within the Canterbury Region. Ballance recognises that improving the quality of freshwater for human and animal consumption, as well as recreation, is a priority for New Zealand and we also recognize that farmers support this - with a large number of them, whom we are involved with, already implementing measures and planning further mitigations to reduce nutrient and contaminant losses from their farms. Our main points of concern are to ensure that PC7 adequately allows for: minimising further increases in the economic pressures already on farmers; the ability for outcomes, limits and aspirational nutrient reductions to be informed by evolving science; and the inclusion of a comprehensive water quality monitoring program to aid the future plan reviews. We are also concerned that there has not been policy impact analysis undertaken which would take into account the impact on the physical and financial performance on-farm.

Part B of this submission addresses the proposed policies, rules and definitions that are relevant to the interests of Ballance.

Part B: Reasons for Submission and Decisions Sought by Ballance Agri-Nutrients Limited

Submission point	Section & Page number	Sub-section/Point	Oppose/support (in part or full)	Reasons	Relief Sought
4.0 Policies					
Strategic Policies					
1	Table 1a Freshwater Outcomes for Canterbury Rivers (p15)	<p>Change from 'indicators' to 'attributes';</p> <p>Change from 'microbiological indicator' to 'human health attributes';</p> <p>New human health attribute: <i>E.Coli</i>;</p> <p>New cultural attribute: <i>Freshwater mahinga kai species sufficiently abundant for customary gathering, water quality is suitable for their safe harvesting, and they are safe to eat.</i></p>	Support	<p>Policy 4.1 requires that the outcomes in Table 1 be achieved by 2030 (unless catchment-specific fresh water outcomes are specified in Sections 6 to 15 of the Plan).</p> <p>Changes to Tables 1a and 1b are consistent with the objectives, policies and the compulsory national values in the NPSFM (relevant to human health for recreation/primary contact, including mahinga kai).</p> <p>We understand that these changes will bring the Plan in alignment with the objectives and policies of the NPSFM which seek the identification of water quality values for human health for recreation, toward the outcome that fresh water is suitable for primary contact more often.</p>	Retain as notified.
2	Table 1b Freshwater Outcomes for Canterbury Lakes (p16)	<p>Change from 'indicators' to 'attributes'.</p> <p>Change from 'microbiological indicator' to 'human health attribute'.</p> <p>New eutrophication attribute: <i>chlorophyll a</i>;</p> <p>New human health attribute: <i>E.Coli</i>;</p> <p>New cultural attribute: <i>Freshwater mahinga kai species sufficiently abundant for customary gathering, water quality is suitable for their safe harvesting, and they are safe to eat.</i></p>	Support	<p>Therefore, the proposed changes to Table 1a and Table 1b are considered to be appropriate in principle.</p>	Retain as notified.
Nutrient Management					
3	Policy 4.36A (p17)	<p><u>Recognise the particular constraints that apply to commercial vegetable growing operations (including the need to rotate crops to avoid soil-borne diseases and for growing locations in close proximity to processing facilities) and provide a nutrient management framework that appropriately responds to and accommodates these constraints while improving or maintaining water quality by:</u></p> <ol style="list-style-type: none"> <u>requiring commercial vegetable growing operations to operate at good management practice;</u> <u>avoiding the establishment of a new commercial vegetable growing operation, or any expansion of an existing commercial vegetable growing operation beyond the baseline commercial vegetable growing area, unless the nitrogen losses from the operation can be accommodated within the lawful nitrogen loss rate applicable to the new location;</u> <u>requiring commercial vegetable growing operations to demonstrate, at the time of application for resource consent and at the time of any Farm Environment Plan audit, how any relevant nutrient loss reduction set out in Sections 6 to 15 of this Plan will be achieved;</u> <u>constraining, as far as practicable, commercial vegetable growing operations to a single nutrient allocation zone or sub-region; and</u> <u>requiring a Farm Environment Plan as part of any application for resource consent, and requiring that Farm Environment Plan to be prepared in accordance with Schedule 7 of this Plan.</u> 	Support in part	<p>This policy heads up the suite of provisions introduced to manage losses specifically from commercial vegetable growing operations (previously these activities were managed by general nutrient management provisions for farming activities). Five new rules (5.42CA to 5.42CE) give effect to this policy.</p> <p>The Section 32 report notes that the PC7 provisions are intended to provide a higher degree of scrutiny of all commercial vegetable growing activities (except those which are very small i.e. less than 0.5ha) as they can result in comparatively high nutrient losses to the environment.</p> <p>The policy is relevant to the Company shareholders as it requires commercial growers who previously may not have required resource consents to obtain them. Furthermore, under proposed condition (e), a Farm Environment Plan is required for every application for resource consent (which we note is consistent with Rules 4.37 and 4.38). There will be associated implementation costs.</p> <p>The policy is prohibitive to industry growth, in areas where nitrogen losses cannot be accommodated, however overall we consider this to be consistent with the principles of the NPSFM.</p>	See 'New Policy' (submission Point 5 below)
4	Policy 4.103 (p20)	<p><u>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.</u></p>	Support	<p>The requirement to provide sampling data to Council will contribute to a centralised database and a more thorough, evidenced understanding of water quality in the region. We anticipate that this will in turn support a more robust basis for investigations, the setting and review of outcomes, limits and targets, and more informed decision making.</p>	Retain as notified.
5 6	New Policy; New method			<p>It is understood that it is intended that the outcomes, limits and targets will be updated with successive reviews of the Plan.</p> <p>It is considered that specific provision should be made within PC7 for the implementation of a comprehensive monitoring program to improve data on both surface and ground water quality for use in establishing appropriate outcomes and limits. It is considered that a region-wide policy and accompanying method would be appropriate to give effect to this.</p>	<p>Insert a new policy that requires the revision of water quality outcomes, limits and targets to be informed by a comprehensive nutrient management monitoring program; and</p> <p>Insert a new method that requires the Council to maintain this monitoring program using inputs from consent holders and FEPs.</p>

5.0 Region-wide Rules					
Nutrient Management					
7	Note (p29)	... <u>2. Rules 5.42 to 5.42C and Rules 5.43 to 5.59 do not apply to commercial vegetable growing operations.</u>	Support	Provides useful clarification regarding administration / application of rules.	Retain as notified.
8	Rule 5.41 (p29)	Despite Rules 5.43 <u>5.42CA</u> to 5.59, the use of land for a farming activity where either: a. the nitrogen loss from the farming activity is being managed under a resource consent that is held by an irrigation scheme or principal water supplier and the permit contains conditions which limit: i. the maximum rate (kg/ha/yr) or amount (kg/yr) at which nitrogen may be leached from the subject land; or ii. the concentration of nitrogen in the drainage water leached from the subject land (as measured in ppm or gm3); or b. the land is subject to a water permit that authorises the use of water for irrigation and: i. the permit as granted prior to 18 January 2014; and ii. the permit is subject to conditions that specify the maximum rate of nitrogen that may be leached from the land; and iii. the water permit is subject to conditions which require the preparation and implementation of a plan to mitigate the effects of the loss of nutrients to water is a permitted activity.	Support	The operative rule provides for existing farming activities that are subject to an authorised water permit, where the permit manages nutrient loss, as permitted activities. The change proposed to Rule 5.41 is consequential to the addition of rules for commercial vegetable growing operations. We consider that the rule continues to give effect to efficient nutrient management.	Retain as notified.
Commercial Vegetable Growing Operations					
9	5.42CA (p30)	<u>The discharge of nutrients from a commercial vegetable growing operation on a property 0.5 hectares or less in area is a permitted activity.</u>	Support	This rule provides for very small-scale, home-based vegetable growers to continue those activities without the requirement for resource consent. This reflects that the environmental effects of the nutrient loss associated with such activities are considered to be acceptable. The Section 32 report notes that the activity classifications for commercial growing activities have been designed to reflect their level of environmental risk, and that such activities can result in comparatively high nutrient losses to the environment. The supporting technical documents conclude that nitrogen loss from commercial vegetable growing ranges between 30 to 80 kg N/ha/yr (depending on crop type and management practice). We understand that a loss rate of between 15kg N/ha/yr and 40kg N/ha/yr has an unacceptable environmental effect.	Retain as notified.
10	5.42CB (p30)	<u>The discharge of nutrients from a commercial vegetable growing operation that does not meet Rule 5.42CA is a restricted discretionary activity, provided the following conditions are met:</u> <u>1. A Farm Environment Plan has been prepared for the activity in accordance with Part A of Schedule 7 and is submitted with the application for resource consent; and</u> <u>2. The aggregated area of land used for the commercial vegetable growing operation is no greater than the baseline commercial vegetable growing area; and</u> <u>3. All land that forms part of the commercial vegetable growing operation is located within the same sub-region and Nutrient Allocation Zone.</u> <u>The exercise of discretion is restricted to the following matters:</u> <u>1. The timing of any actions or good management practices proposed to achieve the objectives and targets described in Schedule 7; and</u> <u>2. Methods to avoid or mitigate adverse effects of the activity on surface and groundwater quality and sources of drinking water; and</u> <u>3. The commencement date for the first audit of the Farm Environment Plan and methods to address any non-compliance identified as a result of a Farm Environment Plan audit, including the timing of any subsequent audits; and</u> <u>4. Methods that demonstrate how any nutrient loss reductions required by Sections 6 to 15 of the Plan will be achieved; and</u>	Support in part	Under Rule 5.42CB, commercial vegetable growing activities (except those under 0.5 ha in area) will require resource consent as a restricted discretionary activity. The conditions to be met (1 to 3) require landowners to demonstrate that their on-farm management practice aligns with and will achieve the outcomes, limits and targets for the area. We note that this is generally consistent with conditions for other farming activities requiring resource consent in the region Council's discretion is limited to considering these matters, and any relevant to nutrient management specific to the area in which the land is located. This is considered to be appropriate.. Commercial vegetable growing typically requires a degree of mobility / versatility and there is concern that some businesses could be impacted financially if their need to vary productive areas (which can include operations moving temporarily outside of a sub-region or Nutrient Allocation Zone) is not taken into account. Considering the importance placed on FEP's for management of nutrient loss, amongst other things, FEP's and associated tools could be used to manage this issue notwithstanding the use of planning tools.	Retain; and Include allowance for specific agile working methodologies which may be required for maintain farm operations. Consider appropriateness of management of activities via FEP's compared to planning tools.

		<p><u>5. Reporting of progress made towards any nutrient loss reductions required by Sections 6 to 15 of the Plan, and any actions implemented to remedy issues identified in any audit of the Farm Environment Plan; and</u></p> <p><u>6. Methods to prevent an exceedance of any relevant nutrient load limit set out in Sections 6 to 15 of the Plan if the region-wide rules continue to apply in the sub-region.</u></p>			
11	5.42CC (p30)	<p><u>The discharge of nutrients from a commercial vegetable growing operation that does not comply with condition 2 or 3 of Rule 5.42CB is a discretionary activity provided the following conditions are met:</u></p> <p><u>1. A Farm Environment Plan has been prepared for the activity in accordance with Part A of Schedule 7 and is submitted with the application for resource consent; and</u></p> <p><u>2. The nitrogen loss rate from the new or expanded commercial vegetable growing operation does not exceed the lawful nitrogen loss rate applicable to the proposed location.</u></p>	Support in part	<p>Requires new operations to obtain resource consent as a discretionary activity.</p> <p>Considering the importance placed on FEP's for management of nutrient loss, amongst other things, FEP's and associated tools could be used to manage this issue notwithstanding the use of planning tools.</p>	Consider appropriateness of management of activities via FEP's compared to planning tools.
8.0 Waimakariri					
Nutrient Management Policies					
12	Policy 8.4.25 (p66)	<p><u>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:</u></p> <p><u>a. 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</u></p> <p><u>b. 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.</u></p>	Support in part	<p>The need to achieve nitrate-nitrogen limits in the Waimakariri sub-region is supported.</p> <p>This policy heads up the associate suite of rules that limit the area of land that can be used for farming or winter grazing as a permitted activity. It also directs that the percentage reductions required by Table 8-9 are only applicable to farming activities that require resource consent for farming land use, and only where the required reduction for each stage is greater than 3 kg nitrogen per hectare for dairy, and 1kg per hectare for all other farming activities.</p> <p>The additional costs to farming activities and Council that will be associated with reduced permitted farming activities and winter grazing (and subsequent increased consenting and compliance monitoring requirements) is noted.</p> <p>Restrictions to winter grazing could be managed via FEPs compared to traditional planning tools.</p>	Consider appropriateness of management of activities via FEP's compared to planning tools
13	Policy 8.4.28B (p67)	<p><u>Provide for the use of an Equivalent Baseline GMP Loss Rate or Equivalent Good Management Practice Loss Rate in those limited circumstances where it is demonstrated that the Farm Portal is unable to generate a Baseline GMP Loss Rate or Good Management Practice Loss Rate or the number generated is demonstrated to be erroneous.</u></p>	Support in part	<p>This policy replicates the consistent with operative Policy 4.38D into the Waimakariri section of the Plan, enabling activities to use a calculated equivalent in the absence of Portal-generated Rates. It is considered that this is sound in principle.</p> <p>At the same time, the term "erroneous" is not defined in the Plan or PC7 and it is therefore unclear as to how a Baseline GMP Loss Rate or Good Management Practice Loss Rate is to be demonstrated to be erroneous. Concerns have previously been raised by various parties in relation to the validity of the portal calculated outputs and the potential for these to generate the need for more stringent nutrient management measures to be implemented than necessarily appropriate. The lack of clear definition creates further uncertainty and the potential for unnecessary costs to be incurred to establish that a calculated Rate is erroneous. It is considered that this uncertainty compromises the effectiveness and usefulness of the Policy.</p> <p>It is noted that the addition of a definition for "erroneous" would also assist administration of provisions throughout the Plan that refer to "equivalent" rates.</p>	<p>Provide a definition of the term 'erroneous' within Section 2.9 of PC7; or</p> <p>In the alternative, add criteria to Policy 8.4.28B that identifies when a Baseline GMP Loss Rate or Good Management Practice Loss Rate is demonstrated to be erroneous; or</p> <p>Other amendment to similar effect.</p>
14	Policy 8.4.28C (p68)	<p><u>Where resource consent is granted for the use of land for a farming activity and that resource consent restricts the nitrogen loss rate from the farming activity to an Equivalent Baseline GMP Loss Rate or Equivalent Good Management Practice Loss Rate, impose conditions that enable a review of that resource consent when the Farm Portal is able to generate a Baseline GMP Loss Rate or Good Management Practice Loss Rate for that farming activity.</u></p>	Support	<p>This policy replicates the operative Policy 4.38E into the Waimakariri section of the Plan, providing Council the ability to review consents (in circumstances where they have been granted on the basis of an Equivalent Baseline GMP Loss Rate or Equivalent Good Management Practice Loss Rate).</p> <p>Whilst this may make consent decisions seem less certain for consent holders, the approach set out within this policy enables the Council to ensure that the activity is being sustainably managed and that the environmental effects of the nutrient loss are acceptable, and if not, to bring them into line accordingly. This is an appropriate outcome.</p>	Retain as notified.
Consent Expiry and Duration Policies					

15	Policy 8.4.36 (p70)	<p><u>Provide for the regular review and adjustments in progress towards achieving the freshwater outcomes and limits for the Waimakariri subregion, by applying the following common expiry dates to resource consents:</u></p> <p><u>a. 1 July 2037 for resource consents granted for the use of land for a farming activity;</u></p> <p><u>b. 1 July 2037 for resource consents granted for the discharge of nutrients by an irrigation scheme or principal water supplier;</u></p> <p><u>c. 1 July 2037 for resource consents granted for the take and use of water;</u></p> <p><u>d. 1 July 2047 for any resource consent that replaces an existing water permit that expires after 1 July 2030 and that is affected by the provisions of section 124-124C of the RMA.</u></p>	Support in part	<p>The Section 32 report is clear that the proposed consent term/expiry dates are intended to align consents with plan review cycles, and thus the incorporation of new/revised limits, etc. The 2037 date anticipates notification of the next plan change in 2032, with 5 years to be made fully operative and avoid the risk of new limits being 'in process' when consents expire.</p> <p>Whilst this is generally considered to be sound, there may also be circumstances when it is reasonable to provide for longer consent durations, for example with respect to activities where long-term consents may be needed to support the scale of investment required, or conversely, where a consented activity is very limited in scale.</p> <p>It is also considered appropriate to enable applications made closer to the common expiry date (Policy 8.4.36) to be granted a longer duration, provided it is demonstrated that the relevant outcomes, limits and targets will be achieved within the duration of the consent.</p>	<p>Amend Policy 8.4.36 to add:</p> <p>"Except that a longer consent duration may be granted if the following conditions are met:</p> <p>1. It is demonstrated that the activity will be managed in a way that the relevant limits are able to be achieved within the duration of the consent; or</p> <p>2. It is demonstrated that the activity will be managed in a way that the relevant targets within the duration of the consent, are able to be achieved."; or</p> <p>In the alternative, amend Policy 8.4.37 to enable a longer consent term to be granted, where it is warranted by the scale and complexity of the activity.</p> <p>Consider appropriateness of management of activities via FEP's compared to planning tools.</p>
16	Policy 8.4.37 (p70)	<p><u>Apply the following durations to any resource consent granted after the relevant common expiry date in Policy 8.4.36:</u></p> <p><u>a. 10 years for resource consents for the use of land for a farming activity; and</u></p> <p><u>b. 10 years for resource consents for the discharge of nutrients by an irrigation scheme or principal water supplier; and</u></p> <p><u>c. 10 years for resource consents for take and use of water.</u></p>	Support in part	<p>Additionally, it is noted that section 128 of the Act provides Council with wide-ranging ability to review the conditions of consent, including to deal with any adverse effects that may arise from the exercise of a consent, and in relation to a relevant regional rule. As such, the availability of section 128 means that the ability to grant longer consent duration consents would not prevent Council from achieving the outcomes sought by these policies (being progress toward the freshwater outcomes and limits).</p> <p>It is therefore considered that Policies 8.4.36 and 8.4.37 should be amended to enable a longer consent terms to be granted, where they are warranted by the scale and complexity of the activity, and it is demonstrated that the relevant outcomes, limits and targets will be achieved within the duration of the consent.</p> <p>Considering the importance placed on FEP's for management of nutrient loss, amongst other things, FEP's and associated tools could be used to manage this issue notwithstanding the use of planning tools.</p>	
Rules - Nutrient Management					
17	Rule 8.5.22 (p80)	<u>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.</u>	Support	<p>Rules 8.5.22 and 8.5.23 specify the appropriate application of nitrogen loss reductions associated with the relevant sub-areas.</p> <p>These rules provide useful clarification regarding the management of Farming Enterprise activities.</p>	Retain as notified.
18	Rule 8.5.23 (p80)	<u>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.</u>	Support		Retain as notified.
19	Rule 8.5.23A (p81)	<p><u>Despite Rules 8.5.24 to 8.5.29, the use of land for a farming activity on a property greater than 5 hectares where:</u></p> <p><u>a. the Farm Portal is unable to generate a Baseline GMP Loss Rate or Good Management Practice Loss Rate or the number generated is demonstrated to be erroneous; or</u></p> <p><u>b. more than 25% of the property is used to produce, farm, or rear a crop or animal type that is not able to be selected as an option in OVERSEER and where the OVERSEER Best Practice Data Input Standard does not recommend an alternative; or</u></p> <p><u>c. the Farm Portal is unable to generate a Baseline GMP Loss Rate or Good Management Practice Loss Rate that is representative for the property as a consequence of that property being subject to nutrient management rules in:</u></p> <p><u>i. both the region-wide section of this Plan and rules in a sub-region section of this Plan; or</u></p> <p><u>ii. more than one sub-region section of this Plan;</u></p> <p><u>is a discretionary activity provided the following conditions are met:</u></p> <p><u>1. The nitrogen loss calculation for any part of the property within the Waimakariri Sub-region does not exceed the nitrogen baseline; and</u></p> <p><u>2. An Accredited Farm Consultant has prepared a Farm Environment Plan and nutrient budgets for the property in accordance with Part A of Schedule 7 and they are submitted with the application for resource consent; and</u></p> <p><u>3. The application for resource consent includes a calculation of the Equivalent Baseline GMP Loss Rate and Equivalent Good Management Practice Loss Rate for the farming activity, and the methodology used to derive those numbers.</u></p>	Support in part	<p>Rule 8.5.23A is generally consistent with operative Policy 4.38D and proposed Policy 8.4.28B, and enables activities to use a calculated equivalent in the absence of Portal-generated Rates. It is considered that this is sound in principle.</p> <p>At the same time, as noted in regard to Policy 8.4.28B, the term "erroneous" is not defined in the Plan or PC7 and it is therefore unclear as to how a Baseline GMP Loss Rate or Good Management Practice Loss Rate is to be demonstrated to be erroneous. This creates uncertainty and the potential for unnecessary costs to be incurred to establish that a calculated Rate is erroneous. It is considered that this uncertainty compromises the effectiveness and usefulness of the Policy.</p> <p>It is noted that the addition of a definition for "erroneous" would also assist administration of provisions throughout the Plan that refer to "equivalent" rates.</p> <p>It is also noted that Rules 8.5.23B and 8.5.23C use a similar activity status cascade as adopted throughout the Plan, which relies on the management of activities under a FEP, and prohibits nitrogen loss in excess of the nitrogen baseline. It is considered that this is an appropriate approach.</p>	<p>Retain Rule 8.5.23A as notified; and</p> <p>Provide a definition of the term 'erroneous' within Section 2.9 of PC7; or</p> <p>In the alternative, add criteria to Policy 8.4.28B that identifies when a Baseline GMP Loss Rate or Good Management Practice Loss Rate is demonstrated to be erroneous; or</p> <p>Other amendment to similar effect.</p>

20	Rule 8.5.23B (p81)	<p>The use of land for a farming activity on a property greater than 5 hectares where:</p> <p>a. the Farm Portal is unable to generate a Baseline GMP Loss Rate or Good Management Practice Loss Rate or the number generated is demonstrated to be erroneous; or</p> <p>b. more than 25% of the property is used to produce, farm, or rear a crop or animal type that is not able to be selected as an option in OVERSEER® and where the OVERSEER® Best Practice Data Input Standard does not recommend an alternative; or</p> <p>c. the Farm Portal is unable to generate a Baseline GMP Loss Rate or Good Management Practice Loss Rate that is representative for the property as a consequence of that property being subject to nutrient management rules in:</p> <p>i. both the region-wide section of this Plan and rules in a sub-region section of this Plan; or</p> <p>ii. more than one sub-region section of this Plan;</p> <p>that does not meet condition 2 of Rule 8.5.23A is a non-complying activity.</p>	Support in part		<p>Retain Rule 8.5.23B as notified; and</p> <p>Provide a definition of the term 'erroneous' within Section 2.9 of PC7; or</p> <p>In the alternative, add criteria to Policy 8.4.28B that identifies when a Baseline GMP Loss Rate or Good Management Practice Loss Rate is demonstrated to be erroneous; or</p> <p>Other amendment to similar effect.</p>
21	Rule 8.5.23C (p81)	<p>The use of land for a farming activity on a property greater than 5 hectares where:</p> <p>a. the Farm Portal is unable to generate a Baseline GMP Loss Rate or Good Management Practice Loss Rate or the number generated is demonstrated to be erroneous; or</p> <p>b. more than 25% of the property is used to produce, farm, or rear a crop or animal type that is not able to be selected as an option in OVERSEER® and where the OVERSEER® Best Practice Data Input Standard does not recommend an alternative; or</p> <p>c. the Farm Portal is unable to generate a Baseline GMP Loss Rate or Good Management Practice Loss Rate that is representative for the property as a consequence of that property being subject to nutrient management rules in:</p> <p>i. both the region-wide section of this Plan and rules in a sub-region section of this Plan; or</p> <p>ii. more than one sub-region section of this Plan;</p> <p>that does not meet one or more of conditions 1 or 3 of Rule 8.5.23A is a prohibited activity.</p>	Support in part		<p>Retain Rule 8.5.23C as notified; and</p> <p>Provide a definition of the term 'erroneous' within Section 2.9 of PC7; or</p> <p>In the alternative, add criteria to Policy 8.4.28B that identifies when a Baseline GMP Loss Rate or Good Management Practice Loss Rate is demonstrated to be erroneous; or</p> <p>Other amendment to similar effect.</p>
Rules - Incidental Nutrient Discharges					
22	Rule 8.5.31 (p85)	<p>The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA is a permitted activity, provided the following condition is met:</p> <p>1. The land use activity associated with the discharge is authorised under Rules 8.5.21 to 8.5.29.</p>	Support	Promotes an integrated approach to management and consenting of land use activities with associated incidental discharges.	Retain as notified.
23	Rule 8.5.32 (p85)	<p>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 that does not meet condition 1 of Rule 8.5.31 is a non-complying activity.</p>	Support		Retain as notified.
8.6 Freshwater Outcomes Tables					
24	Table 8a Freshwater Outcomes for Waimakariri Sub-region Rivers (p88)	New table	Support in part	<p>Table 8a is generally consistent with the Outcomes in Region-wide Table 1a.</p> <p>Table 8a includes slightly lower outcome values for E.Coli (95th %ile only) in some locations, and no macrophyte outcome is set for some locations. However, the lower E.Coli value is within the bounds of the compulsory values of the NPSFM. As a consequence, we are of the opinion that it is an appropriate response in principle.</p> <p>However, we consider that the rationale for how these outcome values were derived and the scientific basis for them is unclear. Considering the reliance on and reference to Table 8a throughout PC7, it is considered critical to ensure that the identified outcomes are robust.</p>	Replace the values in Table 8a with values that are robust and provide a measurable environmental outcome in accordance with that sought for Waimakariri Sub-region rivers.
25	Table 8b Freshwater Outcomes for Waimakariri Sub-	New table	Support	Table 8b is consistent with the Outcomes in Region-wide Table 1b. It is therefore considered appropriate.	Retain as notified.

	region Lakes (p89)				
26	Table 8-5 Water Quality Limits and Targets for Waimakariri Rivers (p93)	New table	Support in part	<p>It is noted that Table 8-5 uses a 5-year median for the dissolved inorganic nitrogen limit values, compared to the 7-day and 1-day medians in Schedule 8 (Region-wide Water Quality Limits - Rivers). The reason for this difference is unclear.</p> <p>Further, Table 8-5 includes dissolved reactive phosphorous limit values, whereas Schedule 8 does not. The ammoniacal nitrogen limit values in Table 8-5 are approximately 50% of the values in Schedule 8. All values in Table 8-5 are limits, except that nitrate-nitrogen values for the Northern Waimakariri Tributaries are targets, to be met by 2080⁴.</p> <p>While we support the intent to reduce nitrate-nitrogen concentrations in freshwater, there is concern that such a stringent timeframe of set targets represent a considerable challenge to farmers who will need differing levels of support from council to achieve these. It is considered that some allowance for review and revision of the proposed targets should be included in PC7 dependant on development of the scientific understanding of water quality conditions in the region.</p> <p>We consider that the rationale for how these limits and targets were derived and the scientific basis for them is unclear. Considering the reliance on and reference to Table 8-5 throughout PC7, it is considered critical to ensure that the identified limits and targets are robust.</p>	<p>Replace the values in Table 8-5 with values that are robust and provide a measurable environmental outcome in accordance with that sought for Waimakariri Sub-region rivers.</p> <p>Insert a provision to review and revise the targets and timeframe appropriately based on updates to the regions' water quality data via a comprehensive monitoring program as well as potential changes in applicable practices and technology for nutrient management.</p>
27	Table 8-6 Water Quality Limits and Targets for Waimakariri Lakes (p94)	New table	Support in part	<p>It is noted that the total phosphorous and nitrogen targets for Ashley River/Rakahuri (artificial lake) waterbodies are less onerous than those in Schedule 8; and the same targets for Northern Waimakariri Tributaries (coastal lake) are consistent with Schedule 8. Table 8-6 requires these targets are required to be met by 2040.</p> <p>However, the ammoniacal nitrogen limit values for both bodies in Table 8-6 are far more onerous than the values in Schedule 8 for equivalent water body types (being less than half in some locations).</p> <p>We consider that the rationale for how these limits and targets were derived and the scientific basis for them is unclear. Considering the reliance on and reference to Table 8-6 throughout PC7, it is considered critical to ensure that the identified limits and targets are robust.</p>	<p>Replace the values in Table 8-6 with values that are robust and provide a measurable environmental outcome in accordance with that sought for Waimakariri Sub-region lakes.</p> <p>Review and revise the targets and timeframe appropriately based on updates to the regions' water quality data via a comprehensive monitoring program as well as potential changes in applicable practices and technology for nutrient management.</p>
28	Table 8-9 Nitrate Priority Area Staged Reductions in Nitrogen Loss for Farming Activities, Farming Enterprises and Irrigation Schemes (p95)	New table	Support in part	<p>It is noted that the staged nitrate reductions in Table 8-9 only apply to activities requiring resource consent in the Nitrate Priority Area, and where the required reduction in nitrogen loss would be equivalent to at least 3kg/ha for dairy, and 1kg/ha for others.</p> <p>It is understood that the staged reductions reflect the Zone Committee's recommendations and provide a path to achieving the nitrate limits and targets for each of the five Nitrate Priority sub-areas, whilst recognising the lag times in the groundwater system, and the potential for environmental and socio-economic consequences.</p> <p>It is understood that the staged approach in Table 8-9 reflects that the science and modelling to understand the impact of various attenuation methods, is developing gradually. This is considered to be appropriate in principle, and is supported by Policy 8.4.27, which makes some provision for the stage timeframes to be extended, on a case by case basis: Where an application to extend a timeframe is made, Council must consider any progress that has been made toward the targets/limits in Tables 8-5 to 8-8.</p> <p>While we support the intent to reduce nitrate concentrations in freshwater, there is concern that such a stringent timeframe of set targets represent a considerable practical and financial challenge to farmers who will need differing levels of support from council to achieve these. It is considered that some allowance for review and revision of the proposed targets should be included in PC7 dependant on development of the scientific understanding of water quality conditions in the region.</p> <p>Consideration also needs to be given to technical capability to meet the proposed reductions and the capacity for required technology and/or methodologies to be implemented within the required timeframes.</p> <p>This table also extends proposed reductions out to 2080. It should be noted</p>	<p>Retain Table 8-9; and</p> <p>Insert a new policy that requires that the targets in Table 8-9 to be reviewed every ten years or in conjunction with the plan review.</p> <p>Review and revise the targets and timeframe appropriately based on updates to the regions' water quality data via a comprehensive monitoring program as well as potential changes in applicable practices and technology for nutrient management as well as associated capabilities and capacity within the region.</p>

⁴ It is noted that the explanatory note to Table 8-5 states: *A target is a limit which must be met at a defined time in the future, meaning it only applies in the context of over-allocation. For rivers with a water quality (target) against them, the objective is to improve water quality to meet this target over time. Actions to achieve the nitrate targets in Table 8-5 will be implemented by 1 January 2080.*

				that the setting of such targets past 2040 needs to be recognised as aspirational due to the length of time and potential changes in conditions, scientific understanding and technology that may occur. However, it is noted that although the Section 32 report indicates that developing science over the coming years will inform subsequent plan reviews, there is no provision in PC7 to require this to occur.	
14 OTOP					
Nutrient Management					
29	Policy 14.4.17 (p135)	<p><u>Water quality outcomes, limits and targets in Tables 14(a) to 14(g) in the Orari-Temuka-Opihi-Pareora sub-region are achieved by requiring:</u></p> <p><u>a. all permitted farming activities on properties greater than 10 hectares to prepare and implement a Management Plan in accordance with Schedule 7A; and</u></p> <p><u>b. all farming activities that require a resource consent to prepare and implement a Farm Environment Plan in accordance with Schedule 7 and implement Good Management Practice; and</u></p> <p><u>c. farming activities with the potential for higher nitrogen losses to not exceed the Baseline GMP Loss Rate; and</u></p> <p><u>d. farming activities within the High Runoff Risk Phosphorus Zone and which use more than 20 hectares of land for winter grazing of cattle or deer, to demonstrate through their Farm Environment Plan how active management of the loss of phosphorous, sediment and microbial contaminants to water will be achieved; and</u></p> <p><u>e. farming activities with irrigation and/or winter grazing within the Mataitai Protection Zone and that adjoin a surface water body, to demonstrate through their Farm Environment Plan how active management of the loss of phosphorous, sediment and microbial contaminants to water will be achieved; and</u></p> <p><u>f. farming activities with irrigation within the Rock Art Management Area to demonstrate through their Farm Environment Plan how adverse effects on tuhituhi neherā (rock art) sites will be minimised.</u></p>	Support	<p>The subclauses direct the manner in which the policy is to be achieved. These are consistent with the principles demonstrated throughout the Plan and PC7.</p> <p>In particular, clause (b) sets up the reliance on FEPs and GMP that is applied through the activity status cascade.</p> <p>Additionally, it is noted that clause (d) is consistent with operative Policy 4.381⁵.</p>	Retain as notified.
30	Policy 14.4.18 (p135)	<p><u>Water quality is improved in the Orari, Opihi and Timaru Freshwater Management Units by:</u></p> <p><u>a. defining the Rangitata Orton High Nitrogen Concentration Area, Fairlie Basin High Nitrogen Concentration Area and Levels Plain High Nitrogen Concentration Area within which targeted reductions of nitrogen in accordance with Table 14(zc) are required; and</u></p> <p><u>b. avoiding the grant of any resource consent that will result in the nitrogen loss calculation from a farming activity exceeding the Baseline GMP Loss Rate, except where Policy 14.4.20 applies.</u></p>	Support	<p>Three HNCAs have been identified (Fairlie Basin, Levels Plain, Rangitata Orton). Section 14 of PC7 states that, within HNCAs, nitrate-nitrogen concentrations exceed the guidelines in the New Zealand Drinking Water Standards 2005 (NZDWS) and the national bottom lines for ecosystem health in the NPSFM. PC7 therefore requires that farming activities within HNCAs reduce nitrogen losses over time (per Table 14(zc)). It is considered that this is an appropriate approach.</p>	Include provision in PC7 for a comprehensive monitoring program and regular review and revision of planned reductions to ensure any changes in scientific understanding of the conditions and capabilities is reflected.
31	Policy 14.4.19 (p136)	<p><u>Water quality targets in the Rangitata Orton High Nitrogen Concentration Area, Fairlie Basin High Nitrogen Concentration Area and Levels Plain High Nitrogen Concentration Area are achieved by:</u></p> <p><u>a. all resource consents granted for farming activities that require the preparation of a nutrient budget being subject to consent conditions requiring further reductions in nitrogen loss beyond Baseline GMP Loss Rates, or consented nitrogen loss rates, in accordance with Table 14(zc); and</u></p> <p><u>b. limiting the duration of any resource consent for a farming activity that is required to make further reductions in nitrogen loss (beyond Baseline GMP Loss Rates or consented nitrogen loss rates) in accordance with Table 14(zc), to no more than ten years and only imposing one reduction beyond Baseline GMP Loss Rates or consented nitrogen loss rates per consent term; and</u></p> <p><u>c. avoiding the grant of any resource consent that will result in a farming activity not reducing nitrogen losses beyond Baseline GMP Loss Rates or consented nitrogen</u></p>	Support	<p>Farming activities that are required to prepare a nutrient budget will be required to reduce nitrogen loss beyond Baseline GMP Loss Rates (or consented loss rates).</p> <p>While reducing N levels in the HNCA's is important, it is considered that the restrictive language of point c does not allow for any special circumstances to arise which could potentially mean an HNCA could accommodate such an occurrence even for a short duration and would not overly constrict a farmers' ability to operate.</p>	<p>Revise wording as follows:</p> <p>c. generally not granting any resource consent that will result in a farming activity not reducing nitrogen losses beyond Baseline GMP Loss Rates or consented nitrogen loss rates.</p>

⁵ Policy 4.381 is a Nutrient Management policy that states:

Manage the loss of phosphorus to water from land used for farming activities by:

- a. identifying on the Planning Maps High Runoff Risk Phosphorus Zones where the risk of phosphorus loss to surface water from overland flow is elevated; and*
- b. requiring any farming activity to identify within the Farm Environment Plan or the Management Plan any critical area for phosphorus loss; and*
- c. requiring actions to be implemented to minimise phosphorus and sediment loss.*

		<u>loss rates.</u>			
32	Policy 14.4.20 (p136)	<u>In the Orari-Temuka-Ophi-Pareora sub-region, only consider granting an application for a land use consent for a farming activity to exceed the Baseline GMP Loss Rate where:</u> a. <u>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</u> b. <u>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</u> c. <u>for properties within the Rangitata Orton High Nitrogen Concentration Area, Fairlie Basin High Nitrogen Concentration Area and Levels Plain High Nitrogen Concentration Area, the applicant commits to achieving the percentage-based nitrogen loss reductions in Table 14(zc).</u>	Support	Provides discretion for Council to consider applications.	Retain as notified.
33	Policy 14.4.20A (p136)	<u>Where an application for a land use consent for a farming activity demonstrates the nitrogen loss rate reductions required by Policy 14.4.20(c) are unable to be achieved by the dates specified in Table 14(zc), any application for an extension of time to achieve those reductions will be considered having regard to:</u> a. <u>the Baseline GMP Loss Rate and the level of any enduring nitrogen loss rate reduction already achieved; and</u> b. <u>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</u> c. <u>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</u> d. <u>the nature, sequencing, measurability, effectiveness and enforceability of any steps proposed to achieve the nitrogen loss rate reductions; and</u> e. <u>progress made towards achieving nitrate-nitrogen limits and targets in Tables 14(a) to 14(g).</u>	Support	Provides discretion for Council to grant an extended period of time to achieve nitrogen loss rate reductions.	Retain as notified.
34	Policy 14.4.20B (p137)	<u>Provide for the use of an Equivalent Baseline GMP Loss Rate or Equivalent Good Management Practice Loss Rate in those limited circumstances where it is demonstrated that the Farm Portal is unable to generate a Baseline GMP Loss Rate or Good Management Practice Loss Rate or the number generated is demonstrated to be erroneous.</u>	Support	These policies are generally consistent with operative Policies 4.38D and 4.38E. They enable activities to use a calculated equivalent in the absence of Portal-generated Rates, whilst at the same time enabling Council the ability to review consents and bring them into line accordingly.	Retain as notified.
35	Policy 14.4.20C (p137)	<u>Where resource consent is granted for the use of land for a farming activity and that resource consent restricts the nitrogen loss rate from the farming activity to an Equivalent Baseline GMP Loss Rate or Equivalent Good Management Practice Loss Rate, impose conditions that enable a review of that resource consent when the Farm Portal is able to generate a Baseline GMP Loss Rate or Good Management Practice Loss Rate for that farming activity.</u>	Support		Retain as notified.
Individual Farming Activities					
36	Rule 14.5.21 (p152)	<u>The use of land for a farming activity on a property greater than 10 hectares that does not comply with condition 1 of Rule 14.5.18, or condition 1 of Rule 14.5.19, or the use of land for a farming activity as part of a farming enterprise that does not comply with conditions 1 or 3 of Rule 14.5.20, is a non-complying activity.</u>			
37	Rule 14.5.22 (p152)	<u>The use of land for a farming activity on a property greater than 10 hectares that does not comply with condition 2 of Rule 14.5.19, or the use of land for a farming activity as part of a farming enterprise that does not comply with condition 2 of Rule 14.5.20, is a prohibited activity.</u>			
Incidental Nutrient Discharges					
38	Rule 14.5.24 (p135)	<u>The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA is a permitted activity, provided the following condition is met:</u> 1. <u>The land use activity associated with the discharge is authorised under Rules 14.5.14 to 14.5.22.</u>	Support	Promotes an integrated approach to management and consenting of land use activities with associated incidental discharges.	Retain as notified.

39	Rule 14.5.24A (p135)	<u>The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA and does not meet condition1 of Rule 14.5.24 is a non-complying activity.</u>	Support	Consequential to and supports Rule 14.5.24.	Retain as notified.
14.6 Allocation and Water Quality Limits					
40	Table 14(a) Freshwater Outcomes for Orari- Temuka-Opihi- Pareora Rivers to be Achieved by 2030 (p15)	New table	Support in part	Table 14(a) is generally consistent with the outcomes in Region-wide Table 1a, except that: The fine sediment outcome for Opihi - Lake-fed is 15% (Table 1a gives 10% for the same river type); and The dissolved oxygen outcome for Pareora - Spring-fed Lower Basin is 70% (Table 1a gives 90% for the same river type). The Section 32 report notes that the freshwater outcomes are based on existing water quality and have been set to achieve the community outcomes as expressed in the ZIPA ⁶ . However, we consider that the rationale for how these outcome values were derived and the scientific basis for them is unclear. Considering the reliance on and reference to Table 14(a) in PC7, it is considered critical to ensure that the identified outcome values are robust.	Replace the values in Table 14(a) with values that are robust and provide a measurable environmental outcome in accordance with that sought for OTOP Sub-region rivers .
41	Table 14(b) Freshwater Outcomes for Orari- Temuka-Opihi- Pareora Lakes to be Achieved by 2030 (p15)	New table	Support in part	Table 14(b) is generally consistent with the Outcomes in Region-wide Table 1b, except that: Eutrophication outcomes are higher than the Table 1b outcomes, for Opihi - artificial lakes - on river; and Eutrophication outcomes are lower than the Table 1b outcomes, for Timaru - coastal lakes; and The median E.Coli outcome is higher than the Table 1b outcome, for Timaru - coastal lakes. As for Table 14(a), the Section 32 report notes that the freshwater outcomes are based on existing water quality and have been set to achieve the community outcomes as expressed in the ZIPA ⁷ . However, we consider that the rationale for how these outcome values were derived and the scientific basis for them is unclear. Considering the reliance on and reference to Table 14(b) in PC7, it is considered critical to ensure that the identified outcome values are robust.	Replace the values in Table 14(b) with values that are robust and provide a measurable environmental outcome in accordance with that sought for OTOP Sub-region lakes.
42	Table 14(c) Water Quality Limits for Orari-Temuka-Opihi- Pareora Rivers (p15)	New table	Support in part	The limits in Table 14(c) are more restrictive than the region-wide limits in Schedule 8, being less than half of the region-wide limit in some cases. The Section 32 report notes that this reflects the current state of the environment and the freshwater outcomes sought by the community ⁸ . This approach is considered appropriate in principle, however we consider that the rationale for how these limits were derived and the scientific basis for them is unclear. Considering the reliance on and reference to Table 14(c) in PC7, it is considered critical to ensure that the identified limits are robust.	Replace the values in Table 14(c) with values that are robust and provide a measurable environmental outcome in accordance with that sought for OTOP Sub-region rivers.
43	Table 14(d) Water Quality Targets for Orari-Temuka-Opihi- Pareora Rivers (p15)	New table	Support	The Section 32 report notes that Table 14(d) provides nitrate-nitrogen targets, for locations where the National Bottom Line of the NPSFM is exceeded. The targets are required to be met by 2040. This approach is considered appropriate in principle. It appears that these targets are not as restrictive as the region-wide limits in Schedule 8.	Retain as notified.
44	Table 14(e) Water Quality Limits for Orari-Temuka-Opihi- Pareora Lakes (p15)	New table	Support in part	The limits in Table 14(e) differ slightly from the region-wide limits in Schedule 8. The Section 32 report notes that this reflects the current state of the environment and the freshwater outcomes sought by the community ⁹ . In particular, the total phosphorous limit is more restrictive than Schedule 8. This approach is considered appropriate in principle, however we consider that the rationale for how these limits were derived and the scientific basis for them is unclear. Considering the reliance on and reference to Table 14(e) in	Replace the values in Table 14(e) with values that are robust and provide a measurable environmental outcome in accordance with that sought for OTOP Sub-region lakes.

⁶ See p184.

⁷ See p184.

⁸ See p186.

⁹ See p187.

				PC7, it is considered critical to ensure that the identified limits are robust.	
45	Table 14(f) Water Quality Targets for Orari-Temuka-Opihi-Pareora Lakes (p15)	New table	Support in part	<p>The targets in Table 14(f) differ from the region-wide targets in Schedule 8. The Section 32 report notes that this reflects the current state of the environment and the freshwater outcomes sought by the community¹⁰. In particular, the total phosphorous and nitrogen targets for the Waitarakao/Washdyke Lagoon are more restrictive than Schedule 8.</p> <p>This approach is considered appropriate in principle, however we consider that the rationale for how these targets were derived and the scientific basis for them is unclear. Considering the reliance on and reference to Table 14(f) in PC7, it is considered critical to ensure that the identified targets are robust.</p>	Replace the values in Table 14(f) with values that are robust and provide a measurable environmental outcome in accordance with that sought for OTOP Sub-region lakes.
46	Table 14(zc) High Nitrogen Concentration Area Staged Reductions in Nitrogen Loss for Farming Activities (p15)	New table	Support in part	<p>The staged targets in Table 14(zc) are relied upon by the suite of provisions that address water quality within HNCAs. Dairy activities are required to achieve 10% reduction in nitrogen loss, by 2030; and 20% reduction in nitrogen loss, by 2035.</p> <p>The Section 32 report notes that, without the staged reductions, the achievement of freshwater targets (Table 14(d), which sets nitrate-nitrogen concentration targets for 2040) is unlikely to occur¹¹.</p> <p>It is noted that Policy 14.4.20A enables resource consent applications for land use to be made where nutrient loss reductions are not able to meet these targets¹². As such, it is considered that the suite of provisions as a whole provides certainty for landowners and that this approach is appropriate in principle.</p> <p>However we consider that the rationale for how the targets were derived and the scientific basis for them is unclear. Considering the reliance on and reference to Table 14(zc) in PC7, it is considered critical to ensure that the identified targets are robust.</p>	Replace the values in Table 14(zc) with values that are robust and provide a measurable environmental outcome in accordance with that sought for HNCAs.

Schedule 7 Farm Environment Plan

Part B - Farm Environment Plan Default Content

47		<p>The plan requirements will apply to:</p> <ol style="list-style-type: none"> a plan prepared for an individual property or farm enterprise; or a plan prepared for an individual property which is part of a collective of properties, including an irrigation scheme, principal water supplier, or an Industry Certification Scheme; <u>or</u> <u>a plan prepared for a commercial vegetable growing operation.</u> <p>The plan shall contain as a minimum:</p> <ol style="list-style-type: none"> Property, <u>or farm enterprise, or commercial vegetable growing operation</u> details <ol style="list-style-type: none"> Physical address Description of the ownership and name of a contact person Legal description of the land and farm identifier A map(s) or aerial photograph at a scale that clearly shows: <ol style="list-style-type: none"> The boundaries of the property or land areas comprising the farming enterprise <u>or commercial vegetable growing operation.</u> The boundaries of the main land management units on the property or within the farming enterprise <u>or commercial vegetable growing operation.</u> The location of permanent or intermittent rivers, streams, lakes, drains, ponds <u>or wetlands or springs.</u> The location of riparian vegetation and fences adjacent to water bodies. The location on all waterways where stock access or crossing 	Support in part	<p>In principle, the changes are consistent with and give effect to the policy and rule changes in PC7.</p> <p>A “suitably qualified person” to develop nutrient budgets needs to be further defined to help provide consistency across the region and country.</p> <p>Considering the importance placed in PC7 on the need for FEP’s as part of managing nutrient losses and use of Overseer to identify, measure and manage farming activities in the Region, it is considered that reference to a “suitably qualified person” should be replaced with the requirement for the preparation of FEPs to be undertaken by a ‘Certified Nutrient Management Advisor’ and that a prerequisite for this position is for the person to be qualified under the Nutrient Manager Adviser Certification Programme Ltd (‘NMACP’). The NMACP is a programme developed by the primary sector with the aim of building and upholding a transparent set of industry standards for nutrient management advisers to meet, so that they provide nationally consistent advice of the highest standard to farmers.</p> <p>It is also noted that FEP’s are referred to throughout PC7 and with this in mind, the capacity of appropriate resources to conduct nutrient assessments and develop FEP’s needs to be considered, together with the available capabilities within the region.</p>	<p>Amend Schedule 7 to require FEP’s to be developed by a Certified Nutrient Management Advisor.</p> <p>Timelines for developing the required FEP’s need to consider the availability of existing resources as well as future training and resourcing needs to build and maintain capacity in this area.</p>
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¹⁰ See p187.

¹¹ See p207.

¹² Being a non-complying activity under Rule 14.5.23A.

		<p>occurs.</p> <ul style="list-style-type: none"> f. The location of any areas within or adjoining the property <u>or land area</u> that are identified in a District Plan as “significant indigenous biodiversity”. g. The location of any critical source areas for phosphorus or sediment loss for any part of the property <u>or land area</u> including any land within the High Runoff Risk Phosphorus Zone. h. The location of flood protection or erosion control assets, including flood protection vegetation. i. Public access routes or access routes used to maintain the rivers, streams, or drains. <p>3. A list of all Canterbury Regional Council resource consents held for the property, <u>or farming enterprise, or commercial vegetable growing operation.</u></p> <p>4A. An assessment of the adverse environmental effects and risks associated with the farming activities and how the identified effects and risks will be managed, including irrigation, application of nutrients, effluent application, stock exclusion from waterways, offal pits and farm rubbish pits.</p> <p>4B. a. nutrient budgets which show the nitrogen baseline and nitrogen loss calculation for the property, <u>or farming enterprise or commercial vegetable growing operation;</u> and</p> <p>b. a report from the Farm Portal which shows for any property, <u>or farming enterprise or commercial vegetable growing operation</u> the Baseline GMP Loss Rate and Good Management Practice Loss Rate or in those circumstances provided for in this Plan, the Equivalent Baseline GMP Loss Rate and Equivalent Good Management Practice Loss Rate.</p> <p>...</p> <p>6. Nutrient budgets, prepared by a suitably qualified person, using the OVERSEER® nutrient budget model, or equivalent model approved by the Chief Executive of Environment Canterbury, for each of the identified land management units and the overall farm or farm enterprise.</p> <p>...</p> <p>10. Waimakariri Additional Requirements</p> <p><u>Within the Waimakariri Sub-region, the following additional requirements for farm environment plans apply:</u></p> <ul style="list-style-type: none"> 1. <u>The information required under Part B 2(c) includes the location of any artificial watercourses</u> 2. <u>Management Area 5A: Nutrients includes the following additional objectives and targets:</u> <ul style="list-style-type: none"> <u>Objectives:</u> <ul style="list-style-type: none"> 1. <u>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.</u> <u>Targets:</u> <ul style="list-style-type: none"> 1. <u>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.</u> 2. <u>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, Management Area 5A: Nutrients, Objective 2, Target 1 does not apply to properties that comply with the irrigation and winter grazing thresholds in Rule 8.5.25.</u> <p>11. Orari-Temuka-Opihi-Pareora - Additional Requirements</p> <p><u>Within the Orari-Temuka-Opihi-Pareora Sub-region, Part B of Schedule 7 also includes the following:</u></p> <ul style="list-style-type: none"> 1. <u>The information required under Part B 2(c) includes the location of any artificial watercourses.</u> 2. <u>Management Area 5A: Nutrients includes the following additional objective</u> 			
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		<p><u>and targets:</u></p> <p><u>Objectives:</u></p> <p><u>1. Staged reductions beyond Baseline GMP Loss Rates, or lawful nitrogen loss rates, within the Rangitata Orton, Fairlie Basin, and Levels Plains High Nitrogen Concentration Areas to meet nitrate-nitrogen limits for surface and groundwater within Section 14.</u></p> <p><u>Targets:</u></p> <p><u>1. Where required, by 1 January 2030, further reductions in nitrogen losses beyond Baseline GMP Loss Rates, or lawful nitrogen loss rates for properties within the Rangitata Orton, Fairlie Basin and Levels Plains High Nitrogen Concentration Zones as required by Table 14(zc). However, Management Area 5A: Nutrients, Objective 2, Target 1 does not apply to properties that comply with the irrigation and winter grazing thresholds in Rule 14.5.17.</u></p> <p>...</p>			
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