HEARING COMMISSIONERS' REPORT AND RECOMMENDATIONS ON PLAN CHANGE 1 OF THE HURUNUI AND WAIAU RIVER REGIONAL PLAN

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Abbreviations used

Term	Abbreviation
Resource Management Act 1991	RMA
National Policy Statement on Freshwater Management 2014	NPS-FM
Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007	NES – Drinking Water
New Zealand Coastal Policy Statement	NZCPS
Hurunui Waiau Zone Committee	HWZC
Hurunui and Waiau River Regional Plan	HWRRP or the Plan
Canterbury Regional Council	CRC
Canterbury Regional Policy Statement 2013	CRPS
Canterbury Land and Water Regional Plan	CLWRP
Plan Change 1 to the Hurunui Waiau River Regional Plan	PC1
Canterbury Water Management Strategy	CWMS
Critical Source Areas	CSA
Low Intensity Dryland Farming Means the use of land for a farming activity, where: a. no part of the property is irrigated; and b. the area of the property used for Winter Grazing is less than: i. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or ii. 100 hectares, for any property greater than 1000 hectares in area; and c. the farming activity does not include the farming of more than 25 weaned pigs or more than 6 sows, or the farming of poultry fowl at a stocking	LIDF

rate of more than 10 birds per hectare, up to a maximum of 1000 birds; and d. the farming activity does not include a component where livestock are confined within a hard-stand area for the purpose of intensive controlled feeding with the purpose of encouraging high weight gain.	

Submitter	Referred to as
Amuri Irrigation Company Limited	Amuri Irrigation
Aotearoa New Zealand Fine Wine Estates LP	ANZ Fine Wine Estates
Beef + Lamb New Zealand	Beef + Lamb
Emu Plains Irrigation Incorporated	Emu Plains Irrigation
Fonterra Co-operative Group Limited	Fonterra
Hurunui District Council	HDC
Hurunui District Landcare Group Inc	HDLG
Ravensdown Limited	Ravensdown
North Canterbury Fish & Game Council	NC Fish & Game
North Canterbury Province, Federated Farmers of New Zealand	NC Federated Farmers
Planetary Healing Foundation	Planetary Healing Foundation
Royal Forest & Bird Protection Society Inc.	Forest & Bird
Rural Advocacy Network	RAN
Te Rūnanga o Ngāi Tahu	Ngāi Tahu

Introduction

1. This is the report and recommendations of independent Hearing Commissioners Ms Sharon McGarry (Chair) and Ms Yvette Couch-Lewis ('the Panel'). We were delegated functions and powers under section 34A of the Resource Management Act (**RMA** or 'the Act') by the Canterbury Regional Council (**CRC** or 'the Council') to conduct public hearings and hear submissions on proposed Plan Change 1 to the Hurunui and Waiau River Regional Plan (**HWRRP**).

2. Plan Change 1 (**PC1**) to the HWRRP is a targeted plan change intended to enable existing dryland farms to continue to operate without resource consent within the Nutrient Management Area of the Hurunui and Waiau Zone.

3. For the avoidance of doubt, we affirm that prior to our appointment, we had no prior involvement in the preparation of the plan change; and that throughout our performance of our duties we have been entirely independent of Council, and objective, in considering and making recommendations on submissions.

4. We show the content of PC1 (as notified), incorporating our recommended amendments to it, in **Appendix 1** of this report. We record the parties who appeared at the public hearings in **Appendix 2** of this report. In **Appendix 3** we record our recommendations to accept or reject each submission point made. In **Appendix 4**, we record the reports and documents we have referred to in addition to the submissions and evidence presented.

Background

5. The HWRRP was prepared in accordance with the Council's functions under section 30 of the RMA and became operative on 20 December 2013. The Plan manages the cumulative effects of land use on water quality by allowing for existing land uses (as at 20 December 2013) to continue as permitted activities (with a 10% variance in nutrient loss rates from a baseline established in 2013[1]) and requiring resource consent when any land use is "changed". The Plan assumes that so long as existing land use does not intensify (nutrient discharges remain within a 10% nutrient loss variance), calculated load limits for the nutrient allocation zone would be met.

6. The term 'Change of land use' is defined in the HWRRP as:

> *'For the purposes of this Plan, a change in land use, is calculated on a per property basis, and is determined as being an increase greater than 10% in the long term average release of Nitrogen or Phosphorus to land which may enter water, measured on a kg/ha basis, but calculated on the gross load per property from the date this Plan is made operative'*

[1] As estimated using OVERSEER®

7. After the HWRRP was made operative, it become apparent that 'normal' dryland farming (being 'Low Intensity Dryland Farming' (**LIDF**)[2]) systems faced particular challenges with operating within the defined 10% nutrient loss variance. It became clear that in many situations, the nutrient loss rates calculated for such properties were so low that it is possible for small, normal changes in the farming operation to cause a greater than 10% variance in nutrient losses. It was shown that common and historical dryland farming practices, such as de-stocking during drought conditions and re-stocking after drought conditions end, can significantly change nutrient losses by more than 10%.

8. Over 300 farmers protested about the perceived unfairness of the HWRRP definition of 'change in land use' (which is colloquially known as the "10% rule") at the September 2014 Hurunui Waiau Zone Committee (**HWZC**) meeting.

9. A Hurunui Nutrient Working Group was subsequently established to address the issue and met ten times between October 2014 and March 2015. Sixty or more people from a wide range of interests attended each meeting. There was no agreement on how to address the 10% rule issue. However, the HWZC considered a change to the HWRRP was needed to provide greater certainty that existing LIDF can continue as a permitted activity.

10. PC1 was developed using a collaborative approach, under the Canterbury Water Management Strategy (**CWMS**) model. Key stakeholders were engaged throughout the process, either in on-going discussions or at milestone points. A significant amount of technical work has informed the development of PC1 and it was developed with input from a Science Stakeholder Group.[3]

11. PC1 seeks to implement the following addendum to the Zone Implementation Programme made by the HWZC to the Council in August 2018:

> *1. The Hurunui Waiau Zone Committee recommends that the Canterbury Regional Council pursues a targeted change to the Hurunui Waiau Rivers Regional Plan, to be notified in 2018. The plan change will:*
>
> *a. Permit normal dryland farming where:*
>
> *i. Normal dryland farming will be determined to be farming that:*
>
> - *The property is not irrigated*
> - *Winter grazing (of cattle on root or brassica crops) will not occur over more than 10% of the property area, or over 100ha where a property is more than 1000ha in size.*
>
> *b. Include an approach developed with the Zone Committee that addresses the current requirements for dryland farmers to be a part of a nutrient management collective and report nutrient losses.*

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2 As defined in the Proposed Plan Change (see abbreviations table for full definition)

3 Refer to the section 32 report for more information on the collaborative process undertaken.

2. *The Hurunui Waiau Zone Committee recommends the Canterbury Regional Council works with irrigators to identify and lock in voluntary N loss reductions so that permitting normal dryland farming does not breach the N load limit for the Hurunui River.*

12. And the following HWZC recommendation was made at the 16 July 2018 meeting:

> *The Hurunui Waiau Zone Committee recommends that the Canterbury Regional Council pursues a targeted change to the Hurunui Waiau Rivers Regional Plan, to be notified in 2018. In addition to permitting dryland farming within previously specified limits[4], the plan change will address the current requirements for dryland farmers to be a part of a nutrient management collective and report nutrient losses by requiring that farmers undertaking a "normal dryland farming activity" to:*
>
> a. *Hold and implement a Farm Management Plan and provide that farm management plan to Environment Canterbury on request*
> b. *Report the area of their farm used for winter grazing of cattle on root vegetable or brassica crop, either:*
> i. *through the Farm Portal; or*
> ii. *through a dryland farmers collective group that has the purpose of reporting the winter grazing area of their members in aggregate.*

Procedural Matters

13. We issued Minute 1 on 2 August 2019 to give notice of the dates of the public hearings and to set out the hearing procedures and directions under section 41C for the pre-circulation of expert evidence prior to the hearing.

14. We issued Minute 2 on 3 October 2019 confirming the dates and locations of the public hearings.

15. On 10 October 2019, we received a request from the Hurunui District Landcare Group (**HDLG**) for an extension to the timeframe for the provision of written expert evidence. We issued Minute 3 on 11 October 2019 granting the extension sought.

16. We received a Memorandum of Counsel on behalf of the Council on 15 October 2019 addressing the late provision of written expert evidence by Beef + Lamb New Zealand Limited (Beef + Lamb). The Memorandum stated that there was no undue prejudice to any party arising from the late filing of evidence and considered it was appropriate for us to waive the timeframe to accept the late evidence. We issued Minute 4 on 15 October 2019 granting the waiver and accepted the late evidence.

17. The hearing was held on Monday 21 October 2019 at Waipara Hills Winery in Waipara and Tuesday 22 October at the Cheviot Trust Hotel in Cheviot. A record of the parties represented and people who appeared at the hearings is attached in Appendix 2 of this report.

18. Prior to the public hearings, Council Officers prepared a recommendations report in response to submissions pursuant to section 42A of the RMA. This 's42A Report' was

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[4] See recommendations made by the Zone Committee on 19 March 2018

co-authored by Ms Lisa Jenkins, Mr Sam Leonard, and Mr Ned Norton (collectively referred to as 'Council Officers'). The report stated that each of these people had individually contributed to the report, within their area of expertise, and that all had collective responsibility for the report content and recommendations. It also stated that identified parts (by footnote) of the s42A Report had been prepared by the Council's legal counsel Mr Philip Maw and Ms Imogen Edwards of Wynn Williams.

19. The s42A Report assessed the decisions requested in the submissions received and made recommendations on the changes sought. Recommendations were made where appropriate, to either retain provisions without amendment, add to or amend the provisions with the amendment shown by way of strikeout and underlining, or to delete the provisions. Where the Council Officers considered that amendment may be appropriate, but wished to hear further evidence before making a final recommendation, this was made clear within the report.

20. All recommended changes were footnoted with reference with a submission point and submitter name that supported the recommended change. The s42A Report stated that this was done to confirm there was scope within the submissions to make the requested change, rather than identifying or prioritising particular submitters. It also stated that where provisions were recommended to be retained without amendment, no submissions were referenced.

21. The s42A Report stated that the overall intent in considering and analysing the submission points was to better give effect to Part 2 of the RMA, the Council's responsibilities under section 30 of the RMA, the Objectives of the HWRRP, and the National Policy Statement for Freshwater Management 2014 (**NPS-FM**); and to improve proposed PC1 in terms of clarity, workability and certainty. The submissions were assessed against these criteria and the wider legal framework in the RMA.

22. The s42A Report provided background information relating to PC1. It noted that the section 32 report and associated technical documents provided much greater detail and should be read in conjunction with the s42A Report.

23. During the hearings, we asked questions of the Council Officers and submitters to understand the changes proposed and the relief sought. We endeavoured to conduct the hearings with a minimum of formality to an extent that allowed for fairness to all submitters. An audio recording of the proceedings was made and published on the Council's website.

24. Following the adjournment of the hearing, we issued Minute 5 (dated 4 November 2019) directing the provision of suggested alternate wording for proposed Rule 10.1A by the Rural Advocacy Network (**RAN**) (as discussed during the hearing) and circulation of this for comment from the parties. We received further written comment on the suggested alternative wording from NC Federated Farmers, Te Rūnanga o Ngāi Tahu (Ngāi Tahu) and the Planetary Healing Foundation.

25. The hearing was reconvened on Monday 25 November 2019 to hear the Council's right of reply. The Council's reply responded to questions raised by the Panel during the

hearing and to the alternative framework proposed by RAN. Appendix 1 of the Council's reply set out the final recommendations in response to submissions. Appendix 2 provided an example of the Deeds of Undertaking provided in relation to Plan Change 3 to the Waitaki Catchment Water Allocation Plan.

26. We formally closed the hearing on 2 December 2019.

Changes Proposed

27. The proposed changes to HWRRP can be summarised as follows:
    (a) Addition of new Policy 5.3C, new Rule 10.1A, and new Schedule 2A and 6;
    (b) Changes to Rule 10.1, Rule 10.2 and Rule 11.1; and
    (c) Addition of new definitions for the terms 'Change of Land Use', 'Dryland Farmer Collective Agreement, 'Low Intensity Dryland Farming', 'Farm Portal' and 'Winter Grazing'.

28. PC1 seeks to permit existing LIDF activities and allow land owners to use up to 10%, or a maximum of 100 ha, of their property for winter grazing provided specified reporting and management plan requirements are met.

29. The s42A Report stated that in assessing the environmental effects of this change, the Council had not assumed that the maximum 10% of the total dryland area would be used for winter grazing. It noted that this was because dryland farm systems are limited by a number of factors including climate, soil type and landscape; and that it is unlikely that the total permitted winter grazing area would be in use at any given time. The Report noted that during the development of PC1, estimates of the likely winter grazing area (for LIDF) were made based on observed trends and identified limiting factors. It noted that a precautionary approach had been applied by adding 20% to the peak winter grazing area seen in the Hurunui and Waiau Zone under conditions with no winter grazing limits and high economic drive for winter grazing. The Report stated that this result represented a 'plausible worst-case scenario' for the winter grazing area[5]. This plausible worst-case scenario was the basis for estimating the potential 14% variance in dryland nitrogen (**N**) losses and was also the basis for then estimating the 38 tonnes of N per year (**t/N/year**) load (at source) offset required to prevent any further allocation of N outputs.

30. Mr Norton elaborated on this 'plausible worst-case scenario' at the hearing and referred to his report assessing the increase in nitrogen loads from permitting existing dryland farming and the offset need to stay within the nitrogen load limit of the HWRRP. Mr Norton noted that the proposed permitted activity requirement to report winter grazing areas would enable the Council to meet its obligation under the NPS-FM to account for nutrient losses at the catchment level and to monitor the total winter grazing area at a catchment level. He highlighted this reporting (via the Council's online farm portal or through a dryland farmer collective agreement) would ensure the Council can monitor

[5] Estimating the 'plausible worst case' increase in nitrogen load from a new way of permitting 'normal dryland farming', that would need to be offset by decreases elsewhere in order to stay within the Hurunui Waiau River Regional Plan (HWRRP) nitrogen load limit. Norton, N. 2018.

how the ‘plausible worst-case scenario’ plays out and would allow for adjustments to be made to the nutrient management framework, if necessary, in the future.

31. The s42A Report stated that the proposed permitted activity requirement to prepare and implement a farm ‘Management Plan’ would be to identify opportunities for applying good management practices to mitigate adverse effects on the environment. The Report noted that Management Plans are considered to be the key tool for managing phosphorus and other contaminant losses from dryland farms.

32. Ms Jenkins and Mr Norton noted at the hearing, that there were no phosphorus limits in the HWRRP and that preparation and implementation of Management Plans were important in identifying ‘critical source areas’ (**CSA**) to minimise phosphorous loss into water.

33. We accept the scope of the proposed changes is relatively narrow and note that no changes to the existing objectives of the HWRRP are proposed. The intention of the new provisions and the changes were briefly outlined in opening submissions by Mr Maw and Ms Edwards, Counsel for the CRC. We acknowledge that PC1 was promulgated in response to perceived inequities for dryland farming activities resulting from implementation of the HWRRP.

Notification and submissions

34. PC1 was publicly notified on 4 May 2019.

35. Fourteen submissions were lodged on PC1, relating to all aspects of the plan change.

36. Five further submissions relating to 55 submission points were lodged by people or organisations that had lodged submissions in the first instance.

37. The s42A Report noted that there were a number of themes in the submissions that related to PC1 generally, rather than to specific plan provisions. It noted that several submitters had expressed general support for PC1, or at least the intent of plan change. These submitters were RAN, Ravensdown Ltd, Ngāi Tahu, North Canterbury Federated Farmers (‘NC Federated Farmers’), ANZ Fine Wine Estates and Hurunui District Council (**HDC**).

38. The submission by RAN sought the deletion of the entire suite of provisions referred to as the “10% rule”.

39. The Amuri Irrigation Company Limited (‘Amuri Irrigation’) sought clarification that PC1 would only proceed on the basis that the agreement between Amuri Irrigation and the Council could be implemented. It also sought amendment to PC1 to acknowledge that PC1 is only possible as a result of the voluntary surrender of 38 t/N/year load lost from the source load by Amuri Irrigation.

40. NC Fish & Game and Forest & Bird expressed concern with the collaborative process that led to the development of PC1 and specifically sought clarification in the section 32 analysis that both submitters had withdrawn from the HWZC process.

41. NC Fish & Game and Forest & Bird also sought clarification regarding the 38 tN/year load lost from source to be surrendered by Amuri Irrigation and the perceived delays in the implementation of the minimum flows stipulated in the HWRRP.

42. NC Federated Farmers sought amendments to PC1 to provide for a small area of irrigation or, in the alternative, provide for irrigation that was lawfully established prior to the notification of the HWRRP.

43. Expanding the scope of PC1 to provide for irrigated farms under a less onerous rule framework was also a theme of the ANZ Fine Wine Estates submission.

44. The Planetary Healing Foundation submission sought withdrawal of PC1 in its entirety due to concerns it would result in water quality degradation. The submitter requested focus on moving all farms to biodynamic systems and the cessation of chemical fertiliser use; and setbacks from riparian strips on all flowing waterways.

45. The submission by Emu Plains Irrigation sought re-assessment of the effects that PC1 and other planned development (including development currently under consideration in consent processes) would have on water quality in the Waiau Uwha River. If the cumulative effects of PC1 and other planned development would likely result in worsening of water quality (including periphyton growth) in the Waiau Uwha River, the submitter has sought withdrawal of PC1.

46. There was significant support from submitters for the intention of the plan change and general acceptance that it seeks to enable existing dryland farming activities to continue without resource consent.

47. A key concern of some submitters was the calculated nitrogen load and the potential risk that water quality could be further degraded by allowing PC1. This issue is fundamental to the plan change and is considered below.

Statutory Framework

48. The s42A Report set out the statutory framework under which the HWRRP and PC1 were developed and outlined the approach taken in the development of the plan change. The following is a summary of the statutory considerations taken from the s42A Report.

RMA Section 30

49. The Council's functions under section 30 of the RMA, as they relate to PC1, are:

    a. Establishing, implementing and reviewing objectives, policies and methods to achieve integrated management of the natural and physical resources of the region (section 30(1)(a)).

b. Preparing objectives and policies in relation to any actual or potential effects of the use, development or protection of land which are of regional significance (section 30(1)(b)).
c. The control of the use of land for the purpose of;
    i. the maintenance and enhancement of the quality of water in water bodies (section 30(1)(c)(ii);
    ii. the maintenance and enhancement of the quantity of water in water bodies (section 30(1)(c)(iii); and
    iii. the maintenance and enhancement of ecosystems in water bodies (section 30(1)(c)(iiia)).
d. The control of discharges of contaminants into or onto land, air, or water and discharges of water into water (section 30(1)(f)).
e. If appropriate, the establishment of rules in a regional plan to allocate the capacity of water to assimilate a discharge of a contaminant (section 30(1)(fa)(iv)).
f. The establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity (section 30(1)(ga)).

50. We note it is a mandatory function of every regional council to control the use of land to maintain and enhance the quality of water in water bodies, and to control the discharges of contaminants into water. PC1 continues the approach introduced in the HWRRP by using land use rules (under section 9 of the RMA) to control the cumulative effects of land use on water quality.

51. We note this approach is supported by section 30(1)(c)(ii) which expressly enables a regional council to control the use of land for the purpose of the maintenance and enhancement of the quality of water in a water body. This approach has been used in other catchments in New Zealand and it is also supported by Objective A1 of the NPS-FM 2014 (as amended in 2017).

RMA Section 32

52. Section 32 applies to PC1 as an amending proposal to a plan. We note the objectives in the HWRRP are unaltered by PC1. Accordingly, PC1 must be assessed and evaluated in the following terms:

    a. Examine the extent to which the purpose of PC1 is the most appropriate way to achieve the purpose of the RMA;
    b. Examine whether the provisions (the policies, rules or other methods to implement the objectives) are the most appropriate way to achieve the objectives by:
        i. identifying other reasonably practicable options for achieving the objectives;
        ii. assessing the efficiency and effectiveness of the provisions in achieving the objectives (the *efficiency and effectiveness assessment*); and
        iii. summarising the reasons for deciding on the provisions; and

c. Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of PC1.

53. We note the *efficiency and effectiveness assessment* under section 32 must:

a. Identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth (that are anticipated to be provided or reduced); and employment (that are anticipated to be provided or reduced); and
b. If practicable, quantify the benefits and costs; and
c. Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

54. Under section 32(3), where the proposal amends an existing plan (as is the case here), the examination of whether the provisions in PC1 are the most appropriate way to achieve the objectives must relate to:

a. The provisions and objectives (being the purpose of the proposal) of PC1; and
b. The relevant and continuing objectives of the HWRRP.

55. Section 32(6) defines objectives, proposal and provisions as follows:

'***objectives*** *means-*

(a) for a proposal that contains or states objectives, those objectives;
(b) for all other proposals, the purpose of the proposal

Proposal *means-*

a proposed standard, statement, national planning standard, regulation, plan or change for which an evaluation report must be prepared under this Act

Provisions *means-*

(a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change;
(b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal'

56. We note that whilst PC1 does not itself change any existing objectives or propose any new objectives, the appropriateness of the policies and rules to be introduced by PC1 must be assessed against achieving the objectives of the HWRRP and the purpose of PC1. PC1 seeks to implement the HWRRP objectives in relation to the nutrient management of dry land farming in the Hurunui catchment.

57. Under Schedule 1 of the RMA, particular regard must be had to the section 32 report when the decision is made as to whether or not to notify PC1. We note the section 32 report for PC1 was made available at the time of notification.

58. We note that section 32A(1) provides that a challenge to an objective, policy, rule or other method on the grounds that the section 32 report has not been prepared or regarded, or the requirements of section 32 have not been complied with, may only be made in a submission (rather than, for example, judicial review proceedings).

59. Section 32A(2) makes it clear that in considering PC1, we may have regard to the matters stated in section 32 and, as set out below, in reaching a decision on a plan change, whether a further evaluation is required.

60. Section 32 requires a value judgment as to what, on balance, is the most appropriate option when measured against the relevant objectives. We note that in *Rational Transport Society Incorporated v New Zealand Transport Agency*, the High Court rejected the submission that in order to be the 'most appropriate', a plan change must be the superior method. The Court found that 'appropriate' meant suitable, and there was no need to place any gloss upon that word by incorporating that it be superior.[6]

61. We also note that the Court did not agree that section 32(3)(b) mandated that each individual objective had to be 'the most appropriate' way to achieve the RMA's purpose; and that each object was required to be examined in the process of evaluation and should not be looked at in isolation because the extent of each objective's relationship in achieving the purpose of the Act may depend on inter relationships.[7] We record we have been guided by the Court's approach in making our assessment.

62. We also note that in *Art Deco Society (Auckland) Incorporated v Auckland Council,* the Environment Court held that an 'holistic' approach should be taken, rather than a more focused, vertical or 'silo' approach to objectives, policies and methods.[8] We record we have taken a holistic approach to our assessment of PC1.

RMA Section 32AA

63. Section 32AA provides for an additional requirement for undertaking and publishing further evaluations for any changes that have been made to, or are proposed for, PC1 since the evaluation report for PC1 was completed under section 32.

64. Under section 32AA the same evaluation of the changes must be undertaken in accordance with sections 32(1) to (4) at a level of detail that corresponds to the scale and significance of the changes. It also must either:

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6 *Rational Transport Society Incorporated v New Zealand Transport Agency* [2012] NZRMA 298 at [35] and [45]. Applied by the Environment Court in the context of a plan change in *Quieter Please (Templeton) Inc v Christchurch City Council* [2015] NZEnvC 167 at [29].

7 *Rational Transport Society Incorporated v New Zealand Transport Agency* [2012] NZRMA 298 at [46].

8 *Art Deco Soc (Auckland) Inc v Auckland Council* [2012] NZEnvC 125, [2012] NZRMA 451.

(a) be published in an evaluation report that is made available at the same time the decision on PC1 is notified; or
(b) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken.

RMA Section 65 to 70

65. Under section 66 of the RMA, regional councils must prepare and change any regional plans in accordance with its functions under section 30 of the RMA. We noted the operative HWRRP was prepared in accordance with the Council's functions to manage cumulative effects of land use on water quality with the Hurunui Waiau Nutrient Allocation Zone. The Plan includes rules for the purposes of carrying out its functions under the RMA (other than those described under section 30(1)(a) and (b)) and achieving the objectives and policies of the Plan.

66. In accordance with section 68(3), when making a rule, the Council must have regard to the actual or potential effect of activities on the environment, including, in particular, any adverse effect.

67. In accordance with section 68(5), a rule may:

(a) Apply throughout the region or part of the region;

(b) Make different provision for different parts of the region, or different classes of effects arising from an activity;

(c) Apply all the time, or for stated periods or seasons;

(d) Be specific or general in its application; and

(e) Require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan.

68. In accordance with section 68(7), where a regional plan includes a rule relating to maximum or minimum levels or flows or rates of use of water, or minimum standards of water quality (relevantly), the Plan may state:

(a) whether the rule shall affect, under section 130, the exercise of existing resource consents for activities which contravene the rule; and

(b) that the holders of resource consents may comply with the terms of the rule, or rules, in stages or over specified periods.

69. In accordance with section 69(1) a regional council may use rules to manage water quality for the purposes described in the classes specified in Schedule 3 of the RMA. Rules used for these purposes must require the observance of the standards specified in Schedule 3, in respect of the appropriate class or classes, unless the council believes that those standards are not adequate or appropriate for the particular water quality, in which case the rules may state standards that are more stringent or specific.

70. Under section 69(3) regional councils shall not, however, set standards in a plan which result, or may result, in a reduction of the quality of water unless it is consistent with the purpose of the RMA. However, we note PC1 and the HWRRP do not use the Schedule 3 approach.

71. We note that before a regional council includes a permitted activity rule in a regional plan for a discharge of a contaminant or water into water, or a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, it shall be satisfied that:

- None of the following effects are likely to arise in the receiving waters, after reasonable mixing, as a result of the discharge of the contaminant (either by itself or in combination with the same, similar, or other contaminants):[9]

  (a) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials:

  (b) Any conspicuous change in the colour or visual clarity:

  (c) Any emission of objectionable odour:

  (d) The rendering of fresh water unsuitable for consumption by farm animals:

  (e) Any significant adverse effects on aquatic life.

72. We also note that before a regional council includes a rule in a regional plan requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a contaminant, the regional council shall be satisfied that, having regard to:

(a) The nature of the discharge and the receiving environment; and

(b) Other alternatives, including a rule requiring the observance of minimum standards of quality of the environment;

the inclusion of that rule in the plan is the most efficient and effective means of preventing or minimising those adverse effects on the environment.[10]

73. We note the proposed changes to the HWRRP are required to be developed in accordance with:

(a) Schedule 1 of the RMA;[11]

(b) The provisions in Part 2 of the RMA;[12]

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9 RMA, s70(1)(c)-(g).

10 RMA, s70(2).

11 RMA, s65(5).

12 RMA, s66(1)(b).

(c) National policy statements, the New Zealand coastal policy statement, a national planning standard, and any regulations;[13] and

(d) Its obligation to have prepare and have particular regard to an evaluation report prepared in accordance with section 32 of the RMA.[14]

74. We note that in considering the proposed changes to the HWRRP, a regional council:

(a) Shall have regard to strategies and management plans prepared under other Acts that have a bearing on the resource management issues of the region.[15]

(b) Shall have regard for the extent that consistency is required with the regional policy statements and regional plans, or proposed regional policy statements and proposed plans of adjacent regional councils.[16]

(c) Must take into account any relevant planning document recognised by an iwi authority (if lodged with the council) that has a bearing on the resource management issues of the region.[17]

(d) Must not have regard to trade competition.[18]

75. We note that the contents of the HWRRP must:

(a) State the objectives for the region, the policies to implement the objectives, and the rules (if any) to implement the policies.[19]

(b) Give effect to any national policy statement, New Zealand coastal policy statement, national planning standard, and any regional policy statement.[20]

(c) Not be inconsistent with a water conservation order or any other regional plan for the region.[21]

(d) Record how a natural resource has been allocated under section 30(1)(fa) or (fb) and (4), if the Council has done so.[22]

76. We note that the contents of the HWRRP may state:[23]

(a) The issues, methods, and principal reasons for adopting the policies and methods in the plan.

(b) Anticipated environmental results, efficiency and effectiveness monitoring procedures, and processes for dealing with issues.

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13 RMA, ss66(1)(ea) & (f).
14 RMA, s66 (1)(e).
15 RMA, s66(2)(c)(i).
16 RMA, s66(2)(d).
17 RMA, s66(2A).
18 RMA, s66(3).
19 RMA, s67(1).
20 RMA, s67(3).
21 RMA, s67(4).
22 RMA, s67(5).
23 RMA, s67(2).

(c) Information to be included with resource consent applications.

(d) Any other information required for fulfilling the regional council's functions, powers and duties under the RMA.

77. We acknowledge that the policy statements of particular relevance to PC1 are:

(a) National Policy Statement for Freshwater Management 2014 (as amended 2017) (**NPS-FM**);

(b) New Zealand Coastal Policy Statement 2010 (**NZCPS**);

(c) Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007 (**NES Drinking Water**); and

(d) Canterbury Regional Policy Statement (**CRPS**).

Key Issues

78. In assessing PC1 and the submissions made we have considered all of the issues raised. We have focused our assessment on key issues raised while ensuring we are within the jurisdiction of the plan change process.

79. Amuri Irrigation has sought recognition in the Plan that PC1 is reliant on the voluntary surrender of 38 t/N/year load lost from source by Amuri Irrigation. We consider this is made clear in the section 32 report and the s42A Report, and is discussed earlier in the body of this report. We consider it would not be appropriate to include additional commentary in PC1 that states a voluntary surrender of 38 t/N/year load lost from the source has occurred, as this agreement sits outside the plan change process.

80. We note that NC Fish & Game and Forest & Bird withdrew from the HWZC process in mid-2018. However, we are satisfied that consultation on PC1 has continued to occur and that both submitters were encouraged to continue to engage. We note that both submitters provided feedback at the PC1 pre-notification consultation stage. We consider concerns raised about the collaborative approach to catchment management undertaken are matters for the Council to address outside the formal plan process.

81. We were advised that the HWZC is currently engaged in discussions regarding the timing of implementation of HWRRP minimum flows. We accept that the timing of implementation of minimum flows set out in the operative HWRRP is not the subject of, and is beyond the scope of, PC1. Further, we were advised by the Council Officers that the Deed of Undertaking between Amuri Irrigation and the Council is not conditional on the outcome of HWZC discussions on minimum flows.

82. We were told that Emu Plains Irrigation currently have an application for resource consent currently in process. Mr Maw advised that the application for resource consent lodged by Emu Irrigation should not be taken into consideration, unless the resource consent sought was granted before this report and recommendation is released.

83. We agree with Mr Maw that any resource consent application lodged by Emu Plains Irrigation with the Council is not a part of the existing receiving environment (as at the

date of this report and recommendation). We agree there is no certainty the resource consent sought will be granted and we have no information on the effects of the proposed development. We record we have not taken this lodged application into account given it has not been granted as of the date of this report.

84. On the basis of the submissions and the evidence presented at the hearing, we consider the following key issues in assessing PC1:

    (a) Scope;

    (b) Nitrogen loads and the offset;

    (c) Adequacy of the section 32 evaluation; and

85. These key issues and the proposed changes are assessed below. We make findings in relation to the key issues and recommendations in relation to each proposed provision and change.

Scope

86. The s42A Report addressed issues relating to matters of scope, incidental or consequential amendments, and jurisdictional matters. It noted that Clause 6(1) of Schedule 1 to the RMA provides that when a plan change is publicly notified under clause 5 of Schedule 1, the Council and any person may make a submission 'on' the plan change.

87. The s42A Report stated that before recommending any amendments to PC1, we must consider whether there is scope to make such amendments. As directed in the s42A Report we have considered whether:

    (a) Submissions received are 'on' proposed PC1; and

    (b) Any amendments recommended are within the scope of submissions received 'on' PC1.

88. The s42A Report stated submissions on PC1 must be in the prescribed form (Schedule 1 RMA); and must give details of the specific provisions of the plan change that the submission relates to, and give precise details of the decision which the submitter seeks from the local authority.

89. The s42A Report noted that case law had established that for an amendment to be considered within the scope of a submission, the amendment must be fairly and reasonably within the general scope of:[24]

    (a) An original submission; or

    (b) The plan change as notified; or

    (c) Somewhere in between.

90. The s42A Report concluded that a number of submissions included matters that are outside of the scope of PC1 and are not within the jurisdiction of the Panel. The Report

[24] *Re Vivid Holdings Ltd* (1999) 5 ELRNZ 264 at [19].

concluded that the following submissions and requests were outside the scope of PC1 and should not be considered:

(a) Amuri Irrigation and NC Federated Farmers seeking amendment to the existing Rule 11.1 to clarify it is for a restricted discretionary status activity;

(b) Ngāi Tahu seeking inclusion of a new matter of discretion (Ngāi Tahu values) to be included in Rule 11.1.

(c) ANZ Fine Wine Estates submission seeking to replace proposed Policy 5.3C in its entirety and replace it with a new policy enabling 'existing low intensity farming activities' as permitted activities;

(d) ANZ Fine Wine Estates submission seeking to amend proposed Rule 10.1A so that it would apply to 'low intensity irrigated farmers', as well as LIDF;

(e) RAN submission seeking the deletion of the entire suite of provisions referred to as the '10% rule';

(f) NC Federated Farmers submission seeking the inclusion of 'small areas of irrigation', as part of the definition of LIDF, in line with Plan Change 5 to the Canterbury Land and Water Regional Plan (**CLWRP**);

(g) HDLG submission seeking provision within Rule 10.1 for farmers with up to 50 ha of irrigation to be able to operate under proposed Rule 10.1A; and

(h) The Planetary Healing Foundation submission concerning matters such as use of chemical fertiliser, crop rotation, 'Queen's Chain' setbacks and the need to move to organic farming systems.

91. The s42A Report noted that changes that are considered to be incidental to, consequential upon, or directly connected to PC1 are also considered to be within scope; and that amendments required for clarity and refinement of detail are also allowed on the basis that such amendments are considered to be minor and un-prejudicial. We accept submissions must be 'on' or relate to proposed PC1, as notified, for us to have the jurisdiction to consider it. We accept any amendments recommended we make must be within the scope of the submission received.

Findings

92. We record we have not had regard to submissions that relate to matters outside the scope of PC1. In particular, submissions requesting changes to the existing provisions of the HWRRP that are not proposed to be changed.

93. We agree with Council Officers that several submissions on PC1 appear to be invalid as they are not 'on' PC1. We consider submissions seeking changes to existing provisions such as amendments to the catchment-wide nutrient management regime (beyond LIDF in the HWRRP) are not 'on' PC1. We consider requests for additional amendments are outside the scope of PC1 and we therefore have no jurisdiction to such amendments.

94. We consider the submissions by Amuri Irrigation and NC Federated Farmers seeking amendment to the existing Rule 11.1 to clarify it is for a restricted discretionary status activity, are outside of the scope of PC1.

95. We consider the submission by Ngāi Tahu seeking inclusion of a new matter of discretion (Ngāi Tahu values) in Rule 11.1 is outside the scope of PC1.

96. We consider the submission by ANZ Fine Wine Estates which seeks to replace proposed Policy 5.3C in its entirety with a new policy would significantly extend the scope of the proposed definition of LIDF Farming by enabling 'low intensity farming activities'. It is clearly outside the scope of PC1 and note the effects of such a change have not been assessed. Similarly, we consider the submitter's request to amend proposed Rule 10.1A so that it would apply to 'low intensity irrigated farmers', as well as LIDF activities, is outside of the scope of PC1.

97. We consider it is not appropriate to entirely delete the existing '10% rule' provisions of operative HWRRP, as requested by RAN, given that this would remove the key methods by which the water quality limits, as set in PC1, can be achieved. We consider deletion of entire provisions or any addition of an entirely new provision would be outside the scope of PC1.

98. We note that the s42A Report stated that providing for an area of irrigation within the definition of LIDF was an option that was dismissed early in the PC1 development process on the basis that additional irrigation, particularly within the Hurunui catchment, would result in over-allocation of nutrient limits, unless existing irrigated farms were compelled to reduce nutrient discharges to compensate. We agree with Council Officers that while this may be possible, it would require a much larger community discussion and a change that is beyond the scope of that currently proposed in PC1.

99. We consider any requests to enable irrigation to occur as a permitted activity is outside of the scope of PC1.

100. We consider the matters raised by the Planetary Healing Foundation, relating to moving to biodynamic systems, cessation of chemical fertiliser use and setbacks from riparian strips, are outside the scope of PC1.

101. Overall, we are satisfied that the proposed changes in the s42A Report and the further changes recommended in the Council's reply, are within the scope of the submissions received and respond to matters raised in submissions. We therefore accept we have the jurisdiction to recommend the amendments to PC1 set out in Appendix 1 of this report.

102. We consider any incidental or consequential changes recommended by the Council Officers are within the scope of PC1. We accept this is an appropriate approach and where these are not discussed, we accept the consequential changes are minor and do not change the intent of the provisions.

Nitrogen Loads and Offset

103. Ngāi Tahu supported PC1 on the basis that existing water quality would, at least, be maintained and that it would give effect to the NPS-FM.

104. The Planetary Healing Foundation raised concern that PC1 was a ‘softening of the nutrient loss standards’ and that this could affect water quality downwards.

105. Emu Plains Irrigation sought re-assessment on what the effects of PC1 and other planned development, including development currently under consideration in consent processes, would have on water quality in the Waiau Uwha River. It requested that if the cumulative effects of PC1 and other planned development would likely result in worsening of water quality in the Waiau Uwha River, PC1 should be withdrawn.

106. Amuri Irrigation submitted it was comfortable with the science put forward by the Council that underpins the offset proposed to enable PC1. It noted that an offer for a higher offset was previously made during discussions with the nutrient working group to try an enable a solution without a plan change.

107. NC Fish & Game and Forest & Bird advocated for use of an alternative method for calculating nitrogen loss from LIDF and a more precautionary approach to PC1, with an N load offset of at least 50 t/N/year in the Hurunui catchment. They considered this was appropriate given the significant risk to the environment.

108. The submission from NC Fish & Game and Forest & Bird sought clarification within the section 32 report that some stakeholders preferred an alternative method for estimating the t/N/year load lost from source for LIDF in the Hurunui catchment. Using this alternative method, they sought a more precautionary approach to PC1, with an N load offset of at least 50 t/N/year in the Hurunui catchment. They noted that the risk scenarios assessed for winter grazing assumed good management practices, but that this would not be audited or enforced.

109. NC Fish & Game and Forest & Bird were concerned that were offset ‘to fail’, PC1 would lead to a 28% increase in N allocation within the catchment. They also considered the potential phosphorous contribution from LIDF activities had been understated and was supported by limited scientific study. They also sought further analysis of the long-term average phosphorus load trend.

110. The s42A Report reiterated that PC1 seeks to enable pre-HWRRP farming systems to continue to operate with a more realistic nutrient loss variance; and to enable existing land uses to continue as permitted activities and to manage land use change through resource consent processes. It also noted that under the existing rule framework (Rule 10.2 in particular), land uses within the Waiau Uwha catchment are able to intensify as a permitted activity where that intensification will not cause an exceedance of plan limits or drinking water standards.

111. The s42A Report stated that the operative HWRRP had underestimated the nutrient loss from LIDF activities and that PC1 proposes to enable that existing land use to continue, as was intended when the HWRRP was developed. The Report noted that PC1 acknowledged the nutrient loss variation from existing practices and environmental

constraints on dryland farms, limit how much they can intensify. The Report concluded that it was 'unlikely' that the new rule framework, proposed in PC1, would lead to more than a 14% variance in nutrient losses from LIDF. It stated that the variance that had occurred on dryland farms in the Hurunui Waiau Zone since before the HWRRP was developed is likely to be within 14%.

112. The s42A Report noted that early in the development of PC1, it was recognised that accounting for existing LIDF could increase the calculated N losses to the Hurunui River by 18 t/N/year (as load in the river) which corresponded to an increase of 38 t/N/year load lost from the source (beyond the root zone). It noted that accounting for this N loss from existing dryland farming in the overall catchment N load limit would result in an over-allocation of 38 t/N/year load lost from the source. The Report stated that 30 t/N/year of this calculated over-allocation was anticipated under the operative HWRRP framework.

113. The s42A Report stated that the calculated existing over-allocation occurred because the decision makers who granted resource consents, to Hurunui Water Project and Ngāi Tahu Farming Limited did so on the basis that they did not consider dryland farms would increase losses by up to 10% (as permitted by Rules 10.1 and 10.2 of the HWRRP). The Report noted that an additional 8 t/N/year load lost from source was anticipated from LIDF in the Hurunui catchment, as a result of PC1.

114. The s42A Report stated that the solution proposed to address the existing over-allocation of N loads in the catchment is to create 'headroom' for increased losses calculated for existing LIDF as a permitted activity. It is proposed to create this headroom within the N limits of the Plan by offsetting from existing consented N loads. To enable this to occur, Amuri Irrigation has agreed to surrender 38 t/N/year from its consented N load from two of its existing consents to provide this offset. The Report noted the technical work undertaken did not support increasing the proposed 38 t/N/year load from source to 50 t/N/year in the Hurunui catchment.

115. The s42A Report stated the reasons for choosing the methodology used to calculate N source load (and the necessary offset) in the Hurunui catchment is set out in the technical supporting material. Mr. Norton's memorandum (12 April 2018) specifically, set out the reasons for adopting the CRC's preferred method (referred to as 'method 2') as follows:

> *'… Method 2 is based on in-river load estimates and the HWRRP Schedule 1 in-river load limit, converted to an equivalent source load by calculating the equivalent proportion of Amuri Irrigation Company's (AIC) allocated N load, and is thus then directly relevant and relatable to the nutrient management system used by AIC. Discussions occurring at the time (e.g., at the Sub-group meeting on 12 March 2018) suggested that AIC, possibly in cooperation with the other irrigation schemes, was the most likely source of relinquished nitrogen load to meet the required offset. It therefore made sense to define the offset load requirement in terms that were relatable to AIC's allocation and nutrient management system. This still makes sense now.'*

116. At the hearing, Ms Jenkins and Mr Norton emphasised that PC1 would not be proposed or supported by the Council if there was any deterioration of water quality as the result of

the PC1. They referred to the section 32 report which concluded that it is anticipated that water quality will be maintained within the Plan limits with the offset proposed.

117. Mr Barton, Chief Executive Officer for Amuri Irrigation provided 'Company evidence' at the hearing addressing PC1 and the position of the company. He highlighted that PC1 had been promulgated on the basis there would be no net increase in N in the key watercourses and no net increase in dissolved organic nitrogen (**DIN**) in the Hurunui River. He noted that Amuri Irrigation's acquisition of Hurunui Water Project Limited's land use consent had provided sufficient 'headroom' to enable surrender part of the N allocation under both consents to allow for PC1, while still providing for further irrigation development. He noted Amuri Irrigation was the primary party able to implement the changes needed to enable PC1 without increasing the N allocation in the catchment.

118. Mr Barton highlighted the significant opportunity cost to Amuri Irrigation from the surrender of 38 t/N/year and the need for this to be recognised. He noted Amuri Irrigation would seek withdrawal of the PC1 if any increase in the surrender required was determined through the hearing process.

119. Mr Barton re-iterated that Amuri Irrigation was comfortable with the science put forward by the Council which underpins the 38 t/N/year offset required. He stated the Amuri Irrigation opposed any increase in the N load offset and support the Council Officer's recommendations.

120. Dr Lionel Hume, Senior Policy Analyst for NC Federated Farmers, provided a written statement of evidence and appeared at the hearing. He noted that 10 years of Beef + Lamb data (2006-2016) showed there was no long-term trend in dryland winter forage areas and that the long-term average was shown to about 1.9 percent. He noted the farm survey work by the HDLG showed it would be unlikely there would be an increase in 50% across the catchment. He considered multiple lines of evidence indicated future increase in N loss from operating under the proposed threshold of 10% of the winter grazing were shown to be small (in the order of 0-3 percent).

121. Mr Jansen Travis, a Director and Farm Management Consultant for Tambo NZ Ltd, provided a written statement of evidence and appeared at the hearing on behalf of HDLG. He provided an understanding of the key drivers and limitations of dryland farming in the Hurunui District. He highlighted key limitations such as the variability in topography, rainfall and soil type, and the need for flexibility to mitigate these.

Findings

122. Overall, we agree with the opening statement presented by Ms Jenkins on behalf of the Council that the Deed of Undertaking requiring the surrender of a portion of Amuri Irrigation's allocated N loads provides sufficient certainty that PC1 will not increase the N load limit of the catchment. We note that there is additional certainty that this will occur given the partial surrender will need to occur before PC1 is made operative by the Council.

123. We are satisfied that the Council's process and method for identifying the N load limit required for the offset has evolved systematically and in collaboration with the Hurunui Science Stakeholders Group. We agree with Council Officers that it is technically valid to use the same or equivalent method to identify the offset tonnage as the method used for accounting the N load reductions to achieve the offset. We also accept that this methodology enables the Council to assess the total Hurunui catchment N allocation balance after the surrender and to compare this with the Plan's N load limits.

124. Overall, we accept the premise that PC1 will not result in any deterioration of water quality in the Hurunui, Waiau Uwha and Jed catchments. We acknowledge the intention to enable existing LIDF systems to continue to operate without resource consent without increasing the N loads. We have considered the significant number of reports and studies that sit behind the section 32 report and the s42A Report. We are satisfied that the Council has undertaken a significant amount of work to enable sufficient assessment of the cumulative effects of PC1 on water quality.

125. We acknowledge it is possible that PC1 may result in increased N losses from dryland farming, but we accept that the effects of this have been considered under the Council's 'plausible worst-case scenario'. We agree with Council Officers that physical limitations and historic data of areas of winter grazing indicate it is highly unlikely the area of winter grazing would increase beyond the 'plausible worst-case scenario' assessed.

126. Overall, we accept the methodology used by the Council to calculate the required offset and consider it is sufficiently precautionary to ensure that, as a minimum, PC1 maintains water quality.

127. We acknowledge PC1 will enable pre-HWRRP dryland farming systems to continue to operate within a more realistic nutrient loss variance given the highly variable nature of N loads. We accept that PC1 is designed to enable existing land uses to continue as permitted activities and manage land use change through resource consent processes. We noted that under the existing rule framework in the HWRRP (Rule 10.2 in particular), land uses within the Waiau Uwha catchment are able to intensify as a permitted activity where intensification will not cause an exceedance of Plan limits or drinking water standards. We consider PC1 is consistent with this approach.

128. We consider any previous offers by Amuri Irrigation for a higher N offset are not relevant to our assessment of the effects of PC1. We have no evidence to support use of any alternative method of calculating the N load offset. We therefore rely on the significant information put forward by the Council and supported by many of the submitters.

Adequacy of the Section 32 Analysis

129. The submission by Emu Plains Irrigation challenged the section 32 report, but did not seek any specific relief.

130. The submission by RAN sought an additional section 32 analysis on Rule 10.1A and clarification of how lifestyle blocks (less than 30ha) would be managed. The submission

stated the section 32 report was insufficient in both its scientific analysis and is justification for the proposed Rule 10.1A rule requirements.

131. NC Fish & Game and Forest & Bird sought clarification within the section 32 report that winter grazing is not the only major variable affecting 'off-farm losses'. They were concerned that the section 32 report referred to the HWRRP 'Implementation Package' being developed with key irrigation schemes in the zone, but that the offset package was part of a wider mitigation package to avoid overdue irrigation consent minimum flow reviews. They were concerned that the Implementation Package in its current form would see further significant delays in the implementation of minimum flows which were intended to be implemented by when the HWRRP became operative in 2013.

132. NC Fish & Game also sought further section 32 analysis of the long-term trends of phosphorous loss as a result of PC1.

133. The s42A Report clarified that lifestyle blocks (less than 30ha), with irrigation or that have more than 10% of their area in winter grazing, would continue to be managed as they currently are under Rule 10.1 and 10.2. It noted that where a lifestyle block met the definition of 'Low Intensity Dryland Farming' it would be managed under proposed Rule 10.1A.

134. The s42A Report stated it was not clear, from NC Fish & Game's submission what information further analysis would provide to inform PC1, given PC1 would not cause farming activities to change such that phosphorus loss rates would increase. The Report noted that the requirement for the use of Management Plans specifically requires identifying actions for phosphorus loss risk management and considered this would prevent any increase in manageable phosphorus loss.

135. Dr Hume stated that NC Federate Farmers considered the section 32 report evaluation and modelling had been undertaken in a 'thorough and transparent way'.

Findings

136. Overall, we consider the section 32 report provides a sufficiently robust analysis of PC1 and is fit for purpose given the targeted nature of PC1 and its purpose. We are satisfied that the s42A Report clarifies how lifestyle blocks will be managed under PC1. We accept that PC1 will not increase phosphorous loss and that implementation of Management Plans will enable critical source areas to be identified and managed to reduce losses.

137. We consider further analysis of how lifestyle blocks (less than 30 ha) would be managed is not required given the clarifications made at the hearing and in the s42A Report. Overall, we agree with the key conclusions of the section 32 report and consider these are applicable to the management of lifestyle blocks.

ASSESSMENT OF PROPOSED CHANGES

Proposed Policy 5.3C

138. Proposed Policy 5.3C states:

> *To protect existing values, uses and the mauri of the Hurunui and Waiau Uwha Rivers and their tributaries, while recognising the comparatively small contribution of dryland farming to in-river nutrient concentrations by allowing for the continued operation of low intensity dryland farms without resource consent.*

139. Submissions by Beef + Lamb, Ravensdown and NC Federated Farmers all generally supported the inclusion of proposed Policy 5.3C.

140. Ngāi Tahu's submission supported proposed Policy 5.3C, so long as its application would result in the maintenance (at a minimum) of water quality in the Jed, Hurunui and Waiau Uwha catchments. The submission requested reference to the Jed River catchment should be included in the policy.

141. NC Fish & Game and Forest & Bird's submissions sought amendments to proposed Policy 5.3C to clarify that values, uses and the mauri of the Hurunui and Waiau Uwha Rivers and their tributaries are protected, specifically from nutrient and water over-allocation. These submitters also sought to replace the word 'small' with 'lesser' in relation to the comparative contribution of dryland farming to in-river nutrient concentrations.

142. Fonterra sought to amend proposed Policy 5.3C so that it reads as follows (amendments sought shown as underlined and strike through):

> *To protect existing values, uses and the mauri of the Hurunui and Waiau Uwha Rivers and their tributaries, while providing for a degree of flexibility for dryland farming provided that flexibility is limited to the extent necessary to ensure there will be no breach of the nutrient load limits set in schedule 1. ~~while recognising the comparatively small contribution of dryland farming to in-river nutrient concentrations by allowing for the continued operation of low intensity dryland farms without resource consent.~~*

143. Fonterra sought the amendment to proposed Policy 5.3C to provide '*clear boundaries to use and intensification that offer a high level of surety that in-stream nutrient limits are not exceeded'*.

144. The s42A Report considered the request to amend proposed Policy 5.3C to apply specifically to nutrient and water over-allocation, but recommended the amendment was not made on the basis that proposed Policy 5.3C implements objectives concerned with managing the cumulative effects of land use on water quality. It stated that the policy was not intended to be limited to nutrient losses, as it also related to managing contaminant run-off and other adverse effects that occur cumulatively from land use. It noted that proposed Policy 5.3C was not intended to relate to water quantity, as this is addressed in other provisions (sections 2.1, 2.2, 2.3, 2.4, 2.6, 2.7 and 2.8) of the Plan.

The Report concluded that applying proposed Policy 5.3C to water quantity over-allocation would expand the scope of PC1 beyond its targeted purpose.

145. With regard to the request to replace the word “small” with “lesser”, the s42A Report stated that it was not recommended that the amendment sought was made. It considered that the words ‘small’ and ‘lesser’ were synonyms and that it was unclear what would be achieved by changing the words.

146. The s42A Report noted that the voluntary surrender of 38 t/N/year load lost from source by Amuri Irrigation would ensure the Catchment Nutrient Load Limits in Schedule 1 for the Hurunui Catchment were not exceeded and would resolve the current over-allocation caused by not accounting for nutrient losses from dryland farms in the catchment allocation. It noted that the degree to which LIDF activities could ‘intensify’ is limited by Rule 10.1A and the definition of ‘Low Intensity Dryland Farming’, which excludes irrigation development and limits winter grazing opportunity. It stated that proposed Policy 5.3C does not need to state these requirements, but rather state how the objectives of the Plan will be achieved. In the Council Officers’ opinion, proposed Policy 5.3C better explains how the objectives are to be implemented, than that suggested by Fonterra. Consequently, no amendments to proposed Policy 5.3C were recommended in response to this submission.

147. Council Officer’s agreed proposed Policy 5.3C should apply in the Jed catchment and recommended amendments to the policy to the included the Jed River and its tributaries.

148. Ms Lauren Phillips, South Island Environmental Policy Manager for Beef + Lamb provided a written statement of evidence and appeared at the hearing. She emphasised the importance of PC1 to sheep and beef farmers in the Hurunui and the diverse and often complex nature of dryland farming systems. She highlighted the need for flexibility in their land use and the need to ensure the regulation proposed is linked to environmental effects and proportional to the risk. She considered proposed Policy 5.3C, in conjunction with proposed Rule 10.1, was a step towards acknowledging the different and lower risk presented by dryland farming systems.

149. Dr Lindsay Fung, Environmental Stewardship Manager for the Deer Industry New Zealand, also provided a written statement of evidence and appeared at the hearing on behalf of Beef + Lamb. He re-iterated Beef + Lamb’s general support of the proposed changes and considered these were sufficiently linked to commensurate effects on the environment. He considered the importance of agriculture to economic, social and cultural wellbeing had been recognised and provided for in PC1 through Policy 5.3 and Rule 10.A.

150. Ms Lisa MacKenzie, Senior Environmental Advisor for Ngāi Tahu, provided a written statement of evidence and appeared at the hearing on behalf of Ngāi Tahu. She acknowledged the Council Officer’s recommendation to include reference to the Jed River. She noted Ngāi Tahu’s support of the purpose of PC1 and acceptance that the calculated offset would, as a minimum, maintain water quality in the zone.

151. Dr Hume for NC Federated Farmers supported use of the word 'small' because it was 'more absolute'. He therefore supported retaining the word 'small' as notified and recommended by the Council Officers.

152. Dr Hume noted that NC Federated Farmers also supported amending the policy to include the Jed River and its tributaries, as sought by Ngāi Tahu.

Recommendation

153. On the basis of the evidence before us, we find that proposed Policy 5.3C should be amended to include the Jed River and its tributaries, as follows (amendments from the notified version shown in bold italics):

> To protect existing values, uses and the mauri of the ***Jed,***[25] Hurunui and Waiau Uwha Rivers and their tributaries, while recognising the comparatively small contribution of dryland farming to in-river nutrient concentrations by allowing for the continued operation of low intensity dryland farms without resource consent.

154. We agree with the Council Officers that proposed Policy 5.3C should not be amended to include specific reference to protection from nutrient and water over-allocation. We accept other provisions in the Plan address water quantity and that the amendment sought would expand the scope of PC1, as notified.

155. We consider use of the words 'comparatively small' in the proposed policy acknowledges the contribution of in-river nutrients from dryland farming relative to contributions from other more intensive based farming systems. We do not consider changing 'small' to 'lesser' is warranted.

Proposed Changes to Rule 10.1

156. Beef + Lamb, Ravensdown, and NC Federated Farmers generally supported the proposed changes to Rule 10.1 and sought its retention. RAN supported the exclusion of LIDF activities from the OVERSEER requirements of Rule 10.1.

157. Forest & Bird and NC Fish & Game sought inclusion of a new condition to Rule 10.1 that would prevent LIDF activities from operating under proposed Rule 10.1A, until the 38 t/N/year load lost from source in the Hurunui catchment has been surrendered by Amuri Irrigation.

158. The s42A Report included a copy of the agreement Amuri Irrigation has entered into with the Council to ensure this surrender would occur. The Report stated that the signed Deed of Undertaking between the CRC and Amuri Irrigation would ensure the required 38 t/N/year load lost from source would be surrendered as soon as PC1 was beyond challenge. The Report stated that this would ensure that the PC1 provisions would not result in any over-allocation (noting that farmers must comply with the HWRRP and PC1 until this point in time).

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[25] Submission # 14.9.

159. In response to questions regarding certainty that the surrender would occur, Mr Maw noted that PC1 would not be made operative by the Council until the required surrender had occurred. He noted this would ensure there would be no increase in nutrient allocation.

160. In reply, Council Officers provided copies of the undertakings relied on by the Council for the Waitaki Catchment Water Allocation Regional Plan. They noted that this had proven to be effective in that case. They considered the Deed of Undertaking in place to enable PC1 took this approach a step further and therefore provided sufficient certainty that the partial surrender would occur if PC1 remained within the scope of the offset

Recommendation

161. On the basis of the evidence provided by the Council Officers, we are satisfied that there is sufficient certainty that the surrender of the offset nutrient load will occur before PC1 becomes operative given the Deed of Understanding and the fact the Council will ensure this is done before PC1 is made operative.

162. We recommend no amendment to the proposed changes to Rule 10.1, as notified.

Proposed Changes to Rule 10.2

163. Beef + Lamb, Amuri Irrigation, NC Federated Farmers and HDLG generally supported the proposed changes to Rule 10.2.

164. Ravensdown sought some minor corrections to Rule 10.2 (i.e. capitalise the term ‘Low Intensity Dryland Farming’). Ravensdown also sought an amendment to Condition (a)(ii) to remove the need for land use changing from LIDF to comply with Condition (b) of proposed Rule 10.1A (i.e. the Management Plan requirement).

165. The s42A Report recommended the minor corrections sought by Ravensdown were made.

166. Ngāi Tahu sought deletion of Clause (a)(ii) from Rule 10.2 or an amendment to Rule 10.2 to clarify how the rule and its conditions apply alongside other rules.

167. The s42A Report stated that applying the requirement for compliance with proposed Rule 10.1A conditions (as a condition of permitted land use change) ensures the extent of land use change can be understood. It noted that the conditions of permitted land use were designed to ensure the nutrient and contaminant losses coming from that land use were known (i.e. reporting nutrient losses or winter grazing area and being part of a collective who has implemented an Environmental Management Strategy or implementation of a Management Plan). It stated that if those conditions were not required to be met, it would be impossible to know if a land use had changed (i.e. for land uses other than LIDF, nutrient losses have increased by more than 10%), or what impact a change in land use could have.

168. The s42A Report stated that the operative Rule 10.2 requires non-irrigated land uses to have been subject to a 'collective agreement' prior to a permitted land use change. It stated that Condition 10.2(a)(ii) provides an alternative pathway for LIDF activities, that have operated under proposed Rule 10.1A, to comply with the requirement to demonstrate application of good management practices, which the scale of impact of the existing land use to be estimated. As such, it was not recommended that the amendments sought by Ngāi Tahu or Ravensdown were made.

169. Fonterra sought to limit the application of proposed Rule 10.2 to situations where any change in land use for LIDF activities is only permitted if that change in land use would not result in an exceedance of nutrient limits.

170. The s42A Report stated Rule 10.2, Condition (a)(i) refers back to, and requires compliance with, limits specified in Rule 10.1 Conditions (c) and (d), for any land use change to be a permitted activity. It noted that Condition (b) of Rule 10.2 also requires demonstration that any land use change would not result in the Catchment Nutrient Load Limits in Schedule 1 of the HWRRP being exceeded. It stated that Rule 10.2 already limits permitted land use change to occur, only where limits are met and as such the amendment sought would not add any additional requirement to the rule. On this basis, it recommended that the amendment sought was not made.

Recommendation

171. We agree with the Council Officers that no amendments are required to the proposed changes to clarify how the rule operates with other rules, as requested by Ngāi Tahu.

172. We agree with the Council Officers that operative Rule 10.2 already limits permitted land use change to occur, only where nutrient limits are met. We agree that the request sought by Fonterra is therefore unnecessary.

173. We accept the minor changes to Rule 10.2 requested by Ravensdown (e.g. to capitalise the Low Intensity Dryland Farming) and the minor changes recommended by Council Officers.

174. We recommend Rule 10.2 is amended as follows (amendments from the notified version shown in bold italics):

> Rule 10.2
>
> Any change in land use (refer Part 5 – Definitions), in the Nutrient Management Area shown on Map 4, is a permitted activity, provided that:
>
> ***a.*** ***~~Either~~ either***[26]:
>
> i. conditions (b) (c) and (d) of Rule 10.1 are met; or
>
> ii. if land use is changing from ***~~low intensity dryland farming~~ Low Intensity Dryland Farming***[27] to another land use, conditions (c) and (d) of Rule 10.1 and conditions (a) and (b) of Rule 10.1A are met; and

[26] Minor correction in accordance with Clause 16(2) of Schedule 1 of the Resource Management Act 1991

[27] Submission # 11.5

b. for changes in land use in the Hurunui catchment above SH 1, the dissolved inorganic nitrogen and dissolved reactive phosphorus load limits specified in Schedule 1 are not exceeded, taking into account limits specified in resource consents; and

c. a water permit has been granted that authorises irrigation on the land and includes conditions that:
    i. specify the maximum annual amount of nitrate-nitrogen that may be leached;
    ii. specify measures to minimise the loss of phosphorus; and
    iii. the land is subject to:
        i. an Industry Certification System; or
        ii. a Catchment Agreement; or
        iii. an Irrigation Scheme Management Plan; or
        iv. a Lifestyle Block Management Plan

Or as an alternative to complying with (c):

d. on or before 1 January 2017 the land is not irrigated with water but is subject to:
    i. an Industry Certification System; or
    ii. a Catchment Agreement; or
    iii. an Irrigation Scheme Management Plan; or
    iv. a Lifestyle Block Management Plan.

Proposed Rule 10.1A

175. Beef + Lamb, Ravensdown, and Ngāi Tahu generally supported the proposed changes to proposed Rule 10.1A and sought its retention.

176. HDC and HDLG supported the permitted activity pathway for LIDF activities provided by proposed Rule 10.1A, and specifically supported the choices available for compliance with catchment accounting requirements via the Farm Portal or a Dryland Farmer Collective Agreement. HDLG also supported condition (b) of proposed Rule 10.1A, as it clarified that the CRC would not retain copies of Management Plans.

177. NC Fish & Game and Forest & Bird sought amendments to proposed Rule 10.1A to improve enforceability and implementation of good management practices through Management Plans. The submitters sought amendment of proposed Rule 10.1A to ensure the CRC can carry out random checks of Management Plans and ensure the Management Plans are accurate and are being implemented.

178. RAN opposed the conditions of proposed Rule 10.1A, which require reporting of winter grazing area and mandatory preparation and implementation of Management Plans. RAN sought further justification for the requirement for Management Plans and sought deletion of proposed Rule 10.1A in its entirety. The submission stated there was no justification for mandatory requirements on dryland farmers, particularly lifestyle blocks with few grazing animals. RAN submitted that the catchment accounting proposed in Rule 10.1A would be ineffective and inefficient, and would fail to achieve the purpose of the RMA and meet the NPS-FM requirements.

179. Amuri Irrigation generally supported proposed Rule 10.1A, but sought amendments to its conditions. Amuri Irrigation specifically sought amendment to Condition (a)(i) to state the specific information to be required when registering with the Farm Portal. Amuri Irrigation also sought amendment to Condition (b) to clarify that one Management Plan per property was required.

180. NC Federated Farmers and HDLG Group supported proposed Rule 10.1A and the clarification that Management Plans would be made available to be viewed only. However, NC Federated Farmers sought amendments to ensure information that was contained within Management Plans and could be linked to specific properties, would not be retained by the CRC.

181. NC Federated Farmers also sought confirmation that the CRC would provide support to farmers who may have trouble preparing a Management Plan or registering in the Farm Portal.

182. The s42A Report noted that reporting of winter grazing areas was necessary for monitoring the effectiveness of PC1 and for meeting the catchment accounting requirements of the NPS-FM. The Report stated that reporting of winter grazing areas would also enable more informed limit setting when the HWRRP is next reviewed.

183. The s42A Report stated that Management Plans are necessary to ensure good management practices are identified and implemented to manage the risk of run-off contamination of water (phosphorus, microbial and sediment run-off). It stated that Management Plans are a tool that the CRC use to have conversations about good management practices with farmers. It noted that Management Plans were widely supported during the collaborative Zone Committee process; and that Management Plans are becoming industry standard, as a useful tool for identifying environmental risk and methods for managing those risks. The Report considered it would be unlikely PC1 could be the most appropriate way of achieving the Objectives of the HWRRP or as giving effect to the Objectives and Policies the NPS-FM, if winter grazing was provided for as a permitted activity with no requirement to actively manage the risk of run-off contamination of water.

184. The s42A Report stated that the information required to register with the Farm Portal would vary slightly for each farm. It noted that the Farm Portal requires basic information about the farm type, stocking rates and areas in pasture or crop. The Report stated that listing the information required by the Farm Portal within the rule would add unnecessary complexity to the rule and as such concluded it was not recommended.

185. The s42A Report agreed that clarification that one Management Plan per property was required and would improve the rule clarity. The Report therefore recommended that an amendment, similar to that suggested by Amuri Irrigation, should be made.

186. The s42A Report considered it was clear in condition (b) of proposed Rule 10.1A that Management Plans would not be retained by the Council. It noted that the Council may be required to hold some information regarding Management Plans in instances where there was a compliance proceeding (e.g. proposed enforcement action), or for the

purposes of keeping track of monitoring. The Report stated it was unlikely that specific Management Plan information (linked to specific properties) would be retained unless it was related to a compliance proceeding.

187. The s42A Report noted that the CRC has an extensive work programme and resourcing, including a dedicated zone team, in place to assist farmers in complying with Management Plan and Farm Portal requirements. It noted this would form part of the implementation of PC1, and sits outside the provisions of PC1.

188. Ms Phillips, on behalf of Beef + Lamb, noted support of the Management Plan requirement, without use of an Overseer budget. She also noted support for providing for reporting through use of a collective agreement, as an alternative to the farm portal. She highlighted that winter grazing is an important part of dryland farming. She considered concerns raised that allowing up to 10% of a farm's area could result in a 'gold rush' of increases in winter grazing were not credible given information on historic land use practices and physical constraints. She noted that a Sheep and Beef Farm Survey undertaken by Beef + Lamb showed winter forage crops tended to constitute a small percentage of farms that grow them and that the definition of LIDF excluded high intensity systems.

189. Dr Fung, on behalf of Beef + Lamb, considered proposed Rule 10.1A was the fundamental foundation of PC1 and that its successful implementation would help to achieve Objectives 5.1 and 5.2. He noted the 'low environmental risk' of LIDF systems and considered Management Plans were appropriate for managing activities and critical source areas which present the most risk.

190. Dr Hume, on behalf of NC Federated Farmers, addressed the importance of ensuring the confidentiality of private information (both personal and business) was protected. He therefore supported the approach that Management Plans are to be viewed and not retained. He agreed that any retention of information for monitoring and compliance purposes should be very limited in nature.

191. Mr Dan Hodgen, on behalf of NC Federated Farmers, noted that Farm Environment Plans (**FEP**) were useful planning documents, but considered auditing these would shift their use from a farm planning tool to a regulatory one. He considered this would limit the information put in them and that they would no longer be used to plan voluntary positive actions. He noted that membership of the HDLG was conditional on undertaking a FEP, but that the group maintained that these would not be passed on to the CRC. He was concerned auditing FEP would limit their use and add significant cost while reducing environmental benefit.

192. Mr Jamie McFadden, Mr Jeff Wilkinson and Mr Winton Dalley represented RAN at the hearing. Mr McFadden highlighted the positive restoration work being undertaken by farmers and the success of the previous Catchment Board Plans which were based on trust and respect. He considered the new regulatory framework had undermined his trust and respect, and that farm Management Plans were a 'waste of time and a tick box approach'. He highlighted the need to build an integrated approach, led by farmers, with social well-being as one of the corners stones.

193. Mr Wilkson emphasised the human factors and noted that for every action there was a reaction. He considered the CRC had not recognised the consequences of the regulation on the ground and the huge stress on farmers from environmental regulation. He noted the while he accepted that the general public should have a say, it was important that the Council listened to those most affected.

194. Mr Dalley challenged the assumptions of PC1 and noted the rules were never intended to capture dryland farming. He considered the cumulative environmental effect of dryland farming was 'minor' and that irrigation was the key difference. He was concerned that once captured by this plan change, incrementally stronger regulation requirements would be implemented. He highlighted the social, economic and environmental values to be protected under the RMA sat equally, and that these must be balanced.

195. During the hearing, we questioned Mr McFadden about providing alternative wording for Rule 10.1A to enable existing LIDF to continue without the need to obtain resource consent. He acknowledged that RAN did generally support the intent of PC1 to fix the '10% rule' and that to delete the rule entirely would not enable this to occur. He agreed to provide alternative wording which would meet the purpose of PC1 while addressing the concerns raised about requiring provision of Management Plans.

196. Following the adjournment of the hearing, RAN provided alternative wording which would make LIDF activities permitted activities without any conditions to be met within the rule itself.

197. This alternative rule was circulated to the parties for comment and was opposed by Ngāi Tahu; and support by NZ Federated Farmers and the Planetary Healing Foundation.

198. In reply, the Council Officers stated that the alternative wording suggested by RAN was beyond the scope of RAN's original submission and the scope of PC1 and should be rejected. They considered that removal of the 10% winter grazing limit could result in significant adverse effects on water quality and is therefore not supported. They noted that no alternative method to use of Management Plans had been suggested by RAN for the management of phosphorous and run-off or that would enable catchment wide accounting of nutrient discharges.

199. In response to questions, the Council Officers said the Council had looked at alternative methods to achieve the outcomes sought by the NPS-FM provisions, but that the costs of methods such as satellite monitoring would fall on ratepayers. They considered provision of Management Plans was reasonable given they would not be costly to farmers. Overall, the removal of the requirement to provide Management Plans was not supported by the Council because it would be unlikely to ensure water quality is maintained or improved, or that the limits in PC1 would be achieved.

Recommendation

200. Overall, we agree with the Council Officers that the provision of a Management Plan is consistent with the Council's approach to dryland farming activities across the region. We accept that providing information such as the area used for winter grazing will enable the Council to undertake catchment level accounting of nutrient loads in compliance with Policy CC1(b) of the NPS-FM. We do not accept there is any evidence to support RAN's claim that it will be ineffective or inefficient.

201. In recognising that RAN supported the intention of PC1, we decided to provide the submitter with further opportunity to suggest alterative wording of the rule, which would address concerns raised with the conditions, particularly the provision of Management Plans. In considering the alternative wording provided by the RAN, we do not accept that removing the requirement to provide a Management Plan entirely without suggesting an alternative method would enable the provision of sufficient information for effective management at a catchment level. We also agree with Council Officers that the alternative wording suggested went beyond the scope of the concerns raised by the submitter and beyond the scope of PC1. We have therefore not considered the alternative wording any further.

202. We are satisfied that PC1 provides two options for dryland farmers to report their winter grazing area and that this enables farmers to provide the required information either individually of as part of a collective. We consider this addressed concerns raised about privacy.

203. We are satisfied that proposed Rule 10.1A makes it clear that the Council has the ability to view Management Plans as a part of any compliance checks, which could occur at any time. We consider proposed Rule 10.1A sufficiently specifies the minimum content of a Management Plan by reference to Schedule 6. We accept the changes recommended by Council Officers, in response to submissions, clarifies that the rule requires the preparation and implementation of one Management Plan for each property. Overall, we accept this approach is used elsewhere in the Canterbury region for permitted farming activities and is consistent with the approach of the CLWRP.

204. We accept that the requirement to retain a copy of the Management Plan for viewing only addresses concerns regarding the protection of private information held by the CRC. We consider the further amendments to Schedule 6, Part B(4)(b) proposed by Council Officers to retain Management Plans for 10 years will provide a continuous record of ongoing on-farm actions to avoid and minimise nutrient discharges. We consider this will help farmers to demonstrate improvement over time during compliance checks.

205. We consider including specific information required by the Farm Portal in the wording of the rule would add unnecessary complexity to the rule. We note slightly different information is required for different properties and that this would make any list of required information difficult.

206. On the basis of the evidence, we therefore recommend that proposed Rule 10.1A is amended as follows (amendments to the notified version shown in bold italics):

> Rule 10.1A
>
> The use of land for Low Intensity Dryland Farming that results in a discharge of nitrogen or phosphorus, which may enter water, in the Nutrient Management Area shown on Map 4, is a permitted activity provided that:
>
> a. either:
>
> i. the property is registered in the Farm Portal by [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA] and information about the farming activity and the property is reviewed and updated by the property owner or their agent every 36 months thereafter, or whenever any boundary of the property is changed; or
>
> ii. the property is subject to a Dryland Farmer Collective Agreement on or before [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA]; and
>
> b. a Management Plan ***is prepared for and implemented on the property***[28] in accordance with Schedule 6 ~~***has been prepared and is implemented***~~[29] by [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA] and is supplied to the Canterbury Regional Council, on request, to be viewed only. The Canterbury Regional Council will not retain copies of the Management Plan.

Proposed Changes to Rule 11.1

207. Amuri Irrigation and Ravensdown generally supported the proposed changes to Rule 11.1.

208. The s42A Report considered the submissions from Amuri Irrigation, NC Federated Farmers and Ngāi Tahu in relation to changes to Rule 11.1 were outside the scope of PC1.

Recommendation

209. As discussed earlier in this report, we agree with Council Officers that the amendments to proposed Rule 11.1 sought by Amuri Irrigation, NC Federated Farmers and Ngāi Tahu are outside the scope of PC1 and do not serve the purpose of the targeted plan change. We therefore recommend no amendment to the proposed changes to Rule 11.1, as notified.

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[28] Submission # 9.23 and 9.20.

[29] Submission # 9.20.

Proposed Definitions

Change of land use

210. Amuri Irrigation, Ravensdown, NC Federated Farmers and Beef + Lamb supported the definition of 'Change of land use' in general; and HDLG specifically supported the inclusion of Clause (b) to the definition.

211. The s42A Report noted the changes sought by ANZ Fine Wine Estates were outside of the scope of PC1 and recommended no amendments were made.

Recommendation

212. As discussed earlier in this report, we agree with Council Officers that the amendments to the definition sought by ANZ Fine Wines are outside the scope of PC1. We recommend no amendments are made to the definition of 'Change of land use', as notified.

Dryland Farmer Collective Agreement

213. Ravensdown, NC Federated Farmers, Beef + Lamb and HDLG supported the definition of 'Dryland Farmer Collective Agreement' generally.

214. The s42A Report noted the changes sought by ANZ Fine Wines Estates were outside of the scope of PC1 and recommended no amendments were made.

215. Fonterra sought amendment to the definition of 'Dryland Farmer Collective Agreement' to clarify that information gathered by the collective would be shared with CRC for compliance monitoring for proposed Rule 10.1A.

216. The s42A Report noted that proposed Rule 10.1A and Schedule 2A set out the information sharing requirements for monitoring purposes and that it was not considered appropriate or necessary to specify rule requirements within the definition. No changes were recommended.

Recommendation

217. As discussed earlier in this report, we agree with Council Officers that the amendments to the definition sought by ANZ Fine Wines are outside the scope of PC1.

218. We agree with Council Officers that it is not necessary to specify the rule requirements within the definition.

219. We recommend no changes are made to the definition of 'Dryland Farmer Collective Agreement', as notified.

Farm Portal

220. Ravensdown, NC Federated Farmers and HDLG supported the definition of 'Farm Portal' generally.

221. NC Federated Farmers sought a small grammatical correction, which was accepted by Council Officers as consistent with the style of the Plan.

Recommendation

222. We accept the Council Officers' recommendations to amend the definition of 'Farm Portal' as follows (amendments from the notified version shown in bold italics):

> ***~~means~~ Means***[30] the nutrient management database accessed at www.farmportal.ecan.govt.nz . For the purpose of Rule 10.1A, Farm Portal refers to the "N. Check" tool which can be accessed at www.farmportal.ecan.govt.nz

Low Intensity Dryland Farming

223. Amuri Irrigation and Beef + Lamb generally supported the definition of LIDF.

224. Ngāi Tahu sought clarification of how the definition of LIDF related to the existing and proposed rules.

225. The s42A Report stated that any land use that met the definition of LIDF would be required to comply with the conditions of proposed Rule 10.1A. It noted that if a land use activity that met the definition of LIDF was changed (in accordance with the definition of 'Change of land use'), Rule 10.2 would apply; or if the conditions of Rule 10.2 were not met, Rules 11.1 or 11.1A would apply. It also noted that if a land use did not meet the definition of LIDF, Rules 10.1, 10.2, 11.1 and 11.1A would apply as they would have under the existing operative rule framework of the Plan.

226. Ravensdown, NC Federated Farmers and HDLG sought amendments to the definition of LIDF so that it specifies that properties under 100 ha are able to use up to 10 ha for winter grazing while remaining within the definition.

227. The s42A Report noted the changes sought were consistent with the CLWRP provisions for farming activities in 'Red Nutrient Allocation Zones' (i.e. zones where water quality outcomes are not met). It noted that it is accepted that it is unlikely that extensive winter grazing would be carried out on lifestyle blocks of 10 ha or less; but that it was not clear if there are an abundance of smaller blocks used for this purpose within the Hurunui Waiau Zone. However, the Report concluded that the 'plausible-worst case scenario' increase for winter grazing would still apply at the catchment wide level because it is assumed that non-irrigated smaller blocks are subject to the same natural and economic limitations as larger dryland blocks. On this basis, Council Officers

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30 Submission # 16.11.

recommended the amendments sought by Ravensdown, NC Federated Farmers and HDLG should be made.

228. Ravensdown also sought amendment to Clause (d) of the definition of LIDF, to remove the words ‘for the purpose of intensive controlled feeding with the purpose of encouraging weight gain’.

229. The s42A Report stated that the purpose of Clause (d) of the definition is to exclude intensive feedlot farm systems from the definition of LIDF. Intensive feedlot farm systems were not intended to be provided for by PC1, and would continue to be managed under Rules 10.1, 10.2, 11.1 and 11.1A. It noted that including feedlot systems would expand the scope of PC1 beyond what has been considered in technical work (and would have implications for the required nitrogen loss offset), or subject to Schedule 1 consultation. It also noted that the amendment sought would remove qualifiers that identify the difference between extensive dryland farming operations and intensive feed-lot systems. Council Officers concluded the amendment sought would result in the exclusion of any farming activity where stock are held in stockyards from the definition of LIDF. This is because Clause (d) would read: ‘*the farming activity does not include a component where livestock are confined within a hardstand area’.* On this basis, the amendment sought was not recommended by the Council Officers.

230. NC Federated Farmers sought deletion of Clause (c) of the definition of LIDF, so that pork and poultry farming is not excluded from the definition.

231. The s42A Report noted that pork and poultry farm systems were not intended to be provided for by PC1, and would continue to be managed under Rules 10.1, 10.2, 11.1 and 11.1A. It noted that including pork and poultry systems would expand the scope of PC1 beyond what has been considered in technical work (and would have implications for the required nitrogen loss offset), or subject to Schedule 1 consultation. It also noted the amendment sought does not serve the purpose of the targeted plan change (which is to reduce the regulatory burden on low impact dryland farming) and as such recommended that the amendment sought was not made.

232. Fonterra sought an amendment to Clause (d) to specify that a LIDF activity should not include a component where livestock are confined on an area without pasture or vegetative cover for intensive controlled feeding.

233. The s42A Report stated that this amendment would effectively exclude winter grazing from LIDF activities because it is common for winter grazing to result in areas where cattle are confined being stripped of vegetative cover. It noted that this was the reason why winter grazing is a nutrient and contaminant loss risk and why it is necessary to limit the permitted winter grazing area.

234. Fonterra also sought to limit LIDF to activities where no more than 20% of animal feed consumed on the property is imported.

235. The s42A Report noted that this could unnecessarily limit the ability for LIDF activities to retain stock in very dry years, where it may be necessary to import hay or baleage to

keep stock going over dry months. It noted it was not clear what advantage would be gained from limiting imported feed for LIDF activities where imported feed is used as a means to keep stock on during a feed shortage, rather than as a supplement to increase productivity.

236. Dr Hume, on behalf of NC Federate Farmers, noted support for the changes recommended by the Council Officers. He noted the changes were consistent with the thresholds in the CLWRP and provided flexibility to accommodate the normal cyclical nature of farming.

Recommendation

237. We consider the Council Officers have clarified how the definition of LIDF relates with existing and proposed rules.

238. We agree with the Council Officers that intensive feedlot farming systems should not be included in the definition of LIDF. We consider the potential environmental effects of such activities have not been assessed.

239. We agree with the Council Officer that the changes sought by Fonterra would effectively prevent winter grazing on up to 10% of the property. We are satisfied that the environmental effects of permitting winter grazing have been assessed as part of PC1. No evidence has been provided supporting limiting imported feed and we acknowledge this is an important part of LIDF during drought periods.

240. We accept that the changes recommended by the Council Officers are consistent with the CLWRP provisions and clarifiy the maximum area permitted for winter grazing on properties less than 100 ha.

241. We accept that it was not the intention of PC1 to include pork and poultry farming systems within the definition of LIDF. As discussed earlier in this report, we agree with the Council Officers that this would be outside of the scope and purpose of PC1.

242. We recommend the definition of 'Low Intensity Dryland Farming' is amended, as recommended by Council Officers, as follows (amendments from the notified version shown in bold italics):

> means the use of land for a farming activity, where:
>
> a. no part of the property is irrigated; and
>
> b. the area of the property used for Winter Grazing is less than:
>
> i. ***10 hectares, for any property less than 100 hectares in area; or***[31]
>
> ii. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or

[31] Submission # 11.10, 16.2, 26.9.

iii. 100 hectares, for any property greater than 1000 hectares in area; and

c. the farming activity does not include the farming of more than 25 weaned pigs or more than 6 sows, or the farming of poultry fowl at a stocking rate of more than 10 birds per hectare, up to a maximum of 1000 birds; and

d. the farming activity does not include a component where livestock are confined within a hard-stand area for the purpose of intensive controlled feeding with the purpose of encouraging high weight gain.

Winter Grazing

243. Amuri Irrigation, Ravensdown, Beef + Lamb, and HDLG, supported the definition of 'Winter Grazing' in general.

244. NC Federated Farmers sought amendment to the definition to align with the definition used in the CLWRP. The change sought was as follows:

> Winter Grazing means the grazing of cattle within the period of 1 May to 30 September, where the cattle are contained for break-feeding of in-situ brassica and root vegetable forage crops ***or for consuming supplementary feed that has been brought onto the property.***

245. The s42A Report stated that there was benefit to using the same definitions across the various regional plans in force in Canterbury. It noted that consistent terminology ensures consistency in implementation and is easier for plan users. However, the Report concluded that in the context of PC1, limiting the area over which imported feeds such as hay and baleage could be fed out, could not be justified.

246. The s42A Report noted that PC1 required LIDF activities to report on the area of land used for winter grazing. It noted it was common practice for LIDF activities to feed out supplementary feed such as hay or baleage over winter months. The Report considered it is good practice for this feeding to occur in different locations to avoid damage to pasture. It noted that reporting on this area would not necessarily provide an accurate picture of the type of 'high risk' winter grazing that the CRC considers is important for the purpose of accounting for nutrient losses at the catchment scale. The Report recommended the proposed definition of 'Winter Grazing' more efficiently achieve the HWRRP objectives.

247. Ms Phillips noted Beef + Lamb opposed the amendment sought by NC Federated Farmers on the basis that bringing in supplementary feed is not the same as winter grazing. She warned that conflating supplementary feeding with winter grazing could have negative and unintended consequences.

248. Dr Fung, on behalf of Beef + Lamb, noted that 'Winter Grazing' specifically applied to crops grown *in situ* and grazed, rather than feed that is brought in. He agreed that winter grazing is a 'high risk activity'. He noted that Beef + Lamb did not support including supplementary feed in the definition, as requested by NC Federated Farmers.

Recommendation

249. We accept that feeding out supplementary feed is an important part of LIDF activities. We agree with the Council Officers that the reporting of areas of winter grazing addresses high risk activities. We agree with Ms Phillips that to include supplementary feeding may have negative and unintended consequences.

250. We recommend no changes are made to the definition of 'Winter Grazing', as notified.

Proposed Schedule 2A

251. Ravensdown, Beef + Lamb and HDLG generally supported Schedule 2A.

252. Fonterra sought an amendment to include the proportion of the feed budget that comprises imported feed as a matter for members to report annually to the collective.

253. The s42A Report stated it was not considered necessary to seek this information for LIDF and that it is accepted this is an important part of dryland farming as means to keep stock alive during a feed shortage.

Recommendation

254. We agree with the Council Officers that information on imported feed is not necessary for LIDF activities to achieve the objectives of the Plan. We recommend Schedule 2A is retained as notified in PC1.

Proposed Schedule 6

255. Ravensdown generally supported Schedule 6, and NC Federated Farmers specifically supported the ninth box 9 (item 3) in the table (Part B) that refers to 'source areas for phosphorus loss'

256. ANZ Fine Wine Estates sought amendment to Part A of Schedule 6 to enable Demeter Biodynamic Accreditation management plans to be considered compliant with the requirements of Schedule 6.

257. The s42A Report included a copy of the Demeter Biodynamic Accreditation management plan template and confirmed the management plan covered most of the requirements set out in Schedule 6. It noted that the Demeter Biodynamic Accreditation management plan does not include provision for the identification and protection of mahinga kai values, but that it was likely that the nature of biodynamic farming practices would result in protection of mahinga kai values. It also noted that Schedule 6 provides for industry prepared Management Plans and requires that the Management Plan be certified, as equivalent, by the Chief Executive of CRC. It stated that the submitter would be able to seek approval of the Demeter Biodynamic Accreditation management plan under the provisions as notified. On this basis, Council Officers considered no amendment was needed to provide the relief sought by the submitter.

258. NC Federated Farmers and HDLG sought deletion of item 2(e) (requirement to identify the location on waterways where stock access or crossing occurs) from Part B of Schedule 6.

259. The s42A Report noted that stock access to waterways is a high risk for contaminants entering waterways, either directly or as a result of river bank destabilisation. It stated that identifying areas where stock can access waterways, so that the risk of contaminant runoff can be assessed and managed, is an important function of a Management Plan. Council Officers therefore recommended item 2(e) was retained as proposed.

260. NC Federated Farmers and HDLG sought amendment to item 3 of Part B to refer to 'critical' source areas for phosphorus loss.

261. The s42A Report noted the amendment requested was consistent with Management Plan requirements under the CLWRP and therefore recommended the amendment sought was made.

262. In response to questions, Ms Jenkins and Mr Norton stated that they were confident that landowners understood the term 'Critical source areas' and that this did not need to be explained further. They agreed that insertion of the word 'critical' would be consistent with the commonly used and understood term 'critical source areas'.

263. RAN, NC Federated Farmers and HDLG sought deletion of the 'mahinga kai values' practice from the table in Part B of Schedule 6.

264. The s42A Report noted that section 6(e) of the RMA identifies "*the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga'* as a matter of national importance to be recognised and provided for. It considered that Management Plans were required by proposed Rule 10.1A as a method by which potential adverse effects on water quality can be identified and avoided, or mitigated. It noted that water quality impacts mahinga kai values and therefore it was important for LIDF activities to identify and protect those values so that the relationship of Māori with their culture and traditions can be provided for.

265. The s42A Report stated that removing the 'mahinga kai' practice from the table would reduce the effectiveness with which the PC1 provisions give effect to the Plan objectives, specifically Objective 5.1.

266. Ngāi Tahu sought an amendment to the Table in Part B of Schedule 6 to include 'fertiliser' in the following practice description:

> *Vegetated riparian margins of sufficient width are maintained to minimise nutrient, sediment and microbial pathogen losses to waterbodies.*

267. NC Federated Farmers sought the deletion of this item from the table.

268. The s42A Report stated that neither of the amendments sought to the practice descriptor were recommended. In relation to the Ngāi Tahu submission, it noted that the term 'nutrient' would encapsulate fertiliser and therefore is not necessary. In relation to

the NC Federated Farmers submission to delete item 2(e), the Report noted that the identification of waterways and stock crossings and access was a key method for minimising contaminant run-off entering water. It noted that there were no other practices or methods identified that would achieve the same protection of water quality from general farm run-off.

269. The evidence of Mr Nukuroa Tirikatene-Nash, on behalf of Ngāi Tahu outlined the progressive and historic disassociation of tāngata whenua from their values and important sites for mahinga kai. He acknowledged the close link between maintaining and improving water quality and the protection of and improvement of mahinga kai.

270. During the hearing, we explored with the Council Officers changes that could be made to enable the Council to view Management Plans for previous years to enable comparison of on-farm actions over time and to enable farmers owners to demonstrate progressive implementation of good management practices. In response, the Council Officers recommended further changes to item 4 which clarify that Management Plans should include a continuous record of on-farm actions for a period of up to 10 years. The Council Officers noted that this recommended change was within the scope of submissions made by NC Fish & Game and Forest & Bird requesting processes for achieving continuous improvement.

Recommendation

271. We are satisfied that the wording of Schedule 6 provides approval of alternative Management Plans, proved it meets the requirements. We therefore agree with the Council Officers that no amendment is required.

272. We agree with the Council Officers that item 2(e) is an important method for managing phosphorous loss and general farm run-off and that effective management of such areas is critical in achieving the objectives of the Plan. We do not recommend deletion of item 2(e), as requested.

273. We agree with NC Federated Farmers, HDLG and the Council Officers recommendation that use of the term ‘critical source areas’ is appropriate and that the meaning of this term is widely understood within the farming sector. We recommend this amendment is made.

274. We accept that the inclusion of ‘mahinga kai’ in Schedule 6 Part B is directly linked to achieving existing Objective 5.1 of the HWRRP.

275. We note Objective 5.1 states:

> *Concentrations of nutrients entering the mainstems of the Hurunui, Waiau and Jed rivers are managed to:*
>
> *a. protect the mauri of the waterbodies;*
> *b. protect natural biota including riverbed nesting birds, native fish, trout, and their associated feed supplies and habitat;*
> *c. control periphyton growth that would adversely affect recreational, cultural and amenity values;*

d. ensure aquatic species are protected from chronic nitrate toxicity effects; and,
e. ensure concentrations of nitrogen do not result in water being unsuitable for human consumption.

276. We agree with Council Officers that identifying and protecting mahinga kai values on individual farm properties will assist in protecting the mauri of waterbodies that flow through those properties and will also assist in the protection of natural biota and habitat. We therefore recommend the requirement to identify and protect mahinga kai values should not be deleted, as requested.

277. We consider the further recommendations of the Council Officers to require a continuous record of on-farm actions for up to 10 years within the Management Plans is within the scope of submissions received and will enable more effective monitoring of improvements made overtime. We recommend the further changes to item 4 are made.

278. We recommend Schedule 6 Part B should be amended (amendments from the notified version shown in bold) as follows:

Schedule 6 Management Plan for Low Intensity Dryland Farming Activities

Part A – Management Plans

A Management Plan can be either:

1. A Plan prepared in accordance with the requirements of Part B below; or
2. A Plan prepared in accordance with an industry prepared Farm Environment Plan template that has been certified by the Chief Executive of Environment Canterbury as providing at least an equivalent amount of information and practice guidance contained in Part B below.

Part B – Management Plan Default Content

The Management Plan shall contain as a minimum:

1. Property details
   a. Physical address
   b. Description of the ownership and name of a contact person
   c. Legal description of the land and farm identifier
2. A map(s) or aerial photograph at a scale that clearly shows:
   a. The boundaries of the property.
   b. The boundaries of the main land management units on the property.
   c. The location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands.
   d. The location of riparian vegetation and fences adjacent to water bodies.
   e. The location on all waterways where stock access or crossing occurs.
3. The location of any ***critical***[32] source areas for phosphorus loss
4. A description of:
   a. the on-farm actions, including applicable good management practices, that have been undertaken in the previous 01 July to 30 June period to implement the applicable practices described in the table below; and
   b. the on-farm actions, including applicable good management practices, that will be undertaken ***each year (01 July – 30 June), from [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA],*** ~~***in the***~~

[32] Submission # 16.15, 26.12.

previous 01 July to 30 June period to implement the applicable practices described in the table below. ***For clarity, the Management Plan will include a continuous record of on-farm actions, including applicable good management practices from [the operative date of the Plan] for a period of up to 10 years***[33]***;*** and

5. A copy of the Management Plan shall be retained by the landowner and updated at least once every 12 months as necessary, and provided to the Canterbury Regional Council, for viewing, on request. The Canterbury Regional Council will not retain copies of the Management Plan.

STATUTORY ASSESSMENT

National Environmental Standards

279. Section 43B of the RMA addresses the relationship between national environmental standards and rules and resource consents. Section 43B provides that:

> *A rule or resource consent that is more stringent than a national environmental standard prevails over the standard, if the standard expressly says that a rule or consent may be more stringent than it.*
>
> *A rule or resource consent that us more lenient than a national environmental standard prevails over the standard if the standard expressly says that a rule or consent may be more lenient than it.*

280. The national environmental standard of particular relevance to PC1 is the Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007 ('NES Drinking Water'). The NES requires regional councils to consider the effects of activities on community drinking water sources when including or amending permitted activity rules in a regional plan, or assessing an application for a resource consent.

281. We note there are community drinking water sources throughout the Hurunui and Waiau catchments. However, because PC1 does not seek to change the operative Plan limits, or provide for the intensification of dry land farms, we accept it is not anticipated that the proposed provisions will result in any water supply becoming unsafe for human consumption or increase the concentration of health-related contaminants by more than a minor amount.

282. We note that a council cannot include or amend a rule in a regional plan to allow a permitted activity (under sections 9, 13, 14, or 15 of the RMA) upstream of an abstraction point of a registered drinking water supply (defined as supplying 501 or more people with drinking water for 60 days per year or more), unless the Council is satisfied that the activity is not likely to result in the water supply becoming unsafe for human consumption or increase the concentration of health related contaminants by more than a minor amount.

[33] Submission # 23.15

283. On the basis of the evidence, we accept that PC1 is unlikely to result in any drinking water becoming unsafe for human consumption or to increase the concentration of health-related contaminants by more than a minor amount.

National Policy Statement for Freshwater 2014 (as amended in 2017)

284. The HWRRP was promulgated under the provisions of the NPS-FM 2011. PC1 to the HWRRP was prepared under provisions of the NPS-FM 2014 (as amended in 2017), which replaced the NPS-FM 2011. The NPS-FM 2014 (as amended in 2017) provides national direction for a sustainable, integrated approach to the management of freshwater. It requires, among other things, that councils recognise the national significance of freshwater and Te Mana o te Wai (the mana of the water).

285. We note the evidence of Ms McKenzie, on behalf of Ngāi Tahu, that the inclusion of Te Mana o te Wai in the NPS-FM reflects the Treaty principles.

286. The specific directions that the Council must give effect to were outlined in Appendix 1 of the section 32 report. Overall, we accept PC1 has been developed to give effect to these requirements, within the limited scope of PC1.

New Zealand Coastal Policy Statement 2010

287. The RMA requires that regional plans give effect to the NZCPS. We note that the HWRRP was developed to give effect to the NZCPS and accept that PC1 does not seek to amend any limits or Objectives within the operative HWRRP. We accept PC1, as proposed, will not alter the extent to which the operative HWRRP gives effect to the NZCPS.

The Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2016

288. The Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2016 (ECan Act 2016) came into force on 10 May 2016.[34] This provides the CRC with the continuation of certain powers from the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 that it would not otherwise have, to address issues relevant to the efficient, effective, and sustainable management of freshwater in the Canterbury region.

289. In considering PC1, we have had particular regard to the vision and principles of the CWMS, which are set out in Schedule 3 of the ECan Act 2016. We acknowledge this is in addition to the matters relevant under clause 10(1) of Schedule 1 of the RMA. We note section 21(2) of the ECan Act 2016 states that the inclusion of the vision and principles of the CWMS in Schedule 3 does not accord to the CWMS or its vision and principles any status in law, other than as provided in that Act.

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[34] For completeness, we note that section 5, Part 3, and Schedule 1 to 3 of the ECan Act 2016 came into force on the transition day, as defined in the ECan Act 2016.

290. We note the vision of the CWMS is:

> *To enable present and future generations to gain the greatest social, economic, recreational and cultural benefits from our water resources within an environmentally sustainable framework.*

291. The fundamental principles of the CWMS are sustainable management, a regional approach, and kaitiakitanga. The supporting principles are natural character, indigenous biodiversity, access, quality drinking water, recreational and amenity opportunities, and community and commercial use.

292. While section 24 of the ECan Act 2016 requires us to have particular regard to the vision and principles of the CWMS, we note the vision and principles of the CWMS are also being given effect to in Canterbury through the wider auspices of the CWMS as a whole.

293. We note the CWMS introduced a collaborative and integrated management approach to freshwater management, and seeks to maximise opportunities for the region's environment, economy and community. The CWMS identified that a shift was required from effects-based management of individual consents, to integrated management based on water management zones, and the management of cumulative effects of both water abstraction and land use intensification. We acknowledge the CWMS and the Zone Committee process established under it, is one way that the CRC has sought to involve the community, including iwi and hapū, in how best to give effect to the NPS-FM.

294. We note the CWMS and the Hurunui Waiau Zone Implementation Programme (**ZIP**) Addenda are the outcome of extensive consultation and community participation aimed at reaching a consensus as to how to best manage the freshwater resources in the Hurunui Waiau sub-region. We acknowledge the CWMS has been endorsed by the CRC and all of the territorial authorities in the Canterbury region and as such, provides valuable guidance about how the people and communities of Canterbury wish to see provision for their wellbeing and health and safety, through the management of the use, development and protection of resources, including water and land.

295. We acknowledge that although there is no statutory requirement for PC1 to incorporate or give effect to the entire content of the CWMS, the document as a whole is an important component in determining the most appropriate way of achieving the purpose of the RMA. We accept we may also have regard to the CWMS as a whole as a relevant consideration. We note the CWMS is not a ‘strategy prepared under other Acts’, in terms of section 61(2)(a)(i) of the RMA, and is therefore not a mandatory consideration under that section. However, we accept section 61(2)(a) does not create an exhaustive list of considerations.

296. We confirm we have had particular regard to the vision and principles of the CWMS and to the CWMS as a whole, and to the Zone Committee process established under the CWMS and the ZIP Addendum, in order to give effect to the vision and principles of the CWMS (and the NPS-FM).

Canterbury Regional Policy Statement 2013

297. PC1 has been developed to give effect to the CRPS, and in particular Chapter 7 of the CRPS which addresses the resource management issues relating to water quality.

298. We note that Appendix 1 of the section 32 report described the key objectives and policies in Chapter 7 of the CRPS as they relate to PC1. We record we have considered these provisions in making our recommendations. We consider PC1 is consistent with achieving the outcomes sought by the CRPS.

Iwi Management Plans

299. Section 66(2A)(a) of the RMA requires us to take into account any relevant planning document that is recognised by an iwi authority and that is lodged with the CRC. The relevant iwi management plans for PC1 that have been lodged with the CRC are:

(a) Te Whakatau Kaupapa: Ngāi Tahu Resource Management Strategy for the Canterbury Region (1990);
(b) Te Rūnanga o Ngāi Tahu Freshwater Policy Statement (1999);
(c) Mahaanui Iwi Management Plan 2013 (February 2013); and
(d) Te Pohu o Tohu Raumati: Te Rūnanga o Kaikōura Environmental Management Plan 2007.

300. In preparing PC1, the CRC has taken these documents into account. We record we have taken these relevant iwi management plans into account in assessing PC1.

301. We have considered the evidence of Ms MacKenzie and agree with her assessment that PC1 is consistent with achieving the outcomes sought by these plans.

302. We have also considered the evidence of Mr Tirikatene-Nash on behalf of Ngāi Tahu describing the associations, values and importance of the Waiau Uwha, Hurunui and Jed land, water and mahinga kai. We are satisfied the recommendations made to PC1 will at least maintain these relationships and values, and accept effective catchment wide management of nutrient outputs will assist in achieving improvements in water quality.

Water Conservation Orders

303. PC1 must not be inconsistent with a water conservation order. We note there are no water conservation orders that apply in the Hurunui, Waiau Uwha or Jed catchments.

Ngāi Tahu Claims Settlement Act 1998

304. The Te Rūnanga o Ngāi Tahu Act 1996 and the Ngāi Tahu Claims Settlement Act 1998 recognise Ngāi Tahu Whānui as tāngata whenua for Canterbury. We note that this is particularly relevant in applying sections 6(e), 7(a) and 8 of the RMA.

305. We note the Hurunui River is an area of statutory acknowledgement to Ngāi Tahu under the Ngāi Tahu Claims Settlement Act 1998. We note the CRPS also identifies issues of

importance to Ngāi Tahu and describes processes for enhancing the relationship of Ngāi Tahu and the CRC (Chapters 2 and 4). We accept that compliance with these Acts is also relevant to giving effect to the CRPS. We have taken these Acts into account in assessing PC1.

Government's proposed freshwater reforms

306. The Government has recently released its proposed freshwater management reforms, which include a draft National Policy Statement for Freshwater Management and a proposed National Environmental Standard for Freshwater. We accept these draft / proposed documents do not currently (as of the date of our report and recommendations) have legal effect and should be given no weight in assessing PC1. We record we have not considered these draft/proposed documents.

RMA Part 2

307. Part 2 of the RMA sets out the purpose and principles of general application in giving effect to the Act. We note the evidence of Mr Maw and Ms Edwards regarding Supreme Court's decision in *Environmental Defence Society Incorporated v New Zealand King Salmon Company Limited.*[35]

308. We agree that an 'overall judgment' approach to Part 2 still has validity in considering how a council promulgated change to a regional plan should give effect to the NZPCS, national standards and regional policy statement; and a regional council's duties under section 32, where those higher order documents do not 'cover the field', or where there is uncertainty as to the meaning of particular policies.

309. The s42A Report noted that that the Supreme Court found that there was no basis to refer back to section 5 or to undertake an overall judgment when assessing whether specific, directive, policies in the NZCPS had been given effect to by the provisions of a proposed plan change.

310. The s42A Report stated that the Supreme Court had been quite clear that there would still be situations where it would be necessary to 'go back to' Part 2, including:

a) if the policies in question do not 'cover the field and a decision-maker will have to consider whether Part 2 provides assistance in dealing with the matter(s) not covered'; or
b) where there is any uncertainty as to the meaning of particular policies (of the NZCPS); or
c) where there is an allegation on invalidity in the higher order document/s.

311. The s42A Report noted that the Supreme Court's decision in *King Salmon* had been addressed in the context of a council promulgated plan change following a decision of

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35 *Environmental Defence Society Incorporated v New Zealand King Salmon Company Limited* [2014] NZSC 38.

the High Court in *Turners & Growers Horticulture Limited v Far North District Council*.[36] It noted that in that case, the High Court found that Part 2 of the RMA remained relevant to plan-making decisions under the RMA, given the nature of the obligation on councils to prepare a plan change in accordance with the matters set out in sections 66(1)(a)-(f) and 74(1)(a)-(f) of the RMA (for regional councils and territorial authorities respectively). Both provisions contain reference to Part 2.

312. The s42A Report noted that the High Court had distinguished the *Turners & Growers* case from *King Salmon*, noting that the circumstances were 'far removed from those in …*King Salmon*' as there was 'no relevant constraint in a higher order planning document to which the Council is required to give effect'; and found that 'the Supreme Court did not suggest that Part 2 would be an irrelevant consideration in a case such as the present where decision-makers have choice'.[37]

313. The s42A Report stated that the CRC considered that resort should not be had to Part 2 in interpreting objectives and policies in higher order directions unless they fall within one of the categories recognised by the Supreme Court. However, it noted that the CRC considered that the decision in *King Salmon* does not 'do away' with Part 2 considerations being relevant to the overall assessment of a variation or plan change in reaching a recommendation on PC1, bearing in mind the statutory considerations set out in sections 32, 66, 67 and 68 of the RMA.

314. We agree that the implication of the Supreme Court decision is that in assessing PC1, an overall judgment approach cannot be relied on to justify a departure from directive policies of the higher order instruments, including the NZCPS, NES-Drinking Water, NPS-FM and CRPS.

315. We agree with the submissions of Mr Maw and Ms Edwards, that in relation to this targeted plan change the NPS-FM does not 'cover the field' of enabling existing dryland farming activities; and that a catchment wide approach across a wide geographical spectrum results in some statutory provisions sometimes competing or pulling in different directions (depending on the geographical location) and cannot be reconciled to ensure strict compliance with all statutory directions in all locations within the catchment.

316. By way of example, the s42A Report noted that the CRPS directs the maintenance and enhancement of natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production by ensuring that rural land use intensification does not contribute to significant cumulative adverse effects on water quality and quantity (Policy 5.3.12(3)). The Report noted that the explanation to the policy confirms that the rural productive base of Canterbury is essential to the economic, cultural and social well-being of its people and communities and that enabling the use of natural and physical resources to maintain the rural productive base is a foreseeable need of future generations.

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36 *Turners & Growers Horticulture Limited v Far North District Council* [2017] NZHC 764, (2017) 20 ELRNZ 203.

37 *Turners & Growers Horticulture Limited v Far North District Council* [2017] NZHC 764, (2017) 20 ELRNZ 203 at [46].

317. The s42A Report noted that the CRPS also contains a range of objectives and policies relating to water quality. For example, it directs that changes in land use are controlled to ensure water quality standards are maintained or improved (Policy 7.3.7(2)) and that where the effects on freshwater bodies, singularly or cumulatively, are unknown or uncertain, take a precautionary approach to the intensification of land uses or discharge of contaminants (Policy 7.3.12).

318. Mr Dalley, on behalf of RAN, urged us to ensure social, economic and environmental values are given equal weight in making our determination. We consider PC1 recognises with importance of the social and economic well-being of dryland farmers.

319. We do not consider it is necessary to undertake a detailed Part 2 analysis given the specific guidance of the NPS-FM, NES-Drinking Water and CRPS. Overall, we find PC1 (with the changes recommended in this report) will achieve the purpose of the RMA and the objectives of the operative HWRRP.

Overall Recommendations

320. We have considered and deliberated on PC1; the submissions and further submissions lodged on it; and the report, evidence and submissions made and given at the public hearings. In reaching our recommendations, we have sought to comply with all applicable provisions of the RMA; we have had particular regard to the evaluation of amendments to the plan change we are recommending; and to the vision and principles of the CWMS. We consider there are no further changes proposed that would require further evaluation under section 34AA of the Act.

321. The relevant matters we have considered, and our reasons for our recommendations are summarised in the main body of our report and are detailed in Appendix 1 in relation to each individual submission pointed.

322. We conclude that PC1 to the HWRRP, as recommended in the Council's reply submissions, is the most appropriate way to achieve the purposes of the RMA and give effect to Part 2 of the RMA, the NPS-FM and CRPS. We therefore recommend to the Canterbury Regional Council that the HWRRP 2013 be amended, as shown in **Appendix 1** of this report.

DATED AT CHRISTCHURCH THIS 7th DAY OF FEBRUARY 2020

Sharon McGarry
Independent Commissioner
Chair of Hearing Panel

Yvette Couch-Lewis
Independent Commissioner

Appendix 1: Recommendations

Part 2 Objectives and Policies

2.5 Cumulative Effects of Land Use on Water Quality

Policy 5.3C To protect existing values, uses and the mauri of the Jed[38] Hurunui and Waiau Uwha Rivers and their tributaries, while recognising the comparatively small contribution of dryland farming to in-river nutrient concentrations.

Part 3 Rules

3.3 Cumulative Effects of Land Use on Water Quality

Permitted Activities

Rule 10.1 Except for the use of land for Low Intensity Dryland Farming, ~~A~~any existing land use as at the date the Plan is made operative that results in a discharge of nitrogen or phosphorus which may enter water, in the Nutrient Management Area shown on Map 4, is a permitted activity provided that:

a. on or before 1 January 2017 the land is subject to:

i. an Industry Certification System; or

ii. a Catchment Agreement; or

iii. an Irrigation Scheme Management Plan; or

iv. a Lifestyle Block Management Plan.

~~And~~ and[39]

b. a record of the annual average amount of nitrate-nitrogen and phosphorus loss from the land, for the period from 1 July 2012 to 30 June 2016, calculated using the Overseer nutrient budget model (or an alternative nutrient budget model approved by the Canterbury Regional Council) shall be submitted to the Council by 1 October 2016. For production land use activities where Overseer cannot adequately model nutrient losses, an alternate method such as nutrient loading rates (e.g. kgN/ha/year deposited on the land) for the period from 1 July 2012 to 30 June 2016 shall be submitted to the Council by 1 October 2016;

c. any nitrate-nitrogen leached from the land shall not cause or contribute to any measured[40] exceedence of the Policy 5.3 and Policy 5.3A limits for the 95th percentile

[38] Submission # 14.9.

[39] Minor correction in accordance with Clause 16(2) of Schedule 1 of the Resource Management Act 1991

[40] As indicated by monitoring undertaken by the Canterbury Regional Council.

concentration of nitrate-nitrogen in the mainstem or tributaries of the Hurunui and Waiau Rivers; and

d. contaminants leached from the land shall not cause or contribute to any measured[41] breach of the Resource Management (National Environmental Standards for Human Drinking Water) Regulations 2007 or the guideline values or maximum acceptable values for determinands in the Drinking Water Standards of New Zealand 2008 for any registered drinking water supply takes.

Note: Canterbury Regional Council is satisfied that this permitted activity rule will not cause or contribute to a breach for any registered drinking water supplies, but condition (d) is included here for completeness.

Note: For the avoidance of doubt, in respect of tributaries, Rule 10.1(c) only applies to tributaries at their confluence with the mainstem of the Hurunui or Waiau River.

Rule 10.1A The use of land for Low Intensity Dryland Farming that results in a discharge of nitrogen or phosphorus, which may enter water, in the Nutrient Management Area shown on Map 4, is a permitted activity provided that:

a. either:

i. the property is registered in the Farm Portal by [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA] and information about the farming activity and the property is reviewed and updated by the property owner or their agent every 36 months thereafter, or whenever any boundary of the property is changed; or

ii. the property is subject to a Dryland Farmer Collective Agreement on or before [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA]; and

b. a Management Plan is prepared for and implemented on the property[42] in accordance with Schedule 6 has been prepared and is implemented[43] by [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA] and is supplied to the Canterbury Regional Council, on request, to be viewed only. The Canterbury Regional Council will not retain copies of the Management Plan.

Rule 10.2 Any change in land use (refer Part 5 – Definitions), in the Nutrient Management Area shown on Map 4, is a permitted activity, provided that:

e. ~~Either~~ either[44]:

i. conditions (b) (c) and (d) of Rule 10.1 are met; or

[41] As indicated by monitoring undertaken by the Canterbury Regional Council.

[42] Submission # 9.23 and 9.20.

[43] Submission # 9.20.

[44] Minor correction in accordance with Clause 16(2) of Schedule 1 of the Resource Management Act 1991

ii. if land use is changing from ~~low intensity dryland farming~~ Low Intensity Dryland Farming[45] to another land use, conditions (c) and (d) of Rule 10.1 and conditions (a) and (b) of Rule 10.1A are met; and

f. for changes in land use in the Hurunui catchment above SH 1, the dissolved inorganic nitrogen and dissolved reactive phosphorus load limits specified in Schedule 1 are not exceeded, taking into account limits specified in resource consents; and

g. a water permit has been granted that authorises irrigation on the land and includes conditions that:

iv. specify the maximum annual amount of nitrate-nitrogen that may be leached;

v. specify measures to minimise the loss of phosphorus; and

vi. the land is subject to:

v. an Industry Certification System; or

vi. a Catchment Agreement; or

vii. an Irrigation Scheme Management Plan; or

viii. a Lifestyle Block Management Plan

Or as an alternative to complying with (c):

h. on or before 1 January 2017 the land is not irrigated with water but is subject to:

v. an Industry Certification System; or

vi. a Catchment Agreement; or

vii. an Irrigation Scheme Management Plan; or

viii. a Lifestyle Block Management Plan.

Restricted Discretionary Activities

Rule 11.1 Land use activities ~~which do not comply with~~ that are not permitted by Rules 10.1 or 10.1A, or which do not comply with conditions (a), (c) or (d) of Rule 10.2 are a discretionary activity.

The Canterbury Regional Council will restrict the exercise of its discretion to the following matters:

i. methods required to avoid, remedy or mitigate adverse effects on water quality resulting from nutrients lost or leached from the land, including whether the activity will cause or contribute to an exceedence of the nitrate-nitrogen toxicity limits or dissolved reactive phosphorus limits in Policies 5.3 and 5.3A;

ii. methods required to avoid, remedy or mitigate adverse effects resulting from a breach of the Resource Management (National Environmental Standards for Human Drinking Water) Regulations 2007 or the guideline values or maximum acceptable values for determinands in the Drinking Water Standards of New Zealand 2008 for any registered drinking water supply take, having regard to Objectives 5.1 and 5.2 and Policies 5.1 to 5.4A;

iii. methods required to avoid, remedy or mitigate adverse effects arising from issues managed under the systems, agreements or plans specified in Schedule 2, having regard to Objectives 5.1 and 5.2 and Policies 5.1 to 5.4A; and

[45] Submission # 11.5

iv. consent duration, having regard to Policies 9.1 and 9.2.

5.0 Part 5 - Definitions, Schedules and Maps

5.1 Definitions

Change of land use	For the purposes of this Plan, a change in land use~~,~~: a. is calculated on a per property basis, and is determined as being an increase greater than 10% in the long term average release of Nitrogen or Phosphorus to land which may enter water, measured on a kg/ ha basis, but calculated on the gross load per property from the date this Plan is made operative; or b. where a farming activity met the definition of Low Intensity Dryland Farming at [the date the plan becomes operative in accordance with clause 20 of Schedule 1 of the RMA], any change that results in the farming activity not meeting the definition of Low Intensity Dryland Farming.

Dryland Farmer Collective Agreement	A Dryland Farmer Collective Agreement is an agreement that has been approved by Canterbury Regional Council as containing the matters identified in Schedule 2A, for members to collectively record compliance with Rule 10.1A.

Farm Portal	~~means~~ Means[46] the nutrient management database accessed at www.farmportal.ecan.govt.nz. For the purpose of Rule 10.1A, Farm Portal refers to the "N. Check" tool which can be accessed at www.farmportal.ecan.govt.nz.

Low Intensity Dryland Farming	~~means~~ Means[47] the use of land for a farming activity, where: a. no part of the property is irrigated; and b. the area of the property used for Winter Grazing is less than: i. 10 hectares, for any property less than 100 hectares in area; or[48] ii. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or iii. 100 hectares, for any property greater than 1000 hectares in area; and c. the farming activity does not include the farming of more than 25 weaned pigs or more than 6 sows, or the farming of poultry fowl at a stocking rate of more than 10 birds per hectare, up to a maximum of 1000 birds; and d. the farming activity does not include a component where livestock are confined within a hardstand area for the purpose of intensive controlled feeding with the purpose of encouraging high weight gain.

[46] Submission # 16.11.

[47] Minor correction in accordance with Clause 16(2) of Schedule 1 of the Resource Management Act 1991

[48] Submission # 11.10, 16.2, 26.9.

Winter Grazing	means the grazing of cattle within the period of 1 May to 30 September where the cattle are contained for break-feeding of in-situ brassica and root vegetable forage crops.

Schedule 2A - Matters to be addressed in any Dryland Farmer Collective Agreement in accordance with Rule 10.1A

Rule 10.1A provides an option for any Low Intensity Dryland Farming activity, in the Nutrient Management Area shown on Map 4, to implement, on or before [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA], a Dryland Farmer Collective Agreement. This schedule sets out the requirements that a Dryland Farmer Collective Agreement must contain and address for it to be approved by the Canterbury Regional Council.

As a minimum the 'Dryland Farmer Collective Agreement' shall include:

1. Details relating to the governance arrangements of the Collective;
2. A description of each property subject to the Collective Agreement, including property boundaries and ownership details;
3. The method by which the total area of land used for Winter Grazing will be reported to the Collective;
4. A statement of the actions that will be undertaken by the individual land managers (the 'Members') who commit to the Collective, including as a minimum:
    i. the requirement for Members to report annually, to the Collective, on individual property area and the area of each property used for Winter Grazing.
5. A description of the reporting process that must include the following statements:
    i. An annual report shall be prepared by [the collective governance] which describes the Collective area, including property boundaries, ownership details and total area of land used for Winter Grazing; and
    ii. The report shall be submitted to the Canterbury Regional Council no later than 1 December each year.

5.7 Schedule 6 Management Plan for Low Intensity Dryland Farming Activities

Part A – Management Plans

A Management Plan can be either:

3. A Plan prepared in accordance with the requirements of Part B below; or
4. A Plan prepared in accordance with an industry prepared Farm Environment Plan template that has been certified by the Chief Executive of Environment Canterbury as providing at least an equivalent amount of information and practice guidance contained in Part B below.

Part B – Management Plan Default Content

The Management Plan shall contain as a minimum:

6. Property details
    d. Physical address
    e. Description of the ownership and name of a contact person
    f. Legal description of the land and farm identifier
7. A map(s) or aerial photograph at a scale that clearly shows:
    f. The boundaries of the property.
    g. The boundaries of the main land management units on the property.
    h. The location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands.
    i. The location of riparian vegetation and fences adjacent to water bodies.

j. The location on all waterways where stock access or crossing occurs.

8. The location of any critical[49] source areas for phosphorus loss
9. A description of:
   c. the on-farm actions, including applicable good management practices, that have been undertaken in the previous 01 July to 30 June period to implement the applicable practices described in the table below; and
   d. the on-farm actions, including applicable good management practices, that will be undertaken each year (01 July – 30 June), from [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA], ~~in the previous 01 July to 30 June period~~ to implement the applicable practices described in the table below. For clarity, the Management Plan will include a continuous record of on-farm actions, including applicable good management practices from [the operative date of the Plan] for a period of up to 10 years[50]; and
10. A copy of the Management Plan shall be retained by the landowner and updated at least once every 12 months as necessary, and provided to the Canterbury Regional Council, for viewing, on request. The Canterbury Regional Council will not retain copies of the Management Plan.

Practice	On-farm actions undertaken in the previous 12 months	On-farm actions to be undertaken in the next 12 months
Effluent and fertiliser is applied at a rate that does not exceed the water holding capacity of the soil or the agronomic requirements of the crop or pasture.		
Effluent application systems, fertiliser or organic manure systems are assessed annually and maintained and operated to apply waste or nutrients efficiently to meet agronomic requirements of crop or pasture and not exceed soil water holding capacity.		
Silage pits, refuse pits and offal pits are sited, designed and managed to avoid the discharge of leachate into surface waterbodies or groundwater.		
Mahinga kai values are identified and protected. To seek assistance in identifying mahinga kai values and practices to protect those values contact the Canterbury Regional Council or tangata whenua.		

[49] Submission # 16.15, 26.12.

[50] Submission # 23.15

Fertiliser is stored a minimum of 20 metres from surface waterbodies.		
Stock are excluded from waterbodies in accordance with regional council rules or any granted resource consent.		
Vegetated buffer strips of at least 5 metres in width are maintained between areas of Winter Grazing and any river, lake, drain or wetland.		
Vegetated riparian margins of sufficient width are maintained to minimise nutrient, sediment and microbial pathogen losses to waterbodies.		
Critical phosphorus source areas are identified and appropriately managed to minimise sediment and phosphorus loss.		

Appendix 2: Hearing Appearances

Canterbury Regional Council

Mr Philip Maw and Ms Imogen Edwards, Counsel, Wynn Williams

Ms Lisa Jenkins, Team Leader Land and Freshwater Planning Team, CRC

Mr Ned Norton, Resource Management Consultant, LandWaterPeople Ltd

Submitters

North Canterbury Province, Federated Farmers of New Zealand

- Dr Lionel Hume, Senior Policy Advisor
- Mr Dan Hodgen, Senior Vice President

Amuri Irrigation Company Limited

- Mr Andrew Barton, Chief Executive Officer
- Mr David Croft, Chairman

Beef + Lamb Limited

- Ms Lauren Phillips, Environmental Policy Manager, South Island
- Dr Lindsay Fung, Environmental Stewardship Manager for Deer Industry NZ

Planetary Healing Foundation

- Mr Peter Clark
- Mr Surrey Earl

Hurunui District Landcare Group

- Mr Josh Brown, Coordinator
- Mr Jansen Travis, Farm Management Consultant, Tambo NZ Ltd

Rural Advocacy Network

- Mr Jamie McFadden, Farmer
- Mr Jeff Wilkinson, Farmer
- Mr Winton Dalley

Te Rūnunga o Ngāi Tahu

- Ms Lisa MacKenzie, Senior Environmental Advisor
- Mr Nukuroa Tirikatene-Nash, Runanga Trustee and Representative

<u>Written Statement</u>

Ravensdown Limited

- Ms Carmen Taylor, Consultant Planner, Planz Consultants Ltd

Appendix 3: Summary of Recommendations of the Hearing Commissioners

APPENDIX 3:

Recommendations of the Hearing Commissioners in relation to submissions on Plan Change 1 to the Hurunui and Waiau River Regional Plan

Submitter details

Submitter ID	Submitter Name	Address Line 1	Address Line 2	Address Line 3	Town / City	Email address
9	Amuri Irrigation Company Ltd - Andrew Barton	Amuri Irrigation Company Ltd	C/o Enspire Consulting Limited	PO Box 13009	Tauranga 3143	gavin@enspire.co.nz
17	Aotearoa New Zealand Fine Wine Estates - Lynda Murchison	c/- Murchison Planning	380 Waipara Flat Rd	RD3	Amberley 7483	murchisonplanning@outlook.com
24	Beef + Lamb New Zealand - Lauren Phillips	PO Box 39085	Harwood	Christchurch 8545		lauren.phillips@beeflambnz.com
27	Emu Plains Irrigation Incorporated - Warren Keith Armstrong	Brian Ellwood	Lowe Environmental Impact	PO Box 29288	Christchurch	brian@lei.co.nz
25	Fonterra Co-operative Group Limited - Richard Allen	Fonterra Co-operative Group Limited	P.O. Box 9045	Hamilton 3204		richard.allen2@fonterra.com
15	Forest & Bird - Nicky Snoyink	PO Box 2516	Christchurch 8014			n.snoyink@forestandbird.org.nz
3	Hurunui District Council - Monique Eade	PO Box 13	Amberley 7441			monique.eade@hurunui.govt.nz
26	Hurunui Landcare Group Inc (HDLG) - Joshua Brown	60 Wilsons Road South	St Martins 8022	Christchurch		Josh@hurunuilandcaregroup.co.nz
23	North Canterbury Fish and Game - Scott Pearson		North Canterbury Fish and Game Council	PO Box 50	Woodend 7641	spearson@fishandgame.org.nz
16	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Federated Farmers of New Zealand	Box 414	Ashburton		lhume@fedfarm.org.nz
20	Planetary Healing Foundation - Peter Clarke	544 Hurunui Bluff Road	RD1 Hawarden			
11	Ravensdown Limited - Carmen Taylor	Planz Consultants Limited (Planz)	PO Box 1845	Christchurch 8140		carmen@planzconsultants.co.nz
7	Rural Advocacy Network - Jamie McFadden	24 Mina Road	RD2	Cheviot 7382		info@ruraladvocacynetwork.nz
14	Te Rūnanga o Ngāi Tahu - Lisa Mackenzie	15 Show Place	Addington	Christchurch 8042		lisa.mackenzie@ngaitahu.iwi.nz

Further Submitter details

Submitter ID	Submitter Name	Address Line 1	Address Line 2	Address Line 3	Town / City	Email address
109	Amuri Irrigation Company Ltd - Andrew Barton	Amuri Irrigation Company Ltd	C/o Enspire Consulting Limited	PO Box 13009	Tauranga 3143	gavin@enspire.co.nz
117	Aotearoa New Zealand Fine Wine Estates - Lynda Murchison	c/- Murchison Planning	380 Waipara Flat Rd	RD3	Amberley 7483	murchisonplanning@outlook.com
124	Beef + Lamb New Zealand - Lauren Phillips	PO Box 39085	Harwood	Christchurch 8545		lauren.phillips@beeflambnz.com
116	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Federated Farmers of New Zealand	Box 414	Ashburton		lhume@fedfarm.org.nz
114	Te Rūnanga o Ngāi Tahu - Lisa Mackenzie	15 Show Place	Addington	Christchurch 8042		lisa.mackenzie@ngaitahu.iwi.nz

General submissions

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
11.1	Ravensdown Limited - Carmen Taylor	General	Support	Generally support PC1 - no specific relief sought			ACCEPT	The intent of PC1 will be achieved through the provisions and recommended changes.
14.1	Te Rūnanga o Ngāi Tahu - Lisa Mackenzie	General	Support	Support PC1 in as far as it goes to maintain current water quality - no specific relief sought			ACCEPT	PC1 will maintain or improve water quality.
3.1	Hurunui District Council - Monique Eade	General	Support	Supports proposed PC1 - No decision requested			ACCEPT	The intent of PC1 will be achieved through the provisions and recommended changes.
16.1	North Canterbury Province, Federated Farmers - Dr Lionel Hume	General	Support	Generally support PC1			ACCEPT	The intent of PC1 will be achieved through the provisions and recommended changes.
7.1	Rural Advocacy Network - Jamie McFadden	General	Support	Support intent of PC1 - no specific relief sought			ACCEPT	The intent of PC1 will be achieved through the provisions and recommended changes.
7.12	Rural Advocacy Network - Jamie McFadden	General	Support in part	Make any additional changes necessary to give effect to the relief sought in submission points 7.1 to 7.11			ACCEPT IN PART	Recommendations on submission points 7.1 and 7.11 are made throughout this table. No changes are considered necessary.
9.17	Amuri Irrigation Company Ltd - Andrew Barton	General	Support in part	Place PC1 on hold until the nutrient surrender agreement between Amuri Irrigation and the CRC is executed if that has not occurred prior to the closing date of submissions			ACCEPT IN PART	Both section 32 report and s42A Report outline on the process and agreement between Amuri Irrigation and CRC. At the time of the hearing a signed agreement between Amuri Irrigation and CRC was submitted. The nutrient surrender agreement by Amuri Irrigation and the CRC will enable a correction of the current over-allocation and will provide headroom for additional N loss from dryland farming, resulting in, at a minimum, maintenance of water quality.
9.18	Amuri Irrigation Company Ltd - Andrew Barton	General	Support in part	Amend PC1 to specifically acknowledge that the changes made via this plan change could only occur as a consequence of the voluntary surrender of nutrient allocation by Amuri Irrigation			REJECT	It would not be appropriate to include additional commentary in PC1 that states a voluntary surrender of nutrient allocation by Amuri Irrigation, as this sits outside the plan change process.
9.20	Amuri Irrigation Company Ltd - Andrew Barton	General	Support in part	In relation to the relief sought by Amuri Irrigation provide any similar relief with like effect and any consequential changes that arise.			ACCEPT IN PART	Recommendations on submission points are made throughout this table. No changes are considered necessary.
14.8	Te Rūnanga o Ngāi Tahu - Lisa Mackenzie	General	Support in part	Provide any consequential amendments necessary to give effect to the relief sought by submission points 14.1 to 14.7			ACCEPT IN PART	Recommendations on submission points 14.1 and 14.7 are made throughout this table. No changes are considered necessary.
16.21	North Canterbury Province, Federated Farmers - Dr Lionel Hume	General	Support in part	Provide any consequential amendments necessary to give effect to submission points 16.1 to 16.20			ACCEPT IN PART	Recommendations on submission points 16.1 and 16.20 are made throughout this table. No changes are considered necessary.
17.1	Aotearoa New Zealand Fine Wine Estates - Lynda Murchison	General	Support in part	Retain PC1, as notified, with the exception of relief sought in submission points 17.2 to 17.10			ACCEPT IN PART	Recommendations on submission points 17.2 and 7.10 are made throughout this table. No changes are considered necessary.
17.10	Aotearoa New Zealand Fine Wine Estates - Lynda Murchison	General	Support in part	Make any consequential amendments required to give effect to the relief sought in submission points 17.1 to 17.9			ACCEPT IN PART	Recommendations on submission points 17.1 and 17.9 are made throughout this table. No changes are considered necessary.
23.25	North Canterbury Fish and Game - Scott Pearson	General	Support in part	Support concept of a more equitable nutrient allocation but seek a more precautionary approach		116.9	REJECT	We refer to the CRC methodology (referred to as "method 2") used to calculate level of 38 t/N/year is appropriate, as outlined within the technical supporting material and in Mr Norton's 2018 memo. We consider the proposed offset to be sufficiently precautionary.
25.6	Fonterra Co-operative Group Limited - Richard Allen	General	Support in part	Provide such further or consequential or alternative relief as may be necessary to fully give effect to submission points 25.1 to 25.5			ACCEPT	Support s42A amendment to Policy 5.3c following recommendations in response to submissions.

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
7.2	Rural Advocacy Network - Jamie McFadden	General	Oppose	Remove the change of land use 10% [provisions] in their entirety		109.1	REJECT	This action will remove the ability to achieve the water quality limits as set in PC1.
7.4	Rural Advocacy Network - Jamie McFadden	General	Oppose	Establish Freshwater Management Units (FMUs) and values and attributes for those so that issues can be properly quantified		109.2	REJECT	Under the NPS-FM CRC has in place a Progressive Implementation Programme setting out a time-stage programme for implementing the policies of the NPS-FM in the Canterbury Region.
7.9	Rural Advocacy Network - Jamie McFadden	General	Oppose	Clarify in the section 32 report that lifestyle blocks under 30ha will also be captured by Rule 10.1A			ACCEPT IN PART	We acknowledge the clarification in the s42A Report were lifestyle blocks (less than 30ha), with irrigation or that have more than 10% of their area in winter grazing, will continue to be managed as they currently are under Rule 10.1 and 10.2. Where a lifestyle block meets the definition of "Low Intensity Dryland Farming" it would be managed under Rule 10.1A. Therefore, no additional clarification is required for section 32 report.
7.10	Rural Advocacy Network - Jamie McFadden	General	Oppose	Oppose section 32 analysis as insufficient, particularly in relation to Rule 10.1A - no specific relief sought			REJECT	We consider that the section 32 report analysis for 10.1A as being robust and sufficient. As clarified in s42A report, Lifestyle blocks (less than 30ha), with irrigation or that have more than 10% of their area in winter grazing, will continue to be managed as they currently are under Rule 10.1 and 10.2. Where a lifestyle block meets the definition of "Low Intensity Dryland Farming" it would be managed under Rule 10.1A.
9.19	Amuri Irrigation Company Ltd - Andrew Barton	General	Oppose	Withdraw PC1 in its entirety should the agreement between Amuri Irrigation and the CRC not be able to be executed or implemented for any reason			REJECT	PC1 is necessary to enable low intensity dryland farming to operate as a permitted activity. At the time of the hearing a signed Deed of Understanding between Amuri Irrigation and CRC was provided.
15.1	Forest & Bird - Nicky Snoyink	General	Oppose	Clarify in the section 32 report that some stakeholders prefer an alternative method for estimating the nitrogen load from dryland farms in the Hurunui catchment (and hence the nitrogen offset required to maintain or improve water quality).		116.1, 109.3	REJECT	We acknowledge the section 32 report and the method used to estimate nutrient loads. Whilst PC1 will result in additional nitrogen load from dryland farming in the Hurunui, Waiau, Uwha and Jed catchment, the offset provided by the partial surrender by Amuri Irrigation and requirement for Management Plans will ensure, at a minimum, water quality will be maintained within the Plan limits.
15.2	Forest & Bird - Nicky Snoyink	General	Oppose	Apply a more precautionary estimated increase in in-river load in the Hurunui of 50 t/N/year		116.2, 109.4	REJECT	We refer to the CRC methodology (referred to as "method 2") used to calculate level of 38 t/N/year is appropriate, as outlined within the technical supporting material and in Mr Norton's 2018 memo. We consider that the proposed offset is sufficiently precautionary.
15.3	Forest & Bird - Nicky Snoyink	General	Oppose	Apply a greater nitrogen offset in the Hurunui River to maintain or improve water quality		116.3, 109.5	REJECT	We adopt the reasoning in the section 32 report that "it is not necessary to assess a scenario where the maximum permitted area is used for winter grazing." We consider that the calculated offset is sufficiently precautionary given the "plausible worst-case scenario".
15.4	Forest & Bird - Nicky Snoyink	General	Oppose	Apply a more precautionary estimated increase in in-river load in the Hurunui of 50t/N/year		116.4, 109.6	REJECT	As above 15.2. Consider the modelling undertaken to be sufficiently precautionary.
15.5	Forest & Bird - Nicky Snoyink	General	Oppose	Clarify that winter grazing is not the only major variable affecting off-farm losses		116.5	REJECT	We refer to the section 32 report's description of the normal year to year variations on dryland farms that can lead to changes in loss rates greater than 10%, in any given year. We consider that winter grazing is a high-risk dryland farming activity that should be limited to ensure water quality of not adversely affected.
15.8	Forest & Bird - Nicky Snoyink	General	Oppose	In the s32 analysis, provide a more detailed analysis of the long term (rolling) av erage phosphorous load trend		109.8	ACCEPT	We adopt the section 32 report analysis of the long-term average phosphorus load trend is sufficient given PC1 is expected to reduce losses through requiring farm Management Plans.
15.9	Forest & Bird - Nicky Snoyink	General	Oppose	Clarify the relationship / provide transparency regarding the nitrogen load offset [Deed of Understanding between Amuri Irrigation and CRC] and delays in implementation of minimum flows			REJECT	We acknowledge there has been transparency in the process of determining the nitrogen load offset. The timing of implementation of the minimum flows set out in the Plan are outside the of scope for PC1.
15.10	Forest & Bird - Nicky Snoyink	General	Oppose	Clarify in the s32 analysis that Fish & Game withdrew from the collaborative proc ess partway through the development of PC1		116.6	REJECT	We consider the section 32 report acknowledges the withdrawal of the submitter from the HWZC. The submitter had the opportunity to continue to participate in

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
				and that an application for declaration from the Environment Court was made in r elation to the "Advice Note" for the 10% rule				the consultation and plan process. Consider declaration from Environment Court is not a relevant consideration in assessing PC1.
15.11	Forest & Bird - Nicky Snoyink	General	Oppose	Support concept of a more equitable nutrient allocation but seek a more precauti onary approach		116.7	ACCEPT IN PART	PC1 addresses existing inequality in nutrient allocation, as outlined in the section 32 report. We consider the offset to be sufficiently precautionary.
16.19	North Canterbury Province, Federated Farmers - Dr Lionel Hume	General	Oppose	Amend PC1 to include an allowance for small areas of irrigation, similar to Canterbury Land and Water Regional Plan rules for irrigation in Red Zones. These rules allow for existing irrigation up to 50ha, but for areas less than 50ha any increase in the irrigated area (assuming water is available) is limited to 10ha.		109.7	REJECT	We consider the request is outside the scope of PC1. Additional irrigation, particularly within the Hurunui catchment, would result in overallocation of nutrient limits, unless existing irrigated farms were compelled to reduce nutrient discharges to compensate.
16.20	North Canterbury Province, Federated Farmers - Dr Lionel Hume	General	Oppose	If relief sought in submission point 16.19 is not granted due to increases in N load, amend PC1 to provide allowance for irrigation that was lawfully established prior to the Hurunui and Waiau River Regional Plan notification in 2012			REJECT	We consider providing for irrigation as a component of "Low Intensity Dryland Farming" is beyond the scope of PC1.
23.22	North Canterbury Fish and Game - Scott Pearson	General	Oppose	In the section 32 analysis, provide a more detailed analysis of the long term (rolling) average phosphorous load trend		109.9	REJECT	We note the section 32 analysis of the long-term average phosphorus load trend. It is not clear, from the submission, what further analysis could be provided to inform PC1, given the requirements for Management Plans will reduce phosphorous loss and contamination from farm run-off.
23.23	North Canterbury Fish and Game - Scott Pearson	General	Oppose	Clarify the relationship / provide transparency regarding the nitrogen load offset [Deed of Understanding between Amuri Irrigation and CRC] and delays in implementation of minimum flows			REJECT	We consider the timing of the implementation of minimum flows in the Plan is not the subject of, and is beyond the scope of PC1. The Deed of Undertaking between Amuri Irrigation and the CRC is not conditional on the outcome of HWZC discussions on minimum flows.
23.24	North Canterbury Fish and Game - Scott Pearson	General	Oppose	Clarify in the section 32 analysis that Fish & Game withdrew from the collaborative process part way through the plan change development and that an application for declaration from the Environment Court was made in relation to the "Advice Note" for the 10% rule		116.8	REJECT	The section 32 report acknowledges the withdrawal of the submitter from the HWZC. We consider the submitter had the opportunity to continue to participate in the consultation and plan process. We consider the declaration from Environment Court referred to by the submitter is not a relevant consideration in assessing PC1.
20.1	Planetary Healing Foundation - Peter Clarke	General	Oppose	Withdraw PC1 in its entirety		116.10, 124.1	REJECT	Water quality will be maintained or improved as a result of PC1.
20.2	Planetary Healing Foundation - Peter Clarke	General	Oppose	Amend the Plan Change to stop all chemical fertiliser use immediately		116.11, 124.2, 109.10	REJECT	Request to change farming systems is beyond the scope of PC1. Water quality will be maintained or improved as a result of PC1.
20.3	Planetary Healing Foundation - Peter Clarke	General	Oppose	Ensure Queen's Chain riparian setbacks are enforced on all flowing waterways		116.12, 124.3, 109.11	REJECT	We consider the request to apply riparian setbacks is beyond the scope of PC1. Water quality will be maintained or improved as a result of PC1.
23.1	North Canterbury Fish and Game - Scott Pearson	General	Oppose	Clarify in the section 32 report that some stakeholders prefer an alternative method for estimating the nitrogen load from dryland farmers in the Hurunui catchment (and hence the nitrogen offset required to maintain or improve water quality).		116.13, 109.12	REJECT	We consider the s32 analysis and the CRC methodology (referred to as "method 2") used to calculate level of 38 t/N/year is appropriate, as outlined within the technical supporting material and in Mr Norton's 2018 memo. We consider that the proposed offset is sufficiently precautionary.
23.3	North Canterbury Fish and Game - Scott Pearson	General	Oppose	Apply a more precautionary estimated increase in in-river load in the Hurunui of 50 t/N/year		116.14, 109.13	REJECT	We consider to the s32 analysis and the CRC methodology (referred to as "method 2") used to calculate level of 38 t/N/year is appropriate, as outlined within the technical supporting material and in Mr Norton's 2018 memo. We consider that the proposed offset is sufficiently precautionary.
23.6	North Canterbury Fish and Game - Scott Pearson	General	Oppose	Apply a greater nitrogen offset in the Hurunui River to maintain or improve water quality		116.15, 109.14	REJECT	We consider the s32 analysis and the CRC methodology (referred to as "method 2") used to calculate level of 38 t/N/year is appropriate, as outlined within the technical supporting material and in Mr Norton's 2018 memo. We consider that the proposed offset is sufficiently precautionary.
23.8	North Canterbury Fish and Game - Scott Pearson	General	Oppose	Apply a more precautionary estimated increase in in-river load in the Hurunui of 50 t/N/year		116.16, 109.15	REJECT	We consider the s32 analysis and the CRC methodology (referred to as "method 2") used to calculate level of 38 t/N/year is appropriate, as outlined within the technical

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
								supporting material and in Mr Norton's 2018 memo. We consider that the proposed offset is sufficiently precautionary.
23.10	North Canterbury Fish and Game - Scott Pearson	General	Oppose	Clarify that winter grazing is not the only major variable affecting off-farm losses			REJECT	We acknowledge that the section 32 report describes the normal year to year variations on dryland farms that can lead to changes in loss rates greater than 10%, in any given year. We consider that winter grazing is a high-risk dryland farming activity that should be limited to ensure water quality of not adversely affected.

Submissions on Policy 5.3C

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
16.2	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Policy 5.3C	Support	Retain Policy 5.3C as proposed			ACCEPT IN PART	At the hearing, the submitter stated support for amending proposed Policy 5.3C to include the Jed River catchment and its tributaries, as the rules that relate to proposed Policy 5.3C (specifically proposed Rule 10.1A) apply in the Jed catchment.
11.2	Ravensdown Limited - Carmen Taylor	Policy 5.3C	Support	Retain Policy 5.3C as notified			ACCEPT IN PART	The Policy has substantially been retained with an amendment to include the Jed River catchment and its tributaries as the rules that relate to proposed Policy 5.3C (specifically proposed Rule 10.1A) apply in the Jed catchment.
24.1	Beef + Lamb New Zealand - Lauren Phillips	Policy 5.3C	Support	Support Policy 5.3C - No specific relief sought			ACCEPT	The Policy has substantially been retained with an amendment to include the Jed River catchment and its tributaries as the rules that relate to proposed Policy 5.3C (specifically proposed Rule 10.1A) apply in the Jed catchment.
14.9	Te Rūnanga o Ngāi Tahu - Lisa Mackenzie	Policy 5.3C	Support in part	Ensure Policy 5.3C is applied so that water quality in the Jed, Waiau Uwha and Hurunui is maintained			ACCEPT	The rules that relate to proposed Policy 5.3C (specifically proposed Rule 10.1A) apply in the Jed catchment and we accept it is appropriate that the policy refers to the Jed River and its tributaries. An amendment to proposed Policy 5.3C, to include the Jed River catchment and its tributaries, is recommended.
15.12	Forest & Bird - Nicky Snoyink	Policy 5.3C	Oppose	Amend Policy 5.3C as follows: To protect existing values, uses and the mauri of the Hurunui and Waiau Uwha Rivers and their tributaries ***from nutrient and water overallocation***, while recognising the comparatively ~~***small***~~ ***lesser*** contribution of dry land farming to in-river nutrient concentrations by allowing for the continued operation of low intensity dryland farms without resource consent		116.17, 109.16	REJECT	We adopt the reasoning in the s42A Report response that proposed Policy 5.3C implements objectives concerned with managing the cumulative effects of land use on water quality. It is not intended that the policy be limited to nutrient losses. Proposed Policy 5.3C and the relevant rules in the HWRRP also relate to managing contaminant run-off and other adverse effects that occur cumulatively from land use. Proposed Policy 5.3C is not intended to relate to water quantity. Including 'water over-allocation' would expand the scope of PC1 beyond its targeted purpose. Agree with s42A Report recommendation not to replace the word "small" with "lesser" given the policy states "comparatively small".
23.26	North Canterbury Fish and Game - Scott Pearson	Policy 5.3C	Oppose	Amend Policy 5.3C as follows: To protect existing values, uses and the mauri of the Hurunui and Waiau Uwha Rivers and their tributaries ***from nutrient and water overallocation***, while recognising the comparatively ~~***small***~~ ***lesser*** contribution of dryland farming to in-river nutrient concentrations by allowing for the continued operation of low intensity dryland farms without resource consent		116.18, 109.17	REJECT	We adopt the reasoning in the s42A Report response that proposed Policy 5.3C implements objectives concerned with managing the cumulative effects of land use on water quality. It is not intended that the policy be limited to nutrient losses. Proposed Policy 5.3C and the relevant rules in the HWRRP also relate to managing contaminant run-off and other adverse effects that occur cumulatively from land use. Proposed Policy 5.3C is not intended to relate to water quantity. Including 'water over-allocation' would expand the scope of PC1 beyond its targeted purpose. Agree with s42A Report recommendation not to replace the word "small" with "lesser" given the policy states "comparatively small".

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
25.1	Fonterra Co-operative Group Limited - Richard Allen	Policy 5.3C	Oppose	Amend Policy 5.3C as follows: To protect existing values, uses and the mauri of the Hurunui and Waiau Uwha Rivers and their tributaries, while ***providing for a degree of flexibility for dryland farming provided that flexibility is limited to the extent necessary to ensure there will be no breach of the nutrient load limits set in schedule 1.*** ~~***recognising the comparatively small contribution of dryland farming to in-river nutrient concentrations by allowing for the continued operation of low intensity dryland farms without resource consent***~~		124.4	REJECT	We adopt the reasoning in the s42A Report response that proposed Policy 5.3C better explains how the objectives are to be implemented, compared to the wording suggested by Fonterra. No amendments to proposed Policy 5.3C are recommended in response to this submission.
17.2	Aotearoa New Zealand Fine Wine Estates - Lynda Murchison	Policy 5.3C	Oppose	Delete Policy 5.3C and replace with the following: ***To maintain the mauri and in-stream values of the Hurunui and Waiau Uwha Rivers and their tributaries and enable people and communities to provide for their economic and social wellbeing, by enabling low intensity farming activities as permitted activities.***			REJECT	The suggested replacement policy extends the scope of proposed Policy 5.3C beyond Low Intensity Dryland Farming to enable "low intensity farming activities". We consider this request is outside of the scope of PC1.

Submissions on Rules 10.1 – 11.1

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
Rules - General								
27.2	Emu Plains Irrigation Incorporated - Warren Keith Armstrong	Rules - General	Oppose	Grant PC1 only if it is clarified that the combined cumulative effects of the increase in discharge of nutrients to the Waiau Uwha River by dryland farmers, consented discharges and discharges that have been applied for prior to notification of PC1, are acceptable	109.19	116.19	REJECT	We consider future development and any resource consent applications lodged, but yet to be granted, are not part of the existing receiving environment. The cumulative effects assessment undertaken is sufficient given PC1 seeks to enable pre-HWRRP farming systems (including Low Intensity Dryland Farming) to continue to operate with a more realistic nutrient loss variance.
27.3	Emu Plains Irrigation Incorporated - Warren Keith Armstrong	Rules - General	Oppose	If the combined cumulative effects of the increase in discharge of nutrients to the Waiau Uwha River by dryland farmers [pursuant to PC1], consented discharges and discharges that have been applied for prior to notification of PC1 will result in an increased risk of periphyton growth then amend PC1 so the scale of increase in dryland discharge is reduced to maintain periphyton growth within acceptable limits	109.23	116.20	REJECT	We consider future development and any resource consent applications lodged, but yet to be granted, are not part of the existing receiving environment. The cumulative effects assessment undertaken is sufficient given PC1 seeks to enable pre-HWRRP farming systems (including Low Intensity Dryland Farming) to continue to operate with a more realistic nutrient loss variance.
27.4	Emu Plains Irrigation Incorporated - Warren Keith Armstrong	Rules - General	Oppose	If the relief sought at point 27.3 is not granted, then withdraw PC1 in its entirety	109.24		REJECT	The operative HWRRP underestimated the nutrient loss from "normal" dryland farming (being Low Intensity Dryland Farming) and PC1 proposes to enable that existing land use to continue as intended when the HWRRP was developed.
27.1	Emu Plains Irrigation Incorporated - Warren Keith Armstrong	Rules - General	Oppose	Re-assess the cumulative effects of PC1 and known discharges to the Waiau Uwha River	109.18		REJECT	We adopt section 32 report and technical advice by Dynes and Norton memo August 2018. It is not anticipated that PC1 will cause periphyton limits in the Waiau and Uwha River to be reached or exceeded. PC1 is designed to enable existing land uses to continue as permitted activities and manage land use change through resource consent processes.
Rule 10.1								
11.3	Ravensdown Limited - Carmen Taylor	Rule 10.1	Support	Retain Rule 10.1 as notified			ACCEPT	For the reasons given in the s32 report and section 42A Report no changes are recommended to Rule 10.1.
16.3	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Rule 10.1	Support	Retain Rule 10.1 as notified			ACCEPT	For the reasons given in the s32 report and section 42A Report no changes are recommended to Rule 10.1.
24.2	Beef + Lamb New Zealand - Lauren Phillips	Rule 10.1	Support	Support Rule 10.1 - No specific relief sought			ACCEPT	For the reasons given in the s32 report and section 42A Report no changes are recommended to Rule 10.1.

7.3	Rural Advocacy Network - Jamie McFadden	Rule 10.1	Support	Support the removal of OVERSEER requirements for dryland farmers - no specific relief sought			ACCEPT	For the reasons given in the s32 report and section 42A Report no changes are recommended to Rule 10.1.
26.1	Hurunui Landcare Group Inc (HDLG) - Joshua Brown	Rule 10.1	Support in part	Amend Rule 10.1 to include provision for irrigation up to 50 ha along the same lines as Plan Change 5 to the Canterbury Land and Water Regional Plan		109.20	REJECT	We consider providing for irrigation as a component for "Low Intensity Dryland Farming" is outside of the scope of PC1.
17.3	Aotearoa New Zealand Fine Wine Estates - Lynda Murchison	Rule 10.1	Oppose	Amend Rule 10.1 as follows: Except for the use of land for Low Intensity ~~***Dryland***~~ Farming, ...	116.22		REJECT	We consider providing for irrigation as a component for "Low Intensity Dryland Farming" is beyond the scope of PC1.
15.13	Forest & Bird - Nicky Snoyink	Rule 10.1	Oppose	Insert a new Clause (e) to Rule 10.1 as follows: ***e) That a precautionary equivalent in-river N load of 50 tonnes allocation has been legally transferred to offset the additional Nitrogen that may be discharged to water from increased low intensity dry land farming activities.***		116.21, 109.21	REJECT	We consider the technical work undertaken does not support increasing the nitrogen offset to 50 t/N/year in the Hurunui catchment. For the reasons given in the s42A Report we recommend not including a new condition to Rule 10.1.
23.27	North Canterbury Fish and Game - Scott Pearson	Rule 10.1	Oppose	Insert a new Clause (e) to Rule 10.1 as follows: ***e) That a precautionary equivalent in-river N load of 50 tonnes allocation has been legally transferred to offset the additional Nitrogen that may be discharged to water from increased low intensity dryland farming activities.***		116.23, 109.22	REJECT	We consider the technical work undertaken does not support increasing the proposed nitrogen offset to 50 t/N/year in the Hurunui catchment. For the reasons given in the s42A Report we recommend not including a new condition to Rule 10.1.
Rule 10.1A								
11.4	Ravensdown Limited - Carmen Taylor	Rule 10.1A	Support	Retain Rule 10.1A as notified			ACCEPT IN PART	For the reasons given in the s42A Report Rule 10.1A is recommended to be retained with amendment clarifying one Management Plan per property is required.
24.3	Beef + Lamb New Zealand - Lauren Phillips	Rule 10.1A	Support	Support Rule 10.A - No specific relief sought			ACCEPT	For the reasons given in the s42A Report Rule 10.1A is recommended to be retained with amendment clarifying one Management Plan per property is required.
3.3	Hurunui District Council - Monique Eade	Rule 10.1A	Support	Retain dryland farmer collectives as a pathway to reporting winter grazing area			ACCEPT	For the reasons given in the s42A Report Rule 10.1A is recommended to be retained with amendment clarifying one Management Plan per property is required.
26.2	Hurunui Landcare Group Inc (HDLG) - Joshua Brown	Rule 10.1A	Support	Supports the two compliance paths provided for in Rule 10.1A making joining a collective voluntary. No specific relief sought			ACCEPT	For the reasons given in the s42A Report Rule 10.1A is recommended to be retained with amendment clarifying one Management Plan per property is required.
26.3	Hurunui Landcare Group Inc (HDLG) - Joshua Brown	Rule 10.1A	Support	Supports the clarification that Management Plans are not to be held by Environment Canterbury and are to be viewed only			ACCEPT	For the reasons discussed in the s42A Report it is appropriate to retain embedded in the rule clear guidance that CRC will not retain copies of Management Plans.
14.2	Te Rūnanga o Ngāi Tahu - Lisa Mackenzie	Rule 10.1A	Support in part	Support Rule 10.1A to the extent that water quality can be maintained - no specific relief sought			ACCEPT	PC1 will maintain or improve water quality.
23.15	North Canterbury Fish and Game - Scott Pearson	Rule 10.1A	Support in part	Amend Rule 10.1A to ensure that any inclusion of the management plan provision affords CRC the ability to carry out random checks of management plan accuracy and implementation on-farm, given the "at risk" state of the zone and fully allocated nitrogen load situation			ACCEPT IN PART	We adopt the amended wording and reasons supplied in the section 42A Report and in Council's Reply will enable CRC to audit Management Plans and to require a record is kept of on-farm action implemented for up to 10 years to ensure continuous improvement.
16.6	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Rule 10.1A	Support in part	Ensure that the CRC will provide support for registration in the Farm Portal and the preparation of Management Plans, at no cost, for those who find the process difficult	117.1, 124.5		ACCEPT IN PART	This will form part of the implementation of PC1 and, sits outside the provisions of PC1. We acknowledge that CRC has an extensive work programme and resourcing, including a dedicated zone team, in place to assist farmers to comply with Management Plan and Farm Portal requirements.
9.22	Amuri Irrigation Company Ltd - Andrew Barton	Rule 10.1A	Support in part	Retain rule 10.1A(a) as proposed (with the exception of relief sought by submission point 9.21)			ACCEPT IN PART	We adopt the Council Officers' reasons in the s42A Report for retaining Rule 10.1A(a). The response to submission point 9.21 is elsewhere in this table.

9.24	Amuri Irrigation Company Ltd - Andrew Barton	Rule 10.1A	Support in part	Retain rule 10.1A(b) as proposed (with the exception of relief sought by submission point 9.23)			ACCEPT	For the reasons in the s42A Report the relief sought in submission point 9.23 has been recommended with no further changes to Rule 10.1A(b).
16.4	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Rule 10.1A	Support in part	Amend Rule 10.1A (b) as follows: (b) a Management Plan in accordance with Schedule 6 has been prepared and is implemented by [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA] and is supplied to the Canterbury Regional Council, on request, to be viewed only. The Canterbury Regional Council will not retain copies of the Management Plan ***or any information from them which is identifiably linked with individual properties***.			REJECT	We adopt the s42A Report reasoning that the proposed wording is appropriate without the amendment sought. We acknowledge that some information may be recorded by CRC, such as regarding non-compliance issues.
16.5	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Rule 10.1A	Support in part	Retain the part of Rule 10.1A(b) that states "*Management Plans will be viewed only*".			ACCEPT	For the reasons given in the s42A report and acknowledging submitters concerns this phrase is recommended to be retained without amendment in Rule 10.1A (b).
23.21	North Canterbury Fish and Game - Scott Pearson	Rule 10.1A	Oppose	Ensure Rule 10.1A is complied with			REJECT	We acknowledge compliance with the rule will be monitored by CRC.
15.7	Forest & Bird - Nicky Snoyink	Rule 10.1A	Oppose	Ensure rule 10.1A is complied with			REJECT	We acknowledge that compliance with the rule will be monitored by CRC.
7.5	Rural Advocacy Network - Jamie McFadden	Rule 10.1A	Oppose	Oppose requirements for dryland farmers to be in a collective or register in the Farm Portal for catchment accounting purposes - no specific relief sought			REJECT	We adopt the reasoning in the section 32 report for Rule 10.A. Recording information via the Farm Portal or Dryland Farmer Collective Agreement is critical to ensuring compliance with nutrient limits in the Plan is achieved; and will enable catchment wide accounting of nutrient loads in compliance with the NPS-FM.
7.6	Rural Advocacy Network - Jamie McFadden	Rule 10.1A	Oppose	Clarify justification for mandatory farm management plans for dryland farmers, including lifestyle blocks			ACCEPT IN PART	We adopt the s42A Report clarified the Council's justification for requiring Management Plans. Accept section 32 report for Rule 10.A. Management Plans are a key tool for ensuring compliance with nutrient limits in the Plan is achieved; and will enable catchment wide accounting of nutrient loads in compliance with the NPS-FM.
7.7	Rural Advocacy Network - Jamie McFadden	Rule 10.1A	Oppose	Oppose mandatory farm management plans required by Rule 10.1A(b) for low intensity farms - no specific relief sought			REJECT	We adopt the reasons given in the section 32 report for Rule 10.A. Management Plans are a key tool for ensuring compliance with nutrient limits in the Plan is achieved; and will enable catchment wide accounting of nutrient loads in compliance with the NPS-FM.
15.6	Forest & Bird - Nicky Snoyink	Rule 10.1A	Oppose	Amend Rule 10.1A to ensure that any inclusion of the Management Plan provision affords CRC the ability to carry out random checks of management plan accuracy and implementation on-farm, given the "at risk" state of the zone and fully allocated nitrogen load situation		116.24	ACCEPT IN PART	We acknowledge the amended wording suggested within the section 42A Report and in Council's Reply will enable CRC to audit Management Plans and to require a record is kept of on-farm action implemented for up to 10 years to ensure continuous improvement.
7.11	Rural Advocacy Network - Jamie McFadden	Rule 10.1A	Oppose	Delete Rule 10.1A in its entirety			REJECT	We consider Rule 10.1A will achieve the recording of implementation of good management practices put in place over time, which will enable better outcomes. Management Plans are particularly important to PC1 because they are the key tool for managing phosphorus and other contaminant losses from dryland farms.
9.21	Amuri Irrigation Company Ltd - Andrew Barton	Rule 10.1A	Oppose	Amend Rule 10.1A(a)(i) so it clearly states what information about the farming activity and the property needs to be provided			REJECT	We consider an amendment to condition (a)(i) stating specific information that will be required when registering with the Farm Portal would add unnecessary complexity to the rule.
17.4	Aotearoa New Zealand Fine Wine Estates - Lynda Murchison	Rule 10.1A	Oppose	Amend Rule 10.1A as follows: The use of land for Low Intensity ~~***Dryland***~~ Farming that results in a discharge of nitrogen ...	116.26		REJECT	We consider providing for irrigation as a component for "Low Intensity Dryland Farming" is outside of the scope of PC1.

9.23	Amuri Irrigation Company Ltd - Andrew Barton	Rule 10.1A	Oppose	Amend Rule 10.1A(b) to clarify that one Management Plan is required per property. Submitter suggests: (b) a Management Plan ***shall be prepared for the property*** in accordance with ...			ACCEPT IN PART	Accept amendment requested to clarify one Management Plan per property is required under Rule 10.1A.
15.14	Forest & Bird - Nicky Snoyink	Rule 10.1A	Oppose	Amend Rule 10.1A (b) as follows: b) a Management Plan in accordance with Schedule 6 has been prepared and is implemented by [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA] and is supplied to the Canterbury Regional Council, on request, to be viewed ~~***only***~~ ***and used for random compliance check purposes as required by Canterbury Regional Council*** . The Canterbury Regional Council will not retain copies of the Management Plan ***unless it is necessary for remedying non-compliance***.		116.25	REJECT	We acknowledge that some information may be recorded by CRC, such as non-compliance issues. However, we consider it is not considered necessary for that to be provided for in the rule.
23.28	North Canterbury Fish and Game - Scott Pearson	Rule 10.1A	Oppose	Amend Rule 10.1A (b) as follows: b) a Management Plan in accordance with Schedule 6 has been prepared and is implemented by [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA] and is supplied to the Canterbury Regional Council, on request, to be viewed ~~***only***~~ ***and used for random compliance check purposes as required by Canterbury Regional Council***. The Canterbury Regional Council will not retain copies of the Management Plan ***unless it is necessary for remedying non-compliance.***		116.27	REJECT	We acknowledge that some information may be recorded by CRC, such as non-compliance issues. However, we consider it is not considered necessary for that to be provided for in the rule
Rule 10.2								
16.7	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Rule 10.2	Support	Retain Rule 10.2 as proposed			ACCEPT	For the reasons given in the s42A Report recommend retaining proposed Rule 10.2 with only minor grammatical changes for consistency throughout the Plan.
9.25	Amuri Irrigation Company Ltd - Andrew Barton	Rule 10.2	Support	Retain Rule 10.2(a) as modified by PC1			ACCEPT	For the reasons given in the s42A Report recommend retaining proposed Rule 10.2 with only minor grammatical changes for consistency throughout the Plan.
24.4	Beef + Lamb New Zealand - Lauren Phillips	Rule 10.2	Support	Support Rule 10.2 - No specific relief sought			ACCEPT	For the reasons given in the s42A Report recommend retaining proposed Rule 10.2 with only minor grammatical changes for consistency throughout the Plan.
26.4	Hurunui Landcare Group Inc (HDLG) - Joshua Brown	Rule 10.2	Support	Support Rule 10.2 as notified. No specific relief sought			ACCEPT	For the reasons given in the s42A Report recommend retaining proposed Rule 10.2 with only minor grammatical changes for consistency throughout the Plan.
25.2	Fonterra Co-operative Group Limited - Richard Allen	Rule 10.2	Support in part	If the relief sought at submission point 25.3 is not granted, amend Rule 10.2 so that a change in land use for Low Intensity Dryland Farming is only permitted is only permitted where it would not result in an exceedance or further exceedance of nutrient limits			REJECT	We accept s42A Report reasoning that proposed Rule 10.2 already limits permitted land use change to occur only where nutrient limits are met.
11.5	Ravensdown Limited - Carmen Taylor	Rule 10.2	Support in part	Amend Rule 10.2(a) as follows: Any change in land use (refer Part 5 - Definitions), in the Nutrient Management Area shown on Map 4, is a permitted activity, provided that: a) Either: i. conditions (b), (c) and (d) of Rule 10.1 are met; or ii. if land use is changing from ***L~~l~~ow ~~I~~i***ntensity ***D~~d~~***ryland ***F~~f~~***arming to another land use, conditions (c) and (d) of Rule 10.1 and conditions (a) ~~***and (b)***~~ of Rule 10.1A are met; and ...			ACCEPT IN PART	We accept the changes requested by the submitter to capitalise the term 'Low Intensity Dryland Farming' and "Either" for grammatical correctness and consistency throughout the Plan. We accept Council Officers' reasoning in the s42A Report for the reference to clause (b) to be retained in Rule 10.2(a)(ii) We acknowledge that Management Plans are a key tool to ensure good management practises are achieved and nutrient limits in the Plan are met.
14.3	Te Rūnanga o Ngāi Tahu - Lisa Mackenzie	Rule 10.2	Oppose	Delete Clause (a)(ii) from Rule 10.2			REJECT	We adopt the s42A Report reasoning for not deleting this clause. We acknowledge that condition 10.2(a)(ii) provides an alternative pathway for Low Intensity Dryland Farming activities that have operated under proposed Rule 10.1A to comply with the requirement to demonstrate application of good management

								practices, which in turn identify the scale of impact of the existing land use.
14.4	Te Rūnanga o Ngāi Tahu - Lisa Mackenzie	Rule 10.2	Oppose	If relief sought in submission point 14.3 is not granted, amend Rule 10.2 so it is clear how the rule and conditions apply alongside other rules.			REJECT	We acknowledge that the s42A Report clarifies how rules and clauses apply. No changes to the wording of the rule are required.
Rule 11.1								
9.27	Amuri Irrigation Company Ltd - Andrew Barton	Rule 11.1	Support	Retain Rule 11.1 as modified by PC1 (except for the relief sought by submission point 9.26)			ACCEPT IN PART	We adopt the s42A Report reasoning for retaining Rule 11.1. The recommendation on submission point 9.26 is elsewhere in this table.
11.6	Ravensdown Limited - Carmen Taylor	Rule 11.1	Support	Retain Rule 11.1 as notified			ACCEPT	We adopt the s42A Report reasoning for retaining Rule 11.1.
16.8	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Rule 11.1	Support in part	Amend Rule 11.1 as follows: ...of Rule 10.2 are a ***restricted*** discretionary activity			REJECT	We adopt the s42A Report response that Rule 11.1 itself states clearly the matters to which the CRC will restrict its discretion. The amendment sought is outside the scope of PC1.
9.26	Amuri Irrigation Company Ltd - Andrew Barton	Rule 11.1	Oppose	Amend Rule 11.1 as follows: Land use activities ... are a ***restricted*** discretionary activity.			REJECT	We adopt the s42A Report response that Rule 11.1 itself states clearly the matters to which the CRC will restrict its discretion. The amendment sought is outside the scope of PC1.
14.6	Te Rūnanga o Ngāi Tahu - Lisa Mackenzie	Rule 11.1	Oppose	Include Ngāi Tahu values as a matter of discretion in Rule 11.1			REJECT	We adopt the s42A Report response that PC1 does not seek to change the matters to which discretion is limited by Rule 11.1 The amendment sought is out of scope and could only lawfully, in accordance with the provisions of Schedule 1 of the RMA, be made by way of a variation to PC1. The amendment sought does not serve the purpose of the targeted plan change and as such it is not recommended that the amendment sought is made.
24.5	Beef + Lamb New Zealand - Lauren Phillips	Rule 11.1		Neutral - no specific relief sought			ACCEPT	We adopt the s42A Report reasoning for retaining Rule 11.1.

Submissions on Definitions

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
Winter Grazing								
9.30	Amuri Irrigation Company Ltd - Andrew Barton	Definitions – Winter Grazing	Support	Retain the definition of "Winter Grazing" as modified by PC1			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Winter Grazing" as notified.
11.11	Ravensdown Limited - Carmen Taylor	Definitions – Winter Grazing	Support	Retain the definition of "Winter Grazing" as notified			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Winter Grazing" as notified.
24.10	Beef + Lamb New Zealand - Lauren Phillips	Definitions – Winter Grazing	Support	Support - no specific relief sought	114.5		ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Winter Grazing" as notified.
26.10	Hurunui Landcare Group Inc (HDLG) - Joshua Brown	Definitions – Winter Grazing	Support	Support the definition of "Winter Grazing". No specific relief sought			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Winter Grazing" as notified.
16.13	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Definitions – Winter Grazing	Support in part	Amend the definition of Winter Grazing to align with the Canterbury Land and Water Regional Plan definition [~~***Winter Grazing means the grazing of cattle within the period of 1 May to 30 September where the cattle are contained for break-feeding of in-situ brassica and root vegetable forage crops.***~~		124.6	REJECT	We adopt s42A Report reasoning that feeding out supplementary feed such as hay or bailage over winter months is an important part of Low Intensity Dryland Farming. We acknowledge it is good practice for this feeding to occur in different locations to avoid damage to pasture. We consider Reporting on this area would not necessarily provide an accurate picture of the type of “high risk” winter

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
				Winter Grazing means the grazing of cattle within the period of 1 May to 30 September, where the cattle are contained for break-feeding of in-situ brassica and root vegetable forage crops or for consuming supplementary feed that has been brought onto the property.]				grazing activity the CRC considers is important for the purpose of accounting for nutrient losses at the catchment scale. Adopt Council Officers' recommendation to not include supplementary feed in the definition of winter grazing given the HWRRP context.
Change of Land Use								
9.28	Amuri Irrigation Company Ltd - Andrew Barton	Definitions – Change of land use	Support	Retain the definition of "Change of land use" as modified by PC1			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Change of land use" as notified.
11.7	Ravensdown Limited - Carmen Taylor	Definitions – Change of land use	Support	Retain the definition of "Change of land use" as notified			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Change of land use" as notified.
16.9	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Definitions – Change of land use	Support	Retain the definition of "Change of land use" as proposed			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Change of land use" as notified.
24.6	Beef + Lamb New Zealand - Lauren Phillips	Definitions – Change of land use	Support	Support - no specific relief sought	114.6		ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Change of land use" as notified.
26.5	Hurunui Landcare Group Inc (HDLG) - Joshua Brown	Definitions – Change of land use	Support	Support the addition of clause (b) to the definition of "Change of land use". No specific relief sought			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Change of land use" as notified.
17.5	Aotearoa New Zealand Fine Wine Estates - Lynda Murchison	Definitions – Change of land use	Oppose	Amend the definition of "change of land use" as follows: ...(b) where a farming activity met the definition of Low Intensity ***~~Dryland~~*** Farming at [the date the plan becomes operative in accordance with clause 20 of Schedule 1 of the RMA], any change that results in the farming activity not meeting the definition of Low Intensity ***~~Dryland~~*** Farming.	116.28		REJECT	We adopt the s42A Report reasoning for retaining the definition of "Change of land use" as notified. We consider providing for irrigation as a component of "Low Intensity Dryland Farming" is outside the scope of PC1.
Dryland Farmer Collective Agreement								
11.8	Ravensdown Limited - Carmen Taylor	Definitions – Dryland Farmer Collective Agreement	Support	Retain the definition of "Dryland Farmer Collective Agreement" as notified			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Dryland Farmer Collective Agreement" as notified.
16.10	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Definitions – Dryland Farmer Collective Agreement	Support	Retain the definition of "Dryland Farmer Collective Agreement" as proposed			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Dryland Farmer Collective Agreement" as notified.
24.7	Beef + Lamb New Zealand - Lauren Phillips	Definitions – Dryland Farmer Collective Agreement	Support	Support - no specific relief sought	114.4		ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Dryland Farmer Collective Agreement" as notified.
26.6	Hurunui Landcare Group Inc (HDLG) - Joshua Brown	Definitions – Dryland Farmer Collective Agreement	Support	Support the definition of "Dryland Farmer Collective Agreement" as notified. No specific relief sought			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Dryland Farmer Collective Agreement" as notified.
17.6	Aotearoa New Zealand Fine Wine Estates - Lynda Murchison	Definitions – Dryland Farmer Collective Agreement	Oppose	Amend the definition of "Dryland Farmer Collective Agreement" as follows: ***~~Dryland~~ Low Intensity*** Farmer Collective Agreement: A ***~~Dryland~~ Low Intensity*** Farmer Collective Agreement is an agreement that has been approved by Canterbury Regional Council as containing the matters identified in Schedule 2A, for members to collectively record compliance with Rule 10.1A.	116.29		REJECT	We adopt the s42A Report reasoning for retaining the definition of "Dryland Farmer Collective Agreement" as notified. We consider providing for irrigation as a component of "Low Intensity Dryland Farming" is beyond the scope of PC1.

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
25.4	Fonterra Co-operative Group Limited - Richard Allen	Definitions – Dryland Farmer Collective Agreement	Oppose	Amend the definition of "Dryland Farmer Collective Agreement" to clarify that the information gathered by the collective will be shared with the Regional Council to allow credible compliance monitoring of Rule 10.1A			REJECT	We adopt the s42A Report reasoning for retaining the definition of "Dryland Farmer Collective Agreement" as notified. Proposed Rule 10.1A and Schedule 2A set out the information sharing requirements for monitoring purposes. It is not considered appropriate or necessary to specify rule requirements within the definition.
Farm Portal								
11.9	Ravensdown Limited - Carmen Taylor	Definitions – Farm Portal	Support	Retain the definition of "Farm Portal" as notified			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Farm Portal" as notified, with a grammatical amendment to capitalise "means".
16.11	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Definitions – Farm Portal	Support in part	Amend the definition of "Farm Portal" as follows" ~~m~~***M***eans the nutrient management database			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Farm Portal" as notified, with a grammatical amendment to capitalise "means".
24.8	Beef + Lamb New Zealand - Lauren Phillips	Definitions – Farm Portal		Neutral - no specific relief sought			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Farm Portal" as notified, with a grammatical amendment to capitalise "means".
26.7	Hurunui Landcare Group Inc (HDLG) - Joshua Brown	Definitions – Farm Portal	Support	Supports the definition of "Farm Portal" as notified, including the implication that OVERSEER nutrient budgets will not be required. No specific relief sought			ACCEPT	We adopt the s42A Report reasoning for retaining the definition of "Farm Portal" as notified, with a grammatical amendment to capitalise "means".
Low Intensity Dryland Farming								
9.29	Amuri Irrigation Company Ltd - Andrew Barton	Definitions – Low Intensity Dryland Farming	Support	Retain the definition of "Low Intensity Dryland Farming" as modified by PC1			ACCEPT IN PART	We adopt the s42A Report reasoning for amending the definition of "Low Intensity Dryland Farming" with the addition of "(b)(i) 10 hectares, for any property less than 100 hectares in area; or".
24.9	Beef + Lamb New Zealand - Lauren Phillips	Definitions – Low Intensity Dryland Farming	Support	Support - no specific relief sought			ACCEPT IN PART	We adopt the s42A Report reasoning for amending the definition of "Low Intensity Dryland Farming" with the addition of "(b)(i) 10 hectares, for any property less than 100 hectares in area; or".
11.10	Ravensdown Limited - Carmen Taylor	Definitions – Low Intensity Dryland Farming	Support in part	Amend the definition of "Low Intensity Dryland Farming as follows: Low Intensity Dryland Farming means the use of land for a farming activity, where: a. no part of the property is irrigated; ~~***and***~~ b. the area of the property used for Winter Grazing is less than: i. ***10 hectares, for any property less than 100 hectares in area; or*** ii. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or iii. 100 hectares, for any property greater than 1000 hectares in area; ~~***and***~~ c. the farming activity does not include the farming of more than 25 weaned pigs or more than 6 sows, or the farming of poultry fowl at a stocking rate of more than 10 birds per hectare, up to a maximum of 1000 birds; ~~***and***~~ ***or*** d. the farming activity does not include a component where livestock are confined within a hard-stand area ~~***for the purpose of intensive controlled feeding with the purpose of encouraging high weight gain.***~~		124.7	ACCEPT IN PART	We adopt the reasons given in the s42A Report recommendation to amend the definition of " Low Intensity Dryland Farming" to ensure properties under 100 ha are able to use up to 10 ha for winter grazing while remaining within the definition. We consider this is consistent with the Canterbury Land and Water Regional Plan provisions for farming activities in "Red Nutrient Allocation Zones" where water quality outcomes are not met. Recommend including "(b)(i) 10 hectares, for any property less than 100 hectares in area; or". We reject deletions requested within a), b)(iii), c, as this would widen the scope of the definition and not achieve the purpose of PC1. For the reasons given in the s42A Report retain the wording of d) as notified.
14.5	Te Rūnanga o Ngāi Tahu - Lisa Mackenzie	Definitions – Low Intensity Dryland Farming	Support in part	Clarify how the definitions and rules interrelate			ACCEPT IN PART	We acknowledge that the s42A Report clarifies how the rule interrelate, no changes are recommended in response to this submission.
26.9	Hurunui Landcare Group Inc	Definitions – Low Intensity	Support in part	Amend the definition of "Low Intensity Dryland Farming" as follows: means the use of land for a farming activity, where:			ACCEPT	We adopt the reasoning in the s42A Report to amend the definition. This is consistent with the Canterbury Land and Water Regional Plan provisions for farming

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
	(HDLG) - Joshua Brown	Dryland Farming		a. no part of the property is irrigated; and b. the area of the property used for Winter Grazing is less than: i. ***10 hectares, for any property less than 100 hectares; or*** ii. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or iii. 100 hectares, for any property greater than 1000 hectares in area; and c. the farming activity does not include the farming of more than 25 weaned pigs or more than 6 sows, or the farming of poultry fowl at a stocking rate of more than 10 birds per hectare, up to a maximum of 1000 birds; and d. the farming activity does not include a component where livestock are confined within a hard-stand area for the purpose of intensive controlled feeding with the purpose of encouraging high weight gain.				activities in "Red Nutrient Allocation Zones" where water quality outcomes are not met.
16.12	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Definitions – Low Intensity Dryland Farming	Oppose	Amend the definition of "Low Intensity Dryland Farming" as follows: Low Intensity Dryland Farming ~~m~~***M***eans the use of land for a farming activity, where: a. no part of the property is irrigated; and b. the area of the property used for Winter Grazing is less than: i. ***10 hectares, for any property less than 100 hectares; or*** ii. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or iii. 100 hectares, for any property greater than 1000 hectares in area; ~~***and***~~ ***or*** c. ~~***the farming activity does not include the farming of more than 25 weaned pigs or more than 6 sows, or the farming of poultry fowl at a stocking rate of more than 10 birds per hectare, up to a maximum of 1000 birds; and***~~ d. the farming activity does not include a component where livestock are confined within a hard-stand area for the purpose of intensive controlled feeding with the purpose of encouraging high weight gain.		117.2	ACCEPT IN PART	Regarding the change requested to clause b), we accept the insertion to ensure properties under 100 ha are able to use up to 10 ha for winter grazing while remaining within the definition. We consider this is consistent with the Canterbury Land and Water Regional Plan provisions for farming activities in "Red Nutrient Allocation Zones" where water quality outcomes are not met. Recommend including "(b)(i) 10 hectares, for any property less than 100 hectares in area; or". Regarding the change requested to clause c), adopt the reasoning in the s42A Report that the amendment sought is not made given the purpose of the targeted plan change is to reduce the regulatory burden on low impact dryland farming. We consider PC1 was not intended to provide for pork and poultry farm systems and that these land use activities will continue to be managed via Rules 10.1, 10.2, 11.1 and 11.1A. Including pork and poultry systems would expand the scope of PC1 beyond what has been considered in technical work and would have implications for the required nitrogen loss offset or be subject to Schedule 1 consultation. We consider the amendment requested is outside the scope of PC1. Regarding the requested capitalisation of "means", we consider this is an appropriate grammatical amendment that is consistent with the Plan.
17.7	Aotearoa New Zealand Fine Wine Estates - Lynda Murchison	Definitions – Low Intensity Dryland Farming	Oppose	Amend the definition of "Low intensity dryland farming" as follows: Low Intensity ~~***Dryland***~~ Farming means the use of land for a farming activity, where: a. ~~***no part of the property is irrigated; and***~~ ***no more than 50ha if the property is irrigated ...***	116.30		REJECT	We adopt the reasoning in the s42A Report to reject this change as providing for irrigation as a component for "Low Intensity Dryland Farming" is outside of the scope of PC1.
17.8	Aotearoa New Zealand Fine Wine Estates - Lynda Murchison	Definitions – Low Intensity Dryland Farming	Oppose	Should relief sought in point 17.7 not be granted, amend the definition of "Low intensity dryland farming" as follows: Low Intensity ~~***Dryland***~~ Farming means the use of land for a farming activity, where: a. ~~***no part of the property is irrigated; and***~~ ***no more than 50ha if the property is irrigated and that land which is irrigated is not used for the purpose of dairy grazing or winter grazing ...***	116.31		REJECT	We adopt the reasoning in the s42A Report to reject this change as providing for irrigation as a component for "Low Intensity Dryland Farming" is beyond the scope of PC1.

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
26.8	Hurunui Landcare Group Inc (HDLG) - Joshua Brown	Definitions – Low Intensity Dryland Farming	Oppose	Amend the definition of "Low Intensity Dryland Farming" to include existing irrigated areas up to 50ha per farm			REJECT	We adopt the reasoning in the s42A Report to reject this change as providing for irrigation as a component for "Low Intensity Dryland Farming" is outside the scope of PC1.
25.3	Fonterra Co-operative Group Limited - Richard Allen	Definitions – Low Intensity Dryland Farming	Oppose	Amend the definition of "Low Intensity Dryland Farming" as follows: ... (d) the farming activity does not include a component where livestock are confined ***on an area without pasture or vegetative cover or*** within a hard-stand area for the purpose of intensive controlled feeding with the purpose of encouraging high weight gain. ***(e) no more than 20% of the animal feed consumed (Dry Matter consumed) is imported on to the property. (i.e. at least 80% of DM consumed is grown on the property).*** Note, the figure of 20% (in (e) above) is indicative only and may need further investigation before inclusion in this definition. 20% imported feed aligns with the upper threshold for system 3 dairy farms.		124.8	REJECT	We adopt the reasoning in the s42A Report that the amendment sought could unnecessarily limit the ability for Low Intensity Dryland Farming activities to retain stock in very dry years where it may be necessary to import hay or bailage to keep stock going over dry months. It was not clear what advantage would be gained from limiting imported feed for Low Intensity Dryland Farming activities where imported feed is used as a means to keep stock on during a feed shortage, rather than as a supplement to increase productivity.
27.5	Emu Plains Irrigation Incorporated - Warren Keith Armstrong	Definitions – Low Intensity Dryland Farming	Oppose	If the combined cumulative effects of the increase in discharge of nutrients to the Waiau Uwha River by dryland farmers [pursuant to PC1], consented discharges and discharges that have been applied for prior to notification of PC1 will result in an increased risk of periphyton growth then amend the definition of "low intensity dryland farming" so the scale of increase in dryland discharge is reduced to maintain periphyton growth within acceptable limits		116.32	REJECT	We acknowledge the s42A Report assessment of the cumulative effects of PC1 on water quality. Any resource consent applications lodged, but not granted, at the date of this decision are not part of the existing receiving environment and should not be considered as part of any assessment of cumulative effects.
27.6	Emu Plains Irrigation Incorporated - Warren Keith Armstrong	Definitions – Low Intensity Dryland Farming	Oppose	If the relief sought in point 27.5 is not granted, withdraw PC1 in its entirety			REJECT	We adopt the reasons given in the s42A Report to not remove PC1 in its entirety.

Submissions on Schedule 2A

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
11.12	Ravensdown Limited - Carmen Taylor	Schedule 2A	Support	Retain Schedule 2A: Matters to be addressed in any Dryland Farmer Collective Agreement in accordance with Rule 10.1A as notified			ACCEPT	We adopt the reasons given in the s42A Report for retaining Schedule 2A as notified.
24.11	Beef + Lamb New Zealand - Lauren Phillips	Schedule 2A	Support	Support - no specific relief sought	114.7		ACCEPT	We adopt the reasons given in the s42A Report for retaining Schedule 2A as notified.
26.11	Hurunui Landcare Group Inc (HDLG) - Joshua Brown	Schedule 2A	Support	Supports minimum requirements for a "Dryland Farmer Collective Agreement" as notified. No specific relief sought			ACCEPT	We adopt the reasons given in the s42A Report for retaining Schedule 2A as notified.
25.5	Fonterra Co-operative Group Limited - Richard Allen	Schedule 2A	Oppose	Amend Clause 4 of Schedule 2A as follows: (4) A statement of the actions that will be undertaken by the individual land managers (the "Members") who commit to the Collective, including as a minimum: (i) the requirement for Members to report annually, to the Collective, on***:*** • individual property area***, ~~and~~*** • the area of each property used for Winter Grazing***; and*** • ***the proportion of the feed budget that comprises feed brought onto the property.***		124.9	REJECT	We adopt the reasons given in the s42A Report to not include the proportion of the feed budget that comprises imported feed as a matter for members to report annually to the collective. It is not considered necessary to seek this information from Low Intensity Dryland Farming activities.

Submissions on Schedule 6

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
11.13	Ravensdown Limited - Carmen Taylor	Schedule 6 - general	Support	Retain "Schedule 6: Management Plan for Low Intensity Dryland Farming Activities" as notified			ACCEPT IN PART	We adopt the reasons given in the s42A Report to include the word "critical", to clarify the timing of the provision of Management Plans, and to clarify that Management Plans must include a continuous record of on-farm actions for up to 10 years.
24.12	Beef + Lamb New Zealand - Lauren Phillips	Schedule 6 - general		Neutral - no specific relief sought			ACCEPT IN PART	We adopt the reasons given in the s42A Report to include the word "critical", to clarify the timing of the provision of Management Plans, and to clarify that Management Plans must include a continuous record of on-farm actions for up to 10 years.
17.9	Aotearoa New Zealand Fine Wine Estates - Lynda Murchison	Schedule 6 - Part A	Oppose	Amend Schedule 6, Part A as follows: ... A Management Plan can be either: 1. A Plan prepared in accordance with the requirements of Part B below; or 2. A Plan prepared in accordance with an industry prepared Farm Environment Plan template that has been certified by the Chief Executive of Environment Canterbury as providing at least an equivalent amount of information and practice guidance contained in Part B below. 3. ***A plan that has been prepared in accordance with Demeter Biodynamic Accreditation.*** ...			REJECT	It is not considered necessary to include specific reference to a Demeter Biodynamic Accreditation management plans within Schedule 6. We accept the submitter will be able to seek approval of the Demeter Biodynamic Accreditation management plan under the provision.

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
26.12	Hurunui Landcare Group Inc (HDLG) - Joshua Brown	Schedule 6 - Part B	Support in part	Amend Part B of Schedule 6 as follows: ... (2) A map(s) or aerial photograph at a scale that clearly shows: (a)... ~~***(e) The location on all waterways where stock access or crossing occurs.***~~ (f)... (3) The location of any ***critical*** source areas for phosphorus loss ...			ACCEPT IN PART	For the reasons given in the Council Officers' s42A Report retain item 2(e) as proposed stock access to waterways is a high risk for contaminants entering waterways, either directly or as a result of river bank destabilisation. We consider identifying areas where stock can access waterways so that the risk of contaminant runoff can be assessed and managed is an important function of Management Plans. We adopt the reasons in the s42A Report for amending Schedule 6 - Part B item 3 refer to "critical" source areas for phosphorus. The amendment requested is consistent with management plan requirements under the Canterbury Land and Water Regional Plan. It is recommended the amendment is made
16.14	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Schedule 6 - Part B	Oppose	Delete item 2(e) [The location on all waterways where stock access or crossing occurs] of Schedule 6 Bart B			REJECT	For the reasons given in the Council Officers' s42A Report retain item 2(e) as proposed stock access to waterways is a high risk for contaminants entering waterways, either directly or as a result of river bank destabilisation. Identifying areas where stock can access waterways so that the risk of contaminant runoff can be assessed and managed is an important function of Management Plans.
16.15	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Schedule 6 - Part B	Oppose	Amend item 3 of Schedule 6, Part B as follows: 3. The location of any ***critical*** source areas for phosphorus loss	124.10		ACCEPT	We adopt the reasons in the s42A Report for amending Schedule 6 - Part B item 3 refer to "critical" source areas for phosphorus. The amendment requested is consistent with management plan requirements under the Canterbury Land and Water Regional Plan.
7.8	Rural Advocacy Network - Jamie McFadden	Schedule 6 – Part B Table	Oppose	Oppose incorporating mahinga kai requirement into farm plans - no specific relief sought		114.3	REJECT	We adopt the reasoning given in the s42A Report to not delete the "mahinga kai values" practice from the table in Part B of Schedule. Section 6(e) of the RMA identifies "the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga" as a matter of national importance to be recognised and provided for. Management Plans are a requirement of proposed Rule 10.1A because they are a method by which potential adverse effects on water quality can be identified and avoided or mitigated. Because water quality can impact on mahinga kai values, it is important for Low Intensity Dryland Farming activities to identify and protect those values so that the relationship of Māori with their culture and traditions can be provided for. Removing the "mahinga kai" practice from the table would reduce the effectiveness with which PC1 provisions give effect to the Plan objectives, specifically Objective 5.1.
26.13	Hurunui Landcare Group Inc (HDLG) - Joshua Brown	Schedule 6 – Part B Table	Oppose	Delete the "mahinga kai values" item from the Table of practices and on-farm actions: ~~***Mahinga kai values are identified and protected. To seek assistance in identifying mahinga kai values and practices to protect those values, contact the Canterbury Regional Council or tangata whenua***~~		114.1	REJECT	We adopt the reasoning given in the s42A Report to not delete the "mahinga kai values" practice from the table in Part B of Schedule. Section 6(e) of the RMA identifies "the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga" as a matter of national importance to be recognised and provided for. Management Plans are a requirement of proposed Rule 10.1A because they are a method by which potential adverse effects on water quality can be identified and avoided or mitigated. Because water quality can impact on mahinga kai values, it is important for Low Intensity Dryland Farming activities to identify and protect those values so that the relationship of Māori with their culture and traditions can be provided for. We consider

Submission reference number	Submitter	Plan Provision	Support / Oppose	Summary of relief sought	Further submission support	Further submission oppose	Accept / Reject	Reasons
								removing the "mahinga kai" practice from the table would reduce the effectiveness with which PC1 provisions give effect to the Plan objectives, specifically Objective 5.1.
16.16	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Schedule 6 – Part B Table	Oppose	Delete the fourth "practice" box in the table located in Part B of Schedule 6: ~~***Mahinga kai values are identified and protected. To seek assistance in identifying mahinga kai values and practices to protect those values, contact the Canterbury Regional Council or tangata whenua***~~		114.2	REJECT	We adopt the reasoning given in the s42A Report to not delete the "mahinga kai values" practice from the table in Part B of Schedule. Section 6(e) of the RMA identifies "the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga" as a matter of national importance to be recognised and provided for. Management Plans are a requirement of proposed Rule 10.1A because they are a method by which potential adverse effects on water quality can be identified and avoided or mitigated. Because water quality can impact on mahinga kai values, it is important for Low Intensity Dryland Farming activities to identify and protect those values so that the relationship of Māori with their culture and traditions can be provided for. We consider removing the "mahinga kai" practice from the table would reduce the effectiveness with which PC1 provisions give effect to the Plan objectives, specifically Objective 5.1.
14.7	Te Rūnanga o Ngāi Tahu - Lisa Mackenzie	Schedule 6 – Part B Table	Support in part	Amend the eighth farm practice listed in the table as follows: Vegetated riparian margins of sufficient width are maintained to minimise nutrient, ***fertiliser,*** sediment and microbial pathogen losses to waterbodies			REJECT	We adopt the reasoning given in the s42A Report not to amend the eighth farm practice listed in Schedule 6 – Part B Table by adding "fertiliser". The term "nutrient" encapsulates fertiliser.
16.17	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Schedule 6 – Part B Table	Oppose	Delete the eighth "practice" box in the table located in Part B of Schedule 6: ~~***Vegetated riparian margins of sufficient width are maintained to minimise nutrient, sediment and microbial pathogen losses to waterbodies***~~			REJECT	We adopt the reasoning given in the s42A Report not to amend the eighth farm practice listed in Schedule 6 – Part B Table. We consider it is a key practice for minimising contaminant run-off entering water and there are no other practices identified that would achieve the same protection of water quality from general farm run-off.
16.18	North Canterbury Province, Federated Farmers - Dr Lionel Hume	Schedule 6 – Part B Table	Support	Retain the ninth "practice" box, in the table located in Part B of Schedule 6, as proposed: Critical phosphorus source areas are identified and appropriately managed to minimise sediment and phosphorus loss.			ACCEPT	We adopt the reasoning given in the s42A Report to retain the ninth practice box listed in Schedule 6 – Part B, as notified.

Appendix 4: Reports and Documents Referenced

Brown, J. 2018. 'Likely trends of dryland farming as a permitted activity in the Hurunui and Waiau Zone' (In the context of water quality discussions).

Canterbury Regional Council. 2017. 'Fixing the 10% Rule issues and options.'

Canterbury Regional Council 2019. 'Proposed Plan Change 1 to the Hurunui and Waiau River Regional Plan: Dryland Farming – Summary of evaluation under section 32 of the Resource Management Act.'

Commissioners recommendation report on the HWRRP. Canterbury Regional Council, April 2013.

Dynes, K. and Norton, N. 2018 'What are the predicted environmental effects of a percent increase in nitrogen and phosphorus for the Waiau River catchment?'

Dynes, K. et al. 2017 'What do we currently know?... about surface water quality… & land use… in the Waiau River catchment…'

Dynes, K., Norton, N. & Graham, H. 2017. 'What we know… about water quality in the Hurunui catchment: Results from current monitoring and investigations.'

Harris, S. 2017 'Hurunui zone limit setting process: Economic assessment of the current state.'

Hulse, P. March 2018. Zone Committee Paper 10 Review of Zone Delivery Work Programme.

Hurunui Waiau Zone Implementation Programme. July 2017

Hurunui Waiau Zone Implementation Plan and August 2018 Addendum

Jenkins, L. 2017 'Capacity for the Canterbury Regional Council and industry to efficiently process consents that would be required from dryland farmers under the "10% rule".'

Norton, N. 2018. 'Estimating the 'plausible worst case' increase in nitrogen load from a new way of permitting 'normal dryland farming', that would need to be offset by decreases elsewhere in order to stay within the Hurunui Waiau River Regional Plan (HWRRP) nitrogen load limit.'

Norton, N. 2018. 'Nitrogen allocation in the Hurunui catchment and its relevance for dryland farming and a draft plan change to "fix the 10% rule".

Norton, N. 12 April 2018. 'Summary of process to estimate the nitrogen load increase that would need to be offset in the Hurunui catchment as part of fixing the dryland farming 10% rule issue.'

Norton, N. 12 April 2018 'Summary of process to estimate the nitrogen load increase that would need to be offset in the Hurunui catchment as part of fixing the dryland farming "10% rule" issue.'

Norton, N. 29 January 2018. 'What do we know about future nutrient losses in the Waiau catchment from both irrigated and dryland development, and under different assumed amounts of permitted winter grazing of forage crops?'

White, L 2018 'An Assessment of the Efficiency and Effectiveness of the Hurunui and Waiau River Regional Plan.'

Zone Committee paper 06 Waiau WQ limits. Jenkins, L. March 2018