

Resource Management (Form, Fees and Procedures) Regulations - Schedules 2003
Form 5

Clause 6 of the First Schedule, Resource Management Act 1991
Submission on a publicly notified proposal for a plan

SUBMITTER ID 0066

To: Environment Canterbury
PO Box 345
Christchurch

PLAN - LWRP - DRAFT - 654 - 2

EC - CHON	
FILE REF	DOCUMENT No.
114412	-5 OCT 2012
ACTION	INFO

Name of Submitter:

[Insert name here]

Amanda Jayne Ferguson

EC 300466

This is a submission on the following proposed plan - Proposed Canterbury Land and Water Regional

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

The specific provisions of the proposal that my submission relates to is:

The definition of 'change' in relation to farming activities on p.2-5 and its application to rules 5.42 to 5.45.

My submission is:

I oppose the definition as it is currently written.

My reasons are:

- The definition of a 'change' in farming activity being an increase of more than 10% in nitrogen loss from the same land as measured for the period 01 July 2011 to 30 June 2013 is:
- Uncertain, as no one can know by the close of submissions on this plan what their nitrogen loss will be on a piece of land by 30 June 2013.
- Uncertain, as the Overseer model used to calculate nitrogen loss is not wholly accurate.
- Impractical from a farm management perspective, as the nitrogen discharge from any area of land will vary year to year depending on the season, climatic conditions and the use to which that land is being put as part of the farm cycle.
- Unfair -one gets caught by the definition and thus rules 5.43 to 5.45 requiring resource consents to change the farming activity, irrespective of how much nitrogen is being leached. This approach is inconsistent with the approach for existing farming activities, and imposes

the same cost on all landholders whether they are contributing significantly to nutrient enrichment in the catchment or not.

- Unnecessary – changes in farming activities in Canterbury that are likely to result in significant increases in nitrogen leaching are only likely to occur with either irrigation water or dairy conversion; and the latter is unlikely to occur without irrigation water.

Therefore, I do not agree the definition and associated rules achieve the purpose of the Resource Management Act 1991 or that the Council has fulfilled its duty under s32 to be satisfied that the definition and associated rule structure is the most appropriate method to achieve the plan's objectives.

I seek the following decision from the Council:

Amend the definition of 'change' to a farming activity to be either:

- (a) The application of irrigation water or an increase in irrigation water; or
- (b) A change in land use which increases the nitrogen discharged per hectare to over 20/kg/ha/yr, averaged over the farm.

Any consequential amendments required to give effect to this submission.

I do wish to be heard in support of my submission.

I/we are/~~are not~~ prepared to make a joint case with other parties.

Signature of Submitter (or person authorised to sign on behalf of submitter)

A. Ferguson

Date:

3/10/12

Address for Service of Submitter:

{Include postal address for where you want your correspondence to come to, fax, e-mail; and name of contact person}

*Amanda Ferguson
362 Heathstock Road
Hawarden 7385
North Canterbury
amanda-f@canuri.net*

Resource Management (Form, Fees and Procedures) Regulations - Schedules 2003
Form 5

Clause 6 of the First Schedule, Resource Management Act 1991

Submission on a publicly notified proposal for a plan

To: Environment Canterbury
PO Box 345
Christchurch

DOC - CHCH	
DOCUMENT No.	
- 5 OCT 2012	
	ACTION
	INFO

Name of Submitter:

[Insert name here]

Amanda Jayne Ferguson

This is a submission on the following proposed plan - Proposed Canterbury Land and Water Regional

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

The specific provisions of the proposal that my submission relates to is:

Policies 4.28 to 4.34; Rules 5.42 and 5.45, Rules 5.46 and 5.49 and Rules 5.50 and 5.51; and Nutrient Zone map on p4-8, as they apply to the Waipara Catchment.

My submission is:

I oppose the provisions as they apply to the Waipara Catchment.

My reasons are:

- The plan provisions rely on periphyton indicators to identify catchments where water quality outcomes are not being met. The plan provisions then assume that the reason for water quality outcomes not being met is nutrient enrichment from land uses in the catchment. The plan provisions require significant reductions in nutrient discharges for both changes in land uses; and from 2017 for existing land uses which do not comply with the yet to be developed NDAs or the NDA is over 20kgN/ha/yr.
- This scenario is inaccurate for the Waipara Catchment. The Canterbury Regional Council's own technical reports (including Mosley 1994, Hayward 2003 and the staff technical report 2010) have repeatedly recorded the water quality in the Waipara catchment as generally very good, and identified the catchment as susceptible to periphyton growth during periods of prolonged low flow (below 100 l/s) in late summer. Factors affecting prolonged summer low flow have been attributed in various reports, with differing degrees of

certainty, to natural climatic conditions, afforestation in the upper catchment, willows, and abstraction.

- I understand from the Regional Council's own staff (Dr Tim Davie) that there is a high natural nutrient content in the river due to the geology of the upper catchment, particularly the Waipara Gorge.
- Given the land uses in the catchment (forestry, viticulture and dryland sheep and beef) it will be very difficult for landholders to significantly reduce their nutrient discharges. Even if they could, it will not result in the Waipara Catchment achieving the water quality outcomes set in the plan.
- The NRRP already has rules managing further afforestation in the catchment and these have been included in the proposed Land and Water Regional Plan. Abstraction in the catchment is managed through the Waipara Catchment Environmental Flow and Allocation Regional Plan which was heard and determined by the Canterbury Regional Council in 2011 and does not form part of this plan.
- The one remedy identified by the Hurunui-Waiau Zone Committee to relieve low flows in the Waipara Catchment is through the Hurunui Water Project Scheme either augmenting the river or as an alternative supply for abstractors. A significant portion of the Waipara Catchment is in the command area for that scheme. The proposed plan provisions work against this aspiration.
- Any change in land uses in the Waipara Catchment that increases nutrient discharges needs to be managed, to ensure it does not exacerbate periphyton growth. This issue can be addressed through a policy and rule construct suggested in this submission.

Therefore, I do not agree the policies and rules achieve the purpose of the Resource Management Act 1991(RMA) or give effect to the NPs for Freshwater or the Regional Policy Statement. In regard to these provisions, I do not believe the Council has fulfilled its duty under s32 of the RMA to be satisfied that the provisions are the most appropriate to achieve the plan's objectives.

I seek the following decisions from the Council:

As a first preference, delete the provisions for managing nutrient discharges from the Waipara Catchment from this plan and address the matter through the sub-regional plan section in due course.

As a second preference:

Reclassify the Waipara Catchment from Red Zone to Blue Zone (unclassified); or

Develop a new classification for catchments such as the Waipara where water quality outcomes for periphyton are not being met but which the predominant cause is not nutrient discharges from land uses.

Introduce a new policy which reads:

In the Blue/X Zone, to ensure any change in land uses and associated increase in nutrient discharges do not, singularly or cumulatively, exacerbate periphyton growth or any other water quality issues in the catchment.

Amend the status for the change of land uses from non-complying to restricted discretionary activity and apply the discretion from Rule 5.47.

Any consequential amendments required to give effect to this submission.

I do wish to be heard in support of my submission.

I/we ~~are~~/are not prepared to make a joint case with other parties.

Signature of Submitter (or person authorised to sign on behalf of submitter)

A Ferguson

Date:

3/10/12

Address for Service of Submitter:

{Include postal address for where you want your correspondence to come to, fax, e-mail; and name of contact person}

*Amanda Ferguson
362 Heathstock Road
Hawarden 7385
North Canterbury
amanda.f@amuri.net*