Submission on Proposed Canterbury Land and Water Regional Plan

Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by 5.00pm Friday 5 October 2012 to:
Freepost 1201 Proposed Canterbury Land and Water Regional Plan
Environment Canterbury
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Contact name and postal address for service of person making submission (if different from above):

Trade Competition

Pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

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

Please tick the sentence that applies to you:

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

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

☐ I am directly affected by an effect of the subject matter of the submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.
☐ I am not directly affected by an effect of the subject matter of the submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.

Signature: __________________________ Date: 3/10/12

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

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

☐ I do not wish to be heard in support of my submission; or
☐ I do wish to be heard in support of my submission; and if so,
☐ If others make a similar submission, I will consider presenting a joint case with them at the hearing.
Submission on the Proposed Canterbury Land and Water Regional Plan

To:        Environment Canterbury

From:      Castleridge Station Ltd

Date:      5 October 2012

Contact:   Kerry Harmer

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General Submission

This new look plan which is intended to be a collaborative approach to managing our regions resources has in fact for a small portion of the community become a step back in time to overpowering rule setting. We refer in particular to the sensitive lakes zones where regardless of the nutrient management achieved, after 2017 a resource consent will be required. This flies in the face of significant work individuals have been doing working alongside the likes of DOC to achieve specific goals in some areas, and has no account for a collaborate approach or a feel for “working together” to achieve a common goal. There has been very little previous mention of these zones in drafts of the proposed land and water plan and as such very little discussion with likely affected parties.

There is no reason why these areas cannot be treated the same as elsewhere if targets are being met, and there is little justification for putting these areas out on their own at all.

There are large difficulties with OVERSEER being used on extensive mixed livestock operations such as those in the lake zones, few farms have been able to get a result from the tool, yet it is intended to be a significant part of a compliance process, something that appears to be likely to fail in its intention to provide accurate trends over time.
Specific Submissions:

1.2.3 Issues relating to soil conservation, gravel resources and biodiversity

Second paragraph under Conservation of Soils, page 1-4:

Submission

The Plan correctly states that vegetation cover that is effective at preventing induced erosion is the most cost-effective form of management. It also needs to be acknowledged that a key requirement for maintaining effective vegetation cover is the application of water and nutrients. Wind erosion can be an environmental issue in the high country and sensitive lakes zones, where a lack of nutrient input leads to increased heiracium invasion and bare ground.

Decision sought

Include a statement that application of water and nutrients are key precursors to maintaining effective vegetation cover in areas of the Canterbury Region.

1.2.6 Managing New and Existing Activities, page 1-6

Submission

It is stated that when resource consents expire, the activity must be assessed as if new even, subject to Part 2 of the RMA. It needs to be explicitly acknowledged that Part 104(2A) of the RMA states that the consent authority must have regard to the value of the investment of the existing consent holder.

Decision sought

Include explicit acknowledgement that Part 104(2A) of the RMA states that the consent authority must have regard to the value of the investment of the existing consent holder.

SECTION 2 – HOW THE PLAN WORKS & DEFINITIONS

2.10 DEFINITIONS, TRANSLATIONS AND ABBREVIATIONS

Definitions

Submission

Natural State Water bodies: This definition talks about areas “within land administered by DOC) yet there are areas listed which are not administered by DOC included in this definition
Site: This definition is important because of implications to things such as number of offal holes per property. The current definition does not fit with practical on the ground use.

Stock holding area: This definition is very restrictive and captures activities which we do not believe are intended. With significant rules to be applied this needs to be corrected.

Decision Sought

Clarify definitions to be correct and specific.

Include a clear definition of “site” and “property”.

Stock holding area, change to the following: - means an area of land in which the construction of the holding area or stocking density precludes maintenance of pasture or vegetative groundcover, and is used for confining livestock for more than 30 24 hour days in any 12 month period or for more than 10 consecutive 24 hour days at any time. For the avoidance of doubt, this definition includes, milking platforms dairy yards, feed pads, and wintering pads, and farm raceways used for feeding or containing stock for extended periods of time stock holding purposes during milking.

SECTION 4 – POLICIES

STRATEGIC POLICIES

Policy 4.1, page 4-1

Submission
It is stated that lakes, rivers, wetlands and aquifers will meet the freshwater outcomes set in sections 6-15 or, if outcomes have not been set at catchment level, then the outcomes set in Table 1 will be met. We oppose the reference to Table 1 because the values in this Table are aspirational and not immediately appropriate for inhabited, working landscapes.

Decision sought
Delete the reference to Table 1 in its current form because the values in Table 1 are aspirational and not immediately appropriate for inhabited, working landscapes.

Policy 4.2, page 4-1

Submission
It is stated that the management of lakes, rivers, wetlands and aquifers will take account of the cumulative effects of land uses, discharges and abstractions in order to meet the freshwater outcomes in accordance with Policy 4.1, and therefore in accordance with Table 1 if a sub-regional plan is not operative. We are opposed to the use of Table 1 to determine the management of cumulative effects on water bodies for the reasons given above. Water
quality outcomes should be set via a collaborative, science informed process consistent with the CWMS.

Decision sought

Delete the reference to Table 1 (via Policy 4.1) in its current form because the values in Table 1 are aspirational and not immediately appropriate for inhabited, working landscapes.

LIVESTOCK EXCLUSION FROM WATER BODIES

Policy 4.26, page 4-7

Submission

Part (a) states that intensively farmed stock must be kept out of water bodies and wetlands. This in combination with the definition of outdoor intensive farming is problematic. Outdoor intensive farming includes any livestock contained for breaks feeding. There are situations where intensively farmed stock need to cross river beds in order to access land that cannot be realistically accessed in any other way. Absolute exclusion is neither appropriate nor necessary. There are also situations where stock water cannot be provided in any other way.

Part (b) excludes stock from sensitive sites. The meaning is not clear. Does sensitive mean physically or culturally sensitive, or both? Again, absolute exclusion is probably neither appropriate nor necessary. For example, it is possible that stock may be used for weed control at such sites, or there may be no other way to provide stock drinking water.

Part (c) states that access to banks and beds by “other stock” is limited to stock species that prefer to avoid water at stocking rates that avoid evident damage. The meaning of other stock needs to be clarified. Does this mean stock not included in the definition of outdoor intensive farming? Would non-intensive cattle be excluded on the basis that they do not prefer to avoid water? Again the policy should not be absolute. There may occasionally be a need to shift stock across a river bed, in which case the stocking rate may be temporarily high as stock are forced to move. In addition, given the nature of farming in hill and high country, it is unrealistic to exclude cattle.

Decision sought

Include a statement following parts (a) and (b) that stock will be excluded for the purpose of protecting water quality but that the exclusion is not absolute, recognising that there may be times when stock access is essential to farming operations and that this can be accommodated with minimal environmental impact.

Include a definition of sensitive sites.

Delete part (c) because it is not practical as written, because it potentially excludes cattle on hill and high country, and potentially precludes taking a mob of animals across the bed of a water body.
NUTRIENT ZONES

Policy 4.34, page 4-9

Submission
Policy 4.34 states that, prior to 1 July 2017, any applicant for a change in farming activity in areas within a Lake Zone will have to demonstrate that it, in combination with other land uses and discharges, will not prevent water quality outcomes from being achieved and that nitrogen discharges from the property are a significant and enduring reduction from existing levels.

It makes no sense for an applicant to have to do both of these things. If the activity does not prevent water quality outcomes from being achieved, then what is the need to insist on reduction in N discharge? Conversely, if N discharges are decreased, this will automatically help with meeting water quality outcomes (as long as N is the issue in the first place, which it may not be).

Substantial and enduring reduction in N loss should not be a prerequisite for gaining land-use consent. There is no good reason to prevent change in land use, and the benefits that flow from it, if there is no net increase in estimated N discharge.

In addition the use of overseer in this context is problematic as most Lake Zone properties have been unable to get overseer to run successfully for their properties, instantly making them non-compliant through no fault of their own. The use of a tool which cannot be relied upon, for setting land use consent, is irresponsible.

Decision sought
Amend the policy so that it does not require both an absence of adverse effects on water quality targets, and a reduction in N loss, and also amend the policy to require demonstration that there will be no increase in the estimated N discharge from a property, rather than significant and enduring reduction from existing levels, as follows:

...will not prevent the water quality outcomes of Policy 4.1 being achieved and or show that the nitrogen discharges from the property are a significant and enduring reduction from do not increase compared with existing levels.

Change in land use and the benefits that flow from it should not be prevented if it can be demonstrated that there is no net increase in estimated N discharge.
WETLANDS AND RIPARIAN MARGINS

Policies 4.79 - 4.83, page 4-14

Submission

These policies must be linked with an appropriate wetland definition which separates genuinely valuable wetland ecosystems from wet areas containing some plants adapted to wet or intermittently wet conditions, but which is essentially a farm paddock.

Decision sought

Link the policies with an appropriate wetland definition which separates genuinely valuable wetland ecosystems from wet areas containing some plants adapted to wet or intermittently wet conditions, but which is essentially a farm paddock.

FARMING

Rules 5.39 – 5.51, pages 5-11 – 5.14

General submissions

1. The heading refers to “farming”. The subject matter is nutrient management. The heading should be changed.
2. It is stated that N loss from the land must be “calculated” using the OVERSEER nutrient model. OVERSEER may be useful as a farm management tool in some instances, but is not robust enough to be used in a regulatory manner such as this. It is useful for estimating trends and progress towards targets but its lack of precision (plus or minus 20%) means that it is not useful for generating absolute values for compliance purposes. This is particularly evident in the sensitive lakes zones where farmers cannot get it to work at all, yet are required to use it to be compliant. National protocols need to be established to ensure consistent and appropriate use of Oversee. Wording throughout the plan should be amended to replace the term calculated with estimated.
3. This section of the plan focuses almost entirely on N loss. This is problematic because N loss may not be the primary issue.
4. The approach focuses substantially on nutrient loss. However, animal welfare and soil conservation matters also need to be taken into account e.g. when considering what land is best suited for winter grazing.

Decisions sought

1. Amend the heading to Nutrient Management, reflecting the subject matter.
2. Develop/adopt a protocol for the appropriate use of OVERSEER, recognising that it is not appropriate for generating absolute values for compliance purposes.
3. Amend wording to replace the term *calculated* with *estimated*, in the context of N discharge values generated by OVERSEER.

4. Acknowledge that N discharge may not be the primary issue. Other nutrients such as P may be more significant in an environmental context.

5. Consider animal welfare and soil conservation matters alongside N discharge.

**Rule 5.29, page 5-9**

**Submission**

Point 3 refers to one pit/site/annum; this could be very difficult for larger high country properties where a site contains thousands of hectares covering a number of kilometres, the practicality of having only one pit has not been considered in this instance.

**Decision sought**

The definition of site needs to be looked at so that large properties can still be compliant while having a number of pits for management purposes.

**Rule 5.31, page 5-9**

**Submission**

There are two difficulties with this rule for disposal of refuse. The first being that on high country properties individual sites (by definition) may be smaller than 20ha. The second is that the offal pit is often not on the same site (by definition) to where the homestead (and thus source of the refuse) is situated, making it impossible for a large pastoral lease property to dispose of refuse on farm in a sensible manner.

**Decision Sought**

Clarification of the definition of “site” as it impacts large properties in an inappropriate way.

**Rule 5.39, page 5-11**

**Submission**

Amend wording to replace the term *calculated* with *estimated*, in the context of N discharge values generated by OVERSEER.

**Decision sought**

Amend wording to replace the term *calculated* with *estimated*, in the context of N discharge values generated by OVERSEER.
Rule 5.40, page 5-12

Submission

Oppose

This set of rules is incredibly restrictive and unnecessary. OVERSEER clearly does not work properly on properties located in the lake zones, so if results are able to be received from it at all, they have a large margin for error and are therefore inaccurate.

The commercial reality is that there is no way properties are going to be able to get an accurate result from OVERSEER within six months, let alone have done a full farm environment plan.

Farm environment plans are a useful tool, especially if it is clear that there is an issue that needs addressing, but we do not feel it is something that needs to be made compulsory or with the level of auditing and reporting being asked for.

This set of rules is putting large financial cost on a small number of properties for what is in some cases impossible and illogical targets for certain lakes. The Maori Lakes for instance is a shallow lake with a large natural sediment load, something that the surrounding farmland cannot alter in its entirety, yet there is no account being made for the other aspects which contribute to the nutrient load such as bird and wildlife and nutrient leaching from surrounding DOC land.

Decision Sought

OVERSEER to be used as a guide only, it cannot be an enforceable requirement if the tool does not work on a property.

Farm environment plans should only be triggered as a compulsory requirement if it is clearly shown that the property is exceeding, or going to exceed nutrient targets. These targets are to have included analysis of all inputs to the lakes not just from farming.

The cost of farm environment plans should be shared by the community as it is the whole community which is benefitting from it and the nutrient loads in these lakes is made up from a number of sources, not just the surrounding farms, so contribution to cost should be shared by all contributors.

Where nutrient enrichment is measured, clarity is needed about the sources of that enrichment e.g. birds vs. surrounding farm land and all sources need to be measured accurately and included in the lake loading and decision making processes.

Rule 5.45, page 5-13

Submission

Oppose
Non-complying activity status is not appropriate for several reasons, as follows:

1. It is very easy to trigger the definition of land use change without genuinely changing land use (via a 10% increase in estimated N discharge or an increase in water use).
2. It is difficult to see how a 10% increase in N discharge can be estimated using a tool with an error, in absolute terms, of plus or minus 20-30%.
3. Not all contributors to nutrient loads are being considered in this process.

In addition, non-complying status will discourage investment in farms in the lake zones with resulting major adverse economic impacts on the regional economy and the individual farming families and their local communities. It also has the potential to pre-empt the collaborative limit setting process as sub-regional plans are developed.

**Decision sought**

Amend the activity status from non-complying to restricted discretionary. Require an assessment of the activity against the fresh water objectives and policies relevant to the catchment within which the land use change is proposed which covers an analysis of all contributing factors.

Clarify/change definition of a land use change as it is capturing activities that do not have significant environmental impact.

**Rule 5.46, page 5-13**

**Submission**

Oppose

It will take longer than 5 years (possibly 7-10 years) from plan notification to develop and implement Farm Environmental plans as required. Given that there is very little capacity currently available and the process is not fast it would be sensible to extend this period.

Condition 1: Oppose. If those within the Lake Zone meet the appropriate look-up table value, they should be a permitted activity. If the targets are being met then these properties should be treated the same as the rest of the region.

Condition 2: Average annual loss of N must be averaged over at least 5 years, reflecting the fact that OVERSEER is designed to provide average long-term estimates of nutrient flows. OVERSEER needs to be more accurate and effective on the type of properties within the lake zones.

**Decision sought**

Amend to recognise that there are capacity issues and that it may not be physically possible to comply with Condition 4 by 2017.

Delete condition 1
Amend Condition 2, and also Conditions 3 and 4, to specify that the average annual loss of N must be averaged over at least 5 years, reflecting the fact that OVERSEER is designed to provide average long-term estimates of nutrient flows.

**Rule 5.48, page 5-13**

**Submission**

Oppose as written.

Oppose part (b) which requires that farming on land within a Lake Zone requires a discretionary consent even if it meets condition 2 of Rule 5.46 (does not exceed the target for the relevant farming activity in Schedule 8). Part (b) should be deleted, consistent with our submission on Rule 5.46. This should be consistent with the rest of the region, if within the targets then a permitted activity (Submission on Rule 5.46)

**Decision sought**

1. Amend the activity status from discretionary to restricted discretionary because the nature of effects is known so discretion should be limited.
2. Delete part (b) consistent with submission on Rule 5.46.

**Schedule 7 - Farm Environment Plans**

**Submission**

Farm environment plans will be time consuming and costly to do, manage and audit not only for property owners but also for those creating and auditing them. There is not sufficient capacity to get them done or detail in the schedule of what is required to achieve these in the given time frames of the plan.

**Decision Sought**

We would like farm environment plans to be voluntary, with the cost shared by the community in the sensitive lakes zones as the benefits and contributors are greater than just the adjacent private properties.