

IN THE MATTER OF the Resource Management
Act 1991

AND

IN THE MATTER OF Council Hearing for Hearing
Group 2 – Proposed
Canterbury Land and Water
Regional Plan, Canterbury
Regional Council

**STATEMENT OF EVIDENCE OF MELISSA LEANNE DOUCHÉ ON BEHALF OF THE
DEPARTMENT OF CORRECTIONS**

1.0 INTRODUCTION

1.1 My name is Melissa Leanne Douché and I am a Planner at Harrison Grierson Consultants Limited. I hold a Bachelor of Planning (2008) from the University of Auckland. I have 5 years practical experience as a Planner. I am a Graduate Plus member of the New Zealand Planning Institute.

1.2 In my role at Harrison Grierson I have been involved in the review of numerous plan changes and full Regional Plan reviews on behalf of clients, particularly relating to issues that concern the rural sector. I am familiar with the provisions of the Operative Canterbury Natural Resources Regional Plan ('NRRP') and provided feedback to Canterbury Regional Council on the provisions of the NRRP prior to the notification of the Proposed Canterbury Land and Water Regional Plan ('pLWP').

1.3 I appear in relation to submissions lodged by the Department of Corrections ('the Department'), which is a public service department with statutory functions largely derived from the Corrections Act 2004 (CA) and Corrections Regulations 2005 (CR). The Department manages three prisons in the Canterbury Region; Rolleston Prison, Christchurch Women's Prison and Christchurch Men's Prison.

1.4 Although this is a Council hearing, I can confirm that I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses in giving this evidence. In that regard, I confirm that this evidence is within my area of expertise (except where otherwise stated) and I have not omitted to consider material facts known to me that could alter or detract from the opinions I express in this statement of evidence.

1.5 I have read the section 42A report for Hearing Group 2 and I generally support the amendments made to the suite of provisions relating to Nutrient Management. I believe that the alternative set of provisions suggested by the reporting officer are a viable and logical alternative to the notified provisions, particularly in relation to how nutrient management is recorded and reported to the Canterbury Regional Council.

1.6 My evidence focuses on why I support the amended provisions in the officer's report in relation to the following areas:

- The 'un-bundling' of the stock holding area, holding and treating of effluent and the discharge of effluent rules (Rules 5.35 and 5.36);
- Amending the definition of 'Outdoor Intensive Farming' to 'Intensive Stock';
- Introducing new definitions for 'Changed Farming Activity', 'Existing Farming Activity', 'New Farming Activity' and 'High Nutrient Risk Farming Activity';
- The addition of a definition of 'Property' as well as a definition of 'Site' to reflect that farms often comprise numerous land holdings;
- The reduced reliance on Overseer as a tool for assessing whether a farming activity should be permitted or not; and for assessing whether a farming activity has 'changed'; and
- The amended set of nutrient management rules (Rules 5.39 to 5.51). More specifically the increased reliance on a mixture of reporting of information to the Canterbury Regional Council; the preparation of Farm Management Plans and the auditing of such plans as a means to assess whether nutrients are being appropriately managed on a property.

2.0 UN-BUNDLING RULES 5.35 AND 5.36

2.1 A submission was prepared on behalf of the Department by myself and a colleague in relation to the stock holding, effluent holding and effluent discharge rules (Rules 5.35 and 5.36 in the notified version of the pLWP). It was submitted that simply using land for stock holding areas should not in itself be a restricted discretionary activity; instead the rules should focus on the discharge aspect of

the activity and not require consent for stock holding areas that do not result in discharges of effluent to land.

2.2 The officer's report recognises that the bundling together of these three rules in the interests of simplicity has resulted in unnecessary requirements for resource consents and was an error. I agree with the reporting officer that it is appropriate for stock holding areas and effluent collection, storage and treatment areas to be permitted activities, provided they meet certain standards relating to the location of holding areas, the total volume of stored effluent and the provision of effluent collection and storage systems.

2.3 In the case of the free range pig farm run by the Department at Christchurch Men's Prison, effluent collection and storage systems are already in place. Stock holding areas and effluent storage areas have been designed using concrete pads with any liquid seepage channelled into collection tanks. I consider it appropriate that farms that have robust systems in place to avoid potential effluent discharges to land from stock holding areas and effluent storage areas should be exempt from having to apply for resource consent.

3.0 DEFINITIONS

'Outdoor Intensive Farming' to 'Intensive Stock'

3.1 The original submission made on behalf of the Department questioned the need for the definition of 'Outdoor Intensive Farming' if the term was not used in any policies or rules. The officer's report recognised that the term 'Outdoor Intensive Farming' was not the wording used by the policies and rules that the definition was meant to relate to; namely stock exclusion from waterways (Policy 4.26 and Rules 5.133 to 5.137).

3.2 I support the change in terminology from 'Outdoor Intensive Farming' to 'Intensive Stock', as this avoids any potential confusion with activities that are commonly referred to as 'intensive farming'. The consequential changes to the wording of Rules 5.133 to 5.137 that introduce the new term 'Intensive Stock' are also appropriate.

Farming Activity Definitions

3.3 As a result of the reworked nutrient management rules suggested in the officer's report, four new definitions relating to farming activities have been suggested; being 'Changed Farming Activity', 'Existing Farming Activity', 'New Farming

Activity' and 'High Nutrient Risk Farming Activity'.

- 3.4 In relation to the definition of 'Changed Farming Activity' (which used to be the definition of 'changed'), I support the change of focus from using the Overseer model to assess whether a land use has 'changed', to using irrigation and stock numbers as a measure. Not only will this alternative definition work for farm types that are not currently covered by the Overseer model, i.e. pig farming, the definition is much clearer and simpler for farmers to understand.
- 3.5 I also support the introduction of definitions for 'Existing Farming Activity' and 'New Farming Activity' in relation to the nutrient management rules. However, I note that both definitions rely on the term 'primary production' which does not currently have a definition in the pLWP. Although I acknowledge the inefficiencies of trying to define every single term or word in a policy document, I would recommend that the term 'Primary Production' be defined in the pLWP as it plays a critical part in how the nutrient management rules are interpreted. An alternative would be to use the term 'Production Land' (which is defined in the pLWP) and emphasise that forestry is specifically excluded from the 'Existing Farming Activity' and 'New Farming Activity' definitions.
- 3.6 Finally I support the new definition of 'High Nutrient Risk Farming' as it sends a clear message that the pLWP is targeting the types of farming activities that discharge the highest levels of nutrients. It is accepted that the four types of farming listed under this definition are probably the farming activities with the highest risk of nutrient discharges. It is therefore appropriate that these farming activities should meet a higher standard of reporting in order to be a permitted activity, as I will discuss later in my evidence.

Definition of 'Site' vs 'Property'

- 3.7 Although adding a definition for 'Property' has already been dealt with under the Volume 1 officer's report, I would like to emphasise here that I support the use of the term 'Property' in the context of the nutrient management rules. The new definition of property refers to a contiguous area of land that can be held in more than one ownership and can be formed of more than one title. In my opinion it is appropriate to assess a farming operation as a whole, particularly if stock or crop rotation across different land parcels is a key nutrient management and land preservation tool.
- 3.8 However, I would like clarification from the Hearing Panel or reporting planner

as to whether an operation severed by a public road would be considered 'contiguous' in the context of this definition. This is the case for the farming operation at Christchurch Men's and Women's prison, which is divided by Kirk Road. However, the road is not an impediment to the operation of the farm and land on both sides of the road still functions as a single operational unit. I consider that 'contiguous' should be interpreted as including land on both sides of a public road as there are no other private properties in between to impede efficient management of the farm unit.

4.0 NUTRIENT MANAGEMENT RULES (RULES 5.39 TO 5.51)

4.1 In my opinion, the most critical changes for the farming industry proposed in the officer's report are the changes to the nutrient management rules (Rules 5.39 to 5.51). The Department's original submission opposed these rules on the basis that they were incorrectly targeting farming as an activity, as opposed to focusing on the actual adverse effects associated with the discharge of nutrients to land and associated nutrient leaching.

4.2 The previously drafted rules also meant that in order for any farm to remain a permitted activity post 2017, a nutrient budget would need to be prepared using the Overseer nutrient model. It was noted in the original submission that there are some types of farming that do not result in the application of nutrients to the soil and do not result in any nutrient leaching, such as indoor intensive farming activities. Additional advice from industry bodies, such as NZ Pork, has confirmed that some farming activities are not currently able to be assessed using the Overseer nutrient model, i.e. outdoor pig farming. This would make it impossible for some types of existing farms to remain permitted activities post 2017, simply because they are not able to produce Overseer nutrient budgets.

4.3 The officer's report proposes a completely redrafted set of rules, which in my opinion are much clearer, robust and effects targeted. I support the removal of references to the Overseer nutrient model from the rules as I do not believe that the model could be practically implemented as a tool in its current form for assessing resource consent applications for all farming types. I am a planning expert witness and not an expert on the Overseer nutrient model, so I cannot comment on whether the tool has the potential to be adapted and used in the manner suggested in the notified version of the nutrient management rules. As such I only support the removal of references to Overseer as it is my understanding that the current version of the tool cannot assess all types of

farming and therefore could not have been used as a tool to assess all types of farming for resource consent purposes.

4.4 I support the amended focus of the rules towards a mixture of information reporting and audited farm environment plans, depending on the location of farming activities and whether or not they are 'high nutrient risk' farming activities. It is appropriate that low nutrient risk farming activities in Red Zone areas be required to provide a certain level of information to the Canterbury Regional Council in order to be permitted activities, as per new Rule 5.41. I consider the information list in Schedule 7 will be very helpful to the Council in terms of collecting information on nutrient discharges and losses, as well as allowing the farming activity to determine their own management practices.

4.5 There is now a clear separation of rules targeting low nutrient risk activities and high nutrient risk activities. It is appropriate that new Rule 5.41 is split to require high nutrient risk farming activities to provide a farm environment plan, in recognition that these types of farming activities in a Red Zone area have the greatest potential for nutrient leaching and should be held to a higher standard of farm management practices. However, this is balanced with the fact that a well run, well managed farm can remain a permitted activity provided it meets the required A-B standard when audited, despite being located in a Red Zone.

4.6 Overall, I believe the suite of nutrient management rules proposed in the officer's report has achieved a good balance between targeting those farming activities with the greatest risk of nutrient discharges and leaching, particularly in Red Zone areas, while still allowing the majority of farms the opportunity to be considered as permitted activities, provided they undertake appropriate reporting to Canterbury Regional Council.

5.0 CONCLUSION

5.1 I generally support the recommendations made in the officer's report for Hearing Group 2, particularly in relation to amending the stock and effluent holding and storage rules and the nutrient management rules.

5.2 The only suggestion I make is that a definition of 'primary production' be included in the pLWP to assist in the interpretation of the 'existing farming activity' and 'new farming activity' definitions. I also request a clarification regarding the interpretation of the 'property' definition and whether land on both sides of a public road can be considered contiguous in this context.

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