Messrs David Sheppard, Edward Ellison and Rob van Voorhuyzen
Independent Commissioners
Proposed Canterbury Land and Water Regional Plan
Environment Canterbury
PO Box 345
Christchurch 8140

Dear Sirs

Thank you for the opportunity to be heard before you on 8 May.

At that hearing you asked us to consider how rules might be framed for the management of phosphorus within the Land and Water Regional Plan.

We have given some consideration to this request and appreciate that rule making for nutrient discharges that are difficult to measure presents some major challenges.

We are aware that consideration has been given to modelling phosphorus run of through Overseer®, but note that this is only soluble phosphorus and provides no measures for phosphorus bound to soil. We also understand that there are proposals to include an estimate of erosion or erodibility within Overseer®, but that is a long way from being useful from a regulatory point of view.

That leaves us with the approach which we mentioned at the hearing that is either a combination of incentives and education or a requirement for farm plans in certain designated “at risk” areas (such as the alpine lakes). We note that Horizons Regional Council has had good success with the implementation of its Sustainable Land Use Initiative which involves the preparation of Whole Farm Plans. Beef + Lamb New Zealand supports this planning approach but questions the need for such substantial plans as those required within the Horizons area. The development of a Whole Farm Plan is expensive (approx $15,000) and this expenditure can only be sustained if there is a significant contribution from the regional council towards the costs. We would propose that requiring a farm plan that includes assessment and mitigation of erosion and phosphorus loss risks may fill the bill and Beef + Lamb New Zealand’s Land and Environment Plans could be used to meet this need.

We are also in the process of adding a phosphorus management module to our LEP toolkit (previously supplied) in recognition of the fact that it is one of the more difficult land/water management issues. We have also developed, in association with the Waikato Regional Council, a drystock “menu” of practices for improving water quality. (http://www.waikatoregion.govt.nz/menus)

We recall that you also sought views on the definition of land use change and in particular how land use change definitions might accommodate the 30% margin for error in the Overseer® model.

In our view the error in the Overseer® model is irrelevant to the land use change issue. Whatever value is accepted, the Overseer® model will both over estimate and
underestimate leaching rates and it is not appropriate to set a value at the extreme ends of the range to take account of the model error, which is likely to change as it is further developed in any case.

The term “land use change” is also a misnomer in our view, what we are really talking about is an increase in nitrogen leaching rate. What happens above the ground is irrelevant to the outcome required and makes things unnecessarily complicated. Land managers should be required to meet certain leaching rates regardless of their land use. This can be assisted or regulated by having a stepped scale of compliance requirements, each becoming more restrictive as nitrogen leaching rates increase.

So, we would propose no requirements up to 20kg N/ha/yr at which point a farm plan could be required. From, say 25kgN/ha/yr, varying levels or types of consents, potentially up to a maximum (45kgN/ha/yr?) at which point the activity would become non-complying.

The definition of land use change (or increase in nitrogen leaching allowance [NLA]) needs to be considered in conjunction with allocation principles. Beef + Lamb New Zealand favours GMP as an initial approach to reducing nutrient loss, but where that is insufficient to meet limits, a model similar to that developed by the Horizons Regional Council whereby the physical nature of the soils, [LUC] determines productivity and value is most appropriate. As such, where allocation is necessary, we favour a flat leaching allocation, whereby the N leaching rate is set the same on a per hectare basis and the quality of the land will determine the level of productivity able to be achieved. This is an equitable, output based model.

Under such an allocation regime land managers could manage within the allocated leaching rate limits, which would reward those that mitigated or managed their leaching rates below the allocation with the opportunity to further develop. Those enterprises that leached nitrogen above the allocation would not be permitted to increase their leaching rate and in fact would be required to manage their leaching down to the allocation limit over time.

We strongly object to grandfathering as anything other than a transition measure to assist land managers to adapt to the new regime. It is unreasonable to allow a high leacher to maintain or increase their leaching rate when those who are minor leachers and have not even reached the average leaching rate could be restricted.

I hope that this further elucidation is helpful to you in formulating your recommendation.

Yours sincerely

Ben O’Brien

General Manager – Market Access