

Gay Gibson

From: Lynn Torgerson <Lynn.Torgerson@pdp.co.nz>
Sent: Friday, 24 October 2014 2:17 p.m.
Subject: Upper Hinds Plains Land User Group - Submission to Variation 2
Attachments: C03182500_L001_Submission to Variation 2_final.pdf

Importance: High

Categories: Purple Category

Good afternoon mailroom

On behalf of the **Upper Hinds Plains Land User Group (UHPLUG)**, please find attached their submission on proposed Variation 2 to the proposed Canterbury Land and Water Regional Plan.

The contact person for this group is Mr Michael Salvesen (salvesen@farmside.co.nz). His contact details are included in the submission form.

Thanks

Lynn Torgerson

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Submission on Proposed Variation 2 to the Proposed Canterbury Land and Water Regional Plan

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Submitter ID:

File No:

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 24 October 2014 to:

Freepost 1201 Variation 2 to pLWRP
Environment Canterbury
P O Box 345
Christchurch 8140

Full Name: _____ Phone (Hm): 03 3039 173
Organisation*: Upper Hinds Plains Land User Group Phone (Wk): _____
* the organisation that this submission is made on behalf of
Postal Address: C/- Michael Iver Christian Salvesen Phone (Cell): 027 450 9980
405 Upper Downs Road, RD 8 ASHBURTON Postcode: 7778
Email: salvesen@farmside.co.nz Fax: _____

Contact name and postal address for service of person making submission (if different from above):

Trade Competition

Pursuant to 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
 I am not directly affected by an effect of the subject matter of the submission

Signature:  Date: 24/10/14

(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,
 I would be prepared to consider presenting your submission in a joint case with others making a similar submission at any hearing

(1) The specific provisions of the Proposed Plan (Variation 2) that my submission relates to are:	(2) My submission is that: <i>(includes whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.)</i>		(3) We seek the following decisions from Environment Canterbury: <i>(Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)</i>
Section & Page Number	Oppose/support (in part or full)	Reasons	
Section 13.4 Sub-regional Policies			
Policy 13.4.9 p3/4	Oppose in part	<p>The Upper Hinds Plains Land User Group (UHPLUG) is a group of dryland farmers located in the Upper Hinds/Hekeao Plains Area. They farm sheep, cattle, some deer, with some dairy grazing. They also produce winter feed crops.</p> <p>UHPLUG supports improving the overall water quality in the Hinds/Hekeao Plains Area. UHPLUG is pleased that ECan and the Ashburton Zone committee recognise the differing issues and catchment characteristics of the Upper Hinds/Hekeao and Lower Hinds/Hekeao Plains Areas and therefore supports the establishment of two separate management areas to enable the development of suitable measures to manage water quality issues for the Upper Hinds/Hekeao Plains Area.</p> <p>UHPLUG want to point out their members already carry out key farm practice measures consistent with maintaining good water quality such as applying fertiliser in accordance with the Code of Practice for Nutrient Management. They also keep stock out of waterways during winter grazing, by either excluding intensively grazed stock from waterways with a vegetated buffer strip or behind temporary fencing.</p> <p>UHPLUG also point out that any breaches of water quality standards for microbes, phosphorus, nitrogen and sediment are typically driven by high rainfall events which coincide with high river flow, which is not the most sensitive time for water quality in the river environment. So the measures to be</p>	<p>Retain parts (a) and (b) in Policy 13.4.9 as notified in Variation 2.</p> <p>Delete part (c) in Policy 13.4.9.</p>

		<p>implemented must adopt a pragmatic judgement of what can realistically be achieved given that the scale of water quality issues in the Upper Hinds is not significantly adverse.</p> <p>While UHPLUG supports carrying out practices which aim to minimise the entry of contaminants into surface water bodies, it is opposed to including a policy for restricting nitrogen losses in the Upper Hinds/Hekeao Plains Area catchment where the water quality data indicates that nitrate toxicity in the surface waterways of the Upper Hinds/Hekeao Plains Area is not currently, and is unlikely in the future, to be an issue.</p> <p>UHPLUG's current practices are consistent with clauses (a) and (b) of Policy 13.4.9. They are not affected by clause (d) and so have not commented on that requirement.</p>	
Policy 13.4.10 p4	Support in part	<p>UHPLUG supports reducing discharges of microbes, phosphorus and sediments in the Upper Hinds/Hekeao Plains Area by excluding intensively farmed stock from drains. UHPLUG currently keeps intensively farmed stock out of waterways during winter grazing, by either excluding intensively grazed stock from waterways with a vegetated buffer strip or behind temporary fencing.</p> <p>However, UHPLUG does not support the region-wide stock exclusion rules as these requirements are not practical or feasible for some of the hill area streams. While UHPLUG is not part of the High Court appeal to the region-wide stock exclusion rules, and therefore has no standing on the appeal of these regional rules, UHPLUG does not support the inclusion of this additional wording in Policy 13.4.10 (a) and requests that specific reference to the stock exclusion regional rules be deleted.</p> <p>UHPLUG fully supports Policy 13.4.10 (b) and (c) which seeks to manage or reduce the discharges of microbes, phosphorus and sediment by</p>	<p>Revise wording of Policy 13.4.10 (a) as below:</p> <p>(a) Excluding intensively farmed stock from drains in addition to the region-wide stock exclusion rules; and</p> <p>Retain wording of Policy 13.4.10 (b) and (c) as notified in Variation 2, as they relate to the Upper Hinds/Hekeao Plains Area.</p>

		implementing the farm practices in Schedule 24a; or preparing and implementing Farm Environment Plans.	
Policy 13.4.11 p4	Oppose in part	<p>UHPLUG supports maintaining the water quality in the Upper Hinds/Hekeao Plains Area so as to ensure that the total nitrogen concentrations in monitored streams and rivers do not increase beyond the status quo. UHPLUG also supports the requirement for all farming activities to operate at good management practice to maintain current phosphorus losses.</p> <p>While supporting the concept of managing farm practices that minimise nitrogen losses, UHPLUG opposes the imposition of a cap on nitrogen as the as water quality data available for the Upper Hinds/Hekeao Plains catchment does not demonstrate that nitrogen in this part of the catchment is a problem that requires remedying.</p> <p>As the intention is to have no increase above status quo conditions, there should be no need to specify a capping limit. Any increase in nitrogen loading can be avoided by the annual preparation of Farm Environment Plans and OVERSEER budgets.</p>	<p>Revise the wording of Policy 13.4.11 as below:</p> <p>Maintain water quality in the Upper Hinds/Hekeao Plains Area by capping the discharges of nitrogen at 114 tonnes of nitrogen per year and requiring all farming activities to operate at good management practice to maintain current phosphorus losses <u>to achieve the limits in Table 13(XX): Upper Hinds/Hekeao Plains Area Limits.</u></p> <p><i>[NB:Table 13 (XX): Upper Hinds/Hekeao Plains Limits proposed to be inserted in Section 13.7.3]</i></p>
Section 13.5 Sub-regional Rules			
Rule 13.5.8 p6/7	Oppose in part	While UHPLUG supports the permitted activity status for small properties, they oppose the imposition of a condition restricting increases in nitrogen losses above the baseline in the Upper Hinds/Hekeao Plains Area as the available data does not demonstrate that nitrogen losses arising from farming activities in this catchment are significant adversely affecting the surface water quality in this catchment. It is on this basis, that UHPLUG consider this condition unnecessary.	Delete condition 2 in Rule 13.5.8.
Rule 13.5.9 p7	Oppose in part	As discussed in Rule 13.5.8, UHPLUG oppose the imposition of a condition restricting increases in nitrogen losses above the baseline in the Upper Hinds/Hekeao Plains Area as the available data does	Delete condition 1 of Rule 13.5.9.

		<p>not demonstrate that nitrogen losses in this catchment are significant adversely affecting the surface water quality in this catchment, and therefore they consider that the requirement to limit nitrogen losses above the baseline as unnecessary.</p> <p>UHPLUG supports the permitted activity status where the implementation of the farm management practices as outlined in Schedule 24a and the preparation and implementation of Farm Environment Plans in accordance with Schedule 7 Part A are carried out.</p> <p>UHPLUG members currently carry out a number of key practices outlined in Schedule 24a, particularly as they relate to Nutrient Management. Nutrient budgets for farms have been carried out using OVERSEER. Fertiliser is applied in accordance with the Code of Practice for Nutrient Management.</p>	
Rule 13.5.10 p7	Oppose in part	<p>As discussed in Rules 13.5.8 and 13.5.9, UHPLUG oppose the imposition of a condition restricting increases in nitrogen losses above the baseline in the Upper Hinds/Hekeao Plains Area as the available data does not demonstrate that nitrogen losses in this catchment are significant adversely affecting the surface water quality in this catchment, and therefore they consider that the requirement to limit nitrogen losses above the baseline as unnecessary.</p> <p>The Decisions to Submissions on the Proposed Land & Water Regional Plan provides the definition of a farming enterprise as “an aggradation of parcels of land held in single or multiple ownership (whether or not held in common ownership) that constitutes a single operating unit for the purpose of nutrient management.” Based on this definition, some members of UHPLUG are considered to be farming enterprises. Further, some UHPLUG farming enterprises currently cross over into the Lower Hinds or into the Ashburton River catchment (ie they are not solely in the Upper Hinds/Hekeao Plains Area.)</p>	Delete conditions 1 and 2 of Rule 13.5.10.

		<p>It is not clear within Variation 2 or the accompanying Section 32 report as to the anticipated environmental outcome expected from requiring farming enterprises to be solely located in the Upper Hinds/Hekeao Plains Area catchment.</p> <p>UHPLUG supports the inclusion of condition 3 into Rule 13.5.10 as it recognised that this condition aims to promote proposed Land & Water Regional Plan Policy 4.33 by maintaining or reducing the nutrient losses arising from the use of land for a farming activity, which is a beneficial outcome to the environment.</p> <p>UHPLUG supports the practices covered in sections (a), (c) and (d) in Schedule 24a, but note that practices in sections (b) and (e) are not relevant to their members. They have also assumed that practices in Schedule 24a do not apply to ephemeral streams.</p>	
Rule 13.5.11 p7	Support in part	UHPLUG recognises the importance of implementing the farm management practices as outlined in Schedule 24a and preparation and implementation of Farm Environment Plan in maintaining or reducing nutrient losses associated with farming activities. UHPLUG supports the non-complying status the use of land for a farming activity that does not comply with these conditions.	Retain Rule 13.5.11 as notified in Variation 2, subject to the changes in Rule 13.5.10 being accepted.
Rule 13.5.12 p7	Oppose	UHPLUG supports carrying out farming practices which minimise the losses of nutrients, however as noted in discussions about Rules 13.5.8, 13.5.9 and 13.5.10, it is UHPLUG's view that the requirement for restricted nitrogen losses above the baseline is not necessary based on the available water quality data in the Upper Hinds/Hekeao Plains Area, and has requested that all conditions relating to this requirement be deleted. Therefore UHPLUG opposes the prohibited activity status for farming activities where increases above the nitrogen	Delete Rule 13.5.12 in its entirety.

		<p>baseline may occur.</p> <p>UHPLUG also opposes the prohibited activity status where farming enterprises cross over into other catchment areas.</p> <p>The Decisions to Submissions on the Proposed Land & Water Regional Plan provides the definition of a farming enterprise as “an aggradation of parcels of land held in single or multiple ownership (whether or not held in common ownership) that constitutes a single operating unit for the purpose of nutrient management.” Based on this definition, some members of UHPLUG are considered to be farming enterprises. Further, some UHPLUG farming enterprises currently cross over into the Lower Hinds or into the Ashburton River catchment (ie. they are not solely in the Upper Hinds/Hekeao Plains Area.)</p> <p>It is not clear within Variation 2 or the accompanying Section 32 report as to the anticipated environmental outcome expected from requiring farming enterprises to be solely located in the Upper Hinds/Hekeao Plains Area catchment.</p> <p>It is UHPLUG’s view that where nutrient management practices from farming enterprises which cross-over catchments meet the nitrogen loss limits for the Upper Hinds/Hekeao Plains Area, the prohibited status for the land use activity for that part of the farming enterprise within the Upper Hinds/Hekeao Plains seems very unreasonable. One possible consequence of the prohibited status would be to prevent an existing farming enterprise from carrying out any farming activities in this catchment even where the nutrient losses are not considered to be adverse.</p>	
Rule 13.5.26 p10	Support		Retain wording as notified in Variation 2.

Section 13.7.3 Water Quality Limits and Targets															
Table 13(g) p19	Oppose in part	<p>While UHPLUG supports carrying out farm practices where discharges of nutrients and other contaminants are minimised, it is opposed to the imposition of restriction on increases in nitrogen losses above the baseline when the existing water quality data does not indicate that nitrogen is a significant threat to water quality degradation in this catchment. Therefore it is UHPLUG's view that there is no need to restrict nitrogen losses or to impose a numerical cap for nitrogen in the Upper Hinds/Hekeao Plains Area.</p> <p>UHPLUG is concerned that the imposition of a numerical figure seems to imply that there is a problem in the catchment, when the actual water quality data indicates that the current farming practices do not contribute to a degradation in the water quality.</p> <p>UHPLUG are not affected by the loading or limits set for the Lower Hinds/Hekeao Plains Area and so have no comments on those figures in Table 13(g).</p>	<p>Delete Upper Hinds/Hekeao Plains Area nitrogen load limit from Table 13 (g).</p> <p>Insert the following new table of limits specific to the Upper Hinds/Hekeao Plains Area in section 13.7.3 as follows:</p> <p><u>Table 13 (xx) Upper Hinds/Hekeao Plains Area Limits</u></p> <table border="1"> <thead> <tr> <th><u>Management Unit</u></th> <th><u>Measurement</u></th> <th><u>Dissolved Reactive Phosphorus</u></th> <th><u>Dissolved Inorganic Nitrogen</u></th> <th><u>Total Suspended Solids</u></th> <th><u>E.coli</u></th> </tr> </thead> <tbody> <tr> <td><u>Upland Hill-Fed</u></td> <td><u>Annual median</u></td> <td><u>0.01 mg/L</u></td> <td><u>0.5 mg/L</u></td> <td><u>1.5 mg/L</u></td> <td><u>260 E.coli/100mL</u></td> </tr> </tbody> </table>	<u>Management Unit</u>	<u>Measurement</u>	<u>Dissolved Reactive Phosphorus</u>	<u>Dissolved Inorganic Nitrogen</u>	<u>Total Suspended Solids</u>	<u>E.coli</u>	<u>Upland Hill-Fed</u>	<u>Annual median</u>	<u>0.01 mg/L</u>	<u>0.5 mg/L</u>	<u>1.5 mg/L</u>	<u>260 E.coli/100mL</u>
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Table 13(j) p21	Oppose in part	<p>UHPLUG opposes setting targets for nitrate toxicity for the Hill-fed Upland surface water bodies within the Upper Hinds/Hekeao Plains Area as it is their view that water quality data does not suggest that nitrogen is the driver in this catchment, and is concerned that setting targets implies that there are problems under the current situation which need to be addressed.</p> <p>UHPLUG are not affected by the limits set for the Hill-fed Lower or Spring-fed Plains and so have no comments on those figures in Table 13(j).</p>	Delete Hill-fed Upland Targets in Table 13(j).												
Section 13.10 Schedules															
Schedule 7 p21	Support	<p>UHPLUG supports the aim to achieve the good management practice nitrogen loss rates from 2017. UHPLUG farms currently base their nutrient budgets on site specific conditions such as soil type, rainfall rate and farm types. In addition, nutrient</p>	Retain wording as notified in Variation 2, that relates to the Upper Hinds/Hekeao Plains Area.												

		management practices as outlined in Schedule 24a - Farm Practices are undertaken by UHPLUG farms.	
Schedule 24a – Farm Practices			
(a) Nutrient Management p1	Support	UHPLUG supports nutrient management practices within the catchment, and currently carries out key practices such as nutrient budgeting and management of fertiliser application.	Retain wording as notified in Variation 2.
(c) Winter grazing of intensively farmed stock p1	Support	UHPLUG supports these practices for the winter grazing of intensively farmed stock, and currently provides a vegetative strip or temporary fencing to avoid stock entering waterways.	Retain wording as notified in Variation 2.
(d) Cultivation p1/2	Support	UHPLUG supports these cultivation requirements, and where possible maintains a vegetative strip around waterways.	Retain wording as notified in Variation 2.
Section 13.1A: Definitions			
Upper Hinds/Hekeao Plains Area p 3 and Maps A-01 and A-03	Oppose in part	UHPLUG has noted that the boundaries for the Upper Hinds/Hekeao Plains Area have been adjusted since the Ashburton Zone committee presentation, and it appears that the revised boundary (particularly on the north-eastern end) is based on property boundaries rather than catchment-related boundaries. UHPLUG are requesting that the area of the Upper Hinds/Hekeao Plains Area be redefined to more closely align with the measuring points on the North Branch and South Branch of the Hinds/Hekeao River.	Re-define area included in Upper Hinds/Hekeao Plains area to more closely align with monitoring locations on North Branch and South Branch of the Hinds/Hekeao River.