

Sharrie Campbell

From: Rab McDowell <rabmcd@ihug.co.nz>
Sent: Friday, 24 October 2014 4:53 p.m.
To: Mailroom Mailbox
Subject: Hinds Plains Land & Water Partnership submission on Var2 pCLWP
Attachments: HPLWP submission on Var 2 pCLWP.pdf

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To Ecan

Please find attached the submission of the Hinds Plains Land & Water Partnership to Variation 2 of the pCLWP

Rab McDowell
Chair, HPLWP

Submission

To: **Environment Canterbury**

By: **Hinds Plains Land and Water Partnership**

On: **Variation 2 to the Proposed Canterbury Land and Water Regional Plan**

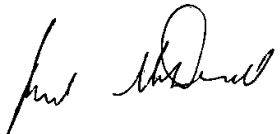
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Trade Competition— I, Rab McDowell, could not gain an advantage in trade competition through this submission.

Hearings I do wish to be heard in support of my submission; and if so,
I would be prepared to consider my submission in a joint case with others making a similar submission at any hearing.



Introduction

1. The Hinds Plains Land and Water Partnership (HPLWP) was formed by members of the Hinds Plains Community to represent the community's views during the development of the ZIP addendum by the Ashburton Zone Committee (ZC).
2. HPLWP was formed during the later stages of the ZC consultation process because of concerns that consultation with major stakeholders was not effective or meeting the requirements of the Act.
3. HPLWP appreciated the willingness of the ZC to engage with it in the latter stages of the process. However, HPLWP feels the effectiveness of this engagement was limited by shortcomings in process such as limited transparency due to the frequency of in-committee workshops, lack of robustness of data and analysis and consultation that, at times, was superficial rather than effective.
4. HPLWP was particularly concerned with shortcomings in the economic and other analysis that was provided to inform policy development. Section 32 of the RMA was recently amended so as to require the analysis to inform the development of policy rather than after the fact. HPLWP was disappointed that, despite requests for this analysis during its input into ZC policy, most of the S.32 analysis and report was done after the bulk of the preparation of the plan.
5. HPLWP believes that deficiencies in the consultation process and in compliance with S.32 have resulted in a plan that has laudable aims in seeking a reduction of environmental contamination but is unworkable in its notified form.
6. HPLWP recognises and accepts that some environmental measures in the Hinds Plains are below desirable standards. In particular, HPLWP accepts that nitrate contamination of ground water and some surface water shows rising trends and that the community needs to take steps to arrest or reverse these trends.
7. As HPLWP consulted with its community it recognized that two geographic subgroups within its community required particular representation. These subgroups are,
 - The area referred to in the plan as the Upper Hinds and
 - The area of land serviced by coastal drains.
8. HPLWP initiated the formation of two subgroups, The Upper Hinds Plains Land User Group (UHPLUG) and the Coastal Drains Group (CDG), to consult with and represent these communities. Both these groups have submitted on the particular concerns for their community
9. Rather than repeat their concerns in this submission, HPLWP supports and endorses their separate submissions.
10. These submissions from UHPLUG are put forward by Michael Salvesen and from the Coastal Drains Group and /or Eiffelton Community Group Irrigation Scheme are put forward by Ian Mackenzie

HPWLP Submit on the following points in Var 2

	Plan section	Issue	Remedy Sought
1.	Definitions		
2.	Nitrogen Baseline 2009-2013 and use in Rules 13.5.13 to 13.5.23 and Table 13(i)	<p>Oppose in part</p> <p>(a) Dairy Farm intensification allowed through this period in accordance with nitrogen baseline definition but not other.</p> <p>(b) Farmers not aware of need to collect data for baseline period until near or after end of baseline period.</p> <p>(c) Farmers, during the baseline period of 2009-13, were operating at different levels of good management. These levels will be clarified once GMP is defined. The ability to subsequently further reduce losses will be constrained by the level of management through that period, i.e. those already operating at high levels of management will have less capability to further improve their losses compared to those operating at low levels of management.</p> <p>(d) Irrigation Schemes have been consented on different baseline</p> <p>Definition of nitrogen baseline (as per the parent proposed Land & Water Regional Plan (<i>pLWRP</i>) takes the average over the period 2009-13 and then sets the average as the maxima.</p> <p>Given that OVERSEER is a long-term model it should allow continued high's and low's on the basis that the average will continue to be met. This will most easily be achieved by requiring compliance against the highest output in the period 2009-13 provided the average continues to be complied with.</p>	<ul style="list-style-type: none"> • The nitrogen baseline should be the highest from the 2009-13 period provided that the average continues to be complied with or, • Nitrogen baseline should be established at GMP levels once GMP is defined. • Scheme base load should be assessed on consented entitlement, or assessment of fully-developed scheme load based on good management practice. • Amend definition of Nitrogen baseline to include farming enterprises.
3.	Overseer methods and definition of “kg per hectare” of loss in Rules 13.5.13 to 13.5.23 and Tables 13(g) and 13(i)	<p>Oppose in part</p> <p>There must be a consistent and repeatable measurement of kg of N loss.</p> <p>OVERSEER protocol and version control are a key issues.</p> <p>Different methods / protocols currently give widely differing results</p>	Recalibration process required to align differing results, past present and future, from either diff versions or diff protocols or both to achieve equivalence.

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		<p>for the same farm with the same Overseer software version. There are also large differences in calculations of catchment load or partial catchment load. E.g. Ecan vs MRB vs RDRML (Ford). These must be rectified if the community is to have any confidence in losses / targets set through Overseer.</p> <p><u>20 kg and 27kg hard numbers in plan</u> The Overseer software is undergoing continual improvement. As Overseer software is updated it will necessarily generate different loss output figures compared to previous versions for the same farm although no change will have occurred to the actual farms losses. To maintain consistency, Overseer loss figures used in plans, limits and targets need to be adjusted for changes in Overseer versions or operational protocols. If not a change in Overseer will have the effect of a change in plan, target or limit that was not intended.</p>	<p>Need to include a rule in the plan allowing the re-calculation of any specified N-loss limit/load/cap using the same inputs and protocols so that equivalence across all modeling occurs.</p> <p>Kg N Loss numbers throughout the plan for plan, targets and limits based on Overseer calculations to be adjusted for Overseer updates.</p>
4.	Matrix of Good Management (MGM)" and Rules 13.5.13 to 13.5.23 and Tables 13(g) and 13(i)	<p>Oppose in part MGM and its impacts on target losses for different farming types and soils are not allowed for. All farms are different and farmers are operating at different levels of good management. These levels will be clarified once GMP and MGM are defined. The ability to subsequently further reduce losses will be constrained by the level of management through that period, i.e. those already operating at high levels of management will have less capability to further improve their losses compared to those operating at low levels of management.</p>	<p>Plan to have provision for incorporation of MGM within overall catchment load and water contamination targets. Plan to be reviewed and further plan change occur once it has been determined how achievable actual reduction techniques are and how they might be applied between farming systems and sectors (dairy, dairy support, beef, arable etc) and within each sector.</p>
5.	Schedule 24(a)	<p>Oppose in part The practices identified in Schedule 24(a) are expected to be covered by MGM</p>	Review Schedule 24(a) at the introduction of MGM.
6.	Equivalent model	Schedule 24a allows for an equivalent model to Overseer but provision not made in rules.	Allow for equivalent model to Overseer if available. May suit arable farmers.

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7.	13.1 A - Definitions “Good Management Practice Nitrogen Loss rates”	Oppose in part “Good Management Practice Nitrogen Loss Rates” is a defined term in Variation 2 but GMP itself is not defined. Definition unlikely until MGM released in around 2016. HPLWP supports the concept of good management practice but Variation 2 should not be mandating compliance against something that does not yet exist.	Policy 4.11 of the pLWRP anticipates a future plan change to introduce a formal good management regime. Therefore seek a plan change to be introduced as per Policy 4.11.
8.	13.1 A - Definitions “Baseline Land Use”,	Oppose as in “From 1 January 2017 the Good Management Practice Nitrogen Loss Rates to be applied for the baseline Land uses”. Is used solely for relating GMP Nitrogen Loss rates to the baseline period of 2009-13 when calculating reductions from 2017 onwards. Not feasible to relate a practice which will not be developed till 2016 to a farming land use in operation in 2009?	Remove
	Policies		
9.	13.4.6	Oppose The suggested amendment in Variation 2 appears to be ambiguous.	Oppose amendment
10.	13.4.9 (d) and also Introductory statement	Oppose in part Requires reducing overall nitrogen losses in the lower Hinds/Hekeao Plains area by 45% <u>and</u> adopting Managed Aquifer Recharge. This reduction is in excess of the ZIP addendum goals and is out of step with Var 2 rules in that it will require reductions well in excess of the specific targets in Tables 13(g), 13(h) and 13(i). and later in same paragraph of introduction and also in plan rules.	Amend to “reducing overall nitrogen losses by 26%” but recognize that individual farms are different and need individual achievable targets within the overall reduction. Amend to allow mitigation techniques other than MAR if appropriate.
11.	13.4.10	Oppose in part Requires reduction of non N contaminants The Upper Hinds, in particular, already has low levels of non N contaminants	Upper Hinds contaminants already low – Amend plan to require Upper Hinds to only require holding of contamination, not reduction where levels are not

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		Other policies (e.g. 13.4.11) only require maintenance of P etc.	problematic. Support submission of the UHPLUG
12.	13.4.11 and Table 13 (g) Upper Hinds limit	Oppose 114 tonnes limit not backed by robust science	Allow updating of load limit to reflect more recent better data on base load. This would have consequent effect on 13.4.12. Support submission of UHPLUG
13.	13.4.12	Oppose in part Requires a target load of 3400 tonne to be “achieved” by 2035. A target that must be achieved is, in effect, a limit. This must remain a target. The ZIP addendum acknowledged that “assessing nitrogen loads is new science for this catchment” and “needed to be validated from other independent research” The 3400t load was set as a percentage reduction of approx 26% on a calculated 4500t current base load and assumed reductions in groundwater nitrate concentrations. The calculation of the base load is not robust. Later calculations by other parties, e.g. RDRML / Ford and accepted by Ecan, show current load may be much higher than 4500 tonnes. If this is the case then the 3400t target is also not robust and, if maintained, will be more severe than reductions sought by the plan. Requires consistent use of Overseer but this not currently in place. (see comments on Overseer in point (3) above)	Require plan rule to either, <ul style="list-style-type: none"> • Set a target percentage reduction in load, or • Require a recalculation of target load to maintain a similar percentage of reduction in N losses if subsequent more accurate data shows the base load is different than 4500 tonnes. • Require standardized approach to use of Overseer and operation and development.
14.	13.4.13	Oppose in part Requires existing farming activities to meet good management practice nitrogen loss rates from 1 January 2017, calculated on the baseline land uses; then further reductions over time for “dairy” and “dairy support” farming. <ul style="list-style-type: none"> • GMP is not yet known. Therefore the starting point for any further reduction regime is not currently known; • If starting point is unknown then timing and scale of achievable reductions cannot be determined. • “dairy” and “dairy support” farming not defined. 	<ul style="list-style-type: none"> • Amend Policy 13.4.13 and 13(h) by removing “dairy” and “dairy support” categories. • Reschedule timing to allow for introduction and reasonable implementation of GMP definition and MGM • Define or remove the phrase “land use intensification’

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		<ul style="list-style-type: none"> Issues under section 32 of being unable to assess costs and benefits of what is proposed. <p>13.4.13(c) specifies ‘land use intensification’ separately to ‘changes in land use’.</p> <p>“Land use change” is defined as an increase in nitrogen loss above the nitrogen baseline. (Ashburton ZIP addendum 4 March 2014, page 24, footnote 7)</p> <p>“Land use intensification” is not defined but presumably is intended to refer to activities different from land use change.</p> <p><u>Farming enterprises.</u></p> <p>Plan needs to specify how changes in a farm enterprise are handled, e.g. if a farm enterprise reduces in size by disposing of land, what load is allocated to disposed land. Potential for enterprise to retain load in remaining enterprise and allocate a no or little load to disposed land.</p>	Define rules regarding changes in enterprise.
15.	13.4.14,	Oppose in part Restricts mitigation to MAR and TSA.	Enable other forms of mitigation that will assist in achieving policy goals. Support Drains Area submissions.
16.	13.4.18, 13.4.19, 13.4.16, 13.5.31 etc affecting Coastal Drains Area	Oppose all or in part. Many of the policies and rules have adverse effects on the Coastal drains area. They have the effect of closing the Eiffelton Community Irrigation scheme and of creating unintended outcomes contrary to goals sought.	Refer to submissions from the Eiffelton Community Irrigation scheme and drains area farmers.
17.	Policy 13.4.16	Oppose in part Restricts calculation of reasonable use to method 1 in schedule 10.	Reference to method 1, schedule 10 to be deleted.
18.	New Policy	Farmers that are not part of irrigation schemes or enterprises do not have the flexibility to manage losses that those groups have. We understand that the rule for farming enterprises will be difficult for collectives to use in practice as would require all of the farms to operate together for the purposes of meeting the	Allow the formation of Land User Groups, (similar in concept to Water User Groups), so individual farmers can group together to manage losses within overall policy. Plan to be amended so that “Land User Groups” have similar status to “farming

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		objectives listed in Schedule 7 .	enterprise” and where the plan refers to farming enterprise it also refers to Land User Groups
	Rules		
19.	13.5.7	Oppose in part Requires “signs are erected at all public access points” Impractical where the surface water has continuous public access such as along the side of a public road.	Amend rule to “signs are erected to adequately warn the public”
20.	13.5.8, 13.5.13, 13.5.14, 13.5.16, 13.5.17 and elsewhere throughout plan	Oppose in part Specify a kg N / ha figure (usually 20 or 27)	Require figure to be adjusted to maintain equivalence following changes to Overseer version or protocols.
21.	13.5.8 to 13.5.12	Oppose in part Rules applying to the Upper Plains	HPLWP supports the submission of the farmers of the Upper Plains
22.	13.5.14	Oppose in part 13.5.14(2) requires the total area of land subject to resource consent not to exceed 30,000 ha. To avoid allocation issues between individual non-scheme farmers and schemes in regard to allocation of consented area it would be better if consent holders, such as BCI, DRDML (and any others) had specific loads assigned to them in relation to the 30,000 hectares.	Plan needs to specify area allocated to consent holders and how remaining area is to be allocated to future consent holders
23.	13.5.15 and 13.5.16	Oppose in part Flexibility in land use. Within the rules there needs to be the ability for minor land use changes that are insignificant to total loads.	Provision for flexibility cap similar to South Canterbury coastal streams proposal be included in rules 13.5.15 and 13.5.16.
24.	Rule 13.5.17	Oppose in part Nitrogen loss calculations. Requires consistent calculations across farms and schemes. Currently not consistent.	Require N loss rates based on Overseer to be adjusted with Overseer version and protocol changes
25.	13.5.22(2)	Oppose in part Nitrogen loss calculations. Requires consistent calculations across farms and schemes. Currently not consistent.	Require N loss rates based on Overseer to be adjusted with Overseer version and protocol changes

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26.	13.5.29	Oppose in part Small water takes. Over the last 20 years many farms have changed ownership structures from individual ownership to a form of company or similar ownership. This change has inadvertently excluded them from provisions for permitted use of small water takes, such as for domestic use, stock water or shed wash down.	Allow small water takes for purposes of domestic water, stock water and wash down water for all farms.
27.	Rules 13.5.31, 13.5.33, 13.5.34, 13.5.36 and MAR and TSA	Oppose in part. Allowing water to be abstracted from a different property to the existing resource consent may have positive outcomes.	13.5.31 - allow abstraction from different property if outcomes are positive. 13.5.36. - remove conditions 3 &4 if not harmful Support Coastal Drains Group submission.
28.	13.5.33 &13.5.34 Transfer of Water Permits	Oppose There may be situations where transferring water permits to allow for uses such as augmenting ground or surface for environmental or other positive outcomes will contribute to plan goals.	Change “prohibited” to “discretionary”
29.	Section 13.7.2	Reduces allocation of ground water for Mayfield Hinds zone from 148m Cu m/yr to 122.25m Cu m/yr and therefore redefines Mayfield Hinds zone as fully allocated. May prevent positive outcomes such as the augmentation of stream flows.	Make restricted discretionary to allow if positive outcomes for plan goals.
30.	Tables		
31.	Table 13(g)	Oppose in part Nitrogen loss calculations. Requires consistent calculations across farms and schemes. Currently not consistent.	Require N loss rates based on Overseer to be adjusted with Overseer version and protocol changes
32.	Table 13 (h)	Oppose <ul style="list-style-type: none"> Nitrogen loss calculations. Requires consistent calculations across farms and schemes. Currently not consistent. Given that every farm is different it is impracticable to define “Dairy” and “Dairy Support” farming. All farms, because of their farming systems, climate, soil types, etc, have different loss characteristics and capabilities for reduction. While the plan may set targets and timetables for reduction of total catchment loads it is impracticable to require farmers to reduce by common amounts and common timetables which do not recognize the capabilities 	<ul style="list-style-type: none"> Require N loss rates based on Overseer to be adjusted with Overseer version and protocol changes Remove “dairy” and “dairy support” categories. Plan amended to require continuation of provisions for no increase of baseline losses until GMP and MGM definitions released. Plan then needs to be reviewed to adopt calculated farm reduction targets once GMP and MGM have been defined and released.

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		<p>for that farm to achieve reduction. Individual farm reduction targets need to be set based on relative ability to meet catchment load targets.</p> <ul style="list-style-type: none"> • As GMP and MGM have not yet been defined farmers can not know the starting point for further reductions. • Timetables and targets need to recognize what improvements in management entails e.g. a change in timing of fertilizer application will be much easier to achieve than a change in irrigation from border dyke to spray. • Table does not appear to be subject to permitted activity provisions of 13.5.16 in regard to 20kg. Depending on starting point losses, target losses in 2035 may be considerably less than those required of new irrigators or those who are a permitted land use. 	<ul style="list-style-type: none"> • Plan also needs to review and set timetables for reduction once relative capabilities for reduction established. • Table needs to include permitted activity provisions of 13.5.16 in regard to 20kg. • Plan to require a target of 30% of reduction in N loss rates by 2035 with a lower limit for reductions of 27kg/ha.
33.	Table 13 (i) and various	<p>Oppose</p> <ul style="list-style-type: none"> • Nitrogen loss calculations. Requires consistent calculations across farms and schemes. Currently not consistent. • Irrigation schemes with farmers before irrigating before Oct 2014 are required to keep reducing scheme loads till 2035. If modest losses at start then 2035 scheme target can be as low as 15kg. • New scheme irrigation after Oct 2014 has a 2035 target of 27kg. • Value B of equation (from 2017 onwards) is GMP on baseline land use i.e. of 2009-13. Land use has likely changed but calculation is based on a yet to be defined GMP applied to a long abandoned land use. • Irrigators outside consented irrigation schemes appear to have no targets or timetable for reduction beyond GMP. This appears inequitable. 	<ul style="list-style-type: none"> • Require N loss rates based on Overseer to be adjusted with Overseer version and protocol changes • Require scheme targets to reduce to 27 kg threshold only. • Plan needs to recognize that scheme land use consents have established a baseline entitlement in the consent. This is different to 2009-13 baseline, or • Plan needs to allocate a portion of total base catchment load to each consented scheme. • Plan needs to be reviewed to adopt calculated farm or scheme reduction targets once GMP and MGM have been defined and released. • Plan also needs to review and set timetables for reduction once relative capabilities for

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			reduction established
34.	Table 13 (i) Multiple irrigation water sources	Plan requires different reduction targets and timelines for schemes compared to individual irrigators. Plan does not clarify how these are treated e.g. scheme consent vs plan rules.	Plan needs to specify that scheme loads apply only to portion of farm irrigated by scheme water. Total farm load target needs to be clarified.
35.	Part 5 Hinds Plains Map Boundaries and Part 1 Scope of Variation	Consultation and development of plan was based on published boundaries. Final plan has shifted boundary between the Hinds Plains catchment and the Rangitata river from that used in consultation and development of the plan. This change impacted on farmers near the river when due to the characteristics of the catchment, there has been no need to include this area into the plan.	Revert to consultation boundaries by excluding the green zone along the north bank of the Rangitata river from the plan.
36.	S.32 report	The RMA was amended with the intent that S.32 reports be used to inform the development of policy rather than after the event. Ecan did not do this. This plan was one of the first subject to these amendments.	Consider the implications on the final plan of deficiencies in policy and rule development and give greater weight to submissions and proposed changes as better process and analysis would have incorporated most of these before drafting.
37.	All parts	HPLWP has proposed a number of changes to the plan. It is likely that adopting these changes will require consequential amendments to other parts of the plan to ensure the plan is coherent and is consistent between policy and rules.	Make consequential changes as required