

IN THE MATTER

of the Resource
Management Act 1991
(RMA) and the
Environment
Canterbury (Temporary
Commissioners and
Improved Water) Act
2010

AND

IN THE MATTER

of Proposed Variation
2 to the Canterbury
Land & Water
Regional Plan

TO BE HEARD BY

Environment
Canterbury

HEARING DATE

2 July 2015

**Supplementary Statement of Evidence of Christopher Adrian
Hansen on Behalf of Ravensdown Fertiliser Co-operative Limited**

2 July 2015

Introduction

1. My name is Christopher Adrian Hansen and I am a Director and Senior Planning Consultant with Chris Hansen Consultants Ltd. I have the qualifications and experience set out in my primary statement of evidence dated 15 May 2015.
2. I confirm that this statement of supplementary evidence has been prepared in accordance with the Code of Conduct for expert witnesses contained in the Environment Court Practice Note.

Tracked Change Version of proposed Variation 2

3. I am aware that Ravensdown has requested a number of amendments to Variation 2 through its submission(s), and in the expert planning evidence I have provided. In order to assist the Commissioners follow these requested amendments, I have attached to this supplementary evidence a tracked change version of Variation 2 that recommended the recommendations of the s.42A Officer Report. The requested amendments from Ravensdown's submission(s) and expert planning evidence are shown in blue.
4. In addition, while preparing this tracked change version, and as a result of Ravensdown having further discussion with ECan Officers, Ravensdown has suggested several further amendments that are shown in green. In my opinion, these amendments are within the scope of Ravensdown's which sought clarity on these matters. I will briefly address these additional amendments.

'Baseline Land Use'

5. In its submission Ravensdown indicated it was unclear what the term *Baseline Land Use* was trying to describe and whether a definition was required or appropriate. Furthermore Ravensdown understood that defining the *Baseline Land Use* was a likely outcome of the MGM Project, and therefore was premature at this stage but may be something that is defined once the MGM values are available.
6. While Ravensdown accepts that *Baseline Land Use* has been used to determine Nitrogen Baseline, it could not understand why and how *Baseline*

Land Use is being used in other parts of Variation 2 as is appeared to be ‘locking’ farmers into land uses undertaken on a farm between 2009 – 2013 when these land uses may not have been representative of the longer term land uses on the farm, or represent current day uses. Such an approach seems inequitable.

7. However, Ravensdown has more recently had discussions with ECan officers and now understands the concerns ECan has and what it is trying to achieve. As I understand it, ECan is worried that farming activities that were not operating at good management practice (GMP) during the nitrogen baseline period (2009-2013) could be grand-parented at a N loss value much higher than if they were operating at GMP or better during that period. An example would be a dairy farm that applied high levels of nitrogen fertiliser, irrigated inefficiently and imported excessive supplementary feed during the 2009 – 2013 period would have registered a higher nitrogen baseline than if it was operating at GMP.
8. It is Ravensdowns opinion that ECan intend the *Baseline Land Use* concept to require the MGM value (required through the consenting process in Variation 1 and 2) to be based on the land use(s) undertaken on that property during the baseline period (the land use(s) that informed the nitrogen baseline) and not on the current land uses or on poor farm practices. In ECan’s view, this will avoid an operator having a nitrogen baseline that does not reflect good farm management.
9. The current land uses are still important as they be used to determine the ‘N loss calculation’, which will be compared to the nitrogen baseline and the MGM value (or MGM minus any potential reduction) required by the policies.
10. With this in mind, it is my view that the current definition of *Baseline Land Use* does not accurately describe what ECan is trying to achieve. I have therefore recommended an amendment to the definition in the attached Tracked Change version shown in green.
11. Notwithstanding the above, there is one issue I have with the approach being adopted by ECan using the *Baseline Land Use*. This is the point that a farmer may have been operating legally (i.e. have resource consents or existing use rights) for the operation of the farm activities in the 2009 – 2013 period which are now deemed to be not at GMP. In this case I do not consider it is fair and

reasonable to require that farms are benchmarked against operating at GMP during a period where they may not have been and were not required to be. By taking this approach, ECan are essentially saying a farmer should have been operating at GMP even when the farming activity was lawfully established. In my opinion this raises issues of fairness and reasonableness that are fundamental principles in our resource management planning system.

Policy 13.4.13

12. In its submission Ravensdown sought Table 13(i) to be deleted as it contained % reductions in nitrogen loss rates beyond GMP. Ravensdown opposed the % reductions only applying to dairy and dairy support, and expressed concern that the implications of the % reductions could not be determined as the GMP values are yet to be determined. These concerns still exist with the amendments to Policy 13.4.13 recommended in the Officer Report.
13. Essentially Ravensdown supports the overall principles put forward by the Dairy Industry in the amendments they seek to Policy 13.4.13. In the attached Tracked Change version, I have proposed amendments in green to meet Ravensdown's submission concerns, and supporting the principles put forward by the Dairy Industry. I have not included specific % numbers of reduction in the policy as I am aware the Commissioners have been presented expert evidence supporting specific numbers.

Table 13 (i) Row B

14. In its submission Ravensdown sought the deletion of the 27 kg/N/ha/yr nitrogen cap included in Variation 2, to be replaced by the new MGM values through a plan change when these values are available. As part of deleting reference to the 27 kg/N/ha/yr, Ravensdown sought the deletion of Row B of Table 13 (i).
15. While preparing for the hearing (and in particular preparing the tracked change version of Variation 2 with the amendments sought by Ravensdown), it became apparent that the intention of Row B which was to provide for irrigation on land up to 30,000 ha had been lost. Ravensdown has therefore

recommended an amendment to the discretionary activity conditions of Rule 13.5.14 to address this point.

Chris Hansen

2 July 2015