

**BEFORE THE CANTERBURY REGIONAL COUNCIL**

**IN THE MATTER** of Section 88 of the Resource Management Act 1991

**AND**

**IN THE MATTER** Upper Hinds Plains Land User Group's Submission on the proposed Variation 2 to the Land and Water Regional Plan

---

**RESPONSE TO COMMISSIONERS REGARDING STATEMENT OF EVIDENCE OF LYNN TORGERSON ON BEHALF OF UPPER HINDS PLAINS USERS GROUP ON VARIATION 2 TO THE PROPOSED LAND AND WATER REGIONAL PLAN**

---

## Introduction

- 1 This supplementary evidence is to address questions raised by Commissioners at the hearing dated 16 June 2015. A list of questions was forwarded by Tera Maka, ECan Hearings Officer, and below please find my responses to the questions.

### **Question 1 Submission on Policy 13.4.9 asking that Policy 13.4.9.(c) be deleted**

- 2 *From this request, are we to understand that UHPLUG's say it should not be a Council policy to restrict increases in nitrogen losses in the upper area?*
- 3 Yes, this is UHPLUG's position. The loss in nitrogen in the Upper Hinds area is not a major issue of concern under the current land use practices. The total amount of nitrogen losses in this area is very small and is not contributing in any meaningful way to the lower area's surface water quality issues. The concern with Policy 13.4.9 (c) is primarily if it is linked to a specific numerical limit (e.g. 114 tonnes N/year). However a more practical restriction, such as no increase above what has occurred during a baseline period is acceptable.

### **Question 2 Evidence statement, para 6.4 lines 7 and 8 "are more likely to provide an effective improvement to the surface quality"**

- 4 *Is this intended to refer to the quality of surface water?*
- 5 Yes, the word "water" was missing, and therefore should read 'surface water quality.'

### **Question 3 Evidence statement, para 6.4**

- 6 *Would you please explain your understanding of the 'runoff mechanism' for nitrogen, and how that is similar to, or differs from, the runoff mechanism for phosphorus which binds to soil particles?*

Nitrogen is highly soluble in water and readily infiltrates into the root zone. Its main environmental impact is via subsurface movement through groundwater. Phosphorus on the other hand is readily adsorbed onto soil particles and is less mobile in groundwater. Therefore phosphorus is more likely to migrate off-farm via overland flow or shallow field tile drainage.

**Question 4 Evidence statement, para 6.13**

7 *In your recommended amendment of Policy 13.4.11, would you consider using the date of October 2014 as was suggested by Gerald Willis for Policy 13.4.13?*

8 Extending the timeline to 2014 allows for an additional year since notice had been provided to farmers to keep records. I note that the month of October is slightly at odds with the standard season 1 July – 30 June, but consider that the intent of allowing a further year would be beneficial.

**Question 5 Evidence statement, para 6.14 – revision of Policy 13.4.11**

9 *Are you supporting the amendment requested in UHPLUG submission, pg 3 or not?*

10 In part. I support the removal of the numerical capping limit set at 114 tonnes of nitrogen per year. However, upon reflection of the further submissions, the Officers' report, and through further discussions with Mr Salvesen, I consider that the amendment that I have proposed in paragraph 6.14 provides the Panel with a constructive and pragmatic means of setting a policy dealing with managing nitrogen discharges.

**Question 6 Evidence statement, para 7.2 – Proposed rewording of condition of Rule 13.5.8.**

11 *Was the amendment suggested in this paragraph requested in UHPLUG's submission?*

12 Similar to my comment above, upon reflection of the further submissions and the Officers' report, and through discussions with Mr Salvesen, the changes proposed in paragraph 7.2 of my evidence are offered to the Panel to provide example wording to achieve the Policy 13.4.11 outcome within Rule 13.5.8.

13 *Is your suggested wording sufficiently certain for inclusion into the Permitted Activity Rules 13.5.8 and 13.5.9?*

14 Yes. The conditions as I have proposed are focussed on the Upper Hinds/Hekaeo Plains area catchment, and given that it is a small catchment with relatively few farms, and has a Land Users Group, losses from the whole

catchment can be readily managed and monitored to ensure that the condition is met, and that Policy 13.4.11 is being achieved.

- 15 *To achieve the outcome you seek, have you considered instead the use of a new Discretionary Activity rule for activities that not comply with condition 2 of Rule 13.5.8. or condition 1 of Rule 13.5.9, with such a rule being contingent on the overall nitrogen losses from the Upper Hinds/Hekeao Plains Area not increasing above the losses that were occurring as at say 1 October 2014?*
- 16 In my view, the revisions to the Permitted Activity rules as I have proposed achieve the outcome of Policy 13.4.11. Based on your question, I conclude that the Panel may be uncomfortable with the permitted activity status as there is no wording within these current permitted activity status rules ensuring that there is a link with the rest of the Upper Hinds catchment.
- 17 If this is the case, then I agree that a new rule could be provided contingent on the overall nitrogen losses from the Upper Hinds/Hekeao Plains Area not increasing above the losses that were occurring as of 1 October 2014 (the date suggested by Mr Willis). However, in my view the new rule should be either controlled or restricted discretionary, with the matters of control/discretion limited to how nitrogen losses in the Upper Hinds are measured and managed at a catchment-wide level. Full discretion is not necessary for this new rule given that it is tied into a catchment-wide assessment of the losses.
- 18 In the event that a proposed farming activity is not able to either meet the permitted activity rule at present or a new controlled/restricted discretionary activity, the farming activity would then be classed as prohibited (rule 13.5.12 at present).
- 19 In my view the introduction of a controlled/restricted discretionary activity rule would achieve Policy 13.4.9 and Policy 13.4.11 (as proposed in my evidence).
- 20 Thank you for the opportunity to provide written responses to your questions.

Lynn Torgerson      On behalf of the Upper Hinds Plains Land User Group  
Date: 25/8/15      (Submitter Number 56707)