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**To:** [Mailroom Mailbox](#)  
**Subject:** submission Plan Change 5 to the LWRP  
**Date:** Thursday, 10 March 2016 10:18:12 p.m.  
**Attachments:** [submission PC5 to LWRP form.pdf](#)  
[Submission PC5 to LWRP Jamie McFadden.docx](#)

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Submission attached. Please acknowledge receipt,

thank you  
Jamie McFadden



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# Submission on Proposed Plan Change 5 to the Canterbury Land and Water Regional Plan

**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 11 March 2016 to:**

Freepost 1201 Plan Change 5 to LWRP  
Environment Canterbury  
P O Box 345  
Christchurch 8140

**Full Name:** Jamie Robert McFadden **Phone (Hm):** 03 3198 152

**Organisation\*:** \_\_\_\_\_ **Phone (Wk):** \_\_\_\_\_

\* the organisation that this submission is made on behalf of

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**Email:** hurunuinatives@xtra.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:** Jamie Mcfadden **Date:** 6/3/2016

(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 that my submission relates to are:		(2) My submission is that: <i>(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.)</i>		(3) I 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	Sub-section/ Point	Oppose/support (in part or full)	Reasons	
			see attached	

Add further pages as required – please initial any additional pages.

# **Submission on Proposed Plan Change 5 to the Canterbury Land & Water Regional Plan.**

**By: Jamie McFadden**

## **1] Background**

**1.1]** In 1966 my parents bought an undeveloped 800 ha hill block on the banks of the Hurunui River. They started a positive working relationship with the Catchment Board which saw the establishment, through our farm plan, of an on farm poplar nursery, planting of thousands of poles for erosion control & fencing of native bush areas.

**1.2]** I spent 10 years on the family farm in the 1990's & continued the environmental work in partnership with the Catchment Boards successor Resource Care – a section of Environment Canterbury. An on farm native plant nursery was established. My brother is now on the home farm & continues the conservation tradition, recently fencing off another area of native bush.

**1.3]** My wife Linda & I established our native plant nursery restoration & environment consultancy business, Hurunui Natives in 1996. We are the leading agency for this work in North Canterbury/Kaikoura & often work in collaboration with ECan, QEII Trust etc. Most of our work is with farmers including wetland & streams on dairy farms, native bush restoration & we also coordinate & undertake poplar erosion control plantings in the North Canterbury area. Many of the Immediate Steps projects in Hurunui/Waiiau Zone have been initiated by us. The latest being one of the best remaining Kanuka remnants in the Amuri Basin where we initiated a successful joint project between the landowner, QEII Trust, ECan & Immediate Steps.

**1.4]** There has been a significant change in landowner attitudes to the environment in the last 30 years. This can be evidenced by various actions including QEII covenants, native bush areas privately protected, poplar erosion plantings, fencing & planting of waterways & a range of other Good Management Practices. The odd 'bad' landowners are less now & often invariably break the rules anyway. Any planning framework should seek to build on these voluntary efforts of landowners. As outlined in my submission below Environment Canterbury's increasingly draconian & burdensome regulatory compliance model, including Plan Change 5 [PC5], undermines the goodwill of generations of landowners efforts.

## **2] General Submission**

**My submission** is that Plan Change 5 needs to make all amendments necessary to fulfil my submissions request & in order to achieve the purpose of the RMA, the NPS on Freshwater & the CWMS.

**2.1]** Prior to Regional Councils, land & water issues were covered by a number of Boards. The most important were Catchment Boards which operated through a system of working with landowners to address a range of environmental issues. Individual Catchment farm plans helped drive actions on the ground & some farmers still have these plans today. The critical successful ingredient was a partnership approach built on trust & flexibility.

**2.2]** The Catchment Board system was replaced by Regional Councils in 1989 however most councils continued with a Catchment Board model in some shape or form. In Taranaki that model persists today & continues to deliver outstanding results. In Canterbury the Regional Council formed Resource Care which continued the work of the Catchment Boards. Most of the Resource Care staff were from Catchment Boards thus continuing the tradition of working with landowners in a positive manner.

**2.3]** In 2010 Resource Care was disestablished by Environment Canterbury. There were increasing tensions between this unit & the regulatory & policy arms of the Regional Council with the latter winning favour. At the same time ECan also disestablished the collaborative Canterbury Regional Biodiversity Group. In place of these a much more regulatory orientated approach was adopted by ECan. All of the Resource Care staff have since left ECan disenfranchised with the change in direction.

**2.4]** Through the 1990's landowners were becoming increasingly uneasy with the policy & regulatory sections of ECan. With the disestablishment of Resource Care & the departure of all the former Catchment Board staff the last linkages of trust with ECan disappeared. This critical turning point in time has had major ramifications for where we find ourselves today.

**2.5]** The reason why the above is important is that it has created a major impediment to ECans ability to achieve freshwater & biodiversity outcomes. There is now widespread loss of trust in ECan amongst landowners that is unprecedented. Issues between landowners & ECan are increasingly adversarial & this is now impacting on day to day interactions between field staff & landowners. In turn dealing with issues becomes costly & protracted e.g river bed lines.

**2.6]** All the above affects the ability of PC5 to achieve the desired & legislative outcomes. Already components of PC5 are causing major concerns for landowners. As an example if the portal system was in a trusted council system there would be a higher degree of uptake. However because it is ECan & it is mandatory there is a lot of suspicion amongst landowners. The reality is that many landowners will not register at the portal [under ECan] & therefore the effectiveness of this tool is greatly compromised right from the start.

**2.7]** Managements Plans fall into the same category as the portal. By 1 January 2017 all landowners in Hurunui/Waiau zone have to be in a collective & do a FEP. However the

dryland farmers & catchment groups have not accepted this & the reality is come the above date there will be hundreds of farmers non-compliant.

**2.8] My general submission is to oppose the general regulatory/compliance direction [particularly the mandatory portal & management plan requirements] of PC5 as it will not achieve the purpose of the RMA, the NPS on Freshwater & the CWMS. PC5 as currently drafted is not effective or efficient or the most appropriate way thus failing the section 32 tests. Decision requested is to remove the mandatory portal & management plan requirements & replace with a working with landowner model based on the proven successful Catchment Board approach.**

### **3] Portal & Management Plan requirements**

**3.1]** In effect all Canterbury landowners over 10 ha, regardless of their impact on freshwater & whether there is any science, are non-compliant unless they undertake the portal & management plan requirements. This includes blue zone [unclassified in terms of freshwater] & affects landowners in the coastal Conway & Motunau areas which are not part of any river catchments. These requirements appear extremely draconian & placing these sorts of requirements on all landowners without science, without any issue analysis etc is very poor planning & contrary to the Ministry for the Environment's section 32 guidelines. It also unnecessarily aggravates landowners further compromising the ability to achieve positive outcomes.

**3.2]** Publicity associated with PC5 suggests the portal & management plan requirements are not onerous. However this ignores the fact that many landowners are not computer savvy while others have slow internet or none at all. Thus for many they will need to obtain external help with these requirements at extra cost to themselves. Also with the management plans in order to fulfil the information requirements [Schedule 7A] landowners will need to employ consultants to record such information as 'significant indigenous biodiversity' in district plans [7f] & 'critical source areas' for Phosphorus [7g]. The burden on landowners has been grossly understated by ECan.

**3.3] My submission is to oppose the mandatory portal & management plan requirements on all landowners & decision sought is to remove these requirements from PC5.**

### **4] Management Plans & Farm Environment Plans [FEPs]**

**4.1]** Every landowner over 10 ha is required to do a management plan under schedule 7A. This appears to be simply a tick box compliance exercise that places yet another unnecessary burden on landowners. Many landowners are completely unaware of this proposed requirement & it will become a bureaucratic marathon to try & enforce it & the portal requirements on all landowners over 10 ha.

**4.2]** The mandatory compliance approach to management plans & FEPs in Canterbury will fail to achieve the desired outcomes. There are a number of flaws with ECans compliance/mandatory approach in this regard:

1. It does not engender landowner buy in. For many it becomes another compliance burden that is a nuisance.
2. It creates a climate of fear, rather than a working with landowner approach built on trust & flexibility.
3. It is a significant cost & that funding would be better spent on actually achieving positive environmental actions on the ground.
4. It creates yet another adversarial situation between landowners & the council.

**4.3]** In 2003 a Ministry of the Environment report found that: *“Many regional councils recognise that environmental farm plans are an effective method of achieving good environmental outcomes in a non-regulatory way. This relies on the fundamental principle that the implementation of an environmental farm plan is a voluntary undertaking by the landowner.”* Page 6 Executive summary].

**4.4]** The key words in this are ‘non-regulatory’ & ‘voluntary’. Trust & flexibility are also critical. Every landowner & the characteristics of their own farm are different & other regions like Taranaki have learnt that taking the voluntary, non-regulatory approach is much more efficient & effective. Already 66% of hill country have voluntary farm plans. These farm plans are used to drive on the ground actions not as a compliance & auditing tool.

**4.5]** In the Hurunui area the dairy sector recently achieved 100 % of the landowners [97 farms] have a voluntary Sustainable Milk Plan [SMP] through DairyNZ. This is an outstanding result & our business is currently involved with undertaking some of the environmental actions required as part of these SMPs. Another layer of farm plan compliance requirements through ECan is unnecessary duplication.

**4.6]** **My submission is to oppose the mandatory approach & auditing requirements for management plans & FEPs. Decision requested is to remove this requirement & all references in policies & rules & replace with a Catchment Board type model similar to Taranaki. However at the same time the issue of misuse of private property information would need to be addressed.**

## **5] High Runoff Risk Phosphorus Zones**

**5.1]** Landowners are fed up with councils that apply inaccurate zonings & then place the burden on landowners at their time & cost to quantify the zoning/mapping. This Phosphorus zone is yet another example of this. The mapping has been done on a regional desk top basis using where available ‘S-maps’. However there has not been on the ground

quantification & a range of factors are noted as not having been taken into account. Refer to the report Partitioning land according to vulnerability to runoff and leaching losses of phosphorus in Canterbury [TH Webb et al May 2015]. These factors not accounted for include:

- Rainfall intensity,
- Hillslope processes,
- Stream bank factors,
- Proximity to waterways,
- Land management practices
- How much P exists in soil
- Which soils have reached a level of saturation that would increase leaching.

**5.2]** The report notes that distance to streams is a significant factor determining erosion risk & sediment delivery & yet this factor is not taken into account in the Phosphorus mapping. [pg 21]. The report also notes that a significant commitment of resources would be required to improve the quality of the base data especially in areas not covered by S-map. [pg 25]

**5.3]** There has been no consultation with landowners on these phosphorus zones. Combine this with the limitations & inaccuracies with the mapping & lack of robust science this zoning is neither effective nor efficient planning.

**5.4]** One of the dangers with the PC5 Phosphorus mapping is that landowners not affected by the mapping could consider themselves not an issue in term of P loss. My view is that all landowners should be aware of phosphorus loss & ways to mitigate against this. The other flaw with the PC5 phosphorus mapping is that a significant amount of time & debate will be spent on the mapping itself rather than focusing on practical on farms actions to mitigate against phosphorus loss.

**5.5]** The phosphorus zone is also mapped throughout the Hurunui Waiau zone. However this zone is covered by a separate plan the Hurunui Waiau River Regional Plan [HWRRP]. As such these maps serve no purpose as there are no relevant policies or rules relating to the Hurunui/Waiiau zone in PC5 thus the mapping is ultra vires.

**5.6]** My submission is that the High Runoff Risk Phosphorus zone should be removed in its entirety & be replaced with a Catchment Board type system that works with landowners in ways to address phosphorus loss.

Jamie McFadden

6/3/2016