

From: [Hurunui SNA group](#)
To: [Mailroom Mailbox](#)
Subject: Submission Plan Change 5 to LWRP
Date: Friday, 11 March 2016 11:38:18 p.m.
Attachments: [Plan Change 5 Submission Hurunui SNA Group & Rural Advocacy Network.docx](#)

Submission to Plan Change 5 to the Canterbury Land & Water Regional Plan by the
Hurunui SNA Group & Rural Advocacy Network.

Yours sincerely
Fran Perriam

**Resource Management (Form, Fees and Procedure) Regulations - Schedules
2003
Form 5**

Clause 6 of the First Schedule, Resource Management Act 1991
Submission on a publicly notified proposal for a plan or plan change

To: Environment Canterbury
PO Box 345
Christchurch

Name of Submitter:

Hurunui SNA Group & Rural Advocacy Network

This is a submission on the following proposed plan – **Plan Change 5 to the Partially Operative Canterbury Land and Water Regional Plan**

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are: **The entire plan change and section 32 report.**

1. Our submission is:

1.1. General.

We are intergenerational, family farmers in North Canterbury. Our farms are our homes, our livelihood, our vocation and our passion. We are committed to leaving for our children the land, water bodies and biodiversity on our farms in as good if not better state than we inherited them. Many farmers in this area have, over past 30 years, made significant contributions to positive environmental actions including managing soil erosion through poplar plantings & protecting indigenous biodiversity through QEII covenants & private reserves. Our families are regular users of the rivers & lakes for a range of recreational pursuits including fishing & swimming. As such we are committed to addressing land uses and farm practices that are proven to be causing deterioration in our water bodies.

We are committed to obtaining quality information to better understand the condition of our water bodies and the causes of any detrimental effects on water quality. Robust science is a critical part & in our experience has been lacking in freshwater planning to date. Where decision-making by farmers or by regulatory authorities is shown to be the cause of water quality issues, we are committed to having that situation redressed, using methods and timeframes that are practicable and workable on farm.

To survive we must retain flexibility in our land use & the excessive regulatory nature of Plan Change 5 [& other Regional Plans] is severely constraining that flexibility. To live in harmony as rural communities, we need activities that are having like effects to be treated consistently. We expect the extent of any management or regulatory intervention to be commensurate with the contribution an activity is making to

the problem; and to be focused on dealing with the issue at hand. We would much sooner time & money spent on compliance costs, registering at portals, doing mandatory overseer budgets & management plans be spent on environmental actions on the ground.

We do not support planning regimes that:

- Require farmers to comply with a lot of bureaucracy where it is not going to result in improvements in environmental outcomes on the ground;
- Assume all farming is the same and that the worst examples of poor practice are representative of all or the majority of farmers;
- Do not take into account the activities and practices that have been or are being carried out on farm to promote good land husbandry and environmental management; or
- Rely on poor quality information, no information/science, or disregard/misuse the scientific information available in coming to a position.

1.2 Overseer.

A part of Plan Change 5 has attempted to reduce the reliance on Overseer & we support this move. But it doesn't go far enough as Overseer was never intended to be used in a regulatory context & will continue to create uncertainty & issues of inconsistency & inaccuracy.

The rest of plan Change 5 still relies heavily on N loss numbers from Overseer™ only this time the numbers are modeled approximates for nitrogen loss rates when Good Management Practices (GMP) are assumed to be built in. The feedback we are having is the numbers being generated out of the trial portal for GMP loss rates is even more inaccurate. This is unacceptable when that information forms the basis of rules in a plan; even more so when non-compliance with those numbers is a prohibited activity. The onus should not be placed onto farms to comply with numbers generated out of models that are not fit for purpose.

We also note that Plan Change 5 has made changes to both the policy positions for management of nutrient losses from farming activities in the various water quality zones, and the amount of bureaucracy required for farms as permitted activities from that in the LWRP. These changes we do not support as necessary or appropriate.

1.3 Good Management Practices [GMPs].

We support the concept that all landowners should embrace GMPs. However we strongly object to GMPs being used in a mandatory, regulatory context. While there was some farming industry representation in the GMP process, there has not been widespread consultation within the farming sector as claimed. We are unaware of any consultation within our area of North Canterbury. The GMPs cannot be claimed to be 'industry agreed' when the industry itself has not been consulted.

Further there has been no agreement from the industry as to how the GMPs would be used in policy. We believe it unhelpful & will compromise the value & usefulness of the GMPs if they are used in the regulatory framework as proposed in Plan Change 5. The value of the GMPs is as a 'conversation tool' in helping farmers implementing the appropriate actions on the ground.

1.4 Catchment Board model.

We continue to have major concerns with the overly bureaucratic & regulatory direction of ECANs planning framework, including Plan Change 5. This has led to a lot of frustration & angst among farmers & compromises ECans ability to fulfil their legislative requirements. We support much greater use of industry led initiatives & note as an example the recent announcement that 100% [97 farms] of Hurunui dairy farmers

have voluntarily signed up to Sustainable Milk Plans. The current ECan planning framework in Canterbury is leading to unnecessary duplication.

Many farmers in this area remember the Catchment Board & Resource Care days when trusted advisors worked positively with landowners to achieve actions on the ground. This model is still working well today in regions like Taranaki & is delivering outstanding results. However in Canterbury the Resource Care [ex Catchment Board] section was disestablished in 2010 & all of the staff that had built trusted working relationships with farmers have now gone.

In the last 10 years trust levels between ECan & the landowners have evaporated & there is now widespread mistrust of the Regional Council. This is being compounded with ECans overly bureaucratic compliance driven approach to RMA planning. This can be evidenced in the Hurunui Waiau zone over the controversial 10% rule & widespread refusal of farmers to abide by ECans mandatory collectives & audited farm plan requirements. Similarly with the Significant Natural Area issue there has been widespread refusal by landowners to allow ecological surveys for the past 15 years. The mistrust is at such a level that the ability for ECan to meet its legislative requirements is severely compromised.

For ECans Plan Change 5 to succeed the buy in of farmers is paramount. Our view is that ECans current regulatory freshwater planning approach [including Plan Change 5] is unworkable & unsustainable in terms of cost to individual landowners & the Canterbury economy & will not deliver the environmental outcomes everyone desires. Further we see ECans current regulatory approach to freshwater causing divisions in our community impacting on a key part of the purpose of the RMA – the social wellbeing & health & safety of our people & communities. This would not happen under a Catchment Board model.

Our first submission is that in recognition of ECan [& Plan Change 5] failing to achieve its legislative requirements we are proposing use of the well proven Catchment Board model, similar to that in operation in Taranaki. This relies on Council working with landowners in a climate of trust & cooperation. A variety of tools are used including voluntary, flexible farm plans focused on achieving actions on the ground. Field days, workshops, community stream planting days, funding assistance, industry supported initiatives & GMPs are also part of the Catchment Board model. Integral to the success of any model is that the field staff develop partnerships with landowners based on trust & flexibility with the focus firmly on achieving positive outcomes on the ground. Our first submission is that we are seeking changes to all policies & rules in Plan Change 5 as necessary to implement the Catchment Board model.

1.5 Blue and Green zones

Plan Change 5 has made changes to both the policy positions for management of nutrient losses from farming activities in the various water quality zones and the amount of bureaucracy required for farms as permitted activities from that in the LWRP. These changes we do not support as necessary, appropriate, effective or efficient, especially the changes to the policies & rules in Blue & Green zones. Blue and Green zones & are acknowledged in the LWRP as either meeting water quality outcomes [Green] or not having water quality outcomes set as there is no sensitive receiving environment likely to be affected [Blue]. The Blue Zone includes Hurunui coastal hill country of Motunau & Conway where small streams run directly to sea. These streams are mostly in steep gullies & have extensive native vegetation buffers retained by landowners.

There are no quantified adverse effects of farming activities on water quality in Green & Blue zones that justifies intervention by the regional council. The councils function is to manage effects of land uses on water quality – if there are no effects there is no need for controls. We do not support the existing limits on nitrogen loss in the blue & green zones & in our submission there is certainly no justification for tightening the existing rules to limit farming activities to no more than 5g/ha increase in N loss as proposed in Plan Change 5.

It does not achieve the purpose of the Act nor is it necessary to give effect to the NPSF to restrict all farming activities in Blue & Green zones to no more than a 5kg/ha increase in N loss. This also doesn't allow flexibility

with our extremely variable climate such as when recovering from droughts or harsh winters. We do not support or believe it efficient or effective to have freshwater compliance requirements in these zones e.g. Motunau/Conway coast where there are no river catchments, no proper issue/scientific analysis & no identified adverse effects to be mitigated.

1.6 Rules for Farming Activities.

We do not agree that it is appropriate to differentiate whether a landholder has to comply with any rules for water quality based solely on size of the property. It isn't the size of the property which is important but the land uses and whether any risk to water quality is appropriately identified and managed. We believe all landowners [including lifestyle blocks & urban] should be responsible in avoiding adverse impacts on our waterways.

(i) Farm Portal

We strongly oppose the portal being used as a mandatory compliance requirement. This portal appears to be being used as an information gathering tool & not as a practical solution to addressing adverse effects on freshwater.

Condition 1 [Portal] is not an appropriate condition by which a farming activity is permitted. It makes no difference to water quality whether a farmer registers their farm in the Portal. It is the activities on the ground which should determine whether the activity can be considered a permitted activity under the RMA.

The current Portal requires farmers to submit information on their land use to the regulatory authority without being advised what the rules are for permitted activities. This may be a breach of s60 of the Evidence Act 2006.

Farmers are being asked to provide details of their farming activities without any information about how or by whom that information will be used or will be accessible to under the Local Government Official Information and Meetings Act 1987. There is significant concern amongst farmers about the potential misuse of private property information & reluctance by many to register at the portal.

If the information is being requested to assist in catchment accounting purposes, this should be decoupled from the rules for compliance as a permitted activity. There are other, possibly more accurate, ways to obtain estimates for N loss from permitted activities for catchment accounting purposes without placing an additional burden on landowners.

The issuing of a GMP Loss Rate number for farms as permitted activities based on the information they are providing into the Portal is unhelpful. The questions are insufficient to calculate an accurate N loss number and anecdotal evidence is indicating the numbers being issued by the Portal vary considerably from the numbers for farm specific Overseer modeling.

As a concept portals can be a useful tool for farmers if used in a voluntary, non-threatening capacity & where individual property information cannot be misused. However the Plan Change 5 portal proposal, as currently drafted, will be ineffective in meeting any of the councils legislative requirements as well as placing an additional unnecessary burden on landowners. Hence our submission that the Plan Change 5 portal & all references to it be deleted.

(iii) Intensive Winter Grazing

Alongside soil type and rainfall, the single biggest influence on N loss numbers is the intensive grazing of cattle. Therefore we accept that as part of being responsible farmers we need to ensure this activity avoids negatively impacting on water quality issues. In practice this is not always possible e.g. with severe

rainfall events. However there are many good management practices farmers can undertake & we would support a plan framework that motivates & encourages farmers to adopt these.

We do not support the current proposal for 20 hectares of land because it isn't the area that is the determinant of N loss but how it is used. A landholder growing 19.5 hectares of fodder beet or kale for dairy support could have substantially greater N loss numbers than a landholder who is grazing 60 hectares of rape and grass with a mix of cattle and sheep; depending on how many cattle are grazing each crop. It isn't clear how the feeding of supplements relates to the 20 hectare proposed land area limit. There is no exemption for the feeding of supplements to cattle during adverse climatic events such as drought or snow.

In our submission a more effective way to manage this issue is through the likes of voluntary farm plans & education. If the panel are of a mind to have thresholds then it may be more effective to have winter grazing permitted as long as it meets a range of practical farmer agreed GMPs such as retaining a buffer along waterways, grazing from the top of the slope down, sowing & working paddocks across the slope etc.

(iv) Farm Management Plans

The requirement to prepare a Farm Management Plan in accordance with Schedule 7A which is to be retained by the farmer and produced for Environment Canterbury on request is an example of unnecessary bureaucracy that costs time and money but is of no benefit to improving water quality. A similar approach was rejected by the Council in its decisions on the LWRP. In addition the requirement in Schedule 7A includes information that is not relevant to managing effects of farming activities on water quality, including identification for Significant Sites of Indigenous Vegetation.

In our submission a more effective approach would be to encourage farmers to focus on practices on farm through a Catchment Board model. Many farmers already partake in farm management planning either through their grower representative bodies such as Beef and Lamb, FAR, Horticulture NZ or Dairy NZ or through farm consultancies. Many of these programmes are more advanced than the industry articulated GMP. We submit that it would be far more effective to have trusted organizations working with landowners to undertake farm planning & GMPs in a voluntary system of collaboration.

As highlighted above there is widespread mistrust of the Regional Council & many landowners will not provide private property information through a management plan to ECan. Like the portal this management plan requirement is doomed to fail from the outset.

1.7 Section 32 analysis

We submit that the section 32 analysis with Plan Change 5 is inadequate.

- There has been insufficient cost/benefit analysis that quantifies the cost to landowners & the council of the compliance requirements & whether they will actually be efficient or effective for the cost outlaid. The opportunity cost of thousands of Overseer plans, management plans, auditing requirements etc is huge. This money could be better spent on achieving actions on the ground.
- There has been insufficient analysis of how effective [or not] Plan Change 5 will be in terms of landowner engagement & buy in which is critical to the success or otherwise of Plan Change 5.
- With the Blue & Green zones there has been no issue analysis or scientific studies to justify the requirements on landowners in these zones.
- In general there appears an inherent presumption that regulation is required & effective. We submit that in relation to Plan Change 5 the opposite is true.

2. Our reasons are:

In our view the changes requested in this submission are necessary to:

- Achieve the purpose of the Resource Management Act 1991 (RMA);
- Discharge the Council's duty under s32 of the RMA;
- Give effect to the National Policy Statement for Freshwater 2014 (NPSF) &
- Give effect to the Canterbury Regional Policy Statement (CRPS).

2.1 The decision we request are:

- (i) To amend Plan Change 5 along the lines outlined in this submission including any consequential amendments necessary to give effect to the amendments sought in this submission &
- (ii) Delete policies 4.34, 4.36, 4.38AA & 4.38AB, 4.38A to E and replace with policies that work with landowners in the Catchment Board model outlined above. We suggest something along the lines of:

1. Landowners & council work in partnership to manage adverse effects of farming on water quality through developing & supporting voluntary on-farm actions & plans where appropriate & encouraging good management practices.
2. The voluntary efforts of landowners to adopt good environmental management practices are acknowledged & supported.
3. There is continual improvement in the knowledge of the state of water bodies within the region & the cause[s] of any deterioration in water quality through the Council, in partnership with the community, implementing a comprehensive water quality monitoring & investigations programme using data from robust scientific investigations.
4. The Blue or Green Nutrient Allocation zones are recognized as areas where farming activities are not proven to be impacting on water quality & no regulation is required over & above existing rules for irrigation & dairy effluent management.
 - Delete rules 5.57A & replace with policies & methods that encourage all property owners regardless of size of property to be responsible landowners
 - Delete rules 5.57B & replace with policies & methods to encourage the Council to work with farmers in a voluntary capacity to ensure good land use practices.
 - Delete Schedule 7A.
 - Delete rules 5.57C to 5.59A.
 - Make consequential amendments to other provisions as necessary to give effect to the relief sought.

3 Planning maps High Runoff Risk Phosphorus zones

3.1 Our submission is: we oppose the inclusion for the Replacement Map Series showing the High Runoff Risk Phosphorous Zones

3.2 Our reasons are:

In our view the changes requested in this submission are necessary to:

- Achieve the purpose of the Resource Management Act 1991 (RMA);
- Discharge the Council's duty under s32 of the RMA;
- Give effect to the National Policy Statement for Freshwater 2014 (NPSF) &
- Give effect to the Canterbury Regional Policy Statement (CRPS).

These maps have been produced as a desktop exercise on maps with a scale of 1:75 000. There has been no 'ground-truthing.' As with all maps prepared in this way they contain many generalizations and inaccuracies. A range of physical, climatic & farm management practices have not been taken into account. Our issue is not

with landowners knowing where the high runoff risk phosphorus areas are on their farms. The issue is the use of desk-top mapping. We also note there has been no consultation with landowners over this mapping.

The Council has a duty of care when including information in statutory planning documents that it is correct. The burden is on the planning authority to make sure the information is correct, not on the landholder to prove to the Council their desktop map is wrong, as it applies to their property. Landowners are becoming increasingly frustrated with Environment Canterbury inaccurately mapping areas on private land & then placing the burden on landowners to argue why the mapping should not be there or is wrong.

The maps add no value to the LWRP. Also the mapping has included the Hurunui Waiau nutrient management zone which is covered under a separate regional plan with its own policies & rules.

3.3 The decision we request is to delete the replacement map series as it relates to showing High Runoff Risk Phosphorous Zones & make consequential amendments to other provisions as necessary to give effect to the relief sought.

We do wish to be heard in support of our submission.

__Fran Perriam_____

(Signature of submitter or person authorized to sign on behalf of the submitter)

11th March 2016

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