

Canterbury Land and Water Regional Plan

Hearing Submission to Plan Change 5

From Mary Sparrow

- 1 My full name is Helen Mary Sparrow. I hold an M.A. (Hons 1st Class) in Political Science from Canterbury University.
- 2 I am currently working as an independent consultant, including assisting Environment Canterbury with consultation with farmers associated with the development of the Waimakariri Sub-Regional Chapter of the Canterbury Land and Water Regional Plan.
- 3 For most of the last 15 years I have worked for the Waimakariri District Council, initially as a Policy Planner and most recently as the Council's Principal Policy Analyst. Prior to 2001 I was also working as an independent consultant involved with a range of work including social research and resource management issues.
- 4 I own a 50 hectare property at Ohoka in the Waimakariri District, and have held a consent to take water for irrigation since 1985. Initially I was actively involved with the day to day management of a bull-beef operation, and more recently the land has been leased for dairy support.

Policy 4.41A

- 5 My main concern associated with Plan Change 5 is with Policy 4.41A. The Section 42A report suggests that the changes that I have requested indicate that I have misunderstood the purpose of the Policy by requesting amendments to Policy 4.41A (b) and (c) to focus on "risk" rather than on the qualifications of the person who prepared the report.
- 6 The officer states: *"The amendments sought by M Sparrow do not relate to the purpose of this Policy which is to recognise the contribution that the preparation of accurate nutrient budgets and FEPs make to the attainment of water quality outcomes. ...However, for a controlled activity condition where a high level of*

objectivity is required, I consider that the present rule drafting which relies on the qualifications of the person undertaking the tasks is a preferable method than attempting to draft an objective quality-based condition.”

- 7 If the purpose of the policy as stated is to recognise the contribution of accurate nutrient budgets and FEPs will make to water quality management, then in my view Policy 4.41A did not need clauses (b) and (c).
- 8 The problem that I have with these two parts of Policy 4.41A is that to signal that consideration the consent pathway for an application will be based on the qualifications of the person who prepared the report does not sit comfortably with a system based on the “rule of law”. The qualifications of the person who prepared a report should not be the basis for determining how a consent will be considered by an authority responsible for the administration of a resource management plan.
- 9 The officer refers to the need for a “high level of objectivity” being required, but if this assessment is made on the basis of the qualifications of a person rather than the facts of the situation it raises the issue of objectivity about what? People, irrespective of their qualifications, can make mistakes and it is the regulators responsibility to be alert to this.
- 10 The officer also mentions the approach to “rule drafting” in relation to controlled activities. The issue here is what should be said at Policy level about the way applications for consents will be processed, and this should still be based solely on the standard of the preparation of the budgets assessed against best practice as stated in Policy 4.41A (a), and any subsequent evaluation based on assessments of risk.
- 11 It is difficult to see why the process officer would be able to determine whether an application required because the farming operation is unable to meet the conditions that would allow it to operate as a “permitted activity”, would not be able to determine that it should be processed as a “controlled” activity without

recourse to the qualifications of the person who prepared the report. Given the Rules framework it would appear to be relatively easy to assess whether an applicant was likely to be able to meet the conditions specified for a “controlled” activity, and presumably if it was subsequently proved that these could not be met enforcement action would follow.

Definition of *Winter Grazing* and Rule 5.44A (4)

- 12 The intent of this submission was firstly to distinguish “*winter grazing*” as the practice of feeding dairy cows on properties other than the milking platform that involve the break-feeding of forage crops and/or with supplementary feed that has been brought onto the property, from the use of forage crops in the normal course of a year round farming operation. That is where no stock are brought onto the property and fed in the manner described during winter months, the stock that may be fed on a forage crop in this situation but that this will be part of a permanent stocking regime for that property.
- 13 When compared with the definition provided in PC5, therefore, the definition sought narrows it to refer only to stock specifically brought on to a property during the period 1 May to 30 September and fed either by break-feeding of a forage crop, with the addition of “*and/or*” in regard to the feeding of additional material that “*has been brought onto the property.*”
- 14 With regard to the amendment requested to Rule 5.44A the Section 42A report has misinterpreted my submission, and I apologise for not providing a strike-out version of the change sought
- 15 I in fact requested was for Rule 5.44A (4) be amended to read:
- “*The property is not used for winter grazing;*”
- 16 In this context, I am concerned that the specification of a particular threshold in terms of the area that can be planted in a forage crop and fed out under the regime described as “*winter grazing*” could lead to considerable complications.

- 17 My initial submission referred to the possibility that the intent of the regulation could be frustrated to a certain extent if farmers chose to plant areas of 19.5 ha or similar on a regular basis. Having a threshold of 20 hectares also raises the issue of the policing of the regulation. Will the Regional Council have the resources to ensure that on the smaller properties the areas planted which may well vary from year to year complies with the rule?
- 18 The amendment sought would mean that any property of more than 10 hectares used for *winter grazing* would be captured by this rule, which should make administration easier than having a further threshold to be monitored for compliance, in situations that will probably vary from year to year. The overall effect sought is to narrow the definition of “winter grazing” and at the same time make all properties of greater than 10 hectares where activities which fall within the scope of the definition “capture” by Rule 5.44A.

Rule 5.42A (p5.3)

- 19 This submission which requests the inclusion of “*farming enterprise*” as well as property in relation to situations where either span more than one nutrient zone. This would make sure that the integrity of the various nutrient zones is maintained when “*farming enterprises*” which have the ability to spread their nutrient load calculations.

Rules 5.44 (1) (p.5-4), Rule5.54A (1) (p.5-9) and Rule5.57A (1) (p.5-12)

- 20 The addition proposed for these Rules is designed to address changes of the pattern of ownership occurring after the dates set in the various rules, which do not otherwise seem to be addressed in the Plan. This specifies that registration with the Farm Portal should occur within 6 months of any change of ownership or management which results in the creation of a new qualifying property, after the various dates specified in the Plan.