

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of the hearing of submissions on Proposed
Plan Change 5 (Nutrient Management and
Waitaki Sub-region) to the Canterbury Land
and Water Regional Plan

BY **JULIET, RICHARD, BARRY AND HEATHER
GRAY**

AND **WAITAKI IRRIGATORS COLLECTIVE
LIMITED**

Submitters

TO **CANTERBURY REGIONAL COUNCIL**

Local authority

**STATEMENT OF EVIDENCE OF JULIET GRAY AND RICHARD JOHN GRAY ON BEHALF
OF THE GRAY FAMILY AND THE WAITAKI IRRIGATORS COLLECTIVE LIMITED**

Dated: 22 JULY 2016

Prudence Steven QC
Canterbury Chambers
PO Box 9344
Christchurch 8149

Telephone: (03) 343 9834
Email: pru@prusteven.co.nz

INTRODUCTION

1. Our names are Juliet and Richard Gray. We are sheep, beef, and deer farmers living in the Hakataramea Valley. Our family is very active in the local community, and we are also members of the Waitaki Independent Irrigators Incorporated Society ("WIII").

SCOPE OF EVIDENCE

2. This evidence will provide some information about our farming operation and the implications that Proposed Plan Change 5 will have for it.

OUR FARMING OPERATION

3. Our family farms 3,993 hectares in the Hakataramea Valley. Our farm is partially irrigated (on 380 hectares) by way of three consents to take and use water from three tributaries of the Hakataramea River. The balance of the farm (3,613 hectares) is dryland.
4. Under the operative Land and Water Regional Plan, our farm is located within the 'Orange' Hakataramea Nutrient Allocation Zone. Although we are not currently required to have a Farm Environment Plan (FEP), we have used the OVERSEER programme to determine how we are affected by the current Land and Water Regional Plan rules and the proposed rules under Plan Change 5.
5. Under the Proposed Plan, the majority of my farm is in the 'Hakataramea Flat Zone' with a small percentage in the 'Hakataramea River Zone.'

PLAN CHANGE 5

6. We have been an active participant in the Hakataramea catchment group since it was established by Environment Canterbury. The community came together many times to discuss our shared values and the outcomes we sought for the catchment. It was our expectation that this process would lead to collaboration from all interested parties and the development of a workable sub-regional plan which delivered a framework that could be easily understood and implemented on farm.
7. The Plan as drafted is extremely complex and difficult to interpret without obtaining expert advice. It now requires me to have a consent to farm, a farm environment plan and annual OVERSEER, with different rules for different parts of my farm. I am restricted by the "Baseline period", with no room to increase nitrogen leaching above what happened within the 2009-2013 timeframe.

8. In the proposed plan our region went from being an Orange Zone to a Red Zone without any real explanation as to why. While we have been provided with some reasons from ECan as to why the Hakataramea Valley was changed, we don't fully understand these reasons. We also find it hard to understand where the 4% headroom that we understood was to be made available has been distributed. We also feel unhappy with our Valley being labelled as a red zone due to the stigma surrounding this zoning. Being labelled as a Red Zone could affect the value of our land and also the image of our Valley as a recreational playground for many.
9. Under the proposed Plan changes, the trigger for moving from being a permitted activity to a controlled activity is based on the number of hectares irrigated or under winter grazing, regardless of total property size. Because of the large area of land we own, our environmental footprint is less than that of a smaller, highly intensive farm. For us, the 20 hectares of winter grazing equates to 0.5% of our property, and 50 hectares of irrigation equates to only 1.3%.
10. We feel that if there is to be such a trigger, it should be based on a percentage of land owned, rather than the proposed area sizes, which seem somewhat arbitrary. This change would ensure that Environment Canterbury would be able to better gauge the levels of irrigation and winter grazing occurring, rather than potential subdivisions occurring to enable multiple, small winter grazing blocks.
11. Good management practices (GMP) should incorporate a range of practices with a focus on outcomes, not just determined according to modelled nitrogen leaching rates. This Plan, however, equates good management practices with modelled output numbers only. Good practices that are appropriate for our catchment should encompass a broader range of outcomes and be defined within the Plan.
12. Use of the Portal to enter information scares us as it seems like a black hole with a modelled computer programme telling us what limit we have to farm to. There is an unknown factor around how accurate it is at adjusting Baseline nitrogen leaching figures for GMP and this is very important, as we will have to make changes on farm in order to comply with it.
13. We are happy with the use of FEPs to deliver GMPs on farm. We see this as being a more real and practical way of assessing our environmental risk and gives us feedback on those things we can improve. We would much rather have someone come out on our farm and talk to us about our environmental performance rather than be given a modelled limit to farm to.
14. We have had our baseline OVERSEER done and know that we can't increase above 12kgN/ha/yr (calculated in OVERSEER 6.2.2) and will have to get a new limit

from the portal once the GMP nitrogen leaching figure is applied in 2020 - who knows what number this will be.

15. We purchased our farm in 2008 as a family, with a long-term view for development. We were only figuring out our farm during the Baseline period and after a large capital investment in the land we were not focused on any other development. We thought that we would be able to develop our farm sustainably over time, improving irrigation and stocking rate as things improved. We did not think that we would be farming to a number with no room to move.
16. In order to gain a resource consent to continue farming we will have to spend a lot of money. Money on consultants to write the application, resource consent fees, OVERSEER modelling more costly than what we have already undertaken, and the development of an FEP. We also then have ongoing compliance monitoring costs and costs of an annual farm audit. This is all money that would be better spent on fences to protect our waterways or more efficient irrigation systems, money that we could spend on implementing more GMPs.
17. There is also no guaranteed timeframe around the consent duration and therefore no certainty for us, and potentially our children as the next generation coming through. There is also no indication as to what would happen if water outcomes are not met. Who will be expected to cut back and how? If we are expected to cut down to a percentage of GMP, then GMP of current farming practice is fair but baseline GMP is not - as the high emitters will have more flexibility than the lower emitters.

CONCLUSION

18. In conclusion we feel that the rule framework proposed in the plan is too strict with no room for sustainable development in those areas that can handle it. We feel that our community wishes are not reflected in the Plan and that we have been blindsided after coming away from the meetings with a positive attitude about the process.
19. Getting a resource consent to farm is a large cost that would be better spent on improving our environmental performance and a greater focus is needed on implementing the relevant GMPs for our district through FEPs with an on-farm focus.
20. We are aware that the Waitaki Irrigators Collective, as part of their submission, has proffered an alternate rule framework that is simple, workable and enforceable, and

does not result in obscene numbers of additional consents being required. We wholly support their submission and the outcomes sought

Juliet and Richard Gray

Date: 22 July 2016