

June 2016

## Selwyn Te Waihora Plan Change

### What is the Selwyn Te Waihora Plan Change (Plan Change 1)?

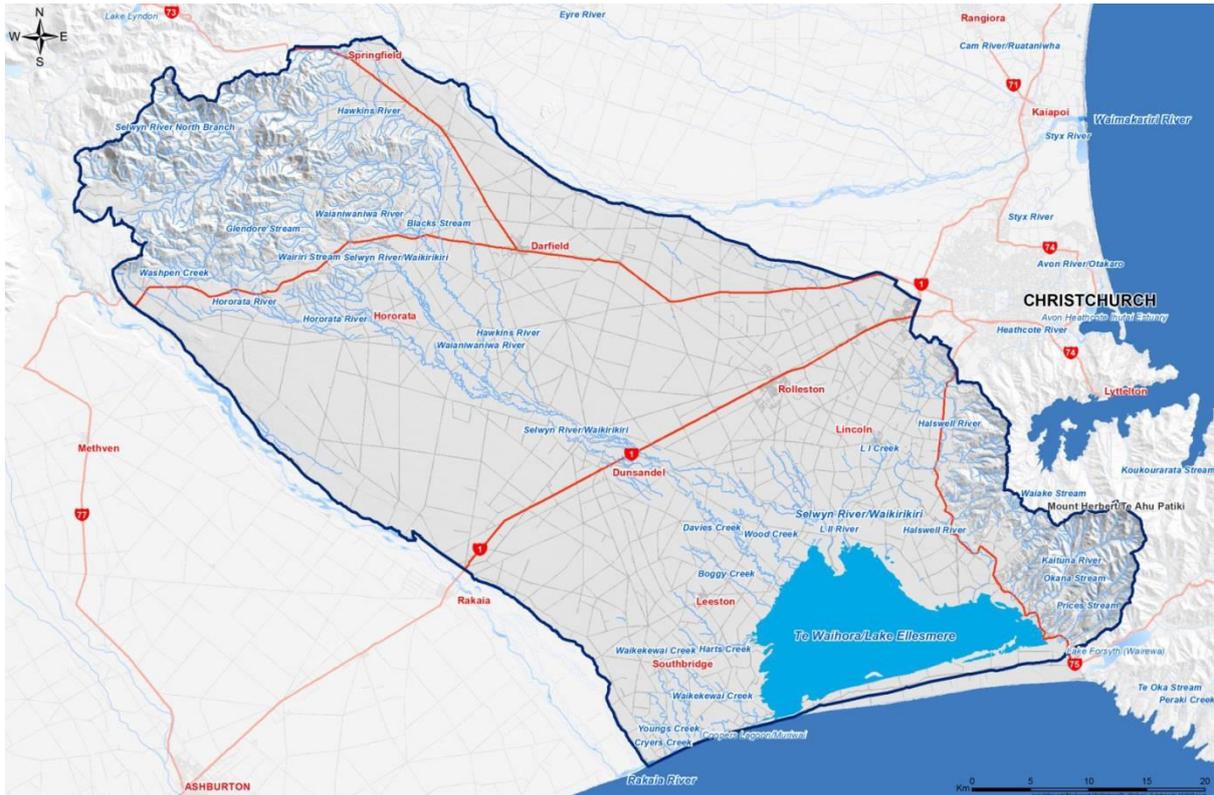
Plan Change 1 is the first change made to the Canterbury Land & Water Regional Plan related to a specific area (the Te Waihora/Lake Ellesmere catchment). It contains specific policies, rules and limits. This Plan Change also includes some changes to the provisions for the Christchurch - West Melton zone and some minor changes to the regional rules.

### What area is covered by the Selwyn Te Waihora Plan Change?

The Selwyn Te Waihora Plan Change does not apply to the entire Selwyn zone. It covers the catchment that feeds into Te Waihora / Lake Ellesmere.

This includes the foothills of the Waikirikiri / Selwyn River, its tributaries and the plains between the Waimakariri and Rakaia rivers.

The Selwyn Te Waihora Plan Change also covers a number of Banks Peninsula lowland streams and waterways that feed into Te Waihora / Lake Ellesmere and the Kiatorete Spit, and part of the Halswell River / Huritini catchment that extends into Christchurch - West Melton. See the map on the next page.



**How does the Selwyn Te Waihora Plan change fit within the Land & Water Regional Plan (LWRP)?  
Do I need to meet both sets of rules or does the Plan Change take precedence?**

Now that the Selwyn Te Waihora Plan Change is operative, these rules either override the region-wide LWRP rules or conditions are added to the LWRP rules. The Selwyn Te Waihora rules are now included in the LWRP (see Section 11).

The index in Section 11 outlines how the Selwyn Te Waihora catchment rules work with the region-wide rules in the LWRP and which rule(s) should be considered.

**When will I need a Farm Environment Plan (FEP)?**

Farm Environment Plans are required from 1 January 2017 if the farm is larger than 10 hectares **and**:

- The farm’s nitrogen loss over the most recent four years is higher than 15 kilograms per hectare per year; **or**
- The farm is in the Cultural Landscape/Values Management Area; **or**
- The farm is in the Phosphorus Sediment Risk Area.

## **When will I need a consent to farm?**

A consent to farm is required from 1 January 2017 if the farm is larger than 10 ha **and**:

- The farm's nitrogen loss over the most recent four years is higher than 15kg/ha/yr; **or**
- The farm is in the Cultural Landscape/Values Management Area; **or**
- The farm is in the Phosphorus Sediment Risk Area.

If your farming activity will continue with the same (or similar) character, intensity and scale as it did before January 2017, you have until 1 June 2017 to apply for your consent.

## **What is the Cultural Landscape/Values Management Area (CLVMA), where is it and what will it mean for me?**

The CLVMA recognises the significance of Te Waihora/Lake Ellesmere to Ngāi Tahu. It consists of a Lake Area and a River Zone. The Lake Area encompasses Te Waihora / Lake Ellesmere and its margins; the River Zone encompasses 20 metres each side of the specified rivers listed in the CLVMA information sheet.

If your farm is within the CLVMA, you will need to take specific account of the risks to cultural values on your property, address these risks in your Farm Environment Plan and work out how you will manage them.

These values are outlined in Policy 11.4.4 and are designed to protect mahinga kai, wāhi tapu, wāhi taonga, lake health and ecology.

The Farm Environment Plan will then need to be submitted as part of a consent application.

The CLVMA may not necessarily limit the way you use your land more than anyone else, but you will be required to manage the risks from farming within these sensitive areas. If you are within the CLVMA, your nitrogen losses are managed the same as farming activities elsewhere in the catchment. There is flexibility to increase up to 15kgN/ha/yr if your losses are less than 15kg/ha/yr, or if your losses are greater than 15kgN/ha/yr you will be subject to further reductions from 2022.

Other activities carried out within the CLVMA may also have additional requirements. Please refer to the CLVMA information sheet for more information. To obtain a copy of the relevant rule, please contact Customer Services.

**How does the Cultural Landscape / Values Management Area (CLVMA) apply to rivers in respect of the stock exclusion rules?**

The CLVMA applies 20 metres from the banks of the specified rivers. However, stock only need to be excluded from the bed itself, not 20 metres either side of the river.

**Why is the Waikekewai not excluded from the river zone (even through it is ephemeral)?**

This is because this river has a high cultural significance to Taumutu.

**What is a Phosphorous and Sediment Risk Area (PSRA), where is it and what will it mean for me?**

The Phosphorus and Sediment Risk Area is an area that has been identified at risk to phosphorus and sediment loss in the Selwyn Te Waihora catchment. It includes soils located in the foothills at the top of the Selwyn Te Waihora catchment and areas of artificially-drained soils near Lake Ellesmere/Te Waihora. The area was introduced into the Land & Water Regional Plan during the Selwyn Te Waihora sub-regional water quality limiting setting process.

Farming activities on properties greater than 10 hectares within the Phosphorus and Sediment Risk Area require a resource consent from Environment Canterbury from 1 January 2017. If your farm is within the Phosphorus Sediment Risk Area you will need to address the risk of phosphorus and sediment losses to water through a Farm Environment Plan, including the way they will be managed.

You will then need to submit the Farm Environment Plan as part of a consent application.

**How was the Phosphorus and Sediment Risk Area created?**

The areas of greatest risk of sediment and phosphorus loss are those where surface run-off or rapid sub-surface runoff (as through tile drains) occurs. The PSRA is based on a combination of slope and soil characteristics (particularly soil drainage) and was created using information from a report, "Mapping of vulnerability of nitrate and phosphorus leaching, microbial bypass flow, and soil runoff potential for two areas of Canterbury" (Report No R10/125).

**Why are the upper parts of the catchment included but not the Halswell catchment?**

Detailed soil information (S-Map) is not available for the hill catchments of Halswell River and so this area was not included in the PSRA.

**Are sewerage schemes and industrial or trade processes required to manage phosphorous if they are in the PSRA?**

The PSRA is relevant for farming activities, sewerage schemes and industrial or trade process. Farming activities in the PSRA will need to manage phosphorus and sediment risk through their Farm Environment Plans and are expected to implement Good Management Practice. Similarly, sewerage schemes will need to make sure they use the best practicable option for treatment and discharge.

**If my property is located in the CLVMA or PSRA and my nitrogen loss is less than 15kg/ha/yr, do I need a nitrogen baseline?**

No. However, you will need to use OVERSEER® or an alternative model approved by Environment Canterbury to calculate your nitrogen loss in order to show your losses are less than 15kg/ha/yr.

**I have made a good effort in the past to reduce the amount of nitrogen loss on my property. Now the new rules have come in and I am being penalised as they must be kept at a lower level. Why is this?**

From 2017 all farms are required to reduce their nitrogen losses to Good Management Practice levels, with further reductions from 2022. Farmers who have already made good efforts to reduce their nitrogen losses will find they don't have as far to reduce their losses as others.

**What is Maximum Feasible Mitigation?**

The largest reduction in nutrient losses a farm system can achieve without changing land use given the current technology it is using, as defined in the Technical Overview Report (R14/15, page 14).

**How was the 15kg/ha/yr number determined?**

The 15kgN/ha/yr number was recommended to the Selwyn Waihora Zone Committee during the limit-setting process by a working group of Environment Canterbury, industry and Te Rūnanga o Ngāi Tahu staff. It was considered that it would provide flexibility for low-leaching land uses, while also ensuring that the additional reductions that would need to be made by properties with higher losses could be achieved.

**Will the Farm Portal take over from Good Management Practices in Selwyn Waihora?**

No. In this zone you will need to measure yourself against your nitrogen baseline and make sure you are implementing Good Management Practices as outlined in the Industry agreed good management practices relating to water quality.

**If everyone reduces to a 15kgN/ha/yr loss rates, what will this look like?**

The Selwyn Te Waihora Plan Change does not require everyone to reduce to 15kgN/ha/yr. Analysis has therefore not been carried out to see what this would look like. 15kgN/ha/yr is a flexibility cap for low leachers to increase to, so they can change their land use if required.

***Central Plains Water***

**As a Central Plains Water shareholder, will I need a consent to farm myself or will CPW cover it?**

If you have a property supplied with water from CPW, you won't need to obtain a land use consent as you will be managed under CPW's discharge consent. You may also wish to include other blocks you own that are not supplied with CPW water. If you include these blocks within the Farm Environment Plan for your irrigated property, these blocks will also be managed under CPW's discharge consent.

**If I obtain my water through CPW and my property is located in the Phosphorus Sediment Risk Area, can I increase to 15 kg?**

CPW has its own allowance for properties switching from dryland to irrigated land, so this load overrides the 15 kg limit. You will however need to address the risk of phosphorus and sediment losses to water through a Farm Environment Plan, including the way they will be managed.

**Why can't those in CPW transfer their groundwater consents?**

A key outcome sought for the catchment is improved flows in the Selwyn River/Waikirikiri and lowland streams. This requires a reduction in the amount of groundwater abstracted at the top of the catchment. The addition of alpine water to the catchment through CPW will help achieve this outcome by replacing current groundwater takes with CPW water. Allowing the transfers of groundwater consents for CPW shareholders was considered a risk to achieving an overall reduction in groundwater abstraction, so CPW shareholders are prohibited from transferring their groundwater consents.

**Why does CPW have a higher leaching allowance?**

CPW plays an important role in the catchment in achieving improved flows and economic prosperity outcomes. CPW's proposed development was authorised before the catchment limit-setting process. Land within CPW that was not irrigated (other than by effluent) before 1 January 2015 has therefore been allocated a nitrogen load so it can be converted from dryland to an irrigated land use. This load was capped so improved water quality outcomes sought for Te Waihora / Lake Ellesmere could be achieved. Properties converted from dryland and those that were irrigated before 1 January 2015 are required to make the same percentage reductions as those outside CPW from 2022.

## **2022 requirements**

### **What are the 2022 reductions?**

If the nitrogen loss for a property is more than 15kgN/ha/yr, further reductions are required by 2022. These reductions are sector specific, with dairy farmers being required to reduce by 30%, dairy support by 22%, pigs by 20%, irrigated sheep, beef or deer by 5%, dryland sheep and beef by 2%, arable by 7%, fruit, viticulture or vegetables by 8% and all other sectors 0%. Properties do not need to reduce if their nitrogen loss is below 15kgN/ha/yr.

### **How were the reduction rates for 2022 decided and what were they based on?**

The reduction rates were set (in 2011) to give an equal 8% impact on average farm operating profit across all sectors. This was based on analysis by DairyNZ of the impact of different nitrogen mitigations on farm financial surplus for seven representative dairy farming systems in Selwyn Te Waihora, and analysis by Environment Canterbury for the other sectors.

### **How can farms reduce to the 2022 rates and stay financially viable?**

The analysis (in 2011) indicated that on average the further reductions are likely to only have a small impact (8%) on farm profit. For some properties, however, the cost of reducing nitrogen losses may be higher and if the further reductions cannot be achieved an extension of time may be granted. Extensions of time to achieve the further reductions will be considered on a case-by-case basis as part of the consenting process.

### **How do the 2022 reductions work for CPW shareholders?**

CPW shareholders also need to make further reductions - the same sector-specific reductions as all other farms with losses more than 15kgN/ha/yr. This requirement is a condition of CPW's nutrient discharge consent. For CPW farms that were already irrigated, the reductions are from the nitrogen baseline. For CPW farms that were dryland, the reductions are from the nitrogen losses for the irrigated land use.

### **Will permitted activity land uses (sheep and beef leaching less than 15kg N/ha/year) be expected to make sector reductions from 2022, or is it only those that are leaching above 15kg/ha/yr?**

Only those leaching above 15kg/ha/yr will be expected to make sector reductions by 2022. Even though sector reductions may not be required, sheep and beef operations at less than 15kg/ha/yr may not be permitted and will require a resource consent if they are within the Phosphorus and Sediment Risk Area or Cultural Landscape Values Management Area.

## **Scenarios**

**Can I transfer my water to another property within the same groundwater allocation zone?**

Yes you can. However, you will be required to surrender 50% of your allocated take.

**I am currently a low leaching land user growing blackcurrants. My nitrogen (N) loss over the most recent four years is 6kg/ha/yr. I am looking to change my land use to dairy support. It is estimated this will take my N loss up to 13kg/ha/yr. Can I do this without a consent?**

The Selwyn Waihora Plan Change allows some flexibility for low leaching land uses to increase N loss and therefore in this example it allows a change in land use. You may go up to 15kg/ha/yr as a permitted activity provided you are implementing and recording Good Management Practices from the outset for the new land use.

**I own a sheep and beef farm and my nitrogen (N) loss number is 16kg/ha/yr. I have been approached to winter graze 200 dairy heifers next winter from outside the zone. Can I do this?**

Yes, provided your N loss does not increase above your nitrogen baseline. You will need to use the latest version of OVERSEER® to run the scenario in order to work out the changes in your nitrogen loss between your nitrogen baseline and the proposed system. If your N loss is greater than the maximum annual loss of any single 1 July to 30 June over the 1 July 2009 and 30 June 2013 baseline period, the increase is prohibited.

You can look to make changes (such as different fertiliser application rates, change the timing of fertiliser applied, more efficient irrigation cultivation technique, wetlands etc.) to your farm system to accommodate the new heifers but remain within your nitrogen baseline.

**I am a dairy farmer leaching 40kg N/ha/yr. I am told I will have to start making 30% reductions by 2022. Is this a reduction off my 40 kg N baseline or a reduction off my Good Management Practice (GMP) number?**

It is a reduction from your baseline farming operation at the level of Good Management Practice. This may be the same as your baseline number. It is not a reduction from the GMP number sourced from the Farm Portal as the Portal does not apply in the Selwyn Waihora zone.

**My farm straddles the boundary of the Selwyn Waihora Plan Change area and another area. What nutrient rules do I need to comply with?**

You will need to comply with the relevant rules in both areas. The part of the property that is within the Selwyn Waihora Plan Change area will be subject to those rules and the part of the property outside this area will be subject to the relevant rules for that area. However, you can complete one Farm Environment Plan (FEP) for the entire property. This FEP would highlight the specific requirements for each area.

**I am in the lake zone and in the Phosphorus and Sediment Risk Area and my N loss is greater than 15kg/N/ha/yr. Will I be required to apply for three different consents?**

No. You will need only one consent. However, your FEP would need to cover each of these aspects.

### ***Consenting***

**When should I apply for my land use consent?**

You need a consent from 1 January 2017. If your farming activity has not changed in character, intensity and scale, you have 6 months from that date to apply for a consent. This means you have until 1 July 2017 to make your application. If you are ready to apply earlier, however, we will accept applications before 1 January 2017.

**What happens when my water take consent expires? Will it be automatically renewed and why does it have a restricted discretionary status rather than a controlled one?**

You will need to apply to Environment Canterbury for a new consent to take water; it will not be renewed automatically. The restricted discretionary status means we can only consider the matters of discretion specified in the relevant rule when it comes to deciding whether or not to grant an application and what conditions to put on the consent. It is not controlled because there may be cases where a take is causing significant adverse effects and it may not be appropriate to grant a consent.

**I have a discharge consent (with loss concentrations) that will not expire for another 5 years. Will I still need to get a consent in 2017?**

Yes, if you are carrying out a farming activity. This is because there are new rules that relate to land use, not just discharges.