

# Advice Note - July 2015

Dryland farming and triggering the land use change rules in the Hurunui and Waiau River Regional Plan (HWRRP)

## Summary

1. The land use change provisions in the Hurunui and Waiau River Regional Plan (HWRRP), colloquially referred to as the “10% rule”, have unintended consequences for normal dryland farming practices. For example, changes in the ratio of sheep to beef or changes in the area of fodder crops to address feed deficits can fall outside what is permitted and trigger a requirement for resource consent.
2. Dryland farmers typically have low nutrient losses (5-10 kg N/ha/yr) and it is accepted their contribution to the nutrient load, as measured at SH1 in the Hurunui River, is insignificant when compared to the contribution from farms which undertake high emitting practices (30-100 kg N/ha/yr).
3. This Advice Note states Environment Canterbury’s approach to compliance with the “10% rule” in relation to dryland farming: Normal dryland farming is not considered a “change in land use” as defined in the HWRRP as it contributes such a minor amount to the catchment load.
4. To remain operating without resource consent beyond 1 January 2017, all farmers covered by the HWRRP will be required to join a Nutrient Management Collective [\[1\]](#) (as per Rule 10.1) or obtain consents for their existing operation as an alternative to joining a Collective (as per Rule 11.1). Environment Canterbury encourages all dryland farmers to join a Collective, do a Farm Environment Plan (including preparing a nutrient budget) and implement actions to improve management of nitrogen, phosphorus and microbial losses.
5. The on-farm nutrient management regulatory framework is expected to change following the sub-regional process for the Hurunui Waiau zone scheduled to start in 2018.

## Background

As at June 2014 the nutrient load limits have been breached for P and were very close to being breached for N for the Hurunui River at State Highway 1, requiring all farmers in the Hurunui catchment who change their land use (as defined in the HWRRP [\[2\]](#)) to obtain a resource consent. The status of that activity is non-complying, meaning any consent will be difficult to obtain unless it can be demonstrated that the adverse effects of the activity are “no more than minor” or accord with the policies and objectives of the plan.

Dryland farms are typically very low emitters of nutrients (5-10 kg N/ha/yr) and are unable to grow feed reliably as they do not irrigate. This also means they require the ability to respond to changes in market or climatic conditions quickly by growing more feed when they can within a dryland context. Without this flexibility, farming without irrigation will become significantly less sustainable in an economic and social sense, for little environmental gain. We are currently in the early years of implementing the HWRRP and it is important for Environment Canterbury to actively prioritise resources into areas where nutrient losses have the greatest potential for reduction. This implementation approach will be complemented by a complaint response capability to ensure information provided by the local community is taken into consideration within the prioritisation process.

The purpose of this document is to outline Environment Canterbury’s approach to implementing the nutrient rules in the HWRRP and the definition of “a change in land use”, so as to make it clear that continued *bona fide* dryland farming will be provided for across the Hurunui - Waiau and Jed catchments until a plan review can take place to rectify the identified problems with the plan.

## **Approach to compliance with the change in land use rules in the HWRRP**

Audited self-management (ASM) underpins the approach to managing the effects of nutrient discharges in the HWRRP through the development of Nutrient Management Collectives. These Collectives will develop environmental management strategies and deliver audited farm environment plans to reduce losses of nitrogen, phosphorus and microbial contaminants. Environment Canterbury officers are focussing on encouraging the development of Nutrient Management Collectives as this is where we see the long-term gains being made. This aligns with our strategy across the region to promote the use of ASM incorporating farm environment plans.

To achieve the best outcomes for the environment it is not efficient or effective to allocate resources to scrutinising low emitting dryland farmers who are not making significant changes, at the expense of supporting Collectives, ASM, and farm environment plans. With this in mind, we have no intention of checking individual dryland farms for compliance against the change in land use rules unless we observe wholesale changes or practices which we suspect will significantly increase nutrient discharges.

The kinds of practices that we consider may trigger a wholesale increase in nutrient discharges and will therefore be considered a “change in land use” include:

- Increasing irrigation
- Converting to dairying
- Increasing the number of adult cattle wintered on a property with or without irrigation (noting that the scale of the increase will determine if this is a “change in land use” and farmers should seek advice from Environment Canterbury)
- Undertaking a feedlot or feedlot support operation
- Conversion to arable cropping with or without irrigation.

It is highly likely that if a dryland farmer changes their operation and starts carrying out one or more of the above practices on their property, they will no longer be considered a permitted activity and will trigger the requirement for resource consent. Whether these criteria are met or not, we encourage any farmer intending to change their land use in a way which may result in a significant increase in the discharge of contaminants to the environment to approach us to seek advice and talk about their options.

It is important to note that the impact of this compliance approach on the nitrogen load for the Hurunui River at State Highway 1 has been modelled [\[3\]](#) and it has been demonstrated that even with a “high dryland development scenario”, the increase in nitrogen load is likely to be balanced by the expected reduction in nitrogen load resulting from improvements to meet the requirements of Policy 8.1 (c) of the HWRRP, which requires a minimum of 80% application efficiency for irrigation.

In summary, it is our expectation that all farmers will commit to the HWRRP, particularly the ASM requirements, and fulfil the obligations to either operate as permitted activities or get consents. However, with respect to those farmers who are operating within low emitting dryland farming systems, our approach to implementing the plan will be based around the following principles:

- Undertaking *bona fide* dryland farming practices in the Hurunui district will not constitute a “change in land use”
- Environment Canterbury prefers to focus support on Nutrient Management Collectives as referred to in Rules 10.1(a) and 10.2(a) which will involve farmers preparing and implementing a farm environment plan that addresses their nutrient losses, including an annual nutrient budget
- The regulatory framework designed to manage on-farm nutrient management will seek to address the issue of certainty when the HWRRP plan is reviewed as part of the sub-regional planning process starting in 2018.

Environment Canterbury is committed to implementing the HWRRP in a way that focuses our attention on those matters that will deliver long-term meaningful improvements for the catchment that are in line with the Hurunui - Waiau Zone Implementation Programme and linked to the Plan objectives. In the context of managing land use change for low nutrient emitters such as dryland farming, this means focussing our attention on enabling these farmers to establish Nutrient Management Collectives and allowing them to manage their properties into the future within a framework that ensures farming to good or better management practice. We do not see it as necessary or prudent to focus our attention on relatively minor changes in land use practices.

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[1] For the purposes of the Hurunui Waiau River Regional Plan, a “Nutrient Management Collective” or “Collective” means one of an Industry Certification System, a Catchment Agreement, an Irrigation Scheme Management Plan, or a Lifestyle Block Management Plan.

[2] For the purposes of this Plan a change in land use is calculated on a per property basis, and is determined as being an increase greater than 10% in the long-term average release of nitrogen or phosphorus to land which may enter water, measured on a kg/ha basis, but calculated on the gross load per property from the date this Plan is made operative.

[3] Memorandum – “Hurunui River Nutrient Modelling: Impact of Dryland Intensification”, Peter Brown, Aqualinc, 10 March 2015