

Fixing the 10% Rule: issues and options

What is the problem?

The Hurunui Waiau Rivers Regional Plan (HWRRP) requires consent for changes in landuse that could increase nutrient losses by 10% or more. The rules “kick in” when N or P concentrations the Hurunui and Waiau rivers reach a certain level or the load limits established for the Hurunui River are exceeded. The “10% rule” has applied in the Hurunui catchment since 23 December 2013. The 10% rule has not kicked in in the Waiau catchment because nutrient concentrations in the Waiau have not exceeded the allowable levels.

Normal dryland farming practice requires flexibility to increase or decrease stock numbers and supplementary feed crop to respond to constantly changing climate and market conditions. Because nutrient losses on dryland farms are low, a small change in stock numbers or an additional crop may cause nutrient losses to increase by 10% or more. This means that many dryland farmers in the Hurunui catchment may need resource consent to continue normal dryland farming practices.

The Zone committee and the community have told us they would like to pursue a targeted change to the HWRRP to allow for normal dryland farming to continue as a permitted activity, for which resource consent is not needed.

What do we need to do?

In order to enable dryland farming as a permitted activity, we need to change the HWRRP so that it describes the activity of dryland farming in a way that people can easily identify what can be done as a permitted activity, and what changes in use require resource consent.

What are the constraints?

The National Policy Statement for Freshwater Management (NPSFM) requires that we have a plan framework in place that sets limits on land and water use so that water quality in our rivers is maintained or improved. If we are to be successful in making normal dryland farming a permitted activity, we have to demonstrate how water quality will be maintained.

What are the options?

In describing the activity of dryland farming, there are a range of options for being more or less enabling of practices that increase nutrient loss, such as irrigation and winter feed cropping. Because water quality must be maintained, any increase in total nutrient loads will need to be offset by reductions in nutrient loss from other sectors.

Options

Option 1 – the “advice note” approach

In mid 2015 an advice note was issued by the Canterbury Regional Council. The purpose of the advice note was to assure dryland farmers that the Regional Council did not consider “normal dryland farming” to be a change in land use that would require resource consent.

The advice note contained a description of what changing from “normal dryland farming”, to a more intensive system, would look like. Incorporating this description into the HWRRP will enable farmers to continue existing farming practices.

It would look something like this:

A change in land use from normal dryland farming includes the following:

1. Increasing irrigation
2. Converting to dairying
3. 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)
4. Undertaking a feedlot or feedlot support operation
5. Conversion to arable cropping with or without irrigation.

Option 2: Defined limits on winter grazing

This option provides for some additional wintering of cattle, with a defined area. The limit can be set proportionally to the size of the property or by a total area of winter crop.

It is possible that the additional nutrient loss this option will need to be offset. It is likely that there is some currently allocated nutrient that is not being used and could be re-allocated to enable some intensification of dryland. Amuri Irrigation (AIC) have indicated to the nutrient working group that around 50t of nitrogen allocated within the AIC command area may not be needed for irrigated farming losses.

A description of dryland farming with limits on winter grazing would look something like this:

A change in land use (requiring resource consent) for non-irrigated farms means:

- a. Development of irrigated land
- b. Conversion to a dairy or arable cropping system
- c. Development a feedlot/feedlot support operation
- d. An increase, from 20 December 2013, in the area of the property used for winter grazing of brassica or root vegetable forage crops of more than:
 - i. 10 hectares, for any property less than 100 hectares in area; or
 - ii. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or
 - iii. 100 hectares, for any property greater than 1000 hectares in area.

Option 3 – No limits on winter grazing and no irrigation

This option considers that “normal dryland farming” is any farming that is not irrigated. The potential for winter grazing activity is greater and it is likely the offset of nutrient loss required to maintain water quality will be greater than where there is a defined allowable winter grazing area.

A description of dryland farming with no limits on winter grazing would look something like this:

A change in land use (requiring resource consent) for non-irrigated farms means any development of irrigated land.

Option 4

This option provides for a limited area of irrigation development as a permitted activity. This option will likely require significant offsetting or re-allocation of nutrient losses. This option will very likely require significant mitigation of nutrient losses on existing irrigated farms (beyond what can be achieved with all farms operating at “good management practice”).

A description of dryland farming with no limits on winter grazing would look something like this:

A change in land use (requiring resource consent) for non-irrigated farms means:

- a. Development of more than 50ha of irrigated land
- b. Conversion to a dairy or arable cropping system
- c. Development a feedlot/feedlot support operation
- d. An increase, from 20 December 2013, in the area of the property used for winter grazing of brassica or root vegetable forage crops of more than:
 - iv. 10 hectares, for any property less than 100 hectares in area; or
 - v. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or
 - vi. 100 hectares, for any property greater than 1000 hectares in area.

Stakeholder engagement

We would like stakeholders to consider, and provide their feedback on each of the options described above. In particular stakeholders should consider the impact of any nutrient reallocation that will need to occur to achieve your preferred option.