

# Proposed Plan Change 1 to the Hurunui and Waiau River Regional Plan: Dryland farming

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## Note to the reader

Proposed Plan Change 1 to the Hurunui Waiau Rivers Regional Plan (HWRRP) is a plan change of limited scope. The proposed plan change is shown in this document that replicates the relevant provisions of the HWRRP and shows changes to those provisions. Where new text has been added, it is shown in underlined text. Where text has been deleted it is shown in ~~striktthrough~~ text. Text that is neither struck through or underlined is not within the scope of this plan change. This document is a draft for the purposes of consultation pursuant to Schedule 1, Clause 3 of the Resource Management Act 1991.

## 3.3 Cumulative Effects of Land Use on Water Quality

### Permitted Activities

**Rule 10.1** Except for the use of land for Low Intensity Dryland Farming, Any existing land use as at the date the Plan is made operative that results in a discharge of nitrogen or phosphorus which may enter water, in the Nutrient Management Area shown on Map 4, is a permitted activity provided that:

- (a) on or before 1 January 2017 the land is subject to:
  - (i) an Industry Certification System; or
  - (ii) a Catchment Agreement; or
  - (iii) an Irrigation Scheme Management Plan; or
  - (iv) a Lifestyle Block Management Plan.

And

- (b) a record of the annual average amount of nitrate-nitrogen and phosphorus loss from the land, for the period from 1 July 2012 to 30 June 2016, calculated using the Overseer nutrient budget model (or an alternative nutrient budget model approved by the Canterbury Regional Council) shall be submitted to the Council by 1 October 2016. For production land use activities where Overseer cannot adequately model nutrient losses, an alternate method such as nutrient loading rates (e.g. kgN/ha/year deposited on the land) for the period from 1 July 2012 to 30 June 2016 shall be submitted to the Council by 1 October 2016;
- (c) any nitrate-nitrogen leached from the land shall not cause or contribute to any measured<sup>1</sup> exceedence of the Policy 5.3 and Policy 5.3A limits for the 95<sup>th</sup> percentile concentration of nitrate-nitrogen in the mainstem or tributaries of the Hurunui and Waiau Rivers; and

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<sup>1</sup> As indicated by monitoring undertaken by the Canterbury Regional Council.

- (d) contaminants leached from the land shall not cause or contribute to any measured<sup>2</sup> breach of the Resource Management (National Environmental Standards for Human Drinking Water) Regulations 2007 or the guideline values or maximum acceptable values for determinands in the Drinking Water Standards of New Zealand 2008 for any registered drinking water supply takes.

*Note: Canterbury Regional Council is satisfied that this permitted activity rule will not cause or contribute to a breach for any registered drinking water supplies, but condition (d) is included here for completeness.*

*Note: For the avoidance of doubt, in respect of tributaries, Rule 10.1(c) only applies to tributaries at their confluence with the mainstem of the Hurunui or Waiiau River.*

**Rule 10.1A** The use of land for Low Intensity Dryland Farming that results in a discharge of nitrogen or phosphorus, which may enter water, in the Nutrient Management Area shown on Map 4, is a permitted activity provided that:

- a) either:
- i. the property is registered in the Farm Portal by [6 month after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA] and information about the farming activity and the property is reviewed and updated by the property owner or their agent every 36 months thereafter, or whenever any boundary of the property is changed; or
  - ii. the property is subject to a Dryland Farmer Collective Agreement on or before [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA];

and

- b) a Management Plan in accordance with Schedule 6 has been prepared and is implemented by [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA] and is supplied to the Canterbury Regional Council, for viewing, on request.

**Rule 10.2** Any change in land use (refer Part 5 – Definitions), in the Nutrient Management Area shown on Map 4, is a permitted activity, provided that:

- (a) Either:
- (i) conditions (b) (c) and (d) of Rule 10.1 are met; or
  - (ii) conditions (a) and (b) of Rule 10.1A are met.

and

- (b) for changes in land use in the Hurunui catchment above SH 1, the dissolved inorganic nitrogen and dissolved reactive phosphorus load limits specified in Schedule 1 are not exceeded, taking into account limits specified in resource consents; and

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<sup>2</sup> As indicated by monitoring undertaken by the Canterbury Regional Council.

- (c) a water permit has been granted that authorises irrigation on the land and includes conditions that:
  - (i) specify the maximum annual amount of nitrate-nitrogen that may be leached;
  - (ii) specify measures to minimise the loss of phosphorus; and
  - (iii) the land is subject to:
    - (i) an Industry Certification System; or
    - (ii) a Catchment Agreement; or
    - (iii) an Irrigation Scheme Management Plan; or
    - (iv) a Lifestyle Block Management Plan

Or as an alternative to complying with (c):

- (d) on or before 1 January 2017 the land is not irrigated with water but is subject to:
  - (i) an Industry Certification System; or
  - (ii) a Catchment Agreement; or
  - (iii) an Irrigation Scheme Management Plan; or
  - (iv) a Lifestyle Block Management Plan.

### **Restricted Discretionary Activities**

**Rule 11.1** Land use activities ~~which do not comply with~~ that are not permitted by Rules 10.1 or 10.1A, or which do not comply with conditions (a), (c) or (d) of Rule 10.2 are a discretionary activity.

The Canterbury Regional Council will restrict the exercise of its discretion to the following matters:

- (i) methods required to avoid, remedy or mitigate adverse effects on water quality resulting from nutrients lost or leached from the land, including whether the activity will cause or contribute to an exceedence of the nitrate-nitrogen toxicity limits or dissolved reactive phosphorus limits in Policies 5.3 and 5.3A;
- (ii) methods required to avoid, remedy or mitigate adverse effects resulting from a breach of the Resource Management (National Environmental Standards for Human Drinking Water) Regulations 2007 or the guideline values or maximum acceptable values for determinands in the Drinking Water Standards of New Zealand 2008 for any registered drinking water supply take, having regard to Objectives 5.1 and 5.2 and Policies 5.1 to 5.4A;
- (iii) methods required to avoid, remedy or mitigate adverse effects arising from issues managed under the systems, agreements or plans specified in Schedule 2, having regard to Objectives 5.1 and 5.2 and Policies 5.1 to 5.4A; and
- (iv) consent duration, having regard to Policies 9.1 and 9.2.

## Non-Complying Activities

**Rule 11.1A** Any change in land use (refer Part 5 – Definitions), in the Nutrient Management Area shown on Map 4, that does not comply with condition (b) of Rule 10.2 is a non-complying activity.

## 5.0 Part 5 - Definitions, Schedules and Maps

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### 5.1 Definitions

#### Change of land use:

For the purposes of this Plan, a change in land use;

- a) 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;  
or
- b) where a farming activity met the definition of Low Intensity Dryland Farming at [the date the plan becomes operative in accordance with clause 20 of Schedule 1 of the RMA], any change that results in the farming activity not meeting the definition of Low Intensity Dryland Farming.

#### **Low Intensity Dryland Farming:**

means the use of land for a farming activity, where:

- a) no part of the property is irrigated; and
- b) the area of the property used for Winter Grazing is less than:
  - i. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area;  
or
  - ii. 100 hectares, for any property greater than 1000 hectares in area; and
- c) the farming activity does not include the farming of more than 25 weaned pigs or more than 6 sows, or the farming of poultry fowl at a stocking rate of more than 10 birds per hectare, up to a maximum of 1000 birds.

#### **Dryland Farmer Collective Agreement:**

A Dryland Farmer Collective Agreement is an agreement that has been approved by Canterbury Regional Council as containing the matters identified in Schedule 2A, for members to collectively record compliance with Rule 10.1A.

#### **Farm Portal:**

means the nutrient management database accessed at [www.farmportal.ecan.govt.nz](http://www.farmportal.ecan.govt.nz) . For the purpose of Rule 10.1A, Farm Portal refers to the "N. Check" component of the Farm Portal

#### **Winter Grazing:**

means the grazing of cattle within the period of 1 May to 30 September where the cattle are contained for: break-feeding of in-situ brassica and root vegetable forage crops; or for consuming supplementary feed that has been brought onto the property.

### **5.3A Schedule 2A - Matters to be addressed in any Dryland Farmer Collective Agreement in accordance with Rule 10.1A**

Rule 10.1A provides an option for any Low Intensity Dryland Farming activity, in the Nutrient Management Area shown on Map 4, to implement, on or before [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA], a Dryland Farmer Collective Agreement. This schedule sets out the requirements that a Dryland Farmer Collective Agreement must contain and address for it to be approved by the Canterbury Regional Council.

As a minimum the 'Dryland Farmer Collective Agreement' shall include:

- 1) Details relating to the governance arrangements of the Collective;
- 2) A description of each property subject to the Collective Agreement, including property boundaries and ownership details;
- 3) The method by which the total area of land used for Winter Grazing will be reported to the Collective;
- 4) A statement of the actions that will be undertaken by the individual land managers (the 'Members') who commit to the Collective, including as a minimum:
  - i. the requirement for Members to report annually, to the Collective, on individual property area and the area of each property used for Winter Grazing.
- 5) A description of the reporting process that must include the following statements:
  - i. An annual report shall be prepared by [the collective governance] which describes the Collective area, including property boundaries, ownership details and total area of land used for Winter Grazing; and
  - ii. The report shall be submitted to the Canterbury Regional Council no later than 1 December each year.

### **5.7 Schedule 6 Management Plan for Low Intensity Dryland Farming Activities**

#### **Part A – Management Plans**

A Management Plan can be either:

1. A Plan prepared in accordance with the requirements of Part B below; or
2. A Plan prepared in accordance with an industry prepared Farm Environment Plan template that has been certified by the Chief Executive of Environment Canterbury as providing at least an equivalent amount of information and practice guidance contained in Part B below.

#### **Part B – Management Plan Default Content**

The Management Plan shall contain as a minimum:

1. Property details
  - (a) Physical address
  - (b) Description of the ownership and name of a contact person
  - (c) Legal description of the land and farm identifier
2. A map(s) or aerial photograph at a scale that clearly shows:
  - (a) The boundaries of the property.
  - (b) The boundaries of the main land management units on the property.
  - (c) The location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands.
  - (d) The location of riparian vegetation and fences adjacent to water bodies.
  - (e) The location on all waterways where stock access or crossing occurs.
  - (f) The location of any areas within or adjoining the property that meet the criteria of "significant indigenous biodiversity" in the Hurunui District Plan.

3. The location of any source areas for phosphorus loss
4. A description of:
  - (a) the on-farm actions that have been undertaken in the previous 01 July to 30 June period to implement the applicable practices described in the table below; and
  - (b) the on-farm actions that will be undertaken over the next 01 July to 30 June period to implement the applicable practices described in the table below
5. A copy of the Management Plan shall be retained by the landowner and updated at least once every 12 months as necessary, and provided to the Canterbury Regional Council on request.

<u>Practice</u>	<u>On-farm actions undertaken in the previous 12 months</u>	<u>On-farm actions to be undertaken in the next 12 months</u>
<u>Effluent and fertiliser is applied at a rate that does not exceed the water holding capacity of the soil or the agronomic requirements of the crop or pasture</u>		
<u>Effluent application systems, fertiliser or organic manure systems are assessed annually and maintained and operated to apply waste or nutrients efficiently</u>		
<u>Silage pits, refuse pits and offal pits are sited, designed and managed to avoid the discharge of leachate into surface waterbodies</u>		
<u>Mahinga kai values are identified and protected where possible</u>		
<u>Fertiliser is stored a minimum of 20 metres from surface waterbodies</u>		
<u>Stock are excluded from waterbodies in accordance with regional council rules or any granted resource consent.</u>		
<u>Vegetated buffer strips of at least 5 metres in width are maintained between areas of Winter Grazing and any river, lake, drain or wetland.</u>		
<u>Vegetated riparian margins of sufficient width are maintained to minimise nutrient, sediment and microbial pathogen losses to waterbodies.</u>		

Where practicable, vegetated buffer strips are in place between critical source areas for phosphorus or sediment run-off, and waterbodies.

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