

From: [Lynda Murchison](#)
To: [Mailroom Mailbox](#)
Cc: [Steve Smith](#); dean@environmentalbarrister.co.nz
Subject: Submission Plan Change 1 to Hurunui Waiau River Regional Plan
Date: Friday, 31 May 2019 8:00:08 PM
Attachments: [PC1 Submission.pdf](#)

Please find attached a submission on the above plan change on behalf of Aotaeroa New Zealand Fine Wine Estates LP.

Lynda Weastell Murchison

PRINCIPAL

Murchison Planning

Ph 027 2238 070 or 03 3146 153

murchisonplanning@outlook.com

Address:

380 Waipara Flat Rd

RD3 Amberley 7483

**Resource Management (Form, Fees and Procedure) Regulations - Schedules
2003**

Form 5

Clause 6 of the First Schedule, Resource Management Act 1991

Submission on a publicly notified proposal for a plan being:

Plan Change 1 to the Hurunui Waiau River Regional Plan

To: Environment Canterbury
PO Box 345
Christchurch

Name of Submitter: Aotearoa New Zealand Fine Wine Estates LP

This is a submission on: Plan change No 1 to the Hurunui Waiau River Regional Plan

The submitters cannot gain an advantage in trade competition through this submission.

Introduction

Aotearoa New Zealand Fine Wine Estates LP (ANZFWE) was formed in 2017 between Mr Steve Smith, Director of Landbase Wine NZ Ltd and Mr Brian Sheth, Director of Sangreal Wines; with the intention of being an umbrella partnership for various fine wine estates in New Zealand. Mr Smith is the Managing Partner of ANZFWE. In 2017, the partnership purchased Lowburn Ferry Wines in Central Otago and Pyramid Valley Vineyards in Waikari, Hurunui. The Pyramid Valley vineyard straddles the Waikari and Waipara catchments and so falls partly within the jurisdiction of the Hurunui Waiau River Regional Plan.

1. The specific provisions our submission relates to are: All of Plan Change 1 to the Hurunui Waiau River Regional Plan and the section 32 evaluation.

2. Our submission is: we support the plan change in part. We support all the provisions in Plan Change 1 as notified, except for the amendments we request to the following provisions:

Policy 5C; Rule 10.1; Rule 10.1A; Definitions of 'Change of Land Use,' Dryland Farmer Collective Agreement' and 'Low Intensity Dryland Farming;' and Schedule 6, Part A.

3. Our reasons are:

- 3.1 Throughout the Canterbury land and freshwater planning process, Environment Canterbury has recognised that requiring resource consents for low nitrate-nitrogen (N) loss farming activities is not necessary to give effect to the National Policy Statement for Freshwater 2014 (NPSF 2014), and that providing for such activities as permitted activities achieves the purpose of the Resource Management Act 1991 (RMA), satisfies section 32 of the RMA, and gives effect to the Canterbury Regional Policy Statement (CRPS).
- 3.2 Consequently, there are provisions within the region-wide rules in the Canterbury Regional Land and Water Plan as well as catchment-specific rules, eg in Selwyn and Hinds, that provide for farming activities with relatively low N losses as permitted activities, with some flexibility to develop and change land uses.
- 3.3 We understand that Plan Change 1 to the Hurunui Waiau River Regional Plan recognises the same scenario as it applies to dryland farming within these catchments and seeks to offer similar relief. We support that proposal. However we also argue that the same issue applies to irrigated land uses with low N losses and seek consistency in the management of land uses with similar effects within the Hurunui Waiau River Regional Plan; and with how Environment Canterbury manages irrigated land uses with low N losses in other catchments.
- 3.4 We are in the farcical situation where we can plant grapes and add another 10ha of irrigation water as a permitted activity on that part of Pyramid Valley Vineyards that is in the Waipara catchment, yet on the balance of our property in planting additional vines we are required to not exceed our current N baseline by 10% - which given the very small N baseline to start with is very difficult to achieve. However if the property we had purchased had been in dairy or another activity with a higher N loss baseline, eg 50kg/ha/yr, we could have increased our N losses by another 5kg/ha/yr without being considered a change of land use under this plan.
- 3.5 It is well established in science and we argue now well accepted by Environment Canterbury, that the predominant source of high N losses in farming activities comes from more intensive cattle grazing, particularly on lighter, free-draining soils. While that land use is enabled by irrigation in Canterbury, it does not follow that all irrigated land uses have high N losses. However the Hurunui Waiau River Regional Plan seems to work from an assumption that they do.
- 3.6 This planning scenario fails to achieve the purpose of the RMA and is not necessary to give effect to the NPSF 2014. The issue is particularly pertinent in the Hurunui District which is drought prone but with its soils and sunshine has substantial growth potential for viticulture,

berries, olives and other fruits, herbs, specialist seeds and crops that have low N losses, as well as irrigation to support indigenous planting.

- 3.7 In our view the regulations appear 'back to front.' If the Council wants to encourage farming activities to have lower N loss footprints, it makes more sense to make those activities with lower N losses permitted activities and to regulate the higher loss activities. On the Waipara side of our property that is what the planning framework does.
- 3.8 To that end we are unsure why proposed Policy 5c is seeking to protect 'existing uses' unless this term is intended to refer to 'existing instream uses' of the rivers?
- 3.9 The lack of consistency in approaches between catchments is confusing. Jurisdictionally the Hurunui Waiau River Regional Plan provisions only apply to that part of the property which is within the Waikari catchment and the N losses from the land uses within the Waipara catchment are considered under the Canterbury Land and Water Regional Plan. However we do not manage Pyramid Valley Vineyards as two separate properties along Environment Canterbury's catchment boundary – it is managed as one property and as such our N loss estimates are calculated across the entire property.
- 3.10 We are also concerned that the farm management plan template in Schedule 6 does not recognise and authorise Biodynamic Accreditation. Pyramid Valley Vineyards has Demeter International Biodynamic Accreditation – the only vineyard in New Zealand which does. It seems unnecessary to require us to prepare another, different management plan when we already have international environmental management accreditation.

4. We seek the following decisions from the council:

- (i) Retain the provisions on Plan Change 1 as notified except for the changes requested in (ii) to (ix) below.
- (ii) Delete Policy 5C and replace with the following words:
- “To maintain the mauri and in-stream values of the Hurunui and Waiau Uwha Rivers and their tributaries and enable people and communities to provide for their economic and social well-being, by enabling low intensity farming activities as permitted activities.”*
- (iii) Amend Rule 10.1 by deleting the reference to 'dryland' so it reads: *“Except for the use of land for low intensity farming....”*
- (iv) Amend Rule 10.1A by deleting the word 'dryland' so the references to 'Low intensity dryland farming' become references to *'low intensity farming.'*
- (v) Amend the definition of 'change of land use' by deleting the word 'dryland' so the term 'low intensity dryland farming' becomes *'low intensity farming.'*

- (vi) Amend the definition of 'Dryland Farmer Collective Agreement' to '*Low Intensity Farmer Collective Agreement.*'
- (vii) Amend the definition of 'Low intensity dryland farming' so it reads '*low intensity farming*' and delete clause a. of the definition and replace it with either:
 - as a first preferred relief the words '*no more than 50ha of the property is irrigated*'; or
 - as a second preferred relief the words '*no more than 50ha of the property is irrigated and that land which is irrigated is not used for the purpose of dairy grazing or winter grazing.*'
- (viii) Amend Schedule 6 Part A by adding a new clause 3 which reads: '*A plan that has been prepared in accordance with Demeter Biodynamic Accreditation.*'
- (viii) Make any other consequential amendments required to give effect to the relief sought in this submission.

5. We do wish to be heard in support of our submission.

6. If others make similar submissions, we would consider a joint case with any other party.



Lynda Murchison (being the person authorised to submit on behalf)
Steve Smith Managing Partner
Aotearoa New Zealand Fine Wine Estates LP

Address for service:

c/- Murchison Planning

380 Waipara Flat Rd

RD 3 Amberley 7483

Ph:03 3146 153 or 027 2238070

murchisonplanning@outlook.com

