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Dear Sir/Madam

Attached is Federated Farmers' submission on Proposed Plan Change 1 to the Hurunui and Waiau River Regional Plan.

Yours sincerely

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Federated Farmers of New Zealand

Submission on Proposed Plan Change 1 to the Hurunui and Waiau River Regional Plan

31 May 2019

SUBMISSION TO ENVIRONMENT CANTERBURY ON PROPOSED PLAN CHANGE 1 TO THE HURUNUI AND WAIAMAU RIVER REGIONAL PLAN

Form 5

Submission on publicly notified proposal for policy statement or plan

Clause 6 of First Schedule, Resource Management Act 1991

To: *Environment Canterbury*

Name of submitter: North Canterbury Province, Federated Farmers of New Zealand

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This is a submission on the following proposed plan change – Proposed Plan Change 1 to the Hurunui and Waiau River Regional Plan.

Federated Farmers could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that the submission relates to and the decisions we seek from Council are as detailed on the following pages.

Federated Farmers wishes to be heard in support of this submission.

SUBMISSION ON PROPOSED PLAN CHANGE 1 TO THE HURUNUI AND WAIAU RIVER REGIONAL PLAN

Overview

1. Federated Farmers welcomes the opportunity to submit to Environment Canterbury on Proposed Plan Change 1 to the Hurunui and Waiau River Regional Plan, to permit dryland farming.
2. The purpose of Plan Change 1 is to fix the so-called 10% rule, which is really a definition of land use change, which states that a change in land use "...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...". The plan states that a resource consent (non-complying activity status) is required where there has been a change of land use and where the stated dissolved inorganic nitrogen and dissolved reactive phosphorus load limits are exceeded (Rule 11.1A and Schedule 1). Rule 11.1A has become 'active' for the Hurunui catchment because nutrient load limits established for the Hurunui River have been exceeded since December 2013, the month the plan became operative. The resource consent requirement, in combination with the definition of land use change, is problematic for dryland farmers because they have relatively low nutrient loss rates and may well trigger the 10% threshold in the course of their normal year-to-year farming operations.
3. One of the key ways that dryland farms could significantly increase their nutrient discharge would be by growing fodder crops and doing intensive winter grazing of cattle. It is proposed that a constraint be placed on this activity by adopting a Plan Change 5 style permitted activity threshold for winter grazing of cattle. It is proposed that a permitted activity threshold of 10% of land area be established, to limit the extent and environmental impact of winter grazing. The flexibility provided by this narrative definition of permitted activity status would be extremely useful to dryland farmers by providing flexibility to accommodate the normal cyclical nature of farming, including responses to constantly changing climatic and market conditions. Therefore, in general terms, Federated Farmers supports the proposals in Plan Change 1 to make dryland farming a permitted activity.

Specific submissions

4. Federated Farmers' submissions on specific provisions of Proposed Plan Change 1 are set out below, along with decisions sought. In addition to the submissions themselves, we request that any consequential amendments will be made to give effect to those submissions.

(1) The specific provisions of the Proposed Plan that my submission relates to are:	(2) My submission is that: <i>(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.)</i>		(3) I seek the following decisions from Environment Canterbury: <i>(Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)</i>
	Oppose/ Support	Reasons	
Policies			
Policy 5.3C	Support	Federated Farmers supports the policy to allow the continued operation of low intensity dryland farms without the need for a resource consent, recognising the relatively small contribution of dryland farming to in-river nutrient concentrations.	Retain Policy 5.3C as written.
Rules			
Rule 10.1	Support	Federated Farmers supports the exclusion of Low Intensity Dryland Farming from the existing permitted activity rule in order to establish a permitted activity status for dryland farming which is not subject to the current definition of Change of Land Use.	Retain the amendment to Rule 10.1, as written.
Rule 10.1A	Support in part	Federated Farmers supports the concepts in Rule 10.1A. Part a) of the rule requires that properties are registered in the Farm Portal by 12 months after the plan change becomes operative, or are subject to a Dryland Farmer Collective Agreement by 12 months after the plan becomes operative. Federated Farmers supports the standardisation of timeframes for properties to register in the Farm Portal and for the formation of Dryland Farmer Collective Agreements.	Amend Rule 10.1A with the following addition to the end of part b: <i>The Canterbury Regional Council will not retain copies of the Management Plan <u>or any information from them which is identifiably linked with individual properties</u>.</i> Retain the statement that Management Plans <i>will be viewed only</i> . Provide support for registration in the Farm Portal and the preparation of Management Plans, at no cost (for those who find the process difficult).

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	Oppose/ Support	Reasons	
		<p>In addition, Federated Farmers is concerned about the potential for information entered into the Farm Portal potentially becoming the subject of an official information request under the Local Government Official Information and Meetings Act 1987. The confidentiality of private information (both personal and business) must be protected.</p> <p>Part b) of the rule requires the preparation and implementation of a Management Plan in accordance with Schedule 6. We acknowledge the benefit of the Management Plan process but are concerned about the confidentiality of information contained in management plans. If the plans or information from them are in the possession of Environment Canterbury, they can potentially be the subject of an official information request under the Local Government Official Information and Meetings Act 1987. Again, the confidentiality of private information (both personal and business) must be protected. In this context we support the statements that the Management Plans <i>will be viewed only</i> and that the <i>Canterbury Regional Council will not retain copies of the Management Plan</i>.</p> <p>Federated Farmers is concerned that some dryland farmers may not be comfortable with the process of registering in the Farm Portal and preparing a Management Plan. Support must be available for those who find these processes difficult.</p>	

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	Oppose/ Support	Reasons	
Rule 10.2	Support	Federated Farmers supports the amendment to Rule 10.2, which refers to the new rule 10.1A and therefore makes allowance for dryland farming as a permitted activity.	Retain the amendment to Rule 10.2, as written.
Rule 11.1	Support in part	<p>Rule 11.1 is under a heading <i>Restricted Discretionary Activities</i>, and the rule is followed by a list of matters to which: <i>The Canterbury Regional Council will restrict the exercise of its discretion..</i></p> <p>However, the rule states that the land use activities referred to are discretionary activities. Surely the rule should instead state that the activities have restricted discretionary status. Although the phrase <i>discretionary activity</i> was not added as part of this plan change, it is linked with Rule 10.1A, which is part of this plan change. Federated Farmers believes that restricted discretionary activity status is appropriate for activities 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.</p>	Amend Rule 11.1, as follows: ...of Rule 10.2 are a <u>restricted</u> discretionary activity.
Definitions			
Change of land use	Support	Federated Farmers supports the amended definition (addition of part b) of <i>Change of land use</i> to accommodate the new definition of <i>Low Intensity Dryland Farming</i> and Rule 10.1A.	Retain the amendment to the definition of <i>Change of land use</i> , as written.

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	Oppose/ Support	Reasons	
Dryland Farmer Collective Agreement	Support	Federated Farmers supports the concept of Dryland Farmer Collectives. These have the potential to ease the administrative burden of complying with Rule 10.1A by removing the need for individual registration in the Farm Portal and by providing assistance with the preparation of Management Plans (as required by Rule 10.1A b.).	Support the definition of Dryland Farmer Collective Agreement, as written.
Farm Portal	Support in part	The definition should begin with a capital letter. Federated Farmers supports this definition, especially the reference to the “N Check” component of the farm portal, meaning, among other things, that OVERSEER budgets will not be required.	Amend, as follows: <u>Mmeans the nutrient management database...</u>
Low Intensity Dryland Farming	Oppose in part	<p>Federated Farmers supports the definition in principle. However, no reference is made to properties with areas less than 100 ha. We request that 10 ha of winter grazing is permitted for properties less than 100 ha, consistent with Plan Change 5 to the Land and Water Regional Plan.</p> <p>In the context of this definition, in combination with Rule 10.1A permitting dryland farming, Environment Canterbury is justified in assuming that there will be little impact on the N discharge load. Ten years of Beef+Lamb NZ data (2006 – 2016) showed that there was no long term trend in dryland winter forage area, despite year to year fluctuations (of up to 30%) around the long term average of 1.9% of land area (presentation by Ned Norton, 7 March 2018). Farm survey</p>	<p>Amend by adding a new part i to section b. of the definition, and re-number the current parts i and ii, as follows: <u>Mmeans the use of land for a farming activity, where:</u></p> <p><i>a. no part of the property is irrigated; and</i> <i>b. the area of the property used for Winter Grazing is less than:</i> <u><i>i. 10 hectares, for any property less than 100 hectares; or</i></u> <u><i>ii 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or</i></u> <u><i>iii 100 hectares, for any property greater than 1000 hectares in area:...</i></u></p> <p>Delete section c. of the definition, which refers to pigs and poultry.</p>

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	Oppose/ Support	Reasons	
		<p>work done by Josh Brown for the Hurunui District Landcare Group showed that an unlikely worst case scenario would be an increase in the winter forage area of 50% across all dryland farms in the catchment (1.9% to 2.9% of the total farm area in forage) (workshop presentation, 29 January 2018). Multiple lines of evidence suggest that future increases in N loss from farming properties under the proposed 10% winter grazing threshold, are likely to be small (in the order of 0–3%) (Ned Norton – workshop presentation, 29 January 2018).</p> <p>The flexibility provided by this narrative definition of permitted activity status will be extremely useful to dryland farmers by providing flexibility to accommodate the normal cyclical nature of farming, including responses to constantly changing climatic and market conditions.</p> <p>Part c) of the definition of <i>Low Intensity Dryland Farming</i> sets limits for numbers and stocking rates for pigs and poultry (25 weaned pigs, 6 sows or 10 poultry per ha up to a maximum of 1000 birds). There appears to be no justification for the need for these limits or for the numbers or stocking rates stated. Clear justification is needed before any inclusion of pig and poultry constraints, and the numbers and stocking rate limits need to be soundly based. It should be noted that in a recent consent application to farm 5000 free-range hens, it was</p>	

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	Oppose/ Support	Reasons	
		accepted that the impact of the activity on N discharge would be less than minor.	
Winter Grazing	Support in part	Federated Farmers requests that the definition of Winter Grazing be expanded to align with the Plan Change 5 definition, to enable the use of imported feed if necessary, for example if the forage crops grown need to be supplemented for any reason.	Amend the definition of Winter Grazing, to align with the Plan Change 5 definition.
Schedules			
Schedule 2A			
Schedule 6	Oppose in part	<p>Part B – Management Plan Default Content</p> <p>Item 2. (e) The location on all waterways where stock access or crossing occurs</p> <p>This requirement is completely unrealistic in extensively managed hill country situations, where there are many intermittent waterways over which it is impossible to control stock movement. Therefore, item 2. (e) should be removed because it is completely impractical and not a crucial issue for low intensity dryland farming.</p> <p>Part 3. The Location of any source areas for phosphorus loss</p> <p>This item, as written, is not appropriate for hill country situations where there is the potential for occasional surface flow and sediment loss over wide areas. It would be much more relevant and useful to identify hot-spots or critical source areas where closer attention would be appropriate. Therefore,</p>	<p>Amend Schedule 6, as follows:</p> <p>Delete item 2. (e)</p> <p>Amend item 3, as follows: <i>The location of any <u>critical</u> source areas for phosphorus loss</i></p> <p>Table of Practices and on-farm actions:</p> <p>Fourth box under <i>Practice</i>:</p> <p>Mahinga kai values: Initiate a widespread discussion (especially with land owners and managers) about mahinga kai values so that farmers understand and appreciate what they mean and what would be involved in identifying and protecting them. This needs to happen before requirements regarding mahinga kai values appear in this plan. Therefore, the fourth box under <i>Practice</i> should be deleted at this stage.</p>

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	Oppose/ Support	Reasons	
		<p>Item 3. should be amended to require the identification of critical source areas for phosphorus loss.</p> <p>Table of practices and on-farm actions</p> <p>The fourth box refers to the identification and protection of mahinga kai values. This is likely to be contentious because these requirements are not well understood. The first thing that is needed is a widespread conversation about mahinga kai values, so that farmers understand and appreciate what they mean and what would be involved in identifying and protecting them. This needs to happen before the requirements appear in a plan. In the meantime other measures, such as those to maintain/improve water quality will contribute to the protection of mahinga kai values.</p> <p>The eighth box refers to riparian margins to minimise nutrient, sediment and pathogen losses to water bodies. Federated Farmers believes that it would be more useful to refer to critical source areas, and ask farmers to identify them and state how they will be managed. Vegetated margins may or may not work in specific situations. This box should be deleted because it is covered by box nine.</p> <p>Federated Farmers supports the approach taken in box nine.</p>	<p>Eighth box under <i>Practice</i>: Delete the eighth box under <i>Practice</i> because it would be more useful to refer to critical source areas, and ask farmers to identify them and state how they will be managed. Vegetated margins may or may not work in specific situations. This box is now covered by box nine.</p> <p>Ninth box under <i>Practice</i>: Retain box nine, as written.</p>

Irrigation

5. In addition to the existing content of the proposed plan change, it would be useful to include an allowance for small areas of irrigation, along the lines of the Plan Change 5 rules for irrigation in Red Zones. Plan change 5 allows for existing irrigation up to 50 ha, but for areas less than 50 ha, any increase in the irrigated area (assuming water is available) is limited to 10 ha. If there is concern about the impact on the estimated N discharge load, the allowance for irrigation could be limited to irrigation that was lawfully established prior to the Hurunui and Waiau River Regional Plan notification in 2012.
6. This would potentially reduce consenting requirements and the associated costs. It would also provide consistency with the Land and Water Regional Plan and particularly with the Waipara catchment, which is a red zone under that plan.

Conclusion

Federated Farmers thanks Environment Canterbury for the opportunity to submit on Proposed Plan Change 1 to the Hurunui and Waiau River Regional Plan. We look forward to ongoing dialogue about Plan Change 1 and continuing to work constructively with Council regarding planning issues in the Hurunui Waiau Water Management Zone.



Cameron Henderson
President
North Canterbury Province
Federated Farmers of New Zealand