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Subject: Proposed Plan Change 1 to the Hurunui and Waiau River Regional Plan: Dryland Farming - Submission from Ravensdown Limited
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[Ravensdown Submission on Proposed PCL Hurunui Waiau RRP FINAL 310519.pdf](#)

Hi

Please find attached Ravensdown Limited's submission on the Proposed Plan Change 1 to the Hurunui and Waiau River Regional Plan: Dryland Farming.

Regards, Carmen

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**SUBMISSION ON
PROPOSED PLAN CHANGE 1
TO THE HURUNUI AND WAI AU RIVER REGIONAL PLAN: DRYLAND FARMING**

TO: Canterbury Regional Council (**Council**)
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Via email: mailroom@ecan.govt.nz

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1. INTRODUCTION

Ravensdown Limited – Overview and Interests in the Hurunui and Waiau River’s Catchment Areas

- 1.1 Ravensdown Limited (**Ravensdown**) is a farmer owned co-operative. Ravensdown’s goal is to enable smarter farming for a better New Zealand. Given this goal, Ravensdown provides products, namely fertiliser and agrichemicals, expertise and technology to help farmers reduce environmental impacts and to optimise value, or outputs, from land.
- 1.2 Ravensdown, in deciding whether to participate in regional planning processes, considers whether the plan, or proposed plan change, will achieve the purpose of the Resource Management Act 1991 (**RMA**) while also evaluating whether the planning provisions will unduly constrain its own activities (i.e., manufacturing, store sites and quarries) and/or the users of their products.
- 1.3 In this context, the nature of Ravensdown’s interests in the Hurunui and Waiau River catchment area region include servicing the fertiliser and agrichemical needs of Ravensdown’s farming shareholders in the area via consignment stores at Cheviot and Culverden, or Ravensdown’s Amberley store. In addition, Ravensdown, through Ravensdown Environmental, Ravensdown assists the farming community to meet regional planning requirements through the provision of farm environmental services, which include nutrient loss and mitigation modelling (including OVERSEER Nutrient Budgeting); Farm Environmental Plan development; and, associated resource consent planning services.
- 1.4 Given the nature of Ravensdown’s activities in the area, Ravensdown seeks to ensure that the Proposed Plan Change 1 (**PPC1**) to the Hurunui and Waiau River Regional Plan (**HWRRP**) for ‘Dryland Farming’, promotes the sustainable management of natural and physical resources, in this instance, the area’s land and water resources. This includes the ability to use and develop resources, as well as protecting resources from inappropriate use and development, while ensuring that adverse effects of dryland farming activities on water quality are avoided, remedied or mitigated.
- 1.5 In this context, the provisions of PPC1 are of interest to Ravensdown given that PPC1 aims to address HWRRP implementation issues that have been experienced by dryland farmers in the area. Given these issues, PPC1 seeks to provide for dryland farming as permitted activities as this type of farming system, subject to ensuring appropriate controls are in place, is characterised by low nutrient loss rates. Therefore, Ravensdown in preparing this submission, on behalf of its farming shareholders in the area, has focussed on ensuring that the PPC1 provisions will address the implementation issues for dryland farming, while ensuring that the area’s land and water resources is being managed sustainably.
- 1.6 While this submission relates to the provisions of PPC1, Ravensdown also wishes to take this opportunity to suggest that this plan change presented an opportunity to address a number of issues associated with the HWRRP. For example, amendments that could have been included in the plan change include (but are not limited to): amendments to the terminology and approach to reflect that which is now incorporated into the Canterbury Land and Water Regional Plan as a result of Proposed Plan Change 5 (Nutrient Management and Waitaki); updating references to the Drinking-water Standards for New Zealand to refer to the 2018 revision; and, removing or updating all references to the Natural Resources Regional Plan. In

making these comments, Ravensdown acknowledges that these other issues are not within the scope of matters that can be covered by this submission. For this reason, this submission does not address these matters further, beyond raising it within this paragraph.

Overview of Submission

- 1.7 Ravensdown's submission, given the intent to address HWRRP implementation issues for dryland farmers in the catchment areas of the Hurunui and Waiau Rivers by providing for this type of farming activity as permitted activities, generally supports PPC1.
- 1.8 However, through this submission, Ravensdown also seeks amendments to improve the clarity, functionality and effectiveness of the proposed PPC1 provisions. While seeking these amendments, Ravensdown also seeks to ensure that adverse effects on the environment associated with the proposed permissive resource management framework for dryland farming are avoided, remedied or mitigated.
- 1.9 Ravensdown's submission on PPC1 to HWRRP is structured as follows:
 - (a) General comments, namely the areas of support and areas of concern where Ravensdown seeks amendments to provisions, are overviewed in **Section 2** of this submission;
 - (b) Specific submission points on PPC1 to the HWRRP provisions are contained in the table provided in **Attachment A**; and
 - (c) A conclusion, including the overarching reasons for the submission, is provided in **Section 3**.

2. GENERAL COMMENTS ON PROPOSED PLAN CHANGE 1 TO THE HURUNUI AND WAIAU RIVER REGIONAL PLAN: DRYLAND FARMING

- 2.1 Ravensdown supports the intent of PPC1 to provide for dryland farming in the Hurunui and Waiau River catchments as permitted activities, subject to a management framework, while ensuring that the area's land and water resource is safe-guarded. The overall approach adopted is supported, subject to amendments to address the matters raised in this submission.
- 2.2 In relation to PPC1 of the HWRRP provisions, Ravensdown supports:
 - (a) The inclusion of a specific policy (Policy 5.3C) that seeks to provide for low intensity dryland farming as permitted activities in recognition of the potential low level of nutrient enrichment effects associated with such activities on the Hurunui and Waiau Rivers and tributaries.
 - (b) The amended rule hierarchy (and consequential amendments to other rules) that specifically provides for low intensity dryland farming as a permitted activity under Rule 10.1A, and a restricted discretionary activity under Rule 11.1 where the conditions of Rule 10.1A are not met.
 - (c) The proposed amendment to the 'change of land use' definition which identifies that Low Intensity Dryland Farming activities are subject to a separate regulatory framework under PPC1 and therefore are no longer subject to 'the 10% rule'.

- (d) The inclusion of new provisions, including new definitions for 'Dryland Farmer Collective Agreement', 'Farm Portal', 'Low Intensity Dryland Farming' and 'Winter Grazing' and new schedules detailing the requirements for Dryland Farmer Collective Agreements and Management Plans, which underpin the regulatory framework established under PPC1.

2.3 While the intent of PPC1 is supported, along with its proposed provisions, there are some areas where minor amendments or refinements are considered necessary for the purposes of consistency with similar provisions in the Canterbury Water and Land Regional Plan (**LWRP**) or to provide further clarity in terms of intent or purpose of the provisions. Accordingly, as outlined in the table contained in **Attachment A**, amendments to Rule 10.2 and the definition of 'Low Intensity Dryland Farming' are being sought by Ravensdown through this submission.

3. CONCLUSION

3.1 Ravensdown generally supports PPC1 to the HWRRP, subject to the amendments requested to address the concerns raised within this submission. In relation to the provisions that Ravensdown has raised concerns about, those provisions require amendment because, without amendment, those provisions:

- (a) will not promote sustainable management of resources and will not achieve the purpose of the RMA;
- (b) is contrary to Part 2 and other provisions of the RMA;
- (c) will not enable the social and economic well-being of the community of the Hurunui and Waiau catchment area;
- (d) will not meet the reasonably foreseeable needs of future generations;
- (e) will not achieve integrated management of the effects of the use, development or protection of the area's land and water resources;
- (f) do not represent the most appropriate means of exercising Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

3.2 Ravensdown could not gain an advantage in trade competition through this submission.

3.3 Ravensdown wishes **to be heard** in support of this submission.

3.4 If others are making a similar submission, Ravensdown will consider presenting a joint case with them at the hearing.

Date: 31 May 2019



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Carmen Taylor

Consultant Planner (Associate)

Authorised to sign this submission on behalf of Ravensdown Limited

**ATTACHMENT A – RAVENSDOWN LIMITED’S SUBMISSIONS ON PROPOSED PLAN CHANGE 1 TO THE HURUNUI AND WAI AU RIVER REGIONAL PLAN:
DRYLAND FARMING**

SUB. REF.	PLAN PROVISION	PAGE OF PPC1	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
Part 2 – Objectives and Policies / Section 2.5 – Cumulative Effects of Land use on Water Quality					
1	Policy 5.3C	3	Support	<p>This policy seeks to protect the existing values, uses and mauri of the Hurunui and Waiau Uwha Rivers, and their tributaries, while providing for low intensity dryland farming as permitted activities given their small contribution to in-river nutrient concentrations.</p> <p>Given the low level of potential nutrient enrichment effects associated with dryland farming, providing for this farming activity as a permitted activity in the catchments is appropriate.</p>	Retain Policy 5.3C as notified.
Part 3 – Rules / Section 3.3 – Cumulative Effects of Land Use on Water Quality					
2	Permitted Activities - Rule 10.1	5 and 6	Support	<p>This operative rule permits land use activities within the Nutrient Management Area shown on Map 4 of the HWRRP, that result in the discharge of nitrogen and phosphorus which may enter water, subject to a range of conditions. The proposed PPC1 amendment to this rule identifies that the rule does not apply to Low Intensity Dryland Farming (as defined in PPC1 – refer to Sub. Ref. 9 below).</p> <p>The intent of PPC1 to provide for dryland farming activities as permitted activities under a separate regulatory framework from other land uses in the area covered by Map 4. On this basis, the clarity provided by the proposed amendment is considered necessary and appropriate.</p>	Retain the amendments to Rule 10.1 as notified.
3	Permitted Activities	6 and	Support	The proposed rule permits Low Intensity Dryland Farming, within the area covered by Map 4 of the	Retain Rule 10.1A as notified.

SUB. REF.	PLAN PROVISION	PAGE OF PPC1	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
	- Rule 10.1A	7		<p>HWRRP, as a permitted activity provided: the property is either registered in the Farm Portal or is part of a Dryland Farmer Collective (refer to Sub. Ref. 12 below) or; and, a Management Plan (refer to Sub. Ref. 13 below) has been prepared and implemented for the property.</p> <p>The proposed rule reflects the intent of PPC1 to provide for dryland farming as a permitted activity, subject to putting in place controls that are similar to those required for other land uses in the area, while also recognising the low level of in-river nutrient contamination likely to be associated with such activities. In this context, the need for the property to provide information to Council, either as part of a Dryland Farmer Collective or directly through the Farm Portal, is appropriate as it enables Council to monitor potential changes in the nutrient profile of the catchments. In addition, the need for the farming activity to be carried out in accordance with a Management Plan is also considered appropriate.</p>	
4	Permitted Activities - Rule 10.2	7	Support, subject to amendments	<p>This operative rule permits a change in land use, within the area covered by Map 4 of the HWRRP subject to a range of conditions. The operative definition for 'change of use', which is subject to amendment under PPC1 (refer to Sub. Ref. 6 below) identifies that this is where an increase greater than 10% of the long-term average release of nitrogen or phosphorus from the property occurs (i.e., 'the 10% rule').</p> <p>The proposed amendments to this rule reflect the intent of PPC1 to provide for dryland farming</p>	<p>Amend the consequential amendments to Rule 10.2(a) as follows (additions are shown in <u>double underlining text</u> and deletions are shown in double strikethrough text):</p> <p><i>"a. <u>Either</u></i></p> <p><i>i. <u>conditions (b), (c) and (d) of Rule 10.1 are met; or</u></i></p> <p><i>ii. <u>if land use is changing from Low Intensity Dryland Farming to another land use, conditions (c) and (d) of Rule 10.1 and conditions (a) and (b) of Rule 10.1A are</u></i></p>

SUB. REF.	PLAN PROVISION	PAGE OF PPC1	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>activities as permitted activities under a separate regulatory framework within the HWRRP. However, if the land use changes from dryland farming (as defined under PPC1), it is appropriate that the change of land use rules of HWRRP apply. For this reason, the consequential amendment to Rule 10.2 is considered appropriate, subject to minor amendments identified below.</p> <p>The two matters of clarity required in Condition (a)(ii) of this rule are:</p> <ul style="list-style-type: none"> • Ensuring that ‘Low Intensity Dryland Farming’ is referred to, to clarify that this term is defined; and • Removing the reference to Condition (b) of Rule 10.1A as this condition refers to the Management Plan required for dryland farming activities, whereas if a change of use occurs then the property will need to prepare and implement the management plan/s required under Conditions (c) or (d) of Rule 10.2. 	<i>met; and ...”</i>
5	Restricted Discretionary Activities – Rule 11.1	8	Support	This restricted discretionary activity rule provides for land use activities that do not comply with the permitted activity rules. The proposed amendment which seeks to identify Rule 10.1A, alongside permitted activity Rule 10.1, is a consequential amendment arising out of PPC1 and is therefore considered appropriate.	Retain the consequential amendments to Rule 11.1 as notified.
Part 5 – Definitions, Schedules and Maps / Section 5.1 - Definitions					
6	Definition - Change of land use	10	Support	The amendment proposes an alternative definition, specifically for Low Intensity Dryland Farming (part (b) of the definition), to the 10% change of land use inherent in the operative definition (now part (a) of	Retain the amendment to the definition of ‘Change of land use’ as notified.

SUB. REF.	PLAN PROVISION	PAGE OF PPC1	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>the definition). Under the amended definition Low Intensity Dryland Farming will not be subject to 'the 10% rule' contained in part (a) of the definition. Rather, part (b) of the definition, identifies that if a farming activity that did comply with the definition for Low Intensity Dryland Farming changes the nature of its farming activity such that it no longer meets the definition for 'Low Intensity Dryland Farming' then it is at this point that the farming activity is classified as a change of land use.</p> <p>Given the issues that gave rise to PPC1 and the intent of PPC1 to create a separate regulatory framework for dryland farming within the HWRRP, it is considered that the proposed amendments to the definition are appropriate.</p>	
7	Definition – Dryland Farmer Collective Agreement	11	Support	Under PPC1, being part of a 'Dryland Farmer Collective Agreement' is one of the means of complying with permitted activity Rule 10.1A. Accordingly, the proposed definition, which identifies that such an agreement is one containing the matters identified in Schedule 2A (refer to Sub. Ref. 12 below) and that has been approved by Council, is an appropriate component of the proposed dryland farming provisions of the HWRRP.	Retain the definition for 'Dryland Farmer Collective Agreement' as notified.
8	Definition – Farm Portal	11	Support	Under PPC1, registering the property in the 'Farm Portal' is one of the means of complying with permitted activity Rule 10.1A. Accordingly, the proposed definition identifies where to find the Farm Portal and also identifies that in relation to permitted dryland farming under Rule 10.1A that only the 'N Check' tool requirements in the portal need to be	Retain the definition for 'Farm Portal' as notified.

SUB. REF.	PLAN PROVISION	PAGE OF PPC1	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>completed. In this context, the proposed definition is an appropriate component of the proposed dryland farming provisions of the HWRRP.</p> <p>It is understood that the 'N Check' tool requirements are focussed on farming activities which are likely to generate low levels of nutrients. In this context, this tool balances the needs of Council for information while not placing an onerous compliance burden on the area's dryland farmers.</p>	
10	Definition – Low Intensity Dryland Farming	13	Support, subject to amendments	<p>The definition establishes the criteria that defines 'low intensity dryland farming' under the HWRRP, and thus the farming activities that will be subject to the separate and permissive regulatory provisions proposed by PPC1. On this basis, the inclusion of the definition and associated criteria, subject to some refinement as discussed below, is considered appropriate.</p> <p>The requested refinements to the criteria included in the definition are as follows:</p> <ul style="list-style-type: none"> • The use of 'and' between parts (a) to (d) is considered potentially confusing and unnecessary. • In relation to winter grazing, the definition does not provide any limit for properties which are less than 100ha. It is considered that consistent provisions, similar to those contained in the permitted activity rules for farming in Red Nutrient Allocation Zones in the LWRP (e.g., Rule 5.44), should be included in this definition. • It is understood that low intensity farming does not entail the confinement of livestock on 	<p>Amend the definition for 'Low Intensity Dryland Farming' as follows (additions are shown in <u>double underlining text</u> and deletions are shown in double strikethrough text):</p> <p><i><u>"means the use of land for a farming activity, where:</u></i></p> <p><i><u>a. no part of the property is irrigated; and</u></i></p> <p><i><u>b. the area of the property used for Winter Grazing is less than:</u></i></p> <p><i><u>i. 10 hectares, for any property less than 100 hectares in area; or</u></i></p> <p><i><u>ii. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or</u></i></p> <p><i><u>iii. 100 hectares, for any property greater than 1000 hectares in area; and</u></i></p> <p><i><u>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; and</u></i></p> <p><i><u>or</u></i></p>

SUB. REF.	PLAN PROVISION	PAGE OF PPC1	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				hardstand areas, whether for controlled feeding and/or control of discharges, and therefore the specific reference to controlled feeding in part (d) of the definition is not necessary.	<i><u>d. the farming activity does not include a component where livestock are confined within a hardstand area for the purpose of intensive controlled feeding with the purpose of encouraging high weight gain.</u></i>
11	Definition – Winter Grazing	15	Support	The proposed definition is considered to appropriately describe winter grazing for cattle where it is associated with a low intensity dryland farming activity.	Retain the definition for ‘Winter Grazing’ as notified.
Part 5 – Definitions, Schedules and Maps / Schedules					
12	Schedule 2A: Matters to be addressed in any Dryland Farmer Collective Agreement in accordance with Rule 10.1A	16	Support	It is considered that the agreement requirements identified in this schedule, appropriately balances the needs of Council for information, while not placing an onerous compliance burden on the area’s dryland farmers through the proposed collective.	Retain ‘Schedule 2A: Matters to be addressed in any Dryland Farmer Collective Agreement in accordance in Rule 10.1A’ as notified.
13	Schedule 6: Management Plan for Low Intensity Dryland Farming Activities	17 to 19	Support	The Plan requirements, as outlined in this schedule, are generally consistent with the Management Plan requirements for permitted farming activities under the LWRP. Although minor changes have been made to this schedule to reflect the low intensity nature of the dryland farming activities provided for, these changes are considered appropriate.	Retain ‘Schedule 6: Management Plan for Low Intensity Dryland Farming Activities’ as notified.