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Subject: Submission PC1 to Hurunui Waiau River Regional Plan
Date: Friday, 31 May 2019 9:44:31 AM
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Submission to Plan Change 1 to Hurunui Waiau River Regional Plan attached,

Jamie McFadden
Rural Advocacy Network

Submission on Proposed Plan Change 1 (PC1) to the Hurunui Waiau River Regional Plan (HWRRP).

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Date: 30 May 2019

I/we could not gain an advantage in trade competition through this submission.

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

Introduction

1. The Rural Advocacy Network is based in the Hurunui District. Our committee has a range of dryland, irrigated and rural business representatives that actively seek pan sector solutions to issues.
2. The Rural Advocacy Network support the need for the sustainable management of our freshwater. Rural people value rivers and lakes for their recreational and aesthetic attributes. For many farmers, particularly those bordering or living near rivers, the Hurunui and Waiau rivers hold a special place in their busy lives. Not only for recreational pursuits such as fishing, swimming, jet boating and family BBQs but for the intrinsic values such as the changing dynamic nature of the river and the river dwelling birds that use neighbouring farms as habitat.
3. The freshwater planning space in Hurunui Waiau zone is in disarray. Forest & Bird and Fish & Game have withdrawn from the Hurunui Waiau Zone Committee meetings and recently we have also withdrawn. There is widespread loss of trust of ECan among Hurunui Waiau farmers and this has worsened with the recent draft riverbed lines and wetland mapping issues. The fractured state in Hurunui Waiau is an important consideration in determining the effectiveness and efficiency of provisions in PC1.

National Policy Statement – Freshwater Management 2014 (NPS – FM.)

4. The National Policy Statement – Freshwater Management 2014 requires Regional Councils to follow a step by step process to managing freshwater. This is:
 - identify freshwater into Freshwater Management Units (FMUs).
 - For each FMU assess, through community/stakeholder consultation, (1) the values and (2) the attributes that affect those values.
 - From there appropriate limits, objectives and a planning framework is established to ensure that the values of FMUs are appropriately managed and protected.

- Through this process the freshwater bodies over allocated in amount of water taken and/or amount of contaminants in water are identified and prioritised for action and a more stringent regulatory framework is likely.
5. The Rural Advocacy Network supports the approach of the NPS-FM as a pragmatic, considered, collaborative approach to managing our freshwater.

General submission.

6. We support the intent of PC1 to address the inequities created by the flawed 10 % rule. However PC1 seeks to address inequities on only one farming sector – dryland farmers. Retaining the change of land-use 10% rule in the HWRRP on irrigators leaves low emitting irrigators unfairly disadvantaged. The change of land-use 10% rule is a flawed planning mechanism and should be removed in its entirety.
7. We support the removal of the Overseer requirement on dryland farmers but note that the problem with Overseer is that it is widely acknowledged as having major deficiencies when used in a regulatory context. Many dryland farmers refused to comply with this requirement and industry groups and consultants were advising farmers not to do Overseer.
8. The NPS-FM requirements outlined in 4. above have not been met in any of our rivers in the Hurunui Waiau zone. The Hurunui river above State Highway 1 has nitrogen and phosphorus limits but these have proven to be flawed (see appendix 1 phosphorus limit explanation) and were not established through a scientifically robust process.

This is one reason why we submit that any requirements on landowners in PC1 HWRRP are ultra vires. Not having properly established FMUs, values and attributes mean that the requirements on landowners in PC1 are ineffective as the issues in each FMU have not been properly quantified.

Rule 10.1A a i & ii requirements – collective (i) or portal (ii).

9. We oppose the requirements for dryland farmers to be in a collective or register on ECans portal. The catchment accounting requirements in the NPS-FM are expected to vary depending on the state of each FMU. Given that FMUs have not been identified in the Hurunui Waiau zone and the values/attributes/limit setting process has not yet been done these one size fits all catchment accounting requirements cannot be justified. We acknowledge that for rivers that are over allocated a more detailed catchment accounting recording system may be required. However for a river like the Jed it is ineffective and inefficient to require 70 + lifestyle blocks & about 20 farms to submit individual data. Given the issues raised in 3. above and the high degree of suspicion of ECans portal there is likely to be a high degree of non compliance with these requirements. The catchment accounting requirements proposed in rule 10.1A are ineffective and inefficient and fail to achieve the purpose of the RMA and meet the NPS-FM requirements.

Rule 10.1A b requirement – Farm Management Plan.

10. It is unclear what the justification is for mandatory farm plans on dryland farmers. All farming activities regardless of property size or whether they have winter grazing are caught by rule 10.1A b. This includes lifestyle blocks that may only have a handful of grazing animals. Dryland farming both individually and collectively has been shown to have an insignificant effect on water quality. How can requirements be placed on activities where there is no effect to be mitigated against?
11. One of the reasons cited for mandatory farm plans was to maintain or improve overall water quality. However as the most recent Land and Water Forum report "Land and Water Forum advice on improving water quality: preventing degradation and addressing sediment and nitrogen – May 2018" notes clause 25b page 9: *"Two important policies in the NPS-FM (the requirement to maintain or improve overall water quality in freshwater management units, and the need to monitor and take action on MCI) only have effect when regional councils set values, objectives and limits in regional plans."* Given that the values/objectives/limits setting process has not been done in the Hurunui Waiau zone the Farm Management Plan requirement rule 10.1A b cannot be justified.
12. Another reason given for mandatory Farm Management Plans has been to control winter grazing. However thresholds have already been developed through PC5 to the LWRP and in the HWRRP to manage this. This was done as a precautionary exercise as there was no evidence that winter grazing on dryland farmers had effects more than minor. While we are reluctant to accept these winter grazing thresholds they are a far more effective and efficient mechanism than requiring all farms (regardless of whether they have winter grazing or not) to do a mandatory farm management plan. If there remains concern about winter grazing on Low Intensity farms then the debate should centre on appropriateness and level of thresholds rather than a blunt tool requiring everyone to do a farm management plan.
13. Reference is made in the section 32 report to low intensity farming requiring farm management plans for the issue of phosphorus. However it has already been established that dryland farming has an insignificant effect on water quality so there are no effects to be mitigated against. Also this ignores the fact the phosphorus load is flawed (see appendix 1) and that phosphorus in the last 10 years has seen a statistically significant decrease in the Hurunui river back to 1990's levels pre irrigation. We agree that it is good practice for farmers to address phosphorus loss however there is no RMA justification for mandatory requirements on dryland farmers. Further, there are far more effective mechanisms to dealing with phosphorus on low intensity farms and there are well established initiatives such as erosion control poplar and willow plantings and new initiatives the Soil Conservation Project (SCAR) and Hurunui District Landcare Group.
14. In support of our submissions we refer to the Hearing Commissioners Report and Recommendations Plan Change 2 to Land and Water Regional Plan: 6.16. Farm Environment Plans clause [422] "In both the notified and 'Reply' versions Variation 2 the conditions of permitted activity Rules 13.5.9, 13.5.15 and 13.5.16 required the preparation and implementation of a Farm Environment Plan (FEP). We note the decisions on the LWRP and Variation 1 (Selwyn-Waihora) only require the preparation and implementation of a FEP in relation to those farming activities requiring resource consent. Those decisions reflected the fact that requiring an FEP to be prepared and implemented and then subjecting that FEP to a future 'assessment' by a third party (that being the FEP auditor) lacks the necessary certainty for a permitted activity rule."

15. The mandatory approach to farm plans will not be well received by many in the Hurunui dryland farming sector. While there is general acceptance among farmers that more intensive farming and irrigated properties will be subject to greater regulatory requirements the same cannot be said about dryland farmers. The recent Hurunui District Plan review 2016 removed all mapped Significant Natural Areas (SNAs) because the hearing panel found that the mapping regulated approach was not achieving the purpose of the RMA. There is also general acceptance among farmers that farm plans (used in the right context) can be a very successful approach to managing environmental issues. The former Catchment Board farm plan system was hugely successful in the Hurunui District as it was built on a partnership model with trusted advisors. The focus was on actions to achieve environmental outcomes. This type of non regulatory model is still being used in regions like Taranaki and Greater Wellington and is proving very successful with the dryland farming community.
16. In summary voluntary non regulatory environmental initiatives have a proven success record with low intensity Hurunui farmers whereas regulation has not. The mandatory farm management plan requirement rule 10.1A b on low intensity farming is not only unjustified but contrary to effects planning under the RMA, will be ineffective and inefficient and fail to achieve the purpose of both the RMA and NPS-FM.

Farm Management Plan schedule 6 – Mahinga kai

17. We note that the list of practices relating to Management Plan Default Content Part B 4 a and b refers to a list of practices. Among this list includes that “Mahinga kai values are identified and protected.” This appears to be a completely new requirement with no explanation as to what is the RMA issue and why dryland farmers are being required to identify and protect mahinga kai values through a mandatory farm management plan. There is no explanation of what protect means and the cost implications to landowners. Given that mahinga kai has a broad meaning the requirement to protect could place a significant (and unjustified) burden on landowners.
18. A secondary but just as important issue is that there is widespread discomfort and lack of understanding among landowners of mahinga kai. Incorporating a mahinga kai requirement into farm plans will be counterproductive to community relationships and demean the value of mahinga kai.

Section 32 report comments

19. Page 7 reference is made *“There are around 580 sheep and beef farms in the Hurunui district, and it is estimated that 250 of those farms, located in the Nutrient Management Area in the HWRRP, do not irrigate”* A separate note 8 refers to the 250 farms estimated are those greater than 30 ha. However the requirements in PC1 have no minimum property size and hundreds of lifestyle blocks under 30 ha will also be captured by rule 10.1A. We have estimated there are around 60 – 70 lifestyle blocks under 30 hectares just in the smaller Jed river catchment alone.
20. Page 13 refers to Phosphorus. As we have noted above in 13. phosphorus levels in the Hurunui river have decreased back to pre irrigation low levels. This low level and the fact

that the contribution from dryland farming is “insignificant” mean mandatory requirements on dryland farmers cannot be justified under the RMA.

21. Page 14- 16 provides a range of estimations about nitrogen loss from dryland farms concluding with some plausible worst case % increases in nitrogen. However these scearios make numerous assumptions and the huge variability in other factors make these conclusions fanciful and likely overstated. These other factors include variations in climate, soil type, stock type, stocking rate, fertiliser types and quantities, seasonal variations and the many different management practices employed by farmers.
22. The section 32 analysis is insufficient in both its scientific analysis and its justifications for the 10.1A rule requirements.

Relief sought

The submitter seeks

23. rule 10.1A be deleted in its entirety and
24. any additional changes which are required to give effect to the relief sought.

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Appendix 1: The following is from a presentation Rural Advocacy Network did to the Hurunui Waiau Zone Committee 1st May 2017 outlining the flawed approach to setting load limits.

2. Scientific basis for the HWRRP. The following is one example of why the HWWRP is significantly flawed. Please note approximate figures and calculations using the monthly ECan/NIWA measurements on the Hurunui River.

The Phosphorus (P) load limit on the Hurunui river was based on 6 years of monthly measurements – 72 measurements. Two of these 72 measurements were taken during the massive floods in May & June 2014. These 2 measurements make up 40% of the total P across the 72 measurements & significantly skewed the data. From memory the plan limit for P is 10.6 and the current level is 18.8 which is well over the limit. If the 2 floods are adjusted to the average then the level drops from 18.8 to 11.3. If the 8 largest floods over the 6 year period are average adjusted then it drops further to under 7. The 8 largest floods account for 75% of the total of P from all 72 measurements.