

Response to Minute 5 of the Hearing Commissioners for Proposed Plan Change 1 of the Hurunui and Waiau River Regional Plan.

11 November 2019

To: Plan Change 1 to the Hurunui and Waiau River Regional Plan
Environment Canterbury
PO Box 345
Christchurch 8140
Comment lodged by email – planhearings@ecan.govt.nz

Name of person making comment:

Te Rūnanga o Ngāi Tahu (Te Rūnanga)

Te Rūnanga has been allocated Submitter ID Number **14** [your reference].

These are comments in support or opposition to the alternative wording provided by Rural Advocacy Network and circulated through Minute 5 of the Hearing Commissioners for Proposed Plan Change 1 to the Hurunui and Waiau River Regional Plan.

Te Rūnanga opposes the suggested wording as set out in Schedule One and seeks that they are disallowed.

In general, the reasons for opposition are regarding concerns about water quality and the potential to undermine the integrity of the Hurunui and Waiau River Regional Plan. The reasons are fully described in Schedule One.

Signature of person authorised to sign on behalf of Te Rūnanga o Ngāi Tahu.



Matthew Ross
Programme Leader – Mana
Te Rūnanga o Ngāi Tahu

Date: 11 November 2019

Address for service:

Lisa MacKenzie
Te Rūnanga o Ngāi Tahu
PŌ Box 13 046
Ōtautahi
Christchurch 8021

Email: lisa.mackenzie@ngaitahu.iwi.nz

SCHEDULE 1

<i>Wording as Recommended by Council in Section 42 Report</i>	<i>Wording proposed by Rural Advocacy wording</i>	<i>Position and Comments by Te Rūnanga o Ngāi Tahu</i>
	<p>Proposed a new policy:</p> <p>“To recognise and support the initiatives being undertaken by landholders individually or as part of catchment or primary sector industry groups to undertake activities that maintain, restore or enhance the ecological, mahinga kai, or amenity values of land or waterbodies within the Hurunui, Waiau or Jed catchments or their tributaries, and to encourage and support further initiatives as an effective way to maintain or enhance environmental values in the catchments”.</p>	<p>While recognising that a dryland farmer can have positive on the ground actions to improve their environmental impact, the wording as drafted would provide for all landholders. The Plan change is focused on Dryland Farming only.</p> <p>Te Rūnanga has concerns about how the suggested policy could be implemented and whether it provides an out for preparing “Farm Environment Plans” and therefore removes a regulatory driver to improve on farm practices.</p> <p>Te Rūnanga also notes that the policy appears to have no link to a rule within the proposed plan change or operative plan.</p>
<p>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:</p> <p>a) either:</p> <p>i. the property is registered in the Farm Portal by [12 months after the plan change</p>	<p>Proposed new wording for Rule 10.1.A</p> <p>The use of land for dryland farming that results in a discharge of N or P which may enter water in the Nutrient Management Area shown on Map 4 is a permitted activity.</p>	<p>Oppose suggested wording.</p> <p>This rule has no conditions or requirements to undertake good management practices. The definition for dryland farming does not restrict winter grazing. Te Rūnanga has concerns about how this rule in conjunction with the proposed changes to the definition of dryland farming would</p>

<p>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</p> <p>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</p> <p>b) a Management Plan is prepared for and implemented on the property 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, on request, to be viewed only. The Canterbury Regional Council will not retain copies of the Management Plan.</p>		<p>potentially result in further degradation of water quality.</p> <p>Also, no evidence has been provided as to how this suggested rule avoids resulting in further degradation of water quality.</p> <p>Te Rūnanga is further concerned that the suggested rule undermines the integrity of the Hurunui and Waiau River Regional Plan.</p> <p>Rule 10.1 (in the operative Plan) requires that for existing landuse to be permitted that a nutrient budget (using Overseer) is provided and that the land is subject to a collective. Under Schedule 2 land subject to a collective is required to have a Farm Environment Plan (see Schedule 2 (1)(d)).</p> <p>Rule 10.1A, as recommended by the Council officers, provides an easier pathway for dryland farmers than under operative rule 10.1 but the Council's proposed wording retains the integrity of the plan by requiring a form of nutrient budgeting and the preparation of a management plan.</p> <p>Te Rūnanga further queries how the suggested rule would fit with pathways of the proposed rule 11.1 changes as recommended by the Council.</p>
<p>Low Intensity Dryland Farming means the use of land for a farming activity, where:</p>	<p>Proposed new definition for dryland farming:</p>	<p>Oppose suggested wording.</p>

<ul style="list-style-type: none"> a) no part of the property is irrigated; and b) the area of the property used for Winter Grazing is less than: <ul style="list-style-type: none"> i. 10 hectares, for any property less than 100 hectares in area; or ii. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or iii. 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; and d) the farming activity does not include a component where livestock are confined within a hard-stand area for the purpose of intensive controlled feeding with the purpose of encouraging high weight gain. 	<p>Dryland farming means the use of land for a farming activity without the application of irrigation water at any stage in any 12-month period and</p> <ul style="list-style-type: none"> a) 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 b) 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. 	<p>The suggested definition removes the limiting factors from the Council's proposed definition regarding no irrigation, and winter grazing.</p> <p>It is not clear why the definition includes as a timeframe 12 months without irrigation, particularly when read in conjunction with the evidence supplied that clearly states that "Dryland Farming is exactly that, farming without irrigation."</p> <p>If the intent of the suggested amendment is to enable those that have de-intensified and are no longer irrigating to be captured by the rule, there is no information provided to determine whether the 12-month timeframe is appropriate and would maintain water quality or result in further degradation and a longer time period is required.</p>
	<p>New "activity" definition for some irrigation:</p> <p>Low Intensity Irrigated Farming means the use of land for a farming activity, where:</p> <ul style="list-style-type: none"> a) no more than 50ha of part of the property is irrigated b) and the area of the property used for Winter Grazing is less than: <ul style="list-style-type: none"> i. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or 	<p>Oppose suggested wording</p> <p>When considering submissions requesting a similar change the Council officers considered this point of submission to be out of scope. Te Rūnanga agrees with the Council's position.</p> <p>No supporting information has been provided to evaluate what the effect on water quality such a change would have.</p>

	<ul style="list-style-type: none"> 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; and 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. 	<p>Te Rūnanga is concerned that the definition as drafted would result in further degradation of water quality and the water quality limits in the plan being exceeded.</p>
	<p>New Rule 10.1B</p> <p>The use of land for any Low Intensity Irrigated Farming activity that results in a discharge of N or P which may enter water in the Nutrient Management Area shown on Map 4 is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) Either <ul style="list-style-type: none"> i. the property is registered in the Farm Portal; or ii. the property is subject to a Farmer Collective Agreement; and b) A Management Plan in accordance with Schedule 6 has been prepared and implemented, and is supplied to the Canterbury Regional Council, on request, to be viewed only. The Canterbury Regional Council will not retain copies of the Management Plan. 	<p>Oppose suggested wording.</p> <p>For the reasons outlined above in relation to Low Intensity Irrigated Farming definition.</p> <p>In addition, Te Rūnanga notes that under rule 10.1 of the Operative Plan, all existing land uses within the Hurunui and Waiau Uwha catchments are linked to water quality limits (Nitrate-Nitrogen concentrations) within policies 5.3 and 5.3A. Te Rūnanga is concerned that the proposed rule 10.1B as written does not link back to these water quality limits.</p>