

18 August 2020

MEMORANDUM

FROM: Lisa Jenkins
TO: Andrew Parrish
SUBJECT: Changes to be made to the Hurunui Waiau River Regional Plan pursuant to Clauses 16(2) of Schedule 1 to the Resource Management Act 1991 (RMA)

SCHEDULE OF CHANGES

Independent hearing commissioners were appointed to hear submissions and make recommendations on proposed Plan Change 1 to the Hurunui Waiau River Regional Plan. In response to those submissions the hearing commissioners prepared a Report and Recommendation for the Council which recommended insertions, deletions and amendments to the notified plan change.

The Report and Recommendations of the independent hearing commissioners was adopted and approved as the Council's decision on Plan Change 1 at a Council meeting on 12 March 2020.

Plan Change 1 is now at a stage in the planning process where it may be made operative by way of Council resolution. It is necessary to make a number of minor corrections and renumbering in Plan Change 1, prior to making the plan change operative. These amendments correct minor typographical and grammatical errors and ensure the provisions are worded and numbered in a logical way.

The authority to correct minor errors or make alterations of minor effect to a proposed plan change, without using the process described in Schedule 1 to the Resource Management Act (1991), is provided in Clause 16(2) of Schedule 1.

Clause 16(2) of Schedule 1 of the states:

"A local authority may make an amendment, without using the process in this schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors"

Table 1 shows the recommended amendments to the Council's decisions on Plan Change 1. Provisions identified in Column 1 of the tables below refer to provisions as numbered in the Councils' decision on Plan Change 1.¹

¹ This paragraph was updated on 31 August 2020 to correct an error. In the Council Meeting agenda, the paragraph incorrectly referred to "Plan Change 3". This has now been corrected.

Table 1 – Recommended amendments to Plan Change 1 to the HWRRP

Location	Type of correction / alteration	Correction	Reason
<p>Part 2 Objectives & Policies</p> <p>2.5 Cumulative effects of Land use on Water Quality</p> <p>Policy 5.3C</p>	<p>Correction of omitted wording</p>	<p>To protect existing values, uses and the mauri of the Jed, Hurunui and Waiau Uwha Rivers and their tributaries, while recognising the comparatively small contribution of dryland farming to in-river nutrient concentrations <u>by allowing for the continued operation of low intensity dryland farms without resource consent.</u></p>	<p>In Appendix 1 of the hearing Panel recommendations, the underlined text has been omitted from Policy 5.3C. The underlined text was notified and in its decisions report the Panel did not recommend omitting the underlined text, and further explicitly included that text in the Policy recommendation. It is likely the omission was a cut and paste error</p>
<p>Part 3 Rules</p> <p>3.3. Cumulative Effects of Land Use on Water Quality</p> <p>Rule 10.1A</p>	<p>Correction of grammar to provide clarity and insertion of operative dates</p>	<p>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 becomes operative in accordance with clause 20 of Schedule 1 of the RMA] <u>5 September 2021</u> 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] <u>5 September 2021</u>; and</p> <p>(b) a Management Plan is prepared</p>	<p>Replacement text in</p>

		<p>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} <u>5 September 2021</u>, 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>	
Rule 10.2	Renumbering	<p>Any change in land use (refer Part 5 – Definitions), in the Nutrient Management Area shown on Map 4, is a permitted activity, provided that:</p> <p>e- <u>(a)</u> either:</p> <ul style="list-style-type: none"> (i) conditions (b) (c) and (d) of Rule 10.1 are met; <u>or</u> (ii) 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 met; and <p>f- <u>(b)</u> for changes in land use in the Hurunui catchment above SH 1, the dissolved inorganic nitrogen and dissolved reactive phosphorus load limits specified in Schedule 1 are not exceeded, taking into account limits specified in resource consents; and</p> <p>g- <u>(c)</u> a water permit has been granted that authorises irrigation on the land and includes conditions that:</p> <ul style="list-style-type: none"> iv-<u>(i)</u> specify the maximum annual amount of nitrate-nitrogen that may be leached; v-<u>(ii)</u> specify measures to minimise the loss of phosphorus; and vi-<u>(iii)</u> the land is subject to: <ul style="list-style-type: none"> v-<u>(i)</u> an Industry Certification System; or vi-<u>(ii)</u> a Catchment Agreement; or vii-<u>(iii)</u> an Irrigation Scheme Management Plan; or viii-<u>(iv)</u> a Lifestyle Block Management Plan <p>Or as an alternative to complying</p>	Renumbering is necessary to ensure provisions are ordered sequentially.

		<p>with (c):</p> <p>h- (d) on or before 1 January 2017 the land is not irrigated with water but is subject to:</p> <p>v-(i) an Industry Certification System; or</p> <p>iv-(ii) a Catchment Agreement; or</p> <p>v-(iii) an Irrigation Scheme Management Plan; or</p> <p>vi-(iv) a Lifestyle Block Management Plan.</p>	
Definition: Change in land use	Insertion of operative dates	<p>For the purposes of this Plan, a change in land use:</p> <p>(a) is calculated on a per property basis, and 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, but calculated on the gross load per property from the date this Plan is made operative; or</p> <p>(b) where a farming activity met the definition of Low Intensity Dryland Farming at [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA] <u>5 September 2021</u>, any change that results in the farming activity not meeting the definition of Low Intensity Dryland Farming.</p>	Replacement text in
Definition: Winter Grazing	Correction of grammar for consistency	m Means the grazing of cattle within the period of 1 May to 30 September where the cattle are contained for break-feeding of in-situ brassica and root vegetable forage crops.	Keeping the capitalisation consistent for all definitions
Schedule 2A	Insertion of operative dates	<p>Rule 10.1A provides an option for any Low Intensity Dryland Farming activity, in the Nutrient Management Area shown on Map 4, to implement, on or before [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA] <u>5 September 2021</u>, a Dryland Farmer Collective Agreement. This schedule sets out the requirements that a Dryland Farmer Collective Agreement must contain and address for it to be approved by the Canterbury Regional Council.</p>	Replacement text in

<p>5.7 Schedule 6</p> <p>Management Plan for Low Intensity Dryland Farming</p>	<p>Renumbering</p>	<p>Part A – Management Plans 3.1. A Plan prepared ... 4.2. A Plan prepared in accordance with an industry ...</p> <p>Part B – Management Plan Default Content The Management Plan shall contain as a minimum: 6.1. Property details d.(a) Physical... e.(b) Description.. f.(c) Legal... 7.2. A map(s).. f.(a) The boundaries... g.(b) The boundaries... h.(c) The location of... i.(d) The location of... j.(e) The location on.. 8.3. The location of any... 9.4. A description of... e.(a) the on-farm actions... d.(b) the on-farm actions... 10.5. A copy of the Management...</p>	<p>Renumbering is necessary to ensure provisions are ordered sequentially.</p>
<p>Schedule 6</p>	<p>Insertion of operative dates</p>	<p>4. A description of: (a) the on-farm actions, including applicable good management practices, that have been undertaken in the previous 01 July to 30 June period to implement the applicable practices described in the table below; and (b) the on-farm actions, including applicable good management practices, that will be undertaken each year (01 July – 30 June), from [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA] <u>5 September 2021</u> to implement the applicable practices described in the table below. For clarity, the Management Plan will include a continuous record of on-farm actions, including applicable good management practices from the operative date of the Plan] <u>5 September 2021</u> for a period of up to 10 years; and_</p>	<p>Replacement text in</p>

It is considered appropriate to use Clause 16(2) to Schedule 1 to the RMA to amend Plan Change 1 to the Hurunui Waiau River Regional Plan for the following reasons:

- The recommended amendments to Plan Change 1 to the Hurunui Waiau River Regional Plan correct minor errors or correct typographical errors, or renumber provisions. These changes do not materially alter the substance, intent or application of these provisions;
- The recommended amendments are of neutral effect and do not prejudice the rights of any person that made a submission on these provisions.

Recommendation

The above changes as recommended by Environment Canterbury staff, are approved as minor corrections under Clause 16(2), and a copy of these changes is displayed on the Environment Canterbury Website.

Delegated Authority: Andrew Parrish, Regional Planning Manager

A handwritten signature in black ink, appearing to be 'AP', with a long horizontal stroke extending to the right.

Date: 18 August 2020

Reissued on 31 August 2020 – see footnote 1