

BEFORE THE HEARING COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991
(the Act)

AND

IN THE MATTER of the proposed Canterbury Land and
Water Regional Plan

MEMORANDUM OF COUNSEL FOR HORTICULTURE NEW ZEALAND

12 JULY 2013



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MAY IT PLEASE THE COMMISSIONERS:

1. This memorandum is filed on behalf of Horticulture New Zealand a submitter (submitter ID number 326) on the proposed Land and Water Regional Plan for the Canterbury region ("pLWRP").

INTRODUCTION

2. This memorandum deals with a number of matters that arose during the presentation of evidence and submissions by Horticulture New Zealand at the Group 2 hearings, namely:
 - (a) The definition of 'changed';
 - (b) Track change version of Schedule 7;
 - (c) Comment on limitations to "Advanced mitigation measures" definitions.

CHANGED

3. At the hearing Ms Wharfe for Horticulture New Zealand presented an amended version of the definition of 'changed' as result of discussions that took place. That amended version as presented orally by Ms Wharfe is:

For horticultural or arable production a change in land use is where there is a greater than 20% increase in the land area averaged over the length of the rotation based on records to verify the length of rotation.

SCHEDULE 7

4. At the hearing Horticulture New Zealand raised concerns about the wording of Schedule 7. The Commissioners asked for specific wording changes to the Section 42A version of Schedule 7 to be provided. This is now attached in Appendix 1. It should be noted for completeness that this changed wording does not address the issue of the interim period as covered at paragraphs 111 and 112 for Ms Wharfe's evidence in chief.

ADVANCED MITIGATION MEASURES

5. In her evidence in chief Ms Wharfe raised a number of concerns with the definition of 'advanced mitigation measures' in the Section 42A report.

6. The Commissioners asked Horticulture New Zealand to consider what wording changes it would recommend to the definition. The changes, taken from the evidence in chief of Duncan McLeod, are set out as follows:

Advanced mitigation measures means the adoption of one or more of the following ~~multiple~~ techniques ~~from the following list~~ to minimise nutrient losses from a property:

1. Winter shelter
2. Restricted grazing
3. No winter grazed fodder crops
4. Reduced stocking rates
5. Low N feed
6. Reduced/Nil fertiliser
7. Improved animal efficiency
8. Improved irrigation efficiency (better than 80%)
9. Nitrification inhibitors
10. Optimum Olsen P
11. Low solubility P fertiliser
12. Effluent management
13. Reduced water use
14. Catch cropping
15. Improved soil physical condition to reduce erosion
16. Natural wetlands
17. Floodplain wetlands
18. Constructed wetlands
19. Riparian margins
20. Grass buffers
21. Swales
22. Sediment traps/ponds
23. Soil testing is undertaken every 3 - 5 years

- 24. Nutrients applied accordingly to standards available or informed by fertiliser recommendations based on soil tests
- 25. Operator monitoring and reporting framework to validate operator practice
- 26. Irrigation and fertiliser equipment is calibrated
- 27. Water is applied to maintain soil moisture between the wilting point and field capacity
- 28. Petiole testing
- 29. Variable rate nutrient applications.

CONCLUSION

- 7. Horticulture New Zealand thanks the Commissioners for their consideration of these matters.

DATE: 12 JULY 2013



Helen Atkins

Legal Counsel for Horticulture New Zealand

APPENDIX 1

SCHEDULE 7

Part A – Farm Environment Plans

A Farm Environment Plan can be based on either of:

1. Industry prepared Farm Environment Plan templates and guidance material that:
 - (a) Include the following minimum components:
 - (i) The matters set out in 1, 2, and 3 of Part B below;
 - (ii) Contains a methodology that will enable development of a plan that will identify environmental effects and risks specific to the property, addresses those effects and risks and has a high likelihood of appropriately avoiding, remedying or mitigating those effects;
 - (iii) Performance measures that are capable of being audited as set out in Part C below; and
 - (b) Has been approved as meeting the criteria in (a) and being acceptable to the Canterbury Regional Council by the Chief Executive of the Canterbury Regional Council.

OR

2. The material set out in Part B below.

Part B – Farm Environment Plan Default Content

The plan requirements will apply to:

- (a) a plan prepared for an individual property or operation; or
 - (b) a plan prepared for an individual property which is part of a collective of properties, or operations including an irrigation scheme, an Industry Certification Scheme, or catchment club.
8. The plan shall contain as a minimum:
 1. Property or operation details
 - (a) Physical address
 - (b) Description of the ownership and name of a contact person
 - (c) Legal description of the land and farm identifier
 2. A map(s) or aerial photograph at a scale that clearly shows:
 - (a) The boundaries of the property or properties that are part of the operation.

- (b) The boundaries of the main land management units on the property or properties that are part of the operation.
 - (c) The location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands.
 - (d) The location of riparian vegetation and fences adjacent to water bodies.
 - (e) The location on all waterways where stock access or crossing occurs.
 - (f) The location of any areas within or adjoining the property that are identified in a District Plan as "significant indigenous biodiversity".
3. The full text of any resource consents held for the property or operation and the conditions of the consents.
4. An assessment of the environmental effects and risks associated with the farming activities on the property and how the identified effects and risks will be managed, including irrigation, application of nutrients, effluent application, stock exclusion from waterways, offal pits and farm rubbish pits.
5. A description of how each of the following will, where relevant, be met.
- (a) Nutrient management: To maximise nutrient use efficiency while minimising nutrient losses to water.
 - (b) Irrigation management: To operate irrigation systems efficiently and ensuring that the actual use of water is monitored and is efficient.
 - (c) Soil management: To maintain or improve the physical and biological condition of soils in order to minimise the movement of sediment, phosphorus and other contaminants to waterways.
 - (d) Collected animal effluent management: To manage the risks associated with the operation of effluent systems to ensure effluent systems are compliant 365 days of the year.
 - (e) Livestock management: To manage wetlands and water bodies so that stock are excluded as far as practicable from water, to avoid damage to the bed and margins of a water body, and to avoid the direct input of nutrients, sediment, and microbial pathogens.
 - (f) Offal pits and rubbish pits: To manage the number and location of pits to minimise risks to health and water quality.
6. The plan shall include for each issue in 5 above:
- (a) detail commensurate with the scale of the environmental effects and risks;

- (b) defined measurable targets that clearly set a pathway and timeframe for achievement, and set out defined and auditable “pass/fail” criteria;
 - (c) a description of the good management practices together with actions required;
 - (d) the records required to be kept for measuring performance and achievement of the target.
7. Nutrient budgets are prepared by a suitably qualified person using a nutrient budget model, (such as OVERSEER™), for each of the identified land management units and the overall farm or operation, across the full crop rotation.

Part C – Farm Environment Plan Audit Requirements

The Farm Environment Plan must be audited by a Farm Environment Plan Auditor¹ who is independent of the farm being audited (is not a professional adviser for the property) and has not been involved in the preparation of the Farm Environment Plan, either personally or as an employee or contractor of the industry group, supplier or consultancy that has prepared the Farm Environment Plan. The audit procedure can be aligned to an audit of an industry programme used in Part A, subject to the approval of the Chief Executive of the Canterbury Regional Council.

The Audit framework will give a grade of A, B or C for the Farm Environment Plan itself, and a grade of A, B or C for performance against the Farm Environment Plan actions.

The Farm Environment Plan will be assessed against the following minimum criteria:

1. Whether the Plan is technically sound and feasible
2. Does the Plan identify and address the principal environmental effects and risks?
3. Does the Plan enable all statutory obligations, including resource consents, to be met?
4. Is the detail in the Plan, actions and timeframes for achievement commensurate with the scale of the environmental effects and risks?

The farming activity occurring on the property will be audited against the following minimum criteria:

1. Compliance with all relevant statutory requirements;

¹ Note that Horticulture New Zealand has given evidence on the definition of Farm Environment Plan Auditor at paragraphs 78-81 of the Ms Wharfe’s evidence in chief.

2. An assessment of the performance against the targets, good practices and timeframes in the Farm Environment Plan;
3. An assessment of the robustness of the nutrient budget/s;
4. An assessment of the efficiency of water use (if irrigated).

Farm Environment Plans shall be audited annually and the audit results provided to the CRC no later than 31 December for the previous 1 July to 31 June year, or such other annual period nominated. Once a farm environment plan review and audit period is nominated, each successive audit may be no more than 12 months apart.

A grade of "A" for the Farm Environment Plan itself and "B" for performance against the Farm Environment Plan actions is considered an "A-B" grade in terms of Rules 5.39-5.51.

Any audit result that does not result in an "A-B" grade may be submitted with a revision of the farm environment plan, a list of corrective actions and a follow-up audit that shows an "A-B" grade within 6 months of the original audit without penalty under Rules 5.39 to 5.51.

Part D – Farming Information

Whenever one of Rules 5.39-5.51 requires information to be submitted, the following information is to be provided either in writing or via the Canterbury Regional Council's website:

- 1 The site area to which the farming activity or operation relates;
- 2 A map or aerial photograph marked to identify the different blocks within the farm or operation and the area in hectares of each;
- 3 Identification of any wetlands, watercourses, drains and swales on or adjacent to the property;
- 4 Monthly stocking rates (numbers, types and classes) including breakdown by stock class;
- 5 Annual yield of arable or horticultural produce;
- 6 A description of the farm management practices used on each block including:
 - (a) Ground cover – pasture, crops, fodder crops, non-grazed areas (including forestry, riparian and tree areas) and the crop rotation across the whole rotation;
 - (b) Stock management – lambing/calving/fawning dates and percentages, any purchases and sales and associated dates, types and age of stock;

- (c) Fertiliser application – types and quantities per hectare for each identified block, taking into account the crop rotation;
- (d) Quantities of introduced or exported feed;
- 7 Farm animal effluent, pig farm effluent, feed pad and stand-off pad effluent management including:
 - (a) Area of land used for effluent application;
 - (b) Annual nitrogen loading rate and nitrogen load rate per application;
 - (c) Instantaneous application rate;
- 8 Irrigation – areas, rates, monthly volumes and system type.

The information is to collated for the period 1 July to 31 June in the following year and be provided annually, no later than the 31st of October.