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Subject: TRIM: The Fertiliser Association of New Zealand's submission to Environment Canterbury on the Proposed Variation One to the Proposed Canterbury Land and Water Regional Plan
Attachments: Selwyn Waihora Variation One submission.pdf
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Please find attached the Fertiliser Association of New Zealand's submission to Environment Canterbury on the Proposed Variation One to the Proposed Canterbury Land and Water Regional Plan.

Kind regards

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SUBMISSION TO ENVIRONMENT CANTERBURY

on the

PROPOSED VARIATION ONE TO THE
PROPOSED CANTERBURY LAND AND WATER
REGIONAL PLAN

by

THE FERTILISER ASSOCIATION OF NEW ZEALAND

21 MARCH 2014

FANZ' member companies are Ballance Agri-Nutrients Ltd and Ravensdown Fertiliser Co-operative Ltd

Introduction

- I. The Fertiliser Association of New Zealand ('FANZ') is a trade association representing the New Zealand manufacturers of superphosphate and nitrogen fertilisers. FANZ has two member companies – Ballance Agri-Nutrients Ltd and Ravensdown Fertiliser Co-operative Ltd. Both these companies are farmer owned co-operatives with some 45,000 farmer shareholders. FANZ member companies supply over 98% of all fertiliser used in New Zealand. This represents a \$2 billion market share. There are super-phosphate manufacturing plants located in Mt Maunganui, Invercargill, Napier, Dunedin and Christchurch. New Zealand's only ammonia-urea manufacturing plant is located at Kapuni, South Taranaki. The companies each have networks of fertiliser storage, distribution and dispatch facilities across New Zealand. In total the companies employ more than 1450 staff across their organisations.
- II. To promote good management practices, FANZ and its member companies develop training programmes, codes of practice and industry information fact sheets. They fund research, partner with government on research and development projects and work closely with other organisations in the agricultural sector on industry-good issues. Industry research and development spending exceeds \$16 million per annum. This includes funding for OVERSEER®.
- III. OVERSEER® is an agricultural management tool which assists farmers and their advisers to examine nutrient use and movements within a farm to optimise production and environmental outcomes. The computer model calculates and estimates the nutrient flows in a productive farming system and identifies risk for environmental impacts through nutrient loss, including run-off and leaching, and greenhouse gas emissions. OVERSEER® is jointly owned and funded by the Ministry for Primary Industries, AgResearch and FANZ.
- IV. FANZ supports and encourages an environmentally responsible science-based approach to nutrient management and its regulation. FANZ member companies provide product that is critical to New Zealand farming systems along with research that supports both environmentally sustainable farming practices and government's export growth agenda. FANZ is influential across all agricultural sectors, including dairy, sheep, beef, arable and horticulture.
- V. In developing this submission FANZ member companies were consulted and provided industry expertise and advice. FANZ also consulted with other representatives of primary sector industries. FANZ member companies may make their own submissions specific to the view of their individual operations. FANZ endorses submissions made by its member companies.

- VI. FANZ could not gain an advantage in trade competition through this submission.
- VII. FANZ would be prepared to consider presenting its submissions in a joint case with others making a similar submission at any hearing.
- VIII. FANZ wishes to be heard in support of its submissions on the Proposed Variation One to the Proposed Canterbury Land and Water Regional Plan (the Variation).

Submissions on the Proposed Variation One to the Proposed Canterbury Land and Water Regional Plan.

1. FANZ supports the following submission made by Ballance Agri-Nutrients Ltd:
 - a. *“Variation 1 must be supported by a robust, comprehensive and practicable ‘Implementation Plan’. The Implementation Plan must map out how the Council and the Selwyn Waihora community are to collectively give effect to the nutrient baseline approach promulgated within Variation”*
2. At page 4-3 the Variation states:
 - i. *“The overall vision for Te Waihora/Lake Ellesmere catchment is ‘To restore the mauri of Te Waihora while maintaining the prosperous land-based economy and thriving communities’; and*
 - ii. *“A package of actions to achieve the vision for the Selwyn Waihora catchment has been identified through a two-year collaborative planning process with the Selwyn Waihora Zone Committee”;* and
 - iii. *“The package of actions is significant but will not achieve the catchment vision.”*
- b. The Variation contradicts itself in that it states:
 - i. there is a vision *“to restore...the catchment while maintaining prosperity”;* and
 - ii. there is *“a package of actions to achieve the vision”;* but
 - iii. the package of actions *“will not achieve the vision”*.
- c. FANZ submits that if Council envisages restoring the catchment while maintaining community prosperity it should put in place a package of actions that can achieve the vision.
- d. FANZ submits that economic wellbeing is crucial to achieving healthy, prosperous, inclusive and environmentally sustainable communities, and Council’s planning efforts ought not to be equivocal or contradictory in that regard.

3. At page 4-4, in the Waihora Sub-Regional Section Definitions, Good Management Practice is stated to mean, “*nitrogen and phosphorus loss rates (in kilograms per hectare per annum) from a property (including losses below the root zone of a property) for different soils, rainfall and farm type operating at good management practice.*”
 - a. Currently, OVERSEER® doesn’t have spatial and topographical capability required to identify critical source areas of Phosphorus (P) loss within a farm.
 - b. There may be other software tools that can target critical source areas of P loss within a farm that contribute P to receiving water bodies. FANZ understands a software tool called MitAgator™¹ has been under development for some time and its testing and validation is nearing completion.
 - c. MitAgator™ can take the input and output data from a given OVERSEER® file, and link it with other spatial data layers. Using the added spatial data sets, a hydrological flow model can be produced that can describe the risk of water movement through the soil (driving leaching) and across the landscape (driving runoff). There may be other similar products available or under development.
 - d. FANZ asks Council to note that the use of OVERSEER® alone to indicate mitigations that reduce the impacts of P losses to surface water could lead to farmers having to incur costs of instituting mitigations which may be misplaced and therefore ineffective. Conversely, important critical source areas contributing P to receiving waters may be missed, thus undermining the objective of achieving P neutrality on farms within the catchment².
4. At page 4-5, Policy 11.4.1 states “*Manage water abstraction and discharges of contaminants within the entire Selwyn Waihora catchment to avoid cumulative effects on the water quality of Te Waihora/Lake Ellesmere and flow of water in springs and tributaries flowing into Te Waihora/Lake Ellesmere*”.
 - a. The phrase *avoid, remedy or mitigate* appears 64 times in 11 sections of the Resource Management Act 1999 (the RMA).
 - b. The phrase *cumulative effect* appears 14 times in 4 sections of the RMA.
 - c. The phrase *cumulative effect* is not juxtaposed with the word *avoid* any times in the RMA.
 - d. The higher bar that the word *avoid* imposes when used in isolation without the alternatives *remedy* or *mitigate* is apparently not contemplated in the RMA. For the sake of consistency with the RMA FANZ submits that the phrase “*to avoid cumulative effects*” should be amended to read, *to avoid, remedy or mitigate cumulative effects*.

¹ www.ballance.co.nz/news/spring+2013/new+nutrient+technology

² Evidence of Dr Antony Roberts, Chief Scientific Officer for Ravensdown Fertiliser Co-Operative Limited in the matter of the Tukituki Catchment Proposal – Abridged.

5. At page 4-6, Policy 11.4.12 (d) states “*Reduce discharges of nitrogen, phosphorus, sediment and microbial contaminants from farming activities in the catchment by requiring farming activities to exclude stock from drains, in addition to the regional requirements to exclude stock from lakes, rivers and wetlands*”.
 - a. The definition of a drain is set out in section 2 of the Proposed Land and Water Regional Plan. The definition sets out that a drain includes any artificial watercourse that has been constructed for the purpose of land drainage of surface or subsurface water and can be a farm drainage channel, an open race or subsurface pipe, tile or mole drain, or culvert.
 - b. FANZ is concerned that subsurface pipes, tiles and mole drains have been captured by the policy. FANZ is also concerned at what might be meant by stock exclusion from subsurface drains. As it is currently drafted it can be read that stock are to be excluded from areas above subsurface drains.
 - c. Selwyn District Council 5Waters Activity Plan sets out that there is about 20,700ha of farmland in Selwyn that is drained by such means. FANZ notes Selwyn Te Waihora Zone Implementation Programme which sets out that the drainage network “*drains land that was converted from wetland or swamp to what is now productive farm land. This network is located on private land or on council road reserve, and takes stormwater and helps to reduce flooding on the plains*”.
 - d. FANZ is not of the view that Council could seriously intend to exclude 20,700ha of land from pastoral production in Selwyn. FANZ is of the view that Council perhaps intended the Variation to exclude stock from open drains, not the land above sub surface drains.
 - e. FANZ submits that either the definition in the Canterbury Land or Water Regional Plan or the Variation or both be amended to clarify what Council means in Policy 11.4.12 by requiring farming activities to exclude stock from drains including, apparently, subsurface drains, in addition to the regional requirements to exclude stock from lakes, rivers and wetlands.
 - f. FANZ submits that drains of any kind, surface or subsurface, need to be of a significant enough nature that stock access to them will be likely to have a significant adverse effect before Council should regulate to exclude stock from them.
6. At page 4.4 the Variation sets out the definition of “*intensive winter grazing*” as follows: “*grazing of stock between 1 May and 30 September on fodder crops or pasture where the grazing results in removal of, or damage to vegetation and exposes bare ground and/or pugging of the soil*”.
 - a. The RMA focuses on effects of activities rather than the activities themselves. FANZ also supports an approach that focuses on the environmental effects of farming systems. The flexibility of this effects-based (output) approach encourages efficient and environmentally responsible agricultural production.

- b. Sward loss can occur in the context of a variety of pasture management options. The loss can be temporary or persistent. If loss of the sward is persistent the land manager may renew the pasture by cultivation and sowing of new pasture. This cycle can be part of good land management.
- c. FANZ is of the view that in the context of this definition, Council is probably contemplating control of nutrient loss to water during intensive winter grazing where there is break feeding behind temporary electric fencing.
 - i. On that basis, FANZ submits that the definition of “*intensive winter grazing*” be amended as follows or with words to this effect. “*Intensive winter grazing means: grazing of stock between May and September inclusive on fodder crops or pasture to the extent that the grazing results in significant devegetation. This is usually associated with break feeding behind temporary electric fencing*³”.

7. At page 5-1, Schedule 24 the Variation sets out under the heading “*Farm Practices*”

- a. *Nutrient Management:*
 - (i) *A nutrient budget based on soil nutrient tests has been prepared, using OVERSEER® in accordance with the OVERSEER® Best Practice Data Input Standards [2013], or an equivalent model approved by the Chief Executive of Environment Canterbury and is reviewed annually.*
- b. FANZ is not of the view that the phrase “*soil nutrient tests*” is correct or helpful. It is not used in the industry vernacular of farming practice or in common parlance.
- c. A nutrient budget includes soil test results which are gathered regularly, often on an annual or biennial basis. It also includes a much wider range of farm data. A nutrient budget represents the long term annual average nutrient losses and other sets of farm data.
- d. FANZ supports the following submission made by Ballance Agri-Nutrients Ltd:
 - i. “*The nutrient budget requirements must be staged such that they are practicable and readily able to be effectively implemented. This should include:*
 - 1. *Drawing a distinction within the new Schedule 24 Nutrient Budgets ‘review’ process versus an ‘update’, whereby in the absence of any significant farm system change, Nutrient Budgets should remain valid for a period of three years and not require ‘updating’; and*

³ This definition of “intensive winter grazing” is taken from Environment Southland’s Regional Water Plan for Southland

2. *The importance of Farm Environment Plans and associated Nutrient Budgets being progressively produced between the 1st of July 2015 and the 1st of January 2022*".
 - e. OVERSEER® Best Practice Data Input Standards are a set of guidelines to assist expert users to define data inputs into OVERSEER® that consistently achieve the most accurate nutrient budget of a farm for nutrient management purposes. They have not been developed to teach users how to operate OVERSEER®, nor have they been designed to be an auditing system. User selection of the input parameters can have a major effect on the estimates of nutrient cycling for the described farm systems and hence the ultimate budget reports.
 - f. The purpose of providing a best practice standard is to reduce inconsistencies between different users when operating OVERSEER® to model individual farm systems.
 - g. FANZ submits that for the sake of consistency the phrase “*soil nutrient test*” should be amended to read “*soil test*”.
 - h. FANZ submits in support of the use of OVERSEER® Best Practice Data Input Standards.
 - i. Land managers need to maintain annual data to populate their nutrient budgets and farm environment plans.
 - j. FANZ submits that it is not necessary or appropriate to require an annual review of nutrient budgets and, furthermore, there are not sufficient Certified Nutrient Management Advisors to meet a requirement for annually reviewed nutrient budgets, which would frustrate compliance and render the regulation unenforceable.
 - k. FANZ submits that the phrase “*and is reviewed annually*” be amended to read *and is reviewed triennially and after any significant farm system change*.
8. At page 5-1, Schedule 24 the Variation sets out under the heading “*Farm Practices*”
 - a. *Nutrient Management:*
 - (ii) *Fertiliser is applied in accordance with the Code of Practice for Nutrient Management [2007]; and either*
 - (a) *the Spreadmark Code of Practice; or*
 - (b) *with spreading equipment that is maintained or self-calibrated to Spreadmark Code of Practice standards.*
 - b. FANZ is in the process of updating the Code of Practice for Nutrient Management [2007] and recommends that the Variation is amended to account for later editions of the Code.
 - c. The Spreadmark Code of Practice does not refer to *self-calibrated* spreading equipment. FANZ is not of the view that Council means *self-calibrating* equipment and for clarity’s sake suggests amending

self-calibrated spreading equipment to *user-calibrated* spreading equipment.

ENDS

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