

Sharrie Campbell

From: Greg Sneath <greg@fertiliser.org.nz>
Sent: Friday, 24 October 2014 4:21 p.m.
To: Mailroom Mailbox
Cc: Sadlier Nigel (nsadlier@ballance.co.nz); Shaun Burkett
Subject: Fertiliser Association submission on Variation 2
Attachments: Fertiliser Association submission on Proposed ECAN Variation 2 CLWRP.pdf

Categories: Orange Category

EC295033

I am pleased to lodge the attached submission on behalf of the Fertiliser Association of New Zealand on the Proposed Variation 2 to the Proposed Canterbury Land and Water Regional Plan.

Please provide an acknowledgment of receipt and don't hesitate to contact me if there are any questions or I can be of further help in relation to this submission.

Kind Regards

Greg Sneath

GREG SNEATH | EXECUTIVE MANAGER | **FERTILISER ASSOCIATION** | Ph 04 473 6552 | Fax 04 473 6551 | Mob 027 4316 112

The Fertiliser Association of New Zealand Incorporated
Level 2, Ballinger Building, 58 Victoria Street, Wellington 6011
PO Box 11519, Manners Street Central, Wellington 6142



Visit our website at: www.fertiliser.org.nz

This email message and any attachment(s) is intended solely for the addressee(s) named above. The information it contains may be confidential and may be legally privileged. Unauthorised use of the message, or the information it contains, may be unlawful. If you have received this message by mistake please call the sender immediately on 64 4 473 6552 or notify us by return email and erase the original message and attachments. Thank you.

The Fertiliser Association of New Zealand accepts no responsibility for changes made to this email or to any attachments after transmission from the office.

Submission on Proposed Variation 2 to the Proposed Canterbury Land and Water Regional Plan

FOR OFFICE USE ONLY

Submitter ID:

File No:

Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by 5.00pm Friday 24 October 2014 to:

Freepost 1201 Variation 2 to pLWRP
Environment Canterbury
P O Box 345
Christchurch 8140

Full Name:

Organisation*: The Fertiliser Association of New Zealand **Phone (Wk):** 04 473 6552

* the organisation that this submission is made on behalf of

Postal Address: PO Box 11519
Manners Street Central
Wellington, 6142

Phone (Cell): 027 4316112

Contact name Greg Sneath

Email: greg@fertiliser.org.nz

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

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

Signature:



Date: 24 October 2014

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note:

(1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

I do wish to be heard in support of my submission; and

I would be prepared to consider presenting your submission in a joint case with others making a similar submission at any hearing

Introduction

1. The Fertiliser Association of New Zealand (FANZ) is a trade organisation representing the New Zealand manufacturers of superphosphate fertiliser. The Association has two member companies – Ballance Agri-Nutrients Ltd and Ravensdown Fertiliser Co-operative Ltd. Both these companies are farmer co-operatives with some 45,000 farmer shareholders. Between them these companies supply over 98% of all fertiliser used in New Zealand.
2. The fertiliser industry has invested heavily in tools and training resources to ensure consistent, reliable, science based nutrient management advice is provided to the farmer shareholders/owners of the member companies. The Fertiliser Association has is a third share owner of Overseer model along with AgResearch and Ministry of Primary Industries and is firmly committed to on-going development and improvement in this decision support tool. In addition, the Fertiliser industry funded Massey University to develop the intermediate and advanced Sustainable Nutrient Management in New Zealand Agriculture courses which have become an industry standard for training of nutrient management advisers. As an industry association the Fertiliser Association has developed the Code of Practice for Nutrient Management and publishes comprehensive information booklets on fertiliser use in New Zealand agriculture.
3. The Fertiliser Association takes a particular interest in regional policy statements and regional plans in terms of supporting provisions that enable the sustainable management of natural and physical resources, and ensuring any regulation of land use activities that may use fertilisers is appropriate and necessary.
4. The industry supports systems that provide flexibility for land users to engage appropriate tools and practices which manage farm system losses while retaining the flexibility to responsibly apply appropriate levels of farm system inputs required to meet commercially viable production. Indeed this outcome is essential for the national and regional economy.
5. The fertiliser industry continually advocates for Policy and Plan processes which:
 - a. are output based, (i.e. targeting achievable environmental outcomes, as is consistent with the RMA, and not regulate inputs or production limits)
 - b. maintain flexibility and encourage innovation to avoid, remedy or mitigate adverse environmental effects, while also maintaining and developing economic, social and cultural well being.
 - c. pursue Industry Best Management Practices, using:
 - Codes of Practice
 - Education programs
 - Incentives for adoption
 - d. encourage close collaboration and co-operation with industry bodies and sector representatives to find solutions to address land management issues
 - e. seek catchment based environmental targets and goals, which are consistent with current and intended land use.

(1) The specific provisions of the Proposed Plan that my submission relates to are:		(2) My submission is that: <i>(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.)</i>		(3) I seek the following decisions from Environment Canterbury: <i>(Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)</i>
Section & Page Number	Sub-section/	Oppose/support (in part or full)	Reasons	
General Comment		Support in-part	<p>Support is given to providing for nutrient management of Upper Hinds/Hekeao Plains area separately to the Lower Hind /Hekeao Plains area.</p> <p>Nutrient management using Good Management Practice Nitrogen Loss Rates based on Overseer Nutrient Budgets model, with adherence to Overseer Data Input Standards is supported.</p> <p>Of key note are submissions on;</p> <p>a) Rules 13.5.12 and 13.5.20 which will mean that farms which have in good faith, undergone development during the baseline period will not be able to comply with the average nutrient discharge will be prohibited as a result.</p> <p>b) Schedule 24 (a) which requires that nutrient budgets are reviewed</p>	<p>Retain the separation of Upper and Lower Hinds/ Hekeao areas for nutrient management provisions.</p> <p>Retain nutrient management using Good Management Practice Nitrogen Loss Rates based on Overseer Nutrient Budgets model with adherence to Overseer Data Input Standards</p> <p>As a key matter of note:</p> <p>Remove Prohibited activity status under Rules 13.5.12 and 13.5.20.</p> <p>As a key matter of note:</p> <p>Provided for Nutrient Budgets to be valid for 3 years.</p>

			<p>annually.</p> <p>The key issue is that as Overseer Nutrient Budgets represents a long term annual average nutrient loss and therefore should not be expected to represent farm management responses to ‘within year’ variations.</p> <p>Nutrient Budgets should remain valid for 3 years unless there is a significant farm system change</p>	
Part 3 –p1	Section 13 proposed text for before the Heading 13.1 on page 13-2	Oppose in-part	<p>Proposed new text to be inserted, should also include acknowledgement that this catchment and plains area is a significant agriculturally productive area important for the economic and social well-being of the region and country. Viable productive agriculture must be supported and provided for within environmental limits consistent with the National Policy Statement for Freshwater Management.</p>	<p>Insert after the third paragraph of the proposed new text:</p> <p><i><u>The Heketerere /Ashburton Catchment and Hinds/Hekeao Plains Area is an important area for agriculture and food production which provides significant employment in the area, both on-farm and in processing and service industries. The social and economic wellbeing of the community is reliant on the agricultural industry and it is important that it is retained so that the communities can thrive.</u></i></p>
Part 3 –p3	Definitions Definition of Good Management Practice	Support in-part	<p>The Variation 2 to the Land Water Regional Plan refers to Good Management Practice Nitrogen Loss Rates, and the definition should be retained but also include the means by which the nitrogen loss rate is</p>	<p>Retain “Definition of Good Management Practice Nitrogen Loss Rate” but amend as follows;</p> <p><i><u>“means nitrogen loss rates (in kilograms per hectare per annum) from a property to water as modelled with OVERSEER™, or equivalent model</u></i></p>

			determined.	<i>approved by the Chief Executive of Environment Canterbury for different soils, rainfall and farm type operating at good management practice.</i>
Part 3-p3	Missing Definition - Dairy Support	Oppose	<p>FANZ is opposed to a policy rule framework targeting one farming sector and preference is for a rule frame work which addresses losses from the farm system allowing full flexibility in how farm systems achieve the requirements.</p> <p>However, should Variation 2 retain specific provisions focussed on Dairy Support, as currently occurs in Table 13 (h) then a clear definition of what constitutes Dairy Support is required.</p>	<p>Delete specific provisions for Dairy Support.</p> <p>(In the event that provisions specifically target Dairy Support as a land use activity, consultation with all affected industry groups is required to establish a clear definition for Dairy Support.)</p>
Part 3 –p4	Proposed Policy 13.4.9 (a-d)	Support in - part	<p>Permitted activity for farming in the Upper Hinds/Hekeao Plains area is supported.</p> <p>Provision for Schedule 24 (a) or a Farm Environment Plan is supported. (subject to submission points on Schedule 24(a).)</p> <p>There remains uncertainty in estimates for required catchment loads and therefore the reduction percentage required remains uncertain. The economic and social</p>	<p>Retain Policy 13.4.9 (a) to (d) subject to review and confirmation of percentage reductions in N loss required to meet the correct balance between social, economic, cultural and environmental well being.</p>

			<p>consequence of requiring significant reductions could be severe and provision is required for review of the reduction needed as better information becomes available.</p> <p>(Variation 2 (d) requires 45 % reduction in N losses and adopting managed aquifer recharge to augment groundwater and /or surface water. 45 % reduction in N loss is significant enough to have major economic and social implications)</p>	
Part 3-p4	Proposed Policy 13.4.11	Support in-part	<p>Policy 13.4.11 says: <i>Maintain water quality in the Upper Hinds/Hekeao Plains Area by capping discharges of nitrogen at 114 tonnes of nitrogen per year and requiring all farming activities to operate at good management practice to maintain current phosphorus losses.</i></p> <p>While setting a catchment load is consistent with the NPS-FW, concern remains that the acceptable catchment load remains an uncertain estimate and the relationship between the farm system losses and the overall catchment load is still not well understood. Caution should be applied to regulatory requirements making this link, recognising that it is</p>	<p>Retain the Good Management Practice approach to controlling phosphorus loss, but amend text in Policy 13.4.11 to say: <i>“...requiring all farming activities to operate at good management practices to maintain <u>current-control</u> phosphorus losses”</i></p> <p>Caution be applied in introducing regulatory requirements linking absolute numbers for farm system losses with estimates for total catchment load, while the relationships are still being determined.</p> <p>Recognise that Overseer is best applied to provide estimates of relative change in nutrient loss.</p>

			<p>relative change in nutrient loss which is best provided for with the use of Overseer.</p> <p>Controlling P losses by means of good management practice is supported. Maintaining phosphorus loss at current levels for the Upper Hinds /Hekeao area may or may not be appropriate.</p>	
Part 3-p4	Proposed Policy 13.4.12	Support in-part	<p>Policy 13.4.12 says: <i>Improve water quality in the Lower Hinds/Hekeao Plains Area by reducing the discharge of nitrogen from farming activities to achieve a target load of 3,400 tonnes of nitrogen per year by 2035.</i></p> <p>While setting a catchment load is consistent with the NPS-FW, concern remains that the acceptable catchment load remains an uncertain estimate and the relationship between the farm system losses and the overall catchment load is still not well understood. Caution should be applied to regulatory requirements making this link, recognising that it is relative change in nutrient loss which is best provided for with the use of Overseer.</p>	<p>Make it clear that 'Discharge of nitrogen' is intended as nutrient discharge as defined in the plan i.e. 'losses from the farm'</p> <p>Amend Policy 13.4.12 as follows: <i>Improve water quality in the Lower Hinds/Hekeao Plains Area by reducing the discharge of nitrogen losses from farming activities to achieve a target load of 3,400 tonnes of nitrogen per year by 2035</i></p> <p>Caution be applied in introducing regulatory requirements linking farm system losses with a total catchment load, while the relationships are still being determined.</p> <p>Recognise that Overseer is best applied to provide estimates of relative change in nutrient loss.</p>

			<p>Setting a staged timeframe to achieve nutrient loss reductions is supported.</p> <p>The Term 'Discharge of nitrogen' can be misconstrued to mean discharge to land instead of 'losses from the farm'. The Policy should be clear that it applies to "losses from the farm", defined as 'nutrient discharge' in the CLWRP.</p>	
Part 3 –p4	Proposed Policy 13.4.13 (a)	Oppose in-part	<p>While setting a catchment load is consistent with the NPS-FW, concern remains that the acceptable catchment load remains an uncertain estimate and the relationship between the farm system losses and the overall catchment load is still not well understood. Caution should be applied to regulatory requirements making this link, recognising that it is relative change in nutrient loss which is best provided with the use of Overseer.</p> <p>Setting a staged timeframe to achieve nutrient loss reductions is supported.</p> <p>Reference to 'Baseline land uses' is open to being misconstrued and many have understood it to mean matters of discretion are applied to baseline land use. That is locking in land use as</p>	<p>Caution be applied in introducing regulatory requirements linking farm system losses with total catchment load, while the relationships are still being determined. Provide for review of the catchment load by an expert panel engaging representatives from all stakeholders.</p> <p>Recognise that Overseer is best applied to provide estimates of relative change in nutrient loss.</p> <p>Retain a staged timeframe to achieve nutrient loss reductions.</p> <p>It should be made clear that the 'N loss rates based on baseline land use' apply to the nitrogen loss rate only and not the baseline land use activity itself.</p>

			a grand-parented activity rather than simply the N loss value regardless of subsequent changes in land use activity. It should be made clear that the 'N loss rates based on baseline land use' apply to the nitrogen loss rate only and not the baseline land use activity itself.	
Part 3 –p4	Proposed Policy 13.4.13 (b)	Opposed	<p>Policy 13.4.13(b) targets a specific land use activity rather than address nutrient loss, and this is opposed.</p> <p>Further the policy specifies percentage reductions beyond Good Management Practice nitrogen losses, when the N losses provided by Good Management Practice are yet to be determined.</p> <p>Appropriate and equitable N loss reductions should be determined after the establishment of Good Management Practice Nitrogen Loss Rate values. Only at this stage is the community in a position to evaluate the cost:benefits of N loss reduction required.</p>	<p>Delete Policy 13.4.13 (b). Delete Table 13 (h) and review the approach required to meet overall N loss reductions once Good Management Practice Nitrogen Loss Rate values are established for all sectors.</p> <p>If retained, a clear and agreed definition for Dairy Support Land Use activity is required.</p>
Part 3 –p4	Proposed Policy 13.4.13 (c)	Opposed in-part	Policy 13.4.13 (c) provides for up to an additional 30,000 ha of land with associated intensification and a maximum nitrogen loss of 27 kg N /ha	<p>Amend Policy 13.4.13 (c) as follows:</p> <p><i>(c) enabling, by way of resource consent process, land use intensification or changes in land use</i></p>

			<p>year. Provision for additional land use intensification within environmental limits is supported, however the allocation of a cap of 27 kg N /ha/yr through this average allocation mechanism may be unnecessarily restrictive on land use opportunities.</p> <p>Flexibility for controlling discharges to appropriate levels based on Good Management Practice for a particular farm system and irrigation area, should be provided for in preference to an average cap.</p> <p>A relative change (increase) in overall load should be introduced once Good Management Practice values have been determined.</p>	<p><i>on a maximum of 30,000 hectares of land, provided the <u>additional nitrogen load loss calculation is limited to no more than 27 kg per hectare per year as a percentage of overall Good Management Practice Nitrogen Loss Rates once known.</u></i></p>
Part 3-p6	Proposed Rule 13.5.8	Support	<p>Rule 13.5.8 provides for permitted activity for properties less than 5 ha where N loss does not exceed 20 kg/ha/yr or Baseline N Loss, if greater.</p> <p>Permitted activity status is supported.</p>	Retain Rule 13.5.8 as permitted activity
Part 3- p7	Proposed Rule 13.5.9	Support	<p>Rule 13.5.9 provides for permitted activity and this is supported.</p> <p>Provision for Schedule 24 (a) or a Farm Environment Plan is supported.</p>	Retain Rule 13.5.9 as permitted activity

			(Subject to submission points on Schedule 24(a)).	
Part 3 – p7	Proposed Rule 13.5.10	Oppose in-part	<p>Rule 13.5.10 requires that activities which can not comply with permitted activity conditions trip immediately to discretionary consent.</p> <p>The matters to be considered relate to nutrient loss factors. For on-going business investment and development, there is more certainty if the matters to be addressed are identified in the planning documents. For these reasons controlled activity allows for appropriate control on the matters pertaining to nutrient loss, and more certainty for the farm business.</p>	<p>Amend Rule 13.5.10 as follows:</p> <p><i>13.5.10 The use of land for a farming activity as part of a farming enterprise in the Upper Hinds/Hekeao Plains Area is a <u>controlled discretionary</u> activity, provided the following conditions are met:</i></p> <p>Conditions for controlled activity would be expected to relate to nutrient management and the estimated catchment load.</p>
Part 3 – p7	Proposed Rule 13.5.11	Opposed in-part	<p>Rule 13.5.11 requires that activities which can not comply with permitted activity conditions 2 or 3 of Rule 13.5.9 or condition 3 of Rule 13.5.10, trip immediately to non-complying consent. Non-complying activity is not supported due to the default position of granting consent only in exceptional circumstances.</p> <p>Restricted Discretionary activity provides flexibility to address activities on a case by case basis to meet the</p>	<p>Amend Rule 13.5.11 as follows:</p> <p><i>13.5.11 The use of land for a farming activity that does not comply with conditions 2 or 3 of Rule 13.5.9 or condition 3 of Rule 13.5.10 is a <u>restricted discretionary non-complying</u> activity.</i></p> <p>Matters for discretion relate would be expected to relate to nutrient management and the catchment load, including:</p> <ol style="list-style-type: none"> 1. The quality of compliance with, and auditing of the Farm Environment Plan; and 2. The ability to meet the nitrogen load target for farming activities in Table 13 (g); and 3. From 1 January 2017 the Good Management

			plan's objectives.	Practice Nitrogen Loss Rates to be applied. <i>These Good Management Nitrogen Loss Rates are calculated based on</i> the baseline land use under Good Management Practice. and 4. The potential benefits of the activity to the applicant, the community and the environment.
Part 3 – p7	Proposed Rule 13.5.12	Opposed in - part	<p>Rule 13.5.12 requires that activities which can not comply with permitted activity condition 1 of Rule 13.5.9 or conditions 2 or 3 of Rule 13.5.10 is prohibited.</p> <p>Farm activities which have in good faith, undergone development during the baseline period will not be able to comply with the average nutrient discharge and will be prohibited as a result.</p> <p>Discretionary or Non-complying activity status provides flexibility to address activities on a case by case basis to meet the plan's objectives.</p> <p>Prohibited status removes all flexibility for Regional council to support appropriate farm practices under a discretionary activity status or non-complying status where adverse effects are less than minor.</p>	<p>Amend Rule 13.5.12 as follows:</p> <p><i>13.5.12 The use of land for a farming activity that does not comply with condition 1 of Rule 13.5.9 or condition 1 or 2 of Rule 13.5.10 is a <u>non-complying prohibited</u> activity.</i> (or in the alternative <i>a <u>discretionary</u> activity</i>)</p>

Part 3 – p7	Proposed Rule 13.5.13	Support	<p>Rule 13.5.13 provides for permitted activity for properties less than 5 ha where N loss does not exceed 20 kg or Baseline N Loss, if greater.</p> <p>Permitted activity status is supported.</p>	Retain Rule 13.5.13 as permitted activity
Part 3 – p7	Proposed Rule 13.5.14	Opposed in-part	<p>Because it is not immediately apparent which land area Rule 13.5.14 is intended to apply to, it requires that farming activities or a farm enterprise greater than 5 ha in the Lower Hinds/Hekeao Plains is a discretionary activity subject to conditions.</p> <p>For on-going business investment and development, there is more certainty if the matters to be addressed are identified in the planning documents. For these reasons restricted discretionary consent allows for appropriate control on the matters pertaining to nutrient loss, and more certainty for the farm business.</p>	<p><i>13.5.14 Despite any of Rules 13.5.15 to 13.5.20 the use of land for a farming activity or farming enterprise in the Lower Hinds/Hekeao Plains Area is a <u>restricted</u> discretionary activity, provided the following conditions are met:</i></p> <p>Matters for discretion would be expected to relate to nutrient management and the catchment load.</p>
Part 3 – p7	Proposed Rule 13.5.14	Opposed in-part	<p>Rule 13.5.14 states that it applies ‘despite’ Rules 13.5.15- 13.5.20. This appears to create a conflict where for example Rule 13.5.15 provides for permitted activity until 2017.</p>	Clarify the intention of Rule 13.5.14;
Part 3 – p8	Proposed Rule 13.5.15 (1)	Oppose in-part	<p>Permitted activity for farming in the Upper Hinds/Hekeao Plains area is supported.</p>	Retain permitted activity status in Rule 13.5.15 with provision for schedule 24 (a) or a Farm

			<p>Provision for Schedule 24 (a) or a Farm Environment Plan is supported. (subject to submission points on Schedule 24(a)).</p> <p>However, Rule 13.5.15 (1) states that N loss must not exceed the baseline N loss, but excludes the land granted a resource consent under Rule 13.5.14, (which allows N loss up to 27 kg N/ha/yr) with the total area of land granted consent subject to this rule does not exceed 30,000 ha.</p> <p>An equal allocation of 27 kg N/ha/yr may not provide for best use of resources. A relative change rather than absolute value is more consistent with the use and application of Overseer Nutrient Budget Model.</p>	<p>Environment Plan.</p> <p>The allocation for nitrogen loss increases provided for in an area of land subject to a resource consent granted under Rule 13.5.14 should be based on relative increase rather than an absolute value.</p>
Part 3 – p8	Proposed Rule 13.5.16 (1)	Support in-part	<p>Rule 13.5.16 provides for permitted activity for properties where N loss does not exceed 20 kg/ha/yr or Baseline N Loss, and it adheres to requirements of Schedule 24(a) or a Farm Environment Plan.</p> <p>Permitted activity status is supported (subject to amendments to Schedule 24 (a)).</p>	<p>Retain permitted activity status in Rule 13.5.16 with provision for schedule 24 (a) or a Farm Environment Plan.</p>

Part 3 – p8	Proposed Rule 13.5.16 (2)	Oppose in-part	<p>As above Rule 13.5.16(2) states that N loss must not exceed the baseline N loss, but excludes the land granted a resource consent under Rule 13.5.14, (which allows N loss up to 27 kg N/ha/yr).</p> <p>An equal allocation of 27 kg N/ha/yr may not provide for best use of resources. A relative change rather than absolute value is more consistent with the use and application of Overseer Nutrient Budget Model.</p>	The allocation for nitrogen loss increases provided for in an area of land subject to a resource consent granted under Rule 13.5.14 should be based on relative increase rather than an absolute value.
Part 3 – p8	Proposed Rule 13.5.17 (2)	Oppose in-part	<p>As above Rule 13.5.17(2) states that N loss must not exceed the baseline N loss, but excludes the land granted a resource consent under Rule 13.5.14, (which allows N loss up to 27 kg N/ha/yr).</p> <p>An equal allocation of 27 kg N/ha/yr may not provide for best use of resources. A relative change rather than absolute value is more consistent with the use and application of Overseer Nutrient Budget Model.</p>	The allocation for nitrogen loss increases provided for in an area of land subject to a resource consent granted under Rule 13.5.14 should be based on relative increase rather than an absolute value.
Part 3 – p8	Propose Rule 13.5.17 Matters of discretion	Oppose	For Rule 13.5.17 it is noted that	Delete Matter for discretion 3 until such time as Good Management Practice Nitrogen Loss Rates

	(3)		<p>matters for discretion include:</p> <p><i>“3. From 1st January 2017 the Good Management Practice Nitrogen Loss Rates to be applied for the baseline land uses.”</i></p> <p>This provision should be deleted until Good Management Practice Loss Rates are determined.</p> <p>Reference to ‘Baseline land uses’ is open to being misconstrued and many have understood it to mean matters of discretion are applied to baseline land use, that is locking in land use activity rather than simply the N loss value regardless of subsequent changes in land use activity. It should be made clear that the matters of discretion apply to the nitrogen loss rate and not the baseline land use activity itself.</p>	<p>are determined , or</p> <p>In the event that Matters for Discretion 3 are retained; Amend Bullet 3 for ‘Matter for discretion’ under Rule 13.5.17 as follows:</p> <p><i>“3. From 1st January 2017 the Good Management Practice Nitrogen Loss Rates are applied. These Good Management Practice Nitrogen Loss Rates are calculated based on to be applied for the baseline land use under Good Management Practice”</i></p>
Part 3 – p8	Propose Rule 13.5.17 Matters of discretion (4)	Oppose	<p>Rule 14.5.17 matters of discretion (4) requires that Discretionary Consents will be issued in consideration of the percentage reduction beyond Good Management Practice Nitrogen loss rates for Dairy farms and Dairy support farms as specified in Table 13(h).</p>	<p>Delete reference to Table 13 (h) until such time as Good Management Practice Nitrogen Loss Rates can be established.</p> <p>If Table 13 (h) is retained delete specific percentage reduction values until Good Management Practice Nitrogen loss is determined for all predominant land uses, and appropriate percentage reductions can be</p>

			<p>It is not possible to determine the correct percentage reduction loss rate beyond Good Management Practice Nitrogen Loss rates when these Good Management Loss Rates have not yet been determined.</p> <p>There are equitability issues when the Regional Plan is targeting one specific agriculture sector (Dairy) rather than applying sound nutrient management rules to meet the plan objective regardless of the sector under which the activity falls.</p>	<p>determined for each sector.</p> <p>Amend Bullet 3 for 'Matter for discretion' under Rule 13.5.17 as follows:</p> <p><i>"3. From 1st January 2017 the Good Management Practice Nitrogen Loss Rates be applied. These Good Management Practice Nitrogen Loss Rates are calculated based on to be applied for the baseline land use under Good Management Practice"</i></p>
Part 3 –p8	Proposed Rules 13.5.18	Oppose	<p>There is no reason farming activity which is part of a Farming Enterprise should require a different activity status.</p> <p>Proposed Rule 13.5.18 adds little benefit above Rules 13.5.15 to 13.5.17 as permitted or restricted discretionary activities. It can therefore be deleted.</p>	Delete Rule 15.4 18
Part 3 –p8	Proposed Rule 13.5.19	Oppose in-part	<p>The objective of the plan can be met with an activity status of discretionary activity rather than non-comply which reduces regional council flexibility in issuing consent due to a default position of granting consent only in exceptional circumstances.</p>	<p>Amend Rule 13.5.19 as follows :</p> <p><i>13.5.19 The use of land for a farming activity that does not comply with any of conditions 2 or 3 in Rule 13.5.15, conditions 3 or 4 of Rule 13.5.16, condition 3 of Rule 13.5.17, or a farming enterprise that does not comply with</i></p>

				<i>condition 3 of Rule 13.5.18, is a <u>discretionary non-complying</u> activity.</i>
Part 3 –p8	Proposed Rule 13.5.20	Oppose in-part	<p>Proposed Rule 13.5.20 requires that; A farm activity with an N loss calculation above the N baseline is a prohibited activity ; or a land use for a farming activity or farming enterprise that does not comply with any of the conditions in Rule 13.5.14 is a prohibited activity.</p> <p>Farm activities which have in good faith undergone development during the baseline period will not be able to comply with the average nutrient discharge and will be prohibited as a result.</p> <p>Prohibited status is not warranted if the farming activities can be demonstrated to have less than minor adverse effects or can be addressed with discretionary consent.</p> <p>Flexibility should be retained to address activities on a case by case basis to meet the plan’s objectives.</p>	<p>Amend Rule 13.4.20 as follows;</p> <p><i>13.5.20 The use of land for a farming activity that does not comply with condition 1 of Rule 13.5.15, condition 2 of Rule 13.5.16, condition 2 of Rule 13.5.17 or conditions 1 or 2 of Rule 13.5.18 or a farming enterprise that does not comply with any of the conditions of Rule 13.5.14, is a <u>non-complying</u> prohibited activity.”</i> (Or in the alternative a <u>discretionary</u> activity)</p>
Part 3-p9	Proposed Rule 13.5.21	Support	Rule 13.5.21 provides for permitted activity for properties irrigated with water from an irrigation scheme or	Retain Permitted activity status for Rule 13.5.21

			<p>principal water supplier which holds a discharge consent granted under Rules 5.61. Rule 5.62 or Rule 13.5.22.</p> <p>Permitted activity status is supported.</p>	
Part 3-p9	Proposed Rule 13.5.22 (2)	Oppose in-part	<p>Rule 13.5.22 provides for Discretionary activity, and bullet (2) requires nitrogen loss calculations in accordance with Table 13(i) Rows A and B. These prescribe percentage reductions beyond the Good Management Practice Nitrogen Loss Rates.</p> <p>The objectives of the Plan can be achieved if this rule is for Restricted Discretionary consent.</p> <p>However, it is not possible to determine the correct percentage reduction loss rate beyond Good Management Practice Nitrogen Loss Rates when these Good Management Loss Rates have not yet been determined.</p>	<p>Amend Rule 13.5.22 to replace “discretionary activity” with “<u>restricted</u> discretionary activity”.</p> <p>Delete reference in Rule 13.5.22 (2) to percentage reductions beyond Good Management Practice Nitrogen Loss (Row A and /or B, in Table 13(i) until such time as Good Management Practice Nitrogen Loss Rates can be established.</p>
Part3 –p9	Proposed Rule 13.5.23	Oppose in-part	<p>Rule 13.5.23 provides for Prohibited activity, but the Objectives of the Plan can be achieved under Discretionary Activity.</p> <p>Prohibited activity status removes all</p>	<p>Amend Rule 13.5.23 to deleted “prohibited Activity” and replace with “discretionary activity”</p>

			flexibility to provide for the benefits of land use activity where adverse effects can be avoided, mitigated or remedied.	
Part 3-p9	Proposed Rule 13.5.24	Support	<p><i>13.5.24 The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA is a permitted activity, provided the following condition is met:</i></p> <p><i>1. The land use activity associated with the discharge is authorised under Rules 13.5.8 to 13.5.20.</i></p> <p>Permitted activity status is supported.</p>	Retain Rule 13.5.24 as presented
Part 3 –p 9	Proposed Rule 13.5.25	Support	<p><i>13.5.25 The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA and does not meet condition 1 of Rule 13.5.24 is a non-complying activity.</i></p>	Retain Rule 13.5.25 as presented
Part 3- p19	Table 13 (g)	Oppose in-part	While setting a catchment load is consistent with the NPS-FW, concern remains that the acceptable catchment load remains an uncertain estimate and the relationship between the farm system losses and	Caution be applied in introducing regulatory requirements linking farm system losses with total catchment load, while the relationships are still being determined. Provide for review of the catchment load by an expert panel engaging representatives from all stakeholders

			the overall catchment load is still not well understood. Caution should be applied to regulatory requirements making this link.	
Part 3- p19	Table 13 (h)	oppose	<p>Table 13 (h) requires a series of stepped reductions over time in Nitrogen loss expressed as a percentage beyond Good Management Practice.</p> <p>While the concept is supported for a stepped reduction over a realistic timeframe to achieve the agreed and acceptable balance between meeting production potential and environmental protection, Table 13(h) locks in unknown consequences when the Good Management Practice Nitrogen Loss Rates values are not yet determined or known.</p> <p>Further Table 13 (h) singles out Dairy Sector alone as requiring reductions beyond Good Management Practice Nitrogen Loss Rates. A framework for managing nutrient loss in productive agriculture should be sufficiently robust to control nutrient loss without targeting specific sectors, but rather allow market and available mitigation options to dictate the most appropriate and nutrient efficient land</p>	<p>Delete reference to Table 13 (h) until such time as Good Management Practice Nitrogen Loss Rates can be established.</p> <p>In the alternative, retain Table 13 (h), but delete specific percentage reduction values until Good Management Practice Nitrogen Loss Rates are determined for all predominant land uses, and appropriate percentage reductions can be determined for each sector.</p>

			use activity.	
Part 3 -p20	Table 13 (i)	Oppose in-part	<p>Table 13 (i) provides for stepped reduction in nitrogen load for the catchment over time.</p> <p>While the concept is supported for a stepped reduction over a realistic timeframe to achieve the agreed and acceptable balance between meeting production potential and environmental protection, Table 13(i) includes by reference Table 13(h) which locks in unknown consequences with percentage reductions beyond Good Management Practice Nitrogen Loss values, which are yet to be determined.</p>	<p>Amend Table 13 (i) to remove reference to Table 13 (h),</p> <p>In the alternative, retain Table 13 (h), but delete specific percentage reduction values until Good Management Practice Nitrogen Loss Rates are determined for all predominant land uses, and appropriate percentage reductions can be determined for each sector.</p>
Part 3 - p21	Table 13 (j)	Support in -part	<p>Table 13 (j) provides targets for nitrate toxicity water quality values to be achieved by 2035. Resolution of water quality values should be by means of an Expert Panel engaging representatives from all affected stakeholders.</p>	<p>Support for the general intent of Table 13 (j) with provision for review by an expert panel engaging representatives from all stakeholders.</p>
Part 3- p21	Table 13 (k)	Oppose in-part	<p>Table 13 (k) provides average nitrate, E.coli and other contaminants in NZ Drinking-water Standards for groundwater to be met by 2035. Some concern has been expressed about the practicability of some components of</p>	<p>Support for the general intent of Table 13 (k) with provision for review by an expert panel engaging representatives from all stakeholders.</p>

			<p>the ground water values. Resolution of water quality values should be by means of an Expert Panel engaging representatives from all affected stakeholders.</p>	
Part 4- p23	Schedule 24-Farm Practices ; (a) Nutrient Management	Oppose in-part	<p>Schedule 24 – (a) (i) requires that nutrient budgets are reviewed annually.</p> <p>The Fertiliser Association does not believe it is necessary to produce nutrient budgets annually.</p> <p>The key issue is that as Overseer Nutrient Budgets represents a long term annual average nutrient loss and therefore should not be expected to represent farm management responses to ‘within year’ variations.</p> <p>Overseer is a world-class model which estimates the nutrient cycling in farm systems. It has been developed using New Zealand specific science validated against independent research sites, and undergoes continuous improvement as new robust science is made available. Overseer model assumes that:</p> <ul style="list-style-type: none"> - the user supplies actual and 	<p>Amend Schedule 24 (a) Nutrient Management bullet (i) ; a follows: <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. A nutrient budget will remain valid for 3 years unless there is a significant farm system change. Records kept to support the nutrient budget shall be reviewed annually in accordance with an industry programme approved by Environment Canterbury (or in the absence of an industry programme, as directed by Environment Canterbury) to assess whether any significant farm system changes are evident.</i></p> <p><i>A significant farm system change is a change in farming practices beyond routine fluctuations that arise as a result of rotation, or annual/seasonal variation in climatic and/or market conditions.</i></p>

			<p>reasonable inputs;</p> <ul style="list-style-type: none"> - the system is at an equilibrium, or that productivity (stock, milk yield, crop yields) is in equilibrium with the inputs (fertiliser, supplements, irrigation both for rate and timing); - any management practice implemented on the farm follows best practice. <p>Overseer uses data the farmer knows or has readily available.</p> <p>While support is given to keeping detailed records, a nutrient budget should be valid for 3 years, unless there has been a significant farm system change.</p> <p>The Competent use of OVERSEER® Nutrient budgets requires familiarity with the model and, just as important, a sound knowledge of farm systems. For regulatory and planning applications Certified Nutrient Management Advisers are required.</p> <p>Capability to deliver certified nutrient management plans will be improved if nutrient budgets are</p>	
--	--	--	---	--

			<p>valid for 3 years unless there is a significant farm system change.</p> <p>Data input adhering to the Overseer Data Input Standards is supported.</p> <p>It is acknowledged that to ensure the farm system is well represented by the current Nutrient Budget and that there have been no significant changes in the farm system, it could be valid to review data (or the farm system) annually, although it would not be necessary to produce a new Nutrient Budget by a Certified Nutrient Management Adviser.</p> <p>For example, the review of farm records, or a review based on agreed industry programmes (where these are provided for by individual sector groups) might be used to also confirm the current Nutrient Budget is representative of the farm system, and there have not been any significant farm system changes.</p>	
				END