

From: [Greg Sneath](#)
To: [Mailroom Mailbox](#)
Cc: [Sarah Drummond](#)
Subject: Fertiliser Association submission ECAN pCLWRP Variation 3
Date: Monday, 25 May 2015 3:01:43 p.m.
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Hello Sarah,

I am pleased to submit on behalf of the Fertiliser Association, a submission on Variation 3 (Section 15- Waitaki and South Coastal Canterbury) of the ECAN Propose Canterbury Land and Water Regional Plan.

I wish to be heard with the submission please and I am will to be heard alongside others making a similar submission.

I will be pleased to receive acknowledgment of receipt if possible please.

Kind Regards

Greg Sneath

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Submitter ID:
File No:

Submission on Proposed Variation 3
to the Proposed
Canterbury Land and Water
Regional Plan

By

Fertiliser Association of New Zealand

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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

I wish to be heard in support of my submission; and ,
I would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing

Signed:



Date: 25 May 2015

(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	
Policies				
Section 15 A Page 15-4	15 A South Coastal Canterbury Definitions	Support in part	A simple amendment is required for the definition for “Maximum cap” which refers to Table 15 (m) when it should refer to Table 15(n)	Correct the definition for “Maximum cap” to refer to Table 15 (m n)
Section 15 A Page 15-4	15 A South Coastal Canterbury Definitions	Oppose in part	The definition for “new farming activity” still leaves some ambiguity in relation to, for example, crop rotations where the crop rotation is part of a long term programme and is not a new activity for the catchment, even though it is not being grown on a specific property on 1 May 2015.	Within the definition of “New farming activity” provide for seasonal activity and crop rotations which might not occur on a property at 1 st May 2015, but are not a new land use activity for the catchment when introduced on rotation. For example: <u>“this excludes routine rotational land use activity within a Farming Enterprise, Nutrient User Group or Irrigation Scheme when there is no significant increase in land area used for that activity within a catchment”</u>
Section 15 A Page 15-4	15 A South Coastal Canterbury Definitions	Oppose in part	The term “load” features prominently in the rules and tables included in the Variation3. For example, Scheme load, ‘top–up’ load, catchment load, nutrient load limit, nitrogen load limit and nitrogen load losses. However, despite it being an important determinant for activity status for land use, the term “load” and how it is measured / estimated is not defined in the Variation 3. Nor is it defined in the pCLWRP.	Include a definition for ‘load’ as it applies to scheme load, catchment load limit, top up load, nitrogen load limit, nutrient load limit, and nutrient load loss limit.

<p>Section 15 A Page 15-5</p>	<p>15.3 Freshwater Outcomes</p>	<p>Support in part</p>	<p>A simple amendment is required for clarification. 15.3 Freshwater Outcomes states simply : <i>“ See Objectives in Section 3, Table 15(a)and 15(b).”</i> It is assumed it is intended that the Objectives presented in Section 3 apply, and in addition, the freshwater outcomes represented by Tables 15(a) and 15(b), found in Section 15.6, apply.</p>	<p>Clarify the meaning of 15.3 Outcomes by amending to: <u>See Objectives in Section 3 and freshwater outcomes represented in Tables 15(a) and 15 (b).</u></p>
<p>Section 15 – A Page 15-5</p>	<p>15.4 Policies</p>	<p>Oppose in part</p>	<p>The Policies in Section 15A apply in addition to those policies in Section 4.</p> <p>For example, pLCLWRP Policy 4.37 provides a requirement to prevent any increase in the loss of nutrient from farming activities in areas where region-wide water quality outcomes are not being met, that are shown by a red colouring on the Series A Planning Maps and in Lake Zones as shown in Series A Planning Maps. The Waiho-Wainono Area includes areas that are red on the Series A Planning Maps.</p> <p>In contrast V3 Policy 15.14.8 provides for farming activities within the Waihao-Wainono areas to access the higher flexibility caps in Table 15 (m) when augmentation of the Wainono</p>	<p>Amend the first line in section 15A, 15.4 to say: <i>“The following policies apply in the South Coastal Canterbury Area, in addition to those set out in Section 4 of the Plan. <u>Where a conflict in policy occurs the policies in Section 15.4 prevail over policies in Section 4 of the Plan”</u></i></p>

			lagoon has occurred in the preceding calendar year. Which policy takes precedence? If Policy 15.3.8 applies in addition to Policy 4.37, how do rules provide access to higher flexibility caps in the Wainono area (marked Red)?	
Section 15 A Page 15-5	Policy 15.4.5	Oppose in part	Policy 15.4.5 provides for an exemption for existing farming activities on 'extremely light soils' from complying with maximum caps by 1 January 2030, however the rules and Table 15 (n) do not provide any specific exemption for farming activities on extremely light soils.	Introduce in the rules or an amendment to Table 15 (n) an exemption for existing activities on extremely light soils to meet the maximum cap by 2030, and provide for this to be met over the longer term as is consistent with Policy 15.4. 6
Section 15 A Page 15-5	Policy 15.4.6	Oppose in part	Policy 15.4.6 provides for existing farming activities on 'extremely light soils ' to continue operating providing it is in accordance with a Farm Environment Plan which sets out how long term compliance with Table 15(n) is to be achieved	Introduce in the rules or an amendment to Table 15 (n) provision for existing farming activities on extremely light soils to operate in accordance with a Farm Environment Plan to meet the maximum cap in the longer term (beyond 2030).
Section 15A Page 15-6	Policy 15.4.7	Support	Retain Policy 15.4.7	Retain Policy 15.4.7
Section 15A Page 15-6	Policy 15.4.8	Support	Retain Policy 15.4.8	Retain Policy 15.4.8
Section 15A Page 15-7	Policy 15.4.9	Oppose in part	Subject to amendments to Table 15(p) which currently requires 0 nitrogen load for the Morven Sinclairs Hill area, the principle of providing farm activities to increase their N loss calculation above the nitrogen	Subject to amendments to Table 15 (p) retain Policy 15.4.9 (a), and amend 15.4.9 to provide for increases in N loss calculation up to the flexibility cap as permitted activity.

			<p>baseline as described in Policy 15.5.9 (a) is supported, however 15.5. 9 (b) should provide for increases up to a flexibility cap as a permitted activity.</p>	
<p>Section 15A Page 15-6</p>	<p>Policy 15.4.10</p>	<p>Oppose</p>	<p>Policy 15.4.10 is confusing and appears to contradict Policy 15.4.7 because 15.4.7 requires ; <i>“Manage nitrogen losses from land within Northern Streams Plains, Northern Streams Hill, Waihao-Wainono Plains and Waihao-Wainono Hill areas by :</i> <i>a) Farm activities operating in accordance with maximum caps and relevant flexibility cap and</i> <i>b) enabling farming activities to operate in accordance with the greater of the nitrogen baseline or the flexibility cap relevant to the respective area”</i></p> <p>In contrast, Policy 15.4.10 excludes Northern Streams Hill and Waihao-Wainono Hill areas from exceeding nitrogen baselines where part of a Nutrient User Group, Irrigation Scheme or Farming Enterprise.</p> <p>It is not clear whether the policy intends that there should be no irrigation schemes, nutrient user groups or farm enterprise within the Northern Stream Hill and Waihao- Wainono Hill areas, or</p>	<p>Amend Policy 15.4.10 to clarify its the intent and ensure it is consistent with Policy 15.4.7</p>

			if it is simply intended that there should be no exceeding nitrogen baselines in these areas.	
Section 15A Page 15-6	Policy 15.4.11	Support	Retain Policy 15.4.11	Retain Policy 15.4.11
Section 15A Page 15-6	Policy 15.4.12	Oppose in part	Policy 15.4.12 requires the restriction of nitrogen movement between properties. However, as nitrogen (the element) will inevitably cross property boundaries, it is assumed this Policy is intended to refer to the transfer of nitrogen “nutrient discharge” allocation. The term “nutrient discharge” is defined in the pCLWRP and so this term should be used for added clarity.	Amend Policy 15.4.12 to refer to nitrogen nutrient discharge allocation as follows: <i>Maintain water quality by restricting the movement transfer of nitrogen <u>nutrient discharge allocation</u> between properties unless:</i>
Section 15 A Page 1	Policy 15.4.13	Oppose in part	Greater clarity is sought on Policy 15.4.13. As it reads, it implies that applications for resource consent to manage nutrient loss, are obliged to establish a Nutrient User Group, and the Nutrient User Group is used to describe the procedures and methods etc. It is assumed the intention of this policy is to allow for applications by a Nutrient User Group to apply for a resource consent to manage nutrient losses, where the resource consent (or some other document belonging to the Nutrient User Group) will	Reword Policy 15.4.13 to clarify its intent, assuming the intent is to provide for management of nutrient loss by Nutrient User Group obtaining resource consent.

			describe a) , b) c) etc..	
Section 15A Page 15-7	Policy 15.4.14 (e)	Oppose in part	<p>Policy 15.4.14 (e) requires the Irrigation Scheme to manage all nutrient loss from the properties it supplies. FANZ considers that it is the land manager who has responsibility to manage nutrient loss from the activities on the individual property, not the irrigation scheme.</p> <p>It is assumed the intent is that the irrigation scheme is required to implement controls that require the land manager to manage nutrient loss from the property to remain within property specific limits which ensures that the scheme as a whole does not exceed the overall load limit.</p>	Amend Policy 15.4.14 (e) to clarify its intent that the Irrigation scheme is required to implement controls which require the land manager to manage nutrient loss from a property to remain within limits imposed by the irrigation scheme.
Section 15A Page 15-7	Policy 15.4.15	Support	Retain Policy 15.4.15	Retain Policy 15.4.15
Section 15 A Page15-7	Policy 15.4.16 (d) and (f)	Oppose in part	Both these bullet points require that an application for a resource consent is accompanied by a management plan that describes how the wetland(s) will be maintained, and it would appear they could readily be combined into one provision	Combine the provisions given in bullets (d) and (f) of Policy 15.4.16
Section 15 A Page15-7	Policy 15.4.17	Support in part	A small amendment by inserting a comma after springheads, is required for clarity.	Amend as follows: <i>“Catchment restoration activities focus on the protection of springheads, the protection, establishment or enhancement of planted riparian margins, ...etc.</i>
Rules				

Section 15A Page 15-10	Rule 15.5.1	Support	Providing for permitted activity is supported, retain Rule 15.5.1	Retain Rule 15.5.1
Section 15A Page 15-10	Rule 15.5.2	Support	Providing for permitted activity is supported, retain Rule 15.5.2	Retain Rule 15.5.2
Section 15A Page 15-11	Rule 15.5.3	Oppose in part	An error in rule 15.5.3 occurs where it references Rule 15.4.2, when it should refer to Rule 15.5.2	Correct the error in Rule 15.5.3, as follows: <i>...that do not meet any of the conditions of Rule 15.4.2, Rule 15.5.2 excluding conditions 1(a), 1(c) or 4 of Rule 15.5.2,</i>
Section 15A Page 15-11	Rule 15.5.4	Support	Retain Rule 15.5.4	Retain Rule 15.5.4
Section 15A Page 15-11	Rule 15.5.5	Oppose	<p>Rule 15.5.5 requires that any farm activity not part of a Nutrient User Group, Farm Enterprise or Irrigation Scheme, that does not meet conditions 1(a), 1(c) or 4 of Rule 15.5.2 is a prohibited activity.</p> <p>In Waiho-Wainono hill area a farming activity will trip from permitted activity to prohibited activity status if the activity increases N loss above 5 kg N/ha/yr. Similarly for other areas the threshold between permitted and prohibited is 10 or 15 kg N /ha/yr.</p> <p>The consequences of tripping directly from permitted to prohibited activity are significant. This can relatively easily occur at these relatively low thresholds, as result of an increase of just 1 kg N/ha/yr loss.</p> <p>Prohibited activity status removes all</p>	Amend the activity status for Rule 15.5.5. by deleting 'prohibited activity' and inserting ' <u>discretionary activity</u> ' .

			flexibility for appropriate management of an existing activity which might be achieved through discretionary consent.	
Section 15A Page 15-11	Rule 15.5.6	Oppose in part	<p>Rule 15.5.6 (3) is not clear in its meaning , in that it requires; <i>“The nitrogen loss calculation for the Farming Enterprise does not exceed the respective nitrogen baseline for each land area forming part of the Farming Enterprise”</i></p> <p>This seems to contradict 15.5.6 (2) which in the Northern Stream and Waiho-Wainono Areas, provides for any land comprising part of the Farming Enterprise to increases up to the maximum cap.</p> <p>It is assumed the intention is that 15.5.6(3) is to ensure the N loss calculation for the Farming Enterprise does not exceed the <u>combined</u> nitrogen baseline for of each of the respective land areas forming the Farming Enterprise.</p> <p>The wording should be consistent with the condition used in the recommended version of ECAN pCLWRP Variation 1 adopted by Council on 23 April 2015.</p>	<p>Amend Rule 15.5.6 to remove ambiguity in its meaning and remove inconsistency between the provisions (2) and (3). For example: Amend 15.5.6 (3) as follows:</p> <p><u>“The aggregated nitrogen loss calculation for the parcels of land held in single or multiple ownership (whether or not held in common ownership) forming the farming enterprise has not increased above the aggregated nitrogen baseline for those parcels of land”</u></p>
Section 15A Page 15-11	Rule 15.5.7	Support in part	Retain Rule 15.5.7 but combine with Rule 15.5.8 , with a discretionary or non-complying activity status	Retain Rule 15.5.7 but combine with Rule 15.5.8 with a discretionary or non complying activity status

<p>Section 15A Page 15-11</p>	<p>Rule 15.5.8</p>	<p>Oppose</p>	<p>The Conditions 2 and 3 of Rule 15.5 .8 mean that a farm activity can be tripped to prohibited activity due to an increase in N loss of just 1 kg N /ha/yr , if it then exceeds the threshold. The consequences of tripping to prohibited activity are significant. Prohibited activity removes all flexibility to manage the land use activity through discretionary consent or through evidence of less than minor adverse effects for a non – complying activity.</p>	<p>Delete Rule 15.5. 8 and combine the provision with 15.5.7, with discretionary or non-complying activity status.</p>
<p>Section 15A Page 15-12</p>	<p>Rule 15.5.9</p>	<p>Oppose in part</p>	<p>Rule 15.5.9 provides for discretionary activity. As the rule addresses matters relating to nutrient loss and a set of conditions for the Nutrient User Group, the activity status should be restricted discretionary, with matters of discretion restricted to nutrient management and those matters listed in the conditions in the rule.</p>	<p>Amend Rule 15.5.9 to <u>Restricted</u> Discretionary activity status.</p>
<p>Section 15A Page 15-12</p>	<p>Rule 15.5.10</p>	<p>Oppose</p>	<p>Rule 15.5.10 requires prohibited activity status applies to use of land for farming activity that forms part of a Nutrient Users Group, where the Nutrient User Group does not comply with one or more of the conditions in Rule 15.5.9. Discretionary consent will provide Council sufficient opportunity to control use of land for a farming activity under these circumstances and apply appropriate controls where</p>	<p>Amend Rule 15.5.10 to by deleting ‘prohibited’ and inserting “<u>Discretionary Activity</u> “</p>

			the Nutrient User Group fails to comply with conditions of Rule 15.5.9.	
Section 15A Page 15-12	Rule 15.5.11	Oppose in part	Rule 15.5.11 provides for discretionary activity. As the rule addresses matters relating to nutrient loss and a set of conditions for the Nutrient User Group, the activity status should be restricted discretionary, with matters of discretion restricted to nutrient management and those matters listed in the conditions in the rule.	Amend Rule 15.5.9 to <u>Restricted</u> Discretionary activity status
Section 15A Page 15-12	Rule 15.5.12	Oppose	Rule 15.5.12 requires that all farming activity within an irrigation scheme, even those performing to a high standard are prohibited activity, in the event the catchment loads in Table 15(p) are exceeded. The consequences of prohibited activity for an individual land user are significant. The rule can be managed equally effectively under Discretionary activity.	Amend Rule 15.5.12 by deleting 'prohibited' activity and inserting <u>discretionary</u> activity.
Section 15A Page 15-12	Rule 15.5.13	Support	Retain Rule 15.5.13	Retain Rule 15.5.13, (correct the spelling of phosphorus)
Section 15A Page 15-13	Rule 15.5.14	Support	Retain Rule 15.5.14	Retain Rule 15.5.14 (correct the spelling of phosphorus)
Tables and Schedules				
Section 15 A Page 15-32	Table 15 (m)	Support	The provision for Flexibility Cap is supported. The flexibility caps proposed, depending on area and timeframes, may or may not be the	Retain Table 15 (m) with opportunity to amend table values through a plan change

			correct values as new science, information and experience is gained.	
Section 15 A Page 15-32	Table 15 (n)	Support	<p>The provision for Maximum Cap to be achieved by existing land use by 2030 is supported, as a realistic timeframes to achieve nitrogen loss targets is important. The maximum caps of 35, 25 and 20 kg N /ha/yr depending on soil type, may or may not be the correct values as new science, information and experience is gained.</p> <p>Provision for exemption for existing farming activities on 'extremely light soils' operating in accordance with a Farm Environment Plan from complying with maximum caps by 1 January 2030, as required by Policies 15.4.5 and 15.5.6 can be achieved with an amendment to Table 15(n).</p>	<p>Retain Table 15 (n) with opportunity to amend table values through a plan change.</p> <p>Provide for amendment to Table 15 (n) to give effect to Policies 15.4.5 and 15.4.6 in relation to farming activities on extremely light soils operating in accordance with a Farm Environment Plan to meet the maximum cap in the longer term (beyond 2030).</p>
Section 15A Page 15-33	Table 15 (p)	Oppose	<p>Greater clarity is required on the intent of the Table 15(p) and the Nitrogen Load limits presented- particularly as the term "load" is not defined in the plan.</p> <p>It is not clear how these limits presented as tonnes/yr equate to the permitted baseline limits, flexibility cap limits and maximum cap limits which also apply to farming activities.</p> <p>The baseline limits, flexibility cap</p>	<p>Provide greater clarity of the intention and application of the load limits in Table 15 (p) and how they relate to baseline limits, flexibility cap limits and maximum cap limits being applied to meet catchment loads. Re-evaluate the zero and 1 t/yr limits presented in Table 15 (p), or in the alternative if the nitrogen loss limits are adequately controlled by the provisions and rules within Variation 3, delete Table 15 (p) and make any consequential changes to the Variation 3.</p>

			<p>limits and maximum cap limits provide for farming activities within the areas listed on Table 15(p). It is assumed that by meeting the nutrient discharge limits the catchment load is being provided for.</p> <p>It is noted that Table 15(p) requires that for farming activity in the Horseshoe Hills, within the Northern Streams area, the nitrogen loading limit is 0 tonnes/yr, and under Rules 15.5.4 or 15.5.12 not meeting this limit results in non-complying or prohibited activity status.</p> <p>Similarly the N loading limit in the Kohika Hill area is 1 tonne/yr, and Morven-Sinclairs Hill Area is 0 tonnes/yr.</p> <p>Is it intended that despite Rules 15.5.1 to 15.5.12 that farming activities in these areas are non-complying or prohibited activity?</p> <p>It should be noted that even native forest is expected to have a nitrogen loss of 2 or 3 kg N /ha/yr (equivalent to 1 or 1.5 tonne for 500 ha/yr).</p>	
Section 3 Page 3-1	Schedule 24b- Farm Practices:	oppose	Schedule 24b (a)(i) requires that a nutrient budget is reviewed annually.	Amend Schedule 24 b (a) (i) so it uses the same wording as Schedule 24 (a) in the

	(a) (i) Nutrient Management		<p>It is not clear what is required for an annual review of the nutrient budget.</p> <p>FANZ seeks that it is made clear, as has been presented in the final version for Variation 1 adopted by Council on 23 April 2015, and in the recommended version for Variation 2 that:</p> <p>Overseer Nutrient Budgets represent long term annual average figures and provided there has been no significant farm system change, nutrient budgets remain valid for 3 years. pCLWRP Variations 1 & 2 quite reasonably provide for an annual review of the input data used to prepare the nutrient budget with the purpose being; to ensure the data reflects the farming system.</p> <p>Requiring a nutrient budget be prepared every year for every farm is unnecessary, does not reflect the long-term annual average principle on which Overseer is based and will impose a great expense and burden on the farming community (and Regional Council, if it is to be monitored and enforced) for very little benefit.</p> <p>Consistency in the use and application</p>	<p>recommended version of PCLWRP Variation 1, adopted by Council 23 April 2015 which says:</p> <p><i>Nutrient Management:</i></p> <p><i>(i) A nutrient budget based on soil tests has been prepared, using OVERSEER® in accordance with the latest version of the OVERSEER® Best Practice Data Input Standards, or an equivalent model approved by the Chief Executive of Environment Canterbury</i></p> <p><i>(ia) Where a material change in the land use associated with the farming activity occurs (being a change exceeding that resulting from normal crop rotations or variations in climatic or market conditions) the nutrient budget shall be prepared at the end of the year in which the change occurs, and also three years after the change occurs;</i></p> <p><i>(ib) Where a material change in the land use associated with the farming activity does not occur, the nutrient budget shall be prepared once every three years;</i></p> <p><i>(ic) An annual review of the input data used to prepare the nutrient budget shall be carried out by or on behalf of the landowner for the purposes of ensuring the nutrient budget accurately reflects the farming system. A record of the review shall be kept by the landowner.</i></p>
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			of Overseer is sought.	
Section 3 Page 3-1	Schedule 24b- Farm Practices: (a)(ii) Nutrient Management	Oppose in part	FANZ support the recognition of the Code of Practice for Nutrient Management. It should be noted the most recent version, is the Code of Practice for Nutrient Management (2013)	Amend the reference to the Code of Practice for Nutrient Management (2007) in Schedule 24b(a)(ii) to Code of Practice for Nutrient Management (2013)