

IN THE MATTER

of the Resource
Management Act 1991
(RMA)

AND

IN THE MATTER

of the Proposed One
Plan – Water Hearing:
water quality, farm
strategy, water
allocation,
groundwater, and beds
of rivers and lakes.

TO BE HEARD BY

Horizons Regional
Council

HEARING DATE

30th November 2009 to
30th April 2010.

**Statement of Evidence of Christopher Adrian Hansen on Behalf of
Ravensdown Fertiliser Co-operative Ltd**

19 October 2009

Introduction

1. My name is Christopher Adrian Hansen and I am a Senior Planning Consultant with Sinclair Knight Merz Ltd in its Wellington Office. My qualifications are a Bachelor of Regional Planning (Hons) from Massey University (1980). I am a full member of the New Zealand Planning Institute and a certified RMA Hearings Commissioner. I have over 27 years experience in planning and resource management.
2. I have particular experience in the review and assessment of regional plans and the preparation of submissions, attendance at hearings providing expert planning evidence, and in mediation to resolve appeals.
3. I provide the following statement of evidence in support of the submission lodged by Ravensdown Fertiliser Co-operative Ltd (Ravensdown) to the proposed One Plan that have been addressed in the Council's reports relating to water quality, FARM strategy, water allocation, groundwater, and beds of rivers and lakes. I assisted Ravensdown prepare its submission, and the Written Submission provided to the Hearings Committee on the Land Section in July 2008.
4. I have read the Code of Conduct contained in the Environment Court's Practice Notes for Expert Witnesses and agree to comply with it.

Outline of Evidence

5. My approach today is to provide you with an overview from a planning perspective of the relief sought by Ravensdown and making comment on the Officer Report's recommendation on that relief. In my evidence I will first address two matters that are fundamental issues which relate to the majority of the proposed One Plan provisions. I will then follow this with comments on specific One Plan provisions that Ravensdown have submitted on.
6. Also in attendance at the hearing for Ravensdown is Dr Anthony Roberts who will be providing expert evidence on some relevant technical matters of concern to Ravensdown.

Two Fundamental Issues throughout the proposed One Plan

7. Ravensdown made submissions on two issues that are fundamental throughout the entire proposed One Plan provisions. These are listed below and addressed in turn in the first section of my evidence:
 - FARM Strategy
 - Use of Land Use Capability Data (LUC)

Entire Proposed Plan - FARM Strategy (Submission Statement #3)

Overview of Ravensdown Submission

8. In its submission, Ravensdown supported in principle a FARM Strategy. However, Ravensdown expressed concern about the extent and detail of the FARM strategy workbook and the implementation (controlled activity approach to farming) proposed by Council. Ravensdown considered the costs associated with the FARM approach may be significant, and questioned whether the benefits justify the costs.
9. Ravensdown sought the following decision from Council:
 - While Ravensdown generally supports in principle a farm management strategy approach, Ravensdown opposes the FARM Strategy workbook adopted in the proposed Plan and seeks for Council to delete this requirement and investigate alternative methods of achieving the same outcomes.

Officer Report

10. The Officer Report listed various comments that were raised by submitters. These identified various concerns including that questions had been raised regarding the robustness of the science approach taken in the FARM Strategy.
11. The Officer Report's recommendation is to reject Ravensdown's submission. However in addition the Officer Report commented that the decision will be returned to in a Supplementary Report that will be available to submitters by the 16 November 2009 before the hearing.

Comment

12. The FARM strategy is a method utilised throughout the proposed One Plan and as such is considered a key issue by Ravensdown. As noted in the original submission, Ravensdown has issues with the approach proposed.
13. The Officer Report does not appear, in my view, to have assessed the merit of the concerns raised by Ravensdown and others and whether any modifications are required to the FARM Strategy workbooks as a result of the submissions.

Ravensdown's submission has been rejected, however based on the comments in the Officer Report, it does not appear that the Officer has finalised their view as to the use of FARM Strategy.

14. Ravensdown's ongoing technical concerns with the FARM Strategy have been presented in the expert evidence of Dr Roberts in this hearing.
15. At this stage I am of the view that the FARM Strategy workbook approach is inappropriate and, while it may be easier to use following its recent revision, it is still overly intrusive and combined with the controlled activity status puts a significant burden on farmers with questionable environmental outcomes. I have reviewed the evidence prepared by Ms Marr and Messrs Neild & Rhodes and the assessment of the costs of implementing the proposed One Plan provisions. It is difficult for me to determine whether the costs identified are appropriate and reasonable as I am unable to find a similar assessment of the alternatives, and the costs and benefits associated with these alternatives which would include non-regulatory options. It may be these matters are addressed in the Supplement Report to be provided by the Officer.
16. Ravensdown therefore seek council to **adopt** the relief sought in its original submission and investigate alternative methods of achieving the environmental outcomes sought which are generally supported by Ravensdown.

Entire Proposed Plan – Land Use Capability Data (Submission Statement #2)

Overview of Ravensdown Submission

17. In its submission, Ravensdown noted that Land Use Capability (LUC) classes are referred to throughout the proposed One Plan and outlined the background to this approach. Ravensdown also noted that Council has suggested that a small charge may apply for farmers accessing this information, and that they consider the data is '*adequate*' for the purposes outlined in the proposed One Plan. However, farmers are encouraged to obtain their soil data at their own cost. Ravensdown expressed concern that Horizons are underestimating the effort required to compile the information required to utilise the LUC soil data.
18. Ravensdown also considered the use of the old LUC soil data is inappropriate and unacceptable. Subdivision and changes in land use and value over recent years means the LUC data may not be accurate. Current land uses are unlikely

to reflect the old LUC data. Ravensdown consider that the data should have been updated.

19. Ravensdown sought the following decisions from Council:
 - Update the old LUC data at no cost to farmers; or
 - Delete in entirety the LUC approach and investigate a land use approach that is relevant to existing land uses and community values.

Officer Report

20. The Officer Report provides no comment on this submission point. However, discussion of the LUC approach has been included in the evidence of Dr Jonathon Kelvin Fletcher Roygard, which provides a general overview of technical material for water sections to support the main Officer Report. In addition, LUC is further detailed in the evidence of Dr Grant Brodie Douglas.
21. The Officer Report's recommendation is to reject Ravensdown's submission. However, as for the point above, the Officer Report recommendation will be returned to in a Supplementary Report that will be available to submitters by the 16 November 2009 before the hearing.

Comment

22. Dr Roygard's report provides an overview of the LUC system and a discussion on using the land use capability system in allocating nitrogen loss limits.
23. Ravensdown's original submission stated that the specific LUC classes (I-VIII) discussed in Table 13-2 are those originally specified for the Manawatu region and have not been updated for the purpose of the proposed One Plan. It was considered that the use of the old LUC soil data is inappropriate and unacceptable as subdivision and changes in land use and value over recent years means the LUC data may not be accurate and current land uses are unlikely to reflect old LUC data. Through my experience as a planner under the Old Town & Country Planning Act and plans that used the LUC classification approach, I agree with these concerns.
24. Dr Brodie's report indicates that effort is going into revising the LUC classes at present. Notwithstanding this, the expert evidence of Dr Roberts on behalf of Ravensdown expresses real concern with the appropriateness of using the LUC in the manner proposed by Council to determine productivity potential, and in my view the use of an updated LUC is not acceptable. I would

therefore advise the Commissioners that Ravensdown wishes to withdraw the first bullet point relief sought in its submission. In my view, based on the expert evidence of Dr Roberts, updating the existing LUC data will not provide a useful basis for farmers to sustainably manage their farms.

25. Ravensdown therefore seek council to **adopt** the relief sought in bullet point two of its original submission and delete in entirety the LUC approach and investigate a land use approach that is consistent with the OVERSEER Model outlined in Dr Robert's expert evidence and ECan in its proposed Natural Resources Regional Plan.
26. I shall now move on to discuss submissions made by Ravensdown on specific provisions contained in the proposed One Plan in more detail, many of which relate to the two issues I have just discussed.

Chapter 6 Paragraph 6.1.4 – Water Quality – Water Quality (Submission Statement #9)

Overview of Ravensdown Submission

27. Ravensdown noted that there are numerous comments in Section 6.1.4 Water Quality regarding nutrient run-off from surrounding land into waterways, with specific reference to nitrates and phosphates. Ravensdown considered that there are generalised comments in this section that refer to '*many rivers*' and '*levels increasing*', and that such generalised statements are unhelpful.
28. Ravensdown sought the following decision from Council:
 - Ravensdown is concerned about the generalist nature of comments in 6.1.4, and seeks for Council to clarify where such significant issues exist, and the extent of the increase in levels being experienced in these areas.

Officer Report

29. The Officer Report comments that:
30. "*Ravensdown Fertiliser considers the content of section 6.1.4 too general and want the section to outline where the issues are significant and the extent of the increase in levels being experienced in these areas. The intent with this section and sections 6.1.3 and 6.1.5 is to provide a broad outline of the issues of concern and a background for understanding what those issues are. The technical reports being presented to the Hearings Panel on water matters clearly articulate the specifics of where the concerns lie i.e. specific locations*

and the extent of problems within certain areas. This level of detail within the background section would result in an unwieldy section that is not focusing on the broad issues of concern but instead delving into detail which is best to sit outside of the Plan”.

31. The Officer Report’s recommendation is to reject Ravensdown’s submission and that no amendment is required as a result of this submission.

Comment

32. Ravensdown’s original submission raised a number of concerns with Section 6.1.4 Water Quality making specific reference to nitrates and phosphates, such as ‘*many rivers*’ and ‘*levels increasing*’ as they are unhelpful and should be clarified to where significant water quality issues exist. I agree with these concerns.
33. While Council’s explanation of needing to have broad outlines in their paragraphs explaining sections is understandable, I consider the paragraph could be more specifically worded without resulting in an unwieldy plan. The technical reports that are supporting the formation of the proposed One Plan will not be as readily accessible or directly connected once the One Plan is operative. Therefore it would be inappropriate, in my view, to have broad generalised statements in the One Plan that rely on the technical reports to provide sufficiently detailed information.
34. The technical report of Mrs McArthur does appear to sufficiently detail the rivers where significant issues exist, and the level of increase in these issues. I consider it would be possible to summarise this information in a condensed form into the proposed One Plan, without it becoming unwieldy. At the very least I consider that Horizons should seek to condense the technical information into one document that would be directly appended to the operative One Plan with clear cross-referencing in Sections 6.1.3 – 6.1.5 of the One Plan. Ravensdown therefore seek that one of these approaches be **adopted** as they should achieve the relief sought.

**Policy 6.7 Land-use activities affecting surface water quality – Water Quality
(Submission Statement #17, #18, #19 and #20)**

Overview of Ravensdown Submission

35. In its submission, Ravensdown generally supported the Water Management Zone approach as it provided a level of detail and certainty lacking in earlier parts of the proposed One Plan.
36. Notwithstanding this general support, there are some aspects of the policies that Ravensdown expressed concerned about, in particular:
- Policy 6-7 (a) Nutrients (1) states: “*Intensive farming land-use activities shall be regulated in targeted water management zones*”. Ravensdown is concerned that this policy leads to the need for consents to be gained for activities, regardless of whether the activities are causing an effect. Ravensdown considered such an approach does not reflect the effects-based intent of the RMA;
 - Policy 6-7 Nutrients (iii) requires a Nutrient Management Plan to be prepared to determine measures to achieve target contamination loading rates, best practice management, and programmes for implementing changes. There is little guidance on the content of these plans, and what approach farmers should take. Such a plan may require a lot of farm specific work. Ravensdown considered Council should provide more guidance on this matter, and would recommend the Overseer Model be promoted to provide a nutrient budget.

Ravensdown sought for Council to address its concerns relating to specific policies as outlined above, and to adopt the Overseer Model to provide for nutrient budgeting.

Officer Report

37. The Officer Report’s recommendation is to accept Ravensdown’s submission and noted the support of the Water Management Zones approach.
38. In relation to the other matters, the Officer Report commented, as follows:
39. *“I understand the rationale regarding the approach that has been taken in the Plan which requires new intensive farming operations including dairy, cropping, market gardening and intensive sheep and beef farming to apply for a resource consent for a Controlled Activity. The reports prepared by the Science Team for the Regional Council and provided to the Hearing Panel set out why the approach has been taken in terms of needing to manage the adverse effects from nutrient, faecal and sediment run-off into water bodies and that the most appropriate method of achieving this is through regulation.*
40. *My initial comment would be that as a Controlled Activity the application must be approved and the matters over which control is reserved are limited.*
41. *As I outlined in the Introductory Section to this report I would like the opportunity to work through the concerns of these submitters to more fully understand their issues. At the moment I have recommended the rejection of*

the submissions in opposition to the Policy as there is an absence of a viable detailed alternative to that proposed in the Plan.”

Comment

42. No changes have been made to this policy despite Ravensdown raising concerns regarding the controlled activity status for farming, and the use of Nutrient Management Plans. The Officer Report expresses concern that “*as a Controlled Activity the application must be approved and the matters over which control is reserved are limited*”, and also states “*...that the most appropriate methods of achieving this [managing adverse effects] is through regulation*”. I would like to address both of these statements. In regards to the first statement, while not implicit, there seems to be the possibility that the Officer may in fact prefer another activity status for the activities listed, rather than Controlled Activity that cannot be declined. If this proves the case, and we will not know until the Supplementary Report, I would be very concerned as this approach goes further than the proposed One Plan.
43. In relation to the second comment, it is not clear to me the basis of this conclusion although I note later in the Officer Report a similar comment (refer to Paragraph 61 below). I acknowledge that Ms Marr refers to State of the Environment Monitoring as identifying the decline in the environment, and that an assessment has shown that non-point discharges is a main contributor. I have yet to see an assessment of previous mechanisms used to address these issues, and why a regulatory approach is the most appropriate method. In my view, regulation should only be adopted when other non-regulatory options have been tried and proven not to work. It is not clear from the Officer Report whether such an approach has been taken, and to determine that the most appropriate method is regulatory without such an approach is, in my view, not justified.
44. Furthermore, in my view, these statements do not take into consideration the considerable cost and time to prepare and lodge a resource consent application, particularly considering the onerous information requirements, such as the submission of FARM plans and Nutrient Management Plans. As previously noted, I acknowledge that the evidence of Messrs Neild & Rhodes determines the costs associated with implementing the provisions of the One Plan, it is not possible to determine whether these costs are appropriate as I am

yet to see a similar assessment of the alternatives. In addition, no specific comment has been made on Ravensdown's submission points in the Officer Report.

45. There are technical and planning issues relating to the approach taken by Horizons to land uses that affect water quality. The technical issues have been addressed in evidence by Dr Roberts of Ravensdown. In particular Dr Roberts highlights the importance of having skilled and experienced people preparing the FARM Strategies or Nutrient Management Plans. Ravensdown is preparing a number of Nutrient Management Plans for its larger customers, and is gradually working through its shareholders/customers. This is a time intensive process as there is a limited pool of people skilled to do this work correctly. In some sense I believe there needs to be a degree of realism applied here, as the lack of skilled resources will mean there could be a lag of a number of year, particular for smaller land holding, before some FARM plans or Nutrient Management Plans are completed.
46. In terms of planning implications, in my view it is onerous to require a consent to be obtained for the farming activities proposed. Such a regime is not effects based and provides little flexibility and utilisation of the farm which is a physical resource that is required to be sustainably managed in terms of Part II of the RMA. One outcome could be the need for a farmer to hold a suite of consents (with a variety of conditions) for farming activities to allow for the rotation of activities on a farm as they respond to markets etc. This outcome would be costly to the farmer. I am not aware of any other regional plan that has adopted this approach and imposed the potential burden on the farmer.
47. Despite rejecting Ravensdown's submission, the Officer Report has stated "*I would like the opportunity to work through the concerns of these submitters to more fully understand their issues. At the moment I have recommended the rejection of the submissions in opposition to the Policy as there is an absence of a viable detailed alternative to that proposed in the Plan*". I am concerned with the views expressed in the Officer Report. In one sense, it is not concluded that the proposed approach is a good one but more that there is no current alternative. In another sense, it appears that the recommendation is, by default, that the proposed One Plan should be pushed forward without addressing whatever issues it currently contains. In my view this does not

represent planning Best Practice and a rational approach to policy development. While the Officer Report in places references the fact that Fonterra is developing an approach, and while that is honourable on Fonterra's part, it is the statutory responsibility of the Council to prepare policy, and to develop alternatives, not the submitter. This should be through a logical approach: clearly define regionally significant issues; research the issue; develop options (which include regulatory and non-regulatory mechanisms); evaluate the costs and benefits of the options (as per s.32); adopt the more effective and efficient option to address the regionally significant issue.

48. Ravensdown therefore seek that the Commissioners **adopt** the relief sought by Ravensdown and seek Council to specifically address the concerns raised by identifying alternative approaches to those proposed.

Policy 13.1 Consent decision making for discharges to water (Submission Statement #21)

Overview of Ravensdown Submission

49. Ravensdown expressed concern that under Policy 13-1, fertiliser application may be caught by the definition of 'contaminant' as included in the RMA.
50. Ravensdown sought the following decisions from Council:
- Specifically exclude fertiliser application from Policy 13-1; or
 - Change the activity status to permitted for farming activities where the Code of Practice for Fertiliser Use is complied with.

Officer Report

51. The Officer Report comments that: "*Ravensdown seeks either the exclusion of fertiliser application from Policy 13-1 or the activity status for farming activities being changed to Permitted with compliance required with the Code of Practice for Fertiliser Use (2002). In situations where fertiliser is applied to farms other than those listed in Rule 13-1 the activity is Permitted under Rule 13-2. One of the standards in Rule 13-2 is compliance with the Code of Practice for Fertiliser Use (2002). For intensive farms Rule 13-1 triggers an application for a Controlled Activity. The performance standards applying to fertiliser application outlined in Rule 13-2 are not however, carried over into Rule 13-1. Fonterra seeks to have dairy farms excluded from the requirement to achieve the values and standards in Schedule D. I understand that Fonterra*

is in the process of preparing an alternative approach to Rule 13-1 which I have not seen the details of but understand in general terms it would require compliance with certain Codes of Practice. I would like the opportunity to work through these issues further with the submitters and I will return to the provision in my Supplementary Report.”

52. The Officer Report’s recommendation is to reject Ravensdown’s submission. However, as for other points, the Officer Report Decision will be returned to in a Supplementary Report that will be available to submitters by the 16 November 2009 before the hearing.

Comment

53. While the Officer Report rejects Ravensdown’s submission, comments made in the report indicate that the recommendation has not yet been made, and the Officer will await the submission of evidence, particularly from Fonterra before making a more complete recommendation in the supplementary report. The report states that Fonterra is providing an alternative approach including compliance with certain Codes of Practice for dairy farms.
54. As the Officer Report has not discussed the relevance of Ravensdown’s submission point, but has merely repeated it, it is difficult to determine Council’s stance.
55. I consider that matter raised in Ravensdown’s submission has not been addressed and that the concerns raised are still valid. The main concern was that under Policy 13-1 and the resulting Rule 12-7 the application of fertiliser would potentially require a discretionary consent as it may be caught up in the RMA definition of ‘contaminant’. I agree with the concern raised by Ravensdown, and consider it is inappropriate for the activity of applying fertiliser to require a discretionary resource consent. Ravensdown seek that the Commissioners **adopt** the original submissions and either exclude fertiliser use from this Policy or make its use permitted if in accordance with codes of practise.

Rule 13.1 Dairy Farming*, cropping*, market gardening* and intensive sheep and beef farming* and associated activities (Submission Statement #23)

Overview of Ravensdown Submission

56. Ravensdown expressed concern that Council has not specified the extent of a 'new activity' in the proposed One Plan, and that a farmer leasing a small block of land may trigger the use of this rule.
57. In addition, Ravensdown expressed concern that Council is using the FARM Strategy as a key criteria for Rule 13-1, when the Strategy is largely untested. Furthermore, Ravensdown considered the use of LUC information to prepare nutrient budgets and plan fertiliser use could be misleading to farmers and Council and may not achieve the intended environmental benefits. There are also serious practical implications in relation to how to deliver these plans.
58. Ravensdown is fundamentally opposed to farming being a controlled activity and sought amendments to Rule 13-1, or for the rule to be removed.
59. Ravensdown sought the following decisions from Council:
 - Ravensdown opposes this provision and seeks for Council to amend or remove Rule 13-1.

Officer Report

60. The Officer Report comments that: "*I understand that the Science Reports provided to the Hearing Panel outline how the standards were derived, how the FARM Strategy was developed and how it works. I also understand that Ms Marr is providing the Hearing Panel with an assessment of the likely costs and benefit implications of adopting the approach set out in Rule 13-1.*
61. *At this point in time I understand that the Table and supporting Rule are the means proposed to deal with the acknowledged and I think accepted problem across the Region of nitrogen leaching. I accept that there may well be other means of dealing with these issues. I understand however, that the nonregulatory approach has not proven effective over a number of years and there is as yet no workable regulatory alternative provided by the submitters. I do however, as I have already stated, understand that Fonterra is working through an alternative Rule approach and I will work with Fonterra and other submitters to more fully understand how an alternative may be able to fit within a Policy framework and provide certainty in terms of environmental outcome. I will return to this matter in my Supplementary Report."*
62. The Officer Report's recommendation is to reject Ravensdown's submission. However, as for other points, the Officer Report Decision will be returned to

in a Supplementary Report that will be available to submitters by the 16 November 2009 before the hearing.

Comment

63. The Council Officer has recommended rejection of Ravensdown's submissions but will further consider evidence, including an economic evaluation by Ms Mar, before preparing a Supplementary Report. My comments on Ms Marr's evidence, and that of Messrs Neild & Rhodes above, are also applicable here. Ravensdown reserves the right to address this matter further after the supplementary report is received. Notwithstanding this, I consider that the assessment does not actually discuss the merit of the relief sought by Ravensdown. It appears that the relief was rejected not because it was considered unnecessary but that there was no alternative to that proposed at present in the proposed One Plan. In addition, there is a comment in the Officer Report that they understand the non-regulatory approach has not proven effective over a number of years. Without a clear idea of what information the Officer is basing this assertion on, it is difficult to comment at this stage and Ravensdown reserves the right to address this point further at the hearings.
64. As I have stated above, I consider that if a point of relief sought has validity in raising concerns regarding One Plan rules, these should be identified and addressed before the One Plan is made operative. In addition, it is Council's statutory responsibility to develop the provisions, and not rely on other parties (such a Fonterra) to develop the options for it.
65. To this regard I consider that Rule 13-1 as it stands places onerous and costly requirements on farmers without due justification as the best method to address the identified issue and therefore Ravensdown seek the commissioners to **adopt** the relief originally sought to amend or remove this rule.

Table 13.2 Land use capability nitrogen leaching/run off values – Water Quality (Submission Statement #24)

Overview of Ravensdown Submission

66. Ravensdown opposed the leaching values set by the LUC in Table 13-2 as they are without merit.
67. Ravensdown sought the following decisions from Council:

- Ravensdown opposes the leaching set in Table 13-2 by LUC and asks for the table to be removed.

Officer Report

68. The Officer Report comments that:
69. *“Having considered the submissions on the issue of setting leaching or run off values I note the following:*
- (a) I think there is a general acceptance that nitrogen leaching into water bodies is an issue that needs to be addressed in the Region.*
- (b) It is the approach that is proposed that is being questioned for the following reasons:*
- (i) A non-regulatory approach should be followed.*
- (ii) A cost benefit analysis needs to be undertaken as to the cost implications for the farmers and the farming community including regional economy.*
- (iii) A Permitted Activity regime may be able to deal with the issues.*
- (iv) The science approach behind the Policy framework is questioned in terms of its robustness and coverage of issues i.e. there is a concentration on LUC classification without an assessment of other factors such as rainfall and topography.*
70. *I understand that the Science Reports provided to the Hearing Panel outline how the standards were derived. I also understand that Ms Marr is providing the Hearing Panel with an assessment of the likely costs and benefit implications of adopting the approach set out in Table 13.2 and supported by Rule 13-1.*
71. *At this point in time I understand that the Table and supporting Rule are the means proposed to deal with the acknowledged and I think accepted problem across the Region of nitrogen leaching. I accept that there may well be other means of dealing with these issues. I understand however, that the nonregulatory approach has not proven effective over a number of years and there is as yet no workable regulatory alternative provided by the submitters. I do however, as I have already stated, understand that Fonterra is working through an alternative Rule approach and I will work with Fonterra and other submitters to more fully understand how an alternative may be able to fit within a Policy framework and provide certainty in terms of environmental outcome. I will return to this matter in my Supplementary Report.”*

72. The Officer Report's recommendation is to reject Ravensdown's submission. However, as noted previously, the Officer Report Decision will be returned to in a Supplementary Report that will be available to submitters by the 16 November 2009 before the hearing.

Comment

73. As for the two points discussed above the Officer Report did not directly state whether the relief sought by Ravensdown was considered valid or not. However again the relief is rejected without an assessment of its validity. My earlier comments are also applicable regarding additional cost/benefit assessment to be provided by Ms Marr, and the non-effectiveness of non-regulatory approaches.
74. Ravensdown have identified through its submission and the expert evidence of Dr Roberts its concerns with the proposed approach. Ravensdown's original submission indicated that the leaching values set by the LUC are without merit. However the submission indicated that the use of LUC information to prepare nutrient budgets and plan fertiliser use could be misleading to farmers and Council may not achieve the intended environmental benefits.
75. I consider that the relief sought by Ravensdown still raises valid concerns that have not been addressed. Dr Roberts' evidence provides some further details on these matters, specifically how the numbers in this table relate to the land use capability data (LUC) and whether a range of numbers is more appropriate.
76. As such I consider that the Rule and table as stands places onerous and costly requirements on farmers without due justification as the best method to address the identified issue and therefore Ravensdown seek the commissioners to **adopt** the relief originally sought to remove this table.

Rule 13.2 Fertiliser – Water Quality (Submission Statement #25 and #26)

Overview of Ravensdown Submission

77. In its submission Ravensdown expressed concerns about how Rule 13-2 will address aerial top dressing where there may be contact with water. Ravensdown considered the rule should be amended to make some allowances for fertiliser entering surface water when aerially sprayed, such as in Rule 14.2.

78. Ravensdown sought the following decisions from Council:

- Amend Rule 13-2 so that it applies to all catchments.
- Amend Rule 13-2 to address aerial top dressing.

Officer Report

79. The Officer Report comments that:

80. *“I will evaluate the submissions by relating the particular points raised to the clauses within the Rule and then any additional matters are dealt with under Other Matters below.*

81. *Submitters want clause (c) to refer to the Aerial Spreadmark Code of Practice 2006.*

82. *Clause (c) deals with the application of fertiliser which I understand to be covered by the Code of Practice for Nutrient Management. I appreciate that there may be other codes but this one is generic to cover all applications. I will however, return to the matter of the aerial application of fertiliser and whether the Aerial Spreadmark Code also needs to be referenced, in my Supplementary Report”.*

83. The Officer Report’s recommendation is to reject Ravensdown’s submissions. However, the Officer Report Decision will be returned to in a Supplementary Report that will be available to submitters by the 16 November 2009 before the hearing.

Comment

84. In relation to Ravensdown’s point regarding aerial top dressing, the Officer Report notes *“I appreciate that there may be other codes but this one is generic to cover all applications. I will however, return to the matter of the aerial application of fertiliser and whether the Aerial Spreadmark Code also needs to be referenced, in my Supplementary Report”.*

85. Therefore, while the Officer Report has recommended rejection of Ravensdown’s submission, the issue of whether the concern raised by Ravensdown was considered valid has not been addressed. Ravensdown reserves the right to address this matter and provide technical evidence at the hearing, once it has had an opportunity to understand the Officer Report findings. In the interim, I consider that Ravensdown’s original submission point is still valid and Ravensdown seek the commissioners to **adopt** the

submission, allowing for fertiliser entering surface water when aerially sprayed.

86. In relation to Ravensdown's submission point that Rule 13-2 should relate to all catchments. It was sought that all farming should be permitted if in accordance with codes of practise. This point has been discussed earlier in my evidence and the same comments and relief apply to this point.

Glossary – Term – Dairy Farming; Fertiliser; Intensive sheep and beef farming; Water management zone - Water Quality (Submission Statement #32, #35, #33, #34)

Overview of Ravensdown Submission

87. In its submission, Ravensdown considered the definitions: *Dairy farming, Intensive sheep and beef farming, Water management zone and Fertiliser* included in the proposed One Plan are acceptable in their current form.
88. Ravensdown sought the following decisions from Council:
- Ravensdown supports the definitions included in the proposed Plan in their current form.

Officer Report

89. The Officer Report gave no comment on Ravensdown's submission. The Officer Report's recommendation is to accept Ravensdown's submission. However the following amendments was proposed to these definition of Intensive sheep and beef farming:
90. **Intensive sheep and beef farming** refers to sheep, beef and mixed sheep/beef farming *properties* greater than 4 ha mainly engaged in the farming of sheep and cattle, where the *land* grazed is irrigated that have part of the farm irrigated. Nonirrigated sheep or beef farms are not required to prepare a FARM Strategy.

Comment

91. Overall I do not consider that the changes to this definition change the intent of the definition. However Ravensdown do **seek** clarification from the Commissioners over the intent of the phrase "*part of the farm irrigated*" as this could result in landowners using one small sprinkler being classed as "*Intensive*" farming. An alternative could be to specify for instance that it applies where the majority of the farm is irrigated.