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Attention: Robyn Harrison
12 September 2008

*Ravensdown one plan hearing submission Bio
(2)diversity and Land Chapter*

Attention: Chairman, Horizons One Plan - Hearings Committee

Dear Sir

Written Submission to the Hearings Committee on the Proposed One Plan, Land and Biodiversity Section

1. Introduction

Ravensdown Fertiliser Co-operative Limited (Ravensdown - submitter number 379) made a submission to the Horizons Proposed One Plan. This submission addressed four aspects relating to:

1. Land Use Capability Data;
2. The FARM Strategy;
3. Working Towards a Better Future/ Codes of Practice and other Good Practice Initiatives;
4. Rule 12-7 Activities within at-risk habitats; Policy 13-: Consent decision making for discharge to water.

The Hearings have been separated out into the prospective chapters, for this proposed plan change. This written submission is in regards to the Land and Biodiversity Chapter of the proposed plan, which deals with Rule 12-7: Activities within at-risk habitats.

Policy 13-: Consent decision making for discharge to water; was identified by Ravensdown to be inherently linked with the intent of this submission. It will however be part of a subsequent hearing process, one that is likely to be water related.

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2. General Comment

Rule 12-7 requires discretionary activity consent to be sought, for activities that involve the discharge of contaminants into water, or into or onto land.

Ravensdown is concerned that fertiliser application, within 'at risk habitat', may be considered to be included within the definition of 'contaminant' as outlined in the Resource Management Act, thus requiring a discretionary activity consent. While fertiliser application is a permitted activity under rule 13-2, there is no cross-reference in Rule 13-2 to Rule 12-7. If the intent of Rule 12-7 is to control fertiliser application, Ravensdown considers discretionary resource consent is overly restrictive. Similarly Policy 13-1 has a similar reference.

3. Specific Submission Points

3.1 Rule 12-7 Activities within at-risk habitats; Policy 13-: Consent decision making for discharge to water

Ravensdown's Original Submission

Ravensdown sought the following decision from Horizons on these provisions:

Submission 379-22

- n Ravensdown sought clarification of this Rule and sought for Council to either:
 - n Specifically exclude fertiliser application from Rule 12-7 and Policy 13-1; or
 - n Change the activity status to permitted for farming activities where the Code of Practice for Fertiliser Use is complied with.

Officer Report Recommendations

The Officer Report recommendation is to **accept in part** Ravensdown's submission 379-22.

The following outlines the evaluation and specific recommendations made within the Officers Report:

Evaluation made within the Officers Report: *'Fertiliser discharges into at-risk habitats may cause adverse effects. Although this seems a benign activity, some habitats are particularly sensitive to changes in fertility and inputs of fertiliser may drastically affect their natural function. It does not seem unreasonable to ask those applying fertiliser to avoid wetlands, river margins and areas of native trees. However the treeland (ie scattered trees among a largely pastoral landscape) does sometimes meet the definition of at-risk habitat, and fertiliser application in this area is very common*



practice. It is also unlikely to have a significant adverse effect on the trees. Activities in treeland habitat are recommended to be included in a separate rule, and this rule should exclude the discharge of fertiliser from the activities it controls. This should allow normal farming practices to be carried out and give the submitters the relief they seek.'

Recommendation BIO 27:

(a) Accept in part submissions which support Rule 12-7 to the extent that it will be retained with some recommended changes.

(c) Accept in part submissions which seek clarity or for provision for specific activities, to the extent that they are given relief by other recommendations in this report and the Land report.

Recommended change to provisions:

- Amend Rule 12-7 to include:

The word 'maintaining' within the subsection (f) so to read: '*(f) they are carried out for the purposes of protecting, maintaining, or enhancing an at risk habitat.*'

Comment

Ravensdown reiterates its main concern (which has previously been strongly supported within written submissions on 379-8 within the Land chapter) that normal farming activities should not require resource consent. The Officer Report, by only **accepting in part** Ravensdown's submission 379-22, has not fully recognised this concern.

Fertiliser use has been considered by the Council to be within the definition of *discharges of contaminants* as outlined in Rule 12-7 subsection (c). Ravensdown strongly urges that this be reconsidered by the Commissioners of this hearing. As fertiliser use is a commonplace, generally benign, farming activity it is considered by Ravensdown to be unnecessary to be controlled by such a restrictive consent status.

Ravensdown consider that there is an inconsistency within the proposed Plan that requires addressing. This being that while fertiliser application is a permitted activity under rule 13-2, there is no cross-reference to Rule 13-2 from Rule 12-7, which potentially makes fertiliser use a discretionary activity. Ravensdown considers this discretionary status to be overly restrictive. Ravensdown shares Horizons aspiration to protect '*at-risk habitats*' and believes that with the appropriate employment of Codes of Practice for Fertiliser Use; the integrity of these areas can be enhanced and protected.



Ravensdown urges the Commissioners to **reject** the Officer Report recommendation and accept Ravensdown's submission on this matter. Specifically the relief sought is to exclude fertiliser application from having 'discretionary' status under Rule 12-7; where the use of Codes of Practice for Fertiliser Use is initiated.

Ravensdown note that there was a recognition made within the Officer Report in regards to the separation of treeland areas from the discretionary control, due to the more robust nature of this land area. While Ravensdown supports this view, it notes that there is no proposed change to the provisions to enact this recommendation. Ravensdown requests that the Commissioners initiate this change in response to the recommendation.

Ravensdown intends to make similar comments on this point as it arises within Policy 13-1 when that matter is before the Commissioners.

Relief Sought by Ravensdown

Ravensdown seeks the Commissioners to:

- n Address the clear inconsistency through the proposed Plan, where fertiliser application is a permitted activity in some sections it is potentially of discretionary status in rule 12-7.
- n Accept Ravensdown's submission to change the activity status to permitted for farming activities where the Code of Practice for Fertiliser Use implemented. This will be in line with the initial Chapter of the proposed plan which outlines the Councils intention of relying more upon the use of non-statutory mechanisms such as the use of guidance material.

Yours sincerely,

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