

Rules – Draft prepared by Federated Farmers for consideration by the Water hearing panel for the One Plan

4 March 2010

Objective and policies addressed

Federated Farmers seek amendments to policy 6-7 land use activities affecting surface water quality which removes the reference to intensive farming (dairy farming, intensive sheep and beef farming, commercial vegetable growing and cropping) and refers only to dairy farming and that any discharge of nutrients from dairy systems remains a permitted activity under the conditions set out in the new rule 13.1a. We propose alternative wording of policy 6-7 to the effect of:

- a) Dairy enterprises within the water management zones (WMZ) that have the potential to impact water quality through the discharge of nutrients are required to implement best management practices using nutrient management plans, stock exclusion from riparian areas and appropriate effluent management in accordance with industry standards.

Relevant industry standards include FertResearch's code of practice for nutrient management, DairyNZ's Management of Dairy Farm Effluent manual and the Clean Streams Accord for riparian management. Additionally under the currently proposed rule 13-6 (g) the consenting of effluent discharge requires the provision of 'A nutrient budget which takes into consideration all other sources of N and which is designed to minimise N leaching rates' (wording taken directly from page 13-20 of the pink tracked changes document 23 November 2009).

The Permitted Activity (PA) rule drafted here serve to address policies 13-1 consent decision making for discharge to water and 13-2 consent decision making for discharges to land which as currently drafted are controlled activities. Federated Farmers seek to make these permitted activities with a controlled (for existing enterprises) or restricted discretionary (for new enterprises) rule if the conditions of the PA rule are not met by the dairy enterprise.

Proposed Method

Federated Farmers strongly oppose the inclusion of irrigated sheep and beef, cropping and commercial vegetable growing on the basis that the tools currently available to assess N leaching losses from these systems are inadequate and the evidence for the inclusion of cropping and irrigated sheep and beef with regard to their contribution of N to water bodies is extremely limited. The proposed methods therefore refer only to dairy enterprises.

The first critical step towards addressing issues of Nitrogen entering water bodies within the Horizons region is to ensure all farmers are managing nutrients on farm using good environmental practice. To effectively ensure the knowledge base of farmers is adequate we recommend the use of FertResearchs 'code of practice for nutrient management' as a best practice industry tool fit for this purpose.

If farmers are not able to meet the PA rule 13.1a then they will default to either a controlled activity for existing dairy enterprises (13.1b) or a restricted discretionary activity for new dairy enterprises (13.1c).

Following 5 years of rule 13.1a, b or c becoming operative a new rule initiated via a plan change could be developed which introduces catchment specific target N loss values if:

- Improvements in water quality for a WMZ catchment have not been gained through implementation of 13.1a, b or c and;
- there is a need for water quality within the WMZ catchment to improve and;
- N loss targets are agreed to be an effective and equitable method to achieve realistic water quality targets for the WMZ catchment.

If it is decided that indeed N loss targets are required the methodology upon which these targets are based would need to be developed by the regional council.

Federated Farmers have serious reservations about the use of LUC classes for the development of these targets as this methodology is inequitable, untested and places onerous and unreasonable constraints on existing dairy farm enterprises and any

new dairy enterprises developed in the WMZ as described in table 13.1 Water Management Sub Zones.

Consideration of an incentive to reduce N loss could be provided for within the provisions of future annual plans.

Federated Farmers Position with Regard to Water Allocation

15.1a as written in this document refers to the allocation of water for dairy farm operations. Within 15.1a we request a slight increase in the water allocated to larger properties with a maximum allocation of 40m³ for properties larger than 100 ha. We would like to see a similar rule developed around a per ha basis for other farming operations. The allocation scenario most suitable for other farming operations would be the water allocation levels as described in table 11 from Hurndell et al., November 2009 page 10, part of which is included below as table 1.

Table 1. Volume of water allocated on a per ha basis under a maximum permitted activity allocation of 30 m³ per day.

| | Property size (ha) | | | | | | |
|--------------------------------|--------------------|-------|-----|------|-------|-------|-----|
| | 0-0.5 | 0.5-1 | 1-4 | 4-10 | 10-30 | 30-50 | >50 |
| Water Allocated m ³ | 0.2 | 0.4 | 1.6 | 4 | 12 | 20 | 30 |

Water allocation under both the PA rule 15.1a and in any rule drafted using the per ha scenario posed by council is allocated efficiently and with due consideration given to any existing water take allocations.

Nutrient Management Rules for Dairy Farming

| <i>Rule^</i> _ | Activity | Classification | Conditions/Standards/Terms | Control/Discretion |
|--|---|----------------|--|--------------------|
| | | | | Non-Notification |
| 13.1a Dairy farming together with associated activities | Any use of land for dairy farming that occurs with the water management zones as identified in table 13.1 | Permitted | From the plan becoming operative <ul style="list-style-type: none"> (a) Nutrient management plans as specified in the FertResearch code of practice for nutrient management will be completed (b) The riparian fencing and stock crossings of water bodies within all of the dairy farms of the WMZ will comply with the specifications as outlined in the Clean Streams Accord (c) No dairy farming will take place in areas of rare habitats, threatened habitats and at risk habitats as identified in schedule E of the POP | |

| <i>Rule^</i> _ | Activity | Classification | Conditions/Standards/Terms | Control/Discretion |
|---|---|----------------|---|--|
| | | | | Non-Notification |
| 13.1b Existing dairy enterprises and associated activities | The existing use of land for dairy farming where the enterprise does not meet the permitted activity rule outlined in 13-1a | Controlled | <p>(a) Information as stipulated by the Regional Council will be provided to the Regional Council on aspects of the farming system and farm management practices which allow assessment of nitrogen loss from the farming enterprise</p> <p>(b) The riparian fencing and stock crossings of water bodies within all of the farms of the WMZ will comply with the specifications as outlined in the Clean Streams Accord</p> | <p>Control is reserved over:</p> <ul style="list-style-type: none"> i) The Method of calculating N loss from farms ii) Effects on rare habitats, threatened habitats and at risk habitats and management of these effects iii) The preparation of nutrient budgets which provide information on the per ha N loss on a yearly basis iv) Provision of information to the council to demonstrate compliance with the consent v) The duration of the consent vi) Review of the consent conditions vii) Compliance monitoring |

| <i>Rule^</i> _ | Activity | Classification | Conditions/Standards/Terms | Control/Discretion |
|--|--|--------------------------|---|---|
| | | | | Non-Notification |
| 13.1c New dairy enterprises and associated activities | All new dairy farms where the enterprise does not meet the permitted activity rule outlined in 13-1a | Restricted Discretionary | <p>(a) Information as stipulated by the Regional Council will be provided to the Regional Council on aspects of the farming system and farm management practices which allow assessment of nitrogen loss from the farming enterprise</p> <p>(b) The riparian fencing and stock crossings of water bodies within all of the farms of the WMZ will comply with the specifications as outlined in the Clean Streams Accord</p> | <p>Discretion is reserved over:</p> <ul style="list-style-type: none"> i) The method of calculating N loss from farms ii) Effects on rare habitats, threatened habitats and at risk habitats and management of these effects iii) The preparation of nutrient budgets which provide information on the per ha N loss on a yearly basis iv) Provision of information to the council to demonstrate compliance with the consent v) The duration of the consent vi) Review of the consent conditions vii) Compliance monitoring |

| Rule^ | Activity | Classification | Conditions/Standards/Terms | Control/Discretion | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|----------------|--|--------------------|--------------------|-------|--------|------|--|--|--|--|--|-------|-------|-----|------|-------|-------|--------|------|--------------------------------|-----|-----|---|---|----|----|----|----|------------------|
| Rule^ | Activity | Classification | Conditions/Standards/Terms | Control/Discretion | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15.1a Minor takes and uses of surface water for dairy farms | The taking and use of surface water pursuant to s14(2) and s14(3)(a) | Permitted | <p>(a) That water be allocated on a per hectare basis up to a maximum of 40 m³ per day for properties 50 ha or greater as outlined in table 2</p> <p>Table 2(amended from Hurndell 2009)</p> <table border="1" data-bbox="1066 914 1794 1042"> <thead> <tr> <th></th> <th colspan="8">Property size (ha)</th> </tr> <tr> <th></th> <th>0-0.5</th> <th>0.5-1</th> <th>1-4</th> <th>4-10</th> <th>10-30</th> <th>30-50</th> <th>50-100</th> <th>>100</th> </tr> </thead> <tbody> <tr> <td>Water Allocated m³</td> <td>0.2</td> <td>0.4</td> <td>2</td> <td>4</td> <td>12</td> <td>20</td> <td>30</td> <td>40</td> </tr> </tbody> </table> <p>(b) The rate of take shall not exceed 0.5 l/s (c) An intake screen with a mesh aperture size not exceeding 3 mm in diameter shall be used and the intake velocity shall not exceed 0.3 m/s (d) The take shall not be from any wetland that is a rare or threatened habitat (e) The water shall be used on the property from which it is taken. (f) The Regional Council shall be notified in writing of the location of the take, the instantaneous rate of take and the intended use of</p> | | Property size (ha) | | | | | | | | | 0-0.5 | 0.5-1 | 1-4 | 4-10 | 10-30 | 30-50 | 50-100 | >100 | Water Allocated m ³ | 0.2 | 0.4 | 2 | 4 | 12 | 20 | 30 | 40 | Non-Notification |
| | Property size (ha) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 0-0.5 | 0.5-1 | 1-4 | 4-10 | 10-30 | 30-50 | 50-100 | >100 | | | | | | | | | | | | | | | | | | | | | | | |
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|---------------|----------|----------------|----------------------------|--------------------|
| | | | | Non-Notification |
| | | | water | |