**IN THE MATTER OF** The Resource Management Act 1991

**AND**

**IN THE MATTER OF** **The Proposed One Plan:** Consolidated Regional Policy Statement, Regional Plan and Regional Coastal Plan for the Manawatu - Wanganui Region

**SUPPLEMENTARY STATEMENT OF EVIDENCE BY GREG SNEATH OF THE FERTILISER MANUFACTURERS' RESEARCH ASSOCIATION (FERT RESEARCH)**

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Dated 8th February 2010

## QUALIFICATIONS AND EXPERIENCE

1. My full name is Gregory Philip Sneath. I graduated from University of Queensland, St. Lucia, Brisbane, Australia, with a Bachelor of Agricultural Science Degree, with Honours.

2. I am currently employed as Technical Manager with Fertiliser Manufacturers' Research Association, (Fert Research). I have experience working in analytical laboratories at University of Queensland and with the Queensland DPI. I was employed NSW Department of Agriculture, as a horticultural extension and advisory officer in the Murray Darling Basin providing on-farm advice and support, and collaborating with researchers and industry groups from New South Wales, Victoria and South Australia. I subsequently worked for Yates New Zealand in a technical advisory role for the Growing Media Division, supporting the nutrient management, quality control and use of growing media, primarily working with the commercial nursery industry where I was also Chairman, New Zealand Potting Mix Manufacturers' Federation, (a sub group of the NZ Nursery Garden Industry Association). I have been with the New Zealand Fertiliser Manufacturers' Research Association for over 4 years, and have certificates of completion for both the Intermediate and Advanced courses in Sustainable Nutrient Management in New Zealand Agriculture, at Massey University.

## INTRODUCTION

3. The New Zealand Fertiliser Manufacturers' Research Association Inc is a trade organisation representing the New Zealand manufacturers of superphosphate fertiliser. The Association also operates under the name Fert Research. 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 95% of all fertiliser used in New Zealand.

4. This supplementary evidence is presented on behalf of the fertiliser industry, representing the views of both Ballance Agri-Nutrients Limited and Ravensdown Fertiliser Co-operative.

## SCOPE OF SUPPLEMENTARY EVIDENCE

5. Our evidence has been prepared with regard to the Horizons Regional Council Planning Supplementary Evidence and Recommendations Report for Chapter 13 Discharges to Land and Water, dated 11 November 2009.

6. This evidence is presented in recognition of Supplementary Officers Reports to the Water Hearings of the Proposed One Plan, and in relation to primary considerations within our original submission, and the original submissions of both Ballance Agri-Nutrients Limited and Ravensdown Fertiliser Co-operative in relation to Chapter 13 – Discharges to Land and Water.

7. This evidence is intended to present a consolidated point of view from the fertiliser industry with specific regard to Rule 13.1 and Rule 13.2.

8. This evidence also addresses issues discussed and agreed during the Pre-Hearing Meeting held in relation to Rules 13.2, with Horizons staff on 13th November 2009, at the Regional Council Offices. For clarity, Fertiliser Industry recommended changes are included in blue in Table 2.

**EVIDENCE**

**Rule 13.1**

9. Fert Research, Ballance and Ravensdown **oppose** the establishment of blanket controlled activity status for the farming activities identified by Rule 13.1.

10. In doing so it is submitted that a simplified and more readily usable FARM Strategy document continue to be utilised for "intensive farming" activities within the priority Water Management Zones, but in a manner where it forms the basis of a condition of Permitted Activity status, with Nitrogen leaching/loss values for each farm constituting benchmark measures for comparison of the farm performance. *( refer to paragraphs 26 and 27 for discussion on a simplified Farm Strategy document ).*

11. We understand the proposed process for regulating farming activities in the Manawatu-Wanganui region to occur as follows:

    1. The region is divided into Water Management Zones
    2. The Water Management Zones have associated values as described within Schedule Ba.
    3. Water Quality Standards are applied relative to values as described within Schedule D
    4. Intensive farming activities are proposed to be controlled, over time within the proposed Water Management Sub-Zones
    5. Any new intensive farming activities within the remainder of the region are proposed to be controlled at the time the One Plan becomes operative.
    6. The activities of Dairy Farming, Commercial Vegetable Growing, and Intensive Sheep and Beef Farming will require a Controlled Activity resource consent to farm subject to (broadly) meeting the following conditions:
        (a) Application and use of a FARM Strategy
        (b) Calculation of maximum nitrogen losses for the whole-of-the-farm in accordance with the values for each Land Use Capability Class (LUC) as illustrated:

| | LUC I | LUC II | LUC III | LUC IV | LUC V | LUC VI | LUC VII | LUC VIII |
|---|---|---|---|---|---|---|---|---|
| **Year 1** (when *rule*^ comes into force) (kg of N/ ha/year) | 32 | 29 | 22 | 16 | 13 | 10 | 6 | 2 |
| **Year 5** (kg of N/ ha/year) | 27 | 25 | 21 | 16 | 13 | 10 | 6 | 2 |
| **Year 10** (kg of N/ ha/year) | 26 | 22 | 19 | 14 | 13 | 10 | 6 | 2 |
| **Year 20** (kg of N/ ha/year) | 25 | 21 | 18 | 13 | 12 | 10 | 6 | 2 |

Ref: Table 13.2. Chapter 13

12. We believe the proposed Rule 13.1 controlled activity status for intensive farming activities is unnecessary and unduly restrictive, with many of the associated conditions/matters for control better suited as permitted activity status conditions.

13. We believe that the LUC based N discharge allowances and attenuation values used to derive them are not sufficiently robust to form the basis of controlling farm practices by means of resource consent. The allowable N loss limits set for each land class, while scientifically informed, are none-the-less inexact and give rise to somewhat arbitrary N loss targets.

14. In support of the intent of The One Plan, it is acknowledged that the lack of clear nutrient targets and guidelines for some actions can be barriers to adoption of best practice. i.e. “farmers need to know not only what is required but also how to get there”

15. However, the use of the LUC system to set single number allowable N loss targets is inappropriate, as it is not fit for purpose. Setting unrealistic and (for many) unachievable targets will result in failure to achieve the standards even by the most willing land manager.

16. In the absence of robust catchment leaching and attenuation data, the proposed N discharge values, (Table 13.2, Chapter 13), are better suited for application as notional benchmarks against which farmers can compare their modelled nitrogen discharge. An alternative benchmark against which a farmer can compare N discharge performance could be provided by a 5 year average N leaching result using OVERSEER to establish the current situation, with future N discharges estimated by also using 5 years averages.

17. The benchmark values against which farmers can compare their N discharge performance should be reviewed as the science relating to catchment attenuation / water quality impacts improves.

18. Comparison of modelled N discharge to notional targets allows farmers, the community and regional council, time and opportunity to consider and evaluate the long term implications of the programs being implemented. In addition, it provides an opportunity to verify and develop more robust catchment information for the management of these issues.

19. Permitted activity status provides the greatest long-term certainty for farmers, and the least-cost, least-time option for both farmers and Regional Council, as a result of not having to submit Resource Consent applications with associated Assessments of Environmental Effects when changes to the farm system are required.

20. The farming system is a highly dynamic system subject to a range of modifying factors. (rainfall, drought, temperature fluctuation, disease etc.). Farmers need flexibility to respond, often at short notice, to these factors in order to manage their potential impact on farm viability. Managing the effects of these factors through a rigid approach of resource consent will reduce flexibility and therefore the resilience of the farming system. Reduced resilience reduces the long term sustainability.

21. Changes to farming systems and evidence of modelled nutrient discharge can be provided for by using an ‘accredited’ FARM strategy, which is produced and available for inspection, upon request by the Regional Council, as a condition under a Permitted Activity status. ( “*accredited” means: having been produced by a nutrient management adviser who has completed all (20) modules of the Fertiliser Industry Training Program, including the ‘Intermediate Sustainable Nutrient Management in New Zealand Agriculture’ course and the “Advanced Sustainable Nutrient Management in New Zealand Agriculture‘ course and meeting the requirements of internal and external audits.* )

22. Furthermore, Permitted Activity status provides the greatest level of flexibility and therefore business confidence for individual farmers to operate and manage their activities, yet still to meet the proposed region-wide water quality standards and demonstrate best practice for minimising nutrient loss from their individual farms.

23. At a practical level, the differences between Permitted and Controlled Activity status are further illustrated the Table 1 as follows:

Table 1: Comparison between implications of Controlled Activity Status and Permitted Activity Status, using a FARM Strategy.

| **Controlled Activity** | **Permitted Activity** |
|---|---|
| Focus on "intensive farming" within priority catchments | Focus on "intensive farming" within priority catchments |
| Model farming practices using overseer | Model farming practices using overseer |
| Develop list of mitigation options for the management of N, P, Faecal, and Sediment | Develop list of mitigation options for the management of N, P, Faecal, and Sediment |
| Apply for resource consent for the specific farming system documented under FARM strategy. | Farming system is documented using accredited FARM Strategy |
| Incorporate mitigation measures into consent as legally binding conditions on the farmer | Mitigation measures are documented as part of the FARM Strategy |
| Apply FARMS to achieve N loss target number for whole-of-farm | Apply FARMS to achieve best possible N loss for whole-of-farm, |
| Monitor performance toward achieving N loss target number as a condition of consent | Monitor performance toward achieving best possible N loss |
| **Issues for Farmers/Industry** | **Issues for Farmers/Industry** |
| Added cost for consent application | No added cost for consent |
| Added cost of independent LUC Class farm mapping | Added cost of independent LUC Class farm mapping |
| Farming activities limited to whole-of-farm N loss target number | Farming activities limited to documented and justified best practice |
| Farming activities limited to only those described in the consent application | Farming activities are limited to those justified by FARM Strategy considerations |
| Business uncertainty associated with consent expiry date | No consent expiry dates – greater business confidence |
| Business uncertainty associated with consent reviews | No review of consent conditions – greater business confidence |
| Business limitations associated with the need to vary consent as farming activities change | Farming activities can change without applying for variation to consent |
| Business innovation and flexibility is limited by legally binding consent conditions, with a new consent required for changes to the farming system | Business innovation and flexibility provided for by open access to technology and improved products/services as they become available and are incorporated into the FARM strategy by an accredited provider. |

24. We believe the enhanced environmental benefits can be better gained from Permitted Activity status compared with Controlled Activity status, with Permitted Activity status providing a more economic, confident, resilient, flexible and efficient farming business.

25. Under the Primary Sector Water Partnership the fertiliser industry supports and is committed to producing Nutrient Management Plans to promote efficient nutrient use on farm. The Primary Sector Water Partnership has, as one of its targets, that 80 % of all nutrients applied to land nationally, are managed through quality assured nutrient budgets and nutrient management plans. Regulation is not required to initiate these advances in nutrient management.

26. It should be noted that: the fertiliser industry views the FARM Strategy, in essence, as comparable to a Nutrient Management Plan, except that the FARM Strategy requires information on additional issues, such as water takes.

27. The Fertiliser Industry Nutrient Management Plans ( as per the Code of Practice for Nutrient Management, 2007 ) could be readily accepted as a 'permitted activity' component of the FARM Strategy document. This would require splitting the FARM Strategy into components.

28. Some components of the FARM strategy, such as water takes, may require consent, while other components which support permitted activity, such the discharge of

fertiliser onto land, could be available for inspection, upon request by the Regional Council.

29. Accepting the fertiliser industry "accredited' Nutrient Management Plan, as a 'permitted activity' component of the FARM Strategy would be the most efficient, economic and expedient process for producing a FARM Strategy, which could be supplied to Regional Council upon request.

**30. Decisions Sought from the Hearing Committee**

(a) Amend Rule 13.1 activity status from Controlled to Permitted as follows (marked up in blue) , and remove the compulsion to meet N discharge targets, though they continue to be listed as notional targets in Table 13.2, or alternatively provide targets by using 5 year average N leaching results using OVERSEER:

(b) Simplify the FARM Strategy document and split it into components

(c) Accept the standard Fertiliser Industry Nutrient Management Plan (based on the Code of Practice for Nutrient Management, 2007) as a component of the FARM Strategy.

(d) Amend Rules 13.2, 13.3, 13.4 and 13.6 to delete under Activity Status "~~except where the discharge is undertaken in association with a use of land controlled by Rule 13.1~~."

Rule 13.1 (as at 11 November 2009)

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion/Non-Notification |
|---|---|---|---|---|
| 13.1(a)<br>Dairy farming, cropping, commercial vegetable growing and intensive sheep and beef farming together with associated activities. | This rule applies to the uses of land identified in this Rule where those uses are existing from the dates specified in Table 13.1. Table 13.1 has dates based on the relevant water management subzone in which the use occurs. For the purpose of this Rule an identified use is existing if it has occurred on the land since notification of this plan.<br>This Rule applies from the date specified in Table 13.1 to any new land use to which the Rule applies. It applies in all water management sub-zones in the region. For the purpose of this Rule a new use is a use of a property for activities caught by this Rule that commenced from the date the rule becomes operative.<br>This Rule applies to the following uses of land pursuant to s. 9(2) RMA:<br><br>(a) dairy farming<br>(b) cropping<br>(c) Commercial vegetable growing (and market gardening)<br>(d) intensive sheep and beef farming<br><br>together with any of the following activities associated with the above uses:<br><br>iii. the discharge of fertiliser onto land pursuant to ss15(1), 15(2) or 15(2A) RMA and any consequential discharge of contaminants to air pursuant to ss15(2) or 15(2A) RMA<br>iv. the discharge of contaminants onto land pursuant to ss15(1), 15(2) or 15(2A) RMA from<br>a. the preparation, storage, use or | Permitted<br>~~Controlled~~ | Conditions of Permitted Activity Status<br>~~Information Requirement~~<br><br>The applicant must:<br>(a) Complete an approved Farmer Applied Resource Management Strategy (Farm Strategy), that complies with The FARM Strategy Workbook (Horizons Regional Council, August 2009); with the nutrient management component based on The Code of Practice for Nutrient Management, 2007.<br>(b) Identify the Land Use Capability classes of all land on which the activity to which this rule relates occurs;<br>(c) Calculate based on the LUC class of the land the total kilograms of nitrogen leaching per hectare per year and compare to the values and timetable in Table 13.2<br>(d) Identify management of phosphorus, faecal contamination and sediment from the activity<br>(e) Identify the management of effects on rare habitats, threatened habitats and at-risk habitats<br><br>Performance Condition/s<br><br>For the purpose of this Rule the cumulative nitrogen leaching value is the sum of the total kilograms of nitrogen per hectare per year for all land on which the use occurs, and is compared to notional targets presented in Table 13.2 and using the timeframes in Table 13.2 | ~~Control is reserved over:~~<br>~~(a) the management of nitrogen, phosphorus, faecal contamination and sediment from the activity~~<br>~~(b) Compliance with The FARM Strategy Workbook (Horizons Regional Council, August 2009)~~<br>~~(c) effects on rare habitats, threatened habitats and at-risk habitats and management of these effects~~<br>~~(d) implementation of management practices identified in the FARM Strategy~~<br>~~(g) the provision of information to the Regional Council to demonstrate compliance with the consent~~<br>~~(h) duration of consent~~<br>~~(i) review of consent conditions~~<br>~~(j) compliance monitoring.~~<br>~~(k) the effect of odour, dust, waste or fertiliser drift or spray drift~~<br><br>~~Resource consent applications under this rule will not be notified and written approval of affected persons will not be required (notice of applications need not be served on affected persons).~~ |

| | | | | |
|---|---|---|---|---|
| | transportation of stock feed on production land, or<br>b. the use of a feed pad and any consequential discharge of contaminants to air pursuant to ss15(2) or 15(2A) RMA<br>v. the discharge of grade A biosolids and soil conditioners onto or into production land pursuant to ss15(1), 15(2) or 15(2A) RMA, and any consequential discharge of contaminants to air pursuant to ss15(2) or 15(2A) RMA | | | |

**Rule 13.2**

31. Fert Research, Ballance and Ravensdown **oppose** Rule 13.2 in its proposed form

32. Following a pre-hearing meeting between Horizons Regional Council, Fertresearch, Ballance Agri-Nutrients Limited and Ravensdown Fertiliser Co-operative on 13 November 2009, the industry's concerns around Rule 13.2 were resolved in agreement with the Regional Council.

**33. Decisions Sought from the Hearing Committee**

34. We recommend the following decisions arising from the pre-hearing meeting be adopted by the committee with regard to proposed Rule 13.2 (marked up in blue):

Table 2:

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion/Non-Notification |
|---|---|---|---|---|
| 13.2<br>Fertiliser | The discharge of fertiliser onto land pursuant to ss15(1), 15(2) or 15(2A) RMA and any consequential discharge of contaminants into air pursuant to s15(2) or 15(2A) RMA, ~~except where the discharge is undertaken in association with a use of land controlled by Rule 13.1.~~<br><br>*~~Strikethrough~~ under Activity Status required on the basis of Rule 13.1 becoming a Permitted Activity as recommended.* | Permitted | (a)All reasonable measures should be taken to avoid discharge to any waterbody including the possible use of placement technologies. ~~There shall be no direct discharge of fertiliser into any water_body including groundwater~~.<br>(b)There shall be no discharge into any rare habitat, or threatened habitat or at-risk habitat, except for the purpose of enhancing such habitats.<br>(c ) The fertiliser shall be applied in accordance with the Code of Practice for Nutrient Management (New Zealand Fertilisers Manufacturers Research Association, 2007), except where the fertiliser is being applied for domestic purposes, meaning the garden associated with a household.<br>(d) Where nitrogen fertiliser is applied onto land^;<br>(i) in excess of an application rate of 60kg N/ha/year across the whole farm, or<br>(ii) at 200 kg N/ha/yr or more, to an individual block on a farm<br>a nutrient budget, which takes into account all other sources of nitrogen and which is designed to minimise nitrogen leaching rates, shall be used to plan and carry out the fertiliser application. The nutrient budget should be valid for a minimum of 3 years unless there is a significant change in farm practice, and it should be available to HRC on request to the farmer.<br>~~(e) The discharge shall not result in any objectionable odour or fertiliser drift to the extent that causes an adverse effect beyond the property boundary.~~ | |

## Conclusion

35. We would like to thank Horizons Regional Council for the opportunity to present this supplementary evidence.

DATED this day 8 February 2010.

Greg Sneath