

SUBMISSION

TELEPHONE 0800 327 646 | WEBSITE WWW.FEDFARM.ORG.NZ



To: The Chief Executive Officer
Greater Wellington Regional Council
Proposed Regional Policy Statement
PO Box 11646
WELLINGTON 6142

Submission on the: Proposed Regional Policy Statement for the Wellington Region

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Contacts: Anders Crofoot
Provincial President, Wairarapa Federated Farmers
10 Jetty Road
RD 9
MASTERTON

P: (06) 372 6465
F: (06) 372 6461
E: anders@castlepoint.co.nz

Hilary Walker
Policy Advisor

Federated Farmers of New Zealand
PO Box 447
HAMILTON

P: (07) 858 0815
F: (07) 838 2960
E: hwalker@fedfarm.org.nz

SUBMISSION TO GREATER WELLINGTON REGIONAL COUNCIL ON THE PROPOSED REGIONAL POLICY STATEMENT 2009

INTRODUCTION

Federated Farmers of New Zealand (FFNZ) welcomes the opportunity to comment on the proposed Regional Policy Statement for the Wellington Region 2009 (RPS).

Federated Farmers is a voluntary member-based organisation which represents farming and other agricultural businesses. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to our members' businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

We would like the opportunity to speak to Council about our submission and acknowledge any other submissions from individual members of Federated Farmers.

GENERAL COMMENT

Federated Farmers acknowledges the considerable time, effort and resources expended by Wellington Regional Council staff to reach this notification stage of the proposed Regional Policy Statement. Further we appreciate the opportunities provided to engage in the development process.

Before providing specific and focused comment on the proposed provisions of the Policy Statement, Federated Farmers would like to reiterate some of the general concerns we expressed in the Comments paper provided to council in July 2007. We take this opportunity because we understand the significant influence the Regional Council has on land use activities within a region and it is important to bring the on going issues faced by the rural community to the council's attention.

Pastoral farming

Pastoral farming is important and essential to the economic viability of the region. The RMA promotes "*managing the use, development, and protection of natural and physical resources must be managed in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.*"

We urge Council to use every means available to keep the costs imposed on farmers as low as possible. Farmers and growers are price takers and cannot pass on rising costs to consumers. Rising farming costs (including Council costs)

are the key driver behind farmers needing to continually raise farm productivity in order to remain viable businesses. One option is intensification, which in turn may add to the pressure on the regions resources. There is little recognition by regional and local authorities of this cause and effect response nor the role they play in it which is very frustrating for landowners.

Year after year our members adjust production systems to better manage their resources. Over the last 15 or so years substantial on-farm investments have been made to keep up with changing societal expectations. Farmers and growers need greater certainty that proposed measures to conserve natural and physical resources are scientifically justified and are managed to ensure a reasonable return on investment.

Public good

Land ownership entails a responsibility to ensure that the land is conserved for future generations. This does not mean untouched, but with a realisation of the importance of proper maintenance and appropriated farming techniques.

Federated Farmers believes that land should therefore be managed in a way that is sustainable, prevents erosion, degradation of waterways and does not result in damage to other property. However, Federated Farmers also believes that when restrictions are imposed that go beyond the minimum threshold of the duty of care (for example, to provide a public benefit in the form of protecting landscape values) there is an obligation to pay compensation that corresponds to the rights that have been restricted.

Consultation and landowner 'buy in'

FFNZ is generally supportive of the approach taken throughout the proposed RPS to encourage community involvement and foster responsibility towards managing the region's environmental resources sustainably. However, there is limited recognition of the vital role that landowners play in achieving objectives relating to resources on privately owned land. Consultation with landowners is crucial for the protection of biodiversity, landscapes and natural features on private land, because without landowner acknowledgement and "buy in" on going, positive management is unlikely to occur.

We believe that an obligation to consult with affected landowners does not give them greater status than any other party to the process, but rather recognises that landowner input is integral to achieving successful environmental outcomes. Councils need to provide more forums for community groups to meet together to gain greater understanding of issues in the community. Resolution of potential conflicts can best be achieved by communities working informally, as well as through the formal submission/hearing process. In our opinion this is where policies based on fully integrated catchment management could be implemented effectively.

Further the requirement to consult should not be thought of as statutory consultation required by the Act. The early engagement of landowners in the formation of objectives, policies and rules that impact on the management of their land is critical to any successful outcomes of regional environmental objectives. Without early engagement, that may include farmer reference groups, one on one consultation where a plan directly relates to a property, or field testing rules before they are applied, it is highly likely any proposed changes will result in an adversarial process. Enduring partnerships between Council and landowners will

be much more effective in achieving regional objectives than endless rounds of submissions, hearings and appeals. The only way to achieve these sort of partnerships is through engaging landowners early in the process about any proposed changes that will impact on them, providing them with alternatives and offering them the opportunity to address any resource management challenges at an on farm level.

Education vs Regulation

Federated Farmers shares the sentiment expressed by the Honourable Fran Wilde in the Chair's foreword that knowledge and belief have more influence on behavioural change than regulation. We would add that unreasonable regulation can not only have the effect of entrenching existing beliefs but can in fact create perverse environmental outcomes whereby landowners actively move to rid themselves of features which could cause unwelcome third party interest.

In FFNZ's opinion environmental outcomes sought under the Act are best achieved by a co-operative regime which fosters voluntary action by landowners. However, we do acknowledge that there can be a place for clear rules so long as they are effects based and do not arbitrarily restrict activities and stifle innovation. Further, restrictions on land use to control adverse environmental outcomes must be able to be justified and supported by real scientific data on a site-by-site basis.

Whilst we appreciate that it is not a function of the RPS to implement rules we believe it is appropriate for Regional Councils to acknowledge the enabling intent of the RMA in the objectives, policies and methods which are developed to achieve integrated management of the natural and physical resources. Given the right approach, Federated Farmers believes environmental values can be maintained and enhanced with a minimum of restrictions.

Proposed Regional Policy Statement

The following submission will address aspects of the proposed RPS in more detail. Of particular concern are the issues and policies relating to the coastal environment, freshwater, landscapes, and soils and limited recognition of the fact that pastoral farming is both a legitimate and valuable land use.

It follows the same format as the proposed policy statement.

CHAPTER TWO- THE WELLINGTON REGION

- 1 (i) Subject matter and provision in the Proposed Plan
Section 2.4, Integrating management of natural and physical resources; pages 10 and 11.
- (ii) Summary of reasons for this submission
Federated Farmers is broadly supportive of the whole of catchment approach outlined in this section of the proposed RPS. As stated this approach suggests a need to work with multiple parties to establish shared objectives for a catchment. In our opinion this is an encouraging proposal because, if done well, it not only facilitates information sharing amongst stakeholders but provides the vehicle for catchment specific solutions rather than the unsatisfactory broad brush blanket approach of the recent past. When dealing with land based issues, one rule does not fit all

situations; therefore the catchment level is an appropriate level to deal with land based issues.

Further, it should recognise the crucial part landowners play in the success of any stated environmental outcome and facilitate landowner involvement in resource management decisions.

It is stated that this approach is promoted by the proposed RPS however, in our opinion this could be made more explicit.

(iii) Relief Sought

1. Federated Farmers asks that the Wellington Regional Council put the proposed RPS on hold to better investigate ways to implement the stated intention of adopting a 'whole of catchment' approach. This will require extensive consultation with stakeholder groups and could potentially change the dynamics of the proposed plan.
2. In the interim amendments must be made so that the concept of integrated catchment management is clearly stated as an overriding principle for policy implementation.

CHAPTER THREE – ISSUES AND OBJECTIVES

2 (i) Subject matter and provision in the Proposed Plan

Section 3.1 Air Quality; Introduction, page 15

(ii) Summary of reasons for this submission

Federated Farmers understands there is a link between air quality and amenity values. However we are concerned to note that no reference is made to the fact that particular expectations about amenity and the level of acceptable activities is dependant on the character or zone. For example the operational requirement of primary production activities like silage feeding and effluent spreading have effects which should be both anticipated and expected in a rural area.

We submit that the interrelationship between amenity values and zones should be made more explicit. This extra emphasis is required because misunderstandings about expectations and amenity values generate a considerable amount of complaint and friction between neighbours.

(iii) Relief Sought

Amend Air Quality, Introduction to include the following paragraph:

At times primary production activities will generate effects such as noise, odour and dust - residents living in the rural environment should therefore reasonably expect amenity values to be modified by such effects (or words to this effect)

3 (i) Subject matter and provision in the Proposed Plan

Section 3.1 Air Quality, Issue 1, page 16 states:

1. Impacts on amenity and wellbeing from odour, smoke and dust.

Odour, smoke and dust affect amenity values and people's wellbeing.

(ii) Summary of reasons for this submission

In Federated Farmers opinion this statement only identifies part of a resource management issue and as presently worded is inaccurate. Amenity values are intrinsically linked to the surrounding characteristics of the environment and as such an activity that negatively impacts on amenity in one area will not necessarily have the same affect in another.

Rural production activities have the potential, at times, to generate adverse effects beyond the site which must be acknowledged as being part of the rural environment. It is also recognised that more than minor effects on the environment will be subject to controls on land use activities.

iii) Relief Sought

Amend Issue 1 as follows:

1. Amenity values and wellbeing can be adversely affected by discharges such as odour, smoke and dust which are inconsistent with the predominant land use and environmental quality of the character areas within the region (or words to this effect).

4 (i) Subject matter and provision in the Proposed Plan

Section 3.1 Air Quality, Objective 1, page 17 states:

Discharges of odour, smoke and dust to air do not adversely affect amenity values and people's wellbeing

(ii) Summary of reasons for this submission

In Federated Farmers opinion this statement only identifies part of a resource management issue and as presently worded is inaccurate. Amenity values are intrinsically linked to the surrounding characteristics of the environment and as such an activity that impacts on amenity in one area will not in another.

Rural production activities have the potential, at times, to generate adverse effects beyond the site which must be acknowledged as being part of the rural environment. It is also recognised that more than minor effects on the environment will be subject to controls on land use activities.

iii) Relief Sought

Amend Objective 1 as follows

Discharges of odour, smoke and dust to air do not significantly adversely affect amenity values and people's wellbeing as

appropriate to the predominant land use and consequential environmental quality of different character areas within the region (or words to this effect).

- 5 (i) Subject matter and provision in the Proposed Plan
Section 3.2 Coastal Environment (including public access), Introduction page 19

- (ii) Summary of reasons for this submission

Federated Farmers acknowledges and generally supports Council's rationale to preserve the natural character of the coastal environment and to protect it from **inappropriate** subdivision, development and use. However, the introductory part of this section fails to acknowledge the full range of activities undertaken within, and the values associated with the coastal environment, nor does it provide readers with an understanding of what is meant by the term 'natural character'.

A great portion of the landward extent of the coastal environment is held in private ownership and contains rural activities. As such, Federated Farmers believes it is essential that rural activities are recognised to some degree as a part of region's coastal environment and that all coastal landholders are adequately consulted when identifying those areas of high natural character. Input by and consultation with, farmers into this process will give Federated Farmers comfort that any determination will be soundly based and representative of the views held by those people whom will be most affected by it.

Farming historically has modified most of the Wairarapa coast and makes it what we see today. People highly value that pastoral landscape and view it as "natural", however it is a highly man modified environment and requires constant intervention from man, in the form of livestock grazing to keep it that way. In our opinion this does not receive sufficient recognition in the RPS. The potential for working farmland to be captured by the rules designed to give effect to the stated objectives and policies is a major concern for our members.

- (iii) Relief Sought

Include a new paragraph which recognises the reality that vast tracts of the coastal environment are in private ownership with the predominant land use being primary production. Like infrastructure, this is also essential to the community's social, economic and cultural wellbeing which should result in a certain amount of tolerance towards adverse effects.

- 6 (i) Subject matter and provision in the Proposed Plan
Section 3.2 Coastal Environment, Issue 1 page 20 states:

1 Adverse effects on the natural character of the coastal environment

The natural character of the region's coastal environment has been, and continues to be, adversely affected by activities such as earthworks, changes in land use and the placement of structures.

(ii) Summary of reasons for this submission

Federated Farmers opposes this broad resource management issue. Earthworks, changes in land use and structures can be considered part of the natural character of an environment not an affront to it. We would ask Council to be mindful of this fact when considering management regimes over rural land. We would also remind Council that farming activities on coastal land are not only legitimate but in the main have impacts which can be remedied or mitigated quite readily for example a desire to change from rural to residential use requires (quite appropriately) the full resource consent process, at this time all signs of farming activities e.g. hay barns, fences and tracks could be easily removed as a condition of consent.

(iii) Relief Sought

Delete Coastal Environment Issue 1 or amend to focus on the real threats identified by council such as large scale earthworks for housing development and roads.

7 (i) Subject matter and provision in the Proposed Plan

Section 3.2 Coastal Environment, Issue 4 page 20 states:

4 Public access to and along the coastal marine area, lakes and rivers

(ii) Summary of reasons for this submission

Federated Farmers acknowledges the Section 6(d) Resource Management Act 1991 (RMA) matters which are being identified by this issue. However we submit that two important factors relating to access have been overlooked in the identification of the issue. First and foremost there is no legal requirement for public access to areas of value on privately owned land. Access must be negotiated with the landowner without the presumption of a right to public access. Secondly considering the significant costs associated with maintenance it is inappropriate to facilitate public access to the entire region's coastal marine area, lakes and rivers and their margins. Access should be determined based on demand in which the public have identified a desire to have access.

(iii) Relief Sought

Amend Coastal Environment Issue 4 as follows:

4 Where a need exists public access to and along the coastal marine area, lakes and rivers should be facilitated in a

manner that protects their natural character and the property rights of adjoining landowners

8 (i) Subject matter and provision in the Proposed Plan

Section 3.2 Coastal Environment, Objective 3, page 21 states:

Habitats and features in the coastal environment are protected because of their significant indigenous biodiversity, recreational, cultural, historical, or landscape values

(ii) Summary of reasons for this submission

Federated Farmers considers this objective to be inconsistent with RMA principles and has the potential to be unduly onerous on landowners. The Act does not require unqualified protection of the habitats and features of the coastal environment. The council's function in regard to these matters of natural importance is to recognise and provide for the protection of them from **inappropriate** subdivision, use and development.

(iii) Relief Sought

Delete Coastal Environment Objective 3

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the policy and method sections, to give effect to this relief sought

9 (i) Subject matter and provision in the Proposed Plan

Section 3.2 Coastal Environment, Objective 5 page 24 states:

Areas of the coastal environment where natural character has been degraded are restored and rehabilitated

(ii) Summary of reasons for this submission

Whilst Federated Farmers appreciates and supports the non-regulatory policy and methods linked to this objective, we do have concerns with the subjective, values based nature of it. In our opinion this creates the potential to trigger a wide range of responses and debate as to what is degraded, in need of restoration and rehabilitation and at whose expense.

Further, as previously mentioned the proposed RPS does not in this initial section inform readers of the complexities associated with term 'natural character'. Within this framework the objective is far too broad. Other than the very few areas of the coast that remain in virgin indigenous vegetation the entire coast has had its natural character modified. Whether it has been enhanced or degraded would be entirely subjective in the eye of the beholder.

(iii) Relief Sought

Amend Objective 5 as follows:

Areas of the coastal environment where natural character has been significantly degraded are restored and rehabilitated where appropriate (or words to this effect)

10 (i) Subject matter and provision in the Proposed Plan

Section 3.2 Coastal Environment, Objective 7 page 25 states:

The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of subdivision, use and development.

(ii) Summary of reasons for this submission

Federated Farmers considers this objective to be inconsistent with RMA principles and has the potential to be unduly onerous on landowners. The Act does not require unqualified protection of the physical and ecological processes in the coastal environment. The council's function in regard to these matters is to manage **inappropriate** subdivision, use and development.

(iii) Relief Sought

Amend Objective 7 as follows;

The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.

11 (i) Subject matter and provision in the Proposed Plan

Section 3.4, Fresh Water (including public access), Introduction, pages 33-34

(ii) Summary of reasons for this submission

Council states that monitoring shows that many urban and lowland pastoral streams regularly fail water quality guidelines. High levels of nutrients, or bacteria, or poor clarity are cited as the common reasons for these failings. Further reference is made to elevated levels of nitrate in some groundwater sources. The cause is stated as being either from farming or septic tanks. It is a concern that the conclusions are not more specific because the corresponding policies designed to address the water quality issues are unable to be appropriately targeted. Federated Farmers is unable to make an informed decision as to the merits or other wise of this statement based on the information provided in this document and no clear reference is made to technical reports which support these claims. Council must be very careful not to advocate for land use controls to address perceived causes of deteriorating water quality.

(iii) Relief Sought

Insert footnote with a link to the technical reports or studies to support the statements made in relation to water quality. Or alternatively state that some land uses can adversely effect water quality and elevate levels of nitrogen found in surface and ground water

12 (i) Subject matter and provision in the Proposed Plan

Section 3.4, Fresh Water (including public access), Issue 1 page 35 states:

1 Pollution is affecting water quality in water bodies

The water quality of rivers and streams, lakes, wetlands and groundwater in the region is being polluted by discharges and by intensive land uses.

(ii) Summary of reasons for this submission

In Federated Farmers opinion it is inappropriate to identify intensive land uses as a cause of water pollution for a number of reasons. Firstly, the term is not defined within the document so it is difficult to know what activities the council believe are responsible for the pollution. Secondly, we contend that it is inconsistent with the effects based purpose of the Resource Management Act to focus on activities and as such believe the reference to discharges is sufficient to define the issue. Thirdly, there seems to be little supporting evidence to make the link between poor water quality and intensive land uses.

Water quality may also be adversely affected by large numbers of introduced game species which are not farmed and landowners are prohibited from effectively controlling.

(iii) Relief Sought

Amend Issue 1 as follows;

1 Discharges may cause pollution and adversely affect water quality in water bodies

Or in the alternative,

1 Pollution is affecting water quality in water bodies

The water quality of rivers and streams, lakes, wetlands and groundwater in the region is can be being polluted by discharges ~~and by intensive land uses.~~

13 (i) Subject matter and provision in the Proposed Plan

Section 3.4 Fresh Water (including public access), Issue 4 page 35 states:

4 Public access to and along the coastal marine area, lakes and rivers

(ii) Summary of reasons for this submission

Federated Farmers acknowledges the RMA Section 6(d) matters which are being defined by this issue. However we submit that two important factors relating to access have been overlooked. First and foremost there is no legal requirement for public access to these areas if they are on privately owned land. Access must be negotiated with the landowner without the presumption of a right to public access. Secondly considering the significant costs associated with maintenance it is inappropriate to facilitate public access to the entire region's coastal marine area, lakes and rivers and their margins. Access should be determined based on demand in which the public have identified a desire to have access.

(iii) Relief Sought

Amend Fresh Water, Issue 4 as follows:

- 4 Where a need exists public access to and along the coastal marine area, lakes and rivers should be facilitated in a manner that protects their natural character and the property rights of adjoining landowners

14 (i) Subject matter and provision in the Proposed Plan

Section 3.5, Historic Heritage, Objective 15 page 41 states:

Historic heritage is identified and protected from inappropriate modification, use and development

(ii) Summary of reasons for this submission

Federated Farmers understands the intent of this provision, and the RMA Section 6(f) responsibilities it reflects. As such we support that further identification and understanding of historic heritage is required in order to ensure values are known. However, in our opinion is it confusing and unnecessary to use terms such as 'modification' which are inconsistent with the Act.

(iii) Relief Sought

Amend Objective 15 as follows;

~~Historic heritage is identified and protected from inappropriate modification, use and development~~ Historic heritage sites are identified and any effects on them of inappropriate subdivision use and development are avoided remedied or mitigated

15 (i) Subject matter and provision in the Proposed Plan

Section 3.6, Indigenous ecosystems, Introduction, page 43

(ii) Summary of reasons for this submission

Federated Farmers both understands and broadly supports the intent of this section as it is in line with our philosophy of encouraging farmers to adopt responsible resource management and environmental practices. Maintaining a diversity of species, ecosystems and gene pool is an integral part of achieving sustainable management of resources. Sustainable management is fundamental to the philosophy of the New Zealand Farmer – their business and lifestyle requires that natural resources be sustained for current and future generations.

We also acknowledge that councils are charged with the responsibility of balancing the safeguarding of indigenous ecosystems with the ability of people and communities to use and develop natural and physical resources for their social, economic and cultural wellbeing as prescribed under Section 5 of the RMA.

However, as is often the way the devil is in the detail and the methods used by councils to meet these RMA obligations can have major implications for our members so as you would expect Federated Farmers pays particular attention to them.

We are disappointed to note that no recognition is given to the significant contribution landowners have made towards the protection of the ecosystems which exist on privately owned land today. It is important to remember that there are many areas of indigenous ecosystems left and these remain as part of and along side existing land use practices.

In light of this we wish to remind council that sustaining biodiversity/ecosystems on private land requires goodwill, co-operation and individual commitment of landowners and land managers – bear in mind the imposition of regulation will not achieve this. Council should recognise that to achieve meaningful protection, there must be a benefit to the landowner as well.

Like Federated Farmers, Wellington Regional Council has been involved in the development of a Wairarapa Biodiversity Strategy. This strategy has been developed as the three Wairarapa District Councils work towards meeting their RMA obligations. Whilst the strategy is yet to be fully completed all the stakeholders have agreed it has identified the right approach to achieve the best environmental outcomes. The following paragraph is an extract from the strategy and we believe is appropriate to include something similar in the introduction of this chapter:

There are many and varied landowners, conservation groups, government agencies and advocacy agencies in the Wairarapa region with an interest in indigenous biodiversity. In their own way, they all have a key part to play in the protection and restoration of indigenous biodiversity. It is important that the District Councils work collaboratively with these individuals and groups, sharing ideas and resources. It is equally important that these agencies, groups and individual landowners show support for the Biodiversity Strategy and council initiatives. This strategy's success relies on the coming together, communication and support of the many individuals and agencies to achieve the common goal of protecting our indigenous biodiversity.

Further, the Wairarapa Biodiversity Strategy does a good job of identifying the threats and tensions which exist between indigenous biodiversity and the current modified environment. In our opinion it is appropriate to identify these tensions in the RPS.

(iii) Relief Sought

Include a paragraph similar to the above extract to provide an accurate picture of the stakeholders involved

And insert the following paragraph into the introduction section;

The Wairarapa today is very different with forest cleared and wetlands drained to make way for farming, forestry, viticulture, cropping and urban development. The dominant species of the Wairarapa Plains are now pasture grasses, shelter belts of macrocarpa, pampas grass, radiata pine and riparian willows (such as crack willow). Sheep, beef, dairy farming, cropping are the main forms of agriculture with viticulture increasing. Primary production is the mainstay of the economic prosperity of the Wairarapa and is dependent on introduced biodiversity for agriculture, horticulture, viticulture and forestry. Therefore, it is important to acknowledge the importance of introduced biodiversity while incorporating indigenous biodiversity into the modified environment. The challenge for the Wairarapa is to find the balance between the benefits provided by introduced species and the threats they present to indigenous biodiversity (or words to this effect)

16 (i) Subject matter and provision in the Proposed Plan

Section 3.6, Indigenous ecosystems, Issue 2, page 44states:

2. The Region's remaining indigenous ecosystems are under threat

The region's remaining indigenous ecosystems continue to be degraded or lost

(ii) Summary of reasons for this submission

Federated Farmers is interested to know how this significant resource management issue has been identified. The Measuring Up state of the environment report 2005 which we understand has informed this proposed RPS states on pages 83, 85 and 93 that it is biodiversity health is difficult to measure beyond a very local level and that biodiversity protection, management and restoration efforts have increased significantly in the region.

It would be useful for readers if the technical reports were referenced and included in a footnote.

(iii) Relief Sought

Amend Issue 2 as follows;

~~The Region's remaining indigenous ecosystems are under threat
The region's remaining indigenous ecosystems continue to be degraded or lost~~

Monitoring change in the quality of ecosystems at a regional scale is difficult

And

Include reference to technical reports and monitoring results in footnotes

17 (i) Subject matter and provision in the Proposed Plan

Section 3.6, Indigenous ecosystems, Objective 16, page 45 states;

Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state

(ii) Summary of reasons for this submission

Federated Farmers understands the intent of this provision, and the RMA section 6(c) responsibilities it is designed to reflect. However, in our opinion the goal to restore these areas coupled with the anticipated environmental results stated on page 150 is both beyond the intent of the Act and sets an unnecessarily high standard. Whilst it may be desirable, advocating for no loss and a 20% increase in the areas of indigenous ecosystems and habitats that are legally protected has the potential to isolate landowners and create perverse environmental outcomes as landowners react to the uncertainty and perceived costs associated with such aggressive goals.

Further, in our opinion without a prioritisation regime which seeks to identify the remaining indigenous ecosystems which have suffered the greatest loss the costs of restoration are likely to be too high.

(iii) Relief Sought

Amend Objective 16 as follows;

Indigenous ecosystems and habitats with significant biodiversity values are maintained and enhanced ~~restored to a healthy functioning state~~

18 (i) Subject matter and provision in the Proposed Plan

Section 3.7 Landscape, Issue 1 page 47 states:

Inappropriate modification and destruction of outstanding natural features and landscapes, and significant amenity landscape

(ii) Summary of reasons for this submission

Federated Farmers understands the intent of this provision, and the RMA Section 6(b) responsibilities it reflects. However, in our opinion is it confusing and unnecessary to use terms such as ‘modification’ and ‘significant amenity landscape’ which are inconsistent with the Act.

Whilst councils have an obligation under the Act to ensure that outstanding natural features and landscapes are managed in a sensitive way, there is no overriding legal imperative to protect ‘significant amenity landscapes’ that is landscapes that are important but clearly not exceptional as per definition on page 175. The whole of New Zealand could perhaps fall into this significant category, particularly those landscapes that are valued by the urban community for their stewardship and enhancement by open space. Further those landscapes which may be identified are farming landscapes and their values are present as a result of farming practice.

(iii) Relief Sought

Amend Landscape Issue 1 as follows:

Inappropriate subdivision, use and development can adversely affect modification and destruction of outstanding natural features and landscapes, and significant amenity landscape

19 (i) Subject matter and provision in the Proposed Plan

Section 3.7 Landscape, Objective 17, page 48 states:

The region’s outstanding natural features, landscapes and significant amenity landscapes, are identified and their values protected, maintained or enhanced.

(ii) Summary of reasons for this submission

Federated Farmers is supportive of the rationale of this objective that seeks to protect the values of the region’s outstanding natural landscapes. However, Federated Farmers does not agree that those landscapes which are identified as “significant amenity landscapes” should be afforded the protection of section 6 (b) of the Act.

Federated Farmers acknowledge Council’s intention to ensure that the region’s most outstanding natural features and landscapes are provided a degree of statutory protection. However, we believe that it is important to ensure that landscapes are assigned appropriate weight depending on their value to individuals, landholders, communities, other key stakeholders, tangata whenua and their sensitivity to change.

Therefore, to avoid confusion and uncertainty and to create consistency with Policies 25 and 27, Federated Farmers believes that Council should amend this statement to better reflect their RMA responsibilities. Further the “protection” of outstanding natural landscapes is subjective. To some

the protection of these landscapes means a return to their natural state where that does not currently exist. Some areas where outstanding landscapes may be identified regionally may be in forestry or parts of them farmed. The plan should not seek to protect those landscapes from the land use activity that provides and manages some of their existing features

(iii) Relief Sought

Amend Objective 17 as follows:

The region's outstanding natural features and outstanding landscapes are identified and their values are protected from inappropriate subdivision, use and development ~~and significant amenity landscapes, are identified and their values protected, maintained or enhanced.~~

20 (i) Subject matter and provision in the Proposed Plan

Section 3.8, Natural hazards, Issue 3, page 53 states:

Climate change will increase both the magnitude and frequency of natural hazard events

(ii) Summary of reasons for this submission

In Federated Farmers opinion Issue 3 is inconsistent with the views represented in the introduction of this chapter.

There is still considerable debate among the scientific community as to what effect climate change will have on weather patterns and to what extent human activity is contributing to climate change. The long-term shifts and changes in climate extremes and patterns due to climate change have yet to be scientifically quantified.

This uncertainty is acknowledged on page 52 which states that climate change is **expected to** increase the intensity and duration of weather events. Federated Farmers contends that whether or not climate change is going to result in the increased frequency and intensity of severe weather events is unknown, and this should be reflected in the resource management issue.

(iii) Relief Sought

Amend Natural Hazards Issue 3 as follows;

Climate change ~~will~~ has the potential to increase both the magnitude and frequency of natural hazard events

Or in the alternative

Delete Issue 3 and move the natural hazards events listed as 3(a),(b),(c) to Issue 1.

- 21 (i) Subject matter and provision in the Proposed Plan
 Section 3.9, Regional form, design and function, Issue 2(c) page 58 states:
 Sporadic and uncoordinated development ...can result in:
 (c) The loss of rural or open space land valued for its ecological productive, aesthetic and recreational qualities
- (ii) Summary of reasons for this submission
 Under the RMA land and soil are resources that must be managed in terms of Part II. Section 5(2)(b) provides that a resource (land and soil) must be managed to sustain the life supporting capacity of soil. This involves avoiding, remedying or mitigating the adverse effects of any activity on the soil resource, not protecting the resource for particular activities or uses, such as dairy farming or horticulture.
- (iii) Relief Sought
 Delete element (c) from Issue 2 as follows
 Sporadic and uncoordinated development ...can result in:
 (c) ~~The loss of rural or open space land valued for its ecological productive, aesthetic and recreational qualities~~
- 22 (i) Subject matter and provision in the Proposed Plan
 Section 3.11, Soil and minerals, Introduction, pages 67 and 68
- (ii) Summary of reasons for this submission
 Federated Farmers has a number of concerns with statements made in the introductory part of this section;
1. No referencing of technical reports and monitoring results. It is difficult to make an informed opinion as to the validity of some statements made.
 2. 'Intensive farming' is identified as being responsible for declining organic matter in the arable soils of the region. No definition is provided to determine what land use activities the council is referring to though it seems inconsistent with the usual pig and poultry type operations
 3. No recognition is given to the fact that some land uses do not need high quality soils - growing grapes for example. It is not appropriate to only refer to Class I and II categories when discussing the productive capabilities of the regions soils.
 4. Contaminated Land is identified as being the legacy of poor land and/or waste management. In fact the opposite is true. In many cases contaminated land is the legacy of best practices or legislation of the time. Hindsight and research have provided the impetuou for change.

(iii) Relief Sought

Amend the introduction section as follows;

1. Reference technical reports and monitoring results in footnotes
2. Delete reference to 'Intensive farming' is being responsible for declining soil quality
3. Amend paragraph 5 page 68 to include the full range of soil types and productive possibilities of the region
4. Delete second sentence in paragraph 7 page 68 '~~It is the legacy of poor land and/or waste management~~'

AND

Make any consequential changes to give effect to this relief sought

23 (i) Subject matter and provision in the Proposed Plan

Section 3.11, Soils and minerals, Issue 2, page 69 states:

2 Reduction of soil health

Some land use practices are reducing the health and productive capacity of soil, leading to the loss of its life-supporting capacity

(ii) Summary of reasons for this submission

Federated Farmers understands the RMA requirement that the life supporting capacity of soils be safeguarded. However, we are concerned at the conclusion this issue draws in relation to reduced soil health. A change in soil health does not necessarily equate to a total loss of the life supporting capacity of that soil. The key concern must relate to the point at which this becomes an issue of significance for the region.

(iii) Relief Sought

Amend Issue 2 as follows;

2 Reduction of soil health

Some land use practices can impact on the health of soil ~~are reducing the health and productive capacity of soil, leading to the loss of its life-supporting capacity~~

24 (i) Subject matter and provision in the Proposed Plan

Section 3.11, Soils and minerals, Issue 3, page 69 states:

3 Highly productive agricultural land under threat from development

(ii) Summary of reasons for this submission

The consideration of versatile soils by councils under the RMA is contentious. It is often used by territorial authorities as a reason to control subdivision. Under the previous legislation (the Town and Country Planning Act 1977) the "avoidance of encroachment of urban development on, and

the protection of, land having high or potential value for the production of food” was a matter of national importance.

Under the RMA there is no equivalent provision. Under the RMA land and soil are resources that must be managed in terms of Part II. Section 5(2)(b) provides that a resource (land and soil) must be managed to sustain the life supporting capacity of soil. This involves avoiding, remedying or mitigating the adverse effects of any activity on the soil resource, not protecting the resource for particular activities or uses, such as dairy farming or horticulture.

Federated Farmers Policy Position:

- Federated Farmers is of the opinion that protecting high quality or versatile soils is of questionable validity under the RMA.
- Federated Farmers believes that it is not a council’s role to determine what constitutes a high quality or versatile soil, or to protect rural land for its productive potential.
- Federated Farmers contends that the function of a council is to ensure that present generations do not, in pursuit of their own well being, consume or destroy the existing stock of natural resources so as to improperly deprive future generations of the ability to meet their needs. However it is not a role of a council to determine or identify what is a productive use of that resource, be it land, air or water.
- Federated Farmers believes that land use decisions must be left to the landowner. If for example, export returns place a sufficiently high value on particular soils, then landowners wanting to use that land for productive purposes will pay the market price to secure the resource.
- Federated Farmers believes that the versatility of land is any use of land where the market dictates that the use is economically viable. We do not believe it is Council’s role to determine what is, or is not, a versatile soil, nor should it be an environmental outcome of District Plans.

Federated Farmers notes that there is a considerable body of case law¹ to support the view that the RMA does not place versatile soils in a situation of primacy. Decisions relating to good quality soils must be balanced against other resource considerations. In situations where a particular resource is becoming scarce, a regional council may protect that resource from further despoliation to meet the reasonably foreseeable needs of future generations, provided it can base its decision on fact and prediction and not on statutory primacy in respect of a particular resource.

Safeguarding the life-supporting capacity of soil does not necessarily mean the protection of those soils for the provision of food for human beings. Just

¹ *Canterbury Regional Council v Selwyn District Council* [1997] NZRMA 25; *North Shore CC v Auckland RC* [1997] NZRMA 59; *Pokeno Farm Family Trust v Franklin DC* (Env Ct AS7-97); *Becmead Investments Ltd v Christchurch CC* [1997] NZRMA 1; *Robinson v Ashburton DC* (W92/94)

because the relevance of protection of high quality soils must be recognised [in terms of section 5(2)(b)], this does not mean that land containing soil of good quality, what ever its location, size and features is effectively proscribed for use in any circumstances

(iii) Relief Sought

Delete Issue 3

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the policy and method sections, to give effect to this relief sought

25 (i) Subject matter and provision in the Proposed Plan

Section 3.11, Soils and minerals, Objective 28 page 70 states:

Land management practices do not accelerate soil erosion

(ii) Summary of reasons for this submission

Hill country farmers have a vested interest in reducing soil erosion and invest considerable resources into achieving this mutually beneficial goal. Traditionally it has only been through addressing this issue that our members and the regional council came together to work in partnership and promote win win scenarios. Federated Farmers wishes to specifically acknowledge the work that Dave Cameron, and Stan Backsma have done over the years and advise council of the high regard in which they are both held by the rural community. This work is reflected in Policy 68 and in our opinion continuing this approach is all that is needed.

However, Federated Farmers does have concerns regarding the strong direction from the proposed RPS to control earthworks and vegetation clearance. Neither term is defined in the Appendices and this is problematic given the broad and all encompassing range of activities which could be captured by them. Some guidance is given within the introduction section whereby large scale earthworks associated with subdivision and roading and harvesting of plantation forestry are mentioned as being of concern however this focus is not followed through to the Objective and Policy 14.

(iii) Relief Sought

Amend Objective 28 as follows;

Land management and development practices and do not accelerate soil erosion

26 (i) Subject matter and provision in the Proposed Plan

Section 3.11, Soils and minerals, Objective 29 page 71 states:

Soils maintain those desirable physical, chemical and biological characteristics that enable them to retain their ecosystem function and range of uses

(ii) Summary of reasons for this submission

Federated Farmers acknowledge council responsibilities under the Resource Management Act. We are of the view that this statement is consistent with our interpretation of the Act, in that it does not seek to protect any particular land use activity over another. However this consideration must be extended to potential future uses as well.

(iii) Relief Sought

Amend Objective 29 as follows;

Soils maintain those desirable physical, chemical and biological characteristics that enable them to retain their ecosystem function and range of uses, including uses that may not currently take place in the region.

CHAPTER FOUR: POLICIES

Air quality

27 (i) Subject matter and provision in the Proposed Plan

Section 4.1 Regulatory policies, Policy 1 page 17 states;

Policy 1: Reverse sensitivity associated with odour, smoke and dust – district plans

District plans shall include policies and/or rules that discourage:

(a) new sensitive activities locating near land uses or activities that emit odour, smoke or dust, which can affect the health of people and lower the amenity values of the surrounding area; and

(b) new land uses or activities that emit odour, smoke or dust and which can affect the health of people and lower the amenity value of the surrounding areas, locating near sensitive activities.

(ii) Summary of reasons for this submission

Federated Farmers understands the intention of this policy, however careful consideration must be given as to how district councils will give effect to this policy. In our opinion it inappropriately advocates for separation distances to be used as the sole planning response. It is important that in determining the most appropriate method to deal with issues arising at the interface between zones that this does not place undue constraints on either the existing land use or the potential land use activity. Any decisions as to separation distances as a method to address such issues must be based on a case by case assessment and not an

automatic planning response. We also contend that for new activities the requirement for internalisation of adverse effects is greater than those of existing activities and they should be given the opportunity to mitigate the affects of their encroachment.

Further, any control around reverse sensitivity issues should only apply to land use activities under separate ownership. The location for example of a dwelling near an activity which emits odour is a decision for the resource user and should not be unduly restricted by any plan.

We do appreciate that the regional council is trying to minimise future reverse sensitive issues but there are a number of ways to achieve this goal other than blunt separation distances. Federated Farmers would prefer Councils to focus on sources where potential landowners can obtain information in respect to land. Potential residents in the rural areas must be aware that certain management practices are part of the normal activity in the rural area. For example Councils could undertake the following:

- Include Advisory Notes in the relevant sections of the Plan
- Attach a copy of the Advisory Note to all subdivision consents in the rural area, as a consent notice.
- Attach a copy of the Advisory Note to all building consents
- Include a copy of the Advisory Note in all the Land Information Memorandums (LIM's) for all such properties
- Prepare information sheets detailing the type of activities that occur in rural areas (i.e. effluent distribution, shearing, milking etc) and seek a wide range of distribution mechanisms.

(iii) Relief Sought

Amend Policy 1 as follows:

Reverse sensitivity associated with odour, smoke and dust – district plans

District plans shall include policies and/or rules that manage the interface of different environmental zones and potential conflicts between established land uses and activities that may not normally be anticipated in those zones. Councils will focus on providing sources where potential landowners can obtain information in respect to land and the surrounding area. ~~discourage:~~

~~(a) new sensitive activities locating near land uses or activities that emit odour, smoke or dust, which can affect the health of people and lower the amenity values of the surrounding area; and~~

~~(b) new land uses or activities that emit odour, smoke or dust and which can affect the health of people and lower the amenity value of the surrounding areas, locating near sensitive activities.~~

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the methods section, to give effect to this submission point

- 28 (i) Subject matter and provision in the Proposed Plan
 Section 4.1 Regulatory policies, Policy 2, page 81 states;
 Reducing adverse effects of the discharge of odour, smoke, dust and fine particulate matter – regional plans
- (ii) Summary of reasons for this submission
 Amenity values are intrinsically linked to the surrounding characteristics of the environment and as such an activity that negatively impacts on amenity in one area will not necessary be adverse in another.
- (iii) Relief Sought
 Amend Policy 2 as follows:
 Reducing adverse effects of the discharge of odour, smoke, dust and fine particulate matter in accordance with what is appropriate for the predominant land use and environmental quality of the character areas within the region (or words to this effect).

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the methods section, to give effect to this submission point

Coastal environment (including public access)

- 29 (i) Subject matter and provision in the Proposed Plan
 Section 4.1 Regulatory policies, Policy 3, page 81 states;
 Discouraging development in areas of high natural character in the coastal environment – district and regional plans
- (ii) Summary of reasons for this submission
 Federated Farmers understands the intent of this provision, however as currently worded it is inconsistent with both the RMA and the assurance provided by Council in the explanation section that this policy will not preclude appropriate use and development within the coastal environment.
- (iii) Relief Sought
 Amend Policy 3 as follows;
 Discourageing inappropriate development in areas of high natural character in the coastal environment – district and regional plans

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the methods section, to give effect to this submission point

30 (i) Subject matter and provision in the Proposed Plan

Section 4.1 Regulatory policies, Policy 4, page 82 states;

Identifying the landward extent of the coastal environment – district plans

(ii) Summary of reasons for this submission

Federated Farmers is generally supportive of the rationale of this policy that aims to identify the landward extent of the coastal environment as this exercise will provide greater certainty for the region's constituents.

Federated Farmers believes that it is important for local authorities to consult with landholders, the community, tangata whenua and other key stakeholders during this identification process. Input by and consultation with, farmers, along with other key stakeholders into this process will give Federated Farmers comfort that any determination will be soundly based and representative of the views held by those people whom will be most affected by it.

Federated Farmers considers that Council should refer to current case law to ensure that the process for determining the landward extent of the coastal environment is consistent with national approaches. Key terms and definitions should also be adopted across the region to avoid uncertainty and confusion for constituents and in particular for landholders.

(iii) Relief Sought

Amend Policy 4 as follows;

~~Identifying~~ in consultation with landholders, the community, tangata whenua and other key stakeholders, the landward extent of the coastal environment – district plans

Include reference to following recommendations in the Explanation section;

Federated Farmers recommends that: where there is a change in landscape category as a result of the reclassification or identification of the coastal environment, that those landowners be identified, contacted and informed of exactly what the proposed changes will mean to them prior to the notification of the plan change. That if requested these landowners are given an opportunity to discuss landscape boundaries on their properties.

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the methods section, to give effect to this submission point

31 (i) Subject matter and provision in the Proposed Plan

Section 4.1 Regulatory policies, Policy 5, page 82 states;

Maintaining and enhancing coastal water quality for aquatic ecosystem health – regional plans

(ii) Summary of reasons for this submission

In Federated Farmers opinion this policy needs to be more clear about what it is trying to achieve. Is it designed to protect the water quality meeting the coast or water quality issues in the coastal environment ? For example a catchment that flows through 2 large urban centres with stormwater discharges etc and industrial discharge and then predominantly through farm land to the coast – farmers then get hit with restrictions to address water quality at coast that is in the main been caused by urban discharges. Council needs to clarify how the stated goal will be achieved and what this will mean for everyone in the catchment, this will be more consistent with integrated catchment management thinking.

(iii) Relief Sought

Council needs to clarify how the stated goal will be achieved and what this will mean for everyone in the catchment, this will be more consistent with integrated catchment management thinking

32 (i) Subject matter and provision in the Proposed Plan

Section 4.2 Regulatory policies, Policy 34 and 35, pages 102 and 103

(ii) Summary of reasons for this submission

As mentioned in earlier submission points recognition of existing land uses within the coastal environment and the future viability of land uses is missing from the proposed RPS. This is unacceptable to our coastal members.

(iii) Relief Sought

Amend Policy 34 to include the following consideration:

(h) Recognition of existing land uses within the coastal environment.

Amend Policy 35 as follows:

~~Discourage~~inappropriate development in areas of high natural character in the coastal environment – consideration

And include the following consideration

Recognition of existing land uses within the coastal environment.

- 33 (i) Subject matter and provision in the Proposed Plan
Section 4.2 Regulatory policies, Policy 37 page 105 states;
Identifying the landward extent of the coastal environment – consideration
- (ii) Summary of reasons for this submission
Coastal terraces may be part of the coastal environment, but they are farmed, this needs to be recognised and they should not be subject to blanket restrictions as might be applicable to other parts of the coastal environment such as sand dunes.
- (iii) Relief Sought
Delete Policy 37
- 34 (i) Subject matter and provision in the Proposed Plan
Section 4.2, Regulatory policies, Policy 52 page 117 states;
Public access to and along the coastal marine area, lakes and rivers – consideration
- (ii) Summary of reasons for this submission
Federated Farmers submits that landowners should not be impacted or controlled in their farming activities simply because they neighbour a coastal marine area, lake or river access to or across their property.
- (iii) Relief Sought
Delete Policy 52

Or in the alternative amend to include a new exception linked to the consideration of protecting private property
- (k) the rights and wishes of private property owners

Fresh water

- 35 (i) Subject matter and provision in the Proposed Plan
Section 4.1 Regulatory policies, Policy 11 page 86;
Maintaining and enhancing aquatic ecosystem health in waterbodies - regional plans
- (ii) Summary of reasons for this submission
- Federated Farmers recognises that land use can detrimentally affect the quality of rives, lakes, wetlands and ground water. The organisation has always supported incentives to remove stock from waterways where practical.
- Further we support the intentions of the objectives which safeguard the quality of freshwater and measures taken designed to meet RMA obligations. However, in Federated Farmers opinion council needs to clarify how the stated goals will be achieved and what this will mean for everyone in the catchment, this will be more consistent with integrated catchment management thinking.
- The policy seeks to establish environmental flows and while this approach is generally supported it needs to be included that there are a range of uses of water that must be considered. Also any flows and groundwater limits must be based on robust science which establishes the aquifer levels.
- (iii) Relief Sought
- Council needs to clarify how the stated goal will be achieved and what this will mean for everyone in the catchment, this will be more consistent with integrated catchment management thinking
- AND
- Include recognition of all uses of water and ensure that environmental flows and levels are based on robust science.
- 36 (i) Subject matter and provision in the Proposed Plan
Section 4.1 Regulatory policies, Policy 12 page 86
- (ii) Summary of reasons for this submission
- The policy seeks to establish environmental flows and while this approach is generally supported it needs to be included that there are a range of uses of water that must be considered. Also any flows and groundwater limits must be based on robust science which establishes the aquifer levels.

- (iii) Relief Sought
- Amend Policy 12 to include recognition of all uses of water and ensure that environmental flows and levels are based on robust science.
- 37 (i) Subject matter and provision in the Proposed Plan
- Section 4,1 Regulatory policies, Policy 14 page 87 states;
- Minimising the effects of earthworks and vegetation clearance – district and regional plans
- (ii) Summary of reasons for this submission
- Earthworks can be required for a number of reasons some of which are outside a farmer's control eg in relation to slip or flood damage. It is therefore unduly onerous to require resource consent to mitigate damage from a natural event. Earthworks can be required to maintain tracks which are a vital network through farms. This provision is especially onerous with consideration of the all encompassing nature of works which could be captured by the undefined term.
- (iii) Relief Sought
- Amend Policy 14 as follows;
- Minimising the effects of large scale earthworks and vegetation clearance on erosion prone land – district and regional plans
- 38 (i) Subject matter and provision in the Proposed Plan
- Section 4.1 Regulatory policies, Policy 15 page 88;
- Promoting discharges to land - regional plans
- (ii) Summary of reasons for this submission
- Whilst Federated Farmers is broadly supportive of an approach which promotes point source discharges to land Policy 15 does not differentiate between point source and non point source discharges. As policy responses are quite different the 2 types of discharges should be identified in the policy.
- (iii) Relief Sought
- Amend Policy 15 to differentiate between point source and non point source discharges.

39 (i) Subject matter and provision in the Proposed Plan

Section 4.1 Regulation Policies, Policy 16(d) page 88 and Policy 18 page 89

(ii) Summary of reasons for this submission

Federated Farmers understands that demand on limited water resources is increasing and we support the encouragement of storage options under Policy 18. Water storage allows erratic rainfall events to become a reliable water resource. Water can be stored in either in-stream or out-of-stream purpose-created dams, or in artificially raised lakes. Natural watercourses are often used to transport water from storage to irrigation canals. This provides an opportunity for natural flows to be augmented and enhanced.

We believe that water storage and augmentation provides opportunities for integrated water-land management options to be designed so as to provide 'win-win' outcomes for the farm, the river and the regional community. Further, we believe that stored water is a property right, which can be traded, gifted and used to the benefit of the owner(s).

Federated Farmers supports both these policies in the promotion of efficient water use and water harvesting. However, we consider that water harvesting should not be restricted to off line storage in that on line dams may be possible if appropriate mitigation techniques are used

(iii) Relief Sought

Amend Policy 16 as follows;

(d) promote the installation of off-line water storage including online dams with appropriate mitigation techniques over dams in river beds

Retain Policy 18 as read

40 (i) Subject matter and provision in the Proposed Plan

Section 4.1 Regulation Policies, Policy 16(f) page 88 states;

(f) prevent stock access to rivers, lakes and wetlands

(ii) Summary of reasons for this submission

Federated Farmers wishes to state that under no circumstances do we support what we term the 'reckless polluter', nor do we support unsustainable land management practices. The Federation has a general policy position in relation to the issue of stock in waterways in which we believe that it 'ultimately makes sense to keep stock out of waterways, both

from an economic and environmental point of view'. However, we also recognize that the issues surrounding stock access are often complicated.

What Federated Farmers seeks to ensure is that environmental guidelines and policies are based on good science and in keeping with the philosophy of the Resource Management Act allowing practical solutions to be developed and implemented to avoid, remedy or mitigate the adverse effects of activities. To this end we believe that meetings and discussion groups should be implemented. We are firmly of the opinion that if the relevant stakeholders can get around the same table and talk through these issues and take ownership then we can start making some real progress with issues such as stock in waterways.

(iii) Relief Sought

Amend Policy 16(f) as follows;

- (f) ~~prevent~~ promote best practice guidelines in relation to stock access to rivers, lakes and wetlands

41 (i) Subject matter and provision in the Proposed Plan

Section 4.1 Regulatory policies, Policy 17 page 89 states;

Protecting significant values of rivers and lakes - regional plans

(ii) Summary of reasons for this submission

The policy identifies Appendix 1 as the schedule which defines the significant values of rivers and lakes within the region. Federated Farmers is disappointed with the lack of affected landowner involvement in the development of this Appendix. Table 15 was developed from a survey of recreational groups clearly with a vested interest and no responsibility to pay for the privilege of the stated protection. Table 16 is all encompassing covering small tributaries along with waterbodies more commonly understood as being potentially significant. The fact that this has come as a surprise to a number of affected landowners is unacceptable. Federated Farmers expects that where there is a change in policy to protect identified areas and values that those landowners affected are identified, contacted and informed of exactly what the proposed changes will mean to them prior to the notification of the plan change or in this case regional policy statement. If requested these landowners should be given the opportunity to discuss the potential land use controls before being subjected to them.

Federated Farmers is not opposed to wise regulation but asks that emphasis be placed on education and good information in order to raise performance standards. If rules are needed to modify behaviour, they must be clearly articulated, be understood by those to whom they apply and be fair to all.

(iii) Relief Sought

Amend Policy 17 as follows;

Regional plans shall include policies and rules that ~~protect~~ consider:

- 42 (i) Subject matter and provision in the Proposed Plan
 Section 4.1 Regulatory policies, Policy 19 page 90 states;
 Prioritising water abstraction for the health needs of people - regional plans
- (ii) Summary of reasons for this submission
- Whilst we acknowledge and support the priorities for water takes established under RMA Section 14, Federated Farmers considers it to be inappropriate to elevate the municipal takes listed under (b) and (c) to the same status. Under this policy there is no incentive for municipalities to adopt efficient gains and this has the potential to significantly reduce the amount of water available for other legitimate users.
- (iii) Relief Sought
- Amend Policy 19 to require Demand Management Plans as a compulsory condition of any municipal abstraction consent and delete points (b) and (c)
- Historic Heritage**
- 43 (i) Subject matter and provision in the Proposed Plan
 Section 4.1 Regulatory policies, Policy 20 and 21, pages 90 and 91
- (ii) Summary of reasons for this submission
- Federated Farmers acknowledges that the identification and understanding of historic heritage is required in order to ensure values are known. This goal will be furthered if scheduled sites have information as to why they have been identified as such.
- FFNZ is pleased to note the acknowledgement that heritage values can be protected and still allow for change and development.
- (iii) Relief Sought
- Retain Policies 20 and 21 as read
- 44 (i) Subject matter and provision in the Proposed Plan
 Section 4.1 Regulatory policies, Policy 48 page 112;
- (ii) Summary of reasons for this submission

Federated Farmers opposes use of the term mauri in the proposed RPS. This term has spiritual origins. It is impossible to define in practical terms and equally impossible to determine how it would be applied. Its use will lead to uncertainty on the part of resource users, resource consent holders and resource consent applicants. In a regulatory context, it would be more appropriate to express the term using measurable parameters.

(iii) Relief Sought

Delete value (b) from Policy 48

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the policy and methods section, to give effect to this submission point

Indigenous Ecosystems

45 (i) Subject matter and provision in the Proposed Plan

Section 4.1 Regulation policies, Policy 22 page 92 states;

Identifying indigenous ecosystems and habitats with significant biodiversity values- district and regional plans

District and regional plans shall identify indigenous ecosystems and habitats with significant indigenous biodiversity values that meet one or more of the following criteria...

(ii) Summary of reasons for this submission

Federated Farmers supports any policy that seeks to identify areas of national importance. We consider that sites of national importance should be identified and controlled by targeted regulation.

Federated Farmers submits that the proposed RPS should better reflect the ramifications of the stated objectives, policies and methods. There is neither recognition of the potential compliance costs nor loss of property rights which could result from implementation of Policies 22 and 23. The proposed RPS should advocate support of affected landowners and that the support should explicitly include full compensation, fencing, pest control, subdivision incentives and rates relief. This is the types of support which more fully recognises the efforts landowners make to protect and manage areas with indigenous ecosystems and habitats and its inclusion under the policy section will reinforce the methods and anticipated environmental results.

Further in the interests of being consistent with case law we believe that the criteria should be more robust and explicit. Such criteria exist in the *Minster of Conservation v Western Bay of Plenty* (EC A71/2001)

(iii) Relief Sought

Delete the current criteria under Policy 22 and replace with the following;

- (a) representativeness (concerning the extent of range of genetic and ecological diversity);
- (b) diversity and pattern (in relation to ecosystems, species and landforms);
- (c) diversity and pattern rarity factors and/or special features
- (d) naturalness/intactness
- (e) size and shape (affecting the long-term viability of species, communities and ecosystems, and amount of diversity)
- (f) inherent ecological viability/long-term sustainability
- (g) relationship between natural areas and other areas of more modified character (inasmuch as well-buffered areas linked to other natural or semi-natural areas tend to have higher value than unbuffered isolated ones)
- (h) vulnerability to “threat processes” liable to disturb existing equilibrium
- (i) management input required to maintain or enhance an area’s significance (including nature and scale of input or degree of intervention, and degree of restoration potential).

AND

Include a new policy as follows;

Provide or facilitate as appropriate support for landowners’ efforts to protect and manage indigenous ecosystems and habitats with significant biodiversity values – district and regional plans

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the policy and methods section, to give effect to this submission point

Landscape

- 46 (i) Subject matter and provision in the Proposed Plan

Section 4.1 Regulatory policies, Policy 24 page 93 states;

Identifying outstanding natural features and landscapes – district and regional plans

District and regional plans shall identify outstanding natural features and landscapes using the following criteria and having determined that the natural feature or landscape is exceptional or out of the ordinary under one or more of the criteria and the natural components dominate over the influence of human activity:

(ii) Summary of reasons for this submission

Federated Farmers is generally supportive of the rationale of those provisions that seek to identify outstanding natural features and landscapes.

Federated Farmers believes that it is vital for regional and territorial authorities to identify those outstanding natural features and landscapes in consultation with landholders, the community and other key stakeholders. Input by and consultation with, farmers, along with other key stakeholders into this process will give Federated Farmers comfort that any determination will be soundly based and representative of the views held by those people whom will be most affected by it.

Federated Farmers believes that Council should adhere to case law to ensure that the process for determining the status of a landscape is consistent with national approaches. As such, key terms and definitions should be adopted across the region to avoid uncertainty and confusion for constituents and in particular for those landholders whose land may be subject to such a designation.

(iii) Relief Sought

Amend Policy 24 as follows:

District and regional plans[, in consultation with landowners, the community and other key stakeholders] shall identify outstanding natural features and landscapes using the following criteria and having determined that the [feature or landscape is conspicuous, eminent or remarkable and that it has a high degree of naturalness,] ~~and having determined that the natural feature or landscape is exceptional or out of the ordinary under one or more of the criteria and the natural components dominate over the influence of human activity:~~

47 (i) Subject matter and provision in the Proposed Plan

Section 4.1 Regulatory policies, Policy 25, page 94 states;

Protecting outstanding natural features and landscape values – district and regional plans

(ii) Summary of reasons for this submission

Federated Farmers is supportive of the rationale of this provision that seeks to protect outstanding natural features and landscape values. Federated Farmers would also like to acknowledge Council's assurance that this policy does not automatically preclude change in those landscapes which are afforded protection under section 6(b) of the Act.

(iii) Relief Sought

Retain as read.

48 (i) Subject matter and provision in the Proposed Plan

Section 4.1 Regulatory policies, Policy 26, page 94 states;

Identifying significant amenity landscape values – district and regional plans

District and regional plans shall identify significant amenity landscapes using the following criteria and having determined the landscape has important landscape value under one or more of the criteria:...

(ii) Summary of reasons for this submission

Federated Farmers supports specific, detailed outstanding landscape assessments. However, our members have expressed concern particularly in relation to the inclusion of what they see as a new tier of landscape management that sits below “outstanding” but is given a status by assigning the term ‘significance’ to a value which is then by definition identified as being ‘important’.

Federated Farmers submits that only those landscapes that are classified as Outstanding Landscapes should be considered for their sensitivity to any primary industry activities. In the context that the extensive farming systems present on those landscapes has shaped those landscapes it is difficult to see how these activities are having any detrimental effect in terms of section 6(b) of the Act.

(iii) Relief Sought

Delete Policy 26

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the methods section, to give effect to this submission point

49 (i) Subject matter and provision in the Proposed Plan

Section 4.1 Regulatory policies, Policy 27, page 95 states;

Maintaining and enhancing significant amenity landscapes – district and regional plans

(ii) Summary of reasons for this submission

As discussed in the above submission points Federated Farmers submits that only those landscapes that are classified as Outstanding Landscapes should be considered for their sensitivity to any primary industry activities. In the context that the extensive farming systems present on those

landscapes has shaped those landscapes it is difficult to see how these activities are having any detrimental effect in terms of section 6(b) of the Act.

(iii) Relief Sought

Delete Policy 27

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the methods section, to give effect to this submission point

50 (i) Subject matter and provision in the Proposed Plan

Section 4.2 Regulatory policies, Policy 49, page 114 states;

Managing effects on outstanding natural features and landscapes and significant amenity landscapes – consideration.

(ii) Summary of reasons for this submission

Federated Farmers acknowledges that consideration should be given to points (a) to (e) when considering an application for a resource of consent, notice of requirement to a change, variation or replacement to a district or regional plan.

Federated Farmers believes that Council should also give consideration to the past, present and future use of the land in question and the ability of the landholder to meet their present and future needs. We acknowledge that some activities without careful design and/or siting may cause adverse and irreversible change to a landscape. However, we believe that Council should recognise that in some cases, a change of this nature may be required to ensure the future viability of the land in question and in particular those properties that are utilised for primary production activities such as agriculture, horticulture or forestry.

(iii) Relief Sought

Amend Policy 49 as follows;

Managing effects on outstanding natural features and landscapes and ~~significant amenity landscapes~~ – consideration

And include the following consideration:

(f) the past, present and future use of the land in question.

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the methods section, to give effect to this submission point

Natural hazards

- 51 (i) Subject matter and provision in the Proposed Plan

Section 4.1 Regulatory policies, Policy 28, page 96

- (ii) Summary of reasons for this submission

Federated Farmers is supportive of the rationale of this provision that seeks to avoid subdivision and development in high hazard risk areas. However we seek to ensure that Policy 26 does not become the basis of restrictions to primary production activities in flood hazard areas.

- (iii) Relief Sought

Amend Policy 28 to ensure that 'development' does not include activities undertaken as part of rural production.

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the methods section, to give effect to this submission point

Soil and Minerals

- 52 (i) Subject matter and provision in the Proposed Plan

Section 4.2 Regulatory policies, Policy 14 page 87 states;

Minimising the effects of earthworks and vegetation disturbance – district and regional plans

- (ii) Summary of reasons for this submission

Federated Farmers opposes the activity based focus of this policy. The effects of erosion/siltation are the resource issues which council should be looking to address. Earthworks and vegetation clearance land use activities may have beneficial, benign, or adverse effects on the environment. The potential for such a broad policy to capture all of these examples is unacceptable to our members given the considerable compliance costs which are often associated with broad brush regulation.

There are a number of generic issues for landowners in relation to earthworks which we submit must be given consideration before any policies, rules and methods are introduced to control these activities and as such are appropriate to appear in an RPS.

- Earthworks are undertaken on farming properties as a legitimate part of operating a farm business
- Ancillary earthworks that might be captured by rules in an urban situation (such as earthworks required for a wintering pad) are important to the efficient and effective running of a farming operation – these should remain as permitted activities wherever possible with appropriate site standards
- Key maintenance activities that ensure the efficient running of farming operations should be permitted such as maintenance of existing tracks and fence lines, yards and service areas
- Careful consideration should be given to the management of earthworks in landscape areas – landowners should not be penalised by the public's want to impose landscape management controls on their properties – routine farming activities should continue to be permitted where the effects can be managed in a way that restrict their impact to what would normally be expected in a rural zone – any compliance restrictions through the consent process required over and above those in the rural zone should be at no cost to the landowner as they are required by Council on behalf of the public not necessarily to manage the actual environmental effects – Federated Farmers considers that such requirements can be managed through a permissive regime and appropriate site standards
- Earthworks provisions should not be duplicated through district and regional rules – for example where a consent would be required to manage the effects of earthworks on water through a regional rule, the district plan should be an adjunct to that rule not a replacement for it or an additional requirement – one consent for each activity – where earthworks provisions are covered by regional rules then the district plan should be explicit in stating that a consent may be required from the Wellington Regional Council for earthworks to ensure that any effects can be assessed and managed appropriately
- Definitions must be appropriate to the activity and ensure that no anomalies are created that capture other activities where the effects of the activity would be no more than minor

(iii) Relief Sought

Amend Policy 14 and Policy 40 to include consideration of those above points

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the methods section, to give effect to this submission point

53 (i) Subject matter and provision in the Proposed Plan

Section 4.2 Regulatory policies, Policy 55, page 11 states;

Managing development in rural areas – consideration

(ii) Summary of reasons for this submission

Federated Farmers notes that there is a considerable body of case law to support the view that the RMA does not place versatile soils in a situation of primacy. Decisions relating to good quality soils must be balanced against other resource considerations. In situations where a particular resource is becoming scarce, a regional council may protect that resource from further despoliation to meet the reasonably foreseeable needs of future generations, provided it can base its decision on fact and prediction and not on statutory primacy in respect of a particular resource.

Safeguarding the life-supporting capacity of soil does not necessarily mean the protection of those soils for the provision of food for human beings. Just because the relevance of protection of high quality soils must be recognised [in terms of section 5(2)(b)], this does not mean that land containing soil of good quality, what ever its location, size and features is effectively proscribed for use in any circumstances.

(iii) Relief Sought

Delete Policy 55

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the methods section, to give effect to this submission point

54 (i) Subject matter and provision in the Proposed Plan

Section 4.2 Regulatory policies, Policy 59, page 122 states;

Retaining highly productive agricultural land (Class I and II land) – consideration

(ii) Summary of reasons for this submission

Federated Farmers notes that there is a considerable body of case law to support the view that the RMA does not place versatile soils in a situation of primacy. Decisions relating to good quality soils must be balanced against other resource considerations. In situations where a particular resource is becoming scarce, a regional council may protect that resource

from further despoliation to meet the reasonably foreseeable needs of future generations, provided it can base its decision on fact and prediction and not on statutory primacy in respect of a particular resource.

Safeguarding the life-supporting capacity of soil does not necessarily mean the protection of those soils for the provision of food for human beings. Just because the relevance of protection of high quality soils must be recognised [in terms of section 5(2)(b)], this does not mean that land containing soil of good quality, what ever its location, size and features is effectively proscribed for use in any circumstances.

(iii) Relief Sought

Delete Policy 59

AND

Make any consequential amendments as to detail or substance throughout the Policy Statement, in particular the methods section, to give effect to this submission point

- 55 (i) Subject matter and provision in the Proposed Plan
Section 4.4 Non-regulatory policies, Policy 68, page 132

(ii) Summary of reasons for this submission

Federated Farmers is supportive of the approach outlined in Policy 68. It is consistent with the successful working relationship enjoyed by many hill country farmers and the council's soil conservators, Dave Cameron and in particular.

(iii) Relief Sought

Retain Policy 68 as read

- 56 (i) Subject matter and provision in the Proposed Plan
Section 4.4 Non-regulatory policies, Policy 69, page 132

(ii) Summary of reasons for this submission

Federated Farmers believes this policy with its goal for agricultural practices that do not cause soil contamination, compaction or loss of minerals or nutrients is both unrealistic and sets an unnecessarily high standard.

(iii) Relief Sought

Amend Policy 69 as follows;

To retain healthy soil ecosystem functioning by promoting and encouraging sustainable agricultural practices that ~~do not cause~~ minimise soil contamination, compaction or loss of minerals or nutrients (or words to this effect)

CHAPTER 4.5 METHODS

57 (i) Subject matter and provision in the Proposed Plan

Section 4.5.2 Non-Regulatory methods, information and guidance

(ii) Summary of reasons for this submission

Federated Farmers is supportive of the methods which have been developed to prepare and disseminate user guides and information. We commend GWRC for their efforts in this regard.

We would also like to take this opportunity to reiterate that Federated Farmers believes that self-regulation, in some situations, may be the most efficient and cost effective means of achieving the purposes of the RMA.

Self-regulation implies that people are given the opportunity to regulate themselves with regard to avoiding, remedying or mitigating adverse effects. Self-regulation can replace regulation by providing guidance as to the desired environmental outcomes to be achieved (and suggested methods of achieving the outcomes). The onus rests on the resource user to meet those outcomes. Monitoring by a regulating authority can see if those outcomes are being met.

Further, we believe that self regulation promotes partnerships and achieves buy in with landowners and resource users. It also makes use of and respects the knowledge of the resource user in respect to a particular activity. Such methods will achieve environmentally more sustainable and costs effective outcomes than the use of regulation.

FFNZ promotes self-regulation through a variety of methods. These include education, self-monitoring of consents, guidelines, support for groups such as Landcare, and industry initiated codes of practice such as the Fertiliser Code of Practice. This focus will enable the opportunity for costs to be reduced and awareness of effects that arise from activities to be increased.

FFNZ is however, opposed to councils requiring adherence to self-regulation methods such as Codes of Practice as a means of a resource user achieving compliance. This is because it effectively makes a code of practice a de facto rule and defeats the purpose of the use of the method. Also codes of practice tend to be industry-initiated and often cover issues other than environmental effects of the activity. It is inappropriate for a council to require adherence to matters that are not related to the adverse effects that are being controlled.

Some codes of practice are developed targeting a particular industry group. Guidelines within a code may be inappropriate or onerous for other resource users. Codes of practice are developed outside the council planning process (the First Schedule process of the RMA) and therefore

often do not have the required public input. It is therefore questionable whether they should become part of the regulatory mechanism.

Federated Farmers believes that Councils have a role in monitoring outcomes, but only in respect of the environmental effects that arise, not the adherence to any particular self-regulation mechanism.

- (iii) Relief Sought
- Retain the use of non regulatory methods and investigate ways to make wider use of the approach
- 58 (i) Subject matter and provision in the Proposed Plan
Section 4.5.3 Non-regulatory methods -integrating management, Method 29, page 141
- (ii) Summary of reasons for this submission
As identified in submission point 1 Federated Farmers is broadly supportive of the whole of catchment approach outlined in this Method.
- (iii) Relief Sought
- Retain Method 29 as read
- 59 (i) Subject matter and provision in the Proposed Plan
Section 4.5.3 Non-regulatory methods -integrating management, Method 30, page 141
- (ii) Summary of reasons for this submission
- Whilst Federated Farmers is broadly supportive of the approach to preparing protocols to guide the management of some activities, we are concerned that these protocols are non statutory documents and as such will not be open for consultation and submission from stakeholders.
- (iii) Relief Sought
- Amend Method 30 as follows;
- Prepare protocols in consultation with stakeholder groups to guide changes to district and regional plans to avoid gaps and unnecessary overlaps in the regulation of ...
- 60 (i) Subject matter and provision in the Proposed Plan
Section 4.5.3 Non-regulatory methods -integrating management, Method 31, page 141

(ii) Summary of reasons for this submission

Federated Farmers understands the regional council deems Table 16 in Appendix 1 as identifying ecosystems, habitats and areas with regionally significant biodiversity values located in river and lake environments. Given the corresponding requirements to protect these values Federated Farmers is disappointed at the lack of landowner involvement in the identification process. Further it is unacceptable that affected landowners have not been made aware of the potential land use controls that be imposed on them.

(iii) Relief Sought

Amend Method 31 as follows;

Engage tangata whenua, landowners, and the community in identifying and protecting significant values

AND

Delete value (d) from Method 41

(d) ~~protection of the values associated with the rivers and lakes identified in Appendix 1.~~

61 (i) Subject matter and provision in the Proposed Plan

Section 4.5.3 Non-regulatory methods -integrating management, Method 49, page 141

(ii) Summary of reasons for this submission

Whilst Federated Farmers is broadly supportive of the approach to prepare a regional landscape character description we are concerned that these process is non statutory and as such will not be open for consultation and submission from stakeholders.

(iii) Relief Sought

Amend Method 49 as follows;

Prepare a regional landscape character description in consultation with stakeholder groups

62 (i) Subject matter and provision in the Proposed Plan

Section 4.5.3 Non-regulatory methods -integrating management, Method 50, page 144

(ii) Summary of reasons for this submission

As identified in earlier submission points Federated Farmers would like to remind council that there is no legal requirement for public access to areas of value on privately owned land. Access must be negotiated with the landowner without the presumption of a right to public access.

(iii) Relief Sought

Amend Method 50 as follows;

Identify public areas for improved public access

CHAPTER SEVEN: APPENDICES

63 (i) Subject matter and provision in the Proposed Plan

Appendix 1, Rivers and lakes with values requiring protection.

(ii) Summary of reasons for this submission

Federated Farmers is disappointed with the lack of affected landowner involvement in the development of this Appendix. Table 15 was developed from a survey of recreational groups clearly with a vested interest and no responsibility to pay for the privilege of the stated protection. Table 16 is all encompassing covering small tributaries along with waterbodies more commonly understood as being potentially significant. The fact that this has come as a surprise to a number of affected landowners is unacceptable. Federated Farmers expects that where there is a change in policy to protect identified areas and values that those landowners affected are identified, contacted and informed of exactly what the proposed changes will mean to them prior to the notification of the plan change or in this case regional policy statement. If requested these landowners should be given the opportunity to discuss the potential land use controls before being subjected to them.

(iii) Relief Sought

Delete Appendix 1

Or in the alternative rename as 'Rivers and lakes which the Regional Council are interested in monitoring and maintaining'

AND

Make any consequential amendments as to detail or substance throughout the proposed Policy Statement, in particular the policies and methods section, to give effect to this submission point

64 (i) Subject matter and provision in the Proposed Plan

Appendix Three; Definitions

(ii) Summary of reasons for this submission

The term intensive farming is referred to a number of times in the proposed policy statement and in our opinion the explanatory text does not help to make it clear what is intended.

(iii) Relief Sought

Include a definition of Intensive Farming as follows;

“Intensive farming means the commercial raising and keeping of plants or animals which have or require throughout their lifecycle:

(i) No dependency whatsoever on the qualities of the soils naturally occurring on the site; or

(ii) Buildings for the uninterrupted housing and growth of livestock or fungi.”

AND

Make any consequential amendments as to detail or substance throughout the proposed Policy Statement, in particular the policies and methods section, to give effect to this submission point

65 (i) Subject matter and provision in the Proposed Plan

Appendix Three; Definitions, Nutrient budget states;

The account of nutrients applied to an area of land that balances the uptake of crops on the land

(ii) Summary of reasons for this submission

The proposed definition of Nutrient budget implies that a budget must balance. A nutrient budget is only a predictive tool and may vary according to a range of variables over which the landowner has little control such as rainfall. Rather than seeking that there be a balance between nutrients applied and uptake by crop there should be a demonstration that an application is linked to crop needs based on best management practices.

(iii) Relief Sought

Amend the definition of Nutrient Budget as follows;

A nutrient budget demonstrates that an application of nutrients is linked to crop needs based on best management practices ~~The account of nutrients applied to an area of land that balances the uptake of crops on the land~~

Make any consequential changes as to detail or substance throughout the proposed Policy Statement to give effect to this submission

SUBMISSION ENDS