Draft first set of National Planning Standards

SUBMISSION FORM

The Government is seeking views on the draft first set of National Planning Standards.


Submissions close at 5:00 pm on Friday 17 August 2018.

Making a submission

You can provide feedback in three ways:

1. Use the online submission form available at http://www.mfe.govt.nz/consultation/draft-national-planning-standards. This is our preferred way to receive submissions.

2. Complete this submission form and send it to us by email or post.

3. Write your own submission and send it to us by email or post.

Publishing and releasing submissions

All or part of any written submission (including names of submitters) will be published on the Ministry for the Environment’s website www.mfe.govt.nz. Unless you clearly specify otherwise in your submission, we will consider that you have consented both your submission and your name being posted to the Ministry’s website.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment. Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions under the Official Information Act.

The Privacy Act 1993 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this consultation. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.
Submission form

The questions below are a guide only and all comments are welcome. You do not have to answer all of the questions. To ensure your point of view is clearly understood, please explain your rationale and provide supporting evidence where appropriate. The structure of this form is in line with the draft first set of national planning standards as shown in the overview section tables 1 and 2.

Contact information

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<tr>
<th>Name*</th>
<th>Greg Sneath</th>
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<td>Organisation (if applicable)</td>
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Submitter type *

- Individual
- NGO
- Business / Industry
- Local government
- Central government
- Iwi
- Other (please specify)

* Questions marked with an asterisk are mandatory.

Draft first set of National Planning Standards

1. Do you support the draft first set of National Planning Standards?
   - Yes
   - No
The Fertiliser Association of New Zealand (‘FANZ’ or ‘the Association’), supports an approach to achieve national consistency in Planning Standards, however there are aspects of the proposed National Planning Standard which are opposed.

Background Context
The Fertiliser Association is a trade organisation representing the New Zealand manufacturers of superphosphate fertiliser. The Association has two ‘member companies’ – Ballance Agri-Nutrients Ltd and Ravensdown Ltd. Both these companies are farmer co-operatives with some 45,000 farmer shareholders. Between them these companies supply over 98% of all fertiliser used in New Zealand.

The member companies have invested significantly in systems and capability to reliably estimate and document nutrient cycling on farms, with the purpose of providing sound advice and recommendations for nutrient management to support viable economic production and environmental responsibility.

The systems and procedures used are applied in the same way nationally, but recommendations are specific to farmer goals, industry targets and regional council regulation. National and in particular regional consistency in the approach and framework for nutrient management, and management of the use and protection of natural resources is highly desirable.

The Association takes a particular interest in regional and national policy statements, regulation and guidelines which support sustainable management of natural and physical resources, seeking that any regulation of land use activities that may use fertilisers is appropriate and necessary.

18. CM-1: Definitions standard

The Fertiliser Association supports nationally consistent definitions where they are particularly pertinent to the management and use of natural and physical resources under the RMA and other relevant statutes.

Inconsistencies in definitions have the potential to create significant difficulties in interpretation and application of policies and rules under different circumstances. This can be especially problematic in rural areas where properties and enterprises are impacted by more than one district or region.

Different interpretation and application of definitions can impose a great deal of uncertainty and potentially significant additional cost to land users, and regulators alike, if rules and regulatory obligations have to be reframed to address these differences in interpretation and meaning.

A “Definitions standard” which provides consistency with nationally applied definitions in Legislative instruments, e.g. Policy Statements, Notices and Regulations, is supported.

It is noted that frequently in the proposed ‘Definition Standards’ this consistency in nationally applied definitions is provided by including specific reference to the appropriate statute, for example:

“has the same meaning as in section 2 of the RMA (as set out in box below)” or

“has the same meaning as ............. in New Zealand Standard 6801:2008”

This approach is supported.
a. Individual definition

Fertiliser: The proposed definition for fertiliser is opposed.

The proposed National Planning Standards definition is:
(a) means any substance or biological compound that is—
   (i) applied to plants or soils, whether in solid or liquid form; and
   (ii) supports or sustains the growth, productivity or quality of soils, plants or, indirectly, animals; but
(b) does not include livestock and human effluent, or pathogens

Contrary to the general principles outline above, this proposed definition is not consistent with existing statute. More significantly the proposed definition is not consistent with a description of fertiliser products which provide essential elements for plant growth (and indirectly for animals).

The essential elements include: nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients, and, manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients.

The proposed definition does not reference essential elements and enables “pure water” and other substances to be classified as a fertiliser because water is a substance which is essential for plant growth and “supports the growth, productivity or quality of soil, plant or animals”.

The Fertiliser Association is opposed to this definition for a fertiliser as it has the potential to introduce a great deal of uncertainty and more significantly “technical manipulation”.

“Biological compounds” such as plant growth regulators, sugars, amino acids, etc, which are essential for plant growth, and “supports or sustains the growth, productivity or quality of soils, plants or, indirectly, animals” should not be defined as fertilisers.

Other “biological compounds’ which may include some fungicides, insecticides, herbicides, which “supports or sustains the growth, productivity or quality of soils, plants or, indirectly, animals” should not be defined as fertilisers.

“Substances” such as tile drains, weed mats, straw etc. which can be applied to soils, or sand to a heavy clay, to sustain the growth, productivity or quality of soils, plants, or indirectly animals” should not be defined as fertilisers.

The current proposed definition for fertiliser in the Draft National Planning Standards is not consistent with the definition for fertiliser used in discussion document for the ACVM (Exemptions and Prohibited Substances) Regulations. The definition in the discussion document for amended ACVM regulations included specific references to ‘Plant nutrients’ and explicitly listed the “essential elements” itemised above.

However, the Fertiliser Association is similarly opposed the draft ACVM definition for ‘Plant nutrients’ in the ACVM discussion document, which in addition to essential elements, also provides for “compounds” necessary for plant growth to be defined as fertilisers. The reasons the ACVM Plant nutrient definition is opposed are the same reasons outlined in this feedback on the definition of fertiliser.

It is recognised that the definition in the ACVM Regulations is still under review, but the Fertiliser
Association considers that for the reasons given above, considerable difficulties will be introduced by trying to second guess an amendment to the ACVM regulation in advance of it being decided and implemented.

Decision sought:

A definition for fertiliser should be included in the National Planning Standards.

The definition for fertiliser should be applied as:

“has the same meaning as in Section 3 of the Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulation 2011.”

If not referenced to the ACVM (Exemptions and Prohibited Substances) Regulation 2011, then the same wording as occurs in this regulation should be used.

i.e.
(a) means a substance or biological compound or mix of substances or biological compounds that is described as, or held out to be suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of—
(i) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or
(ii) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or
(iii) fertiliser additives; and
(b) includes non-nutrient attributes of the materials used in fertiliser; but
(c) does not include substances that are plant growth regulators that modify the physiological functions of plants

b. Additional definitions

No further comments

Other comments

2. Do you have any further comments you wish to make about the Government’s proposal?

No other comments on the Draft document. Thank you for the opportunity to provide feedback.

Releasing submissions

Your submission may be released under the Official Information Act 1982 and will be published on the Ministry’s website. Unless you clearly specify otherwise in your submission, we will consider that you have consented to both your submission and your name being posted on the Ministry’s website.

Please check this box if you would like your name, address, and any personal details withheld.

Note that the name, email, and submitter type fields are mandatory for you to make your submission.
When your submission is complete

If you are emailing your submission, send it to PlanningStandards@mfe.govt.nz as a:

- PDF
- Microsoft Word document.

If you are posting your submission, send it to National Planning Standards, Ministry for the Environment, PO Box 10362, Wellington 6143.

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