van Voorthuysen

Environmental Limited

MEMORANDUM

To: Andrew Bashford

From: Rob van Voorthuysen

Date: 26 June 2017

Topic: ONE PLAN – RDA CONSENT FORMS AND GUIDANCE DOCUMENTS

As requested, I have reviewed the documents that you provided to me, other than the Nutrient Management Plan template given that you advise it is a work in progress and it is largely a document addressing the technical requirements of Overseer.

At the outset I should note that I have substantial concerns regarding the documents, which will be apparent from my detailed 'track changes' comments on each of them (provided separately), summarised as follows:

- the Overview document (document 1) needs some minor amendments;
- Form 2b (Application for Resource Consent) needs to be greatly expanded to be of practical use to applicants and HRC. As currently worded it assumes too much knowledge of the One Plan provisions;
- Document 2c (Application Form C - AEE) needs some reordering and some significant expansion (to deal with matters such as rare habitats, historic heritage, evidential proof of storage pit seepage rates, etc). Part 4 of the document causes me concern as I do not consider that a farmer applicant could usefully complete it.

I consider that these three documents could be made to work if they are expanded and amended as I suggest, apart from section 4 of Form C - AEE.

However, in my view the 'Guidance document AEE' (document 3) is simply impractical and unworkable for a farmer applicant. It deals with many relatively esoteric[1] matters that a farmer will have little or no detailed knowledge of (NPSFM, NZCPS, NZDWS, other external guidelines, etc) and will not be qualified to address. Even consultant planners will struggle with some of the questions posed. The Guideline document may be 'theoretically" correct in terms of ticking all of the RMA s104 boxes, but I cannot see how it can work in practice. I am not sure what you can do about this if HRC continues to require individual farmers to prepare their own applications.

The 'Potential mitigation outside of Overseer' document (document 4) is very useful in terms of advising farmers about good management practices for their farm. However, I do not see how it can be used to quantitatively move a farmer from Rule 14-2 back into Rule 14-1 in terms of complying

[1] From a lay person's perspective.

with the Table 14.2 CNMLs if they do not currently do so. The reason for that is the effect of the mitigations on nutrient losses cannot be quantified by Overseer.

My overall conclusion is that it is impractical and unrealistic to expect individual farmers to prepare and submit an application under Rule 14-2 that ticks all the RMA s104 boxes, despite what the Environment Court said about that in its recent declaration. I doubt that a complete application addressing all of the matters in the 'Guidance document AEE' (document 3) could be completed even by a consultant planner or scientist.

The reason for that conclusion is that you can only quantify the effects of a single farm's nutrient losses on the environment in the context of the cumulative effect of the losses from all land uses in a catchment (including non-intensive farms, Rule 14-1 compliant farms, and other non-farming land uses). This requires a knowledge of the on-farm (or on-site) nutrient losses from all land uses in the catchment (Overseer modelling results), catchment scale groundwater and surface water quality modelling (to translate the on-farm nutrient losses into receiving water body nutrient concentrations), with spatial (within an aquifer and down a river) and temporal (seasonal) interpretations of the results and the impact of that on aquatic ecology, life-supporting capacity, the One Plan Schedule B values, and the One Plan Schedule E water quality targets.

It is a nonsense to expect a single farmer to accomplish that in any kind of sensible way that would be of probative value to a consent decision-maker.

In my view, this means that HRC has no practical option but to promote (and undertake) catchment scale cumulative effects assessments of all intensive farming land uses in each Table 14.1 catchment and to do this on behalf of all of the applicants. This should be done overtly with the costs of that not insignificant task being apportioned across the intensive farming activity land use resource consent applicants (or perhaps across all land use activities by way of a targeted rate since all land uses contribute nutrient load to the catchment water bodies).

Other concerns I have include:

- Regarding Rule 14-1, the Table 14.2 Year 5 CNMLs have application within some catchments as early as July 2019. The documents are silent on this and the need to show compliance with those CNMLs (I am assuming that no farmer will seek a consent duration less than 2 years).
- Also regarding Rule 14-1, depending on the consent duration sought, a farmer will need to demonstrate future compliance with the Year 5, 10 or 20 CNMLs now. For example, if a farmer seeks a 15 year consent duration they would need to provide Overseer files showing that the Table 14.2 Year 5 and 10 CNMLs can be met in those years by the intended future farming practices in those years. In the absence of that evidential basis HRC would be unable to conclude that Rule 14-1 condition (c) is met. The documents are also silent on this.

In the absence of HRC undertaking catchment based cumulative effects assessments for all intensive land use farming activities I do not see how the One Plan Rule 14-2 provisions can be made to work in practice.

The other option would be a plan change to remove the problematic CNMLs (given they have no actual link to desired water quality – the achievement of desired water quality may require CNMLs in practice that are greater or lesser than those in Table 14.2), but that would be a contentious multi-

year project given the proven interest of the conservation advocacy agencies in the One Plan and its implementation.