

Report No.	17-184
Decision Required	

ONE PLAN UPDATE

1. PURPOSE

- 1.1. This paper updates Members on progress with implementation of the rules concerning intensive land use, preparations for potential changes to the One Plan, legal issues and engagement.

2. RECOMMENDATION

That the Committee recommends that Council:

- a. receives the information contained in Report No. 17-184 and Annex.
- b. notes the planned engagements with farmers and growers through October and November 2017;
- c. notes that consent application forms and supporting material are now available;
- d. notes the work being prepared to assist with modelling catchment loads;

3. FINANCIAL IMPACT

- 3.1. The work around intensive land uses is currently being managed from existing policy and regulatory budgets. As plan change proposals are developed, expenditure is likely to exceed that planned for in the 2017-2018 Annual Plan, particularly in the policy area. Options around funding will be brought to Members attention in the November 2017 Strategy and Policy meeting, with follow up through the Audit and Risk Committee, as required.

4. COMMUNITY ENGAGEMENT

- 4.1. Officers and Members continue to engage with parties interested in or affected by the recent Environment Court Declarations. Officers have met with and exchanged correspondence with Fish and Game and the **Environmental Defence Society (EDS)**. This has been previously provided to Members.
- 4.2. Officers met representatives of the parties, including two lawyers, on 18th August. The parties objected to Councillors being involved, but indicated a potential willingness to meet with Councillors at a later date.
- 4.3. Horizons has since proposed a detailed work plan covering economic, planning, legal and broader issues (e.g. implementation of the National Policy Statement for Freshwater Management) to be worked through with EDS and Fish and Game. There continues to be an exchange of correspondence about the planned work.
- 4.4. Horizons has not agreed to the request from Fish and Game and EDS for them and their experts to be paid for time spent working on One Plan issues.
- 4.5. The Chief Executive has also written to Mr Gary Taylor of EDS and the Chair of Wellington Fish and Game Mr Strato Cotsilinis encouraging them to meet with Councillors. A copy of this letter is attached as **Annex A**
- 4.6. Officers will continue to try and work constructively with both parties.

- 4.7. Officers have also been in dialogue with primary sector organisations including Dairy NZ, Fonterra, Open Country Dairy, the Tararua Economic Impact Society, the Tararua Growers Association (representing horticulture operations in the Horowhenua), Federated Farmers, Horticulture New Zealand, the Foundation for Arable Research and rural professionals. As a result, a series of meetings have been or are in the process of being organised, starting with an evening meeting with horticulture sector in Levin on 11 October, to be followed by 3-4 meetings in the Tararua and a Rangitikei meeting aimed primarily at unconsented dairy farmers. This will be followed by a series of meetings primarily aimed at already consented farmers.
- 4.8. The Chair and senior managers have met with Members of Parliament Mr Ron Mark and Mr Darroch Ball from New Zealand First (at their request) and briefed them on the One Plan. The Chair, Councillor Kelly, Councillor Barrow, the Chief Executive and Group Manager Strategy and Regulation also attended a One Plan meeting organised by Wairarapa MP Mr Alastair Scott in Dannevirke.
- 4.9. Officers have been in regular contact with Tararua District Council representatives.

5. SIGNIFICANT BUSINESS RISK IMPACT

- 5.1. Members have previously been informed that Fish and Game and EDS could seek further litigation, as implementation of the One Plan continues.

6. DISCUSSION

Implementation of the existing rules

- 6.1. Material for applicants has been developed and is now available on the Horizons website, or by request from officers. This material has previously been brought to the attention of Members via an Annex to report 17-143 in August 2017.
- 6.2. Work with dairy sector over the next few months will focus on continued implementation of the existing rules and policies. To this end, the focus of meetings with unconsented farmers will be the need to complete nutrient management base files and then to identify potential mitigations and reductions in nitrogen leaching. These are critical steps in the consent application process. This is also vital data as Council begins its freshwater accounting process and gives effect to the **National Policy Statement for Freshwater Management (NPSFM)**.
- 6.3. Should applicants be able to apply for a controlled activity consent; they should then go ahead and do so. The application material is available to them.
- 6.4. For applicants applying for a restricted discretionary consent, the planning pathway is far more difficult. This was outlined in report 17-143. These applicants will need a more comprehensive **Assessment of Environment Effects (AEE)** that allows them to identify individual and cumulative impacts of their proposed activity. In the view of officers and expert planners, this information is unlikely to be able to be provided by an individual applicant except in exceptional cases.
- 6.5. Horizons is working on three key areas, critical to the development of catchment load models and the ability to produce meaningful AEEs. The three components are:
 - in the short term (estimated 1-4 months) a comprehensive assessment of state and trends across catchments, which will provide a snapshot of catchment condition;
 - a medium term piece of work on the drivers of periphyton in catchments (estimated 3-6 months);
 - and as part of giving effect to the NPSFM a detailed set of catchment accounts and models (estimated 1-3 years) with accompanying intervention logic..

- 6.6. As each piece of science is completed it will help inform an applicant's ability to produce an AEE and a planner's ability to assess effects.
- 6.7. The dairy industry and officers are keen to try and regain much of the momentum of recent years in terms of farmers proactively driving environmental improvement. Industry organisations, supported by Horizons, are committed to work with farmers on a number of issues from stock crossing to nutrient budgeting. These organisations are preparing support material for farmer meetings.
- 6.8. Officers have been looking for mechanisms to identify and control potential intensification of land use whilst the consenting regime is implemented and plan changes are promulgated. The most direct way of doing this is via the controls in place, via effluent management consents and secondarily, through the completion of nutrient management base files.
- 6.9. In this context it is useful to note that growth in dairy has been limited in the last 18 years in the Tararua District. Data is available from Dairy NZ on district changes in cow numbers, effective area and intensity.

	Total cows	Effective area / ha	Stocking rate / cows/ha
1998-99	89471	N/A	2.7
2000-01	93067	35399	2.7
2010-11	99288	36922	2.69
2015-16	99423	37257	2.67

- 6.10. For horticulture operations, work has already been completed, identifying good and best practice on most properties. What is currently missing for these applicants are nutrient budgets (whether using Overseer or not) that means leaching can be reliably modelled and an Assessment of Environmental Effects completed. Given that all horticulture operations are likely to be applying for restricted discretionary consents and the difficulties of obtaining useful leaching estimates, the focus for conversations with growers is currently on practical implementation of good practice.

Legal issues

- 6.11. Horizons has taken legal advice on issues relating to enforcement when a landowner does not hold / has not applied for an intensive land use consent and the potential to consider short term consenting via the existing rules and policies. This advice will be provided to Members in a Public Excluded session given that it is legally privileged.

Plan change

- 6.12. While Council continues to implement the One Plan's operative rules and policies, officers are also investigating options for changes to the Plan. These options need to address both the immediate difficulties with the One Plan's nutrient management rule stream, and the longer-term requirements of effective freshwater management across the Region.
- 6.13. Officers aim to provide advice on viable plan-change pathways to Members in early November. This advice will cover the options for a targeted solution to issues with the nutrient management rules in the interim, while a more fundamental catchment-by-catchment plan review progresses. 'Catchment review' will be guided by the requirements of the NPSFM, and will include consideration of instream values, limits, and our approach to nutrient management. The advice provided in November will also outline the feasibility of proceeding directly to catchment review, without any interim change to the Plan.

11 October 2017

6.14. Any proposed changes to the One Plan occur in the context of strong public and government expectations that regional councils continue to drive toward improvements in water quality.

7. SIGNIFICANCE

7.1. This is not a significant decision according to the Council's Policy on Significance and Engagement.

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ANNEXES

A Letter to EDS and F&G