

17<sup>th</sup> October 2019



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Dear Sir,

Enclosed is our submission to proposed Plan Change 2 to the Horizons' OnePlan. Although the plan change purports to address matters related to intensive land use, in our view the proposed provisions are too lenient in that they fail to provide a logical pathway towards achieving improvements in freshwater quality.

As you are aware, Kahungunu ki Tāmaki nui-a-Rua have expressed concerns in the past around the decline in water quality in the Makākahi and Mangatainoka Rivers, and it would be illogical for us not to advocate for improvements given the concerns of our hapū and whānau constituents.

If there are any matter raised in the attached submission on which you or your organisation seek clarity, do not hesitate to contact our office in the first instance.

Yours faithfully,



For Kahungunu ki Tāmaki nui-a-Rua

***KAHUNGUNU KI TĀMAKI NUI-A-RUA SUBMISSION ON  
THE HORIZONS ONEPLAN – PROPOSED PLAN CHANGE 2***

**Submitter:**

Kahungunu ki Tāmaki nui-a-Rua Trust

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(Att: Stacey Hape)

***Submission to Horizons Regional Council in the matter of  
Proposed Plan Change 2 to the Horizons OnePlan***

1. Kahungunu ki Tāmaki nui-a-Rua (Kahungunu) operates as a Trust and represent the broader environmental interests of those of Ngāti Kahungunu descent who reside within the Tararua District, and their extended whānau.
2. Ngāti Kahungunu and our constituent hapū were represented through the statutory processes for the OnePlan from initial submissions through to Environment Court proceedings, and we endorsed the approach taken whereby various parts of the OnePlan and its provisions were integrated. This resulted in clear connection between regional policy statement objectives and policies through to the implementation of the OnePlan through regional plan provisions. The integrated nature of the OnePlan meant that we could have confidence in how the OnePlan would be applied through resource consent decision-making processes.

3. Because of this, Kahungunu were supportive of the OnePlan when it became operative as it clearly articulated the main issues, how they would be addressed, what methods would be used to implement the plan, and how the effectiveness of the OnePlan would be monitored.
4. The main thrust of Kahungunu submissions to the OnePlan were around freshwater management provisions, as there was growing concern amongst our whānau/hapū around the deterioration of water quality within our streams and rivers within the Tararua District.
5. In regard to the use of Overseer as a regulatory tool – Kahungunu were not entirely supportive of this given the variances in results and the relatively large margin of error, however given the lack of catchment load limits for nitrogen in the OnePlan at the time, we saw it as an interim measure until such limits could be established, and included. With the upgrade of Overseer, the difficulty of using it as a regulatory tool became apparent with the consequential changes in the outputs (in relation to existing limits and targets in Table 14.2 in the OnePlan).

#### ***The proposed changes to the OnePlan***

6. Overall, we do not support the proposed changes to the OnePlan where they weaken the approach towards managing effects with the aim of subsequent improvements in water quality. In particular we do not support the weakening of plan provisions - which in turn delay the improvement of water quality in some catchments - through the adoption of '*best practicable options*' and/or '*best management practices*<sup>1</sup>' as a replacement for sound environmental management practices and sustainable management principles.
7. Throughout our rohe, water quality in several rivers and streams is declining, in particular within the Mangatainoka River, the Makakahi River and the Manawatū River upstream of Weber Road. Best practicable options and good management practices do not address these issues. Neither do they necessarily promote sustainable management of a resource, particularly where over-allocation or exceedance of an environmental limit is already occurring, or where they point source and non-point source discharges cumulatively result in undesirable environmental outcomes. The proposed plan attempts to use options and practices instead of compliance with limits or standards. Where the OnePlan attempts to reduce over-allocation and over-use of a resource or contaminant, the proposed plan change enables a greater degree of leniency.

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<sup>1</sup> Best management practices – defined in the glossary as '*evolving practical measures and methods, including those established in industry-based standards, which are used at a sector or community level to minimise the effects of discharges to land and water*'.

8. The weakening of consideration given to Policies 5-2, 5-3, 5-4, 5-5 and 5-6 – from *'achieving the strategies for surface water quality'* to *'having regard to'* them - means that the improvement in water quality which was one of the main pillars of the OnePlan will be put at risk or delayed. This is inconsistent with the government's stated intention to hasten the improvement of freshwater quality through requirements in a new NPS-FM, to which the Regional Policy Statement part of the OnePlan will need to *'give effect to'*. Therefore, the OnePlan is likely to require further amendments to bring it into alignment with emerging government policy, and extra costs to the regional community.
9. Since the OnePlan became operative, water quality has declined in some of the Manawatū River tributaries within Tararua. Warning signs about not swimming in rivers are becoming more common. Kahungunu ki Tāmaki nui-a-Rua do not support the proposed plan provisions as they do not include a logical pathway towards improvement of water quality for both surface water and groundwater. There also seems to be an over-reliance on having numerous meetings with sector groups/iwi and others to try and come up with a solution rather than making the proposed plan provisions more prescriptive, and therefore more likely to achieve improvements in water quality within a reasonable timeframe.
10. The operative OnePlan includes an allocation framework for managing nitrogen and existing intensive land uses so as to reduce nutrient losses and improve water quality. The main thrust of the proposed plan change appears to be the lowering of management thresholds and providing an easier pathway for resource consents for intensive land-use. The sustainable management of nutrients is not addressed, and good management practices and best practicable options are not quantified so as to connect them to the improvement of water quality. The management of intensive land use is eased by embedding a less rigorous regime.
11. There is a presumption in proposed Plan Change 2 that the nutrient losses from intensive land use are all diffuse or from non-point sources, so the management regime in This is inaccurate as many land-holders use tile drainage, nova-flow drainage or periodic mole-plough systems, which each have a point of discharge to a farm drain, roadside drain, stream or river. Plan Change 2 does not include these matters within its ambit.

### ***Proposed Plan Change provisions***

12. In general terms, Kahungunu ki Tāmaki nui-a-Rua seek the retention of plan provisions that provide a cogent pathway towards effective nutrient management, a clear suite of criteria for managing nutrient losses from discretionary and restricted discretionary activities associated with intensive land use, provisions that enable improvement of water quality throughout the Tararua District within a reasonable timeframe via the upholding of Schedule B values. Where proposed Plan Change 2 provisions do not contribute towards the achievement of the above, then we are not in support of them.
  
13. The proposed plan at Policy 5-8 assumes that the effects of intensive farming land use activities can be managed through giving effect to Policy 5-7. This limits the integrated management of nutrient losses and water quality as well as the processes and criteria applicable to decision-making for resource consents.
  
14. Policy 5-8 (a)(iia) provides for exceptions whereby consent applicants and intensive land use activities are not required to meet the limits and targets in Table 14.2. The provisions allowing for such exceptions lack clarity, consideration of environmental outcomes in line with the overall nature of the RPS and enable an activity without addressing the environmental effects in a consistent manner. This then contributes to the associated objectives not being met.

## 15. Kahungunu ki Tāmaki nui-a-Rua ask for the following

- Re-instatement of clause in Policy 5-8 (a) (i)  
*'(B) will achieve the strategies for surface water<sup>^</sup> quality set out in Policies 5-2, 5-3, 5-4 and 5-5, and the strategy for groundwater quality in Policy 5-6',*  
And any consequential amendments to the proposed plan for consistency with the above.
- A requirement for intensive land use consents to meet the nitrogen allocation table unless a robust assessment of effects can demonstrate an improvement in water quality (relevant to the property and water management zone) and provides a timeline and pathway towards meeting nutrient limits and targets.
- Reinstatement of the following into proposed Policy 14-6: -  
*'Where an exception is made to the cumulative nitrogen leaching maximum\* the existing intensive farming land<sup>^</sup> uses must be managed by consent conditions to ensure:*
  - (i) Good management practices to minimise the loss of nitrogen, phosphorus, faecal contamination and sediment are implemented.*
  - (ii) Any losses of nitrogen, which cannot be minimised, are remedied or mitigated, including by other works or environmental compensation. Mitigation works may include but are not limited to, creation of wetland and riparian planted zones'.*
- Amend proposed Policy 14-6 (d)(i) as follows:  
*'Good management practices\* are implemented in accordance with a nutrient management plan\*, along with additional innovations, timelines, targets and measures to further progressively reduce nutrient leaching and run-off, faecal contamination and sediment losses from the land<sup>^</sup> progressively over time; or'*
- Provide clear linkage between Policy 14-6 and the relevant Schedule B values

- Where BPOs and GMPS are promoted, include taking into account nutrient losses from farm drainage systems (tile, NovaFlow<sup>2</sup> (or similar) and farm drains) and managing these as 'point source' discharges.
- Clearly link proposed Policy 5-8 to water quality objectives and Consideration for the introduction of a 'non-complying' status for consent applications for intensive land use activities which exceed the allocation table figures, with requirements for applications to show a staged improvement in water quality, with clear timelines.
- Greater consideration for the cumulative effects of multiple land-use activities within sub-catchments and water management zones, with the ultimate aim of reducing nutrients in catchments where water quality is degraded, and managing nutrients within catchment load limits.
- Any other amendments to the remainder of the proposed plan to enable consistency with the above amendments

#### ***Reasons***

- Plan Change 2 as proposed is inconsistent with RPS objectives and policies which are aimed at improving water quality.
- The proposed plan does not give effect to the NPS-FM 2014, particularly Objectives AA1, A1 and A2 in terms of considering and recognising Te Mana o Te Wai, safeguarding life-supporting capacity and ecosystems, or the improvement of water quality where it is degraded.
- The chosen pathway in the proposed plan for managing nutrients and intensive land use is uncertain as it relies partly on the actions of others who are not accountable to the land-holder who seeks consent for their intensive land use.

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<sup>2</sup> Registered Trademark of IPLEX pipelines (NZ) Limited

- The proposed plan runs contrary to Horizons Regional Council's statutory functions under section 30 (1) (c).
- The section 32 analysis does not address all the relevant issues adequately in terms of aligning proposed provisions with other parts of the operative OnePlan, or with supporting the purpose of the Act.
- There is an over-reliance on 'good management practice' as defined by an industry research group (NZ Fertiliser Manufacturers' Research Association). Good Management Practice therefore does not take into account the need to reduce nutrient losses at a water management zone level, to improve water quality.

***Kahungunu ki Tāmaki nui-a-Rua wish to be heard at any hearing or pre-hearing meeting convened to address Plan Change 2 to the OnePlan and the matters raised within this submission.***

Signed: A.M. Hoop Date 16/10/19

For Kahungunu ki Tāmaki nui-a-Rua Trust