

18 OCT 2019

06099

DAIRYNZ SUBMISSION ON THE PROPOSED PLAN CHANGE 2 TO HORIZONS' ONE PLAN

To: Horizons Regional Council

Submitter: DairyNZ Limited

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I confirm that I am authorised on behalf of DairyNZ to make this submission.

DairyNZ wishes to be heard in support of this submission.

If other parties make similar submissions, DairyNZ would consider presenting a joint case with those parties at the hearing.

DairyNZ will not gain a trade competition advantage through this submission. DairyNZ will be directly affected by adverse effects that will result if Proposed Plan Change 2 becomes operative in its current form. These adverse effects do not relate to trade competition or the effects of trade competition.

1. Overview and submission structure

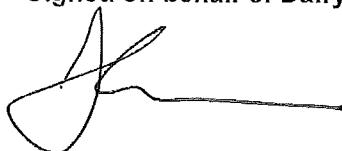
- 1.1 DairyNZ acknowledges the work that Horizons Regional Council has undertaken in the preparation of Proposed Plan Change 2 to the Horizons One Plan (PPC2).
- 1.2 We appreciate the challenges faced in implementing the operative One Plan. After careful consideration, DairyNZ supports, in principle, a targeted plan change as an *interim* measure to address the immediate need, pending more fundamental review of One Plan's freshwater management provisions. However, this submission should not be read as support for One Plan's wider water management framework nor, as discussed in this submission, the specific approach underpinning the nitrogen leaching limits as reflected in Table 14.2 of One Plan.
- 1.3 DairyNZ supports the intention of providing a pathway to allow the remaining 118 unconsented dairy farms to (potentially) be granted consent, subject to conditions to ensure farms operate a good management practice and make an appropriate contribution towards improving water quality (and more particularly reduced diffuse nitrogen loss). That support is, however, conditional on the policy and rule framework being amended in accordance with Table 1 and Appendix A of this submission.
- 1.4 The amendments sought by DairyNZ are, in large part, founded on a desire to:

- provide greater *certainty* for farmers and for Council as consent authority.
 - ensure the *information requirements* placed on farmers at the time of a consent application are reasonable and practicable.
 - ensure that intensive farming activities are asked to make a *contribution to improving water quality* that reflects their relative and proportional contributions to the problem, technical feasibility to achieve reductions with available tools and benefits of making necessary change at a pace that minimises financial stress and community impact.
 - ensure that the approach to limit-setting embodied in *Table 14.2 has fixed and finite applicability*. This reflects DairyNZ's view that if nitrogen discharges from rural land is adversely affecting community-desired values for water quality, then land use capability (LUC) is not an appropriate basis to assess natural capital, that natural capital is not the only relevant consideration in determining appropriate nitrogen leaching rates, and that such approaches require the use of Overseer modelling results well outside recommended usage.
- 1.5 More broadly, DairyNZ looks forward to a review of the land and water management provisions of One Plan to give full effect to the National Policy Statement for Freshwater Management, including a comprehensive and measured approach to meeting community aspirations for water quality improvements.
- 1.6 This submission has three parts:
- a) This overview statement;
 - b) Detailed submission points as set out in **Table 1**; and
 - c) The marked-up version of the rules that would give effect to the relief sought in **Table 1**.

Relief sought

- 1.7 DairyNZ seeks the following decision on submissions on PPC2:
- (a) Retention, deletion or amendment of various provisions of PPC2 as set out in **Table 1** and **ATTACHMENT A**.
 - (b) Such further or other consequential or alternative relief as may be necessary to fully give effect to the relief sought in this submission.
- 1.8 Finally, DairyNZ acknowledges that there may be elements of our amendment proposals that may not be applicable or appropriate for the non-pastoral sector (particularly the commercial vegetable growing sector). In that regard, we remain willing to work with the Council and other sectors to further refine the proposals to achieve a framework that has comprehensive applicability across all intensive land uses.

Signed on behalf of DairyNZ Limited



Jenny Cameron
General Manager Responsible Dairy, DairyNZ
18 October 2019

TABLE 1: Specific submissions

Note: text in the 'relief sought' column in **red** underscored font is text added or amended by PC2. Text in **blue** underscored font is text sought by DairyNZ

#	PAGE NO.	PROVISION	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
SECTION 5 (RPS) – Policies & Methods					
1.	1	Policy 5-8	Support in part	<p>DairyNZ supports deletion of reference to Policies 5-2, 5-3, 5-4 and 5-5 in clause (a) (i). It is a matter of fact that the nitrogen maximums will not achieve the strategies of Policy 5-2, 5-3, 5-4 and 5-5 which call for Schedule E targets to be met (regardless of the scale of 'gap' between current state and target state). That is not the case under One Plan now and will not be the case under PPC2.</p> <p>DairyNZ supports the provision (in clause (a) (ii)) of a clear exception as to when existing intensive farming must be regulated to achieve nitrogen leaching maximums (as proposed by Table 14.2). It is almost inevitable that as soon as a plan sets a numeric limit there will be those who seek (or have little option but) to seek consent to exceed that limit. It is important that the plan sets out how such situations will be managed and provide clear decision-making criteria.</p> <p>DairyNZ does not support the specific wording of clause (a) (iia). As noted above, reference even to "having regard to" the strategies of Policies 5-2 to 5-5 is inappropriate because compliance with the Table 14.2 leaching maximums will not achieve the Schedule E targets and hence the proposed policy erects a decision-making criterion that is more onerous than the Table 14.2 limit (the exceedance of which has caused the application</p>	<p><i>Amend Policy 5-8 (a) as follows:</i></p> <p>(a) <i>Nutrients</i></p> <p>(i) <i>Nitrogen leaching maximums must be established in the regional plan which:</i></p> <p>(A) <i>take into account all the non-point sources of nitrogen in the catchment</i></p> <p><i>(B) will achieve the strategies for surface water quality set out in Policies 5-2, 5-3, 5-4 and 5-5, and the strategy for groundwater quality in Policy 5-6.</i></p> <p>(C) <i>recognise the productive capability of land in the Water Management Sub-zone* (except this shall only apply for existing intensive farming land use activities until 2023)</i></p> <p>(D) <i>recognise the nitrogen leaching rates of existing farms and require reductions from those existing nitrogen leaching rates that are achievable on most farms using good management practices</i></p> <p><i>(E) result in the highest nitrogen leaching intensive farming land uses needing to make the greatest nitrogen</i></p>

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				<p>to be required). Retaining this wording maintains a tautology in the policy framework.</p> <p>DairyNZ supports idea of implementing good management practice. However, for reason discussed elsewhere in this submission, we believe that the term 'Good Farming Practice' is more appropriate.</p> <p>Reference to "additional measures" coupled with the direction in sub clause (iib) that some intensive land use activities will need to "transition" to a non-intensive use creates very high levels of uncertainty. As discussed below, DairyNZ supports much greater clarity about the level of reductions expected from existing intensive land use activities with reference to their individual leaching profiles. Clarification that the reference to "measures" means "mitigation measures" is sought.</p>	<p>(F) provide for appropriate timeframes for achievement where large changes to management practices or high levels of investment are required to achieve the nitrogen leaching maximums.</p> <p>(ii) Existing intensive farming land^A use activities must be regulated in targeted Water Management Sub-zones* to achieve the nitrogen leaching maximums specified in (i) <u>except as provided for in (iia) and (iib)</u> below.</p> <p>(iia) Existing intensive land use activities which do not comply with (ii) must be regulated to reduce nitrogen leaching which is in excess of the nitrogen leaching maximums established under (a) by implementing good farming management practices*, and additional mitigation measures to minimise the degree of non-compliance, having regard to:</p> <p>(A) the feasibility, practicality, and cost of achieving the nitrogen leaching maximums specified in (i); and</p> <p>(B) the strategies for surface-water^A quality set out in Policies 5-2, 5-3, 5-4 and 5-5, and the strategy for groundwater quality in Policy 5-6 the need to maintain water quality where it meets the relevant Schedule E water quality targets and improve water quality where it does not meet the relevant Schedule E water quality targets and the strategy for groundwater</p>

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					<p><u>quality in Policy 5-6</u></p> <p><u>(iiib) Existing intensive land use activities which do not comply with (ii) but are intended to transition to an alternative non-intensive farming land use must may be regulated to ensure that they are able to allow those activities to continue for a limited period of time provided that is for the purpose of in order to enabling a that transition to an alternative non-intensive farming land use and provided only where there is no increase in the exceedance of the nitrogen leaching maximums established under (a)</u></p> <p><u>(iiii) New intensive farming land use activities must be regulated throughout the Region to achieve the nitrogen leaching maximums specified in (i).</u></p>
2.	1	Method 5-12	Support in part	DairyNZ supports innovative research on options for intensive land uses to meet leaching maximums. It is not clear from the wording, however, whether research is to focus on N loss mitigation or alternative land uses.	Clarify that the research referred to in Method 5-12 is to focus on N loss mitigation options.
3.	1	Method 5-13	Support in part	DairyNZ supports Horizons collating and publishing information on Overseer version change (and other nutrient management models). We note though that should councils accept the relief sought in this submission, the need to amend One Plan in response to Overseer version change would be reduced (ie. limited only to the calculation of leaching maximums applicable to new intensive uses). If Table 14.2 is to have an enduring role in One Plan, then there is no	Amend Method 5-13 to clarify that Table 14.2 leaching maximums (which in accordance with this submission should only survive in One Plan post 2023 in respect of new intensive farming uses) will be updated following new versions of Overseer being issued if the version change makes a material difference to the calculated leaching maxima. This should be achieved by including the methodology for the calculation of Table 14.2's

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				question that a mechanism to update the leaching maximums would need to be included in One Plan itself. Monitoring version changes and responding by way of plan change if necessary, is not an appropriate solution and contrary to all advice on the use of Overseer in regulation.	leaching maximums in a schedule to One Plan and by providing for Table 14.2 to be updated in accordance with that Schedule without use of the Schedule One process.
4.	3	Policy 14-3	Support	<p>DairyNZ supports concept of, "Good management practices". DairyNZ supports the 2018 Action Plan that was developed by representatives of agricultural sectors and local and central government (Good farming practice: Action Plan for water quality 2018). For that reason, we request PPC2 refer to good farming practice rather than good management practice.</p> <p>The concept has developed a commonly understood meaning in recent years, but there are varying interpretations and definitions in regional plans, and in this submission, we request a change to the PPC2 definition.</p> <p>Good management practice is regarded by DairyNZ as the application of Good Farming Principles agreed by agricultural industry bodies as being applied to a farm, that if implemented, will give the farm owner and community confidence that the farm is being operated at a bottom line level of performance expected.</p> <p>Application of Good Farming Principles will result in management practices and infrastructure being identified that suit the particular farm context, which includes soil, rainfall, labour availability, type of farm system being run.</p>	<p>Amend Policy 14-3 as proposed in PPC2 to refer to 'good farming practice' rather than 'good management practice'</p>
5.	4	Policy 14-5	Oppose in part	Policy 14-5 continues the planning framework whereby existing intensive farming is required to	Amend clause (d) of Policy 14-5 to read:

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—	—	—	—	<p>meet Table 14.2 leaching maximums that are problematic because they do not necessarily:</p> <ul style="list-style-type: none"> • have any relationship to existing leaching rates on individual farms or reflect the ability of existing farms to meet those maximum leaching rates, or • have any cause and effect relationship with community desired water quality values in receiving water bodies. <p>DairyNZ does not support the underlying approach of Table 14.2 and considers that it has no place in the management of diffuse nitrogen discharge in the long-term. We do, however, appreciate that many consents have already been issued for existing intensive farming activities in accordance with those leaching maximums. Many currently unconsented farmers will have expectations based around the (revised) Table 14.2 leaching maximums. In those respects, removing Table 14.2 entirely at this point raises issues of fairness and equity. On the other hand, there are a large number of farmers for whom the Table 14.2 leaching maximums are unobtainable except by going well beyond good management practices and, for some, land use change. Under PPC2 as proposed, they would require discretionary activity consents and be subject to a very uncertain consenting process.</p> <p>For that reason, DairyNZ proposes that Policy 14-5 seeks reductions in leaching losses of 10 percent (from a 2012/13 base year) as an alternative to meeting Table 14.2 leaching maximums. Furthermore, to give effect to the principle set out in Policy 5-8 we consider that those farmers in the upper quartile of dischargers be required to reduce to the 75th percentile</p>	<p><u>Except as provided for in Policy 14-6(d).</u> <u>Existing intensive farming land uses regulated in accordance with (b)(i) must be managed in the following manner.</u></p> <p><u>Until 30 June 2023 by to ensuring that the leaching of nitrogen from those land^a uses does not exceed:</u></p> <p>(i) <u>the cumulative nitrogen leaching maximum* values for each year contained in Table 14.2, unless the given statement in Policy 14-6 applies; or whichever is the lesser of</u></p> <p>(ii) <u>90% of the leaching occurring on the land in the 2012/2013 year. and</u></p> <p>(iii) <u>The 75th percentile nitrogen leaching loss* for the Surface Water Management Zone*</u></p> <p><u>After 30 June 2023, by ensuring that the leaching of nitrogen from those land^a uses does not exceed the lesser of:</u></p> <p>(i) <u>90% of the leaching occurring on the land in the 2012/2013 year. and</u></p> <p>(ii) <u>The 75th percentile nitrogen leaching loss*</u></p>

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				<p>leaching rate for the relevant Water Management Zone. That will ensure that reductions are made by all farms exceed that Table 14.2 leaching maximums but that the level of those reductions is related to the 'starting position' of the farm. Furthermore, we propose that a sunset clause be applied to the applicability of Table 14.2 to existing intensive farming activities. This is necessary to ensure that the Table 14.2 approach does not continue to apply indefinitely (in the absence of swift progress of a wider review of One Plan).</p>	<p>Amend Policy 14-6 clauses (d) and (e) to read as follows:</p> <p>(d) <u>Provide for exceptions to (a) for existing intensive farming land uses that exceed the cumulative nitrogen leaching maximum rate specified in Policy 14-5 (d) where:</u></p> <p>(i) <u>Good management farming practices are implemented in accordance with a nutrient management plan* along with additional innovations and mitigation measures to further reduce nutrient leaching and run-off, faecal contamination and sediment losses from the land over progressively over time; or</u></p> <p>(ii) <u>The existing intensive farming land use is to continue for no longer than five years in order to enable the transition to an alternative non-intensive farming land use without an increase in nutrient leaching and run-off, faecal contamination and sediment losses from the land over that period of time.</u></p> <p>(e) <u>When determining whether to enable an existing intensive farm land use to continue under (d)(i), have regard to:</u></p> <ul style="list-style-type: none"> • For reasons discussed elsewhere in this submission, reference to the strategies for
6.	5	Policy 14-6	Support in part	<p>DairyNZ supports that part of the policy that seeks to provide clarity on the approach to be taken to applications not consistent with the approach set out in Policy 14-5. We agree that the "exceptions" provided in the operative Policy 14-6 are wholly inadequate and largely irrelevant (since exception (i) applies to few, if any, farms and the extension dates referred to in (ii) are now passed).</p> <p>Given the amendments we propose to Policy 14-5 and associated rules, we expect Policy 14-6 to have relatively limited application. Nevertheless, we consider that it needs further refinement and enhanced clarity.</p> <p>In particular, DairyNZ considers that:</p> <ul style="list-style-type: none"> • the term "innovations and measures" does not have a common usage and is unclear • use of the term 'best practicable option' is defined in that Act and requires consideration of matters different to those specified in the policy. The relation between the two sets of considerations should be clarified. 	

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				<p>surface waterⁿ quality set out in Policies 5-2, 5-3, 5-4 and 5-5 is inappropriate and risks defeating the purpose and effect of the policy.</p> <p>We note also that while we support consideration of whether exceedances are simply an artefact of Overseer modelling using an updated version, we consider that issues should be resolved by ensuring the leaching limit (or 'maximum') changes as new versions of Overseer are adopted. (That is the approach we propose be taken to our proposed 10% and 75th percentile limits).</p>	<p>(i) Whether the proposed mitigation innovations and measures represent the best practicable optionⁿ to minimise the nutrient leaching and run-off, faecal contamination and sediment losses from the landⁿ, having particular regard (in addition to those matters set out in section 2 of the Act) to:</p> <p>(A) The extent of the exceedance of the cumulative-nitrogen-leaching-maximum* in Table 14-2 leaching rates described in Policy 14-5 (d);</p> <p>(B) The rate of reduction of nitrogen loss towards the cumulative-nitrogen-leaching-maximum* for any given year in Table 14-2 leaching rates described in Policy 14-5 (d);</p> <p>(C) Whether further reductions are currently possible for the intensive farming landⁿ use based on mitigation measures available to farmers that have been tested and proven to be effective at a farm scale existing technologies;</p> <p>(ii) The extent to which the non-compliance with the cumulative nitrogen leaching maximum* specified in Table 14-2 is attributable to updates in versions of OVERSEER;</p> <p>Note (ii) above need be retained only if One Plan is not amended to allow for the updating of the Table 14-2 rates following each Overseer version change</p> <p>(iii) The nature and characteristics of the landⁿ, having regard to physical characteristics of the soil including in terms of attenuation capacity, climatic conditions,</p>

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					<p><u>and topography of the property;</u></p> <p>(iv) <u>The contribution of the progressive reduction in nutrient leaching and run-off, faecal contamination and sediment losses from the land*, over time, to the improvement of water quality within that Water Management Sub-zone*</u>.</p> <p>(v) <u>The strategy for surface-water quality set out in Policies 5-2, 5-3, 5-4 and 5-5, and the strategy for groundwater quality in Policy 5-6.</u></p>
					SECTION 14 - Rules
7.	9	Table 14.2	Support in part	<p>DairyNZ supports the updating of Table 14.2 using version 6.3 of Overseer.</p> <p>As noted earlier in this submission, DairyNZ considers that all limits derived using Overseer modelling should be updated when new versions of Overseer are issued. That is consistent with advice on the use of Overseer in regulation.</p> <p>For transparency sake, we consider that the version of Overseer used to determine Table 14.2 should be recorded.</p>	<p>Retain the updated Table 14.2 subject to:</p> <ol style="list-style-type: none"> Including a footnote to the table indicating the version of Overseer used to derive the numbers. Including the methodology used to calculate the numbers in One Plan Table 14.2 as an Appendix to One Plan. Including provision in One Plan to update Table 14.2 numbers in accordance with the methodology described in 3 above, when a new version of Overseer is issued. Include reference to the fact that the updating described in 4 above will be done without using a Schedule 1 process.
8.	9	Rule 14-1	Oppose in part	DairyNZ does not support compliance with Table 14.2 as the key nitrogen management standard (or 'gateway') in the controlled activity rule. It is clear from work we have undertaken that a large proportion of the existing dairy farms remaining unconsented will not meet Table 14.2. In order to provide a higher degree of certainty for those	<p>Retain Rule 14-1 but amend to give effect to Policy 14-5 (as proposed to be redrafted by this submission). That can be achieved by adopting the wording set out in Attachment 1 to this submission (or wording with similar effect)</p>

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				<p>farmers, and to secure meaningful progress towards Schedule E targets, DairyNZ proposes that Rule 14-1 provide a choice of compliance options.</p> <p>As discussed in relation to Policy 14-5, compliance with Table 14.2 should remain an option for existing intensive farms (until 2023) but this should be complemented by alternative compliance test being the commitment to a 10% reduction. Furthermore, to ensure that the highest leaching farms face a proportional share of the burden, those farms above the 75th percentile leaching value should be required to reduce to the 75th percentile leaching value. That is another means of targeting those likely to be operating well outside good management practice in their respective water management zone.</p> <p>Rule 14-1 as proposed by PPC2 risks perpetuating a flawed approach. DairyNZ's support for PCC2 is very much contingent on One Plan moving away from the limit-setting approach embodied in Table 14.2 as soon as practicable.</p>	
9.	11	Rule 14-2	Support in part	DairyNZ Supports retention of Rule 14-2 for those intensive farming uses that cannot meet any one of the specified standards and terms (other than compliance with the nitrogen leaching limit).	Retain Rule 14-2 but amend to be consistent with the nitrogen leaching limit approach proposed by DairyNZ. This involves an amendment to the Conditions/Standards and Terms as indicated by the redrafting provided as Attachment 1 (or wording to like effect).
10.	12	Rule 14-2A	Support	DairyNZ supports intensive farming that is unable to meet the nitrogen leaching limits (as we propose as a condition/standard/term of Rule 14-1) being a full discretionary activity.	Retain Rule 14-2A with the minor amendments shown in Attachment 1

SECTION – Definitions

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11.	25	Definition of Good management practices	Support	<p>DairyNZ supports a broad definition provided for 'good farming practices' and considers that provided in PPC2 appropriate. It is important that a fixed list is not provided given the evolving nature of GFP. Provided the definition is applied within a consenting context (which it is) the lack of precision is not problematic.</p> <p>As noted in changes requested to Policy 14.3, application of Good Farming Principles will result in management practices and infrastructure being identified that suit the particular farm context, which includes soil, rainfall, labour availability, type of farm system being run. In a consent situation, the practices chosen can only apply to an individual farm seeking consent. The council may choose to assess the impact of mitigation actions at a broader scale, but that is not relevant to include in the definition.</p>	<p>Amend the definition as notified to Good management farming practices refers to <u>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 land¹ and water².</u></p>
12.	27	Definition of Nutrient Management Plan	Support	<p>DairyNZ acknowledges that:</p> <ul style="list-style-type: none"> • Overseer is not the only nutrient model used to inform a nutrient management plan; and • Massey University's Certificate in Advance Sustainable Nutrient Management is the appropriate qualification for preparing a nutrient management plan. <p>Accordingly, we support the proposed amendments to the definition.</p>	<p>Retain the definition as notified.</p>
13.	-	New definition 'Nitrogen baseline'	Support	The Rule 14-1 and 14-2 amendments proposed by DairyNZ use the term ' <i>nitrogen baseline</i> '. That term accordingly needs definition	<p>Include a definition of nitrogen baseline as follows: Nitrogen baseline means the discharge of nitrogen below the root zone, as modelled with Overseer, or equivalent model approved by the Chief Executive of Horizons Regional Council, for the period 1 July 2012 to 30 June 2013. If an</p>

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					<u>updated version of Overseer is issued. the most recent version is to be used to recalculate the nitrogen baseline* using the same nitrogen related farm input data as used for the 1 July 2012 to 30 June 2013 period.</u>
14.	-	New definition '75 th percentile nitrogen leaching loss'	Support	The Rule 14-1 and 14-2 amendments proposed by DairyNZ use the term '75 th percentile nitrogen leaching loss'. That term accordingly needs definition	<p>Include a definition of 75th percentile nitrogen leaching loss as follows:</p> <p>75th percentile nitrogen leaching loss means the 75th percentile value (units of kg N/ha/year) of all of the nitrogen baseline* values for dairy farming activities in the Surface Water Management Zone* as determined for each Surface Water Management Zone*. The 75th percentile nitrogen leaching loss* is recalculated each time the nitrogen baseline is updated following release of a new version of Overseer.</p>

ATTACHMENT A – Mark-up of rules

Note: text in **red** underscored font is text added or amended by PC2. Text in **blue** underscored font is text sought by DairyNZ

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
14-1 Existing intensive farming <i>land^A</i> use activities	The use of <i>land^A</i> pursuant to s9(2) RMA for any of the following types of intensive farming: (i) dairy farming* (ii) commercial vegetable growing* (iii) cropping* (iv) intensive sheep and beef farming* that was existing in the Water Management Sub-zones* listed in Table 14-1 and any of the following discharges ^A pursuant to ss15(1) or 15(2A) RMA associated with that intensive farming: (a) the discharge ^A of fertiliser* onto or into <i>land^A</i> (b) the discharge ^A of contaminants ^A onto or into <i>land^A</i> from (i) the preparation, storage, use or transportation of stock feed on production <i>land^A</i> (ii) the use of a feedpad* (c) the discharge ^A of grade Aa, biosolids ^A , soil conditioners* or compost* onto or into production <i>land^A</i> (d) the discharge ^A of poultry farm litter* onto or into production <i>land^A</i> (e) the discharge ^A of farm animal effluent* onto or into production <i>land^A</i>	Controlled	<p>(a) A <i>nutrient management plan*</i> must be prepared for the <i>land^A</i>, and provided annually to the Regional Council.</p> <p>(b) The activity must be undertaken in accordance with the <i>nutrient management plan*</i> prepared under (a).</p> <p>(c) The <i>nutrient management plan*</i> prepared under (a) must demonstrate that the nitrogen leaching loss for the <i>land^A</i> will not exceed:</p> <ul style="list-style-type: none"> (i) the <i>cumulative nitrogen leaching maximum*</i> specified in Table 14-2, or (ii) whichever is the lesser of: <ul style="list-style-type: none"> • 90% of the land's <i>nitrogen baseline*</i>, or • the 75th percentile nitrogen leaching loss^A for the relevant surface water management zone*. <p>Except that (i) above shall not apply to resource consent applications lodged after 30 June 2023; and</p> <p>(d) Cattle must be excluded from:</p> <ul style="list-style-type: none"> (i) wetlands^A and lakes^A that are a rare habitat* or threatened habitat*, and (ii) the beds^A of rivers^A that are permanently flowing or have an active bed* width greater than 1 m, other than at any specific location where access is required for dairy cattle to cross the river^A in which case (e) applies. 	<p>Control is reserved over:</p> <p>(a) the implementation of the nutrient management plan*</p> <p>(b) <u>compliance-with-the-cumulative nitrogen-leaching-maximum* specified in Table 14-2 good management practices*</u> to avoid, remedy or mitigate nutrient leaching and run-off, faecal contamination, and sediment losses from the land^A.</p> <p>(c) management practices and measures to achieve either the cumulative nitrogen leaching maximum specified in Table 14-2 or the required reduction from any <i>nitrogen baseline*</i> or the 75th percentile nitrogen leaching loss</p> <p>(d) the matters of control in Rule 14-11 avoiding, remedying or mitigating the effects of odour, dust, fertiliser* drift or effluent drift</p> <p>(e) provision of information including the nutrient management plan*</p> <p>(f) duration of consent</p> <p>(g) review of consent conditions^A</p> <p>(h) compliance monitoring.</p> <p>(i)</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion	Non-Notification
	(or upon expiry or surrender of any existing consent for that discharge) including: (i) effluent from dairy sheds and feedpads* (ii) effluent received from piggeries (iii) sludge from farm effluent ponds (iv) poultry farm effluent and any ancillary discharge ^a of contaminants ^a into air pursuant to ss 15(1) or 15(2A) RMA. Where the existing intensive farming land ^a use is located partly on land within one or more of the water management sub-zones* listed in Table 14.1 and partly on other land, this rule only applies: (a) if at least 20% of the existing intensive farming land ^a use is located on land within the listed water management sub-zones*, and (b) to the portion of the existing intensive farming land ^a use that is located within the listed water management sub-zones*.		<ul style="list-style-type: none"> (e) Rivers^a that are permanently flowing or have an active bed^a width greater than 1 m, that are crossed by cattle must be bridged or culverted, and the cattle must cross via that bridge or culvert, and run-off originating from the carriageway of the bridge or culvert must be discharged^a onto or into land^a. (f) The discharge^a of fertiliser^a onto or into land^a and any ancillary discharge^a of contaminants^a into air must comply with the conditions^a of Rule 14-5. (g) The discharge^a of contaminants^a onto or into land^a from: <ul style="list-style-type: none"> (i) the preparation, storage, use or transportation of stock feed on production land^a, or (ii) the use of a feedpad* and any ancillary discharge^a of contaminants^a into air must comply with the conditions^a of Rule 14-6. (h) The discharge^a of grade Aa biosolids*, soil conditioners* or compost* onto or into production land^a and any ancillary discharge^a of contaminants^a into air must comply with the conditions^a of Rule 14-7. (i) The discharge^a of poultry farm litter^a onto or into production land^a including: <ul style="list-style-type: none"> (i) effluent from dairy sheds and feedpads* (ii) effluent received from piggeries (iii) sludge from farm effluent ponds (iv) poultry farm effluent 		Resource consent ^a applications under this rule ^a will not be notified and written approval of affected persons will not be required (notice of applications need not be served ^a on affected persons).

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
14-2 Existing intensive farming land ^a use activities not complying with <u>any of the conditions, standards and terms (a), (b) to (l) of Rule 14-1</u>	<p>The use of land^a pursuant to s9(2) RMA for any of the following intensive farming:</p> <ul style="list-style-type: none"> (i) dairy farming* (ii) commercial vegetable growing* (iii) cropping* (iv) intensive sheep and beef farming* <p>that was existing as at 1 July 2010 in the Water Management Sub-zones^a listed in Table 14-1, and any of the following discharges^a pursuant to ss15(1) or 15(2A) RMA associated with intensive farming, that do not comply with one or more of the conditions^a, standards and terms of Rule 14-1 (except for (a) to (cl)):</p> <ul style="list-style-type: none"> (a) the discharge^a of fertiliser^a onto or into land^a (b) the discharge^a of contaminants^a onto or into land^a from <ul style="list-style-type: none"> (i) the preparation, storage, use or transportation of stock feed on production land^a (ii) the use of a feedpad* (c) the discharge^a of grade Aa biosolids^a, soil conditioners^a or compost^a onto or into production land^a (d) the discharge^a of poultry farm litter^a onto or into production land^a (e) the discharge^a of farm animal effluent^a onto or into production land^a (or upon expiry or surrender of any 	<p>and any ancillary discharge^a of contaminants^a into air must comply with the conditions^a, standards and terms of Rule 14-11.</p> <p>Restricted Discretionary</p> <p>(a) <u>A nutrient management plan^a must be prepared for the land^a, and provided annually to the Regional Council.</u></p> <p>(b) <u>The activity must be undertaken in accordance with the nutrient management plan^a prepared under (a).</u></p> <p>(c) <u>The nutrient management plan^a prepared under (a) must demonstrate that that the nitrogen leaching loss for the land^a will not exceed</u></p> <ul style="list-style-type: none"> (i) <u>the cumulative nitrogen leaching maximum^a specified in Table 14-2; or</u> (ii) <u>whichever is the lesser of:</u> <ul style="list-style-type: none"> • <u>90% of the land's nitrogen baseline^a; or</u> • <u>the 75th percentile nitrogen leaching loss^a for the relevant surface water management zone^a.</u> <p>Except that (i) above shall not apply to resource consent applications lodged after 30 June 2023; and</p> <p>(d) <u>Cattle must be excluded from:</u></p> <ul style="list-style-type: none"> (i) <u>wetlands^a and lakes^a that are a rare habitat^a, or threatened habitat^a, and the beds^a of rivers^a that are permanently flowing or have an active bed^a width greater than 1 m that are crossed by cattle</u> (ii) <u>the bridging or culverting of rivers^a that are permanently flowing or have an active bed^a width greater than 1 m that are crossed by cattle</u> (iii) <u>the matters referred to in the conditions^a of Rules 14-2, 14-3, 14-4, and 14-9</u> 	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) preparation of and compliance with a nutrient management plan^a for the land^a (b) <u>the extent of non-compliance with the cumulative nitrogen leaching maximum^a specified in Table 14-2</u> (c) <u>measures good farming management practices to avoid, remedy or mitigate nutrient leaching and run-off, faecal contamination and sediment losses from the land^a</u> (d) <u>measures to exclude cattle from wetlands^a and lakes^a that are a rare habitat^a or threatened habitat^a, and rivers^a that are permanently flowing or have an active bed^a width greater than 1 m</u> (e) <u>the bridging or culverting of rivers^a that are permanently flowing or have an active bed^a width greater than 1 m that are crossed by cattle</u> (f) <u>the matters referred to in the conditions^a of Rules 14-2, 14-3, 14-4, and 14-9</u> <p>The following conditions, standards and terms also apply except to the extent that consent is sought under this rule to not comply with them:</p> <p>(d) Cattle must be excluded from:</p> <ul style="list-style-type: none"> (i) <u>wetlands^a and lakes^a that are a rare habitat^a, or threatened habitat^a, and the beds^a of rivers^a that are permanently flowing or have an active bed^a width greater than 1 m that are crossed by cattle</u> (ii) <u>the bridging or culverting of rivers^a that are permanently flowing or have an active bed^a width greater than 1 m that are crossed by cattle</u> (iii) <u>the matters referred to in the conditions^a of Rules 14-2, 14-3, 14-4, and 14-9</u> 	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion
				Non-Notification
	existing consent for that discharge ⁽¹⁾ including: (i) effluent from dairy sheds and feedpads [*] (ii) effluent received from piggeries (iii) sludge from farm effluent ponds (iv) poultry farm effluent and any ancillary discharge ⁽¹⁾ of contaminants ⁽¹⁾ into air pursuant to ss 15(1) or 15(2A) RMA.		<p>where access is required for dairy cattle to cross the river⁽¹⁾ in which case (e) applies.</p> <p>(e) Rivers⁽¹⁾ that are permanently flowing or have an active bed⁽¹⁾ width greater than 1 m, that are crossed by cattle must be bridged or culverted, and the cattle must cross via that bridge or culvert, and run-off originating from the carriageway of the bridge or culvert must be discharged⁽¹⁾ onto or into land⁽¹⁾.</p> <p>(f) The discharge⁽¹⁾ of fertiliser[*] onto or into land⁽¹⁾ and any ancillary discharge⁽¹⁾ of contaminants⁽¹⁾ into air must comply with the conditions⁽¹⁾ of Rule 14-5.</p> <p>(g) The discharge⁽¹⁾ of contaminants⁽¹⁾ onto or into land⁽¹⁾ from:</p> <ul style="list-style-type: none"> (i) the preparation, storage, use or transportation of stock feed on production land⁽¹⁾, or (ii) the use of a feedpad[*] <p>and any ancillary discharge⁽¹⁾ of contaminants⁽¹⁾ into air must comply with the conditions⁽¹⁾ of Rule 14-6.</p> <p>(h) The discharge⁽¹⁾ of grade Aa biosolids[*], soil conditioners[*] or compost[*] onto or into production land⁽¹⁾ and any ancillary discharge⁽¹⁾ of contaminants⁽¹⁾ into air must comply with the conditions⁽¹⁾ of Rule 14-7.</p> <p>(i) The discharge⁽¹⁾ of poultry farm litter[*] onto or into production land⁽¹⁾ and any ancillary discharge⁽¹⁾ of contaminants⁽¹⁾ into air must comply with the conditions⁽¹⁾ of Rule 14-9.</p> <p>(j) The discharge⁽¹⁾ of farm animal effluent[*] onto or into production land⁽¹⁾ including:</p> <ul style="list-style-type: none"> (i) effluent from dairy sheds and feedpads[*] 	<p>(f) (g) the matters referred to in the conditions⁽¹⁾ of Rule 14-6 and the matters of control in Rule 14-6</p> <p>(g) (h) avoiding, remedying or mitigating the effects of odour, dust, fertiliser[*] drift or effluent drift</p> <p>(h) (i) provision of information including the annual nutrient management plan*</p> <p>(i) (j) duration of consent</p> <p>(j) (k) review of consent conditions</p> <p>(k) (l) compliance monitoring.</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion
				Non-Notification
Rule 14-2A Existing intensive farming land ^a use activities not complying with condition, standard, term (c) of Rule 14-1 or Rule 14-2.	<p>The use of land^a pursuant to ss(2) RMA for any of the following types of intensive farming:</p> <ul style="list-style-type: none"> (i) dairy farming* (ii) commercial vegetable growing* (iii) cropping* (iv) intensive sheep and beef farming* <p>that was existing in the Water Management Sub-zones* listed in Table 14-1 and any of the following discharges^a pursuant to ss15(1) or 15(2A) RMA associated with that intensive farming, that do not comply with conditions^a, standards and term (a)-(c) of Rule 14-1 or one or more of the conditions^a, standards and terms of Rule 14-2:</p>	Discretionary	<p>(i) effluent received from piggeries (ii) sludge from farm effluent ponds (iii) poultry farm effluent and any ancillary discharge^a of contaminants^a into air must comply with the conditions^a, standards and terms of Rule 14-11.</p> <p>(a) the discharge^a of fertiliser* onto or into land^a or into land^a from</p> <p>(b) the discharge^a of contaminants^a onto production land^a</p> <ul style="list-style-type: none"> (i) the preparation, storage, use or transportation of stock feed on production land^a (ii) the use of a feedpad* (c) the discharge^a of grade Aa, biosolids^a, soil conditioners* or compost* onto or into production land^a 	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification			
			<p>(d) <u>the discharge^A of poultry farm litter*</u> <u>onto or into production land^B</u></p> <p>(e) <u>the discharge^A of farm animal effluent*</u> onto or into production land^B <u>(or upon expiry or surrender of any existing consent for that discharge^A)</u> <u>including:</u></p> <ul style="list-style-type: none"> (i) <u>effluent from dairy sheds and feedbads*</u> (ii) <u>effluent received from piggeries</u> (iii) <u>sludge from farm effluent ponds</u> (iv) <u>poultry farm effluent</u> <p>and any ancillary discharge^A of contaminants^A into air pursuant to ss15(1) or 15(2A) RMA.</p> <p>Where the existing intensive farming land^A use is located partly on land within one or more of the water management sub-zones listed in Table 14.1 and partly on other land, this rule only applies:</p> <ul style="list-style-type: none"> (a) if at least 20% of the existing intensive farming land^A use is located on land within the listed water management sub-zones*; and (b) to the portion of the existing intensive farming land^A use that is located within the listed water management sub-zones*. 				

