

SUBMISSION FORM

ON THE PROPOSED PLAN CHANGE 2

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18 OCT 2019

06064

TO: Manawātū-Whanganui (Horizons) Regional Council

SUBMISSION ON: Proposed Plan Change 2 — Existing Intensive Farming Land Uses

Submissions must be received at Horizons by 5pm Monday 21 October 2019.

Please note that all submissions are public. They will be published in full and summary formats, on the Horizons website and in documents that are available to the public and media, following the close of the submission period.

- Please post your submission to Private Bag 11025 Manawātū Mail Centre, Palmerston North 4442; or
- Deliver your submission to the Horizons offices at 11-15 Victoria Avenue, Palmerston North; or
- Please email your submission to submissions@horizons.govt.nz.

SUBMITTER DETAILS

Full name: BakerAg NZ Limited

Email: rob@bakerag.co.nz

(Please note that Horizons will use this email address to correspond with you during the plan change, unless an alternative method of service is indicated below.)

Postal address: 8 Manchester Square, Feilding 4702

(Or alternative method of service under section 352 of the Resource Management Act).

Preferred contact number (daytime): 06 323 2220

2019/798

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SUBMISSION DETAILS

We could not gain an advantage in trade competition through this submission.

(If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.)

~~*I/we am or am not (select one) directly affected by an effect of the subject matter of the submission that adversely affects the environment and does not relate to trade environment or the effect of trade competition.
(*Delete entire paragraph if you could not gain an advantage in trade competition through this submission.)~~

The specific provisions on the proposal that my/our submission relates to are as follows *(please list the provision (policy or rule number) or part provision)*:

Policy 5-8: Management and regulation of intensive farming land use activities affecting groundwater and surface water quality

Policy 5-8: (a) Nutrients

Policy 14.1 Rules – Agricultural Activities: Table 14.2 Cumulative nitrogen leaching maximum by Land Use Capability Class

Policy 5-8: 14.2 Cumulative nitrogen leaching maximum

Policy 14-3: Good management practices

Policy 14-5: Management of intensive farming land uses

Policy 14-6: Resource consent decision-making for intensive farming land uses

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My/our submission is that *(state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons):*

See attached 3 pages

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I/we have attached 3 additional pages of submission content.

I/we seek the following decision from the Manawātū-Whanganui (Horizons) Regional Council
(please give precise details):

We do not wish to be heard in support of my/our submission.
(Only submitters who indicate they wish to be heard will be sent a copy of the planning report.)

If others make a similar submission I/we will or will not (*select one*) consider presenting a joint case with them at a hearing.

SIGNATURE

Signature: _____

Date: _____

INFORMATION

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

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Horizons

Submission on Horizons PPC2

PC2 is an interim solution and does not adequately address the following:

1. **(Relates to Policy 5-8: Management and regulation of intensive farming land use activities affecting groundwater and surface water quality)** Horizon acknowledge the current PC1 is unworkable because of the legal rulings following challenges made to PC1. However, Horizon effectively want to keep the philosophy and approach of PC1 but use different values in a table given changes to the model to be used to calculate nutrient loss (Overseer). Is a change to a table going to make the rest of the Plan “workable”, especially with the announcement of Central Govts freshwater plan?
2. **(Relates to Policy 14-3: Good management practices)** Horizon want to encourage “good management practice”. That’s laudable but how does that work if all you are changing is a table. This doesn’t seem to be addressing the goal if this is all that is proposed? Where is the encouragement / positive incentives?
3. **(Relates to Policy 14-6: Resource consent decision-making for intensive farming land uses)** - Most food producers want to do the “right thing” but are being especially let down by a relatively few who either don’t care or aren’t worried. We think it is very important that there is encouragement and reasonable time given to those who are working to comply, and appropriate enforcement to those who are not making the necessary improvements.

We make the following more detailed points in our submission:

1. **(Relates to Policy 5-8: 14.2 Cumulative nitrogen leaching maximum)** -Central Government is currently consulting on a proposed revised National Freshwater strategy, with flow on effects for the Resource Management Act and updated National Environmental Standards for Sources of Human drinking water and for Freshwater and wastewater. The proposed changes to PC One Plan's Table 14.2, which give the maximum nitrogen leaching allowed on the various classes of land, in kilograms per hectare, could be seen as contrary in that the Central Government proposal has a 5-year moratorium on any increase in “pollution” until councils have their regional plans updated. PC2 will allow land use change to increase N leaching to the PC2 limits. PPC2 submissions must be with Horizons by 21 October. Central Government submissions must be made no later than 31 October. What happens if there are changes to Central Government’s proposals? Will this mean that further submissions will be called for under PPC2?
2. **(Relates to Policy 5-8: (a) Nutrients)** - Will the eventual requirements of PC2, whatever they may be, be applied to those who gained consent under PC1? For example, if a consent was given under PC 1 that was more onerous than what is decided under PC2, will the landowner be able to automatically apply the requirements of PC2? If this is the case, how will this apply with Freshwater CG plan to “hold the line” on pollution? What happens if the requirements of PC 2 are appealed to the Environment Court? Will, for example, consents be allowed and approved under Central Government regulation on the basis that this will be a nationwide standard?

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3. **(Relates to Policy 14.1 Rules – Agricultural Activities: Table 14.2 Cumulative nitrogen leaching maximum by Land Use Capability Class)** - Minister O'Connor has stated that "Around \$43 million has been committed to upgrade relevant decision support tools, like Overseer. For example, Budget 2019 funding will help to improve the accuracy of Overseer's modelled estimates and boost the range of farm systems and conditions it models."

There is a heavy reliance on the modelling of nutrient loss and this needs to be backed up by more "real World" monitoring. We have seen the evolution of Overseer with dramatic changes in outcomes from use of the versions of the model. We are not advocating for every farm to install lysimeters, but we do advocate for regulators (and Overseer using the funding Government has provided) to install and monitor more equipment to check the models are closer to reflecting the real World.

Also, given Overseer is the modelling software used to apply Table 14.2, will the requirements under Table 14.2 be updated when new versions of Overseer are rolled out? If so, will there be consultation on any changes before they are applied?

4. **(Relates to Policy 5-8: Management and regulation of intensive farming land use activities affecting groundwater and surface water quality)** - Originally PC 2 was to be introduced in three steps

- i. Updating the One Plan to bring the targets in line with the new modelling for nitrogen leaching
- ii. Changing the One Plan to ensure there was a clear way to issue consents. That step would need to see if consents could be issued that allowed leaching above the new targets. We understand the framework for this is included in PC2 but is untested and will require public notification
- iii. A comprehensive review of freshwater catchments, with iwi, industry and other groups involved in consultation. We understand this is being dealt with under more proposed plan changes and that there are around 5 catchments included. We suggest greater visibility be given to the process and ability to make submissions

Given PPC2 is restricted to step a above, clarity around what is being done on steps b & c is needed, including how this will link to the current consultation, the period for submissions, and how the Government's Freshwater Policy will be applied?

PPC2 proposes the test of "meeting good management practice". This term is vague, it needs objective measures to describe what this means in practice. It should also be introduced in a reasonable timeframe that encourages and allows for compliance.

5. **(Relates to Policy 14-5: Management of intensive farming land uses)** - PC2 needs a more detailed definition on the farm types that are included under PPC2, including mixed-use farms. These definitions must include allowances for cropping and dairy support.
6. **(Relates to Policy 5-8: Management and regulation of intensive farming land use activities affecting groundwater and surface water quality)** - The table to be referenced in PC2 should be modified to clearly show the financial impact of the current One Plan rules vs PC2 rules. We understand that work done to assess the financial impact came to different conclusions about the financial impact, as follows:
- a) According to Parminter (Jan 2018) there would be a 25 – 60% reduction in farm profits if farms were required to meet the current Table 14.2 nitrogen cap. 65% of farms would not be financially viable under the One Plan.
 - b) In the Parminter (May 2018) report analysis indicates farm profits would hold or in some cases reduce slightly under PC2. Most farms would be financially viable apart from some highly indebted farms.

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- c) PC2 allows for the majority of dairy farms to remain financially viable and still allows catchments to meet their nitrogen targets as set out in the original One Plan
There needs to be clear an unambiguous communication of the financial impact assessment.
The financial impact should include the costs “on farm, as well as the costs of applying for consents under PC2. We understand that controlled activity consents should be reasonably straight forward and not too costly. But restricted consents will be very expensive.
7. **(Relates to Policy 5-8 Management and regulation of intensive farming land use activities affecting groundwater and surface water quality)** - The timeframe for implementation of PC2 needs to be clear. Our understanding is that if there are strong submissions for PC2, the changes will take legal effect straight away. But, if not then what is the process and how will Central Government’s National Freshwater Plan assist in gaining clarity.
If the above issues are dealt with in PC2, this would result in a more robust and equitable solution. Should this be the case then BakerAg would support the proposal.

References

Parminter, T, 2018: An impact assessment of One Plan policies and rules on farming systems in the Tararua District and the Manawatu Wanganui Region. KapAg, January 2018.

Parminter, T, 2018: A comparison of changes to nitrogen loss allowances on dairying in the Upper Manawatu river catchment. Kapag Ltd, May 2018.

