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Federated Farmers of New Zealand

Submission on Proposed Plan Change 2 to the Horizons One Plan

21 October 2019



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**SUBMISSION TO MANAWATU-WHANGANUI (HORIZONS) REGIONAL COUNCIL ON
PROPOSED PLAN CHANGE 2 TO THE HORIZONS ONE PLAN
("PLAN CHANGE 2")**

Form 5

Submission on publicly notified proposal for policy statement or plan
Clause 6 of First Schedule, Resource Management Act 1991

To: The Chief Executive
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This is a submission on Proposed Plan Change 2 to the Horizons One Plan ("Plan Change 2").

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

The specific provisions of the proposal that FFNZ's submission relates to and the decisions it seeks from Council are as detailed on the following pages. In respect of any specific drafting provisions suggested, FFNZ would also seek words to similar effect. In addition to those specific amendments, FFNZ also seeks any consequential changes necessary to other provisions to give effect to the relief sought or to address the concerns raised in this submission.

Except as otherwise specifically commented on its submissions, FFNZ supports the provisions as notified.

In respect of section 32A, Resource Management Act 1991, FFNZ opposes Plan Change 2 on the basis that the section 32 assessment is inadequate.

FFNZ wishes to be heard in support of its submission.

1. INTRODUCTION

- 1.1 FFNZ welcomes the opportunity to submit on Plan Change 2.
- 1.2 FFNZ is a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers involved in a range of rural businesses. FFNZ is a pan sector organisation that works with farmers to ensure practical and workable outcomes.
- 1.3 FFNZ aims to add value to its members' farming businesses. Its key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
 - a. FFNZ's members may operate their businesses in a fair and flexible commercial environment;
 - b. FFNZ's members, their families and their staff have access to services essential to the needs of the rural community; and
 - c. FFNZ's members adopt responsible management and environmental practices.
- 1.4 FFNZ represents members who are engaged in a wide range of land use activities in the Manawatu-Wanganui Region. This includes dairy farmers, irrigated sheep and beef farmers, and farmers undertaking horticulture, cropping or arable activities, all of which are likely to be affected by the amendments to the One Plan proposed in Plan Change 2.
- 1.5 Both in the lead up to and following notification of Plan Change 2 on 22 July 2019, FFNZ has undertaken extensive consultation with its members and with stakeholders. This has included public meetings, member advisories, newspaper articles, discussion groups, one on one meetings, and various meetings with Horizons Regional Council and stakeholders (including Dairy NZ, Fonterra, Horticulture New Zealand, Beef + Lamb, the Foundation of Arable Research, Horowhenua vegetable growers, Horowhenua District Council and Tararua District Council).
- 1.6 FFNZ considers that the One Plan's foundation on Land Use Capability ("LUC") as a proxy for natural capital and a basis to allocate nitrogen is fundamentally flawed. In proposing changes to Plan Change 2, FFNZ seeks recognition that Table 14.2 is interim and is not sustainable or appropriate beyond the very short term. Amending Table 14.2 might provide a consenting pathway for some unconsented farmers today but it is not an appropriate basis for a water quality rule, primarily because there is no direct linkage between Table 14.2 and the desired water quality outcomes.
- 1.7 In its suggested changes to Plan Change 2, FFNZ proposes an appropriate water quality rule to manage existing intensive farming activities in targeted water management sub-zones that achieves the desired environmental outcomes, provides certainty for existing farmers, is able to be implemented, and recognises that work is still to come to implement the National Policy Statement for Freshwater Management ("NPS-FM").

2. LUC APPROACH IN ONE PLAN

- 2.1 FFNZ opposes the use of LUC to allocate nitrogen and the so called “natural capital” framework on which the One Plan is based.

LUC is not natural capital or an appropriate basis upon which to allocate nitrogen

- 2.2 From the date on which LUC was first proposed as the method for allocating nitrogen in the One Plan,¹ FFNZ has opposed such an approach. FFNZ does not agree that LUC is an appropriate proxy for natural capital or for nitrogen leaching. A proper application of any natural capital approach must recognise a wide range of inputs beyond the very narrow range of components that make up LUC, and accordingly it is inaccurate and misleading to characterise LUC as a “natural capital” approach. Until considerably more work has been done to identify and quantify all of the components of natural capital, it is not appropriate or possible to allocate nitrogen on a “natural capital” basis.
- 2.3 In addition, there are technical issues with the use of LUC to allocate nitrogen that significantly undermine its utility for this purpose. These include mapping issues, the process to assess LUC classes and stocking rates, and that many of the assumed limitations have subsequently been overcome with technology and land management. There are also issues in that the nitrogen allocations for each LUC class are not directly linked to the desired water quality outcomes, and there are issues with the way in which Overseer has been used to derive the nitrogen allocations (and then this is compounded by the nitrogen numbers not being updated as Overseer version changes).
- 2.4 As a general principle, FFNZ opposes the use of allocation mechanisms to manage nutrient use and the discharge of nitrogen. Principally, this is because there is no fair, equitable and accurate method by which to allocate contaminants. Until a nationally consistent and fair allocation approach can be developed, FFNZ considers that water quality issues arising from over allocation of nutrients or contaminants should be addressed directly through the requirement to adopt good management/good farming practises, and, in some catchments that might require greater reductions, require existing landowners to undertake further steps to reduce the extent of contaminant loss from their activities, as appropriate.
- 2.5 To that end, FFNZ supports the process required in the NPS-FM 2017, which provides for the development of more detailed and bespoke proposals through freshwater management unit based assessments and implementation through specific plan changes as the NPS-FM is progressively implemented.

Implementation issues

- 2.6 FFNZ is not surprised that implementing the cumulative nitrogen leaching maximums (“CNLMs”) in Table 14.2 of the One Plan has created significant implementation issues,

¹ FFNZ notes that it is not nitrogen allocation in the sense that a fixed catchment nitrogen load is allocated to all land uses, but instead allocation in the sense that nitrogen levels are allocated to LUC classes that are then applied as a threshold, beyond which a more strict consenting regime applies (one which has been found to provide no reasonable pathway for farmers exceeding the cumulative nitrogen leaching maximums in Table 14.2 to obtain consent, and one which is not linked with the desired water quality outcomes).

culminating with around 118 dairy farms, 53 growers and an unidentified number of irrigated sheep and beef properties having no reasonable consenting pathway. These are the issues that FFNZ foresaw back in 2007/08 when the LUC proposal was developed.

- 2.7 FFNZ acknowledges the significant issue this is creating for both Council and for farmers. The feedback from our membership is that this is creating real hardship for our affected members. Issues for members include not being able to sell their farms, not being able to plan, and not being able to obtain funding from their banks to be able to change their activities, invest in technology or implement mitigations. The uncertainty regarding their future is causing significant stress and social cost.
- 2.8 FFNZ agrees that the issues with the One Plan need to be addressed as soon as reasonably practicable. However, it does not agree that changing the numbers in Table 14.2 are an appropriate or enduring “fix.”
- 2.9 First, changing the numbers in Table 14.2 would only provide a controlled activity consenting pathway for around half of the unconsented dairy farmers, none of the unconsented growers and an unknown number of irrigated sheep and beef properties. In addition, changing the numbers in the table will only assist these farmers for as long as there are no significant Overseer version changes (which are almost certainly likely to happen at some point). For those who cannot meet the controlled activity pathway, FFNZ does not agree that a discretionary activity consenting pathway provides sufficient certainty, or addresses the more fundamental issues with the proposed rule structure.
- 2.10 Changing the numbers in Table 14.2 also does not address any implementation and compliance issues that are likely to arise both for farmers who obtained consents in accordance with the current version of Table 14.2 (but can no longer comply due to Overseer version change) or for farmers who will obtain consents in accordance with the revised version of Table 14.2 (but subsequently cannot comply due to Overseer version change).
- 2.11 Second, and perhaps most importantly, changing the numbers in Table 14.2 does not address the fundamental issue – LUC is not an appropriate proxy for nitrogen leaching or natural capital, there is no relationship between the LUC approach in the One Plan and the desired water quality outcomes, and adopting an allocation regime is premature prior to the implementation of the NPS-FM (and the robust process anticipated by it e.g. community process for identifying values, freshwater objectives and limit setting).

3. GENERAL COMMENTS ABOUT FRAMEWORK FFNZ SEEKS

- 3.1 FFNZ seeks a framework that provides a reasonable consenting pathway for all intensive farming activities while the Regional Council works on the plan change (or changes) necessary to implement the NPS-FM.
- 3.2 Plan Change 2 essentially relies on a revised version of Table 14.2 to provide that pathway. FFNZ’s issues with that approach are summarised in paragraphs 2.9 to 2.11 above.
- 3.3 FFNZ also has serious concerns about the inadequacy of the section 32 assessment and, in particular, the insufficient assessment of the costs, risks and benefits of the proposal to amend Table 14.2, and the consequential effect of the resulting consent regime in Plan

Change 2. This includes a lack of understanding of the number of affected drystock farmers (and their nature and location), no assessment of the effect of future Overseer version change (or changes that have occurred since the revised Table 14.2 was proposed) or an assessment of the implications for farms that do not meet the controlled activity rule. In addition, FFNZ is concerned that there is no assessment of the implications for existing farms with consents or of the implementation and practicality for farmers once consents are obtained.

- 3.4 Notwithstanding its flaws, FFNZ acknowledges that for some unconsented farmers, the revised Table 14.2 is likely to provide a consenting pathway in the short term (and for as long as there are no significant changes in nitrogen leaching as a result of Overseer version change). Accordingly, FFNZ proposes that Table 14.2 is retained for those farmers who make an application for resource consent prior to 30 June 2023. This date ensures that Table 14.2 is interim and links with the date by which regional councils would have to notify plan changes to give effect to the draft NPS-FM released in September 2019.²
- 3.5 In addition, FFNZ considers that there ought to be a reasonable controlled activity consent pathway for those farmers who cannot meet Table 14.2 but who are making reasonable efforts to reduce their nitrogen leaching. This would assist the majority of unconsented farmers who cannot comply with the revised Table 14.2 and those farmers who, in the future, cannot comply as a result of Overseer version change. Not only would it provide certainty for these farmers, but it would also deliver tangible and timely reductions in nitrogen leaching.
- 3.6 Accordingly, FFNZ proposes to amend Rule 14-1 to enable farmers to obtain a controlled activity consent if they reduce nitrogen by the greater of 10% or reduce to the 75th percentile.
- 3.7 FFNZ also considers that there ought to be a reasonable policy framework to guide discretionary activity consent applications. It proposes changes to the policies to achieve this. Without those changes, there is inadequate policy support for a discretionary activity pathway, and any consent applications made under that consenting pathway are likely to be declined. That would be an inappropriate and unnecessary outcome.
- 3.8 Finally, FFNZ considers that the policy and rule framework ought to look beyond the immediate task of farmers obtaining consent, and ensure that the regime is practicable, able to be implemented and enforceable. Accordingly, FFNZ proposes amendments to various aspects of Plan Change 2 to achieve this.

² FFNZ notes that the draft NPS-FM currently has no legal effect and is subject to consultation. FFNZ also understands that prior to release of the draft NPS-FM, Council had plans to develop and notify further plan changes to implement the NPS-FM 2017. The end date proposed by FFNZ for Table 14.2 is not contingent on the draft NPS-FM and the proposed date (or any short term date) would still be applicable under the Council's current implementation plan for the NPS-FM 2017.

4. DETAILED SUBMISSION

Provision	Support or oppose	Decision sought	Reasons
RPS policies and methods			"Management"
Policy 5-8 Management and regulation of intensive farming land use activities affecting groundwater and surface water quality	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>In the event that there is scope to amend Table 14.2 as it applies to new intensive farming land, amend paragraph (a)(iii) to delete reference to nitrogen leaching maximums specified in (i) and to adopt a similar position or outcome as FFNZ's submission for existing intensive farming activities.</p>	<p>FFNZ supports the inclusion of the word "management" in the heading for Policy 5-8 because the word encompasses the range of actions (regulatory and non regulatory) which will be involved in ensuring surface water quality improves (it is not simply a case of using rules to regulate change).</p> <p>FFNZ also supports the new sentence beginning "in order to give effect to Policy 5-7 ..." because it recognises that Policy 5-7 is the driver of the actions and that it is the management of intensive farming land use activities that is the focus of Plan Change 2.</p> <p>As explained in its general reasons above, FFNZ considers that more fundamental change is required (than simply tinkering with the rules that apply to intensive farming activities to ensure unconsented land uses can obtain consent). At present, the Council and the community does not have enough of an understanding of the ground and surface water catchment, water quality issues and the relationship between all of those with farming and other land use activities (including urban), and other drivers of water quality such as natural sources of contaminants to be able to make an informed decision at this time about an appropriate alternative framework to address all of these issues. In addition, there has been no consideration of the costs, risks and benefits in terms of environmental, economic, social and cultural effects.</p> <p>FFNZ understands that Council has work underway to better understand these issues and supports that work. FFNZ considers that this would be part of the community led process to implement the NPS-FM. However, until that work is undertaken, FFNZ does not support changes to bring other land use activities within this framework and supports the proposal to continue to limit Policy 5-8 to the management of intensive farming land activities.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ seeks changes to paragraph (a)(i) to clarify that the nitrogen leaching maximums in Table 14.2 only apply until 30 June 2023, and that the objective of managing farming activities to achieve this or establishing maximums in the regional plan for this purpose, is only until this date.</p> <p>As explained elsewhere in this submission, FFNZ considers Plan Change 2 an interim plan change and that a proper value, objective and limit setting process, in consultation with the community and in the context of robust science and information, needs to be undertaken. Any process to implement or give effect to the NPS-FM should not take the LUC approach in Table 14.2 as the starting point or as the end point for nitrogen leaching for intensive farming activities (or any other activities).</p> <p>FFNZ supports the deletion of paragraph (B). The nitrogen leaching maximums will not achieve the strategies of Policies 5-2, 5-3, 5-4 and 5-5 which all require the Schedule E targets to be met (irrespective of the size of the gap between current state and target state). It is not realistic nor correct to say that the CNLMs in the One Plan, or Plan Change 2, will achieve these target states.</p> <p>FFNZ supports the deletion of the last part of paragraph (D). What is important is that appropriate timeframes are provided for achieving the CNLMs (noting FFNZ's views that Table 14.2 should be interim and cease after 2023). There may be factors other than farm systems changes or investment that necessitate consideration of the appropriate timeframes, such as changes in technology, personal circumstances, economic or climatic events etc.</p> <p>Paragraph (ii) FFNZ considers that paragraph (ii) ought to be amended to clarify that (i) only applies to those consents granted pursuant to Table 14.2 (to provide for FFNZ's proposed alternative controlled activity consenting pathway).</p> <p>Paragraph (iiia) FFNZ considers that a new paragraph (iiia) is needed to provide for activities where a controlled activity consent is granted for the farm to reduce their N leaching by 10% or to reduce to the 75th percentile (whichever is greater). This would provide for FFNZ's</p>

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			<p>alternative controlled activity pathway and it would also address FFNZ's concern that Table 14.2 is interim (and its associated concerns, including that Table 14.2 will become out of date as soon as there is a substantive change to Overseer and its concern that the numbers do not link directly to water quality outcomes).</p> <p>In this paragraph (and in the related regional plan policies and rules), FFNZ has drafted the reduction by reference to 90% of the land's nitrogen baseline. A new definition is proposed for "nitrogen baseline" based on the nitrogen leaching during the period from 1 July 2012 to 30 June 2013. This has been chosen as the baseline because FFNZ understands that properties have been benchmarked for these years and it is an appropriate starting point. As explained below (in the context of the proposed definition for nitrogen baseline), FFNZ also seeks a process or framework for obtaining a nitrogen baseline for properties who do not have sufficient records or data e.g. due to sale since 2012/13.</p> <p>FFNZ considers that it is the nitrogen baseline for the "land" that is relevant and that this term is used broadly to refer to all land parcels that form the activity or enterprise. These do not need to be contiguous. In the event that land has a different meaning, FFNZ seeks the use of the terms "activity" or "enterprise" in the alternative i.e. "activity's nitrogen baseline" or "enterprises' nitrogen baseline" to achieve an outcome where the intensive farming activity may be carried out over multiple properties but it is all part of the same activity. This applies to all proposed amendments in Attachment 1 that refer to the "land's nitrogen baseline".</p> <p>Paragraph (iia) As explained below, FFNZ seeks a reasonable discretionary activity consenting pathway for those farmers who cannot reduce to the CNLMS (before 2023) or who cannot make a 10% reduction or reduce to the 75th percentile (whichever is greater). FFNZ considers that this will not be achieved if there is a requirement to focus on the degree to which the CNLMS are exceeded for reasons including that there is no relationship between that and water quality and that will be driven by factors outside a farms control (such as changes to Overseer version which result in increases in estimated or modelled N leaching for no change to farm system).</p>

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			<p>FFNZ considers that context needs to be provided for reductions over and above GMP. This includes consideration of geographical or climatic constraints, mitigations not modelled by Overseer, or other issues with Overseer overestimating or not appropriately modelling N leaching.</p> <p>FFNZ seeks the amendments to paragraph (B) for reasons set out above i.e. the lack of relationship between the CNLMs and the Schedule E targets. FFNZ acknowledges the obligation to maintain or improve water quality and therefore considers the focus should be on maintaining or improving water quality (as applicable) to Schedule E targets and on the contribution of that activity to those targets (as opposed to requiring the activity to address the effects of other activities on those targets).</p> <p>Paragraph (iib) FFNZ seeks amendments to paragraph (iib) to provide a transitional pathway to low N use activities, where they cannot comply with either of FFNZ's proposed controlled activity rules. This pathway must be optional (not mandatory) as FFNZ's view is that there ought to be a discretionary activity pathway for those farmers who are not able to reduce to the CNLMs in Table 14.2 or the alternative 10% reduction or reduce to the 75th percentile.</p> <p>Paragraph (iii) FFNZ understands that the scope of Plan Change 2 intended to be limited to existing intensive farming activities. In the event that there was scope to include new intensive farming activities, FFNZ would seek amendments to paragraph (iii) to achieve a policy and rule framework and outcome that is the same or similar as what FFNZ is proposing for existing intensive farming activities.</p> <p>FFNZ reiterates its views that Plan Change 2 is an interim plan change and the LUC approach, or CNLMs, should not be the starting point (or end point) for the planning process to implement the NPS-FM, including the development of an alternative nutrient (and other contaminant) management framework to achieve the desired water quality outcomes. The NPS-FM process will need to a consider a far greater range of matters than are being (or are able to be) assessed under this Plan Change 2 process, and accordingly it is likely that what would be considered to be an appropriate set of water</p>

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			<p>quality objectives, policies and rules will be quite different to what is developed through this current process.</p> <p>Paragraph b FFNZ considers that the words “where practicable” (or something similar) need to be added to paragraph (b)(i) to recognise that there are circumstances where the matters listed in paragraphs (A) to (C) will not be achieved, as provided for in Policy 14-6(c) (which provides for situations where effects cannot be avoided or it is not practicable to fence to exclude stock, and therefore alternative mitigations or environmental compensation can be considered).</p> <p>Paragraph d FFNZ supports the adoption of a GMP framework. FFNZ considers that it is important that it is good (and not best) management practice that is to be achieved and that this is not rigidly defined or static in time. FFNZ considers that recognition needs to be provided that management activities sit on a continuum (ranging from best, which is aspirational, to good to poor) and that good management practice is evolving with things like new technology and innovation (so what is best today might be good tomorrow, or what is good today might not be good tomorrow).</p> <p>It also needs to be recognised that GMP can be site specific or farm specific (as well as region, sector or farm system specific). It is important that a set of practices are not adopted as minimum standards or that a blanket approach to farm practices is not adopted (as this will not achieve sustainable management). What is important is that the principles or outcomes sought are GMP, and the specific practices or actions, are tailored to the particular situation.</p> <p>FFNZ also supports the approaches in other regions that have moved towards good farming practice principles or objectives, as defined in Good Farming Practice Action Plan for Water Quality 2018 (and with amendments to reflect regional issues).</p> <p>FFNZ seeks changes to paragraph (d) to clarify that farming activities are <i>managed</i> (as this includes both regulatory and non regulatory actions, as opposed to a presumption</p>

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			<p>that all actions must be solely regulatory) and to clarify that is the contaminants associated with the farming activity that are managed.</p> <p>In the alternative to defining GMP, FFNZ considers that GMP could be substituted with good farming practices (GFP) principles.</p>
Method 5-12 Innovative land use research	Oppose in part	Amend as proposed in Attachment 1.	<p>In principle, FFNZ supports a method stating that Horizons supports initiatives that look at sustainable land uses and N loss mitigation innovations. This is consistent with work in other regions to look at alternative land uses or innovations that will assist to reduce nitrogen and other contaminants. FFNZ also supports Horizons working with local communities, sector groups or tangata whenua and providing support, data and information.</p> <p>However, FFNZ is concerned that, as drafted, Method 5-12 does not recognise that Plan Change 2 is an interim solution and that amending Table 14.2 will not provide a solution for many farmers (at least 47% of dairy farmers and all of the growers) nor will it provide an enduring solution (as it will likely become out of date when there is a substantive change in modelled nitrogen leaching as a result of Overseer version change). Accordingly, FFNZ seeks changes to include reference to FFNZ's proposed alternative controlled consenting pathway for farmers making a 10% reduction or reducing to the 75th percentile (whichever is greater).</p> <p>FFNZ is also concerned that options that are both financially viable and reasonably practicable need to be identified. In addition, the focus should not be on land use change and should instead be primarily focused on N loss mitigation research. Accordingly, amendments are proposed to clarify these points.</p>
Method 5-13 Provision of information	Oppose in part	Amend as proposed in Attachment 1.	<p>In principle, FFNZ supports a method recording that Horizons will collate and publish information about Overseer version changes, and also track the impact of Overseer version changes against Table 14.2 and consents issued under it (subject to FFNZ's view that Table 14.2 ought to be treated as strictly interim in nature).</p> <p>However, FFNZ does not support the intent of Method 5-13, which is to consider whether further plan changes are required as a result of Overseer version change. FFNZ</p>

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			<p>considers that Table 14.2 is not an enduring solution (particularly given the lack of relationship between LUC and N leaching, and a lack of relationship between Table 14.2 and the desired water quality outcomes) and that a situation of repeated plan changes as Overseer version changes is no an effective or efficient regulatory response to the inevitable issues that will arise as Table 14.2 inevitably and repeatedly becomes out of date.</p> <p>FFNZ acknowledges that until there is a future plan change, Table 14.2 will continue to apply to any farmers with consents issued under it or to new intensive farming activities (unless amendments are made in Plan Change 2 to provide an alternative framework for new activities as proposed in this submission). In the interim, FFNZ considers that a more appropriate mechanism needs to be provided for updating the Table 14.2 numbers as Overseer versions change without the need for plan changes (as has been proposed in other regions, such as the reference file methodology to provide for Overseer version change in Bay of Plenty Regional Council's Plan Change 10).</p> <p>FFNZ proposes amendments to Method 5-13 to clarify that Horizons will respond to Overseer version changes (and identification of new or alternative nutrient management models). It also makes amendments to clarify that Table 14.2 is only updated for the purposes of farming activities it applies to (so that it is not entrenched or viewed as anything more than an interim solution) and to require council to develop an alternative methodology for Overseer version change. This could be proposed in this plan change or, if not, it would need to be provided in a future plan change.</p> <p>FFNZ supports the ability to use alternative nutrient management models and for them to be maintained on Horizons' website. FFNZ considers that it is important to provide for alternative models and tools, in recognition of the limitations of Overseer for certain farm systems, soil types, rainfall or mitigations (particularly those which are currently not recognised by Overseer).</p>
Regional plan policies and rules			
Policy 14-3 Good	Support in part	Retain as drafted.	In principle, FFNZ supports an approach to the management of nitrogen and other diffuse discharges of contaminants associated with farming activities that is based on good management practice. FFNZ considers that the nature of farming activities is that they do

Provision	Support or oppose	Decision sought	Reasons
management practices	In the alternative, adopt a definition based on good farming practice that is consistent with the 2018 Good Farming Practice Action Plan (with necessary modifications so that it applies to this region). FFNZ also seeks consequential amendments to Policy 14-3 in order to achieve a reasonable discretionary activity consenting pathway as explained below.	not lend themselves to minimum or rigid standards and that solutions that are able to be tailored to the particular farm system and location (e.g. soils, rainfall, topography) are required (which can be achieved through good management practice). This also recognises that practices change over time through innovation, technology, science and other learnings. It also recognises that many risks of diffuse discharges associated with farming activities do not necessarily require an infrastructure response, and that in many situations management responses may be just as, if not more, appropriate. FFNZ does have concerns about the definition of GMP and ensuring a consistent understanding for council and plan users.	FFNZ considers that there ought to be recognition that GMPs sit on a continuum and are not static in time. It is not possible (or practical) to lock down a precise definition but there needs to be sufficient clarity that council and plan users are contemplating the same principles, objectives or outcomes. FFNZ supports the approach in other regions to look at good farming practices and the 2018 industry agreed action plan for GFP principles (as amended to reflect the circumstances of particular regions).
Policy 14-5	Oppose in part Management of intensive farming land uses	Amend as proposed in Attachment 1. In addition, in the event that there is scope to amend the provisions relating to new intensive farming land uses,	As explained below, FFNZ also has concerns about how viable and effective the discretionary activity pathway created by rule 14-2A will be in practice. FFNZ considers that consequential changes to Policy 14-3 may be required to provide greater certainty to all parties as to the standards to be applied to and expectations of discretionary activity consents. Paragraph (b)(i) and footnote 1 FFNZ understands that the purpose of the amendment to paragraph (b)(i) and footnote 1 is to clarify the dates on which land use is assessed for the purposes of defining whether a land use is existing or new. FFNZ's understanding is that the date for assessing existing activities is on the date the rules had legal effect – 24 August 2010 for dairy and 9 May 2013 for the other intensive farming activities.

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		<p>amend paragraph (e) to achieve the same or similar outcome as FFNZ's proposal for existing intensive farming activities.</p>	<p>FFNZ is concerned that reference to these dates in the footnote, and reference to Table 14.1 (which also contains dates) creates confusion and does not help to clarify the dates on which activities are to be assessed as new or existing.</p> <p>FFNZ's understanding is that the dates in Table 14.1 relate to the dates on which resource consents must be lodged (and the intention was to stagger the consenting burden on Council). FFNZ understands that the reason for referring to Table 14.1 in Policy 14-5(b)(i) is to limit existing intensive farming activities to those in the water management sub-zones contained in Table 14.1.</p> <p>FFNZ considers that the policy would be much clearer if the footnotes were deleted and instead the dates for the activities were specified in paragraph (b)(i). FFNZ proposes amendments to paragraph (b)(ii) to achieve the same clarity for new intensive farming activities.</p> <p>Paragraph (c) FFNZ considers that it is important that the CNLMs in Table 14.2 have an end date for reasons explained elsewhere in this submission. FFNZ considers that it is important to recognise that Table 14.2 is interim and a robust plan change process will be required to give effect to the NPS-FM (and potentially the draft NPS and NES if they become operative), and the work associated with that plan change to properly identify water quality issues, drivers and solutions.</p> <p>Paragraph (d) FFNZ considers that a reasonable controlled activity consent pathway ought to be provided for the farmers who cannot meet the CNLMs in Table 14.2. FFNZ also considers that the CNLMs ought to cease to apply after 30 June 2023. As explained in more detail below, FFNZ considers that it is appropriate to provide for those farms that make a 10% reduction or reduce to the 75th percentile (whichever is greater) as a controlled activity.</p> <p>Also, as explained elsewhere in this submission, FFNZ does not support the underlying approach of Table 14.2 and does not support the continued use of it to manage farming activities. FFNZ only supports the use of Table 14.2 (with the numbers updated to the</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>latest version of Overseer) in the short term while work is undertaken to implement the NPS-FM.</p> <p>FFNZ's support is also conditional on the Council's estimate that 53% of unconsented dairy farmers can comply with the numbers contained in the revised version of Table 14.2, and is based on the potential fairness or equity issues that could arise for these farmers (and farms who have already obtained consents to meet Table 14.2) if the table was removed immediately. Notwithstanding these views, FFNZ has a fundamental concern that amending Table 14.2 is only a partial short term fix as it does not provide a pathway for around half of unconsented dairy farmers, any horticulture and the impact on intensive sheep and beef is unknown. It also does not give effect to the NPS-FM or address the water quality issues in a meaningful way.</p> <p>By providing an end date for Table 14.2, FFNZ hopes to achieve an outcome where a more appropriate and enduring plan change (not premised on LUC or natural capital) can be developed and notified.</p> <p>FFNZ considers that paragraph (d) needs to be amended to reflect the amendments it has made to the rule framework and refers to the reasons set out below in the context of the rules. Changes have been tracked into paragraph (d) to reflect this.</p> <p>Paragraph (e) FFNZ understands that Council's intention is that the scope of Plan Change 2 is to amend the One Plan provisions as they relate to existing intensive farming land uses. In the event that there is scope to amend those provisions that relate to new intensive farming land uses, FFNZ seeks amendments to achieve the same or similar outcome as FFNZ's proposal for existing intensive farming activities.</p> <p>While FFNZ considers that this may be more difficult in practice (because new farming activities will not have a 2012/13 baseline for the intensive land use), FFNZ considers that this could be achieved by requiring those farms to ensure that that do not exceed the 75th percentile, adopt GMP and look for opportunities to achieve nitrogen efficiencies, even where they go beyond GMP. In the alternative, those farmers could be provided with</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>numbers that represent the average for the proposed farm system in the particular water management sub-zone.</p> <p>FFNZ has not tracked these changes into Attachment 1 but seeks amendments to give effect to this, in the event that such amendments are within scope.</p> <p>Paragraph (g)</p> <p>FFNZ seeks amendments to paragraph (g) to provide for stock crossings of the waterbodies (not just rivers) from which stock must be excluded, without the need for culverts and bridges, where the crossing occurs no more than once per week and is supervised.</p> <p>This is consistent with the approaches in other regions and recognises the significant cost involved installing livestock crossing structures. It appropriately balances that cost with the likely environmental risks or issues from stock crossing waterbodies in a controlled manner and infrequently.</p> <p>FFNZ considers that this ought to be addressed in the One Plan, but like other aspects that have been attempted to be clarified through Plan Change 2 (such as Policy 14-6(c)), this ought to be clarified in Plan Change 2.</p>
Policy 14-6 Resource consent decision making for intensive farming land uses	Oppose in part	Amend as proposed in Attachment 1. In addition, amend the relevant provisions to ensure that the entire regime is appropriately flexible and tailored (e.g. tailoring GMP actions to the particular farm, providing for amendment to NMPs, a risk based approach to	<p>FFNZ supports the intention of Policy 14-6, to provide clarity and consistency on the framework to be adopted when assessing consent applications that do not comply with the nitrogen reductions required of controlled activities. FFNZ agrees that the exceptions previously provided in Policy 14-6 (particularly in paragraph (b)) ought to be deleted as they are no longer relevant, do not provide a consenting pathway and do not provide for a reasonable and robust assessment of activities that cannot make the N reductions required of controlled activities.</p> <p>However, FFNZ is concerned that the proposed amendments to Policy 14-6 will not provide a plan that is practicable or able to be implemented. In summary, FFNZ seeks amendments to Policy 14-6 to achieve a fair, robust and reasonable consenting pathway for discretionary activity consents.</p>

Provision	Support or oppose	Decision sought	Reasons
		<p>compliance etc), whilst at the same time being enforceable and achieving the desired water quality outcomes. FFNZ seeks any necessary amendments to Plan Change 2 to achieve this e.g. to the definition of GMP and NMP as set out below.</p>	<p>Paragraph (b) In principle, FFNZ supports the approach of using GMP to manage the diffuse discharges of contaminants from farming activities. FFNZ repeats its comments above about ensuring that GMP is not rigidly defined or applied, that it is not static in time and that it is able to be tailored to the particular farm system and location.</p> <p>In the alternative, FFNZ also repeats its support for the use of the good farming practice principles, as defined in the 2018 Action Plan (or as updated by time to time and as tailored to the particular region).</p> <p>FFNZ supports the proposal to delete paragraph (b) of the operative plan (as it is no longer relevant and does not provide a reasonable consenting pathway for farmers who cannot meet Table 14.2) and, subject to the above comments (and changes to the balance of Policy 14-6), supports the proposed amendments to focus on the implementation of GMP.</p> <p>Paragraph (c) FFNZ opposes the deletion of the word "are" and considers that "must be" either does not change the status quo, or if it does, then it unreasonably raises the bar for mitigations. There is no analysis in the s32 report of the associated cost and for all of these reasons FFNZ wants the word "are" to be retained.</p> <p>FFNZ considers that the words "to the extent reasonably practicable" need to be added to paragraph (c) to recognise that it may not be possible to completely remedy or mitigate any diffuse discharges. This is consistent with the adoption of GMP and BPO in other relevant parts of Policies 14-5 and 14-6. This is also consistent with the approach in other plans, and the Court's analysis of "reasonably practicable" in <i>Royal Forest & Bird Protection Society v Whakatane District Council</i> [2017] NZ EnvC 051.</p> <p>FFNZ also seeks amendments to clarify that it is the diffuse discharges associated with the activity and not any losses of contaminants.</p> <p>Paragraph (d)</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ seeks amendments to paragraph (d) to give effect the controlled activity pathway it proposes (i.e. by reference to the nitrogen leaching rate specified in Policy 14-5(d)). FFNZ also seeks the deletion of the word “innovations” because the word is meaningless. Alternatively the words “actions” or “mitigations” would be more meaningful.</p> <p>FFNZ repeats its concerns about the need to ensure that GMPs are appropriately tailored, flexible and adapt through time. FFNZ is concerned to ensure that a nutrient management plan (“NMP”) is not rigid or inflexible so as to lock in a particular list of actions that may not be realistic or achievable due to things such as climatic events (e.g. a slip means that efforts are directed towards clearing the slip as opposed to completing fencing or planting poplar poles on erosion prone land as per the dates defined in a NMP), economic events (e.g. a downturn in the pay out mean that actions need to be re-prioritised with management actions taking priority over infrastructure actions), animal welfare (e.g. a drought causing an influx of cull cows to the meat works meaning that stock need to be held on the property for longer than intended) etc.</p> <p>By its nature farming needs to be flexible and responsive to events, and tailored to the particular circumstances. This can be achieved by GMP but not through a rigid minimum standards approach. This can also be achieved through a NMP but not through a rigid action plan approach. FFNZ considers that the entire regime ought to be appropriately flexible and tailored (e.g. tailoring GMP actions to the particular farm, providing for amendment to NMPs, a risk based approach to compliance etc), whilst at the same time being enforceable and achieving the desired water quality outcomes. FFNZ seeks any necessary amendments to Plan Change 2 to achieve this e.g. to the definition of GMP and NMP as set out below.</p> <p>FFNZ seeks clarity to paragraph (d)(ii) as to when the five year period runs. FFNZ considers that the time ought to run from the date consent is issued. This is on the basis that farms need reasonable time to do things like invest, de-stock and manage a transition to a lower intensity land use and cannot make these commitments until they have certainty about obtaining consent and the terms of those consents. They also need a reasonable transitional period and therefore it ought to run from the time consent is issued.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>Paragraph (e)</p> <p>In principle, FFNZ supports the adoption of a best practicable option (“BPO”) to minimise the diffuse discharge of contaminants. This is akin to the obligation or standard expected of point source discharges. It also appropriately takes into account a range of factors, including what is reasonably practicable. However, FFNZ is concerned to ensure that the assessment is appropriately robust and takes into account practicalities and financial costs.</p> <p>FFNZ proposes amendments to clarify that BPO is to be interpreted in accordance with the RMA, in particular the qualifications contained in the RMA definition of this term in section 2 (in particular the financial implications).</p> <p>FFNZ proposes amendments to clarify that it is “mitigation measures” not “innovations and mitigations” and refers to its reasoning in the context of paragraph (d) above. FFNZ also proposes amendments to achieve the nitrogen leaching rates in Policy 14-5(d) i.e. the FFNZ controlled activity pathway.</p> <p>FFNZ considers that it is important to consider the cost and practicality of technologies. This is consistent with the definition of BPO in the RMA and acknowledges that some innovations may be extremely expensive, the outcomes uncertain or untested or unsuitable for the particular location. FFNZ is also concerned that infrastructure based mitigations should not be prioritised over management type mitigations (which may be more effective and significantly less expensive).</p> <p>As above, FFNZ seeks clarity that Table 14.2 will only apply until 2023. FFNZ also considers that a methodology ought to be adopted in Plan Change 2 to provide for the numbers in Table 14.2 to be updated for Overseer version change. FFNZ is concerned that the revised numbers are already out of date as there have been subsequent Overseer version changes. FFNZ considers that it is not an acceptable situation to expect farmers to continue to meet numbers in Table 14.2 that are based in a different version of Overseer than they are being modelled against. FFNZ considers that this will lead to the same outcome as was experienced under the One Plan (i.e. unconsented farmers unable to obtain consent and consented farmers unable to meet Overseer numbers) and this is not an acceptable or appropriate outcome.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ supports an approach that considers the proposed reductions in all contaminants (and not just N) and in the context of the water quality issues that are facing the particular water management sub-zone. FFNZ considers that this is appropriately achieved by sub-paragraphs (e)(iii) and (iv).</p> <p>Paragraph (f)</p> <p>Subject to comments (including providing a reasonable controlled activity and discretionary activity pathway for farms that cannot meet Table 14.2, and comments about GMP), FFNZ supports the addition of paragraph (f). FFNZ supports clarity as to the pathway for farms who require time to transition to a lower intensity land uses.</p> <p>In considering the matters listed at paragraph (f), FFNZ considers that there a potentially a wide range of actions that ought to be considered, and that this will evolve as technology, innovation and practices change. This would also provide for consideration of mitigations not presently recognised in Overseer.</p>
Table 14.1 Targeted water management sub-zones	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>In the alternative, delete the third column in Table 14.1.</p>	<p>FFNZ supports the approach of requiring existing intensive farming activities in targeted water management sub-zones to obtain consent on the basis that Plan Change 2 is an interim regime and appropriate controlled and discretionary consenting pathways are provided for those activities as proposed in this submission.</p> <p>As explained above, FFNZ considers that confusion is created by defining existing activities by reference to footnotes and considers that further confusion is created in Table 14.1 by referring to those dates in footnote 3 and have additional dates in the third column of Table 14.1.</p> <p>FFNZ understand that the dates in the third column were intended to prioritise and stagger the dates for applying for resource consents. FFNZ supports such an approach and considers it should be retained in Plan Change 2. As the dates have now passed, FFNZ considers that a reasonable period after the date Plan Change 2 becomes operative ought to be provided. FFNZ proposes these periods in Table 14.1.</p>

Provision	Support or oppose	Decision sought	Reasons
Table 14.2 Cumulative nitrogen leaching maximum by land use capability class	Oppose in part	Amend as proposed in Attachment 1. In the alternative, delete Table 14.2 and apply FFNZ's proposed controlled activity rule (i.e. the greater of a 10% reduction in N or reduce to 75 th percentile) to existing intensive farming activities.	<p>In the alternative, FFNZ considers that the third column could be deleted as these dates have now passed and including them creates confusion as to the assessment of existing vs new intensive farming activities.</p> <p>As explained in this submission, FFNZ only supports the update to Table 14.2 and its inclusion in Plan Change 2 if it is clear that the table is interim and does not apply after 2023. This is for reasons including that FFNZ does not support the use of LUC to determine the N limits for individual properties and because there is no link between LUC, N leaching and the desired water quality objectives. FFNZ's support for the revised version of Table 14.2 is conditional on it providing a potential pathway for a limited number of farmers (Council's estimate is 53% of unconsented dairy farmers) and on a mechanism being developed (preferably in this plan change) to keep Table 14.2 updated as Overseer version changes.</p> <p>In addition, FFNZ only supports Table 14.2 if alternative controlled and discretionary activity pathways are provided for as proposed in this submission. The reason is that FFNZ is very concerned that Table 14.2 does not provide a viable pathway for the majority of unconsented farmers (and there is no information available or assessment by council to indicate how many consented farmers could have met this updated table), it will not be an enduring option (it will quickly get out of date with Overseer version changes) and it does not address the water quality issues (as there is no link between the Table, the LUC numbers, N leaching and water quality).</p> <p>Subject to these concerns, FFNZ considers that Table 14.2 needs to be amended at set out in Attachment 1 to clarify that:</p> <ul style="list-style-type: none"> • It only applies to consent applications made before 30 June 2023. • The version of Overseer is specified in Table 14.2 (with FFNZ also seeks a methodology to provide for the numbers in the table to be updated with Overseer version change). • Footnote 4 is amended to clarify that the timeframe from which the years in Table 14.2 run (in respect of consents not yet granted) are from when Plan Change 2 become operative.

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ has concerns that for farmers who now obtain consents, they will effectively start at Year 10 (if consents are granted next year). FFNZ is concerned that this does not provide sufficient time for them to make required reductions. While farmers have had notice of Table 14.2 since the One Plan became operative, many farmers not have had the ability to make nitrogen reductions or to start the transition towards lower N leaching.</p> <p>FFNZ understands that many unconsented farmers have been unable to sell their farms (or part of them) or borrow further funds from the bank. Their inability to obtain consent has been beyond their control (and is due to Overseer version change). The lack of funding or ability to sell land has meant that they have not been able to fund any mitigations to reduce their nitrogen leaching. Once they obtain consent they will likely have the opportunity to access funding but will need time to do that and then implement the mitigations.</p> <p>There is also an equity issue in that some farmers have been granted consents to make less significant reductions than would be expected from farmers under Table 14.2 or those who were granted consents prior to the Overseer version change issues have had longer to transition to lower numbers.</p> <p>In the alternative, delete Table 14.2</p> <p>In the alternative, FFNZ seeks the deletion of Table 14.2. For existing farmers, that would mean that they could obtain controlled activity consents if they make a 10% reduction or reduce to the 75th percentile (as proposed in FFNZ's amendments to the rules). Table 14.2 could either be deleted to the extent it applies to existing intensive farming activities or in its entirety. If it was the latter, and if the draft National Environmental Standards for Freshwater were adopted as drafted, for new farming activities it would mean that they were effectively regulated by the restrictions proposed in the standards for land use change or intensification.</p> <p>Deleting Table 14.2 would address FFNZ's concerns about Plan Change 2 being premised on a flawed LUC/natural capital framework. It would also address the inevitable technical issues that will arise as Overseer version changes. It would also provide for Council to undertake a fresh review of freshwater management in the region as part of its work to give effect to the NPS-FM.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>However, for the limited number of farmers that can currently meet the revised Table 14.2 numbers, it would mean that that option to obtain consent no longer existed.</p> <p>On balance, FFNZ supports retaining Table 14.2 on the basis it is time limited and that it provides a reasonable consenting pathway for some unconsented farmers. However, for the above reasons that FFNZ seeks the deletion of Table 14.2 in the event that it is not amended as FFNZ proposes or in the event that it is used for broader or different purposes from the limited use that FFNZ proposes.</p>
Rule 14-1 Existing intensive farming land use activities	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>In the alternative, apply Overseer on a five year rolling average basis and prepare/amend the NMP on this basis</p> <p>In the alternative, delete reference to Table 14.2</p>	<p>FFNZ considers that Rule 14-1 needs to provide a reasonable controlled activity pathway. The proposal to solely amend Table 14.2 does not provide that for reasons described earlier.</p> <p>FFNZ also has concerns to ensure that the rule regime is practicable and implementable. FFNZ is concerned that the focus to date is on farmers obtaining consent and that there has not been sufficient focus on how the consenting regime will be implemented, including how practical it will be to comply with the rules as well as monitor and enforce compliance.</p> <p>FFNZ proposes amendments to Rule 14-1 to address these concerns.</p> <p>Paragraph (a) of conditions/standards/terms</p> <p>FFNZ is concerned about the practicality of providing a NMP to council annually and about the implementation issues that might arise. FFNZ is concerned that providing the NMP, which is essentially the action plan of how Overseer numbers will be maintained or achieved, on an annual basis will likely impose cost on farmers for no material benefit.</p> <p>FFNZ considers that the NMP ought to be provided with the consent application and at any time it is updated. FFNZ also considers that if information, such as submission of an Overseer budget, was required, that could be specified in the consent condition (including the frequency and dates for submission). Therefore FFNZ has deleted the word “annually” from paragraph (a) and added the words “at the time of any application, and thereafter as required by any consent condition.”</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>Paragraph (b) of conditions/standards/terms</p> <p>FFNZ is concerned that an important aspect of farming is that it is responsive and reactive to changes. Farming needs to be flexible to respond and adapt to changing climatic or economic conditions, for example. As explained above, there are a range of factors that might impact on a farmer's ability to carry out actions in a NMP.</p> <p>These can be weather related e.g. a flood causing erosion and the need to address the associated sediment in priority to planned fencing, or drought meaning an inability to sell stock and achieve planned stocking rates in the months proposed in the farm plan, or favourable grass growing conditions increasing milk production. This can be due to economic circumstances e.g. a downturn in the wool market causing farmers to change sheep:cattle ratios. This can also be due to animal welfare or other issues e.g. feral goats eating poplar trees planted to control erosion and meaning that dates in farm plans for establishing plants to control erosion are not met.</p> <p>These concerns can partly be addressed by providing for NMPs to be updated at any time and submitted to Council. However, FFNZ is concerned about issues that may arise if there is a delay (particularly if it is outside the consent holder's control) or if Council was to take enforcement action on the day of (or shortly after) the event giving rise to the inability to comply with the prescribed action in the NMP on the prescribed date in the NMP.</p> <p>For these reasons, FFNZ considers that the obligation ought to be to undertake the activity "generally" in accordance with the NMP.</p> <p>FFNZ considers that its concerns could also be partially addressed if Overseer was used on a five year rolling basis. This would provide for an unders and overs approach that would give farmers flexibility to farm good and bad years whilst still maintaining the required direction of travel. It also recognises that Overseer is a long run equilibrium model, based on average rainfall and other data and that it is a modelled number (as opposed to a measured number).</p> <p>Paragraph (c) of conditions/standards/terms</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ considers that amendments are needed to provide a controlled activity consenting pathway for those farmers who cannot meet the CNLIMs specified in Table 14.2.</p> <p>FFNZ considers that providing for farmers to obtain consent as a controlled activity if they can demonstrate a reduction of 10% from the benchmark years or reduce to the 75th percentile (whichever is greater) will provide greater certainty for farmers, as well as greater certainty in environmental outcome (compared with the alternative, which would be a discretionary activity consent application as proposed in Plan Change 2).</p> <p>FFNZ is concerned about the unreasonable costs to farmers of applying for a discretionary activity consent, particularly if consent application is notified. FFNZ is also concerned about the significant uncertainty for farmers of a discretionary activity consent application, in terms of the interpretation of the One Plan policies and the mitigations required in order for consent to be granted (and the associated economic and social costs).</p> <p>The effects of these costs and uncertainty cannot be underestimated. The feedback from our members is that the current inability to obtain consent as a controlled activity is resulting in significant stress and hardship. This includes an unwillingness by banks to lend funds necessary to carry out mitigations and an inability to sell farms.</p> <p>FFNZ considers that the wording of paragraph (c) in Plan Change 2 also creates uncertainty in terms of environmental effects and potential inequity (as the level of reduction could depend on the interpretation of the particular consenting officer, or whether there is any opposition to the application or who determines any consent application or subsequent appeal).</p> <p>FFNZ considers that the amendments it proposes more appropriately balance the environmental, social and economic costs and benefits.</p> <p>FFNZ is very concerned that, for those farms who cannot comply with the revised Table 14.2, a discretionary activity consenting pathway is not the most efficient and effective means of achieving the purpose and/or objectives of Plan Change 2, the One Plan and/or the Act.</p>

Provision	Support or oppose	Decision sought	Reasons
		<p>FFNZ also considers that amendments are needed to paragraph (c) to clarify that the revised Table 14.2 is interim and the approach to the management of nitrogen, as well as Table 14.2, will need to be revisited as part of the implementation of the NPS-FM.</p> <p>FFNZ proposes to recognise this by placing a time limit on applications to comply with the CNLMs in Table 14.2 of 30 June 2023 (the date by which Council is required to notify a plan that gives effect to the NPS-FM).</p> <p>FFNZ is concerned that if a time limit is not placed on this, Table 14.2 (and the nitrogen management regime in the One Plan) will not be reviewed or revisited. This would not give effect to the higher order documents and would not achieve sustainable management. In addition, it would likely result in ongoing implementation issues and require ongoing plan changes as the table again becomes out of date due to Overseer version changes. Responding to these issues retrospectively and through ongoing plan changes would not be efficient and effective, would put all parties to significant ongoing cost and would result in significant ongoing uncertainty for farmers (in terms of economic and social cost) and for environmental outcomes.</p> <p>As explained above, FFNZ's support of Table 14.2 is conditional on it being interim and a full plan change process to objectively review and assess water quality issues and appropriate management responses. FFNZ considers that the NPS-FM has not been implemented and the LUC/natural capital approach should not be a starting point for the consideration of whether nitrogen allocation is necessary or the appropriate management regime for water quality. FFNZ's support of Table 14.2 is also conditional on it being amended and on it providing a reasonable consenting pathway for some farmers. Accordingly, in the event that it is not amended as proposed in this submission, or that parties seek to use it beyond this limited purpose, FFNZ seeks the deletion of Table 14.2 and the deletion of reference to it in paragraph (c).</p>	<p>Paragraph (e) of conditions/standards/terms</p> <p>FFNZ seeks an amendment to provide for stock to cross river beds when this happens no more than once per week and in a continuous movement. FFNZ is concerned about the potential significant cost to farmers if crossings had to be provided but stock cross the</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ is concerned that this is likely to outweigh any environmental benefit and result in funds being spent on crossings when it could be better spent on other mitigations with greater environmental benefit.</p> <p>Paragraph (b) of matters of control FFNZ supports paragraph (b), subject to its views on GMP and GFP as set out in this submission.</p> <p>FFNZ considers that compliance with CNLMs is a flawed approach for reasons explained above (including the lack of relationship between LUC, nitrogen leaching and natural capital). FFNZ considers that requiring compliance with the CNLMs will create significant implementation and enforcement issues as Overseer versions change and estimated or modelled nitrogen leaching changes for no change in farm system. As occurred with the operative version of Table 14.2, it is likely that over time many farmers will not be able to maintain compliance with Table 14.2.</p> <p>Requiring compliance with Table 14.2 is also not consistent with the use of Overseer in regulation as recommended by the Parliamentary Commissioner for the Environment and the guidance documents on the use of Overseer in regulation.</p> <p>New paragraph (c) of matters of control FFNZ seeks a new paragraph (c), that refers to management practices to meet either the CNLMs in Table 14.2 or the approach of achieving reductions of 10% or to the 75th percentile, as proposed in this submission.</p> <p>Paragraph (j) of matters of control FFNZ supports the reference to policies 14-5 and 14-6, subject to amendment of these policies to address FFNZ's concerns.</p> <p>Non-notified FFNZ supports the continued non notification of controlled activity consents and considers this to be a crucial part of achieving an effective and efficient regime as well as providing a reasonable consenting pathway for farmers. It is also recognises the likely environmental effects and provides an appropriate balance of Part 2 matters.</p>

Provision	Support or oppose	Decision sought	Reasons
		New farming activities As explained above, in the event that there is scope to include new activities, FFNZ seeks amendments to Rule 14-1 so that it applies to new intensive farming activities as well as existing (and so that a comparable outcome (referred to above) for new activities is achieved).	
Rule 14-2 Existing intensive farming land use activities not complying with any of the conditions, standards and terms (a), (b) and (d) to (i) of Rule 14-1	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>In the alternative, amend Rule 14-2 so that it applies to new as well as existing farming activities</p>	<p>In principle, FFNZ supports a restricted discretionary activity pathway for activities that cannot meet the conditions/standards/terms of Rule 14-1 (excluding the nitrogen leaching standard). However, FFNZ's support is conditional on an alternative reduction pathway to the CNLMs (i.e. FFNZ's proposed 10% reduction or reduction to 75th percentile) and changes to the policy and rule framework to provide a reasonable discretionary activity consent pathway for those activities that cannot make the nitrogen leaching standard in Rule 14-1.</p> <p>Paragraphs (a) to (c) of conditions/standards/terms FFNZ has proposed amendments to paragraphs (a) to (c) to reflect the changes made to Rule 14-1 and refers to the reasons above.</p> <p>Paragraphs (a), (b) and (d) to (i) of conditions/standards/terms FFNZ considers that paragraphs (a), (b) and (d) to (i) need to be retained in Rule 14-2, but only to the extent that consent is not being sought to not comply with these conditions/standards/terms. This is needed to give effect to the intent of the rule and is the most effective and efficient means of giving the required flexibility to tailor the rules to the individual circumstances. FFNZ is concerned, for example, that the cost of applying for a discretionary activity consent for not complying with an aspect of the NMP standards would outweigh any likely benefit.</p> <p>Matters of discretion FFNZ supports the proposed amendments to the matters of discretion. Subject to FFNZ's comments above about GMP, FFNZ supports the amendment to paragraph (b) to qualify the measures by reference to GMP.</p> <p>New farming activities</p>

Provision	Support or oppose	Decision sought	Reasons
Rule 14-2A Existing intensive farming activities not complying with condition, standard, term (c) of Rule 14-1 or Rule 14-2	Support in part	Amend as proposed in Attachment 1. In the alternative, apply this rule to new as well as existing activities.	In principle, FFNZ supports a discretionary activity rule for activities that cannot make the nitrogen leaching rates in Rule 14-1(c) or cannot comply with Rule 14-2. However, this is conditional on the controlled activity rule being amended as proposed in FFNZ's submission (so that Table 14-2 is interim and an alternative nitrogen reduction pathway is provided), and on a reasonable consenting framework being provided for in the policies (as proposed in FFNZ's amendments to the policies in Plan Change 2). FFNZ proposes changes to Rule 14-2A to clarify that it applies if any of Rule 14-2 is not complied with (as opposed to those matters listed). As explained above, in the event that there is scope to include new activities, FFNZ seeks amendments to Rule 14-2A so that it applies to new intensive farming activities as well as existing.
Rule guide	Support in Part	Retain as drafted	FFNZ supports the deletion of paragraph (b) of the rule guide to clarify that activities that do not comply with the permitted or controlled activity rules, are then subject to the restricted discretionary or discretionary activity rules i.e. to provide for consideration of Rule 14-2 and 14-2A.
Glossary – Good management practices	Support in part	Retain as drafted. In the alternative, use the word "manage" in the sentence "minimise the effects of discharges to land and water" instead of "minimise" and "reasonably"	As explained above, FFNZ considers that it is important that it is good (and not best) management practice that is to be achieved and that this is not rigidly defined or static in time. FFNZ also considers that it is actions that are reasonably practicable that form part of good management practices. It needs to be recognised that GMP can be site specific or farm specific (as well as region, sector or farm system specific). It is important that a set of practices are not adopted as minimum standards or that a blanket approach to farm practices is not adopted (as this will not achieve sustainable management). What is important is that the

Provision	Support or oppose	Decision sought	Reasons
	practicable" as opposed to practical.	In the alternative, reword the definition based on good farming practice principles, as tailored to the region and catchment.	<p>principles or outcomes sought are GMP, and the specific practices or actions are tailored to the particular situation.</p> <p>FFNZ also supports the approaches in other regions that have moved towards good farming practice principles or objectives, as defined in Good Farming Practice Action Plan for Water Quality 2018 (and with amendments to reflect regional issues).</p> <p>FFNZ has some concerns that "minimise" will mean different things to different people and could be interpreted to reduce to the lowest extent possible. Some clarity is provided by reference to industry based standards, but in the even that this remains unclear, FFNZ considers that "manage" would be a better term and better reflect the approach in the policies e.g. RPS Policy 5-8 (which has been re-drafted to focus on managing intensive farming land use activities).</p> <p>Another option would be to refer to specific industry documents, as amended over time. This could include the Dairy NZ good management practice guide, Beef + Lamb's land and environment plan work, or Council could work with industry to develop agreed practices, such as the farm menu work undertaken by Waikato Regional Council.</p> <p>In the alternative to defining GMP, FFNZ considers that GMP could be substituted with good farming practices (GFP) principles if they are tailored to the region and catchment.</p>
Glossary – nutrient management plan	Oppose in part	Amend as proposed in Attachment 1	<p>FFNZ supports the proposed changes to the definition of NMP to provide for the use of models other than Overseer and to delete one part of the qualifications. FFNZ considers that these changes are important to ensure that there is a reasonable pool of suitably qualified experts and to recognise that there are likely to be instances where there are alternative models that are more appropriate than Overseer.</p> <p>FFNZ considers that the word "annually" needs to be deleted for the reasons explained in the context of Rule 14-1 above. If there was a requirement to submit an Overseer budget on an annual or other basis, that could be provided for as a consent condition (and this is provided for in FFNZ's amendment to paragraph (a) of the standard for Rule 14-1).</p>

Provision	Support or oppose	Decision sought	Reasons
New definition – nitrogen baseline	Support New definition – nitrogen baseline	Insert as proposed in Attachment 1 Make other amendments to provide for a process (either within Plan Change 2 or in a document outside the plan) for how a nitrogen baseline will be calculated if input data is missing	FFNZ seeks a new definition of “nitrogen baseline” to provide for its alternative controlled activity consent pathway. As explained in the context of RPS Policy 5-8 above, FFNZ proposes the 2012/13 year on the basis that most farms have been benchmarked for that year. In the event that there is a more relevant and appropriate benchmark year, FFNZ would support such a proposal. FFNZ is concerned that there may be farmers who do not have sufficient records to be able to calculate a nitrogen baseline e.g. farms which were purchased after 2012/13 and the records were not obtained. FFNZ seeks an amendment to Plan Change 2 and/or a policy to provide for the calculation of a nitrogen benchmark for those farms with insufficient data. This would be similar to the approach in other regions e.g. the process in Plan Change 10 in Rotorua for obtaining a derived benchmark (and reviewing that benchmark) or in Plan Change 1 in the Waikato for calculating a nitrogen reference point where there is missing input data.
New definition – 75 th percentile nitrogen leaching loss	Support	Insert as proposed in Attachment 1 In the alternative, define the 75 th percentile by reference to the nitrogen baselines for the relevant sectors e.g. commercial vegetable growing.	This could be achieved by, for example, taking the 75 th percentile or average input for missing input data based on similar farm systems in the same water management sub-zone, considering the land use and extrapolating, at the time or some other similar approach. FFNZ seeks a new definition for “75 th percentile nitrogen leaching loss” to give effect to its proposal that farms reduce to either the 75 th percentile or 10% (whichever is greater). FFNZ considers that this should be based on the surface water management zone or in the alternative, an appropriate spatial scale that ensures (as far as possible) like is being compared with like in terms of farms on similar soil and rainfall, for example. FFNZ recognises that N leaching for vegetable growers is likely to be different from dairy farmers and proposes that the 75 th percentile for those growers could be based on the nitrogen baseline values for commercial vegetable growing. The same could apply to any other intensive farming land use for which N loss is different from dairy.

ATTACHMENT 1

FFNZ TRACK CHANGES TO PLAN CHANGE 2

21 October 2019

Proposed Plan Change 2 – Existing Intensive Farming Land Uses

Proposed insertions are shown as underlined text; proposed deletions are shown as ~~strikethrough~~.

FFNZ amendments are shown as green track changes

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

In order to give effect to Policy 5-7, the effects of intensive farming land^A use activities on groundwater and surface water^A quality must be managed in the following manner:

- (a) **Nutrients**
 - (i) Until 30 June 2023, Nitrogen leaching maximums must be established in the regional plan which:
 - (A) take into account all the non-point sources of nitrogen in the catchment
 - (B) ~~will achieve 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~~
 - (C) ~~(D)~~ recognise the productive capability of *land^A* in the *Water Management Sub-zone**
 - (C) ~~(D)~~ are achievable on most farms using *good management practices**
 - (D) ~~(E)~~ 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.
 - (ii) Where consents are granted pursuant to (i), manage 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) except as provided for in (iia), (iia) and (iib) below.
 - (iia) Where consents are not granted pursuant to (i), manage existing intensive farming land use activities in targeted Water Management Sub-zones to ensure that the nitrogen leaching loss for the land does not exceed the lesser of (except as provided for in (iia) and (iib) below):
 - 1. 90% of the land's nitrogen baseline*; or
 - 2. The 75th percentile nitrogen leaching loss*
 - (iia) Manage Existing intensive land^A use activities which do not comply with (ii) or (iia) must be regulated to reduce nitrogen leaching which

is in excess of the nitrogen leaching maximums established under (a) by implementing good management practice*, and, where appropriate, additional measures to reduce nitrogen minimise the degree of non-compliance, having regard to:

- (A) the feasibility, practicality, and cost of achieving the nitrogen leaching maximums specified in (i) or the reductions specified in (iia); and
- (B) the strategy for surface water^A quality set out in Policies 5-2, 5-3, 5-4 and 5-5, the need to maintain water quality where it meets the relevant Schedule E water quality targets and improve where it does not meet the relevant Schedule E water quality targets, and the strategy for groundwater quality in Policy 5-6, and the contribution of the particular activity to these targets or strategies.

(iiib) Existing land^A use activities which do not comply with (ii) or (iia) but are intended to transition to an alternative non-intensive farming land^A use must 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 that transition to an alternative non-intensive farming land use and provided and only where there is no increase in the exceedance of the nitrogen leaching maximums established under (a) or the baseline or nitrogen leaching loss specified in (iia).

(iii) New intensive farming land^A use activities must be regulated throughout the Region to achieve the nitrogen leaching maximums specified in (i).

(b) **Faecal contamination**

(i) Those persons carrying out existing intensive farming land^A use activities in the targeted Water Management Sub-zones* listed in Table 14.1 or new conversions to intensive farming land^A use activities anywhere in the Region must be required, amongst other things, to, where practicable:

- (A) prevent cattle access to some surface water bodies^A and their beds^A
- (B) mitigate faecal contamination of surface water^A from other entry points (eg. race run-off)
- (C) establish programmes for implementing any required changes.

(c) **Sediment**

(i) In those Water Management Sub-zones* where agricultural land^A use activities are the predominant cause of elevated sediment levels in surface water^A, the Regional Council will promote the preparation of voluntary management plans under the Council's Sustainable Land Use Initiative or Whanganui Catchment Strategy for the purpose of reducing the risk of accelerated erosion*, as described in Chapter 4.

(d) **Good management practices***

- (i) All intensive farming land^a use activities must be regulated to manage the associated nutrient leaching and run-off, faecal contamination, and sediment losses in accordance with good management practices*.

<u>Method 5-12</u>	<u>Innovative Land Use and N loss mitigation Research</u>
<u>Description</u>	<p>Support initiatives by local communities, sector groups or tangata whenua which develop options for sustainable land use in the Region. Support for work in Water Management Sub-zones* where nitrogen leaching is an issue (refer Table 14.1) will be a priority in order to find financially and practically viable options (including N loss mitigation options) for intensive farming land users that will have difficulty in achieving the cumulative nitrogen leaching maximums* (refer Table 14.1) or making achieving reductions to the lesser of 90% of the land's nitrogen baseline or the 75th percentile nitrogen leaching loss.</p> <p>Horizons will provide assistance through providing data and information that will assist in the identification and evaluation of innovative N loss mitigations or land use options and participating in any evaluative work as appropriate.</p>
<u>Who</u>	Local communities, rural and other sector groups, Territorial Authorities, Regional Council.
<u>Links to Policy</u>	This method implements Policies 5-7 and 5-8.
<u>Method 5-13</u>	<u>Provision of Information</u>
<u>Description</u>	Horizons will collate and publish information regarding, and be responsive to, Overseer version changes and the identification and evaluation of nutrient management models other than Overseer that may be more appropriate for calculation of on-farm nutrient losses.
<u>Who</u>	Regional Council, rural sector groups, and nutrient management model providers.
<u>Links to Policy</u>	This method implements Policy 5-8.

<u>Target</u>	<ul style="list-style-type: none"> • <u>To the extent that Table 14.2 continues to apply to farming activities, Horizons will update Table 14.2 in response to Overseer version changes consider whether it needs to respond to changes in Overseer through a plan change process (where necessary) and develop a methodology to provide for future updates without the need for continual plan changes.</u> • <u>A list of nutrient management models appropriate for use in intensive farming land is maintained on Horizons' website.</u>
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Policy 14-3: Industry-based-standards Good management practices*

When making decisions on resource consentⁿ applications, and setting consent conditions, for activities affecting groundwater and surface waterⁿ quality, the Regional Council must have regard to good management practices* will examine on an on-going basis relevant industry-based-standards (including guidelines and codes of practice), recognising that such industry-based-standards generally represent current best practice, and may accept compliance with those standards as being adequate to avoid, remedy or mitigate adverse effectsⁿ to the extent that those standards good management practices* address the matters in Policies 14-1, 14-2, 14-4, and 14-5 and 14-6.

...

Policy 14-5: Management of intensive farming landⁿ uses

In order to give effect to Policy 5-7 and Policy 5-8, intensive farming landⁿ use activities affecting groundwater and surface waterⁿ quality must be managed in the following manner:

- (a) The following land uses have been identified as intensive farming landⁿ uses:
 - (i) *Dairy farming**
 - (ii) *Commercial vegetable growing**
 - (iii) *Cropping**
 - (iv) *Intensive sheep and beefⁿ*
- (b) The intensive farming landⁿ uses identified in (a) must be regulated where:
 - (i) They are existing (ie., dairy farming established prior to 24 August 2010 and commercial vegetable growing, cropping and intensive sheep and beef established prior to 9 May 2013 the Plan having legal effect) intensive farming landⁿ uses, in the targeted Water Management Sub-zones* identified in Table 14.1³.

³ The Plan has legal effect in the case of existing intensive farming landⁿ uses in these zones from the dates identified in Table 14-1.

- (i) They are new (ie., established after the dates referred to in paragraph (i) above⁴) intensive farming land^a uses, in all Water Management Sub-zones* in the Region.
- (c) Until 30 June 2023, ~~Nitrogen~~ leaching maximums have been established in Table 14.2.
- (d) Except as provided for in Policy 14-6(d), Existing intensive farming land^a uses regulated in accordance with (b)(i) must be managed in the following manner:
 - (ii) Until 30 June 2023, by to ensuring that the leaching of nitrogen from those land^a uses does not exceed the cumulative nitrogen leaching maximum* values for each year contained in Table 14.2, ~~unless the circumstances in Policy 14-6 apply, or~~
 - (iii) By ensuring that the nitrogen leaching loss for the land will not exceed the lesser of:
 - 1. 90% of the land's nitrogen baseline; or
 - 2. the 75th percentile nitrogen leaching loss for the relevant surface water management zone
- (e) New intensive farming land^a uses regulated in accordance with (b)(ii) must be managed to ensure that the leaching of nitrogen from those land^a uses does not exceed the cumulative nitrogen leaching maximum* values for each year contained in Table 14.2.
- (f) Intensive farming land^a uses regulated in accordance with (b) must exclude cattle from:
 - (i) A wetland^a or lake^a that is a rare habitat*, threatened habitat* or at-risk habitat*.
 - (ii) Any river^a that is permanently flowing or has an active bed* width greater than 1 metre.
- (g) All places where cattle cross a waterbody identified in paragraph (f) -river that is ~~permanently flowing or has an active bed* width greater than 1 metre~~ must be culverted or bridged and those culverts or bridges must be used by cattle whenever they cross the river water body except when they are being actively supervised and actively driven across the river in one continuous movement and where the river crossing occurs no more than once per week.

⁴The Plan has legal effect in the case of dairy farming* from 24 August 2010 and for commercial vegetable growing*, cropping* and intensive sheep and beef it has legal effect from 9 May 2013.

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

When making decisions on resource consent^A applications, and setting consent conditions^A, for intensive farming land^A uses the Regional Council must:

- (a) Ensure the nitrogen leaching from the land^A is managed in accordance with Policy 14-5.
- (b) Ensure implementation of good management practices* to manage nutrient leaching and run-off, faecal contamination and sediment loss, as part of any intensive farming land^A use.

An exception may be made to (a) for existing intensive farming land^A uses in the following circumstances:

- (i) where the existing intensive farming land^A use occurs on land that has 50% or higher off-LUC Classes IV to VIII and has an average annual rainfall of 1500 mm or greater; or
- (ii) where the existing intensive farming land^A use cannot meet year 1 cumulative-nitrogen-leaching-maximum* in year 1, they shall be managed through conditions on their resource consent to ensure year 1 cumulative-nitrogen-leaching-maximum* are met within 4 years.

Where an exception is made to the cumulative-nitrogen-leaching-maximum* the existing intensive farming land^A 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.
- (c) Ensure that cattle are excluded from surface water in accordance with Policy 14-5 (f) and (g) except where landscape or geographical constraints make stock exclusion impractical and the effects of cattle stock movements are are must be avoided, remedied or mitigated. In all cases any unavoidable losses of nitrogen, phosphorus, faecal contamination and sediment that directly result from cattle not being excluded from surface water, are remedied or mitigated by other works or environmental compensation, to the extent reasonably practicable. Mitigation works may include (but are not limited to) creation of wetland and riparian planted-zones.
- (d) Provide for exceptions to (a) for existing intensive farming land^A uses that exceed the cumulative nitrogen leaching maximum* rate specified in Policy 14-5(d) where:

- (l) Good management practices* are implemented in accordance with a nutrient management plan*, along with additional innovations and measures to further reduce nutrient leaching and run-off, faecal contamination and sediment losses from the land^A progressively over time; or
- (ii) The existing intensive farming land^A use is to continue for no longer than five years from the date consent is issued in order to enable the transition to an alternative non-intensive farming land^A use without an increase in nutrient leaching and run-off, faecal contamination and sediment losses from the land^A over that period of time.
- (e) When determining whether to enable an existing intensive farm land^A use to continue under (d)(i), have regard to:
 - (i) Whether the proposed innovations and mitigation measures represent the best practicable option^A to minimise the nutrient leaching and run-off, faecal contamination and sediment losses from the land^A, having particular regard to (in addition to those matters set out in the definition of best practicable option in section 2 of the Act):
 - (A) The extent of the exceedance of the cumulative nitrogen leaching maximum* in Table 14-2 leaching rates specified in Policy 14-5(d);
 - (B) The rate of reduction of nitrogen loss towards the cumulative nitrogen leaching maximum* for any given year in Table 14-2 leaching rates specified in Policy 14-5(d);
 - (C) Whether further reductions are currently possible for the intensive farming land^A use based on existing technologies and the associated cost and practicality of those technologies.
 - (ii) Until 2023, 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 and is not addressed by a methodology to allow for Table 14-2 to be updated with Overseer version change;
 - (iii) The nature and characteristics of the land^A, having regard to physical characteristics of the soil including in terms of attenuation capacity, climatic conditions, and topography of the property;
 - (iv) The contribution of the progressive reduction in nutrient leaching and run-off, faecal contamination and sediment losses from the land^A, over time, to the improvement of water^A quality within that Water Management Sub-zone*;
 - (v) The strategy 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;
- (f) When determining whether to enable the existing intensive farming land^A use to continue under (d)(ii), have regard to:
 - (i) Measures implemented in accordance with a nutrient management plan* to ensure that nutrient leaching and run-off, faecal contamination and sediment losses from the land^A do not increase over the duration of the resource consent^A.

- (ii) good management practices* proposed to avoid, remedy or mitigate nutrient leaching and run-off, faecal contamination and sediment losses from the land^h;
 - (iii) the nature, sequencing, measurability and enforceability of any steps proposed to transition out of the intensive farming land^h use by the expiry of the resource consent^{t^a.}
- ...

14.1 Rules - Agricultural Activities

Table 14.1 sets out the target Water Management Sub-zones* where management of existing intensive farming land^h use activities must be specifically controlled.

Table 14.1 Targeted Water Management Sub-zones*

Catchment	Water Management Sub-zone*	Date by which consents must be lodged the Rules of the Plan have legal effect in relation to Rule 14-4
Mangapapa	Mangapapa Mana_9b	1-July-2014 6 months after Plan Change 2 becomes operative
Waikawa	Waikawa West_9a Manakau West_9b	1-July-2014 6 months after PC2 becomes operative
Other south-west catchments (Papaitonga)	Lake Papaitonga West_8	1-July-2014 6 months after Plan Change 2 becomes operative
Mangatainoka	Upper Mangatainoka Mana_8a Middle Mangatainoka Mana_8b Lower Mangatainoka Mana_8c Makakahi Mana_8d	1-July-2015 12 months after Plan Change 2 becomes operative

⁵ The Plan has legal effect in the case of dairy-farming* from 24 August 2010 and for commercial vegetable-growing* and intensive sheep and beef* it has legal effect from 9 May 2013.

Catchment	Water Management Sub-zone*	Date by which consents must be lodged the Rules of the Plan have legal effect in relation to Rule 14-1
Other coastal lakes	Northern Manawatu Lakes West_6 Kaitoke Lakes West_4 Southern Wanganui Lakes West_5	1 July 2015 12 months after Plan Change 2 becomes operative
Coastal Rangitikei	Coastal Rangitikei Rang_4	1-July-2015 12 months after Plan Change 2 becomes operative
Lake Horowhenua	Lake Horowhenua Hoki_1a Hokio Hoki_1b	1-July-2015-12 months after Plan Change 2 becomes operative
Upper Manawatu above Hopelands	Upper Manawatu Mana_1a Mangatewainui Mana_1b Mangatoro Mana_1c Weber-Tamaki Mana_2a Mangatiera Mana_2b Upper Tamaki Mana_3 Upper Kumeti Mana_4 Tamaki-Hopelands Mana_5a Lower Tamaki Mana_5b Lower Kumeti Mana_5c Oruakeretaki Mana_5d Raparapawai Mana_5e	1-July-2016 18 months after Plan Change 2 becomes operative
Manawatu above gorge	Hopelands-Tiraumea Mana_6 Upper Gorge Mana_9a Mangaatua Mana_9c	1-July-2016-18 months after Plan Change 2 becomes operative

Table 14.2 sets out the cumulative nitrogen leaching maximum* for the land^a used for intensive farming land^a use activities within each specified land use capability class*.

Table 14.2 Cumulative nitrogen leaching maximum* by Land Use Capability Class* that apply to consent applications until 30 June 2023 and numbers below calculated in Overseer 6.3.??

Period (from the year that the rule has legal effect ^{§6})	LUC* I	LUC* II	LUC* III	LUC* IV	LUC* V	LUC* VI	LUC* VII	LUC* VIII
Year 1	51.39	45.27	40.24	29.48	25.46	24.45	11.8	3.2
Year 5	46.27	42.25	35.24	26.46	20.43	16.40	8.6	3.2
Year 10	44.26	37.22	32.49	23.44	20.43	16.40	8.6	3.2
Year 20	43.25	35.24	30.48	21.43	19.42	16.40	8.6	3.2

Rule	Activity	Classification	Conditions/Stands/Terms	Control/Discretion Non-Notification
14-1 Existing intensive farming land ^a use activities	The use of land ^a 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 and	Controlled	<p>(a) A nutrient management plan* must be prepared for the land^a, and provided annually to the Regional Council at the time of any application, and thereafter as required by any consent condition.</p> <p>(b) The activity must be undertaken generally in accordance with the nutrient management plan* prepared under (a) and any changes to the nutrient management plan* must be submitted to the Regional Council.</p>	<p>Control is reserved over:</p> <p>(a) the implementation of the nutrient management plan*</p> <p>(b) compliance with the cumulative nitrogen-leaching maximum* specified in Table 14-2 good management practices* to avoid, remedy or mitigate nutrient leaching and run-off, faecal contamination and sediment losses from the land^a</p>

^{§6} In respect of applications for consents prior to Plan Change 2, the Plan has legal effect in the case of dairy farming* from 24 August 2010 and for commercial vegetable growing*, cropping* and intensive sheep and beef it has legal effect from 9 May 2013. In respect of applications for consent after the notification of Plan Change 2, Table 14.2 has legal effect in the case of all intensive farming land use activities from the date Plan Change 2 becomes operative.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>from the dates specified in Table 14.1 and any of the following discharges^A pursuant to ss15(1) or 15(2A) RMA associated with that intensive farming:</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^A (c) the discharge^A of grade A^A biosolids^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 existing consent for that discharge^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 <p>(c) The nutrient management plan[*] prepared under (a) must demonstrate that the nitrogen leaching loss from the activity will not exceed:</p> <ul style="list-style-type: none"> (i) the cumulative nitrogen leaching maximum[*] specified in Table 14.2; or (ii) whichever is the lesser of: <ul style="list-style-type: none"> 1. 90% of the land's nitrogen baseline[*]; or 2. the 75th percentile nitrogen leaching loss 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^A with greater than 1 m. <p>(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, except when the cattle are being actively supervised and actively driven across the river in one continuous movement and where the river crossing occurs no more than once per week.</p> <p>(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.</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 nitrogen baseline 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^A drift or effluent drift</p> <p>(e) provision of information including the nutrient management plan[*]</p> <p>(g) duration of consent</p> <p>(h) review of consent conditions^A</p> <p>(i) compliance monitoring</p> <p>(j) the matters in Policies 14-5, 14-6 and 14-9.</p> <p>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).</p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	
	<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>		<p>(g) The discharge^a of contaminants^a onto or into land^a from:</p>	<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* <p>and any ancillary discharge^a of contaminants^a into air must comply with the conditions^a of Rule 14-6.</p> <p>(h) The discharge^a of grade A biosolids* 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.</p> <p>(i) The discharge^a of poultry farm litter* onto or into production land^a and any ancillary discharge^a of contaminants^a into air must comply with the conditions^a of Rule 14-9.</p> <p>(j) The discharge^a of farm animal effluent* onto or into production land^a including:</p> <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 <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>	
14-2 Existing intensive farming land ^a use activities not complying with any of the conditions, standards and terms	<p>The use of land^a pursuant to s9(2) RMA for any of the following intensive farming:</p>	<p>Restricted Discretionary</p>	<p>(a) Except to the extent that consent is sought under this rule not to comply with this condition, a nutrient management plan* must be prepared for the land^a, and provided annually to the Regional Council.</p>	<p>Discretion is restricted to:</p>	
	<p>(i) dairy farming*</p>		<p>(a) preparation of and compliance with a nutrient management plan* for the land^a,</p>		
	<p>(ii) commercial vegetable growing*</p>				
	<p>(iii) cropping*</p>				
	<p>(iv) intensive sheep and beef farming*</p>				

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
(a), (b) and (d) to (i) of Rule 14-1	that was existing in the Water Management Sub-zones* listed in and from the dates specified in Table 14-1, and any of the following discharges^ pursuant to ss15(1) or 15(2A) RMA associated with intensive farming, that do not comply with one or more of the conditions^, standards and terms of Rule 14-1 (except for (c)):	(a) the discharge^ of fertiliser* onto or into land^ (b) the discharge^ of contaminants^ onto or into land^ from	(c) The nutrient management plan* prepared under (a) must demonstrate that the nitrogen leaching loss from the activity will not exceed:	(b) (i) the cumulative nitrogen leaching maximum* for any year in Table 14-2; or

(ii) whichever is the lesser of:

1. 90% of the land's nitrogen baseline*: or
2. the 75th percentile nitrogen leaching loss* for the relevant surface water management zone*.

Except that (i) above shall not apply to resource consent applications lodged after 30 June 2023:

and

The following conditions, standards and terms also apply except to the extent that consent is sought under this rule not to comply with them:

(d) Cattle must be excluded from:

(i) wetlands^ and lakes^ that are a rare habitat^ or threatened habitat^, and

(ii) the beds^ of rivers^ 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^ in which case (e) applies.

(e) Rivers^ that are permanently flowing or have an active bed* width greater than 1 m, that are crossed by cattle must be bridged or culverted,

and the cattle must cross via that bridge or

- (b) (i) the extent of non-compliance with the cumulative-nitrogen-leaching maximum* specified in Table 14-2.
- (i) measures good management practices* to avoid, remedy or mitigate nutrient leaching and run-off, faecal contamination and sediment losses from the land^;
- (j) measures to exclude cattle from wetlands^ and lakes^ that are a rare habitat^ or threatened habitat^, and rivers^ that are permanently flowing or have an active bed* width greater than 1 m;
- (k) the bridging or culverting of rivers^ that are permanently flowing or have an active bed* width greater than 1 m that are crossed by cattle;
- (l) the matters referred to in the conditions^ of Rules 14-5, 14-6, 14-7, and 14-9;
- (m) the matters referred to in the conditions^ of Rule 14-11 and the matters of control in Rule 14-11
- (n) avoiding, remedying or mitigating the effects of odour, dust, fertiliser^ drift or effluent drift
- (o) provision of information including the annual nutrient management plan*
- (p) duration of consent
- (q) review of consent conditions^
- (r) compliance monitoring

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	and any ancillary discharge ^A of contaminants ^A into air pursuant to ss15(1) or 15(2A) RMA.		<p>culvert, and run-off originating from the carriageway of the bridge or culvert must be discharged^A onto or into land^A except when the cattle are being actively supervised and actively driven across the river in one continuous movement and where the river crossing occurs no more than once per week.</p> <p>(f) The discharge^A of fertiliser* 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.</p> <p>(g) The discharge^A of contaminants^A onto or into land^A from:</p> <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* <p>and any ancillary discharge^A of contaminants^A into air must comply with the conditions^A of Rule 14-6.</p> <p>(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.</p> <p>(i) The discharge^A of poultry farm litter* onto or into production land^A and any ancillary discharge^A of contaminants^A into air must comply with the conditions^A of Rule 14-9.</p> <ul style="list-style-type: none"> (i) The discharge^A of farm animal effluent* onto or into production land^A including: (i) effluent from dairy sheds and feedpads* 	

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>(ii) effluent received from piggeries</p> <p>(iii) sludge from farm effluent ponds</p> <p>(iv) poultry farm effluent</p> <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>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>(e) <u>the discharge^A of grade A^B biosolids^C or carcasses^D onto or into production land^A</u></p> <p>(f) <u>the discharge^A of poultry farm litter^E onto or into production land^A</u></p> <p>(g) <u>the discharge^A of farm animal effluent^F onto or into production land^A (or upon expiry or surrender of any existing consent for that discharge^G) including:</u></p> <p>(i) <u>effluent from dairy sheds and feedbads^H</u></p> <p>(ii) <u>effluent received from piggeries</u></p> <p>(iii) <u>sludge from farm effluent ponds</u></p> <p>(iv) <u>poultry farm effluent and any ancillary discharge^I of contaminants^J into air pursuant to ss15(1) or 15(2A) RMA.</u></p>			

...

Rule Guide:

The location of archaeological sites when defined by a single co-ordinate is unlikely to define the true extent of subsurface archaeological evidence. The 50 metre rule should apply from the outer perimeter of the site.

Some activities in rare habitats*, threatened habitats* and at-risk habitats* are regulated by Rules 13-8 and 13-9. Discharges from agricultural activities at other locations are regulated as follows:

- (a) Discharges not covered by rules - Agricultural discharges pursuant to ss15(1) RMA that are not covered by the rules above are a discretionary activity under Rule 14-30.
- (b) Activities that do not comply—Except for Rule 14-3, activities pursuant to ss15(1) or 15(2A) RMA that do not comply with the permitted or controlled activity rules above are a discretionary activity under general Rule 14-30.

Glossary

A term or expression that is defined in this glossary is marked with the symbol * when used in the Plan.

A term or expression that is defined in the Resource Management Act 1991 (RMA) and used in the Plan, but which is not included in this glossary, has the same meaning as in the RMA. Definitions provided in the RMA are not repeated in this glossary. A term or expression that is defined in the RMA is marked with the symbol ^ when used in the objectives, policies or rules of the Plan, this glossary and the schedules to the Plan, other than Schedules F, G and I.

When:

- * is not used to identify a term anywhere in the Plan, or
- ^ is not used to identify a term in the objectives, policies or rules of the Plan, this glossary or the schedules to the Plan

the term has its ordinary meaning.

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.

...

Good management practices refers to evolving practical measures and methods, including those established in industry-based standards, which are used at a sector or community or farm level to minimise manage the effects of discharges to land^ and water^.

...

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 updated version of Overseer is issued, the most recent version is to be used to recalculate the *nitrogen baseline** using the same input data as used for the 1 July 2012 to 30 June 2013 period.

Nutrient management plan means a plan prepared annually in accordance with the Code of Practice for Nutrient Management (NZ Fertiliser Manufacturers' Research Association 2007) which records (including copies of the OVERSEER® input and output files of a recognised nutrient management model used to prepare the plan) and takes into account all sources of nutrients for intensive farming and identifies all current and relevant nutrient management practices and mitigations, and which is prepared by a person who has both a Certificate of Completion in Sustainable

~~Nutrient Management in New Zealand Agriculture and a Certificate of Completion in Advanced Sustainable Nutrient Management from Massey University.~~