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Submission from: Ngā Waihua o Paerangi Trust

Submission on: Proposed Plan Change 2 to the Horizons Regional Council One Plan

Provisions the submission relates to:

The topics of submission, the provisions Ngā Waihua o Paerangi Trust support or oppose and any relief sought are contained in detail on the following pages.

Trade competition:

Pursuant to Clause 6 of Schedule 1 of the Resource Management Act (1991), Ngā Waihua o Paerangi Trust confirm that they could not gain an advantage in trade competition through this submission.

Hearing: I wish to be heard in support of my submission and will consider presenting a joint case at any hearing with other parties presenting on similar matters.

Signed by:

[Erena Mikaere]

[Pou Arahi]

Signed on behalf of the Ngā Waihua o Paerangi Trust

Date: 18 October 2019

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Submissions

Ngā Waihua o Paerangi Trust is the iwi authority for Ngāti Rangi. We are concerned that the changes proposed to the One Plan in Plan Change 2 (PC2):

- 1) fail to recognise and provide for Te Mana Tupua o Te Waiū o Te Ika and Ngā Toka Tupua o Te Waiū o Te Ika;
- 2) fail to adequately protect the mouri of the water;
- 3) fail to meet the requirements of the RMA, the NPS-FM, and the RPS; and
- 4) allow a consenting pathway that, using Good Management Practices and Best Practicable Option, allows for an unknown and uncontrolled amount of nitrogen leaching, leading to water quality degradation.

Apart from specific technical or wording aspects as noted in this submission, the Trust **does not support** PC2. We have provided further detail below.

Te Waiū-o-Te-Ika

As Horizons are aware, Rukutia te Mana – the Ngāti Rangi Claims Settlement Act 2019 – came into force in September 2019. The settlement provides statutory recognition for the Whangaehu River through Te Mana Tupua o Te Waiū-o-Te-Ika and Ngā Toka Tupua o Te Waiū-o-Te-Ika. Te Mana Tupua states:

Nō te kawa ora te ara o Te Waiū-o-Te-Ika me ūna tāngata ki te mana o Tawhito-rangi i heke iho i Te Punga-o-ngā-rangi, inā:

- a) Te Kawa Ora:
- b) Te Mouri Ora:
- c) Te Manawa Ora:
- d) Te Wai Ora:
- e) Te Waiū-o-Te-Ika.

Te Waiū-o-Te-Ika is a living and indivisible whole from Te Wai ā-moe to the sea, comprising physical (including mineral) and metaphysical elements, giving life and healing to its surroundings and communities.

Ngā Toka Tupua are the intrinsic values that represent the essence of Te Waiū-o-Te-Ika, namely—

- a. **Ko te Kāhui Maunga te mātāpuna o te ora:** The sacred mountain clan, the source of Te Waiū-o-Te-Ika, the source of life:

Hapū, iwi, and all communities draw sustenance and inspiration from the river's source on Ruapehu and extending to all reaches of the catchment.

- b. **He wai-ariki-rangi, he wai-ariki-nuku, tuku iho, tuku iho:** An interconnected whole; a river revered and valued from generation down to generation:

Hapū, iwi, and all communities are united in the best interests of the indivisible river as a gift to the future prosperity of our mokopuna.

- c. **Ko ngā wai tiehu ki ngā wai riki, tuku iho ki tai hei waiū, hei wai tōtā e:** Living, nurturing waters, providing potency to the land and its people from source to tributary to the ocean:

Hapū, iwi, and all communities benefit physically, spiritually, culturally, and economically where water and its inherent life-supporting capacity is valued and enhanced.

- d. **Kia hua mai ngā kōrero o ngā wai, kia hua mai te wai ora e:** The latent potential of Te Waiū-o-Te-Ika, the latent potential of its hapū and iwi:

Uplifting the mana of Te Waiū-o-Te-Ika in turn uplifts the mana of its hapū and iwi, leading to prosperity and growth for hapū and iwi.

While the settlement legislation only came into force in September, the Deed of Settlement was signed on 10 March 2018. The Deed was publicly available and should have been considered as part of the development of the plan change.

The settlement Act requires that any person undertaking a function, power or duty under the Resource Management Act (amongst other Acts) relating to the Whangaehu must recognise and provide for Te Mana Tupua and Ngā Toka Tupua o Te Waiū o Te Ika. We do not consider that PC 2 adequately does this, as it includes the potential for increased pressure on Te Waiū o Te Ika and degradation of her waters.

Any activities within Te Waiū o te Ika must include meaningful engagement with Ngāti Rangi and, in the future, Ngā Wai Tōtā, the co-governance entity for Te Waiū o te Ika that will be established under the Settlement. The timeframes associated with the proposed One Plan changes have not and do not allow for meaningful engagement. Therefore, we strongly recommend that this plan change is delayed to allow for the establishment of Ngā Wai Tōtā, and the strategy document that Ngā Wai Tōtā is charged with producing, Te Tāhoratanga.

Mouri of the Wai

Ngāti Rangi maintain a strong and connected relationship with our freshwater, fostered through our whakapapa connections with this landscape that we have resided in from time immemorial. Mouri is the lifeblood that exists in all things; it is the fundamental element that brings health and wellbeing to all facets of life. Mouri is the element that flows through us and returns life over and over again in a perpetual cycle. It is the responsibility of Ngāti Rangi to advocate, protect and enhance the mouri of wai that flows through our rohe.

Ngāti Rangi disputes the assertion by Horizons Regional Council that PC2 is a simple “technical update” required to bring Table 14.2 in line with the most recent version of Overseer. PC2 includes policy changes that have impacts beyond a simple technical update. The proposed changes open a consenting pathway for intensive land use activities to exceed Table 14.2 nitrogen losses by an unquantified, unknown amount. For the Whangaehu catchment, this has the potential to result in intensification of land uses without limitations on either the number of conversions, or the extent of nitrogen losses from those conversions. This carries a high potential to result in an impact on water quality in the Whangaehu Awa, and on its mouri. Any such outcome would be contrary to Te Mana

Tupua, Ngā Toka Tupua, and the statutory recognition inherent in the Settlement Legislation. It would also be in breach of the One Plan Schedule B value of Mauri (which is equivalent to mouri for Ngāti Rangi). We oppose those aspects of PC 2, as detailed in the specific details in Table 1 below.

Ngāti Rangi do not support the further intensification of lands within our rohe. We maintain the view that it is an unsustainable and short-sighted activity that allows further degradation of our natural environment. We would also like to remind Horizons of the Ngāti Rangi Taiao Management Plan, and ask that Horizons staff re-familiarise themselves with this document, in order to seek further understanding of our expectations regarding environmental management.

Sustainable land uses

In conjunction with this, we encourage the regional council to facilitate an approach towards sustainable farming within the wider region. By moving to more sustainable farming practices at the ground level, the need to highly regulate factors like nitrogen leaching rates will reduce. There are many examples of simple sustainable farming practices throughout New Zealand that can and should be encouraged.

Ngāti Rangi recognise that our world is changing and in order for our vision “**Kia mura ai te ora o Ngāti Rangi ki tua o te 1,000 tau – Ngāti Rangi continues to vibrantly exist in 1,000 years**” to come to fruition, our regulatory authorities need to ensure that the health and wellbeing of the environment is at the forefront of all decisions. We do not consider that PC 2 meets these criteria, given that the policy changes allow for a consenting pathway that facilitates an unquantified increase in nitrogen leaching, with poor controls on on-farm avoidance or mitigation practices.

Submission on Section 32 Report and consultation

Horizons Regional Council is required by clause 4A of Schedule 1 of the RMA to provide Ngāti Rangi with a copy of the draft plan change, to provide adequate time and opportunity for Ngāti Rangi to provide advice on it, and to have particular regard to that advice. That advice and the Council’s response to that advice must be summarised in the section 32 report (s32 (4A)).

Ngāti Rangi do not consider that they were given adequate time and opportunity to consider and provide advice on the draft plan change. While the general concept of the plan change was discussed with Ngāti Rangi over a longer period (albeit only in relation to the technical updates to Table 14.2), the letter containing the draft provisions was only sent to Ngāti Rangi on 18 June 2019, with feedback required by 11 July 2019. Ngāti

Rangi does not consider 23 working days adequate time to review, analyse, discuss and provide feedback on the draft plan provisions.

Ngāti Rangi also do not consider that Horizons Regional Council provided adequate time for council to actually consider and have particular regard to that advice, had it been provided. The council considered and made the decision to notify PC2 at its meeting on 25 June 2019. This is 10 working days after the Council sent a letter to Ngāti Rangi seeking their advice. Any advice provided by Ngāti Rangi prior to the 11 July deadline could not have been considered by the council when making their decision to notify PC2, as that decision was made on 25 June.

The Council did not summarise and respond to advice from Ngāti Rangi in its s32 report. It could not have, because the s32 report was completed and approved by Council prior to the deadline for receiving feedback from Ngāti Rangi. As a result, the s32 report does not meet the requirements of s32 of the RMA.

Furthermore, Ngāti Rangi provided advice to the council on a number of occasions prior to receiving the draft plan change. This advice was not summarised in the s32 report and the Council did not have particular regard to it, or summarise and respond to it adequately in the s32 Report, as required by the RMA.

Because of the lack of adequate consultation and a failure to appropriately have particular regard to and respond to any advice by Ngāti Rangi, Ngāti Rangi seek that PC2 be withdrawn and proper consultation with Ngāti Rangi occur.

The Council first raised the prospect of wider policy and rule changes with iwi in early 2019. Prior to this time the discussion with iwi had been about changes to Table 14.2. As a result, Ngāti Rangi were only aware of and able to provide any feedback on the wider policy changes for a few months before Council made the decision to notify PC2. All previous consultation the Council identifies in the s32 report as being Schedule 1 cl3 consultation did not include the wider policy changes, and is therefore invalid for that purpose. Ngāti Rangi considers it was not given adequate time and opportunity to provide feedback to the Council on PC2 and as a result consultation was inadequate.

As noted earlier, any activities within Te Waiū o te Ika must include meaningful engagement with Ngāti Rangi and, in the future, Ngā Wai Tōtā, the co-governance entity for Te Waiū o te Ika that will be established under the Settlement. The timeframes associated with PC2 did not allow for meaningful engagement. Therefore, we seek that this plan change is withdrawn to allow for the establishment of Ngā Wai Tōtā, and the strategy document that Ngā Wai Tōtā is charged with producing, Te Tāhoratanga.

Good Management Practices and exceeding Table 14.2

The operative One Plan contains a nitrogen allocation framework for existing intensive land uses to reduce nitrogen losses to improve water quality and support values. PC2 will provide for resource consents to exceed this framework, as long as good management practice (GMP) or the best practicable option (BPO) are applied. This is problematic on two fronts:

1. allowing the granting of consents to exceed the nitrogen allocation framework in the One Plan will allow nitrogen to continue to degrade water quality and freshwater values. The extent of this degradation is unknown and unable to be managed under the proposed GMP approach.
2. the proposed GMP and BPO approach is weak, inconsistent with national direction and is unlikely to improve water quality.

A GMP framework is unclear and untested. It will likely be inadequate to achieve the water quality outcomes sought by the One Plan, fail to have regard to the mouri of the water to enable hapu and iwi to provide for their social, economic and cultural wellbeing (as required by Objective 2–1), fail to recognise and provide for the mouri of the water as a Value in Schedule B (as required by Objective 5–1), and as a result impact on the mouri of the Whangaehu Awa contrary to Te Mana Tupua, Ngā Toka Tupua and the statutory recognition inherent in the Settlement Legislation. There does not seem to be any pathway in PC2 for monitoring the success or otherwise of using GMP to reduce nitrogen leaching and how well any practices are protecting freshwater values or the mouri of the water, nor any means to require further action if GMPs are failing to adequately protect those values. GMPs are not a substitute for compliance with the cumulative nitrogen leaching maximum in Table 14.2.

Ngāti Rangi submits that consents granted for intensive land use must meet the nitrogen leaching table. We oppose consents that rely on GMP or BPO to manage the effects of exceeding Table 14.2. Where applicants wish to exceed the nitrogen allocation table, this activity should be considered prohibited or non-complying.

Failure to meet RMA, NPS and RPS

The proposed Plan Change does not meet Horizons' obligations to enhance degraded water quality under s30 of the Resource Management Act, and fails to achieve the purpose of the Act. It does not give effect to National Policy Statement for Freshwater Management 2014 Objectives AA1, A1 and A2 to consider and recognise Te Mana o te Wai, safeguard life-supporting capacity and ecosystems and to improve water quality where it is degraded. Neither does it achieve the Regional Policy Statement objectives and policies on enhancing degraded waters or supporting freshwater values.

Other key points

Other key matters to note, which are explained in more detail in Table 1 below are:

- Ngāti Rangi submits that the Whangaehu should be included as a target catchment
- Changes to Table 14.2 should apply only to target catchments in the Tararua District. A new table for areas west of the Tararua ranges should be developed.



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Table 1 Specific comments on the Provisions of PC2

Provision	Support/ Opposition	Reasons	Relief Sought
Policy 5.8 <u>Management and Regulation of intensive farming land^ use activities affecting groundwater and surface water^ quality</u> <u>In order to give effect to Policy 5-7, the effects of intensive farming land^ use activities on groundwater and surface water^ quality must be managed in the following manner:</u>	Oppose	<p>Policy 5-7 states that “management of land use activities affecting groundwater and surface water must give effect to the strategy for surface water quality set out in Policies 5-2, 5-3 and 5-5”. It identifies that Policy 5-8 is one of the methods to give effect to that direction. It is more accurate to state that the purpose of Policy 5-8 is to give effect to Policies 5-2, 5-3 and 5-5 in relation to the effects of intensive farming.</p>	<p>Amend the introductory clause to read: <u>In order to give effect to Policies 5-2, 5-3, 5-4, 5-5 and 5-6, the effects of intensive farming land^ use activities on groundwater and surface water^ quality must be managed in the following manner:</u></p>
(a) Nutrients (i) 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	Oppose	<p>Clause B of the operative policy makes an important link to the Policies for water quality that the management of intensive farming must achieve. It is inappropriate to delete this connection.</p>	<p>Do not delete clause (B) of the operative policy. Retain the existing operative wording.</p>

<p>(B) will achieve the strategies for surface water quality set out in Policies 5-2, 5-3, 5-4 and 5-5, and the strategy for groundwater quality in Policy 5-6</p>		
<p>(B) (G) recognise the productive capability of land¹ in the Water Management Sub-zone*</p> <p>(C) (D) are achievable on most farms using good management practices*</p>		<p>Clause E of the operative policy provides for increased time to make changes where large changes to farm practice are required to achieve nitrogen leaching maximums. Any further delay in making water quality improvements should only be provided for in circumstances where large or expensive changes are required.</p>
<p>(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.</p> <p>(ii) Existing intensive farming land¹ use activities must be regulated in targeted Water Management Sub-</p>	<p>Oppose</p>	<p>The exceptions provided in (iia) and (iib) are inappropriate and will not assist the council in Delete reference to exceptions (iia) and (iib)</p>

zones* to achieve the nitrogen leaching maximums specified in (i) except as provided for in (iia) and (iib) below.		achieving the water quality objectives of the operative One Plan.	
(iia) Existing intensive land^ use activities which do not comply with (ii) must be regulated to reduce nitrogen leaching which is in excess of the nitrogen leaching maximums established under (a) by implementing good management practice*, and additional measures to minimise the degree of non-compliance, having regard to:	Oppose	<p>A good management practice framework is unclear and untested will likely be inadequate to achieve the water quality outcomes sought by the One Plan, fail to have regard to the mouri of the water to enable hapu and iwi to provide for their social, economic and cultural wellbeing (as required by Objective 2-1), fail to recognise and provide for the mouri of the water as a Value in Schedule B (as required by Objective 5-1), and as a result impact on the mouri of the Whangaeahu Awa contrary to Te Mana Tupua, Ngā Toka Tupua and the statutory recognition inherent in the Settlement Legislation.</p> <p>(A) the feasibility, practicality, and cost of achieving the nitrogen leaching maximums specified in (i); and</p> <p>(B) the strategy for surface water^ quality set out in Policies 5-2, 5-3, 5-4 and 5-5, and the strategy for groundwater quality in Policy 5-6.</p>	Delete new clause (a)(iia).

(ib) Existing land ^h use activities which do not comply with (ii) but are intended to transition to an alternative non-intensive farming land ^h use must be regulated to ensure that they are able to continue for a limited period of time in order to enable that transition and only where there is no increase in the exceedance of the nitrogen leaching maximums established under (a).	Oppose	Delete new clause (a)(iib).
(d) Good management practices*	Oppose	<p>Good management practice is not an adequate management framework to manage and improve water quality in the Region. It will fail to have regard to the mouri of the water to enable hapu and iwi to provide for their social, economic and cultural wellbeing (as required by Objective 2–1), fail to recognise and provide for the mouri of the water as a Value in Schedule B (as required by Objective 5–1), and as a result impact on the mouri of the Whangaehu Awa contrary to Te Mana Tupua, Ngā Toka Tupua and the statutory recognition inherent in the Settlement Legislation.</p> <p>Method 5–12</p>

Method 5–12	Support with amendment	Tangata whenua are identified in the description of the method as a party that the council will support in sustainable land use initiatives. Tangata whenua should also be included in the ‘who’ row of the method as active parties in this work.	Include ‘tangata whenua’ in the ‘who’ row of method 5–12
Policy 14–3	<p>Policy 14–3: Industry-based standards Good management practices*</p> <p><u>When making decisions on resource consent</u> applications, and setting consent conditions, for activities affecting groundwater and surface water[^] quality, The Regional Council must have regard to good management practices* will ensure on an ongoing 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 these standards as being adequate</p>	<p>Policy 14–3 is a relevant consideration for discharges of all types, not just those associated with intensive farming. For example, it would be a relevant consideration when considering industrial discharges to water. Good Management Practice has no appropriate meaning in this context. The definition of Good Management Practice proposed in the plan change also includes discharges to water and could apply to any type of discharge to land and water.</p> <p>The changes to Policy 14–3 proportion to increase the scope of PC1 beyond intensive farming consents and into all other discharges to land and water. This is inappropriate and was not signalled in the public notice for PC2 which confined the scope of PC2 to Existing Intensive Farming land uses.</p>	Delete the proposed changes to Policy 14–3 and retain the policy as in the operative One Plan.

<p>to avoid, remedy or mitigate adverse effects¹ to the extent that those standards good management practices² address the matters in Policies 14-1, 14-2, 14-4, and 14-5 and 14-6.</p>		
<p>Policy 14-5: Management of intensive farming land³ uses</p> <p>(b) The intensive farming land³ uses identified in (a) must be regulated where:</p> <ul style="list-style-type: none"> (i) They are existing (ie., established prior to the Plan having legal effect) intensive farming land³ uses, in the targeted Water Management Sub-zones identified in Table 14.1 <p>Foot note 1 The Plan has legal effect in the case of existing intensive farming land³ uses in these zones from the dates identified in Table 14.1.</p>	<p>Support</p> <p>This is a useful clarification of the operative wording of the One Plan.</p>	<p>Retain as proposed.</p> <p>Amend the foot note to read: The Plan has legal effect in the case of existing intensive farming land³ uses from the date of notification of the One Plan, in 2007.</p>

		the date of notification of the One Plan is the appropriate date.	
Footnote 2	Support with amendment	Identifying the dates when the plan has legal effect is useful. However, the footnote is incorrect. The plan had legal effect when the One Plan was notified.	Amend the foot note to read: <u>The Plan has legal effect in the case of existing intensive farming land¹ uses from the date of notification of the One Plan, in 2007.</u>
(d) <u>Except as provided for in Policy 14–6(d), Existing intensive farming land¹ uses regulated in accordance with (b)(i) must be managed to ensure that the leaching of nitrogen from those land¹ 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.</u>	Oppose	The approach put forward in 14–6(d) is not supported and consequently this cross reference to it is also not supported.	Retain the existing wording of the operative One Plan.
Policy 14–6: Resource consent decision-making for intensive farming land¹ uses			
(b) <u>Ensure implementation of good management practices* to manage nutrient leaching and run-off, faecal contamination and sediment</u>	Support with amendment.	The proposed addition provides useful guidance for management of contaminants other than nitrogen. However, nitrogen leaching ought to be managed within the nitrogen leaching maximums identified in Table 14.2, not by good management practice.	Amend the wording of proposed clause to read: <u>Ensure implementation of good management practices* to manage</u>

<u>loss, as part of any intensive farming land^ use.</u>		<u>nutrient leaching and run-off, faecal contamination and sediment loss, as part of any intensive farming land^ use.</u>
<u>(b) An exception may be made to (e) for existing intensive farming land^ uses in the following circumstances:</u> <u>(i) where the existing intensive farming land^ use occurs on land that has 50% or higher of LUC Classes IV to VIII and has an average annual rainfall of 1500 mm or greater; or</u> <u>(ii) where the existing intensive farming land^ use cannot meet year 1 cumulative nitrogen leaching maximums* in year 1, they shall be managed through conditions on their resource consent to ensure year 1 cumulative nitrogen leaching maximums* are met within 4 years.</u> <u>Where an exception is made to the cumulative nitrogen leaching maximums* the existing intensive</u>	The proposed deletion of the criteria when allowing an exception to the nitrogen leaching maximums in Table 14.2 is not supported. Without criteria to guide when exceptions will be made to the nitrogen leaching maximums, an exception could be made in any circumstances. Those circumstances could include when it is practicable to reduce nitrogen leaching to the levels allowed by Table 14.2, but the landowner chooses not to take the necessary actions. The guidance in the operative policy should remain. <u>(aa) Resource consent applications for farms to exceed the nitrogen leaching maximum must not be granted, unless they meet the criteria in (b) and are managed in accordance with (e).</u>	Retain the wording of clause (b) of operative policy 14–6, do not delete it as proposed by PC2. Add a new clause after (a): <u>(aa) Resource consent applications for farms to exceed the nitrogen leaching maximum must not be granted, unless they meet the criteria in (b) and are managed in accordance with (e).</u>

<p>farming land uses must be managed by consent conditions to ensure:</p> <p>(i) Good management practices to minimise the loss of nitrogen, phosphorus, faecal contamination and sediment are implemented.</p> <p>(ii) Any losses of nitrogen, which cannot be minimised, are remedied or mitigated, including by other works or environmental compensation.</p> <p>Mitigation works may include but are not limited to, creation of wetland and riparian planted zones.</p>		<p>Retain the wording of clause (c) of operative policy 14–6, do not amend it as proposed by PC2.</p>
<p>(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 <u>are must be avoided</u>, remedied or mitigated. In all cases any unavoidable losses of nitrogen, phosphorus, faecal</p>	<p>Oppose</p>	<p>The amendment to remove ‘are’ and replace it with ‘must be’ does not make grammatical sense.</p> <p>The amendment to remove the last sentence of clause (c) is not supported. Giving examples of practical mitigation is useful and should remain.</p>

<p>contamination and sediment are remedied or mitigated by other works or environmental compensation. Mitigation works may include (but are not limited to) creation of wetland and riparian planted zones.</p> <p>(d) Provide for exceptions to (a) for existing intensive farming land[†] uses that exceed the cumulative nitrogen leaching maximum* where:</p> <p>(i) 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[†] progressively over time; or</p> <p>(ii) The existing intensive farming land[†] use is to continue for no longer</p>	<p>Oppose clause (i)</p> <p>Good management practices are not an alternative to limits on nitrogen leaching.</p> <p>Support with amendment.</p> <p>Provide for transition to non-intensive landuse is supported.</p> <p>Delete clause (d)(i) Retain clause (d)(ii).</p>

<p><u>than five years in order to enable the transition to an alternative non-intensive farming land^ use without an increase in nutrient leaching and run-off, faecal contamination and sediment losses from the land^ over that period of time.</u></p>	
<p>(e) When determining whether to enable an existing intensive farm land^ use to continue under (d)(i), have regard to:</p> <ul style="list-style-type: none"> (i) Whether the proposed innovations and measures represent the best practicable option^ to minimise the nutrient leaching and run-off, faecal contamination and sediment losses from the land^, having particular regard to: 	<p>Support with amendment and deletion</p> <p>Reference to BPO is not appropriate.</p> <p>The double use of the phrase ‘have regard to’ weakens the framework.</p> <p>The proposed policy will not assist the council to improve water quality, will likely be inadequate to achieve the water quality outcomes sought by the One Plan, fail to have regard to the mauri of the water to enable hapu and iwi to provide for their social, economic and cultural wellbeing (as required by Objective 2-1), fail to recognise and provide for the mauri of the water as a Value in Schedule B (as required by Objective 5-1), and as a result impact on the mauri of the Whangaeahu Awa contrary to Te Mana Tupua, Ngā Toka Tupua and the statutory recognition inherent in the Settlement Legislation.</p>
	<p>Delete the proposed policy, or Reward the policy so that it is consistent with achieving the water quality objectives of the One Plan and provide clear direction to decision makers to ensure all practicable measures are taken to minimise loss of contaminants from intensive farming, and that reductions in contaminants are consistent with the water quality strategy set out in the RPS, and consistent with the rate and scale of reductions required by Table 14.2, or Reward the policy as follows:</p> <p>(A) The extent of the exceedance of the cumulative nitrogen leaching maximum* in Table 14.2;</p>

<p>(B) <u>The rate of reduction of nitrogen loss towards the cumulative nitrogen leaching maximum* for any given year in Table 14.2;</u></p> <p>(C) <u>Whether further reductions are currently possible for the intensive farming land^ use based on existing technologies.</u></p>	<p>When determining whether to enable an existing intensive farm land^ use to continue under (b) or (d)(ii), and deciding what conditions (if any) to impose on any resource consent, decision makers must ensure have regard to:</p> <p>(i) Whether the preferred innovations and measures represent the best practicable option^ to minimise the nutrient leaching and run-off, face-at-sextantation-and sediment losses from the land^;</p> <p>(A) The extent of the exceedance of the cumulative nitrogen leaching maximum* in Table 14.2 a is minimised and;</p> <p>(B) The rate of reduction of nitrogen loss towards the cumulative nitrogen leaching maximum* for any given year in is of a scale commensurate with the scale of reduction required in Table 14.2;</p> <p>(iii) The nature and characteristics of the land^, having regard to physical characteristics of the soil including in terms of attenuation capacity, climatic conditions, and topography of the property;</p> <p>(iv) The contribution of the progressive reduction in nutrient</p>
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<p><u>leaching and run-off, faecal contamination and sediment losses from the land¹, over time, to the improvement of water¹ quality within that Water Management Sub-zone*</u></p> <p>(v) <u>The strategy for surface water¹ quality set out in Policies 5–2, 5–3, 5–4 and 5–5, and the strategy for groundwater quality in Policy 5–6.</u></p>	<p>(C) <u>nutrient leaching and run-off, faecal contamination and sediment losses from the land¹, are reduced to the greatest extent possible using Whether further reductions are currently available possible for the intensive farming land¹ use-based on-existing technologies and management practices.</u></p> <p>(iv) <u>The contribution of the progressive reduction in nutrient leaching and run-off, faecal contamination and sediment losses from the land¹, over time, to the improvement of water¹ quality within that Water Management Sub-zone* is proportionate to the reduction required and the contribution of the land use to achieving:</u></p> <p>(W) <u>The strategy for surface water¹ quality set out in Policies 5–2, 5–3, 5–4 and 5–5, and the strategy for groundwater quality in Policy 5–6.</u></p>
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		<p><u>When determining whether to enable an existing intensive farm land¹ use to continue under (b) or (d)(ii), and deciding what conditions (if any) to impose on any resource consent, decision makers have regard to:</u></p> <p>(ii) <u>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;</u></p> <p>(iii) <u>The nature and characteristics of the land¹, having regard to physical characteristics of the soil including in terms of attenuation capacity, climatic conditions, and topography of the property;</u></p>	<p><u>Delete the proposed policy</u></p>
(f)	<u>When determining whether to enable the existing intensive farming</u>	Oppose	The proposed policy will not assist the council to improve water quality, will likely be inadequate to achieve the water quality outcomes sought by the

<u>land^h use to continue under (d)(ii), have regard to:</u>	One Plan, fail to have regard to the mouri of the water to enable hapu and iwi to provide for their social, economic and cultural wellbeing (as required by Objective 2-1), fail to recognise and provide for the mouri of the water as a Value in Schedule B (as required by Objective 5-1), and as a result impact on the mouri of the Whangaehu Awa contrary to Te Mana Tupua, Ngā Toka Tupua and the statutory recognition inherent in the Settlement Legislation.
(i) <u>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^h do not increase over the duration of the resource consent^h:</u>	<p>(ii) <u>good management practices*</u> proposed to avoid, remedy or mitigate nutrient leaching and run-off, faecal contamination and sediment losses from the land^h:</p> <p>(iii) <u>the nature, sequencing, measurability and enforceability of</u> any steps proposed to transition out of the intensive farming land^h use by the expiry of the resource consent^h:</p>
	Table 14.1 Targeted Water Management Sub-zones

Table 14.1	Support with amendment	<p>Retaining the current target catchments from the operative One Plan is supported. However, since the One Plan was notified it has become apparent that the current non-regulatory approach to managing existing intensive farming activities outside those target catchments is inadequate at safeguarding the life supporting capacity of waterbodies in those non-target catchments, and fails to provide for their mouri. Waterbodies in the Whangaehu Awa catchment are degraded and failing to meet the water quality targets in Schedule E.</p> <p>This fails to have regard to the mouri of the water to enable hapu and iwi to provide for their social, economic and cultural wellbeing (as required by Objective 2-1), fails to recognise and provide for the mouri of the water as a Value in Schedule B (as required by Objective 5-1), and as a result impacts on the mouri of the Whangaehu Awa contrary to Te Mana Tupua, Ngā Toka Tupua and the statutory recognition inherent in the Settlement Legislation.</p>	Amend Table 14.1 to add a new row as follows:
		<p>Catchment: Whangaehu Catchment</p> <p>Water Management Sub-zone: Upper Whangaehu Whau_1a</p> <p>Waitangi Whau_1b</p> <p>Tokiahuru Whau_1c</p> <p>Middle Whangaehu Whau_2</p>	
		<p>Lower Whangaehu Whau_3a</p> <p>Upper Makotuku Whau_3b</p> <p>Lower Makotuku Whau_3c</p> <p>Upper Mangawhero Whau_3d</p> <p>Lower Mangawhero Whau_3e</p>	
		<p>Makara Whau_3f</p>	

		The waterbodies in the Whangaehu Awa catchment should be included as target catchments in Table 14.1 to enable regulation and control over intensive land uses in the catchment.	Coastal Whangaehu Whau_4
		Date the Rules of the Plan have legal effect in relation to Rule 14-1: 2021	
Table 14.2	Support with amendment	<p>The nitrogen leaching maximums in Table 14.2 have only been calibrated or tested for catchments on the Tararua District. Changes to the Overseer model have affected drainage modelling in high rainfall locations, but have not had the same effect in low rainfall locations, such as those on the western side of the Ruahine and Tararua Ranges. As a result, the recalibration of Table 14.2 may provide for significantly more leaching from farms in low rainfall areas, in a way that has not been tested and has not been anticipated. A separate table for catchments on the western side of the Tararua and Ruahine Ranges is required.</p>	<p>Retain the original numbers in Table 14.2 and apply it to the catchments not in the Tararua District (ie those catchments on the western side of the Ruahine and Tararua Ranges).</p> <p>In addition, retain the amendments to Table 14.2 but provide for the amended numbers in a new table that applies only to the catchments in the Tararua District, as set out in the relief sought for a new Table 14.2A below.</p>
Insert new table 14.2A	Support addition of a new table	As stated above for Table 14.2	Provide for the amended numbers in Table 14.2 in a new Table 14.2A to apply

		only to those catchments in the Tararua District.
Rule 14-1		
Matter of Control (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	Oppose Good management practices are not a substitute for compliance with the cumulative nitrogen leaching maximum in Table 14.2. And	Retain matter of control (b) as in the operative One Plan. Insert new matter of control to address additional good management practices as set out in PC2.
Matter of control (i) the matters in Policies 14-5, 14-6 and 14-9.	Oppose	Oppose to the extent that the content of policies 14-5 and 14-6 are not supported.
Rule 14-2		

Rule description	Support	It is good to provide a RD pathway for intensive farming activities that meet the cumulative nitrogen leaching maximum in Table 14.2 but are challenged in some other respect.	Retain as proposed.
14-2 Existing intensive farming land ^r use activities not complying with any of the conditions, standards and terms (a), (b) and (d) to (i) of Rule 14-1	Conditions/Standards/Terms	<p>Support</p> <p>Requiring the intensive farming activity to prepare and comply with a nutrient management plan that complies with Table 14.2 will ensure nitrogen management is within acceptable limits in the plan.</p> <p>(a) A nutrient management plan* must be prepared for the land^r and provided annually to the Regional Council.</p> <p>(b) The activity must be undertaken in accordance with the nutrient management plan* prepared under (a).</p> <p>(c) The nutrient management plan* prepared under (a) must demonstrate that the nitrogen leaching loss from the activity will not exceed the cumulative nitrogen leaching maximum* for any year in Table 14.2.</p>	Retain as proposed.

Discretion	Support	Delete as proposed.	
(b) the extent of non-compliance with the cumulative nitrogen leaching maximums specified in Table 14.2			
Discretion	Oppose	<p>Management practices beyond 'good management' may be necessary and appropriate to avoid, remedy and mitigate adverse effects on the environment from intensive farming activities.</p> <p>(b) <u>measures good management practices*</u> to avoid, remedy or mitigate nutrient leaching and runoff, faecal contamination and sediment losses from the land</p>	<p>Retain the wording in the operative One Plan.</p> <p>The granting of consent should be guided by the matters in Operative Policy 14-6.</p> <p>(1)(iii) the matters in Policy 14-9.</p>

		(1)(f)(ii) the matters in Policies 14-6 and 14-9.
Rule 14-2A	Support with amendment	<p>Providing a more restrictive activity class for intensive farming activities that cannot meet the cumulative nitrogen leaching maximums in Table 14.2 is supported. However, leaching in excess of the nitrogen maximums would potentially be inconsistent with the objectives and policies of the One Plan and the activity status should be classified as prohibited or non-complying.</p> <p>Or</p> <p>Amend the classification column from ‘discretionary’ to ‘prohibited’.</p>
Glossary	Oppose	<p>The proposed definition of good management practice is vague and unclear and would allow any practice at all to be proposed by any industry or individual and be considered as ‘good’. This is inappropriate and will not assist the council to achieve the water quality goals of the RPS, and will likely be inadequate to achieve the water quality outcomes sought by the One Plan, fail to have</p> <p>Delete the definition of Good Management practices</p> <p>Or</p>

	<p>regard to the mouri of the water to enable hapu and iwi to provide for their social, economic and cultural wellbeing (as required by Objective 2–1), fail to recognise and provide for the mouri of the water as a Value in Schedule B (as required by Objective 5–1), and as a result impact on the mouri of the Whangaeahu Awa contrary to Te Mana Tupua, Ngā Toka Tupua and the statutory recognition inherent in the Settlement Legislation.</p>	<p>Amend the definition of Good management practices to set out specific management practices or outcomes sought by management practices that will achieve measurable improvement in water quality and reduction in contaminant loss from the intensive farming activity.</p>
	<p>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^a 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</p>	<p>It is unclear at this stage what any other ‘recognised nutrient management model’ is and whether those models are reliable and accurate for the purpose of estimating nutrient losses in a manner that will assist the council in achieving the water quality objectives of the RPS and will likely be inadequate to achieve the water quality outcomes sought by the One Plan, fail to have regard to the mouri of the water to enable hapu and iwi to provide for their social, economic and cultural wellbeing (as required by Objective 2–1), fail to recognise and provide for the mouri of the water as a Value in Schedule B (as required by Objective 5–1), and as a result impact on the mouri of the Whangaeahu Awa contrary to Te Mana Tupua,</p>

<p>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.</p>	<p>Ngā Toka Tupua and the statutory recognition inherent in the Settlement Legislation.</p>
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