

Form 5

Submission on notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Horizons Regional Council

Name of submitter: Palmerston North City Council

This is a submission on Proposed Plan Change 2 (PC2) to the Horizons Regional Council One Plan.

The specific provisions of the proposal that the submission relates to are:

Proposed PC2 in its entirety and consequential changes to the One Plan.

Palmerston North City Council's submission is:

Palmerston North City Council (PNCC) is currently undertaking an extensive and comprehensive review to determine the best practicable option for the treatment and disposal (including land disposal systems) of the city's treated wastewater (the **BPO Review**). The BPO Review includes¹:

- 1) preliminary investigations, identification of viable options, detailed investigations into those options, consultation with iwi and affected communities and decision making as to the best practicable option. It will also include further scheme analysis and securing of sufficient suitable land if a land based option is pursued;
- 2) preparation of a resource consent application and assessment of environmental effects, further consultation with community, lodgement, consent hearing and potential appeals process; and
- 3) tendering processes, detailed design work, construction and commissioning of the approved scheme.

As part of the BPO Review PNCC identified an extensive long list of options for the treatment and disposal of the city's wastewater. Through a structured decision making process and consultation PNCC has now identified a short list of options. Five of the six short list options involve the discharge of treated municipal wastewater to land. Two of the options will require somewhere in the vicinity of 2,500ha to 3,680ha (including buffers) of land depending on the type of land and a range of other factors.

PNCC is concerned that while the One Plan sets a strong high level direction of a preference for the discharge of treated wastewater to land there is a "vacuum" in the lower level provisions regarding the assessment of applications for these activities and the matters to be considered by decision makers in relation to any resource consents that may be issued to authorise that discharge.

To expand on this further, Policy 5.11 in the Regional Policy Statement directs that discharges of human sewage must be applied to land, overflow land or pass through an alternative system that mitigates the adverse effects on the mauri before entering surface water. While there are specific policy and rules in the Regional Plan relating to the management of discharges of domestic wastewater there are no corresponding provisions relating to the discharge of treated municipal wastewater to land.

¹ Condition 23C Discharge Permit 101829

PNCC is also concerned that there is a lack of clarity regarding the extent to which other provisions in the One Plan could be applied to the discharge of treated wastewater to land. This is a particular issue where the discharge of treated wastewater to land is undertaken in conjunction with farming activities. Under the proposed PC2 provisions these issues arise including in relation to:

- 1) the extent to which the cumulative nitrogen leaching maximums contained in Table 14.2 would be applied to discharges of treated municipal wastewater to land where this activity is undertaken in conjunction with farming activities; and
- 2) the appropriateness of applying Overseer and the Table 14.2 limits to treated municipal wastewater discharges to land.

It should be noted that, while PC2 is intended to apply only to existing intensive farming activities, the proposed amendments to Table 14.2 will apply to any new discharges of treated wastewater to land that is undertaken in conjunction with:

- 1) sheep or beef grazing where the area of the land irrigated is over 4ha; or
- 2) an existing intensive farming activity in targeted Water Management Sub-zones.

Depending on the outcomes of the BPO review PNCC could, within the next two years, lodge an application(s) to discharge treated wastewater to extensive areas of land in the Manawatū. This application has the potential to involve the largest area of land ever required for the discharge of treated municipal wastewater in New Zealand. As a consequence of the large area of land required and given the nature of land use in the Manawatū, large portions of land which are subject to intensive farming would be required for this project (including existing farming areas).

PNCC is concerned that the One Plan's planning framework of policies, rules, assessment criteria and other methods, particularly as proposed to be amended under PC2, is not appropriate to effectively assess applications for the discharge of treated municipal wastewater to land, where this land is also the subject of intensive farming activity or otherwise.

Also as set out above PNCC is concerned that provisions in the One Plan and PC2 which are designed to manage other activities could be applied to discharges of treated wastewater to land. This could lead to unintended consequences including putting barriers in place to the successful granting of applications for the discharge of treated municipal wastewater to land. These potential unintended consequences could be in conflict with and have the potential frustrate the policy direction in the Regional Policy Statement of a preference for the discharge of treated wastewater to land.

The risks of these unintended consequences that have been identified through PNCC's assessment of PC2 have highlighted the need for the One Plan and PC2 to set in place a clear framework for the management of discharges of treated municipal wastewater to land.

Any future National Policy Statement for Highly Productive Land could also present future barriers to the discharge of treated municipal wastewater to land where this has the potential to impact on highly productive land. Therefore PC2 and the One Plan should not be constraining the ability to use land irrigate with treated municipal wastewater for productive purposes.

PNCC seeks the following decision from the local authority:

1. PC2 and the One Plan be amended to clarify that the intensive farming provisions of the One Plan including Table 14.2 do not apply to the discharge of treated wastewater to land including where this activity occurs on land used for grazing or in conjunction with other farming or intensive farming activities.

2. PC2 and the One Plan should be amended to ensure provisions do not restrict the ability to use land irrigate with treated municipal wastewater for productive purposes.
3. PC2 and the One Plan be amended to include a planning framework of appropriate policies and methods to effectively assess and provide support for applications for the discharge of treated municipal wastewater to land. These provisions should include recognition of the positive effects of changing or partially changing receiving environments from surface water to land for the discharge of treated wastewater.
4. Appendix 1 attached to this submission includes suggested amendments to PC2 and the One Plan that is one approach to the amendments sought.
5. Any alternative, consequential or additional relief, to that set out in this submission, required to give effect to the matters raised generally in this submission.

PNCC wishes to be heard in support of the submission.

If others make a similar submission, PNCC will consider presenting a joint case with them at a hearing.

Signature of submitter

A handwritten signature in blue ink, appearing to read 'S. Bryant', is written over a faint horizontal line.

Sheryl Bryant

GM Strategy & Planning at Palmerston North City Council

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Appendix 1: - Proposed amendments to Proposed Plan Change 2 and other related amendments to the One Plan

Proposed amendments shown in red underline or ~~red-strikethrough~~

Proposed Plan Change 2

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

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:

(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 except discharges of treated municipal wastewater irrigated to land including the discharge of treated municipal wastewater irrigated to land carried out in conjunction with intensive farming land use activities

Policy 14-5: Management of intensive farming land^ uses

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

(a) The following land uses have been identified as intensive farming land^ uses:

(i) Dairy farming*

(ii) Commercial vegetable growing*

(iii) Cropping*

(iv) Intensive sheep and beef*

(aa) The following land uses are not intensive farming land^ use activities

(i) The discharge of treated municipal wastewater irrigated to land undertaken in conjunction with the land uses identified in (a)(i) to (iv); and

(ii) The discharge of treated municipal wastewater irrigated to land undertaken in conjunction with any other farming land use activity

14.3 Rules - Agricultural Activities

The following land uses are not intensive farming land^ use activities and are not subject to the nitrogen leaching maximums set out in Table 14.2 or to Rules 14.1 to 14.2A.

(i) The discharge of treated municipal wastewater irrigated to land undertaken in conjunction with the land uses identified in Policy 14.5(a)(i) to (iv); and

(ii) The discharge of treated municipal wastewater irrigated to land undertaken in conjunction with any other farming land use activity

One Plan

Policy 14-2A: Consent decision-making for discharges^ of treated municipal wastewater to land^

When making decisions on resource consent^ applications, and setting consent conditions^, for discharges^ of treated municipal wastewater onto, into or over land^ the Regional Council must have regard to:

- (a) the objectives and policies of Chapter 5 regarding the management of groundwater quality and discharges^;
 - (b) the benefits derived from having a discharge of treated municipal to land rather than to surface water
 - (c) where the discharge^ may enter surface water^ or have an adverse effect^ on surface water^ quality, the degree of compliance with the approach for managing surface water^ quality set out in Chapter 5 and in particular the improvements that the discharge of treated municipal wastewater to land makes to the quality of surface water;
 - (d) the extent to which adverse effects^ on any sensitive receiving environments^ or potentially incompatible land^ uses, in particular any residential buildings, educational facilities, churches, marae, public areas, infrastructure^ and other physical resources of regional or national importance identified in Policy 3-1, wetlands^, surface water bodies^ and the coastal marine area^ can be mitigated.
 - (e) the objectives and policies of Chapters 2, 3, 6, 9 and 12 to the extent that they are relevant to the discharge^.
 - (f) any adverse or positive effects on public health;
 - (g) any offensive or objectionable odour effects beyond the property* boundary:
 - (h) the adequacy of any proposed buffers to mitigate effects on adjoining properties and in particular on any sensitive receiving environments^ or potentially incompatible land^ uses identified in (d) above.
 - (i) the extent to which any adverse effects of the discharge on:
 - (i) groundwater at any point of abstraction utilised for irrigation, stock or domestic drinking water^;
 - (iii) stormwater drains; or
 - (iv) artificial watercourses*;
- can be mitigated

Glossary

Biosolids means a sewage or sewage sludge, derived from a sewage treatment plant, that does not include animal effluent* or products derived from industrial wastewater treatment plants, and that has been treated or stabilised to the extent that it is able to be safely and beneficially applied to land^ but excludes treated municipal wastewater.

Fertiliser means any substance or mix of substances that is described as or held to be suitable for sustaining or increasing the growth, productivity or quality of plants (or animals indirectly) through the application to plants and soils of:

- (a) the following major nutrients: nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chloride and sodium
- (b) the following minor nutrients: manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine and selenium
- (c) non-nutrient attributes of the materials used in fertiliser
- (d) fertiliser additives
- (e) gypsum and lime

but does not include *biosolids**, *animal effluent**, *compost** or *poultry farm litter** or *pig farm litter** or treated municipal wastewater.

Intensive sheep and beef farming refers to properties greater than 4 ha engaged in the farming of sheep and cattle, where any of the land grazed is irrigated but excludes any land irrigated with treated municipal wastewater.