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Dear Dr Peet

**Submission from the Manawatū District Council on Proposed Plan Change 2 – Existing Intensive Farming Land Uses**

Thank you for the opportunity to make a submission on Proposed Plan Change 2 to the operative Manawatū-Whanganui Region One Plan.

While the Manawatū District Council is generally supportive of Proposed Plan Change 2, we have some concerns which we wish to discuss.

**Intensive farming land use activities on land receiving treated wastewater**

The Manawatū District Council is concerned that the plan change has not given adequate consideration to the implications of the changes proposed to the existing provisions on the rest of the One Plan, particularly in relation to new intensive farming land use activities.

We note that the purpose of the plan change, as stated in the s32 report is to “*address issues with the One Plan provisions for controlling **existing** intensive farming land use activities*” (emphasis added). However, compliance with the cumulative nitrogen leaching maximum specified in Table 14.2 is also a requirement for **new** intensive farming land use activities under One Plan Rules 14-3 and 14-4. This could have implications for the types of farming land use activities that the Manawatū District Council can carry out on the land that receives treated wastewater from the Manawatū Wastewater Treatment Plant.

The land that receives irrigated treated wastewater from the Manawatū Wastewater Treatment Plan is currently operated as a cut and carry operation, in accordance with condition L3 of the Manawatū District Council’s discharge permit 106950, which states:

*The permit holder shall ensure that the land application area is operated as a cut and carry operation. The land application area may be grazed with young stock and/or sheep to maintain pasture quality in accordance with a certified Land Application Management Plan.*

While condition L3 allows for the grazing of the land application area with young stock and/or sheep, the current One Plan definition of “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.*”

The inclusion of reference to “irrigation” within the definition of “intensive sheep and beef farming” means that the Manawatū District Council is limited in the types of activities it can carry out on the land application area from the Manawatū Wastewater Treatment Plant. This understanding is based on *Horowhenua District Council v Manawatu-Wanganui Regional Council and Horowhenua District Council* Decision No. [2018] NZEnvC 163 (Foxton Decision) which concluded that if land that is currently not irrigated and used for beef farming was to become irrigated by treated wastewater, this constitutes a new intensive farming land use.

Should the Manawatū District Council wish to graze sheep and beef on the land application area even for pasture management, as provided for under its current consent, or to vary or renew discharge permit 106950, such as by adding additional land, a resource consent may be required for a new intensive farming land use activity under Rule 14-3 or 14-4. Such a consent may be difficult and costly to obtain under the One Plan rules, and as amended by Proposed Plan Change 2.

Two possible ways of resolving these concerns are to either amend the definition of “intensive farming land uses” to specifically exclude land that receives treated wastewater from a wastewater treatment plant; or to include a new definition of “irrigation” within the One Plan that refers to fresh groundwater or surface water and not the disposal of treated wastewater.

The purpose of irrigating treated wastewater to land is not to increase the productive potential of that land, but to dispose of wastewater to land so as to reduce direct discharges to waterways and to improve water quality. An explanatory note could be added beneath Policy 14-5(a) or beneath the new definition of “irrigation” to explain the purpose of irrigating treated wastewater and why it should be treated differently from irrigated groundwater or surface water.

#### Decisions Sought:

- *That the grazing of land that receives treated wastewater from a wastewater treatment plant be specifically excluded from the list of “intensive farming land uses” under Policy 14-5(a) of Proposed Plan Change 2; or*
- *That a new definition of “irrigation” be added to the One Plan that refers to the irrigation of groundwater or surface water but does not include the disposal of treated wastewater.*
- *That an explanatory note be added beneath Policy 14-5(a) or the new definition of “irrigation,” depending on which approach is preferred, explaining why the irrigation of treated wastewater is considered differently to other irrigation. Possible wording for this advice note is as follows:*

*Explanatory Note: The purpose of discharging treated wastewater from wastewater treatment plants to land is to reduce direct discharges to waterways, thereby improving water quality. This differs from the irrigation of groundwater or surface water to land, which is primarily for the purpose of increasing the productive potential of the land. It is therefore appropriate that the irrigation of treated wastewater to be treated differently from other irrigation.*

### **Conflict between the intensive farming rules and overall enhancement of water quality**

The Manawatū District Council agrees with the position of the parties to the intensive farming memorandum in the Foxton Decision that:

- (i) there are inconsistencies within the One Plan whereby, in relation to the Project, the provisions seeking removal of human wastewater discharges to water and providing overall enhancement of water quality conflict with the provisions relating to new intensive farming and the nitrogen leaching maximums; and/or*
- (ii) There is a gap in the One Plan in that the intensive farming provisions do not 'cover the field' in relation to activities where treated human wastewater is being irrigated to land.*

As noted in Chapter 1 of the One Plan (Regional Policy Statement), one of the Region's "Big Four" challenges is surface water quality degradation.

Policy 5-11 (Human sewage discharges) of the Regional Policy Statement states that:

- a) before entering a surface water body all new discharges of treated human sewage must:
  - (i) be applied onto or into land, or*
  - (ii) flow overland, or*
  - (iii) pass through an alternative system that mitigates the adverse effects on the mauri of the receiving water body, and**
- b) all existing direct discharges of treated human sewage into a surface water body must change to a treatment system described under (a) by the year 2020 or on renewal of an existing consent, whichever is the earlier date.*

The discharge of treated wastewater from the Manawatū Wastewater Treatment Plant is therefore required by Policy 5-11 and by reducing direct discharges to the Oroua River, contributes to improved surface water quality. The Manawatū District Council considers that the One Plan should facilitate the discharge of treated wastewater to land, and enable the receiving land to be used for productive farming land use activities, within reasonable controls managed through consent conditions. The current One Plan Policies and Rules, particularly Policy 14-5 and Rule 14-3 do not give adequate recognition to the benefits that the irrigation of treated wastewater to land makes to surface water quality.

Resource consents for the discharge of treated wastewater from wastewater treatment plants already include conditions to control the quality of wastewater that is applied and to minimise the risk of nutrient run-off into waterways. These monitoring conditions are a more appropriate mechanism for managing treated wastewater discharges to land than theoretical modelled effects as required by the One Plan and Proposed Plan Change 2.

#### Decision Sought:

- *One Plan and Proposed Plan Change 2 be amended to include provisions that:
  - a) facilitate the discharge of treated wastewater to land, and enable the receiving land to be used for productive / intensive farming land use activities; and**

- b) *remove any requirements for the need to obtain additional resource consents where the discharge of treated wastewater will be undertaken in combination with productive / intensive farming land use activities*

### **Good Management Practices**

The Manawatū District Council is particularly concerned about the definition of “good management practices”. It is considered unreasonable for consent holders to have to amend their management practices if what is deemed to be “good management practices” evolves over time. Conditions on consents should set clear expectations on management practices based on established industry-based standards that apply at the time the consent is granted. Advancements in management practices can be captured through new conditions that may be introduced through consent renewals or variations.


The inclusion of the word “evolving” within the definition of “Good management practices” creates uncertainty for consent holders as to compliance with any existing consents and with the One Plan Rules and Policies.

#### Decision Sought:

- *That the definition of “Good management practices” be amended as follows:  
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 level to minimise the effects of discharges to land and water.*

The Manawatū District Council wishes to be heard at the Hearing.

Yours sincerely



Dr Richard Templer  
**Chief Executive**