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Further Submission on  
Manawatu Wanganui Regional Council's One Plan  
Proposed Plan Change 2 - Existing Intensive Farming Land Uses

From:  
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3<sup>rd</sup> December 2019

To:  
Manawatu Whanganui Regional Council  
[submissions@horizons.govt.nz](mailto:submissions@horizons.govt.nz)

1. This is a further submission in support of some parts of some submissions and in opposition to others on Proposed Plan Change 2 - Existing Intensive Farming Land Uses (PPC 2) - to the One Plan.
2. I am a person representing a relevant aspect of the public interest and a person who has an interest in the proposal that is greater than the interest the general public has. I am representing the Water Protection Society as its chairperson.
3. The Water Protection Society is a not-for-profit, non-government organisation that includes community members who have been actively involved in a several processes to improve and protect the quality of water in Manawatu and Rangitikei Rivers, including:
  - a) the development of the One Plan
  - b) renewals of Taihape, Hunterville, Shannon, Feilding, Foxton, Pahiatua, Eketahuna, Woodville and Whakapapa municipal wastewater discharge consents and AFFCO Manawatu industrial wastewater discharge consents
  - c) highlighting the failure of the Palmerston North wastewater treatment plant to meet its consent conditions
  - d) the review of the Palmerston North wastewater discharge consent
  - e) public education
  - f) the 2016 update of the Manawatu River Leaders' Accord
  - g) the Wellington Fish and Game vs Manawatu Whanganui Regional Council case seeking declarations about the implementation of the One Plan provisions relating to intensive farming ([2017] NZEnvc 37).
4. The Water Protection Society was incorporated in February 2014 (organisation number 2598143).

5. WPS **SUPPORTS** in whole or in part all submissions that support the revision of the Cumulative Nitrogen Leaching Maxima (CNLM) in Table 14-2.
6. **BECAUSE** the CNLMs were set as a way of allocating the nitrogen assimilative capacity of waterways in the region. If they were met across all land then that would go a long way to ensuring that that assimilative capacity would not be exceeded. It is acknowledged, however, that the CNLM were probably not set low enough to completely achieve that goal, instead being a compromise between what is actually needed and what could be readily achieved by most land users over a period of time.
7. And **BECAUSE** the effectiveness of the CNLM as a tool relies in part on the amount of leaching estimated by the Overseer model matching, as closely as possible, the actual amount of nitrogen leached on different types of land under different uses and management practices. Updates of Overseer occur periodically that purportedly improve the accuracy of the leaching estimates. It makes no sense to WPS that less accurate numbers should continue to be used in Table 14-2 or in estimates of leaching on individual properties when more accurate ones are available.
8. WPS **REQUESTS** those parts of submissions that support updating the CNLM numbers in Table 14-2 be allowed.
9. WPS **SUPPORTS** Federated Farmers (#58) submission in part concerning a process for updating Table 14-2.
10. **BECAUSE** having to go through a Plan Change is an expensive, time-consuming process. Technical changes, which do not involve any change in Objectives or Policies in the Regional Policy Statement or Regional Plan, such as the updating of numbers in Table 14-2, should be able to occur without resort to that process. Instead, these technical changes should be able to be made by giving notice to land users and the public. However, such changes should be limited to matters specified in the Plan and only be able to be made at particular intervals (say every third or 5<sup>th</sup> year after the relevant part of the Plan comes into effect) so as to avoid continuous change.
11. WPS **REQUESTS** that that part of Federated Farmers submission that seeks a more efficient way of making changes to Table 14-2 be allowed.
12. WPS **SUPPORTS** in whole or in part all submissions, such as Forest and Bird (#59) that argue that PPC 2, other than the updating of Table 14-2, should be abandoned or declined and **OPPOSES** in whole or in part those submissions (e.g. Dairy NZ, #40) that support currently non-compliant land uses being given a pathway to comply that involves not meeting the Table 14-2 CNLM.
13. **BECAUSE** the part of the PPC 2 which provides a pathway to obtaining consent for those land users who currently do not meet the CNLM of Table 14-2 undermines the intent of the One Plan. It provides for land users to continue to not meet the CNLM as long as they are implementing good management practices. Whether so-called good management practices are being used or not, if more nitrogen is being leached

from the land than is calculated to be acceptable under Table 14-2, then the One Plan's objectives for freshwater quality (e.g. Objectives 5-1 and 5-2) are unlikely to be achieved.

14. And **BECAUSE** PPC 2 is likely to become outdated when the forthcoming changes to the NPS-FM occur.
15. WPS **REQUESTS** that that part of Forest and Bird's submission seeking that PPC 2, other than the updating of the CNLM numbers in Table 14-2, be declined or withdrawn be allowed.
16. WPS **REQUESTS** that those parts of Dairy NZ's submissions that seek to have a pathway for non-compliant land users to become compliant, even though they still would not meet the CNLM of Table 14-2, and all other submissions having the same effective meaning, be disallowed.
17. WPS **OPPOSES** in whole or in part all submissions that seek an exception be made from the CNLM in Table 14-2 for any particular activity or type of land use. This includes the submissions of :
  - a) Horticulture NZ (#66) for commercial vegetable production
  - b) most of the territorial authorities (e.g. MDC #87, PNCC #83 and combined TLAs #82) for discharge of treated wastewater, and
  - c) all others support the submissions referred to in a) or b) or that have parts that, in effect, have the same meaning.
18. **BECAUSE** the allocation of the nitrogen assimilative capacity was made on the basis of it covering all production land. To exclude some land on the basis of the type of use made of it, and allowing higher nitrogen leaching rates on it, without compensating by lowering the amount of leaching allowed on other land undermines the basis on which the assimilative capacity was apportioned. Consequently, if these exemptions are permitted, the One Plan's objectives for freshwater quality are unlikely to be achieved.
19. And **BECAUSE** allowing exemptions sets a precedent which may result in applications for other types of land uses to be given exemptions also on the grounds of the importance of the land use. No criteria for assessing importance and granting such exemptions have been agreed.
20. WPS **REQUESTS** that those parts of all submissions that seek exemptions from meeting the Table 14-2 CNLM be disallowed.
21. WPS **OPPOSES** that part of Ruapehu District Council's submission which seeks the deletion of Table 14-2.
22. **BECAUSE** Table 14-2 is the tool which gives effect to the Objectives and Policies of the One Plan with respect to nitrogen contamination of waterways. Deleting it without providing an alternative method of restricting the amount of nitrogen entering groundwater, and subsequently surface water, would result in there being no

effective controls on such contamination - a situation that has resulted in the level of degradation of waterways that we witness today.

23. Despite our opposition to submissions seeking exemptions from the CNLM of Table 14-2, WPS agrees that there are grounds for developing a system of allocation of nitrogen leaching that is different from that currently incorporated in the One Plan. It could take into account:
  - a) the economic value to be derived from a certain land use,
  - b) the essentiality of the service provided (e.g. wastewater treatment and discharge),
  - c) the temporal variation in leaching (e.g. between cropped and pastured or fallowed land in rotations),
  - d) the potential for water management zone-wide cooperative management of nitrogen losses (e.g. transferability of leaching allowances), and/or
  - e) other matters.
24. However, any different allocation system must use the assimilative capacity of waterways as the starting point while society still holds the freshwater values that it does. The question should solely be about how that assimilative capacity is allocated among land users (e.g. whether Land Use Capability is an adequate criterion, whether all land in a single LUC should be treated equally). This is all a matter far beyond the scope of PPC 2 and should be undertaken as part of Horizon's Freshwater Futures programme.
25. WPS **OPPOSES** all submissions which propose that adopting Good Management Practices (GMP) or Best Management Practices (BMP) is sufficient to obtain consent despite not meeting the CNLM of Table 14-2.
26. **BECAUSE** the definitions of GMP and BMP are vague, giving the general idea that some set of practices has been agreed on as decreasing the negative effects of those practices while not actually adhering to specified standards such as the CNLM of Table 14-2. WPS is of the view that a practice (or set of practices which collectively) fail to meet the CNLM is/are not GMP(s).
27. And **BECAUSE** adoption of GMPs/BMPs should be a required condition of using land intensively even though doing so is not a sufficient one.
28. WPS **REQUESTS** that implementation of GMPs or BMPs be a required condition of granting consent to use land for intensive farming but that compliance with the CNLM of Table 14-2 should still be another required condition.
29. And WPS **REQUESTS** that all submissions that seek to authorise intensive farming land use activities on the grounds that good or best management practices are implemented while not achieving the CNLM of Table 14-2 be disallowed.
30. Further, WPS **SUPPORTS** those parts of the submissions of Andrew Day (#53), Environmental Defence Society (#54), Wellington Fish and Game Council (#55), Forest and Bird (#59), Department of Conservation (#61), Kahungunu ki Tamaki

nui-a-rua (#4), Ngati Turanga (#67) and all other submissions, that are consistent with WPS's submission and the rest of this further submission.

31. **BECAUSE** they are consistent with the Objectives of the One Plan and the purpose of the RMA to sustainably manage resources having regard to the matters in ss.6-8 of the Act.
32. WPS **REQUESTS** that those parts be allowed.
33. Further, WPS **OPPOSES** those parts of the submissions of Horticulture NZ (#66), Dairy NZ (#40), Federated Farmers (#58), Woodhaven Gardens (#57) and all other submissions, that are inconsistent, with WPS's submission and the rest of this further submission or the points raised in the submissions listed in paragraph 30 above.
34. **BECAUSE** they are inconsistent with the Objectives of the One Plan and the purpose of the RMA to sustainably manage resources having regard to the matters in ss.6-8 of the Act.
35. WPS **REQUESTS** that those parts be disallowed.
36. I wish to be heard in support of my further submission.
37. If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Thank you.

Sincerely,  
Dr. Chris Teo-Sherrell  
Chairperson  
Water Protection Society

