

Recommendation of Independent Hearing Panel

PLAN CHANGE 2

ONE PLAN – EXISTING INTENSIVE FARMING LAND USES

**Recommendation Report of the Independent Hearing Panel
appointed by the Manawatū-Whanganui Regional Council
pursuant to section 34A of the Resource Management Act 1991**

March 2021

EXECUTIVE SUMMARY

- i. The overriding resource management issue that PC2 seeks to address is the absence of a viable consenting pathway for existing intensive farming land use activities (IFLUs) in Manawatu-Whanganui Regional Council's One Plan.
 - ii. As currently drafted, there is clearly a policy barrier in the One Plan that prevents due consideration being given to resource consent applications for existing IFLUs that are unable to comply with the nitrogen leaching limits set out in the Plan.
 - iii. This is not to say that infringing activities should be given a 'free pass'. However, it is clear to us on the basis of the submissions we have read and the evidence that we have heard that such activities need to be provided with a pathway (and timeframe) for achieving compliance with those nitrogen leaching limits. Essentially, this is the intent of PC2.
 - iv. It is evident to us that the continued absence of such a pathway is not tenable, even over the short term, or in the context of further changes to the One Plan that will be required to provide alignment with the National Policy Statement for Freshwater Management 2020 (NPS-FM).
 - v. We were presented with compelling evidence from the Council, industry bodies, individual farmers, tangata whenua and environmental groups that the absence of a viable consenting pathway for existing IFLUs is a source of great uncertainty and stress in economic, social, cultural and environmental terms.
 - vi. On that, almost all parties agreed. Where they differed largely revolved around the mechanics of the consenting pathways that were proposed, both in the version of PC2 as notified, and in evidence presented during the course of the hearing.
 - vii. Overall, we find that PC2, incorporating amendments recommended in the lead-up to and during the course of the hearing and considered by us, represents the most appropriate way of achieving the purpose of the Resource Management Act 1991. Among other things, these amendments provide alternative controlled activity consenting pathways for dairy farming and commercial vegetable growing operations; we accept the need for both.
 - viii. We also find that the content of PC2, as amended and recommended by us, is not inconsistent with the direction required by higher order documents, and represents the most appropriate way of achieving the relevant One Plan and PC2 'objectives'.
 - ix. Ultimately, we accept the Council's position that PC2 is an interim measure, intended to address a pressing issue relating to the One Plan's workability. More fundamental changes to the One Plan are programmed by the Council over the next two to three years to address the direction set by the latest iteration of the NPS-FM. At the very least, we find that PC2 will not create any undesirable legacy and therefore will not frustrate or undermine the Council's ability to give effect to the NPS-FM 2020.
 - x. These future changes will also enable a more meaningful approach to engagement with iwi than proved to be case during the development of PC2. They will also provide the opportunity to address particular issues raised by some submitters that we found to be beyond the scope of PC2 (notably the consenting framework for discharges to land from new IFLUs such as industrial and municipal wastewater treatment facilities).
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- xi. PC2 attracted 84 submissions and 32 further submissions. Over the course of a two-week hearing, we heard from at least 75 people. Council officers and expert advisors prepared comprehensive s42A reports and evidence and were particularly open and responsive to queries from us, and suggestions or requested amendments from other parties to the hearing. All parties provided a valuable perspective and we sincerely appreciate their input.
 - xii. We are confident that PC2 provides the key to unlock the consenting process for existing IFLUs in the short term while acknowledging that it will not (and cannot) be the solution to all the issues raised in submissions and in evidence. Council's forward policy work programme provides the means to address those wider issues.
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- APPENDIX 1:** Panel recommendations on relief sought by submissions and further submissions
- APPENDIX 2:** Annotated version of plan change provisions
- APPENDIX 3:** Schedule of appearances at the hearing

INDEX OF ABBREVIATIONS

This report utilises several abbreviations and acronyms as set out in the glossary below:

Abbreviation	Means...
"the Act"	Resource Management Act 1991
"BMP, BMPs"	Best Management Practice or Best Management Practices
"BPO"	Best practicable option
"the Council"	Manawatū-Whanganui Regional Council
"CNLM"	Cumulative Nitrogen Leaching Maximum (as specified in Table 14.2)
"CVG"	Commercial vegetable growing
"DRP"	Dissolved Reactive Phosphorus
"GDP"	Gross Domestic Product
"GMP, GMPs"	Good Management Practice or Good Management Practices
"MWRC"	Manawatū-Whanganui Regional Council
"IFLU"	Intensive Farming Land Use (and includes the farming types defined in One Plan Policy 14-5)
"JWS"	Joint Witness Statement
"LUC"	Land Use Capability
"MCI"	Macroinvertebrate Community Index
"MfE"	Ministry for the Environment
"MWRC"	Manawatū-Whanganui Regional Council
"N"	Nitrogen
"NES-FM"	Resource Management (National Environmental Standards for Freshwater) Regulations 2020
"NMP"	Nutrient management plan
"NOF"	National Objectives Framework limits in the NPS-FM
"NPS"	National Policy Statement
"NPS-FM"	National Policy Statement for Freshwater Management
"One Plan"	The Consolidated Regional Policy Statement, Regional Plan and Regional Coastal Plan for the Manawatū-Whanganui Regional Council
"P"	Phosphorus
"PC2"	Proposed Change 2 to the Plan
"the Plan"	The One Plan (see above)
"the plan change"	Proposed Change 2 to the Plan
"the region"	The area administered by the Manawatū-Whanganui Regional Council
"the Regional Plan"	The regional plan component of the One Plan
"RMA"	Resource Management Act 1991
"RPS"	The regional policy statement component of the One Plan
"s[#]"	Section Number of the RMA, for example s32 means section 32
"s42A report"	The report prepared by MWRC pursuant to s42A, RMA
"SIN"	Soluble Inorganic Nitrogen
"SOE"	State of the Environment
"WMSZ"	Water Management Sub-Zone identified in the One Plan

Manawatū-Whanganui Regional Council
Plan Change 2
One Plan – Existing Intensive Farming Land Uses

Recommendation of the Independent Hearing Panel

Proposal Description:

Proposed Plan Change 2 to the One Plan: Existing Intensive Farming Land Uses

Hearing Panel:

Dr B Cowie – Independent RMA Hearing Commissioner, Chair

Ms EA Burge – Independent RMA Hearing Commissioner

Mr DJ McMahon – Independent RMA Hearing Commissioner

Date of Hearing:

12 October to 22 October 2020

Hearing Officially closed:

22 February 2021

1.0 INTRODUCTION

Report purpose

- 1.1 This report sets out our recommendation to the Council as a basis for their decision on Proposed Plan Change 2 to the operative One Plan.
- 1.2 We were appointed by the Council to hear and consider submissions on PC2 and make a recommendation to the Council under section 34A of the RMA, as to whether PC2 should be declined, approved, or approved with amendments.
- 1.3 The plan change (as notified) seeks to:
- a. update the cumulative nitrogen leaching maximums that apply to intensive farming land uses (i.e. dairy farming, commercial vegetable growing, cropping, and intensive sheep and beef) in response to updates in the Overseer® nutrient modelling software tool; and
 - b. amend related policies and rules in the One Plan, so as to reinforce GMPs and to provide more policy support for consenting existing intensive farming activities.¹
- 1.4 We will canvas the plan change's background in due course. It has been the subject of a section 32 report², consultation with stakeholders, and, of course, the public notification and hearing process, culminating in our recommendation to the Council.

¹ Adapted from the *Public Notice under Clause 5 of the First Schedule of the Resource Management Act (1991), Manawatū-Whanganui (Horizons) Regional Council, Proposed Plan Change 2 to the Horizons One Plan – Existing Intensive Farming Land Uses.*

² Section 32 of the RMA sets out the requirements for preparing and publishing reports that evaluate the appropriateness of a plan change.

- 1.5 Before setting out the details of PC2, the submissions to it and our substantive evaluation, there are some procedural matters that we will address, beginning with our role as an Independent Panel.

Role and report outline

- 1.6 As noted above, our role is to make a recommendation on submissions and further submissions on PC2 for consideration by the Council. The authority delegated to us by the Council includes all necessary powers under the RMA to hear and make a recommendation to the Council as to its ultimate decision regarding the plan change.
- 1.7 The content of this report is intended to satisfy the Council's various decision-making obligations and associated reporting requirements under the RMA (including s32AA).
- 1.8 Having familiarised ourselves with PC2 and its associated background material, read all submissions, conducted the hearing and undertaken site/locality visits, we hereby record our recommendations within this report.
- 1.9 In this respect, our report is broadly organised into the following two parts:

a. Factual context for the plan change:

This non-evaluative section (comprising **Section 2** in this report) is largely factual and contains an overview of the plan change and an outline of the background to the plan change and the relevant sequence of events. It also outlines the main components of the plan change as notified. This background section provides relevant context for considering the issues raised in submissions to the plan change. Here, we also briefly describe the submissions received to the plan change, and provide a summary account of the hearing process itself and our subsequent deliberations.

b. Evaluation of key issues:

The second part of our report (comprising **Sections 3 to 6**) contains an assessment of the main issues raised in submissions to PC2 and, where relevant, references the evidence/statements presented at the hearing (in **Section 3**). We conclude with a summary of our recommendations (in **Section 6**), having had regard to the necessary statutory considerations that underpin our recommendations (in **Section 4**). In **Section 5** we record some concluding comments about the proposal, the issues arising and our overall findings. All these parts of the report are evaluative, and collectively record the substantive findings on PC2.

Comments on the parties' assistance to us

- 1.10 In advance of setting out the plan change context, we would like to record our appreciation at the manner in which the hearing was conducted by all the parties taking part.
- 1.11 All those in attendance enabled a focused hearing process that greatly assisted us in assessing and determining the issues, and in delivering our recommendation to the Council.
- 1.12 These initial thoughts recorded, we now set out the factual background to the plan change.

2.0 PLAN CHANGE CONTEXT

Operative One Plan

- 2.1 The One Plan was notified in 2007 and became fully operative on 19 December 2014. It combined seven first generation regional plans into a single policy statement (Part 1) and regional plan (Part 2) for the region. The RPS sets out the regionally significant resource management issues and outlines the objectives, policies and methods that will be used to address these issues. Policies identified in the RPS are implemented through provisions in the Regional Plan.
- 2.2 We note that since the Plan became fully operative in 2014 it has been subject to ongoing monitoring and review. The Plan has already been subject to minor amendments and changes to reflect new national directives that were given effect to by Plan Change 1 and Plan Amendment 1. These changes were made operative in 2016 and 2018 respectively.
- 2.3 The following operative One Plan chapters, objectives, policies, and rules³ are relevant to the matters that PC2 seeks to address:
- a. Part 1: Regional Policy Statement:
 - i. Chapter 2 – Te Ao Māori:
 - a) Objective 2-1 and Policies 2-1, 2-2, 2-3, 2-4 and Table 2-1, relating to mauri, kaitiakitanga, the relationship of hapū and iwi with their ancestral lands, water, sites, wāhi tapu and other taonga including wāhi tupuna and resource management issues of significance to hapū and iwi;
 - ii. Chapter 4 – Land:
 - a) Objectives 4-1 and 4-2 and Policies 4-1, 4-2 and 4-3, relating to the management of accelerated erosion, encouraging and supporting sustainable land management, regulating land use activities, and supporting codes of practice, standards, guidelines, environmental management plans and providing information on best management practices;
 - iii. Chapter 5 – Water:
 - a) Objectives 5-1 and 5-2 and Policies 5-1 to 5-7 relating to water quality and Policy 5-8, relating to the regulation of intensive farming land use activities affecting groundwater and surface water quality.
 - b. Part 2: Regional Plan:
 - i. Chapter 12 – General Objectives and Policies:
 - a) Policy 12-5, relating to consent durations;
 - ii. Chapter 14 – Discharges to Land and Water:
 - a) Objective 14-1 relating to the management of discharges to land and water and land uses affecting groundwater and surface water quality;

³ Partially drawn from *Section 42A report of Christine Foster on behalf of Manawātū-Whanganui Regional Council, Planning*, 4 September 2020 (Volume 2), Attachment B1, pages 4-30.

- b) Policies 14-2, 14-3, 14-4, 14-5 and 14-6 relating to consent decision-making for discharges to land, industry-based standards, options for discharges to surface water and land, the management of intensive farming land uses and resource consent decision-making for intensive farming land uses, respectively;
 - c) Table 14.2 Cumulative Nitrogen Leaching Maximum by Land Use Capability Class; and
 - d) Rules 14-1 to 14-4 and, in particular, Rule 14-1 relating to existing intensive farming land use activities and Rule 14-2 relating to existing intensive farming land use activities not complying with Rule 14-1.
- c. The One Plan Glossary, particularly the definition for '*nutrient management plan*'.

Development of the plan change

- 2.4 The plan change was developed following research, consultation, collaboration and statutory planning processes. We have intentionally taken time here to outline, in a reasonably high level of detail, the relevant background associated with the preparation of the plan change. This approach has a certain utility in that recording that material early in this report:
- a. not only establishes useful context about the process leading to the notification of the plan change; but
 - b. it also introduces concepts and technical information that the notified plan change directly relies upon.
- 2.5 In preparing the following summary, we have relied extensively on the s32 evaluation report.⁴ We note that this summary is limited to describing the procedural development of the plan change; we only touch lightly on the rationale for the plan change in the following paragraphs. A much more detailed explanation of the rationale for the plan change – i.e. the problem that the plan change seeks to address – is set out in **Section 3** of this report.
- 2.6 In 2017 an Environment Court declaration found that there were significant issues with the way the Council was applying the One Plan provisions and processing resource consent applications dealing with intensive farming – most notably dairying and horticulture/vegetable growing - in some sensitive catchments in the region.
- 2.7 Accordingly, the Council resolved to commence a change to the Plan to address issues with consenting existing intensive farming land use activities, following the completion of a s35 report in July 2018,⁵ discussions with MfE and its independent advisors on consenting pathways for dairy and horticulture activities (resulting in the completion of an independent review), consultation with iwi and key stakeholders and technical work.

⁴ Section 32 Evaluation of Proposed Plan Change 2, Proposed Plan Change to clarify & amend One Plan provisions for existing intensive farming land use activities (July 2019), Manawatū-Whanganui Regional Council, pages 13-15.

⁵ Manawatū-Whanganui Regional Council One Plan Section 35 Report: Intensive Farming, July 2018.

- 2.8 The independent review (commissioned by MfE in support of the Council⁶) had confirmed that:
- a. recent changes in the Overseer[®] model outputs have resulted in an increased number of farms unable to meet the cumulative nitrogen leaching maximums set out in Table 14.2 of the Plan; and
 - b. the current wording of Plan policies significantly limited the circumstances in which exceptions to meeting those limits could be assessed, which did not provide an effective consenting pathway for non-compliant farms.
- 2.9 On this basis, and after considering a range of options, the Council resolved to further investigate a plan change, the scope of which would include updates to the Overseer[®] model outputs for cumulative nitrogen leaching maximums in Table 14.2, as well as amendments to Plan policies to assist Plan users on the specific management outcomes being sought in matters of discretion relating to relevant rules (e.g. Rule 14-2).
- 2.10 Consultation during the plan change preparation process saw the Council hosting workshops and one on one meetings with key stakeholders, including MfE, industry bodies, environmental and interest groups, and territorial authorities. This engagement resulted in feedback which is summarised in the s32 evaluation report,⁷ and which the Council then responded to in progressing PC2 by proposing further changes to the provisions.⁸
- 2.11 Consultation with tangata whenua / iwi began in August 2018 and was generally arranged to align iwi engagement with relevant target catchments/water management sub-zones.⁹ A broad summary of the themes raised by iwi during this engagement is provided in the s32 evaluation report.¹⁰

Plan change purpose and provisions

- 2.12 We have outlined below the purpose and provisions of the plan change in some detail. We have chosen to do so as, although these are readily referenced in the plan change documentation itself, it is useful to have it recorded in a self-contained manner in this report. The relevance of this information is:
- a. the purpose of the plan change is directly relevant to our later assessment under s32 as to the appropriateness of the policies and rules of the plan change in implementing the objectives of the plan change; and
 - b. it is important to record how the provisions were first notified so that there is an explicit understanding of the nature and magnitude of any alterations that occur as a result of our recommendations in **Section 5** of this report (in the event that the Council adopts the recommendations).
- 2.13 The purpose of the notified plan change is described in the s32 evaluation report as follows:¹¹

⁶ Resulting in the tendering of *Independent Planning and Legal Advice on the Manawatū-Whanganui Regional Council One Plan – Consenting Pathways for Dairy and Horticulture Activities*, 20 November 2018.

⁷ s32 report, page 14 and Appendix D.

⁸ s32 report, page 14.

⁹ Target catchments (also referred to as targeted water management zones or sub zones) are groupings of sensitive water management sub zones in a catchment; as identified in Table 14.1 of the One Plan.

¹⁰ s32 report, page 15.

¹¹ s32 report, pages 8-9.

The purpose of Plan Change 2 is to address issues with the One Plan provisions for controlling existing intensive farming land use activities. While at a high level the existing approach is still considered appropriate to implement the overall policy direction of the One Plan, some of the provisions are no longer working as intended when the One Plan was introduced. Practically speaking it is no longer the case that the nitrogen leaching maximums identified in Table 14.2 (Chapter 14) of the One Plan are achievable 'on most farms using good management practices' (as anticipated by Policy 5-8), with there being only a very limited pathway (if any) for those activities which exceed Table 14.2 to seek resource consent under the existing provisions.

Plan Change 2 therefore proposes to:

- *update the cumulative nitrogen leaching maximums in Table 14.2 to reflect improvements in the nutrient modelling software tool, Overseer®;*
- *reinforce good management practices as part of intensive farming land use activities; and*
- *provide] a workable pathway for landowners to apply for consent for existing intensive farming land use activities that cannot achieve Table 14.2 cumulative nitrogen leaching maximums.*

2.14 The s32 evaluation report stresses the importance of timeliness in regard to the plan change:¹²

- *It is important that any changes to the One Plan are made as soon as reasonably practicable, so that existing intensive farming land use activities can be granted consent (or, in some cases, consent is declined) to resolve the current uncertainty (which is already having social and economic impacts in and of itself).*
- *The changes in farming practice necessary to obtain resource consent and/or comply with consent conditions will drive water quality improvements in targeted Water Management Sub-zones as intended through the objectives of the One Plan (which are not currently being realised with existing intensive farming land use activities).*
- *There are both practical difficulties and issues of fairness associated with enforcing the operative provisions, when there is no means to comply with Table 14.2 and no viable pathway to seek consent to exceed it. As such, Horizons is currently focussed instead on addressing the issues with the planning framework. However, there is growing pressure to take enforcement action and it is recognised that unconsented activities should not be allowed to continue indefinitely.*

2.15 The additions and edits to the Plan as proposed by PC2 as notified, are summarised in the s32 evaluation report.¹³ In summary, these comprise:

¹² s32 report, page 9.

¹³ s32 report, pages 51-52 and Appendix A.

- a. amending **Policy 5-8** to provide for exceptions to the general position that existing intensive farming land use must “achieve” the nitrogen leaching maximums set out in Table 14.2;
- b. amending clause (a) of **Policy 5-8**, for the purposes of refinement, tidying-up and streamlining;
- c. adding a new clause to **Policy 5-8** to impose a new general requirement on all intensive farming land use activities (both new and existing) to implement GMPs to manage nutrient leaching and run-off, faecal contamination, and sediment losses in accordance with GMPs;
- d. adding a new definition for GMP to the **Plan Glossary** and amending the existing definition for NMP;
- e. adding a new **Method 5-12** to the Plan, to support initiatives to find viable alternatives for existing IFLU activities that will have difficulty in achieving the cumulative nitrogen leaching maximums;
- f. adding a new **Method 5-13** to the Plan, to provide information on any further updates to Overseer® or related models;
- g. amending **Policy 14-3** to provide greater guidance on what GMP involves;
- h. amending **Policy 14-5** to provide an exception (detailed in Policy 14-6) to the general position that existing intensive farming land uses must be managed to ensure nitrogen leaching does not exceed the values in Table 14.2;
- i. amending and adding to **Policy 14-6** to set out two exceptions to the general position that activities cannot be authorised if the Table 14.2 values cannot be met, namely where:
 - i. measures over and above GMP are implemented to achieve progressive reductions in nitrogen leaching over time; or where
 - ii. the existing intensive farming land use is only intended to continue for a limited time (no more than five years), in order to enable the transition to an alternative land use;
- j. associated changes to **Rules 14-1 and 14-2** and associated rule guidance to make activities that cannot comply with Table 14.2 a (full) discretionary activity under new rule 14-2A; and
- k. recalibrating **Table 14.2** to align with version 6.3.1 of Overseer®.

2.16 Since PC2 was notified, and in the lead up and during the course of the hearing, numerous further amendments to it have been recommended by the Council’s s42A reporting officer, or sought or mooted by submitters. A description of PC2 as it stood at the time that the hearing concluded is provided in paragraph 3.83. The content of PC2 as recommended by us for adoption by the Council is attached as **Appendix 2**.

Notification and submissions

2.17 The plan change was publicly notified on 22 July 2019. The closing date for submissions was 21 September 2019.

2.18 A total of 84 submissions were lodged with the Council (excluding those subsequently withdrawn or found to be duplicates).

- 2.19 A summary of submissions was prepared and subsequently notified for further submissions on 18 November 2019 with the closing date for receiving further submissions being 3 December 2019. Thirty-two further submissions were received.
- 2.20 Adapted from Ms Foster's s42A report,¹⁴ **Table 1** provides a summary of submitters and further submitters, based on the broader groupings that they fall into. We provide a full summary of the submissions received in **Appendix 1**, including our recommendation on the relief sought by each submitter.

Submissions		
Group	Submitters	Number received
Government	Director-General of Conservation	1
Iwi authorities, iwi and hapū	Kahungunu ki Tāmaki Nui-a-Rua Trust, Muaūpoko Tribal Authority Inc., Ngā Waihua o Paerangi Trust, Ngāti Turanga, Te Roopu Taiao o Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o Raukawa, Rangitāne o Tamaki Nui a Rua, Hōkio A Māori Land Trust, Ngā Tangata Tiaki, Tamarangi Hapū, Te Mauri o Rangitāne o Manawatū/ Tanenuiarangi Manawatū Incorporated	11
Territorial authorities	Ruapehu District Council, Tararua DC, Horowhenua DC, The Combined Councils, Palmerston North CC, Manawatū DC	6
NGOs and environmental groups	Environmental Defence Society, Fish & Game, Forest & Bird, Water Protection Society, Arawhata Wetland Alliance Group	5
Primary production sector groups	DairyNZ, Federated Farmers of New Zealand Inc., HortNZ, Beef + Lamb, Griffins Foods, Ravensdown, Balance Agri-nutrients, BakerAg, Potatoes NZ	9
Local grower associations	Ohakune Growers Association, Tararua Growers Association	2
Individual farmers	Lisa and Paul Charmley, Sarah von Dazelden, Ian and Shirley Cumming, Geoff and Cynthia Kane, John Lamason, Andrew Day, BEL Group, Neil Filer, Vincent J Payne, Carla Marsden, Mark Woodruffe, Russell and Karen Phillips	12
Individual growers	Mike Moleta (Freshpik Farms), Ian Corbetts, Woodhaven Gardens, Parlato Farming and 34 pro forma grower submissions	38
Further Submissions		
Group	Submitters	Number received
Territorial authorities	Manawatū District Council, Horowhenua District Council	19 ¹⁵
Government	Director-General of Conservation, MidCentral District Health Board	2
NGOs	Forest & Bird New Zealand, Environmental Defence Society	2
Local interest groups	Water Protection Society	1
Industry	HortNZ, DNZ, Potatoes NZ, Beef + Lamb, Fonterra	5
Individual growers	Chris Pescini, Woodhaven Gardens	2
Individuals	Teresa Marie Schultz	1

Table 1: List of submitters and further submitters to PC2

¹⁴ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), pages 32-33.

¹⁵ Horowhenua District Council lodged 18 further submissions.

- 2.21 In broad terms, the groups referred to in **Table 1** above can be further characterised or associated by the overarching themes they raised or positions they took in submissions, further submissions and evidence presented or tabled at the hearing. These overarching themes and positions are set out in paragraph 3.11 to 3.80 of this report, and form a starting point for our evaluation.
- 2.22 In her s42A report, Ms Foster helpfully set out a conceptual summary of the matters raised in submissions and further submissions.¹⁶ Without taking away from the finer detail provided in the submissions and further submissions, these matters are as follows:
- a. full or partial support for PC2;
 - b. opposition in principle to PC2 and requests to withdraw PC2;
 - c. support and opposition to PC2, questioning the relationship between the Table 14.2, CNLM limits and 'in-river' water quality;
 - d. opposition to PC2 due to concerns about impacts on water quality and the risk that PC2 will not do enough in terms of water quality;
 - e. opposition to PC2 based on concerns that the development of PC2 and the section 32 report have not considered, or adequately considered, values of significance to tangata whenua, including concerns about the adequacy of the Schedule 1 pre-notification process of consultation with iwi authorities;
 - f. opposition in principle to the One Plan nutrient management approach and its reliance on 'land use capability' (and suggested alternative approaches proposed by DairyNZ and Federated Farmers which they referred to as the "Dairy 10 pathway"¹⁷);
 - g. opposition in principle to PC2 on the basis that it does not properly consider the particular requirements of commercial vegetable growing throughout the Region or the benefits of CVG for domestic food supply and requests for a tailored alternative approach for CVG (with suggested alternative approaches proposed by Woodhaven Gardens Ltd, HortNZ and Potatoes NZ¹⁸);
 - h. concerns by the Region's territorial authorities that PC2 does not provide for IFLU activities associated with land irrigation of treated municipal wastewater (and Fonterra's concerns as a further submitter¹⁹ that PC2 does not provide for IFLU activities associated with land irrigation of treated industrial wastewater);
 - i. concerns about consenting uncertainties and cost;
 - j. concerns about the utility of Overseer®;
 - k. concerns about the lack of precise definition of GMPs and their efficacy in reducing N leaching;

¹⁶ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), Chapter 5, pages 56-57.

¹⁷ Submissions S40 and S58 respectively. Dairy 10 is the term used by Federated Farmers and Dairy NZ to describe their preferred rule framework. We discuss that framework in detail in Paragraphs 3.132- 3.134 below.

¹⁸ Submissions S57, S66 and S75 respectively.

¹⁹ Further submission FS13.

- l. concerns about the requirement for an annual NMP and who should be able to prepare these;
 - m. specific concerns about Methods 5-12 and 5-13;
 - n. specific concerns about the proposed changes to RPS Policy 5-8;
 - o. specific concerns about the proposed changes to Regional Plan Policies 14-3, 14-5 and 14-6;
 - p. specific concerns about the changes proposed by PC2 to the Chapter 14 rules; and
 - q. specific concerns about Table 14.2.
- 2.23 We discuss these matters (and the submissions underpinning them) in greater detail under our key issue evaluation in **Section 3** of this report.

Pre-hearing directions and procedures

- 2.24 Prior to the commencement of the hearing, we issued six minutes to the parties to address various administrative and substantive matters. These minutes, and the others we issued through the course of deliberations are available on Council's website and Council file.
- 2.25 In summary, these six minutes²⁰ addressed the following:
- a. **Minute 1** (27.02.2020) – this provided a brief summary of our role as an independent hearing panel, the plan change process, our observations regarding “natural groupings” of submissions and further submissions, and our request that Council staff to work with submitters with a view to collective representation at hearings, and to coordinate pre-hearing meetings as a basis for expert conferencing. We sought an initial progress report from the Council by 10 April 2020 at the latest;
 - b. **Minute 2** (23.03.2020) – this acknowledged that a hearing in June / July, as anticipated in Minute 1, was no longer feasible due to the Covid-19 pandemic;
 - c. **Minute 3** (06.05.2020) – this advised that with an anticipated move to Alert Level 2, a hearing date in October was looking likely;
 - d. **Minute 4** (22.06.2020) – this confirmed that with the move to Alert Level 2, the hearing process could proceed. Accordingly, the Minute set out an updated programme of the statutory process on the months leading to a hearing starting 12 October 2020, including dates and deadlines relating to a continuation of pre-hearing conferencing (June), expert conferencing (July), the filing of the s42A report and any supporting technical reports (21 August), the filing of submitter expert evidence (11 September), additional responses from Council officers (25 September), lay submitter summaries (5 October), and legal submissions (7 October);
 - e. **Minute 5** (16.07.2020) – this addressed the concerns of two submitters (Director-General of Conservation and Ngāti Raukawa) relating to the timing of conferencing, availability of experts, and provision of information. We took the

²⁰ We issued eight Minutes in total. Minutes 1-6 were in the pre-hearing phase and Minutes 7 and 8 were in the post hearing/deliberations phase. Minutes 7 and 8 are described and referenced in section 2 of this report.

opportunity to encourage parties to work constructively with Council officers in making available experts to conference over July 2020, as well as continuing to engage leading up to and during the hearing. We advised that we saw no reason to alter the programme identified in Minute 4.

- f. **Minute 6** (07.08.20) – this set a revised timetable to account for additional expert conferencing proposed between the experts, superseding (where relevant) the timetable set out in Minute 4. The new dates specified were as follows: the filing of the s42A report and any supporting technical reports (4 September), the filing of submitter expert evidence (25 September), additional responses from Council officers (7 October), lay submitter summaries (two working days before the said submitter is due to present at the hearing), and legal submissions (9 October). We also provided advice regarding the correct version of PC2, the format of evidence, and reconfirmation of the hearing commencement date (12 October).

2.26 In the lead up to the hearing, the following reports and evidence were received and made available to all parties in accordance with the proposed timetable:

Joint witness statements of experts, relating to the following topics:

- a. farming and growing management practices, farm systems modelling and farm-scale economics, dated 21 and 22 July 2020;
- b. farm-scale economics, dated 27 July 2020;
- c. water quality, dated 28 July 2020;
- d. planning, dated 29 July 2020 and, as amended, dated the same day;
- e. farming and growing management practices, dated 12 August 2020;
- f. macroeconomics, dated 19 August 2020;
- g. water quality, dated 13 August 2020;
- h. planning, dated 20 August 2020; and
- i. iwi values, dated 28 August 2020.

s42A officer reports dated 4 September 2020, as follows:

- a. on planning matters, prepared by Ms Christine Foster (two volumes);
- b. providing a general overview and introduction to PC2, prepared by Dr Nic Peet;
- c. on water quality matters, prepared by Ms Abby Matthews;
- d. on water quality modelling and scenario analysis, prepared by Dr Tim Cox;
- e. on water quality and scenario analysis, prepared by Dr Ton Snelder;
- f. on on-farm management practices, prepared by Dr David Horne;

- g. on soil science, Overseer® version changes and Table 14.2, prepared by Dr James Hanly;
- h. on the costs of changes in nitrogen leaching maxima (Table 14.2), prepared by Dr Terry Parminter;
- i. on GMP and Overseer® modelling for commercial vegetable growers, prepared by Dr Anne-Maree Jolly;
- j. on farm scale cost impact assessment, prepared by Mr Stephen McNally;
- k. on macro-economic impacts, prepared by Mr Peter Clough; and
- l. on social impact assessment, prepared by Dr Heather Collins.

Supplementary s42A reports on the relevant technical matters referred to above dated 7 or 8 October 2020, prepared by:

- a. Ms Foster, Ms Matthews, Dr Cox, Dr Snelder, Dr Horne, Dr Jolly, Mr McNally and Mr Clough.

Statements of expert evidence on behalf of submitters dated 22, 25 or 28 September 2020, prepared by:

- a. Ms Jeni Wadsworth, for Balance Agri-Nutrients Ltd;
- b. Dr Jane Chrystal, for Beef + Lamb NZ Ltd;
- c. Mr Richard Parkes, for Beef + Lamb NZ Ltd;
- d. Ms Rosemary Miller, for the Director-General of Conservation;
- e. Mr Angus Gray, for the Director-General of Conservation;
- f. Dr Paul Le Miere, for Federated Farmers and DairyNZ²¹;
- g. Dr Graeme Doole, for Federated Farmers and DairyNZ;
- h. Mr Adam Duker, for Federated Farmers and DairyNZ;
- i. Mr Adam Hoggard, for Federated Farmers and DairyNZ;
- j. Dr Craig Depree, for Federated Farmers and DairyNZ;
- k. Mr Gerard Willis, for Federated Farmers and DairyNZ;
- l. Mr Andrew Barber, for Horticulture NZ;
- m. Ms Claire Conwell, for Horticulture NZ;
- n. Mr Damien Farrelly, for Horticulture NZ;

²¹ Federated Farmers and Dairy NZ presented evidence together – although, some industry groups and separate submitters took the opportunity to present a joint case at the hearing.

- o. Ms Michelle Sands, for Horticulture NZ;
- p. Mr Stuart Ford, for Horticulture NZ;
- q. Mr Vance Hodgson, for Horticulture NZ;
- r. Mr Jack Feltham, for Palmerston North City Council;
- s. Ms Melania Voss, for Palmerston North City Council;
- t. Ms Paula Hunter, for Palmerston North City Council;
- u. Jay Clarke and Mr John Clarke for Woodhaven Gardens;
- v. Mr Peter Wilson, for Wellington Fish and Game Council;
- w. Ms Abbie Fowler, for Fonterra Co-operative Group Ltd;
- x. Mr Graham Thomson, for Fonterra Co-operative Group Ltd;
- y. Ms Annette Sweeny, for Horowhenua District Council;
- z. Mr Christopher Keenan, for Potatoes NZ;
- aa. Dr Iain Kirkwood, for Potatoes NZ;
- bb. Mr Nicholas Conland, for Potatoes NZ; and
- cc. Ms Carmen Taylor, for Ravensdown Ltd.

2.28 In addition, we were presented with additional evidence during the course of the hearing. Dr Horne provided us with further supplementary s42A reports on 15 and 30 October 2020, addressing queries from us. Ms Foster provided a Response to Issues Arising in Oral Evidence and Questions at the Hearing, on 22 October 2020, and an updated, annotated version of PC2 on 30 October 2020, containing all recommended changes since her original s42A report. Dr Parminter produced a supplementary s42 report also dated 22 October 2020.

2.29 At our request a joint statement was prepared by Ms Foster and Mr Willis on 30 October 2020; it related only to the method(s) as to how existing consent holders could be prevented from surrendering consents and seeking new consents to leach up to Table 14.2. Closing legal submissions on behalf of the Council were provided on 30 October 2020.

The Hearing

2.30 The hearing commenced at 9:30am on Monday, 12 October 2020 in the Hunterville Room at the Distinction Coachman Hotel, Palmerston North.

2.31 At the outset of proceedings, we outlined the manner in which we expected the hearing to be conducted, and called for appearances and introductions from the attendees. We also set out a range of procedural matters and outlined our role and the relevant statutory matters framing our consideration of the proposal.

2.32 No procedural matters were raised during the course of the hearing that we were obliged to make a finding on.

2.33 Over the course of the proceedings, we heard from the following people:

12 October

- Ms Shannon Johnston (counsel), Dr Nic Peet, and Ms Christine Foster for the Council

13 October

- Ms Abby Matthews, Dr Ton Snelder, Dr David Horne, Dr James Hanly, Dr Anne-Maree Jolly, Mr Stephen McNally and Mr Peter Clough for the Council
- Mr Bill Foster, Mr Michael MacMillan, Mr Paul Olsen, Mr Mike Moleta, Mr Chris Claridge, Dr Iain Kirkwood, Mr Nicholas Conland and Mr Chris Keenan for Potatoes NZ
- Ms Troy Urlich (counsel), Angus Gray and Rosemary Miller for the Director-General of Conservation.

14 October

- Mr Phil Teal and Mr Peter Wilson for the Wellington Fish & Game Council
- Ms Madeleine Wright, counsel for the Environmental Defence Society
- Ms Jeni Wadsworth and Mr Dominic Adams for Balance Agri-Nutrients
- Mr Geoff Kane and Mr Russell Phillips – dairy farmers

15 October

- Mr Manahi Paewai, Mr Hayden Turoa, Mr Robert Ketu and Mr Lindsay Poutama for Rangitāne o Tamaki Nui a Rua, Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere and Te Rūnanga o Raukawa respectively

16 October

- Mr Bal Matheson (counsel) , Mr Andrew Hoggard, Dr Paul Le Miere, Mr Adam Duker, Dr Graeme Doole, Dr Craig Depree and Mr Gerard Willis for Federated Farmers and DairyNZ

19 October

- Dr Chris Teo-Sherrell for the Water Protection Society
- Ms Lisa Charmley, dairy farmer
- Mr Tom Kay for Forest & Bird
- Mr John Maassen (counsel), Ms Annette Sweeney and Ms Cynthia Ward for Horowhenua District Council
- Mr Brendan Duffy for the Arawhata Wetland Alliance
- Mr Ben Williams (counsel), Ms Abbie Fowler, Mr Graham Thomson and Ms Brigid Buckley for Fonterra

20 October

- Ms Madeline Hall, Mr Chris Thomsen (counsel), Mr Richard Parkes and Ms Jane Crystal for Beef + Lamb
- Mr Andrew Day, sheep and beef farmer

- Dr Terry Parminter for MWRC
- Mr Peter Wimsett for Tararua District Council
- Dr David Horne for MWRC

21 October

- Ms Helen Atkins (counsel) , Ms Michelle Sands, Mr Stuart Ford, Mr Andrew Barber, Mr Damien Farrelly, Ms Claire Conwell, Mr Vance Hodgson, Mr Terry Olsen, Mr Bruce Rollinson, Mr Andrew Yung, Mr Jeffery Wong, Mr Travis Sue and Mr Geoff Lewis for HortNZ and individual growers
- Mr Jay Clarke and Mr John Clarke for Woodhaven Gardens

22 October

- Ms Kat Viskovic (counsel) , Mr Oska Rego (assistant counsel) , Ms Melaina Voss, Mr Jack Feltham and Ms Paula Hunter for Palmerston North City Council
- Ms Christine Foster for MWRC

- 2.34 A full schedule of appearances at the hearing is attached as **Appendix 3** to this report.
- 2.35 A number of observers and interested parties were also present at the hearing. Whether submitters chose to present evidence or not, all matters raised in submissions remain 'live' for our consideration and we have done so, as we are required to do. **Appendix 1** provides our recommended response to all submission points made.

Hearing adjournment and post hearing

- 2.36 We adjourned the hearing on 22 October 2020, noting verbally at the time that we would be advising the parties subsequently of any further information required.
- 2.37 On 11 November 2020 (a month after the hearing commenced) we received a memorandum from Counsel for HortNZ criticising some elements of the hearing process. The apparent trigger for this was our refusal to accept further written evidence from a HortNZ expert witness, Mr Stuart Ford, the evening before he appeared at the hearing (although we did give Mr Ford the opportunity to speak to this additional evidence).
- 2.38 No process was set out in Minute 6 for additional evidence from expert witnesses for submitters, and no leave was sought for Mr Ford to lodge this evidence. There were over two months between Minute 6 being released and the hearing commencing, and no party made any comment on the process set down there.
- 2.39 After the hearing we issued **Minute 7**²² which sought some limited additional technical clarification from Ms Foster. This related to the proposed activity classifications in her final recommended version of PC2, and the apparent overlap or duplication between the conditions/standards/terms and matters of control or discretion in some of her proposed rules. Ms Foster responded on 9 December 2020. We thank her for that additional help.
- 2.40 Following this, we completed our deliberations and issued **Minute 8**²³ to formally close the hearing on 22 February 2021.

²² Dated 4 December 2020.

²³ Dated 2 March 2021.

3.0 EVALUATION OF ISSUES

Overview

- 3.1 For the purposes of this evaluation, we have grouped our discussion of the submissions and the reasons for accepting, rejecting, or accepting them in part by the *matters*²⁴ to which they relate – rather than assessing each issue on a submitter-by-submitter basis.
- 3.2 This approach is not to downplay the importance of the input from submitters; to the contrary, their input has been invaluable in shaping the grouping of issues and for our consideration of those matters. There was some degree of commonality among the submissions on key issues and we consider it will be to everyone’s benefit for our recommendations to be as tightly focused on the key issues as possible.
- 3.3 To that end, we have organised our discussion of issues in the following way:
- a. First, we set out the **key overarching themes** identified in submissions and in evidence presented to us, with respect to the essential problem that PC2 seeks to resolve, and the opinions, views and concerns that parties have and hold, in terms of PC2’s perceived achievement, or otherwise, of that resolution. The key, overarching themes we set out are as follows:
 - i. Theme 1: A One Plan **policy barrier** which provides no consenting pathway for unconsented IFLUs, leading to unregulated environmental leaching of nitrogen;
 - ii. Theme 2: The absence of a consenting pathway leading to **economic uncertainty and adverse social effects** on the farming community;
 - iii. Theme 3: One Plan provisions failing to adequately cater for **discharges of treated wastewater** from industrial and municipal sources;
 - iv. Theme 4: The impacts on **environmental values** associated with unconsented IFLUs and unregulated leaching of nitrogen; and
 - v. Theme 5: The impacts on **tangata whenua values** associated with unconsented IFLUs and unregulated leaching of nitrogen.

For each of the key overarching themes, we summarise what we have heard, who has said it, and what other evidence (if any) they rely on in forming their own opinions and views. We do not try to determine these matters at this point; rather, they inform our evaluation and allow us to formulate **specific issues and questions** regarding PC2 that we then turn to in the third section of our evaluation (c. below).

- b. Second, to inform further discussion on the merits of the plan change, we then describe PC2 as it stands, following amendments recommended to it by the s42A reporting officer leading up to and during the course of the hearing. To some degree, this version of the plan change constitutes the Council’s ‘solution’ to the key overarching themes referred to above. We refer to these further amendments and other options mooted by parties during the course of the hearing in our discussion of specific issues in c. below, where relevant.

²⁴ Clause 10(2)(a) of Schedule 1, RMA sets out that a plan change decision may address submissions by grouping them according to either the provisions of the plan change to which they relate, or to the matters to which they relate.

- c. Third, we return to the themes posed in a. above, in addressing **specific issues** raised in submissions and in evidence presented to us. Specific issues and their **attendant questions** are those that are mostly concerned with the **detail** of PC2, and we frame these as follows:
- i. **Issue 1: Water quality: *whether the objectives of the plan change are the most appropriate way to achieve the purpose of the Act?***
 - ii. **Issue 2: Consenting pathway, consent status, and related provisions: *whether the proposed provisions (including policies, rules, associated tables, maps and schedules) are the most appropriate way to achieve the objectives of the plan change, having regard to other reasonably practicable alternatives for achieving the objectives, and the efficiency and effectiveness of the provisions?***
 - iii. **Issue 3: Detail of provisions: *when evaluating the appropriateness of the provisions in achieving the objectives, what are the most appropriate settings?*** These ‘settings’ can be broken down into sub-issues, which we deal with in turn:
 - A. Appropriate timeframes to comply and consent duration, and expression as standards or as matters of control and discretion;
 - B. Reference to and inclusion of GMPs and BMPs in the One Plan, and definitions for the same;
 - C. Appropriate thresholds for exceedance of thresholds, including their expression in broader percentile or catchment-based terms;
 - D. Addressing the risk of ‘leaching up’;
 - E. Requirements relating to NMPs; and
 - F. Means of maintaining currency i.e. updating Overseer® and associated Plan standards.
 - iv. **Issue 4: Matters of scope: *what matters raised in submissions are ‘on’ the plan change and what matters are not?***
 - v. **Issue 5: Iwi consultation: *Did the process of consultation meet the statutory requirements of the Act and was it appropriate and adequate in the circumstances***
 - vi. **Issue 6: Higher order documents and policy instruments: *to the extent necessary, does PC2 give effect to these?***

In addressing each specific issue, we summarise what we had before us in evidence (this includes in some cases drawing down on the discussion of key, overarching themes in a. above), and then we set out our **findings**.

Evaluation Preamble – Statutory Framework

- 3.4 Before formally recording our consideration of the above themes and issues, we summarise here the relevant statutory matters that frame our evaluation. They have been derived from the Environment Court’s *Colonial Vineyards* decision²⁵ (adapted for regional plan decision making), and include the following considerations:

²⁵ *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55.

General Requirements

- a. the plan or plan change in question should be designed in accordance with²⁶, and assist the Council to carry out, its functions²⁷ so as to achieve the purpose of the Act;²⁸
- b. when changing the plan in question, the Council must:
 - i. give effect to any NPS²⁹, the NZCPS³⁰ or any RPS^{31,32}
 - ii. have regard to any *proposed* RPS;³³
 - iii. have regard to any management plans and strategies under any other Acts and to any relevant entry on the NZ Heritage List and to various fisheries regulations (to the extent relevant), and to consistency with plans and proposed plans of adjacent authorities;³⁴
 - iv. take into account any relevant planning document recognised by an iwi authority;³⁵
 - v. not have regard to trade competition;³⁶
 - vi. be in accordance with any regulation;³⁷
- c. in relation to regional plans:
 - i. the plan or plan change must not be inconsistent with an operative regional plan for any matter specified in s30(1) or any water conservation order;³⁸ and
 - ii. must not be inconsistent with any other regional plan for the region;³⁹
- d. the plan or plan change must also state its objectives, policies and the rules (if any) and may state other matters;⁴⁰
- e. the Council has obligations to prepare an evaluation report in accordance with section 32 and have particular regard to that report;⁴¹
- f. the Council also has obligations to prepare a further evaluation report under s32AA where changes are made to the proposal since the s32 report was completed;

Objectives

- g. the objectives of the plan change are to be evaluated to the extent which they are the most appropriate way to achieve the Act's purpose;⁴²

²⁶ s66, RMA.

²⁷ s30, RMA.

²⁸ s63(1), RMA.

²⁹ National Policy Statement.

³⁰ New Zealand Coastal Policy Statement.

³¹ Regional Policy Statement component of the One Plan.

³² s67(3), RMA.

³³ s66(2)(a), RMA.

³⁴ s66(2)(b)–(e), RMA.

³⁵ s66(2A)(a), RMA.

³⁶ s66(3), RMA.

³⁷ s66(1)(f), RMA.

³⁸ s67(4)(a), RMA.

³⁹ s67(4)(b), RMA.

⁴⁰ s67(1)–(2), RMA.

⁴¹ s66(1)(e), RMA.

⁴² s32(1)(a), RMA.

Provisions

- h. the policies are to implement the objectives, and the rules (if any) are to implement the policies;⁴³
- i. each provision is to be examined as to whether it is the most appropriate method for achieving the objectives of the plan or plan change in question, by:
 - i. identifying other reasonably practicable options for achieving the objectives;⁴⁴
 - ii. assessing the efficiency and effectiveness of the provisions in achieving the objectives⁴⁵, including:
 - a) identifying and assessing the benefits and costs anticipated, including opportunities for economic growth and employment opportunities that may be provided or reduced;⁴⁶
 - b) quantifying those benefits and costs where practicable;⁴⁷
 - c) assessing the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions;⁴⁸

Rules

- j. in making a rule, the Council shall have regard to the actual or potential effect on the environment of activities, including (in particular) any adverse effect;⁴⁹ and

Other Statutes

- k. the Council may be required to comply with other statutes.

3.5 In relation to b. and c. in paragraph 3.4 above, we note that these require us to consider whether the plan change gives effect to national and regional policy statements and to ensure that it is not inconsistent with relevant regional plans. This raises a further question which we must be cognisant of, and that is the degree of alignment *between* those higher order documents. National and regional policy statements and regional plans are inevitably prepared and adopted at different times, and may not be in complete alignment with each other at any given point in time. In this respect, we note the following:

- a. The relevant water quality objectives of Chapter 5 of the RPS and Chapter 14 of the Regional Plan that collectively form a key part of the One Plan, and that are summarised in paragraph 2.3, are ‘settled’, in the sense that they have been adopted by the Council and are operative for the purposes of consenting.
- b. The One Plan was made operative in 2014, and, as noted in paragraph 2.2, was amended in 2016, to incorporate a specific requirement of the replacement NPS-FM 2014.⁵⁰ However, the One Plan has not, as yet, been further amended to

⁴³ s67(1), RMA.

⁴⁴ s32(1)(b)(i), RMA.

⁴⁵ s32(1)(b)(ii), RMA.

⁴⁶ s32(2)(a), RMA.

⁴⁷ s32(2)(b), RMA.

⁴⁸ s32(2)(c), RMA.

⁴⁹ s68(3), RMA.

⁵⁰ As specified by Policy A4 of the NPS-FM 2014.

address the full requirements of that 2014 NPS-FM or its successors, which came into force in 2017 and 2020 respectively. Accordingly, the operative objectives of the One Plan are not necessarily aligned with the provisions of the NPS-FM, as amended in 2017 nor those provisions of the much revised NPS-FM that came into effect on 3 September 2020.

- 3.6 The above is important because while the relevant existing objectives of the One Plan may change in the future to give full effect to the NPS-FM 2020 (or any other NPS for that matter), they are nevertheless the current objectives under which the provisions of PC2 need to be assessed. In other words, we are not in a position to speculate how the requirements of the NPS-FM 2020 will find expression in amended versions of the One Plan objectives, at some future point. We are therefore required to assess PC2 against the operative objectives of the One Plan. We will return to the question of whether PC2 gives effect to the NPS-FM 2020 in **'Issue 6'** of this section of our report.
- 3.7 Another preliminary matter is that the further evaluation under s32AA is required only in respect of any changes arising since the plan change was first notified. We note that this s32AA evaluation must contain a level of detail that corresponds to the scale and significance of the effects that are anticipated from the implementation of the provisions as amended.
- 3.8 In considering all of the matters above, we record that our recommendation as to a decision is based upon our consideration of the following documents:
- a. the notified plan change and s32 evaluation;
 - b. the submissions and further submissions received;
 - c. the Council's s42A reports and legal submissions;
 - d. the evolving s32AA evaluations provided by submitters and the reporting officer over the course of the hearing; and
 - e. the statements/presentations from all parties who appeared at the hearing.
- 3.9 As we emphasised at the hearing, it is important that all parties understand that it is not for us to introduce our own evidence on the themes and issues set out in paragraph 3.3 above, and we have not done so – rather, our role has been to:
- a. establish that all relevant evidence is before us (or where it isn't, consider whether we should commission additional reports or information⁵¹); and
 - b. test the evidence of all parties, and to determine the most appropriate outcome based on the views we consider best achieve sustainable management.
- 3.10 It is that dual role which the following evaluation addresses. Before doing so, and as a closing comment to this preamble, we observe that section 32AA(1)(d)(ii) enables our further evaluation reporting to be incorporated into this report as part of the decision-making record. To this end, our evaluation of each specific issue has been structured to satisfy the evaluation report requirements of s32AA as outlined above. In other words, for each specific issue we have considered the merits of any proposed alterations to the notified provisions to help us ascertain the appropriateness of the provisions.

⁵¹ Under s 41C(4) of the Act.

Key Overarching Themes

Theme 1: *One Plan policy barrier providing no consenting pathway and leading to unregulated nitrogen leaching*

- 3.11 The problem that PC2 is intended to solve was succinctly outlined in Ms Johnston's opening legal submissions on behalf of the Council.⁵² Essentially, Ms Johnston told us that the One Plan policy framework had become unworkable, restricting consideration of resource consents for existing IFLU activities which exceed to CNLM thresholds in Table 14.2. This problem is compounded by those thresholds becoming "well out of step" with changes to Overseer®. As a result, the consenting pathway for such activities, while existing in theory, is not viable in practice.
- 3.12 The inadequacies of the policy framework and consenting pathway were explored in some detail in Dr Nic Peet's evidence for the Council.⁵³ The update to Overseer® from version 5 to version 6 has substantially increased the modelled (but not actual) nitrogen loss below the root zone, with the result that the CNLMs in existing Table 14.2 are not achievable on most farms using GMPs. While the Council had always anticipated that a consenting pathway for such non-compliant activities would exist, the directive nature of the policy framework (resting on key words such as "*must achieve*") means that the anticipated pathway is not provided for in reality.
- 3.13 Dr Peet said that the Environment Court declaration proceedings in 2017 highlighted that the provisions for managing diffuse contaminants for IFLUs in the One Plan are unworkable on several grounds, including the difficulties in establishing the contribution of individual farm CNLM exceedances to catchment scale water quality, for the purpose of supporting resource consent applications. Dr Peet also noted that these conclusions were reiterated in a subsequent s35 report commissioned by the Council⁵⁴ and independent planning and legal advice commissioned by MfE.⁵⁵
- 3.14 We clarified during the course of the hearing that the 'policy barrier' specifically relates to the relationship between Rule 14-2 and Policies 14-5 and 14-6 of the One Plan. Ms Johnston⁵⁶ referred us back to the Ministerial advice,⁵⁷ which noted that while one of the matters for discretion relating to non-compliant activities under that rule is the "extent of non-compliance with the N leaching maximums in Table 14.2", the policies provide very limited circumstances in which exceptions may be made. The circular nature of the relationship between the rule and the policies was also well made by Ms Foster (in turn quoting favourably from Mr Willis's oral response) in her response to issues arising at the hearing.⁵⁸
- 3.15 As a result of these inadequacies, Dr Peet observed that the Council had, since 2017, effectively stopped consenting IFLUs that did not comply with existing Table 14.2, and this led to a "very evident" level of frustration and uncertainty in the wider community, and a

⁵² *Opening Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 12 October 2020, paras 15-16, page 6.

⁵³ *Section 42A report of Dr Nicholas Peet on behalf of Manawatū-Whanganui Regional Council – General Overview and Introduction to Plan Change 2*, 4 September 2020, Sections F and G, particularly paras 41-50, pages 11-13.

⁵⁴ *Manawatū-Whanganui Regional Council One Plan Section 35 Report: Intensive Farming*, July 2018.

⁵⁵ *Independent Planning and Legal Advice on the Manawatū-Whanganui Regional Council One Plan – Consenting Pathways for Dairy and Horticulture Activities*, 20 November 2018.

⁵⁶ *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, paras 6-10, pages 4-5.

⁵⁷ *Independent Planning and Legal Advice on the Manawatū-Whanganui Regional Council One Plan – Consenting Pathways for Dairy and Horticulture Activities*, 20 November 2018.

⁵⁸ *Response to Issues Arising in Oral Evidence and Questions at the Hearing by section 42A report author (Christine Foster) on behalf of Manawatū-Whanganui Regional Council*, 22 October 2020, para 38, pages 17-18.

“significant issue” for the Council, in terms of its ability to regulate and drive on farm practice improvements in the management of N leaching from IFLUs. To have continued to try and implement the plan provisions, as unmodified, would have, in his opinion, been “unfair and inequitable to applicants”, resulting in “high levels of community stress and long-term legal challenge, with significant costs/challenges for those activities unable to operate in accordance with Table 14.2.”⁵⁹

3.16 The ‘policy barrier’ and the consequential hiatus in consenting existing ILFUs means that a significant proportion of existing IFLUs are operating without the required resource consent. Mr Duker, an expert witness for Federated Farmers and DairyNZ, said that 166 dairy farms in the target catchments are currently operating without resource consents.⁶⁰ The proportion of unconsented dairy farms is particularly high in the Manawatū, Upper Manawatū and Coastal Rangitikei catchments, as illustrated in **Figure 1**, drawn from Mr Duker’s evidence.

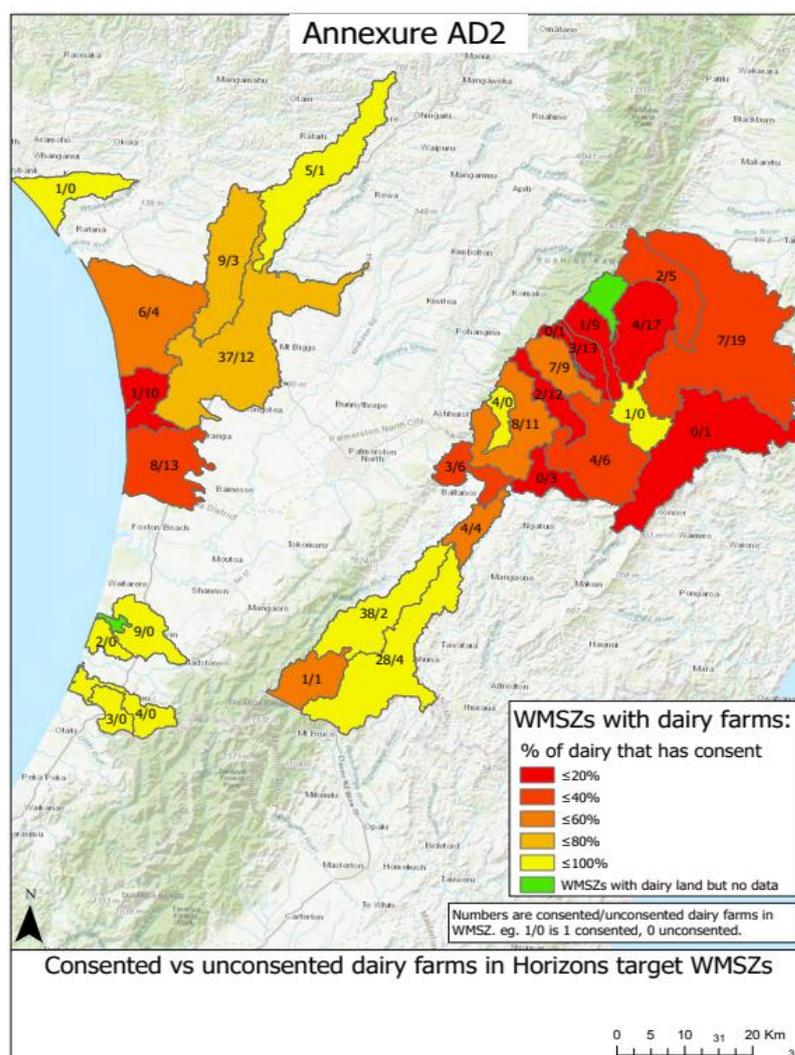


Figure 1: Illustration of consented vs. unconsented dairy farms (Source: Annexure D2 to Statement of Evidence of Adam James Duker on behalf of Federated Farmers and DairyNZ (Farm systems, Overseer), 25 September 2020, page 30)

⁵⁹ Section 42A report of Dr Nicholas Peet on behalf of Manawatū-Whanganui Regional Council – General Overview and Introduction to Plan Change 2, 4 September 2020, para 48, pages 11-12.

⁶⁰ Statement of Evidence of Adam James Duker on behalf of Federated Farmers and DairyNZ (Farm systems, Overseer), 25 September 2020, Table 3, pages 17-18.

- 3.17 Other than the dairy farms referred to above, sheep and beef farms, and CVG operations make up the remainder of unconsented IFLUs in the region. Ms Johnston⁶¹ said that these total about 245 (the number of unconsented CVG's being somewhat uncertain given the cross-leasing practices of growers). Importantly, of the approximately 50 CVG operations in the target catchments, only one is presently consented.
- 3.18 Ultimately, the Council's inability (or understandable unwillingness) to implement a flawed policy framework and consenting regime has meant that a sizeable proportion of existing IFLUs are presently, contributing to unregulated N leaching into water bodies. Dr Ton Snelder and Ms Abby Matthews presented us with evidence on behalf of the Council to this effect during the hearing.
- 3.19 Dr Snelder concluded that while some water quality indicators, including those relating to N have improved slightly in the target catchments over time, they still largely fail to comply with One Plan N targets. He considered, however, that management actions (inclusive of the consenting of some IFLUs) may be contributing to decreases in N concentrations in some target catchments. His modelling further suggested that the consenting of unregulated IFLUs and consequential reductions in N leaching will lead to modest further improvements in N concentrations.⁶²
- 3.20 In her evidence, Ms Matthews noted that at the time of the One Plan's development, N leaching from IFLUs was seen by the Council as the largest single threat to water quality in the region. In her opinion, excess N in the region's waterways had led to:
- a. excess plant growth and algal blooms which impact ecosystem and recreational values;
 - b. fluctuating levels of dissolved oxygen posing a threat to aquatic life;
 - c. high and potentially ecotoxic concentrations of N (particularly in lakes and wetlands);
 - d. compromised drinking water sources; and
 - e. nutrient enrichment in estuaries.
- 3.21 Consequently, Ms Matthews considered that reducing both diffuse and point sources of N, among other contaminants, remains necessary if One Plan water quality values and targets are to be achieved.⁶³
- 3.22 Appearing on behalf of the Water Protection Society, Dr Chris Teo-Sherrell relied on Dr Snelder's and Ms Matthews' evidence in focusing on the impacts of N leaching on water quality in his oral submission to us at the hearing.⁶⁴ Dr Teo-Sherrell's arguments are further summarised in paragraphs 3.69 and 3.70 in our report.
- 3.23 Overall, we accept the evidence presented that the problem which PC2 is intended to resolve relates to a policy barrier in the One Plan, failing to provide a viable consenting pathway for unconsented farms, which leads to wider environmental issues associated with unregulated N leaching. We accept that along the way, this situation has created

⁶¹ *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, para 8, page 4.

⁶² *Section 42A Technical Report of Dr Antonius Snelder on behalf of Manawatū-Whanganui Regional Council, Water Quality and Scenario Analysis*, 4 September 2020, paras 25-60, pages 10-26.

⁶³ *Section 42A Technical Report of Abby Matthews on behalf of Manawatū-Whanganui Regional Council, Technical – Water Quality*, 4 September 2020, paras 17-33, pages 8-12.

⁶⁴ *Oral submission of Water Protection Society on Proposed Plan Change 2 to the One Plan*, Dr Chris Teo-Sherrell, paras 1-4.

considerable uncertainty and adverse economic and social effects, something we acknowledge in the next sub-section.

- 3.24 We agree that this situation is unacceptable to the Council, iwi and resource users, which is something we rely on in our subsequent evaluation of alternatives (including the merits or otherwise of the *status quo*) to the potential solution PC2 proposes in terms of consenting pathway and consent status under ‘**Issue 2**’ in paragraphs 3.124 to 3.157 of this report.
- 3.25 Before doing so, however, we pose a key question that we anticipate answering in considering the merits of PC2 with respect to **water quality: *whether the objectives of the plan change are the most appropriate way to achieve the purpose of the Act?*** This is the question we turn our minds to under ‘**Issue 1**’ in paragraphs 3.88 to 3.123 in this report.

Theme 2: *Absence of consenting pathway leading to economic uncertainty and adverse social effects*

- 3.26 The impacts that the absence of a viable consenting pathway has had on the wider farming community were outlined by Council experts, such as Dr Collins, and both industry group representatives (e.g. Federated Farmers, DairyNZ, HortNZ, Beef + Lamb NZ, Potatoes NZ etc.) and individual farmers.
- 3.27 Dairy farming is a major contributor to the economy of the Manawatū-Whanganui region, and particularly the Tararua District. Dr Graeme Doole, an expert witness for Federated Farmers and DairyNZ, said that dairy provided about \$711 million, or 6% of regional GDP in 2019. Dairying accounted for about 3,621 jobs in the wider region. In the Tararua District, dairy farming and processing made up 13% of jobs, and wages paid to dairy workers made up 9% of all wages paid in the district.⁶⁵
- 3.28 There are about 383 dairy farms in the target catchments. Of these about 218 are consented, and about 166 are not consented.⁶⁶ Of the 218 farms that are consented, 169 farms were granted consents as restricted discretionary activities, five involved dairy conversions and the balance obtained consent by the controlled activity pathway.⁶⁷ Proportionately, the least consented dairy farms are in the Upper Manawatū Catchment (112 unconsented farms v. 46 consented), whereas the most consented farms are in the Horowhenua and Waikawa catchments (all 20 are consented) and the Mangatainoka catchment (72 out of 83 farms consented).⁶⁸ To put it another way, approximately three quarters of the unconsented dairy farms in the region are in the Tararua District. We do not know the duration of the existing consents granted in any of the target catchments.
- 3.29 The concerns from the dairy farming community were summarised by Mr Bal Matheson in his opening legal submissions, jointly, on behalf of Federated Farmers and DairyNZ.⁶⁹ Mr Matheson outlined how the changes to Overseer[®] had resulted in significantly less

⁶⁵ *Statement of Evidence of Dr Graeme John Doole on behalf of Federated Farmers and DairyNZ (Economics)*, 25 September 2020, para 3.7, page 5.

⁶⁶ *Statement of Evidence of Adam James Duker on behalf of Federated Farmers and DairyNZ (Farm systems, Overseer)*, 25 September 2020, Table 1, page 7. NB there is an error in Table 1 of Adam Duker’s evidence: the total of the ‘Parminter consented’ dairy farms column should be 218, not 217’

⁶⁷ *Statement of Evidence of Adam James Duker on behalf of Federated Farmers and DairyNZ (Farm systems, Overseer)*, 25 September 2020, para 2.10, page 7.

⁶⁸ *Statement of Evidence of Adam James Duker on behalf of Federated Farmers and DairyNZ (Farm systems, Overseer)*, 25 September 2020, Table 1, page 7.

⁶⁹ *Legal Submissions on behalf of Federated Farmers and DairyNZ*, Nikki Edwards and Bal Matheson, 9 October 2020, paras 6-10, pages 1-3.

- farms being able to meet the CNLMs in existing Table 14.2, which then obliged them to seek consent as restricted discretionary activities, rather than as controlled activities (as intended). In his opinion, this created a “fundamental consenting issue”, given the resolute nature of the relevant policies. While the Council had then taken a “pragmatic approach” to the issue by consenting individual farms in accordance with agreed, achievable N reductions, rather than strict compliance with Table 14.2, that avenue was terminated by the Environment Court declaration, which found the Council’s approach to be contrary to the requirements of the RMA.
- 3.30 Primary evidence describing the consenting conundrum was given by Mr Adam Duker, on behalf of Federated Farmers and DairyNZ. Mr Duker said that up to 80% of dairy farms could not meet the CNLMs in existing Table 14.2, whereas at the time that the One Plan was developed, it had been envisaged that 80% would meet the CNLMs.⁷⁰
- 3.31 We heard that the dairy industry remains concerned about the economic and social impacts, not just in relation to the One Plan consenting impasse referred to above, but also that of its intended solution – PC2, as notified.
- 3.32 It was not initially clear to us what proportion of the unconsented dairy farms in the target catchments could realistically expect to meet a *recalibrated* Table 14.2. Dr Terry Parminter, an expert witness for the Council, carried out a study that indicated that by implementing a range of GMPs, 82% (103) of the 126 dairy farms he assessed in the Upper Manawatū catchment could comply with the recalibrated Table 14.2 over the next 20 years. However, this would come at a significant economic cost, and a proportion of farmers with high debt loading may go out of business.⁷¹
- 3.33 The potential economic impacts of PC2 on dairy farmers in the region were outlined in evidence presented by Dr Graeme Doole, for Federated Farmers and DairyNZ.⁷² Dr Doole opined that there is a potentially high cost in meeting the recalibrated Table 14.2 CNLMs and that on some farms solvency will be challenged for some operations, resulting in a downward spiral with respect to land value, debt to asset ratios and potential foreclosures. It is the fate of those farmers that particularly concerned Dr Doole. Of the 166 unconsented dairy farms⁷³, almost half had a debt:asset ratio of more than 50%, and for nearly 20 properties this was over 80%. About half of the farms made little or no operating profit, and he said in two-thirds of cases no capital debt was being repaid at present.⁷⁴
- 3.34 The impacts of different scenarios are illustrated in his Table 1 and Figures 5 and 6. These showed some differences between all farmers complying with the recalibrated Table 14.2 versus the “Dairy 10 pathway” for the 15 years starting 2016. These differences were not necessarily great (e.g., the average annual difference in operating profit was \$410,000 v. \$438,000), but debt:asset ratios averaged around 8% lower for the Dairy 10 pathway.

⁷⁰ *Statement of Evidence of Adam James Duker on behalf of Federated Farmers and DairyNZ (Farm systems, Overseer)*, 25 September 2020, para 2.19, page 10.

⁷¹ *Section 42A Technical Report of Dr Terry Graham Parminter on behalf of Manawatū-Whanganui Regional Council, Cost of Changes in nitrogen Leaching Maxima (Table 14.2)*, 4 September 2020.

⁷² *Statement of Evidence of Dr Graeme John Doole on behalf of Federated Farmers and DairyNZ (Economics)*, 25 September 2020.

⁷³ Dr Doole had direct information from 111 of these; the other 55 were modelled.

⁷⁴ Data extracted from Figure 1, page 7 of the *Statement of Evidence of Dr Graeme John Doole on behalf of Federated Farmers and DairyNZ (Economics)*, 25 September 2020, along with verbal commentary.

- 3.35 Both Mr Clough⁷⁵ and Mr McNally,⁷⁶ who were expert witnesses for the MWRC, criticised some of Dr Doole's work. Mr Clough correctly observed that tax and debt payments, which were included in Dr Doole's analysis in his Figure 5, are not matters directly affected by PC2. Mr McNally showed that any analysis is most critically affected by assumptions about future milk pricing, followed by milk yield.
- 3.36 Overall, while Federated Farmers and DairyNZ essentially welcomed PC2 as a means of resolving an untenable situation, they did not support the approach PC2, as notified, took in setting CNLM limits, due to the economic and social concerns outlined above. Rather, Mr Gerard Willis, on behalf of the industry bodies, proposed an alternative to meeting the CNLM limits (the Dairy 10 pathway), which would involve a controlled activity compliance pathway, as described in his evidence.⁷⁷ The mechanics of this approach were further fine-tuned in discussions with Council's s42A reporting officer, Ms Foster, and are explored and assessed in detail along with other options under '**Issue 2**' in paragraphs 3.124 to 3.157 of our report. All we will say at this stage is that Dr Doole's costing of this alternate approach from Mr Willis suggests that it would have a less deleterious effect on farm viability than the pathway envisaged under PC2 as notified.⁷⁸
- 3.37 Land in the Horowhenua is, as Mr Ford said, an "ideal location to grow CVG due to its soil types, climatic factors and location". There are about 1,000ha of land in the Horowhenua District in horticultural production, of which about 85% is LUC Class 1 land, involving about 50 mostly small-scale vegetable growers, who typically rotate various crops on small land holdings. About 56% of this land is in the Lake Horowhenua catchment. CVG contributes about \$27 million per annum to the district's economy and about 386 jobs. Much potato cropping is carried out on peat soils near Opiki, which are not in the target catchments.
- 3.38 The particular concerns that commercial vegetable growers have with respect to the One Plan provisions relating to IFLUs and, by extension, PC2, were summarised by Ms Helen Atkins in her legal submissions⁷⁹ on behalf of HortNZ. These concerns underlie HortNZ's proposal for a specific consenting pathway for CVG, the merits of which we explore and assess in detail along with other options under '**Issue 2**' in paragraphs 3.124 to 3.157 of our report.
- 3.39 We heard evidence on CVG in the Horowhenua District from a number of expert witnesses. They included Dr Anne-Maree Jolly and Mr Stephen McNally, who were both expert witnesses for the Council, and several witnesses from HortNZ, including Ms Michelle Sands, Mr Stuart Ford and Mr Vance Hodgson.
- 3.40 With reference to supporting evidence provided by growers,⁸⁰ Ms Atkins summarised the particular nature of CVG operations, which involve crop rotation. Mr Ford, on behalf of HortNZ, provided evidence, in part, on the economic implications of PC2, and specifically

⁷⁵ Section 42A Technical Report of Peter William John Clough on behalf of Manawatū-Whanganui Regional Council, Technical – Macro Economic Impacts, 4 September 2020.

⁷⁶ Section 42A Technical Report of Stephen McNally on behalf of Manawatū-Whanganui Regional Council, Farm Scale Cost Impact Assessment, 4 September 2020.

⁷⁷ Statement of Evidence of Gerard Matthew Willis on behalf of Federated Farmers and DairyNZ (Planning), 28 September 2020.

⁷⁸ Statement of Evidence of Graeme John Doole on behalf of Federated Farmers and DairyNZ (Economics), 25 September 2020, Table 1 on pp16.

⁷⁹ Outline of Legal Submissions for Horticulture New Zealand, Helen Atkins, 12 October 2020.

⁸⁰ Industry Statement of Evidence of Michelle Kathleen Sands for Horticulture New Zealand, 25 September 2020, to which are attached statements of evidence from Mr Terry Olsen, Mr Bruce Rollinson, Mr Andrew Yung, Mr Jeffrey Wong, Mr Chris Pescini, Mr Travis Sue and Mr Geoff Lewis.

that associated with achieving GMPs and BMPs, which he considered would be “quite severe”.⁸¹

- 3.41 Potato growers in the region appeared at the hearing under the umbrella of Potatoes NZ. Their expert witnesses were Dr Iain Kirkwood, the technical manager for Potatoes NZ, and two consultants, Mr Chris Keenan and Mr Nicholas Conland. Appearing with them were five industry representatives:⁸² Mr Chris Claridge, the CEO of Potatoes NZ, Mr Bill Foster of Morgan Laurensen, who are potato wholesalers who sell to the retail sector, notably supermarkets, Mr Michael McMillan of Griffins Foods, who make products such as potato chips, and two growers, Mr Paul Olsen, and Mr Mike Moleta.
- 3.42 Mr Claridge gave an overview of potato production in the nation and in the region. He said that the industry has a total value of \$1.088 billion, with most production in Canterbury and Pukekohe, and other growing regions scattered across both islands. Mr Olsen, who is an Opiki grower, harvests about 50ha of potatoes a year spread over four properties, and has 10 permanent employees. Mr Moleta is another Opiki grower, whose family have owned the land they farm on since the 1940’s, where they currently grow potatoes, maize, wheat and pasture.
- 3.43 Mr Chris Keenan, on behalf of Potatoes NZ,⁸³ referred to the similarly “transient” nature of potato production, together with its “conjoining” with other activities; accordingly, in his view, the One Plan provisions are not designed to cater for such operations. Mr Keenan said that all potato production in NZ requires a strict adherence to a “rest phase”, commonly five years after 1-2 years potato growing. This was reinforced by the growers, who said most of them lease land off other farmers on which they grow a single season’s crop, and then that land is not used again for potato crops for at least five years. For this reason, Mr Conland sought that Overseer® modelling for potato crops be based on average N losses on a property block over a five year period.
- 3.44 As part of the HortNZ case we similarly heard from several growers or their representatives Mr Terry Olsen is the chair of an umbrella organisation known as the Tararua Growers Association, who represent 50 growers between Rangitikei and Otaki, including a number of the smaller, predominantly Chinese growers. The Association was formed 10 years ago, and was an amalgamation of a number of smaller associations. Mr Olsen said that the association had worked alongside HortNZ in both the One Plan and PC2 processes, and he supported their position. A number of other growers, notably Jeffrey Wong and Travis Sue who grow vegetables such as brassicas, spinach, leeks, beetroot and pumpkins in the Lake Horowhenua catchment also spoke in support of HortNZ’s position, particularly in seeking a tailored approach to CVG in PC2, along with provisions to account for matters including crop rotations and the use of leased land.
- 3.45 There was some agreement from all the expert witnesses that we heard from regarding PC2’s approach to CVG. All supported the recalibration of Table 14.2. The JWS on farm and growing management practices agreed on a ‘toolbox’ approach to GMP and BMP for the industry, rather than specifying particular mitigations that must take place. CVG needs viable consenting pathways so consents could be sought and be granted. Because of the different vegetable/crop rotations undertaken by growers which result in very different CNLMs, it is a difficult industry to manage using a ‘one size fits all’ approach. The agreed expert evidence was that Overseer® had some limitations when modelling N leaching rates for CVG, but so did other models, and the use of Overseer® was generally supported.

⁸¹ *Statement of Evidence of Stuart John Ford (Commercial Vegetable Growing Systems and Economics) for Horticulture New Zealand*, 25 September 2020, paras 87-95, pages 21-23.

⁸² Including some who had lodged individual submissions.

⁸³ *Statement of Evidence by Christopher Martin Keenan for Potatoes New Zealand*, 28 September 2020, para 40, page 9.

- 3.46 Overall, in the view of the CVG industry, the recalibrated CNLM limits in Table 14.2 and consenting pathways associated with PC2 as notified, are not compatible with or achievable by CVG operations, without further modification. The CVG position was that these provisions must be made more realistic.
- 3.47 Mr Stephen McNally, on behalf of the Council, presented us with evidence on the cost impacts of the plan change at a farm scale, across all sectors.⁸⁴ While, in Mr McNally's opinion, complying with CNLMs in PC2 as notified will result in a reduction in net profitability for all farms, the "normal challenges" facing primary production over the longer term are a more significant factor in terms of farm profitability and viability. He also said that due to the proposed recalibration of Table 14.2 CNLMs, the costs of compliance under proposed PC2 compare favourably with those associated with the One Plan provisions, as unmodified.
- 3.48 Dr Heather Collins, on behalf of the Council, provided us with a technical report setting out her assessment of the social impacts of PC2 across the farming industry as a whole.⁸⁵ In her report, which was uncontested, she concluded that at an individual and family level, the ability to obtain consent and the resulting certainty of operation and ability to preserve livelihoods and engage in succession planning, would reduce some of the stress unconsented farmers and growers currently face, and that this would have positive flow-on effects for the community at large. However, she did anticipate that uncertainty and stress would remain for farmers (and particularly CVG's) unable to meet the thresholds of a recalibrated Table 14.2. In her words:
- "uncertainty and stress would remain for the farmers and growers unable to meet recalibrated Table 14.2, with potential flow-on effects to their families/whanau, their staff and their staff's families".*
- 3.49 Ms Madeline Hall, on behalf of Beef + Lamb NZ,⁸⁶ indicated that the industry body supported PC2 in intent and content, as a means of enabling a return to effective regulation and providing a workable consenting pathway for existing IFLUs, albeit with some requested modifications to nutrient allocation and the implementation of GMPs. These detailed matters we explore respectively under 'Issue 2' and 'Issue 3' in paragraphs 3.124 to 3.157 and 3.158 to 3.229 of our report, respectively.
- 3.50 Helpful perspectives on the problem represented by the One Plan provisions were provided by individual dairy farmers and CVG's. For example:
- a. Mr Andrew Day, who owns a hill country block near the Pahiatua Track⁸⁷ observed that the Council's former practice of granting consent beyond the parameters of a restricted discretionary activity consent (as determined by the Environment Court decision) called into question whether this level of consent provides adequate security for the community.
 - b. Ms Lisa Charmley, a dairy farmer from Dannevirke⁸⁸ drew our attention to the uncertainty, stress and impact of the situation on day-to-day wellbeing as well as

⁸⁴ Section 42A Technical Report of Stephen McNally on behalf of Manawatū-Whanganui Regional Council, Farm Scale Cost Impact Assessment, 4 September 2020.

⁸⁵ Section 42A Technical Report of Heather Collins on behalf of Manawatū-Whanganui Regional Council, Technical – Social impact Assessment, 4 September 2020.

⁸⁶ Hearing Statement on the Proposed Plan Change 2 to the One Plan by Madeline Hall on behalf of Beef + Lamb New Zealand Ltd, 25 September 2020.

⁸⁷ Oral Submission of Andrew Day, 20 October 2020.

⁸⁸ Written presentation of Lisa Charmley, undated.

future farm planning. The property she jointly farms was awarded a Balance farm management award and Ms Charmley was also nominated to participate in the DairyNZ Environmental Future Leaders Programme. She and her husband own 80ha together with another 26ha leased and 44ha of run off land which provides for about 160 cows; additionally, they can have calves under cover for a month. She said most local farmers already operate under industry agreed GMPs, but BMP is not possible to implement on some local properties. In 2013 their assessed N loss was 29 kg/N/ha/y, and is still currently at that rate. As most of the property is LUC Class 2 land, she considered they should be able to meet the Year 20 CNLM of 33 kg/N/ha/y. However, she felt “stressed” that they did not presently have a consent for the property and no clear path to obtain consent.

- c. Mr Geoff Kane, a dairy farmer in the Arawhata catchment,⁸⁹ whose family owns four dairy properties, noted the impact of debt loading on the ability to turn a profit and how this was further compromised by the unconsented status of such farms, particularly in the eyes of lenders. He spoke of one farm near Dannevirke, which was “the pride and joy” of the young couple who owned it. The farm covers 100ha and runs 260 cows; since it was purchased in 2013 production had increased from 90,000 to 125,000 kilos per annum. A number of GMPs are already incorporated into farm management, but he said that because of high debt, other potential changes – such as reducing cow numbers or reducing N use – are not viable.

- 3.51 A similar view was presented by Russell Phillips, a farmer in the Upper Manawatū catchment.⁹⁰ We also heard that unconsented farmers are having difficulties with bank finance, and difficulty in selling their farms.
- 3.52 Ms Jeni Wadsworth, for Balance Agri-Nutrients Ltd,⁹¹ expressed concern about the then requirement (as required by the publicly notified PC2) that NMPs be revised every year. In her opinion, the time and cost of doing so needed to be balanced against the benefits of revision (in terms of capturing changes in nutrient budgets). She said a three-year time frame was more appropriate.
- 3.53 Woodhaven Gardens focused on the implications of an absence of a consenting pathway specific to CVG, including adverse effects on farm viability, forced land use change to pastoral farming, price increases for produce and wider economic impacts.⁹²
- 3.54 Ms Carmen Taylor presented us with a written statement in support of Ravensdown’s original submission.⁹³ In it she expressed her opinion that the further amendments to PC2 recommended in Ms Foster’s s42A report effectively addressed the concerns originally raised by the company.
- 3.55 Overall, we heard a largely consistent message from the farming industry: that to remain unconsented is not a sustainable proposition in economic or social terms. Farmers want to obtain consents where they currently do not hold them but, in their view, under the current One Plan regime, many could not remain viable if made to comply with Table 14.2 CNLMs as they would either have to reduce production to address N leaching or make improvements that require considerable investments. The wisdom of either course is questionable given uncertainties around the ability to demonstrate compliance with

⁸⁹ *Farmer Perspective, Geoff Kane*, PowerPoint presentation, undated.

⁹⁰ Oral statement made by Mr Russell Phillips at the hearing, supported by tabled photographs.

⁹¹ *Statement of Evidence of Jeni Wadsworth for Balance Agri-Nutrients Limited*, 25 September 2020.

⁹² *Plan Change 2 Evidence – The Effect of Proposed Policies on Commercial Vegetable Production*, PowerPoint presentation, Woodhaven Gardens, undated.

⁹³ *Written Statement of Carmen Wendy Taylor on behalf of Ravensdown Limited*, 22 September 2020.

CNLM limits. In their view, the problem cannot be solved merely through changes to those limits in Table 14.2. A 'wrap-around' policy and consenting pathway solution is also required. While there is support for the intent of PC2, there were considerable doubts expressed by both the dairy and CVG sectors that PC2, as notified, is the ideal solution.

- 3.56 Our evaluation of alternatives or modifications to the potential solution that PC2, as notified, proposed in terms of consenting pathway and consent status is to be found under **'Issue 2'** in 3.124 to 3.157 of our report. To guide our evaluation, we first pose a question that we anticipate answering in considering the merits of the proposed PC2 provisions including the **consenting pathway and consent status: *whether the proposed provisions (including policies, rules, associated tables, maps and schedules) are the most appropriate way to achieve the objectives of the plan change, having regard to other reasonably practicable alternatives for achieving the objectives, and the efficiency and effectiveness of the provisions?*** This is the question we turn our minds to under **'Issue 2'** in paragraphs 3.124 to 3.157 of our report.

Theme 3: *Failure to cater for discharges of treated wastewater*

- 3.57 The concerns that territorial authorities and the dairy processing industry have with respect to the One Plan provisions, inclusive of PC2, as notified, were originally set out in submissions on the plan change, and were further amplified and expanded in submissions and evidence presented to us on behalf of these parties.
- 3.58 In her legal submissions on behalf of Palmerston North City Council, Ms Katherine Viskovic⁹⁴ referred to the statements of evidence prepared by Ms Melaina Voss.⁹⁵ The City Council's concerns relate to the perceived tension between PC2 and Policy 5-11 in the One Plan, which strongly encourages discharging treated municipal wastewater to land rather than water. In summary, in the City Council's view, the CNLMs as expressed in PC2 have the potential to foreclose the option of discharging treated wastewater to land in association with sheep and beef farming activities. This is seen as potentially resulting in a perverse outcome, whereby the removal of point source discharges of treated wastewater from the Manawatū River (for example) becomes more difficult to achieve. For this reason, the City Council seeks an explicit exemption to the PC2 consenting framework (and specifically the obligations of Table 14.2).
- 3.59 In her statement of evidence, Ms Annette Sweeny, on behalf of Horowhenua District Council, raised similar concerns with respect to future options for the disposal of discharges from the Tokomaru wastewater treatment plant.⁹⁶ The above concerns and relief sought were also echoed in legal submissions on behalf of Horowhenua District Council, from Mr John Maassen.⁹⁷
- 3.60 In her s42A report,⁹⁸ Ms Foster provided a helpful summary of the mechanics of the One Plan and PC2 provisions and the extent to which municipal wastewater discharges are captured by them. Essentially, her advice to us was that if farms are already irrigated, the introduction of wastewater does not change their status as existing IFLUs, and hence they are captured under the rules that fall within the scope of PC2. If, however, the introduction

⁹⁴ *Legal Submissions of Palmerston North City Council, Submitter Number 83*, Matt Conway and Katherine Viskovic, 9 October 2020.

⁹⁵ *Evidence in Chief on Melaina Maree Voss for Palmerston North City Council, Palmerston North Wastewater BPO Review*, 25 September 2020.

⁹⁶ *Evidence of Annette Sweeny, Planning Evidence: Municipal Wastewater Discharges to Land*, 28 September 2020.

⁹⁷ *Submissions for the Horowhenua District Council and others*, John Maassen, undated, paras 56-65, pages 19-21.

⁹⁸ *Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning*, 4 September 2020 (Volume 1), Chapter 12, pages 131-133.

of wastewater would see farms irrigated for the first time, then they would be classed as new IFLUs, and fall outside the scope of PC2, which relates only to existing IFLUs.

- 3.61 In a further submission,⁹⁹ Fonterra sought to extend the relief requested by the district and city councils, to exclude treated industrial wastewater from the ambit of relevant policies and rules, largely for the same reasons. In her s42A report, Ms Foster indicated that she did not agree with this request from Fonterra, largely given the level of uncertainty surrounding the nature and content of industrial wastewater.¹⁰⁰
- 3.62 For Fonterra, Ben Williams, in his legal submissions,¹⁰¹ provided an overview of Fonterra's manufacturing interests in the region, notably the plants at Longburn and Pahiatua. Both plants rely on a combination of discharges to water and to land (via farm irrigation). In Fonterra's view, neither the One Plan nor PC2 provide an appropriate framework to consider IFLUs in conjunction with such discharges to land. As with municipal wastewater discharges, the absence of a viable consenting pathway, in Fonterra's view, has the potential to increase reliance on wastewater discharges to waterways, contrary to the overall policy direction of the One Plan. The company's perceived operational difficulties in this respect, and particularly in relation to the scarcity of available land for wastewater discharges, were the focus of Mr Graham Thomson's evidence.¹⁰²
- 3.63 The submissions and evidence of territorial authorities and the dairy processing industry raise wider matters of scope, in relation to PC2, as highlighted by Ms Foster in her s42A report.¹⁰³ These matters can be framed as a question (*what matters raised submissions are 'on' the plan change and what matters are not?*) that we turn our minds to under 'Issue 4' in paragraphs 3.230 to 3.244 of our report.

Theme 4: Impacts on environmental values

- 3.64 The unworkability of One Plan provisions (and to a lesser extent, issues associated with the content of PC2) in relation to IFLUs, and the resulting impacts of unregulated N leaching on the environment, were the subject of submissions and evidence put before us by several environmental groups, iwi and other agencies.
- 3.65 The Environmental Defence Society's position was set out in legal submissions by their counsel Ms Madeleine Wright.¹⁰⁴ We note in passing that the Society was party to the Environment Court declaration proceedings in 2017, together with the Fish & Game Council, emphasising the Society's interest in a resolution to the commonly identified problem that the One Plan provisions present.
- 3.66 Ms Wright's submissions were made without recourse to supporting evidence on behalf of the Society. Rather, Ms Wright referenced the evidence presented on behalf of the Council by Dr Snelder and Ms Matthews¹⁰⁵ with respect to: the failure of monitored sites in target catchments to meet One Plan water quality targets, the implications of this, particularly with respect to coastal dune lakes, and the primary contribution of IFLU sources to this problem. To fundamentally address this problem, the Society considered

⁹⁹ Further submission FS13.

¹⁰⁰ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), Chapter 12, pages 138-139.

¹⁰¹ Legal Submissions on behalf of Fonterra Co-operative Group Limited, Ben Williams, 11 October 2020.

¹⁰² Statement of Evidence of Graham Douglas Thomson for Fonterra Co-operative Group Limited, 28 September 2020.

¹⁰³ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), Chapter 12, pages 136-138 and 139-140.

¹⁰⁴ Outline of Legal Submissions of Counsel for the Environmental Defence Society Incorporated, Madeleine Wright, undated.

¹⁰⁵ Section 42A Technical Report of Dr Antonius Snelder on behalf of Manawatū-Whanganui Regional Council, Water Quality and Scenario Analysis, 4 September 2020; and Section 42A Technical Report of Abby Matthews on behalf of Manawatū-Whanganui Regional Council, Technical – Water Quality, 4 September 2020, respectively.

- that a non-complying activity default status should apply with respect to existing (and new) IFLUs unable to meet recalibrated Table 14.2 thresholds (a recalibration that the Society accepts). As such, the Society was opposed to the alternative controlled use pathway recommended by Ms Foster in response to the submissions from parties including Federated Farmers, Dairy NZ and HortNZ.
- 3.67 Ms Troy Urlich's legal submissions on behalf of the Director-General of Conservation¹⁰⁶ relied on the evidence presented by Ms Rosemary Miller and Mr Angus Gray.¹⁰⁷ The Department's expert witnesses were primarily concerned with two potentially unintended consequences of PC2, relating to the perceived 'license' for farms to 'leach up' to the CNLMs set out in recalibrated Table 14.2, and the resulting potential impact on already highly degraded coastal lakes and biodiversity values in such water bodies.
- 3.68 Evidence on behalf of the Fish & Game Council's submission was presented by Mr Peter Wilson and Mr Phil Teal.¹⁰⁸ Mr Teal outlined the extensive involvement that Fish & Game has had in critiquing the implementation of the One Plan, not least of all its investment in the Environment Court declaration. Fish & Game wanted to ensure that the provisions of PC2 provided a trajectory of improvement in water quality over time. They sought further changes to PC2, including a non-complying consent pathway for IFLUs exceeding Table 14.2 limits or, in the event that a controlled activity pathway is retained, some explicit prospect of notification (we note this implies a different consent status for notification to remain a prospect).
- 3.69 Dr Chris Teo-Sherrell, on behalf of the Water Protection Society,¹⁰⁹ referenced the evidence of water body degradation summarised in evidence presented for the Council by Dr Snelder and Ms Matthews¹¹⁰.
- 3.70 To support his argument, Dr Teo-Sherrell provided an analysis of the Council's records of predicted N loss from consented and unconsented farms which, he contended, suggested that consented farms are performing better than anticipated. Specifically, Dr Teo-Sherrell showed that in 2019 leaching rates from the 80% of consented farms that he had evidence for had dropped from an average of 36 kg/N/ha/y, when consented, to 31kg/N/ha/y in 2019. In his opinion, this indicates that farm practices may have improved considerably over recent years, due presumably to pressure from Fonterra and the MWRC to improve performance.¹¹¹ While he did not know the extent to which 2019 was a typical year¹¹², he suggested that this does indicate overall improvements since the 2010 baseline year, and so the extent of change necessary to meet the controlled activity pathway may not be as great as portrayed by Federated Farmers and DairyNZ. On that basis, Dr Teo-Sherrell considered that there was no particular reason why unconsented farms would not perform similarly well, and that the threshold should be raised, requiring compliance with Table 14.2 limits within 10 years, with a discretionary or non-complying consent status imposed on farms unable to meet that threshold.

¹⁰⁶ *Legal Submissions on behalf of the Director-General of Conservation in Relation to the Proposed Plan Change 2, One Plan, Manawatū-Whanganui Regional Council*, Troy Urlich, 12 October 2020.

¹⁰⁷ *Statement of Evidence of Rosemary Jean Miller for the Director-General of Conservation*, 25 September 2020 and *Evidence of Angus Thomas James Gray on behalf of the Director-General of Conservation*, Submitter Number: 61, 28 September 2020.

¹⁰⁸ *Statement of Evidence of Peter Wilson for Wellington Fish and Game Council*, 28 September 2020; and *Submission of Phillip Teal for Wellington Fish and Game Council*, 14 October 2020, respectively.

¹⁰⁹ *Oral submission of Water Protection Society on Proposed Plan Change 2 to the One Plan*, Dr Chris Teo-Sherrell.

¹¹⁰ *Section 42A Technical Report of Dr Antonius Snelder on behalf of Manawatū-Whanganui Regional Council, Water Quality and Scenario Analysis*, 4 September 2020; and *Section 42A Technical Report of Abby Matthews on behalf of Manawatū-Whanganui Regional Council, Technical – Water Quality*, 4 September 2020, respectively.

¹¹¹ For instance, refer to *Statement of Evidence of Dr Paul Frederick Le Miere on behalf of Federated Farmers and DairyNZ (Farm systems, Overseer, LUC)*, 25 September 2020, para 3.28, page 10, where Dr Le Miere said that 212 dairy farmers in the region have Fonterra delivered Farm Environmental Plans that include GMP.

¹¹² If it were, for instance, drier than usual, calculated leaching losses would be lower than for a wetter than average year.

- 3.71 We note here that in further supplementary evidence on behalf of the Council provided to us after the hearing,¹¹³ Dr David Horne presented the results of an analysis of predicted compliance with CNLM thresholds associated with a recalibrated Table 14.2 over 10 and 20 year periods. Although the Dr Horne’s analysis compared compliance rates based on different N leaching reduction rates of 10% and 20%, we note his finding that, the proportion of farmers able to meet the limits at either Year 10 or Year 20 did not differ markedly, at least where the Horowhenua and Rangitikei catchments were concerned (although the same cannot be said for the Upper Manawatū catchment).
- 3.72 This finding aligned with other evidence presented to us. Dr Jane Chrystal, an expert witness for Beef + Lamb NZ, who said that almost all of the estimated 1,400 beef and lamb farming activities in the region, including those in the target catchments, would be able to comply with recalibrated Table 14.2. She reviewed work on N leaching losses from beef and lamb properties from the Waikato and Canterbury regions, and found that modelled N losses complied with the recalibrated Table 14.2 unless (in the case of the Waikato comparison) “the land was not classified LUC VII or VIII, which is highly unlikely.”¹¹⁴
- 3.73 The one possible exception is for irrigated farms. Nationally about 2% of land in beef and sheep farming is irrigated. Dr Horne estimated that only 400-500ha of the beef and sheep land is irrigated in the region, mostly in the Rangitikei sub-catchment. He also observed that on sheep and beef farms in the region “often only relatively small areas are irrigated”.¹¹⁵ Similarly, Dr Chrystal undertook a detailed sample of 91 representative beef and lamb farms in the Tararua and Ruapehu Districts. He found none had any irrigation.¹¹⁶
- 3.74 Even for farms with some irrigation Dr Horne concluded “that irrigated sheep and beef farms in the priority catchments will experience relatively few difficulties complying with the recalibrated Table 14.2, particularly if they adopt GMPs/BMPs”.¹¹⁷ We note that if they cannot meet recalibrated Table 14.2, an alternative pathway allowing a 20% reduction in N leaching losses from baseline is available via the ‘Dairy 10 pathway’, which we discuss under ‘**Issue 2**’ in paragraphs 3.124 to 3.157 of our report.
- 3.75 Returning to the environmental theme, and in broad terms, most environment groups expressed a degree of support for the intention and content of PC2. Many of their outstanding concerns, and those of other parties, as illustrated above, related to the precise **detail of the provisions**. Accordingly, we pose a question now that we intend to return to in our evaluation under ‘**Issue 3**’ in paragraphs 3.158 to 3.229 of our report, and that is: *when evaluating the appropriateness of the provisions in achieving the objectives of PC2, what are the most appropriate settings?*
- 3.76 There is one exemption to that general position referred to above, and that is the concern expressed by some environmental groups and other parties, including for instance the Environmental Defence Society,¹¹⁸ over the degree to which PC2 gives effect to the NPS-FM 2017 and the current NPS-FM 2020. Our finding on this matter is set out in paragraph 5.6 below, and our broader consideration of the following question is found under ‘**Issue 6**’ in paragraphs 3.265 to 3.277, with respect to **higher order documents and policy instruments: to the extent necessary, does PC2 give effect to these?**

¹¹³ Further Supplementary Section 42A Technical Report of David John Horne on behalf of Manawatū-Whanganui Regional Council, Technical – On-Farm Management Practices, 30 October 2020, particularly Table 1, page 4.

¹¹⁴ Brief of Evidence of Jane Chrystal, 25 September 2020, para 87, page 28.

¹¹⁵ Section 42A Technical Report of David John Horne on behalf of Manawatū-Whanganui Regional Council, On-Farm Management Practices, 4 September 2020, paras 94 & 95, page 23.

¹¹⁶ Brief of Evidence of Jane Chrystal, 25 September 2020, para 76, page 24.

¹¹⁷ Section 42A Technical Report of David John Horne on behalf of Manawatū-Whanganui Regional Council, On-Farm Management Practices, 4 September 2020, para 98, page 24 (paraphrased).

¹¹⁸ Outline of Legal Submissions of Counsel for the Environmental Defence Society Incorporated, Madeleine Wright, undated.

Theme 5: *Impacts on tangata whenua values*

- 3.77 Submissions on PC2 were received from 11 iwi and hapū; eight of which indicated a desire to appear at the hearing. We heard from Mr Manahi Paewai, Mr Hayden Turoa, Mr Robert Ketu and Mr Lindsay Poutama for Rangitāne o Tamaki Nui a Rua, Ngāti Turanga, Ngāti Whakātere Te Roopū Taiao o Ngāti Whakātere and Te Rūnanga o Raukawa respectively. Mr Ketu and one other iwi (Ngā Waihua o Paerangi Trust – the iwi authority for Ngāti Rangī) also provided written statements that were tabled at the hearing.
- 3.78 The perspectives and positions of iwi and hapū as expressed in submissions (both written and oral) are summarised below. In doing so we highlight that some of these representatives spoke in Te Reo and were translated for us by Mr Kawana.
- a. *Rangitāne o Tamaki Nui a Rua:*¹¹⁹ Mātauranga Māori, cultural values and methods must be integrated into decision making. They have observed no improvement in the upper Manawatū, Mangatainoka and Makākahi awa, in fact the mauri of these awa is being affronted by discharges of wastewater. However, this iwi group was generally supportive of the plan change as being a step in the right direction.
 - b. *Ngāti Turanga:*¹²⁰ Degraded water quality prevents collection of mahinga kai and the exercise of kaitiakitanga. Inadequate consultation has occurred, constituting a failure in terms of Schedule 1 of the RMA obligations. PC2 and the One Plan as a whole fail to incorporate their values, culture and aspirations, as expressed in their iwi management plan. They are critical of the joint witness statement process. Ultimately PC2 should be withdrawn, ahead of deeper engagement with Ngāti Turanga.
 - c. *Te Roopū Taiao o Ngāti Whakātere:*¹²¹ There are no targeted water management sub-zones in the Manawatū River below Te Apiti Gorge. Inadequate consultation has occurred, constituting a failure in terms of Schedule 1 of the RMA obligations. While relationships with MWRC have improved, they remain concerned about the lack of engagement and acknowledgement of Ti Tiriti o Waitangi obligations and iwi aspirations. They seek mediation with the Council (undertaken on their marae in accordance with tikanga Māori) to find a resolution, subsequent to the withdrawal of PC2.
 - d. *Te Rūnanga o Raukawa:*¹²² Inadequate consultation has occurred, constituting a failure in terms of Schedule 1 of the RMA obligations. Protection of mauri is as much a function of relationships as it is environmental action. They consider that the relationship with the Council is improving and want to work with farmers also. They are strongly opposed to PC2, absent of any tikanga based engagement process. They consider the consenting pathways created by PC2 will lead to further intensification. They seek the plan change's withdrawal.
 - e. *Ngā Waihua o Paerangi Trust:*¹²³ Ngāti Rangī's deed of settlement has not been considered, and PC2 fails to recognise and provide for Te Mana Tupuna o Te Waiū-o-Te-Ika and Ngā Toka Tupa o Te Waiū-o-Te-Ika or adequately protect the mauri (equivalent to mauri for Ngāti Rangī) of the Whangaehu River. Providing a consenting pathway inclusive of untested GMP and BMP that allows for

¹¹⁹ Submission 71, together with an oral presentation by Mr Manahi Paewai.

¹²⁰ Submission 67, together with an oral submission by Mr Hayden Turoa.

¹²¹ Submission 68, together with an oral presentation by Mr Robert Ketu.

¹²² Submission 70, together with an oral presentation by Mr Lindsay Poutama.

¹²³ Submission 63, together with a written, tabled statement.

unknown and uncontrolled N leaching and water quality degradation, and fails to meet the requirements of the RMA, NPS-FM 2020 or the RPS.

- f. *Muaūpoko Tribal Authority*:¹²⁴ Inadequate consultation has occurred with respect to sections 6(e), 7(a) and 8 of the RMA. PC2 breaches the Ti Tiriti o Waitangi in precluding the development of Māori owned land. The Lake Horowhenua catchment should be removed from the scope of PC2 and active engagement should be undertaken with the Authority to find a solution to the pollution of the lake.
- g. *Hōkio A Māori Land Trust*:¹²⁵ Inadequate consultation has occurred, constituting a failure in terms of Schedule 1 of the RMA obligations. The discharge of contaminants threatens the sustainability of the wāhi and taonga tapu of Muaūpoko.
- h. *Ngā Tāngata Tiaki o Whanganui*:¹²⁶ Opposed to PC2 given the lack of consultation. Seek an extension to the submission process, inclusive of the commissioning of a cultural impact assessment to address the impacts of the plan change on cultural values.
- i. *Tamarangi Hapū of Muaūpoko*:¹²⁷ Supports the Hōkio A Māori Trust submission.
- j. *Rangitāne o Manawatū / Tanenuirangi Manawatū*:¹²⁸ Seeks a setback for biosolids discharge, from wāhi tapu, and the commissioning of a cultural impact assessment to examine the implications of this activity on cultural values.
- k. *Ngāti Kahungunu Ki Tāmaki Nui-A-Rua*:¹²⁹ Supportive of the broad One Plan approach to nutrient management, but not supportive of PC2 changes to that approach which constitute a ‘weakening’ of the plan provisions, including via amendments to policies and the incorporation of BPO, GMP and BMP (in preference to strict compliance with standards). Overall, the proposed provisions are too lenient and will not enable water quality objectives to be achieved (in the context of declining water quality in the Makākahi and Mangatainoka Rivers).

3.79 As with environmental groups and agencies, many of the outstanding concerns of iwi and hapū, particularly where they otherwise broadly support the approach to nutrient management set out in the One Plan, relate to the precise **details of the provisions**. The question that we pose with respect to these matters are set out in paragraph 3.75, and are ones we return to in our evaluations under **‘Issue 3’**.

3.80 In addition, where iwi and hapū are opposed to PC2 and seek its withdrawal, their concerns relate to the perceived failure of the Council to properly consult with iwi and hapū during the plan change process as obliged by Schedule 1 of the RMA, and / or the failure of PC2 itself to give effect to or otherwise align with higher order documents and policy instruments. We addresses these matters under **Issue 5 (iwi consultation)** and **‘Issue 6’ (higher order documents)** respectively.

¹²⁴ Submission 62.

¹²⁵ Submission 76.

¹²⁶ Submission 81.

¹²⁷ Submission 84.

¹²⁸ Submission 85.

¹²⁹ Submission 4.

PC2 as Amended

- 3.81 The content of PC2, as notified, has been summarised in paragraph 2.15 of our report. Before considering further the merits of the plan change, we now describe PC2 as it stands, following amendments recommended to it by the s42A reporting officer leading up to and during the course of the hearing. As indicated earlier, to some degree, this version of the plan change constitutes the Council's 'solution' to the key, overarching themes referred to above.
- 3.82 The following summary of recommended amendments to PC2 as notified, is drawn from the reporting officer's s42A report.¹³⁰
- 3.83 The s42A report recommends the following amendments to PC2:

Policy 5-8

- a. amending the policy to clarify that N leaching maximums are intended to 'contribute' to the achievement of the RPS strategy for water quality improvement, rather than 'achieve' that strategy;
- b. amending clause (a)(i)(D) to clarify that One Plan's expectation of existing IFLU activity is that N leaching maximums will be achievable on most farms using GMPs and BMPs;
- c. amending clause (a)(iia) considerations to require that N leaching loss from existing IFLU activities is reduced to the maximum extent practicable in the shortest possible timeframe;
- d. inserting into clause (a)(iia) additional considerations relating to the size of the individual existing IFLU activity's contribution to N leaching within the water management sub-zone, environmental effects, the timing of improvements, and LUC classification;
- e. inserting into clause (a)(iib) a requirement that transitioning IFLU activities complete their transition within five years to align with the relevant One Plan Chapter 14 policy; and
- f. underscoring the requirement in clause (d) that IFLU activities must, as a minimum, implement GMPs.

Method 5-12

- g. clarifying that 'innovative land use research' will include N loss mitigation options; and
- h. including tangata whenua in the list of stakeholders who will participate in that research.

Method 5-13

- i. clarifying that MWRC will include a method for accommodating Overseer® upgrades and will update Table 14.2 to respond to significant changes to Overseer®, through a plan change process, where necessary.

Policy 14-3

- j. inserting 'additional measures' as well as 'GMPs'.

¹³⁰ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), Chapter 24, pages 275-276.

Policy 14-5

- k. clarifying the meaning of ‘date of legal effect’;
- l. retaining the Table 14.2 CNLM threshold for the controlled activity consent pathway, while inserting two additional, alternative controlled activity consent pathways as follows:
 - i. requiring that IFLU activities adopt GMP and BMP, and achieve N leaching that is the lesser of a reduction of 10 to 20%. or the 75th percentile N leaching rate for the relevant surface water management zone; and
 - ii. a tailored pathway for CVG that requires no increase in the growing area relative to a baseline growing period, and implementation of GMP and BMP, to achieve a minimum N leaching loss of 35% relative to the baseline growing period, within three years; and
- m. requiring that, to qualify for controlled activity consent status (by any of the three pathways), applications must be lodged no later than 31 December 2022.

Policy 14-6

- n. inserting additional requirements to strengthen the policy framework, including acknowledging the particular crop rotation needs of CVG; and
- o. clarifying the requirements for IFLU activities transitioning to other non-IFLU activities, to prevent the resumption of the same IFLU activity in the future.

Rules 14-1 and 14-2

- p. consequential to l. above, inserting provision for the two additional controlled activity consent pathways, as an alternative to compliance with Table 14.2; and
- q. requiring applications for controlled activity consent for existing IFLUs to be lodged within two years.

Definitions

- r. including a list of agreed GMPs in the definition for GMP;
- s. including a list of agreed BMPs in the definition for BMP;
- t. adjusting the definition for NMP to clarify that it can be a chapter of a freshwater farm plan and clarifying the qualifications required of a person preparing a NMP; and
- u. consequential to l. above, inserting new definitions for ‘baseline growing period’ and ‘75th percentile leaching loss’.

3.84 We refer to these further amendments and other options mooted by parties during the course of the hearing in our discussion of specific issues below, where relevant.

Specific Issues

3.85 Having set out the **key overarching themes** identified in submissions and in evidence presented to us, we now return to the questions posed at the beginning of Section 3, in addressing **specific issues** raised in submissions and in evidence presented to us.

3.86 Specific issues and their **attendant questions** are those that are mostly concerned with the **detail** of PC2, and we frame these as follows:

- a. **Issue 1:** Water quality: whether the objectives of the plan change are the most appropriate way to achieve the purpose of the Act?
 - b. **Issue 2:** Consenting pathway, consent status, and related provisions: whether the whether the proposed provisions (including policies, rules, associated tables, maps and schedules) are the most appropriate way to achieve the objectives of the plan change, having regard to other reasonably practicable alternatives for achieving the objectives, and the efficiency and effectiveness of the provisions?
 - c. **Issue 3:** Plan Provisions: when evaluating the appropriateness of the provisions in achieving the objectives of the plan change, what are the most appropriate settings?
 - d. **Issue 4:** Matters of scope: what matters raised in submissions are 'on' the plan change and what matters are not?
 - e. **Issue 5:** Iwi consultation: Did the process of consultation meet the statutory requirements of the Act and was it appropriate and adequate in the circumstances?
 - f. **Issue 6:** Higher order documents and policy instruments – to the extent necessary, does PC2 give effect to these?
- 3.87 In addressing each specific issue, we summarise what we heard (this includes in some cases drawing down on the discussion of key overarching themes), and then we set out our **findings**.

Issue 1 – Water quality: whether the objectives of the plan change are the most appropriate way to achieve the purpose of the Act?

Issue identification and evidence

- 3.88 In commencing this first issue assessment, it is helpful here to initially set out our understanding of the One Plan drivers of water quality, in rivers and streams, and also lakes.
- 3.89 In this respect Schedule E of the One Plan is the central focus in that it:
- a. sets water quality targets for rivers and streams, and separately for lakes, in the target catchments. These are intended to provide for the values listed in the target water management zones listed in Schedule B of the Plan.
 - b. includes both physical and biotic targets. In rivers and streams the important physical targets are water clarity, and concentrations of the biologically available forms of the nutrients phosphorous and nitrogen. These are DRP and SIN (the latter referred to at times as dissolved inorganic nitrogen or DIN). The important biotic measures include the MCI, which is a measure of the 'health' of the stream community with higher scores being better, and the abundance or biomass of periphyton, which is the algal community in rivers and streams, and for which lower scores are better. Microbiological contaminants are assessed via counts of *E.coli* 'bugs' of faecal origin, with high counts indicating a potential risk to human health during contact recreation.¹³¹ Most of these water quality targets do not

¹³¹ Faecal contaminants can come from animal, bird and human sources. There are expensive tests that can differentiate the source of the faecal contamination, with those of human origin considered the greatest risk to health.

apply during flood flows, which are defined as the 20th percentile high flow or greater.

- 3.90 High concentrations of SIN or ammonia can lead to potentially chronic or even acute effects on aquatic life. Such high concentrations occur very infrequently in rivers and streams in the target catchments, and in this region are most typically below discharges of human wastewater to water.
- 3.91 In lakes the targets are different. This is because lakes have very different biotic communities to rivers and streams, and because they act as ‘nutrient sinks’, as it takes a long time for the water in a lake to ‘turn over’. Unlike rivers and streams, in lakes, total N and total P are measured as this is what is available for uptake by aquatic flora. The biotic communities comprise phytoplankton and zooplankton (microscopic plants and animals that are suspended in the water column) and benthic (bottom dwelling) animals. Elevated nutrient concentrations can lead to greater abundance of phytoplankton in the water column, which reduces water clarity, making it appear green. Concentrations of unionised ammonia sufficiently high to be potentially toxic to aquatic life have occurred on occasions in Lake Horowhenua; this was partially a consequence of occasional high pH events.
- 3.92 Lakes can also have complex hydrological regimes. Lake Horowhenua for instance has different surface and groundwater catchments, and lakes such as Lake Koputaroa have small surface water catchments but much larger groundwater catchments. If water quality in a lake is to be improved, both the surface and groundwater catchments need to be managed concurrently.
- 3.93 The above distinction between rivers/streams and lakes is important and shapes our following assessment of this first issue. Before turning to that assessment however we firstly record the evidence we heard pertaining to **Issue 1**.
- 3.94 In terms of the evidence presented, we received water quality assessments from a number of expert witnesses. They included:
- a. Ms Matthews and Dr Snelder for the MWRC (the Council witnesses),
 - b. Dr Depree for Federated Farmers and DairyNZ,
 - c. Dr Chrystal for Beef + Lamb NZ,
 - d. Dr Conwell for HortNZ, and
 - e. Ms Miller for DoC (whose focus was on lowland lake water quality).
- 3.95 These and other experts participated in two joint witness conferences dated 28 July and 13 August 2020, which resulted in the preparation of JWSs.¹³² We will return to the first JWS later in this assessment.
- 3.96 The main focus of the second JWS was on a model developed by Dr Timothy Cox, an expert witness for the Council, to assess the effects of land use change on nitrate concentration and mass loads in rivers, streams and lakes. There was a broad consensus that Dr Cox’s model was conservative, and appropriate to use as the basis for scenario modelling of the effects of different management regimes on receiving water bodies in the target catchments. This means we can be confident that any modelled benefits for water quality from implementing PC2 will be understated, and certainly not at all exaggerated.

¹³² *Joint Witness Statement of Experts – Water Quality, 28 July 2020; and Joint Witness Statement of Experts – Water Quality, 13 August 2020.*

- 3.97 We otherwise discuss and reference the evidence we heard below, in arriving at our findings on the appropriateness of PC2 with respect to the achievement of the purpose of the Act, where water quality is concerned. With respect to water quality, we have divided our consideration into three aspects i.e., how and to what extent PC2 would:
- a. affect water quality in rivers and streams;
 - b. affect water quality in coastal lakes; and
 - c. give effect to the NES-FM regulations.

Discussion and findings – water quality in rivers and streams

- 3.98 With respect to the current state of rivers and streams, there was a universal consensus among the expert witnesses that water quality in the region is degraded. This same finding applies in the target catchments. These two conclusions hold whether pass/fail criteria are used, as was the case for the two Council witnesses, or actual metrics are used, as shown in the evidence for Dr Dupree for Federated Farmers and DairyNZ.
- 3.99 At a region wide scale Figure 1 in Dr Snelder's evidence in chief is relevant.¹³³ That figure uses simple pass/fail criteria, shown in green and red respectively, at up to 125 SOE monitoring sites in the region for a range of Schedule E criteria. More detail is provided in his Table 1. Dr Snelder's analysis shows that clarity, and both measures of *E. Coli* ('bugs') fail to meet Schedule E targets at over 80% of SOE sites in the region. Each of SIN and MCI meet Schedule E criteria at less than half the sites in the region; only for Chlorophyll a (a measure of periphyton biomass) do a majority of SOE sites meet these criteria.
- 3.100 Almost universally, the target water management zones recorded relatively more breaches of Schedule E targets at SOE sites than did the region as a whole (refer Table 1 in Dr Snelder's evidence in chief). This is not surprising given the extent of intensive land use in these catchments. This is further reinforced by Dr Snelder's Figure 2, which shows the proportionate exceedance of SIN targets is concentrated in the target catchments.
- 3.101 Dr Depree for Federated Farmers and DairyNZ¹³⁴ asserted that the pass/fail approach used by Dr Snelder masks the extent to which the Schedule E targets are not met in rivers and streams in the target catchments. We agree that this is a valid point. He noted particularly that exceedance of periphyton targets (at only five of 29 sites in the target catchments)¹³⁵ are far less frequent and closer to the specified targets than are breaches of the SIN thresholds (presently only three of 35 sites comply in the target catchments). Similarly, MCI is driven by multiple factors¹³⁶, and in his view some breaches of the MCI targets are relatively small and of little real consequence.
- 3.102 Dr Depree also asserted that some of Schedule E targets in rivers and streams in the target catchments appear unnecessarily strict. We agree that may be the case. For instance, no sites in the target catchments comply with clarity targets; this includes control sites close to the boundary with the conservation estate, and some of the MCI targets appear rather aspirational. In the case of other targets however, notably those relating to periphyton proliferations, the Schedule E targets are in close accordance with the NOF limits in the NPS-FM 2020.

¹³³ Section 42A Technical Report of Dr Antonius Snelder on behalf of Manawātū-Whanganui Regional Council, Water Quality and Scenario Analysis, 4 September 2020.

¹³⁴ Statement of Evidence of Dr Craig Verdun Depree on behalf of Federated Farmers and DairyNZ (Water quality science), 25 September 2020.

¹³⁵ Kilroy (2019) cited at Dr Dupree's evidence at para 3.20, page 10.

¹³⁶ Graham et al (2019) cited in Dr Dupree's evidence at para 3.4, pages 5-6.

- 3.103 The Schedule E targets will have to be reconsidered when the revised One Plan is notified, particularly in light of the updated NOF in the NPS-FM 2020. Many of the targets in the present plan are included as limits in the NOF. In rivers and streams they include suspended fine sediment, DRP, periphyton abundance and MCI, but notably do not include SIN. In lakes they include total N and total P, and phytoplankton abundance in the water column.
- 3.104 The second JWS of the water quality experts¹³⁷ came to the following conclusion:
- “the proposed plan will lead to modest water quality improvements, compared to a pre-regulated condition in the target catchments, but may allow some [existing] IFLU land to increase its nitrogen leaching rates up to the levels specified in Table 14.2, and this will decrease water quality (i.e. increase SIN concentrations) in some catchments.”*¹³⁸
- 3.105 Dr Snelder endeavoured to quantify this “modest improvement” in Table 5 of his evidence in chief by comparing six scenarios.¹³⁹ The ‘post regulation’ scenario best describes the present situation, as it uses existing information from the 213 consented dairy farms in the target catchments. This scenario indicates that of the 35 assessment points in the target catchments, 32 do not presently meet SIN targets. While none of the scenarios modelled are exactly the same as our decisions provide for, the ‘proposed consented’ and ‘pathway D’ scenarios postulated by Dr Snelder come closest. These indicate that two or three additional sites will meet SIN targets due to implementation of PC2. In other words, 29 or 30 assessment sites in the target catchments will still not meet SIN targets using pass/fail criteria.
- 3.106 Additional information was presented in Appendix A of Dr Snelder’s further supplementary evidence.¹⁴⁰ In this instance the ‘Dairy Sector B’ pathway is closest to what we have recommended for PC2¹⁴¹; just as with the ‘proposed consented’ pathway two additional assessment sites are predicted to meet SIN targets due to implementation of PC2. There will also be reductions in SIN concentrations at other sites in target catchments, but not to the extent that One Plan targets are met. Or as Ms Foster put it “the water quality trend data suggests an improving trend in some target catchments and all N (load) reduction will enhance that, however marginally.”¹⁴²
- 3.107 This ‘modest improvement’ does not mean however that there will be an associated reduction in the frequency or extent of nuisance growths of periphyton in the region’s rivers and streams. This is because there is no strong causal link between periphyton biomass and instream SIN concentrations. Periphyton biomass is affected by a number of factors, including instream concentrations of both SIN and DRP, photoperiod and sunlight hours, and critically river flows. High flows scour visible growths of periphyton from the beds of rivers and streams. Nutrient concentrations then have some effect on what is called the accrual period, which is the time between a high flow event and periphyton reaching nuisance levels again. There is no direct causal link between instream SIN concentrations and the length of the accrual period.

¹³⁷ Joint Witness Statement of Experts – Water Quality, 13 August 2020.

¹³⁸ We note that the issue of ‘leaching up’ to Table 14.2 is no longer possible for dairy farmers due to a further amendment in PC2 that addressed in ‘Issue 4’ of our report.

¹³⁹ Section 42A Technical Report of Dr Antonius Snelder on behalf of Manawatū-Whanganui Regional Council, Water Quality and Scenario Analysis, 4 September 2020, paras 50-57, pages 21-25.

¹⁴⁰ Further Supplementary Section 42A Technical Report of Dr Antonius Snelder on behalf of Manawatū-Whanganui Regional Council, Technical - Water Quality and Scenario Analysis, 22 October 2020.

¹⁴¹ Refer para 19, page 8 of the Further Supplementary Section 42A Technical Report of David John Horne on behalf of Manawatū-Whanganui Regional Council, Technical – On-Farm Management Practices, 15 October 2020.

¹⁴² Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), page 82.

3.108 On the basis of the above evidence, particularly that of Dr Snelder, we find that there are modest benefits in reducing SIN loads in the target catchments by imposing limits on N leaching from IFLUs in the target catchments through our recommendations on PC2. For this reason, we conclude that implementation of PC2 will help meet the purpose of the RMA, and help achieve RPS water quality Policies 5-1, 5-2, 5-6, 5-7 and 5-8, with respect to rivers and streams.

Discussion and findings – water quality in coastal lakes

3.109 With respect to the current state of lakes in the region, there are 13 monitored coastal lakes in the target catchments. Existing water quality in these lakes is degraded. Ms Matthews, an expert witness for the MWRC, summarised this by saying:

*Lake and estuary water quality is also compromised at many monitored locations throughout the region, generally as a result of nutrient and sediment coming from surrounding land use. This is certainly the case in lakes located within the target catchments, with all 13 of the coastal dune lakes failing to meet One Plan criteria for total nitrogen, and most failing to meet targets for chlorophyll a (algae) and total phosphorous.*¹⁴³

3.110 This information was shown in Table 5 of her evidence in chief and was duplicated by Ms Miller, an expert witness for the Director-General of Conservation, in her Table 2; Ms Miller's Appendix 1 gives an analysis of the (often large) extent to which total N, total P and chlorophyll a fail to meet the targets in each of these 13 coastal lakes.¹⁴⁴

3.111 As already discussed, lakes are 'nutrient sinks', which means that once present, nutrients are recycled from phytoplankton and zooplankton (and sometimes fish) to the sediment and back again. The water in a lake is only 'turned over' infrequently, so it can take a very long time for changes in nutrient inflows to show any benefit. Regardless of this, any reduction in nutrient inflows can have long term benefits for lake water quality.

3.112 Ms Miller used Ms Matthews' analytical method to look at the benefits of implementing PC2 in coastal lakes in the region.¹⁴⁵ Her findings are shown by her Table 2. She used the 'pre regulation' scenario as her starting point. The headings are not quite the same as those used by Dr Snelder, but the relationships between the columns are not too different.

3.113 The evidence of Ms Miller is that there will be some reductions in N loading to Lake Horowhenua as a result of implementing PC2. This is because all but one of the 50 CVG's are unconsented, and many of these are in the groundwater catchment of Lake Horowhenua. Reductions in N losses due to these activities being consented will reduce N loadings to the lake.

3.114 These reductions in N load will not be in isolation. Several witnesses told us of initiatives to reduce sediment run-off, which is often associated with losses of P, in the Lake Horowhenua catchment.¹⁴⁶ We also saw a newly completed sediment trap at the bottom end of the main drain from Levin during our site visit. We accept that combined measures to reduce losses of both N and P to the lake will eventually have benefits for water quality in the lake.

¹⁴³ Section 42A Technical Report of Abby Matthews on behalf of Manawatū-Whanganui Regional Council, Technical – Water Quality, 4 September 2020, para 20, page 9 (paraphrased).

¹⁴⁴ Statement of Evidence of Rosemary Jean Miller for the Director-General of Conservation, 25 September 2020.

¹⁴⁵ Ms Miller's methodology was supported by Ms Matthews at para 9 of her Supplementary Section 42A Technical Report of Abby Jane Matthews on behalf of Manawatū-Whanganui Regional Council, Technical – Water Quality, 7 October 2020.

¹⁴⁶ Such witnesses included Mr Geoff Kane and Woodhaven Gardens, and Mr Brendan Kane, representing the Arawhata Wetland Alliance. Additionally, Ms Matthew's supplementary evidence discussed the Horowhenua Clean-up Fund project, which also focuses on the Arawhata catchment.

- 3.115 Notwithstanding the above referenced reductions in N loading, Ms Miller's evidence suggested that implementation of PC2 could potentially lead to reductions in water quality in three groups of coastal lakes; these being West 6, which includes Lake Koputuroa and Pukepuke Lagoon, West 5, which includes Lakes Alice and Dudding, and West 4, which includes Lakes Pauri and Wiritoa near Whanganui. At least two of these lakes, Pukepuke Lagoon and Lake Kaitoke, have large "groundwater capture" catchments¹⁴⁷, and so could be affected by IFLU activities well beyond their surface water catchments.
- 3.116 These potential reductions in water quality would however be relatively small, and, it must be remembered, are based on conservative modelling. Additionally, Ms Matthews noted in her supplementary evidence that development in these lake catchments (e.g., abstracting groundwater for irrigation) had become more challenging (and so has slowed) in some of these catchments since the One Plan became operative in 2014. Potential future development would be restricted further by the NES-FM 2020 standards promulgated alongside the NPS-FM 2020 (which for instance imposes additional restrictions on any new irrigation of dairy land).
- 3.117 Based on the above evidence, particularly that of Ms Miller, we conclude that implementation of PC2 will have benefits for most coastal lakes, but may not for several others. It remains possible that implementation of PC2 could have some small adverse effect on water quality in a few of these sensitive coastal lakes.
- 3.118 We made a suggestion at the hearing that an additional criterion or clause could be added to Policy 14-6(e) to take account of the sensitivity of the receiving environment, particularly where these are lakes or wetlands. Ms Foster followed this up with the Director-General of Conservation witnesses, and agreement was reached on adding appropriate words in Policy 14.6(e)(viii). We have adopted this change (refer **Appendix 2** to our report). In our view, such an addition will help ensure that implementation of PC2 will not have any detrimental effects on water quality in coastal lakes.
- 3.119 Overall, we find that implementation of PC2 will help meet the purpose of the RMA, and help achieve RPS water quality Policies 5-1, 5-2, 5-6, 5-7 and 5-8 in coastal lakes and wetlands in the target catchments.

Discussion and findings – giving effect to the NES-FM regulations

- 3.120 We now turn to consider how and to what extent PC2 would give effect to the NES-FM regulations. On 3 September 2020 a set of NES regulations, promulgated alongside the NPS-FM 2020, came into effect. These national regulations list activities that are subject to activity classifications varying from permitted through to prohibited activities. A number of farming activities, including for instance winter grazing, conversions to dairying and new irrigation of dairy land, are subject to restrictions above certain thresholds.
- 3.121 Council officers canvassed an option whereby we include the appropriate regulations in our recommendations on PC2. We have declined to do so. Our main reason for this is we do not want to 'muddy the waters' in regard to the scope of our decisions. Elsewhere we have been very strict about not accepting submissions that are not within the scope of PC2, and we do not want to step outside this approach by including these new national regulations in PC2. If the Council wishes to include the relevant regulations, they have the opportunity to do so when reviewing our recommendations as they do not need to go through a separate Schedule 1 RMA process to include the regulations in the One Plan.

¹⁴⁷ Statement of Evidence of Rosemary Jean Miller for the Director-General of Conservation, 25 September 2020, Appendix 2.

Overall summary on Issue 1

- 3.122 In relation to Issue 1, we conclude that PC2, as modified by our recommendations, will help achieve the Purpose of the Act. It will lead to some modest improvement in N concentrations in most of the target catchments, and those few catchments where it possibly may not be provided additional policy protection. It will also improve the economic and social well-being of dairy farmers and CV growers in the target catchments by providing viable controlled activity consenting pathways for most activities that cannot comply with recalibrated Table 14.2. It provides an interim ‘fix’ to a presently insoluble consenting paradox that will allow the Council and the community to move forward while achieving some environmental gains.
- 3.123 In responding to the interim ‘fix’ described above, we record that we were restricted to considering submissions and issues within the scope of PC2 as notified. For this reason our recommendations are “ring fenced” to the PC2 issues but critically, we have endeavoured to ensure that our recommendations do not preclude any future initiatives relating to, and/or frustrate the achievement of, the NPS-FM compliant plan later this decade.

Issue 2 – Consenting pathway, consent status, and related provisions: whether the proposed provisions (including policies, rules, associated tables, maps and schedules) are the most appropriate way to achieve the objectives of the plan change, having regard to other reasonably practicable alternatives for achieving the objectives, and the efficiency and effectiveness of the provisions?

Issue identification and evidence

- 3.124 Having established under ‘**Issue 1**’ that the ‘objectives’ (i.e. the purpose) of PC2 to provide a viable consenting pathway will assist with achievement of the settled water quality objectives in the One Plan and RPS, and therefore will help achieve the purpose of the RMA, the question we now turn to is: Consenting pathway, consent status, and related provisions: whether the proposed provisions (including policies, rules, associated tables, maps and schedules) are the most appropriate way to achieve the objectives of the plan change, having regard to other reasonably practicable alternatives for achieving the objectives, and the efficiency and effectiveness of the provisions? In terms of ‘provisions’, these cover the whole gambit of policies, methods, rules and definitions. In terms of ‘appropriate’, we mean the consenting pathway (inclusive of consent status) that will prove the most efficient and effective means (under section 32) of achieving those objectives.
- 3.125 The broad options we consider below have been informed in particular by Ms Foster’s s42A report, the submissions and evidence of Federated Farmers, DairyNZ, HortNZ, Woodhaven Gardens, the Water Protection Society, the Environmental Defence Society, the Director-General of Conservation, the Fish & Game Council, and the Right of Reply on behalf of the Council¹⁴⁸ and, in our view, comprise the following:
- a. **Option a.:** Pursuing a *status quo* or ‘do nothing’ option i.e. retaining the One Plan approach to nutrient and specifically N management and leaving Table 14.2 unaltered, with no changes to policies or rules;

¹⁴⁸ Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council, Shannon Johnston, 30 October 2020.

- b. **Option b.:** Only updating Table 14.2 with revised CNLMs, with no changes to policy i.e. activities must still adhere to existing policy and thus ‘achieve’ those revised N leaching limits;
- c. **Option c.:** Updating Table 14.2 as per Option b. above, and also revising the policies to require less than the direct achievement of those limits, without a change in the default consent status (i.e. retaining a restricted discretionary activity status for IFLU activities unable to meet Table 14.2);
- d. **Option d.:** Elements of Option c. (i.e. updating Table 14.2 and adjusting policy settings), plus various additional derivations relating to consent pathways and status:
 - i. a controlled activity pathway for dairy IFLUs that provides an alternative to demonstrating compliance with Table 14.2 CNLM limits, as proposed by Federated Farmers and DairyNZ;¹⁴⁹
 - ii. a controlled activity pathway for CVG that provides an alternative to demonstrating compliance with Table 14.2 CNLM limits, as proposed by HortNZ, production companies such as Griffins Foods, and individual growers and grower associations;¹⁵⁰
 - iii. a prescriptive approach that also provides an alternative for CVG to demonstrating compliance with Table 14.2 CNLM limits and would align consent status and consent duration with N loss reduction limits, as outlined in the submission by Woodhaven Gardens;¹⁵¹
 - iv. requiring the achievement of the CNLM limits in Table 14.2 over a maximum 10-year period, with a default consent status potentially as a non-complying activity (although the intended default status is not that clear), as proposed by the Water Protection Society;¹⁵² and
- e. **Option e.:** Updating Table 14.2 as per Option b. above and specifying a non-complying status for IFLUs not compliant with CNLMs, as proposed by the Environmental Defence Society, the Director-General of Conservation and the Fish & Game Council.¹⁵³

3.126 We explore the merits of each of these options and set out our findings in turn below.

Discussion and findings

3.127 For the reasons we will outline presently, we find that a combination of the alternate controlled activity pathways represented by **Options d.i. and ii.** has the most merit, in terms of having the potential to most efficiently and effectively implement the objectives of PC2. The precise mechanics of the policy and rule framework associated with such an option is something we address further, under ‘**Issue 3**’ below. That aside, we find that other alternatives referred to above (i.e. **Options a., b., c., d.iii., d.iv. and e.**) are inferior for the reasons that follow (refer paragraphs 3.128 to 3.131 and 3.147 to 3.153).

3.128 The fundamental limitations of **Option a.**, the *status quo* or ‘do nothing’ option, are well canvassed in several places including the s32 report notified with PC2 and Ms Foster’s s42A report.¹⁵⁴ However the closing legal submissions on behalf of the Council summarise

¹⁴⁹ Submissions 58 and 40 respectively.

¹⁵⁰ Submissions 66, 1, 41, 44, 78, 43 and 60, for example.

¹⁵¹ Submission 57.

¹⁵² Submission 65.

¹⁵³ Submissions 54, 61 and 55 respectively.

¹⁵⁴ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), Section 2.5 ‘Problem Statement’, pages 25-26.

these very effectively.¹⁵⁵ We agree that the ‘do nothing’ option would fail to address the issues with Table 14.2 and the ‘policy barrier’ that exists with respect to existing IFLUs, would fail to maintain or improve water quality within target water management sub-zones, nor would it give effect to the RPS let alone the NPS-FM 2020. Any failure to provide a viable consenting pathway will not alleviate the significant social and economic costs that farmers face. The deleterious environmental, economic, social and cultural outcomes, which we accepted in **Theme 2** (paragraphs 3.26 to 3.56) have arisen from the inadequacies of the current One Plan approach, will not be addressed by its retention. We find that in section 32 terms the risk of not acting (i.e. maintaining the *status quo*) represents the worst modelled outcome for PC2. In essence, the clear evidence in front of us is that the current One Plan policy and consenting framework for existing IFLUs has not worked to date, and it will not in the future.

3.129 In our view, **Option b.** would also be ineffective, in terms of meeting the objectives of the plan change. As we noted and accepted in relation to **‘Theme 1’** (paragraphs 3.11 to 3.25 in our report), there is a clear policy barrier to the effective implementation of provisions relating to IFLUs in the One Plan. This barrier will not be resolved by changes to CNLMs in Table 14.2 alone, because the problematic objectives and policies would remain a barrier to consenting IFLUs under section 104(1)(b) of the RMA, even if they are not an explicit matter for discretion.¹⁵⁶ We have no doubt that Table 14.2 must be recalibrated to account for version changes to Overseer®. But alone, this would be insufficient. This has been clear since the provision of Ministerial advice and the s32 report which found that “this option [recalibration] on its own does not address all the plan change objectives (i.e. will not address the issue with the consenting pathway) but will be effective if bundled with some other options”.¹⁵⁷

3.130 **Option c.** is one that Ms Foster did explore in her response to questions that we posed at the hearing,¹⁵⁸ although it is not referenced in the Council’s closing legal submissions. Essentially, this option resembles PC2 as notified, and not subsequently modified. The fact that the Council’s position on the detailed provisions of PC2 has changed since it was notified reflects the fact that the plan change and attendant s32 process is legitimately and properly an evolving one. We accept Ms Foster’s opinion that in not providing clear guidance on the level of exceedance deemed ‘acceptable’, Option c. would:

- a. not address the inherent uncertainty for resource users as to what level of exceedance would likely be authorised;
- b. require such levels to be established on a case-by-case basis, thereby risking inconsistencies in approach; and
- c. potentially require the policies themselves to be ‘recalibrated’ to provide decision-makers with the ability to decline consent or require substantial changes in farm operation.

3.131 We agree with Ms Foster that these outcomes would be neither effective nor efficient, and that ‘something more nuanced is required’.

¹⁵⁵ *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, paras 46-47, 58 and 82, pages 16, 18 and 25.

¹⁵⁶ As noted in *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, para 10, page 5. We have already addressed the circular nature of the relationship between rules and policies in paragraph 3.14 of our report.

¹⁵⁷ s32 report, page 34, as quoted favourably in *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, para 48, page 16.

¹⁵⁸ *Response to Issues Arising in Oral Evidence and Questions at the Hearing by section 42A report writer author (Christine Foster) on behalf of Manawatū-Whanganui Regional Council*, 22 October 2020, para 37, pages 16-17.

3.132 **Options d.i and d.ii** were described during the hearing as ‘alternative consenting pathways’ for dairy farms and CVG operations respectively. The pathway for dairying was separately proposed by Federated Farmers and DairyNZ, and then further developed by Mr Gerard Willis, on behalf of both submitters. They referred to it as the ‘Dairy 10 pathway’. As the original proposals stood, there was little to distinguish them, according to Ms Foster.¹⁵⁹ Essentially, the Federated Farmers / DairyNZ option entails the following:

- a. an alternative controlled activity consenting pathway for dairy IFLU that reduces N leaching to the lesser of:
 - i. 90% of baseline N leaching rates; or
 - ii. the calculated 75th percentile N leaching rate for the relevant surface water management zone

from the baseline date of 24 August 2010.

3.133 Like Ms Foster, we find favour in the broader sense with this pathway as an interim measure, given the finding in the Scenario Modelling Report¹⁶⁰ that it could result in similar or better outcomes for the targeted water management sub-zones. In his evidence, Dr Horne “agreed with the suggestion that the 25% of farmers with the greatest leaching losses should be expected to, at least, reduce their leaching losses so they are no worse than the 75th percentile losses.”¹⁶¹ We agree that this is appropriate for these farmers, provided that it is a greater reduction than the ‘20%’ alternative reduction pathway we have settled on since the August 2010 baseline. We discuss the 20% reduction in greater detail at paragraphs 3.188 to 3.217 under **Issue 3**. The 75th percentile for each of the combined target water management zones in Table 14.2b, which we have adopted, are based on Mr Duker’s Annexure AD1.¹⁶²

3.134 Ms Foster adopted elements of **Options d.i and ii** in recommending further changes to PC2, subject to additional amendments to the rule to make reference to GMPs and BMPs, to better align Policy 14-5, and to require non-compliant dairying IFLUs to meet specified N leaching reductions in the range of 10 to 20% as recommended by Dr Horne.¹⁶³ We describe why we have adopted the 20% reduction target, rather than the 10% proffered by Federated Farmers and DairyNZ in their submissions, in our discussions and findings under **‘Issue 3’** (and specifically, in paragraphs 3.191 to 3.198).

3.135 In his evidence, Mr Willis set out why he considered these further amendments did not go far enough. Broadly, Mr Willis considered that specified CNLMs should be related to existing leaching rates, as a direct expression of their intent in Policy 5-8(a), rather than the ‘productive capability of land’.¹⁶⁴

3.136 Ms Foster returned to this matter in her supplementary s42A report.¹⁶⁵ In her opinion, the incorporation of an **alternative pathway for dairying** needs to be seen as a pragmatic exception from the primary One Plan approach, and not as part of the primary approach,

¹⁵⁹ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), page 113, (Volume 2), Attachment G1.

¹⁶⁰ Scenario Modelling of Nitrogen Management in Manawatū-Whanganui Region (August 2020).

¹⁶¹ Section 42A Technical Report of David John Horne on behalf of Manawatū-Whanganui Regional Council, On-Farm Management Practices, 4 September 2020, para 87, page 21.

¹⁶² Statement of Evidence of Adam James Duker on behalf of Federated Farmers and DairyNZ (Farm systems, Overseer), 25 September 2020.

¹⁶³ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), pages 113-116.

¹⁶⁴ Statement of Evidence of Gerard Matthew Willis on behalf of Federated Farmers and DairyNZ (Planning), 28 September 2020, paras 5.19-5.23, pages 12-13.

¹⁶⁵ Supplementary Section 42A Report of Christine Foster on behalf of Manawatū-Whanganui Regional Council – RMA Planning Matters, 8 October, paras 46-48, pages 22-23.

particularly in the context of the entire mechanism acting as an interim measure pending more significant policy initiatives intended to implement the NPS-FM 2020. We adopt Ms Foster's reasoning and agree with her that no further amendments to Policy 5-8(a) of the RPS are necessary.

- 3.137 The **alternative pathway for CVG** operations as proposed by HortNZ and others, was also considered by Ms Foster in her s42A report.¹⁶⁶ PC2 as notified required compliance with recalibrated Table 14.2 for a CVG activity to qualify as a controlled activity. The default option was a discretionary activity. As for dairy farmers who sought what they called the 'Dairy 10 pathway', CVG growers and their representatives sought an alternative controlled activity pathway for CVG that involved GMP and (perhaps) BMP, and a CNLM reduction from the baseline situation.
- 3.138 In her s42A report Ms Foster relied on the evidence from Dr Jolly and Mr McNally in formulating an alternative CVG consenting pathway as a controlled activity. These experts had in turn relied primarily on a report prepared by WSP, which was summarised by Dr Jolly in her EIC.¹⁶⁷ The WSP report does not model the actual range or location of growing systems in the catchment, but rather looks at eight different crop rotations adopting GMP and BMP including potatoes, onions, leafy greens, pumpkin and brassicas typical of the Horowhenua production area. These eight crop rotations were developed from 2014 data¹⁶⁸ using what Dr Jolly asserted was the best information available. For each rotation, a range of different scenarios were then modelled by changing inputs such as fertiliser application rates, and the use of GMP and BMP.
- 3.139 The results are shown in Figure 1 of her Evidence in Chief, with additional data presented in her Table 1. While most of the crop rotations modelled could get below the Year 20 Class 1 soil CNLM of 43 kg/N/ha/y, one came nowhere close to that even with BMP, and two others were still substantially above this threshold.¹⁶⁹
- 3.140 Later in her evidence Dr Jolly used these findings to calculate that for CVG a minimum of 35-45% reduction in N leaching could be expected across an enterprise with appropriate adoption of GMP and BMP. We address the appropriateness of thresholds for N leaching reduction under '**Issue 3**' of our report.
- 3.141 As with the pathway for dairying, Ms Foster found favour with a tailored controlled activity pathway being provided for CVG. We accept her reasoning that the particular challenges faced by CVG, including the need for crop rotation, underscore the need for such an approach, which can be accommodated within the scope of PC2.¹⁷⁰
- 3.142 Ms Foster's agreement with such a pathway for CVG was conditional on further amendments that she recommended be made to ensure that it contributed to substantive N leaching reductions in sensitive target water management sub-zones, particularly coastal lakes such as Lake Horowhenua.¹⁷¹ The amendments include conditions that are prerequisites for controlled activity status, including references to specific minimum N leaching reductions, reference to GMP and BMP as a means of achievement and implementation within a specified timeframe, selection of an appropriate baseline

¹⁶⁶ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), pages 118-128.

¹⁶⁷ At her Paragraphs 20 and 21.

¹⁶⁸ Noting that in the definition of the baseline year for CVG this is set as 2013/14.

¹⁶⁹ These were pumpkin, cauliflower, broccoli; cauliflower, broccoli, broccoli; and oats, lettuce, cabbage, spinach, oats.

¹⁷⁰ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), pages 121-124, (Volume 2), Attachment H1.

¹⁷¹ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), paras 8 and 9, page 122.

growing period, imposing limits on baseline growing areas, and obliging applications to be lodged within two years.¹⁷² While we consider the exact metrics in relation to the above controlled activity thresholds in more detail under ‘**Issue 3**’, we adopt Ms Foster’s parameters for a CVG consenting pathway in their broader sense, at this point.

3.143 In broadly adopting Ms Foster’s recommended alternative consenting pathways for both dairying and CVG operations, we acknowledge and endorse the Council’s own summary of their merits,¹⁷³ as follows:

- a. providing an appropriate level of certainty as to the effects of existing IFLUs;
- b. enabling the imposition of conditions on consent requiring compliance with NMPs, inclusive of appropriate management practices;
- c. achieving a balance in accounting for the range of environmental, economic and social considerations;
- d. avoiding any substantive relaxation of the nutrient management approach; and
- e. confining the duration of the potential envelope of effects under PC2 via defined timeframes for compliance.

3.144 One issue we also considered was whether enabling consent pathways for activities that did not comply with a recalibrated Table 14.2 would create any legacy issues for the Council. This is because we are very aware that a ‘NPS-FM 2020 compliant’ One Plan is due to notified by the end of 2024, and all water management in the region is up for reconsideration at that time. In our view, (and as we discuss in more detail in **Issue 3**), the alternative consenting pathways would not create any such issues, due to the relatively short maximum consent term (10 years) that the proposed provisions require to be imposed on consents, as noted by Mr Bal Matheson, with respect to the proposed pathway for dairying.¹⁷⁴ Broadly speaking, and subject to the inclusion of the further amendments as recommended by Ms Foster, we agree with Mr Matheson’s submission that the controlled activity pathway best achieves the objectives of PC2, with suitable certainty, greatest administrative efficiency and least social and economic cost to the community.¹⁷⁵

3.145 In this respect, we have considered one further derivation with respect to **Options d.i. and ii.**, involving the substitution of restricted discretionary activity status for controlled activity status in respect of these pathways. The key difference, of course, is that the former would allow decision-makers to refuse consent to an application that meets the alternative pathway thresholds. Mr Vance Hodgson, on behalf of HortNZ,¹⁷⁶ acknowledged in response to a query from us at the hearing that a restricted discretionary activity status could be made to work. Ms Foster provided advice to us on this matter,¹⁷⁷ following a question that we posed at the hearing. Correctly, she framed her response around consideration of the grounds (and therefore need) to refuse consent. All other aspects (including N leaching thresholds) remaining equal and appropriate, Ms Foster could not identify any reasonable grounds for refusal, bearing in mind that an avenue exists under the RMA to reject inadequate applications under section 88 or refuse to grant consent for same under section 104(6).

¹⁷² Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), para 10, pages 122-123.

¹⁷³ Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council, Shannon Johnston, 30 October 2020, paras 56-67 pages 18-20.

¹⁷⁴ Legal Submissions on behalf of Federated Farmers and DairyNZ, Nikki Edwards and Bal Matheson, 9 October 2020, para 39, page 12.

¹⁷⁵ Legal Submissions on behalf of Federated Farmers and DairyNZ, Nikki Edwards and Bal Matheson, 9 October 2020, paras 22-24, 34.f and 35-39, pages 6-7 and 11-12.

¹⁷⁶ Statement of Evidence of Vance Hodgson (Planning) on behalf of Horticulture NZ, 28 September 2020.

¹⁷⁷ Response to Issues Arising in Oral Evidence and Questions at the Hearing by section 42A report writer author (Christine Foster) on behalf of Manawatū-Whanganui Regional Council, 22 October 2020, paras 27-30, pages 13-14.

- 3.146 We accept Ms Foster’s position on this, and agree with the Council’s position as expressed in its closing legal submissions that a controlled activity status provides administrative certainty and efficiency over the limited life of the plan change, and represents the least restrictive status necessary to achieve the policies, thereby ensuring “no wastage”.¹⁷⁸
- 3.147 While we agree that a tailored approach to consenting CVG is warranted, we do not consider that **Option d.iii.**, as proposed by Woodhaven Gardens in its submission, is preferable to a modified combination of Options d.i. and d.ii. above. Woodhaven Gardens are the single largest CVG grower in the region, whose owners, Mr Jay and Mr John Clarke presented to us at the hearing. Woodhaven either lease or own about 1,000ha in the Horowhenua District, although most of this is outside of the target catchments. However, two-thirds of their irrigated land is in the target catchments. Woodhaven employ between 220 and 250 staff and contribute about \$30-35 million per annum to the local economy.¹⁷⁹
- 3.148 Woodhaven’s evidence was that Overseer® “has many limitations as a nutrient leaching model for CVG”, but Woodhaven “does support the use of Overseer® as a tool” for assessing leaching rates against Table 14.2. They supported the recalibration of Table 14.2. Woodhaven said their own modelling shows reductions in N leaching of least 35% per ha for CVG (taken across their entire business) are possible within the target catchments compared with pre 2019 numbers.¹⁸⁰ In essence Woodhaven’s proposal was that:
- a. CVG growers who can meet recalibrated Table 14.2 be granted a 25 year consent;
 - b. if growers cannot meet recalibrated Table 14.2, but can demonstrate an N loss of >35% with appropriate GMP/BMP, a 20 year consent be granted;
 - c. if growers cannot meet recalibrated Table 14.2, and cannot demonstrate an N loss of >35%, a 10 year consent be granted as a controlled activity through the demonstration of GMP; and
 - d. growers failing to meet any of the above pathways would have to apply for a discretionary activity consent for a term of up to 5 years.
- 3.149 We have not adopted Woodhaven’s proposal for three main reasons:
- a. As already discussed in Paragraphs 3.144 to 3.146 above, we do not want to create possible legacy issues for the Council by granting long term consents that may not be consistent with the final form of their NPS-FM 2020 compliant water plan.¹⁸¹
 - b. The future management of the Lake Horowhenua catchment, and whether or not it is exempt from NPS-FM 2020 NOF limits, will not be known until the NPS-FM compliant water plan becomes operative. We do not want to see pathways consented that could be inconsistent with those decisions.
 - c. We do not consider that a controlled activity status is appropriate for any IFLU that cannot meet either recalibrated Table 14.2, or a specified N leaching percentage reduction. We have applied this same principle to dairy farming consents.

¹⁷⁸ *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, para 63, page 19.

¹⁷⁹ Noting that a significant proportion of their land is in the Wellington region.

¹⁸⁰ *Woodhaven Gardens Ltd Horizons PC2 Evidence*, undated, page 8 (under heading “Overseer”).

¹⁸¹ In her legal submissions, Ms Atkins supported a 10 year maximum consent term at her para 15(e).

- 3.150 In our view, the option proposed by Woodhaven Gardens, by its prescriptive nature, is overly complicated and inflexible, and does not represent the most efficient and effective means of achieving the objectives of the plan change. The matters that Woodhaven Gardens attempted to build into either conditions or standards (e.g. relating to leased land ‘divested’ or ‘foregone’ by growers) as part of its proposal, could under our preferred option, be readily covered by the matters of control, thereby providing a suitable level of certainty for commercial vegetable growers .
- 3.151 We now turn to **Option d.iv.**, as proposed by the Water Protection Society. The changes to the rules that the Society sought were not detailed in its submission, but rather, were seen as consequential to and driven by requested amendments to policies.¹⁸² Essentially, though, this would have seen IFLUs obliged to achieve the CNLMs set out in a recalibrated Table 14.2 over a 10-year period¹⁸³ (with non-complying activity status potentially applying in the case of non-achievement). We agree with Dr Teo-Sherrell’s observation, on behalf of the Society, that this would be “extremely generous”. However, therein lies the problem, as the Council is obliged to notify a new version of the One Plan that implements the NPS-FM 2020 by 2024. That Plan could lead to significant changes to the policy framework, and to delay compliance with Table 14.2 for up to 10 years could create significant legacy issues for the Council. For that reason that we do not favour Option d.iv.
- 3.152 Finally, we consider the merits of **Option e.**, which would create a non-complying consent status for IFLUs not compliant with CNLMs set out in Table 14.2. Ms Foster provided¹⁸⁴ a cogent summary of the reasons why such a status (in substitution of discretionary activity status) would be unnecessary, indeed unwarranted, namely:
- a. the relatively ‘tight’ and “reasonably gruelling” nature of recommended policy considerations falling to be considered under discretionary activity status;
 - b. the unnecessary nature of the application of the section 104D ‘gateway’ test in that context;
 - c. the relative number of IFLU applications likely to default to discretionary activity status;
 - d. the fact that the rules deal with existing IFLUs and associated discharges, and cognisance of the “fortunes of established individual farming families” in that context; and
 - e. the very limited (and significant) circumstances in which the One Plan otherwise employs non-complying activity status.
- 3.153 We also note with favour the arguments presented in Council’s closing submissions in this respect i.e. that non-complying activity status is generally intended to provide an indication to the community that there is a higher chance of applications being declined, with any activities overcoming the section 104D ‘gateway’ test bring regarded as a “true exception” to this policy approach.¹⁸⁵ We accept this is not the case where exceptions to compliance with IFLU related conditions and standards are concerned.

¹⁸² Submission 65, para 36.

¹⁸³ *Oral submission of Water Protection Society on Proposed Plan Change 2 to the One Plan*, Dr Chris Teo-Sherrell, paras 12, 38-40, 49 and 56.

¹⁸⁴ *Response to Issues Arising in Oral Evidence and Questions at the Hearing by section 42A report writer author (Christine Foster) on behalf of Manawatū-Whanganui Regional Council*, 22 October 2020, pars 32-36, pages 14-17.

¹⁸⁵ *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, paras 50-55, pages 17-18.

- 3.154 Before turning to the next issue before us, we want to state that, subsequent to the hearing adjournment and prior to the hearing closure, we sought clarification from Ms Foster, via **Minute 7**, over the intended default status for existing IFLUs not compliant with the conditions and standards applying with respect to the various controlled activity consent pathways now recommended. This was not entirely clear from the version of PC2 as recommended to us by Ms Foster, due to an inadvertent drafting error.
- 3.155 In her response to Minute 7,¹⁸⁶ Ms Foster confirmed that the recommended inclusion of clause (a) in Rule 14-1 inadvertently ‘threw out’ the references to subsequent clauses in Rules 14-2 and 14-2A, which were intended to impose discretionary activity and restricted discretionary activity status on existing IFLUs unable to demonstrate compliance with Rule 14-1 conditions or standards (a) to (e), and (f) to (l) (as correctly renumbered), respectively. Ms Foster had always intended that a default consent status as a restricted discretionary activity would be retained for existing IFLUs unable to comply with conditions or standards (f) to (l), as these provisions fell outside the scope of PC2, but the late inclusion of clause (a) without correctly renumbering cross-references frustrated this intent.
- 3.156 To resolve this problem, while also taking the opportunity to simplify and clarify the construction of the rules, Ms Foster has proposed, and we accept, further mechanical amendments to the first columns of Rules 14-2 and 14-2A, as well as an explanatory statement, which are set out in the annotated version of PC2 as recommended by us for adoption by the Council attached as **Appendix 2**. Scope to make these changes is provided by the relief sought in original submissions by DairyNZ and Federated Farmers.¹⁸⁷
- 3.157 In accordance with our obligations under s32AA of the Act, we find that these changes to PC2, from the version publicly notified, are the most appropriate way of achieving the ‘objectives’ of the plan change.

Issue 3 – Plan Provisions: when evaluating the appropriateness of the provisions in achieving the objectives of the plan change, what are the most appropriate settings?

Scene setting

- 3.158 Our consideration of Plan provisions encompasses the content of policies, rules and definitions associated with PC2 and, in particular, the settings contained within those provisions, where by ‘settings’ we mean:
- a. the appropriateness of timeframes to comply and maximum consent duration, and their expression as standards or as matters of control and discretion;
 - b. reference to and inclusion of GMPs and BMPs in the One Plan, and definitions;
 - c. the appropriateness of thresholds for the exceedance of thresholds, including their expression in broader percentile or catchment-based terms;
 - d. addressing the risk of ‘leaching up’;
 - e. requirements relating to NMPs; and
 - f. means of maintaining currency i.e. updating Overseer® and Plan standards.
- 3.159 We consider each of the above matters in turn, in the following sub-sections.

¹⁸⁶ Email from Ms Christine Foster to the panel dated 9 December 2020.

¹⁸⁷ Submissions 40 and 58 respectively

Timeframes, Consent Duration and Expression of Same

Issue identification and evidence

3.160 As foreshadowed in paragraph 3.158a. above, we now address a series of related issues, as follows:

- a. the appropriateness of **timeframes within which resource users are obliged to lodge applications** under the consenting regime (i.e. the timeframes within which IFLU are effectively obliged to comply in order to achieve or retain a certain consent status);
- b. the appropriateness of **periods within which consent holders are obliged to demonstrate they will achieve CNLM reductions** (i.e. again, this goes to consent status);
- c. the appropriateness of **specified consent durations** for IFLUs; and
- d. the relative merits of expressing a. and b. above as **standards or as matters of control or discretion**.

3.161 These issues arose for us in our consideration of PC2 as modified in the lead up to and during the course of the hearing. It was not entirely clear to us why there appeared to be differences in the way such parameters were expressed across a range of policies and rules (the latter inclusive of standards or conditions and matters of control or discretion). In some cases, indeed, the intent of such provisions was unclear. Accordingly, we sought clarification from Ms Foster via **Minute 7**, which she provided on 9 December 2020¹⁸⁸ Our findings in that respect are set out below.

3.162 First, however, and to guide the reader, we consider it of benefit to set out how PC2, as amended by Ms Foster at the time of hearing closure, refers to periods, timeframes and durations:

- a. The focus of PC2 on reducing N leaching loss from IFLUs unable to meet the CNLM limits of Table 14.2 'in the shortest feasible **timeframe**' (Policies 5-8(a)(iia) and 14-6(d)(i));
- b. The period for non-compliant IFLUs seeking to transition to non-intensive farming activities is limited to a maximum of **five years** (Policies 5-8(a)(iib) and 14-6(d)(ii));
- c. IFLUs must comply with the CNLM values for the specified **year** set out in Table 14.2 (Policy 14-5(d)(i) and Rules 14-1(d)(i) and 14-2(d)(i)), or, in the case of CVG, specified N loss reductions within **three years** of application lodgement (Policy 14-5(d)(iii) and Rules 14-1(d)(iii) and 14-2(d)(iii)), or, in the case of non-CVG IFLUs, specified N loss reductions by **31 December 2022** (Rules 14-1(d)(ii)a. and 14-2(d)(ii)a.);
- d. **Timeframes** to achieve N leaching loss reduction are also specified as a matter of control (Rule 14-1, matter of control (c)) and discretion (Rule 14-2, matter of discretion (j)); and
- e. All applications for IFLUs must be lodged no later than **31 December 2022** (Policy 14-5(d)(iii) and Rules 14-1(e) and 14-2(m));

¹⁸⁸ Email from Ms Christine Foster to the panel dated 9 December 2020.

- f. Consent **durations** for IFLUs that exceed the abovementioned parameters are to be limited to a maximum of **ten years** (Rule 14-1, matter of control (g) and Rule 14-2, matter of discretion (k)), **or less**, where no progressive N reduction is planned through the use of BMP (Policy 14-6(e)(vii)).

Discussion and findings

- 3.163 In relation to the issue raised in paragraph 3.160a., it was not clear to us whether it was intended that all applications for IFLUs, irrespective of whether they comply with the CNLMs in Table 14.2 or elect to pursue the alternative consenting pathways, must be lodged by the end of 2022 at the latest. This is the effect of the wording of Policy 14-5(d)(iii) and Rules 14-1(e) and 14-2(m), but whether that was intended was not obvious. In responding to our query in this regard (refer **Minute 7**), Ms Foster clarified¹⁸⁹ that it was not her intention that the obligation should apply to existing IFLUs compliant with the CNLM limits in Table 14.2.
- 3.164 The majority of the Panel agree with Ms Foster; particularly as to achieve the objectives of PC2 to reduce N leaching within the 'shortest feasible timeframe', it is clear to us that exiting IFLUs not compliant with the CNLM limits in Table 14.2 need to be incentivised to enter the consenting process.
- 3.165 In the majority view, therefore, only those existing non-compliant IFLUs (and not also compliant IFLUs) should be subject to the same requirement to lodge applications with two years. The reasons for the majority view include that:
- a. This was the unchallenged evidence/advice received from the s42A author.
 - b. This was the basis upon which PC2 was notified and should remain intact and not be contaminated by the provisions (particularly the timeframes) applying to the alternative consenting pathway introduced through the submissions process.
- 3.166 To this end the majority view is considered to represent the most effective and efficient manner of achieving the objectives of the plan change. The all-encompassing references to this in policy and rules to both compliant and non-compliant IFLUs (as summarised in paragraph 3.163) should not therefore be retained, and we have recommended no further amendments to PC2 in this respect.
- 3.167 The Chair of the Panel did not agree with the majority view for four reasons:
- a. alternative pathways have been provided for controlled activities for each of dairying and CVG where they do not comply with recalibrated Table 14.2 to meet alternative specified outcomes. However, existing IFLUs that comply with recalibrated Table 14.2 are still controlled activities, and all of those activities should be treated consistently.
 - b. if the IFLUs that comply with recalibrated Table 14.2 do not have to apply for a controlled activity within two years, when do they have to apply? The majority view is that no date be given – so they could wait for say five years or more to apply. This does not provide any certainty for the resource users, nor the Council.
 - c. existing IFLUs that do not apply for consents within two years of this plan change become discretionary activities unless they comply with Table 14.2. If existing IFLUs that comply with recalibrated Table 14.2 do not have to apply within the

¹⁸⁹ Email from Ms Christine Foster to the panel dated 9 December 2020.

two years, the Council has no simple way of knowing (at least for CVG) which IFLUs that have not applied for consent are controlled or discretionary activities. The Council must enforce its Plan, and so commit time and resources to determine which non-consented IFLUs are controlled or discretionary activities. This would be a necessary yet entirely unproductive exercise.

- d. these pitfalls can be avoided by the simple step of requiring all IFLUs that achieve controlled activity status having to apply for resource consents within two years.

3.168 Notwithstanding this difference of view, the majority position is the provision recommended for adoption by the MWRC as contained in **Appendix 2**; being the annotated version of the plan change provisions.

3.169 Relatedly, and in terms of the issue raised in paragraph 3.160b., it was not immediately obvious to us why the timeframes for achieving compliance with specified CNLM reductions are different for CVG (within three years of lodgement) and non-CVG operations (within two years of lodgement). As an aside, we record that notwithstanding the 'discrepancy' between two and three years, any applicant must demonstrate that compliance can be achieved in those time frames when they lodge the application; not at the end of the timeframe.

3.170 Returning to the 'discrepancy' referred to, and in response to **Minute 7**, Ms Foster explained¹⁹⁰ that the different timeframes reflected the scope provided in submissions and evidence presented by the farming sectors. For dairying, Ms Foster relied primarily on the evidence of Dr Horne for the Council¹⁹¹ and Mr Willis for Federated Farmers and DairyNZ¹⁹² for the two year period. Dr Horne opined that most dairy farms could achieve the specified reductions within one year, and Mr Willis did not oppose a two-year period; in fact, he offered it.¹⁹³ With respect to the three-year period for CVG operations, Ms Foster relied on the evidence of Dr Jolly for the Council, in response to a submission from Woodhaven Gardens.¹⁹⁴ Dr Jolly found that most GMP and BMP could be adopted by CVG farmers within a three-year timeframe.¹⁹⁵ Consequently, we accept Ms Foster's recommended amendments in relation to this matter.

3.171 With respect to maximum consent durations, and in terms of the issue raised in paragraph 3.160c., it was not clear to us why these would be expressed as matters of control and discretion in Rule 14-1, matter of control (g) and Rule 14-2, matter of discretion (k). Matters of control and discretion are meant to impart some room for consideration and settling on appropriate parameters as part of the consent process, rather than be stated as set parameters. Reference to a maximum consent duration of ten years or less is also already provided in Policy 14-6(e)(vii) which to our mind is more appropriate in terms of the direction it would provide decision-makers. In response to a query from us (refer **Minute 7**), Ms Foster agreed¹⁹⁶ that the references to consent duration 'not exceeding ten years' could be deleted from Rule 14-1, matter of control (g) and Rule 14-2, matter of discretion (k). Importantly, 'duration of consent' would still remain a matter of control and discretion, with the term guided (if indeed not directed) in each case by Policy 14-6(e)(vii).

¹⁹⁰ Email from Ms Christine Foster to the panel dated 9 December 2020.

¹⁹¹ *Further Supplementary Section 42A Technical Report of David John Horne on behalf of Manawatū-Whanganui Regional Council, Technical – On-Farm Management Practices*, 15 October 2020.

¹⁹² *Statement of Evidence of Gerard Matthew Willis on behalf of Federated Farmers and DairyNZ (Planning)*, 28 September 2020.

¹⁹³ *Joint statement of Gerard Willis and Christine Foster*, dated 30 October 2020.

¹⁹⁴ Submission 57.

¹⁹⁵ *Section s42A Technical Report of Anne-Maree Jolly on behalf of Manawatū-Whanganui Regional Council, Technical – GMP and Overseer Modelling for Commercial Vegetable Growers*, 4 September 2020, para 47, page 15.

¹⁹⁶ Email from Ms Christine Foster to the panel dated 9 December 2020.

- 3.172 In accordance with our obligations under s32AA of the Act, we find that these changes to PC2, from the version publicly notified, are the most appropriate way of achieving the 'objectives' of the plan change.
- 3.173 Before leaving this matter, we would add that, it is possible to read Policy 14-6(e)(vii) as anticipating an upper limit of ten years for any and all IFLU activities; we take Ms Foster's point¹⁹⁷ that the policy would not apply solely to controlled activity decision-making. Nonetheless the question remains: whether consent durations should be limited, not just with respect to IFLUs unable to comply with required N leaching reductions, but those compliant with the CNLMs in Table 14.2 as well. Guiding our consideration is that PC2 is an interim measure and that we wanted to avoid any legacy issues. This needs to be balanced by considerations of fairness (and incentive) where 'compliant' IFLUs are concerned. On balance, we find that it is most important to provide investment certainty for 'compliant' IFLUs and therefore the wording of Policy 14-6(e)(vii) should be retained as amended by Ms Foster. From the perspective of 'non-compliant' resource users, PC2 will provide considerable relief in establishing a viable pathway for granting consents of up to a decade in duration, where previously there was none.
- 3.174 In terms of the issue raised in paragraph 3.160d., it was not clear to us why timeframes for achieving compliance are specified as both conditions or standards (refer c. above) and as both matters of control and discretion (refer d. above). Having them in both places suggests they are both 'non-negotiable' (as conditions) and open to negotiation through the consent process (as matters of control or discretion). In response to a query from us (refer **Minute 7**), Ms Foster agreed¹⁹⁸ that timeframes should be specified either as conditions or standards, or as matters of control or discretion but not both.
- 3.175 Based on the policy direction outlined above (which seeks to achieve N leaching loss reductions "in the shortest possible timeframe"), it is our strong view that the timeframes are best expressed as conditions or standards, and deleted from Rule 14-1, matter of control (c)) and matter of discretion (Rule 14-2, matter of discretion (j) accordingly. This would mean that IFLUs choosing not to comply with the CNLM limits in Table 14.2 would, at the time of consent lodgement, be categorically obliged to show that they could meet the alternative specified N leaching reductions within two years or within three years of lodgement (for non-CVG and CVG operations respectively). This will ensure that the intent of Policies 5-8(a)(ia) and (iib) and 14-6(d)(i) and (ii) are given best effect to.
- 3.176 In accordance with our obligations under s32AA of the Act, we find that these changes to PC2, from the version publicly notified, are the most appropriate way of achieving the 'objectives' of the plan change.
- 3.177 Finally on this subtopic, and one issue we can resolve simply, is the baseline year for assessment of N losses from CVG, is 2012/13, which is when the relevant sections of the One Plan became operative. This is what the Council's experts said should be the baseline year, and we agree with them, particularly as it is consistent with the approach we took to dairying.
- 3.178 HortNZ's position on this matter was inconsistent; it was supported by Ms Atkins in her legal submissions, Ms Sands and most other witnesses who spoke at the hearing, yet opposed by Mr Ford who believed it should be 2019.

¹⁹⁷ Response to Issues Arising in Oral Evidence and Questions at the Hearing by section 42A report writer author (Christine Foster) on behalf of Manawatū-Whanganui Regional Council, 22 October 2020, para 69, page 29.

¹⁹⁸ Email from Ms Christine Foster to the panel dated 9 December 2020.

3.179 The baseline year has important implications for our decisions on the CVG alternative pathway (addressed under 'Issue 2'). There was substantial evidence, most notably from Mr Andrew Barber, that at least since 2019 farming practice by the Horowhenua growers has improved significantly. The Levin growers went through what is known as the NZGAP Environmental Management System Farm Environment Plan programme. That programme included looking at both sediment (through a longer-term programme known as 'Don't Muddy the Water'), which will reduce P losses from the land to surface water and uses a variety of practices, and N, which will be complemented by upcoming research on how to better manage N loss from CVG. We suspect these initiatives will likely mean many CVG growers in the Horowhenua FMU are already making some significant reductions in N leaching losses versus the 2012/13 baseline year.

3.180 For the above reasons, we find that the baseline year for assessment of N losses from CVG should be 2012/13.

Reference to, Inclusion of and Definitions for GMPs and BMPs

Issue identification and evidence

3.181 We now discuss references to, and inclusion of, GMPs and BMPs in the One Plan, and definitions for same. To set the scene, we summarise the relevant provisions of PC2, as amended by Ms Foster at the time of hearing closure. In this respect:

- a. Policy 14-3 directs decision-makers to have regard to GMPs in considering and deciding consent applications;
- b. Policy 14-5 and Rules 14-1 (d)(iii) and 14-2(d)(iii) oblige commercial vegetable growers to implement GMPs and BMPs to achieve N leaching reductions (although Policy 14-6 requires the adoption of GMP generally, with GMP and BMP matters of control when considering any existing IFLU as a controlled activity);
- c. Policy 14-6(b) more broadly obliges decision-makers to require the implementation of GMPs, while (d)(i) requires IFLUs that exceed the N leaching limits in Policy 14-5(d) to implement GMPs in accordance with an NMP, (e)(iii) requires decision-makers to consider whether proposed GMPs represent the BPO, (e)(vii) ties down consent durations where BMPs are not employed, and (f)(ii) requires regard be had to proposed GMPs where transition periods to non-IFLUs are under consideration;
- d. Rule 14-1, matter of control (b) and Rule 14-2, matter of discretion (c) include consideration of the role of GMPs and BMPs in limiting N leaching; and
- e. Extended definitions for 'GMPs' and 'BMPs' are included in the Glossary.

Discussion and findings

3.182 During the course of the hearing there was considerable discussion over the appropriate placement of detailed information relating to GMPs and BMPs, primarily around whether lists for both should be contained within the One Plan or held externally and referred to only in broader terms in the Plan. For us, this is not the key issue and, in any case, we find it is successfully resolved, via recommended, extended definitions for the two terms, with the detail relating to actual documents, guidance and the like that constitute examples of

GMPs and BMPs maintained externally,¹⁹⁹ which gives a balance between certainty and flexibility.

- 3.183 Our key concerns regarding GMP and BMP are also underscored by a desire to effect this balance. We did not understand why, for example, Policy 14-5 and the rules oblige CVG to implement GMPs and BMPs (refer Paragraph 3.181c. above), but not other non-CVG IFLUs. More fundamentally, we do not consider that it is appropriate to impose requirements to implement GMPs and BMPs as conditions or standards, as they are too imprecise as a measure of compliance. The very words ‘good’ and ‘best’ betray this fact, in our view.
- 3.184 Further, GMP and BMP are evolving concepts. What might have been regarded as a BMP when the One Plan was being formulated in the 2000’s might now be generally accepted as a GMP. There was a general consensus among those that we heard from on this matter that dairy farmers should be at current GMP regardless, and could adopt some BMP to reduce N leaching further if necessary. There was also consensus that farmers are in the best position to make these choices, not the Council.
- 3.185 We note that consideration of the role of GMPs and BMPs is in any case included in policies (refer 3.181a-c. above) and as matters of control and discretion (refer 3.181d. above). This enables the best combination of GMPs and BMPs to be included as conditions of consent (which is required for all IFLUs) rather than as an uncertain measure of compliance or as a predeterminant of consent status.
- 3.186 In response to a query from us as set out in **Minute 7**, Ms Foster agreed²⁰⁰ that such references should be either in conditions or standards, or in policies and as matter of control and discretion but not both. We find that the references should be deleted from the former (conditions or standards) and retained in the latter (policies and matters of control and discretion) for the reasons outlined above. As the rules would no longer require compliance with GMPs and BMPs or trigger a consent, GMPs and BMPs do not need to be incorporated by reference into the Plan.²⁰¹ Ultimately, we agree with Ms Foster’s original representations that ‘simple narrative definitions’²⁰² supported by references in matters of control and discretion²⁰³ that allow “appropriate combinations, tailored to the particular circumstances of individual farms” to be imposed,²⁰⁴ are all that is required. The amended definitions that Ms Foster proposes are suitable in this respect.
- 3.187 In accordance with our obligations under s32AA of the Act, we find that these changes to PC2, from the version publicly notified, are the most appropriate way of achieving the ‘objectives’ of the plan change.

¹⁹⁹ *Response to Issues Arising in Oral Evidence and Questions at the Hearing by section 42A report writer author (Christine Foster) on behalf of Manawatū-Whanganui Regional Council*, 22 October 2020, para 53, page 22; and *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, paras 87-90, pages 26-27.

²⁰⁰ Email from Ms Christine Foster to the panel dated 9 December 2020.

²⁰¹ A useful reference point for our considerations was suggested in *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, para 89, page 27.

²⁰² *Response to Issues Arising in Oral Evidence and Questions at the Hearing by section 42A report writer author (Christine Foster) on behalf of Manawatū-Whanganui Regional Council*, 22 October 2020, para 53, page 22.

²⁰³ *Supplementary Section 42A Report of Christine Foster on behalf of Manawatū-Whanganui Regional Council – RMA Planning Matters*, 8 October, para 63, pages 26-27.

²⁰⁴ *Supplementary Section 42A Report of Christine Foster on behalf of Manawatū-Whanganui Regional Council – RMA Planning Matters*, 8 October, para 58, pages 25-26.

Thresholds for the Exceedance of Limits

Issue identification and evidence

- 3.188 Having decided that the goal in implementing PC2 is to enable environmental improvement (refer **'Issue 1'**), we have also found that, all consent statuses being equal, we should adopt the most efficient and effective rule structure and consenting pathway possible (something we turned our minds to under **'Issue 2'**).
- 3.189 We now need to determine what are the most appropriate exceedance thresholds for dairying and CVG i.e., the most efficient and effective means for establishing a viable controlled activity consenting pathway, while achieving stated environmental outcomes. Specifically, the key thresholds that remain for us to determine relate to the following:
- a. Should the threshold for exceedance in condition/standard/term (d)(ii)a. in Rule 14-1 be set at a required 10% or 20% reduction in N leaching (i.e. at 80% or 90% of the N leaching baseline), or something in between?
 - b. Is the minimum reduction of 35% in cumulative N leaching loss relative to the baseline growing period figure that applies to CVG in condition/standard/term (d)(iii) in Rule 14-1 appropriate?
- 3.190 The evidence we heard in the above respects is referenced in the following discussion, at appropriate points.

Discussion and findings

- 3.191 We start in addressing the question posed in paragraph 3.189a above i.e. whether the threshold for exceedance for dairy should be set at a required 10% or 20% reduction in N leaching from the 2010 baseline. We have adopted the 20% reduction target, rather than the 10% proffered by Federated Farmers and DairyNZ in their submissions. Our starting point for this is the evidence of Dr Horne. He suggested an N loss reduction rate of 10 to 20%. He then went on to say that "a reduction of only 10% will not effect the improvement in the quality of drainage water exiting farms that the One Plan seeks". He also said that in the Upper Manawatū catchment a 10% reduction would see about 24% of farmers meeting recalibrated Table 14.2, whereas a 20% reduction would see about 40% meeting the amended table.²⁰⁵
- 3.192 We considered however that from a planning perspective a range of 10 to 20% reduction simply means that only a 10% reduction needs to be achieved. Accordingly, we asked Dr Horne for additional information regarding this matter.
- 3.193 In response,²⁰⁶ Dr Horne updated his earlier percentages and indicated that, in relation to the Upper Manawatū catchment, this showed that 23% of farmers would currently comply with a recalibrated Table 14.2, whereas a 10% reduction in N loss from baseline would see 27% of farmers meeting the recalibrated table, and a 20% reduction would see 44% of farmers meeting recalibrated Table 14.2.

²⁰⁵ Section 42A Technical Report of David John Horne on behalf of Manawatū-Whanganui Regional Council, *On-Farm Management Practices*, 4 September 2020, para 89, page 22.

²⁰⁶ Further Supplementary Section 42A Technical Report of David John Horne on behalf of Manawatū-Whanganui Regional Council, *Technical – On-Farm Management Practices*, 15 October 2020.

- 3.194 A similar trend was shown for total leaching loss of N in the Upper Manawatū. If One Plan instream SIN targets are to be met the total reduction in N losses would be 360 tonnes/year (t/y). Currently surplus N leached exceeds this by 182 t/y; a 10% reduction would see this excess reduced to 104 t/y whereas a 20% reduction would see it reduced to 74 t/y. The 75th percentile alone would reduce it by only 47t/y (i.e., to 137 t/y).
- 3.195 For Federated Farmers and DairyNZ, Dr Dupree calculated that their 75th percentile/10% reduction in N leaching would result in 196 t/y less N leaching from the 166 unconsented dairy farms in the target catchments. We cannot assess how he determined this as it is only in a footnote in his evidence that refers to “my modelling” but gives no detail.²⁰⁷
- 3.196 The position of Federated Farmers and DairyNZ was summarised in the evidence of Mr Willis. He said that of the 166 unconsented dairy farms in the target catchments, 92 would comply with recalibrated Table 14.2 CNLMs, 27 would have to reduce to the 75th percentile and 47 would have to reduce their leaching rates by at least 10%.²⁰⁸ He calculated that this would result in an average N loss reduction of 15%²⁰⁹ (from the May 2013 baseline), noting that this is in the middle of Dr Horne’s 10 to 20% reduction range.²¹⁰ Mr Willis relied on the evidence of Dr Depree to assert that water quality outcomes, including MCI and exceedances of periphyton biomass, would be very little different under the proposed PC2 and the alternative Federated Farmers and DairyNZ controlled activity pathways.
- 3.197 We do not agree entirely with that latter assertion. Dr Horne’s calculations show a 20% reduction in N leaching from the 2010 baseline would reduce total N losses in the Upper Manawatū catchment by 30 tonnes per annum more than would a 10% reduction. As we have discussed elsewhere (and in particular in **Issue 1**) that modest reduction will improve the instream environment, albeit not to the extent that MCI will improve much or exceedances of periphyton targets will reduce much.
- 3.198 It is also important to remember that dairy farmers who cannot meet the alternative controlled activity pathways are able to seek consents as discretionary activities. We acknowledge this will be a more difficult and potentially costly pathway, but it is now a viable option under the revised policy framework introduced by PC2.
- 3.199 Next, we address the question posed in paragraph 3.189b above i.e. whether a minimum reduction of 35% in cumulative N leaching loss is appropriate for CVG activities. In the end the most significant difference between experts for the Council and those for HortNZ was the magnitude of reduction in CNLMs from the 2013/14 baseline that could be and/or should be achieved to qualify for a controlled activity pathway. The Council experts said this should be a 35% reduction, whereas HortNZ sought a 10 to 20% reduction.
- 3.200 After reviewing all the evidence, we have come to the conclusion that the substantive weight of evidence supports the Council’s position that a 35% reduction in N loss leaching from the 2012/13 baseline is achievable by a large majority of CVG growers within the next five years, and so can form the basis for the alternative controlled activity pathway that we have adopted (refer ‘**Issue 2**’). In saying this we are acutely aware that growers

²⁰⁷ *Statement of Evidence of Dr Craig Verdun Depree on behalf of Federated Farmers and DairyNZ (Water quality science)*, 25 September 2020, footnote 20.

²⁰⁸ *Statement of Evidence of Gerard Matthew Willis on behalf of Federated Farmers and DairyNZ (Planning)*, 28 September 2020, para 6.11, page 16 (the percentages referred to were verbally corrected at the hearing).

²⁰⁹ *Statement of Evidence of Gerard Matthew Willis on behalf of Federated Farmers and DairyNZ (Planning)*, 28 September 2020, para 6.15, page 17, but we note Dr Le Miere asserted this was 16% at para 4.44 of *Statement of Evidence of Dr Paul Frederick Le Miere on behalf of Federated Farmers and DairyNZ (Farm systems, Overseer, LUC)*, 25 September 2020.

²¹⁰ We consider this is something of a mis-representation as Associate Professor Horne’s range excluded those properties that would have to reduce to the 75th percentile.

of some crops (notably brassicas) will struggle to meet these criteria and may have to apply for a discretionary activity.

- 3.201 Our starting point for reaching this finding is that water quality in Lake Horowhenua, the catchment of which supports a significant proportion of the CVG in the target catchments, is seriously degraded. As already discussed under **'Issue 1'**, there are several reasons for this, including wastewater and industrial discharges from Levin going to the lake until about 1990, high losses of N and P from intensive land use in the catchment, and stormwater run-off from Levin township. If lake water quality is to eventually improve, losses of N and P from the catchment need to be reduced substantially, and reducing N and P losses from CVG is a significant part of this.
- 3.202 The evidence of HortNZ presented a different view of the effects that IFLUs, including CVG, have on receiving environments. They asserted that on a regional scale CVG is having a minimal effect on water quality.²¹¹ Regardless of this it is the effects on local receiving environments, particularly Lake Horowhenua, that are the key consideration.
- 3.203 One of the major difficulties we faced in making decisions about appropriate thresholds for qualifying for the controlled activity consenting pathway for CVG was the lack of information about current N leaching rates on these properties. This is because only one of 50 commercial growers in the target catchments is currently consented. This contrasts strongly with dairy farming, where some 217 existing dairy farms in the target catchments are consented, and so we were presented with far more information about present N leaching rates for that sector. This in turn led to a situation for the CVG exercise where there was a strong dichotomy of views between experts for the Council, and those who appeared for HortNZ.
- 3.204 Generally, potato cropping does not result in high N leaching rates. Dr Kirkwood attached to his evidence some preliminary experimental work carried out by Plant and Food Research at Lincoln. It was acknowledged that this work was undertaken on a single crop in a single season on a single site. A variety of N loadings were applied with different management practises and different irrigation water applications. The higher N loadings, which were as great as 400kg N/ha, were accompanied by high levels of GMP.
- 3.205 Although cumulative N losses measured during the growth of the potato crop were low (from 0 to 10 kg/N/ha/y), residual levels of N in the soil following cropping were high, varying from 43 – 177 kg/N/ha, which represents a risk for winter leaching following cropping. However, the overall impression we got from this report, the expert evidence and the industry representatives was that for most growers in the region the changes proposed in PC2 are not critical to the industry, but are broadly supported, particularly the recalibration of Table 14.2. Most growers are not in the target catchments, and averaged out, N leaching losses from potato crops are not high. This is portrayed also by Figure 1 in the evidence of Dr Jolly, one of the Council's expert witnesses; it shows that with adoption of GMP potato crops can readily meet recalibrated Table 14.2.
- 3.206 In his evidence Mr Keenan sought two specific amendments to Ms Foster's attachment P to her s42A report. Consistent with the Potatoes NZ submission, he also sought that the 20 year CNLMs be removed from Table 14.2. We have agreed to this submission point, primarily because we consider that CNLMs should not be subject to a long term 'sinking lid' approach, and that a fixed leaching target should remain in place in the longer term to give individuals and industry groups more certainty. His other two amendments sought

²¹¹ Examples include *Industry Statement of Evidence for Michelle Kathleen Sands for Horticulture New Zealand*, 25 September 2020, para 186, page 28.

that we specify that N losses from potato crops be assessed over a full rotation cycle, and the we add a definition of “crop rotation”, We do not think either of these amendments are necessary. The first can be dealt with administratively as a matter of common sense, and the second does not appear to us to add value to PC2, and nor is it necessary.

- 3.207 We noted under **‘Issue 2’** that Dr Jolly used her findings to determine that for CVG a minimum of 35-45% reduction in N leaching could be expected across an enterprise with appropriate adoption of GMP and BMP. In saying this she observed that the adoption of BMP by CVG growers comes at much lower cost than for dairy farmers. She commented that her recommendations differed from the suggested reduction of 23-35% by Page Bloomer²¹² but noted that there were two key differences between her work and that of Page Bloomer. These were that he used 2019 as the baseline year, and fewer GMP practises were adopted.
- 3.208 In answer to questions from the panel, Dr Jolly said that she anticipated that most CVG enterprises could comply with recalibrated Table 14.2, and most of the remainder could reduce their N leaching losses by at least 35%, and so meet the alternative controlled activity pathway. We note that another Council expert witness, Mr McNally, said that based on the WSP report, seven out of 10 modelled CVG rotations could meet a recalibrated Table 14.2. He assumed that the rest of the CVG growers would have to apply for a discretionary activity and concluded that the costs of doing so would be less than complying with a recalibrated Table 14.2.²¹³
- 3.209 Mr Ford for HortNZ proposed a 10-20% reduction in N leaching loss should be applied.²¹⁴ We observe that this is the same range initially advocated for by Dr Horne for dairying²¹⁵. In relation to that proposal a range of 10-20% reduction effectively means only a 10% reduction needs to be achieved”. The exact same principle applies to Mr Ford’s proposition.
- 3.210 We also heard evidence from HortNZ that the actual effect of enabling a 10% reduction in N leaching will actually result in a much greater reduction. Ms Sands, citing Dr Conwell said that “when the commitment of existing growers to the uptake of GMP, BMP and in some cases elements of systems change are accounted for the predicted average weight of reduction would exceed a 20% reduction”.²¹⁶
- 3.211 Dr Conwell uses this analysis to assert that the difference in the Horowhenua catchment N load between the 10-20% pathway and Ms Foster’s recommended 35% N reduction is only 2% of the total N load in Horowhenua FMU (i.e. a 3% reduction v a 5% reduction). We struggle to understand from the report appended to her evidence how she reached this conclusion.²¹⁷ Nonetheless it appears incorrect to us as she is comparing a 20% reduction in N load with a 35% reduction. As outlined above, what Mr Ford’s ‘range’ allows for as a controlled activity is a 10% reduction in N load, and that should be the basis for any comparison. Further, if we understand Table 10 in the appended document correctly, the total calculated N load from CVG in the Hokio 1a water management zone is 125 t/N/y. A 35% reduction in N leaching is predicted to decrease this by about 11 tonnes/annum

²¹² Dan Bloomer, Luke Posthuma and Georgia O’Brien for Page Bloomer Associates (2020). Modelled loss of nutrients from vegetable growing scenarios in the Horowhenua.

²¹³ Section 42A Technical Report of Stephan McNally on behalf of Manawatū-Whanganui Regional Council, Technical – Farm Scale Cost Impact Assessment, 4 September 2020, paras 41 and 42, page 11.

²¹⁴ Statement of Evidence of Stuart John Ford (Commercial Vegetable Growing Systems and Economics) for Horticulture New Zealand, 25 September 2020, paras 76 – 78, page 19.

²¹⁵ See Paragraph 179 of our decision

²¹⁶ Industry Statement of Evidence for Michelle Kathleen Sands for Horticulture New Zealand, 25 September 2020, para 221, page 34; however, we cannot find the original information cited in Dr Conwell’s evidence.

²¹⁷ She cited Table 4 as supporting this assertion, but this does not appear to be correct.

(t/a); a 20% reduction by only 6.4 t/a and we can infer that a 10% reduction will only reduce it by less than 3.5 t/a. The real difference between the HortNZ proposition and that of Ms Foster is that under the former at least 7.5 tonnes/annum more N will leach from CVG to Lake Horowhenua. That represents a large annual mass load of nitrogen entering a 'nutrient sink', and in our view that will not maintain or enhance water quality in the lake.

3.212 Mr Ford referred extensively to the Page Bloomer report, which was appended to his evidence. It compares the calculated pre 2019 situation with the calculated post 2019 situation for a wide range of crop rotations. The summary of the report notes that to derive their results, many assumptions and compromises were made. That summary also says that *"our observations are that growers in Levin are generally efficient and with current technology there few opportunities to further reduce rates of N applied without increasing the risk of crop failure. In most cases current applications are near or below those recommended in the latest science based nutrient management guidelines"*.

3.213 In their discussion at Section 6.2 Page Bloomer said:

"The total amount of nitrate-N lost by leaching from the vegetable growing areas in the study area²¹⁸ was calculated to be between 29.59 – 32.82 tonnes (per annum) pre 2019, and 17.26 – 22.74 tonnes post 2019. Comparing same cases this is a reduction of 31-46%. Over all blocks, leaching of nitrogen dropped from 71-78 kg/N/title/ha to 46-60 kg/N/title/ha."

3.214 For us, this adds significant weight to Ms Foster's and Dr Jolly's position that a 35% reduction in N leaching rates per property can be achieved by most growers using a range of GMP and BMP. Indeed, it suggests many growers have already met this target in just one year, and more will have achieved it when the 2012/13 year is used as the baseline. However, the evidence is also that such a reduction cannot be achieved by all growers, particularly those of intensive brassica dominated rotations. For them, the discretionary activity pathway remains a viable option.

3.215 We were also very encouraged to read in the Page Bloomer report that:

"The total amount of phosphate-P lost by leaching from the vegetable growing areas in the study area was calculated to be 0.66 tonnes pre-2019 and 0.43 tonnes post-2019. This is only considered the default case and is a reduction of 35%."

3.216 It was noted however that there was less confidence in this result than that for N.

3.217 One other option that we did contemplate was having a more restrictive regime for CVG in the Lake Horowhenua catchment than for the other CVG growing areas in the Horowhenua District. We decided against this for two reasons. First, the groundwater catchment of the lake is not the same as the surface water catchment and is not nearly as well defined. Both the surface water and groundwater catchments of the lake are affected by N losses to groundwater from CVG (and indeed other activities on the land). Second, clause 3.33(4) and Appendix 5 of the NPS-FM 2020 specifies that the MWRC can set target attributes below NOF standards in the Hokio 1a and 1b Water Management Zones (which include the Lake Horowhenua catchment) when it prepares its NPS-FM compliant plan in 2024. We do not want to pre-empt that decision in any way.

²¹⁸ This was defined as the known areas of vegetable production in the Hokio 1a, the Hokio 1b and the Ohau 1b Water Management Sub-zones.

Addressing the Risk of ‘Leaching Up’

Issue identification and evidence

- 3.218 The potentially unintended impact of PC2 on sensitive coastal lakes has been addressed and resolved under **‘Issue 1’** in our report. However, there remains the question as to whether the provisions should apply only to non-consented activities or ones already consented (in order to prevent up-leaching).
- 3.219 The original concern that we had was that existing dairy consent holders who complied with the original Table 14.2 in the One Plan could surrender their consents and apply to ‘leach up’ to the amended Table 14.2.

Discussion and findings

- 3.220 Our concerns no longer apply. They have been resolved through the recommended inclusion of a new condition/standard/term (a) in Rule 14-1, as recommended by Ms Foster, which we adopt. This arose out of discussions between Mr Willis and Ms Foster, after Mr Matheson offered such provision for Federated Farmers and Dairy NZ.
- 3.221 We also appreciate Ms Johnston’s point that ‘leaching up’, as an issue, predates PC2, and that any application from a farmer seeking to surrender existing consents and pursuing an opportunity to benefit from higher CNLM values would be treated as a discretionary activity under section 127 of the RMA,²¹⁹ and subject to the full suite of relevant considerations. As Ms Johnston noted,²²⁰ additional support in this context is provided through additions to Policy 14-6, to recognise the state, sensitivity and absorptive capacity of the receiving environment, particularly downstream lakes and wetlands.

Requirements Relating to NMPs

Issue identification and evidence

- 3.222 The main tool provided for in the One Plan for management of nutrient losses from IFLUs in the region is the use of an NMP. This is prepared by farmers seeking resource consents, and is required to be updated periodically.
- 3.223 The use of NMPs as a functional management tool does not change as a consequence of PC2. However, the definition of an NMP does change for two reasons:
- a. clause (a) changes to allow for the use of any nutrient management model consistent with the industry Code of Practice; and
 - b. new clause (b) provides that an NMP can be prepared as part of a certified freshwater farm plan under Part 9A of the RMA (which is a new RMA provision).

Discussion and findings

- 3.224 We note that the changes to the definition for an ‘NMP’ as notified under PC2 described above, and also Ms Foster’s recommended additions to condition/standard/term (b) and matter over which control is reserved (a) in Rule 14-1, were not contested in evidence presented to us.

²¹⁹ Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council, Shannon Johnston, 30 October 2020, para 81, pg 25.

²²⁰ Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council, Shannon Johnston, 30 October 2020, para 79, pg 24.

Means of Maintaining Currency

Issue identification and evidence

- 3.225 One of the concerns discussed at the hearing was that if the CNLMs in the recalibrated Table 14.2 are now fixed permanently in place as version 6.2.3, the same situation that led to PC2 being promulgated could recur with future changes to Overseer® N leaching estimates. This could lead to similar problems with Table 14.2 as those that led to PC2, which would be neither efficient nor effective.
- 3.226 To overcome this, Ms Foster recommended we include a method enabling a ‘reference file’ system to be established by the Council. She based this on advice from Dr Horne.²²¹ In simple terms, what the reference file system would do, based on different land uses and LUCs, is allow the Council to update leaching loss estimates following any significant updates in the Overseer® model. The relative leaching losses would stay the same; all that would change are the nitrogen leaching maximums in response to updated versions of Overseer® (and these could go either up or down), which will be made available to plan users by Horizons via its website.
- 3.227 In her supplementary s42A report, Ms Foster²²² listed five key components of her proposed reference file system. In summary, they were as follows:
- a. providing clarity within PC2 that Overseer® version 6.2.3 was used to establish the Table 14.2 CNLM values (which we have achieved by inserting a preamble in Table 14.2);
 - b. the setting up of base files in the online Overseer®, describing typical IFLU activities in the MWRC region and using Overseer® version 6.2.3 for such activities including dairy farming on different LUCs, CVG and arable farming;
 - c. the farm system features (i.e., the assumptions used in the Overseer® inputs of these representative farm systems) to be documented as ‘reference files’, which sit outside the One Plan;
 - d. a policy allowing consideration of the extent to which any exceedance of the Table 14.2 CNLM limits is due to Overseer® version changes (this is provided for in Policy 14-6 (e) (iv) in **Appendix 2** to our report); and
 - e. MWRC to hold the licence for the Overseer® files for these representative farm systems and to make available, through its website, the Overseer® outputs at any point in time.

Discussion and findings

- 3.228 We consider the reference file system to be a reasoned and quite elegant solution to dealing with the changes to estimated CNLMs through periodic Overseer® updates. As it is outside the plan, it will avoid the necessity of going through another cumbersome plan change process following any significant changes to leaching rates. The use of reference files is provided for as Method 5-13 in the recommended version of PC2 attached as **Appendix 2** to our report.

²²¹ Section 42A Technical Report of David John Horne on behalf of Manawatū-Whanganui Regional Council, On-Farm Management Practices, 4 September 2020, para 44-58, pages 12-15; and Supplementary Section 42A Technical Report of David John Horne on behalf of Manawatū-Whanganui Regional Council, 7 October 2020, paras 49-55, pages 14-16.

²²² Supplementary Section 42A Report of Christine Foster on behalf of Manawatū-Whanganui Regional Council – RMA Planning Matters, 8 October 2020, paras 20–28, pages 10-14.

3.229 There is one other matter that gave us concern about Table 14.2, which is the use of a ‘sinking lid’ approach to CNLMs over and up to 20-year timeframe. We consider this to be an unnecessary burden for resource users, as the CNLM targets become increasingly restrictive over time. For this reason we considered partly accepting the submission of Potatoes NZ²²³ and thus deleting the 20-year target line from the recalibrated Table 14.2. Given however that all this will have to be reconsidered during the development of the NPSFM 2020 compliant plan, we believe that is a more appropriate place to review this, as it will have to address all the regulatory instruments in the One Plan.

Issue 4 – Matters of scope: what matters raised in submissions are ‘on’ the plan change and what matters are not?

Issue identification and evidence

3.230 In paragraphs 3.57 to 3.63 of our report we note that one of the key overarching themes in submissions on PC2, in this case from territorial authorities and the dairy processing industry, is that PC2 fails to cater for discharges of treated wastewater and treated industrial wastewater to land. As we observed in that context, this is one of a small set of wider issues relating to the available scope of the plan change, which we will deal with now.

3.231 As the Council observed in its closing legal submissions,²²⁴ parties to the plan change generally accepted²²⁵ that PC2 does not provide a basis for relitigating the building blocks of LUC and Natural Capital that form the basis for the CNLMs. We also observe that Federated Farmers and DairyNZ made it abundantly clear at the hearing that they did not support the use of “natural capital” (i.e. LUC based CNLMs) in future resource allocation. What alternative is to be proposed is not clear to us. Given however that most CVG takes place on LUC Class 1 land, which has the most generous N leaching rates via Table 14.2, any revised system of allocating N leaching losses could have significant impacts for CVG. We do not want to pre-empt any decisions on possible future N leaching allocation models either.

3.232 These are matters for future changes to the One Plan to implement the NPS-FM 2020. We agree, and so will not consider this particular matter of scope further.

3.233 The matters of scope that remain ‘live’ for us to make a determination on were helpfully summarised in the Council’s closing legal submissions,²²⁶ as follows:

- a. the proposed alternative controlled activity pathway for each of dairying and CVG;
- b. the scope of changes proposed/recommended in relation to that pathway; and
- c. the issue of treated municipal and industrial wastewater.

3.234 The matters of scope raised in a. and b. above are very much related and therefore we deal with them collectively, before turning our minds to the matters raised in c. above.

²²³ Submission 75.3.

²²⁴ *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, para 100, page 30.

²²⁵ For example, in *Legal Submissions on behalf of Federated Farmers and DairyNZ*, Nikki Edwards and Bal Matheson, 9 October 2020, para 20, page 5 and *Outline of Legal Submissions for Horticulture New Zealand*, Helen Atkins, 12 October 2020, para 57, page 19.

²²⁶ *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, para 101, page 30.

Discussion and findings

- 3.235 We regard the Council's closing legal submissions²²⁷ as instructive in setting out the considerations we agree should be brought to bear in determining whether relief sought or amendments proposed are 'on' the plan change, or not.
- 3.236 To summarise:
- a. PC2 is a "relatively discrete and subject-specific" plan change, with an ambit and scope "ringfenced" around the recalibration of Table 14.2 and changes to the policy framework for existing IFLU.
 - b. PC2 "does not seek to address the underlying regime for IFLU generally" inclusive of definitions or Table 14.2's basis in Policy 5-8.
 - c. The "paramount test" is whether or not any recommended amendments are within the ambit of matters raised in submissions or are a "foreseeable consequence" of relief sought in submissions.
 - d. Questions of "procedural fairness" are at play where the interests of submitters and the wider public are concerned.
- 3.237 In his legal submissions as to scope, Mr Chris Thomsen,²²⁸ on behalf of Beef + Lamb NZ, drew our attention to the public notice and 'problem statement' in the s32 report accompanying the plan change which, he contended, signalled that the scope of PC2 was intended to be restricted to a 'fix' in terms of implementation. This, among other matters in his view, should preclude our consideration of the alternative consenting pathway proposed by Federated Farmers and DairyNZ.
- 3.238 In our view, this is an overly narrow interpretation of the purpose and scope of PC2. We prefer the legal submissions of Mr Matheson²²⁹ who, on behalf of Federated Farmers and DairyNZ, gave the opinion that when PC2 together with its supporting documents are considered, there is indeed scope to consider an alternative controlled activity pathway for existing IFLUs that cannot meet Table 14.2. We consider, that is the function of the purpose of PC2; namely producing a viable consenting pathway for existing IFLUs through a suite of policy and rule changes.
- 3.239 We also accept Ms Johnston's opinion²³⁰ that the specific timing requirements associated with the alternative consenting pathway are a "foreseeable consequence" of the original submissions by the above parties, which were not 'ringfenced' in terms of the relief sought, and that the pathway, as it stands, "does not introduce a new or materially different policy or regulatory approach". At the same time, and for the same reasons, we also agree with Ms Atkins (on behalf of HortNZ), who was of the opinion²³¹ that the alternative consenting pathway proposed by that body remained within scope of the originally notified PC2.
- 3.240 We find, therefore, that the amendments to PC2 recommended in response to relief sought by dairy and horticulture submitters, in terms of the introduction of alternative controlled activity consent pathways, address the considerations and meet the tests set out in paragraph 3.236 above, and are therefore considered to be 'on' PC2.

²²⁷ *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, paras 106-107, pages 31-32.

²²⁸ *Submissions of Counsel for Beef + Lamb NZ Ltd as to Scope*, CP Thomsen, 12 October 2020.

²²⁹ *Supplementary Legal Submissions on behalf of Federated Farmers and DairyNZ*, Mr Bal Matheson, 16 October 2020, paras 5-11 and 16, pages 2-5.

²³⁰ *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, para 108, p 32.

²³¹ *Outline of Legal Submissions for Horticulture New Zealand*, Helen Atkins, 12 October 2020, paras 56 and 103(b), pp 18 and 26-27.

3.241 With respect to whether discharges of treated municipal wastewater associated with IFLU are 'on' PC2, Ms Foster concluded that they were not; primarily because the requested relief (the exclusion of new IFLU associated with said discharges) are not within the scope of PC2, which deals only with existing IFLU. In her opinion, the request lies outside rather between the operative One Plan and PC2, and is therefore not 'on' PC2. While she saw merit in the issues raised, she considered that a separate plan change process would allow the development of fit-for-purpose provisions, and meaningful dialogue between interested parties.²³² Ms Foster reached the same conclusion, for the same reasons,²³³ in relation to a request by Fonterra, by way of a further submission, to further expand the originally requested exclusion to cover the discharge of treated industrial wastewater.

3.242 Legal submissions on behalf of Horowhenua District Council and others,²³⁴ Palmerston North City Council²³⁵ and Fonterra²³⁶ expressed their disagreement with Ms Foster's position as to scope, in suggesting that (variously):

- a. the integrated nature of freshwater planning demands a more holistic consideration of scope and is not spatially confined (in the way that consideration of a proposed district plan rezoning, for example, would be);
- b. by virtue of a reference to 'GMPs', the relevant rules would be triggered regardless of whether the activity was an existing or new IFLU;
- c. policies falling within scope of PC2 would be equally relevant to the consideration of discharges of wastewater; and
- d. parties interested in the relief sought are equally invested in PC2 and have had an opportunity to respond via further submissions.

3.243 We are not persuaded by these arguments. We agree with the Council²³⁷ that PC2 is focused on existing IFLUs and that discharges of municipal or industrial wastewater (whether or not in association with IFLUs) would properly be categorised and assessed as new IFLUs. We find that the relief sought with respect to the discharge of treated wastewater (from both municipal and industrial sources) fails to meet the tests set out in paragraph 3.236 (and particularly d.) above, and consequently is not 'on' PC2. We concur with the Council's submission that to make such changes would:

- a. *"Involve reworking of PC2 ... to such a degree as to mean that the changes would be unforeseeable and mean that parties would be denied the opportunity to consider and comment on the impact of the changes; and*
- b. *Not have been subject to the rigorous statutory review and assessment ... as is required of changes to plans."*²³⁸

3.244 We note in closing that the Council is committed to the development of a NPS-FM 2020 compliant plan, which will, amongst other matters, focus directly on new IFLUs.

²³² Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), pages 136-138.

²³³ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), page 139.

²³⁴ Submissions for the Horowhenua District Council and others, John Maassen, undated, paras 93-95, pages 31-32.

²³⁵ Legal Submissions of Palmerston North City Council, Submitter Number 83, Matt Conway and Katherine Viskovic, 9 October 2020, paras 6.1-6.15, pages 12-16.

²³⁶ Legal Submissions on behalf of Fonterra Co-operative Group Limited, Ben Williams, 11 October 2020, paras 30-37, pages 6-8.

²³⁷ Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council, Shannon Johnston, 30 October 2020, paras 109-125, pages 33-38.

²³⁸ Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council, Shannon Johnston, 30 October 2020, para 125, page 38 and Supplementary Section 42A Report of Christine Foster on behalf of Manawatū-Whanganui Regional Council – RMA Planning Matters, 8 October, paras 29-43, pages 15-21.

Issue 5 – Iwi consultation

Issue identification and evidence

- 3.245 A majority of the submissions lodged on behalf of hapū and iwi asserted that the pre-notification consultation that MWRC undertook did not meet the requirements of Schedule 1 of the RMA and/or that the consultation was inadequate due to insufficient time to allow for meaningful engagement. It was also stated by hapū and iwi submitters that the consultation process did not give effect to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) that should underpin the relationship between MWRC and the tangata whenua of the region.
- 3.246 Ms Foster pointed out²³⁹ that all but one of the submissions on behalf of hapū and iwi requested that PC2 be declined or withdrawn to allow MWRC to start again and engage with them in a way that they consider meets the requirements of the relevant legislation, and to allow MWRC time to undertake a cultural impact assessment.
- 3.247 Ms Foster further explained²⁴⁰ that these submitters do not agree that the benefits of workable regulation of existing IFLU activities under PC2 is sufficient reason to press on with PC2. These submitters consider the better course is to start again and ‘get it right’ in terms of engagement with hapū and iwi before progressing any further plan change on this topic.
- 3.248 At the hearing we heard from various hapū and iwi submitters such as Mr Hayden Turoa (Ngāti Turanga), Mr Robert Ketu (Ngāti Whakatere) and Mr Lindsay Poutama (CEO Ngāti Raukawa). They elaborated further on their view of the inadequacy of consultation and the effect of this including in terms of their ability to perform their kaitiakitanga responsibilities especially regarding the protection and enhancement of the mauri of water.

Discussion and findings

- 3.249 There are two key issues here – the first being the statutory requirements of Schedule 1 of the RMA in terms of consultation protocol for plans and plan changes; the second being the role of a cultural impact assessment in that process. We deal with these in turn below.
- 3.250 In terms of the statutory requirements, Schedule 1 of the RMA sets out the requirements of local authorities to engage with tangata whenua of the area, through iwi authorities, when preparing policy statements, plans and plan changes. Ms Foster reproduced the relevant Clauses 3, 3B and 4A of Schedule 1 in her s42 report²⁴¹ and relied on Dr Peet’s s42A report which described the engagement process that MWRC undertook for PC2 and his Appendix A which included a detailed chronology of the engagement process.
- 3.251 Dr Peet identified²⁴² that there are numerous iwi (25+) and hapū that have rohe and interests within the region and acknowledged that the strength and depth of relationships varies over time. He advised that:

²³⁹ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), page 94.

²⁴⁰ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), page 94.

²⁴¹ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), page 97.

²⁴² Section 42A report of Dr Nicholas Peet on behalf of Manawatū-Whanganui Regional Council – General Overview and Introduction to Plan Change 2, 4 September 2020, para 75-76, page 19.

- a. relationships are held across the Council organisation at multiple levels from operational through to governance and the implementation of Treaty settlements.
- b. MWRC appreciates the challenges faced by iwi/hapū in engaging on the many issues that regional councils (and other organisations) generate from climate change through to freshwater through to consenting.
- c. further investment is required in capacity for iwi/hapū to be involved and the right level of involvement in decision making.
- d. Council will be increasingly reliant on the expertise of iwi/hapū under the NPSFM 2020 particularly given the primacy of Te Mana o te Wai in the NPSFM 2020.

3.252 Ultimately, the view of Ms Foster and Dr Peet was that the obligations and requirements of Schedule 1 of the RMA have been met through the PC2 process.

3.253 Our finding on this is that, while we generally agree that the Council has met its legal obligations in Schedule 1 to consult with iwi authorities, we are less certain about the efficacy of the nature and timing of the consultation with iwi/hapū and overall we consider that it was not ideal. For example, the submissions to PC2 from Ngāti Turanga and Te Rūnanga o Raukawa both paint a different picture as to the effectiveness of the nature and the timing of the consultation between themselves and MWRC.²⁴³

3.254 The second issue raised by many submissions²⁴⁴ focused around criticism of PC2 and the Section 32 Report in that they did not contain a level of detail required to evaluate effects. These submitters requested that an assessment of Māori cultural values/cultural impact assessment be undertaken to provide an opportunity to understand the scope of the proposal and enable them to comment on how PC2 would impact on the wider iwi ability to provide for their cultural, spiritual, social and economic wellbeing. They asserted that such an assessment should have been an integral part of the process to enable an accurate picture of the effects of PC2 on Māori values and culture.

3.255 In response to this criticism, Ms Foster pointed out²⁴⁵ that the Section 32 Report did in fact evaluate 'cultural benefits', 'cultural costs' and that it also discussed potential implications for 'mauri' of waterways. However, she also noted that those conclusions in the Section 32 Report are not supported by specific assessment of cultural values undertaken by a specialist with expertise in matters of Mātauranga Māori. She stated that the Section 32 Report (and supporting consultation):

- a. On one hand, is predicated on a view that because PC2 seeks to facilitate the regulation of existing IFLU activities, and will thereby reduce N leaching contamination of waterways, it follows that it must have a derived beneficial impact for all aspects of the mauri of water in rivers and lakes and the coastal environment; and
- b. On the other hand, it placed considerable reliance on future feedback from iwi about the importance of the broader review (Freshwater Futures) around water quality in the Region.

²⁴³ See para 18 submission Ngāti Turanga and para 23 of Te Rūnanga o Raukawa submission.

²⁴⁴ For example, submitters 85, 67, 68, 70, 81.

²⁴⁵ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), para 30, page 105.

- 3.256 On the latter point, she said this “broader review” process will include 'refreshing' the statements of values contained in Schedule B of the One Plan in order to determine what Te Mana o te Wai means in implementing the NPSFM 2020. Ms Foster also stated²⁴⁶ that she anticipates that this review will need to be supported by a comprehensive understanding of cultural health indices and assessment of cultural values.
- 3.257 She postulated that this is where the cultural values assessment effort should be directed: where it will inform choices between substantive options for managing and allocating resources and setting limits, including limits on absorptive capacity of water bodies (potentially). In her view by contrast PC2 is a plan change with very narrow scope and the choices under consideration do not involve substantively different outcomes and that this is demonstrated by the marginal differences between the N load modelling scenarios.
- 3.258 For the above reasons, Ms Foster considered that the absence of a specialist cultural values assessment at this stage does not materially impair the determination of PC2; and she considered that its absence is not sufficient cause to delay PC2.
- 3.259 We are unable to determine if a cultural impact assessment (of sorts) would have 'altered the course of action' because it is absent. However we do consider that overall there could have been a better understanding by the Council of the relationship of Māori with their culture, traditions, ancestral lands, water, sites, wāhi tapu and other taonga and effects on mauri and this is evidenced by the submissions received from iwi and hapū on PC2.
- 3.260 Furthermore the Council points to some considerable reliance or focus on a bigger future process - that being the NPSFM 2020 process - to be a pathway to potentially achieve the aspirations of iwi and hapū of the region. We consider that while this process is inevitable it should not be at the expense of any current and / or ongoing component of fresh water management given the primacy of Te Mana o te Wai in the NPSFM 2020.
- 3.261 Ultimately we have found that there is nothing we can do to rectify the consultation approach that the Council undertook in respect to PC2. While the approach undertaken could have been better, we do acknowledge the urgency that the Council were acting under to address the matters giving rise to PC2, as directed by the Environment Court.
- 3.262 Looking to the future, we would expect that issues such as the nature and timing of consultation to allow for meaningful engagement underpinned by the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), including a comprehensive understanding of cultural health indices and assessment of cultural values, will be at the forefront of any planning and process for a NPS-FM 2020 compliant plan – i.e. the consistency of the One Plan with the NPSFM 2020. That is the collective challenge for Council and iwi in terms of the 2024 goal set by the NPS 2020 and we would encourage the parties to focus their energy towards that direction.
- 3.263 For the foregoing reasons, we concur with Ms Foster that the absence of a specialist cultural values assessment at this stage is not sufficient cause to delay PC2.

²⁴⁶ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), para 34, page 106.

Issue 6 – Higher order documents and policy instruments: to the extent necessary, does PC2 give adequate effect to these?

Issue identification and evidence

3.264 In her s42A report, Ms Foster provided a comprehensive outline of the statutory framework within which PC2 has been developed,²⁴⁷ inclusive of:

- a. the relevant sections of the RMA;
- b. the NPS-FM 2020 (and its embedding of Te Mana o Te Wai), NZCPS 2010 and other national policy statements and environmental standards;
- c. relevant RPS and One Plan objectives and policies;
- d. relevant iwi management plans; and
- e. other relevant Acts and policy direction.

3.265 Ms Foster’s broad conclusion was that PC2 gives effect to or is consistent with these higher order policy instruments, which all seek improved outcomes for land management and for water quality.²⁴⁸

3.266 At least at the submission-making stage, this was not a view shared by all parties. For example:

- a. Forest & Bird²⁴⁹ sought the refusal of PC2 in its entirety, based on the exceedances in N leaching it provides for being inconsistent with Te Mana o Te Wai and contrary to the RMA, the Council’s functions under section 30, the NPS-FM, NZCPS and One Plan;
- b. the Environmental Defence Society and Fish & Game²⁵⁰ considered PC2 was not in line with the RMA and would not give effect to the NPS-FM;
- c. the Director-General of Conservation²⁵¹ considered PC2 did not give appropriate consideration to the relationship between freshwater quality and coastal water and was contrary to the NZCPS, may not achieve national and regional freshwater outcomes, and should be amended to give effect of the RMA, NPS-FM, NZCPS and RPS; and
- d. a number of iwi and hapū²⁵² considered that PC2 was inconsistent with section 30 functions, the NPS-FM, the RPS and the One Plan and/or breach the One Plan’s Schedule B value relating to mauri and should be withdrawn on that basis.

3.267 In developing its argument at the hearing,²⁵³ the Environmental Defence Society stated that PC2 must give effect to the NPS-FM 2020 to the extent that it is in scope and is so far as it is “practicable” to do so. In the Society’s view, this extended beyond the NPS-FM’s Objective to Policies 2, 5, 8 and 11, and that given their effective roll-over from the NPS-

²⁴⁷ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), pages 38-55.

²⁴⁸ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), page 55.

²⁴⁹ Submission 59.

²⁵⁰ Submissions 54 and 55, respectively.

²⁵¹ Submission 61.

²⁵² For example, Submissions 4, 63, 67, 68 and 70.

²⁵³ Outline of Legal Submissions of Counsel for the Environmental Defence Society Incorporated, Madeleine Wright, undated, paras 5.10-5.15, page 9.

FM 2017, it would have been “practicable” for Council to consider giving effect to them during the development of PC2.

- 3.268 Before moving on to our discussion and findings on the above matters, we note that two other issues relating to higher order documents have been dealt with elsewhere in our report. We have considered the relationship between the NPS-FM, and the RPS and One Plan themselves, in our **Evaluation Preamble** (paragraphs 3.5 and 3.6). We have considered how and to what extent PC2 gives effect to the NES-FM under ‘**Issue 1**’ (and specifically, in paragraphs 3.120 to 3.121).

Discussion and findings

- 3.269 In considering these matters, it is clear to us that there is a general consensus among the parties to the hearing that PC2 does not give full effect to higher order documents, and in particular the NPS-FM 2020, and to a lesser extent, its earlier iterations. However, in our view, that is to be expected and is not fatal.
- 3.270 The only alternative to proceeding with a version of PC2 that has evolved during its development, would be to withdraw it and ‘start again’, with a view to giving full effect to all relevant higher order documents (which have themselves evolved over the same period). This is essentially the ‘do nothing’ option, which we considered and discounted under ‘**Issue 2**’ (refer paragraph 3.128).
- 3.271 We agree with the Council²⁵⁴ that (as the recorded background and s32 report clearly establish) it was never the intent of PC2 to give full effect to the NPS-FM, given its specific focus on resolving a single but vexed issue i.e. the policy barrier and absence of a viable consenting pathway for existing IFLUs. We note that provisions of PC2 were prepared so that they did not run counter to or preclude the Council meeting its obligations under the then operative NPS-FM 2017.²⁵⁵
- 3.272 Importantly, we find that PC2 is not inconsistent with Objective 1 of the NPS-FM 2020. We agree with Ms Foster²⁵⁶ that there is nothing in PC2 that contradicts the direction provided in the NPS-FM policies highlighted by the Environmental Defence Society and referred to in paragraph 3.268 above. We acknowledge her point that there would be practical limitations in fully applying Te Mana o Te Wai locally, at this point in time, and in the context of PC2, given the level of iwi and community engagement this would entail.²⁵⁷
- 3.273 Further, because PC2 is intended as an interim fix or measure, while it does not give full effect to the NPS-FM, we are satisfied that the policies and rules relating to timeframes ensure that PC2 do not create legacy issues and therefore will not frustrate the Council from giving effect to the NPS-FM 2020 via a wider, programmed plan review process, no later than December 2024.²⁵⁸

²⁵⁴ *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, paras 23-28, pages 8-9.

²⁵⁵ *Opening Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 12 October 2020, para 72, pages 19-20 and *Response to Issues Arising in Oral Evidence and Questions at the Hearing by section 42A report writer author (Christine Foster) on behalf of Manawatū-Whanganui Regional Council*, 22 October 2020, para 44, page 20.

²⁵⁶ *Response to Issues Arising in Oral Evidence and Questions at the Hearing by section 42A report writer author (Christine Foster) on behalf of Manawatū-Whanganui Regional Council*, 22 October 2020, paras 46-49, pages 20-21.

²⁵⁷ *Response to Issues Arising in Oral Evidence and Questions at the Hearing by section 42A report writer author (Christine Foster) on behalf of Manawatū-Whanganui Regional Council*, 22 October 2020, para 51, page 21.

²⁵⁸ *Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council*, Shannon Johnston, 30 October 2020, para 27, page 9.

- 3.274 With respect to the NZCPS, we accept Ms Foster's opinion²⁵⁹ that, in acting to reduce N leaching in freshwater bodies, PC2 would have a potentially positive (albeit modest) effect on water quality in the receiving coastal environment, and in doing so will contribute positively to the relevant NZCPS objectives.
- 3.275 At the closing of the hearing, and with respect to the relevant objectives and policies of the RPS, Ms Foster presented the results of a 'wiring' exercise illustrating the linkages between those higher order provisions and the provisions changed by PC2.²⁶⁰ To our minds, this convincingly demonstrated her opinion that the relevant RPS provisions were implemented by the policies that derived from them, and that this implementation was not interrupted by further, recommended amendments to PC2.
- 3.276 Ultimately, we agree with Ms Foster's overall assessment that PC2 gives effect to or is consistent with relevant higher order policy instruments.²⁶¹

²⁵⁹ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), paras 24-29, pages 46-47.

²⁶⁰ Response to Issues Arising in Oral Evidence and Questions at the Hearing by section 42A report writer author (Christine Foster) on behalf of Manawatū-Whanganui Regional Council, 22 October 2020, paras 8-11, pages 5-8.

²⁶¹ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), page 55.

4.0 STATUTORY CONSIDERATIONS

4.1 Drawing on consideration of the plan change material, the submissions and further submissions, and the evidence presented, this part of our report addresses the statutory requirements outlined at the start of Section 3 above.

4.2 We have adopted a thematic approach to presenting our findings in this respect, using the *Colonial Vineyards* criteria as a ‘road map.’ In particular, we rely on the detailed reasoning in **Section 3** of our report and added to it where appropriate in the context of each thematic question we outline in turn below.

Is the plan change designed to accord with, and assist the Council to carry out its functions so as to achieve the purpose of the Act?

4.3 The stated purpose of PC2 is to “*improve the workability of the provisions for [IFLU] by updating the [N] leaching maximums and providing a viable consenting pathway for activities that do not comply with them, in order to enable a return to effective regulation of existing [IFLU] through the One Plan as soon as practicable*”.²⁶²

4.4 We agree with Ms Foster²⁶³ that the subject matter of PC2 falls squarely with the Council’s functions and, in particular, sections 30(1)(a), (1)(b), (1)(c) and (1)(f).

4.5 Accordingly, we find that the plan change is designed to accord with and assist the Council in carrying out its section 30 functions.

Does the plan change give effect to any NPS or the NZCPS?

4.6 Following our assessment under ‘**Issue 6**’ in paragraphs 3.269 to 3.276, we find that PC2 gives effect to the NPS-FM 2020 and NZCPS 2010, to the extent that it is practicable to do so at this time.

Does the plan change give effect to the Regional Policy Statement?

4.7 Following our assessment under ‘**Issue 6**’ in paragraph 3.276, we find that PC2 gives effect to the RPS.

Is the plan change consistent with any regional plans or proposed regional plans?

4.8 We agree with the Council²⁶⁴ that with respect to regional plan changes, the matter of ‘consistency’ cannot largely apply as this would be recursive. We do find, however, that PC2 is not inconsistent with the One Plan.

What (if any) regard should be given to relevant management plans and strategies under other Acts, including any relevant entry in the Historic Places Register?

4.9 The most relevant resource management plans and strategies that we have had regard to under this category are the:

²⁶² s32 report, page 30.

²⁶³ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), pages 39-40.

²⁶⁴ Closing Legal Submissions on behalf of Manawatū-Whanganui Regional Council, Shannon Johnston, 30 October 2020, Annexure B.

- a. Ngāti Rangi Taiao Management Plan (2014);
- b. Ngaa Rauru Kiitahi Puutaiao Management Plan;
- c. Te Kāuru Eastern Manawatu River Hapū Collective Te Kāuru Taiao Strategy (2016);
- d. Ki Uta, Ki Tai, Ngā Puna Rau o Rangitīkei Catchment Strategy and Action Plan (2019);
- e. Rangitīkei River Water Conservation Order;
- f. Ngaa Rauru Kiitahi Claims Settlement Act 2005;
- g. Ngāti Apa (North Island) Claims Settlement Act 2010;
- h. Ngāti Toa Rangātira Claims Settlement Act 2014;
- i. Rangitāne o Manawatū Claims Settlement Act 2016;
- j. Te Awa Tupua (Whanganui River Claims Settlement) Act 2017;
- k. Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-a-Rua) Claims Settlement Act 2017;
- l. Ngāti Tūwharetoa Claims Settlement Act 2018;
- m. Lake Horowhenua Accord – Te Kawenata o te Roto o Horowhenua; and the
- n. Manawatū River Leaders' Accord.

4.10 We accept Ms Foster's opinion²⁶⁵ that, in seeking improved outcomes for land management and water quality, PC2 gives effect to or is consistent with these plans and strategies.

Are the proposed objectives the most appropriate way to achieve the purpose of the Act?

4.11 As set out under our preamble in **Section 3** of this report, there are two suites of 'objectives' that we have considered, being:

- a. the goals set out in the plan change's purpose; and
- b. the settled, relevant objectives of the operative One Plan.

4.12 We have addressed this matter under '**Issue 1**' in paragraphs 3.88 to 3.123 of our report. Our finding as set out in that part of our report is that the 'objectives' of the plan change are the most appropriate way to achieve the purpose of the Act.

Are the provisions the most appropriate way to achieve the 'objectives', having regard to their efficiency and effectiveness, actual and potential environmental effects and reasonable alternatives?

4.13 This is a consideration that we have turned our minds under '**Issue 2**' in paragraphs 3.124 to 3.157 of our report. Our finding, as expressed there, is that the provisions of PC2 as recommended, amended, and attached as **Appendix 2** to our report represent the most appropriate way to implement the 'objectives', having had regard to their efficiency and effectiveness, actual and potential environmental effects and reasonable alternatives.

²⁶⁵ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), pages 48-55.

5.0 SUMMARY AND CONCLUDING COMMENTS

- 5.1 For the reasons we have set out above in **Sections 3 and 4**, we conclude that PC2, as amended and attached to our report as **Appendix 2**, should be adopted. We have found that the plan change is, at the very least, not inconsistent with higher order documents. We have largely focused in our report on considering alterations to the policy and consenting framework for IFLUs in the target catchments within the ambit of the scope afforded by submissions to PC2.
- 5.2 While PC2 has its limitations, we certainly agree with Ms Foster²⁶⁶ that the plan change should not be abandoned. It addresses a specific and fundamental issue, in that the One Plan provisions are not working as intended, with the result that a large number of existing IFLU activities are operating without consent and without constraint on their N leaching.²⁶⁷ This has, in turn, resulted in significant uncertainty and consequent stress for the rural community. PC2, as amended, represents the most efficient and effective option for addressing this issue compared with all the alternatives presented.
- 5.3 We accept that predicted reductions in N leaching and improvements in water quality will be modest, as a result of the implementation of PC2. However, we agree with Ms Foster that “every little bit helps”,²⁶⁸ and we observe that bringing IFLU activities into a regulatory fold creates not just a viable consenting pathway but establishes a basis for continued improvement in water quality over time.
- 5.4 We acknowledge that PC2 is an interim initiative and does not and cannot give full effect to the NPS-FM 2020. Having said that, the provisions of PC2 need to be the best they can be, given that they will continue to direct decision-making until such time as the Council, together with iwi and the community, settle on replacement One Plan provisions, commensurate with the NPS-FM.²⁶⁹ We are satisfied that PC2 will not frustrate this process, nor create any legacy issues for the Council in this respect.
- 5.5 To ensure this, we generally accept and endorse the recommended amendments to PC2 that have arisen in the lead up to, during, and subsequent to the hearing, as a result of the collaborative efforts of interested and involved parties. We consider that these amendments will provide greater certainty as to process and outcome, and further impetus for entering the consenting pathways, with a view to reducing N leaching as soon as reasonably practicable.

²⁶⁶ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), para 13, page 284.

²⁶⁷ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), para 10, page 284.

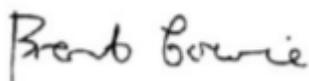
²⁶⁸ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), para 10, page 284.

²⁶⁹ Section 42A report of Christine Foster on behalf of Manawatū-Whanganui Regional Council, Planning, 4 September 2020 (Volume 1), para 14, page 285.

6.0 OVERALL RECOMMENDATION

- 6.1 Based on our consideration of all the material before us, including the section 42A reports from the Council's advisors, submissions, further submissions, evidence presented at the hearing and following consideration of the requirements of section 32AA and other relevant statutory matters, and for the reasons set out in Sections 3 to 5 of this report, we recommend to the Council that:
- a. the plan change be **accepted** as notified, and as further amended prior to, during and subsequent to the hearing, as set out in **Appendix 2**;
 - b. all submissions on the plan change be accepted, accepted in part or rejected to the extent that they correspond with that conclusion and the matters we have set out in the preceding report sections (and as summarised in **Appendix 1**); and
 - c. pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, Council give notice of its decision on submissions to PC2.

DATED AT WELLINGTON THIS 19th DAY OF MARCH 2021



B Cowie
Independent Commissioner
(Chair)



EA Burge
Independent Commissioner



DJ McMahon
Independent Commissioner

APPENDIX 1

Panel recommendations on relief sought by submissions and further submissions

APPENDIX 2

Annotated version of plan change provisions

APPENDIX 3

Schedule of appearances at the hearing

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
1.1	Griffins Foods Ltd	S	Submitter supports requiring all growers to operate at a good management practice.	Accept in part
1.2	Griffins Foods Ltd	SIP	Add provisions to incentivise and enable existing areas of vegetable growing to move onto suitable land in a different catchment across the region, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations as they are available.	Accept in part
FS11.1.2	Federated Farmers of New Zealand	SIP/OIP	Allow S1.2 in part, except where priority is given to one land use over another.	Accept in part
1.3	Griffins Foods Ltd	S	Support the ability for a group of growers to be able to manage environmental issues collectively to improve the effectiveness of their response to water quality issues. The submitter considers that Plan Change 2 should enable collaborative or collective approaches to regulating potato production activities. This has been demonstrated as workable by the irrigation schemes and should be expressly provided for in the Plan.	Accept in part
1.4	Griffins Foods Ltd	S	Support Potatoes NZ and Horticulture NZ where submission points align.	Accept in part
2.1	Ruapehu District Council		An investigation into the use of Overseer as a viable option for the future.	Accept in part
FS1.2.1	Forest and Bird	S	Undertake investigation into the use of Overseer as a viable model, as per Ruapehu District Council S2.1.	Accept in part
FS19.2.1	Horowhenua District Council	S	Accept the decision requested by Ruapehu District Council S2.	Accept in part
2.2	Ruapehu District Council		Pathways be created for new intensive farming land uses to meet the needs and expectations of RMA through the One Plan.	Reject
FS1.2.2	Forest and Bird	O	Disallow Ruapehu District Council S2.2.	Accept
FS19.2.2	Horowhenua District Council	S	Accept the decision requested by Ruapehu District Council S2.	Reject
2.3	Ruapehu District Council		Ensure that local engagement takes place with stakeholders involved when setting the parameters of individual catchment developments and	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			not take a one size fits all approach (should HRC continue with the proposed changes of PC2).	
FS19.2.3	Horowhenua District Council	S	Accept the decision requested by Ruapehu District Council S2.	Reject
2.4	Ruapehu District Council		To assist in clear local engagement, PC2 should provide clear guidance to decision-makers in terms of permissible activities.	Accept in part
FS7.2.4	Manawatū District Council	S	Allow S2.4 by Ruapehu District Council to the extent that a more permissive consenting framework is provided for discharges of treated wastewater to land.	Accept in part
FS19.2.4	Horowhenua District Council	S	Accept the decision requested by Ruapehu District Council S2.	Accept in part
2.5	Ruapehu District Council		Deletion of Table 14.2.	Reject
FS1.2.5	Forest and Bird	O	Disallow Ruapehu District Council S2.5.	Accept in part (by retaining but amending Table 14.2)
FS2.2.5	Water Protection Society	O	Disallow the request to delete Table 14.2	Accept in part (by retaining but amending Table 14.2)
FS12.2.5	Potatoes New Zealand	OIP/SIP	Disallow the relief requested in S2.5.	Accept in part (by retaining but amending Table 14.2)
FS19.2.5	Horowhenua District Council	S	Accept the decision requested by Ruapehu District Council S2.	Reject
2.6	Ruapehu District Council		New development of policies that provide pathways for both existing and new intensive farm land uses, while giving effect to the environmental, cultural, social and economic impacts of the affected water management sub zones.	Reject
FS12.2.6	Potatoes New Zealand	OIP/SIP	Disallow the relief requested in S2.6. Adopt the changes proposed in PNZ FS12.	Accept in part
FS19.2.6	Horowhenua District Council	S	Accept the decision requested by Ruapehu District Council S2.	Reject
2.7	Ruapehu District Council		Ruapehu District Council supports joint submission of the territorial authorities across the Manawatu-Whanganui Region.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.2.7	Federated Farmers of New Zealand	O	Reject decision requested in S2.7.	Accept
FS19.2.7	Horowhenua District Council	S	Accept the decision requested by Ruapehu District Council S2.	Reject
3	Lisa and Paul Charmley	O	Prefers the approach in the submissions of Dairy NZ and Federated Farmers NZ	Accept in part
3.1	Lisa and Paul Charmley	O	Amend Policy 5-8 as requested by DairyNZ and Federated Farmers in their submissions.	Accept in part
3.2	Lisa and Paul Charmley	O	Amend Policy 5-12 as requested by DairyNZ and Federated Farmers in their submissions.	Accept in part
3.3	Lisa and Paul Charmley	O	Amend Policy 5-13 as requested by DairyNZ and Federated Farmers in their submissions.	Accept in part
3.4	Lisa and Paul Charmley	OIP	Amend Policy 14-3 as requested by DairyNZ and Federated Farmers in their submissions.	Accept in part
3.5	Lisa and Paul Charmley	OIP	Amend Policy 14-5 as requested by DairyNZ and Federated Farmers in their submissions.	Accept in part
3.6	Lisa and Paul Charmley	O	Amend Policy 14-6 as requested by DairyNZ and Federated Farmers in their submissions.	Accept in part
3.7	Lisa and Paul Charmley	O	Amend Rule 14-1 – Agricultural Activities as requested by DairyNZ and Federated Farmers in their submissions.	Accept in part
3.8	Lisa and Paul Charmley	O	Amend Rule 14-2 – Agricultural Activities as requested by DairyNZ and Federated Farmers in their submissions.	Accept in part
3.9	Lisa and Paul Charmley	O	Amend Rule 14-2A – Agricultural Activities as requested by DairyNZ and Federated Farmers in their submissions.	Accept in part
FS2.3.9	Water Protection Society	O	Disallow requested provision for consent pathway for intensive land uses that do not comply with Table 14.2.	Accept in part
3.10	Lisa and Paul Charmley		Amend definitions as requested by DairyNZ and Federated Farmers in their submission [includes adding new definitions for ' nitrogen baseline ' and ' 75th percentile nitrogen leaching loss '.]	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
4	Kahungunu ki Tāmaki nui-a-Rua Trust		Note: the submission also requests any other consequential amendments to the remainder of the plan to enable consistency with the amendments specified in the submission.	
4	Kahungunu ki Tāmaki nui-a-Rua Trust		Do not support PC2 provision where they weaken the approach towards managing effects with the aim of improving water quality	Accept in part
4.1	Kahungunu ki Tāmaki nui-a-Rua Trust		Reinstate 5-8(a)(i)(B) <u>“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.”</u> , and any other consequential amendments to the proposed plans for consistency with the above.	Accept in part
FS1.4.1	Forest and Bird	S	Allow entire submission, points 4.1 – 4.9 by Kahungunu ki Tāmaki nui-a-Rua Trust, except where the submission points are in conflict with S59.	Accept in part
FS2.4.1	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
4.2	Kahungunu ki Tāmaki nui-a-Rua Trust		A requirement for intensive land use consents to meet the nitrogen allocation table unless a robust assessment of effects can demonstrate an improvement in water quality (relevant to the property and water management zone) and provides a timeline and pathway towards meeting nutrient limits and targets.	Accept in part
FS1.4.2	Forest and Bird	S	Allow entire submission, points 4.1 – 4.9 by Kahungunu ki Tāmaki nui-a-Rua Trust, except where the submission points are in conflict with S59.	Accept in part
FS2.4.2	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
4.3	Kahungunu ki Tāmaki nui-a-Rua Trust		Reinstatement of the following into proposed Policy 14-6: <u>“Where an exception is made to the cumulative nitrogen leaching maximum* the existing intensive farming land[^] uses must be managed by consent conditions to ensure:</u> <ul style="list-style-type: none"> (i) <u>Good management practices to minimise the loss of nitrogen, phosphorus, faecal contamination and sediment are implemented.</u> (ii) <u>Any losses of nitrogen, which cannot be minimised, are remedied or mitigated, including by other works or environmental compensation. Mitigation works may include but</u> 	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<u><i>are not limited to, creation of wetland and riparian planted zones.</i></u>	
FS1.4.3	Forest and Bird	S	Allow entire submission, points 4.1 – 4.9 by Kahungunu ki Tāmaki nui-a-Rua Trust, except where the submission points are in conflict with S59.	Accept in part
FS2.4.3	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
4.4	Kahungunu ki Tāmaki nui-a-Rua Trust		Amend proposed Policy 14-6(d)(i) <u><i>“Good management practices* are implemented in accordance with a nutrient management plan*, along with additional innovations timelines, targets and measures to further progressively reduce nutrient leaching and run-off, faecal contamination and sediment losses from the land^ progressively over time.”</i></u>	Accept in part
FS1.4.4	Forest and Bird	S	Allow entire submission, points 4.1 – 4.9 by Kahungunu ki Tāmaki nui-a-Rua Trust, except where the submission points are in conflict with S59.	Accept in part
FS2.4.4	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
4.5	Kahungunu ki Tāmaki nui-a-Rua Trust		Provide clear linkages between Policy 14-6 and the relevant Schedule B values.	Accept in part
FS1.4.5	Forest and Bird	S	Allow entire submission, points 4.1 – 4.9 by Kahungunu ki Tāmaki nui-a-Rua Trust, except where the submission points are in conflict with S59.	Accept in part
FS2.4.5	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
4.6	Kahungunu ki Tāmaki nui-a-Rua Trust		Where BPOs and GMPs are promoted, include taking into account nutrient losses from farm drainage systems (tile, NovaFlow ² (or similar) and farm drains) and managing these as ‘point source’ discharges.	Accept in part
FS1.4.6	Forest and Bird	S	Allow entire submission, points 4.1 – 4.9 by Kahungunu ki Tāmaki nui-a-Rua Trust, except where the submission points are in conflict with S59.	Accept in part
FS2.4.6	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.4.6	Federated Farmers of New Zealand	O	Reject broadening the scope of PPC2 to point source discharges from drainage systems.	Accept in part
4.7	Kahungunu ki Tāmaki nui-a-Rua Trust		Clearly link proposed Policy 5-8 to water quality objectives.	Accept in part
FS1.4.7	Forest and Bird	S	Allow entire submission, points 4.1 – 4.9 by Kahungunu ki Tāmaki nui-a-Rua Trust, except where the submission points are in conflict with S59.	Accept in part
FS2.4.7	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
4.8	Kahungunu ki Tāmaki nui-a-Rua Trust		Consideration for the introduction of a <i>'non-complying'</i> status for consent applications for intensive land use activities which exceed the allocation table figures, with requirements for application to show a stage improvement in water quality, with clear timelines.	Reject
FS1.4.8	Forest and Bird	S	Allow entire submission, points 4.1 – 4.9 by Kahungunu ki Tāmaki nui-a-Rua Trust, except where the submission points are in conflict with S59.	Accept in part
FS2.4.8	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS7.4.8	Manawatū District Council	OIP	Reject the decision requested in S4.8 in so far that it seeks a non-complying activity status for intensive land use activities that exceed the allocation table figures.	Accept
FS11.4.8	Federated Farmers of New Zealand	OIP	Reject Kahungunu ki Tāmaki nui-a-Rua Trust's request in S4.8 to amend Rule 14-2A to Non-complying Activity classification or Prohibited Activity classification.	Accept
4.9	Kahungunu ki Tāmaki nui-a-Rua Trust		Greater consideration for the cumulative effects of multiple land-use activities within sub-catchments and water management zones, with the ultimate aim of reducing nutrients in catchments where water quality is degraded and management nutrients within catchment load limits.	Accept in part
FS1.4.9	Forest and Bird	S	Allow entire submission, points 4.1 – 4.9 by Kahungunu ki Tāmaki nui-a-Rua Trust, except where the submission points are in conflict with S59.	Accept in part
FS2.4.9	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.4.9	Federated Farmers of New Zealand	O	Reject the decision requested in S4 to broaden the scope of PPC2 to point source discharges from drainage systems.	Accept in part
FS11.4.9	Federated Farmers of New Zealand	O	Reject the decision requested in S4 that suggest PPC2 is withdrawn.	Accept in part
FS28.4.9	Horowhenua District Council	SIP	Supports the part of the submission that seeks greater consideration for the cumulative effects of multiple land use activities within water management zones, with the ultimate aim of reducing nutrients in catchments where water quality is degraded.	Accept in part
5.1	BakerAg NZ Limited		No decision specified.	No decision required
5.2	BakerAg NZ Limited		No decision requested.	No decision required
5.3	BakerAg NZ Limited		No decision requested.	No decision required
FS1.5.3	Forest and Bird	SIP	Allow BakerAg NZ Ltd S5.3.	No decision required
5.4	BakerAg NZ Limited		No decision requested.	No decision required
5.5	BakerAg NZ Limited		The table to be referenced in PC2 should be modified to clearly show the financial impact of the current One Plan rules vs PC2 rules.	Reject
5.6	BakerAg NZ Limited		PPC2 proposes the test of “good management practice”. This term is vague, it need objective measures to describe what this mean in practice. It should also be introduced in a reasonable timeframe that encourages and allows for compliance. Submitter also asks how Horizons will	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			encourage “good management practice”. Where is the encouragement/positive incentives?	
FS1.5.6	Forest and Bird	SIP	Allow submission 5.6.	Accept in part
5.7	BakerAg NZ Limited		No decision requested.	No decision required
5.8	BakerAg NZ Limited		Most food producers want to do the “right thing” but are being especially let down by a relatively few who either don’t care or aren’t worried. We think it is very important that there is encouragement and reasonable time given those who are working to comply, and appropriate enforcement to those who are not making the necessary improvements.	No decision required
5.9	BakerAg NZ Limited		The timeframe for implementation of PPC2 provisions needs to be clear.	No decision required
5.10	BakerAg NZ Limited		PC2 needs a more detailed definition on the farm types that are included under PPC2, including mixed-use farms. These definitions must include allowances for cropping and dairy support.	No decision required
6.1	Andrew Yung	S	Support requiring all growers to operate at good management practice.	Accept in part
6.2	Andrew Yung		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.6.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.6.2	Federated Farmers of New Zealand	SIP/OIP	Allow S6.2 in part, except where priority is given to one land use over another.	Accept in part
7.1	Tommy Young	S	Support requiring all growers to operate at good management practice.	Accept in part
7.2	Tommy Young		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.7.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.7.2	Federated Farmers of New Zealand	SIP/OIP	Allow S7.2 in part. Except where priority is given to one land use over another.	Accept in part
8.1	David Young	S	Support requiring all growers to operate at good management practice.	Accept in part
8.2	David Young		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.8.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.8.2	Federated Farmers of New Zealand	SIP/OIP	Allow S8.2 in part, except where priority is given to one land use over another.	Accept in part
9.1	Gordon Sue	Support requiring all growers to operate at good management practice.	Support requiring all growers to operate at good management practice.	Accept in part
9.2	Gordon Sue		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.9.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.9.2	Federated Farmers of New Zealand	SIP/OIP	Allow S9.2 in part, except where priority is given to one land use over another.	Accept in part
10.1	Nigel Sue	S	Support requiring all growers to operate at good management practice.	Accept in part
10.2	Nigel Sue		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.10.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.10.2	Federated Farmers of New Zealand	SIP/OIP	Allow S10.2 in part, except where priority is given to one land use over another.	Accept in part
11.1	Andy Pescini		Support requiring all growers to operate at good management practice.	Accept in part
11.2	Andy Pescini		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.11.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.11.2	Federated Farmers of New Zealand	SIP/OIP	Allow S11.2 in part, except where priority is given to one land use over another.	Accept in part
12.1	John Young	S	Support requiring all growers to operate at good management practice.	Accept in part
12.2	John Young		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.12.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.12.2	Federated Farmers of New Zealand	SIP/OIP	Allow S12.2 in part, except where priority is given to one land use over another.	Accept in part
13.1	Cameron Lewis	S	Support requiring all growers to operate at good management practice.	Accept in part
13.2	Cameron Lewis		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.13.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.13.2	Federated Farmers of New Zealand	SIP/OIP	Allow S13.2 in part, except where priority is given to one land use over another.	Accept in part
14.1	Jeffery Wong		Support requiring all growers to operate at good management practice.	Accept in part
14.2	Jeffery Wong		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.14.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.14.2	Federated Farmers of New Zealand	SIP/OIP	Allow S14.2 in part, except where priority is given to one land use over another.	Accept in part
15.1	John Clarke	S	Support requiring all growers to operate at good management practice.	Accept in part
15.2	John Clarke		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.15.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.15.2	Federated Farmers of New Zealand	SIP/OIP	Allow S15.2 in part, except where priority is given to one land use over another.	Accept in part
16.1	Chris Pescini	S	Support requiring all growers to operate at good management practice.	Accept in part
16.2	Chris Pescini		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.16.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.16.2	Federated Farmers of New Zealand	SIP/OIP	Allow S16.2 in part, except where priority is given to one land use over another.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
17.1	Harry Bi	S	Support requiring all growers to operate at good management practice.	Accept in part
17.2	Harry Bi		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.17.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.17.2	Federated Farmers of New Zealand	SIP/OIP	Allow S17.2 in part, except where priority is given to one land use over another.	Accept in part
18.1	Jin Wen Luo	S	Support requiring all growers to operate at good management practice.	Accept in part
18.2	Jin Wen Luo		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.18.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.18.2	Federated Farmers of New Zealand	SIP/OIP	Allow S18.2 in part, except where priority is given to one land use over another.	Accept in part
19.1	Mei Hao Su	S	Support requiring all growers to operate at good management practice.	Accept in part
19.2	Mei Hao Su		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.19.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.19.2	Federated Farmers of New Zealand	SIP/OIP	Allow S19.2 in part, except where priority is given to one land use over another.	Accept in part
20.1	Peter Young		Support requiring all growers to operate at good management practice.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
20.2	Peter Young		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.20.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.20.2	Federated Farmers of New Zealand	SIP/OIP	Allow S20.2 in part, except where priority is given to one land use over another.	Accept in part
21.1	Norman Young	S	Support requiring all growers to operate at good management practice.	Accept in part
21.2	Norman Young		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.21.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.21.2	Federated Farmers of New Zealand	SIP/OIP	Allow S21.2 in part, except where priority is given to one land use over another.	Accept in part
22.1	Terry Olsen	S	Support requiring all growers to operate at good management practice.	Accept in part
22.2	Terry Olsen		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.22.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.22.2	Federated Farmers of New Zealand	SIP/OIP	Allow S22.2 in part, except where priority is given to one land use over another.	Accept in part
23.1	Michael Moleta	S	Support requiring all growers to operate at good management practice.	Accept in part
23.2	Michael Moleta		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			arrangements and to enable growers to move to less environmentally sensitive locations.	
FS2.23.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.23.2	Federated Farmers of New Zealand	SIP/OIP	Allow S23.2 in part, except where priority is given to one land use over another.	Accept in part
24.1	Jason Leong		Support requiring all growers to operate at good management practice.	Accept in part
24.2	Jason Leong		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.24.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.24.2	Federated Farmers of New Zealand	SIP/OIP	Allow S24.2 in part, except where priority is given to one land use over another.	Accept in part
25.1	Jin Luo		Support requiring all growers to operate at good management practice.	Accept in part
25.2	Jin Luo		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.25.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.25.2	Federated Farmers of New Zealand	SIP/OIP	Allow S25.2 in part, except where priority is given to one land use over another.	Accept in part
26.1	Bo Sue	S	Support requiring all growers to operate at good management practice.	Accept in part
26.2	Bo Sue		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.26.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.26.2	Federated Farmers of New Zealand	SIP/OIP	Allow S26.2 in part, except where priority is given to one land use over another.	Accept in part
27.1	Travis Sue		Support requiring all growers to operate at good management practice.	Accept in part
27.2	Travis Sue		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.27.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.27.2	Federated Farmers of New Zealand	SIP/OIP	Allow S27.2 in part, except where priority is given to one land use over another.	Accept in part
28.1	Jung Bros	S	Support requiring all growers to operate at good management practice.	Accept in part
28.2	Jung Bros		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.28.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.28.2	Federated Farmers of New Zealand	SIP/OIP	Allow S28.2 in part, except where priority is given to one land use over another.	Accept in part
29.1	DC and SK Sue LTD T/A Garden of York	S	Support requiring all growers to operate at good management practice.	Accept in part
29.2	DC and SK Sue LTD T/A Garden of York		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.29.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.29.2	Federated Farmers of New Zealand	SIP/OIP	Allow S29.2 in part, except where priority is given to one land use over another.	Accept in part
30.1	Daj-Chung Sue	S	Support requiring all growers to operate at good management practice.	Accept in part
30.2	Daj-Chung Sue		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.30.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.30.2	Federated Farmers of New Zealand	SIP/OIP	Allow S30.2 in part, except where priority is given to one land use over another.	Accept in part
31.1	Adam Jory	S	Support requiring all growers to operate at good management practice.	Accept in part
31.2	Adam Jory		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.31.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.31.2	Federated Farmers of New Zealand	SIP/OIP	Allow S31.2 in part, except where priority is given to one land use over another.	Accept in part
32.1	Pescini Bros	S	Support requiring all growers to operate at good management practice.	Accept in part
32.2	Pescini Bros		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.32.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.32.2	Federated Farmers of New Zealand	SIP/OIP	Allow S32.2 in part, except where priority is given to one land use over another.	Accept in part
33.1	Peter Young	S	Support requiring all growers to operate at good management practice.	Accept in part
33.2	Peter Young		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.33.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.33.2	Federated Farmers of New Zealand	SIP/OIP	Allow S33.2 in part, except where priority is given to one land use over another.	Accept in part
34.1	Xingzhuo Bi	S	Support requiring all growers to operate at good management practice.	Accept in part
34.2	Xingzhuo Bi		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.34.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.34.2	Federated Farmers of New Zealand	SIP/OIP	Allow S34.2 in part, except where priority is given to one land use over another.	Accept in part
35.1	Whelan Sue	S	Support requiring all growers to operate at good management practice.	Accept in part
35.2	Whelan Sue		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.35.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.35.2	Federated Farmers of New Zealand	SIP/OIP	Allow S35.2 in part, except where priority is given to one land use over another.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
36.1	Tony Jung	S	Support requiring all growers to operate at good management practice.	Accept in part
36.2	Tony Jung		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.36.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.36.2	Federated Farmers of New Zealand	SIP/OIP	Allow S36.2 in part, except where priority is given to one land use over another.	Accept in part
37.1	Paul Olsen	S	Support requiring all growers to operate at good management practice.	Accept in part
37.2	Paul Olsen		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.37.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.37.2	Federated Farmers of New Zealand	SIP/OIP	Allow S37.2 in part, except where priority is given to one land use over another.	Accept in part
38.1	HK Young	S	Support requiring all growers to operate at good management practice.	Accept in part
38.2	HK Young		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.38.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.38.2	Federated Farmers of New Zealand	SIP/OIP	Allow S38.2 in part, except where priority is given to one land use over another.	Accept in part
39.1	Minxian Luo (Maggie)		Support requiring all growers to operate at good management practice.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
39.2	Minxian Luo (Maggie)		Provisions be added to enable existing areas of vegetable growing to move onto different land, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations.	Accept in part
FS2.39.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS11.39.2	Federated Farmers of New Zealand	SIP/OIP	Allow S39.2 in part, except where priority is given to one land use over another.	Accept in part
40	DairyNZ Limited		Note: In addition to the amendments specified in the submission, DairyNZ seeks such further or other consequential or alternative relief as may be necessary to fully give effect to the relief sought in this submission.	
40	DairyNZ Limited	SIP	Prefers the approach outlined in own submission	Accept in part
40.1	DairyNZ Limited	SIP	<p>Amend Policy 5-8 (a)(i) (C) – (E):</p> <p><i>(A) take into account all the non-point sources of nitrogen in the catchment</i></p> <p><i>(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</i></p> <p><i>(C) “recognise the productive capability of land[^] in the Water Management Sub-zone* <u>(except this this shall only apply for existing intensive farming land use activities until 2023)</u></i></p> <p><i>(D) <u>recognise the nitrogen leaching rates of existing farms and require reductions from those existing nitrogen leaching rates that are achievable on most farms using good management practices</u></i></p> <p><i>(E) <u>result in the highest nitrogen leaching intensive farming land uses needing to make the greatest nitrogen leaching reductions</u></i></p> <p>Amend Policy 5-8(iia) & (A):</p> <p><i><u>(iia) Existing intensive land use activities which do not comply with (ii)</u></i></p>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<p><u>must be regulated to reduce nitrogen leaching which is in excess of the nitrogen leaching maximums established under (a) by implementing good farming management practices*, and additional mitigation measures to minimise the degree of non-compliance, having regard to:</u></p> <p>(A) <u>the feasibility, practicality, and cost of achieving the nitrogen leaching maximums specified in (i); and</u></p> <p>(B) <u>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 the need to maintain water quality where it meets the relevant Schedule E water quality targets and improve water quality where it does not meet the relevant Schedule E water quality targets and the strategy for groundwater quality in Policy 5-6.</u></p> <p>Amend Policy 5-8 (iib)</p> <p><u>(iib) Existing intensive land use activities which do not comply with (ii) but are intended to transition to an alternative non-intensive farming land use must may be regulated to ensure that they are able allow those activities to continue for a limited period of time provided that is for the purpose of in order to enabling a that transition to an alternative non-intensive farming land use and provided only where there is no increase in the exceedance of the nitrogen leaching maximums established under (a).</u></p>	
FS1.40.1	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Reject
FS4.40.1	Horticulture NZ	SIP	Allow submission in part, subject to refinements to provide for commercial vegetable growing	Accept in part
FS14.40.1	Beef + Lamb New Zealand	SIP	Allow the decision requested in S40.1.	Accept in part
FS29.40.1	Horowhenua District Council	OIP	A 'one size fits all' regulatory approach for intensive landuse activities is not supported, particularly for target catchments in the Horowhenua District. The Council opposes submission 40 in principle.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
40.2	DairyNZ Limited	SIP	Clarify that the research referred to in Method 5-12 is to focus on N loss mitigation options.	Accept in part
FS1.40.2	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Reject
FS29.40.2	Horowhenua District Council	OIP	As stated in FS29.1	Reject
40.3	DairyNZ Limited	SIP	Amend Method 5-13 to clarify that Table 14.2 leaching maximums (which in accordance with this submissions should only survive in One Plan post 2023 in respect of new intensive farming uses) <i>will</i> be updated following new versions of Overseer version issues if the version change makes a material difference to the calculated leaching maxima. This should be achieved by including the methodology for the calculation of Table 14.2's leaching maximums in a schedule to One Plan and by providing for Table 14.2 to be updated in accordance with that Schedule without the Schedule One process.	Accept in part
FS1.40.3	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Reject
FS4.40.3	Horticulture NZ	SIP	Allow submission in part, subject to refinements to provide for commercial vegetable growing	Accept in part
FS29.40.3	Horowhenua District Council	OIP	As stated in FS29.1	Reject
40.4	DairyNZ Limited	S	Amend Policy 14-3 as proposed in PPC2 to refer to <u>good farming practice</u> rather than <u>good management practice</u> .	Reject
FS1.40.4	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Accept
FS29.40.4	Horowhenua District Council	OIP	As stated in FS29.1	Accept in part
40.5	DairyNZ Limited	OIP	Amend Policy 14-5(d): <u>Except as provided for in Policy 14-6(d). Existing intensive farming land uses regulated in accordance with (b)(i) must be managed in the following manner:</u> <u>Until 30 June 2023 by te-ensuring</u> that the leaching of nitrogen from those land^ uses does not exceed:	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<p><u>(i) the cumulative nitrogen leaching maximum* values for each year contained in Table 14.2, unless the circumstances in Policy 14-6 apply; or whichever is the lesser of</u></p> <p><u>(ii) 90% of the leaching occurring on the land in the 2012/2013 year; and</u></p> <p><u>(iii) The 75th percentile nitrogen leaching loss* for the Surface Water Management Zone*</u></p> <p><u>After 30 June 2023, by ensuring that the leaching of nitrogen from those land^ uses does not exceed the lesser of:</u></p> <p><u>(i) 90% of the leaching occurring on the land in the 2012/2013 year; and</u></p> <p><u>(ii) The 75th percentile nitrogen leaching loss*</u></p>	
FS1.40.5	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Reject
FS3.40.5	Director General of Conservation	OIP	Reject in part the request to amend Policy 14-5 as per DairyNZ and Federated Farmers. Concerned that submitter's requests undermine the use of the LUC framework. The LUC approach was developed through extensive processes. It is not clear how the request will give effect to the NPS-FM, RPS, or will achieve water quality outcomes and reduce nitrogen leaching.	Reject
FS4.40.5	Horticulture NZ	SIP	Allow submission in part. Provide a specific consenting pathway for commercial vegetable growing.	Accept in part
FS5.40.5	Environmental Defence Society Inc.	O	Reject the parts of the submissions of Dairy NZ (S40) that relate to an alternative pathway for intensive farming land use activities that cannot meet the Table 14.2 CNLMs by ensuring that nitrogen leaching from such activities does not exceed the lesser of (i) 90% of the leaching occurring on the land in the 2012/2013 year; or (ii) the 75 th percentile of nitrogen leaching loss for the [sic] water management sub zone.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS14.40.5	Beef + Lamb New Zealand	OIP	Disallow the relief requested in S40.5 that proposes to restrict existing intensive farming which is unable to meet Table 14.2 to (ii) 90% of the leaching occurring on the land in the 2012/2013 year; and iii)The 75th percentile nitrogen leaching loss for the Surface Water Management Zone.	Reject
FS29. 40.5	Horowhenua District Council	OIP	As stated in FS29.1	Reject
40.6	DairyNZ Limited	SIP	<p>Amend Policy 14-6 (d) and (d)(i):</p> <p><u>(d) Provide for exceptions to (a) for existing intensive farming land[^] uses that exceed the <i>cumulative</i> nitrogen leaching <i>maximum*rate specified in Policy 14-5 (d)</i> where:</u></p> <p><u>(i) Good <i>management farming</i> practices* are implemented in accordance with a nutrient management plan*, along with additional <i>innovations and mitigation</i> measures to further reduce nutrient leaching and run-off, faecal contamination and sediment losses from the land[^] progressively over time; or</u></p> <p>Amend Policy 14-6(e)(i):</p> <p><u>(i) Whether the proposed <i>mitigation innovations and</i> measures represent the <i>best practicable option[^]</i> to minimise the nutrient leaching and run-off, faecal contamination and sediment losses from the <i>land[^]</i>, having particular regard <u>(in addition to those matters set out in section 2 of the Act) to:</u></u></p> <p><u>(A) The extent of the exceedance of the <i>cumulative nitrogen leaching maximum* in Table 14.2</i> leaching rates described in Policy 14-5 (d);</u></p> <p><u>(B) The rate of reduction of nitrogen loss towards the <i>cumulative nitrogen leaching maximum* for any given year in Table 14.2</i> leaching rates described in Policy 14-5 (d);</u></p> <p><u>(C) Whether further reductions are currently possible for the intensive farming <i>land[^]</i> use based on <i>mitigation measures available to</i></u></p>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<p><u>farmers that have been tested and proven to be effective at a farm scale existing technologies.</u></p> <p>Amend Policy 14-6(e)(v):</p> <p><u>(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.</u></p>	
FS1.40.6	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Reject
FS4.40.6	Horticulture NZ	SIP/OIP	Allow submission in part. Provide a specific consenting pathway for commercial vegetable growing.	Accept in part
FS14. 40.6	Beef + Lamb New Zealand	SIP	Allow the decision requested in S40.6.	Accept in part
FS29. 40.6	Horowhenua District Council	OIP	As stated in FS29.1	Reject
40.7	DairyNZ Limited	SIP	<p>Retain the updated Table 14.2 subject to:</p> <ol style="list-style-type: none"> 1. Including a footnote to the table indicating the version of Overseer used to derive the numbers. 2. Including the methodology used to calculate the numbers in One Plan Table 14.2 as an Appendix to One Plan. 3. Including provision in One Plan to update Table 14.2 numbers in accordance with the methodology described in 3 above, when a new version of Overseer is issued. 4. Include reference to the fact that the updating described in 4 above will be done without using a Schedule 1 process. 	Accept in part
FS1.40.7	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Reject
FS2.40.7	Water Protection Society	S	Allow the proposed revision of CNLM in Table 14.2.	Accept
FS29.40.7	Horowhenua District Council	OIP	As stated in FS29.1	Reject
40.8	DairyNZ Limited	OIP	Retain Rule 14-1 but amend to give effect to Policy 14-5 (as proposed to be redrafted by DairyNZ submission (refer to S.40.5)). That can be achieved by adopting the wording set out in Attachment 1 to DairyNZ submission (or wording with similar effect).	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS1.40.8	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Accept in part
FS3.40.8	Director General of Conservation	O	Reject in part the request to amend Policy 14-5 as per DairyNZ and Federated Farmers. Concerned that submitter's requests undermine the use of the LUC framework. The LUC approach was developed through extensive processes. It is not clear how the request will give effect to the NPS-FM, RPS, or will achieve water quality outcomes and reduce nitrogen leaching.	Accept in part
FS4.40.8	Horticulture NZ	SIP/OIP	Allow submission in part. Provide a specific consenting pathway for commercial vegetable growing.	Accept in part
FS5.40.8	Environmental Defence Society Inc	O	Reject the parts of the submissions of Dairy NZ (S40) that relate to an alternative pathway for intensive farming land use activities that cannot meet the Table 14.2 CNLMs by ensuring that nitrogen leaching from such activities does not exceed the lesser of (i) 90% of the leaching occurring on the land in the 2012/2013 year; or (ii) the 75 th percentile of nitrogen leaching loss for the [sic] water management sub zone.	Accept in part
FS14. 40.8	Beef + Lamb New Zealand	OIP	Disallow in part S40.8.	Accept in part
FS29. 40.8	Horowhenua District Council	OIP	As stated in FS29.1	Reject
40.9	DairyNZ Limited	SIP	Retain Rule 14-2 but amend to be consistent with the nitrogen leaching limit approach proposed by DairyNZ. This involves an amendment to the Conditions/Standards and Terms as indicated by the redrafting provided as Attachment 1 to the DairyNZ submission (or wording to like effect).	Accept in part
FS1.40.9	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Accept in part
FS3.40.9	Director General of Conservation	O	Reject the request to amend Policy 14-5 as per DairyNZ and Federated Farmers. Concerned that submitter's requests undermine the use of the LUC framework. The LUC approach was developed through extensive processes. It is not clear how the request will give effect to the NPS-FM, RPS, or will achieve water quality outcomes and reduce nitrogen leaching.	Accept in part
FS4.40.9	Horticulture NZ	SIP/OIP	Allow submission in part. Provide a specific consenting pathway for commercial vegetable growing.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS5.40.9	Environmental Defence Society Inc.	O	Reject the parts of the submissions of Dairy NZ (S40) that relate to an alternative pathway for intensive farming land use activities that cannot meet the Table 14.2 CNLMs by ensuring that nitrogen leaching from such activities does not exceed the lesser of (i) 90% of the leaching occurring on the land in the 2012/2013 year; or (ii) the 75 th percentile of nitrogen leaching loss for the [sic] water management sub zone. The submitter asserts the approach is lenient, and would discriminate between land uses, potentially favouring the continuation of high nitrogen leaching activities.	Accept in part
FS14.40.9	Beef + Lamb New Zealand	OIP	Disallow in part S40.9.	Accept in part
FS29.40.9	Horowhenua District Council	OIP	As stated in FS29.1	Reject
40.10	DairyNZ Limited	S	Retain Rule 14-2A with the minor amendments shown in Attachment 1 to the Dairy NZ submission.	Accept in part
FS1.40.10	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Accept in part
FS2.40.10	Water Protection Society	O	Disallow requested provision for consent pathway for intensive land uses that do not comply with Table 14.2.	Accept in part
FS4.40.10	Horticulture NZ	SIP	Allow submission in part. Provide a specific consenting pathway for commercial vegetable growing.	Accept in part
FS29.40.10	Horowhenua District Council	OIP	As stated in FS29.1	Reject
40.11	DairyNZ Limited	S	Amend definition as notified to: <i>“Good <u>management farming</u> practices refers to evolving practical measures and methods, including those established in industry based</i>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<i>standards, which are used at a sector or community farm level to minimise effects of discharges to land[^] and water[^]. “</i>	
FS1.40.11	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Accept in part
FS4.40.11	Horticulture NZ	SIP	Allow submission in part. Provide a specific consenting pathway for commercial vegetable growing.	Accept in part
FS29.40.11	Horowhenua District Council	OIP	As stated in FS29.1	Reject
40.12	DairyNZ Limited	S	Retail the definition of Nutrient Management Plan as notified.	Accept in part
FS1.40.12	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Accept in part
FS29.40.12	Horowhenua District Council	OIP	As stated in FS29.1	Reject
40.13	DairyNZ Limited		Include a definition nitrogen baseline: <i>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 nitrogen related farm input data as used for the 1 July 2012 to 30 June 2013 period.</i>	Accept in part
FS1.40.13	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Accept in part
FS4.40.13	Horticulture NZ	O	Allow submission in part. Provide a specific consenting pathway for commercial vegetable growing.	Accept in part
FS5.40.13	Environmental Defence Society Inc.	O	Reject the parts of the submissions of Dairy NZ (S40) that relate to an alternative pathway for intensive farming land use activities that cannot meet the Table 14.2 CNLMs by ensuring that nitrogen leaching from such activities does not exceed the lesser of (i) 90% of the leaching occurring on the land in the 2012/2013 year; or (ii) the 75 th percentile of nitrogen leaching loss for the [sic] water management sub zone.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS29.40.13	Horowhenua District Council	OIP	As stated in FS29.1	Reject
40.14	DairyNZ Limited		Include a definition of 75 th percentile nitrogen leaching loss as follows: <u>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.</u>	Accept in part
FS1.40.14	Forest and Bird	O	Disallow Dairy NZ S40.1 – S40.14.	Accept in part
FS4.40.14	Horticulture NZ	O	Disallow the application of the 75th percentile nitrogen leaching loss commercial vegetable growing.	Accept in part
FS5.40.14	Environmental Defence Society Inc.	O	Reject the parts of the submissions of Dairy NZ (S40) that relate to an alternative pathway for intensive farming land use activities that cannot meet the Table 14.2 CNLMs by ensuring that nitrogen leaching from such activities does not exceed the lesser of (i) 90% of the leaching occurring on the land in the 2012/2013 year; or (ii) the 75 th percentile of nitrogen leaching loss for the [sic] water management sub zone.	Accept in part
FS12.40.14	Potatoes New Zealand	S	Adopt the proposed changes in PNZ FS12.	Accept in part
FS14.40.14	Beef + Lamb New Zealand	OIP	Disallow in part S40.14.	Accept in part
FS29.40.14	Horowhenua District Council	OIP	As stated in FS29.1	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
41.1	Mike Moleta on behalf of Freshpik Farms Ltd		Support a performance-based method for tallying nutrient losses related to horticultural management practices. The potato sector is supporting a more accurate “direct measurement” based approach and in my view that its appropriate for the industry.	Accept in part
41.2	Mike Moleta on behalf of Freshpik Farms Ltd		Support requiring all growers to operate at good management practice.	Accept in part
41.3	Mike Moleta on behalf of Freshpik Farms Ltd		Provisions be added to incentivise and enable existing areas of vegetable growing to move onto suitable land in a different catchments across the region, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations as they are available.	Accept in part
FS11.41.3	Federated Farmers of New Zealand	SIP/OIP	Allow S41.3.2 in part, except where priority is given to one land use over another.	Accept in part
FS12.41.3	Potatoes New Zealand	S	Make small amendments to the initial relief proposed by PNZ. Refer to FS12. The relief amends the new methods proposed by PNZ as RDA Rule 14-2AA and DA Rule 14-2B. Also make small changes to Schedule X in the PNZ submission.	Accept in part
41.4	Mike Moleta on behalf of Freshpik Farms Ltd		Enable collaborative or collective consenting approaches to regulating potato production activities. This has been demonstrated as workable by the irrigation schemes and should be expressly provided for in this Plan.	Accept in part
FS12.41.4	Potatoes New Zealand	S	Make small amendments to the initial relief proposed by PNZ. Refer to FS12.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			The relief amends the new methods proposed by PNZ as RDA Rule 14-2AA and DA Rule 14-2B. Also make small changes to Schedule X in the PNZ submission.	
41.5	Mike Moleta on behalf of Freshpik Farms Ltd		Where this submission aligns with Potatoes NZ and Horticulture NZ submission, I also support those submissions.	Accept in part
42.1	Horowhenua District Council		PC2 be withdrawn and transitioned to a collaborative planning process as set out in Part 4, Schedule 1 of the RMA.	Reject
FS1.42.1	Forest and Bird	SIP	Allow request for PPC2 to be withdrawn.	Reject
FS4.42.1	Horticulture NZ	SIP	Allow submission.	Reject
FS11.42.1	Federated Farmers of New Zealand	SIP	Allow S42.1 in part.	Reject
42.2	Horowhenua District Council		On the basis of the specific comments above relation to wastewater management schemes, Council seek that PC2 needs to be amended to, as a minimum, exclude areas which receive municipal wastewater applications to land from needing to meet Table 14.2 N leaching limits and the municipal wastewater application be provided by an alternative policy framework similar to Policy 5-6 in the Regional Plan intensive land use provisions. Or in the alternative, without prejudice to the decision requested, such other relief as will achieve the reasons for the Council's submission.	Reject
FS1.42.2	Forest and Bird	O	Disallow Horowhenua District Council S42.2.	Accept
FS2.42.2	Water Protection Society	O	Disallow any exceptions to Table 14.2	Accept
FS7.42.2	Manawatū District Council	S	Allow amendment to PPC2 to exclude areas receiving municipal wastewater applications to land from having to meet Table 14.2 N leaching limits and be provided with an alternative policy framework.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.42.2	Federated Farmers of New Zealand	O	Reject decision requested in S42.2.	Accept
FS12.42.2	Potatoes New Zealand	S	Adopt the changes proposed in PNZ FS12.	Accept in part
43.1	Ohakune Growers Association		Propose a tailored approach for commercial vegetable production. This is required if land with high production value is to be realised for its food production purpose, while achieving catchment wide water quality improvements.	Accept in part
FS2.43.1	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS4.43.1	Horticulture NZ	S	Allow Submission.	Accept in part
FS32.43.1	Horowhenua District Council	SIP	Supports the creation of bespoke policy settings and regulations for horticultural activities, distinct from other primary production systems.	Accept in part
43.2	Ohakune Growers Association		Support requiring all growers to operate at good management practice.	Accept in part
FS4.43.2	Horticulture NZ	S	Allow Submission.	Accept in part
43.3	Ohakune Growers Association		Propose provisions be added existing areas of vegetable growing to move onto different land. This provision is required for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations where lease arrangements provide that opportunity.	Accept in part
FS2.43.3	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS4.43.3	Horticulture NZ	S	Allow Submission.	Accept in part
FS11.43.3	Federated Farmers of New Zealand	SIP/OIP	Allow S43.3.2 in part, except where priority is given to one land use over another.	Accept in part
FS12.43.3	Potatoes New Zealand	S	Adopt changes proposed in PNZ FS12. Make small amendments to the initial relief proposed by PNZ in the strikethrough attached to this further submission below. The relief proposed amends a new method proposed by PNZ as CA Rule 14-1A.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS32.43.3	Horowhenua District Council	SIP	Supports the creation of bespoke policy settings and regulations for horticultural activities, distinct from other primary production systems.	Accept in part
44.1	Ian Corbetts		Support a performance-based method for tallying nutrient losses related to horticultural management practices. The potato sector is supporting a more accurate “direct measurement” based approach and in my view that is appropriate for the industry.	Accept in part
FS2.44.1	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
44.2	Ian Corbetts		Support requiring all growers to operate at good management practice.	Accept in part
FS2.44.2	Water Protection Society	O	Reject the decisions requested by submitters to adopt Good Management Practices as sufficient to obtain a consent despite not meeting Table 14.2.	Accept in part
44.3	Ian Corbetts		Provisions be added to incentivise and enable existing areas of vegetable growing to move onto suitable land in a different catchment across the region for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations as they are available.	Accept in part
FS11.44.3	Federated Farmers of New Zealand	SIP/OIP	Allow S44.3 in part, except where priority is given to one land use over another.	Accept in part
44.4	Ian Corbetts		Enable collaborative or collective approaches to regulating potato production activities. This has been demonstrated as workable by the irrigations schemes and should be expressly provided for in the Plan.	Accept in part
44.5	Ian Corbetts		Where this submission aligns with Potatoes NZ and Horticulture NZ submissions, the submitter also supports those submissions.	Accept in part
45.1	Ravensdown Limited	S	Retain the amendments to the first part of Policy 5-8 as notified, as follows: <i>“Policy 5-8: Management and Regulation of intensive farming land[^] use activities affecting groundwater and surface water[^] quality</i>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<i>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: ...”</i>	
FS1.45.1	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Reject
45.2	Ravensdown Limited	SIP	Amend Policy 5-8(a)(iia) and (iib): <i>(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 nitrogen leaching the degree of non-compliance, having regard to: (A) the feasibility, practicality, and cost of achieving the nitrogen leaching reductions maximums specified in (i); and (iib) Existing land[^] use activities which do not comply with (ii) but are intended to transition to an alternative non-intensive farming land[^] 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 losses from the existing land[^] use activity maximums established under (a).</i>	Accept in part
FS1.45.2	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Reject
FS11.45.2	Federated Farmers of New Zealand	SIP/OIP	Disallow decision requested in Ravensdown Limited S45 to Policy 5-8(a)(iia). Disallow proposed amendments by Ravensdown Limited to Policy 5-8(a)(iib).	Reject
45.3	Ravensdown Limited	SIP	Amend Policy 5-8(d): “Good management practices*” <i>(i) All intensive farming land[^] use activities must be regulated to manage nutrient leaching and run-off, faecal contamination, and sediment losses in accordance with good management practices*”</i>	Reject
FS1.45.3	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Accept
45.4	Ravensdown Limited	SIP	Amend Method 5-12 as follows: “Description Support initiatives by local communities, sector groups or tangata whenua which develop options for sustainable land use in the	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<i>Region. Support for work in Water Management Sub-zones* where nitrogen leaching is an issue, <u>as identified in Table 14.1</u>, will be a priority in order to find viable options for intensive farming land users <u>to sustainably reduce nitrogen leaching from their farming activities that will have difficulty in achieving the cumulative nitrogen leaching maximums* (refer Table 14.1).</u></i>	
FS1.45.4	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Reject
FS11.45.4	Federated Farmers of New Zealand	OIP	Allow the reference to Table 14.1 in Ravensdown S45.5. Retain the wording “ <u>sustainably reduce</u> ” if it aligns with FFNZ’s interpretation.	Accept in part
45.5	Ravensdown Limited	SIP	Amend Method 5-13 to remove references to Overseer version changes: “Description <i>Horizons will collate and publish information regarding 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.</i>	Accept in part
FS1.45.5	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Reject
FS11.45.5	Federated Farmers of New Zealand	OIP	Reject Ravensdown S45.5 in respect of Method 5-13. Include the wording “ <u>Overseer, including version changes...</u> ”	Accept in part
45.6	Ravensdown Limited	S	Retain the amendments to Policy 14-3 as notified in PPC2.	Accept in part
FS1.45.6	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Reject
45.7	Ravensdown Limited	S	Retain the amendments to Policy 14-5 as notified in PPC2.	Reject
FS1.45.7	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Accept
45.8	Ravensdown Limited	SIP	Amend Policy 14-6(e) as follows: <i>(i) Whether the proposed innovations and measures represent the best practicable option[^] to will minimise the nutrient leaching and run-off, faecal contamination and sediment losses from the land[^], having particular regard to:</i> <i>(A) <u>The extent of the exceedance of the cumulative nitrogen</u></i>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<p><i>leaching maximum* in Table 14.2;</i></p> <p>(B) The rate of reduction of nitrogen loss towards the cumulative nitrogen leaching maximum* for any given year in Table 14.2;</p> <p>(C) Whether further reductions are currently possible for the intensive farming land[^] use based on existing technologies.</p> <p>(ii) 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;</p> <p>(ii)(iii) The nature and characteristics of the land[^] ...</p> <p>(iii)(iv) The contribution of the progressive reduction ...</p> <p>(iv)(v) The strategy for surface water[^] quality set out ...</p>	
FS1.45.8	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Reject
FS11.45.8	Federated Farmers of New Zealand	OIP	Reject Ravensdown S45.8 regarding Policy 14-6 (e). Clause (e)(ii) should be retained with an amendment to require consideration of a methodology to update Table 14.2 as Overseer versions change.	Accept in part
45.9	Ravensdown Limited	O	<p>While there will continue to be ongoing issues associated with the use of 'cumulative nitrogen leaching maximum', as contained in Table 14.2, retain the table as amended by PPC2 given its use as a resource management tool throughout the One Plan; AND</p> <p>Amend Table 14.2 by identifying the version of Overseer (version 6.3.1) that was used to calculate the leaching values contained in this table.</p>	Accept in part
FS1.45.9	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Reject
FS2.45.9	Water Protection Society	S	Allow the proposed revision of CNLM in Table 14.2.	Accept
45.10	Ravensdown Limited	S	Retain the amendments of Rule 14-1 as notified in PPC2.	Accept in part
FS1.45.10	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Accept in part
45.11	Ravensdown Limited	S	Retain the amendments of Rule 14-2 as notified in PPC2.	Accept in part
FS1.45.11	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
45.12	Ravensdown Limited	S	Retain Rule 14-2A as notified; And amend the Conditions (f) to (j), to Conditions (a) to (e).	Accept in part
FS1.45.12	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Accept in part
45.13	Ravensdown Limited	SIP	Amend the definition of 'good management practices' as follows: <i>"refers to evolving practical measures and methods, including those established in industry-based guidance documents standards, which are used at a sector or community level to minimise the effects of discharges to land[^] and water[^]."</i>	Accept in part
FS1.45.13	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Accept in part
FS11.45.13	Federated Farmers of New Zealand	OIP	Disallow amendment to definition of GMP as suggested in S45.13.	Accept in part
45.14	Ravensdown Limited	SIP	Amend the definition of nutrient management plan as follows: <i>"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 information used in and derived from the recognised nutrient management model used to prepare the plan) and takes into account all sources of nutrients for intensive farming and..."</i>	Accept in part
FS1.45.14	Forest and Bird	O	Disallow Ravensdown S45.1 – S45.14.	Accept in part
FS11.45.14	Federated Farmers of New Zealand	S	Allow Ravensdown S45.14.	Accept in part
FS12.45.14	Potatoes New Zealand	SIP	Adopt changes proposed in PNZ FS12.	Accept in part
46	The Arawhata Wetland Alliance Group (AWA Group)	O	Concerned that PC2 forecloses opportunities for proposals that could substantially reduce overall N leaching and remove sediment, phosphorus and nitrates	Accept in part
FS11.46.1	Federated Farmers of New Zealand	O	Reject S46.1 suggesting that PPC2 be withdrawn.	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS12.46.1	Potatoes New Zealand	S	Adopt the changes proposed in PNZ FS12.	Accept in part
46.1	The Arawhata Wetland Alliance Group (AWA Group)	O	That Plan Change 2 be withdrawn. Or in the alternative, transitioned to a collaborative planning process as set out in Part 4, Schedule 1 of the RMA 1991. Or in the alternative, without prejudice to the decision requested, such other relief that will achieve the reasons for the AWA Group's submission.	Accept in part
47	Ian Grant & Shirley Cumming	O	Supports the submissions lodged by Dairy NZ and Federated Farmers NZ	Accept in part
47.1	Ian Grant & Shirley Cumming	O	Amend Policy 5-8 as requested by DairyNZ and Federated Farmers in their submission.	Accept in part
47.2	Ian Grant & Shirley Cumming	O	Amend Method 5-12 as requested by DairyNZ and Federated Farmers in their submission.	Accept in part
47.3	Ian Grant & Shirley Cumming	O	Amend M5-13 as requested by DairyNZ and Federated Farmers in their submission.	Accept in part
47.4	Ian Grant & Shirley Cumming	OIP	Amend Policy 14-3 as requested by DairyNZ and Federated Farmers in their submission.	Accept in part
47.5	Ian Grant & Shirley Cumming	OIP	Amend Policy 14-5 as requested by DairyNZ and Federated Farmers in their submission.	Accept in part
47.6	Ian Grant & Shirley Cumming	O	Amend Policy 14-6 as requested by DairyNZ and Federated Farmers in their submission.	Accept in part
47.7	Ian Grant & Shirley Cumming		Amend Rule 14-1 as requested by DairyNZ and Federated Farmers in their submission.	Accept in part
47.8	Ian Grant & Shirley Cumming	O	Amend Rule 14-2 as requested by DairyNZ and Federated Farmers in their submission.	Accept in part
47.9	Ian Grant & Shirley Cumming	O	Amend Rule 14-2A as requested by DairyNZ and Federated Farmers in their submission.	Accept in part
FS2.47.9	Water Protection Society	O	Disallow requested provision for consent pathway for intensive land uses that do not comply with Table 14.2.	Accept in part
47.10	Ian Grant & Shirley Cumming		Amend definitions as requested by DairyNZ and Federated Farmers in their submission	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
48	Sarah von Dadelszen		Prefers the approach set out in the submissions of Dairy NZ and Federated Farmers	Accept in part
48.1	Sarah von Dadelszen		Policy 5-8, amend this policy as requested by Federated Farmers and DairyNZ in their submission. Submitter seeks a reasonable consenting pathway for existing intensive (Horizons words) farming activities as proposed by Dairy and Federated Farmers submissions.	Accept in part
48.2	Sarah von Dadelszen		Method 5-12, amend this as requested by Dairy NZ and Federated Farmers in their submission. Submitter agrees with Federated Farmers and DairyNZ to not lock farmers into the CNLMs or require farmers to meet these targets. Submitter does agree with finding reasonable solutions and working together with Council to look at how high numbers can be reduced. Submitter does not see N as being the big issue it is made out to be, Phosphates and sediment can be but N on its own is not the worst thing for our rivers as depicted in the Plan	Accept in part
48.3	Sarah von Dadelszen		Method 5-13, amend this method as requested by DairyNZ and Federated Farmers in their submission. Submitter is very concerned about the continued reliance on Overseer and retaining the LUC approach through Table 14.2. Overseer was not developed for this and the science is not good enough for us as farmers need to rely on it for compliance. Submitter does not therefore know how future version changes to Overseer will impact on them, or our ability to meet the LUC numbers.	Accept in part
48.4	Sarah von Dadelszen		Amend Policy 14-3 as requested by DairyNZ and Federated Farmers in their submission. Submitter is concerned with how this will be defined, open to interpretation and this seems to change constantly. Submitter needs some certainty.	Accept in part
48.5	Sarah von Dadelszen		Amend Policy 14-5 as requested by DairyNZ and Federated Farmers in their submission. Submitter needs greater certainty as to when the rules apply from and what is treated as existing farming and what year we are in terms of Table 14.2. We need a reasonable timeframe for any reductions to occur. Also where they are already at a reasonable level,	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			and many are that no further requirement is made to continue to lower them.	
48.6	Sarah von Dadelszen		Amend Policy 14-6 as per DairyNZ and Federated Farmers. Table 14.2 numbers do not change, despite Overseer updates that model new numbers on farm. There could also be other science information and measurements that get developed that make Overseer obsolete. There is no provision for this.	Accept in part
48.7	Sarah von Dadelszen		Amend Rule 14-1 as requested by Dairy and Federated Farmers. Submitter agrees that Plan Change 2 is an interim solution and that a more durable and flexible solution (given that scientific facts needs to be the basis of any solution) needs to be a priority for the council and the whole community. Remembering that the community also requires sound economic outputs and strong wellbeing from its food producers and those associate with the industry. The last two points need to be part of any solution. Nitrogen cannot be looked at in isolation.	Accept in part
48.8	Sarah von Dadelszen		Amend Rule 14-2 as requested by DairyNZ and Federated Farmers. Submitter agrees that Plan Change 2 is an interim solution and that a more durable and flexible solution (given that scientific facts needs to be the basis of any solution) needs to be a priority for the council and the whole community. Remembering that the community also requires sound economic outputs and strong wellbeing from its food producers and those associate with the industry. The last two points need to be part of any solution. Nitrogen cannot be looked at in isolation.	Accept in part
48.9	Sarah von Dadelszen		Amend Rule 14-2A as requested by DairyNZ and Federated Farmers. Submitter agree that Plan Change 2 is an interim solution and that a more durable and flexible solution (given that scientific facts needs to be the basis of any solution) needs to be a priority for the council and the whole community. Remembering that the community also requires sound economic outputs and strong wellbeing from its food producers and those associate with the industry. The last two points needs to be part of any solution. Nitrogen cannot be looked at in isolation.	Accept in part
FS2.48.9	Water Protection Society	O	Disallow requested provision for consent pathway for intensive land uses that do not comply with Table 14.2.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
49.1	Geoff and Cynthia Kane		Prefers the approach set out in the submissions of Dairy NZ and Federated Farmers NZ	Accept in part
49.2	Geoff and Cynthia Kane		Submitter supports the submissions of Federated Farmers and Dairy NZ that hives another pathway for those that cannot achieve base figures but can achieve a 10% drop – 75 th percentile.	Accept in part
FS2.49.2	Water Protection Society	O	Disallow requested provision for consent pathway for intensive land uses that do not comply with Table 14.2.	Accept in part
50.1	John William Thomas Lamason		Why not amend the one plan policy to provide a pathway to provide a discretionary consent that will give us some peace of mind and work from there.	Accept in part
FS2.50.1	Water Protection Society	O	Disallow requested provision for consent pathway for intensive land uses that do not comply with Table 14.2	Accept in part
51.1	Mark Thomas Woodruffe	S	Go ahead with the proposed plan change 2.	Accept in part
FS2.51.1.1	Water Protection Society	S	Allow the proposed revision of CNLM in Table 14.2.	Accept
FS2.51.1.2	Water Protection Society	O	Disallow requested provision for consent pathway for intensive land uses that do not comply with Table 14.2.	Reject
52	Russell and Karen Phillips, Waka Dairies Ltd	SIP	Supports PC2 as a more practical approach than operative One Plan	Accept in part
52.1	Russell and Karen Phillips, Waka Dairies Ltd	O	Amend Policy 5-8 as requested by DairyNZ and Federated Farmers.	Accept in part
52.2	Russell and Karen Phillips, Waka Dairies Ltd	O	Amend Method 5-12 as requested by DairyNZ and Federated Farmers.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
52.3	Russell and Karen Phillips, Waka Dairies Ltd	O	Amend Method 5-13 as requested by DairyNZ and Federated Farmers.	Accept in part
52.4	Russell and Karen Phillips, Waka Dairies Ltd	OIP	Amend Policy 14-3 as requested by DairyNZ and Federated Farmers.	Accept in part
52.5	Russell and Karen Phillips, Waka Dairies Ltd	OIP	Amend Policy 14-5 as requested by DairyNZ and Federated Farmers.	Accept in part
52.6	Russell and Karen Phillips, Waka Dairies Ltd	O	Amend Policy 14-6 as requested by DairyNZ and Federated Farmers.	Accept in part
52.7	Russell and Karen Phillips, Waka Dairies Ltd	O	Amend Rule 14-1 as requested by DairyNZ and Federated Farmers.	Accept in part
52.8	Russell and Karen Phillips, Waka Dairies Ltd	O	Amend Rule 14-2 as requested by DairyNZ and Federated Farmers.	Accept in part
52.9	Russell and Karen Phillips, Waka Dairies Ltd	O	Amend Rule 14-2A as requested by DairyNZ and Federated Farmers.	Accept in part
FS2.52.9	Water Protection Society	O	Disallow requested provision for consent pathway for intensive land uses that do not comply with Table 14.2.	Accept in part
52.10	Russell and Karen Phillips, Waka Dairies Ltd	OIP	Amend definitions as requested by DairyNZ and Federated Farmers	Accept in part
53.1	Andrew Day		Supports the framework of Table 14.2 and the inherent transparent allocation of scarce resource across entire catchments. Submitter supports the need to include updates of Overseer to accurately assess compliance with Table 14.2, but does not support these particular updated values in Table 14.2 and particularly not as a region wide threshold value.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.53.1	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept
53.2	Andrew Day		Submitter supports good management practices within the values stated in Table 14.2 but oppose these same practices when used to justify intensity of environmental impact beyond these levels.	Accept in part
FS2.53.2	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
53.3	Andrew Day	S	Supports the addition of a policy and rule stream to allow non-intensive land uses to opt in to the formal resource allocation framework (see pages 5-77, 5-78 of 2012 decisions from the Environment Court).	Reject
FS2.53.3	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Reject
FS9.53.3	DairyNZ	O	Reject the decision requested in Andrew Day S53.3.	Accept
53.4	Andrew Day	S	Supports the introduction of a nutrient traceability policy and rule to help reduce the economic cost of PC2 (see pages 5-77, 5-78 of the 2012 decisions from the Environment Court).	Reject
FS9.53.4	DairyNZ	O	Reject the decision requested in Andrew Day S53.4.	Accept
53.5	Andrew Day		Following the actions of Council in granting restrict discretionary consents, submitter no longer consider this leave of consent is adequate or sufficiently transparent and that all consents granted should be searchable by the public on a publicly available database.	No decision required
54	Environmental Defence Society Incorporated		Note: The submitter seeks the relief set out in Appendix 1 of the submission, or such similar, or other, further, and/or consequential relief as necessary to address this submission.	
54	Environmental Defence Society Incorporated	SIP	Opposed in principle Do not support the discretionary activity consenting pathway as proposed	Reject (to the extent that PC2 is retained in principle) Accept in part (to the extent that some of the amendments to the Chapter 14 framework for considering discretionary

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
				activity addresses some of the submitter's concerns)
54.1	Environmental Defence Society Incorporated	O	Definition of 'Nutrient management Plan': Reinsert reference to Overseer, update the definition to refer to the most recent Code of Practice for Nutrient Management (2017), and remove the additional wording proposed by PC2. EDS has no issue with the deletion of the wording "both a Certificate of Completion in Sustainable Nutrient Management in New Zealand Agriculture and" from the definition.	Accept in part
FS1.54.1	Forest and Bird	S	Allow Environmental Defence Society S54.1 – S54.8.	Accept in part
FS2.54.1	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS11.54.1	Federated Farmers of New Zealand	SIP/OIP	Disallow S54.1. Allow amendment to update the definition in line with the most recent Code of Practice to Nutrient Management (2017).	Accept in part
54.2	Environmental Defence Society Incorporated	O	Amend Policy 5-8. Delete Policy 5-8(a)(ia) and delete " <i>ia</i> and " from (a)(ii). Insert " <i>as a minimum</i> " to the end of sub-clause (d)(i).	Accept in part
FS1.54.2	Forest and Bird	S	Allow Environmental Defence Society S54.1 – S54.8.	Accept in part
FS2.54.2	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS11.54.2	Federated Farmers of New Zealand	O	Disallow the decision requested in S54.2. Retain the proposed wording of Policy 5-8(a)(ia) (with amendments suggested in FFNZ S58).	Accept in part
54.3	Environmental Defence Society Incorporated	O	Policy 14-3: Reinstate pre-PC2 wording with the inclusion of the underlined words: " <i>The Regional Council will examine on an ongoing basis relevant industry based standards including good management practices.</i> "	Reject
FS1.54.3	Forest and Bird	S	Allow Environmental Defence Society S54.1 – S54.8.	Reject
FS2.54.3	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Reject
FS11.54.3	Federated Farmers of New Zealand	O	Reject the decision requested in S54.3 to reinstate pre-PC2 wording of Policy 14-3 and include suggested additions.	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
54.4	Environmental Defence Society Incorporated	O	Policy 14-6: Delete sub-clause (d)(i) and (e). Insert " <i>as a minimum</i> " to the end of sub-clause (b).	Accept in part
FS1.54.4	Forest and Bird	S	Allow Environmental Defence Society S54.1 – S54.8.	Accept in part
FS2.54.4	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS11.54.4	Federated Farmers of New Zealand	O	Reject decision requested in S54.4.	Reject
54.5	Environmental Defence Society Incorporated	O	Rule 14-1: Revert sub-clause (b) in Matters of Control to pre-PC2 wording. Amend sub-clause (i) n Matters of Control to read: " <u>the matters in Objectives and Policies, particularly those in Chapter 5 and Chapter 14.</u> "	Reject
FS1.54.5	Forest and Bird	S	Allow Environmental Defence Society S54.1 – S54.8.	Reject
FS2.54.5	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Reject
FS3.54.5	Director General of Conservation	S	Increase scope of control (R14-1)	Reject
FS11.54.5	Federated Farmers of New Zealand	O	Reject decision requested in S54.5.	Accept
54.6	Environmental Defence Society Incorporated	O	Amend Rule 14-2 to read " <u>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</u> "; Amend sub-clause (b) in Matters of Discretion to pre-PPC2 to read " <u>...measures, including good management practices...</u> " Amend sub-clause (l) in Matters of Discretion to read " <u>the matters in Objectives and Policies, particularly those in Chapter 5 and Chapter 14.</u> "	Accept in part
FS1.54.6	Forest and Bird	S	Allow Environmental Defence Society S54.1 – S54.8.	Accept in part
FS2.54.6	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS3.54.6	Director General of Conservation	S	Increase scope of control (R14-2)	Accept in part
FS11.54.6	Federated Farmers of New Zealand	O	Reject decision requested in S54.6.	Accept in part
54.7	Environmental Defence Society Incorporated	O	Amend intensive farming land use activities not complying with condition, standard and term (c) of Rule 14-1 to be non-complying. Include a requirement for there to be public notification of the consent.	Reject
FS1.54.7	Forest and Bird	S	Allow Environmental Defence Society S54.1 – S54.8.	Reject
FS2.54.7	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Reject
FS3.54.7	Director General of Conservation	S	Allow S54.7.	Reject
FS11.54.7	Federated Farmers of New Zealand	O	Reject decision requested in S54.7.	Accept
54.8	Environmental Defence Society Incorporated	S	EDS supports the changes to the LUC leaching limits in Table 14.2	Accept in part
FS1.54.8	Forest and Bird	S	Allow Environmental Defence Society S54.1 – S54.8.	Accept in part
FS2.54.8	Water Protection Society	S	Allow the proposed revision of CNLM in Table 14.2.	Accept in part
FS12.54.8	Potatoes New Zealand	OIP	Adopt changes proposed in PNZ FS12.	Accept in part
55	Wellington Fish & Game Council		Note: The submitter seeks the relief set out in Appendix 1 of the submission, or such similar, or other, further, and/or consequential relief as necessary to address this submission.	
55	Wellington Fish & Game Council	OIP	Opposed in principle Do not support the discretionary activity consenting pathway as proposed	Reject Accept in part (to the extent that some of the amendments to the Chapter 14 framework for considering discretionary

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
				activity addresses some of the submitter's concerns)
55.1	Wellington Fish & Game Council		Wellington Fish and Game Council supports the changes to the LUC leaching limits in Table 14.2.	Accept in part
FS1.55.1	Forest and Bird	S	Allow Wellington Fish and Game Council S55.1 – S55.8, except where not in direct conflict with S59.	Accept in part
FS2.55.1	Water Protection Society	S	Allow revision of Table 14.2 as per Wellington Fish and Game Council S55.1.	Accept in part
55.2	Wellington Fish & Game Council	O	Definition of Nutrient Management Plan: Reinsert reference to Overseer, update the definition to refer to the most recent Code of Practice for Nutrient Management (2017), and remove the additional wording proposed by PC2. Wellington Fish and Game Council has no issue with the deletion of the wording “both a Certificate of Completion in Sustainable Nutrient Management in New Zealand Agriculture and” from the definition.	Accept in part
FS1.55.2	Forest and Bird	S	Allow Wellington Fish and Game Council S55.1 – S55.8, except where not in direct conflict with S59.	Accept in part
FS2.55.2	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS4.55.2	Horticulture NZ	O	Disallow submission.	Accept in part
FS11.55.2	Federated Farmers of New Zealand	OIP	Disallow decision requested in S55.2.	Accept in part
55.3	Wellington Fish & Game Council	O	Policy 5-8: Delete sub-clause (a)(iia) and delete " <u><i>(iia) and</i></u> " from sub-clause (a)(ii). Insert " <u><i>as a minimum</i></u> " to the end of sub-clause (d)(i).	Accept in part
FS1.55.3	Forest and Bird	S	Allow Wellington Fish and Game Council S55.1 – S55.8, except where not in direct conflict with S59.	Accept in part
FS2.55.3	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS9.55.3	DairyNZ	O	Reject the decision requested in Wellington Fish and Game Council S55.3.	Accept in part
FS11.55.3	Federated Farmers of New Zealand	O	Reject Wellington F&G S55.3.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
55.4	Wellington Fish & Game Council	O	Policy 14-3: Reinstate pre-PC2 wording with the inclusion of the underlined words: " <u>The Regional Council will examine on an ongoing basis relevant industry based standards including good management practices.</u> "	Reject
FS1.55.4	Forest and Bird	S	Allow Wellington Fish and Game Council S55.1 – S55.8, except where not in direct conflict with S59.	Reject
FS2.6.55.4	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Reject
FS9.55.4	DairyNZ	O	Reject the decision requested in Wellington Fish and Game Council S55.4.	Accept
FS11.55.4	Federated Farmers of New Zealand	O	Reject the decision requested in Wellington Fish & Game Council S55.4	Accept
55.5	Wellington Fish & Game Council	O	Policy 14-6: Delete sub-clause (d)(i) and (e). Insert " <u>as a minimum</u> " to the end of sub-clause (b). If sub-clause (c) is retained, insert " <u>farm system modelling, optimisation and marginal cost-marginal benefit analysis that determines the range of leaching reductions that are available</u> "; Clarify the role of clause (f)(iii) in the hierarchy.	Accept in part
FS1.55.5	Forest and Bird	S	Allow Wellington Fish and Game Council S55.1 – S55.8, except where not in direct conflict with S59.	Accept in part
FS2.6.55.5	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS4.55.5	Horticulture NZ	O	Disallow submission.	Reject
FS9.55.5	DairyNZ	O	Reject the decision requested in Wellington Fish and Game Council S55.5.	Reject
FS11.55.5	Federated Farmers of New Zealand	O	Reject decision requested in S55.5.	Reject
55.6	Wellington Fish & Game Council	O	Rule 14-1: Revert sub-clause (b) in Matters of control to pre-PC2 wording. Amend (i) in matters of control to read: " <u>the matters in Objectives and Policies, particularly those in Chapter 5 and Chapter 14.</u> "	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS1.55.6	Forest and Bird	S	Allow Wellington Fish and Game Council S55.1 – S55.8, except where not in direct conflict with S59.	Reject
FS2.55.6	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Reject
FS4.55.6	Horticulture NZ	O	Disallow submission.	Accept
FS9.55.6	DairyNZ	O/OIP	Reject the decision requested in Wellington Fish and Game Council S55.6.	Accept
FS11.55.6	Federated Farmers of New Zealand	O	Reject decision requested in S55.6.	Accept
55.7	Wellington Fish & Game Council	O	Amend Rule 14-2 to read " <u>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</u> "; Amend sub-clause (b) in matters of discretion to pre-PC2 to read " <u>...measures, including good management practices...</u> "; Amend (i) in matters of discretion to read " <u>the matters in Objectives and Policies, particularly those in Chapter 5 and Chapter 14.</u> "	Accept in part
FS1.55.7	Forest and Bird	S	Allow Wellington Fish and Game Council S55.1 – S55.8, except where not in direct conflict with S59.	Accept in part
FS2.55.7	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS4.55.7	Horticulture NZ	O	Disallow submission.	Accept in part
FS9.55.7	DairyNZ	O	Reject the decision requested in Wellington Fish and Game Council S55.7.	Accept in part
FS11.55.7	Federated Farmers of New Zealand	O	Reject Wellington Fish & Game Council S54.6.	Accept in part
55.8	Wellington Fish & Game Council	O	Rule 14-2A: Amend intensive farming land use activities not complying with condition, standard, term (c) of Rule 1.1 to be non-complying. Include a requirement for there to be public notification of the consent. Incorporate the parent policy limit of 5 years on consent granted under this rule, or a maximum 10 year limit.	Accept in part
FS1.55.8	Forest and Bird	S	Allow Wellington Fish and Game Council S55.1 – S55.8, except where not in direct conflict with S59.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.55.8	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS7.55.8	Manawatū District Council	O	Reject Wellington Fish and game Council S55.8.	Accept in part
FS9.55.8	DairyNZ	O	Reject the decision requested in Wellington Fish and Game Council S55.8.	Accept in part
FS11.55.8	Federated Farmers of New Zealand	O	Reject Wellington Fish & Game Council S55.8.	Accept in part
FS12.55.8	Potatoes New Zealand	OIP	Adopt changes proposed in PNZ FS12.	Accept in part
56.1	BEL Group	S	Support the updated Table 14.2.	Accept in part
FS2.56.1	Water Protection Society	S	Allow the proposed revision of CNLM in Table 14.2.	Accept in part
56.2	BEL Group		Support DairyNZ and Federated Farmers in their submissions.	Accept in part
FS2.56.2	Water Protection Society	O	Disallow requested provision for consent pathway for intensive land uses that do not comply with Table 14.2.	Accept in part
57.1	Woodhaven Gardens Ltd		<p>Inclusion of a new policy that establishes the framework for rules for Commercial Vegetable Growing [uses Environment Canterbury Land and Water Plan policy as a base].</p> <p><u>"Recognises the particular constraints that apply to commercial vegetable growing operations and provide a nutrient management framework that appropriately responds to and accommodates these constraints while improving or maintaining water quality by:</u></p> <p><u>a. requiring commercial vegetable growing operations to operate at good management practice;</u></p> <p><u>b. within the Water Management Sub Zones, restricting avoiding the establishment of new commercial vegetable growing operations, or any expansion of an existing commercial vegetable growing operation beyond</u></p>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<p><u>the baseline commercial vegetable growing area, unless the nitrogen losses from the operation can be accommodated within the lawful nitrogen loss rate applicable to the new location</u></p> <p><u>c. Recognising that if leased land is retired from commercial vegetable production to achieve nitrogen losses, any new activity on that land must be restricted to activities that produce no more than the average nitrogen loss figures for the catchment the land is located in</u></p> <p><u>c. requiring commercial vegetable growing operations to demonstrate, at the time of application for resource consent and at the time of any Farm Environment Plan audit, how any relevant nutrient loss reduction will be achieved;</u></p> <p><u>d. constraining, as far as practicable, commercial vegetable growing operations to a single soil management zone or sub-region; and</u></p> <p><u>e. requiring a Nutrient Management Plan as part of any application for resource consent.</u></p>	
FS1.57.1	Forest and Bird	O	Disallow Woodhaven Gardens S57.1 – S57.7.	Accept in part
FS2.57.1	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS4.57.1	Horticulture NZ	SIP	Allow in part. Provide for pathway for commercial vegetable growing.	Accept in part
FS11.57.1	Federated Farmers of New Zealand	SIP/OIP	Reject decision requested in S57.1.	Accept in part
57.2	Woodhaven Gardens Ltd		<p>Addition of a controlled activity pathway for Commercial Vegetable growing inside a WMSZ with a table specifying require Nitrogen Loss reductions for Commercial Vegetable growing if they are unable to meet Table 14.2. The starting position should be based on the enterprise baseline of total average Nitrogen Loss inside the WMZS 2017-2018.</p> <p>Refer to the Woodhaven submission for proposed policy framework.</p>	Accept in part
FS1.57.2	Forest and Bird	O	Disallow Woodhaven Gardens S57.1 – S57.7.	Accept in part
FS4.57.2	Horticulture NZ	SIP	Allow in part. Provide for pathway for commercial vegetable growing.	Accept in part
57.3	Woodhaven Gardens Ltd		The merging of PPC2 with PPC3 to provide for rules for consenting Land Use Change for Commercial Vegetable growing outside the WMSZ in	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			accordance with Good Management Practice as demonstrated by independently audited compliance with the Horticulture New Zealand EMS. Refer to the Woodhaven submission for proposed policy framework (Rule 14-1D).	
FS1.57.3	Forest and Bird	O	Disallow Woodhaven Gardens S57.1 – S57.7.	Accept in part
FS4.57.3	Horticulture NZ	SIP	Allow in part. Provide for pathway for commercial vegetable growing.	Accept in part
57.4	Woodhaven Gardens Ltd		Provide a restricted discretionary activity pathway for existing Commercial Vegetable growing inside the WMSZ that cannot meet Table 14.2 and cannot meet the controlled activity pathway proposed in decision 1 required above to continue Commercial Vegetable growing at independently audited Best Management Practice. Refer to the Woodhaven submission for proposed policy framework (Rule 14-1B).	Accept in part
FS1.57.4	Forest and Bird	O	Disallow Woodhaven Gardens S57.1 – S57.7.	Accept in part
FS4.57.4	Horticulture NZ	SIP	Allow in part S57.4 to provide a pathway for commercial vegetable growing.	Accept in part
57.5	Woodhaven Gardens Ltd		Addition of caps or small reductions required for Land Users below values on Table 14.2 to ensure N loss cannot increase eroding the value of cuts made by user exceeding Table 14.2.	Accept in part
FS1.57.5	Forest and Bird	O	Disallow Woodhaven Gardens S57.1 – S57.7.	Accept in part
FS4.57.5	Horticulture NZ	SIP	Allow in part S57.5 to provide a pathway for commercial vegetable growing.	Accept in part
57.6	Woodhaven Gardens Ltd		Link the Rules to the land areas that existed as at 2017/2018 rotation, as this was the date that the industry learnt that the Council would not proceed with Good Management Practice. Prior to this date, growers made investment decisions for CVP activities as it was understood that GMP would be adopted by the Council.	Accept in part
FS1.57.6	Forest and Bird	O	Disallow Woodhaven Gardens S57.1 – S57.7.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS4.57.6	Horticulture NZ	SIP	Allow in part S57.6 to provide a pathway for commercial vegetable growing.	Accept in part
57.7	Woodhaven Gardens Ltd		Proposed new Rule 14-1C (Expansion of commercial vegetable growing activities inside water management subzones as a restricted discretionary activity). Refer to Woodhaven submission for proposed policy framework (Rule 14-1C).	Accept in part
FS1.57.7	Forest and Bird	O	Disallow Woodhaven Gardens S57.1 – S57.7.	Accept in part
FS4.57.7	Horticulture NZ	SIP	Allow in part S57.7 to provide a pathway for commercial vegetable growing.	Accept in part
FS12.57.7	Potatoes NZ	SIP	Adopt changes proposed in PNZ FS12.	Accept in part
58	Federated Farmers of New Zealand Inc		Note: In addition to the amendments specified in the submission, 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.	
58	Federated Farmers of New Zealand Inc	OIP	Prefers the approach set out in the Attachment to own submission	Accept in part
58.1	Federated Farmers of New	OIP	Amend Policy 5-8 as proposed in the 'Attachment 1' of Federated Farmers submission.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
	Zealand Inc			
FS1.58.1	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Reject
FS4.58.1	Horticulture NZ	SIP/OIP	Allow submission in part. Provide for commercial vegetable growing.	Accept in part
FS14.58.1	Beef + Lamb New Zealand	OIP	Disallow decision requested in S58.1	Reject
FS24.58.1	Horowhenua District Council	OIP	Opposes in part the submission on the grounds that the Horowhenua District Council seeks that Plan Change 2 be withdrawn and transitioned to a collaborative planning process; or, in the alternative, the creation of specific policy settings for horticultural activities, distinct from pastoral farming to ensure the development of a flexible and robust transition framework, for the consenting of horticultural activities in target catchments. The inclusion of further relevant definitions will provide greater clarity and assist with administration of the One Plan. The Council also supports that part of the submission which recognises that nitrogen baselines vary for the relevant sectors e.g. commercial vegetable growing, as this aligns with Horowhenua District Council's original submission.	Reject
58.2	Federated Farmers of New Zealand Inc.	OIP	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.	Reject
FS1.58.2	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept
FS4.58.2	Horticulture NZ	SIP	Allow submission in part. Provide for commercial vegetable growing.	Reject
FS24.58.2	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.3	Federated Farmers of New Zealand Inc.	OIP	Amend Method 5-12 as proposed in the 'Attachment 1' of Federated Farmers submission.	Accept in part
FS1.58.3	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS24.58.3	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.4	Federated Farmers of New Zealand Inc.	OIP	Amend Method 5-13 as proposed in the 'Attachment 1' of Federated Farmers submission.	Accept in part
FS1. 58.4	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Reject
FS4.58.4	Horticulture NZ	SIP	Allow submission in part. Provide for commercial vegetable growing.	Accept
FS14.58.4	Beef + Lamb New Zealand	SIP	Allow decision requested in S58.4, amendment of Method 5-13.	Accept
FS24.58.4	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.5	Federated Farmers of New Zealand Inc.	SIP	Retain Policy 14-3 as drafted. 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).	Accept in part
FS1.58.5	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept in part
FS24.58.5	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.6	Federated Farmers of New Zealand Inc.	OIP	FFNZ also seeks consequential amendments to Policy 14-3 in order to achieve a reasonable discretionary activity consenting pathway as explained below.	Accept in part
FS1. 58.6	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Reject
FS24.58.6	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.7	Federated Farmers of New Zealand Inc.	OIP	Amend Policy 14-5 as proposed in the 'Attachment 1' of Federated Farmers submission.	Accept in part
FS1.58.7	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS3.58.7	Director-General of Conservation	O	Disallow the additional wording that would allow stock to cross a water body more frequently.	Accept
FS4.58.7	Horticulture NZ	SIP/OIP	Allow S58.7 in part. Provide a pathway for commercial vegetable growing.	Accept in part
FS14.58.7	Beef + Lamb New Zealand	OIP	No decision requested.	No decision required
FS24.58.7	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.8	Federated Farmers of New Zealand Inc.		In the event that there is scope to amend the provisions relating to new intensive farming land, amend paragraph (e) to achieve the same or similar outcome as FFNZ's proposal for existing intensive farming activities.	Reject
FS1.58.8	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept
FS5.58.8	Environmental Defence Society Inc.	O	Reject the parts of the submissions of Federated Farmers (S58) that relate to an alternative pathway for intensive farming land use activities that cannot meet the Table 14.2 CNLMs by ensuring that nitrogen leaching from such activities does not exceed the lesser of (i) 90% of the leaching occurring on the land in the 2012/2013 year; or (ii) the 75 th percentile of nitrogen leaching loss for the [sic] water management sub zone.	Accept
FS24.58.8	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.9	Federated Farmers of New Zealand Inc.	OIP	Amend Policy 14-6 as proposed in the 'Attachment 1' of Federated Farmers submission.	Accept in part
FS1. 58.9	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Reject
FS4.58.9	Horticulture NZ	SIP/OIP	Allow submission in part. Provide a pathway for commercial vegetable growing.	Accept in part
FS14.58.9	Beef + Lamb New Zealand	SIP	Allow decision requested in S58.9.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS24.58.9	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.10	Federated Farmers of New Zealand Inc.		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 amendments 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 in the submission.	Accept in part
FS1.58.10	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept in part
FS24.58.10	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.11	Federated Farmers of New Zealand Inc.	OIP	Amend Table 14.1 Targeted water management sub-zones as proposed in the 'Attachment 1' of Federated Farmers submission. In the alternative, delete the third column in table 14.1.	Accept in part
FS1. 58.11	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept in part
FS3.58.11	Director-General of Conservation	OIP	Update Table 14.1.	Accept in part
FS4.58.11	Horticulture NZ	SIP	Allow submission in part. Provide for commercial vegetable growing.	Accept in part
FS24.58.11	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.12	Federated Farmers of New Zealand Inc.	OIP	Amend Table 14.2 as proposed in the 'Attachment 1' of Federated Farmers submission.	Reject
FS1.58.12	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept
FS2.58.12	Water Protection Society	S	Allow the process for updating Table 14.2 as suggested by FFNZ	Accept in part
FS4.58.12	Horticulture NZ	SIP/OIP	Allow submission in part. Provide for commercial vegetable growing.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS5.58.12	Environmental Defence Society Inc.	O	Reject the parts of the submissions of Federated Farmers (S58) that relate to an alternative pathway for intensive farming land use activities that cannot meet the Table 14.2 CNLMs by ensuring that nitrogen leaching from such activities does not exceed the lesser of (i) 90% of the leaching occurring on the land in the 2012/2013 year; or (ii) the 75 th percentile of nitrogen leaching loss for the [sic] water management sub zone.	Reject
FS14.58.12	Beef + Lamb New Zealand	OIP	Disallow decision requested in S58.12.	Accept
FS24.58.12	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.13	Federated Farmers of New Zealand Inc.	OIP	Amend Rule 14-1 as proposed in the 'Attachment 1' of Federated Farmers submission.	Accept in part
FS1.58.13	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept in part
FS4.58.13	Horticulture NZ	SIP/OIP	Allow submission in part. Provide for commercial vegetable growing.	Accept in part
FS5.58.13	Environmental Defence Society Inc.	O	Reject the parts of the submissions of Federated Farmers (S58) that relate to an alternative pathway for intensive farming land use activities that cannot meet the Table 14.2 CNLMs by ensuring that nitrogen leaching from such activities does not exceed the lesser of (i) 90% of the leaching occurring on the land in the 2012/2013 year; or (ii) the 75 th percentile of nitrogen leaching loss for the [sic] water management sub zone.	Accept in part
FS14.58.13	Beef + Lamb New Zealand	OIP	Disallow the decision requested in S58.13.	Accept in part
FS24.58.13	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.14	Federated Farmers of New Zealand Inc.	OIP	Amend Rule 14-2 as proposed in the 'Attachment 1' of Federated Farmers submission.	Accept in part
FS1.58.14	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS4.58.14	Horticulture NZ	SIP/OIP	Allow submission in part. Provide for commercial vegetable growing.	Accept in part
FS5.58.14	Environmental Defence Society Inc.	O	Reject the parts of the submissions of Dairy NZ (S40) and Federated Farmers (S58) that relate to an alternative pathway for intensive farming land use activities that cannot meet the Table 14.2 CNLMs by ensuring that nitrogen leaching from such activities does not exceed the lesser of (i) 90% of the leaching occurring on the land in the 2012/2013 year; or (ii) the 75 th percentile of nitrogen leaching loss for the [sic] water management sub zone.	Accept in part
FS14.58.14	Beef + Lamb New Zealand	OIP	Disallow decision requested in S58.14,	Accept in part
FS24.58.14	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.15	Federated Farmers of New Zealand Inc.		In the alternative, amend Rule 14-2 so that it applies to new as well as existing farming activities.	Reject
FS1.58.15	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept
FS4.58.15	Horticulture NZ	SIP	Allow submission in part. Provide for commercial vegetable growing.	Reject
FS24.58.15	Horowhenua District Council	OIP	As stated in FS24.1	Accept
58.16	Federated Farmers of New Zealand Inc.	SIP	Amend Rule 14-2A as proposed in the 'Attachment 1' of Federated Farmers submission.	Accept in part
FS1.58.16	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept in part
FS2.58.16	Water Protection Society	O	Disallow requested provision for consent pathway for intensive land uses that do not comply with Table 14.2.	Accept in part
FS4.58.16	Horticulture NZ	SIP	Allow submission in part. Provide for commercial vegetable growing.	Accept in part
FS24.58.16	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.17	Federated Farmers of New	SIP	In the alternative, apply this rule [Rule 14-2A] to new as well as existing activities.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
	Zealand Inc.			
FS1.58.17	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Reject
FS4.58.17	Horticulture NZ	SIP	Allow submission in part. Provide for commercial vegetable growing.	Reject
FS24.58.17	Horowhenua District Council	OIP	As stated in FS24.1	Accept
58.18	Federated Farmers of New Zealand Inc.	SIP	Retain rule guide as drafted.	Accept
FS1.58.18	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept
FS24.58.18	Horowhenua District Council	OIP	As stated in FS24.1	Accept
58.19	Federated Farmers of New Zealand Inc.	SIP	Retain [definition of Good Management Practices] as drafted. In the alternative, use the word “ <u>manage</u> ” in the sentence “ <u>minimise the effects of discharges to land and water</u> ” instead of “minimise” and “reasonably practicable” as opposed to practical. In the alternative, reword the definition based on good farming practice principles, as tailored to the region and catchment. Refer to the ‘Attachment 1’ of Federated Farmers submission.	Accept in part
FS1. 58.19	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept in part
FS4.58.19	Horticulture NZ	SIP	Allow submission in part. Provide for commercial vegetable growing.	Accept in part
FS24.58.19	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.20	Federated Farmers of New Zealand Inc.	OIP	Amend glossary – nutrient management plan as proposed in the ‘Attachment 1’ of Federated Farmers submission.	Accept in part
FS1.58.20	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS4.58.20	Horticulture NZ	SIP/OIP	Allow submission in part. Provide for commercial vegetable growing.	Accept in part
FS24.58.20	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.21	Federated Farmers of New Zealand Inc.	S	Insert new definition – ‘nitrogen baseline’ as proposed in the ‘Attachment 1’ of Federated Farmers submission.	Accept in part
FS1.58.21	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept in part
FS4.58.21	Horticulture NZ	O	Allow submission in part. Provide for commercial vegetable growing.	Accept in part
FS5.58.21	Environmental Defence Society Inc.	O	Reject the parts of the submissions of Federated Farmers (S58) that relate to an alternative pathway for intensive farming land use activities that cannot meet the Table 14.2 CNLMs by ensuring that nitrogen leaching from such activities does not exceed the lesser of (i) 90% of the leaching occurring on the land in the 2012/2013 year; or (ii) the 75 th percentile of nitrogen leaching loss for the [sic] water management sub zone.	Accept in part
FS24.58.21	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
58.22	Federated Farmers of New Zealand Inc.	S	Insert new definition – ‘75 th percentile nitrogen leaching loss’ as proposed in the ‘Attachment 1’ of Federated Farmers submission.	Accept in part
FS1.58.22	Forest and Bird	O	Disallow Federated Farmers S58.1 – S58.22.	Accept in part
FS3.58.22	Director-General of Conservation	O	Disallow definition for the above	Accept in part
FS4.58.22	Horticulture NZ	O	Disallow the application of the 75 th percentile nitrogen leaching loss commercial vegetable growing.	Accept in part
FS5.58.22	Environmental Defence Society Inc.	O	Reject the parts of the submissions of Federated Farmers (S58) that relate to an alternative pathway for intensive farming land use activities that cannot meet the Table 14.2 CNLMs by ensuring that nitrogen leaching from such activities does not exceed the lesser of (i) 90% of the leaching occurring on the land in the 2012/2013 year; or (ii) the 75 th	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			percentile of nitrogen leaching loss for the [sic] water management sub zone.	
FS12.58.22	Potatoes New Zealand	OIP	Adopt the changes proposed in PNZ FS12. Retain the use of LUC as a substitute for natural capital. Provide an exceptions process for the reclassification of land from one LUC class to another to ensure that better mapping of resources at a finer scale more accurately identifies the appropriate LUC class for land.	Accept in part
FS24.58.22	Horowhenua District Council	OIP	As stated in FS24.1	Accept in part
59.1	Forest & Bird	O	Refuse the entire plan change. Unclear what impact PC2 will have on nutrient loads to freshwater. PC2 means risk or delay to water quality improvement.	Reject
FS2.59.1	Water Protection Society	S	Disallow to the extent the submission conflicts with S65.	Accept
FS3.59.1	Director-General of Conservation	S	Supports the request to withdraw PPC2 – the plan change is contrary to national policy.	Reject
FS5.59.1	Environmental Defence Society Inc.	S	Allow the parts of submissions of the Royal Forest and Bird Society that relate to the Table 14.2 limits. If required, EDS supports the addition of a separate allocation table for nitrogen leaching limits outside of the Tararua District.	Reject
FS9.59.1	DairyNZ	O	Reject the decision requested by Royal Forest and Bird Protection Society S59.1 to refuse PPC2.	Accept
FS11.59.1	Federated Farmers of New Zealand	O	FFNZ rejects Forest and Bird S59.1 that requests PPC2 is withdrawn.	Accept
FS12.59.1	Potatoes New Zealand	SIP/OIP	Adopt the changes proposed in PNZ FS12.	Accept in part
60.1	Tararua Growers Association		Submitter proposes a tailored approach for commercial vegetable production.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.60.1	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2	Accept in part
FS4.60.1	Horticulture NZ	S	Allow submission.	Accept in part
FS6.60.1	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions by Tararua Growers Association S60.1-S60.3.	Accept in part
FS8.60.1	Woodhaven Gardens	S	Allow the submissions by Tararua Growers Association S60.1-S60.3.	Accept in part
FS25.60.1	Horowhenua District Council	SIP	Supports the parts of the submission that seek the creation of bespoke policy settings and regulations for horticultural activities, distinct from pastoral farming. The Council's submission seeks the development of a flexible and robust transition framework for horticultural activities in target catchments in Horowhenua.	Accept in part
60.2	Tararua Growers Association		Submitter supports requiring all growers to operate at good environmental management practice.	Accept in part
FS4.60.2	Horticulture NZ	S	Allow submission.	Accept in part
FS6.60.2	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions by Tararua Growers Association S60.1-S60.3.	Accept in part
FS8.60.2	Woodhaven Gardens	S	Allow the submissions by Tararua Growers Association S60.1-S60.3.	Accept in part
60.3	Tararua Growers Association		Submitter proposes provisions be added to enable existing areas of commercial vegetable production to move onto different land. This provision is required for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations where lease arrangements provide that opportunity.	Accept in part
FS4.60.3	Horticulture NZ	S	Allow submission.	Accept in part
FS6.60.3	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions by Tararua Growers Association S60.1-S60.3.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS8.60.3	Woodhaven Gardens	S	Allow the submissions by Tararua Growers Association S60.1-S60.3.	Accept in part
FS11.60.3	Federated Farmers of New Zealand	SIP/OIP	Allow Tararua Growers Association S60.3 in part, except where priority is given to one land use over another.	Accept in part
FS25.60.3	Horowhenua District Council	SIP	As stated in FS25.1	Accept in part
61	Director-General of Conservation		Note: the submitter requests, in addition to the amendments requested below, any other consequential amendments necessary to address the concerns raised in this submission.	
61	Director-General of Conservation	S	Supports most of the intent of PC2 except the provisions which enable land users to continue to use practices that result in N leaching	Accept in part
61.1	Director-General of Conservation	O	Policy 5-8: Delete proposed wording: "In order to give effect to Policy 5-7, the effects of intensive farming land use activities on groundwater and surface water must be managed in the following manner."	Reject
FS1.61.1	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Reject
FS2.61.1	Water Protection Society	S	Disallow to the extent the submission conflicts with S65.	Accept
FS15.61.1	Public Health Services Mid-Central Health Board	S	Allow the decision requested in S61.1.	Reject
61.2	Director-General of Conservation	O	Policy 5-8 (a) (ia): Amend to provide direction on what degree of good management practice is necessary, on what level of nitrogen reduction is acceptable, and how costs are balanced with environmental outcomes. Delete subclause (A).	Accept in part
FS1.61.2	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.61.2	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS11.61.2	Federated Farmers of New Zealand	O	Reject decision request to retain Policy 5.8 as contained in the One Plan. Reject amendments to 5-8(a)(iia) and (iib).	Accept in part
FS15.61.2	Public Health Services Mid-Central Health Board	SIP	Allow decision requested in S61.2.	Accept in part
61.3	Director-General of Conservation	O	Policy 5-8 (a) (iib): Delete subclause (iib); or, amend to clearly direct the process, steps and timeframes for the implementation of this policy.	Accept in part
FS1.61.3	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Accept in part
FS2.61.3	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
61.4	Director-General of Conservation	O	Amend Policy 14-6(b) to require implementation of the minimum level of good management practice required; Insert wording as follows: <i><u>“ensure implementation of good management practices to manage minimise nutrient leaching and run-off, faecal contamination and sediment loss, as part of any intensive farming land use.”</u></i>	Reject
FS1.61.4	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Reject
FS2.61.4	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Reject
FS15.61.4	Public Health Services Mid-Central Health Board	S	Allow decision requested in S61.4.	Reject
61.5	Director-General of Conservation	O	Amend 14-6(d)(i) to identify what percentage or quantum of reduction in the nitrogen exceedance is to be considered appropriate before granting consent; and	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			Identify what timeframe these reductions are required and what milestones need to be achieved within that timeframe.	
FS1.61.5	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Accept in part
FS2.61.5	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS15.61.5	Public Health Services Mid-Central Health Board	S	Allow decision requested in S61.5.	Accept in part
61.6	Director-General of Conservation	O	Delete Policy 14-6(d)(ii); or Identify the appropriate mechanism by which the policy can guarantee the intensive land use is discontinued, or that a future consent would be declined if the transition did not occur; or delete.	Accept
FS1.61.6	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Accept
FS2.61.6	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept
FS15.61.6	Public Health Services Mid-Central Health Board	S	Allow decision requested in S61.6.	Accept
61.7	Director-General of Conservation	O	Amend Policy 14-6(e) to provide better direction to plan users and guidance for decision makers when “having regard to” the matters listed in proposed policy 14-6(e)(i) through (v) when considering whether or not to grant a consent, application. Provide direction on how these matters make an intensive land use activity appropriate or not and how this is linked to a reduction in nutrient leaching; and Delete clause (iv)	Accept in part
FS1.61.7	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Accept in part
FS2.61.7	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS9.61.7	DairyNZ	O	Reject the decision by the Director-General of Conservation in S67.1.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS15.61.7	Public Health Services Mid-Central Health Board	S	Allow decision requested in S61.7.	Accept in part
61.8	Director-General of Conservation	O	Delete Policy 14-6(f); or Amend to clearly dictate the process/steps for the implementation of this policy.	Accept in part
FS1.61.8	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Accept in part
FS2.61.8	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS15.61.8	Public Health Services Mid-Central Health Board	S	Allow decision requested in S61.8.	Accept in part
61.9	Director-General of Conservation		Amend the definition of 'Good Management Practice' to define more clearly what constitutes good management practice.	Reject
FS1.61.9	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Reject
FS2.61.9	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Reject
FS15.61.9	Public Health Services Mid-Central Health Board	S	Allow decision requested in S61.9.	Reject
61.10	Director-General of Conservation	O	Include minimum requirements for what good management practice are required within nutrient management plans or a farm environment plan and what the anticipated environmental outcomes are.	Reject
FS1.61.10	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Reject
FS2.61.10	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Reject
FS15.61.10	Public Health Services Mid-	S		Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
	Central Health Board			
61.11	Director-General of Conservation		Amend Policy 14-6(e) to provide better direction to plan users and guidance for decision makers when “having regard to” the matters listed in proposed policy 14-6(e)(i) through (v), and (f)(i) through (iii), when considering whether or not to grant a consent, application. Provide direction on how these matters make an intensive land use activity appropriate or not and how this is linked to a reduction in nutrient leaching.	Accept in part
FS1.61.11	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Accept in part
FS2.61.11	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS11.61.11	Federated Farmers of New Zealand	O	Reject decision requested in S61.11 Provide for the reduction to be addressed through a controlled activity consent; provide for the discretionary activity pathway to <i>not</i> specify the reduction required (but provide for reasonable parameters for the consideration of such consents) as proposed in FFNZ’s submission S58. Provide for a reasonable transition pathway in paragraph (d)(ii) FFNZ considers that paragraph (e) ought to be amended and has proposed amendments in its submission S58. FFNZ considers that paragraph (f) ought to be retained to provide an appropriate consenting pathway for existing intensive farming activities and that it should not “dictate the process/steps for implementation.”	Reject
61.12	Director-General of Conservation		Amend the provision to provide greater direction for plan users and decision makers on what level of good management practice is required and what circumstances may trigger a higher level of management, and what must be achieved by particular timeframes over which the management practices are required as conditions of consent.	Accept in part
FS1.61.12	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Accept in part
FS2.61.12	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.61.12	Federated Farmers of New Zealand	OIP	Reject decision requested in S61.12 to amend the GMP definition.	Accept in part
61.13	Director-General of Conservation		Amend the policies to identify the level of reduction required in nutrient leaching must occur over what time period and ensure clarity on how this would inform both application for and decisions on land use consents. Provide direction on what level of reduction over what time period is considered appropriate when considering whether to grant or decline a discretionary consent.	Accept in part
FS1.61.13	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Accept in part
FS2.61.13	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS15.61.13	Public Health Services Mid-Central Health Board	S	Allow decision requested in S61.13.	Accept in part
61.14	Director-General of Conservation		Clarify and identify how council would implement, monitor and enforce policy which directs an intensive land use activity to continue for no longer than five years.	Accept in part
FS1.61.14	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Accept in part
FS2.61.14	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS15.61.14	Public Health Services Mid-Central Health Board	S	Allow decision requested in S61.14.	Accept in part
61.15	Director-General of Conservation		Ensure that the proposed plan change does not further contribute to the degradation of the freshwater and biodiversity values of the coastal lakes, and wetlands in the Horizon region.	Accept in part
FS1.61.15	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Accept in part
FS2.61.15	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
61.16	Director-General of Conservation		Amend the proposed plan change to give effect to the RMA, 1991, the National Policy Statement for Freshwater Management 2014, the NZCPS 2010 and the Horizons Regional Policy Statement.	Accept in part
FS1.61.16	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Accept in part
FS2.61.16	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept in part
FS11.61.16	Federated Farmers of New Zealand	O	Reject decision requested in S61.6 to amend PPC2 to give effect to the NPSFM.	Accept in part
61.17	Director-General of Conservation		Either amend the definition of Nutrient Management Plan to refer to the latest 2013 version of the Code of Practice for Nutrient Management; or make the 2007 version available to the public.	Accept
FS1.61.17	Forest and Bird	S	Allow Director-General of Conservation S61.1 – S61.17.	Accept
FS2.61.17	Water Protection Society	S	Allow to the extent the submission is consistent with S65.	Accept
FS12.61.17	Potatoes New Zealand	OIP	Adopt the changes proposed in PNZ FS12.	Accept
FS15.61.17	Public Health Services Mid-Central Health Board	S	Allow decision requested in S61.17.	Accept
62	Muaūpoko Tribal Authority Inc.		Policy continues to reinforce poor environmental management	Accept in part
62.1	Muaūpoko Tribal Authority Inc.		Submitter proposes that the Lake Horowhenua catchment be removed for this Plan Change. We expect that Horizons will actively engage with Muaūpoko and the Lake Horowhenua Trust to develop more workable and holistic solutions to the pollution of Lake Horowhenua. There is no way the submitter can accept the Lake Horowhenua catchment be included in this Plan Change until there is a robust Treaty of Waitangi Settlement that addresses past grievances' but also provides solutions for catchment management going forward.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS3.62.1.1	Director General of Conservation	S	Accept the submissions and any decisions requested in respect of inadequate provision for tikanga of iwi and hapu, and of the principles of the Treaty of Waitangi. Further submitter is concerned that PPC2 provisions fail to recognise and provide for tikanga of the respective iwi and hapu and for associations with their ancestral land, water and other taonga. Nor do the provisions show a particular regard to the role of iwi and hapu as kaitiaki or account for the principles of the Treaty of Waitangi.	Reject
FS3.62.1.2	Director General of Conservation	O	Disallow S62.1 proposing the exception of Lake Horowhenua from PPC2.	Accept in part
FS11.62.1	Federated Farmers of New Zealand	O	FFNZ rejects the submissions that suggest the Lake Horowhenua catchment be removed from PPC2	Accept in part
FS31.62.1	Horowhenua District Council	SIP	Supports the submission in part in so far as the submission raises significant issues and concerns about the Lake Horowhenua target catchment.	Reject
63	Ngā Waihua o Paerangi Trust	O	Includes potential for increased degradation, inadequate controls	Accept in part
63.1	Ngā Waihua o Paerangi Trust	O	Amend Policy 5-8 introduction to read <u><i>"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</i></u>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<i>activities on groundwater and surface water quality must be managed in the following manner...</i>	
FS1.63.1	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
FS11.63.1	Federated Farmers of New Zealand	O	Reject decision requested in S63.1 proposing amendments to the introductory clause in Policy 5-8.	Accept in part
63.2	Ngā Waihua o Paerangi Trust	O	Policy 5-8: Do not delete clause (B) of the operative Policy. Retain the existing operative wording.	Accept in part
FS1.63.2	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
FS11.63.2	Federated Farmers of New Zealand	O	Reject decision requested in S63.2 to retain Policy 5-8(a)(B).	Accept in part
63.3	Ngā Waihua o Paerangi Trust		Retain existing clause E of operative Policy 5-8.	Accept in part
FS1.63.3	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
FS11.63.3	Federated Farmers of New Zealand	O	Reject decision requested in S63.3 to retain Policy 5-8(a)(E).	Accept in part
63.4	Ngā Waihua o Paerangi Trust	O	Policy 5-8: Delete clauses (iia) and (iib).	Accept in part
FS1.63.4	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
FS11.63.4	Federated Farmers of New Zealand	O	Reject decision requested in S63.4 to delete clauses (iia) and (iib) within Policy 5-8.	Accept in part
63.5	Ngā Waihua o Paerangi Trust	O	Policy 5-8: Delete new clause (a)(iia).	Accept in part
FS1.63.5	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
FS11.63.5	Federated Farmers of New Zealand	O	Reject decision requested in S63.5 to delete clause (a) (iia) within Policy 5-8.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
63.6	Ngā Waihua o Paerangi Trust	O	Policy 5-8: Delete new clause (a)(iib).	Accept in part
FS1.63.6	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
FS11.63.6	Federated Farmers of New Zealand	O	Reject decision requested in S63.6 to delete new clause (a)(iib) within Policy 5-8.	Accept in part
63.7	Ngā Waihua o Paerangi Trust	O	Policy 5-8: Delete new clause (d).	Accept in part
FS1.63.7	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
FS11.63.7	Federated Farmers of New Zealand	O	Reject decision requested in S63.7 to delete new clause (d) within Policy 5-8.	Accept in part
63.8	Ngā Waihua o Paerangi Trust	Support with amendment	Include ' <i>tangata whenua</i> ' within the 'who' row of Method 5-12.	Accept
FS1.63.8	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept
FS11.63.8	Federated Farmers of New Zealand	OIP	Allow the amendment of adding the words " <i>including tangata whenua</i> " to the 'who' row of the table or to add the words " <i>Maori</i> ".	Accept
63.9	Ngā Waihua o Paerangi Trust		Delete the proposed changes to Policy 14-3 and retain the policy as in the Operative One Plan.	Reject
FS1.63.9	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject
FS11.63.9	Federated Farmers of New Zealand	O	Reject the decision requested in S63.9 to retain the operative Policy wording of Policy 14-3.	Accept
63.10	Ngā Waihua o Paerangi Trust	S	Policy 14-5: Retain as proposed.	Reject
FS1.63.10	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
63.11	Ngā Waihua o Paerangi Trust	Support with amendment	Amend Footnote 1 [Policy 14-5] to read <i><u>"The Plan has legal effect in the case of existing intensive farming land uses from the date of notification of the One Plan, in 2007."</u></i>	Reject
FS1.63.11	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject
FS11.63.11	Federated Farmers of New Zealand	O	Reject decision requested in Ngā Waihua o Paerangi Trust S63.11 proposing amendments to Footnote 1 (Policy 14-5).	Accept
63.12	Ngā Waihua o Paerangi Trust	SIP	Amend Footnote [2] [Policy 14-5] to read <i><u>"The Plan has legal effect in the case of existing intensive farming land uses from the date of notification of the One Plan, in 2007."</u></i>	Reject
FS1.63.12	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject
FS11.63.12	Federated Farmers of New Zealand	O	Reject decision requested in Ngā Waihua o Paerangi Trust S63.12 proposing amendments to Footnote 1 (Policy 14-5).	Accept
63.13	Ngā Waihua o Paerangi Trust	O	Policy 14-5: Retain the existing wording of the operative One Plan.	Accept in part
FS1.63.13	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
63.14	Ngā Waihua o Paerangi Trust	SIP	Policy 14-6: Amend wording of the proposed clause to read to read <i><u>"Ensure implementation of good management practices* to manage nutrient leaching run-off, faecal contamination and sediment loss, as part of any intensive farming land use."</u></i>	Reject
FS1.63.14	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject
63.15	Ngā Waihua o Paerangi Trust	O	Retain the wording of clause (b) of operative Policy 14-6, do not delete as proposed by PC2. Add new clause after (a): <i><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></i>	Accept in part
FS1.63.15	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
FS7.63.15	Manawatū District Council	O	Reject decision requested in S63.15 to make applications exceeding the nitrogen leaching maximums in Table 14.2 prohibited or non-complying.	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.63.15	Federated Farmers of New Zealand	O	Reject Ngā Waihua o Paerangi Trust's requests in S63.15 to retain Policy 14-6(b)(i) and (ii) and add a new clause after (a).	Accept
63.16	Ngā Waihua o Paerangi Trust	O	Retain the wording of clause (c) of operative Policy 14-6, do not amend it as proposed by PC2.	Accept in part
FS1.63.16	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
FS11.63.16	Federated Farmers of New Zealand	O	Reject Ngā Waihua o Paerangi Trust's request in S63.16 to retain " <u>are</u> " in Policy 14-6(c).	Accept in part
63.17	Ngā Waihua o Paerangi Trust	Oppose clause (i) Support with amendment	Policy 14-6: Delete clause (d)(i) and retain clause (d)(ii)	Accept in part
FS1.63.17	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
FS11.63.17	Federated Farmers of New Zealand	O	Reject Ngā Waihua o Paerangi Trust's request in S63.17 to delete Policy 14-6(d)(i).	Accept in part
63.18	Ngā Waihua o Paerangi Trust	OIP	Policy 14-6 (e): Delete the proposed policy, or; Reword the policy so that it is consistent with achieving the water quality objective of the One Plan and provide clear direction to decision makers to ensure all practicable measure 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; Reword the policy [Policy 14-6(e)] as proposed in Ngā Waihua o Paerangi Trust submission.	Accept in part
FS1.63.18	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.63.18	Federated Farmers of New Zealand	O	Reject Ngā Waihua o Paerangi Trust's request in S63.18 to delete Policy 14-6(e)(i).	Accept
63.19	Ngā Waihua o Paerangi Trust	O	Delete proposed Policy 14-6 (f).	Reject
FS1.63.19	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject
FS11.63.19	Federated Farmers of New Zealand	O	Reject Ngā Waihua o Paerangi Trust's request in S63.19 to delete Policy 14-6(f).	Accept
63.20	Ngā Waihua o Paerangi Trust	Support with amendment	Amend Table 14.1 to add sub-zones in the Whangaehu catchment (as detailed in Ngā Waihua o Paerangi Trust submission). And insert date the rules for the Whangaehu catchment have legal effect: 2021.	Reject
FS1.63.20	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject
FS11.63.20	Federated Farmers of New Zealand	O	Reject Ngā Waihua o Paerangi Trust's request in S63.20 to amend Table 14.1 to include water management subzones within the Whangaehu catchment.	Accept
FS12.63.20	Potatoes New Zealand	SIP	Adopt the changes proposed in PNZ FS12. Include wider reflection of the way land is considered within the Whangaehu catchment and more broadly in terms of LUC Classification and commercial vegetable production, in line with identification of LUC III land in the Ohakune district / Waimarino Valley and more broadly in the Whangaehu Catchment.	Accept in part
63.21	Ngā Waihua o Paerangi Trust	Support with amendment	Retain the original numbers in Table 14.2 and apply it to the catchments not in the Tararua District (i.e. those catchments on the western side of the Ruahine and Tararua Ranges). 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.	Reject
FS1.63.21	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS5.63.21	Environmental Defence Society Inc	S	Allow the parts of submissions of Nga Waihua o Paerangi Trust that relate to the Table 14.2 limits. If required, EDS supports the addition of a separate allocation table for nitrogen leaching limits outside of the Tararua District.	Reject
FS11.63.21	Federated Farmers of New Zealand	O	Reject the requests made by Ngā Waihua o Paerangi Trust in S63.21 in reference to Table 14.2	Accept
63.22	Ngā Waihua o Paerangi Trust	Support addition of a new table.	Provide for the amended numbers in Table 14.2 in a new Table 14.2A to apply to those catchments in the Tararua District only.	Reject
FS1.63.22	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject
FS5.63.22	Environmental Defence Society Inc.	S	Allow the parts of submissions of Nga Waihua o Paerangi Trust that relate to the Table 14.2 limits. If required, EDS supports the addition of a separate allocation table for nitrogen leaching limits outside of the Tararua District.	Reject
63.23	Ngā Waihua o Paerangi Trust	O	Retain matter of control (b) in the operative Plan. Insert a new matter of control to address additional good management practices as set out in PC2.	Accept in part
FS1.63.23	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
FS11.63.23	Federated Farmers of New Zealand	O	Reject Ngā Waihua o Paerangi Trust's requests in S63.23 in regards to Rule 14-1 matters of control	Accept in part
63.24	Ngā Waihua o Paerangi Trust	O	Rule 14-1 matter of control (i): Oppose to the extent that the content of Policy 14-5 and 14-6 are not supported.	Accept in part
FS1.63.24	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
63.25	Ngā Waihua o Paerangi Trust	S	Rule 14-2: Retain as proposed.	Reject
FS1.63.25	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject
63.26	Ngā Waihua o Paerangi Trust	S	Rule 14-2 Conditions, Standards, Terms: Retain as proposed.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS1.63.26	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
63.27	Ngā Waihua o Paerangi Trust	S	Delete matter of discretion (b) from Rule 14-2 as proposed.	Reject
FS1.63.27	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject
63.28	Ngā Waihua o Paerangi Trust	O	Rule 14-2 (c): Re-number as (b) and retain the wording in the operative One Plan.	Reject
FS1.63.28	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject
63.29	Ngā Waihua o Paerangi Trust	O	Rule 14-2 Discretionary Matter (I): Insert reference to Policy 14-6 in to the extent that Policy 14-6 remains as in the Operative Plan or includes changes sought by Ngā Waihua o Paerangi Trust submission.	Accept
FS1.63.29	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept
63.30	Ngā Waihua o Paerangi Trust	Support with amendment	Rule 14-2A: Amend the Classification column from 'discretionary' to 'non-complying'; or Amend the classification column from 'discretionary' to 'prohibited'	Reject
FS1.63.30	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject
FS11.63.30	Federated Farmers of New Zealand	O	Reject Ngā Waihua o Paerangi Trust's request in S63.30 to amend Rule 14-2A to non-complying activity classification or prohibited activity classification.	Accept
63.31	Ngā Waihua o Paerangi Trust	O	Delete the definition of 'Good Management Practices'; Or Amend the definition of Good Management Practices to set out specific management practices or outcomes sought by management practices that will achieve measurable improvements in water quality and reduction in containment loss from the intensive farming activity.	Reject
FS1.63.31	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Reject
63.32	Ngā Waihua o Paerangi Trust	O	Definition of 'Nutrient Management Plan': Retain the wording in the operative One Plan.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS1.63.32	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.1 – S63.32, where not in conflict with S59.	Accept in part
63.33	Ngā Waihua o Paerangi Trust	O	Requests that PC2 be withdrawn to allow an opportunity for proper consultation with Ngati Rangī.	Reject
FS1.63.33	Forest and Bird	S	Allow Ngā Waihua o Paerangi Trust S63.33, where not in conflict with S59.	Reject
FS2.63.33	Water Protection Society	S	Disallow to the extent the submission conflicts with S65.	Accept
FS3.63.33.1	Director General of Conservation	S	Accept the submissions and any decisions requested by S63, S67, S68, S70, in respect of adequacy of consultation undertaken as part of PPC2.	Reject
FS3.63.33.2	Director General of Conservation	S	Accept the submissions and any decisions requested in respect of inadequate provision for tikanga of iwi and hapu, and of the principles of the Treaty of Waitangi. Further submitter is concerned that PPC2 provisions fail to recognise and provide for tikanga of the respective iwi and hapu and for associations with their ancestral land, water and other taonga. Nor do the provisions show a particular regard to the role of iwi and hapu as kaitiaki or account for the principles of the Treaty of Waitangi.	Reject
FS3.63.33.3	Director-General of Conservation	S	Accept the submissions and any decisions requested by S63, S67, S68, S70, in respect of the assessment of cultural effects made within the Section 32 Evaluation Report for PPC2.	Reject
FS3.63.33.4	Director-General of Conservation	S	Accept the submissions and any decisions requested S63, S67, S68, S70, in respect of the consideration or recognition of Te Mana o Te Wai. The deficiencies in consultation indicate that the setting of freshwater objectives and limits were not informed by tangata whenua values as required by the NPSFM.	Reject
64	SUBMISSION WITHDRAWN	-	-	
65	Water Protection Society	S	Supports most of intent of PC2	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
65.1	Water Protection Society	S	WPS supports the proposed change to the title of Policy 5-8: <u>Policy 5-8: Management and Regulation of intensive farming land[^] use activities affecting groundwater and surface water[^] quality</u>	Accept
FS1.65.1	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept
FS4.65.1	Horticulture NZ	O	Disallow S65.1 and provide for commercial vegetable growing.	Accept in part
FS11.65.1	Federated Farmers of New Zealand	S	Accept the change to Policy 5-8 per S65.1.	Accept
65.2	Water Protection Society	S	WPS supports the insertion of the following preamble into Policy 5-8: <i>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:</i>	Accept
FS1.65.2	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept
FS4.65.2	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept in part
FS11.65.2	Federated Farmers of New Zealand	S	Supports the addition of the introductory sentence	Accept
65.3	Water Protection Society	SIP	WPS request insertion into Policy 5-8, at this position, a new clause (a) that states: <u>'(a) All intensive farming land[^] use activities must be regulated to manage nutrient leaching and run-off, faecal contamination, and sediment losses in accordance with good management practices*.</u>	Accept in part
FS1.65.3	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS4.65.3	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept in part
FS11.65.3	Federated Farmers of New Zealand	O	Reject decision requested in S65.3.	Accept in part
65.4	Water Protection Society		WPS requests Policy 5-8(a) be relabelled 5-8(b).	Accept in part
FS1.65.4	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS4.65.4	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept in part
65.5	Water Protection Society		WPS request slight adjustment of Policy 5-8(a)(i)(A) so that it reads as follows: (i) <u>Nitrogen leaching maximums must be established in the regional plan which:</u> A) <u>take into account all the non-point and point sources of nitrogen contamination of ground and surface water in the catchment.</u>	Accept in part
FS1.65.5	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS4.65.5	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept in part
FS11.65.5	Federated Farmers of New Zealand	O	Reject the proposed amendment in the decision requested by S65.5.	Accept in part
65.6	Water Protection Society		WPS does not support deleting Policy 5-8)a)(i)(B). WPS requests that the original wording be altered to state: <u>“(B) will, together with other aspects of this Policy, achieve the strategies goals for surface water^ quality set out in Policies 5-2, 5-3(a), 5-4(a) and 5-5(a), and the strategy goal for groundwater quality set out in Policy 5-6(a).”</u>	Accept in part
FS1.65.6	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS4.65.6	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept in part
FS11.65.6	Federated Farmers of New Zealand	O	Reject decision requested in S65.5.	Accept in part
65.7	Water Protection Society		WPS does not support the change proposed to Policy 5-8(a)((i)(E). WPS requests the following wording be adopted: <u>“(E) Provide for appropriate timeframes for leaching to be decreased sufficiently to achieve the nitrogen leaching maximums established under this Policy, if they are not already being met. The time allowed to meet the nitrogen leaching maximums will be determined by the practicality, complexity and cost of modifying farm practice to do so but in no case will exceed 10 years. Proposals for decreasing leaching to below the established maximums over more than 3 years will require milestones to be specified and achieved.”</u>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS1.65.7	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS4.65.7	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept in part
FS11.65.7	Federated Farmers of New Zealand	O	Reject decision requested in S65.7.	Accept in part
65.8	Water Protection Society		WPS supports making provision for exceptions to be made to the requirement for meeting the nitrogen leaching maximums by the years stated in Table 14-2. However, this support is only for a temporary failure to comply not a permanent one. WPS seeks replacement proposed clause Policy 5-8(a)(ii) to state: 'Existing intensive farming <i>land</i> [^] use activities must be regulated in targeted <i>Water Management Sub-zones</i> * to achieve the nitrogen leaching maximums specified established in under (i) within the timeframes established under (i)(E) except as provided for in (iia) and (iib) below'.	Accept in part
FS1.65.8	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS4.65.8	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept in part
FS11.65.8	Federated Farmers of New Zealand	O	Reject decision requested in S65.8.	Accept in part
65.9	Water Protection Society		WPS supports in part insertion of clause (iia). WPS requests Policy 5-8(a)(iia) be replaced by: "(iia) Existing intensive <u>farming <i>land</i>[^] use activities which do not comply with (ii) the nitrogen leaching maximums established under (i) within 5 years</u> 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 sufficiently to achieve the nitrogen leaching maximums within 10 years by implementing additional measures. "	Accept in part
FS1.65.9	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS4.65.9	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.65.9	Federated Farmers of New Zealand	O	Reject decision requested in S65.9.	Accept in part
65.10	Water Protection Society	SIP	WPS supports in part insertion of Policy 5-8(a)(iib). WPS requests the specification of a time limit for transition so that the clause would read: <u>'Existing <i>intensive farming</i> land[^] use activities which do not comply with (ii) but are intended to transition to an alternative non-intensive farming land[^] use <i>within 5 years</i> 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 (ai).'</u>	Accept
FS1.65.10	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept
FS4.65.10	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept in part
FS11.65.10	Federated Farmers of New Zealand	O	Reject decision requested in S65.10.	Reject
65.11	Water Protection Society		WPS requests the addition of the following clause after Policy 5-8(a)(iii): <u>'(iv) All existing intensive farming land use activities must comply with the nitrogen leaching maximums established under (i) within 10 years. For the avoidance of doubt, any existing intensive farming land use which does not comply with the nitrogen leaching maximums established under (i) within 10 years are prohibited activities.'</u>	Accept in part
FS1.65.11	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS4.65.11	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept in part
FS11.65.11	Federated Farmers of New Zealand	O	Reject decision requested in S65.11.	Accept in part
65.12	Water Protection Society		WPS request that Policy 5-8(b) relabelled Policy 5-8(c).	Reject
FS1.65.12	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Reject
FS4.65.12	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
65.13	Water Protection Society		WPS request that. <u>"amongst other things"</u> be deleted from Policy 5-8(b)(i).	Reject
FS1.65.13	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Reject
FS4.65.13	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept
FS11.65.13	Federated Farmers of New Zealand	SIP	Allow decision requested in S65.13.	Reject
65.14	Water Protection Society		WPS requests that Policy 5-8(b)(i)(B) be replaced by: "mitigate faecal contamination of surface water [^] from other entry points (e.g., raee run-off from races, stand-off pads and paddocks)."	Accept in part
FS1.65.14	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS4.65.14	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept in part
FS11.65.14	Federated Farmers of New Zealand	O	Disallow decision requested in S65.14.	Accept in part
65.15	Water Protection Society		WPS requests that Policy 5-8(b)(i)(C) be deleted.	Reject
FS1.65.15	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Reject
FS4.65.15	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept
FS11.65.15	Federated Farmers of New Zealand	O	Reject decision requested in S65.15.	Accept
65.16	Water Protection Society		WPS requests that Policy 5-8(c) be relabelled to 5-8(d).	Reject
FS1.65.16	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Reject
FS4.65.16	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept
65.17	Water Protection Society		WPS requests that Policy 5-8(c)(i) be replaced by: <u>"In those Water Management Sub-zones* where agricultural land[^] use activities are the predominant cause of elevated sediment levels in</u>	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<i>surface water[^], the Regional Council will promote require the preparation and implementation 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."</i>	
FS1.65.17	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Reject
FS4.65.17	Horticulture NZ	O	Disallow submission, and provide for commercial vegetable growing.	Accept
FS11.65.17	Federated Farmers of New Zealand	O	Reject decision requested in S65.17.	Accept
65.18	Water Protection Society	SIP	WPS supports in part insertion of this clause. WPS request that Policy 5-8(d) be repositioned to near the top of the Policy and relabelled Policy 5-8(a).	Accept in part
FS1.65.18	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS4.65.18	Horticulture NZ	O	Disallow submission and provide for commercial vegetable growing.	Accept in part
65.19	Water Protection Society	S	WPS supports the addition of Method 5-12 and 5-13 to the Regional Policy Statement.	Accept in part
FS1.65.19	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept
65.20	Water Protection Society	S	WPS supports the addition of Method 5-12 and 5-13 to the Regional Policy Statement.	Accept in part
FS1.65.20	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
65.21	Water Protection Society	S	Policy 14-3: The general intent of recognising the potential usefulness of certain practices is supported. Besides that WPS request the proposed wording be changed to: <i>"When making decisions on resource consent[^] applications, and setting consent conditions, for activities affecting groundwater and surface water[^] quality, the Regional Council must have regard to good management practices* and additional measures for decreasing nitrogen leaching to and the extent to which that those good management</i>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<i>practices* and additional measures help give effect to Policies 5-1 to 5-8 address the matters in and Policies 14-1, 14-2, 14-4, and 14-5 and 14-6.”</i>	
FS1.65.21	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS11.65.21	Federated Farmers of New Zealand	O	Reject decision requested in S65.21.	Reject
65.22	Water Protection Society		WPS requests a clearer definition of good management practices to be given (in the glossary). WPS request that a more definitive definition of Good management be practices be proposed. A non-exclusive list of all of the types of practices meant by ‘good management practices’ would also be helpful to make the meaning clear. E.g: <i>“Good management practices include, but are not limited to...”</i>	Reject
FS1.65.22	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Reject
FS11.65.22	Federated Farmers of New Zealand	O	Reject decision requested in S65.22.	Accept
65.23	Water Protection Society		Policy 14-5: WPS supports the intention of this insertion but opposes its location. WPS request Policy 14-5(b)(i) and (ii) be replaced by: <i>“(i) They are existing (ie., established prior to the Plan having legal effect) intensive farming land^ uses*, in the targeted Water Management Sub-zones* identified in Table 14.1. (ii) They are new (ie., established after the Plan has legal effect²) intensive farming land^ uses*, in all Water Management Sub-zones* in the Region.’</i> WPS also requests the deletion of the two footnotes.	Reject
FS1.65.23	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Reject
FS11.65.23	Federated Farmers of New Zealand	OIP	Disallow the decision requested in S65.23.	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
65.24	Water Protection Society	SIP	WPS requests that a reference to a further exception is added to Policy 14-5(d) as follows: <u>“(d) Except as provided for in Policy 14-6(d) and Policy 14-6(e), Existing intensive farming land[^] uses regulated in accordance with (b)(i) must be managed to ensure that the leaching of nitrogen from those land[^] uses does not exceed the cumulative nitrogen leaching maximum* values for each year contained in Table 14.2.”</u>	Reject
FS1.65.24	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Reject
FS11.65.24	Federated Farmers of New Zealand	O	Reject decision requested in S65.24.	Accept
65.25	Water Protection Society		WPS requests that Policy 14-5(f) be replaced by: <u>“(f) Intensive farming land[^] uses regulated in accordance with (b) must exclude cattle from:</u> <u>(i) within 20m from the mean annual highest water level of a wetland[^] or lake[^] that is a rare habitat*, threatened habitat* or at-risk habitat*.</u> <u>(ii) within 5m of the bed[^] of any river[^] that is permanently flowing</u> <u>(iii) within 5m of the active bed[^] of any river that is intermittently flowing and that has an active bed* width greater than 1 metre</u> <u>(iv) within 2.5m of the centreline of any other watercourse</u>	Reject
FS1.65.25	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Reject
FS11.65.25	Federated Farmers of New Zealand	O	Reject decision requested in S65.25.	Accept
65.26	Water Protection Society	S	WPS supports the intent of proposed Policy 14-6(b). WPS request that <u>“as part of any intensive land use...”</u> be deleted from Policy 14-6 (b).	Reject
FS1.65.26	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Reject
65.27	Water Protection Society		WPS request that proposed Policy 14-6(c) be replaced by: <u>“(c) Ensure that cattle are excluded from surface water in accordance with Policy 14-5 (f) and (g) except where landscape or geographical</u>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			constraints make stock exclusion impractical, and the effects of cattle stock movements are must be avoided, remedied or mitigated. In all such cases, the effects of any unavoidable losses of nitrogen, phosphorus, faecal contamination matter and sediment are must be avoided, remedied or mitigated by other works or environmental compensation.	
FS1.65.27	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS11.65.27	Federated Farmers of New Zealand	O	Reject decision requested in S65.27.	Reject
65.28	Water Protection Society		WPS requests Policy 14-6(d)(i) be replaced by: “(d) Provide for exceptions to (a), for a period of 5 years, for existing intensive farming land uses that exceed the cumulative nitrogen leaching maximums where: (i) Good management practices* are being progressively 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...”	Accept in part
FS1.65.28	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS11.65.28	Federated Farmers of New Zealand	O	Reject decision requested in S65.28.	Reject
65.29	Water Protection Society	S	RWPS supports insertion of Policy 14-6(d)(ii).	Accept
FS1.65.29	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept
FS11.65.29	Federated Farmers of New Zealand	O	Reject decision requested in S65.29.	Reject
65.30	Water Protection Society		WPS requests addition of the following clause to Policy 14-6: “(e) Provide for exceptions to (a), for a period of 10 years, for existing intensive farming land uses that do not comply with the cumulative nitrogen leaching maximums even with implementation of good management practices where:	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<i><u>(i) additional innovations and measures to further reduce nutrient leaching and run-off, faecal contamination and sediment losses from the land^ are implemented progressively over time.</u></i>	
FS1.65.30	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS11.65.30	Federated Farmers of New Zealand	O	Reject decision requested in S65.30.	Reject
65.31	Water Protection Society		WPS requests that Policy 14-6(e) be relabelled Policy 14-6(f)(as a consequence of the above requested change).	Accept in part
FS1.65.31	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
65.32	Water Protection Society		WPS requests that Policy 14-6(e) be replaced by: <i><u>'(f) When determining the timeframe (not to exceed 10 years) for an existing intensive farm land use to continue to exceed the nitrogen leaching maximums established under Policies 5-8(a) (as provided for by the exceptions described in by Policies 14-5(d), 14-6(d)(i) and 14-6(e)) have regard to :'</u></i>	Accept in part
FS1.65.32	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
65.33	Water Protection Society	SIP	WPS supports in part insertion of Policy 14-6(e)(i)-(v) so that 'strategy' be replaced by ' <i><u>goals</u></i> ' on its first occurrence in (v) and by ' <i><u>goal</u></i> ' on its second occurrence.	Reject
FS1.65.33	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Reject
65.34	Water Protection Society		Add an additional point to Policy 14-6(e) as follows: <i><u>"(vi) The nature, sequencing, measurability and enforceability of any steps proposed to decrease the leaching to below the minimums established under Policy 5-8(a)."</u></i>	Accept in part
FS1.65.34	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
65.35	Water Protection Society		WPS request that Policy 14-6(f) to be relabelled Policy 14-6(g).	Accept in part
FS1.65.35	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
65.36	Water Protection Society		WPS supports insertion of Policy 14-6(f).	Accept in part
FS1.65.36	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
65.37	Water Protection Society		WPS requests that an additional clause to Policy 14-6 as follows: <i><u>“(h) Not permit any intensive farming land use to continue to exceed the nitrogen leaching maximums for more than 10 years.”</u></i>	Accept in part
FS1.65.37	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS11.65.37	Federated Farmers of New Zealand	O	Reject decision requested in S65.37.	Reject
65.38	Water Protection Society		WPS requests all such changes to the Rules as are necessary to give effect to the changes it has proposed above to PPC2.	Accept in part
FS1.65.38	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS11.65.38.1	Federated Farmers of New Zealand	O	Reject decision requested in S65.38.	Accept in part
FS11.65.38.2	Federated Farmers of New Zealand	O	Reject requested decision in S65.38 to make changes to rules as necessary to give effect to the policies for Table 14.2.	Accept in part
FS11.65.38.3	Federated Farmers of New Zealand	O	Reject requested decision in S65.38 to make changes to rules as necessary to give effect to the policies for Rule 14-1.	Accept in part
FS11.65.38.4	Federated Farmers of New Zealand	O	Reject requested decision in S65.38 to make changes to rules as necessary to give effect to the policies for Rule 14-2.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
65.39	Water Protection Society	SIP	WPS supports in part insertion of a definition of 'nutrient management plan' WPS requests the phrase ' <i>recognised</i> ' and be replaced by ' <i>Horizons-approved</i> '.	Accept in part
FS1.65.39	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
65.40	Water Protection Society		<p>WPS request that the terms 'existing intensive farming land uses' and 'new intensive farming land use' be defined in the Glossary rather than as footnotes since the phrases are used too many times in the One Plan and a reader shouldn't have to search for footnotes to find such definitions. Possible definitions are as follows:</p> <p><u>"Existing intensive farming land uses, in the targeted Water Management Sub-zones* identified in Table 14.1, are those intensive farming land uses which were being conducted prior to the dates listed in Table 14.1 for the Water Management Sub-zones* in which the land is located", and</u></p> <p><u>"New intensive farming land uses, in all Water Management Sub-zones, are those which have been carried out only since 24 August 2010 in the case of dairy farming and only since 9 May 2013 in the case of commercial vegetable growing*, cropping* and intensive sheep and beef*."</u></p> <p>However, these two definition are not mutually exclusive. An intensive dairy farm for example, might have been set up in 2010 in the Makakahi (Mana_8d) Water Management Sub-zone. In that case it would be both a new and an existing intensive farming land use so there would be confusion as to which policies and rules apply. The definition should be mutually exclusive but we leave that to the people who are paid to write these things to come up with suitable wording.</p>	Accept in part
FS1.65.40	Forest and Bird	SIP	Allow Water Protection Society S65.1 – S65.40, where not in direct conflict with S59.	Accept in part
FS11.65.40	Federated Farmers of New Zealand	O	Disallow S65.40 requesting amendments to definitions for 82.1 Policy 14-5.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
66	Horticulture New Zealand	OIP	Provide a consenting pathway for CVG as detailed in the Attachment to the submission	Accept in part
66.1	Horticulture New Zealand	OIP	Amend Policy 5-7 <i>Land use activities affecting groundwater and surface water quality</i> , to include: <u><i>“(bb) Recognise the particular domestic food production values associated with commercial vegetable growing and provide a tailored consenting pathway to manage associated effects groundwater and surface water.”</i></u> Refer to track changes in Part D of Horticulture New Zealand submission.	Accept in part
FS1.66.1	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept in part
FS3.66.1	Director-General of Conservation	OIP	Disallow the submission point in part.	Accept in part
FS6.66.1	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS8.66.1	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS9.66.1	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS11.66.1	Federated Farmers of New Zealand	O	Reject decision requested in S66.1.	Accept in part
FS26.66.1	Horowhenua District Council	SIP	Supports the submission in so far as it seeks the creation of specific policy settings and regulations for horticultural activities, distinct from pastoral farming. The HDC seeks that Plan Change 2 is withdrawn and transitioned to a collaborative planning process to enable the development of a flexible and robust transition framework for the consenting of intensive land use activities including horticultural activities, operating in target catchments. HDC also supports the submission that proposes more specific definitions to provide greater clarity and	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			interpretation of planning provisions for intensive land use activities and horticulture activities.	
66.2	Horticulture New Zealand	O	Amend Policy 5-8 <i>Management and regulation of intensive farming land use, activities affecting groundwater and surface water quality</i> , to exclude commercial vegetable growing. Refer to track changes in Part D of Horticulture New Zealand submission.	Accept in part
FS1.66.2	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept in part
FS2.66.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS3.66.2	Director-General of Conservation	OIP	Disallow in part	Accept in part
FS6.66.2	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS8.66.2	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS9.66.2	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS11.66.2	Federated Farmers of New Zealand	OIP	Reject the decision requested in S66.2. Allow amendments to Policy 5-8 where appropriate to recognise the nature of horticulture activities.	Accept in part
FS26.66.2	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.3	Horticulture New Zealand		Insert a new policy, <u><i>Policy 5-8A Management and regulation of commercial vegetable growing, activities affecting groundwater and surface water quality that</i></u> provides for commercial vegetable growing. Refer to track changes in Part D of Horticulture New Zealand submission.	Accept in part
FS1.66.3	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.66.3	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS3.66.3	Director-General of Conservation	OIP	Disallow in part	Accept in part
FS6.66.3	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS8.66.3	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS9.66.3	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS11.66.3	Federated Farmers of New Zealand	OIP	Reject the decision requested in S66.3.	Accept in part
FS26.66.3	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.4	Horticulture New Zealand	SIP	<p>Method 5-12: Amend 'Description' to apply to all land users, as shown in the track changes (Part D) and below: <u>“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 Subzones* where nitrogen leaching is an issue, will be a priority in order to find viable options for <i>intensive farming land users</i> to make improvements to water quality to contribute to achieving water quality targets over-time. that will have difficulty in achieving the cumulative nitrogen leaching maximums* (refer Table 14.1).”</u> Amend 'Links to Policy' to include reference to the new policy proposed, as shown in the track change amendments (Part D) and below: <u>“This method implements Policies 5-7 <i>and</i>, 5-8 <i>and</i> Policy 5-8A.”</u></p>	Reject
FS1.66.4	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS6.66.4	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Reject
FS8.66.4	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Reject
FS9.66.4	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept
FS11.66.4	Federated Farmers of New Zealand	SIP	Reject the decision requested in S66.4. Allow amendments to Method 5-12 in its original submission regarding financially viable solutions. Disallow references to Hort NZ's new Policy 5-8A	Accept
FS26.66.4	Horowhenua District Council	SIP	As stated in FS26.1	Reject
66.5	Horticulture New Zealand	S	Policy 14-3: Retain, with consequential amendments as shown in track changes in Part D of Horticulture New Zealand submission.	Reject
FS1.66.5	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept
FS2.66.5	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept
FS6.66.5	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Reject
FS8.66.5	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Reject
FS9.66.5	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept
FS11.66.5	Federated Farmers of New Zealand	OIP	Reject decision requested in S66.5.	Accept
FS26.66.5	Horowhenua District Council	SIP	As stated in FS26.1	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
66.6	Horticulture New Zealand		Insert a new policy, Policy 14-X <u>Management of commercial vegetable growing activities</u> that provides for CVG. The proposed policy wording is detailed in track changes in Part D of Horticulture New Zealand submission.	Accept in part
FS1.66.6	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept in part
FS2.66.6	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS3.66.6	Director-General of Conservation	OIP	Disallow in part	Accept in part
FS6.66.6	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS8.66.6	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS9.66.6	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS11.66.6	Federated Farmers of New Zealand	OIP	Reject decision requested in S66.6.	Accept in part
FS26.66.6	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.7	Horticulture New Zealand	OIP	Amend Policy 14-5 Management of intensive farming land uses, to exclude commercial vegetable production. The proposed policy wording is detailed in track changes in Part D of Horticulture New Zealand submission.	Accept in part
FS1.66.7	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept in part
FS2.66.7	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS6.66.7	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS8.66.7	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS9.66.7	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS11.66.7	Federated Farmers of New Zealand	O	Reject the decision requested in S66.7 proposing Policy 14-5 be amended to exclude commercial vegetable growing.	Accept in part
FS26.66.7	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.8	Horticulture New Zealand	OIP	Amend Policy 14-6, Resource consent decision-making for intensive farming land uses_ to exclude commercial vegetable growing. The proposed policy wording is detailed in track changes in Part D of Horticulture New Zealand submission.	Accept in part
FS1.66.8	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept in part
FS2.66.8	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS6.66.8	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS8.66.8	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS9.66.8	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS11.66.8	Federated Farmers of New Zealand	O	Reject the decision requested in S66.8 proposing Policy 14-5 be amended to exclude commercial vegetable growing.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS26.66.8	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.9	Horticulture New Zealand	OIP	Amend Rule 14-1 Existing intensive farming land use activities to exclude commercial vegetable growing. The proposed policy wording is detailed in track changes in Part D of Horticulture New Zealand submission.	Accept in part
FS1.66.9	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept in part
FS2.66.9	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS6.66.9	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS8.66.9	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS9.66.9	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS11.66.9	Federated Farmers of New Zealand	O	Reject the decision requested in S66.9.	Accept in part
FS26.66.9	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.10	Horticulture New Zealand	OIP	Amend 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 to exclude commercial vegetable growing. The proposed policy wording is detailed in track changes in Part D of Horticulture New Zealand submission.	Accept in part
FS1.66.10	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept in part
FS2.66.10	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS6.66.10	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS8.66.10	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS9.66.10	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS11.66.10	Federated Farmers of New Zealand	O	Reject the decision requested in S66.10.	Accept in part
FS11.66.10	Federated Farmers of New Zealand	O	Reject the decision requested in S66.10.	Accept in part
FS26.66.10	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.11	Horticulture New Zealand	OIP	Amend Rule 14-2A Existing intensive farming land [^] use activities excluding commercial vegetable production not complying with condition standard, term (c) of Rule 14-1 or Rule 14-2, to exclude commercial vegetable growing. The proposed policy wording is detailed in track changes in Part D of Horticulture New Zealand submission.	Accept in part
FS1.66.11	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept in part
FS2.66.11	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS6.66.11	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS8.66.11	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS9.66.11	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.66.11.1	Federated Farmers of New Zealand	O	Reject the decision requested in S66.11.	Accept in part
FS11.66.11.2	Federated Farmers of New Zealand	O	Reject decision requested in S66.11 that Rule 14-2A is amended to exclude commercial vegetable growing.	Accept in part
FS26.66.11	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.12	Horticulture New Zealand		Insert new rule, 14-2BX Existing Commercial Vegetable Growing . The proposed policy wording is detailed in track changes in Part D of Horticulture New Zealand submission.	Accept in part
FS1.66.12	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept in part
FS2.66.12	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS3.66.12	Director-General of Conservation	OIP	Disallow in part	Accept in part
FS6.66.12	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS8.66.12	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS9.66.12	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS11.66.12	Federated Farmers of New Zealand	O	Reject the decision requested in S66.12	Accept in part
FS26.66.12	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.13	Horticulture New Zealand		Insert new rule, 14-2CX Existing Commercial Vegetable growing not complying with the conditions, standards and terms of Rule14-2BX . The proposed policy wording is detailed in track changes in Part D of Horticulture New Zealand submission.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS1.66.13	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept in part
FS2.66.13	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS3.66.13	Director-General of Conservation	OIP	Disallow in part.	Accept in part
FS6.66.13	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS8.66.13	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS9.66.13	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS11.66.13	Federated Farmers of New Zealand	O	Reject the decision requested in S66.13.	Accept in part
FS26.66.13	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.14	Horticulture New Zealand		Insert new rule, 14-2DX New Commercial Vegetable growing . The rule wording is detailed in the track changed in track changes in Part D of Horticulture New Zealand submission.	Reject
FS1.66.14	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept in part
FS2.66.14	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS3.66.14	Director-General of Conservation	OIP	Disallow in part	Accept in part
FS6.66.14	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS8.66.14	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS9.66.14	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS11.66.14	Federated Farmers of New Zealand	O	Reject the decision requested in S66.14.	Accept
FS26.66.14	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.15	Horticulture New Zealand		Insert new rule, <u>14-2EX Commercial Vegetable growing not complying with any of the conditions, standards and of Rules 14-2CX or 14-2DX.</u> The rule wording is detailed in track changes in Part D of Horticulture New Zealand submission.	Accept in part
FS1.66.15	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept in part
FS2.66.15	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS3.66.15	Director-General of Conservation	OIP	Disallow in part	Accept in part
FS6.66.15	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS8.66.15	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS9.66.15	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept in part
FS11.66.15	Federated Farmers of New Zealand	O	Reject the decision requested in S66.15.	Accept in part
FS26.66.15	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.16	Horticulture New Zealand		Amend the definition of commercial vegetable growing as follows:	Reject

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			<u>“Commercial vegetable growing means using an area of land greater than 4 ha for producing commercial production of vegetable crops for human consumption, on a horticultural farm. It includes the whole rotational cycle, being the period of time that is required for the full sequence of crops, including any pasture phase in the rotation. Fruit crops, vegetables that are perennial, dry field peas or beans and other low intensity horticultural crops are not included.”</u>	
FS1.66.16	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept
FS6.66.16	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Reject
FS8.66.16	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Reject
FS9.66.16	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept
FS11.66.16	Federated Farmers of New Zealand	OIP	Disallow decision requested regarding amendment to definitions proposed in S66.16.	Accept
FS26.66.16	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.17	Horticulture New Zealand		Include a definition for enterprise: <u>“Enterprise means one or more parcels of land held in single or multiple ownership to support the principle land use, or land on which the principle land use is reliant, which constitutes a single operating unit for the purposes of management.”</u>	Accept
FS1.66.17	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Reject
FS6.66.17	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept
FS8.66.17	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS9.66.17	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Reject
FS11.66.17	Federated Farmers of New Zealand	OIP	Disallow decision requested regarding amendment to definitions proposed in S66.17.	Reject
FS26.66.17	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.18	Horticulture New Zealand		Include a definition for farm: <i><u>“Farm means a property, area of land, or enterprise used for pastoral farming, horticultural farming, arable farming, other than a farm engaged in intensive indoor primary production.”</u></i>	Reject
FS1.66.18	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept
FS6.66.18	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Reject
FS8.66.18	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Reject
FS9.66.18	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept
FS11.66.18	Federated Farmers of New Zealand	OIP	Disallow decision requested regarding amendment to definitions proposed in S66.18.	Accept
FS26.66.18	Horowhenua District Council	SIP	As stated in FS26.1	Accept in part
66.19	Horticulture New Zealand		Include a definition for horticultural farming: <i><u>“Horticultural farming means farming where the predominant activity is growing food or beverage crops for human consumption (other than arable crops), or flowers for commercial supply.”</u></i>	Reject
FS1.66.19	Forest and Bird	O	Disallow Horticulture NZ S66.1 – S66.19.	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS6.66.19	Chris Pescini – Pescini Brothers Ltd	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Reject
FS8.66.19	Woodhaven Gardens	S	Allow the submissions and decisions requested by Horticulture NZ S66.1 – S66.19.	Reject
FS9.66.19	DairyNZ	OIP	Reject the decisions requested by Horticulture NZ S66.1 – S66.19.	Accept
FS11.66.19	Federated Farmers of New Zealand	OIP	Disallow decision requested regarding amendment to definitions proposed in S66.19.	Accept
FS26.66.19	Horowhenua District Council	SIP	As stated in FS26.1	Reject
67.1, 68.1, 70.1	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o Raukawa	O	Inadequate protections in PC2	Accept in part
67.1, 68.1, 70.1	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o Raukawa	O	Refuse the entire plan change.	Reject
FS1.67.1 FS1.68.1 FS1.70.1	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.67.1 FS2.68.1 FS2.70.1	Water Protection Society	S	Disallow to the extent the submissions conflict with S65	Accept
FS3.67.1.1 FS3.68.1.1 FS3.70.1.1	Director-General of Conservation	S	Accept the submissions and any decisions requested by S63, S67, S68, S70, in respect of adequacy of consultation undertaken as part of PPC2.	Reject
FS3.67.1.2 FS3.68.1.2 FS3.70.1.2	Director-General of Conservation	S	Accept the submissions and any decisions in respect of inadequate provision for tikanga of iwi and hapu, and of the principles of the Treaty of Waitangi. Further submitter is concerned that PPC2 provisions fail to recognise and provide for tikanga of the respective iwi and hapu and for associations with their ancestral land, water and other taonga. Nor do the provisions show a particular regard to the role of iwi and hapu as kaitiaki or account for the principles of the Treaty of Waitangi.	Reject
FS3.67.1.3 FS3.68.1.3 FS3.70.1.3	Director-General of Conservation	S	Accept the submissions and any decisions requested by S63, S67, S68, S70, in respect of the assessment of cultural effects made within the Section 32 Evaluation Report for PPC2.	Reject
FS3.67.1.4 FS3.68.1.4 FS3.70.1.4	Director-General of Conservation	S	Accept the submissions and any decisions requested S63, S67, S68, S70, in respect of the consideration or recognition of Te Mana o Te Wai. The deficiencies in consultation indicate that the setting of freshwater objectives and limits were not informed by tangata whenua values as required by the NPSFM.	Reject
FS30.67.1 FS30.68.1 FS30.70.1	Horowhenua District Council	S	Supports in principle the submission of Ngati Turanga S67 in so far as it requests Plan Change 2 be withdrawn.	Reject
67.2, 68.2, 70.2	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust,	OIP	Retain operative Policy 5-8 (a) (i) (B) without change. In Policy 5-8(a)(iia) it is unclear by how much nitrogen leaching needs to be reduced in order to minimise the degree of non-compliance, this wording should be amended to read as “ <u>significantly reduce</u> ” so as to make this clear.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
	Te Rūnanga o Raukawa		<p>In Policy 5-8(a)(iia) it is unclear what “<i>additional matters</i>” are supposed to be, and this is not defined, therefore it is recommended that the wording be deleted. The proposed definition of GMP uses the terminology “practical measures and methods”.</p> <p>In Policy 5-8(a)(iia) use of the word ‘degree’ should be replaced with ‘<u>extent</u>’ to be consistent with later use of the word in Policy 14-6.</p> <p>In Policy 5-8(a)(iia)(A) reference to the “<i>cost of achieving the nitrogen leaching maximums</i>” infers that the maximum values are met, which is unclear in the context of a policy which anticipates that the values are exceeded. The recommended wording change to read “<u>financial implications of achieving the nitrogen leaching maximums specified in (i) were they to be achieved</u>”, better aligns with the RMA definition of best practicable option.</p> <p>Policy 5-8(a)(iib): It is recommended that the wording is amended to read “(iib) Existing land use activities which do not comply with (ii) but <u>can demonstrate a transition</u> to an alternative non-intensive farming land use must be regulated to ensure that they are able to continue for a limited period of time in order to enable that transition. <u>For the avoidance of doubt subclause (iia) applies to transition farms, and only where there is no increase in the exceedance of the nitrogen leaching maximums established under (a)</u>” so as to avoid over the transitional period.</p>	
FS1.67.2 FS1.68.2 FS1.70.2	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Accept in part
FS2.67.2 FS2.68.2 FS2.70.2	Water Protection Society	S	Allow Submission 67 to the extent the submission is consistent with S65.	Accept in part
FS11.67.2.1 FS11.68.2.1	Federated Farmers of New Zealand	O	Reject decision requested in S67.2, S68.2, S70.2 to retain Policy 5-8(i)(B).	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.70.2.1				
FS11.67.2.2 FS11.68.2.2 FS11.70.2.2	Federated Farmers of New Zealand	O	Reject decision requested in S67.2 regarding Policy 5-8(a)(ii)(A).	Accept in part
FS11.67.2.3 FS11.68.2.3 FS11.70.2.3	Federated Farmers of New Zealand	O	Reject decision requested in S67.2, S68.2, S70.2 regarding Policy 5-8(a)(ii)(A).	Accept in part
FS11.67.2.4 FS11.68.2.4 FS11.70.2.4	Federated Farmers of New Zealand	O	Reject decision requested in S67.2 for Policy 5-8(a)(iib) to be amended.	Accept in part
67.3, 68.3, 70.3	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o Raukawa	OIP	Method 5-12: Recommend that the wording is amended to read: <u>“Support initiatives by local communities, and sector groups or in consultation with tangata whenua which develop options for sustainable land use in the region.”</u> Recommend that the wording is amended to read: <u>“Local communities including tangata whenua, rural and other sector groups, Territorial Authorities, Regional Council...”</u> . Recommend that the wording is amended to read: Advice and assistance is available for landowners and tangata whenua in the Region regarding land use management practices”.	Accept
FS1.67.3 FS1.68.3 FS1.70.3	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Accept
FS2.67.3 FS2.68.3 FS2.70.3	Water Protection Society	S	Allow Submission 67 to the extent the submission is consistent with S65.	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.67.3 FS11.68.3 FS11.70.3	Federated Farmers of New Zealand	OIP	Reject the decision requested in S67.3 in relation to the description of Method 5-12. Allow the amendment of adding the words " <u>including tangata whenua</u> " to the "who" row of the table or to add the words " <u>Maori</u> ".	Accept in part
67.4, 68.4, 70.4	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakitere Trust, Te Rūnanga o Raukawa	OIP	Method 5-13: Information proposed under Method 5-13 should be provided to tangata whenua as part of the arrangements set out in RPS Chapter 2. Wording has been proposed " <u>Horizons will serve copies of all reports published under this method to tangata whenua within the rohe to which the research applies.</u> " It is recommended that the wording be amended to read Regional Council, <u>tangata whenua</u> , rural sector groups, and nutrient management model providers".	Accept
FS1.67.4 FS1.68.4 FS1.70.4	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Accept
FS2.67.4 FS2.68.4 FS2.70.4	Water Protection Society	S	Allow Submission 67 to the extent the submission is consistent with S65.	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.67.4 FS11.68.4 FS11.70.4	Federated Farmers of New Zealand	SIP	Allow in part the decision requested in S67.4 in relation to Method 5-13 by Ngāti Turanga.	Accept
67.5, 68.5, 70.5	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o Raukawa	O	It is proposed that all the proposed changes to Policy 14-3 are rejected. It is proposed that the only change to the operative Policy is to insert the wording “good management practices” is inserted into Operative Policy 14-3 to read: <i>“The Regional Council will examine on an on-going basis relevant industry-based standards (including <u>good management practices, guidelines and codes of practice...</u>”</i> Note: Submitter provides tracked changes version of full Policy 14-3 in submission.	Accept in part
FS1.67.5 FS1.68.5 FS1.70.5	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Accept in part
FS2.67.5 FS2.68.5 FS2.70.5	Water Protection Society	S	Allow Submission 67 to the extent the submission is consistent with S65.	Accept in part
FS11.67.5 FS11.68.5 FS11.70.5	Federated Farmers of New Zealand	O	Reject the decision requested in S67.5 in relation to Policy 14-3.	Accept in part
67.6, 68.6, 70.6	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o Raukawa	OIP	Policy 14-5(b)(i): Delete the new footnote.	Reject
FS1.67.6 FS1.68.6 FS1.70.6	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.67.6 FS2.68.6 FS2.70.6	Water Protection Society	S	Allow Submission 67 to the extent the submission is consistent with S65.	Accept in part
67.7, 68.7, 70.7	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o Raukawa	O	<p>Policy 14-6(b) should be amended to replace the word <i>'manage'</i> with <i>'minimise'</i> in relation to nutrient leaching and run-off.</p> <p>There is formatting error where operative Policy 14-6(c) has been deleted. In the notified version of the plan wording, the new policy 14-6(c) (beginning <i>"Ensure that cattle are excluded..."</i>) is actually operative Policy 14-6(d). The error is inconsequential but it is unclear what has been amended.</p> <p>In proposed policy 14-6(d)(i) it is unclear what constitutes <i>"additional innovations and measures"</i> or why they are required in addition to GMP to further reduce nutrient leaching. This wording should be deleted. The proposed definition of GMP uses the term <i>"practical measures and methods"</i>.</p> <p>In proposed policy 14-6(d)(i) it is unclear what time frame is intended with the use of wording <i>"progressively over time"</i>. The wording: <i>"...and to not exceed the cumulative nitrogen leaching maximum* for Year-20 in Table 14.2"</i> should be inserted.</p> <p>In proposed Policy 14-6(d)(ii) there is no restriction on the ability of a consent holder to reapply for a replacement consent upon expiry of the transition consent. The wording <i>"or to 31 December 2025 (whichever comes first)"</i> should be inserted, which aligns with the NPS Freshwater Management 2014.</p> <p>In proposed Policy 14-6(e)(i) the wording <i>"proposed innovations and measures represent"</i> is undefined. It is also unclear from the policy whether the BPO must be required for a proposal to be eligible for an exemption under (d)(i).</p>	Reject Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<p>In proposed Policy 14-6(e)(i), use of the wording <i>“having particular regard to”</i> places a higher importance on those listed matters compared to whether the proposal is the BPO, which is defined in the Act and does not consider those matters in (A) – (C). If an applicant were to present an assessment of the BPO, that would likely cover off those matters identified in (A)-(C) and therefore their prioritisation is unnecessary and unhelpful.</p> <p>In proposed Policy 14-6(e)(i)(A), consideration of the extent of the exceedance is unhelpful when considering how much of an exceedance is appropriate, and this is also not an effects-based test. It is recommended that this be clarified as to what extent is acceptable and unacceptable.</p> <p>In proposed Policy 14-6(e)(i)(B), it is important to consider both the quantity and the rate of reduction. It is proposed that the wording be amended to read <i>“(B) The proportion and rate of reduction of nitrogen loss...”</i>.</p> <p>In proposed Policy 14-6(e)(i)(C), it is unclear what aspects the ‘further reductions’ are targeting. It is recommended that the wording be inserted <i>“further reductions in nutrient leaching and run-off, faecal contamination and sediment losses from the land are currently possible.”</i></p> <p>In proposed Policy 14-6(e)(ii), the reference to future versions of OVERSEER is ultra vires and contrary to case law that documents incorporated by reference cannot include ‘subsequent versions or revisions’, and any rule in a plan that purports to do so is ultra vires (<i>Telecom New Zealand Limited v Christchurch City Council [2003] NZRMA 280</i>).</p> <p>Under Policy 14-6(e), the decision maker is required to have regard to the matters listed in (i) through (v). Clause (i) contains three matters which</p>	

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<p>are to be given particular regard. While considering clause (iii), additional matters are introduced in that clause ((iii)). Therefore, it is recommended that the word <u>“particular”</u> is inserted before the word <u>“regard.”</u></p> <p>In proposed Policy 14-6(e)(iv), the wording <u>“over time,”</u> adds little value as it is inferred by the word <u>“progressive”</u> and should be deleted. The word <u>“demonstrated”</u> should be inserted to read: <u>“The contribution of the progressive reduction in nutrient leaching and run-off, faecal contamination and sediment losses from the land^ to the demonstrated improvement of water^ quality within that Water Management Sub-zone*.”</u></p> <p>Proposed Policy 14-6 does not provide any regard for wetlands or lakes that are a rare habitat or threatened habitat. Amend Policy 14-6 to include <u>“(e)(vi) The presence of wetlands^ or lakes^ that are a rare habitat* or threatened habitat*.”</u></p> <p>Amend Policy 14-6(f)(i) use of the word <u>“measures”</u> should be amended to <u>“good management practices*”</u>; as measures is not defined in this context.</p> <p>Proposed Policy 14-6(f)(i) should be amended to read <u>“do not increase significantly decrease”</u>, to be consistent with the sought changes to Policy 5-8(a)(iia).</p> <p>Proposed Policy 14-6(f)(ii) should be amended to include the wording <u>“adverse effects caused by”</u>.</p> <p>Proposed Policy 14-6(f)(ii) should be amended to read: <u>“The nature, sequencing, measurability and enforceability of the programme of de-intensification committed in order to any steps proposed to transition out of the intensive farming land^ use by the expiry of the resource consent^, or before 31 December 2025 (whichever comes first).”</u></p>	

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FS1.67.7 FS1.68.7 FS1.70.7	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Accept in part
FS2.67.7 FS2.68.7 FS2.70.7	Water Protection Society	S	Allow Submission 67 to the extent the submission is consistent with S65.	Accept in part
FS11.67.7 FS11.68.7 FS11.70.7	Federated Farmers of New Zealand	O	Reject decision requested in S67.7 in relation to Policy 14-6.	Accept in part
67.8, 68.8, 70.8	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o Raukawa	O	Amend Table 14.1 based on most recent science. Submitter seeks addition of four new Water Management Subzones into Table 14.1 including Middle Manawatu Mana_10, Lower Manawatu Mana_11, Oroua Mana_12 and Coastal Manawatū Mana_13. Submitter provides tracked changes version of full Table 14.1 in submission	Reject
FS1.67.8 FS1.68.8 FS1.70.8	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Reject
FS2.67.8 FS2.68.8 FS2.70.8	Water Protection Society	S	Allow Submission 67 to the extent the submission is consistent with S65.	Reject
FS11.67.8 FS11.68.8 FS11.70.8	Federated Farmers of New Zealand	OIP	Reject decision requested in S67.8 proposing that Table 14.1 is deleted.	Accept
FS12.67.8	Potatoes New Zealand	SIP	Adopt the changes proposed in PNZ FS12. Include wider reflection of the way land is considered within the water management zones and more broadly in terms of LUC Classification and commercial vegetable	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			production, in line with identification of LUC III land in the catchments proposed for inclusion by Ngāti Turanga.	
67.9, 68.9, 70.9	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o Raukawa	OIP	Table 14.2: amend Policy 14-5 to include a clause specifying the timing, trigger and method for review of Table 14.2, and Policy 14-6(e)(ii) is deleted. Note the plan review policies are also present in Chapter 12.	Accept in part
FS1.67.9 FS1.68.9 FS1.70.9	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Accept in part
FS2.67.9 FS2.68.9 FS2.70.9	Water Protection Society	S	Allow Submission 67 to the extent the submission is consistent with S65.	Accept in part
FS11.67.9 FS11.68.9 FS11.70.9	Federated Farmers of New Zealand	SIP/OIP	Accept decision requested in S67.9 to amend Policy 14-5 to include a clause specifying the timing, trigger and method for review of Table 14.2. allow FFNZ's amendments.	Accept in part
67.10, 68.10, 70.10	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o Raukawa	OIP	<p>Rule 14-1: Reinstate the original wording: “compliance with the cumulative nitrogen leaching maximum * specified in Table 14.2 matter of control(b).</p> <p>It is recommended that the new proposed wording be introduced as a new matter, either noted as (ba) or (j) “<i>good management practices* to avoid, remedy or mitigate nutrient leaching and run-off, faecal contamination and sediment losses for the land[^]</i>”.</p> <p>In proposed Rule 14-1, the reference to Policy 14-6 is unnecessary and should be removed.</p> <p>Submitter provides tracked changes version of full Rule 14-1 submission.</p>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS1.67.10 FS1.68.10 FS1.70.10	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Accept in part
FS2.67.10 FS2.68.10 FS2.70.10	Water Protection Society	S	Allow Submission 67 to the extent the submission is consistent with S65.	Accept in part
FS11.67.10 FS11.68.10 FS11.70.10	Federated Farmers of New Zealand	O	Reject decision requested in S67.10 to retain original wording Rule 14-1(b) matter of control; retain the requirement for compliance with Table 14.2 as per the operative rule in the Plan; include reference to good management practices as a new matter; remove reference to Policy 14-6 as a matter of control.	Accept in part
67.11, 68.11, 70.11	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o Raukawa	OIP	Rule 14-2: It is recommended that the rule wording be amended to read <i>“Existing intensive farming land use activities not complying with any of the conditions, standards, terms (a), (b) and (d) – (i) of Rule 14-1”</i> and that the new Conditions/ Standards/Terms of Rule 14-2 be retained; delete matter of discretion (b) of Rule 14-2. In Rule 14-2, the proposed deletion of the matter of discretion (b) is accepted as an exceedance of the CNLM cannot occur under proposed Rule 14-2. Submitter provides tracked changes version of full Rule 14-2 in submission.	Accept
FS1.67.11 FS1.68.11 FS1.70.11	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Accept
FS2.67.11 FS2.68.11 FS2.70.11	Water Protection Society	S	Allow Submission 67 to the extent the submission is consistent with S65.	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.67.11 FS11.68.11 FS11.70.11	Federated Farmers of New Zealand	O	Reject decision requested in S70.11 that include amending Rule 14-2, the new Conditions/ Standards/Terms of Rule 14-2 being retained; deleting matter of discretion (b) of Rule 14-2.	Reject
67.12, 68.12, 70.12	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o Raukawa	OIP	Amend Rule 14-2A to capture non-compliance with Conditions/Standards/Terms (a), (b) and (c) of Rule 14-1 to complement the changes to Rule 14-1 as a non-complying activity. This approach is simpler than the amendments proposed. Submitter provides tracked changes version of full Rule 14-2A in submission.	Reject
FS1.67.12 FS1.68.12 FS1.70.12	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Reject
FS2.67.12 FS2.38.12 FS2.70.12	Water Protection Society	S	Allow Submission 67 to the extent the submission is consistent with S65.	Reject
FS7.67.12 FS7.68.12 FS7.70.12	Manawatū District Council	O	MDC rejects S67.12 to amend Rule 14-2A.	Accept
FS11.67.12 FS11.68.12 FS11.70.12	Federated Farmers of New Zealand	OIP	Reject decision requested in S67.12 to amend Rule 14-2A to Non-complying Activity classification or Prohibited Activity classification.	Accept
67.13, 68.13, 70.13	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o		Provide a new <i>Schedule K: Good Management Practices</i> to the Regional Plan is introduced which lists the 'on-farm practical measures and methods' which <u>can be considered to be GMP under Rules 14-1, 14-2 and 14-2A;</u> and Operative Policy 14-3 is amended to read: <i>The Regional Council will examine on an on-going basis relevant industry-based standards</i>	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
	Raukawa		<i>(including good management practices* 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 effects^ to the extent that those standards address the matters in Policies 14-1, 14-2, 14-4 and 14-5”.</i>	
FS1.67.13 FS1.68.13 FS1.70.13	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Reject
FS2.67.13 FS2.68.13 FS2.70.13	Water Protection Society	S	Allow Submission 67 to the extent the submission is consistent with S65.	Reject
FS11.67.13 FS11.68.13 FS11.70.13	Federated Farmers of New Zealand	O	Reject decision requested in S67.13 for the inclusion of “Schedule K” in the Glossary – GMP.	Accept
67.14, 68.14, 70.14	Ngāti Turanga, Te Roopū Taiao o Ngāti Whakatere Trust, Te Rūnanga o Raukawa		The definition of Nutrient Management Plan, and all references to an NMP within the One Plan, are replaced with the term “ <i>Farm Environment Plan</i> ” and new criteria are developed to specify the informational requirements of an FEP.	Accept in part
FS1.67.14 FS1.68.14 FS1.70.14	Forest and Bird	S	Allow S67.1 – S67.14. S68.1 – S68.14 and S70.1 – S70.14 where not in direct conflict with S59.	Accept in part
FS2.67.14 FS2.68.14 FS2.70.14	Water Protection Society	S	Allow Submission 67 to the extent the submission is consistent with S65.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.67.14 FS11.68.14 FS11.70.14	Federated Farmers of New Zealand	OIP	Disallow decision requested in S67.14 in relation to definition of NMP which replaces references of NMP within the plan to Farm Environment Plan (FEP).	Accept in part
69.1	Neil Filer		Submitter supports the submission that have been lodged by DairyNZ and Federated Farmers and the relief they have sought.	Accept in part
FS2.69.1	Water Protection Society	O	Disallow requested provision for consent pathway for intensive land uses that do not comply with Table 14.2.	Reject
71.1	Joanne Meri Teresa Heperi (on behalf of Rangitāne o Tamaki Nui a Rua)		Submitter supports in principle the Proposed Plan Change 2. However, seeks greater consideration of their cultural values, methodologies and frameworks in decision-making relating to the consenting processes, land uses and monitoring of the waterways. Submitter wants to continue to be notified as an affected party when it is determined in the consenting process. Submitter seeks further engagement with iwi in their rohe concerned about the freshwater quality and how it will be improved. Submitter seeks to affirm their value of Whanaungatanga, by building on our relationship through mutual respect and authenticity to reach a level of trust that is comfortable for us both. Mauri Ora.	Accept in part
FS2.71.1	Water Protection Society	S	Allow the proposed revision of CNLM in Table 14.2.	Accept in part
FS21.71.1	Horowhenua District Council	SIP	Supports in part the request for greater consideration of cultural values, methodologies and frameworks in decision-making relating to consenting processes, land use and monitoring of waterways.	Accept in part
72	Ballance Agri-Nutrients Limited		Note: Ballance seeks the relief set out in this submission, including such other additional, alternative or consequential relief as may be necessary to give effect to the changes sought.	
72.1	Ballance Agri-	S	Retain changes to Policy 5-8 as notified.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
	Nutrients Limited			
FS1.72.1	Forest and Bird	O	Disallow Ballance Agri-Nutrients Limited S72.1 – S72.11.	Accept in part
72.2	Ballance Agri-Nutrients Limited	SIP	Policy 14-3: Support using consistent, industry accepted terminology. GMP is a recognised term, used around the country.	Accept in part
FS1.72.2	Forest and Bird	O	Disallow Ballance Agri-Nutrients Limited S72.1 – S72.11.	Accept in part
72.3	Ballance Agri-Nutrients Limited	S	Retain the changes to Policy 14-5 as notified.	Reject
FS1.72.3	Forest and Bird	O	Disallow Ballance Agri-Nutrients Limited S72.1 – S72.11.	Accept
72.4	Ballance Agri-Nutrients Limited	SIP	Retain the changes to Policy 14-6; and add new clauses (g) and (h) as follows: <u>“(g) Provide for exceptions to (a) for new intensive farming land[^] uses that exceed the cumulative nitrogen leaching maximum*, where:</u> <u>(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.</u> <u>(h) When considering an application for resource consent under (g), have regard to:</u> <u>(i) 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>	Reject
FS1.72.4	Forest and Bird	O	Disallow Ballance Agri-Nutrients Limited S72.1 – S72.11.	Accept
FS11.72.4	Federated Farmers of New Zealand	O	Reject decision requested in S72.4 to retain the changes to Policy 14-6 as proposed; add new clauses (g) and (h) as per the following wording: <u>“(g) Provide for exceptions to (a) for new intensive farming land uses that exceed the cumulative nitrogen leaching maximum where:</u> <u>(i) Good management practices are implemented in accordance with a nutrient management plan, along with additional innovations and</u>	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			<i>measures to further reduce nutrient leaching and run-off, faecal contamination and sediment losses from the land progressively over time (h) When considering an application for resource consent under (g) have regard to: (i) 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.”</i>	
72.5	Ballance Agri-Nutrients Limited	SIP	Retain Method 5-13 as notified; and Add a new bullet point to Method 5-13: <i>“• The assessment criteria for nutrient management models appropriate for use in intensive farming are published on Horizons’ website.”</i>	Reject
FS1.72.5	Forest and Bird	O	Disallow Ballance Agri-Nutrients Limited S72.1 – S72.11.	Accept
FS11.72.5	Federated Farmers of New Zealand	S	Allow decision requested in S72.5 in relation to additional text inclusion.	Reject
72.6	Ballance Agri-Nutrients Limited	SIP	Amend Table 14.2 as follows: <i>“Table 14.2 Cumulative nitrogen leaching maximum by land use capability class, as calculated by Overseer version 6.3.1.”</i>	Accept in part
FS1.72.6	Forest and Bird	O	Disallow Ballance Agri-Nutrients Limited S72.1 – S72.11.	Reject
FS2.72.6	Water Protection Society	S	Allow the proposed revision of CNLM in Table 14.2.	Accept in part
FS11.72.6	Federated Farmers of New Zealand	SIP	Allow the relief sought by Ballance in submission point 72.6.	Accept in part
72.7	Ballance Agri-Nutrients Limited	S	Rule 14-1: As consequence of the changes sought to Rule 14-2 amend condition (a) as follows: <i>“(a) A nutrient management plan* must be prepared for the land[^] every three years, or following any significant farm system change, and provided annually to the Regional Council. NMP’s must be reviewed annually to confirm ongoing appropriateness and where changes to the NMP are implemented, the Regional Council must be notified.”</i>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS1.72.7	Forest and Bird	O	Disallow Ballance Agri-Nutrients Limited S72.1 – S72.11.	Accept in part
FS12.72.7	Potatoes New Zealand	OIP	Adopt the changes proposed in PNZ FS12.	Accept in part
FS11.72.7	Federated Farmers of New Zealand	SIP/OIP	Reject decision requested in S72.7 that an NMP is prepared annually. Reject decision requested that a NMP is prepared every 3 years. Reject decision requested that NMPs must be reviewed annually.	Accept in part
72.8	Ballance Agri-Nutrients Limited	Support in principle	Rule 14-2: Amend condition (a) as follows: <u>“(a) A nutrient management plan* must be prepared for the land^ every three years, or following any significant farm system change, and provided annually to the Regional Council. NMP’s must be reviewed annually to confirm ongoing appropriateness and where changes to the NMP are implemented, the Regional Council must be notified.”</u>	Accept in part
FS1.72.8	Forest and Bird	O	Disallow Ballance Agri-Nutrients Limited S72.1 – S72.11.	Accept in part
72.9	Ballance Agri-Nutrients Limited	Support in principle	Retain Rule 14-2A as notified.	Reject
FS1.72.9	Forest and Bird	O	Disallow Ballance Agri-Nutrients Limited S72.1 – S72.11.	Accept
FS2.72.9	Water Protection Society	O	Disallow requested provision for consent pathway for intensive land uses that do not comply with Table 14.2.	Reject
FS11.72.9	Federated Farmers of New Zealand	SIP	Accept S72.9 requesting a longer time period for submitting an NMP to council. Reject the decision requested that this time period is 3 years. Reject the timing of review of NMP’s on an annual basis.	Accept in part
72.10	Ballance Agri-Nutrients Limited	SIP	Amend the definition of good management practices to refer primarily to the <u>Industry Agreed Good Management Practices relating to Water quality (Matrix of Good Management, 2015)</u> .	Accept in part
FS1.72.10	Forest and Bird	O	Disallow Ballance Agri-Nutrients Limited S72.1 – S72.11.	Accept in part
FS11.72.10	Federated Farmers of New Zealand	OIP	Accept the intent of the decision requested in S72.10; Reject the use of the <u>Industry Agreed Good Management Practices relating to Water Quality (Matrix of Good Management, 2015)</u>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
72.11	Ballance Agri-Nutrients Limited	SIP	<p>Amend the definition of Nutrient Management Plan as follows: <u>“means a plan prepared annually in accordance with the Code of Practice for Nutrient Management (NZ Fertiliser Manufacturers’ Research Association 2007 2013) 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, is reviewed annually and updated following any significant change to farming system.</u></p> <p>Consequently, amend Rule 14-5 to delete reference to the 2007 CoP and insert reference to the 2013 CoP.</p>	Accept in part
FS1.72.11	Forest and Bird	O	Disallow Ballance Agri-Nutrients Limited S72.1 – S72.11.	Accept in part
FS11.72.11	Federated Farmers of New Zealand	SIP/OIP	Reject decision requested in S72.11 in relation to annual requirement for an NMP to be provided.	Accept in part
73	Vincent John Payne	O	Delete Overseer and table of LUC.	Reject
74	Beef + Lamb New Zealand		Note: The outcomes sought and the wording proposed by the submitter are suggestions only. Where a suggestion is proposed it is with the intention of ‘or words to that effect’. The outcomes sought may require consequential changes to the plan or restructuring of the Plan, or parts thereof, to give effect to the relief sought.	
74.1	Beef + Lamb New Zealand	S	Retain Policy 5-8 as proposed.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS1.74.1	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Accept in part
FS11.74.1	Federated Farmers of New Zealand	O	Reject the decision requested in S74.1.	Accept in part
FS33.74.1	Horowhenua District Council	O	A 'one size fits all' regulatory approach for intensive landuse activities isn't supported, particularly for target catchments in the Horowhenua district.	Accept in part
74.2	Beef + Lamb New Zealand	S	Retain Policy 5-8 (a)(i)(A) and (B) as proposed.	Accept in part
FS1.74.2	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Accept in part
FS11.74.2	Federated Farmers of New Zealand	O	Reject the decision requested in S74.2.	Accept in part
FS33.74.2	Horowhenua District Council	O	As stated in FS33.1	Accept in part
74.3	Beef + Lamb New Zealand	SIP	Amend Policy 5-8 (a)(i)(C) to read: <i><u>"(C) are achievable on most farms using good management principles* good farming practice principles*."</u></i>	Reject
FS1.74.3	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Accept
FS11.74.3	Federated Farmers of New Zealand	O	Reject the decision requested in S74.3.	Accept
FS33.74.3	Horowhenua District Council	O	As stated in FS33.1	Reject
74.4	Beef + Lamb New Zealand	SIP	Amend Policy 5-8 (a)(ii) to adjust numbering as required pending changes to (iia) and (iib).	Accept in part
FS1.74.4	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Accept in part
FS11.74.4	Federated Farmers of New Zealand	O	Reject the decision requested in S74.4.	Accept in part
FS33.74.4	Horowhenua District Council	O	As stated in FS33.1	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
74.5	Beef + Lamb New Zealand	SIP	Amend Policy 5-8(a)(iia) (A) and (B) to read: <i><u>“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 good farming practice principles*, and additional measures to minimise the degree of non-compliance become compliant over time, having regard to:</u></i> <i><u>(A) the feasibility, practicality, and cost of achieving the nitrogen leaching maximums specified in (i); and best practicable options towards achieving policies 5-1 and 5-2.</u></i> <i><u>(B) the Land Use Classification of the property and its relation to Table 14.2. (C) 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.”</u></i>	Reject
FS1.74.5	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Accept
FS4.74.5	Horticulture NZ	O	Allow submission in-part. Provide for commercial vegetable growing.	Accept in part
FS11.74.5	Federated Farmers of New Zealand	O	Reject the decision requested in S74.5.	Accept
FS33.74.5	Horowhenua District Council	O	As stated in FS33.1	Reject
74.6	Beef + Lamb New Zealand	S	Retain Policy 5-8(a)(iib) as proposed.	Accept in part
FS1.74.6	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Accept in part
FS11.74.6	Federated Farmers of New Zealand	O	Reject the decision requested in S74.6.	Accept in part
FS33.74.6	Horowhenua District Council	O	As stated in FS33.1	Accept in part
74.7	Beef + Lamb New Zealand	SIP	Amend Policy 5-8(d) to read: <i><u>(d) Good management practices Good farming practice principles*</u></i> <i><u>(i) All intensive farming land[^] use activities must be regulated to manage nutrient leaching and run-off, faecal contamination, and sediment losses in accordance with good management practices good farming practice principles*.</u></i>	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS1.74.7	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Accept
FS4.74.7	Horticulture NZ	SIP	Allow submission. Provide for commercial vegetable growing.	Accept in part
FS11.74.7	Federated Farmers of New Zealand	O	Reject the decision requested in S74.7.	Accept
FS33.74.7	Horowhenua District Council	O	As stated in FS33.1	Reject
74.8	Beef + Lamb New Zealand	O	Amend Method 5-13 to delete the sentence <u>"Horizons will consider whether it needs to respond to changes in Overseer through a plan change process."</u>	Accept in part
FS1.74.8	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Reject
FS4.74.8	Horticulture NZ	SIP	Allow submission. Provide for commercial vegetable growing.	Accept
FS11.74.8	Federated Farmers of New Zealand	OIP	Disallow decision requested in S74.8. Allow FFNZ's proposed amendments.	Reject
FS33.74.8	Horowhenua District Council	O	As stated in FS33.1	Reject
74.9	Beef + Lamb New Zealand	SIP	Amend Policy 14-3 as follows: <u>Policy 14-3: Industry-based standards Good management practices Good farming practice principles*</u> <u>When making decisions on resource consent^ applications, and setting consent conditions, for activities affecting groundwater and surface water^ quality, the Regional Council must have regard to good management practices good farming practice principles* 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 effects^ to the extent that those standards good management practices good farming practice principles* address the matters in Policies 14-1, 14-2, 14-4, and 14-5 and 14-6, and contribute to meeting the targets contained in Schedule E.</u>	Accept in part
FS1.74.9	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.74.9	Federated Farmers of New Zealand	O	Reject decision requested in S74.9 to Change Policy 14-3 definition of GMP to GFPP's.	Reject
FS33.74.9	Horowhenua District Council	O	As stated in FS33.1	Reject
74.10	Beef + Lamb New Zealand	SIP	Amend Policy 14-6(b) as follows: <i>“(b) Ensure implementation of <u>good management practices good farming practice principles*</u> to manage nutrient leaching and run-off, faecal contamination and sediment loss, as part of any intensive farming land[^] use, <u>consistent with Objectives 5-1 and 5-2, and Schedule E.</u>”</i>	Accept in part
FS1.74.10	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Reject
FS11.74.10	Federated Farmers of New Zealand	O	Reject decision requested in S74.11 to amend 14-6(b)(i) & (ii) in respect to GFPP's.	Accept
FS33.74.10	Horowhenua District Council	O	As stated in FS33.1	Reject
74.11	Beef + Lamb New Zealand	O	Amend Policy 14-6(b)(i) and (ii) to read: (i) <i>Good management practices Good farming practice principles</i> to minimise the loss of nitrogen, phosphorus, faecal contamination and sediment are implemented.”	Reject
FS1.74.11	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Accept
FS11.74.11	Federated Farmers of New Zealand	O	Reject decision requested in S74.11 to amend 14-6(b)(i) & (ii) in respect to GFPP's.	Accept
FS11.74.11	Federated Farmers of New Zealand	OIP	Reject decision requested in S74.11 to change the references in Rule 14-2 from GMP to Good Farming Practice Principles (GFPPs).	Accept
FS33.74.11	Horowhenua District Council	O	As stated in FS33.1	Reject
74.12	Beef + Lamb New Zealand	SIP	Amend 14-6 (d)(i) and (ii) as follows: <i>“(i) <u>Good management practices Good farming practice principles*</u> 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...”</i>	Reject
FS1.74.12	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.74.12	Federated Farmers of New Zealand	O	Reject decision requested in S74.12 to amend 14-6(b)(i) & (ii) in respect to GFPP's.	Accept
FS33.74.12	Horowhenua District Council	O	As stated in FS33.1	Reject
74.13	Beef + Lamb New Zealand	SIP	<p>Amend Policy 14-6(e) and (f) as follows: <u>“(e) When determining whether to enable an existing intensive farm land[^] use to continue under (d)(i) have regard to:</u> <u>[...]</u> <u>(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 and Land Use Capability units of the property.”</u></p> <p>Also delete (f)(i), and ensure that existing land uses are not grandparented to historical emissions profiles, and that emissions are required to reduce over time.</p>	Accept in part
FS1.74.13	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Reject
FS11.74.13	Federated Farmers of New Zealand	O	Reject decision requested in S74.13 to amend 14-6(b)(i) & (ii) in respect to GFPP's.	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS33.74.13	Horowhenua District Council	O	As stated in FS33.1	Reject
74.14	Beef + Lamb New Zealand	S	Ensure that the maximum nitrogen leaching numbers in Table 14.2: - are based on LUC - relate to the natural capital of soils - apply to intensive systems as defined by the One Plan - set a trajectory of improvement towards the water quality outcomes as set out in Schedule E.	Accept in part
FS1.74.14	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Reject
FS2.74.14	Water Protection Society	S	Allow revision of Table 14.2 per Beef + Lamb New Zealand S74.14.	Accept in part
FS33.74.14	Horowhenua District Council	O	As stated in FS33.1	Reject
74.15	Beef + Lamb New Zealand	SIP	Amend Rule 14-1 to read: “(b) compliance with the cumulative nitrogen leaching maximum* specified in Table 14.2 <u>good management practices good farming practice principles*</u> to avoid, remedy or mitigate nutrient leaching and run-off, faecal contamination and sediment losses from the land [^] .”	Reject
FS1.74.15	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Accept
FS11.74.15	Federated Farmers of New Zealand	OIP	Reject decision requested in S74.15 regarding amending Rule 14-1 to GFPPs.	Accept
FS33.74.15	Horowhenua District Council	O	As stated in FS33.1	Reject
74.16	Beef + Lamb New Zealand	SIP	Amend Rule 14-2 to read: “(b) (c) good management practices good farming practice principles* to avoid, remedy or mitigate nutrient leaching and runoff, faecal contamination and sediment losses from the land [^] .”	Reject
FS1.74.16	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Accept
FS11.74.16	Federated Farmers of New Zealand	OIP	Reject decision requested in S74.16 regarding amending Rule 14-2 to Good Farming Practice Principles (GFPPs).	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS33.74.16	Horowhenua District Council	O	As stated in FS33.1	Reject
74.17	Beef + Lamb New Zealand	SIP	Amend proposed new definition of good management practices to read: <u>“Good management practices <i>Good farming practice principles</i> refers to the agreed national good farming practice principles contained in the document Good Farming Practice Action Plan for Water Quality 2018 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[^].”</u>	Accept in part
FS1.74.17	Forest and Bird	O	Disallow Beef + Lamb New Zealand S74.1 – S74.17.	Accept in part
FS11.74.17	Federated Farmers of New Zealand	OIP	Reject decision requested in S74.17 to change GMP to Good Farming Practice Principles (GFPPs).	Accept in part
FS33.74.17	Horowhenua District Council	O	As stated in FS33.1	Reject
75	Potatoes New Zealand	O	Requests an alternative consent pathway for CVG	Accept in part
75.1	Potatoes New Zealand		Insert new Policy: <u>Policy 5-8A Management and regulation of commercial vegetable production land[^] use activities affecting groundwater and surface water[^] quality...</u> Refer to Potatoes New Zealand submission for full proposed policy wording.	Accept in part
FS1.75.1	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part
FS2.75.1	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS4.75.1	Horticulture NZ	O	Disallow submission.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS6.75.1	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS8.75.1	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS11.75.1.1	Federated Farmers of New Zealand	OIP	Reject the decision requested in S75.1 regarding the proposed inclusion of a new Policy 5-8(A).	Accept in part
FS11.75.1.2.2	Federated Farmers of New Zealand	SIP	Accept the decision requested in S75.1 to the extent that a tailored approach can be provided for the commercial vegetable sector that is equitable in terms of the environmental outcomes gained.	Accept in part
FS27.75.1	Horowhenua District Council	SIP	Supports the submission in so far as it seeks the creation of bespoke policy settings and regulations for horticultural activities, distinct from pastoral farming. The HDC seeks the development of a flexible and robust transition framework for the consenting of intensive land use activities including horticultural activities, operating in target catchments in Horowhenua.	Accept in part
75.2	Potatoes New Zealand		Amend Policy 5-8(i)(B) & (C) as follows: <u>“(i) Nitrogen leaching maximums must be established in the regional plan which: [...] (B) (C) recognise the productive capability of land^ including commercial vegetable growing areas in the Water Management Sub-zone* (C) (D) are achievable on all farms using good management practices and recognising the rotation requirements for vegetable growing.*”</u>	Accept in part
FS1.75.2	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part
FS4.75.2	Horticulture NZ	SIP/OIP	Allow in part, but provide for commercial vegetable growing in a separate framework.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS6.75.2	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS8.75.2	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS11.75.2	Federated Farmers of New Zealand	OIP	Reject the decision requested in S75.2 regarding the proposed inclusion of a new Policy 5-8(A).	Accept in part
FS27.75.2	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part
75.3	Potatoes New Zealand		Insert new policy: <i><u>“Policy 14-5A Management of CVP land uses...”</u></i> Refer to Potatoes New Zealand submission for full proposed policy wording.	Accept in part
FS1.75.3	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part
FS2.75.3	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS4.75.3	Horticulture NZ	O	Disallow submission.	Accept in part
FS6.75.3	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS8.75.3	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS11.75.3	Federated Farmers of New Zealand	SIP	Accept the decision requested in S75.3 to the extent that a tailored approach can be provided for the commercial vegetable sector that is equitable in terms of the environmental outcomes gained.	Accept in part
FS27.75.3	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
75.4	Potatoes New Zealand		Insert new policy: <u>"Policy 14-6A "Management of commercial vegetable production land uses..."</u> Refer to Potatoes New Zealand submission for full proposed policy wording.	Accept in part
FS1.75.4	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part
FS2.75.4	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS4.75.4	Horticulture NZ	O	Disallow submission	Accept in part
FS6.75.4	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS8.75.4	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS11.75.4	Federated Farmers of New Zealand	SIP	Accept the decision requested in S75.4 to the extent that a tailored approach can be provided for the commercial vegetable sector that is equitable in terms of the environmental outcomes gained.	Accept in part
FS27.75.4	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part
75.5	Potatoes New Zealand		Insert new Table 14.2A: <u>"Table 14.2A sets out the cumulative nitrogen leaching maximum* for the land^ used for commercial vegetable production land^ use activities within each specified land use capability class*. Table 14.2A Cumulative nitrogen leaching maximum as determined across a rotation by Land Use Capability Class*"</u> Refer to Potatoes New Zealand submission for full proposed policy wording.	Accept in part
FS1.75.5	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.75.5	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS4.75.5	Horticulture NZ	O	Disallow submission.	Accept in part
FS6.75.5	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS8.75.5	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS11.75.5	Federated Farmers of New Zealand	OIP	Reject Potatoes NZ's request in submission point 75.5 to accept a new Table 14.2A to apply to baseline CVP areas and new CVP areas.	Accept in part
FS27.75.5	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part
75.6	Potatoes New Zealand		Insert new Rule 14-1AA (as a permitted activity pathway for commercial vegetable production). Refer to Potatoes New Zealand submission for full proposed rule framework.	Accept in part
FS1.75.6	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part
FS2.75.6	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS4.75.6	Horticulture NZ	SIP	Allow the submission in part.	Accept in part
FS6.75.6	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS8.75.6	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS11.75.6	Federated Farmers of New Zealand	OIP	Accept the decision requested in S75.6 to the extent that a tailored approach can be provided for the commercial vegetable sector that is equitable in terms of the environmental outcomes gained and which provides clarity in respect of water quality outcomes associated with increased CNLM's.	Accept in part
FS27.75.6	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part
75.7	Potatoes New Zealand		Insert new Rule 14-1A (as a controlled activity pathway for commercial vegetable production) Refer to Potatoes New Zealand submission for full proposed rule framework.	Accept in part
FS1.75.7	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part
FS2.75.7	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS4.75.7	Horticulture NZ	O	Disallow submission.	Accept in part
FS6.75.7	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS8.75.7	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS11.75.7	Federated Farmers of New Zealand	OIP	Accept the decision requested in S75.7 to the extent that a tailored approach can be provided for the commercial vegetable sector that is equitable in terms of the environmental outcomes gained and which provides clarity in respect of water quality outcomes associated with increased CNLM's.	Accept in part
FS27.75.7	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part
75.8	Potatoes New Zealand		Insert new Rule 14-2AA (as a restricted discretionary activity pathway for commercial vegetable production).	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			Refer to Potatoes New Zealand submission for full proposed rule framework.	
FS1.75.8	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part
FS2.75.8	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS4.75.8	Horticulture NZ	SIP/OIP	Disallow submission.	Accept in part
FS6.75.8	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS8.75.8	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS11.75.8	Federated Farmers of New Zealand	OIP	Accept the decision requested in S75.8 to the extent that a tailored approach can be provided for the commercial vegetable sector that is equitable in terms of the environmental outcomes gained and which provides clarity in respect of water quality outcomes associated with increased CNLM's.	Accept in part
FS27.75.8	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part
75.9	Potatoes New Zealand		Insert new Rule 14-2B (as a discretionary activity pathway for commercial vegetable production) Refer to Potatoes New Zealand submission for full proposed rule framework.	
FS1.75.9	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part
FS2.75.9	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS4.75.9	Horticulture NZ	O	Disallow submission.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS6.75.9	Chris Pescini – Pescini Brothers Ltd	O	Disallow the Potatoes NZ S75.9 which requests that a discretionary pathway be allowed for existing growers who cannot meet Table 14.2.	Accept in part
FS8.75.9	Woodhaven Gardens Ltd.	O	Disallow the Potatoes NZ S75.9 which requests that a discretionary pathway be allowed for existing growers who cannot meet Table 14.2.	Accept in part
FS11.75.9	Federated Farmers of New Zealand	OIP	Accept the decision requested in S75.9 to the extent that a tailored approach can be provided for the commercial vegetable sector that is equitable in terms of the environmental outcomes gained and which provides clarity in respect of water quality outcomes associated with increased CNLM's.	Accept in part
FS27.75.9	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part
75.10	Potatoes New Zealand		Insert new Rule 14-2C (as a non-complying activity pathway for commercial vegetable production). Refer to Potatoes New Zealand submission for full proposed rule framework.	Accept in part
FS1.75.10	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part
FS2.75.10	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
FS4.75.10	Horticulture NZ	O	Disallow submission.	Accept in part
FS6.75.10	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS8.75.10	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS11.75.10	Federated Farmers of New Zealand	OIP	Accept the decision requested in S75.10 to the extent that a tailored approach can be provided for the commercial vegetable sector that is equitable in terms of the environmental outcomes gained and which	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			provides clarity in respect of water quality outcomes associated with increased CNLM's.	
FS27.75.10	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part
75.11	Potatoes New Zealand		Amend definition of GMP to read: <u><i>“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 measure, manage and minimise the effects of discharges to land[^] and water[^].”</i></u>	Accept in part
FS1.75.11	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part
FS4.75.11	Horticulture NZ	SIP/OIP	Allow in-part.	Accept in part
FS6.75.11	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS8.75.11	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS11.75.11	Federated Farmers of New Zealand	OIP	Accept decision requested in S75.11 amending definition of GMP to include “manage”. Reject Potatoes NZ amendment of definition of GMP to include “minimise”. Reject Potatoes NZ amendment of definition of GMP to include “measure”.	Accept in part
FS27.75.11	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part
75.12	Potatoes New Zealand		Amend the definition of Nutrient Management Plan to substitute reference qualifications of suitably qualified person, for a person who has <u><i>“been approved by the CEO, Manawatu-Whanganui Regional Council...”</i></u> Refer to Potatoes New Zealand submission for proposed policy framework.	Accept in part
FS1.75.12	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS4.75.12	Horticulture NZ	SIP	Allow in part, but provide for commercial vegetable growing in a separate framework.	Accept in part
FS6.75.12	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS8.75.12	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS11.75.12	Federated Farmers of New Zealand	OIP	Disallow decision requested in S75.12 proposing amendment of NMP definition.	Accept in part
FS27.75.12	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part
75.13	Potatoes New Zealand		<p>Insert new definition of Baseline Commercial Growing Area, and a new definition of Crop Rotation as follows:</p> <p><u>“Baseline Commercial Growing Area means the aggregated area of land utilised for commercial vegetable production at the dates in Table 14.1 and the land is under the control (owned or leased) of a single grower or enterprise; and the area of land which is categorised as LUC Class I and/or Class II in each water management sub-zone.</u></p> <p><u>Crop rotation is the systematic planting of different crops in a particular order over several years in the same growing space. This process helps maintain nutrients in the soil, reduce soil erosion, and prevents plant diseases and pests.”</u></p>	Accept in part
FS1.75.13	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part
FS4.75.13	Horticulture NZ	SIP/OIP	Allow in part, provide a new definition of crop rotation.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS6.75.13	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS8.75.13	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS11.75.13	Federated Farmers of New Zealand	OIP	Disallow decision requested in S75.13 to provide new definitions.	Accept in part
FS27.75.13	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part
75.14	Potatoes New Zealand		Amend plan with consequential changes to Schedule B – Surface Water Management Values (inserting values related to commercial vegetable production) as requested in Potatoes New Zealand submission.	Accept in part
FS1.75.14	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept in part
FS4.75.14	Horticulture NZ	O	Disallow submission.	Accept in part
FS6.75.14	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS8.75.14	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS11.75.14	Federated Farmers of New Zealand	OIP	Reject decision requested in S75.14 to change Schedule B – Surface Water Management Values.	Accept in part
FS27.75.14	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part
75.15	Potatoes New Zealand		Insert new schedule: <u>Schedule X Rotation (Commercial Vegetable Production) Management Plan.</u> Refer to Potatoes New Zealand submission for proposed wording of Schedule X.	Reject
FS1.75.15	Forest and Bird	O	Disallow Potatoes NZ S75.1 – S75.15.	Accept
FS4.75.15	Horticulture NZ	SIP/OIP	Disallow submission.	Accept
FS6.75.15	Chris Pescini – Pescini Brothers Ltd	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS8.75.15	Woodhaven Gardens	OIP/SIP	Allow the parts of Potatoes NZ S75.1-75.15 that provide a tailored policy and regulatory framework for commercial vegetable production and which support the expansion of extensive potato rotations on LUC class I and II land.	Accept in part
FS11.75.15	Federated Farmers of New Zealand	OIP	Reject new Appendix Schedule X Rotation Management Plan.	Accept
FS27.75.15	Horowhenua District Council	SIP	As stated in FS27.1	Accept in part
76	Hokio A Maori Land Trust	O	Inadequate attention to cultural values	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
76.1	Hokio A Maori Land Trust	O	To decline Plan Change No.2.	Reject
FS1.76.1	Forest and Bird	SIP	Allow PPC2 to be withdrawn per Hokio A Maori Land Trust S76.1.	Reject
FS3.76.1	Director General of Conservation	S	Accept the submissions and any decisions requested in respect of inadequate provision for tikanga of iwi and hapu, and of the principles of the Treaty of Waitangi. Further submitter is concerned that PPC2 provisions fail to recognise and provide for tikanga of the respective iwi and hapu and for associations with their ancestral land, water and other taonga. Nor do the provisions show a particular regard to the role of iwi and hapu as kaitiaki or account for the principles of the Treaty of Waitangi.	Reject
FS11.76.1	Federated Farmers of New Zealand	O	FFNZ rejects the submissions that suggest PPC2 is withdrawn.	Accept
FS17.76.1	Horowhenua District Council	S	Accept the decision requested by Hokio A Maori Land Trust for PPC2 to be withdrawn.	Reject
77	Duplicate	-	-	
78.1	Parlato Farming Company		<p>Submitter proposes provisions be added to incentivise and enable existing areas of commercial vegetable production to move onto suitable land in different catchments across the region, to account for crop rotation, leased land arrangements and to enable growers to move to less environmentally sensitive locations as they are available.</p> <p>Submitter strongly support the ability for a group of growers to be able to manage environmental issues collectively to improve the effectiveness of their response to water quality issues. Submitter consider Plan Change 2 should enable collaborative or collective approaches to regulating potato production activities. This has been demonstrated workable by the irrigation schemes and should be expressly provided for in the Plan.</p>	Accept in part

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			Where this submission aligns with the Potatoes NZ and Horticulture NZ submission, Parlato Farming Co. also supports those submissions.	
FS2.78.1	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept in part
79.1	Tararua District Council		Submitter request that the One Plan go into immediate review (Plan Change 3) following the completion of this Plan Change 2 review.	Reject
79.2	Tararua District Council		Support an improved/lower cost pathway to obtain a consent: a. To avoid further cost and double up going up forward Horizons Regional Council could consider allowing the Farm Plan be aligned with the proposed Freshwater Farm Environment Plan. This can then align with be third party audits. b.Consider that activities under Plan Change 2 be made a controlled activity or, a rule created under Plan Change 2 to preclude public notification to ensure that compliance costs are minimised. c.An assessment of environmental effects (AEE) for individual farmer is costly – Can Horizons Regional Council consider these be by catchment or groups of farmers in the same district to save repetitive information? Is there a collaborative approach?	Accept in part
79.3	Tararua District Council		Submitter requests that Horizons must consider the Environment Court decision [2019, 136] and implications for PC2.	Accept in part
80.1	Carla Marsden	S	Submitter is in support of the Proposed Plan Change 2; Table 14.2.	Accept in part
FS2.80.1.1	Water Protection Society	S	Allow the proposed revision of CNLM in Table 14.2.	Accept in part
FS2.80.1.2	Water Protection Society	O	Disallow requested provision for consent pathway for intensive land uses that do not comply with Table 14.2.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
81.	Jill Sheehy	O	<p>Requests an extension to the submission process please in order for Horizons to:</p> <p>i. Directly engage with Ngā Rūnanga o Te Atihauui a Paparangi Iwi Authorities, whom whakapapa directly to Te Tupua o Whanganui.</p> <p>ii. Commission cultural values and impact assessments for and by Ngā Rūnanga o Te Atihauui a Paparangi should they desire, with relevant specification to their tupuna rohe; and</p> <p>iii. Assessments to be undertake at a level of detail that corresponds to the scale and significance of the changes and may include an environment, social, legal and/or technical assessment of the:</p> <p>A. Te Awa Tupua Act 2017; Wai 671; Whanganui River Water Rights Charter; WDC Ko Ta Whanganui Titiro/Whanganui Hapū/Iwi World View; Ngā Matapono ki te Wai; Stage 2 Replot Wai 2358 National Freshwater and Geothermal Resources; The Mauri Model;</p> <p>B. RMA s32 – Evaluation of PPC2; RMA s5, s6, s7, s8, s92; Horizons Social Impact Assessment PPC2 2018; Horizons WMZ 2007; Horizons Chapter 2, 5, 14, Horizons s35 Final replot; Horizons FW Evaluation report – October 2016 through a Tangata Whenua Lens.</p>	Reject
FS11.81.1	Federated Farmers of New Zealand	O	Rejects the decision requested in S81.4 proposing that PPC2 is withdrawn.	Accept
FS11.81.2	Federated Farmers of New Zealand	O	Disallow S81 proposing that the submission process to be extended.	Accept
82	Palmerston North City Council, Manawatū, Horowhenua, Ruapehu &		Note: The submitter requests 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.	

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
	Tararua District Councils (The Combined Councils)			
82.1	The Combined Councils		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.	Reject
FS1.82.1	Forest and Bird	SIP	Allow the Combined Councils S82.1.	Reject
FS2.82.1	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept
FS13.82.1	Fonterra Co-operative Group Limited	SIP	Allow the proposal to include a framework of appropriate policies and methods to assess and provide support for resource consent applications for the discharge of treated municipal wastewater to land.	Reject
FS18.82.1	Horowhenua District Council	S	Accept the decision requested by Palmerston North City Council S82.	Reject
82.2	The Combined Councils		PC2 and the One Plan be amended to include a planning framework of appropriate policies, rules, assessment criteria and other methods to effectively assess 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 and should facilitate applications that seek to change or partially [change] the receiving environment for treated wastewater discharge from surface water to land.	Reject
FS2.82.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS13.82.2	Fonterra Co-operative Group Limited	SIP	Allow the decision requested in S82.2.	Reject
FS18.82.2	Horowhenua District Council	S	Accept the decision requested by Palmerston North City Council S82.	Reject
82.3	The Combined Councils		Amend PPC2 to ensure provisions do not restrict the ability to use land to irrigate[d] with municipal wastewater for productive purposes.	Reject
FS1.82.3	Forest and Bird	SIP	Allow the Combined Councils S82.3.	Reject
FS11.82.3	Federated Farmers of New Zealand	O	Reject decision requested in S82.3.	Accept
FS12.82.3	Potatoes New Zealand	OIP	Ensure any relief adopted to address municipal wastewater treatment does not result in further degradation of highly productive land from any future treatment facility or discharge.	Accept
FS13.82.3	Fonterra Co-operative Group Limited	SIP	Allow the Combined Councils S82.3.	Reject
FS18.82.3	Horowhenua District Council	S	Accept the decision requested by Palmerston North City Council S82.	Reject
83	Palmerston North City Council		Note: The submitter requests 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.	
83.1	Palmerston North City Council		PC2 and the One Plan be amended to clarify that the intensive farming provisions, including Table 14.2, do not apply to the discharge of treated wastewater to land including where this activity occurs on land used for on grazing or in conjunction with other farming or intensive farming activities.	Reject
FS2.83.1	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS7.83.1	Manawatū District Council	S	Allow submission 83.1 to amend PC2.	Reject
FS11.83.1	Federated Farmers of New Zealand	O	Reject decision requested in S83.1.	Accept
FS13.83.1	Fonterra Co-operative Group Limited	SIP	Accept the decision requested in S83.1.	Reject
83.2	Palmerston North City Council		PC2 and the One Plan to ensure provisions do not restrict the ability to use land irrigate[d] with treated municipal wastewater for productive purposes.	Reject
FS7.83.2	Manawatū District Council	S	Allow amendment of PPC2 as per PNCC S83.2.	Reject
FS13.83.2	Fonterra Co-operative Group Limited	SIP	Accept the decision requested in S83.2.	Reject
83.3	Palmerston North City Council		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.	Reject
FS2.83.3	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept
FS13.83.3	Fonterra Co-operative Group Limited	SIP	Accept the decision requested in S83.3.	Reject
83.4	Palmerston North City Council		Amend Policy 5-8(a)(i)(A) to provide and exception for WWTP discharges, worded as follows: “(A) Take into account all the non-point sources of nitrogen in the catchment <u>except discharges of treated municipal wastewater irrigated to land carried out in conjunction with intensive farming land use activities.</u> ”	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.83.4	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept
FS13.83.4	Fonterra Co-operative Group Limited	SIP	Allow in part the decision requested in S83.4. Fonterra considers the relief should be amended as follows: <u>“except discharges of treated municipal wastewater irrigated to land including the discharge of treated municipal and industrial wastewater irrigated to land carried out in conjunction with intensive farming land use activities.”</u>	Reject
83.5	Palmerston North City Council		Insert subclause (aa)(i) and (ii) into Policy 14-5: <u>“(aa) The following land users 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.”</u>	Reject
FS2.83.5	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept
FS13.83.5	Fonterra Co-operative Group Limited	SIP	Allow in part the decision requested in S83.6. Fonterra considers that the relief should be amended as follows: <u>(aa) The following land uses are not intensive farming land” use activities (i) The discharge of treated municipal or industrial wastewater irrigated to land undertaken in conjunction with the land uses identified in (a)(i) to (iv); and (ii) The discharge of treated municipal or industrial wastewater irrigated to land undertaken in conjunction with any other farming land use activity.</u>	Reject
83.6	Palmerston North City Council		Amend Policy 14-3 to read: <u>“The following land users 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.”</u>	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS2.83.6	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept
FS12.83.6	Potatoes New Zealand	OIP	Ensure any relief adopted to address municipal wastewater treatment does not result in further degradation of highly productive land from any future treatment facility or discharge.	Accept
FS13.83.6	Fonterra Co-operative Group Limited	SIP	<p>Allow in part the decision requested in S83.6. Fonterra considers that the relief should be amended as follows:</p> <p><u>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.</u></p> <p><u>(i) The discharge of treated municipal <i>or industrial</i> wastewater irrigated to land undertaken in conjunction with the land uses identified in Policy 14-5(a)(i) to (iv); and</u></p> <p><u>(ii) The discharge of treated municipal <i>or industrial</i> wastewater irrigated to land undertaken in conjunction with any other farming land use activity.</u></p>	Reject
83.7	Palmerston North City Council		<p>Insert new Policy:</p> <p><u>"Policy 14-2A: Consent decision making for discharges[^] of treated municipal wastewater to land[^]..."</u></p> <p>Refer to proposed wording in 'Appendix 1' of the Palmerston North City Council submission.</p>	Reject
FS2.83.7	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept
FS13.83.7	Fonterra Co-operative Group Limited	SIP	<p>Allow in part the decision requested in S83.7. Fonterra supports the new Policy 14-2A suggested for WWTP consenting.</p> <p>Fonterra however suggests the relief be amended. Refer to FS13.10 in regard to S83.7.</p>	Reject
83.8	Palmerston North City Council		<p>Amend the definition of <i>Bio-solids</i>.</p> <p>Refer to proposed wording in 'Appendix 1' of the Palmerston North City Council submission.</p>	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
FS13.83.8	Fonterra Co-operative Group Limited	SIP	Allow in part the decision requested in S83.7. Fonterra supports the amendment of the definition of 'Bio-solids'. Fonterra considers that the relief should be amended as follows: <i>'but excludes treated municipal and industrial wastewater'</i> .	Reject
83.9	Palmerston North City Council		Amend the definition of <i>Fertiliser</i> . Refer to proposed wording in 'Appendix 1' of the Palmerston North City Council submission.	Reject
FS13.83.9	Fonterra Co-operative Group Limited	SIP	Allow in part the decision requested in S83.9. Fonterra supports the amendment to the definition of <i>Fertiliser</i> . Fonterra considers that the relief should be amended as follows: <i>"Or, treated municipal or industrial wastewater or any raw or composted biological waste product that is not able to be registered under the Agricultural Compounds and Veterinary Medicines Act 1997."</i>	Reject
83.10	Palmerston North City Council		Amend definition of ' <i>Intensive Sheep and beef farming</i> ' Refer to proposed wording in 'Appendix 1' of the Palmerston North City Council submission.	Reject
FS13.83.10	Fonterra Co-operative Group Limited	SIP	Allow in part the decision request in S83.10. Fonterra supports the amendment of the definition of ' <i>Intensive sheep and beef farming</i> '. Fonterra considers that the relief should be amended as follows: <i>"...but excludes any land irrigated with treated municipal or industrial wastewater."</i>	Reject
84	Tamarangi Hapū of Muaūpoko		Inadequate attention to cultural values	Accept in part
84.1	Tamarangi Hapū of Muaūpoko		Submitter seeks the relief sought in submission of Hokio A Maori Land Trust (S76).	Reject
FS3.84.1	Director General of Conservation	S	Accept the submissions and any decisions requested in respect of inadequate provision for tikanga of iwi and hapu, and of the principles of the Treaty of Waitangi. Further submitter is concerned that PPC2 provisions fail to recognise and provide for tikanga of the respective iwi and hapu and for associations with their ancestral land, water and other	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			taonga. Nor do the provisions show a particular regard to the role of iwi and hapu as kaitiaki or account for the principles of the Treaty of Waitangi.	
FS11.84.1	Federated Farmers of New Zealand	O	Disallow the submissions that suggest PPC2 is withdrawn.	Accept
FS22.84.1	Horowhenua District Council	S	Supports the submission that seeks that Plan Change 2 be declined.	Reject
85.1	Rangitāne o Manawatū/ Tanenuiarangi Manawatū Incorporated (Iwi Authority)		Rangitāne o Manawatū require a setback for biosolids discharge relevant to the size, importance and definition of the wahi tapu in question.	Reject
85.2	Rangitāne o Manawatū/ Tanenuiarangi Manawatū Incorporated (Iwi Authority)		Without the ability to undertake a Cultural Impact Assessment Rangitāne o Manawatū do not have the opportunity to understand the scope of the proposal and comment on how the Plan Change will impact on the wider iwi ability to provide for their cultural spiritual and social and economic wellbeing. It is recommended that this work be commissioned to inform Plan Change 2 immediately.	Reject
FS3.85.2	Director General of Conservation	S	Accept the submissions and any decisions requested in respect of inadequate provision for tikanga of iwi and hapu, and of the principles of the Treaty of Waitangi. Further submitter is concerned that PPC2 provisions fail to recognise and provide for tikanga of the respective iwi and hapu and for associations with their ancestral land, water and other taonga. Nor do the provisions show a particular regard to the role of iwi and hapu as kaitiaki or account for the principles of the Treaty of Waitangi.	Reject
FS11.85.2	Federated Farmers of New Zealand	SIP	Allow the decision requested in S85.2 to seek an assessment of cultural impacts.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
			FFNZ suggests that a cultural assessment as well as an assessment of economic costs ought to be undertaken.	
FS20.85.2	Horowhenua District Council	SIP	Supports in part the request that further work be commissioned to inform PC2, including the cultural, spiritual, social and economic impacts for iwi.	Reject
87.1	Manawatū District Council		<p>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</p> <p>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.</p> <p>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 or considered differently to other irrigation.</p> <p>Refer to Manawatu District Council submission for proposed wording.</p>	Reject
FS2.87.1	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept
FS11.87.1	Federated Farmers of New Zealand	O	Reject decision requested in S87.1.	Accept
FS13.87.1	Fonterra Co-operative Group Limited	S	Allow the decision requested in S87.1. Include a definition for “irrigation”. Additionally, include an explanatory note for Policy 14-5(a) detailing why irrigation of treated wastewater should be considered differently to other irrigation.	Reject
FS16.87.1	Horowhenua District Council	S	Accept the decision requested by Manawatū District Council S87.	Reject

Submission Number	Submitter	Support (S), Support in Principle (SIP), Oppose (O), Oppose in Principle (OIP)	Decision Requested	Recommended Decision
87.2	Manawatū District Council		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.	Reject
FS2.87.2	Water Protection Society	O	Disallow request for exceptions to be made from Table 14.2 for any particular land use	Accept
FS13.87.2	Fonterra Co-operative Group Limited	S	Allow the amendment of PPC2 to facilitate discharge of wastewater to land while that land is used for farming and production.	Reject
FS16.87.2	Horowhenua District Council	S	Accept the decision requested by Manawatū District Council S87.	Reject
87.3	Manawatū District Council		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.”	Accept in part
FS16.87.3	Horowhenua District Council	S	Accept the decision requested by Manawatū District Council S87.	Accept in part
FS10.1	Teresa Marie Schulz	Not stated	None specified	No decision required
FS10.2	Teresa Marie Schulz	Not stated	None specified	No decision required

APPENDIX 2

Recommended Amendments to PC2 Provisions

In the PC2 provisions that follow:

Text shown in **black** (underlined and ~~struck-out~~) represents PC2 as notified on 22 July 2019.

Text shown in **green** (underlined and ~~struck-out~~) represents all changes recommended by the Panel since notification of PC2.

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~~ Policies 5-3, 5-4, 5-5, 5-6 and 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

(B) will contribute to implementation of 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 set out in Policy 5-6. ~~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~~

~~(B)~~ (C) recognise the productive capability of *land*[^] in the *Water Management Sub-zone*^{*}

- ~~(C)~~ (D) are achievable achieved on most farms using *good management practices** and best 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) Existing intensive farming *land*[^] 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) and (iib) below.
- (iia) Existing intensive farming *land*[^] use activities which do not comply with (ii) must be regulated to reduce nitrogen leaching loss from the *land*[^] to the maximum extent reasonably practicable in the shortest feasible timeframe ~~which is in excess of the nitrogen leaching maximums established under (a)~~ by implementing measures, including *good management practice**, and additional measures, to minimise the degree of non-compliance, having regard to:
- (A) the contribution of the nitrogen leaching loss from the *land*[^] to cumulative nitrogen leaching loss within the *Water Management Sub-zone**;
- (B) the actual and potential effects of the nitrogen leaching loss from the *land*[^] on downstream groundwater and surface *water*[^] quality;
- (C) the extent of non-compliance with the nitrogen leaching maximums specified in (a) (i) and the timing of planned reductions in nitrogen leaching loss from the *land*[^];
- (D) ~~(A)~~ the feasibility, practicality, and cost of ~~implementing measures to achieve~~ achieving the nitrogen leaching maximums specified in (a) (i) having regard to the *land use capability class** of the *land*[^]; and
- (E) ~~(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.
- (iib) Existing intensive farming *land*[^] use activities which do not comply with (ii) but which demonstrate ~~are intended to the intention to~~ transition to an alternative non-intensive farming *land*[^] use must be regulated to ensure that they are able to continue for a ~~limited~~ period not exceeding five years of time in order to enable that transition and only where there is no increase in the ~~exceedance of the~~ nitrogen leaching loss from the existing intensive farming *land*[^] use activity during that period. ~~maximums established under (a).~~
- (iii) New intensive farming *land*[^] 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*[^] use activities in the targeted *Water Management Sub-zones*^{*} listed in Table 14.1 or new conversions to intensive farming *land*[^] use activities anywhere in the Region must be required, amongst other things, to:
- (A) prevent cattle access to some surface *water bodies*[^] and their *beds*[^]
 - (B) mitigate faecal contamination of surface *water*[^] from other entry points (eg., ~~raee~~ run-off from races, feed pads and paddocks)
 - (C) establish programmes for implementing any required changes.

(c) **Sediment**

- (i) In those *Water Management Sub-zones*^{*} where agricultural *land*[^] use activities are the predominant cause of elevated sediment levels in surface *water*[^], 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*[^] use activities must be regulated to, as a minimum, implement *good management practices*^{*} to manage nutrient leaching and run-off, faecal contamination, and sediment losses. ~~in accordance with good management practices~~^{*}.

Method 5-12	Innovative Land Use Research
Description	<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 <i>Water Management Sub-zones*</i> where nitrogen leaching is an issue, <u>as identified in Table 14.1</u>, will be a priority in order to find viable options (including nitrogen loss mitigation options) for intensive farming land users that will have difficulty in <u>reducing nitrogen loss to the extent necessary to achieve the nitrogen leaching maximums specified in the One Plan rules. achieving the cumulative nitrogen leaching maximums* (refer Table 14.1).</u></p> <p>Horizons will provide assistance through providing data and information that will assist in the identification and evaluation of innovative <u>nitrogen loss mitigations or</u> land use options and participating in any evaluative work as appropriate.</p>
Who	<p>Local communities, <u>including tangata whenua</u>, rural and other sector groups, Territorial Authorities, <u>and Regional Council (in consultation with tangata whenua).</u></p>
Links to Policy	<p>This method implements Policies 5-7 and 5-8.</p>
Target	<p>Advice and assistance is available for landowners <u>and tangata whenua</u> in the Region regarding land use management practices.</p>

Method 5-13	Provision of Information
Description	<p>Horizons will collate and publish information regarding 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>Horizons will register and maintain Overseer files for synthetic farm systems simulating the range of intensive farming land uses regulated under the One Plan. Horizons will make publicly available the estimated nitrogen leaching loss values for those synthetic farm systems, including values amended by Overseer version updates. Horizons will have regard to the impact of Overseer version updates, (as demonstrated by changes in the estimated nitrogen leaching loss values of the synthetic farms over time), when considering applications for consent for IFLU activities and in compliance monitoring.</u></p>
Who	<p>Regional Council, <u>tangata whenua</u>, rural sector groups, and nutrient management model providers.</p>
Links to Policy	<p>This method implements <u>Policy 5-8</u>.</p>
Target	<ul style="list-style-type: none"> • <u>Horizons will update Table 14.2 consider whether it needs to respond to changes in Overseer through a plan change process (where necessary) and will provide clarification within the One Plan of the methodology used to establish the Cumulative Nitrogen Leaching Maximums* in Table 14.2.</u> • <u>Horizons will maintain representative Overseer farm system reference files and make their base files and nitrogen leaching loss estimates available on its website.</u> • <u>Horizons will recognise the impact of Overseer version upgrades when comparing the outputs from future versions of Overseer with Table 14.2 CNLM values and with nitrogen leaching limits specified in consent conditions, to ensure comparability between Overseer estimates over time.</u>

	<ul style="list-style-type: none">• <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 consent*^ applications, and setting consent conditions, for activities affecting groundwater and surface *water*^ quality, the Regional Council must have regard to *good management practices**, and additional measures for decreasing nitrogen leaching, 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 *effects*^ to the extent that those standards *good management practices** and measures address the matters in Policies 14-1, 14-2, 14-4, and 14-5 and 14-6 and contribute to decreasing contaminant loads in the relevant *water management sub-zone**.~~

...

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**
- (b) The intensive farming *land*^ uses identified in (a) must be regulated where:
 - (i) They are existing (~~ie., established prior to the Plan having legal effect~~) intensive farming *land*^ uses (ie. established prior to the date specified in Table 14.1 on which Rule 14-1 had legal effect¹), in the targeted *Water Management Sub-zones** identified in Table 14.1[±].

¹ ~~The Plan has legal effect in the case of existing intensive farming *land*^ uses in these zones from the dates identified in Table 14.1. The third column of Table 14.1 specifies the date on which the Plan had legal effect in relation to Rule 14-1 in the targeted *Water Management Sub-zones**.~~

- (ii) They are new (~~ie. established after the Plan has legal effect²~~) intensive farming *land*[^] uses, in ~~all~~ any *Water Management Sub-zones*^{*} in the Region (that is, established after the date the Plan had legal effect, which is 24 August 2010 for *dairy farming*^{*} and 9 May 2013 for *commercial vegetable growing*^{*}, *cropping*^{*} and *intensive sheep and beef*^{*2}).
- (c) Nitrogen leaching maximums have been established in Table 14.2.
- (d) Except as provided for in Policy 14-6(d), ~~Existing~~ intensive farming *land*[^] uses regulated in accordance with (b)(i) must be managed to ensure that the leaching of nitrogen from those *land*[^] uses does not exceed one of the parameters specified in (i), (ii) or (iii) below:
- i. the *cumulative nitrogen leaching maximum*^{*} values for each year contained in Table 14.2, ~~unless the circumstances in Policy 14-6 apply, or~~
 - ii. *the lesser of 80% of the *land's nitrogen leaching baseline*^{*} or the 75th percentile nitrogen leaching loss for the relevant *water management zone*^{*}; or*
 - iii. *for commercial vegetable growing*^{*}, the growing area does not exceed the area of *commercial vegetable growing*^{*} of the *baseline growing period*^{*} and the activity implements *good management practice*^{*} and *best management practice*^{*} to achieve, within 3 years of lodgement of the application, a minimum reduction in cumulative nitrogen leaching loss from the *land*[^] of 35% relative to the *baseline growing period*^{*};
provided that, in (ii) and (iii) above, the application for consent is lodged no later than 31 December 2022.
- (e) New intensive farming *land*[^] uses regulated in accordance with (b) (ii) must be managed to ensure that the leaching of nitrogen from those *land*[^] uses does not exceed the *cumulative nitrogen leaching maximum*^{*} values for each year contained in Table 14.2.
- (f) Intensive farming *land*[^] uses regulated in accordance with (b) must exclude cattle from:
- (i) A *wetland*[^] or *lake*[^] that is a *rare habitat*^{*}, *threatened habitat*^{*} or *at-risk habitat*^{*}.
 - (ii) Any *river*[^] that is permanently flowing or has an *active bed*^{*} width greater than 1 metre.
- (g) All places where cattle cross a 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.

² As explained in footnote 3 to Table 14.1, 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 for the purpose of regulating new intensive farming *land*[^] use activities under Rules 14-3 and 14-4.

Policy 14-6: Resource consent decision-making for intensive farming *land*[^] uses

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

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

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

- (i) ~~where the existing intensive farming *land*[^] use occurs on land that has 50% or higher LUC Classes IV to VIII and has average annual rainfall of 1500mm or greater; or~~
- (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.~~

Where an exception is made to the *cumulative nitrogen leaching maximum*^{*} the existing intensive farming *land*[^] 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 *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 must be avoided, remedied or mitigated. In all cases, the effects of any unavoidable losses of nitrogen, phosphorus, faecal contamination and sediment are must be avoided 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.~~
 - (d) Provide for exceptions to (a) for existing intensive farming *land*[^] uses that exceed the *parameters cumulative nitrogen leaching maximum*^{*} specified in Policy 14-5 (d) only where:

- (i) Good management practices* are implemented in accordance with a nutrient management plan* specifying timelines and N leaching targets, along with additional innovations and measures to further reduce ensure nutrient leaching and run-off, faecal contamination and sediment losses from the land^ are reduced to the maximum reasonably practicable extent as soon as reasonably feasible progressively over time; or
 - (ii) The existing intensive farming land^ use is to continue for no longer 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.
- (e) When determining whether to enable an existing intensive farming land^ use to continue under (d)(i), have particular regard to:
- (i) The extent of the activity's exceedance of the parameters specified in Policy 14-5(d) and the contribution of the nitrogen leaching loss from the land^ to cumulative nitrogen leaching loss within the relevant Water Management Sub-Zone*;
 - (ii) Proportionality in ensuring that the existing intensive farming land^ uses that have high nitrogen leaching loss relative to the cumulative nitrogen leaching maximum* values specified in Table 14.2 are required to make appropriately proportionate reductions in nitrogen leaching loss;
 - (iii) Whether the proposed good management practices* innovations and mitigation measures proposed to manage nutrient leaching and run-off, faecal contamination and sediment losses from the land^ represent the best practicable option^ to minimise these contaminants, nutrient leaching and run-off, faecal contamination and sediment losses from the land^, having particular regard to:
 - (A) The feasibility, practicality and financial implications of implementing alternative measures that could achieve the parameters described in Policy 14-5(d);
 - ~~(B) The extent of the exceedance of the cumulative nitrogen leaching maximum* in Table 14.2;~~
 - (C) The rate of reduction of nitrogen loss towards the parameters described in Policy 14-5(d); cumulative nitrogen leaching maximum* for any given year in Table 14.2;
 - (D) Whether further reductions are currently possible for the intensive farming land^ use based on available mitigation measures that have been tested and proven to be effective at farm scale or through farm system modelling, optimisation and analysis of marginal costs and benefits that determines the range of leaching reductions available existing technologies;

- (iv) 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;
 - (v) The nature and characteristics of the *land*^, including *land use capability class** and *productive capability*, having regard to physical characteristics of the soil including in terms of attenuation capacity, climatic conditions, and topography of the property;
 - (vi) The contribution of the progressive reduction in nutrient leaching and run-off, faecal contamination and sediment losses from the *land*^, over time, to the improvement of *water*^ quality within that *Water Management Sub-zone** and need for such progressive reduction, by reference to the relevant Schedule E targets;
 - (vii) Consent duration, ensuring that the duration is limited to a period not exceeding ten years, and a shorter duration where continued high cumulative nitrogen leaching from the *land*^ is planned without progressive reduction through the use of *best management practice**;
 - (viii) The potential effects of nutrient leaching and run-off, faecal contamination and sediment losses from the *land*^ on surface *water*^ and groundwater receiving environments, recognising the state, sensitivity and absorptive capacity of the receiving environment and of downstream lakes and wetlands;
 - (ix) The surface *water*^ management values for the relevant *Water Management Sub-zone**, including the values described in Schedule B and in any relevant treaty settlement documents;
 - (x) 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;
 - (xi) The operational crop rotation requirements of *commercial vegetable growing** necessary to avoid soil-borne diseases and maintain crop health;
 - (xii) The importance of maintaining food security for New Zealanders to support community well-being;
 - (xiii) The potential benefits of off-site mitigation measures to address adverse effect of nutrient leaching and run-off, faecal contamination and sediment losses on *water*^ quality in the *surface water management sub-zone**.
- (f) When determining whether to enable the existing intensive farming *land*^ 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 loss from the *land*^ do not increase over the duration of the *resource consent*^;

- ii. good management practices* and additional measures that are proposed to avoid, remedy or mitigate nutrient leaching and run-off, faecal contamination and sediment losses from the *land*[^];
- iii. the measures or arrangements necessary, including the nature, timing and sequencing, measurability and enforceability of any steps required, to ensure proposed to transition out of the intensive farming use of the *land*[^] use by the date of expiry of the *resource consent*[^] and to prevent resumption of that intensive farming activity on the *land*[^].

14.1 Rules – Agricultural Activities

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

Table 14.1 Targeted *Water Management Sub-zones**

Catchment	<i>Water Management Sub-zone</i> *	Date the Rules of the Plan have legal effect ³ in relation to Rule 14-1
Mangapapa	Mangapapa Mana_9b	1 July 2014
Waikawa	Waikawa West_9a Manakau West_9b	1 July 2014
Other south-west catchments (Papaitonga)	Lake Papaitonga West_8	1 July 2014
Mangatainoka	Upper Mangatainoka Mana_8a Middle Mangatainoka Mana_8b Lower Mangatainoka Mana_8c Makakahi Mana_8d	1 July 2015
Other coastal lakes	Northern Manawatu Lakes West_6	1 July 2015

³ 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.

Catchment	Water Management Sub-zone*	Date the Rules of the Plan have legal effect³ in relation to Rule 14-1
	Kaitoke Lakes West_4 Southern Wanganui Lakes West _5	
Coastal Rangitikei	Coastal Rangitikei Rang_4	1 July 2015
Lake Horowhenua	Lake Horowhenua Hoki_1a Hokio Hoki_1b	1 July 2015
Upper Manawatu above Hopelands	Upper Manawatu Mana_1a Mangatewainui Mana_1b Mangatoro Mana_1c Weber-Tamaki Mana_2a Mangatera 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
Manawatu above gorge	Hopelands-Tiraumea Mana_6 Upper Gorge Mana_9a Mangaatua Mana_9c	1 July 2016

Table 14.2 sets out the *cumulative nitrogen leaching maximum** for the *land^* used for intensive farming *land^* use activities within each specified *land use capability class**. [The cumulative nitrogen leaching maximum* values in Table 14.2 were derived using Overseer® 6.2.3.](#)

Table 14.2 Cumulative nitrogen leaching maximum* by Land Use Capability Class*

Period (from the year that the rule has legal effect!)	LUC* I	LUC* II	LUC* III	LUC* IV	LUC* V	LUC* VI	LUC* VII	LUC* VIII
Year 1	<u>51</u> 30	<u>45</u> 27	<u>40</u> 24	<u>29</u> 18	<u>25</u> 16	<u>24</u> 15	<u>11</u> 8	<u>3</u> 2
Year 5	<u>46</u> 27	<u>42</u> 35	<u>35</u> 24	<u>26</u> 16	<u>20</u> 13	<u>16</u> 10	<u>8</u> 6	<u>3</u> 2
Year 10	<u>44</u> 26	<u>37</u> 22	<u>32</u> 19	<u>23</u> 14	<u>20</u> 13	<u>16</u> 10	<u>8</u> 6	<u>3</u> 2
Year 20 (applies to new intensive farming land^ use activities only)	<u>43</u> 25	<u>35</u> 24	<u>30</u> 18	<u>21</u> 13	<u>19</u> 12	<u>16</u> 10	<u>8</u> 6	<u>3</u> 2

Note: The two entries highlighted in yellow are incorrect. The underlining and strike-through has been incorrectly applied. The LUC*IV Year 5 entry should read '26 ~~16~~' and the LUC*VI Year 1 entry should read '24 ~~15~~'. These errors will be corrected by Clause 16 amendment as soon as practicable and before the close of the appeal period'

Note: The blue highlighted inserted text reflects the Panel's report to Horizons Regional Council that the Year 20 Cumulative nitrogen leaching maximum should be deleted insofar as it applies to **existing** intensive farming land uses. The Panel's report did not recommend any change to the Year 20 Cumulative nitrogen leaching maximum insofar as it relates to **new** intensive farming land uses activities only. This error will be amended using Clause 16 Schedule 1 RMA as soon as practicable.

Table 14.2A 75th Percentile leaching rates by targeted Water Management Sub-zone*

<u>Catchment</u>	<u>Water Management Sub-zone*</u>	<u>Maximum nitrogen leaching loss rate (kg N/ha/year)</u>
<u>Coastal Rangitikei</u>	<u>Rang_4</u>	<u>32</u>
<u>West Coast lakes, Lake Horowhenua, other coastal lakes</u>	<u>Hoki_1a, 1b; West_4; West_5; West_6; West_8; West_9a, 9b</u>	<u>35</u>
<u>Upper Manawatu and Weber-Tamaki (upstream of Tamaki confluence)</u>	<u>Mana_1a, 1b, 1c; Mana_2a, 2b</u>	<u>45</u>
<u>Other Upper Manawatu (Upper Tamaki, Tamaki-Hopelands, Upper Kumeti, Hopelands-Tiraumea, Upper Gorge)</u>	<u>Mana_3; Mana_4; Mana_5a, 5b, 5c, 5d, 5e; Mana_6; Mana_9a, 9b, 9c</u>	<u>45</u>
<u>Mangatainoka</u>	<u>Mana_8a, 8b, 8c, 8d</u>	<u>49</u>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
14-1 Existing intensive farming land[^] use activities	<p>The use of <i>land[^]</i> pursuant to s9(2) RMA for any of the following types of intensive farming:</p> <ul style="list-style-type: none"> (i) <i>dairy farming</i>* (ii) <i>commercial vegetable growing</i>* (iii) <i>cropping</i>* (iv) <i>intensive sheep and beef farming</i>* <p>that was existing in the <i>Water Management Sub-zones</i>* listed in and from the dates specified in Table 14.1 and any of the following <i>discharges</i>[^] pursuant to ss15(1) or 15(2A) RMA associated with that intensive farming:</p> <ul style="list-style-type: none"> (a) the <i>discharge</i>[^] of <i>fertiliser</i>* onto or into <i>land[^]</i> (b) the <i>discharge</i>[^] of <i>contaminants</i>[^] onto or into <i>land[^]</i> from <ul style="list-style-type: none"> (i) the preparation, storage, use or transportation of stock feed on <i>production land[^]</i> (ii) the use of a <i>feedpad</i>* (c) the <i>discharge</i>[^] of <i>grade Aa biosolids</i>* or <i>compost</i>* onto or into <i>production land[^]</i> (d) the <i>discharge</i>[^] of <i>poultry farm litter</i>* onto or into <i>production land[^]</i> (e) the <i>discharge</i>[^] of <i>farm animal effluent</i>* onto or into <i>production</i> 	Controlled	<ul style="list-style-type: none"> (a) <u>The existing intensive farming <i>land[^]</i> use was not granted a resource consent under Rule 14-1 or Rule 14-2 of this Plan prior to 22 July 2019.</u> (b) A <i>nutrient management plan</i>* must be prepared for the <i>land[^]</i>, and provided annually to the Regional Council <u>with the application for resource consent[^] and thereafter as required by any condition of resource consent[^].</u> (c) The activity must be undertaken in accordance with the <i>nutrient management plan</i>* prepared under (a) (b). (d) The <i>nutrient management plan</i>* prepared under (a) (b) must demonstrate that the nitrogen leaching loss from the activity will: <ul style="list-style-type: none"> (i) <u>the nitrogen leaching loss from the activity will not exceed the cumulative nitrogen leaching maximum* specified in Table 14.2; or</u> (ii) <u>the nitrogen leaching loss from the activity will not exceed a rate that is the lesser of:</u> <ul style="list-style-type: none"> a. <u>80% of the nitrogen leaching baseline* of the <i>land[^]</i> (which must be achieved by 31 December 2022) and</u> b. <u>the nitrogen leaching loss specified for the relevant <i>Surface Water Management Sub-zone</i>* in Table 14.2A; or</u> (iii) <u>for <i>commercial vegetable growing</i>*, the growing area does not exceed the baseline growing area* and, within 3 years of lodgment of the application, the activity will achieve a</u> 	<p>Control is reserved over:</p> <ul style="list-style-type: none"> (a) the <u>contents, implementation and review</u> of the <i>nutrient management plan</i>* for the <i>land[^]</i> (b) compliance with the cumulative nitrogen leaching maximum* specified in Table 14.2 <u>the nitrogen leaching loss from the <i>land[^]</i> and the good management practices* and best management practices* (and additional measures where necessary) to limit nitrogen leaching loss from the <i>land[^]</i> to the rate specified in condition (d) and to avoid, remedy or mitigate nutrient leaching and run-off, faecal contamination and sediment losses from the <i>land[^]</i></u> (c) the matters of control in Rule 14-11 (d) avoiding, remedying or mitigating the effects of odour, dust, <i>fertiliser</i>* drift or effluent drift (e) provision of information including the <i>nutrient management plan</i>* (f) duration of consent (g) review of consent <i>conditions</i>[^] (h) compliance monitoring (i) the matters in <u>Policyies 14-5, 14-6 and 14-9.</u>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p><i>land</i>[^] (or upon expiry or surrender of any existing consent for that <i>discharge</i>[^]) including:</p> <ul style="list-style-type: none"> (i) effluent from dairy sheds and <i>feedpads</i>[*] (ii) effluent received from piggeries (iii) sludge from farm effluent ponds (iv) poultry farm effluent <p>and any ancillary <i>discharge</i>[^] of <i>contaminants</i>[^] into air pursuant to ss15(1) or 15(2A) RMA.</p> <p>Where the existing intensive farming <i>land</i>[^] use is located partly on land within one or more of the <i>water management sub-zones</i>[*] listed in Table 14.1 and partly on other land, this rule only applies:</p> <ul style="list-style-type: none"> (a) if at least 20% of the existing intensive farming <i>land</i>[^] use is located on land within the listed <i>water management sub-zones</i>[*]; and (b) to the portion of the existing intensive farming <i>land</i>[^] use that is located within the listed <i>water management sub-zones</i>[*]. 		<p>minimum reduction in cumulative nitrogen leaching loss from the <i>land</i>[^] of 35% relative to the <i>baseline growing period</i>[*];</p> <ul style="list-style-type: none"> (iv) provided that, under (d) (ii) and (iii) above, the application for consent is lodged no later than 31 December 2022. (e) Cattle must be excluded from: <ul style="list-style-type: none"> (i) <i>wetlands</i>[^] and <i>lakes</i>[^] that are a <i>rare habitat</i>[*] or <i>threatened habitat</i>[*], and (ii) the <i>beds</i>[^] of <i>rivers</i>[^] that are permanently flowing or have an <i>active bed</i>[*] width greater than 1 m. (f) <i>Rivers</i>[^] that are permanently flowing or have an <i>active bed</i>[*] 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 <i>discharged</i>[^] onto or into <i>land</i>[^]. (g) The <i>discharge</i>[^] of <i>fertiliser</i>[*] onto or into <i>land</i>[^] and any ancillary <i>discharge</i>[^] of <i>contaminants</i>[^] into air must comply with the <i>conditions</i>[^] of Rule 14-5. (h) The <i>discharge</i>[^] of <i>contaminants</i>[^] onto or into <i>land</i>[^] from: <ul style="list-style-type: none"> (i) the preparation, storage, use or transportation of stock feed on <i>production land</i>[^], or (ii) the use of a <i>feedpad</i>[*] 	<p><i>Resource consent</i>[^] applications under this <i>rule</i>[^] will not be notified and written approval of affected persons will not be required (notice of applications need not be <i>served</i>[^] on affected persons).</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			<p>and any ancillary <i>discharge</i>[^] of <i>contaminants</i>[^] into air must comply with the <i>conditions</i>[^] of Rule 14-6.</p> <p>(i) The <i>discharge</i>[^] of <i>grade Aa biosolids</i>[*] or <i>compost</i>[*] onto or into <i>production land</i>[^] and any ancillary <i>discharge</i>[^] of <i>contaminants</i>[^] into air must comply with the <i>conditions</i>[^] of Rule 14-7.</p> <p>(j) The <i>discharge</i>[^] of <i>poultry farm litter</i>[*] onto or into <i>production land</i>[^] and any ancillary <i>discharge</i>[^] of <i>contaminants</i>[^] into air must comply with the <i>conditions</i>[^] of Rule 14-9.</p> <p>(k) The <i>discharge</i>[^] of <i>farm animal effluent</i>[*] onto or into <i>production land</i>[^] including:</p> <ul style="list-style-type: none"> (i) effluent from dairy sheds and <i>feedpads</i>[*] (ii) effluent received from piggeries (iii) sludge from farm effluent ponds (iv) poultry farm effluent <p>and any ancillary <i>discharge</i>[^] of <i>contaminants</i>[^] into air must comply with the <i>conditions</i>[^], standards and terms of Rule 14-11.</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
14-2 Existing intensive farming land[^] use activities not complying with	The use of <i>land</i> [^] pursuant to s9(2) RMA for any of the following intensive farming:	Restricted Discretionary	(a) <u>A nutrient management plan* must be prepared for the land[^], and provided annually to the Regional Council. The activity must comply with</u>	Discretion is restricted to: (a) <u>the contents, implementation and review of the preparation of and</u>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>any of the conditions, standards and terms (a), (b) and (d) to (i), (e) to (k) of Rule 14-1</p>	<p>(i) <i>dairy farming*</i></p> <p>(ii) <i>commercial vegetable growing*</i></p> <p>(iii) <i>cropping*</i></p> <p>(iv) <i>intensive sheep and beef farming*</i> that was existing in the <i>Water Management Sub-zones*</i> listed in and from the dates specified in Table 14.1, and any of the following <i>discharges[^]</i> pursuant to ss15(1) or 15(2A) RMA associated with intensive farming, that do not comply with one or more of the <i>conditions[^]</i>, standards and terms of Rule 14-1 (except for (a), (b) or (c)):</p> <p>(a) the <i>discharge[^]</i> of <i>fertiliser*</i> onto or into <i>land[^]</i></p> <p>(b) the <i>discharge[^]</i> of <i>contaminants[^]</i> onto or into <i>land[^]</i> from</p> <p>(i) the preparation, storage, use or transportation of stock feed on <i>production land[^]</i></p> <p>(ii) the use of a <i>feedpad*</i></p> <p>(c) the <i>discharge[^]</i> of <i>grade Aa biosolids*</i> or <i>compost*</i> onto or into <i>production land[^]</i></p> <p>(d) the <i>discharge[^]</i> of <i>poultry farm litter*</i> onto or into <i>production land[^]</i></p> <p>(e) the <i>discharge[^]</i> of <i>farm animal effluent*</i> onto or into <i>production</i></p>		<p><u>the requirements specified in conditions, standards and terms (a) to (d) of Rule 14-1.</u></p> <p>(b) <u>The activity must be undertaken in accordance with the <i>nutrient management plan*</i> prepared under (a). The activity must comply with the requirements specified in conditions, standards and terms (e) to (k) of Rule 14-1, except to the extent that consent is sought under Rule 14-2 to not comply with them.</u></p> <p>(c) The <i>nutrient management plan*</i> prepared under (a) must demonstrate that the nitrogen leaching loss from the activity will not exceed the <i>cumulative nitrogen leaching maximum*</i> for any year specified in Table 14.2.</p>	<p>compliance with a <i>nutrient management plan*</i> for the <i>land[^]</i></p> <p>(b) the extent of non-compliance with the <i>cumulative nitrogen leaching maximum*</i> specified in Table 14.2</p> <p>(b) (e) measures the <i>nitrogen leaching loss from the <i>land[^]</i></i></p> <p>(c) the measures including <i>good management practices*</i> and <i>best management practices*</i> (and additional measures where necessary) to limit nitrogen leaching loss from the <i>land[^]</i> to the rate specified in condition (d) and to avoid, remedy or mitigate nutrient leaching and run-off, faecal contamination and sediment losses from the <i>land[^]</i></p> <p>(d) measures to exclude cattle from <i>wetlands[^]</i> and <i>lakes[^]</i> that are a <i>rare habitat*</i> or <i>threatened habitat*</i>, and <i>rivers[^]</i> that are permanently flowing or have an <i>active bed*</i> width greater than 1 m</p> <p>(e) the bridging or culverting of <i>rivers[^]</i> that are permanently flowing or have an <i>active bed*</i> width greater than 1 m that are crossed by cattle</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p><i>land</i>[^] (or upon expiry or surrender of any existing consent for that <i>discharge</i>[^]) including:</p> <ul style="list-style-type: none"> (i) effluent from dairy sheds and <i>feedpads</i>* (ii) effluent received from piggeries (iii) sludge from farm effluent ponds (iv) poultry farm effluent <p>and any ancillary <i>discharge</i>[^] of <i>contaminants</i>[^] into air pursuant to ss15(1) or 15(2A) RMA.</p>			<ul style="list-style-type: none"> (f) the matters referred to in the <i>conditions</i>[^] of Rules 14-5, 14-6, 14-7, and 14-9 (g) the matters referred to in the <i>conditions</i>[^] of Rule 14-11 and the matters of control in Rule 14-11 (h) avoiding, remedying or mitigating the effects of odour, dust, <i>fertiliser</i>* drift or effluent drift (i) provision of information including the annual <i>nutrient management plan</i>* (j) duration of consent (k) review of consent <i>conditions</i>[^] (l) compliance monitoring (m) the matters in Policy Policies 14-5, 14-6 and 14-9.
<p>Rule 14-2A <u>Existing intensive farming land[^] use activities not complying with conditions, standards, or terms (a) to (d)-(e) of Rule 14-1 or condition (a) of Rule 14-2.</u></p>	<p>The use of <i>land</i>[^] pursuant to s9(2) RMA for any of the following intensive farming:</p> <ul style="list-style-type: none"> (i) <i>dairy farming</i>* (ii) <i>commercial vegetable growing</i>* (iii) <i>cropping</i>* (iv) <i>intensive sheep and beef farming</i>* <p>that was existing in the <i>Water Management Sub-zones</i>* listed in and from the dates specified in Table 14.1, and any of the following <i>discharges</i>[^]</p>	<p><u>Discretionary</u></p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>pursuant to ss15(1) or 15(2A) RMA associated with intensive farming, that do not comply with conditions, standards and term (a) to (d) (e) of Rule 14.1 14-1 or condition (a) of one or more of the conditions[^], standards and terms of Rule 14-2.:</p> <p>(f) the discharge[^] of fertiliser* onto or into land[^]</p> <p>(g) the discharge[^] of contaminants[^] onto or into land[^] from</p> <p>(i) the preparation, storage, use or transportation of stock feed on production land[^]</p> <p>(ii) the use of a feedpad*</p> <p>(h) the discharge[^] of grade Aa biosolids* or compost* onto or into production land[^]</p> <p>(i) the discharge[^] of poultry farm litter* onto or into production land[^]</p> <p>(j) the discharge[^] of farm animal effluent* onto or into production land[^] (or upon expiry or surrender of any existing consent for that discharge[^]) including:</p> <p>(i) effluent from dairy sheds and feedpads*</p> <p>(ii) effluent received from piggeries</p>			

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	(iii) sludge from farm effluent ponds (iv) poultry farm effluent and any ancillary discharge[^] of contaminants[^] into air pursuant to ss15(1) or 15(2A) RMA.			

...

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.
-

New Definition:

Baseline Commercial Growing Area means the aggregated area of *land*[^] utilised for commercial vegetable production in the 2012/2013 growing season and includes all *land*[^] under the control (owned or leased) of a single grower or enterprise.

New Definition:

Baseline Growing Period means the 2012/2013 growing season.

New Definition:

Crop Rotation is the systematic planting of different crops in sequence over multiple years within the same growing space, or across changing and parcels, and often includes a pasture phase. This process helps maintain nutrients in the soil, reduce soil erosion, and prevents plant diseases and pests.

New Definition:

Enterprise means one or more parcels of *land*[^] held in single or multiple ownership to support the principle *land*[^] use, or *land*[^] on which the *land*[^] use is reliant, which constitutes a single operating unit for the purposes of management.

New Definition:

Nitrogen Baseline means the discharge of nitrogen below the root zone, as modelled using a recognised nutrient management model, for the period 1 July 2012 to 30 June 2013. If an updated version of the nutrient management model is to be issued, the most recent version is to be used to recalculate the nitrogen baseline using the same nitrogen related farm input data as used to calculate Table 14.2A.

New Definition:

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 *land*[^] use activities in the *Surface Water Management Zone** as set out in Table 14.2A.

New Definition:

Good management practices refers to ~~evolving practical-practicable~~ measures and methods, including those established in industry-based standards and guidance documents, which are tailored for use ~~used~~ at a farm ~~sector or community~~ level to minimise the effects of discharges to *land*[^] and *water*[^].

New Definition:

Best Management Practices means measures, additional to *good management practices** that are tailored for a farming or growing system to minimise nitrogen leaching loss from the *land*[^] to the maximum practicable extent.

Amendment to Existing Definition:

Nutrient Management Plan means a plan prepared annually, either:

- (a) in accordance with the Code of Practice for Nutrient Management (NZ Fertiliser Manufacturers' Research Association ~~2013~~ 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, sediment and pathogens for intensive farming ~~(and includes copies of the OVERSEER input and output files of a recognised nutrient management model used to prepare the plan)~~ 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 and a Certificate of Completion in Advanced Sustainable Nutrient Management from Massey University;~~ or
- (b) as a component of a certified freshwater farm plan[^] prepared for the purpose of Part 9A of the Resource Management Act 1991 which records and takes into account all sources of nutrients for intensive farming (and includes copies of the input and output files of a recognised nutrient management model used to prepare the plan) and identifies all current and relevant nutrient management practices and mitigations and addresses potential sediment loss and faecal contamination.

Parties	Appearances
Monday 12 October	
Horizons Regional Council	<ul style="list-style-type: none"> ▪ Ms Shannon Johnston ▪ Dr Nic Peet ▪ Ms Christine Foster
Tuesday 13 October	
Horizons Regional Council	<ul style="list-style-type: none"> ▪ Ms Abby Matthews ▪ Dr Ton Snelder ▪ Associate Professor David Horne ▪ Dr James Hanly ▪ Dr Anne-Maree Jolly ▪ Mr Stephen McNally ▪ Mr Peter Clough
Potatoes NZ	<ul style="list-style-type: none"> ▪ Mr Bill Foster ▪ Mr Michael MacMillan ▪ Mr Paul Olsen ▪ Mr Mike Moleta ▪ Mr Chris Claridge ▪ Dr Iain Kirkwood ▪ Mr Nic Conland ▪ Mr Chris Keenan
Director General Of Conservation	<ul style="list-style-type: none"> ▪ Ms Troy Ulrich ▪ Mr Angus Gray ▪ Ms Rosemary Miller
Wednesday 14 October	
Wellington Fish and Game Council	<ul style="list-style-type: none"> ▪ Mr Phil Teal ▪ Mr Peter Wilson
Environmental Defence Society	<ul style="list-style-type: none"> ▪ Ms Madeleine Wright
Balance Agri-Nutrients	<ul style="list-style-type: none"> ▪ Ms Jeni Wadsworth ▪ Mr Dominic Adams
Dairy farmer	<ul style="list-style-type: none"> ▪ Mr Geoff Kane
Dairy farmer	<ul style="list-style-type: none"> ▪ Mr Russell Phillips
Thursday 15 October	
Rangitāne o Tamaki Nui a Rua	<ul style="list-style-type: none"> ▪ Mr Manahi Paewai
Ngāti Turanga	<ul style="list-style-type: none"> ▪ Mr Hayden Turoa
Ngāti Whakatere	<ul style="list-style-type: none"> ▪ Mr Robert Ketu
Te Runanga o Raukawa	<ul style="list-style-type: none"> ▪ Mr Lindsay Poutama
Friday 16 October	
Federated Farmers and Dairy NZ	<ul style="list-style-type: none"> ▪ Mr Bal Matheson ▪ Mr Andrew Hoggard ▪ Dr Paul Le Miere ▪ Mr Adam Duker ▪ Dr Graeme Doole ▪ Dr Craig Depree ▪ Mr Gerard Willis
Monday 19 October	
Water Protection Society	<ul style="list-style-type: none"> ▪ Dr Chris Teo-Sherrell
Dairy farmer	<ul style="list-style-type: none"> ▪ Ms Lisa Charmley
Forest and Bird	<ul style="list-style-type: none"> ▪ Mr Tom Kay
Horowhenua District Council	<ul style="list-style-type: none"> ▪ Mr John Maassen ▪ Ms Annette Sweeney ▪ Ms Cynthia Ward

Parties	Appearances
Arawhata Wetland Alliance	<ul style="list-style-type: none"> ▪ Mr Brendan Duffy
Fonterra	<ul style="list-style-type: none"> ▪ Mr Ben Williams ▪ Ms Abbie Fowler Mr Graham Thomson ▪ Ms Brigid Buckley
Tuesday 20 October	
Beef + Lamb	<ul style="list-style-type: none"> ▪ Ms Madeline Hall ▪ Mr Chris Thomsen ▪ Mr Richard Parkes ▪ Mr Jane Crystal
Sheep farmer	<ul style="list-style-type: none"> ▪ Mr Andrew Day
Horizons Regional Council	<ul style="list-style-type: none"> ▪ Dr Terry Parminter
Tararua District Council	<ul style="list-style-type: none"> ▪ Mr Peter Wimsett
Horizons Regional Council	<ul style="list-style-type: none"> ▪ Associate Professor David Horne
Wednesday 21 October	
HortNZ and Commercial vegetable growers	<ul style="list-style-type: none"> ▪ Ms Helen Atkins ▪ Ms Michelle Sands ▪ Mr Stuart Ford ▪ Mr Andrew Barber ▪ Mr Damien Farrelly ▪ Ms Claire Conwell ▪ Mr Vance Hodgson ▪ Mr Terry Olsen ▪ Mr Bruce Rollinson ▪ Mr Andrew Yung ▪ Mr Jeffery Wong ▪ Mr Travis Sue ▪ Mr Geoff Lewis
Woodhaven Gardens	<ul style="list-style-type: none"> ▪ Mr Jay Clarke ▪ Mr John Clarke
Thursday 22 October	
Palmerston North City Council	<ul style="list-style-type: none"> ▪ Ms Kat Viskovic ▪ Mr Oska Rego ▪ Ms Melaina Voss ▪ Mr Jack Feltham ▪ Ms Paula Hunter
Horizons Regional Council	<ul style="list-style-type: none"> ▪ Ms Christine Foster