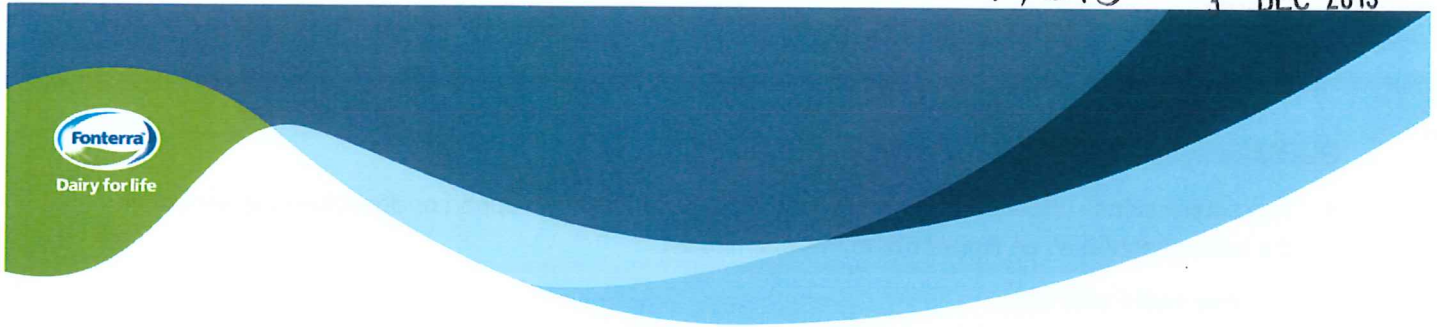




FONTERRA CO-OPERATIVE GROUP LIMITED
PROPOSED PLAN CHANGE 2 TO THE MANAWATŪ-WHANGANUI
REGIONAL COUNCIL ONE PLAN
FURTHER SUBMISSIONS

To: Horizons Regional Council

Submitter: Fonterra Co-operative Group Limited

Contact: Ben Williams
Chapman Tripp
(Client representative – Brigid Buckley)

Address for Service: Ben.Williams@chapmantripp.com
027 469 7132

INTRODUCTION

- 1 This is a further submission by Fonterra Co-operative Group Limited ("**Fonterra**") on proposed Plan Change 2 ("**Plan Change 2**") to the Manawātū-Whanganui Regional Council One Plan ("**One Plan**").
- 2 Fonterra is a person who has an interest in the proposal that is greater than the interest the general public has. The Manawātū-Whanganui region makes a significant contribution to New Zealand's dairy industry, and Fonterra operates milk processing sites at Pahiatua and Longburn (as well as a world class research institution in Palmerston North). Fonterra holds a number of resource consents in relation to wastewater from its manufacturing sites, including to discharge wastewater to land.
- 3 Fonterra is dedicated to ensuring that it undertakes its business in a sound and environmentally responsible manner, and is committed to encouraging its dairy farm suppliers towards better environmental performance. To this end, Fonterra's preference is to discharge wastewater to land, rather than to water. Such discharges to land stand to be affected by Plan Change 2, as the current framework under the One Plan is unclear how discharges of treated industrial wastewater and other waste products to land are to be treated, especially when such discharges are in conjunction with farming activities.

SUBMISSIONS SUPPORTED AND OPPOSED

- 4 The submissions supported or opposed, and the reasons for the support or opposition are set out in the table attached as an **Appendix** to this submission.
- 5 The **Appendix** sets out:
 - (a) The submissions or parts of submissions that Fonterra supports or opposes,
 - (b) The reasons for support or opposition; and
 - (c) The relief sought by Fonterra in relation to those submissions or parts of submissions.
- 6 Fonterra wishes to be heard in support of the further submission points listed in the **Appendix** and would be prepared to consider presenting a joint case with submitters raising similar concerns.

I confirm that I am authorised on behalf of Fonterra Co-operative Group Limited to make this submission.

Brigid Buckley
National Policy Manager
Fonterra Co-operative Group Limited

3 December 2019

Fonterra's Further Submission Points on Plan Change 7

The text included in the "Submission" column of the following table that is *italics*, underlined and in **red** font is text proposed by the submitter. Text in *italics* only is text proposed by Plan Change 7 as notified.

Submitter Name	Submission Number	PC 2 reference	Submission	Support/ Oppose	Reasons	Relief Sought
Palmerston North City Council, Manawatu, Horowhenua, Ruapehu and Taranaki District Councils (The Combined Councils)	82.1	GEN	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. 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.	Support in part	Fonterra supports in principle 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 – where that application proposes to partially or fully cease a discharge to water. Fonterra agrees that these provisions should include recognition of the positive effects of improving the receiving environments, and that they should also extend to cover those discharges of treated wastewater from industrial sites as well as municipal sites which face similar constraints. Fonterra notes that the processes for applying for such consents are considered in a robust framework, including a requirement to continually improve environmental effects at each re-consenting. Fonterra understands that, in the context of the Environment Court's 2018 decision in <i>Horowhenua District Council v Manawatu-Wanganui Regional</i>	Accept the submission in part

Submitter Name	Submission Number	PC 2 reference	Submission	Support/ Oppose	Reasons	Relief Sought
					<i>Council</i> the Regional Council has agreed that there are inconsistencies in the One Plan, and the intensive farming provisions do not 'cover the field' in relation to activities where treated human wastewater is being irrigated to land. The Court agreed that <i>"there is nothing in the documentation ... which suggests that the One Plan explicitly addressed the situation where the irrigation of treated wastewater and intensive farming activities would both occur on the same land area"</i>. Fonterra considers that the irrigation of its wastewater from industrial processes, including whey and casein wastewater discharge, also highlights a gap in the One Plan provisions. This gap arises because, there is no definition of <i>"irrigation"</i> and the discharge of wastewater from trucks does not appear to clearly fit within the definition of <i>"intensive farming activities"</i>. Fonterra therefore agrees with the Combined Councils that there is a lack of clarity regarding the extent to which provisions in the One Plan can be applied to the discharges of treated wastewater. However, Fonterra considers that the lack of clarity applies equally to discharges of waste from industrial processes, not just municipal wastewater, particularly when	

Submitter Name	Submission Number	PC 2 reference	Submission	Support/ Oppose	Reasons	Relief Sought
The Combined Councils	82.2	GEN	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	Support in part	undertaken in conjunction with farming activities and overall they result in positive effects on the receiving waterbody. Fonterra agrees that Plan Change 2 should not put barrier in place to the successful granting of applications for discharges of treated wastewater to land, and that this would frustrate the policy direction for preference for discharge to land, and has the potential to impinge on efforts to remove discharges of wastewater to rivers in the region. As above, Fonterra supports the need for an appropriate planning framework for applications to discharge treated industrial wastewater to land, rather than just treated municipal wastewater.	Accept the submission in part

Submitter Name	Submission Number	PC 2 reference	Submission	Support/ Oppose	Reasons	Relief Sought
			wastewater discharges from surface water to land. 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.			
The Combined Councils	82.3	GEN	PC2 and the One Plan should be amended to ensure provisions do not restrict the ability to use land irrigate[d] with treated municipal wastewater for productive purposes. 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.	Support in part	As above, Fonterra supports the need for an appropriate planning framework for applications to discharge treated industrial wastewater to land, rather than just treated municipal wastewater.	Accept the submission in part
Palmerston North City Council	83.1	GEN	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. Any alternative, consequential or additional relief, to that set out in this submission, required to give	Support in part	As above, Fonterra supports the need for an appropriate planning framework for applications to discharge treated industrial wastewater to land, rather than just treated municipal wastewater.	Accept the submission in part

Submitter Name	Submission Number	PC 2 reference	Submission	Support/ Oppose	Reasons	Relief Sought
Palmerston North City Council	83.2	GEN	effect to the matters raised generally in this submission. PC2 and the One Plan should be amended to ensure provisions do not restrict the ability to use land irrigate with treated municipal wastewater for productive purposes. 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.	Support in part	As above, Fonterra supports the need for an appropriate planning framework for applications to discharge treated industrial wastewater to land, rather than just treated municipal wastewater.	Accept the submission in part
Palmerston North City Council	83.3	GEN	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. Any alternative, consequential or additional relief, to that set out in this submission, required to give effect to the matters raised	Support in part	As above, Fonterra supports the need for an appropriate planning framework for applications to discharge treated industrial wastewater to land, rather than just treated municipal wastewater.	Accept the submission in part

Submitter Name	Submission Number	PC 2 reference	Submission	Support/ Oppose	Reasons	Relief Sought
Palmerston North City Council	83.4	5	generally in this submission. Amend Policy 5-8: Management and Regulation of intensive farming land" use activities affecting groundwater and surface water" quality <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> (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 <u>except discharges of treated municipal wastewater irrigated to land including the discharge of treated municipal wastewater irrigated to land</u> <u>carried out in conjunction with intensive farming land use activities</u> Any alternative, consequential or additional relief, to that set out in this submission, required to give effect to the matters raised	Support in part	As above, Fonterra supports the need for an appropriate planning framework for applications to discharge treated industrial wastewater to land, rather than just treated municipal wastewater. Fonterra therefore considers that the relief should be amended as follows: <i>except discharges of treated municipal wastewater irrigated to land including the discharge of treated municipal <u>and industrial</u> wastewater irrigated to land carried out in conjunction with intensive farming land use activities</i>	Accept the submission in part

Submitter Name	Submission Number	PC 2 reference	Submission	Support/ Oppose	Reasons	Relief Sought
Palmerston North City Council	83.5	14	generally in this submission. Amend Policy 14-5: 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* <u>(aa) The following land uses are not intensive farming land" use activities</u> <u>(i) The discharge of treated municipal wastewater irrigated to land undertaken in conjunction with the land uses identified in (a)(i) to (iv); and</u> <u>(ii) The discharge of treated municipal wastewater irrigated to land undertaken in conjunction with any other farming land use activity</u>	Support in part	As above, Fonterra supports the need for an appropriate planning framework for applications to discharge treated industrial wastewater to land, rather than just treated municipal wastewater. Fonterra therefore considers that the relief should be amended as follows: (aa) <i>The following land uses are not intensive farming land" use activities</i> (i) <i>The discharge of treated municipal <u>or industrial</u> wastewater irrigated to land undertaken in conjunction with the land uses identified in (a)(i) to (iv); and</i> (ii) <i>The discharge of treated municipal <u>or industrial</u> wastewater irrigated to land undertaken in conjunction with any other farming land use activity</i>	Accept the submission in part

Submitter Name	Submission Number	PC 2 reference	Submission	Support/ Oppose	Reasons	Relief Sought
Palmerston North City Council	83.6	14	<u>to land undertaken in conjunction with any other farming land use activity</u> 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. Amend section 14.3: 14.3 Rules - Agricultural Activities <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> <u>(i) The discharge of treated municipal wastewater irrigated to land undertaken in conjunction with the land uses identified in Policy 14.5(a)(i) to (iv); and</u> <u>(ii) The discharge of treated municipal wastewater irrigated to land undertaken in conjunction with any other farming land use activity</u> Any alternative, consequential or additional relief, to that set out in this submission, required to give effect to the matters raised	Support in part	As above, Fonterra supports the need for an appropriate planning framework for applications to discharge treated industrial wastewater to land, rather than just treated municipal wastewater. Fonterra therefore considers that the relief should be amended as follows: <i>The following land uses are not intensive farming land" use activities and are not subject to the nitrogen leaching maximums set out in Table 14.2 or to Rules 14.1 to 14.2A.</i> (j) The discharge of treated municipal <u>or industrial</u> wastewater irrigated to land undertaken in conjunction with the land uses identified in Policy 14.5(a)(i) to (iv); and (ii) The discharge of treated municipal <u>or industrial</u> wastewater irrigated to land undertaken in conjunction with any other farming land use activity	Accept the submission in part

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Palmerston North City Council	83.7	14	generally in this submission. Insert new Policy 14-2A: <u>Policy 14-2A: Consent decision-making for discharges[^] of treated municipal wastewater to land[^]</u> <u>When making decisions on resource consent[^] applications, and setting consent conditions[^], for discharges[^] of treated municipal wastewater onto, into or over land[^] the Regional Council must have regard to:</u> <u>(a) the objectives and policies of Chapter 5 regarding the management of groundwater quality and discharges[^];</u> <u>(b) the benefits derived from having a discharge of treated municipal to land rather than to surface water</u> <u>(c) where the discharge[^] may enter surface water[^] or have an adverse effect[^] on surface water[^] quality, the degree of compliance with the approach for managing surface water[^] quality set out in Chapter 5 and in particular the improvements that the discharge of treated municipal wastewater to land makes to the quality of surface</u>	Support in part	As above, Fonterra supports the need for an appropriate planning framework for applications to discharge treated industrial wastewater to land, rather than just treated municipal wastewater. Fonterra therefore considers that the relief should be amended as follows: Policy 14-2A: Consent decision-making for discharges[^] of treated municipal wastewater to land[^] When making decisions on resource consent[^] applications, and setting consent conditions[^], for discharges[^] of treated municipal or industrial wastewater onto, into or over land[^] the Regional Council must have regard to: (a) the objectives and policies of Chapter 5 regarding the management of groundwater quality and discharges[^]; (b) the benefits derived from having a discharge of treated municipal and industrial waste to land rather than to surface water (c) where the discharge[^] may enter surface water[^] or have an adverse effect[^] on surface water[^] quality, the degree of compliance with the approach for managing surface water[^] quality set out in Chapter 5 and in particular the	Accept the submission in part

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			<u>water.</u> <u>(d) the extent to which adverse effects^ on any sensitive receiving environments^ or potentially incompatible land^ uses, in particular any residential buildings, educational facilities, churches, marae, public areas, infrastructure^ and other physical resources of regional or national importance identified in Policy 3-1, wetlands^, surface water bodies^ and the coastal marine area^ can be mitigated.</u> <u>(e) the objectives and policies of Chapters 2, 3, 6, 9 and 12 to the extent that they are relevant to the discharge^.</u> <u>(f) any adverse or positive effects on public health.</u> <u>(g) any offensive or objectionable odour effects beyond the property* boundary.</u> <u>(h) the adequacy of any proposed buffers to mitigate effects on adjoining properties and in particular on any sensitive receiving environments^ or potentially incompatible land^ uses identified in (d) above.</u>		improvements that the discharge of treated municipal <u>or industrial</u> wastewater to land makes to the quality of surface water; (d) the extent to which adverse effects^ on any sensitive receiving environments^ or potentially incompatible land^ uses, in particular any residential buildings, educational facilities, churches, marae, public areas, infrastructure^ and other physical resources of regional or national importance identified in Policy 3-1, wetlands^, surface water bodies^ and the coastal marine area^ can be mitigated. (e) the objectives and policies of Chapters 2, 3, 6, 9 and 12 to the extent that they are relevant to the discharge^. (f) any adverse or positive effects on public health; (g) any offensive or objectionable odour effects beyond the property* boundary; (h) the adequacy of any proposed buffers to mitigate effects on adjoining properties and in particular on any sensitive receiving environments^ or potentially incompatible land^ uses identified in (d) above. (i) the extent to which any adverse effects of the discharge on: (i) groundwater at any point of	

Submitter Name	Submission Number	PC 2 reference	Submission	Support/ Oppose	Reasons	Relief Sought
			<u>(i) the extent to which any adverse effects of the discharge on:</u> <u>(i) groundwater at any point of abstraction utilised for irrigation, stock or domestic drinking water[^];</u> <u>(iii) stormwater drains; or</u> <u>(iv) artificial watercourses*;</u> <u>can be mitigated</u> 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.		abstraction utilised for irrigation, stock or domestic drinking water[^]; (iii) stormwater drains; or (iv) artificial watercourses*; can be mitigated	
Palmerston North City Council	83.8	GL	Amend definition of 'Biosolids': Biosolids means a sewage or sewage sludge, derived from a sewage treatment plant, that does not include animal effluent* or products derived from industrial wastewater treatment plants, and that has been treated or stabilised to the extent that it is able to be safely and beneficially applied to land[^] <u>but excludes treated municipal wastewater.</u> Any alternative, consequential or additional relief, to that set out in	Support in part	Fonterra supports the need for the definition of 'Biosolids' to be amended to exclude treated industrial wastewater to land, rather than just treated municipal wastewater. Fonterra therefore considers that the relief should be amended as follows: <u>but excludes treated municipal and industrial wastewater</u>	Accept the submission in part

Submitter Name	Submission Number	PC 2 reference	Submission	Support/ Oppose	Reasons	Relief Sought
Palmerston North City Council	83.9	GL	this submission, required to give effect to the matters raised generally in this submission. Amend definition of 'fertiliser': Fertiliser means any substance or mix of substances that is described as or held to be suitable for sustaining or increasing the growth, productivity or quality of plants (or animals indirectly) through the application to plants and soils of: (a) the following major nutrients: nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chloride and sodium (b) the following minor nutrients: manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine and selenium (c) non-nutrient attributes of the materials used in fertiliser (d) fertiliser additives (e) gypsum and lime but does not include biosolids*, animal effluent*, compost* or poultry farm litter* or pig farm litter* <u>or treated municipal wastewater.</u> Any alternative, consequential or	Support in part	Fonterra agrees that this definition requires amendment, and that the definition appears to, for example, potentially apply to whey and casein wastewater, in that it can be considered suitable for sustaining or increasing plant growth, and we understand that it contains or is likely to contain some of the nutrients listed. A similar definition in the Canterbury Land and Water Regional Plan specifies that "fertiliser" does not include any raw or composted biological waste product that is not able to be registered under the Agricultural Compounds and Veterinary Medicines Act 1997. Fonterra therefore considers that the relief should be amended as follows: Or <u>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.</u>	Accept the submission in part

Submitter Name	Submission Number	PC 2 reference	Submission	Support/ Oppose	Reasons	Relief Sought
Palmerston North City Council	83.10	GL	additional relief, to that set out in this submission, required to give effect to the matters raised generally in this submission. Amend definition of 'Intensive sheep and beef farming': Intensive sheep and beef farming refers to properties greater than 4 ha engaged in the farming of sheep and cattle, where any of the land grazed is irrigated <u>but excludes any land irrigated with treated municipal wastewater</u>. 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.	Support in part	Fonterra supports the need for the definition of 'Intensive sheep and beef farming' to be amended to exclude treated industrial wastewater to land, rather than just treated municipal wastewater. Fonterra therefore considers that the relief should be amended as follows: <i>but excludes any land irrigated with treated municipal <u>or industrial</u> wastewater</i>	Accept the submission in part
Manawatū District Council	87.1	GL	That the grazing of land that receives treated wastewater from a wastewater treatment plant be specifically excluded from the list of "intensive farming land uses" under Policy 14-5(a) of Proposed Plan Change 2; or That a new definition of "irrigation" be added to the One Plan that refers to the irrigation of groundwater or surface water but does not include the	Support	As above, Fonterra supports the need for an appropriate planning framework for applications to discharge treated wastewater to land. Fonterra agrees that there needs to be a definition of "irrigation" that excludes the disposal of treated wastewater from the definition, and that there should be an explanatory note for Policy 15-5(a) explaining why irrigation of treated	Accept the submission

Submitter Name	Submission Number	PC 2 reference	Submission	Support/ Oppose	Reasons	Relief Sought
			disposal of treated wastewater. That an explanatory note be added beneath Policy 14-5(a) or the new definition of "irrigation" depending on which approach is preferred, explaining why the irrigation of treated wastewater is considered differently to other irrigation. Possible wording for this advice note is as follows: "Explanatory Note: The purpose of discharging treated wastewater from wastewater treatment plants to land is to reduce direct discharges to waterways, thereby improving water quality. This differs from the irrigation of groundwater or surface water to land, which is primarily for the purpose of increasing the productive potential of the land. It is therefore appropriate that the irrigation of treated wastewater to be treated differently from other irrigation."		wastewater should be considered differently to other irrigation.	
Manawatū District Council	87.2	GEN	One Plan and Proposed Plan Change 2 be amended to include provisions that: a) facilitate the discharge of treated wastewater to land, and	Support	As above, Fonterra supports the need for an appropriate planning framework for applications to discharge treated wastewater to land.	Accept the submission

Submitter Name	Submission Number	PC 2 reference	Submission	Support/ Oppose	Reasons	Relief Sought
			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			

