

BEFORE THE ENVIRONMENT COURT
AT WELLINGTON

ENV-2021-WLG-000020

I MUA I TE KOOTI TAIAO O AOTEAROA
KI TE WHANAGNUI-A-TARA

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an appeal pursuant to clause 14 of
the First Schedule of the Act

BETWEEN TE RUNANGA O RAUKAWA
Appellant

AND MANAWATU-WHANGANUI REGIONAL
COUNCIL
Respondent

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS
Section 274 Resource Management Act

To The Registrar
Environment Court
Wellington

Federated Farmers of New Zealand Inc (**Federated Farmers**) wishes to be a party to the following proceedings:

Te Runanga o Raukawa v Manawatu-Whanganui Regional Council
ENV-2021-WLG-000020

Federated Farmers made a submission about the subject matter of the proceedings.

Federated Farmers is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

Federated Farmers is interested in all of the proceedings.

Federated Farmers is interested in all of the issues raised by the Appellant.

Federated Farmers opposes the relief sought by the Appellant because:

1. Federated Farmers represents farmers in the Manawatu-Whanganui Regional Council's (**MWRC**) Targeted Catchments that are regulated by Proposed Plan Change 2 to the MWRC's One Plan (**PC2**).

Relief sought: Reject proposed changes in PC2 except recalibration of Table 14.2 and Policy 14-6(d)(ii)

2. The Appellant seeks that the proposed changes in PC2 are rejected, except for:
 - a. The recalibration of CNLMs in Table 14.2; and
 - b. The transitional pathway to deintensification in Policy 14-6(d)(ii).
3. Federated Farmers opposes this relief for reasons including that it would have significant implications for most, if not all, intensive farming land uses in the Targeted Catchments.
4. Federated Farmers supports the decisions version of PC2 and considers that the plan change operates as a complete package, with all of the provisions being needed (and, in particular, the alternative controlled activity pathways for dairy farming, cropping, intensive sheep and beef farming, and commercial vegetable growing activities) to provide a viable and workable consenting framework for the intensive farming land uses in the Targeted Catchments.
5. Federated Farmers considers that the decisions version of PC2 provides appropriate guidance for the granting of consents (under any of the consenting pathways and including for matters such as good management practices, additional mitigations and nitrogen leaching targets).

6. Federated Farmers also considers that the duration of consents provided for in PC2 appropriately recognises the environmental improvements and the investment being made, as well as the interim nature of PC2.
7. Federated Farmers further considers that the decisions version of PC2:
 - a. Provides a necessary and appropriate alternative (to the requirement to comply with arbitrary nitrogen leaching targets based on LUC) controlled activity pathway for obtaining resource consent for intensive farming land uses, whilst ensuring that these activities make significant improvements in farming practices in a short timeframe, including significant nitrogen reductions.
 - b. Provides necessary and appropriate policy guidance for the granting of discretionary activity consents for those intensive farming land uses that cannot comply with the nitrogen reductions required under either of the controlled activity pathways, in a way that provides greater certainty about environmental outcomes and improvements in farming practices in a short timeframe, including significant nitrogen reductions.
 - c. Is a necessary and appropriate interim measure, intended to address One Plan workability issues while a more fundamental, region-wide work programme is completed to give effect to the National Policy Statement for Freshwater Management 2020.
 - d. Appropriately gives effect to the relevant higher order documents.
 - e. Appropriately balances environmental, economic, social and cultural considerations.
8. Federated Farmers considers that, if successful, the relief sought by the Appellant would result in a situation where there is no viable consenting pathway for a significant number of intensive farming land uses in the Targeted Catchments. This would create significant uncertainty and impose significant social and economic cost on farmers and the community.

9. The environmental outcomes under the alternative controlled activity pathways are the same as, or similar to, those expected if there was full compliance with Table 14.2. However, it is not realistic to expect full compliance with Table 14.2 (for a range of reasons, including that it is based on a flawed and incorrect assumption that LUC reflects nitrogen leaching and is a proxy for natural capital). If there were no alternatives to the requirement to comply with Table 14.2, Federated Farmers considers that the environmental outcomes would be worse (particularly if intensive farming land uses remained unable to obtain consent and therefore unregulated).
10. Accordingly, Federated Farmers opposes the relief sought by Appellant to reject PC2 except for the recalibration of Table 14.2 and retention of Policy 14-6(d)(ii).

Relief sought: Add Coastal Manawatū surface water management zones and sub-zones to Table 14.1

11. The Appellant seeks that all subzones of the Coastal Manawatū surface water management zone (Mana_13) are added to the One Plan Table 14.1.
12. Federated Farmers opposes this relief on the basis that there is no scope in PC2 to add additional surface water management zones and sub-zones. Such a change would have significant social and economic implications for intensive farming land uses in this zone and sub-zones. These landowners, farmers and growers were not aware that their land use activities would potentially be affected by PC2, have not had an opportunity to make a submission and participate in the Schedule 1 process, and are not able to participate in the Environment Court proceedings or are aware of the relief that has been sought.
13. Further, even if there was scope to consider such relief, Federated Farmers says that it is not necessary or appropriate given that a region-wide work programme is required to give effect to the National Policy Statement for Freshwater Management 2020, and that is the most

appropriate and practicable means to address water quality issues in the Coastal Manawatū surface water management zone and sub-zones.

Secondary relief in Appendix 1

14. Page 3 of the Notice of Appeal states that “in the instance that primary relief is refused, then secondary relief is that the changes sought in Appendix 1 are granted.” The Appellant has separately provided Appendix 1 and that describes the secondary relief sought as “such further or other relief as the Court considers appropriate or is otherwise consequential on the relief generally sought within this appeal and may address the concerns expressed in the submission, or reasons for the appeal, otherwise raised.”

15. For the reasons explained above, Federated Farmers opposes the secondary relief. This includes for reasons that Federated Farmers supports PC2 and considers the provisions work as a package (such that it is not appropriate to change one part or parts of PC2).

Federated Farmers agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Signature of person wishing to be a party

Date: 23 June 2021

Address for service of person wishing to be a party:

Address: PO Box 447, Hamilton 3240

Telephone: 0800 327 646

Email: nedwards@fedfarm.org.nz / cmatena@fedfarm.org.nz

Contact person: Nikki Edwards / Coralee Matena

BEFORE THE ENVIRONMENT COURT
AT WELLINGTON

ENV-2021-WLG-000021

I MUA I TE KOOTI TAIAO O AOTEAROA
KI TE WHANAGNUI-A-TARA

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an appeal pursuant to clause 14 of
the First Schedule of the Act

BETWEEN NGATI TURANGA

Appellant

AND MANAWATU-WHANGANUI REGIONAL
COUNCIL

Respondent

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274 Resource Management Act

To The Registrar
Environment Court
Wellington

Federated Farmers of New Zealand Inc (**Federated Farmers**) wishes to be a party to the following proceedings:

Ngati Turanga v Manawatu-Whanganui Regional Council

ENV-2021-WLG-000021

Federated Farmers made a submission about the subject matter of the proceedings.

Federated Farmers is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

Federated Farmers is interested in all of the proceedings.

Federated Farmers is interested in all of the issues raised by the Appellant.

Federated Farmers opposes the relief sought by the Appellant because:

1. Federated Farmers represents farmers in the Manawatu-Whanganui Regional Council's (**MWRC**) Targeted Catchments that are regulated by Proposed Plan Change 2 to the MWRC's One Plan (**PC2**).

Relief sought: Reject proposed changes in PC2 except recalibration of Table 14.2 and Policy 14-6(d)(ii)

2. The Appellant seeks that the proposed changes in PC2 are rejected, except for:
 - a. The recalibration of CNLMs in Table 14.2; and
 - b. The transitional pathway to deintensification in Policy 14-6(d)(ii).
3. Federated Farmers opposes this relief for reasons including that it would have significant implications for most, if not all, intensive farming land uses in the Targeted Catchments.
4. Federated Farmers supports the decisions version of PC2 and considers that the plan change operates as a complete package, with all of the provisions being needed (and, in particular, the alternative controlled activity pathways for dairy farming, cropping, intensive sheep and beef farming, and commercial vegetable growing activities) to provide a viable and workable consenting framework for the intensive farming land uses in the Targeted Catchments.
5. Federated Farmers considers that the decisions version of PC2 provides appropriate guidance for the granting of consents (under any of the consenting pathways and including for matters such as good management practices, additional mitigations and nitrogen leaching targets).

6. Federated Farmers also considers that the duration of consents provided for in PC2 appropriately recognises the environmental improvements and the investment being made, as well as the interim nature of PC2.
7. Federated Farmers further considers that the decisions version of PC2:
 - a. Provides a necessary and appropriate alternative (to the requirement to comply with arbitrary nitrogen leaching targets based on LUC) controlled activity pathway for obtaining resource consent for intensive farming land uses, whilst ensuring that these activities make significant improvements in farming practices in a short timeframe, including significant nitrogen reductions.
 - b. Provides necessary and appropriate policy guidance for the granting of discretionary activity consents for those intensive farming land uses that cannot comply with the nitrogen reductions required under either of the controlled activity pathways, in a way that provides greater certainty about environmental outcomes and improvements in farming practices in a short timeframe, including significant nitrogen reductions.
 - c. Is a necessary and appropriate interim measure, intended to address One Plan workability issues while a more fundamental, region-wide work programme is completed to give effect to the National Policy Statement for Freshwater Management 2020.
 - d. Appropriately gives effect to the relevant higher order documents.
 - e. Appropriately balances environmental, economic, social and cultural considerations.
8. Federated Farmers considers that, if successful, the relief sought by the Appellant would result in a situation where there is no viable consenting pathway for a significant number of intensive farming land uses in the Targeted Catchments. This would create significant uncertainty and impose significant social and economic cost on farmers and the community.

9. The environmental outcomes under the alternative controlled activity pathways are the same as, or similar to, those expected if there was full compliance with Table 14.2. However, it is not realistic to expect full compliance with Table 14.2 (for a range of reasons, including that it is based on a flawed and incorrect assumption that LUC reflects nitrogen leaching and is a proxy for natural capital). If there were no alternatives to the requirement to comply with Table 14.2, Federated Farmers says that the environmental outcomes would be worse (particularly if intensive farming land uses remained unable to obtain consent and therefore unregulated).
10. Accordingly, Federated Farmers opposes the relief sought by the Appellant to reject PC2 except for the recalibration of Table 14.2 and retention of Policy 14-6(d)(ii).

Relief sought: Add Coastal Manawatū surface water management zones and sub-zones to Table 14.1

11. The Appellant seeks that all subzones of the Coastal Manawatū surface water management zone (Mana_13) are added to the One Plan Table 14.1.
12. Federated Farmers opposes this relief on the basis that there is no scope in PC2 to add additional surface water management zones and sub-zones. Such a change would have significant social and economic implications for intensive farming land uses in this zone and sub-zones. These landowners, farmers and growers were not aware that their land use activities would potentially be affected by PC2, have not had an opportunity to make a submission and participate in the Schedule 1 process, and are not able to participate in the Environment Court proceedings or are aware of the relief that has been sought.
13. Further, even if there was scope to consider such relief, Federated Farmers considers that it is not necessary or appropriate given that a region-wide work programme is required to give effect to the National Policy Statement for Freshwater Management 2020, and that is the most

appropriate and practicable means to address water quality issues in the Coastal Manawatū surface water management zone and sub-zones.

Secondary relief in Appendix 1

14. Page 3 of the Notice of Appeal states that “in the instance that primary relief is refused, then secondary relief is that the changes sought in Appendix 1 are granted.” The Appellant has separately provided Appendix 1 and that describes the secondary relief sought as “such further or other relief as the Court considers appropriate or is otherwise consequential on the relief generally sought within this appeal and may address the concerns expressed in the submission, or reasons for the appeal, otherwise raised.”
15. For the reasons explained above, Federated Farmers opposes the secondary relief. This includes for reasons that Federated Farmers supports PC2 and considers the provisions work as a package (such that it is not appropriate to change one part or parts of PC2).

Federated Farmers agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Signature of person wishing to be a party

Date: 23 June 2021

Address for service of person wishing to be a party:

Address: PO Box 447, Hamilton 3240

Telephone: 0800 327 646

Email: nedwards@fedfarm.org.nz / cmatena@fedfarm.org.nz

Contact person: Nikki Edwards / Coralee Matena

**BEFORE THE ENVIRONMENT COURT
AT WELLINGTON**

ENV-2021-WLG-000022

**I MUA I TE KOOTI TAIAO O AOTEAROA
KI TE WHANAGNUI-A-TARA**

**IN THE MATTER of the Resource Management Act
1991**

AND

**IN THE MATTER of an appeal pursuant to clause 14 of
the First Schedule of the Act**

BETWEEN ANDREW DAY

Appellant

**AND MANAWATU-WHANGANUI REGIONAL
COUNCIL**

Respondent

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274 Resource Management Act

To The Registrar
Environment Court
Wellington

Federated Farmers of New Zealand Inc (**Federated Farmers**) wishes to be a party to the following proceedings:

Day v Manawatu-Whanganui Regional Council

ENV-2021-WLG-000022

Federated Farmers made a submission about the subject matter of the proceedings.

Federated Farmers is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

Federated Farmers is interested in all of the proceedings.

Federated Farmers is interested in all of the issues raised by the Appellant.

Federated Farmers opposes the relief sought by the Appellant because:

1. Federated Farmers represents farmers in the Manawatu-Whanganui Regional Council's (**MWRC**) Targeted Catchments that are regulated by Proposed Plan Change 2 to the MWRC's One Plan (**PC2**).
2. The Appellant appeals all of PC2, with the exception of the use of Overseer 6.2.3 to update Table 14.2 (but not the values themselves in Table 14.2).
3. Federated Farmers supports the decisions version of PC2 and considers that the plan change operates as a complete package, with all of the provisions being needed (and, in particular, the alternative controlled activity pathways for dairy farming, cropping, intensive sheep and beef farming, and commercial vegetable growing activities) to provide a viable and workable consenting framework for the intensive farming land uses in the Targeted Catchments.
4. Federated Farmers considers that the decisions version of PC2 provides appropriate guidance for the granting of consents (under any of the consenting pathways and including for matters such as good management practices, additional mitigations and nitrogen leaching targets).
5. Federated Farmers also considers that the duration of consents provided for in PC2 appropriately recognises the environmental improvements and the investment being made, as well as the interim nature of PC2.
6. Federated Farmers further considers that the decisions version of PC2:
 - a. Provides a necessary and appropriate alternative (to the requirement to comply with arbitrary nitrogen leaching targets based on LUC) controlled activity pathway for obtaining resource consent

for intensive farming land uses, whilst ensuring that these activities make significant improvements in farming practices in a short timeframe, including significant nitrogen reductions.

- b. Provides necessary and appropriate policy guidance for the granting of discretionary activity consents for those intensive farming land uses that cannot comply with the nitrogen reductions required under either of the controlled activity pathways, in a way that provides greater certainty about environmental outcomes and improvements in farming practices in a short timeframe, including significant nitrogen reductions.
 - c. Is a necessary and appropriate interim measure, intended to address One Plan workability issues while a more fundamental, region-wide work programme is completed to give effect to the National Policy Statement for Freshwater Management 2020.
 - d. Appropriately gives effect to the relevant higher order documents.
 - e. Appropriately balances environmental, economic, social and cultural considerations.
7. Federated Farmers considers that, if successful, the relief sought by the Appellant would result in a situation where there is no viable consenting pathway for a significant number of intensive farming land uses in the Targeted Catchments. This would create significant uncertainty and impose significant social and economic cost on farmers and the community.
8. The environmental outcomes under the alternative controlled activity pathways are the same as, or similar to, those expected if there was full compliance with Table 14.2. However, it is not realistic to expect full compliance with Table 14.2 (for a range of reasons, including that it is based on a flawed and incorrect assumption that LUC reflects nitrogen leaching and is a proxy for natural capital). If there were no alternatives to the requirement to comply with Table 14.2, Federated Farmers considers that the environmental outcomes would be worse (particularly

if intensive farming land uses remained unable to obtain consent and therefore unregulated).

Relief sought: formal recognition of trading

9. The Appellant seeks formal recognition of the ability of farmers in the same Water Management Zone to trade N loss entitlements within Table 14.2 limits. Federated Farmers opposes this relief.
10. Federated Farmers' view is that Table 14.2 cumulative nitrogen leaching maximums do not represent the nitrogen loss of land or natural capital (for reasons including that LUC is not a proxy for nitrogen loss) and do not reflect attenuation and other factors that will impact on the nitrogen that reaches the receiving waterbody. There are also technical issues with using Overseer to model nitrogen losses, to make absolute change to cumulative nitrogen leaching maximums and to rely on the Overseer model to support trading.
11. Federated Farmers considers that to support a trading regime, there would need to be greater certainty about those factors together with an appropriate nitrogen entitlement for every land use in the region. Federated Farmers considers that such an approach is not only inappropriate but also unnecessary.
12. For the reasons explained above, Federated Farmers considers that PC2 operates as a package but that no further changes (including to add a trading regime) are needed.

Relief sought: recalibration of Table 14.2 using Overseer 6.2.3

13. The Appellant seeks the recalibration of Table 14.2 using Overseer 6.2.3 or a subsequent version, following the same methodology as the original table. Federated Farmers opposes this relief because PC2 has recalibrated Table 14.2 using Overseer 6.2.3 and Method 5-13 provides for clarification of the methodology used to establish the cumulative nitrogen leaching maximums in Table 14.2, to maintain reference files and to provide for Overseer version change.

14. As explained above, Federated Farmers considers that PC2 operates as a package and that it is not appropriate to solely recalibrate Table 14.2 without also making all of the other changes proposed in PC2.

Relief sought: consenting pathway based on natural capital if the Court sees merit in providing a pathway for farms with intensities beyond what Table 14.2 allows for

15. The Appellant seeks a consenting pathway based on the natural capital of the land farmed, if the Court sees merit in providing a consenting pathway for farms with intensities beyond what Table 14.2 provides for. Federated Farmers opposes this relief.
16. As explained above, Federated Farmers considers that PC2 provides appropriate and necessary alternative controlled and discretionary activity consenting pathways for intensive farming land uses that cannot meet Table 14.2. Federated Farmers does not agree that Table 14.2 or LUC are proxies for natural capital or the nitrogen loss from land.
17. Federated Farmers considers that there is no appropriate proxy for natural capital and, even if there was, that it is necessary and appropriate to take into account the starting point i.e. baseline nitrogen losses. Federated Farmers also considers that there are fundamental technical flaws in using Overseer to require farms to change to a different nitrogen loss number without reference to their baseline nitrogen loss.
18. Federated Farmers considers that providing a natural capital pathway is not appropriate in circumstances where PC2 provides appropriate alternative pathways (particularly where these are more robust and better meet the requirements of section 32 of the Act, as well as giving effect to higher order documents).
19. For completeness, Federated Farmers also opposes the Appellant's request for "such other and further relief as would meet the concerns in this appeal and in my original submission" for the reasons set out above.

Federated Farmers agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Matena.

Signature of person wishing to be a party

Date: 23 June 2021

Address for service of person wishing to be a party:

Address: PO Box 447, Hamilton 3240

Telephone: 0800 327 646

Email: nedwards@fedfarm.org.nz / cmatena@fedfarm.org.nz

Contact person: Nikki Edwards / Coralee Matena

BEFORE THE ENVIRONMENT COURT
AT WELLINGTON

ENV-2021-WLG-000023

I MUA I TE KOOTI TAIAO O AOTEAROA
KI TE WHANAGNUI-A-TARA

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an appeal pursuant to clause 14 of
the First Schedule of the Act

BETWEEN WELLINGTON FISH AND GAME
COUNCIL

Appellant

AND MANAWATU-WHANGANUI REGIONAL
COUNCIL

Respondent

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274 Resource Management Act

To The Registrar
Environment Court
Wellington

Federated Farmers of New Zealand Inc (**Federated Farmers**) wishes to be a party to the following proceedings:

**Wellington Fish and Game Council v Manawatu-Whanganui Regional
Council ENV-2021-WLG-000023**

Federated Farmers made a submission about the subject matter of the proceedings.

Federated Farmers is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

Federated Farmers is interested in all of the proceedings.

Federated Farmers is interested in all of the issues raised by the Appellant.

Federated Farmers opposes the relief sought by the Appellant because:

1. Federated Farmers represents farmers in the Manawatu-Whanganui Regional Council's (**MWRC**) Targeted Catchments that are regulated by Proposed Plan Change 2 to the MWRC's One Plan (**PC2**).
2. The Appellant appeals all of PC2 and seeks that the proposed changes are rejected, except for the changes proposed to Table 14.2 (cumulative nitrogen leaching maximums by Land Use Capability Class, **LUC**). This will have significant implications for most, if not all, intensive farming land uses in the Targeted Catchments. Federated Farmers opposes this relief.
3. Federated Farmers supports the decisions version of PC2 and considers that the plan change operates as a complete package, with all of the provisions being needed (and, in particular, the alternative controlled activity pathways for dairy farming, cropping, intensive sheep and beef farming, and commercial vegetable growing activities) to provide a viable and workable consenting framework for the intensive farming land uses in the Targeted Catchments.
4. Federated Farmers considers that the decisions version of PC2 provides appropriate guidance for the granting of consents (under any of the consenting pathways and including for matters such as good management practices, additional mitigations and nitrogen leaching targets).
5. Federated Farmers also considers that the duration of consents provided for in PC2 appropriately recognises the environmental improvements and the investment being made, as well as the interim nature of PC2.
6. Federated Farmers says further that the decisions version of PC2:

- a. Provides a necessary and appropriate alternative (to the requirement to comply with arbitrary nitrogen leaching targets based on LUC) controlled activity pathway for obtaining resource consent for intensive farming land uses, whilst ensuring that these activities make significant improvements in farming practices in a short timeframe, including significant nitrogen reductions.
 - b. Provides necessary and appropriate policy guidance for the granting of discretionary activity consents for those intensive farming land uses that cannot comply with the nitrogen reductions required under either of the controlled activity pathways, in a way that provides greater certainty about environmental outcomes and improvements in farming practices in a short timeframe, including significant nitrogen reductions.
 - c. Is a necessary and appropriate interim measure, intended to address One Plan workability issues while a more fundamental, region-wide work programme is completed to give effect to the National Policy Statement for Freshwater Management 2020.
 - d. Appropriately gives effect to the relevant higher order documents.
 - e. Appropriately balances environmental, economic, social and cultural considerations.
7. Federated Farmers considers that, if successful, the relief sought by the Appellant would result in a situation where there is no viable consenting pathway for a significant number of intensive farming land uses in the Targeted Catchments. This would create significant uncertainty and impose significant social and economic cost on farmers and the community.
 8. The environmental outcomes under the alternative controlled activity pathways are the same as, or similar to, those expected if there was full compliance with Table 14.2. However, it is not realistic to expect full compliance with Table 14.2 (for a range of reasons, including that it is based on a flawed and incorrect assumption that LUC reflects nitrogen

leaching and is a proxy for natural capital). If there were no alternatives to the requirement to comply with Table 14.2, Federated Farmers says that the environmental outcomes would be worse (particularly if intensive farming land uses remained unable to obtain consent and therefore unregulated).

9. Accordingly, Federated Farmers opposes the relief sought by Appellant. For completeness, Federated Farmers also opposes the further, other or consequential relief sought by the appellant.

Federated Farmers agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Signature of person wishing to be a party

Date: 25 June 2021

Address for service of person wishing to be a party:

Address: PO Box 447, Hamilton 3240

Telephone: 0800 327 646

Email: nedwards@fedfarm.org.nz / cmatena@fedfarm.org.nz

Contact person: Nikki Edwards / Coralee Matena