

21 OCT 2019

FORM 5

06131

SUBMISSION ON NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN,
CHANGE OR VARIATION

CLAUSE 6 OF SCHEDULE 1, RESOURCE MANAGEMENT ACT 1991

To: Manawatu-Wanganui Regional Council (trading as Horizons Regional Council)

Name of submitter: Te Rūnanga o Raukawa as the iwi authority which collectively represents the following 25 hapū of Ngāti Raukawa:

- 1) Ngāti Hikitunga
- 2) Ngāti Huia ki Katihiku
- 3) Ngāti Huia ki Matau
- 4) Ngāti Huia ki Poroutawhao
- 5) Ngāti Kapumanawawhiti
- 6) Ngāti Kauwhata
- 7) Ngāti Kauwhata ki Aorangi
- 8) Ngāti Kikopiri
- 9) Ngāti Koroki
- 10) Ngāti Maiotaki
- 11) Ngāti Manomano
- 12) Ngāti Ngarongo
- 13) Ngāti Pare
- 14) Ngāti Pareraukawa
- 15) Ngāti Parewahawaha
- 16) Ngāti Pīkiahūwae wae ki Poupatāete
- 17) Ngāti Pīkiahūwae wae ki Tokorangi
- 18) Ngāti Rakau
- 19) Ngāti Rangatahi
- 20) Ngāti Takihiku
- 21) Ngāti Te Au
- 22) Ngāti Tukorehe
- 23) Ngāti Turanga
- 24) Ngāti Wehiwehi
- 25) Ngāti Whakātere

This is a submission on the following change proposed to the following policy statement and plan (the proposal):

- **Proposed Plan Change 2 to the Horizons One Plan – existing intensive farming land uses**

We **could not** gain an advantage in trade competition through this submission.

Our submission relates to **the entire plan change**. The specific provisions of the proposal are:

- Policy 5-8
- Method 5-12
- Method 5-13

- Policy 14-3
- Policy 14-5
- Policy 14-6
- Table 14.1
- Table 14.2
- Rule 14-1
- Rule 14-2
- Rule 14-2A
- Rule Guide
- Glossary definitions:
 - Good management practices
 - Nutrient management plan

Our submission in **opposition** to the plan change is made in full below.

The proposed policy statement and plan **has not** been changed using the collaborative planning process.

We seek the following decision from the local authority:

- **Refuse the entire plan change.**

We wish to be heard in support of our submission.

If others make a similar submission, **we will** consider presenting a joint case with them at a hearing.

Signature of submitter

(or person authorised to sign on behalf of submitter)

(A signature is not required if you make your submission by electronic means.)

Date: Monday 21 October 2019

Electronic address for service of submitter: jess@raukawa.iwi.nz

Telephone: 0274584158

Postal address (or alternative method of service under section 352 of the Act): 0
Ruamahanga Crescent, Palmerston North

Contact person: Te Rūnanga o Ngāti Raukawa (Jessica Kereama)

Our submission is structured as follows:

1. Section 1 – Whakapapa, pepehā, and kōrero
2. Section 2 – Submission on proposed plan change
3. Section 3 – Table with wording changes

SECTION 1 – WHAKAPAPA, PEPEHA, AND KORERO

Ko Tainui te waka

Ko Hoturoa te tangata

Tēnā anō rā kei ngā tamariki toa nā Rakamamao

Kei te rangi e haere ana nā Mōtai-tangata-rau.

There go the children of Rakamamao

Across the skies, [the progeny] of the multitudes of Mōtai.

1. Prior to, at and following the signing of Te Tiriti, hapū of Ngāti Raukawa maintained absolute mana and tino rangatiratanga over the whole of their rohe, from Whangaehu to Kukutauaki, bounded by the mountain ranges to the east and the coast to the west. *Ngāti Raukawa te au ki te tonga* refers to our people who, since the 1820's, have resided in those areas. The interests of Ngāti Raukawa in this rohe are based on participation in conquest, and subsequent peace making.
2. The Crown has formally recognised both the status of Ngāti Raukawa as an iwi and the Rūnanga as Ngāti Raukawa's iwi authority in the Māori Fisheries Act 2004. Similarly, Te Puni Kōkiri's Directory of Iwi and Māori organisations (Te Kāhui Māngai) recognises Ngāti Raukawa as an iwi with interests in the Manawatū-Wanganui region and the Rūnanga as the iwi's representative organisation – including for RMA purpose.
3. Ngāti Raukawa established *Te Rūnanga o Raukawa* ('TRoR') in 1988 to act as its representative body for the purpose of promoting, advancing and assisting the interests and aspirations of *Ngāti Raukawa ki te tonga*, including the continued health and wellbeing of whanau, and nurturing of the taiao and whenua.
4. TRoR is governed by *Te Rūnanga Whāiti*, comprising of the hapū delegates from the 25 hapū and the tūmuaki. *Te Rūnanga Whāiti* meets regularly to review all matters pertaining to health, social wellbeing and marae/hapū affairs. Those 25 hapū now have a population of approximately 29,000 individuals.
5. The Pou Taiao role within te Rūnanga is to provide for the active protection of our lands (whenua) and water (wai) and to assist in environmental matters on behalf of the iwi (which spans the councils of Horizons, Kapiti, Horowhenua, Manawatū, Palmerston North and the Rangitīkei).
6. Ngāti Raukawa's ecosystem spans from the mountains in the east to the sea in the west, and includes land blocks, dunes and rivers, streams, aquifers, wetlands, groundwater, lakes, lagoons and estuaries. These waters and land contain, and are themselves, taonga that need to be restored to a pristine state. This includes our:
 - A. Awa (rivers and streams): The Rangitīkei River, Manawatū River, Ōhau River, and Ōtaki River, and other smaller streams such as the Waiwiri, Waikawa, Hokio and Kukutauaki.

- B. Wai māori (freshwater): The taonga species identified below live in rivers, lakes and dune wetlands. The state of our dune lakes, and connected water bodies and groundwater, are important for the health and survival of these species. Repo (wetlands) are also important places for species to breed.
- C. Mahinga kai (food gathering): Lakes, rivers, streams and the coast were once abundant with kai species (including migratory species) that were traditionally eaten. Hapū recall gathering many species including tuna (eel), inanga and other whitebait species, mohoau (freshwater flat fish), huangi (freshwater cockles), and pihirau, kākahi, watercress, mullet (including Grey Mullet), lemon fish, herrings, toheroa or tohemanga, pipi, cockles, koura, tuatua (*P. subtriangulata*) and tuangi (*A. stutchburyi*). Hapū observed that the decline of kai was sudden and noticeable within the last thirty years, and now only small amounts of kai are taken on rare occasions.
7. In brief, since the signing of the Treaty of Waitangi in 1840, our hapū have experienced a history of pollution, deforestation and intensive farming, and the destruction of wetlands to the point where our hapū cannot sustain themselves from those waterways. This affects our ability to peacefully share the waterways which was assured by whakapapa connections, thus assisting our people to navigate territorial boundaries and live together in relatively stable communities. The degraded quality of water also impacts our rites and rituals, and rongoā.
 8. Today there continues to be large-scale abstraction of water to supply towns, farms and industry. The effects from the development and use of systems to discharge waste into surface waterbodies is felt most by our hapū located in the receiving environments at the end of each waterbody along the coast.
 9. In areas where hapū have retained some control of the waterways, degradation has been less severe, as hapū have exercised their kaitiakitanga and restored those places, for example Lake Koputara and Koputaroa Wetland restoration projects. In many areas, access to our lands and waters have been lost and are currently not provided for, for example Waiwiri Lake and Stream.
 10. In our environment, many lake ecosystems have already passed ecological tipping points. River ecosystems in the lower reaches of intensive pasture catchments are below bottom lines for pathogen, sediment and nutrient impacts. Also, estuaries at the end of catchments are under severe pressure with fish nursery areas, such as for inanga, being lost from estuaries, which, in turn is having a major impact on our fisheries.
 11. The One Plan is New Zealand's only fully integrated resource management plan, incorporating the Regional Policy Statement, Regional Plan and Coastal Plan. It is our understanding that the One Plan contains a substantial suite of regulatory responses to the significant resource management issues for our region, including setting limits on nitrogen discharges from intensive farming activities to protect waterbodies. Plan Change Two (PC2) promotes the farming industry self-regulating by allow the industry to define GMP, and develop its own nutrient management plans. PC2 also provides for a more permissive consenting pathway for farms that currently do not meet One Plan standards. TRoR does not agree to the proposed changes to nutrient levels and consenting pathways which will contribute to a

continuing failure to protect the mauri and life-supporting capacity of waterbodies, by allowing further intensification of agriculture. Any changes to the nutrient limits must be well understood with particular regard to the cumulative effects, and whether or not we as Kaitiaki are being good ancestors for future generations in our decision making.

12. Protecting and improving the quality of water, it's mauri, it's life sustaining force is one of Ngāti Raukawa's core values.
13. Ngāti Raukawa do not allow for the further degradation of waterways.
14. Horizons Regional Council did consult te Rūnanga regarding Plan Change Two in a multiple iwi forum (River Accord), and offered workshops to look at how those changes might be look like in practice. This is considered to be insufficient and inappropriate form of co-management under Te Tiriti.
15. One Plan Change 2 is required¹ to enable Ngāti Raukawa provide for their social, economic, and cultural well-being and for their health. What this translates to, in the context of water quality objectives, is recognising and providing for our Te Ao Māori such as Rangatiratanga, enhancing Te Mana O Te Wai, and safeguarding life supporting capacity. This can be demonstrated in the ability of hapū and iwi of Ngāti Raukawa to sustain ourselves with mahinga kai. Under the principle of Kaitiakitanga, every person has a responsibility to restore lakes, streams, rivers and landscapes, and to avoid, remedy, or mitigate any adverse effect on the taiao, without causing further damage to Mauri. These Taonga enable hapū and iwi to sustain our people, provide food to our neighbouring hapū and iwi, both as a form of trade but also to assist in maintaining Manakitanga. In the context of Plan Change 2, Taonga include awa and lakes which provide treasured tuna and inanga as a form of mahinga kai. It is, therefore, our aspiration that whanau of Ngāti Raukawa are able to draw on the lake, stream, wetlands and coast (their whenua and taonga), as reliable sources of kai and material to sustain themselves and to provide for others. One major frustration for hapū and iwi is the ongoing lack of acknowledgement of our concerns in resource management planning, especially in catchments where Taonga are kawa and tikanga Māori is unable to be practiced.
16. For Māori involvement in resource management, the context for this plan change is set by:
 - A. The Purpose of the Resource Management Act 1991, including the foundations of:
 - i. sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
 - ii. safeguarding the life-supporting capacity of air, water, soil, and ecosystems.
 - B. The guiding Principles in sections 6(e), 7(a), and 8 of the Resource Management Act 1991;
 - i. the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and
 - ii. Kaitiakitanga; and
 - iii. Te Tiriti o Waitangi

¹ Among other values

- C. Sections AA and D of the National Policy Statement for Freshwater Management 2014 (amended 2017);
 - D. The resource management issues of significance to iwi authorities in the Region are stated in Chapter 2 of the One Plan, as is required by Section 62(1)(b) RMA; and
 - E. How those issues are then addressed throughout the One Plan at chapters 5 and 14, and at appendices A and B.
17. Chapter 2 of the One Plan acts as a point of reference for hapū and iwi resource management issues and sets the scene for examining Māori concepts and expressions within resource management practice. Chapter 2 identifies that a significant resource management issue is that water quality and quantity throughout the Region does not provide for the special qualities significant to Māori.
18. The special position of hapū and iwi as a Treaty partner is reflected in the specific provisions for Māori under the RMA. The RMA requires the Regional Council to take into account the principles of the Treaty of Waitangi in exercising its functions and powers. The Regional Council does this in a number of ways in the objectives and policies that follow in this chapter, and throughout the rest of the Plan. The key principles of the Treaty of Waitangi which are relevant include:
- a. *principle of active protection,*
 - b. *duty to act in good faith,*
 - c. *duty to make informed decisions through consultation,*
 - d. *principle of redress and a duty not to create new grievances,*
 - e. *principle of reciprocity, and*
 - f. *principle of mutual benefit.*²
19. Surface water quality degradation is identified as the number one issue in the One Plan. The uncontrolled leaching of nitrogen into waterways is particularly unfathomable when the effects are so well understood. Over the life of the plan, run-off and leaching of nutrients, sediment and bacteria from farms has continued as the single largest threat to water quality, and human and ecosystem health in the Region. This continued decline in surface water quality has also degraded the mana and mauri of those awa and roto to a state that no longer provides for the current and future needs of tangata whenua. In some water bodies it is hazardous to swim or gather kai, and aquatic life is being affected. Access to and availability of clean water to exercise cultural activities such as food-gathering and baptismal rituals have diminished. This is true for whanau and hapū of Ngāti Raukawa whose rohe³ are degraded but are not captured by Policy 14-5 and therefore degradation of Taonga is continuing. The proposed provisions (as notified) will not address these issues. Therefore, these rohe must be added into the Regional Plan.
20. The Regional Council proposing amendments to RPS Policy 5-8, and the Rules in Chapter 14, will impact on the following significant resource management issues from Chapter 2:
- A. Management of water quality and quantity throughout the Region does not provide for the special qualities significant to Māori.

² List copied from One Plan Chapter 2.

³ Within the Manawatū-Whanganui Region, the Ngāti Raukawa rohe stretches (approximately) from the southern extent of the Horowhenua District, to north of the Rangitikei River, and to the Ruahine and Tararua Range in the east and the Tasman Sea to the west.

- B. Hazardous substances and nitrate run-off need to be better managed to avoid contaminants entering water.
- C. Lakes and streams (for example Lake Horowhenua and Hokio Stream which are within the Ngāti Raukawa rohe) have suffered degradation which continues and are considered culturally unclean.
- D. Access to and availability of clean water to exercise cultural activities such as food gathering and baptismal rituals have diminished.
- E. More riparian retirement and planting is needed to protect river banks from erosion.
- F. Adverse effects of land use continue to have a detrimental effect on traditional food gathering areas, native habitats and ecosystems.

SECTION 2 – SUBMISSION ON PROPOSED PLAN CHANGE 2

Issue (i) - Tangata whenua ability to participate in resource management and decision-making processes under the RMA was limited

21. The Regional Council has failed to comply with their statutory duties under the Act to integrate tikanga Māori into Plan Change 2, including the implementation of sections 6(e) and 7(a). The Regional Council has also significantly failed to take into account the principles of Te Tiriti o Waitangi.
22. The Regional Council has failed to meet its statutory obligation (Schedule 1, Clauses 3, 3B, 4A) to consult with Te Runanga o Raukawa as an iwi authority. The process undertaken by the Regional Council is contrary to its duty under Te Tiriti o Waitangi to make informed decisions through consultation and enabling hapū and iwi of Ngāti Raukawa to act as Kaitiaki.
23. The following is a description of the consultation requirements and timeline for Plan Change 2 leading up to notification.
 - A. The Regional Council is required to undertake pre-notification further consultation concerning iwi authorities. This consultation must be in the form of the provision of the relevant draft proposed policy statement or plan to the iwi authorities, followed by the allowance of adequate time and opportunity for the iwi authorities to consider the draft and to provide advice on it. Then the Regional Council must have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.⁴ The evaluation report must then summarise all advice concerning the proposal received from iwi authorities and summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.⁵ Consultation with iwi is outlined in the Section 32 report at Section 2.5 and Appendix C.
 - B. The Section 32 report says that consultation with iwi began in early August 2018, but it does not specify which iwi were contacted, and what form that consultation took.⁶ Rather, the consultation summary⁷ relies on generalisations of all iwi, and focuses on matters which are outside of the

⁴ Schedule 1, section 4A RMA

⁵ Section 32(4A) RMA

⁶ Appendix C to the section 32 report confirms this date of August 2018

⁷ Section 32 report, chapter 2.5

- scope of the proposed plan change, for example greenhouse gas emissions and the future planning programme "Our Freshwater Futures". The section 32 report then recognises that consultation with iwi regarding the "*exceedance of Table 14-2 and the more workable consenting pathway*" was limited.
- C. During the 2018 calendar year, the Regional Council consulted in various ways with iwi, but the proposed plan change was constrained to updating Table 14.2, only i.e. consultation did not cover changes to the operative RPS.
 - D. Appendix C of the Section 32 states that on **29 March 2019** the Regional Council sent "*A follow up letter to previous Iwi consultation on plan change proposal, updating changes and seeking feedback on having hearing commissioner with Māori world view.*" to "*All Iwi in the Region*".
 - E. Based on Appendix C to the Section 32 report, it was only in **March 2019** when the Council first raised the premise of widening the scope of Proposed Plan Change 2 to introduce new provisions into the Plan, and to amend the operative Regional Policy Statement. The idea of amending the operative RPS appears to have been previously excluded.⁸
 - F. Following this, on **15 May 2019** Ngāti Raukawa was represented at a workshop where they expressed "*discomfort with the draft provisions and wording changes, in part because it was too early tell what the environmental effects might be*".⁹
 - G. Appendix C of the Section 32 states that on **18 June 2019** the Regional Council sent "*Correspondence containing Plan Change 2 provisions, follow up from consultation on commissioner with Māori world view, and co-governance arrangements for the Our Freshwater Futures programme*" to "*Iwi Authorities organisations with rohe in the Region*".
 - H. Then on **25 June 2019** the Regional Council adopted Plan Change 2 for notification. Meaning that the Council resolved to adopt the plan change only 1 week after providing the draft plan change package to iwi. This means that the Council could not have considered iwi comments as part of their decision to notify the plan change, as the Council had not at that time received responses and the deadline (11 July 2019) for receiving feedback had not passed. The Section 32 report was provided to Council on 25 June as Annex B to Report 19-103. In that report (MWRC, 19-103) there is no meaningful or detailed communication of the consultation with iwi, or their concerns, or responses to those concerns, or identification of provisions in the plan change which address those concerns.¹⁰ Meaning that the Council made the decision on 25 June 2019 without having regard to the needs or aspirations of tangata whenua, including iwi and hapū of Ngāti Raukawa. In the report 19-103, the Council were informed that the notification date was to be 22 July 2019 and did not request an update to iwi consultation.
 - I. The Regional Council notified Plan Change 2 on **22 July 2019**. Meaning that the Council notified the plan change only **23 working days** after the information package was sent to iwi.¹¹ The section 32 report (as part of the notified plan change) fails to include any summary of advice received after

⁸ Again based on the section 32 appendix C

⁹ Section 32 Appendix C

¹⁰ As is required by Section 32 of the Act

¹¹ 23 working days excludes 2 working days; being 1 day for the day the letter was sent, and 1 day on which the plan change was notified.

June 2019 package was sent, and also fails to provide any response to matters raised by iwi.

24. The Regional Council has failed to meet its obligation under Policy D1 of the National Policy Statement for Freshwater Management 2014 (amended 2017) and Policy 2-1 of the One Plan to involve iwi and hapū of Ngāti Raukawa in the management of fresh water and freshwater ecosystems in the Region.
25. In exercising its functions and powers under it, the Regional Council has failed to recognise (as a matter of national importance) the relationship of iwi and hapū of Ngāti Raukawa, their culture and their traditions with ancestral lands, water, sites, waahi tapu, and taonga. The Regional Council has also failed to provide for this relationship.
26. In exercising its functions and powers under the Act, the Regional Council has failed to have particular regard to kaitiakitanga and the ethic of stewardship.
27. Of particular importance, the Regional Council has significantly failed to take into account the principles of the Te Tiriti o Waitangi and provide for Ngāti Raukawa's rights of rangatiratanga and kaitiakitanga. The Regional Council have failed to meaningfully engage in partnership, seek mutual benefits in the spirit of reciprocity, make informed decisions, or actively protect Māori rangatiratanga, taonga, rights and interests.

Issue (ii) - Evaluation reports are insufficient to assess the effects of the change on the cultural and natural environment, and are based on improper assumptions.

28. The evaluation report (prepared by the Regional Council under section 32 RMA) identifies that a 'complication' in the operative One Plan is that the policy framework does not support a consenting option for those activities above the cumulative nitrogen leaching maximums under Table 14-2; this is simply incorrect. The Regional Council is of the opinion that operative Policy 14-5, Policy 14-6 and Rule 14-2 are operating as prohibiting those land use activities which exceed the maximum values in Table 14.2.¹² The Regional Council (as a consent authority) has been implementing those provisions in such a manner.¹³ The Regional Council is using this premise as the basis for Plan Change 2.¹⁴ However, as a restricted discretionary activity rule, resource consent may either be granted or refused (but a consent authority must consider only those matters over which operative Rule 14-2 has

¹² The advice provided to the Ministry for the Environment (Ellis Gould and Beca, 2018, AD-100321-12-228-V2) states "While non-compliance with the maximums in Table 14.2 is not denoted as a prohibited activity in the rules, and clearly the rule framework of the Regional Plan provides a lawful consenting pathway for applications, the policy direction for management in the Regional Plan policies provides almost no scope for the consideration of such activities, or for the specific land use management practices that may be considered appropriate to provide for the 'exception' that is otherwise provided for by the rules."

¹³ In the Council report 19-103 published 27 June 2019, it says that "Horizons' application of the One Plan provisions, in considering nutrient management consents, was challenged by Fish & Game and the Environmental Defence Society. This resulted in a declaration by the Environment Court in March 2017 that effectively put an end to the consenting team considering any application for consent that did not meet the CNLM in Table 14.2", (emphasis added). It is worth noting that the Declarations made by the Environment Court (EDS v MWRC) NZEnvC ENV-2016-WLG-000038) stated nothing to such an effect, and the resulting 2017 moratorium on Rule 14-2 was undertaken at the Council's own interpretation.

¹⁴ Section 32 report pages 14 and 19

restricted discretion to).¹⁵ Although the operative One Plan anticipates consent being granted for activities that do not meet the nitrogen leaching maximums as a restricted discretionary activity (and not a prohibited activity). The granting of resource consent for an intensive farming operation to exceed the maximum values set out in Table 14.2 was undertaken by the Environment Court in the case of Foxton (Matakarapa) wastewater treatment plant, thereby demonstrating that the operative plan provisions are not insurmountable when aided by a well-prepared AEE. The new consenting pathway in the proposed provisions (amended Policy 14-6 and new Rule 14-2A) will compromise the trajectory of water quality improvements compared to the existing provisions. Where the Regional Council purports to off-load this effect through the requirement of a higher level of good management practice is flawed and based on an incorrect planning baseline of not observing the operative plan.

29. The evaluation report (prepared under section 32 RMA) is founded on the incorrect baseline assumption that the Regional Council is not observing the operative Regional Policy Statement and Regional Plan, as is required by section 84 of the Act.¹⁶ The Act is clear that no sufferance or departure from a policy statement or plan shall have effect in so far as it is contrary to the council's obligation to observe and enforce the policy statement and plan.¹⁷ Where the Regional Council compares¹⁸ the extent of nitrogen leaching under the operative plan to the proposed changes, the council adopts an improper planning baseline by "*assuming the operative provisions are not strictly enforced*". Later in evaluation report¹⁹ where the Regional Council takes the approach "*All intensive farming land users that get a consent... will result in greater water quality improvements than if they have no consent*", is clearly in contradiction to section 84 of the RMA and therefore is a null point. It is recommended that the Regional Council prepares an evaluation report assessing the appropriateness of the proposed changes compared to the operative plan, and any other practicable options.
30. The Regional Council has failed to provide an evaluation of the plan change on Te Mana o te Wai, and has failed to identify values through engagement and discussion with tangata whenua, and to use those values to inform the setting of freshwater objectives and limits, as is required by Objective AA1 and Policy AA1 of the NPS Freshwater Management 2014 (amended 2017). This means that the proposed changes to the operative regional policy statement and regional plan have not been prepared and changed in accordance with the NPSFM,²⁰ and do not recognise and provide for the values of significance to Ngāti Raukawa iwi and hapū. This approach in contrary to section 6(e) of the Act as it does not recognise and provide for the relationship of Māori and their culture and traditions with water, waahi tapu, and other taonga.
31. The evaluation report (prepared under section 32 RMA) does not contain a level of detail that is required to evaluate the scale and significance of the environmental and cultural effects in the coastal lakes of the Rangitikei and Horowhenua Districts (for example Lake Papaitonga or Lake Horowhenua), and the western sub-catchments

¹⁵ Section 104C RMA

¹⁶ Page 40 of the section 32 report

¹⁷ Section 84 RMA

¹⁸ At Page 40 of the Section 32 report

¹⁹ At Page 40 of the Section 32 report

²⁰ Section 66(1) of the Act

such as Waikawa or Manakau. Ngāti Raukawa require that such an assessment of effects on environmental and Māori values be undertaken and provided to iwi and hapū.

32. The Regional Council has not estimated how many farms outside of the Tararua will be considered under proposed Rule 14-2A, or by how much they exceed the cumulative nitrogen leaching maximum in Table 14.2. This means that the Regional Council has failed to quantify (or at least estimate) the increase in nitrogen leaching that will be able to be consented under the plan change. Likewise, the Regional Council has not estimated how much additional nitrogen Rule 14-2 will contribute to in-river loads in the Horowhenua or Rangitikei catchments. This makes the proposed changes to Table 14.2, Rule 14-1, Rule 14-2 and the introduction of new Rule 14-2A contrary to Section 69(3) of the RMA as those rules would not give effect to the strategies described in Policies 5-1 through 5-9 and may result in a reduction of water quality. This is inconsistent with the purpose of the Act, and is contrary to section 7(f) of the Act.
33. For the reasons stated above, the Regional Council's assessment of the benefits and costs to cultural values²¹ are fundamentally flawed. Again, the Regional Council adopts an improper planning situation by considering that the operative provisions are not observed and enforced; and that the mauri of freshwater in targeted water management Sub-zones will improve under the proposed provisions by requiring existing intensive farming land users to make mitigations to reduce nutrient, pathogen and sediment losses to water. The section 32 report then continues to identify that the new discretionary pathway in the proposed provisions will compromise water quality improvements, and will lower and delay reductions in nitrogen leaching. This is contrary to the Regional Council's duty to control the use of land for the purpose of the maintenance and enhancement of the quality of water in water bodies and coastal water.²² The proposed provisions will not be effective in achieving Objective 2-1 and Objective 5-1,²³ and the true costs of the cultural effects have not been identified and assessed.²⁴ This approach is inconsistent with the purpose of the Act, specifically this is contrary to sections 6(e) and 7(f) of the Act.

Issue (iii) - The proposed changes are contrary to National and Regional policy direction and best practice

The following is a summary of the planning hierarchy, and is supported by the analysis in Section 3 of this submission:

34. The proposed plan change does not achieve the purpose of the Act, by failing to safeguard the life-supporting capacity of water, soil, and ecosystems and failing to sustain the potential of natural and physical resources²⁵ to meet the reasonably foreseeable needs of future generations of Ngāti Raukawa iwi and hapū.
35. The proposed Plan Change does not support the Regional Council's function to enhance degraded water quality under s30(1)(c) of the RMA.

²¹ At Pages 44 and 48 of the Section 32 report

²² Section 30(1)(c) RMA

²³ Section 32(1)(b)(ii) of the Act

²⁴ Section 32(2)(a) of the Act

²⁵ excluding minerals

36. The proposed changes to Policy 5-8, Policy 14-5, Policy 14-6 have not been prepared and changed in accordance with,²⁶ and further do not give effect to Objective AA1, Objective A1, Objective A2 and Objective D1 of the National Policy Statement for Freshwater Management 2014 (amended 2017). The proposed changes are considered to be a step in the wrong direction as the proposed changes will delay water quality improvements. These proposed amendments will conflict with the Freshwater Futures plan changes.
37. The proposed changes to Policy 5-8, Policy 14-5, Policy 14-6 are not the most appropriate way to achieve the objectives of the RPS and Plan, specifically Objective 2-1, Objective 5-1, Objective 5-2, Objective 14-1. The removal of Policy 5-8(a)(i)(B) clearly no longer gives effect to, or is effective in achieving Objective 2-1, Objective 5-1 and Objective 5-2.
38. The proposed changes to the Regional Policy Statement and Regional Plan are contrary to Policy 2-2, Policy 2-3 and Policy 2-4 of the One Plan as the proposed changes will allow the continued degradation of waahi tapu and the mauri of wai, making those taonga culturally unclean.
39. The proposed introduction of Rule 14-2A is inconsistent with One Plan Policy 14-9 as that rule will allow for the consenting of activities that will comprise a risk to human through (through secondary contact) and have an adverse effect on life-supporting capacity through uncontrolled nitrogen leaching. The Regional Council has notified this plan change without quantifying (or at least estimating) the number of farming land uses operating without consent and by how much those farms exceed the Table 14.2 maximums, thereby, failing to place a cap on nitrogen leaching. As a result, the effects on the life-supporting capacity and mauri of the environment cannot be assessed.
40. Plan Change 2 only seeks to address the policies and methods (including rules) relating to existing intensive farming land use provisions.²⁷ Therefore, the proposed changes to One Plan Policy 14-3 are out of scope as that policy currently relates to industry standards and current best practice and are not constrained to intensive farming e.g. discharges of municipal wastewater, or discharges from industrial or trade premises will no longer be captured by the amended Policy 14-3.
41. The proposed policy framework conflates effort with outcome and does not assist in the consideration (whether to grant or decline) of a difficult application for consent, where the cumulative nitrogen leaching maximums are exceeded. Further, where the language does attempt to provide a framework for consideration, the bulk of emphasis is on landowner efforts against water quality improvements generated by those efforts. Any application for intensive farming land use must be required to meet the nitrogen allocation table unless a thorough assessment of effects can meaningfully demonstrate how water quality will be improved and when this will occur. That is, the consenting test as set out by the Act, is an effects-based test and not an efforts-based test.²⁸

²⁶ Section 66 of the Act

²⁷ Section 32 report page 9

²⁸ Section 104(1) Resource Management Act 1991.

42. Operative Table 14.1 is created by Policy 14-5(b)(i), and in turn Policy 14-5 gives effect to RPS Policy 5-8. There are several surface water management sub-zones that are potentially degraded by intensive farming land uses that are not captured in Table 14.1 as it was notified in Plan Change 2, including the changes to Policy 14-5(b)(i) and Policy 5-8. In particular, the lower and coastal Manawatū catchment, and the lower Tokomaru, lower Mangaore, and Oroua tributaries, the lower Rangitikei catchment, including the Porewa and Tutaenui tributaries, lower Whangaehu, Makotuku and the Turakina catchment (including Lake Waipū) require more in-depth analysis to assess their degradation risk specific to diffuse discharges from intensive land uses. The lower and coastal Manawatū catchment makes up the largest area of potential degradation. Changes are sought to that effect and can be refined for the hearing process.
43. The proposed plan change, and associated evaluation reports, fail to list on-farm practices that constitute good management practice, rather relying on unidentified sources of industry information. This approach fails to establish any minimum standard or bottom line. This approach will also place a high level of burden on the consenting officer to consider what is good management practice on a case-by-case basis, which is not efficient or best practice and is inconsistent with approaches in other regions with similar issues.
44. The proposed glossary definition of *good management practices** is vague and unhelpful. Definitions of GMP in regional plans vary around the country (Appendix 2). One region (Canterbury) specifically refers to a document containing GMP²⁹, and one region (Southland) refers to fact sheets on their website, while the others refer generally to the practices wherever they may be found. Horizons' proposed definition is similar to the latter group which would be acceptable if it was clearly linked to detailed and unambiguous requirements within their Nutrient Management Plan (see below) or an additional FEP with minimum standards for GMP – e.g., Waikato region.
- A. A recent document, *The Good Farming Practice: action plan for water quality 2018* was developed by a Good Farming Practice Governance Group.³⁰ The document lists 21 GMP, all of which are based on the *Industry Agreed Good Management Practices for Water Quality (2015)*.³¹ That 2015 document built on an earlier Waikato Regional Council initiative *Menu – Practices to improve water quality – Dairy farms (2013)*.³²
 - B. The relief sought is that the Regional Council clarifies on-farm practices that are considered to be GMP, and also provides a review process for how GMP will be updated with future technologies. This is consistent with the advice that was provided to the Ministry for the Environment (Ellis Gould and Beca, 2018, AD-100321-12-228-V2, at page 8).
45. The Regional Council's reliance upon, and definition of the Nutrient Management Plan (NMP) is outdated and not kept up with best practice. In the Glossary, an NMP is to be '*...prepared annually in accordance with the Code of Practice for Nutrient*

²⁹ <https://www.canterburywater.farm/gmp/>

³⁰ The Good Farming Practice Governance Group members include Beef + Lamb NZ, DairyNZ, HortNZ, Federated Farmers, Irrigation NZ, MPI, Wellington, Waikato and Canterbury regional councils, and MfE

³¹ Prepared by the industry partners in the project: DairyNZ, Deer Industry New Zealand, NZPork, Beef + Lamb New Zealand, Horticulture NZ and the Foundation for Arable Research. Those organisations consulted within their sectors to define GMP.

³² Involving above identified industry groups.

Management (NZ Fertiliser Manufacturers' Research Association 2007).... The 2007 version of this Code of Practice (COP) has been replaced with a 2013 version. The Regional Council has failed to capture this update in Plan Change 2 which does not give effect to operative Policy 14-3.

- A. That aside, other regions in New Zealand have made substantial advances in farm environment plan (FEP) requirements to give effect to rules regulating diffuse contaminant losses. Examples are Hawke's Bay Tukituki Plan Change 6, Environment Canterbury Plan Change 5, and more recently, Waikato Region (Plan Change 1 for the Waikato and Waipā catchments). The notable differences in these regions compared to Horizons, is they specify the FEP requirements within a schedule incorporated within the regional plan (unlike Horizon's approach which is using an outdated, external document incorporated by reference). The required content of those FEPs is substantially more detailed and linked to environmental outcomes, compared to Horizon's NMP which is fertiliser (nitrogen and phosphorus) focused and fails to address sediment and pathogens. The Waikato FEP in proposed Plan Change 1 could be considered to be best practice. Further, the proposed national direction in the government's recently released *Action for healthy waterways* includes a mandatory FEP, based on Canterbury Regional Council's template, which will significantly exceed requirements in the Horizon's NMP.
- B. The relief sought is that the Regional Council replaces all references to *nutrient management plan** with *farm environment plan* and then clarifies informational requirements which are to be addressed in the FEP.

SECTION 2A - SUMMARY

- 46. This has not been an easy submission, as iwi we have a farming community, we have retained land, and we have diverse opinions on the best way to resolve RMA matters.
- 47. Ngāti Raukawa, under Te Rūnanga o Raukawa, acknowledge that meaningful and effective engagement and input by hapū/ iwi members will require additional time and resources to provide for skilled independent analysis into policy and planning matters, to ensure informed decision making.
- 48. It is our opinion that Section 6(e) of the Act provides for Ngāti Raukawa and the effects on the taiao of the increases in nutrient leaching and runoff proposed by Plan Change 2 do impact on our hapū for the following matters of importance:
 - A. Ecology
 - B. Water values (mahinga kai, rites and rituals)
 - C. Heritage
 - D. Archaeology
 - E. Waahi Tapu
- 49. Overall, the proposed plan change weakens current mechanisms in place to reduce nutrients contamination of waterbodies.
- 50. Te Rūnanga o Raukawa, therefore, oppose the proposed plan changes as outlined in Section 3.

SECTION 3 – TABLE WITH WORDING CHANGES

Proposed Plan Change 2 – Existing Intensive Farming Land Uses

Proposed insertions are shown as underlined text; proposed deletions are shown as ~~striketrough~~.

Specific provision	Support or oppose the specific provision	Amendments sought and reasons
RPS Policy 5-8	Oppose in part	1. The proposed deletion of Policy 5-8(a)(i)(B) will result in Policy 5-8 no longer giving effect to Policy 5-7 which clearly states that the management of land use activities affecting groundwater and surface water must give effect to 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, by managing diffuse discharges of contaminants, in the manner specified by that Policy. The relief sought is the operative Policy 5-8(a)(i)(B) is retained without changes. A. Also see below commentary regarding the reference to the strategies on proposed Policy 5-8(a)(iia)(B), operative Policy 14-4 and proposed Policy 14-6(e)(v) 2. The proposed deletion of Policy 5-8(a)(i)(B) will result in Policy 5-8 no longer implementing RPS Objective 2-1, Objective 5-1 and Objective 5-2. The relief sought is the operative Policy 5-8(a)(i)(B) is retained without changes. 3. In Policy 5-8(a)(iia) it is unclear by how much nitrogen leaching needs to be reduced in order to minimize the degree of non-compliance, this wording should be amended to read as "<u>significantly reduce</u>" so as to make this clear. 4. In Policy 5-8(a)(iia) it is unclear what "additional matters" 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".

		5. 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 6. 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-cost 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. 7. In Policy 5-8(a)(iia)(B) reference to the strategy for groundwater and surface water quality is further justification for that reference to be retained in Policy 5-8(a)(i)(B). 8. Policy 5-8(a)(iib) effectively grandparents existing exceedances of the maxima in Table 14.2 during the transitional period and is an unfair approach to those consent holders whom undertake immediate action to reduce nitrogen leaching within the same 5-year period. Grandparenting is contrary to best practice. It is recommended that the wording is amended to read "(iib) <i>Existing land^ use activities which do not comply with (ii) but can demonstrate a 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. 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).</i>" so as to avoid grantparenting over the transitional period.
RPS Method 5-12	Oppose in part	9. The proposed wording of Method 5-12 does not integrate the needs of tangata whenua, and fails to place Te Ao Māori at the centre of the research. 10. Recommend that the wording is amended to read "Support initiatives by local communities, <u>and</u> sector groups or <u>in consultation with</u> tangata whenua which develop options for sustainable land use in the Region". 11. Recommend that the wording is amended to read "Local communities <u>including tangata whenua</u>, rural and other sector groups, Territorial Authorities, Regional Council."

		12. Recommend that the wording is amended to read “Advice and assistance is available for landowners <u>and Tangata Whenua</u> in the Region regarding land use management practices.”
RPS Method 5-13	Oppose in part	13. The proposed working of Method 5-13 does not integrate the needs of tangata whenua, and promote the provision of information to tangata whenua. 14. Information produced 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>”. 15. It is recommended that the wording be amended to read “Regional Council, <u>tangata whenua</u>, rural sector groups, and nutrient management model providers.”.
Policy 14-3	Oppose entirely	16. The proposed changes to Regional Plan Policy 14-3 are out of scope of Plan Change 2. 17. The section 32 report (at chapter 6) states that the purpose (or ‘objective’) of Proposed Plan Change 2 is to “<i>improve the workability of the provisions for intensive farming land use provisions by updating the nitrogen 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 intensive farming land uses through the One Plan as soon as practicable</i>”. 18. Operative Policy 14-3 currently relates to industry based standards which generally represent current <u>best</u> practice; there is currently no reference to good management practices in Policy 14-3. Therefore, the scope of operative Policy 14-3 goes beyond intensive farming land use and is applicable to a wider range of activities, for example industrial or trade premises. Operative Policy 14-3 is currently not constrained to “activities affecting groundwater and surface water^ quality” as is proposed by the plan change. 19. It is proposed that all proposed changes to operative Policy 14-3 are rejected.

		20. It is proposed that the only change to the operative Policy is to insert the wording "<u>good management practices</u>*." 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</u>* 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>"
Policy 14-5	Oppose in part	21. In Policy 14-5(b)(i), the introduction of new Footnote 1 creates an unclear situation whether an intensive farming land use that was converted after 24 August 2010 (dairy farming) or after 9 May 2013 (commercial vegetable growing, cropping and intensive sheep and beef) but before the dates listed in Table 14.1, is to be considered as 'new' or 'existing' for the purpose of the plan provisions. It is recommended that the new footnote be deleted. 22. The retention of the wording "affecting groundwater and surface water^ quality" in proposed Policy 14-5 is further justification for Policy 5-8(a)(i)(B) to be retained.
Policy 14-6	Oppose entirely	23. Policy 14-6(b) should be amended to replace the word 'manage' with 'minimise' in relation to nutrient leaching and run-off. 24. There is a 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 "Ensure that cattle are excluded...") is actually operative Policy 14-6(d). This error is inconsequential but it is unclear what has been amended. 25. In proposed policy 14-6(d)(i) it is unclear what constitutes "additional innovations and measures" 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 "practical measures and methods". 26. In proposed policy 14-6(d)(i) it is unclear what time frame is intended with the use of wording "progressively over time". The wording "<u>and to not exceed the <i>cumulative nitrogen leaching maximum</i>* for Year-20 in Table 14.2</u>" should be inserted.

		27. 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 “or to 31 December 2025 (which ever comes first)” should be inserted, which aligns with the NPS Freshwater Management 2014. 28. In proposed Policy 14-6(e)(i) the wording “proposed innovations and measures represent” is undefined and should be replaced with “proposal represents”. It is also unclear from the policy whether the BPO <u>must be</u> required for a proposal to be eligible for an exemption under (d)(i). 29. In proposed Policy 14-6(e)(i), use of the wording “having particular regard to” 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 of those matters identified in (A)-(C) and therefore their prioritisation is unnecessary and unhelpful. 30. 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. 31. 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 “(B) The proportion and rate of reduction of nitrogen loss...”. 32. 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 “further reductions in <u>nutrient leaching and run-off, faecal contamination and sediment losses from the land</u> are currently possible...”. 33. In proposed Policy 14-6(e)(ii), the reference to future versions of OVERSEER is ultra vires and contrary to caselaw that documents incorporated by reference cannot include ‘subsequent versions or revisions’, and any rule in a plan that purports to do
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		so is ultra vires (<i>Telecom New Zealand Limited v Christchurch City Council</i> [2003] NZRMA 280). This clause (ii) should be deleted. 34. 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 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 'particular' is inserted before the word regard. 35. In proposed Policy 14-6(e)(iv), the wording “, over time,” adds little value as it is inferred by the word progressive and should be deleted. The word 'demonstrated' should be inserted to read “The contribution of the progressive reduction in nutrient leaching and run-off, faecal contamination and sediment losses from the land^ to the <u>demonstrated</u> improvement of water^ quality within that Water Management Sub-zone*.” 36. In proposed Policy 14-6(e)(v), reference to the ground- and surface water quality strategies in the RPS policies is further justification for the retention of Policy 5-8(a)(i)(B). 37. Proposed Policy 14-6 does not provide any regard for wetlands or lakes that are a rare habitat or threatened habitat. Policy 14-6 should be amended to include “(e)(vi) <i>The presence of wetlands^ or lakes^ that are a rare habitat* or threatened habitat*.</i>” 38. Proposed Policy 14-6(f)(i) use of the word 'measures' should be amended to '<u>good management practices</u>*', as measures is not defined in this context. 39. Proposed Policy 14-6(f)(i) should be amended to read 'do not increase <u>significantly decrease</u>', to be consistent with the sought changes to Policy 5-8(a)(iia). 40. Proposed Policy 14-6(f)(ii) should be amended to include the wording “<u>adverse effects caused by</u>”. 41. Proposed Policy 14-6(f)(ii) should be amended to read “The nature, sequencing, measurability and enforceability of <u>the programme of deintensification committed in</u>
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		<u>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> This approach is more transparent and enforceable, and the timeframe is consistent with NPS Freshwater Management 2014.
Table 14.1	Oppose entirely	42. Operative Table 14.1 is created by Policy 14-5(b)(i), and in turn Policy 14-5 gives effect to RPS and Policy 5-8. Plan Change 2 (as notified) includes changes to both Policy 5-8 and Policy 14-5(b)(i). The proposed Table 14.1, in its version included in the notified plan change, no longer give effect to Policy 14-5(b)(i) or Policy 5-8 and therefore must be amended based on most recent science. ^{33,34}
Table 14.2	Oppose in part	43. The effects of the proposed changes on environmental and cultural values in the coastal lakes of the Horowhenua and Rangitikei have not been assessed by the Regional Council. The relief sought is that Regional Council provides an assessment on the expected loads entering those water bodies as a result of the proposed changes to the Table 14.2. 44. The Plan Change fails to provide a review mechanism to Table 14.2 following any future changes to the OVERSEER modelling software. The Regional Council has preferred to address this shortcoming at the resource consent stage, as demonstrated by the proposed wording "<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>", in proposed Policy 14-6(e)(ii). This approach is deeply concerning and contrary to plan making best practice as it creates uncertainty as to the Plan's effectiveness. The relief sought is that the Regional Council 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 that plan review policies are also present in Chapter 12.
Rule 14-1	Oppose in part	45. Demonstration of compliance with the cumulative nitrogen leaching maximum specified in Table 14.2 is a Condition/Standard/Term of Rule 14-1. Therefore, it is appropriate to retain the original wording of matter of control (b).

³³ Fraser and Snelder (2018), 2018/EXT/1619

³⁴ 2019 State of the Environment Report (MWRC, 2019)

		46. It is recommended that the original wording be reinstated "<i>compliance with the cumulative nitrogen leaching maximum* specified in Table 14.2</i>" as matter of control (b). 47. 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 from the land^</i>". 48. In proposed Rule 14-1, the reference to Policy 14-6 is unnecessary and should be removed.
Rule 14-2	Oppose in part	49. The proposed amendments to Rule 14-2 are contradictory within the rule and create uncertainty. 50. Proposed Rule 14-2 states that existing intensive farming land use activities that do not comply with any of the conditions, standards and terms (a), (b) and (d) to (i) of Rule 14-1 are a restricted discretionary activity. However, proposed Rule 14-2 then introduces three new Conditions/Standards/Terms which are identical to the Conditions/Standards/Terms (a), (b) and (c) of Rule 14-1. 51. As a result, the proposed changes to Rule 14-2 create an uncertainty of how to consider an activity that does not comply with Rule 14-1 condition (a) would then be considered under Rule 14-2 which includes the same condition. 52. It is recommended that the rule wording be amended to read "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", and that the new Conditions/Standards/Terms (a), (b) and (c) of Rule 14-2 be retained. 53. 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.
Rule 14-2A	Oppose in part	54. Amending Rule 14-2A to capture non-compliance with Conditions/Standards/Terms (a), (b) and (c) of Rule 14-1 would complement the changes to Rule 14-2 which

		captures Conditions (d) to (j) of Rule 14-1. This approach is simpler than the amendments proposed. 55. In the case of Rule 14-2A, the context for a resource consent is one in which the demonstrated benefits of meeting the cumulative nitrogen leaching maximums is not achieved, and there is the potential for significant adverse effects on the environment. Given the strong policy direction (from Policy 5-7, 5-8, 14-5 and 14-6) to regulate excessive nutrient loss from land uses, a non-complying activity status is appropriate with the s104D threshold tests that require the adverse effects on the environment are not more than minor, or the application is not contrary to the objectives and policies of the Plan. The application of these tests is entirely appropriate in an environment that is facing significant stressors. This approach is consistent with the Quality Planning note on activity status.
Glossary definition (Good management practices)		56. The proposed definition of GMP is non-specific and fails to set minimum standards or bottom lines; 57. Implementation of the proposed definition of GMP will be onerous for the consent authority and will require case-by-case consideration which is inefficient and inconsistent with good plan making. 58. The relief sought is: A. 1) A new Schedule K (titled '<u>Good management practices</u>') to the Regional Plan is introduced which lists '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 B. 2) Operative Policy 14-3 is amended to read: "<i>The Regional Council will examine on an on-going basis relevant industry-based standards (including <u>good management practices</u>* 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>"
Glossary definition (Nutrient management plan)		59. The proposed definition of NMP cannot capture all GMP relating to nutrient run-off and leaching, pathogen contamination and sediment losses to water. 60. The 2007 COP is outdated. 61. The relief sought is that the definition of NMP, and all references to NMP within the One Plan are replaced with <i>Farm Environment Plan</i>, and new criteria are developed to specify the informational requirements of that FEP.

Proposed Plan Change 2 – Existing Intensive Farming Land Uses

Proposed insertions are shown as underlined text; proposed deletions are shown as ~~striketrough~~.

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 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 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
 - (C) recognise the productive capability of land[^] in the Water Management Sub-zone*
 - (D) are achievable on most farms using good management practices*
 - (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 land[^] use activities which do not comply with (ii) must be regulated to significantly 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 the extent degree of non-compliance, having regard to:
 - (A) the feasibility, practicality, and financial implications cost of achieving the nitrogen leaching maximums specified in (i) were they to be achieved; and
 - (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 land[^] use activities which do not comply with (ii) but can demonstrate a 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. 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).
- (iii) New intensive farming land[^] use activities must be regulated throughout the Region to achieve the nitrogen leaching maximums specified in (i).

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(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., race run-off)
 - (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 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	Support initiatives by local communities, <u>and sector groups in consultation with or tangata whenua which develop options for sustainable land use in the Region.</u> Support for work in <i>Water Management Sub-zones</i> [*] where nitrogen leaching is an issue will be a priority in order to find viable options for intensive farming land users that will have difficulty in achieving the <i>cumulative nitrogen leaching maximums</i> [*] (refer Table 14.1). Horizons will provide assistance through providing data and information that will assist in the identification and evaluation of innovative land use options and participating in any evaluative work as appropriate.
Who	Local communities <u>including tangata whenua</u> , rural and other sector groups, Territorial Authorities, Regional Council.
Links to Policy	This method implements Policies 5-7 and 5-8.
Target	Advice and assistance is available for landowners <u>and māori</u> in the Region regarding land use management practices.
Method 5-13	Provision of Information
Description	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 serve copies of all reports published under this method to tangata whenua within the rohe to which the research applies.</u>
Who	Regional Council, <u>tangata whenua</u> , rural sector groups, and nutrient management model providers.
Links to Policy	This method implements Policy 5-8.

<u>Target</u>	• <u>Horizons will consider whether it needs to respond to changes in Overseer through a plan change process.</u> • <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 consent¹ applications, and setting consent conditions, for activities affecting groundwater and surface water¹ quality, the~~ The Regional Council ~~must have regard to good management practices*~~ will examine on an on-going basis relevant industry-based standards (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 effects¹ to the extent that those standards good management practices* address the matters in Policies 14-1, 14-2, 14-4, ~~and 14-5, and 14-6.~~

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Policy 14-5: Management of intensive farming *land*¹ uses

In order to give effect to Policy 5-7 and Policy 5-8, intensive farming *land*¹ use activities affecting groundwater and surface *water*¹ quality must be managed in the following manner:

- (a) The following land uses have been identified as intensive farming *land*¹ uses:
 - (i) *Dairy farming**
 - (ii) *Commercial vegetable growing**
 - (iii) *Cropping**
 - (iv) *Intensive sheep and beef**
- (b) The intensive farming *land*¹ uses identified in (a) must be regulated where:
 - (i) They are existing (~~ie., established prior to the Plan having legal effect~~) intensive farming *land*¹ uses, in the targeted *Water Management Sub-zones** identified in Table 14.1¹.
 - (ii) They are new (ie., established after the Plan has legal effect²) intensive farming *land*¹ uses, in all *Water Management Sub-zones** in the Region.
- (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*¹ uses regulated in accordance with (b)(i) must be managed to ensure that the leaching of nitrogen from those *land*¹ uses does not exceed the *cumulative nitrogen leaching maximum** values for each year contained in Table 14.2, ~~unless the circumstances in Policy 14-6 apply.~~

¹ ~~The Plan has legal effect in the case of existing intensive farming *land*¹ uses in these zones from the dates identified in Table 14.1.~~

² 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.

- (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.

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 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.

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 of LUC Classes IV to VIII and has an average annual rainfall of 1500 mm 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 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 any unavoidable losses of nitrogen, phosphorus, faecal contamination and sediment are 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 *cumulative nitrogen leaching maximum*^{*} where:

- (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 and to not exceed the *cumulative nitrogen leaching maximum*^{*} for Year-20 in Table 14.2; or
- (ii) The existing intensive farming *land*[^] use is to continue for no longer than five years or to 31 December 2025 (which ever comes first) 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 farm *land*[^] use to continue under (d)(i), have regard to:

- (i) Whether the ~~proposed innovations and measures represent~~ proposal represents the *best practicable option*[^] to minimise the nutrient leaching and run-off, faecal contamination and sediment losses from the *land*[^], having particular regard to:
 - (A) The extent of the exceedance of the *cumulative nitrogen leaching maximum*^{*} in Table 14.2;
 - (B) The ~~proportion and~~ rate of reduction of nitrogen loss towards the *cumulative nitrogen leaching maximum*^{*} for any given year in Table 14.2;
 - (C) Whether further reductions are currently possible for the intensive farming *land*[^] use based on existing technologies.
- ~~(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;~~
- (iii) The nature and characteristics of the *land*[^], having ~~particular~~ regard to physical characteristics of the soil including in terms of attenuation capacity, climatic conditions, and topography of the property;
- (iv) The contribution of the progressive reduction in nutrient leaching and run-off, faecal contamination and sediment losses from the *land*[^], ~~over time~~, to the ~~demonstrated~~ improvement of *water*[^] quality within that *Water Management Sub-zone*^{*};
- (v) 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;

~~(vi)~~ (vi) The presence of wetlands[^] or lakes[^] that are a ~~rare habitat~~^{*} or ~~threatened habitat~~^{*}.

(f) When determining whether to enable the existing intensive farming *land*[^] use to continue under (d)(ii), have regard to:

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- (i) Measures Good management practices* implemented in accordance with a *nutrient management plan** to ensure that nutrient leaching and run-off, faecal contamination and sediment losses from the *land*[^] ~~do not increase significantly decrease~~ over the duration of the *resource consent*[^];
- (ii) good management practices* proposed to avoid, remedy or mitigate ~~adverse effects caused by~~ nutrient leaching and run-off, faecal contamination and sediment losses from the *land*[^];
- (iii) the nature, sequencing, measurability and enforceability of the programme of deintensification 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).

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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 Kaitoke Lakes West_4	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 effect ³ in relation to Rule 14-1
	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
<u>Middle Manawatu</u>	<u>Middle Manawatu Mana_10</u>	<u>Section 86B(1) Resource Management Act 1991</u>
<u>Lower Manawatu</u>	<u>Lower Manawatu Mana_11</u>	<u>Section 86B(1) Resource Management Act 1991</u>
<u>Oroua</u>	<u>Oroua Mana_12</u>	<u>Section 86B(1) Resource Management Act 1991</u>
<u>Coastal Manawatu</u>	<u>Coastal Manawatu Mana_13</u>	<u>Section 86B(1) Resource Management Act 1991</u>

Table 14.2 sets out the *cumulative nitrogen leaching maximum** for the *land^a* used for intensive farming *land^a* use activities within each specified *land use capability class**.

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

Period (from the year that the rule has legal effect ²)	LUC I	LUC II	LUC III	LUC IV	LUC V	LUC VI	LUC VII	LUC VIII
Year 1	51 30	45 27	40 24	29 48	25 46	24 45	11 8	3 2
Year 5	46 27	42 25	35 24	26 46	20 43	16 40	8 6	3 2
Year 10	44 26	37 22	32 49	23 44	20 43	16 40	8 6	3 2
Year 20	43 25	35 24	30 48	21 43	19 42	16 40	8 6	3 2

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
14-1 Existing intensive farming <i>land^a</i> use activities	The use of <i>land^a</i> pursuant to s9(2) RMA for any of the following types of intensive farming: (i) <i>dairy farming*</i> (ii) <i>commercial vegetable growing*</i> (iii) <i>cropping*</i> (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^a</i> pursuant to ss15(1) or 15(2A) RMA associated with that intensive farming: (a) the <i>discharge^a</i> of <i>fertiliser*</i> onto or into <i>land^a</i>	Controlled	(a) A <i>nutrient management plan*</i> must be prepared for the <i>land^a</i> , and provided annually to the Regional Council. (b) The activity must be undertaken in accordance with the <i>nutrient management plan*</i> prepared under (a). (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> specified in Table 14.2. (d) Cattle must be excluded from: (i) <i>wetlands^a</i> and <i>lakes^a</i> that are a <i>rare habitat</i> or <i>threatened habitat</i> , and	Control is reserved over: (a) the implementation of the <i>nutrient management plan*</i> (b) <u>compliance with the cumulative nitrogen leaching maximum* specified in Table 14.2</u> (b) <u><i>good management practices*</i> to avoid, remedy or mitigate nutrient leaching and run-off, faecal contamination and sediment losses from the <i>land^a</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

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⁴ 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.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	(b) the <i>discharge</i>^a of <i>contaminants</i>^a onto or into <i>land</i>^a from (i) the preparation, storage, use or transportation of stock feed on <i>production land</i>^a (ii) the use of a <i>feedpad</i>^a (c) the <i>discharge</i>^a of <i>grade Aa biosolids</i>^a or <i>compost</i>^a onto or into <i>production land</i>^a (d) the <i>discharge</i>^a of <i>poultry farm litter</i>^a onto or into <i>production land</i>^a (e) the <i>discharge</i>^a of farm <i>animal effluent</i>^a onto or into <i>production land</i>^a (or upon expiry or surrender of any existing consent for that <i>discharge</i>^a) including: (i) effluent from dairy sheds and <i>feedpads</i>^a (ii) effluent received from piggeries (iii) sludge from farm effluent ponds (iv) poultry farm effluent and any ancillary <i>discharge</i>^a of <i>contaminants</i>^a into air pursuant to ss15(1) or 15(2A) RMA. Where the existing intensive farming <i>land</i>^a use is located partly on land within one or more of the <i>water management sub-zones</i>^a listed in Table 14.1 and partly on other land, this rule only applies:		(ii) the <i>beds</i>^a of <i>rivers</i>^a that are permanently flowing or have an <i>active bed</i>^a width greater than 1 m. (e) <i>Rivers</i>^a that are permanently flowing or have an <i>active bed</i>^a 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>^a onto or into <i>land</i>^a. (f) The <i>discharge</i>^a of <i>fertiliser</i>^a onto or into <i>land</i>^a and any ancillary <i>discharge</i>^a of <i>contaminants</i>^a into air must comply with the <i>conditions</i>^a of Rule 14-5. (g) The <i>discharge</i>^a of <i>contaminants</i>^a onto or into <i>land</i>^a from: (i) the preparation, storage, use or transportation of stock feed on <i>production land</i>^a, or (ii) the use of a <i>feedpad</i>^a and any ancillary <i>discharge</i>^a of <i>contaminants</i>^a into air must comply with the <i>conditions</i>^a of Rule 14-6. (h) The <i>discharge</i>^a of <i>grade Aa biosolids</i>^a or <i>compost</i>^a onto or into <i>production land</i>^a and any ancillary <i>discharge</i>^a of <i>contaminants</i>^a into air must comply with the <i>conditions</i>^a of Rule 14-7. (i) The <i>discharge</i>^a of <i>poultry farm litter</i>^a onto or into <i>production land</i>^a and any ancillary <i>discharge</i>^a of <i>contaminants</i>^a into air must comply with the <i>conditions</i>^a of Rule 14-9. (j) The <i>discharge</i>^a of farm <i>animal effluent</i>^a onto or into <i>production land</i>^a including: (i) effluent from dairy sheds and <i>feedpads</i>^a (ii) effluent received from piggeries	(e) provision of information including the <i>nutrient management plan</i>^a (f) duration of consent (g) review of consent <i>conditions</i>^a (h) compliance monitoring (i) the matters in <i>Policies 14-5, 14-6 and 14-9</i>. <i>Resource consent</i>^a applications under this <i>rule</i>^a will not be notified and written approval of affected persons will not be required (notice of applications need not be <i>served</i>^a on affected persons).

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	(a) if at least 20% of the existing intensive farming <i>land</i> ^a 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> ^a use that is located within the listed <i>water management sub-zones</i> [*] .		(iii) sludge from farm effluent ponds (iv) poultry farm effluent and any ancillary <i>discharge</i> ^a of <i>contaminants</i> ^a into air must comply with the <i>conditions</i> ^a , standards and terms of Rule 14-11.	
14-2 Existing intensive farming <i>land</i> ^a use activities not complying with any of the conditions, standards and terms <u>(a), (b) and (d) to (i) of Rule 14-1</u>	The use of <i>land</i> ^a pursuant to s9(2) RMA for any of the following intensive farming: (i) <i>dairy farming</i> [*] (ii) <i>commercial vegetable growing</i> [*] (iii) <i>cropping</i> [*] (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> ^a 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> ^a , standards and terms of Rule 14-1 <u>(except for (a), (b) and (c) which must be met)</u> : (a) the <i>discharge</i> ^a of <i>fertiliser</i> [*] onto or into <i>land</i> ^a (b) the <i>discharge</i> ^a of <i>contaminants</i> ^a onto or into <i>land</i> ^a from (i) the preparation, storage, use or transportation of stock feed on <i>production land</i> ^a	Restricted Discretionary	(a) <u>A <i>nutrient management plan</i>[*] must be prepared for the <i>land</i>^a, and provided annually to the Regional Council.</u> (b) <u>The activity must be undertaken in accordance with the <i>nutrient management plan</i>[*] prepared under (a).</u> (c) <u>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 in Table 14.2.</u>	Discretion is restricted to: (a) preparation of and compliance with a <i>nutrient management plan</i> [*] for the <i>land</i> ^a (b) the extent of non-compliance with the <i>cumulative nitrogen leaching maximum</i> [*] specified in Table 14.2 (b) (c) measures <i>good management practices</i> [*] to avoid, remedy or mitigate nutrient leaching and run-off, faecal contamination and sediment losses from the <i>land</i> ^a (c) (d) measures to exclude cattle from <i>wetlands</i> ^a and <i>lakes</i> ^a that are a <i>rare habitat</i> [*] or <i>threatened habitat</i> [*] , and <i>rivers</i> ^a that are permanently flowing or have an <i>active bed</i> [*] width greater than 1 m (d) (e) the bridging or culverting of <i>rivers</i> ^a that are permanently flowing or have an <i>active bed</i> [*] width greater than 1 m that are crossed by cattle

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	(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 farm <i>animal effluent</i>[*] onto or into <i>production land</i>[*] (or upon expiry or surrender of any existing consent for that <i>discharge</i>[*]) including: (i) effluent from dairy sheds and <i>feedpads</i>[*] (ii) effluent received from piggeries (iii) sludge from farm effluent ponds (iv) poultry farm effluent and any ancillary <i>discharge</i>[*] of <i>contaminants</i>[*] into air pursuant to ss15(1) or 15(2A) RMA.			(e) (f) the matters referred to in the <i>conditions</i>[*] of Rules 14-5, 14-6, 14-7, and 14-9 (f) (g) the matters referred to in the <i>conditions</i>[*] of Rule 14-11 and the matters of control in Rule 14-11 (g) (h) avoiding, remedying or mitigating the effects of odour, dust, <i>fertiliser</i>[*] drift or effluent drift (h) (i) provision of information including the annual <i>nutrient management plan</i>[*] (i) (j) duration of consent (j) (k) review of consent <i>conditions</i>[*] (k) (l) compliance monitoring (l) (m) the matters in Policy 14-9.
Rule 14-2A Existing intensive farming <i>land</i> [*] use activities not complying with conditions, standards, terms (a), (b) or (c) of Rule 14-1, or Rule 14-2.	The use of <i>land</i>[*] pursuant to s9(2) RMA for any of the following intensive farming: (i) <i>dairy farming</i>[*] (ii) <i>commercial vegetable growing</i>[*] (iii) <i>cropping</i>[*] (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	Discretionary/ non-complying		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	associated with intensive farming, that do not comply with conditions, standards and terms (a), (b) or (c) of Rule 14.1 or one or more of the conditions, standards and terms of Rule 14.2: (f) <u>the discharge^a of fertiliser^a onto or into land^a</u> (g) <u>the discharge^a of contaminants^a onto or into land^a from</u> (i) <u>the preparation, storage, use or transportation of stock feed on production land^a</u> (ii) <u>the use of a feedpad^a</u> (h) <u>the discharge^a of grade Aa biosolids^a or compost^a onto or into production land^a</u> (i) <u>the discharge^a of poultry farm litter^a onto or into production land^a</u> (j) <u>the discharge^a of farm animal effluent^a onto or into production land^a (or upon expiry or surrender of any existing consent for that discharge^a) including:</u> (i) <u>effluent from dairy sheds and feedpads^a</u> (ii) <u>effluent received from piggeries</u> (iii) <u>sludge from farm effluent ponds</u> (iv) <u>poultry farm effluent</u>			

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<u>and any ancillary <i>discharge</i>^a of <i>contaminants</i>^a into air pursuant to ss15(1) or 15(2A) RMA.</u>			

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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.

...

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*[^].

...

Nutrient management plan 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 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.