

Form 5, Submission on publically notified proposal for plan change.

To: Waikato Regional Council, WRP proposed Plan Change 1

Name of Submitter: **Pāmu Farms** of New Zealand by Landcorp Farming Limited

Pāmu Farms could not gain an advantage in trade competition through this submission. Pāmu Farms wish to be heard.

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Pāmu Farms of New Zealand

Pāmu Farms of New Zealand is the brand for Landcorp Farming Limited. It owns a number of farms across New Zealand, and leases or manages others on behalf of other owners. It currently owns and/or manages 65 dairy units and 89 livestock units.

Pāmu Farms currently operate 16 Dairy Units and 6 Sheep/Beef/Deer/Dairy Support Stations within the Waikato River catchment. They are approximately located within, or border, proposed Sub Catchments 74, 73, 66, 67 and 59.

Pāmu Farms therefore span the agricultural sector, land use types and importantly, land use classes. The operation is a commercial business governed by both the State Owned Enterprises Act and the Companies Act. Any borrowing is bank funded at commercial rates, revenues are taxed as for any company and the shareholders have the standard expectation of a dividend on their investment.

We readily acknowledge that our production contributes to the need for, and benefits of, processing industries and towns and their attendant point source discharges, along with their significant regional social and economic benefits generated. This submission therefore similarly spans land emissions from livestock and dairy, agricultural processing and municipal sources.

A comprehensive and effective catchment-wide approach to rapid water quality improvements is sought and supported. New Zealand’s off-shore markets and agricultural sector economy depend on it. Leading New Zealand agriculture through environmental rejuvenation and climate change resilience is a company strategy. The staff of Pāmu Farms wish to swim in their Awa too.

Submission.

Pāmu Farms’ submission is that the Plan Change is declined in that it is considered to be inconsistent with RMA Section 5, Section 6, Section 7 (b) (d) (f) and (g) – specifically Parts A, B and C of the Plan Change.

Where provisions are not specifically covered by this submission, the relief sought is that the Plan Change is declined. If the amendments raised in this submission are adopted then Pāmu Farms’ submission is that the Plan Change is accepted with amendments.

Pāmu Farms is however, highly supportive of the need for a Plan change, rapid improvements in river water quality, tangible improvements in swimability and the attainment of the Vision and Strategy for this catchment in which we all live, work and play.

Submission details.

Glossary Definition of Enterprise.

Enterprise/s glossary definition is uncertain with respect to our operations and Pāmu Farms seek clarification on how company operations, support blocks, part support blocks, inter-regional Enterprises and non-owned land are to be considered.

The glossary definition is unclear for the terms “parcels”, “ownership” models, “reliant upon”, “single operating unit” and “purposes of management”. Is it possible to be part of several Enterprises?

If the term *Enterprise* remains as notified, how will Wairakei Estate located farms and Pāmu Farms (Waikato wide) be accommodated? Pāmu Farms will provide examples of the drystock, dairy support, cropping, dairy platforms and the cross sub-catchment, inter-regional nature of our operations. There is significant business uncertainty and environmental outcome uncertainty around the current definition.

Relief Sought:

Refine and clarify the term Enterprise and allow for further meaningful analysis of the refined term, its application and its implications.

Farm Environment Plans.

How will conflicts of interest, pecuniary interests and outright disputes between farm owners and the Certified Farm Environment Planner be anticipated and resolved. The generic milk Industry have had many years of ability to self-regulate and with some positive examples, but little tangible outcome as evidenced by the river WQ data.

CFNPs must be centrally funded to avoid customer/client compromise outside of the public view. A pecuniary interest exists and unavoidably skews outcomes if contaminant dischargers select and engage roles, such as the CFNP. Planning to avoid that bias is required, to achieve the outcomes of the Plan if this provision remains. The creation of an additional industry around FEPs is sought to be avoided and may be best addressed via industry groups in collaboration and transparency with those holding alternative views. If the Catchment Community do not trust and support the FEP process then the agricultural provisions of the Plan and its attainment of the purpose of the Act are undermined.

Enforcement actions need to be provided for up-front. How will this be applied? An FEP compliance Bond, up front, with full enforcement toolbox may be required to gain catchment community trust in the process. However, the Regional Council is the ultimate RMA enforcement authority, yet there are severe doubts nationally, about regions enforcement credentials and future efficacy. Farm environment Plans are highly supported but need to give critics of the approach clear assurance that the exercise will produce the outcomes envisaged.

Relief sought:

CFNPs to be centrally funded and transparency provisions built in. That Farm Environment Plans are bonded to ensure attainment of targets and maximised avoidance of Council dependant enforcement processes.

OR

The Plan to list and Prohibit bad on-farm practice in the areas a FEP would seek to address.

Microbiological contaminants.

E.coli are short half-life contaminants, the key pathogens which they purport to represent in freshwater, are less persistent. Microbiological samples of water bodies are highly variable. More intense monitoring or flow proportional monitoring, may be necessary to adequately track water quality improvements to accommodate seasonality, inter year variation and flow dynamics over and above variable land use changes.

Relief sought;

Adequate monitoring is resourced and provided.

Policy 9.

The policy sets out how the WRC will plan, co-ordinate and fund sub-catchment mitigations. To determine the objectives and outcomes, clear stormwater detention criteria, by paddock, race, track and wetland are required for agricultural inputs mitigation.

Relief sought:

Promulgate clear stormwater (with attendant contaminant) detention/treatment criteria.

Other microbial contaminant sources.

The notified Plan fails to recognise continuous inputs of human faecal material to rivers and tributaries via infrastructure cross-connections. These sewage to stormwater cross-connections deliver pathogens directly and constantly to waterways, via residual stormwater flow. Lack of addressing these sources fails to balance the provisions to mitigate the agricultural sources. Both are necessary to achieve Part 2 compliance and the Objectives and Policies of this Plan.

Urban (dry weather) cross-connections of sewage to stormwater need similar regulatory attention. Faecal source identification techniques should be required to disprove sewage content in dry weather stormwater outflows.

Relief sought:

A 5 year staged plan to detect and eliminate dry weather cross-connections of sewage into stormwater within TLA and private stormwater discharges into streams and rivers in this catchment.

Sub-Catchment Entity alternatives to the Plan's approach as notified.

3.11.6 contains narrative better moved to the Objectives of the Plan. If WQ targets are NOT to be used as receiving water compliance limits/Standards, (notified Plan page56) then how can sub catchment management group proposals be promulgated? That is, if WQ targets are not suitable as a "point WQ standards not to be exceeded", how can any sub-catchment consenting approach to river restoration, work? If the consent authority cannot apparently define the target, what conditions of consent could be imposed to achieve the Objectives of the Plan ?

The thesis, that Sub-catchment group approaches can successfully define, meet and enforce WQ criteria to deliver the Objectives of the Plan, where Council cannot, is unproven. However, Sub-catchment collaboration and problem solving is very actively encouraged.

3.11.6 contains narrative around WQ targets and implies that Method 3.2.4.1 assists. Unfortunately, Methods 3.2.4.1 (Water Classes), already are relegated to just a "guidance" status in consent processes by 3.2.4.1(c) It would appear that the intent of Sub-catchment Entity approaches to WQ improvements, is already undermined in outcome potential, by other existing operative Plan provisions. *Ad hoc* assessments of point sources or subcatchments as point sources, as they come to hand, will fail the Objectives and Policies of this Plan, as they have the intent of the previous RPS.

Schedule C (stock exclusion)

Pāmu Farms of New Zealand have actively anticipated the Catchment Community's and overseas customer requirements for stock exclusion for many years. All livestock Stations have had *Land and Environment Plans* and budgeted compliance actions, for many years.

Rapid Water Quality gains are considered at risk of being lost by the timeframe of Schedule C(5) for an industry that has been on-notice regarding these issues, for several generations of regional plans and policy statements.

Pāmu Farms will provide information to the Hearing on operating profit per Ha of land by Land Use Class and slopes. We draw the commissioner's attention to the recently released MPI study on stockwater reticulation costs and benefits to businesses.

The definition of *Water Body* is absent from the Glossary, but water types are listed in Schedule C narrative. The listed water bodies exclude ephemeral streams and seepages, where international literature shows a high degree of denitrification, sediment retention and P retention benefits occur. This omission is most probably in recognition of the exponential costs and mitigations likely to be required on hill country farms. That is clearly acknowledged. However, similar magnitude increases

in WQ benefits to rivers will accrue by protecting those areas. Balancing this, against implementation time and costs, the following relief is suggested.

Relief sought:

Schedule C provisions to eventually apply to ephemeral streams and wet seepages from 2026. At 2024, Council and Industry will jointly undertake a section 32 analysis of Schedule C provisions and publish for Catchment Community comment by 2025.

Livestock crossing structures.

If stock exclusion (Schedule C) applies, then the run-off from around the required crossings needs to be excluded too, by clear numeric design specifications. If stock crossings are required, but the run-off not additionally diverted, then Sched C provisions will not produce the results desired for the \$.

The FEP may identify and capture those run-offs, but that is not as certain as clear provision in Schedule C itself. Certainty of removal, of 3 contaminants from the river system in summer, will provide greater certainty to achieving the Objectives, Policies and the Vision and Strategy over the expected life of this Plan.

Relief sought:

Specify design stormwater flow capture and treatment criteria for crossings and adjacent track surface area. Suggest detention and treatment is required for 10%AEP 48 hour event, or as determined by a decision support tool in consultation with affected parties.

Point Source Discharges

Municipal and industrial riverine point source inputs are only addressed *if* their consent expires in the Plan period. Expiry within the Plan period is unlikely for most. Therefore, the joint river solution involving Point Source **and** Non Point Sources, is undermined. The outcomes of the Plan are therefore made uncertain, a failure of Objective 3 is probable and furthermore, Objectives 4 and 5 put at risk.

Whereas in reality, rapid diversion of Point Sources to land in summer will lead to predictable and rapid improvements in river WQ and health. The need for diversion to land is bounded by soil acceptance criteria and river seasonal sensitivity to individual contaminants of concern. However, if addressed in a comprehensive catchment manner, river improvements may be met or exceeded. Also, time is then made available to avoid failing Objective 4 (People and Community Resilience). Whereas Rule 3.11.5.7 has more uncertain attainment of Objectives 3 and 4 and 2.

TLA's and industry may be aware of the costs to address this and seek to avoid. If this Plan provided for a targeted catchment fund approach to resourcing such projects, the whole Catchment Community can contribute to the more rapid resolution of WQ issues. A pollution fighting fund contributed to by all, is considered necessary to avoid factions avoiding responsibilities or others carrying disproportionate costs, to achieve rapid river improvement.

There is little real world distinction between industrial discharges, municipal discharges and agricultural discharges, each is a product of the other, or at the least interdependent. This Plan Variation as notified, sees them as different, and requires only BPO for some unlucky expiring point sources, but far more onerous provisions for agriculture. That leads the Plan to be a failure of the Purpose to the Act.

The Hearing should note the previous RPS had ineffectual Policy wording around encouraging land application. The operative RPS failed to continue or improve upon that direction. The time to rectify that policy failure and implementation failure is now. The requirement for attainment of the Vision and Strategy surpasses any weakness for the operative RPS around this matter. The review provisions of the RMA are now unsuitable to be relied upon to achieve any necessary change. New Zealand Council's demonstrated record of inaction in reviewing consents is clear to all and similarly cannot be relied upon to address the issue.

Council's published S.32 analysis was deficient in an analysis of the social and economic impacts of this failing to balance the short term water quality impactors of the discharge categories. It may be that Agri-industry will incur less cost by contributing to such a scheme, than bearing high cost, high business impact, uncertain outcome N and P related Policies and Rules. Point sources, as notified, are only required to adopt BPO, if they happen to need renewing. Far more onerous provisions are applied by this Plan to non point sources than just BPO with offsetting potential.

Relief sought:

Outside of the individual consent processes, provide a new Policy for a systematic review of point sources in the catchment and their seasonalised (generally summer) effects on WQ and relative contributing risk to the Objectives and Policies of this Plan. Policy provision made to then approach those ranked and prioritised sites, to offer alternative land AND funding, for seasonal land diversion of discharges. All Catchment Community to fund, including Agri-community/ processing industries.

Or (much weaker in WQ improvement potential and high risk of implementation failure)

Provide a new Policy and Rules for systemic S.128 review of all existing discharge permits over the term of this Plan.

Farm Dairy Effluent discharges to waterways.

Plan fails to clearly **Prohibit** treated effluent discharges of Farm Dairy Effluent to waterways (including drains). There is little outcome from a FEP if the right, via existing resource consent, is allowed in parallel.

Relief sought:

Additional supporting Policy and Rule:

The discharge of treated Farm Dairy Effluent to waterways is a Prohibited Activity from 1 July 2019.

Clearly Prohibit Bad Agricultural Practice Activities.

The Plan fails to prohibit the bad farming practices that Overseer assumes do not occur. Clearly and authoritatively ceasing bad practice, will give credence to any modelling approaches, and rapidly remove additions of the 4 contaminants for short term water quality improvements. The Farm Environment Plan process proposed, seeks to attain these issues, but over longer timeframes and with less clarity for industry.

Relief sought:

List all Overseer assumed best practices and clearly **Prohibit** their non-attainment from 2020, wherever possible to clearly define.

Alternatively, Council should facilitate with the agricultural sector, to define and prioritise this process in the near term of this Plan

Overseer and other models.

The use of Overseer as the model of choice for regulatory approaches is considered concerning. As an industry leader, Pamu Farms actively monitors input sand outputs from its properties at several of its complexes. These provide insight into the uncertainties of using any particular model as an assumed output regulatory tool.

As an example the actual N losses below some farms are known. An irrigated Dairy Unit Nitrate nitrogen losses are known to be

- NNN 4mg/L actual in nearest shallow groundwater and decreasing over time, versus the Overseer predicted losses of 7.3 mg/L, comprising: Overseer outputs predict 6.7 mg/L from dryland portions of the farm and model predicted 8.2 mg/L under the (fully WRC compliant) effluent block.

Hence real times-series data on the true concentrations in the shallowest groundwater under conservatively operated Dairy Units indicates the need for caution with respect to Overseer model output. Landcorp makes its national data available to Council and others. It is very important however, to note the further fate of those N concentrations is not known (preferential flow pathways, denitrification if any, dilutions etc.) and the science cannot yet say what the receiving environment concentrations, loads or effects could be.

From our bore data, losses of DRP under dairy are below 0.5 mg/L. Notably, young forestry has the highest groundwater DRP of all land uses studied here. DRP loss comparison to Overseer is not even possible, due to Overseer outputs assuming only surficial losses to water, with no groundwater DRP in Overseer reports.

There are number of models such as GLEAMS, EPIC, NLEAP, LEACHM, APSIM, DAISY, RZWQM, WNMM and DSSAT that can be used to evaluate the integrated effects of soil, climate, and management on crop growth and nitrate leaching.

All models have the potential to be directed by inappropriate or innocent input selection. Provision for additional models is therefore fraught. The Plan is silent on how WRC will develop suitable quality input parameters for alternative models.

Schedule B (Table 1) Overseer Input methodologies.

Sched B table 1 Overseer input standards, as listed, may penalise well monitored farms (with own weather stations, clear stock record, clear livestock weight & gain data). Using Overseer model

defaults can be clearly demonstrated to penalise farms over default assumptions. The most accurate input data available must be used to avoid skew in either direction.

Relief sought:

Provide for the use farm specific or location specific data inputs where available in Schedule B and particularly Schedule B (d).

Omission of the Plan as notified: Suspended Solids and P from unsealed road run-off.

Whilst the relative importance of non point source inputs of DRP and N is further established, the impact of TSS and attendant P, is considered of equal importance. TSS also directly affects water clarity for swimability. An omission of the Plan as notified, includes the adequate addressing of run-off from unsealed roads in the catchment. Council will have available how many thousands of km of these roads exist in the catchment. This includes forestry roads, private dirt roads, public gravel roads and those with dirt "water table" stormwater ditches. The Plan envisages agricultural TSS and TP emissions will be dealt with via Schedule C and Schedule 1 actions. The Plan however, is silent on the other major source. An inequity is therefore apparent, which may cause the Plan to fail the purpose of the Act.

The Plan is silent on forestry roads, instead deferring to the NES, which may not be suitable for this catchment's requirements. Forestry roads and all other dirt roads (private or public) contribute P and TSS with every rain event. Microbiological contaminants will also be introduced, but even small rainfall events.

The plan is unbalanced in its approach to these key contaminants. The failure to adequately address this, is contrary to PC1 Objective 1 and Objective 3. The imbalance further impedes the achievement of Objective 2 and 4 by imposing restraints and costs on only part of the contributing community.

3.11.3 Policy 1 would be failed by not addressing this issue. Further, it is considered that Policy 5 would similarly be failed by not sensibly addressing the issue. The costs and benefits of Schedule C and Schedule 1 will fail the purposes of the Act if the imbalance is not addressed by this plan change.

Relief sought:

(a) Retain the agricultural initiatives around P and Suspended Solids, as notified.

(b) Unsealed roads, races, tracks, drives (public or private) be subject to sediment control and run-off mitigations, to TP10 standards or other Council derived standards.

Schedule 1 drafting, intent and outcomes.

Schedule 1 (5) (FEPS) requires that the FEP shall contain actions to:

Remain within 5YrRolling Average of the NRP unless other suitable mitigations are specified OR (indicating choice), if a high N emitter (*presumably mostly Dairy*) take actions to reduce N leaching down to the 75thile over 10 years.

So with the current wording of Sched 1, the FEP provides 3 choices here. Being; contain within the 5YrRAve, or employ suitable mitigations, or act to reduce to <75thile. As currently drafted, even high emitters seem able to elect “other mitigations” or not to be bound to the second option 5(b).

The Controlled Activity Rule 3.11.5.4 reserves control over directing a high N emitting farm to take actions to reduce below the 75thile. However, the Permitted Activity via an Industry Scheme (3.11.5.3) provides a circularity.

Rule 3.11.5.3(6) refers back to the FEP (=Sched 1(5) above) which if unchanged from that Notified, appears to provide the three options yet again.

It is considered that, as notified, the Rule indemnifies non-high emitters (livestock farms) from holding within the 5Yr rolling average of their NRP by allowing other “suitable mitigations” to be employed, those mitigations are unspecified. High emitters may not be bound to reducing to the 75thile either, by selecting other “suitable mitigations” and avoiding 5(b). At the least, Schedule 1 is unclear.

Relief sought:

Amend Schedule 1 (FEPS) to clarify intent and capture requirements of (5) (a) and (b) if they are to be retained.

Issues with the Schedule B (Nitrogen Reference Point).

Sched B

- a) Requires NRP to be over period of (f) **Except** for newly developed land on which the NRP shall be determined by that consent process.

That is uncertain to all parties. Given this consent process is not understood, an analysis is not possible. That process is also to be non-notified so participation by agriculture, non-agriculture and the affected catchment community, has no certainty.

- b) Needs to allow for 3.11.5.7 processes as they could not comply with b) as presently stated. As b) requires f) dates to apply, which are not necessarily relevant to a Rule 3.11.5.7 consent process. Provision needs to be made for 3.11.5.7 consent outcomes.

- c) Amend (c) to the “most current version” of any model approach. WRC in-house processes for the approval of any of the near dozen world cropping/ agricultural impact models available, is alluded to. There is currently no clarity, certainty or transparency provided around that process.

- d) Provides guidance on the Overseer input data standards. Other models are provided for by (c) yet no input data standards are specified for any other possible model. A transparent and clear method for this is required. See <https://ccafs.cgiar.org/agricultural-model-intercomparison-and-improvement-project-agmip-0#.WKz7uk27ou0>

This is important, as parties with any alternative model must have a process imposed that is at least as reasonable, transparent, understood and accountable before WRC and the Catchment Community’s acceptance.

Hill country farmer discussions have related great concern regarding the NRP applied by the period selected. A greater period has been allowed for vegetable growing in recognition of greater production variability. This submission has already pointed out issues with Schedule 1 drafting versus the Glossary Definitions (as notified).

As Land Use Class increases, the relative importance of the 4 contaminants of concern changes over that of low-slope farming operations. It may be that less strict N requirements could be applied to hill country sheep and beef operations where their footprint for bacteria, suspended solids and P emissions are adequately covered by Schedule C (*stock exclusion*)

If the NRP period is retained as notified, significant climatic and business factors over that historic period will be captured and applied to the future (albeit around the 5 year rolling average). The implications for a business are unclear, nor are the social and economic implications understood at this time for individual locations.

Whilst future science determines any possible hierarchy of the contaminants of concern for WQ improvements, some more flexibility around nitrogen (alone) from non-dairy operations could be considered. P, TSS and bacteria are likely to be more significant impactors of summer water quality from hill country.

Relief sought:

More interim flexibility for nitrogen emissions (only) .from sheep/beef/deer operations on steep land

5 Year Rolling Average.

The “5 Year rolling average” can (by glossary definition) ONLY be calculated by Overseer. Assuming this provisions retention, provision for other models is made elsewhere, this needs to be addressed here too.

Relief Sought:

Make the Rule for Overseer or enable other models to same quality standards.

NRP Glossary Definition,

The glossary definition of NRP as notified, requires that Overseer only can be used. Yet the definition tries to allow model choice later in the definition. The period involved, is stated as initially as “in agreed year or years” developed by the CFNA. This is incongruent with the wording of *Sched B (a)* and *(f)*. Will CFN Advisors be fluent in all or any particular model and its approach to this provision?

The ability to select years for the NRP is fraught from all perspectives and is uncertain. Furthermore, mixing or selection of models to different parts of the process is uncertain.

Relief sought:

Separate temporal and model choice aspects, whilst retaining input quality protocols for alternative models.

Milking Platform Glossary Definition.

The definition of Milking Platform lacks uncertainty. Dynamic farming operations responding to industry trends towards winter milking may be unnecessarily restricted by the notified definition.

Relief sought:

Better define Milking Platform to accommodate integral cut and carry operations, variable support areas (and blocks) and how winter milking businesses operate, now and in the future. Council engagement to define this alongside industry, is encouraged.

Alternatives to Nitrogen Reference Point and other contaminant provisions.

WRC should investigate and develop over the life of this plan, the Pollution Tax mechanism for each of the 4 contaminants. As an alternative, or complimentary provision to achieving the Vision and Strategy, businesses can choose to pay or amend their operations to avoid, guided by economics. The complex process of setting and pricing the feedback mechanism, for each contaminant of concern will be difficult. As an alternative to achieve the long term Objective 1, this may better meet the purposes of the Act than any future allocation with or without grandparenting.

Relief Sought:

That provision be made for Council to develop, over the life of this plan, a framework and section 32 analysis around a pollution tax on each contaminant type (Bacterial, Nitrogen, Phosphorus and suspended solids). A developed provision should contain clear WRC dates and reporting milestones and stated clearly in the Plan Rule.

Such as:

By 1 January 2020 WRC will, in conjunction with industry and catchment stakeholders, develop and publish a scoping report for comment, regarding the potential for, and a section 32 analysis of, a contaminant tax mechanism as a means to achieve the Vision and Strategy.

An additional specific Policy be included to facilitate the possible implementation by (say) 2023 or a date prior to the expiration of the Plan.

Policy 2 and Policy 7 alternatives

As part of a suite of approaches to fulfil the above Policies as notified, an additional control of P loss via phosphate fertiliser may be possible. Given the relationship between sediment loss and P loss to waterways, an alternative mechanism to manage soil P additions should be investigated.

Certain fiscal opportunities occur from time to time which may encourage agriculture to attempt to 'bank' P in soils over agronomic needs. Provision should be made for allowing a Phosphorous "test and release" scheme to be scoped, trialled and monitored for success or otherwise. A Permitted Activity for phosphate fertiliser application could be provisional on individual paddock soil Olsen P tests being furnished and fertiliser release by supplier only upon demonstrated need. The Catchment Community seeks greater transparency than the commercial relationship between suppliers and purchasers, or the existing regional plan fertiliser provisions, with positive water quality outcomes a real potential. It is recognised that FEPs or good practice seek similar outcomes, but do not have the transparency or certainty of this proposed mechanism.

Relief sought:

Provision be made to amend the Regional Plan fertiliser application Permitted Activities to restrict P based fertiliser application only to individual paddocks where industry recognised agronomic Olsen P levels are deficient, P need is demonstrated and suppliers bonded or liable for non-conforming release.

Schedule C (2) riparian fencing distance.

The 1m minimum setback is considered weak for each contaminant of concern. Much New Zealand literature exists to guide determination of effective riparian widths. E.g. ARC Technical Publication 350 and similar.

Riparian protection to achieve Objective 3 of this Plan will need to exceed Schedule C criteria or risk failing the intent of the expenditure imposed and the desired outcomes of the Plan.

Relief sought:

Determine the minimum setback for riparian fencing with regards to published literature, slope, Land Use Class, particular soils and optimised for the contaminants of concern. A table of requirements should be appended, over that of a single stated distance. Council could state TP350 standards.

Policy 12 (point source discharges)

12(a) is weakened by a lack of specified seasonal analysis. Certain contaminants contribute towards river impacts at certain times.

12(b) is weakened by the fact that existing infrastructure was (in theory) BPO at the point of decision and not necessarily BPO at this time, or in the presence of fiscal assistance to local communities.

12 (d) is dismissive of the Catchment Communities needs for urgent water quality improvement and the social and economic impacts on the wealth generating industry within the catchment.

Relief sought:

Amend Policies 10, 11, 12 and 13 to balance the costs and uncertainties between all emitters in the catchment and avoid inappropriate protective treatment of any particular emitting sector.

Policy 9 (mitigation)

The Policy lacks design criteria for the retainment of contaminants at sub-catchment and paddock level. The planning, co-ordination and funding processes will need clear water quality outcome targets for each contaminant, to avoid ineffectual works and costs.

Relief sought:

Per paddock design criteria for contaminant detention/treatment. Council could consider the 10%AEP 48 hour event, or similar, as a clear design criteria.

Policy 10 regionally significant discharges.

The Policy does not meet the purposes of the Act by its narrow protection of one type of contaminant source. Agriculture and further materials processing industries are similarly regionally significant, with respect to both their infrastructure and social and economic wellbeing of the community. The policy introduces a higher level of protection for a sub-set of contaminant sources that is inappropriate. The policy as notified, will allow an imbalance between discharge types that will fail Objectives 2, 3 and 4 of this Plan. A generalisation may be believed, that point sources have been “cleaned up” or are “at the edge of technology”. Whereas the ad-hoc assessment of those discharges as they came to hand by Council, has led to a non-integrated approach to water quality improvements.

Relief sought:

Delete the policy or provide a similar level of recognition and protection for non point sources.

Policy 13 consent duration

The Policy does not meet the purposes of the Act by its narrow protection of one type of contaminant source. Agriculture and further materials processing industries are similarly regionally significant, with respect to both their infrastructure and social and economic wellbeing of the community. The policy introduces a higher level of protection for a sub-set of contaminant sources that is inappropriate. The policy as notified, will allow an imbalance between discharge types that will fail Objectives 2, 3 and 4 of this Plan. Similar concerns around significance of investment, certainty and outcome apply to any other investments required under this plan. Term of consent is considered to be a question of fact and degree on a case by case basis, and not to be inappropriately provided for in a Plan.

This is considered a Policy insert by a subset of contaminant dischargers fearful of inequitable fiscal burden with attendant political and implications. To avoid that situation arising, the Plan should provide existing Consent protection to holders whilst facilitating Catchment Community investment in upgrades or diversion to land contributed to by all of the community.

Relief sought:

Delete the policy or provide a similar level of recognition and protection for non point sources.

Policy 6 restricting land use change.

The policy intent is supported, in so far as a clear focus on nitrogen (in isolation) may avoid the possible negation of the benefits of significant costs and structural changes elsewhere in the catchment. However, given the current understanding of the relative importance of the 4 contaminants on water quality over the life of this Plan, the policy wording should be amended

Relief sought:

Amend the policy wording to incorporate that N loss is subject to best practicable option analysis, as this Policy is subject to RMA Part 2 requirements and other provisions, such as S108(6) **OR**

Amend the Policy wording to include that special emphasis will be placed on the stocking rate as the highest determinant of modelled N loss.

Implementation Method 3.11.4.3 (Farm Environment Plans)

The proposed Council risk based approach to FEP monitoring may be insufficient to allay the fears, or gain the support of, all parties. This is critical to the FEP approach, if retained.

Relief sought:

Explore bonded compliance mechanisms for FEPs in addition to consent authority enforcement processes.

3.11.5.3 PA under CIS

The Rule is supported for items 1-3

Doubts exist around the discretion granted by 4 to the consent authority. Support for the Rule is conditional on the adequate and acceptable resolution of the Farm Environment Plan provisions including NRP derivation.

Rule 3.11.5.4 CA not under CIS

Support for the Rule is conditional on the adequate and acceptable resolution of the Farm Environment Plan provisions, including NRP derivation.

Rule 3.11.5.6 RDA

The restricted items are unbounded, unclear and uncertain. In effect the Rule is a truly discretionary activity and should be listed as one.

Rule 3.11.5.7 NCA land use change

The support or otherwise for the Rule is dependent on the satisfactory resolution of the Policies and Objectives of the Plan which are uncertain at this time.

Conclusion.

By adopting the scope of this submission it is considered that Objective 3 (10% short term improvement) will be easily achieved and exceeded over the life of this Plan.

Pamu Farms will provide further information and material to the hearing. Council Officers and other submitters are welcome to engage.

Landcorp Farming Limited

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Attention: General Counsel.

End.