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SUBMISSION TO WELLINGTON REGIONAL COUNCIL

ON

THE PROPOSED NATURAL RESOURCES PLAN FOR THE WELLINGTON  
REGION

BY

THE FERTILISER ASSOCIATION OF NEW ZEALAND

23<sup>TH</sup> OCTOBER 2015

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**APPROVED FOR RELEASE**



Greg Sneath – Executive Manager  
The Fertiliser Association of New Zealand Inc

**FORM 5**  
**SUBMISSION BY THE FERTILISER ASSOCIATION OF NEW ZEALAND**  
**ON PROPOSED NATURAL RESOURCES PLAN FOR THE WELLINGTON REGION UNDER**  
**CLAUSE 6 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

**To:** Wellington Regional Council  
PO Box 11646  
Wellington 6142

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### **Overview**

This submission provides specific comments from The Fertiliser Association of New Zealand ('FANZ') on the Proposed Natural Resources Plan for the Wellington Region ('Proposed Plan'). The comments have been prepared to assist the Council in its further development of the Proposed Natural Resources Plan and to ensure that the planning framework contemplates and provides for agricultural activities, particularly nutrient management. Notwithstanding comments made on specific relief sought, FANZ generally supports the approach by Wellington Regional Council to provide for primary production in the Proposed Plan.

### **Introduction**

FANZ is a trade association representing the New Zealand manufacturers of superphosphate and nitrogen fertilisers. FANZ member companies are Ballance Agri-Nutrients Ltd and Ravensdown Fertiliser Co-operative Ltd.

To promote good management practices, FANZ develops training programmes, codes of practice and industry information fact sheets. FANZ also funds research, partners with government on research and development projects and works closely with other organisations in the agricultural sector on industry-good issues. This includes funding for OVERSEER<sup>®</sup> as a one third owner, along with AgResearch and Ministry for Primary Industries.

FANZ supports and encourages an environmentally responsible science-based approach to nutrient management and its regulation. FANZ member companies provide product that is critical to New Zealand farming systems along with research that supports both environmentally sustainable farming practices and government's export growth agenda.

FANZ supports responsible nutrient management with interests and responsibility across all agricultural sectors, including dairy, sheep, beef, arable and horticulture.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  2.2 Definitions Contaminated Land	FANZ submission on this provision is:	FANZ support the provision.
	Reasons for FANZ submission:	The definition is supported in so far as it refers to 'significant' adverse effects and is consistent with the definition in the Resource Management Act (RMA).
	FANZ seeks the following decision from WRC:	Retain the definition as notified.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  2.2 Definitions Fertiliser	FANZ submission on this provision is:	FANZ support the provision.
	Reasons for FANZ submission:	The definition is supported as it accurately defines 'fertilisers' and their purpose and specifically excludes compost. The definition is also closely aligned with other regulatory definitions, such as those used in the Agricultural Compounds and Veterinary Medicines (ACVM) Regulations and Fertmark Code of Practice.
	FANZ seeks the following decision from WRC:	Retain the definition as notified.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  2.2 Definitions Field Capacity	FANZ submission on this provision is:	FANZ support the provision.
	Reasons for FANZ submission:	The definition is supported as it accurately defines 'field capacity'.
	FANZ seeks the following decision from WRC:	Retain the definition as notified.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  2.2 Definitions	FANZ submission on this provision is:	FANZ seeks to amend the provision
	Reasons for FANZ submission:	Good Management Practice (GMP) on a farm is not necessarily focused on environmental outcomes but is appropriate practice to manage activities.

Good Management Practice		<p>Desired environmental outcomes are an anticipated benefit, but not a guaranteed outcome of GMPs for a farm business. Desired environmental outcomes may require controls well beyond what can be achieved with GMPs for a farm activity.</p> <p>Good Management Practice is likely to include the use of a range of tools, but by definition is not a tool or a rule. However, it is considered that given the evolving nature of good management practice, GMP guides should be kept outside of the Proposed NRP to allow documents to develop.</p> <p>The link to the website providing guidelines on GMP leads to a large number of documents relating to a wide range of topics and organisations. Many of the links do not work, and the provision of this range of guidelines means the Greater Wellington Regional Council may not have control over the type of GMP being implemented and also little certainty for land users. Greater Wellington Regional Council should work with industry to arrive at Industry Agreed Good Management Practice guidelines, which can then be made available on the web site. This approach is provided for under Method M12 (a).</p>
	FANZ seeks the following decision from WRC:	<p>Amend the definition of Good Management Practice as follows:</p> <p>Practices, procedures or <u>use of tools</u> (<del>including rules</del>) that are effective at achieving the desired performance while providing for environmental <del>outcomes</del> <u>responsibility</u>. Good management practice evolves through time and results in continuous improvement as new information, technology and awareness of particular issues are developed and disseminated. <u>Industry agreed</u> good management practice guidelines can be found on the Wellington Regional Council's website: <a href="http://www.gw.govt.nz/good-management-practice/">http://www.gw.govt.nz/good-management-practice/</a></p>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  2.2 Definitions Hazardous Substances	FANZ submission on this provision is:	FANZ support the provision
	Reasons for FANZ submission:	The definition is supported in so far as it reflects the Hazardous Substances and New Organisms Act (HSNO) definition.
	FANZ seeks the following decision from WRC:	Retain the definition of Hazardous Substance as notified.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  2.2 Definitions Health needs of people	FANZ submission on this provision is:	FANZ oppose the provision
	Reasons for FANZ submission:	The definition is narrow as it does not include consideration of matters beyond water quality and quantity, for example air quality. The volume and quality of water required by people to meet their needs is defined by standards in the Plan that manage minimum flows and water quality objectives. The definition, as notified, is limiting and unnecessary.
	FANZ seeks the following decision from WRC:	Delete the definition of 'Health needs of people'.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  2.2 Definitions High risk soils	FANZ submission on this provision is:	FANZ oppose the provision
	Reasons for FANZ submission:	The definition is not clear as to what risk is being described or intended to be managed. It is understood the intention is that some soils are more susceptible to leaching and others are prone to erosion, therefore the definition should determine it is these risks which are being posed to these soils.
	FANZ seeks the following decision from WRC:	Amend the definition of high risk soils to include a description of the risk presented by the soils. A suggested amendment is as follows:  <u>High risk soils means: soils at risk of erosion, or increased nutrient leaching loss. These are identified as: soils with a high degree of preferential flow, artificial drainage or coarse structure with infiltration or drainage impediments, or soils on rolling/sloping country.</u>  Or similar.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

	FANZ submission on this provision is:	FANZ oppose the provision
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The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  2.2 Definitions.  Property	Reasons for FANZ submission:	FANZ oppose the definition of 'property' as the first part could cover extremely large tracts of land as it is not related to ownership, being 'any contiguous area of land'. Whereas the second part is potentially quite limiting, being 'freehold title in one ownership'.  FANZ is also concerned how the definition would be applied, particularly when considering provisions in the Plan such as Objective 051 ' <i>The discharge of <b>hazardous substances</b> is managed to protect human health, <b>property</b> and the environment</i> ' given the wide variance in the scale of the two parts of the definition. FANZ considers that the definition of Property should relate to how the land is used rather than ownership. Or deleted and replaced with a definition of site, which provides greater flexibility. If deleted and replaced, then a move towards national consistency in terms is considered desirable. FANZ notes the Environment Canterbury Regional Council, Land and Water Regional Plan use of the definition of 'Property' as provided below.
	FANZ seeks the following decision from WRC:	Delete the definition of 'Property' as notified and replace with the following definition:  <u>Property means any contiguous area of land, including land separated by a road or river, held in one or more than one ownership that is utilised as a single operating unit, and may include one or more certificates of title.</u>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.1 Ki uta ki tai: mountains to the sea  Objective O2 Objective O4	FANZ submission on this provision is:	FANZ support the provisions
	Reasons for FANZ submission:	The general intent of the objectives is supported.
	FANZ seeks the following decision from WRC:	Retain Objective O2 and Objective O4 as notified.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.1 Ki uta ki tai: mountains to the sea  Objective O5	FANZ submission on this provision is:	FANZ seeks to amend the provision
	Reasons for FANZ submission:	Given Objective O2 above and the recognition of waters contribution to the economic wellbeing of the community, Objective O5 is fairly narrow in its focus and does not provide for the 'productive' use of water. Even as a minimum this should be a consideration when managing freshwater bodies.
	FANZ seeks the following decision from WRC:	Amend Objective O5 as follows:  Fresh water bodies and the coastal marine area, as a minimum, are managed to: (a) safeguard <b>aquatic ecosystem health</b> and <b>mahinga kai</b> , and (b) provide for contact recreation and <b>Māori customary use</b> , and (c) in the case of fresh water, provide for the <b>health needs of people</b> . (d) in the case of freshwater, provide for <u>primary production uses</u> .  Consider amendments to address concerns raised above.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.2 Beneficial use and development  Objective O7 Objective O8	FANZ submission on this provision is:	FANZ support the provisions
	Reasons for FANZ submission:	The intent of the objectives is supported.
	FANZ seeks the following decision from WRC:	Retain Objective O7 and Objective O8 as notified.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:	FANZ submission on this provision is:	FANZ seeks to include new objectives to provide for the beneficial use of land.
	Reasons for FANZ submission:	The purpose of the Act is the sustainable use of resources which enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety.



3.2 Beneficial use and development  New Objectives		<p>FANZ has noted that there are no objectives that provide for the cultural, social and economic benefits of the use of land, although there is a policy (P7) that recognises this matter.</p> <p>Overall, FANZ considers it is essential that the Plan provides the correct balance between environmental protection and providing for the economic, social and cultural well-being of the community and the positive benefits of the use of resources including land.</p>
	FANZ seeks the following decision from WRC:	<p>Include two new Objectives under 3.2 Beneficial use and development as follows, or similar:</p> <p><u>Objective OX</u>  <u>The use of land for cultural, social and economic activities that benefit the community and the Region is enabled and provided for within the Plan.</u></p> <p><u>Objective OX</u>  <u>Efficient and productive use of land for primary production that contributes to the economic wellbeing of the Region and New Zealand.</u></p>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.4 Natural Character, form and function  Objective O19	FANZ submission on this provision is:	FANZ oppose the submission
	Reasons for FANZ submission:	FANZ is concerned that the definition of natural processes includes a wide range of matters such as erosion and deposition, swash-up and flooding, and that activities will be required to 'minimise' effects on a wide range of natural processes. As notified, the objective is vague and unclear, for example what is meant by the term 'interference'?
	FANZ seeks the following decision from WRC:	Delete the Objective.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.5 Water Quality  Objective O23	FANZ submission on this provision is:	FANZ support the provision
	Reasons for FANZ submission:	The objective is consistent with the NPS for Freshwater, and is supported if the policies and rules recognise and provide for activities such as primary production.  FANZ assumes that the determination of when maintain will be preferred over improve, will be provided through the policies.
	FANZ seeks the following decision from WRC:	Retain Objective O23 as notified.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.5 Water Quality  Objective O24	FANZ submission on this provision is:	FANZ support the provision
	Reasons for FANZ submission:	Whilst FANZ accepts that the objective is aspirational, it is concerned how this will impact upon the consideration of future activities. FANZ also notes that Tables 3.1-3.3 set reasonably stringent water quality standards and further consideration of the implications of this objective may be required.
	FANZ seeks the following decision from WRC:	Retain Objective O24 as notified, provided that objectives for productive use of land for primary production that contributes to the economic wellbeing of the Region and New Zealand are included in the Plan.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.6 Biodiversity, aquatic ecosystem health and mahinga kai  Objective O25	FANZ submission on this provision is:	FANZ seeks to amend the provision
	Reasons for FANZ submission:	FANZ seeks clarification over how restoration will be balanced with the need to provide for economic uses.  Tables 3.4, 3.5, 3.6, 3.7 and 3.8 contain language that is not clear or directive i.e. 'taonga species, are present in quantities, size and of a quality that is appropriate for the area'. Who decides what is appropriate and will it need to be argued by an expert for every application for non-complying or discretionary activities?

		<p>Table 3.6 refers to ‘unacceptable’ effects but who decides what is unacceptable.</p> <p>Overall, FANZ seeks that region wide water quality standards (in particular for lowland waterways and groundwater), where there is more likely to be at least some unavoidable impact from agricultural activities, should be consistent with the NPS for Freshwater Management 2014 bottom line ‘C category’. This will allow Whaitua committees to be charged with determining the correct balance between economic, social and cultural well-being and the water quality standard for the waterways in their areas.</p> <p>The Objective also requires minor amendments to assist clarity and understanding.</p>
	<p>FANZ seeks the following decision from WRC:</p>	<p>Amend Objective 025 as follows:                  To safeguard <b>aquatic ecosystem health</b> and <b>mahinga kai</b> in fresh water bodies and coastal marine area including by:                  (a) <u>managing</u> water quality, flows, water levels and aquatic and coastal habitats <del>are managed</del> to maintain <b>aquatic ecosystem health</b> and <b>mahinga kai</b>, and                  (b) <u>encouraging restoration</u> of <b>aquatic ecosystem health</b> and <b>mahinga kai</b> <del>is encouraged</del>, and                  (c) where an objective water quality in Tables 3.4, 3.5, 3.6, 3.7 or 3.8 is not met, a fresh water body or coastal marine area is improved over time to meet that objective.</p> <p><i>Note.....</i></p> <p>Amend Tables 3.4, 3.5, 3.6, 3.7 and 3.8 to include more directive and measurable and feasible objectives/standards.</p>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p>	<p>FANZ submission on this provision is:</p>	<p>FANZ seeks to amend the provision</p>
	<p>Reasons for FANZ submission:</p>	<p>FANZ supports the objective but seeks that it is amended to provide for degraded natural wetlands to be restored. The amendment brings clarity to the objective.</p>

3.6 Biodiversity, aquatic ecosystem health and mahinga kai  Objective O28	FANZ seeks the following decision from WRC:	Amend Objective O28 as follows:  The extent of <b>natural wetlands</b> is maintained or increased and their condition is restored, <u>where degraded</u> .
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.6 Biodiversity, aquatic ecosystem health and mahinga kai  Objective O30	FANZ submission on this provision is:	FANZ seeks to amend the provision
	Reasons for FANZ submission:	FANZ supports the intent of the objective provided that the policies and rules recognise and provide for activities such as primary production.  FANZ also considers that the Objective should be amended to state 'maintained or improved, where degraded' as it not generally necessary to 'maintain <u>and</u> improve'. Furthermore improvement should only be required if the habitat is degraded.
	FANZ seeks the following decision from WRC:	Amend Objective O30 as follows:  The habitat of trout identified in Schedule I (trout habitat) is maintained <del>and</del> <u>or</u> improved, <u>where degraded</u> .

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.9 Soil  Objective O42	FANZ submission on this provision is:	FANZ oppose the submission.
	Reasons for FANZ submission:	FANZ questions the intent of the Objective: is it intended that all soils are available for productive uses and what is meant by 'productive'. Changes are sought to the wording of the objective to provide greater clarity and ease of understanding. The proposed objective requires that accelerated soil erosion is reduced but it is not necessarily clear as to when this may be expected to apply. Continuous reduction is not possible.
	FANZ seeks the following decision from WRC:	Delete Objective O42 and replace with the following: <del>Soils are healthy and productive, and accelerated soil erosion is reduced.</del> Soil health and function are protected and soil erosion is managed.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.9 Soil  Objective O43	FANZ submission on this provision is:	FANZ support the provision.
	Reasons for FANZ submission:	FANZ accepts that by the RMA definition, contaminated land can pose a threat to human health and the environment. It therefore supports the Objective.
	FANZ seeks the following decision from WRC:	Retain Objective O43.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.10 Land Use  Objective O44	FANZ submission on this provision is:	FANZ wish to have the provision amended.
	Reasons for FANZ submission:	<p>The term 'minimised' is defined by way of a policy (Policy 4) and means reducing adverse effects to the smallest amount practicable. Whilst FANZ understands that practicable is a term favoured by other parties as it provides flexibility, it also brings a level of uncertainty.</p> <p>Whilst accepting that the term 'minimise' is used in other Regional Plans, it is its widespread use in the Proposed Plan and lack of recognition of avoidance, remediation and mitigation that causes concern. Whilst all these terms refer to 'reducing' adverse effects, the term 'minimise' seems narrow and to a lay person may not include the concept of avoidance or remediation. Although FANZ accepts that in some instances the use of the word 'minimise' is appropriate, it generally prefers the language of the Resource Management Act (RMA).</p> <p>FANZ also notes that 'minimise' means to reduce to the 'smallest possible degree' and is closely aligned to 'mitigate' which means to 'lessen or reduce' adverse effects, in this instance. However, avoid means to 'prevent the occurrence of' and remedy means to 'make good' and it is this subtlety that is lost when the word 'minimise' is used. FANZ believes the RMA requirements for 'avoid, remedy or mitigate' are the most appropriate terms.</p>

	FANZ seeks the following decision from WRC:	Amend Objective O44 as follows:  The adverse effects on soil and water from land use activities are <del>minimised</del> <u>avoided, remedied or mitigated.</u>
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.11 Discharges Objective 046	FANZ submission on this provision is:	FANZ seeks to amend the provision
	Reasons for FANZ submission:	The way the Objective is written, it appears to apply to existing activities where excess runoff or leaching occur as it refers to 'reduce the runoff or leaching'. However as the Objective applies universally, reduction is not always feasible or necessary and the Objective should refer to 'control rather than reduce.
	FANZ seeks the following decision from WRC:	Amend Objective 046 as follows:  Discharges to land are managed to <del>reduce</del> <u>control levels of</u> runoff or leaching of contaminants to water.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.11 Discharges Objective 047	FANZ submission on this provision is:	FANZ seeks to amend the provision
	Reasons for FANZ submission:	As discussed above, reduction is not always feasible or necessary and the Objective should refer to 'controlled' to enable standards to be met. A certain level of sediment loss is inevitable.
	FANZ seeks the following decision from WRC:	Amend Objective 047 as follows:  The amount of sediment-laden runoff entering water is <del>reduced</del> <u>controlled.</u>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

	FANZ submission on this provision is:	FANZ seeks to amend the provision
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The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  3.11 Discharges.  Objective 051	Reasons for FANZ submission:	FANZ considers that the term 'protect' is too stringent given its use under section 6 of the RMA and should be reworded to provide for the avoidance, remediation and mitigation of effects. It is also noted that FANZ has sought a new definition of 'property' to ensure the Objective is workable.
	FANZ seeks the following decision from WRC:	Amend Objective 051 as follows:  The discharge of <b>hazardous substances</b> is managed to <del>protect</del> <u>avoid, remedy or mitigate adverse effects on</u> human health, <b>property</b> and the environment.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  4.1 Ki uta ki tai and integrated catchment management.  Policy P1: Ki uta ki tai and integrated catchment management	FANZ submission on this provision is:	FANZ support the provision
	Reasons for FANZ submission:	FANZ supports the concept of integrated catchment management and in particular, managing land and water resources holistically.
	FANZ seeks the following decision from WRC:	Retain Policy P1 as notified.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  4.1 Ki uta ki tai and integrated catchment management.  Policy P3: Precautionary Approach	FANZ submission on this provision is:	FANZ opposes the Policy.
	Reasons for FANZ submission:	FANZ opposes the policy as it is potentially onerous. Precautionary approach should not be perceived as a 'nil' risk approach and FANZ would prefer it to be amended to refer to 'Risk Management' approach.
	FANZ seeks the following decision from WRC:	Rewrite Policy P3 as follows:  <u>Use and development shall be managed within a coherent integrated framework including risk identification, impact assessment, potential mitigation, assessment of alternate options, and cost-benefit analysis.</u>

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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p> <p>4.1 Ki uta ki tai and integrated catchment management.</p> <p>Policy P4: Minimising adverse effects</p>	<p>FANZ submission on this provision is:</p>	<p>FANZ oppose-in-part the provision.</p>
	<p>Reasons for FANZ submission:</p>	<p>FANZ reiterates its concerns with the use of the term ‘minimisation’ as discussed above under Objective O44.</p> <p>Furthermore, much of this policy cannot be applied to the discharge of nutrients onto farmland because:</p> <ol style="list-style-type: none"> <li>1. It is unlikely that a farmer could find an alternative location to undertake irrigation or discharge of nutrients being bound by factors such as land management.</li> <li>3. Farming often occurs close to outstanding water bodies, areas of indigenous biodiversity and historic heritage without causing adverse impacts on these areas.</li> <li>4. It would be difficult to avoid discharges during certain times of the year given the scale of storage facility that would then be required, and</li> <li>5. Scale is likely to be farm-wide for irrigation.</li> </ol> <p>However, FANZ does support the use of good management practices.</p>
	<p>FANZ seeks the following decision from WRC:</p>	<p>Delete Policy P4 and include a definition of ‘minimisation’ as follows:</p> <p><i>Where minimisation of adverse effects is required by policies in the plan, minimisation means <u>controlling</u> adverse effects using best practicable options to <del>the smallest amount practicable</del> <u>support achievement of pNRP and Waitua Implementation Programme (WIP) objectives</u> and shall include <u>consideration of:</u></i></p> <ol style="list-style-type: none"> <li>a) <u>the nature, objectives and functional requirements of the activity</u></li> <li>b) <del>Consideration of</del> <u>practicality of alternative locations and methods</u></li> <li>c) <u>practicality of Locating away from areas identified in schedule A, schedule C, schedule E, schedule F</u></li> <li>d) <u>Timing of the activity</u></li> <li>e) <u>Using good management practices for reducing effects</u></li> <li>f) <u>Designing the activity so the scale or footprint is as small as practicable</u></li> </ol>



		<p>g) <u>Developing strategies for priority catchments to support prioritising effective and cost-effective interventions.</u></p> <p>Include definition of best practicable option:  <u>Best Practicable Option means: in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—</u></p> <p><u>(a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and</u></p> <p><u>(b) the financial implications, and the effects on the environment, of that option when compared with other options; and</u></p> <p><u>(c) the current state of technical knowledge and the likelihood that the option can be successfully applied.</u></p>
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p> <p>4.2 Beneficial use and development</p> <p>Policy P7: Uses of land and water</p>	<p>FANZ submission on this provision is:</p>	<p>FANZ supports- in- part but seeks to amend the provision</p>
	<p>Reasons for FANZ submission:</p>	<p>FANZ supports the policy provision under clause f) for the use of land and water for food production and harvesting but considers that it should also provide for a wider range of productive activities, for example timber, oil and seed production.</p> <p>FANZ also seeks that the Policy be amended to not just recognise but provide for the use of land and water as this will set a policy framework for the rules, as all listed uses are an essential component of the functioning and productivity of the region.</p>
	<p>FANZ seeks the following decision from WRC:</p>	<p>Amend Policy P7 as follows:                  The cultural, social and economic benefits of using land and water for                  .....                  (f) <del>food production</del> <u>primary production</u> and harvesting, and                  ....</p>

		shall be <del>recognised</del> <u>enabled and provided for</u> .
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  4.2 Beneficial use and development  Policy P10: Contact recreation and Maori customary use.	FANZ submission on this provision is:	FANZ seeks to amend the provision
	Reasons for FANZ submission:	FANZ is concerned with the reference to 'community's objectives' in part (a). Where are these located in the Plan or is it referring to the tables in Objective 024. If it is referring to the tables in Objective 024, FANZ refers to its concerns expressed under that Objective.
	FANZ seeks the following decision from WRC:	Amend Policy P10 as follows:  The management of natural resources shall have particular regard to the actual and potential adverse effects on contact recreation and <b>Māori customary use</b> in fresh and coastal water, including by: (a) providing water quality and, in rivers, flows suitable for the <del>community's objectives</del> <u>(as set out under Objective 024 for contact recreation and <b>Māori customary use</b>, and.....</u>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  4.4.1 Estuaries and harbours  Policy P22: Ecosystem values of estuaries	FANZ submission on this provision is:	FANZ support in part the provision.
	Reasons for FANZ submission:	FANZ supports the Policy in so far as it seeks to avoid significant adverse effects but seeks that the Policy be amended to ensure it gives effect to the NZ Coastal Policy Statement 2010 by providing for 'other effects' to be avoided, remedied or mitigated.
	FANZ seeks the following decision from WRC:	Amend Policy P22 as follows:  Significant adverse effects on the ecosystem values of estuaries, including their importance as habitat for indigenous plants, birds and fish including diadromous species, and as a nursery for important fish stocks, shall be avoided, <u>and all other effects shall be avoided, remedied or mitigated.</u>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  4.4.2 Natural character  Policy P24: Outstanding natural character	FANZ submission on this provision is:	FANZ seeks to amend the provision
	Reasons for FANZ submission:	FANZ supports the overall intent of the Policy as it gives effect to the NZ Coastal Policy Statement 2010 but considers that part (e) is too stringent and goes beyond the requirements of the NZCPS. Furthermore, there is a requirement to manage the effects of activities on natural character in all other areas of the coastal environment i.e. outside of areas identified as having outstanding natural character and this should be sufficient to manage effects.
	FANZ seeks the following decision from WRC:	Amend Policy P24 as follows:  Areas of outstanding natural character in the coastal marine area will be preserved by: (a) avoiding adverse effects of activities on natural character in areas of the coastal marine area with outstanding natural character, and (b) requiring use and development to be of a type, scale and intensity that will maintain the natural character values of the area, and (c) requiring built elements to be subservient to the dominance of the characteristics and qualities that make up the natural character values of the area, and (d) maintaining the high levels of naturalness of these areas, and <del>(e) avoiding the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.</del>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  4.4.2 Natural Character.  Policy P25: Natural character	FANZ submission on this provision is:	FANZ support in part the provision.
	Reasons for FANZ submission:	FANZ supports the Policy as it reflects the requirements under Section 6 of the Act and the NZCPS but notes that outstanding or high natural character are subject to Policy 24 and a high level of protection. Therefore, these areas should not also be provided for in Policy 25.
	FANZ seeks the following decision from WRC:	Amend Policy P25 as follows:  Use and development shall avoid significant adverse effects on natural character in the coastal marine area <del>(including high natural character in the coastal marine area)</del> and in

		the beds of lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:....
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  4.4.2 Natural Character.  Policy P26: Natural processes	FANZ submission on this provision is:	FANZ seeks to amend the provision
	Reasons for FANZ submission:	FANZ is concerned that the definition of natural processes includes a wide range of matters such as erosion and deposition, swash-up and flooding, and that activities will be required to 'minimise' effects on a wide range of natural processes. Consequently, FANZ seeks to delete the Policy as it is too general to be useful.
	FANZ seeks the following decision from WRC:	Delete Policy P26.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  4.5 Biodiversity, aquatic ecosystem health and mahinga kai.  Policy P31: Aquatic ecosystems health and mahinga kai	FANZ submission on this provision is:	FANZ seeks to amend the provision
	Reasons for FANZ submission:	FANZ is concerned that the Policy does not provide clear direction as to when restored will be preferred to maintain. FANZ also expresses concern with the use of the term 'minimise'.
	FANZ seeks the following decision from WRC:	Amend Policy P31 as follows:  <b>Aquatic ecosystem health</b> and <b>mahinga kai</b> shall be maintained or restored by managing the effects of use and development on physical, chemical and biological processes to: (a) <del>minimise</del> <u>avoid, mitigate or remediate</u> adverse effects on natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and <b>natural wetlands</b> , and (b) <del>minimise</del> <u>avoid, remedy or mitigate</u> adverse effects on aquatic habitat diversity and quality, including the form, frequency and pattern of pools, runs, and riffles in rivers, and the natural form of rivers, lakes, <b>natural wetlands</b> and coastal habitats, and (c) <del>minimise</del> <u>avoid, remedy or mitigate</u> adverse effects on habitats that are important to the life cycle and survival of aquatic species, and

		<p>(d) <del>minimise</del> <u>avoid, remedy or mitigate</u> adverse effects at times which will most affect the breeding, spawning, and dispersal or migration of aquatic species, and</p> <p>(e) <del>avoid, remedy or mitigate the adverse effects of</del> creating barriers to the migration or movement of indigenous aquatic species, and restore the connections between fragmented aquatic habitats where appropriate, and</p> <p>(f) <del>minimise</del> <u>avoid, remedy or mitigate</u> adverse effects on riparian habitats and restore them where practicable, and</p> <p>(g) avoid the introduction, and restrict the spread, of aquatic pest plants and animals</p>
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:	FANZ submission on this provision is:	FANZ seeks to amend the provision
<p>4.5 Biodiversity, aquatic ecosystem health and mahinga kai</p> <p>Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai.</p>	Reasons for FANZ submission:	<p>FANZ's main concern is the hierarchy of managing effects. It is agreed that the first intent should be to avoid adverse effects but thereafter the Act refers to 'remedy or mitigate' not as set out in the Policy: remedy effects and if you can't remediate effects, mitigate them. The Policy should be amended to state that where significant adverse effects cannot be avoided, then effects are remedied or mitigated. Furthermore, the Policy nor any subsequent policy addresses 'other effects'.</p> <p>The Policy also requires rewording to ensure it is clear that offsetting occurs if <u>significant</u> residual effects remain after appropriate avoidance, minimisation and on-site rehabilitation activities has taken place. As notified, the Policy reads as if <u>any</u> residual effects remaining after avoidance, remediation and mitigation are to be offset. This would be an onerous requirement and unnecessary given the RMA is not a 'no effects' Act.</p>
	FANZ seeks the following decision from WRC:	<p>Amend Policy P32 as follows:</p> <p><del>Significant a</del>Adverse effects on <b>aquatic ecosystem health</b> and <b>mahinga kai</b> shall be managed by:</p> <p>(a) avoiding significant adverse effects, and</p> <p>(b) where significant adverse effects cannot be avoided, <del>remedying or mitigate</del> them.</p> <p><del>And</del></p> <p><u>(c) all other effects shall be avoided, remedied or mitigated, and</u></p> <p><del>(c) where significant adverse effects cannot be remedied, mitigating them, and</del></p>

		<p>(d) where <b>significant residual adverse effects</b> remain after appropriate avoidance or remediation or mitigation minimisation and on-site rehabilitation has taken place, it is appropriate to consider the use of <b>biodiversity offsets</b>.                  Proposals for mitigation and <b>biodiversity offsetting</b> will be assessed against the principles listed in Schedule G (biodiversity offsetting).</p>
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p> <p>4.5 Biodiversity, aquatic ecosystem health and mahinga kai.</p> <p>Policy P33: Protecting indigenous fish habitat.</p>	<p>FANZ submission on this provision is:</p>	<p>FANZ seeks to amend the provision</p>
	<p>Reasons for FANZ submission:</p>	<p>The Policy provides for more than minor effects to be avoided but does not provide any policy guidance on how to manage minor or less than minor effects. FANZ seeks that for ease of understanding, the Policy is amended to refer to the avoidance of significant effects, particularly in consideration of the extensive areas included in Schedule F, and wider implications to land use requiring more than minor effects to be avoided.</p> <p>FANZ also notes that it is unclear whether the Policy is seeking to manage certain activities ('these activities include the following') or whether it is any activity.</p>
	<p>FANZ seeks the following decision from WRC:</p>	<p>Amend Policy P33 as follows:</p> <p><del>The more than minor</del> <u>Significant adverse effects of the activities listed below</u> on indigenous fish species <del>the species known to be</del> present in any water body identified in Schedule F1 (rivers/lakes) as habitat for indigenous fish species, and Schedule F1b (inanga spawning habitats), particularly at the relevant spawning and migration times identified in Schedule F1a (fish spawning/migration) for those species, shall be avoided.</p> <p><u>All other adverse effects of the activities listed below on indigenous fish species present in any water body identified in Schedule F1 (rivers/lakes) as habitat for indigenous fish species, and Schedule F1b (inanga spawning habitats), particularly at the relevant spawning and migration times identified in Schedule F1a (fish spawning/migration) for those species, shall be avoided, remedied and mitigated.</u></p> <p>These activities <del>include the following</del> <u>are as follows</u>:.....</p> <p>Alternatively:</p>

		<p><del>The more than minor</del> <u>Significant</u> adverse effects of activities on the species known to be present in any water body identified in Schedule F1 (rivers/lakes) as habitat for indigenous fish species, and Schedule F1b (inanga spawning habitats), particularly at the relevant spawning and migration times identified in Schedule F1a (fish spawning/migration) for those species, shall be avoided.</p> <p><u>All other adverse effects of activities on indigenous fish species present in any water body identified in Schedule F1 (rivers/lakes) as habitat for indigenous fish species, and Schedule F1b (inanga spawning habitats), particularly at the relevant spawning and migration times identified in Schedule F1a (fish spawning/migration) for those species, shall be avoided, remedied and mitigated.</u></p> <p><del>These activities include the following:</del>  <del>(a) discharges of contaminants, including sediment, and</del>  <del>(b) disturbance of the bed or banks that would significantly affect spawning habitat at peak times of the year, and</del>  <del>(c) damming, diversion or taking of water which leads to significant loss of flow or which makes the river impassable to migrating indigenous fish.</del></p>
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p> <p>4.5 Biodiversity, aquatic ecosystem health and mahinga kai.</p> <p>Policy P37: Values of wetlands</p>	<p>FANZ submission on this provision is:</p>	<p>FANZ support the provision.</p>
	<p>Reasons for FANZ submission:</p>	<p>FANZ supports the Policy, in particular the recognition of the value of natural wetlands as nutrient attenuators.</p>
	<p>FANZ seeks the following decision from WRC:</p>	<p>Retain Policy P37 as notified.</p>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

	<p>FANZ submission on this provision is:</p>	<p>FANZ seeks to amend the provision</p>
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<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p>	<p>Reasons for FANZ submission:</p>	<p>FANZ considers that the Policy is incomplete as there is no policy framework to manage effects on 'other values' i.e. not significant values of outstanding water bodies. The Policy could also be reworded for clarity.</p>
<p>4.6.1 Outstanding water bodies                  Policy P39: Adverse effects on outstanding water bodies</p>	<p>FANZ seeks the following decision from WRC:</p>	<p>Amend Policy P39 as follows:</p> <p><u>Avoid The any adverse effects of use and development on the significant values of the outstanding water bodies listed in Schedule A and their margins, of use and development on outstanding water bodies and their significant values identified in Schedule A (outstanding water bodies) shall be avoided, and</u></p> <p><u>Avoid, remedy or mitigate adverse effects on all other values that contribute to the water body and its margins being outstanding.</u></p> <p><u>It would also assist if the Regional Council provided the assessment undertaken to identify the outstanding water bodies in Schedule A.</u></p>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p>	<p>FANZ submission on this provision is:</p>	<p>FANZ seeks to amend the provision</p>
<p>4.6.2 Sites with significant indigenous biodiversity value.                   Policy P40: Ecosystems and habitats with significant indigenous biodiversity values.</p>	<p>Reasons for FANZ submission:</p>	<p>Part (b) should be removed as habitats for indigenous birds identified in Schedule F2 (bird habitats) are not identified as 'significant' and should not be subject to same policy framework as significant areas.</p> <p>Schedule 5 lists Habitats with significant indigenous biodiversity values in the coastal marine area. However, the sites are not mapped because their location is unknown (s32 report) but if a site is discovered, it is assumed to have significant indigenous biodiversity values and is required to be protected and restored. The discovery of habitat listed in Schedule 5 should be subject to assessment against the criteria in Policy 23 of the RPS and then be listed in the Plan by way of a plan change before it is subject to protection, as has occurred for all other sites with indigenous biodiversity values. Furthermore, the plan change process will provide for the site to be geographically defined as currently Schedule 5 lists 'habitats' and not 'sites'.</p>



	<p>FANZ seeks the following decision from WRC:</p>	<p>Amend Policy P40 as follows:</p> <p>Protect and restore, <u>where degraded</u>, the following ecosystems and habitats with significant indigenous biodiversity values:</p> <p>(a) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1 (rivers/lakes), and</p> <p><del>(b) the habitats for indigenous birds identified in Schedule F2 (bird habitats), and</del></p> <p>(c) <b>significant natural wetlands</b>, including the <b>significant natural wetlands</b> identified in Schedule F3 (significant wetlands), and</p> <p>(d) the ecosystems and habitat-types with significant indigenous biodiversity values in the coastal marine area identified in Schedule F4 (coastal sites) <del>and Schedule F5 (coastal habitats).</del></p>
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:	FANZ submission on this provision is:	FANZ seeks to amend the provision
<p>4.6.2 Sites with significant indigenous biodiversity value.</p> <p>Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values.</p>	<p>Reasons for FANZ submission:</p>	<p>FANZ expresses the same concerns with the hierarchy of managing effects and offsetting as detailed under Policy 32 and the use of the phrase 'more than minor' effects as discussed under Policy 33. It is also concerned that the Policy is very stringent given the number of rivers and lakes listed in Schedules F1 to F5.</p> <p>FANZ also questions how does Council determine that the ecosystem or habitat cannot be avoided?</p>
	<p>FANZ seeks the following decision from WRC:</p>	<p>Amend Policy P41 as follows:</p> <p>In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, in the first instance activities, other than activities carried out in accordance with a <b>restoration management plan</b>, shall avoid these ecosystems and habitats.</p> <p>If the ecosystem or habitat cannot be avoided, the adverse effects of activities shall be managed by:</p> <p>(a) avoiding <del>more than minor</del> <u>significant</u> adverse effects, and</p> <p>(b) where <del>more than minor</del> <u>significant</u> adverse effects cannot be avoided, <u>remedying or mitigating them,</u> and</p> <p><del>(c) all other effects are to be avoided, remedied or mitigated, and</del></p> <p><del>(e) where more than minor adverse effects cannot be remedied, mitigating them, and</del></p>

		<p>(d) where <b>significant residual adverse effects</b> remain <u>after appropriate avoidance or remediation or mitigation has taken place</u>, it is appropriate to consider the use of <b>biodiversity offsets</b>.</p> <p>Proposals for mitigation and <b>biodiversity offsets</b> will be assessed against the principles listed in Schedule G (biodiversity offsetting). A precautionary risk-based approach shall be used when assessing the potential for adverse effects on ecosystems and habitats with significant indigenous biodiversity values.</p> <p>Where <del>more than minor</del> <u>significant</u> adverse effects on ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40 cannot be avoided, remedied, mitigated or redressed through <b>biodiversity offsets</b>, the activity is inappropriate.</p>
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p> <p>4.6.2 Sites with significant indigenous biodiversity value.</p> <p>Policy P42: Protecting and restoring ecosystems and habitats with significant indigenous biodiversity values.</p>	<p>FANZ submission on this provision is:</p>	<p>FANZ oppose the submission</p>
	<p>Reasons for FANZ submission:</p>	<p>FANZ is concerned with the use of the phrase 'in surrounding areas'. It is unclear if this means 'in close proximity to' or 'adjacent' or if it includes much wider areas. The Policy has the potential to lead to significant constraints on activities beyond ecosystems and habitats with significant indigenous biodiversity values. If buffers are required around ecosystems and habitats with significant indigenous biodiversity values, then this is a matter to be considered under Policy P41.</p> <p>Avoiding the loss of such areas or the provision of corridors between areas through offsetting are matters already provided for under Policy P41.</p>
	<p>FANZ seeks the following decision from WRC:</p>	<p>Delete Policy P42.</p>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

	<p>FANZ submission on this provision is:</p>	<p>FANZ seeks to amend the provision</p>
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<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p> <p>4.8.1 Land and water.</p> <p>Policy P63: Improving water quality for contact recreation and Maori customary use</p>	<p>Reasons for FANZ submission:</p>	<p>The Policy requires amendment to ensure clarity and ease of understanding.</p> <p>Method M27 states ‘Wellington Regional Council will develop and implement a programme to improve water quality for contact recreation and Māori customary use in the first priority fresh and coastal water bodies identified in Schedule H1’.</p> <p>Firstly, it is unclear how the programme will be implemented: will this be by way of introducing specific standards into the Plan through a Plan Change? Secondly the Policy refers to Schedule H2 and the Method refers to Schedule H1. FANZ understands that the water bodies listed in Schedule H1 are taken directly from Table 15, Appendix 1 of the RPS. As noted in the S32 report ‘Of the rivers and lakes identified in Table 15 of the RPS, those with identified uses that involve ‘primary contact’ with water (e.g. swimming, boating, kayaking, canoeing) activities are listed in the proposed Plan in Schedule H1’. The Council has then identified that the same list of water bodies are to be managed for Maori customary use. There is no justification for this and the S32 report clearly focuses on managing water quality for recreational purposes.</p>
	<p>FANZ seeks the following decision from WRC:</p>	<p>Amend Policy P63 as follows:</p> <p>The water quality of water bodies identified as priorities for improvement for contact recreation and <b>Māori customary use</b> in Schedule H2 (priority water bodies) shall be improved to meet, over time and as a minimum, the objectives in Table 3.1, 3.2 and 3.3, including by:</p> <p>(a) improving water quality in all first priority water bodies for secondary contact with water in <del>Schedule H2 (priority water bodies)</del> in accordance with Method M27, and</p> <p>....</p> <p>Amend Method M27 as follows:                  Wellington Regional Council will develop and implement a programme to improve water quality for <b>contact recreation</b> and <b>Māori customary use</b> in the first priority fresh and coastal water bodies identified in Schedule H4<del>2</del>.</p> <p>FANZ also seeks clarification of why the water bodies identified for contact recreation are also being managed for Maori customary use.</p>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  4.8.1 Land and water.  Policy P65: Minimising effects of nutrient discharges	FANZ submission on this provision is:	FANZ seeks to amend the provision
	Reasons for FANZ submission:	FANZ considers that where water quality attributes are identified the word 'manage' is more appropriate than minimise in this instance but supports the use of good management practices. However, the Policy requires minor amendment for clarity as clause (c) refers to 'integrated catchment management within Wellington Regional Council'. FANZ assumes that this is intended to refer to the Wellington Region.
	FANZ seeks the following decision from WRC:	Amend Policy P65 as follows  The effects of nutrient discharges from agricultural activities that may enter water shall be <del>minimised</del> <u>managed</u> through the use of: (a) <b>good management practices</b> , and (b) information gathering, monitoring, assessment and reporting, and (c) <del>integrated catchment management within the Wellington Regional Council and .....</del>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  4.8.1 Land and water.  Policy P66: National Policy Statement for Freshwater Management requirements for discharge consents.	FANZ submission on this provision is:	FANZ support the provision.
	Reasons for FANZ submission:	FANZ supports Policy P66 in so far as it applies until such time as the Whaitua Plan Changes are introduced and then it can be removed. This is consistent with Policy 4 of the NPS for Freshwater Management.
	FANZ seeks the following decision from WRC:	Retain Policy P66 as notified.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  4.8.2 Discharges to water.  Policy P67: Minimising effects of discharges	FANZ submission on this provision is:	FANZ seeks to amend the provision
	Reasons for FANZ submission:	Policy P67 is under the sub-heading 'discharges to water' and therefore this Policy should only refer to discharges to water or discharges to land where it may enter water.  Again, FANZ is concerned with the use of the word 'minimise' and considers that in this instance, the word 'manage' is more appropriate.
	FANZ seeks the following decision from WRC:	Amend Policy P67 as follows:  The adverse effects of discharges of contaminants to land <u>where it may enter water</u> and water will be <del>minimised</del> <u>managed</u> by: (a) avoiding the production of the contaminant, and/or (b) reusing, recovering or recycling the contaminant, and/or (c) minimising the volume or amount of the discharge, and/or (d) using land-based treatment, constructed wetlands or other systems to treat contaminants prior to discharge where appropriate, and (e) irrespective of actions taken in accordance (a) to (d) above, where a discharge is a <b>point source discharge</b> to a river or stream, the discharge achieves the water quality standards in Policy P71 after reasonable mixing.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  4.8.2 Discharges to water.  Policy P69: Human drinking water supplies	FANZ submission on this provision is:	FANZ support the provision.
	Reasons for FANZ submission:	FANZ supports the intent of the Policy to avoid, to the extent practicable, adverse effects on drinking water supplies and to provide guidance on the management of effects that cannot be avoided.
	FANZ seeks the following decision from WRC:	Retain Policy P69 as notified.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

	FANZ submission on this provision is:	FANZ supports the intent of the provision.
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The specific provision of the Proposed Natural Resources Plan that the submission relates to is:	Reasons for FANZ submission:	FANZ supports the overall intent of the Policy but seeks that 'minimised' is amended to refer to 'managed'.
4.8.2 Discharges to water.  Policy P71: Quality of discharges	FANZ seeks the following decision from WRC:	Amend Policy P71 as follows:  The adverse effects of <b>point source discharges</b> to rivers shall be <del>minimised</del> <u>managed</u> by the use of measures that result in the discharge meeting the following water quality standards in the receiving water after the <b>zone of reasonable mixing</b> :....

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:	FANZ submission on this provision is:	FANZ supports the intent of the provision.
4.8.2 Discharges to water.	Reasons for FANZ submission:	FANZ supports the intent of the Policy but seeks that effects are managed given there no defined standards to be met but there is a list of management principles.
Policy P73: Minimising adverse effects of stormwater discharges.	FANZ seeks the following decision from WRC:	Amend Policy P73 as follows:  The adverse effects of <b>stormwater</b> discharges shall be <del>minimised</del> <u>managed</u> , including by:....

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:	FANZ submission on this provision is:	FANZ support the provision.
4.8.6 Contaminated land, hazardous substances and landfill.	Reasons for FANZ submission:	FANZ supports the intent of the Policy to manage the discharge of hazardous substances from contaminated land.
Policy P89: Discharges from contaminated land.	FANZ seeks the following decision from WRC:	Retain Policy P89 as notified.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:	FANZ submission on this provision is:	FANZ seeks to amend the provision
4.8.6 Contaminated land, hazardous substances and landfill.  Policy P90: Discharges of hazardous substances	Reasons for FANZ submission:	FANZ supports the use of Good Management Practices (GMPS), and while acknowledging the flexibility this may provide, the proposed definition of GMPs provides no certainty to land users, with links to a very large number of references without any clarity on which documents will apply. The control of Hazardous Substances is underpinned by the HSNO Act and associated Regulations, providing national consistency.
	FANZ seeks the following decision from WRC:	Amend Policy P90 as follows:  The discharge of a hazardous substance to land (including accidental discharges), fresh water, including groundwater, or coastal water from the use, storage and transport of hazardous substances shall be managed by <u>compliance with the HSNO Act, its associated regulations and where applicable, the use of industry approved good management practices.</u>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:	FANZ submission on this provision is:	FANZ seeks to amend the provision
4.8.8 Discharges to land.  Policy P95: Discharges to land	Reasons for FANZ submission:	FANZ is concerned as a discharge to land will not always eliminate discharges to water because of filtration through soil.  FANZ also seeks amendment to part (d) as it refers to soil infiltrating the discharge. The key is to control it to acceptable levels.
	FANZ seeks the following decision from WRC:	Amend Policy P95 as follows:  The discharge of contaminants to land shall be managed by: (a) ensuring the discharge does not result in more than minor adverse effects to soil health, and (b) avoiding discharges that would create <b>contaminated land</b> , and (c) not exceeding the natural capacity of the soil to treat, use or remove the contaminant, and (d) not exceeding the available capacity of the soil to absorb <del>and infiltrate</del> the discharge, and (e) minimising effects on public health and amenity, and

		(f) <u>ensuring any adverse effects not resulting in a discharge that enters water are avoided, remedied or mitigated.</u>
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  4.8.9 Land use.  Policy P96: Managing land use	FANZ submission on this provision is:	FANZ supports in part the provision.
	Reasons for FANZ submission:	FANZ supports the use of industry agreed good management practice subject to the amendment sought to the definition. However, FANZ seeks an amendment to the Policy to reflect this.
	FANZ seeks the following decision from WRC:	Amend Policy P96 as notified.  Rural land use activities shall be managed using <u>industry agreed good management practice</u> .

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  5.2.2 Water discharges.  Rule R42: Minor discharges-permitted activity	FANZ submission on this provision is:	FANZ support the intent of the provision
	Reasons for FANZ submission:	FANZ notes that the significant wetlands listed in Appendix F3 are not mapped and therefore it is difficult to understand their extent and impact in terms of the rule.
	FANZ seeks the following decision from WRC:	Retain Rule R42 as notified but may need to review once significant wetlands have mapped. Map the significant wetlands listed in Appendix F3.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:	FANZ submission on this provision is:	FANZ support the intent of the provision.
	Reasons for FANZ submission:	FANZ acknowledges the interest of its member companies in this matter.



<p>5.2.2 Water discharges.</p> <p>Rule R48: Stormwater from an individual property - permitted activity.</p> <p>Rule R49: Stormwater to land – permitted activity.</p> <p>Rule R53: All other stormwater – discretionary activity</p>	<p>FANZ seeks the following decision from WRC:</p>	<p>Retain Rules R48, R49 and R53 as notified.</p>
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p> <p>5.2.2 Water discharges.</p> <p>Rule R54: Site investigation – permitted activity</p> <p>Rule R55: Discharges from contaminated land – permitted activity</p> <p>Rule R56 – Discharges from contaminated land – discretionary activity</p>	<p>FANZ submission on this provision is:</p> <p>Reasons for FANZ submission:</p>	<p>FANZ seeks to amend the provisions.</p> <p>For Rule 55(b) (i) it is not clear to FANZ what is intended by reference to New Zealand Drinking Water Standards New Zealand 2005 (revised 2008) with potable water for 90% of species when the drinking water standards apply to human health only.</p> <p>Rule 55 (b)(ii) refers to ANZECC Guidelines for Fresh and Marine Water Quality (2000) for the protection of 95% of species. If it is intended that the 95 % protection levels apply to the values for the contaminants listed in Table 3.4.1, ‘Trigger values for toxicants at alternative levels of protection’, (page3.4-5), then for clarity, this should be clearly stated.</p> <p>It is noted the guidelines to the ANZECC standards are a trigger values for investigation and as such do not necessarily represent an appropriate or necessary limit.</p> <p>For example, the Greater Wellington Regional Council Annual data report, 2013/14 for Groundwater Quality, State of the Environment monitoring programme; states that “Median nitrate concentrations were low (&lt;3mg /L) in most of the 68 bores monitored during 2013/14. Ten of 68 (14.7%) bores had elevated (3-7 mg/L)”. The document also describes nitrate levels at 2.4 mg /L as very low, however, Table 3.4.1 from the ANZECC guideline requires nitrate levels at just 0.7 mg/L as a trigger for investigation.</p>
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		FANZ is concerned that Rule 55 represents an inappropriate application of ANZEEC guideline values.
	FANZ seeks the following decision from WRC:	Retain Rules R54 and R56 as notified.  Delete Rule 55 (b) (ii) and further review acceptable limits which should apply.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  5.2.8 All other discharges  Rule R67: Discharges inside sites of significant – non-complying activity  Rule R68: All other discharges – discretionary activity	FANZ submission on this provision is:	FANZ supports the intent of the provision.
	Reasons for FANZ submission:	FANZ supports Rule R67 which provides for discharges into a site or habitat identified in Schedule A (outstanding water bodies), Schedule F1 (rivers/lakes), Schedule F3 (significant wetland), or Schedule F4 (coastal sites) that also do not meet Rules R42, R43, R44 or R45 as non-complying activities.  It is therefore FANZ’s understanding that discharges into a site or habitat identified in Schedule A (outstanding water bodies), Schedule F1 (rivers/lakes), Schedule F3 (significant wetland), or Schedule F4 (coastal sites) that do meet Rules R42, R43, R44 or R45 are provided for as permitted activities.  Discharges outside of these sites or habitats that do not meet Rules R42, R43, R44, or R45 or are not provided for by any other rule in the plan are provided for as discretionary activities under Rule R68.
	FANZ seeks the following decision from WRC:	Retain Rules R67 and R68 as notified.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

	FANZ submission on this provision is:	FANZ seek to amend the provisions.
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<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p> <p>5.2.4 Contaminated land and hazardous substances                  Rule R57: Discharge of hazardous substances –non-complying activity.</p> <p>5.3.6 Fertilisers and animal effluent</p> <p>Rule R82: Application of fertiliser from ground-based or aerial applications – permitted activity</p> <p>Rule R92: All discharges to land within community drinking water supply protection areas – restricted discretionary activity.</p> <p>Rule R93: All other discharges to land – discretionary activity</p>	<p>Reasons for FANZ submission:</p>	<p>Fertilisers are captured as a hazardous substances under the HSNO Act and HSNO Fertiliser Group Standards apply.</p> <p>The Plan states that if an activity is covered by more than one rule, the rule that applies is the rule that is more specific for the relevant, area and resource. Therefore FANZ assumes that Rule R82 is the only rule applicable to the application of fertilisers and that Rules R57 and R92 will not apply and on this basis the provisions are supported.</p> <p>FANZ seeks amendments to Rule R82 to improve its application as wind drift introduces an argument about the degree of material crossing boundaries. Despite the product being generally delivered within the property boundary, it is almost impossible to prevent a small amount of very fine particle drifting on a light breeze for quite some distance.</p> <p>Therefore, the rule should also refer to the ‘direct’ application of fertiliser onto surface water bodies. Alternatively, the rule could be split into two rules: one managing ground-based applications and one managing aerial based applications, given that different effects will arise from each type of application.</p> <p>It is understood that non-compliance with Rule R82 is a discretionary activity under Rule R93. However, FANZ considers that non-compliance with Rule R82 should be provided for as a restricted discretionary activity.</p>
	<p>FANZ seeks the following decision from WRC:</p>	<p>Retain Rules R57, R92 and R93 as notified.</p> <p>Amend Rule R82 as follows:                  Rule R82: Application of fertiliser from ground-based or aerial applications – permitted activity.                  The discharge of <b>fertiliser</b> onto or into land or into air is a permitted activity, provided the following conditions are met:                  (a) the discharge is not <u>directly</u> onto or into a <b>surface water body</b> or beyond the boundary of the <b>property</b> <del>including as a result of wind drift</del>, and...</p> <p>Introduce a new rule as follows:</p> <p><u>Rule R94 - Application of fertiliser from ground-based or aerial applications – restricted discretionary activity</u></p>

		<p><u>The discharge of contaminant from ground-based or aerial applications that does not meet the conditions of Rule R82 is a restricted discretionary activity.</u></p> <p><u>Discretion is restricted to the following matters:</u>  <u>The effects of discharge of fertiliser directly onto or into a surface water body.</u>  <u>The nature, effect and duration of any objectionable odour.</u></p> <p>Or similar.</p>
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p> <p>5.2.4 Contaminated land and hazardous substances</p> <p>Rule R85: Application of compost to land – permitted activity.</p> <p>Rule R86 – Application of compost to land – restricted discretionary activity.</p>	<p>FANZ submission on this provision is:</p>	<p>FANZ seek to amend the provisions</p>
	<p>Reasons for FANZ submission:</p>	<p>The RMA is an effects based statute and FANZ is opposed to controls on inputs, favouring controls on the losses which give rise to the effects. The output base approach provides for innovation and flexibility in farming systems, while addressing the effects of activities.</p>
	<p>FANZ seeks the following decision from WRC:</p>	<p>Amend Rule R85 as follows:</p> <p>The discharge of <b>compost</b> onto or into land, and the associated discharge of odour, is a permitted activity provided the following conditions are met:</p> <p>(a) the discharge is not located within 5m of a <b>surface water body</b>, coastal marine area, or <b>bore</b> used for water abstraction for potable supply, and</p> <p>(b) the discharge shall not pond on the surface of the ground or run off from the discharge area, and</p> <p><del>(c) nitrogen loading on the discharge area from all sources is less than 150kg N/ha/year, and</del></p> <p>Amend Rule R86 as follows:</p> <p>The application of <b>compost</b> onto or into land and the associated discharge of odour into air that is not permitted by Rule R85 is a restricted discretionary activity.</p> <p><i>Matters for discretion</i></p>

		<p>1. Set-back distances from any <b>surface water body</b>, coastal marine area, or <b>bore</b> used for water abstraction for potable supply</p> <p>2. Discharges to water-logged or flooded land</p> <p><del>3. Nitrogen loading rates</del></p> <p>4. Discharge of odour</p>
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p> <p>6.4.4 Improving water quality</p> <p>Method M10: Water quality investigations and remediation actions</p>	<p>FANZ submission on this provision is:</p>	<p>FANZ seeks to amend the provision.</p>
	<p>Reasons for FANZ submission:</p>	<p>FANZ supports the method as it provides understanding of sources of nitrates and this knowledge can be used to address issues and refine rules. However, FANZ considers that the method should include engagement with community and industry groups.</p>
	<p>FANZ seeks the following decision from WRC:</p>	<p>Amend Method M10 as follows:</p> <p>Wellington Regional Council will further investigate effects, establish or confirm causality, and develop appropriate remediation and/or containment programmes <u>and engage with industry and community groups</u> to address water quality issues in the catchments and/or groundwater zones for the following priority areas:</p>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that the submission relates to is:</p> <p>6.5 Rural land use</p> <p>Method M12: Sustainable land management practices</p>	<p>FANZ submission on this provision is:</p>	<p>FANZ seeks to amend the provision.</p>
	<p>Reasons for FANZ submission:</p>	<p>FANZ finds Method M12 confusing as it states that the Council will work with landowners to identify Category 2 surface water bodies but Map 29 identifies Lowland areas for Category 2 surface water bodies. This includes a significant part of Raumahanga catchment, Wairarapa, Hutt Valley and Kapiti.</p>
	<p>FANZ seeks the following decision from WRC:</p>	<p>Amend Method M12 as follows:</p> <p>Wellington Regional Council will encourage sustainable rural land management by:</p> <p>(a) providing research, advice and promoting good management practices, developed in partnership with landowners and rural industries, and</p> <p>(b) working in partnership with affected landowners to <u>help them</u> identify Category 1 surface water bodies and Category 2 surface water bodies, and</p>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  6.15 Good management practice  Method M28: Development of good management practice guidelines.	FANZ submission on this provision is:	FANZ seeks to amend the provision
	Reasons for FANZ submission:	FANZ supports the use of good management practice (GMP) and assumes that guidelines, procedures and tools that will implement the policies which rely on GMP will sit outside of the Proposed Plan. Otherwise variations and plan changes will need to be undertaken to introduce GMP and associated tools into the Plan.  FANZ seeks a minor amendment to the Method to refer to sustainable management to reflect the purpose of the RMA.
	FANZ seeks the following decision from WRC:	Amend Method M28 as follows:  Wellington Regional Council will continue to develop practices, procedures and use of tools in collaboration with industry, other relevant organisations and stakeholders to support the implementation of policies which rely on <b>good management practice</b> to achieve desired <u>environmental sustainable management</u> outcomes.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  Schedule F: Ecosystems and habitats with significant indigenous biodiversity values.	FANZ submission on this provision is:	FANZ oppose the provision
	Reasons for FANZ submission:	FANZ is concerned about the number and extent of the streams, rivers and lakes included in Appendix F and the implications of this on land use activities. The rules generally apply a more stringent regime to activities on sites listed in Schedule F and this increases the costs of compliance for landowners.  FANZ understands from the s32 report that Schedule F1 is based on Table 16 (Rivers and lakes with significant indigenous ecosystems) in the RPS and was updated for the Proposed Plan by Perrie <i>et al.</i> (2014) <i>using the best current available information and current NZ threat classification rankings to produce Schedule F1 in the proposed Plan.</i> Perrie <i>et al.</i> (2014) also documents the methodology for producing Schedules F1a (spawning and migration calendar), F1b (inanga spawning), and F1c (significant lakes). Confusingly, the s32 report also states that 'the indigenous biodiversity

		component of this report is concerned with the protection of ecosystems and habitats identified using the criteria in RPS Policy 23'.
	FANZ seeks the following decision from WRC:	<p>FANZ seeks that the Council acknowledge its concern with the streams, rivers and lakes listed in Schedule F1 that are additional to those in Table 16 in the RPS.</p> <p>FANZ also seeks that the pre-ambule to Schedule F be reworded to ensure consistency with the RPS:</p> <p><u>Ecosystems and habitats with significant indigenous biodiversity values are those that meet have been assessed against the criteria set down in Policy 23 of the Regional Policy Statement for representativeness, rarity, diversity, and ecological context; and where GWRC has engaged directly with landowners to identify areas, undertake field evaluations and assess significance in accordance with Policy 23 and Method 32 of the Regional Policy Statement.</u></p> <p>FANZ suggests that the Council restructure Schedule F1 to locate relevant sites and maps in the whitua chapters.</p>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  Schedule F3: Identified significant natural wetlands	FANZ submission on this provision is:	FANZ opposes the provision
	Reasons for FANZ submission:	<p>FANZ is concerned that it is unclear what criteria was used to identify the significant natural wetlands listed in Schedule F3.</p> <p>FANZ understands that a desk top study of 292 wetlands was undertaken in 2010 by Boffa Miskell and this was followed up by field surveys in selected wetlands: 25 wetlands around Wairarapa Moana plus 42 others were surveyed by Wildlands Consultants, who assessed all surveyed sites as significant.</p> <p>At this point, WRC apparently determined that the rest were probably significant too as no further explanation or rationale for the balance of the 197 wetlands is provided.</p>

	FANZ seeks the following decision from WRC:	FANZ seeks that the Council provide the criteria used to identify the wetlands as outstanding.
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The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that the submission relates to is:  Schedule F3: Identified significant natural wetlands	FANZ submission on this provision is:	FANZ opposes the provision
	Reasons for FANZ submission:	FANZ notes that Schedule I (trout habitat) also includes rivers listed in Schedule F1 (rivers/lakes) as habitat for indigenous fish species, which highlights the need to balance protection of trout with the need to protect indigenous species, given the threat presented to indigenous species by introduced species.
	FANZ seeks the following decision from WRC:	FANZ seeks that consideration is given to the potential conflict between Schedule F1 and Schedule I.



The Fertiliser Association of New Zealand wishes to be heard in support of its submissions and if others make a similar submission FANZ would be prepared to consider presenting a joint case with them at any hearing.



**Signature**

Claire Kelly, for and on behalf of The Fertiliser Association of New Zealand

**Date**

23<sup>rd</sup> October 2015

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