

PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 WAIKATO AND WAIPĀ RIVER CATCHMENTS



Submission form on publicly notified – Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments.

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FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

SubForm	PC12016	COVER SHEET	
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		Submission Number	
Entered		Initials	
File Ref		Sheet 1 of	

SUBMISSIONS CAN BE

Mailed to	Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
Delivered to	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
Faxed to	(07) 859 0998 <i>Please Note: if you fax your submission, please post or deliver a copy to one of the above addresses</i>
Emailed to	healthyivers@waikatoregion.govt.nz <i>Please Note: Submissions received by email must contain full contact details.</i>
Online at	www.waikatoregion.govt.nz/healthyivers

We need to receive your submission by 5pm, 8 March 2017.

YOUR NAME AND CONTACT DETAILS

Full name: Rotorua Lakes Council

Full address: 1061 Haupapa Street, Rotorua 3046

Email: chris.dillon@rotorualc.nz

Phone: 073518051 Fax: _____

ADDRESS FOR SERVICE OF SUBMITTER

Full name: As above

Address for service of person making submission: _____

Email: _____

Phone: _____ Fax: _____

TRADE COMPETITION AND ADVERSE EFFECTS

- I could / could not gain an advantage in trade competition through this submission.
- I am / am not directly affected by an effect of the subject matter of the submission that:
- adversely effects the environment, and
 - does not relate to the trade competition or the effects of trade competition.

Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 1 THAT MY SUBMISSION RELATES TO

Please state the provision, map or page number e.g. Objective 4 or Rule 3.11.5.1 (Continue on separate sheet(s) if necessary).

See attached

I SUPPORT OR OPPOSE THE ABOVE PROVISION/S

(Select as appropriate and continue on separate sheet(s) if necessary).

- Support the above provisions
- Support the above provision with amendments
- Oppose the above provisions

MY SUBMISSION IS THAT

Tell us the reasons why you support or oppose or wish to have the specific provisions amended. (Please continue on separate sheet(s) if necessary).

See attached

I SEEK THE FOLLOWING DECISION BY COUNCIL

(Select as appropriate and continue on separate sheet(s) if necessary).

- Accept the above provision
- Accept the above provision with amendments as outlined
- Decline the above provision
- If not declined, then amend the above provision as outlined

ADDITIONAL SHEET TO ASSIST IN MAKING A SUBMISSION

Section number of the Plan Change:

Do you support or oppose the provision?

Support

Oppose

Submission

Decision Sought

State in summary the nature of your submission and the reasons for it.

State clearly the decision and/or suggested changes you want Council to make on the provision.

Section number of the Plan Change:

Do you support or oppose the provision?

Support

Oppose

Submission

Decision Sought

State in summary the nature of your submission and the reasons for it.

State clearly the decision and/or suggested changes you want Council to make on the provision.

PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION

- I wish to speak at the hearing in support of my submissions.
 I do not wish to speak at the hearing in support of my submissions.

JOINT SUBMISSIONS

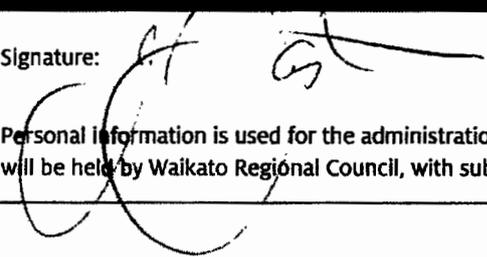
- If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW

- Yes, I have attached extra sheets. No, I have not attached extra sheets.

SIGNATURE OF SUBMITTER

Signature:



Date:

Personal information is used for the administration of the submission process and will be made public. All information collected will be held by Waikato Regional Council, with submitters having the right to access and correct personal information.

PLEASE CHECK that you have provided all of the information requested and if you are having trouble filling out this form, phone Waikato Regional Council on 0800 800 401 for help.

Waikato Regional Plan Change No. 1 - Waikato and Waipā River Catchments

Healthy Rivers Plan Change Submission

Submission by Rotorua Lakes Council

Introduction

1. Rotorua Lakes Council (RLC) welcomes the opportunity to submit on this important plan change (PC1) and acknowledges the significant work carried out as part of its preparation.
2. That part of Rotorua District affected by PC1 encompasses most of the southern half of the District and comprises the bulk of the District's agricultural land. There are significant tracts of dairy and drystock farming centred around Reporoa, Broadlands and Ngakuru that will be impacted by PC10, as will as -yet relatively untapped areas of scrub and plantation forest to the east of Reporoa that may be converted over to more intensive farming. Much of the land still held in plantation forest is Maori- owned land, only relatively recently returned to iwi as part of the Treaty of Waitangi settlement process. For various reasons more intensive development returning higher value from this land has only partially begun (see attached Map: "Waikato Regional Plan Change 1").
3. RLC is currently preparing a new Spatial Plan for the District, which will be a blueprint for the District's development out to 2050. The Spatial Plan will set general principles and directions for development of the District, including determination of areas where urban development will be established or intensified, additional areas to be protected, and areas where economic activity will be prioritised. Without prejudicing the outcomes of the as-yet unfinished process, it is possible that a final spatial plan will focus on consolidating agricultural activity in the part of the District that is covered by PC1. It is also possible that some further residential and industrial development may be sought around Reporoa.

Submission

4. At the outset RLC states its support for the general intention of the Plan Change. For some time RLC has been focused on improving the water quality in the District and has been closely collaborating with the Bay of Plenty Regional Council (BoPRC) on dealing with the health of the District's lakes. That collaboration is culminating in Plan Change 10 (PC10) to the Bay of Plenty Regional Water and Land Plan which is about to proceed to hearings. Likewise RLC agrees with the thrust of PC10, but departs somewhat on the mechanisms to achieve overall objectives. That dissent should not be taken as obstructive to the process but more one that aspires to achieve more workable and equitable provisions that will better achieve the goals of the plan change.
5. RLC maintains that same approach with PC1. RLC considers there are several matters that could be improved that will more effectively achieve the goals of PC1 and better assist in implementing the Vision and Strategy for Waikato River. To that end and to ensure consistency with RLC's stance on PC10 this submission focuses on the following areas:
 1. Natural Capital Approach
 2. Equity
 3. Allowance for urban growth

6. The discussion on these areas provides the background to RLC's detailed submission points which form the second part of the RLC submission.

Natural Capital Approach

7. RLC advocates for a Natural Capital Approach (NCA) to nitrogen reduction. The NCA is not linked to current land use, rather it is tied to the underlying land resource, and the ability of the land to limit Nitrogen leaching through the biophysical potential of the natural capital of the soil. Some of the advantages of the NCA are:

- It recognises the differences between and within catchments to limit Nitrogen leaching depending on the types of soil present in those catchments. The PC1 approach is a rather blunt 'one size fits all' mechanism, whereas NCA allows Nitrogen rates to be adjusted to the inherent ability of the land to limit leaching. There are large areas of higher quality Land Use Class (LUC) soils present in the southern part of Rotorua District that are considered to tolerate greater levels of nitrogen because the characteristics of those soils are such that limit the leaching of Nitrogen.
- Treats farms with same resources in the same manner, regardless of current use, and disadvantages high input, highly productive farms with little inherent natural capital. This can be contrasted with the proposed approach of allocating based on existing conditions which reinforces existing inefficiencies.
- It is acknowledged there would be significant short term disruption as more productive, higher N producing activities migrated to those areas containing higher quality LUC soils better suited to limiting N leaching. However this would be more than offset by the longer term economic and environmental benefits as the most efficient and sustainable economic and environmental land uses are established. The transition to a NCA is considered to be a more sustainable, balanced outcome and one which aligns more comfortably with the 80 year time horizon of the plan change's goals. The imposition of a Nitrogen Reference Point will result in some relatively quick wins but longer term over the 80 year lifespan of PC1's goals will falter when compared with the NCA which will result in more durable longer term benefits.

8. The NCA has been endorsed by the Environment Court in its decision on Day v Manawatu – Wanganui Regional Council¹ in relation to the Proposed One Plan where it stated:

"N leaching loss limits should be weighted towards those soils with the greatest natural capital...The LUC natural capital approach is also portable beyond the priority catchments and sends important messages (it does not reward the biggest polluters, does not penalise conservative behaviour and does not disadvantage owners of undeveloped land) and timely signals (eg establishes targets for mitigation practice and to find a threshold above which the capital investment in increasing production must be extended to mitigation technologies, including significant modifications to farm design."

9. Various amendments are proposed with RLC's detailed submission points that give effect to the concern expressed above. Amendments are also proposed that provide greater recognition of sub-catchment planning. RLC considers sub-catchment planning is an important mechanism that recognises the variability within catchments for the attenuation of contaminants, and is a vehicle to help effect the transition to setting nitrogen reference

¹ Day v Manawatu-Wanganui Regional Council[2012] NZEnvC 182

points based on the land's inherent natural ability to limit leaching, derived partly from the land's LUC class which can vary within a sub-catchment.

Equity

10. Alluded to above is the inequity of the proposed approach of PC1. By setting a baseline Nitrogen reference point it rewards existing operations and penalises future, and particularly disadvantages Maori landowners.
11. Future operations are penalised because they have not yet established, rewarding those already established simply because they were some of the first cabs off the rank. The inequity is pronounced on those soils which, for whatever reasons, have not been fully developed and remain untapped but due to their characteristics have significant ability to limit N loss. Moreover Maori landowners stand to sustain a disproportionate impact because in some cases they have only just had land returned to them as part of a Treaty settlement, and therefore are only just mobilising to derive a greater economic return, essential to the future wellbeing of their people.
12. Some of the negative consequences of this inequitable approach are:
 - Effectively a cap is placed on rural production and development by locking farms into their current production levels
 - Potentially better, more sustainable farm business growth is neutralised
 - Maori landowners are not able to adequately provide for the economic wellbeing of their communities
 - Future generations are unfairly penalised when better options are available that could mitigate adverse effects both present and into the future.
13. The unfairness of the approach is in large part also embodied by the proposed non-complying status of conversion of land use from lower to potentially higher contaminant loss. Given the potential disadvantage to Maori landowners (notwithstanding the allowance under Policy 16) and those existing operations that are as yet not fully intensified or developed; it is considered much more reasonable to apply only discretionary activity status (this is pursued in the detailed submissions section).

Allowance for Urban Growth

14. Recently revised data by Statistics New Zealand confirm that RLC is recording significant new growth, and projects that growth to continue, to the extent that the District's main urban area may now be considered a medium growth urban area under the National Policy Statement on Urban Development Capacity². As noted above RLC is preparing a Spatial Plan for the District. While incomplete some inference is possible from the analysis so far. In light of the recent uptake in growth it is possible that the Spatial Plan may seek to make provision for additional urban development (residential and industrial) in the southern part of the district affected by PC1. Existing urban development in the area is minimal but expanded development may be desirable as a means of better distribution of population around the district, increased populations supporting better quality services for residents, and greater provision for industry that broadens the district's overall economic base. Such growth will generate more urban stormwater and more wastewater to be treated and discharged into the Waikato River catchment, with consequent changes to the contaminant loads. RLC is

² Understood to be confirmed by Statistics later in 2017 once its revisions of urban area population projections is complete (as opposed to Territorial Authority population projections)

concerned that the lack of recognition in PC1 for such growth could result in an effective cap on urban development in the southern part of the District.

15. RLC is facing a similar challenge in respect of PC10 to the Bay of Plenty Regional Water and Land Plan. RLC has made strong submissions on PC10 for greater investigation of the effect of nitrogen reduction requirements on urban development to avoid potential growth of the District's main urban areas being thwarted. RLC submits that PC1's Nitrogen Reference Point approach excludes from consideration the wider district and land use activities that are occurring such as tourism, industrial and residential activities which also impact discharges, albeit primarily through RLC's Waste Water Treatment Plant (WWTP) discharges. As one of the most effective instruments for removing Nitrogen, the WWTP and other community treatment schemes deserve to be better recognised as part of the solution for those catchments where extended urban development is possible in the future. Expanded or new urban development can be an effective mechanism to reduce overall nitrogen levels to offset depending on density, design and whether the development is tank fed.

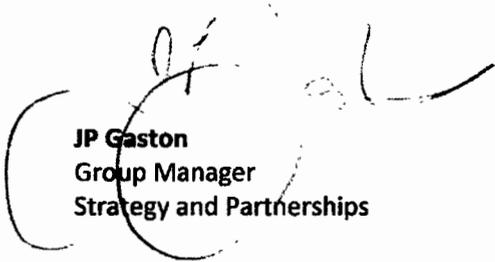
Detailed relief

16. The detail of the relief sought by RLC is set out in the table of detailed submission points. In addition to this specific relief RLC seeks any other similar, alternative or consequential relief which will address the reasons for the submission outlined above.

Further information

17. Should WRC wish to discuss the points raised by RLC, please contact Chris Dillon on (07)351 8051 or email chris.dillon@rotorualc.nz in the first instance.

Yours faithfully



JP Gaston
Group Manager
Strategy and Partnerships

Detailed Submission Points

Section Number of Plan Change	Support/Oppose	Submission	Decision Sought
3.11 Background and explanation	Oppose in part	<p>RLC requests the following paragraph be amended:</p> <p><i>“Municipal and industrial point source dischargers will also be required to revise their discharges in light of the vision and strategy and water quality objectives, and sub catchment limits and targets that have been set. This will happen as the current consent terms expire”.</i></p> <p>Greater recognition should be made for:</p> <ul style="list-style-type: none"> • the considerable investment already made by local authorities in upgrading their waste infrastructure • improvements in technology that have not yet eventuated • diminishing returns from treatment plant upgrades. As time goes on returns on investment in upgrades tend to diminish to the point that costs can become unrealistic for minimal incremental improvements. To avoid over capitalisation of infrastructure there should be acknowledgement there will be a point beyond which further infrastructural upgrades are suspended in favour of allocation elsewhere where a greater return on investment can be derived. <p>The policy framework introduced by PC1 includes provisions for staging, application of best practicable option and off-setting.</p>	<p>Amend the paragraph as follows:</p> <p><i>“Municipal and industrial point source dischargers will also be required to revise their discharges in light of the vision and strategy and water quality objectives, and sub catchment limits and targets that have been set. This <u>These new requirements will apply will happen as the current consent terms expire</u>”. <u>It may take further time, over the 80 year period for the targets specified in Table 3.11-1 to be achieved. Setting new requirements will take into account:</u></i></p> <ul style="list-style-type: none"> • <u>Investment in infrastructure already made</u> • <u>the net benefit from additional investment</u> • <u>Alternative methods for contaminant reduction</u>
3.11.2 Objectives 1 and 2 Page 27	Support	This submission supports Objectives 1 and 2 as they encapsulate the overall purpose of the Plan Change which is supported.	Retain Objectives 1 and 2.
3.11.2 Objective 4 Page 27	Support with amendments	Current wording is ambiguous, could be streamlined and made more specific.	Amend wording of objective to: <i><u>A staged approach to changing the management of discharges of contaminants that enables people and communities to provide for their social, cultural and economic wellbeing for the period to 2026, while:</u></i>

			<ul style="list-style-type: none"> • <u>Restoring the values and uses for the Waikato and Waipa Rivers;</u> • <u>Taking actions to achieve the attribute targets for the Waikato and Waipa Rivers in Table 3.11-1; and</u> • <u>Recognising that further reductions will be required by subsequent regional plans</u>
3.11.3 New policy	Support	<p>Allowance should be made within PC1 for the establishment of new and intensification of existing urban development, in order for communities to provide for their social, economic and cultural wellbeing.</p> <p>Further, there needs to be acknowledgement that urban development and associated development and improvement of waste water infrastructure can be an effective method of removing contaminants, compared to other uses of the land.</p>	<p>Add a new policy as follows:</p> <p><u>Policy X: New and intensified urban development</u></p> <p><u>Allow urbanisation of land that gives effect to the Waikato Regional Policy Statement and Territorial Authority Spatial Plans which will result in increased volumes of stormwater and treated wastewater and may result in increased discharge of contaminants.</u></p> <p><u>It is also recognised that given improvements in waste water treatment technology and urban design, urban development can and will over the coming years become more effective at removing contaminants relative to other land uses.</u></p>
3.11.3 New policy	Support	<p>Different land uses have different contaminant discharge profiles. Some contaminants discharged from a particular land use may be higher, while other contaminants may be lower from a different land use.</p> <p>Further discharge consent applications should consider the net effects of changes in the discharge of contaminants resulting from land use change, and not just the effect of the discharge of contaminants from the new activity being consented.</p> <p>For example the net effect of a conversion of rural to urban use may be an overall reduction in contaminants as a result of more effective waste water treatment and improved urban design, therefore commending such</p>	<p>Add a new policy as follows:</p> <p><u>Policy X: Consideration of the effects of land use change on discharges</u></p> <p><u>When considering a consent application to discharge contaminants from a proposed change in land use, take into account any changes in contaminant load and profile, alongside the contaminants associated with the new activity for which consent is being sought.</u></p>

		a change in land use.	
3.11.3 Policy 2 Tailored approach to establishing the Nitrogen Reference Point	Oppose in part	<p>The establishment of a Nitrogen Reference Point is a blunt instrument and does not take into account the unique characteristics - the natural capital, of the land.</p> <p>It is suggested a more finely tuned, effective and sustainable way to set the nitrogen limits for farming enterprises would be one that reflects the natural ability of the land to limit leaching, based on its Land Use Capability class.</p>	<p>Amend Policy 2 (c) as follows: <u>Establishment of a nitrogen reference point for the property or enterprise based on the natural ability of the land to limit leaching of contaminants, which is inter alia imparted by the land's LUC class</u></p>
3.11.3 Policy 6 Restricting Land Use Change Page 32	Oppose in part	<p>Policy 6 appears to be aimed at rural land use change, as set out in Rule 3.11.5.7, but is written in such a way that it inadvertently applies to all land use change, including urban land use change. In that respect it is potentially inconsistent with Policies 10, 11 and 12 and RLC's proposed policy on urban development as discussed above which recognise the significance of urban infrastructure and discharges and acknowledges that such discharges could increase.</p>	<p>Amend Policy 6 so that the first sentence reads as follows:</p> <p><i>'Except as provided for in Policies X, 10, 11, 12 and 16, land use change consent applications that demonstrate an increase in the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens, will generally not be granted'.</i></p>
3.11.3 Policy 7 Preparing for allocation in the future	Support in part	<p>Recognition of the ability of the natural capital of the land to attenuate contaminant leaching within this policy is welcomed, however should be made more explicit.</p>	<p>Amend policy 7 as follows: <u>Any future allocation should consider the following principles:</u> <u>(a) Land suitability which reflects the natural capacity of the land based on its LUC class to attenuate contaminant loss, other biophysical and climate properties, the risk of contaminant discharges from that land..."</u></p>
3.11.3 Policy 10 Point source discharges of regional significance	Oppose in part	<p>Consistent with the approach advocated elsewhere throughout this submission greater recognition and allowance needs to be made for the possibility of expanded and intensified urban development within the catchment of the Waikato River, that gives effect to the Waikato Regional Policy Statement and Territorial Authority Spatial Plans.</p>	<p>Amend the policy by inserting the following sub clause: <u>c. Continued operation of regionally significant infrastructure associated with the provision of municipal water supply, wastewater and stormwater services, including where needed in response to urban development growth that gives effect to the Waikato Regional Policy Statement and Territorial Authority Spatial Plans.</u></p>

<p>3.11.3 Policy 11 Best practicable Option and mitigation or offset of effects to point source discharges</p>	<p>Support in part</p>	<p>RLC supports a requirement that the best practicable option be adopted in the management of point source discharges. To improve the workability of this policy some amendments are proposed, particularly around the removal of the requirement that offset measure apply to the same contaminant.</p> <p>Rather than confining consideration to managing the effects of the same contaminant, it would be preferable to be able to offset residual adverse effects of that contaminant by proposing one or more offset measures that would result in net improvement in water quality.</p> <p>This is preferable because it would provide the discharger with greater flexibility and greater innovation, and potentially a better overall net environmental outcome.</p>	<p>Removal of the following sub clause: b. Offset measure is for the same contaminant</p> <p>Addition of the text below to follow the policy:</p> <p><u><i>The purpose of any offset measure shall be to ensure a net improvement in water quality in the specified sub-catchment or Freshwater Management Unit that exceeds the residual adverse effects of allowing the primary discharge.</i></u></p>
<p>3.11.3 Policy 12 Additional considerations for point source discharges in relation water quality targets</p>	<p>Support</p>	<p>Particular support for (d) in relation to reference to diminishing returns on investment in treatment plant upgrades.</p>	<p>Retain</p>
<p>3.11.3 Policy 16 Flexibility for land returned under Te Tiriti o Waitangi settlements and multiple owned Maori land</p>	<p>Support in part</p>	<p>This policy recognises the particular vulnerability of Maori to new proposed rule 3.11.5.7, and goes some way in addressing the concerns expressed earlier under the heading 'Equity'.</p> <p>To reinforce a stronger balance within the assessment of applications under this or a similar rule between contaminant reduction and providing for the economic, social and cultural wellbeing of Maori, amended wording is proposed.</p>	<p><i>For the purposes of considering land use change applications under Rule 3.11.5.7, land use change that enables the development of tangata whenua ancestral lands shall be managed in a way that recognises and provides for <u>(in increasing order of priority)</u>:...</i></p>
<p>Implementation Method 3.11.4.5 Sub-catchment scale planning Page 27</p>	<p>Oppose in part</p>	<p>Sub-catchment management plans are an opportunity to lead the community towards achievement of the objectives of PC1, potentially reducing the emphasis on individual property regulation and helping effect the transition to natural capital based limits. Given their importance the wording of this method should be strengthened.</p>	<p>Amend Method 3.11.4.5 to include:</p> <ul style="list-style-type: none"> • <u>Making development of sub-catchment plans a high priority implementation item.</u> • <u>Working closely with territorial authorities in development of sub-catchment plans</u> • <u>Promoting sub-catchment plans that deliver</u>

			<u>broader benefits than individual property compliance.</u>
3.11.4.6 Funding and Implementation Page 37	Oppose in part	<p>Plan Change 1 has wide ranging implications for land use, particularly rural land use within the catchments. The compliance and administration costs are high. More specific details are needed on support and implementation to ensure the affected communities adjust to the new regime efficiently and effectively. Local authorities, with their responsibilities for land use and environmental management are key partners in ensuring the provisions are worked out effectively. The Plan Change 1 provisions are new and untested in the Waikato and many of the cost burdens of implementation and compliance will fall on individual rural landholders rather than being spread across the wider regional community. Therefore it is important that additional effort is made to communicate and educate people about the long term purpose of the policies. Information needs to be shared between the regional council and territorial authorities to ensure affected landowners are well informed, as territorial authorities are usually the principal source of property information for land users and property and business purchasers. Consideration should be given to placing relevant PC1 information on LIM reports.</p>	<p>Add the following to 3.11.4.6:</p> <p><u>'c. Provide sufficient staff and financial resources to work with local authorities within the catchments to ensure consistent and coordinated information and implementation is available to landowners and community engagement is undertaken to ensure the purposes are well understood by the community.</u></p> <p><u>d. Investigate methods of providing PC1 information on LIM reports.</u></p> <p><u>e. Work with local authorities and stakeholders within the catchments to prioritise, develop and implement sub-catchment plans'.</u></p>
3.11.4.9 Managing the effects of urban development	Oppose in part	<p>Consistent with the approach advocated elsewhere in this submission more explicit mention needs to be made of the potential for urban development to:</p> <ul style="list-style-type: none"> • Add to the contaminant load • Change the contaminant profile • Reduce contaminants through better treatment at waste water treatment plants and urban design <p>Restrictions on urban development through PC1 have the potential if not managed correctly to conflict with other statutory and non-statutory policy instruments such as the Waikato Regional Policy Statement and Territorial Authority Spatial Plans.</p> <p>Changes are therefore proposed that better balance the need to reduce contaminants and the impact urban development can have on contaminant load and profile.</p>	<p>Amend wording as follows:</p> <p>a. Continue to work with territorial authorities to implement the Waikato Regional Policy Statement set of principles <u>and territorial authority spatial plans</u> that guide future development of the built environment which anticipates and addresses cumulative effects over the long term.</p> <p><u>This work should also recognise the ability of urban development in certain circumstances to result in a net overall improvement in contaminant load, and or profile.</u></p>

3.11.5 Rules	Oppose in part	The rules include dates by which certain actions are required, including property registration, preparation of FEPs and calculation of NRPs. Given the likely 2-3 year time frame to complete the RMA Schedule 1 process for PC1, the dates are unrealistic and should be removed and instead timeframes set based on a reasonable time.	Amend the dates required for property registration, preparation of FEPs and calculation of NRPs so that a reasonable time is allowed following PC1 becoming operative.
Rule 3.11.5.7 Non-Complying Activity Rule – Land Use Change Page 45	Oppose	Rule 3.11.5.7 classifies land use intensification as a non-complying activity. Non-complying activities are difficult to obtain consent for and in policy terms are not seen as appropriate. This will have an outcome of ‘setting in stone’ the current land use pattern as if that is the optimal pattern for the next 10 years. It will not be responsive to technological or management changes that could reduce or hold discharges at their current levels. It also creates uncertainty as to what land can be used for by placing excessive emphasis on the current land use pattern. However the footnote to the rule states that consent would be likely to be granted if the loss of contaminants will be lower than the existing land use. This better reflects the policy position of effects based and staged methods of reducing contaminant discharges and indicates that a discretionary activity status based on strict assessment criteria would be a more appropriate provision.	Replace Rule 3.11.5.7 with a rule that specifies that the land use changes listed in it are a discretionary activity with specific criteria to measure applications against including whether the loss of contaminants will be the same or lower than the existing land use.
Rule 3.11.5.7 Non-Complying Activity Rule – Land Use Change Page 45	Oppose in part	Rule 3.11.5.7 specifies four land use changes that require consent under the Rule. It is unclear whether all of the land use changes intended to be captured are covered by the rule and the associated definitions. For example, it is not clear where horticulture/ viticulture fits in, or whether some forms of intensive animal rearing such as poultry, calves or pigs are intended to be captured. In addition the rule is unclear as to how mixed changes to land use are to be considered. The rule as drafted does not reflect the reality of land use change which is often a mixture of changes taking place over a period of time. For example 5ha of forest could be converted to pasture, therefore triggering the non-complying activity status, at the same time as 50ha of pasture is converted to forestry. This would be contrary to the overall objectives of PC1.	Amend Rule 3.11.5.7 and the associated definitions to make it clear how horticulture/viticulture and intensive outdoor animal rearing are covered by the rule. Provide an explanation of how the rule is to be administered where there is a mix of varied land use changes within the same property or enterprise.
Schedule B – Nitrogen Reference Point Page 47	Oppose in part	The Nitrogen Reference Point (NRP) provisions are inequitable in that they are based on historical performance to establish property-specific caps, which means similar farming operations will have to perform to different standards. A more equitable approach would be to calculate a sub-catchment cap, or preferably caps based on the capability of the land to attenuate contaminant leaching, based around the land’s LUC class.	Amend Schedule B to include caps based primarily on the ability of the land to attenuate contaminant leaching by tying limits to the land’s LUC class.

Schedule C – Stock exclusion Page 50	Oppose in part	The stock exclusion rule is too onerous and does not take into account the widely varying situations encountered on farms in the catchments. The benefit versus cost for fencing on high intensity farms is potentially high but the benefit versus cost for low intensity hill country farms is potentially very low. A more refined approach to stock exclusion is required. In addition there are inconsistencies between Schedule C and the rules with the fencing setback being either 3 metres or 1 metre. Schedule C is inconsistent with the stock exclusion provisions in Schedule 1 making it unclear which is to apply.	Amend Schedule C, the Stock Exclusion provision to: <ul style="list-style-type: none"> • Provide for flexibility and exceptions where the cost significantly outweighs the benefits. • Clarify that the stock exclusion provision in an approved Farm Environment Plan will override Schedule C. • Rationalise the setback for fences so they are the same for Schedule C and all Rules
All of the above provisions			In relation to all of the above topics, any consequential and/or similar amendments to have the same effect.

