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7 March 2017

Chief Executive Officer
Waikato Regional Council

via email: Healthyrivers@waikatoregion.govt.nz

Tēna koe

**Proposed Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments
Submission from Tuaropaki Trust**

Tuaropaki Trust makes the attached submission on Proposed Plan Change 1 – Waikato and Waipa River Catchments.

Authorisation

I confirm I am authorised on behalf of Tuaropaki Trust to make this submission.

Trade Competition

Tuaropaki Trust could not gain an advantage in trade competition through this submission.

Decisions Sought

Tuaropaki Trust seeks the following decision on its submission on the Plan Change, that the Waikato Regional Council:

- retain with amendments, add, or delete the various provisions of the Plan Change that are referred to in its submission, and;
- provide any further or other consequential or alternative relief that may be necessary to give effect to the relief sought in this submission.

To Be Heard in Support of Submission

Tuaropaki Trust wishes to speak at the hearing in support of its submissions.

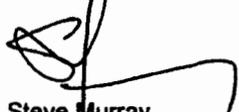
Joint Submissions

If other parties make similar submissions, Tuaropaki Trust will consider presenting joint cases with those parties at the hearing.

Extra Sheets

Extra sheets are attached to this submission, with a total of 17 pages inclusive of this submission and maps.

Nāku noā, nā



Steve Murray
Chief Executive
Tuaropaki Trust

Submitter Contact Details

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Tuaropaki Trust

Key submission points regarding the Healthy Rivers Plan Change

| Issue | Background | Section of Plan Change | Reason for Concern | Submission |
|---|--|--|--|---|
| <p>Recognition of Tuaropaki's uniqueness – and providing flexibility for complex, multiple land-use and integrated enterprises.</p> | <ul style="list-style-type: none"> Tuaropaki is a large scale, has diversified land-use enterprises that integrates pastoral production, glasshouse horticulture, milk processing, geothermal energy generation, and horticultural research. Tuaropaki is a significantly different enterprise than the vast majority of those for which the Plan Change has been developed. | <p>Plan Change in total. Rule 3.11.5.7</p> | <ul style="list-style-type: none"> We want to ensure that any proposed Plan Change to best suit the typical Waikato catchment, does not unnecessarily constrain Tuaropaki in its ability to deliver on positive environmental outcomes, in the most efficient manner, across its group of land-use activities - as a whole enterprise. | <ul style="list-style-type: none"> Propose the ability be provided for within enterprise land-use change, where this occurs within the bounds of a total nutrient load, without this being constrained by a non-complying activity status rule. |
| <p>Ensuring equity for those that have been committed and proactive in sustainable land management practices.</p> | <ul style="list-style-type: none"> Tuaropaki has undertaken significant activity over time to ensure the sustainability of its land-use. Tuaropaki has been an early adopter of sustainable management practices, which contrasts many other enterprises that have yet to take similar pro-active steps for managing their environment. | <p>Plan Change in total.</p> | <ul style="list-style-type: none"> Concern that those who have taken steps to minimize the impacts of land-use activities by fencing waterways, riparian planting, bio-waste composting and comprehensive environmental data collection and analysis will, in doing so, have reduced the types of mitigation activities available to them, in comparison to those who have taken no actions to date. Desire that those who have acted proactively are recognised as such, and should not be negatively impacted as a result of this Plan Change compared with those who have not been. | <ul style="list-style-type: none"> Request that this principle of 'existing commitment to sustainability' be used to test the current, and future Plan Change(s) against perverse outcomes for operations that are already demonstrating a commitment to environmental sustainability. |
| <p>Allocation of contaminant loss rights in the future.</p> | <ul style="list-style-type: none"> Future allocation mechanisms will be developed over the life of this Plan. | <p>Reason for Adopting Objective 4.</p> | <ul style="list-style-type: none"> There is an indication within the Plan Change that the basis for future allocation mechanisms may have been pre-judged. No evidence is provided that outlines that land-use suitability is the most efficient allocation mechanism. | <ul style="list-style-type: none"> The removal of any pre-judgement on the basis of future allocation mechanisms at this stage. |

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| <p>Definition of overarching measures “swimmable” and “ability to take food” – and the impact on the level of controls imposed.</p> | <ul style="list-style-type: none"> • Question whether the key driving objectives of the Vision and Strategy have been adequately defined to ensure the constraints imposed by the Plan Change are appropriate. | <p>Plan Change in total. Use values – 3.11.1.2 Mahinga kai, Objective 1 (sets long-term limits for water quality consistent with the Vision and Strategy).</p> | <ul style="list-style-type: none"> • The Vision and Strategy is silent on whether ‘swimmable’ must be achieved 100% of the time or only during those periods when swimming is likely to occur. Similarly, there is no clarification on the expectations for food gathering, be it food sourced directly from the environment or whether it is food that is subjected to further processing. • It is unclear of the standard upon which the Plan Change has been developed. Different levels of “swimmable” (e.g. 100% vs 95% of time, allowing for not meeting this standard during time of high flows etc.) will impact the water quality parameters imposed. These will then impact the level of imposition the regulatory framework applies to land managers. • Tuaropaki wishes to ensure that an appropriate level has been aimed for that aligns with the Vision and Strategy. | <ul style="list-style-type: none"> • Clarification of the definition of “swimmable” and “able to take food from”. Confirmation that these definitions have, in fact, formed the basis of the Plan Change development. • If not, assessment of the additional level of impost above that is actually required and appropriate adjustment to the regime as required. • Regular reporting by the Waikato Regional Council on these measurable objectives. • Also take in account sub-catchment characteristics when addressing definitions and standards. |
| <p>Protection of Intellectual Property.</p> | <ul style="list-style-type: none"> • Meeting the requirements of the Plan Change will require sharing of significant detailed land-use and management data and information. • Once information is provided to the Regional Council it can become subject to processes that may require that information to be released. | <p>Plan Change in total.</p> | <ul style="list-style-type: none"> • Tuaropaki undertakes a number of land-use activities that are subject to significant investment and result in, or are a result of, commercially sensitive intellectual property. • Tuaropaki is concerned this IP may be made publically available through the process of meeting the requirements of the Plan Change, and that Tuaropaki’s IP is not acknowledged, and protected in the Plan Change. | <ul style="list-style-type: none"> • Issue to be acknowledged by Regional Council, and process developed to ensure commercially sensitive information is protected from public disclosure. |
| <p>Overseer model – and its applicability to complex enterprises, and use of the “current version.”</p> | <ul style="list-style-type: none"> • Overseer is to be used to model nutrient (N) loss. • Overseer is less suitable for complex, multiple land-use enterprises such as those undertaken by Tuaropaki. • Requirement to use the “current version” of Overseer should future versions change. | <p>Schedule B.</p> | <ul style="list-style-type: none"> • Tuaropaki is concerned that Overseer will not provide an accurate model of the multiple land-uses being undertaken and is exploring use of alternate systems to provide information to the Regional Council. • Concern that the use of different versions of Overseer will result in a disconnect between the initial Nitrogen Reference Point, activities already undertaken, and future nutrient reduction requirements. | <ul style="list-style-type: none"> • Supports retention of the alternate pathway to Overseer provided within Schedule B (c). • Review of the need for, and impacts of, the use of the “current version” of Overseer to be undertaken and changes made to the Plan Change as required. |

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| Commercial vegetable production | <ul style="list-style-type: none"> • Currently the 12 hectares of glasshouse grown vegetables (by Gourmet Mokai) would be captured by the proposed definition of 'commercial vegetable production' and therefore constrained by related rules. • Research facility maintaining and trialing heritage cultivars would also captured by this definition. | Rule 3.11.5.7 | <ul style="list-style-type: none"> • It appears that the rule set has been developed on basis of 'open ground grown vegetables' and the environmental risks associated with this growing system. This is not appropriate for the limited risks associated with glasshouse (or other fully enclosed) production systems. • A higher level of control would be imposed than is necessary to allow for increased areas of production. Constraint on small scale, high value activity is in excess of any identified environmental risks. | <ul style="list-style-type: none"> • Remove glasshouse/covered grown vegetables from the definition and allow for increases in growing area through a much more permissive pathway i.e., permitted activity rule. • Provide alternate pathway via a permitted activity rule. |
| Retaining flexibility to develop Tangata Whenua ancestral lands. | <ul style="list-style-type: none"> • Desire within Plan Change to support development of Maori land that has been unable to be developed historically. | Objective 5, Policy 16, Rule 3.11.5.7. Definition of "Tangata Whenua ancestral land" | <ul style="list-style-type: none"> • Currently provided for under a Non-Complying activity status rule. Sets very high bar – inefficient pathway to give effect to objective and policy. | <ul style="list-style-type: none"> • Controlled activity rule to be added to provide more efficient pathway to give effect to Objective 5 and Policy 16. • Support for current definition to be retained. |
| Recognising natural levels of contamination | <ul style="list-style-type: none"> • Due to significant natural geothermal activity and surface features (puia/geothermal pools) on Tuaropaki lands, higher concentrations of inorganic chemicals, decreased DO, localized increases in turbidity can be expected compared to non-geothermal regions. | Water quality parameters. | <ul style="list-style-type: none"> • The natural background levels of inorganic chemicals due to any geothermal activity are recognised, and that there is no requirement to enforce achieving concentrations that are below natural background concentrations. | <ul style="list-style-type: none"> • Propose a new or amended policy explicitly stating that the intent is not to achieve better than natural water quality levels. |
| Providing the ability to manage land-use change, and contaminant loads, within the bounds of a single enterprise, recognizing integrated multiple land-use | <ul style="list-style-type: none"> • Given the size and complexity of the Tuaropaki enterprise the ability to manage land-use change within the bounds of the enterprise is significantly different from that of most other enterprises. • Desire to maintain that flexibility with the most efficient level of regulatory imposition so land-uses can be changed to match rural needs and best available land capability. | Rule 3.11.5.7 | <ul style="list-style-type: none"> • Land-use change may be constrained by, in instances of intensification, the need to gain a non-complying consent. This position sets an unnecessarily high hurdle for those enterprises able to undertake complimentary land-use change within their total enterprise. | <ul style="list-style-type: none"> • Provide a permitted activity pathway to allow for intra-enterprise land-use change within the bounds of a net enterprise contaminant loss limit. |

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| Nitrogen reference point | <ul style="list-style-type: none"> • Selection of nitrogen reference point. | Schedule B (f). | <ul style="list-style-type: none"> • Supports retention of this timeframe (i.e. 2014/15 and 2015/16). | <ul style="list-style-type: none"> • Support retention of this timeframe. |
| Stock exclusion | <ul style="list-style-type: none"> • Plan change currently lacks clarity as to the requirements for stock exclusion. | Schedule C. | <ul style="list-style-type: none"> • Lack of clarity as to which stock classes are to be excluded or require the use of stock crossings. • Multiple terms are used in the document, including specified stock classes (cattle, deer, horses, pigs), livestock, and stock | <ul style="list-style-type: none"> • Request clarity, and use of consistent definitions. Cattle, deer, horses, and pig to be excluded and require stock crossings. Sheep and goats to be excluded from this requirement. |

Submission: Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments

1. Tuaropaki Trust

1.1 Overview of the Trust

- 1.1.1 Tuaropaki Trust (“the Trust”) was amalgamated from multiple owned lands in 1952 that can be traced to the descendants of seven Mōkai hapū: Ngāti Parekaawa, Ngāti Te Kohera, Ngāti Wairangi, Ngāti Whāita, Ngāti Moekino, Ngāti Haa and Ngāti Tarakaiahi. These hapū have tribal affiliations to Ngāti Tūwharetoa and Ngāti Raukawa. Tuaropaki is an Ahu Whenua Trust acting under the provisions of Te Ture Whenua Māori Act 1993.
- 1.1.2 In the mid-1960s a comprehensive development programme commenced under the administration of the Department of Māori Affairs. The Tuaropaki Land Development Scheme was initiated with a loan from the Department of Māori Affairs. By 1982, the Trust had repaid the loan which resulted in the administration of the land being returned to the land owners.
- 1.1.3 Initially, farming operations included cattle and sheep, however, over the years the Trust gradually introduced other stock as a means of providing on-farm diversification including dairy. Over the past 30 years, the Trust has managed to not only grow their asset base but also diversify their portfolio continuously.
- 1.1.4 In 1994 the Trust established Tuaropaki Power Company and in 2000 commissioned the Trust’s first generator, Mokai 1. A second plant has since opened to produce a total of 113 MW of renewable electricity, in partnership with Mercury (previously Mighty River Power).
- 1.1.5 Further diversification in 2002 saw the Trust invest in Gourmet Mokai, a joint venture with produce grower and exporter, Gourmet Paprika which resulted in the first 6.2 hectares of geothermally-heated, hydroponic glasshouses being built and have subsequently expanded to 12 hectares.
- 1.1.6 The Trust further expanded its focus on value adding by establishing Miraka a milk processing facility, in partnership with Wairarapa Moana, Waipapa 9 Trust, Hauhangaroa Partnership, Tauhara Moana Trust, Pouakani Trust, Te Tumu Paeroa and Te Awahohonu Trust. Miraka was set up as a Māori-owned and vertically integrated business in order to secure better returns for the owners.
- 1.1.7 As part of the design and development of Miraka, the Trust commissioned MB Century to provide a design build solution for a clean steam generation plant using existing high enthalpy geothermal resources to provide clean steam to Miraka – a world first. Building on this partnership, and looking for vertical integration in the Energy sector, the Trust acquired MB Century in 2015.
- 1.1.8 The Trust has had solid success over the years growing the asset base from \$4 million in 1982 to \$1billion in 2016 on 4,000 hectares of land and now contributing to the creation of 366 FTE jobs across its various businesses and investments within the upper Waikato region. However, at the forefront of the Trust’s ethos is balancing its commercial interests with its cultural, social and environmental responsibilities.
- 1.1.9 Sustainability is an integral part of the Trust’s guiding principles. It operates from the philosophy that neglecting the environment, culture and social aspects will be a barrier to long-term survival at both the macro and micro level. The establishment of a worm farm to process waste from

Miraka, green waste from the glass houses as well as solids from the dairy farm was the first step towards a closed loop integrated system.

- 1.1.10 The Ngaire George Sustainability Centre is dedicated to the pursuit of innovative environmental practices to mitigate and manage the impacts of development. Its operations now include:
- 4.5 kilometres of worm rows involving the processing of green and dairy processing waste from its enterprises;
 - Native plant nursery (200,000 plants annually);
 - Caretaker of the national collection of harakeke (65 different species);
 - Caretaker of over 970 rare heritage and native seeds, cultivars, fruit trees and flowers;
 - Various research initiatives; and
 - Riparian planting programme management.
- 1.1.11 The success of the Trust's development has provided the means to extend its role as kaitiaki (guardian) beyond the land and wider environment to encompass community and cultural wellbeing. The Trust currently has 2,400 owners all of whom receive economic dividends and social benefits from the Trust. The Trust also has a long history of investing in the Mokai, Tirohanga and the Taupo communities. This approach has included the provision of free T>Stream (wi-fi access) for the Taupo CBD.
- 1.1.12 The ability of the Trust to balance people, culture, profit and planet makes it unique amongst many commercial entities. As a result, the Trust is honoured to have hosted notable overseas dignitaries including Her Excellency, Princess Razan, Khalifa Al Mubarak, Secretary-General of the Environment, Abu Dhabi, a number of Permanent Representatives to the United Nations and the visit of the former Secretary General of the United Nations Ban Ki Moon. The Trust continually strives to show others how the four pillars that make up its sustainability model are not mutually exclusive but indeed complementary.

2. Submission Points

2.1 Overview

- 2.1.1 The Trust is supportive of the principal objective of the proposed Healthy Rivers Plan Change ("the Plan Change") to improve the health of the Waikato & Waipa River catchments. This objective aligns with the approach taken by the Trust over several decades to ensure a sustainable use of the Mokai lands, with a strong focus on the protection of the environment. This approach has been achieved while providing for an on-going progression to higher returning land uses, a progression that the Trust would like to see continue in the future.
- 2.1.2 The Trust notes that land-use must retain a degree of flexibility over time, to provide land owners strategic opportunities in responding to ever changing market conditions, particularly with those organisations who have demonstrated this willingness in the past. In doing so, this allows land owners to achieve long-term financial viability and the capacity to make good long-term decisions in alliance with its cultural, social and environmental objectives.
- 2.1.3 **Submission: Plan Change in Total Rule 3.11.5.7**
In the absence of clear definitions together with the rigidity applied to the suite of rules proposed in the Plan Change, there is an assumption that all land managers do not manage their impacts on the environment and waterways responsibly. While this may be the case for many within the catchment, the assumption does not necessarily apply to the Trust.

2.2 Recognition of the Uniqueness of the Trust

- 2.2.1 The Trust is a large scale diversified land-use enterprise that integrates pastoral production, glasshouse horticulture, milk processing, geothermal energy generation, and horticulture

research. In this regard the Trust believes it is a significantly different enterprise from the vast majority of those for which the Plan Change has been developed.

2.2.2 With approximately 4,000 hectares of corpus lands located in Mokai, and the multiple range of integrated land-uses that the Trust operates, the Trust is unlike any other Māori and/or rural land use enterprise in New Zealand. It is important that land use decisions within the total enterprise land area can continue to orientate in a manner that reflects both this connectivity and complexity.

2.2.3 The Trust is concerned that the Plan Change is unclear how an integrated enterprise can effect land-use changes without being subject to an undue level of bureaucracy and regulatory compliance to achieve. While the Plan Change may have appropriate mechanisms to control conversions of an enterprise in its entirety, from forestry to pasture for example, it would not seem the most appropriate mechanism to manage an integrated enterprise where an intra-land use could be recognised.

2.2.4 An unintended consequence of the Plan Change could be to limit the most movement to the most appropriate type of land-use. For example, by easily allowing more erosion prone land to be converted to forestry, while highly productive land on the same enterprise be converted to pasture. A similar issue exists with regard to undertaking or increasing any areas of open field commercial vegetable production. Currently this would be captured within the non-complying activity rule 3.11.5.7.

2.2.5 **Submission: Plan Change in Total Rule 3.11.5.7**

There should be a pathway that provides for land use change to occur within the same enterprise, and that this pathway should facilitate the achievement of the appropriate hurdle rates, and should also support enterprises in linking land use to the potential productive capability of that land, whilst acknowledging the net environmental impact over time. This could occur through a controlled activity status rule that provides for such changes in land use within net enterprise contaminant loss limits.

2.2.6 Land-use change may be constrained by, in instances of intensification, the need to gain a non-complying consent. This position sets an unnecessary high hurdle for those enterprises able to undertake complimentary land-use change within their total enterprise. The provision of a permitted activity pathway to allow for intra-enterprise land-use change within the bounds of a net enterprise contaminant loss limit would balance out any unnecessary hurdles.

2.2.7 **Submission: Water Quality Parameters**

Due to significant natural geothermal activity and surface features (puia/geothermal pools) on the Trust's lands, higher concentrations of inorganic chemicals, decreased dissolved oxygen, and localised increases in turbidity can be expected compared to non-geothermal regions. The Plan Change ought to recognise natural background levels of inorganic chemicals due to any geothermal activity will be present and that there is no requirement to enforce achieving concentrations that are below natural background concentrations.

2.2.8 There are significant natural geothermal areas within in its corpus lands that impact the natural level of contaminants. It would be a breach of natural justice to require the achievement of better than natural state outcomes by an enterprise and this should be acknowledged within the Plan Change. This could occur through a new Policy or change to a proposed Policy, stating that it is not the objective of the Plan Change to require improvements in contaminant levels above those of the natural, unimproved state. Accordingly, the Trust believes the natural features of its lands afford it the status of "uniqueness" which the Plan Change has not appear to recognise.

2.3 **Equity and Historical Impact**

- 2.3.1 The Trust has been an early adopter of sustainable management practices, which contrasts with many other enterprises that have yet to take similar pro-active steps for managing their environment.
- 2.3.2 The Trust has undertaken significant activity over time to ensure the sustainability of its land use which includes a large scale riparian planting scheme. This year will mark the achievement of 95% of all water-ways being fenced out and riparian planted across a total estate of 4,000 hectares. The acreage of this riparian planted area is approximately 220 hectares.
- 2.3.3 The Trust is concerned that those who have taken steps to minimise the impacts of land-use activities by fencing waterways, riparian planting, bio-waste composting and comprehensive environmental data collection and analysis will, in doing so, have reduced types of mitigation activities available to them, in comparison to those who have taken no actions to date.
- 2.3.4 The difference in historic action or inaction, could result in those land owners/managers currently losing more contaminants gaining an advantage, especially when allocation of contaminant discharge rights occurs. Should all land managers be required to reduce contaminant losses proportionally, those who have acted responsibly in the past would be disadvantaged.
- 2.3.5 **Submission: Plan Change in Total**
The Trust has a historical proven record of being, pro-active, and implementing environmentally sound practises undertaken over many years that should be recognised in relation to the Plan Change. The Trust has in many ways led the catchment in undertaking sustainable land use, through extensive fencing riparian plantings, utilisation of appropriate land uses, active land-use planning and detailed data collection, and integrated waste management practises. Overall, the Plan Change places too many restrictions on those who can, and have, adequately managed their environmental effects, and have demonstrated this approach over time.
- 2.3.6 A Plan Change that ensures the impacts of change are equitably shared, with recognition of historic activities taken by land owners/managers to reduce contaminant loss, and the resulting reduction in mitigation options available to them would be a fairer approach. To do otherwise would be both unfair and send perverse incentives to land managers. This would then likely result in a lack of early uptake of best practice in the future unless required using regulation.
- 2.3.7 The Trust would like to see the Plan Change modified to include the principle of, "existing commitment to sustainability" being used to test the current, and future Plan Change/s against perverse outcomes for operations that are already demonstrating a commitment to environmental sustainability.
- 2.3.8 **Submission: Reason for Adopting Objective 4**
While allocation of contaminant loss rights is not part of this Plan Change, it is indicated that this process will occur in the future, with consideration of allocation mechanisms being undertaken over the life of the Plan. The Trust is concerned that at this point an indication has been given that allocation will consider only land use capability, with past investment or behaviours not being a consideration.
- 2.3.9 The pre-judgement of the most appropriate allocation mechanism, in the absence of substantive considerations being undertaken, is flawed and should be removed from the Plan Change. Any movement to individual contaminant allocation, and decisions made on this should not at this point be constrained. No evidence has been provided to show that excluding consideration of other factors, such as past investment, will lead to the most efficient and effective resource management decision.

2.4 Measurement of the Objectives

- 2.4.1 Periods when water quality for swimming may be compromised include periods likely to see a decrease in the desire to swim. For example, post rainfall events, during floods, in cooler seasonal periods and at times of high sediment transfer. As a result it may well be that the impacts of the Plan Change on land owners/managers have been set higher than necessary, and not taking these circumstances into account.
- 2.4.2 A similar question could be asked of the specific types of food to be gathered, and the timing of that gathering. There will also be geographical differences due to the different food species available for food gathering in different areas of the catchment. This raises the question of whether a blanket standard has been applied that is higher than necessary.
- 2.4.3 Neither of these objectives are well defined within the Vision and Strategy, and, given this document provides the over-arching direction for the management of the Waikato River catchment, this may be a fundamental issue with the development of the Plan Change.
- 2.4.4 **Submission: Plan change in Total Rule 3.11.1.2**
A key driver of the outcomes being sought through this plan change are the Vision and Strategy objectives of “swimmable” and “ability to take food from the river over its entire length”. While quantitative measures of what is required to deliver these objectives have been identified within the Plan Change, further clarification as to the meaning of “swimmable” and “ability to take food” is required and that the recognition of sub-catchment differences are also acknowledged.
- 2.4.5 There is a need to review the definitions and standards used for “swimmable” and “ability to take food” to ensure these are practical, aligned with community concerns and objectives, and that the resulting quantitative objectives of the Plan Change are not being pitched at an excessively high level.
- 2.4.6 Having ensured an appropriate definition is being used, the proposed Plan Change should then be reviewed to ensure it achieves that defined objective and no more.
- 2.4.7 Regular reporting by the Waikato Regional Council on these measurable objectives (once confirmed) should also be made to quantify any progress.
- 2.4.8 A clear and concise context of the expectations for food gathering, be it food sourced directly from the environment or whether it is food that is subjected to further processing would ensure that an appropriate level has been aimed for that aligns with the Vision and Strategy.

2.5 Protection of Intellectual Property

- 2.5.1 The Trust undertakes a number of land-use activities that are subject to significant investment and result in, or are a result of, commercially sensitive intellectual property. The Trust is concerned this IP may be made publically available through the process of meeting the requirements of the Plan Change.
- 2.5.2 In meeting the requirements of the Plan Change, the Trust will be required to provide information through a Farm Environment Plan, to support a nitrogen reference point, or for audit or consenting purposes. This information will include details of farm and land management activities being undertaken, some of which will be commercially sensitive. Once this information is provided to the Waikato Regional Council it may be subject to the Local Government Official Information and Meetings Act and available in part or whole to the public.
- 2.5.3 **Submission: Plan Change in Total**
In meeting the requirements of the Plan Change the value of the Trust’s intellectual property should not be put at risk. There should be provision with the Plan Change for a mechanism to allow land managers to note confidential or commercially sensitive information, and the Waikato Regional Council should implement a system that ensures this information is not made available to the public.

2.6 Applicability of Overseer

- 2.6.1 The Plan Change proposes using the Overseer model to model long-term average nitrogen loss levels. The Trust understands that there are existing concerns about the ability of Overseer to model more complex land use regimes and in particular those of an integrated, multi-land use nature such as the Trust's operations.
- 2.6.2 The Plan Change states that the "current" version of Overseer will be used at any particular point in time. The Trust has assumed that this means the version current at the particular time an action occurs (rather than the version current now).
- 2.6.3 If this assumption is correct there is a concern that an ongoing change in versions used will result in a disconnect between the original nitrogen reference point (set using one version) and the nitrogen discharge levels determined for future farm plans, mitigations, or audits. It is not uncommon for new versions of Overseer to result in higher modelled nitrogen loss levels, which will result in a need for greater proportional decreases in losses against the initial benchmark. Application of a new version to the original benchmark data set would result in a proportionally higher nitrogen loss.
- 2.6.4 **Submission: Schedule B**
The Trust is developing its own detailed data collection and reporting systems that will provide more relevant data sets across all its enterprises. The Trust submits that the alternative pathway to Overseer provided for within Schedule B (c) be retained.
- 2.6.5 The decision to require the use of the "current" version of Overseer at any particular time be reviewed with consideration being made:
- Of the impact that this may have on the validity of nitrogen reference points, and mitigations undertaken; and
 - To allow for the use of the most current version of Overseer in a historical sense, to "re-model" the original reference point and other nitrogen loss points as are sensible.

2.7 Commercial Vegetable Production

- 2.7.1 The definition of commercial vegetable production within the Plan Change does not differentiate between open ground grown and glasshouse/covered grown crops. Currently there is 12 hectares of glasshouses on the Trust's land. In addition to the land arrangements with the Trust's partner, Gourmet Mokai who grow capsicum and tomatoes in the glasshouses, the Trust has a commercial interest in their operation. As the Plan Change currently stands the glasshouses would be captured by the definition and rules. This production would be confined to that area in the future, unless a non-complying consent was gained. We note also that Gourmet Mokai is currently in the process of expanding this growing facility.
- 2.7.2 The reason for controlling land area for "commercial vegetable production" in general is due to the high contaminant loss risk that open ground grown crops have. This is in contrast to the highly controlled, low risk situation provided within a glasshouse/covered crop situation. Any nutrient or contaminant losses from such a system can be controlled and modelled as direct inputs (for example where discharges of nutrient is subsequently made to land) through either Overseer or another appropriate contaminant loss model.
- 2.7.3 The Trust is currently operating a research facility for the collection, protection, maintenance, and multiplication of heirloom cultivars (over 970 in total). These cultivars are also being investigated for potential commercial application. These research activities would be captured by the proposed mechanism to constrain vegetable production, preventing such a land use being pursued.

2.7.4 **Submission: Rule 3.11.5.7**

The definition of commercially grown vegetables should be refined so as not to include those vegetables grown in glasshouses or otherwise under cover. Such crops should be encouraged as they are a high value land use that pose minimal environmental risk. The Trust believes a permitted activity rule should be developed and added to the Plan Change to provide a pathway for such land uses in the future.

2.7.5 A pathway to allow operations such as the Trust's research facility to operate should be provided, as this would support an avenue for higher value land use activities to occur which would otherwise be constrained. This could occur by way of an appropriately worded permitted activity rule.

2.7.6 An express provision within the Plan Change that excludes glasshouse/covered grown vegetables would ensure the Trust's and its commercial partner are not inadvertently captured under a restrictive rule. The circumstances where the activity has no or significantly limited adverse effects or impact on the waterways the policy is trying to protect would be disadvantageous to the Trust.

2.8 **Tangata Whenua Ancestral Lands**

2.8.1 The Trust supports Objective 5 and its aim of providing flexibility for Tangata Whenua ancestral lands as defined within the Plan Change.

2.8.2 **Submission: Objective 5, Policy 16, Rule 3.11.5.7**

The proposed rule suite does not provide this flexibility and is not consistent with proposed Objective 5 and Policy 16. The non-complying activity status rule for land use change (3.11.5.7) places too high a hurdle in front of applicants and is not the most efficient means to achieve this outcome. A new controlled activity status rule linked to Policy 16 be developed and added to the Plan Change to provide for this outcome and achieve the intent of Objective 5 and Policy 16.

2.9 **Consistency of Regional and National Priorities**

2.9.1 Currently there is strong national direction and support for a lift in productivity from Māori owned land, and from the primary sector in the regions more broadly. This is being driven through the regional development frameworks supported by MBIE and MPI (in the main) across several currently underperforming regions. It is acknowledged within the Section 32 report, and the economic modelling undertaken by the Community Stakeholders Group, that the proposed Plan Change will result in constraints on productivity and financial returns to the region, and may well inhibit increases in productivity from under-performing land.

2.9.2 **Submission: Rule 3.11.5.7**

There should be a review of the Plan Change, and its likely impacts, against the full range of national policy direction to ensure that in meeting the environmental outcomes driven by the Vision and Strategy the achievement of other equally important objectives are not being unnecessarily inhibited. This further reinforces the sense of providing a realistic mechanism for providing flexibility for Tangata Whenua ancestral lands as we noted in 2.8.2 above.

2.10 **Submission: Selection of Nitrogen Reference Point Years Schedule B(f)**

2.10.1 In order to clearly state a baseline reference point, the Trust supports the retention of the 2014/2015 and 2015/2016 years as the basis for determining an enterprise's nitrogen reference point as stated in Schedule B part (f).

2.11 Stock Exclusion

- 2.11.1 Stock exclusion is a key component of the proposed plan change. Schedule C (1) states: "1. The water bodies must be fenced to exclude cattle, horses, deer and pigs, unless those animals are prevented from entering the bed of the water body by a stock proof natural barrier formed by topography or vegetation."
- 2.11.2 Within the body of the proposed plan change the terms stock and livestock are used. Neither are defined. This results in a lack of clarity as Schedule C (3) states: "3. Livestock must not be permitted to enter onto or pass across the bed of the water body, except when using a livestock crossing structure."
- 2.11.3 In reading the document it is unclear whether only those stock types stated in Schedule C (1) must be excluded from water bodies, or whether all (undefined) livestock/stock must be excluded, have crossing points etc.
- 2.11.4 **Submission: Stock Exclusion Schedule C**
The Trust submits that this lack of clarity must be resolved, and that:
- A common term be used throughout the document at the least in relation to stock exclusion from water bodies and other associated rules;
 - That this term be included in the definition; and
 - That this refer to cattle, horses, deer, and pigs, as per Schedule C (1) only, and not include goats and sheep.

3. Summary

- 3.1.1 The Trust is supportive of the overall objective of the proposed Plan Change and the staged approach to achieving this.
- 3.1.2 As noted in the body of this submission, the Trust questions whether appropriate consideration has been given to the actual detail and definition of the key objectives/values (i.e. "swimmable" and "ability to take food from") that drive the extent of the regulatory requirements. To be able to deliver on the objectives of the Plan Change without excessive imposition on land owners it is important that clear and consistent water quality parameters and contaminant loads are set that are based on sub-catchment characteristics and the aims of the community.
- 3.1.3 This Plan Change will have significant impacts on the community and must be based on an accurate and shared understanding of what it sets out to achieve.
- 3.1.4 The Trust submits that the Plan Change must ensure that the impacts of change are equitably shared, with the assurance that the historic activities of land owners are taken in account.
- 3.1.5 The Trust further submits that there should be an efficient pathway that provides for land use change to occur, and the Plan Change should support enterprises that integrate their land uses with the productive capability of that land, whilst acknowledging the net environmental impact over time.
- 3.1.6 The Trust requests that the submission points made in the body of our submission be addressed along with any other resulting amendments to the proposed plan change that are required.
- 3.1.7 Where no specific submission has been made it is the Trust's view that once clarification is provided on the points raised it will be in a position to provide an informed response on the remaining aspects of the Plan Change. However, subject to the aforementioned, the Trust supports those aspects of the Plan Change where it has not made a specific submission in their current form and context.

Tuaropaki Lands in Reference to Lake Taupō



Tuaropaki Lands Aerial View



Tuaropaki Lands Aerial View

