

Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

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

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

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

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	healthyrivers@waikatoregion.govt.nz <i>Please Note: Submissions received by email must contain full contact details. We also request you send us a signed original by post or courier.</i>
Online at	www.waikatoregion.govt.nz/healthyrivers
We need to receive your submission by 5pm, 8 March 2017.	

YOUR NAME AND CONTACT DETAILS		
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ADDRESS FOR SERVICE OF SUBMITTER		
Full name		
Address for service of person making submission		
Email	Phone	Fax

TRADE COMPETITION AND ADVERSE EFFECTS <i>(select appropriate)</i>
<input type="checkbox"/> I could / <input checked="" type="checkbox"/> 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 below
- Decline the above provision
- If not declined, then amend the above provision as outlined below

Amend as follows:

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.

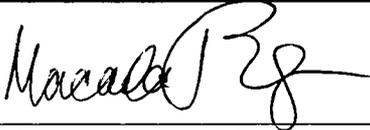
No, I have not attached extra sheets.

SIGNATURE OF SUBMITTER

(or person authorised to sign on behalf of submitter)

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

Signature



Date

8-3-2017

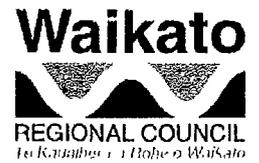
Personal information is used for the administration of the submission process and will be made public. All information collected will be held by Waikato Regional Council, with submitters having the right to access and correct personal information.

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.

Additional sheet to assist in making a submission

Section number of the Plan Change	Support /Oppose	Submission	Decision sought
Please refer to title and page numbers used in the plan change document	Indicate whether you support or oppose the provision.	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.

File No: 22 12 00A
Document No: 10072683
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7 March 2017

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Waikato Regional Council Submission to the Proposed Waikato Regional Plan Change 1 Waikato and Waipā River Catchments

Please find attached Waikato Regional Council's submission in regard to the Proposed Waikato Regional Plan Change 1 Waikato and Waipā River Catchments (PPC1).

This submission was formally endorsed by a meeting of Council on 6 March 2017. Waikato Regional Council supports the collaborative process that took place during the development of the PPC1, and is committed to continue working with the community and stakeholders regarding the development of the PPC1 as it continues through the legislative process and into implementation.

Should you have any queries regarding the content of this document please contact Macaela Flanagan directly on 078590776 or by email (macaela.flanagan@waikatoregion.govt.nz).

Regards


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Submission to Waikato Regional Plan Change 1 Waikato and Waipa Rivers Catchments

1. Introduction

The Proposed Waikato Regional Plan Change 1 Waikato and Waipā River Catchments (PPC1) is a unique and complex plan change designed to address water quality issues in the Waipā and Waikato river catchments, which are arguably some of the most complex river catchments in New Zealand.

The development of the PPC1, known as Healthy Rivers Wai Ora, is unique in New Zealand. The collaborative process followed allowed our community and sector appointed representatives to take ownership of both the problem and the solutions to help restore and protect the health of the Waikato and Waipā rivers (the Rivers). Throughout the two-and-a-half-year plan development process they were guided and supported by Waikato Regional Council (the Council) staff and independent members of a Technical Leaders Group. The process was also assisted by considerable support from the sector.

The Council acknowledges the hard work of those sector appointed representatives, community representatives and independent technical advisors who invested hundreds of hours into developing the proposed plan. We also acknowledge what is proposed requires considerable change. Despite years of good work by communities, business and individuals, the water quality of our rivers continues to decline. We need to do something differently.

The PPC1 is a crucial first step on an 80-year journey to achieving the water quality objectives within the legally binding *Te Ture Whaimana o Te Awa o Waikato*, the Vision and Strategy for the Waikato River (the Vision and Strategy), and also to meet the Council's statutory obligations to the National Policy Statement for Freshwater Management (NPS-FM), in so far as the PPC1 relates to water quality in the Rivers. The Council is confident the PPC1 provides those lasting solutions required and recognises that future plan changes must continue with the same boldness.

The PPC1 was notified on October 22 2016 and the public invited to make submissions on the document. During this time, the Council has also been developing a detailed implementation plan, particularly focusing on internal systems, processes, resources and funding required to implement the PPC1 (recognising that the content may change through the public process).

Whilst the policy development has been extensive there are aspects of the PPC1 that require further refinement. Through development of the implementation plan, areas have been identified where there are inconsistencies, or the intent of the proposed provisions is not clear. To provide as much clarity as possible to the public, affected members of the community and staff on the implementation of policies, methods and rules, the Council is recommending these refinements. They will also ensure the PPC1 can be implemented to achieve the objectives identified for the water quality in the Waikato and Waipā catchments.

This document is divided into two parts. The first part provides an overall description of the objectives and/or policy as currently contained in the PPC1, and a discussion around the implementation challenges which exist with the current wording of some policies and rules. This section is intended to provide context for the reader, providing a summary of the key concepts to assist in understanding the reasons for the submission points. The points themselves are contained in the second part of the document, in table format. The two parts should be read in conjunction, and are complementary and consistent.

1.1 Objectives

1. The objectives set through the PPC1 provide a long term water quality goal. Through the PPC1, the Council is committed to achieving 10% of the required change by 2026, in order to make progress towards the long term outcomes for the Rivers. This PPC1 sets the first building blocks to reach the water quality objectives of the Vision and Strategy, as well as to meet the statutory requirements in the Resource Management Act 1991, and the NPS-FM.
2. The desired long term water quality outcomes were established through a values-setting exercise involving the Collaborative Stakeholder Group (CSG), project partners and the wider community. The result was that the water quality improvement must be achieved within an 80 year period, requiring that the defined numeric water quality attributes are met by 2096.
3. To ensure that progress towards this long term outcome would occur, the PPC1 set short-term numerical water quality targets. This is the approach recommended in the NPS-FM, though in subsequent editions, land use capability and climate change variables should be included in the modelling. In that way, we can be clear that the reasonably foreseeable effects of climate change have been considered (had regard to) but will not be included until the next review.
4. In exploring feasible options for managing diffuse discharges and in developing the objectives, consideration was given to the social and economic impacts that could potentially result from a policy shift in land use management regulation. Issues of equity across different farming sectors and landowners were considered, along with the ability of landowners to pay for significant land use policy/regulatory shifts. This reinforced the need for a staged approach to achieving the 80 year objective, in order to ensure landowners were well-informed and could begin to undertake mitigation measures.
5. Co-management is fundamental to the PPC1, and reflects the Council's statutory requirements to give effect to the Vision and Strategy. Tangata whenua values were identified and integrated into the co-management approach to the Waikato and Waipā Rivers. Iwi, community and industry all have high expectations for water quality and these are represented in the requirements to achieve the water attribute targets, while also recognising the need to provide flexibility for the use of Māori ancestral land.
6. The objectives in the PPC1 are complementary to the other objectives in the Waikato Regional Plan, and are focused in particular on providing a direction for managing diffuse source discharges in the Waikato and Waipā River catchments.
7. The Council is overall supportive of the objectives set out in the PPC1.

1.2 Overall approach

8. The Council acknowledges that PPC1 represents a marked change in the region's management of water and land from the operative Waikato Regional Plan. The PPC1 ensures that the Council is adapting to changing legislative requirements and responding to water quality issues that have arisen.
9. There are six key policy areas which make up the overall approach:
 1. Staging the transition to the 80 year goal
 2. Making reductions: Catchment wide rules, Farm Environment Plans and Nitrogen Reference Point (NRP)
 3. Restricting land use changes
 4. Managing point source discharges

5. Flexibility of the use of Te Ture Whenua and settlement land
6. Prioritisation and sub-catchment planning

10. A summary of these six areas, as well as the Council's submission on each, is contained below.

1.2.1 Staged approach

11. The Council is supportive of a staged approach as the most appropriate way to achieve the water quality that reflects the values expressed in the Vision and Strategy. This allows for progress to be made towards achieving the long-term objectives while minimising social disruption. In the first stage (covered in the PPC1 period), contaminant discharges will be held and reduced, while information is collected and systems established to support the second stage of change. Future stages envisage the use of property-level allocation of discharges based on land suitability as a starting point (taking into account the risk of contaminant discharges from the land and the sensitivity of the receiving water and the projected changes in meteorological conditions as a result of climate change).
12. Council supports the staged approach to allow for continued gathering of information, improved monitoring, and staggering of costs associated with the changes.

1.2.2 Making reductions

13. The approach to nitrogen reduction in the PPC1 begins with the current level of discharges, along with the requirement for those discharging in the 75th percentile to reduce their losses. Others will need to show, in their Farm Environment Plans, how they will manage their discharges, giving consideration to their current discharges and proportionate to the scale of water quality improvement required. This exhibits the principle of proportionality, while the approach to tailoring Farm Environment Plans takes into account the complexity and difference between farming systems.
14. The catchment is over-allocated, and wide-spread reductions are required in future plan changes in order to meet the long-term objectives. Allowing for increases in discharges during the stage covered by the PPC1 could overwhelm the efforts of others to reduce discharges. There is a clear risk that further degradation of water quality in the catchment will occur if action is not taken, and that the objectives will not be met.
15. The Council acknowledges the need to make reductions, and supports the approach to achieve the objectives, and to meet the short-term targets for sediment, nitrogen, phosphorus and microbial pathogens in the Waikato and Waipā Rivers, including the following:
 - Requiring the exclusion of cattle, horses, deer, and pigs from all water bodies that continually contain water, by 2026.
 - Requiring registration of properties and establishing a NRP for all farming activity over 20 hectares in size.
 - Using a tailored approach (Farm Environment Plan) to identify how reductions will be made on all farming properties, other than those that are small, low intensity, or with low risk factors for contaminant discharge.
 - Requiring certain minimum standards to be met through Farm Environment Plans, including grazing and cultivation setbacks from waterways, and avoiding cultivation on steeper land.
 - Requiring those with nitrogen leaching above the value of the 75th percentile of dairy farms (to be determined in each Freshwater Management Unit), to bring their discharges back to that value by 2026.
 - Requiring that forestry harvest comes under a forest harvest plan, to be notified to the Waikato Regional Council prior to commencing harvest.

- Holding constant the area under commercial vegetable production, and requiring commercial vegetable enterprises to prepare a Farm Environment Plan following specified management practices to reduce nutrient and sediment discharges.
- Requiring those carrying out farming activities to not exceed their NRP and to reduce their contaminant discharges, with the degree of reduction proportionate to their current discharges (that is, those currently discharging more make greater reductions).

1.2.3 Restricting land use change

16. An immediate constraint is placed on changing from lower contaminant-discharging land uses to higher contaminant-discharging land uses, effective until 2026. The immediacy of the constraint on changing from lower to higher contaminant-discharging land-use attempts to thwart any negative progress regarding the PPC1 objectives by the cumulative impacts of further conversions.
17. The Council acknowledges that managing the effects of diffuse discharges from land use activities is a complex matter, and the future steps to achieve the outcomes sought for the rivers will require ongoing attention to land use change and the consideration of the appropriateness of the activities occurring on that land.
18. The Council notes that historically land use change has been a concern for many, and notes the tools for managing land use change have been limited. The Council considers that further clarity needs to be provided, however it is supportive of the provision regarding land use change, as well as the immediate nature of its adoption.

1.2.4 Managing point source discharges

19. The PPC1 requires that point source consent decisions consider the set water quality targets, and adopt the best practicable option to assist in meeting those targets, with an allowance for offsetting where all adverse effects cannot be avoided or mitigated at that location.
20. The Council, as the owner and responsible administrator for regionally significant infrastructure, notes that in particular instances the function of regionally significant infrastructure may be in contrast to the water quality objectives as set out in the PPC1.

1.2.5 Flexibility of the use of Te Ture Whenua and settlement land

21. The Council is supportive of the provision included in the policies that allows for flexibility to recognise and provide for the relationship of Māori with their ancestral land.

1.2.6 Prioritisation and sub-catchment planning

22. The Council supports the prioritisation of sub-catchments for the timing of Farm Environment Plans and stock exclusion, as this has been undertaken using a sound and consistent methodology that has produced results that are generally consistent with the existing catchment planning and management work programmes undertaken by Council.
23. The Council also supports the use of sub-catchment scale planning (including plans for priority lake catchments) to identify and coordinate cost-effective actions, which will provide a consistent basis for subsequent farm environment planning within each catchment and more consistent outcomes across sub-catchments. Sub-catchment planning in this context will also complement the existing catchment planning and management undertaken by Council on a voluntary basis, and strengthen the connection between landowners that are undertaking work of this type within sub-catchments.

2 Discussion on key submission points

24. The Council supports the overall intent of the objectives and the policy approach, as shown in submission points in sections 4.2 and 4.3.
25. There are a few areas in PPC1 that raise particular concern for the Council. While the Council supports the intent of the approach to nitrogen management and to commercial vegetable production, this submission will include points to seek clarification and amendment to those areas. The Council also raises a specific concern regarding point source discharge and regionally significant infrastructure.
26. These points are discussed in further detail in the remainder of this section.

2.1 Approach to nitrogen management

27. The management of diffuse discharges at a property level relies on the ability to measure or model discharges with an acceptable level of confidence. Currently, there are not cost effective ways of measuring, or sufficient confidence in modelling, diffuse discharges of phosphorus, sediment or microbial pathogens at a property scale.
28. The *Overseer* model is recognised as an important tool in understanding activities undertaken on land and the potential for nitrogen leaching. It has the potential to be used in different ways in regulatory policy: either as an “absolute” number which land owners are required to meet, or as a tool to understand nitrogen risk and loss on a property, and to inform the selection of actions to reduce losses.
29. Holding landowners to an “absolute” number or property level limit that is generated by *Overseer* has the following advantages:
 1. It provides the community with a sense of a clear quantum of nitrogen being capped or reduced at property level.
 2. The policy can be designed to facilitate transfers of nitrogen between properties, provided landowners choose to negotiate with each other, and there is a system to track the changed property-level limits that result from the transfer (such that there is no overall increase in nitrogen, but one property has increased and one has decreased nitrogen losses by the equivalent amount). The addition of a trading component to the nitrogen limit increases the overall economic efficiency for the community.
30. However, an option of regulating the “absolute” number or property level nitrogen limit that is generated by *Overseer* has certain constraints:
 1. Some property-level mitigations are not in the current version of *Overseer*. Hence, if regulation specifies that *Overseer* must be used as the sole means to demonstrate compliance, a landowner may get no recognition for these actions.
 2. *Overseer* is regularly upgraded, resulting in version changes. Following a version change, the results from the model could change, even if the approaches used on the farm have not changed. In other words, the same property-level inputs to each new *Overseer* version could give a higher or lower nitrogen output. It is not possible to predict how each landowner will be impacted, because each property has a different mix of inputs, and the changes are not constant for each version change. This means that each farm is affected differently by a version change (for some more favourably, some unfavourably). There are ways to navigate through changing versions, but requires extra resources to run the original input data

through each changed version, and it could be perceived that landowners are not complying with property limits if nitrogen leaching numbers change.

31. Currently, PPC1 requires a property specific risk assessment, with actions and timeframes identified in a Farm Environment Plan to reduce discharges of nitrogen, phosphorus, sediment and microbial pathogens. In addition, it requires the identification of a Nitrogen Reference Point (NRP) and actions identified in a Farm Environment Plan to ensure the NRP is not exceeded, as measured by the five-year rolling average annual nitrogen loss as determined by *Overseer*. Due to the identification for an absolute number generated by *Overseer*, flexibility was introduced through the concept of the five-year rolling average, to allow for seasonal variability.
32. Currently there is an overall inconsistency (and therefore lack of clarity) within the PPC1 with regard to whether or not the NRP itself is intended to be the primary measure for demonstrating on-farm compliance (and potentially the basis for enforcement) or whether it is the on-farm actions that will be specified through Farm Environment Plans, that will be the focus for compliance and enforcement. Different parts of the PPC1 appear to be premised on one or the other. For example references to compliance against five-year rolling averages of N loss estimates suggest the former, however the lack of any provisions that would enable the transfer of N between properties or to robustly verify *Overseer* estimates, suggests the latter. The PPC1 provides what can be best described as a “half-way house” between the two approaches – it does not clearly provide for one nor the other. This ambiguity exists even within the same provision – for example Rule 3.11.5.4 and Schedule 15(a) (but not rule 3.11.5.5) require land owners to comply with their NRP as measured by the five-year rolling average “unless other suitable mitigations are specified”. This appears to enable a “flexible” approach to the issue of compliance against the NRP which deviates from the strict quantitative compliance approach that is apparent elsewhere, but without any guidance as to how this flexibility might be implemented.
33. The submission points in this document relating to nitrogen management seek to provide clarity on this matter, and focus on ensuring the provisions can be implemented efficiently so that water quality improvements can be achieved.
34. This inconsistency has consequences for three key parts of the approach to nitrogen:
 1. Implementation of the requirement to comply with a nitrogen limit (e.g. rule 3.11.5.2) or a five-year rolling average annual nitrogen loss, as determined by *Overseer*.
 2. Ownership of the NRP.
 3. Transferring of NRPs between parcels of land as a result of property sale and purchase, subdivision or amalgamation.
35. These points are expanded upon below.

2.1.1 Monitoring and enforceability concerns of implementing a five-year rolling average

36. The wording of Rule 3.11.5.4, specifically point iii) of the matters of control, which limits the way Council can control the achievement of the NRP to a numerical assessment of a five-year rolling average, is problematic and has significant implications for the implementation of the NRP.
37. Firstly, the wording of Rule 3.11.5.4 (iii) appears to create an expectation that the five-year rolling average will be the firm standard for how nitrogen loss will be assessed against the NRP. However measuring annual nitrogen loss using the five-year rolling average is only a matter of control in rule 3.11.5.4, not a standard and term that must be met. This is confusing and potentially unclear to the plan user. The five-year rolling average wording is repeated in section 5(a) of schedule 1.

38. Secondly, and more significantly, the use of a five-year rolling average as the method of assessing whether a land user has complied with an NRP has a number of implications which will add significant complexity to efficient implementation:

1. Every property will be required to undertake an *Overseer* assessment on their property every year, irrespective of the size of their NRP.
2. Managing N outputs by allowing an “unders and overs” approach (such as through a five-year rolling average) relies on being able to determine actual losses each year. Our understanding is that *Overseer* produces an estimate of average losses over time, and cannot reliably estimate actual losses each year.
3. Over a five year period, between five and ten different versions of *Overseer* may exist. The rolling average will be calculated from outputs from different versions of the model, which cannot be related to each other. Assessing whether a farmer has stayed within their NRP will require both the NRP data, and each of the previous year’s *Overseer* input data to be run through the latest version of *Overseer*, prior to being able to compare “actual” nitrogen loss with the NRP. This is potentially an administratively very time consuming, inefficient and expensive process.
4. The earliest consents are due to be in place by 2020, which means a five-year rolling average will not be available until 2025, only one year before the plan may become due for review, meaning for the majority of farms (priority 2 and 3) there will be no data on whether they are complying or not by the time the plan is due for review.
5. There is an issue of fairness and equity, as a farmer will not know whether they are complying or not until they have run their farming system through a model that will not exist for 5 years.
6. The rolling average approach implies the ability for a farmer to “bank” nitrogen as a result of discharging less than the NRP in one year, so that they can “exceed” the NRP in a subsequent year. The implication is that annual diffuse N loss can be accurately determined by *Overseer* and “unders and overs” can be managed at a farm scale on an annual basis. This implies a level of accuracy in the present *Overseer* tool which, in our understanding, exceeds the model’s capabilities.

39. We consider for the above reasons the compliance approach utilising the five-year rolling average is not implementable. It is proposed, as shown in the submission points, that a more practicable approach to implementation would be to use the NRP as a yardstick to indicate the relative amount of N being lost from a property. This would inform the Farm Environment Plan process and result in a list of proposed mitigation actions designed to reduce nitrogen loss, in the same way as is proposed for the other three contaminants. Compliance would then be measured based on whether those actions are completed.

40. The Council recognises there is a significant amount of good farming practice already underway in the region, and supports the use of Farm Environment Plans to capture and acknowledge best practice. In this regard, as signalled by Policy 2(d), it is expected that those whose practices result in less discharge of contaminants will not have to do as much as those whose practices result in high levels of discharge.

41. This proposed approach:

- retains the NRP as a key part of the overall policy approach
- utilises *Overseer* as an important tool in the management of nitrogen at a property level
- greatly improves the efficiency of implementation
- avoids the need for every farm to undertake annual *Overseer* assessments (other than where significant changes to farm management has occurred)
- allows for current best practice management to be acknowledged
- avoids the difficult evidential issues associated with establishing a breach of the consent if the compliance point is a numerical discharge limit which cannot be established with the required certainty.

2.1.2 Ownership of the NRP

42. Schedule B requires a NRP to be obtained by “a property or enterprise”. Where a property is part of an enterprise (e.g. through a lease arrangement), it is not clear who owns the NRP. In this scenario, while it is clear that the entity actually farming the land is responsible for compliance with the rules, it is not clear whether the NRP produced attaches to the property which is fixed at a given location, or the enterprise (which, by definition, can move around). It cannot attach to both as that would double-count nitrogen leading to an increase in diffuse nitrogen loss over time.
43. The concepts behind assigning a NRP either associated with a piece of land or associated with an entity are fundamentally different, and incompatible with each other. In practical terms, a NRP is a right to discharge up to a certain amount of nitrogen. This right to discharge can only be exercised in association with using a piece of land – the NRP is not a transferable discharge right, as there is no mechanism within the PPC1 to enable nitrogen to be reassigned (Section 2.1.3 below). Consequently, the concept of associating a NRP with an enterprise, and the corresponding ability to “exercise” that NRP anywhere on any other piece of land, raises practicality issues. If an entity were to take its NRP from one piece of land to another property, the remaining land will not cease to lose nitrogen, the nitrogen loss will continue, at a rate dependent on the new land use. There is no mechanism in PPC1 to decide what that residual nitrogen loss amount should be.
44. We consider that the concept of a NRP being connected to both property and an enterprise within the same policy is conflicting and unable to be implemented. It is proposed that NRPs are connected to a property only.

2.1.3 Reassigning nitrogen between land parcels

45. There are no provisions in the PPC1 that enable or provide for the NRP to change.
46. The Council, based on its experience with Variation 5 for Lake Taupō which regulates nitrogen loss on farms, has learned that sophisticated nitrogen accounting is required to manage how nitrogen is accounted for when property is leased, or bought and amalgamated into, or subdivided and removed from, existing properties. Variation 5 has a comprehensive set of rules which govern the way nitrogen is managed in these situations and also provides for trading and offsetting. At present, there are no similar provisions in the PPC1. Thus, the NRP produced in accordance with Schedule B, based on the reference years specified, is permanently fixed in place.
47. This will impose significant inflexibility for land owners, when buying, selling, subdividing, amalgamating or leasing property.
48. For example, consider the following:
 Property A: 100 ha, NRP = 30 kgN/ha/year (ie whole farm N loss allowed = 3000 kg/year)
 Property B: 200 ha, NRP = 50 kgN/ha/year (ie whole farm N loss allowed = 10,000 kg/year)

Property A sells 50 ha to property B

Property B now has a whole farm N loss allowed of $10,000 + 1500 \text{ kg/year} = 11500 \text{ kgN/year}$

The new N loss allowed per hectare = 46 kgN/ha/year .

49. The above example illustrates that, implicit in the ability to reassign nitrogen between properties in this way, is the concept of a “whole farm nitrogen loss allowance” (referred to in the Taupō Catchment as a “TAND” (total allowable nitrogen discharge)) and that there needs to be an ability for the Council to enable changes to the NRP for farms.
50. It is proposed that provisions should be introduced into the PPC1 which enable the movement of nitrogen between properties when property ownership changes. The Council has provided its submission on these points in further detail in the table below.

2.2 Commercial vegetable production

51. The approach to managing commercial vegetable production in the PPC1 is different to that for pastoral farming, to recognise the following factors:
 1. Vegetable crops are frequently rotated where crops may differ from year to year and also a number of crops grown on the same land in one year. This creates technical difficulties in modelling nutrient losses using *Overseer*.
 2. Land used for vegetable crops also changes, where the extent and location of land leased by growers may change from year to year.
52. Due to these factors the policy approach to commercial vegetable production includes:
 1. A cap on the total area of commercial vegetable production, as determined by the last 10 years area.
 2. A NRP which is calculated over a longer timeframe (10 years) to recognise crop rotations.
 3. The concept of an enterprise, which is a business that moves around the landscape, changing size and location, but in this instance not increasing in size or discharges of nitrogen.

2.2.1 Ownership of the NRP

53. As discussed in 2.1.2, the PPC1 is currently unclear as to who “owns” the NRP when a property is also part of an enterprise. These concerns are particularly problematic when considered in the context of enterprises as envisaged in rule 3.11.5.5.
54. The rule is premised on the ability of enterprises to not just occupy multiple blocks of leased land, but also to occasionally shift that enterprise (and the associated NRP) to entirely “new” (i.e. different) land. The PPC1 does not provide for how the NRP should be managed and accounted for in these circumstances, including whether the enterprise or the component properties should hold the NRP.
55. Either option appears to result in ambiguities and problems for practical implementation. If it is intended that both enterprises and their component properties can hold the NRP, how does this work in practice when properties come in to and out of an enterprise, and how is double-counting of nitrogen avoided?

56. Given the challenges identified in the current form of the PPC1, we consider that the rule is not practicably implementable. Close engagement with the horticulture sector will be required to address the aforementioned implementation challenges.

2.2.2 Commercial vegetable production and land use change prior to 2020

57. It is routine practice amongst commercial vegetable growers to move the enterprise, or parts of it, from block to block. In 2020, when consents are required under the rule, then standard and terms (f) and (g) will provide for this rotation provided that the total area does not exceed the maximum land area that was used during the reference period. Clause (g) makes it clear that where “new” land is brought into the enterprise, then an equal area of the existing operation must be removed from the enterprise. Once consent is obtained in 2020, then this form of rotation will be allowed “as of right”.
58. The Council is concerned that rule 3.11.5.7 did not intend to apply in this situation because item 4 of that rule applies to “any land use to commercial vegetable production except as provided for under standard and term (g) of rule 3.11.5.5.” However, (g) is only relevant when the controlled activity “part” of the rule has effect (which is after 1 January 2020). Prior to that, it is simply a permitted activity. The intention was for rule 3.11.5.7 item (4) to exempt these situations from being caught entirely.
59. What it means for many vegetable growers is that they will need non-complying activity consent to commence commercial vegetable production on any land that wasn’t used for commercial vegetable production at the time the PPC1 was notified, until 2020. That could amount to hundreds of non-complying activity consents across the region between now and 2020. This represents a significant cost to everyone, with potentially no actual benefit.
60. It is proposed that Rule 3.11.5.7 should not capture the rotation of crops within commercial vegetable production, and that this should rather be covered by Rule 3.11.5.5.

2.3 Council as a provider of regionally significant infrastructure

61. The primary function of flood protection and land drainage infrastructure is to provide a conduit for runoff, particularly during times of heavy and/or extended rainfall. This function is defined by “levels of service”, which are agreed with the community as being an appropriate balance between the cost of the infrastructure and the benefits that are provided. For example, a “level of service” may require the infrastructure to be capable of removing runoff from a certain rainfall event within a certain period of time. This “level of service” then drives the design and performance requirements for the different elements of infrastructure that make up an overall scheme which must be provided for by Council.
62. The Council notes that it is important that the need to achieve this level of service is recognised when considering the achievement of water quality objectives in relation to point source discharges, as well as there being the potential for the two to conflict (noting that the performance of flood protection and land drainage infrastructure is generally measured during times of flooding, where the quality of water being conveyed will often be relatively poor, as is expected during times of flooding).
63. It is proposed the PPC1 should account for, during flood events, the potential conflict between achieving the level of service for regionally significant infrastructure, and the water quality objectives as outlined in PPC1. The policy should allow for the Council’s commitment to maintain flood protection levels of service to be met by allowing the unimpeded passage of high flows, regardless of water quality, during flood events.

2.4 Inadvertent capture of certain activities by rule 3.11.5.7

64. The PPC1 utilises two basic approaches to regulating the loss of contaminants. These are:
- A suite of rules which require farming activities to maintain or reduce the loss of contaminants. This will be achieved via farm plans that identify risk and, with reference to the NRP for farming properties, actions necessary to achieve this objective (rules 3.11.5.3–3.11.5.6).
 - A rule which restricts certain changes in land use where the change would be more likely to result in greater loss of contaminants (non-complying activity rule 3.11.5.7).
65. The Council considers that rule 3.11.5.7 inadvertently captures certain activities which more appropriately should (and were intended to) fall within the scope of rules 3.11.5.3–3.11.5.6. Examples include:
- (a) routine rotation of commercial vegetable crops between now and 1/1/2020;
 - (b) rotation of maize crops within a dairy or drystock farming operation;
 - (c) harvesting of woodlots within a property and subsequent pastoral use.
66. Example (a) is an issue until consent is obtained under rule 3.11.5.5, because rule 3.11.5.7 explicitly exempts uses of land that are authorised under rule 3.11.5.5.
67. Examples (b) and (c) illustrate that relatively innocuous land use practices on farms may technically fall within scope of the rule. This is in contrast to the intent behind the hierarchy of rules proposed, which was that the contaminant loss footprint of such activities, within farm property boundaries, would be managed through the NRP and Farm Environment Plans.
68. We consider that amendments are required to Rule 3.11.5.7 to ensure that activities, such as those noted, clearly fall within the scope of the general farming rules and are exempted from being caught by rule 3.11.5.7.

3 Council submission

69. The Council's submission focusses on a few areas which are of particular concern for the Council: nitrogen management, commercial vegetable production, and point source discharges in regard to regionally significant infrastructure. These points, as explained above, are included in further detail the submission table below.
70. In addition to the aforementioned points, there are also a number of submission points that seek to provide as much clarity as possible to the public, affected members of the community and staff on the usability and implementation of the PPC1 policies, methods and rules.
71. The submission was workshopped with the Council's elected members, and includes comments from Councillors alongside those from Council staff.
72. In discussing this submission the elected members of Council noted that the reference period for the NRP of the 2014/15 and 2015/16 financial years corresponds to two years of an unusually low dairy pay-out. During these years it was noted that some farmers had reduced stock numbers and farm inputs to levels below what might be considered economically sustainable in the long term. Further, elected members noted that the reference period may result in a NRP that is insufficient to allow existing dairy farms to be economically viable. Members asked that this point be included in the submission for the attention of the hearings panel for their consideration.
73. The Council is overall supportive of the PPC1, and seeks the following changes as outlined in the following table to ensure the objectives of the PPC1 can be achieved as efficiently and effectively as possible.

4 Submission points

4.1 Background sections

#	Provision	Support/oppose		Discussion/reason	Decision sought
74.	General	Support amendments	with	Corrections and consistency are required throughout the entire PPC1.	Amend every occurrence of the word Waipa to read: "Waipā" Amend every occurrence of the word Mātauranga to read "mātauranga"
75.	General	Support amendments	with	There is an inconsistency with terminology throughout the PPC1 with regard to the management of discharges. Some sections of the PPC1 refer to individual farms "reducing" (not "reducing or maintaining") their discharges (e.g. stated or inferred in Policy 1(b), Policy 2(a) and (d), Policy 3(a) and (f)), and some parts enable "maintenance or reduction" (except where nitrogen leaching losses are above the 75th percentile nitrogen leaching value) – e.g. rule 3.11.5.4 Matters of control ii and iii, rule 3.11.5.5 Matters of control iii and iv - and also inherent in rules 3.11.5.1 and 3.11.5.2. The inconsistencies create confusion and ambiguity as to what the PPC1 requires, and proposes a problem for implementers.	Amend PPC1 to clarify the wording regarding the management of discharges.
76.	Area covered by Chapter 3.11/Ngā Riu o ngā Awa o Waikato me Waipā	Support amendments	with	Chapter 3.11 covers the geographical area of the Waikato and Waipa River catchments and is to apply in addition to all of the parts of the existing Operative Regional Plan. However the discussion in 3.11 only makes references to "all other parts of the Plan". Changes are required to clarify that the reference to the Plan is to the Operative Regional Plan.	Amend the Area covered by Chapter 3.11/Ngā Riu o ngā Awa o Waikato me Waipā to read: "This Chapter 3.11 applies to... This Chapter is additional to all other parts of the <u>Operative Waikato Regional Plan</u> ."
77.	Map 3.11-1: Map of the Waikato and Waipa River	Support amendments	with	Map 3.11.-1 identifies the Waikato and Waipa River catchments and Freshwater Management Units at the	Amend Map 3.11-1 and Map 3.11-2 so that the north-eastern area of the

#	Provision	Support/oppose	Discussion/reason	Decision sought
	catchments, showing Freshwater Management Units and Map 3.11-2: Map of the Waikato and Waipa River catchments, showing sub-catchments		time of notification. Map 3.11-2 identifies the Waikato and Waipa River catchments sub-catchments. On 3 December 2016 part of the plan change area was formally withdrawn. A new map is required in the plan change to reflect that the withdrawn area is no longer part of this plan change.	Waikato and Waipa River catchment that has been withdrawn is not included in the maps.
78.	Background and explanation	Support with amendments	In the Background and explanation on page 13, under the heading "Collaborative approach" a spelling correction is required.	Amend the words: He Rauaki Whakapaipai to read: "He Rauāki Whakapaipai"
79.	Background and explanation	Support with amendments	There are some minor inconsistencies in the background and explanation that require minor edits.	Amend the Background and explanation; full achievement of the Vision and Strategy will be intergenerational; fourth bullet point on page 15 to read: "An <u>certification process accreditation system</u> to be set up for people who will assist farmers to prepare their Farm Environment Plan, and to certify agricultural industry schemes..." And amend the second to last paragraph to read: "There are a range of existing provisions in <u>this the operative Waikato Regional Plan</u> that deal with activities that relate to forestry." And amend the last paragraph to read: "In the short term, land use change from tree cover <u>woody vegetation</u> to farming activities, or any livestock grazing other the <u>than</u> dairy or arable cropping to dairy farming, ..."

#	Provision	Support/oppose	Discussion/reason	Decision sought
				And amend the last sentence of this paragraph (p16) to read: "...This second stage will <u>potentially include a focus</u> on land suitability and how land use impacts on water quality..."
80.	Te Horopaki me ngā Whakamārama	Support	Summary and context of unique process written in Te Reo Māori.	Retain
81.	Values and uses for the Waikato and Waipa Rivers/Ngā Uara me ngā Whakamahinga ongā Awa o Waikato me Waipā	Support	Expression of values of the community.	Retain

4.2 Objectives/Ngā Whāinga

#	Provision	Support/oppose	Discussion/reason	Decision sought
82.	Objective 1: Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit/Te Whāinga 1: Te whakaoranga tauroa me te tiakanga tauroa o te kounga wai ki ia riu kōawaawa me te Wae Whakahaere i te Wai Māori	Support	Objective 1 provides for an 80 year timeframe to achieve the water quality objectives of the Vision and Strategy.	Retain
83.	Objective 1: Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit/Te Whāinga 1: Te whakaoranga tauroa me te tiakanga tauroa	Support	The PPC1 is required to provide for climate change, as required by the NPS-FM. Climate change will be addressed in subsequent Plan changes, as further information and increased understanding of climate change becomes available.	Retain with amendment to acknowledge climate change as required by the NPSFM

	Provision	Support/oppose	Discussion/reason	Decision sought
	o te kounga wai ki ia riu kōawaawa me te Wae Whakahaere i te Wai Māori		The long term impacts of climate change projections were not modelled and the 80 year target was derived using historical climate information and nutrient cycling rates. While the effects that climate change will have on the hydraulic forcing of nutrients through the various catchments and of in-situ processes in the various hydro dams may be unknown at this stage, it is likely that the processes for lakes are different than flowing waters. Presently the plan does not address this.	
84.	Objective 2: Social, economic and cultural wellbeing is maintained in the long term/Te Whāinga2: Ka whakaūngia te oranga ā-pāpori, ā-ōhanga, ā-ahurea hoki i ngā tauroa	Support	The Council requests that the Hearings Panel consider including an appropriate reference to climate change within this objective. Objective 2 recognises social, economic and cultural wellbeing.	Retain
85.	Objective 3: Short-term improvements in water quality in the first stage of restoration and protection of water quality for each sub-catchment and Freshwater Management Unit/Te Whāinga 3: Ngā whakapainga taupoto o te kounga wai i te wāhanga tuatahi o te whakaoranga me tetiakanga o te kounga wai i ia riu kōawāwa me te Wae Whakahaere Wai Māori	Support	Objective 3 short term goal as to achieve actions in the next 10 years which will result in a 10% change in water quality, from current state towards the 80 year water quality goal.	Retain

	Provision	Support/oppose	Discussion/reason	Decision sought
86.	Objective 4: People and community resilience/Te Whāinga 4: Te manawa piharau o te tangatame te hāpori	Support	Objective 4 provides for taking a staged approach to reaching the long term goal, and enable an adaptive management approach to allow for continued social, economic and cultural wellbeing.	Retain
87.	Objective 5: Mana Tangata – protecting and restoring tangata whenua values/Te Whāinga 5: Te Mana Tangata – te tiaki me te whakaora i ngā uara o te tangata whenua	Support	Objective 5 recognises tangata whenua values, connections to and relationship with the land and rivers. Minimisation of new impediments to the flexibility of the use of the land. Kaitiakitanga and spiritual and physical wellbeing improved.	Retain

4.3 Policies/Ngā Kaupapa Here

#	Provision	Support/oppose	Discussion/reason	Decision sought
88.	Policy 1: Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens/Te Kaupapa Here 1:Te whakahaere i ngā rukenga roha o te hauota, o te pūtūtae-whetū, o te waiparapara me te tukumate ora poto	Support	Policy 1 manages and require sub-catchment wide reductions of nitrogen, phosphorous, sediment and microbial pathogens.	Retain
89.	Policy 2: Tailored approach to reducing diffuse discharges from farming activities/Te Kaupapa Here 2: He huarahi kaāta whakahāngaihia hei whakaiti i ngā rukenga roha i ngā mahinga pāmu	Support	Policy 2 requires stock exclusion to be completed within 3 years following the dates by which a Farm Environment Plan must be provided to the Council, on in any case no later than 1 July 2026. Using a tailored approach (Farm Environment Plan), risk based approach to define mitigation action that will reduce diffuse discharges from farming activities	Retain

#	Provision	Support/oppose	Discussion/reason	Decision sought
			<p>Parity between Farm Environment Plan development, monitoring and auditing of mitigation actions through resource consent processes and certified industry schemes.</p> <p>Establishment of a Nitrogen Reference Point for properties or enterprises.</p> <p>Requiring reductions of diffuse discharges to be proportionate to the amount of current discharges and the scale of water quality improvement required for the sub-catchment.</p>	
90.	Policy 2: Tailored approach to reducing diffuse discharges from farming activities/Te Kaupapa Here 2: He huarahi kaāta whakahāngaihia hei whakaiti i ngā rukenga roha i ngā mahinga pāmu	Support with amendments	<p>A key tool for achieving the objectives of the PPC1 as they relate to nitrogen reduction is the production of a “Nitrogen Reference Point” for farms over 20 ha. The Plan envisages that those farms with NRPs over the 75th percentile nitrogen leaching values, will, through actions identified in their Farm Environment Plans, reduce their nitrogen loss footprint to the 75th percentile level. However, there is nothing in the PPC1 that explicitly and clearly compels that reduction, either in the Policies or the Rules. The only references to it in the policies and rules are:</p> <ul style="list-style-type: none"> i. Policy 8 where it states that the 75th percentile nitrogen leaching dischargers will be “prioritised” for FEPs; ii. Rules 3.11.5.3 (5)(a) and 3.11.5.4 (1) where, similar to the above, 75th percentile nitrogen leaching dischargers are identified as requiring a NRP by 1/7/2020; iii. Rule 3.11.5.4 Matters of control (iv) which, in relation to the 75th percentile nitrogen leaching dischargers, reserves Council control over the actions, timeframes and other measures to ensure the diffuse discharge of nitrogen is 	Amend Policy 2 to make it explicit that those dischargers who exceed the 75 th percentile nitrogen leaching value, must reduce their nitrogen losses to the 75 th percentile. This leaves no room for ambiguity as to the compulsory nature of this reduction whether the farming operation is permitted under an industry scheme (Rule 3.11.5.3) or otherwise requires resource consent.

#	Provision	Support/oppose	Discussion/reason	Decision sought
			reduced so that it does not exceed the 75 th percentile nitrogen leaching value by 2026. (Note that, as a “matter of control”, this is by definition, a discretionary power only and, as such, is not a compulsory requirement).	
			iv. Schedule 1 (Requirement for farm Environment Plans) (5)(b) which requires FEPs to describe the actions, timeframes and other measures to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75 th percentile nitrogen leaching value by 2026, where this is relevant to the farming activity. As noted elsewhere in this submission, it is doubtful that there is regulatory power in the provisions of Schedule 1.	
91.	Policy 4: Enabling activities with lower discharges to continue or to be established while signalling further change may be required in future/Te Kaupapa Here 4: Te tuku kia haere tonu, kia whakatūria rānei ngā tūmahi he iti iho ngā rukenga, me te tohu ake ākuanei pea me panoni anō hei ngā tau e heke mai ana	Support	Policy 4 enables activities with low discharging activities to continue	Retain
92.	Policy 5: Staged approach/Te Kaupapa Here 5: He huarahi wāwāhi	Support	Policy 5 allows for minimising social disruption by taking a staged approach to achieving water quality attribute targets (with PPC1 being the first stage). Preparing for further reductions that will be needed in subsequent regional plans to reach the long term goal.	Retain

#	Provision	Support/oppose	Discussion/reason	Decision sought
93.	Policy 6: Restricting land use change/Te Kaupapa Here 6: Te here i te panonitanga ā-whakamahinga whenua	Support	Policy 6 places an immediate requirement on changing from lower contaminant-discharging land uses to higher contaminant-discharging land uses, effective until 2026.	Retain
94.	Policy 6: Restricting land use change/Te Kaupapa Here 6: Te here i te panonitanga ā-whakamahinga whenua	Support with amendments	Policy 6 refers to “existing” diffuse discharges. The intent of the words “existing” in this context was to refer to the contaminant loss status as at the date of notification of the PPC1. The term “existing” does not clearly convey that meaning.	Amend Policy 6 to read: “Except as provided for in Policy 16, land use change consent applications that demonstrate an increase in the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens <u>compared with what was occurring at 22 October 2016</u> , will generally not be granted. Land use change consent applications that demonstrate clear and enduring decreases in <u>existing</u> diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens <u>compared with what was occurring at 22 October 2016</u> , will generally be granted.”
95.	Policy 7: Preparing for allocation in the future/Te Kaupapa Here 7: Kia takatū ki ngā tohanga hei ngā tau e heke maiana		Policy 7 requires actions to be undertaken to establish a property level allocation in the future. Collect information, undertake research and develop tools to do this. Signalling allocation principles to consider in the future, including the concept of land suitability.	Retain
96.	Policy 8: Prioritised implementation/Te Kaupapa Here 8: Te raupapa o te whakatinanatanga	Support with amendments	Policy 8 states that ‘priority sub-catchments’ and ‘75 th percentile nitrogen leaching values dischargers’ will be prioritised for Farm Environment Plans. It should be clarified that this is referring to the priority 1 sub-catchment, and that they and those in the 75 th percentile are the same priority.	Amend Policy 8; last sentence to read: “In addition to the priority <u>1</u> sub-catchments listed in Table 3.11-2, the 75 th percentile”

#	Provision	Support/oppose	Discussion/reason	Decision sought
97.	Policy 9: Sub-catchment (including edge of field) mitigation planning, co-ordination and funding/Te Kaupapa Here 9: Te whakarite mahi whakangāwari, mahi ngātahi me te pūtea mō te riu kōawāwa (tae atu ki ngā taitapa)	Support	Policy 9 takes a prioritised and integrated approach by undertaking sub-catchment scale planning.	Retain
98.	Policy 10: Provide for point source discharges of regional significance/Te Kaupapa Here 10: Te whakatau i ngā rukenga i ngā pū tuwha e noho tāpua ana ki te rohe	Support with amendments	<p>Policy 10 provides for regionally significant infrastructure and industry in deciding resource consent applications. The Waikato Regional Policy Statement requires recognising and protecting the value and long-term benefits of regionally significant infrastructure.</p> <p>At the time of flooding the primary function of flood and drainage infrastructure is to mitigate the effects of flooding. This requirement may need to take precedence over the achievement of water quality objectives (e.g. meaning that water quality objectives may not be met) through moving contaminated water from one place to another.</p>	Amend Policy 10 to read: “a. Continued operation of regionally significant infrastructure, <u>including the need for flood and drainage infrastructure to convey water during flood events; and</u> ”
99.	Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges/Te Kaupapa Here 11: Te whakahāngai i te Kōwhiringa ka Tino Taea me ngā mahi whakangāwari pānga; te karo rānei i ngā pānga ki ngā rukenga i ngā pū tuwha	Support	It was not intended for this policy to require mitigation or offset for infrastructure that primarily moves water already containing contaminants from one place to another. Generally consent conditions will be required for point source discharges at the point of the discharge. Do not “contribute” or add to the amount of contaminants in the water being discharged, they convey rather than add contaminants to the environment. It is not reasonable to require flood management infrastructure.	Amend Policy 11 so that flood management and drainage infrastructure are not required to mitigate contaminants that are sourced from land use activities within catchment.

#	Provision	Support/oppose	Discussion/reason	Decision sought
100.	Policy 12: Additional considerations for point source discharges in relation to water quality targets/Te Kaupapa Here 12: He take anō hei whakaaro ake mō ngā rukenga i ngā pū tuwha e pā ana ki ngā whāinga ā-kounga wai		<p>Policy 12 considers the impact of contribution on catchment loads and achievement of short term targets</p> <p>Take into account the following points during resource consent processes for point sources:</p> <ol style="list-style-type: none"> 1. proportionality of discharge relative to other sources in the catchment 2. past upgrades 3. ability to stage future mitigations to manage costs 4. diminishing returns when high level of treatment is already in place 	Amend Policy 12 to read: <u>“e. That flood and drainage infrastructure is not contributing to catchment loads but conveying water for flood management purposes.”</u>
101.	Policy 13: Point sources consent duration/Te Kaupapa Here 13: Te roa o te tukanga tonu whakaetanga mō te pū tuwha	Support with amendments	<p>Policy 13 requires that “When determining an appropriate duration for any consent granted [to] consider ... (a) A consent term exceeding 25 years, where the applicant demonstrates the approaches set out in Policies 11 and 12 will be met...”</p> <p>However there are concerns that:</p> <ul style="list-style-type: none"> • The nature of the direction in the policy is unclear. What does “consider a term exceeding 25 years” require the consent authority to do, that it is not already required to do in the absence of the policy (noting that there is discretion to grant a duration under the RMA of up to 35 years)? In other words, given the 35 year maximum, the Council is already required to “consider” all possibilities up to and including 35 years); • If the real intent of the condition is to provide guidance that, in such circumstances, a duration of 25 years plus should be applied then the clause should more clearly state that. However, this submission does not support that approach; we consider that clause (a) should not pre-empt the question of duration because there are very many factors which are relevant to that determination and 	Amend Policy 13(a) to read: “A consent term exceeding 25 years, where the applicant demonstrates the approaches set out in Policies <u>Policy 11 and 12</u> will be met; and...”

#	Provision	Support/oppose	Discussion/reason	Decision sought
			<p>the matter should be determined on a case by case basis;</p> <ul style="list-style-type: none"> Further, the requirement to “consider a 25 year plus term” is contingent upon demonstrating that the “approaches in Policies 11 and 12 will be met.” The reference to Policy 11, which advocates for adoption of the best practicable option (BPO), is accepted however reference to Policy 12 is queried. Policy 12 merely requires specified matters to be “taken into account”. In that regard, there are no “approaches” in Policy 12 which are capable of being “met”. Reference to Policy 12 should be deleted. 	
102.	Policy 14: Lakes Freshwater Management Units/Te Kaupapa Here 14: Ngā Wae Whakahaere Wai Māori i ngā Roto	Support	Policy 14 takes a tailored lake by lake approach, guided by Lake Catchment Plans, including collecting information.	Retain
103.	Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land/Te Kaupapa Here 16: Te hangore o te tukanga mō te whakawhanaketanga o ngā whenua e whakahokiaai i raro i ngā whakataunga kokoraho o Te Tiriti o Waitangi me ngā whenua Māori kei raro i te mana whakahaere o te takitini	Support	<p>Policy 16 provides for flexibility to recognise and provide for the relationship of Maori with their ancestral land.</p> <p>The CSG determined that the policy to restrict and manage land use change in the interim before setting property-level limits were deemed to be inappropriate for Maori freehold land under Te Ture Whenua Maori Act 1993 and settlement land. Therefore, the policy to provide flexibility for the use of Maori freehold land under Te Ture Whenua Maori Act 1993 and settlement land is a necessary part of Plan Change 1 in order to achieve the objectives.</p> <p>The flexibility reflects the council's co-management responsibilities, and recognises the unique historical and contemporary legal impediments that have been placed on that type of land. These impediments, and any further</p>	Retain

#	Provision	Support/oppose	Discussion/reason	Decision sought
			restrictions on the use of that land, has and will continue to have an impact on the relationship of tangata whenua with Maori freehold land under Te Ture Whenua Maori Act 1993 and settlement land and the ability to exercise mana whakahaere and kaitiakitanga.	
104.	Policy 17: Considering the wider context of the Vision and Strategy/Te Kaupapa Here 17: Te whakaaro ake ki te horopakiwhānui o Te Ture Whaimana	Support	The CSG's intent was that the flexibility provided for in Policy 16 would exist for 10 years. Policy 17 considers the wider context of the Vision and Strategy when applying policies and methods in PPC1	Retain
105.	Policy 12: Additional considerations for point source discharges in relation to water quality targets and Policy 8: Prioritised implementation		Policy 12 refers to the long term targets in Objective 1, and short term targets in Objective 3, Policy 8 (a) refers to water quality targets in Objective 1 (Table 3.11-1), and Objective 1 and Objective 3 refer to Table 3.11-1 for the water quality attribute targets. This referencing is not consistent.	Amend Policy 12 to read: "Consider the contribution... on the likely achievement of the short term targets in Objective 3 and the short term targets in Table 3.11-1, or the progression towards the 80 year targets in Table 3.11-1 and Objective 1 taking into account:..." And Amend Policy 8(a) to read: "Sub-catchments where there is a greater gap between the water quality targets in Objective 1 (Table 3.11-1) and current water quality; ..."

4.4 Implementation Methods/Ngā tikanga whakatinana

#	Provision	Support/oppose	Discussion/reason	Decision sought
106.	Methods General (see section 2.1 above)	Support with amendments	PPC1's current approach to managing nitrogen is unable to be implemented.	Amend the provisions related to nitrogen management so that the methods can be implemented.
107.	Methods General (see section 2.2 above)	Support with amendments	PPC1's current approach to managing commercial vegetable production is unable to be implemented.	Amend the provisions related to nitrogen management so that the methods can be implemented.
108.	3.11.4.3 Farm Environment Plans/Ngā Mahere Taiao ā-Pāmu	Support with amendments	The Farm Environment Plan implementation Method 3.11.4.3 is unclear. It appears to mix the process of certifying Certified Farm Environment Planners with the process of developing Farm Environment Plans, and with the process of auditing the Farm Environment Plans.	Amend Method 3.11.4.3 to read: "Waikato Regional Council will prepare parameters and minimum requirements for the development of a certification process for professionals Farm Environment Planners to develop, certify and monitor Farm Environment Plans in a consistent approach across the region. The Farm Environment Plan will be prepared by a certified person as per the requirements outlined in Schedule 1, and will assess the risk of diffuse discharges of... Waikato Regional Council will take a A risk based approach to monitoring Farm Environment Plans, starting with more frequent monitoring and then moving to monitoring based on risk assessment. Robust third party audit (independent of the farmer landowner and Certified Farm Environment Planner) and monitoring will be required."

#	Provision	Support/oppose	Discussion/reason	Decision sought
109.	3.11.4.4 (a) and (b): Lakes and Whangamarino Wetland/Ngā Roto me ngā Repo o Whangamarino		As Method 3.11.4.4 could be interpreted as requiring Lake Catchment Plans for every lake, this does not have a strategic or prioritised approach. It is suggested that a prioritised approach to the development of Lake Catchment Plans is more appropriate.	Amend Method 3.11.4.4(b) to read: "Prepare and implement Lake Catchment Plans <u>for priority lakes</u> with community involvement..."
110.	3.11.4.4(g): Lakes and Whangamarino Wetland/Ngā Roto me ngā Repo o Whangamarino		It is important to clarify that 3.11.4.4(g) can only be achieved by undertaking a future plan change.	Amend Method 3.11.4.4(g) to read: "Develop a set of 10-year water quality attribute^ targets^ for each lake Freshwater Management Unit^ <u>to develop a future plan change</u> ".
111.	3.11.4.5 Sub-catchment scale planning/Te whakamāherehere mō te whānuitanga o ngā riu kōaawa	Support with amendments	Method 3.11.4.5 as written includes a list of elements to be included in a sub-catchment plan. There is however, significant variability between the 74 sub-catchments, (now 69 as a result of the withdrawal of the north-eastern portion of the Waikato River Catchment) suggesting that there should be a level of flexibility to tailor. It is suggested making the selection of possible elements that would make up a sub-catchment plans rather than a mandatory list of requirements.	Amend 3.11.4.5 to read: "Waikato Regional Council will work with others to develop ... where it has been shown to be required. Sub-catchment scale planning will <u>may</u> :..."
112.	3.11.4.5 Sub-catchment scale planning/Te whakamāherehere mō te whānuitanga o ngā riu kōaawa	Support with amendments	Method 3.11.4.5(e) refers to regulatory requirements to fence waterways. Schedule C provides for the term and definition of water bodies. For clarity and consistency use the same terminology.	Amend Method 3.11.4.5 (e) to read: "Integrate the regulatory requirements to fence waterways <u>water bodies</u> with the requirements for effective drainage scheme management."
113.	3.11.4.5 Sub-catchment scale planning/Te whakamāherehere mō te whānuitanga o ngā riu kōaawa	Support with amendments	There is the potential for a number of interpretations of method 3.11.4.5(f). For example, does it mean that those who contribute more to the problem get more assistance, or those who contribute more to the problem should provide a larger contribution to the solution. The likely intent is captured more clearly in point (a), which refers to the 'reductions required', and this would	Delete Method 3.11.4.5 (f) in its entirety and replace with the words: " <u>Develop funding models for sub-catchment planning processes and mitigation actions where an individual's contribution to funding is proportional to their contribution to sub-catchment contaminant discharges.</u> "

#	Provision	Support/oppose	Discussion/reason	Decision sought
114.	3.11.4.8 Reviewing Chapter 3.11 and developing an allocation framework for the next Regional Plan/Te arotake i te Upoko 3.11, te whakarite hoki i tētehi anga toha mō te Mahere ā-Rohe ewhai ake ana	Support with amendments	<p>be assumed to take into account how much people are contributing.</p> <p>Existing wording in Method 3.11.4.8(b) is inconsistent with other methods in PPC1. Suggested wording is more specific. The Objectives do not contain targets, but refer reader to Table 3.11-1, so suggested wording is more direct.</p>	Amend Method 3.11.4.8 (b) to read: “Use this to inform future changes... to meet the <u>water quality attribute^_targets^</u> in <u>Table 3.11-1 the Objectives</u> ”

4.5 Rules

#	Provision	Support/oppose	Discussion/reason	Decision sought
115.	3.11.5.1, 3.11.5.2, 3.11.5.3, 3.11.5.4, 3.11.5.5,	Support with amendments	<p>Timeframes</p> <p>Dates are specified in Rules 3.11.5.1, 3.11.5.2, 3.11.5.3, 3.11.5.4, 3.11.5.5 as to when certain critical requirements are due. These include:</p> <ul style="list-style-type: none"> • Registration and Nitrogen Reference Point – 1 September 2018 to 31 March 2019 • Farm Environment Plans and (where required) resource consent applications – 1 July 2020 for priority 1 (later dates for priority 2 and 3). <p>Clause 10(4) of Schedule 1 of the RMA specifies that the local authority must give its decision on a proposed Plan Change no later than 2 years after notification (i.e. 22 October 2018), which coincides with the current period proposed by PPC1 within which both registration and Nitrogen Reference Point are due.</p> <p>This is problematic in that any changes to those provisions in PPC1 will potentially not be known until it is too late to ensure they can be properly implemented.</p>	Amend Rules 3.11.5.1, 3.11.5.2, 3.11.5.3, 3.11.5.4, 3.11.5.5 so that the registration dates and Nitrogen Reference Point requirements are required 12 months after decisions are released on PPC1 under clause 10 (4)(b) of Schedule 1 of the RMA.

Some additional leeway as regards timing of the registration and Nitrogen Reference Point requirements is appropriate.

4.6 Rule 3.11.5.1

#	Provision	Support/oppose	Discussion/reason	Decision sought
116.	3.11.5.1 Permitted Activity Rule – Small and Low Intensity farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ngā mahi iti, ngā mahi pāiti hoki i runga pāmu	Support with amendments	As currently worded Rules 3.11.5.1 and 3.11.5.2 would preclude enterprises that are made up of a total area of less than 20 hectares from operating under these permitted activity rules.	Amend 3.11.5.1 (4) to read: The farming activities do not form part of an enterprise being undertaken on more than one property (<u>unless the enterprise has a total area of less than or equal to 4.1 hectares</u>); or” And amend 3.11.5.1 (7) to read: “ The farming activities do not form part of an enterprise being undertaken on more than one property (<u>unless the enterprise has a total area of less than or equal to 20 hectares</u>)
117.	3.11.5.1 Permitted Activity Rule – Small and Low Intensity farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ngā mahi iti, ngā mahi pāiti hoki i runga pāmu	Support with amendments	Rule 3.11.5.1(2) is unclear as to whether all livestock are required to be excluded from water bodies (as per schedule C clause 3), or whether only the livestock specified must be excluded, which appears to conflict with Schedule C clause 3.	Amend 3.11.5.1(2) to read: “ <u>The use of land for farming activities cattle, horses, deer and pigs are excluded from water bodies in conformance with</u> <u>complies</u> with Schedule C; and”.
118.	3.11.5.1 Permitted Activity Rule – Small and Low Intensity farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ngā mahi iti, ngā mahi pāiti hoki i runga pāmu	Support with amendment	Registration land size Rule 3.11.5.1 covers the use of land for farming subject to registration (amongst other things) and there is no lower limit on the property size captured under the rule. However registration only applies to properties that are greater than 2 hectares. In order to provide clarity include reference if above 2 hectares in the rule.	Amend 3.11.5.1(1) to read: “The property (<u>if greater than 2 hectares</u>) is registered with the Waikato Regional Council in conformance <u>shall comply</u> with Schedule A; and”

4.7 Rule 3.11.5.2

#	Provision	Support/oppose	Discussion/reason	Decision sought
119.	3.11.5.2 Permitted Activity Rule – Other farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ētehi atu mahi i runga pāmu	Support with amendments	As currently worded 3.11.5.2(2) is unclear as to whether all livestock are required to be excluded from water bodies (as per schedule C clause 3), or whether only the livestock specified must be excluded, which appears to conflict with Schedule C clause 3.	Amend 3.11.5.2 (2) to read: “ Cattle, horses, deer and pigs are excluded from water bodies in conformance <u>The use of land for farming activities complies</u> with schedule C and Conditions 3(e) and 4(e) of this rule; and”.
120.	3.11.5.2 Permitted Activity Rule – Other farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ētehi atu mahi i runga pāmu	Support with amendments	As currently worded 3.11.5.1 and 3.11.5.2 would preclude enterprises that are made up of a total area of less than 20 hectares from operating under these permitted activity rules	Amend 3.11.5.2 (3) (a) to read: “The farming activities do not form part of an enterprise being undertaken on more than one property (<u>unless the enterprise has a total area of less than or equal to 20 hectares</u>); and”
121.	3.11.5.2 Permitted Activity Rule – Other farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ētehi atu mahi i runga pāmu	Support with amendments	The Council considers that further consideration needs to be given to potential implementation implications when setting a nitrogen leaching loss threshold in this permitted activity. Permitted activity rule 3.11.5.2 permits farming activities over 20 hectares, subject to various conditions including condition 4(b), which requires that the diffuse discharge of nitrogen does not exceed either the NRP or 15 kgN/ha/yr, whichever is the lesser. The intent of the rule is to permit farming operations considered to be lower nitrogen loss to operate without consent or the need for a Farm Environment Plan. Note that these properties will need to obtain a NRP under Schedule B and that 15 kgN/ha/yr is likely to only apply to certain low intensity farms (e.g. lifestyle blocks or mixed grazing/forestry	Amend 3.11.5.2(4)(b)(ii) so that the reference to the nitrogen threshold (15 kgN/ha/yr) is deleted and replaced with a suitable land use intensity proxy.

farms) or a small proportion of very extensive drystock farms which operate under best practice.

The Council's view is that the stocking rate proxy and the other conditions in rule 3.11.5.2 are adequate to prevent intensive farming on permitted activity (PA) farms. Additionally, the report *Using Overseer® in Regulation, Technical resources and guidance for the appropriate and consistent use of Overseer® by regional councils*¹ advises not to rely on thresholds that depend on *Overseer* estimates to define permitted activities or prohibited activities, unless a robust version management mechanism is used. The primary issue with using a specific nitrogen threshold without robust version control is that a compliant farmer may become non-compliant simply as a result of a version change to *Overseer*, but without changing their farming practices. Even though it is possible to construct a robust version change mechanism, the council's will have a considerable task in managing the NRP requirements (Rules 3.11.5.3, Rule 3.11.5.4, Rule 3.11.5.5) and version changes, without the additional task of ensuring thousands of PA properties are complying with the PA nitrogen leaching loss threshold.

Advice from other regional councils is to not have a PA nitrogen leaching threshold.

122. 3.11.5.2 Permitted Activity Rule – Other farming activities/Te Ture mō ngā Mahi e Whakaetia ana – Ētehi atu mahi i runga pāmu

Rule 3.11.5.2 (3)(b)(i) and (ii) assume the future land use will be the same as the use as at notification date (22 October, 2016). The rule does not work if the land was, prior to 22 October 2016, used for cropping but the intended future land use is grazing (or vice versa).

Amend 3.11.5.2 (3)(b)(i) to read “used for grazing livestock, the annual stocking rate of the land is no greater than the stocking rate of the land ~~at~~ in the 12 months prior to 22 October 2016. Where the land was not used for livestock grazing in the 12 months prior to 22 October 2016 the land

¹ Freeman, M, Robson, M, Lilburne L, McCallum-Clark, M, Cooke, A, & McNae, D. (2016) Using *OVERSEER* in regulation - technical resources and guidance for the appropriate and consistent use of *OVERSEER* by regional councils, August 2016. Report prepared by Freeman Environmental Ltd for the *OVERSEER* Guidance Project Board.

				In 3.11.5.2 (3)(b)(i) the property or enterprise is restricted to a stocking rate no greater than at date of notification. Whilst the definition in the glossary is an annualised feed based number and implies a stocking rate that is calculated on an annual basis, it is not clear in the rule.	<u>use shall have the same or lower diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens as the land use at 22 October 2016; or</u> "
123.	3.11.5.2 Permitted Activity Rule – Other farming activities/Te Ture mō ngā Mahi e Whakaetia ana – Ētehi atu mahi i runga pāmu	Support amendments	with	In rule 3.11.5.2 the distance for fencing from a bed ranges from 1 to 3m depending on the applicable rule. There is the potential for confusion, in the application of the distance for fencing from the bed of water bodies, for example to whether the measurement based on a horizontal or diagonal distance along the land surface. Fencing setback distance should begin from the bed (from the closest point of the bed to the fence).	Amend 3.11.5.2(e) to clarify that the measurement for calculating the distance requirements for fencing are based on horizontal distances.
124.	3.11.5.2 Permitted Activity Rule – Other farming activities/Te Ture mō ngā Mahi e Whakaetia ana – Ētehi atu mahi i runga pāmu	Support amendments	with	The information requirements specified in rule 3.11.5.2(5) requires the provision of information to WRC by 1 September each year. This would generate a significant amount of information being provided to Council. The change proposed is to require this information on request by WRC, which would support council monitoring if there were concerns about compliance.	Amend Rule 3.11.5.2 (5) to read: "For all properties greater than 4.1 hectares, from 31 March 2019, in addition to the requirements of Schedule A, the following information must be provided <u>on request</u> to the Waikato Regional Council by 1 September each year: a. Annual stock numbers; and b. Annual fertiliser use; and c. Annual brought in animal feed.

4.8 Rule 3.11.5.3

#	Provision	Support/oppose		Discussion/reason	Decision sought
125.	3.11.5.3 Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme/Te Ture mō	Support amendments	with	Rule 3.11.5.3(3) is unclear as to whether all livestock are required to be excluded from water bodies (as per schedule C clause 3), or whether only the livestock specified must be excluded, which appears to conflict with schedule C clause 3.	Amend 3.11.5.3(3) to read: " <u>The use of land for farming activities</u> cattle, horses, deer and pigs are excluded from water bodies in conformance with <u>shall comply with Schedule C;</u> "

<p>ngā Mahi e Whakaaetia ana – Ngā mahi i runga pāmu kua whai Mahere Taiao ā- Pāmu i raro i te Kaupapa ā- Ahumahi kua Whai Tohu</p>	126.	<p>Rules 3.11.5.3, 3.11.5.4 and 3.11.5.5</p>	<p>Support with amendments</p>	<p>No explicit rule to farm within NRP Rule 3.11.5.3, 3.11.5.4, and 3.11.5.5, require properties or enterprises to produce an NRP, there is however no explicit requirement in these three rules to require land owners to continue to farm within or comply with the NRP, irrespective of whether the activity is permitted or consented at the time.</p>	<p>Amend Rules 3.11.5.3, 3.11.5.4, and 3.11.5.5 to include a specific requirement that land users must farm such that when their farming activities are modelled in OVERSEER®, the OVERSEER® nitrogen leaching loss does not exceed the Nitrogen Reference Point for the property.</p>
<p>3.11.5.3 Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme/Te Ture mō ngā Mahi e Whakaaetia ana – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu i raro i te Kaupapa ā-Ahumahi kua Whai Tohu</p>	127.			<p>Timeframes Dates are specified in rules 3.11.5.1, 3.11.5.2, 3.11.5.3, 3.11.5.4, 3.11.5.5 as to when certain critical requirements are due. These include:</p> <ul style="list-style-type: none"> • Registration and NRP – 1 September 2018 to 31 March 2019 • Farm Plans and (where required) resource consent applications – 1 July 2020 for tranche 1 (later dates for tranches 2 and 3). 	<p>Amend 3.11.5.3 so that the registration dates and Nitrogen Reference Point requirements are required 12 months after decisions are released on PPC1 under Clause 10(4)(b) of Schedule 1 of the RMA.</p>
				<p>Clause 10(4) of Schedule 1 of the RMA specifies that the local authority must give its decision on a proposed Plan no later than 2 years after notification (i.e. 22 October 2018), which falls in the middle of the current period proposed by PPC1 within which both registration and NRP are due.</p>	
				<p>This is problematic in that any changes to those provisions in the Plan will potentially not be known until it is too late to ensure they can be properly implemented. Some additional leeway as regards timing of the registration and NRP requirements is appropriate.</p>	

4.9 Rule 3.11.5.4

#	Provision	Support/oppose	Discussion/reason	Decision sought
128.	3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu		<p>Reassignment of nitrogen between land parcels (refer also to section 2.1.3 of this submission)</p> <p>Sophisticated nitrogen accounting is required to manage how nitrogen is accounted for when property is leased, or brought and amalgamated into, or subdivided and removed from, existing properties. At present, there are no provisions in PPC1 to allow for this.</p> <p>This will impose significant inflexibility for land owners, when buying, selling, subdividing, amalgamating or leasing property.</p>	<p>If the Nitrogen Reference Point provisions are to be retained as the most efficient and effective approach to implementing controls on diffuse nitrogen loss, then introduce provisions throughout Proposed Plan Change 1 to enable the reassignment of Nitrogen Reference Point entitlements between properties when new land is incorporated into a property</p>
129.	3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu		<p>Monitoring and enforceability concerns of implementing a five-year rolling average</p> <p>The wording of rule 3.11.5.4, specifically point iii) of the matters of control, which limits the way in which Council can control the achievement of the NRP to a numerical assessment of a 5 year rolling average, is problematic, and has significant implications for implementation of the NRP.</p> <p>Firstly, the wording of 3.11.5.4 (iii) appears to create an expectation that the 5 year rolling average will be the firm standard for how nitrogen loss will be assessed against the NRP. However measuring annual nitrogen loss using the 5 year rolling average is only a matter of control in rule 3.11.5.4, not a standard and term that must be met. This is confusing, and unclear to the reader. The 5 year rolling average wording is repeated in section 5(a) of schedule 1.</p>	<p>Delete all references in Proposed Plan Change 1 to the “5 year rolling average” (Rule 3.11.5.4 and Schedule 1).</p> <p>And make consequential amendments to delete the definition in the Glossary in Part C.</p> <p>It is proposed that a more practicable approach to implementation would be to use the Nitrogen Reference Point as a yardstick to indicate the relative amount of nitrogen being lost from a property, which would then inform the Farm Environment Plan process, the risk assessment and result a list of proposed mitigation actions designed to reduce nitrogen loss, in the same way as is proposed for the other three</p>

#	Provision	Support/oppose	Discussion/reason	Decision sought
			<p>Secondly, and more significantly, the use of a 5 year rolling average as the method of assessing whether a land user has complied with an NRP has a number of implications which will add significant complexity to efficient implementation.</p> <ul style="list-style-type: none"> a) Every property will be required to undertake an <i>Overseer</i> assessment on their property every year, irrespective of the size of their NRP. b) Managing N outputs by allowing an “unders and overs” approach (such as through a 5 year rolling average) relies on being able to determine actual losses each year. WRC staff understanding is that <i>Overseer</i> produces an estimate of <u>average</u> losses over time, and cannot reliably estimate <u>actual</u> losses each year. c) Over a 5 year period, between 5 and 10 different versions of <i>Overseer</i> may exist. The rolling average will be calculated from outputs from different versions of the model, which cannot be related to each other. Assessing whether a farmer has stayed within their NRP will require both the NRP data, and each of the previous year’s <i>Overseer</i> input data to be run through the latest version of <i>Overseer</i>, prior to being able to compare “actual” nitrogen loss with the NRP. This is an administratively very time consuming, inefficient and expensive process. d) The earliest consents are due to be in place by 2020, which means a 5 year rolling average will not be available until 2025, only one year before the plan is due to be reviewed, meaning for the majority of farms (Priority 2 and Priority 3) there will be no data 	<p>contaminants. Compliance would then be measured based on whether those actions are completed.</p>

#	Provision	Support/oppose	Discussion/reason	Decision sought
			<p>on whether they are complying or not by the time PPC1 is due for review.</p> <p>e) There is an issue of fairness and equity, as a farmer will not know whether they are complying or not until they have run their farming system through a model that will not exist for 5 years.</p> <p>f) The rolling average approach implies the ability for a farmer to “bank” nitrogen as a result of emitting less than the NRP in one year, so that they can “exceed” the NRP in a subsequent year. The implication is that annual diffuse N loss can be accurately determined by <i>Overseer</i> and overs and unders can be managed at a farm scale on an annual basis. This implies a level of accuracy in <i>Overseer</i> which, in WRC’s understanding, exceeds the models capabilities.</p> <p>g) The use of a five year rolling average implies a numerical nitrogen leaching loss will be used to determine compliance, which is practicably unenforceable.</p>	
			<p>WRC consider for the above reasons, the compliance approach utilising the five year rolling average is not practicably implementable.</p>	
			<p>It is proposed that a more practicable approach to implementation would be to use the NRP as a yardstick to indicate the relative amount of N being lost from a property, which would then inform the Farm Environment Plan process, the risk assessment and result a list of proposed mitigation actions designed to reduce nitrogen loss, in the same way as is proposed for the other three contaminants. Compliance would then</p>	

#	Provision	Support/oppose	Discussion/reason	Decision sought
			be measured based on whether those actions are completed. This approach would greatly improve the efficiency of implementation, would avoid the need for every farm to undertake annual Overseer assessments (other than where significant changes to farm management has occurred), and would avoid the difficult evidential issues associated with establishing a breach of the consent.	
130.	3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu	Support with amendments	Under “Matters of Control” in rule 3.11.5.4, the farming activity is restricted to a not exceeding their NRP “unless other suitable mitigations are specified” (further repeated in Schedule 1(5)(a)). This clearly enables farming which causes leaching loss beyond the NRP. This appears inconsistent with the objectives and policies of the proposed PPC1. It is unclear what scale of breach of the NRP this provides or how this might be quantified or consistently applied.	Amend 3.11.5.4(iii) to read: “The actions, timeframes and other... ..the property or enterprise’s Nitrogen Reference Point, unless other suitable mitigations are specified. Or Amend 3.11.5.4(iii) and Schedule 1 to provide more clarity regarding how the discretion available in this provision, should be exercised.
131.	3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu	Support with amendments	Requiring compliance with the NRP Rule 3.11.5.4 permits the use of land for farming until specified dates depending upon which priority sub-catchment, after which dates controlled activity consent is required. A condition relevant to the permitted activity is that a NRP is produced in accordance with Schedule B, which, for properties over 20 hectares, requires the NRP to be produced by 31 March 2019 at the latest. However there is nothing in the permitted activity part of the rule that requires compliance with the NRP (unlike Permitted Activity Rule 3.11.5.2).	Amend 3.11.5.4(5) to require compliance with the Nitrogen Reference Point in the period during which the property owner is permitted under this rule. And amend to require compliance with Schedule B.

#	Provision	Support/oppose	Discussion/reason	Decision sought
132.	3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu		<p>Ownership of the NRP (refer also to section 2.1.2 of this submission)</p> <p>Schedule B requires an NRP to be obtained by “a property or enterprise”. Where a property is part of an enterprise (e.g. through a lease arrangement), it is not clear who owns the NRP. In this scenario, whilst it is clear that the entity actually farming the land is responsible for compliance with the rules, it is not clear whether the NRP produced attaches to the property which is fixed at a given location, or the enterprise (which, by definition, can move around). It cannot attach to both as that would double-count nitrogen leading to an increase in diffuse N loss over time.</p> <p>The concepts behind assigning an NRP either associated with a piece of land or associated with an entity are fundamentally different, and incompatible with each other. In practical terms, an NRP is a right to discharge up to a certain amount of nitrogen. This right to discharge can only be exercised in association with using a piece of land – the NRP is not a transferable discharge right, as there is no mechanism within PPC1 to enable nitrogen transfer. Consequently, the concept of associating an NRP with an enterprise, and the corresponding ability to “exercise” that NRP anywhere on any other piece of land raises practicality issues. If an entity were to take its NRP from one piece of land to another property, the remaining land will not cease losing nitrogen, the nitrogen loss will continue, at a rate dependent on the new land use. There is no mechanism in PPC1 to decide what that residual N loss amount should be.</p>	Amend 3.11.5.4 and Schedule B to delete the ability for an enterprise to hold a Nitrogen Reference Point and restrict the Nitrogen Reference Point to exist only in association with a particular parcel or property.

#	Provision	Support/oppose	Discussion/reason	Decision sought
133.	3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu		<p>Currently rule 3.11.5.4 sets out the requirement to obtain consent in three successive priority tranches – one at 2020, another at 2023 and a third at 2026. The council estimates that the likely numbers of consent applications at each priority tranche will be approximately 770, 960 and 570 respectively. The way the rule is written means that there is effectively a 6 month period within which every application, within each tranche, will be required to be lodged. The council has concern that it will be unrealistic to process these numbers of incoming consent applications at a rate that enables statutory timeframe compliance. Failure to meet timeframes will result in the mandatory payment of discounts to applicants, at an ultimate cost to ratepayers. A solution to this would be to increase the number of tranches to spread the consent processing load.</p> <p>This may also assist with the support services that will support the development of Farm Environment Plans and consent application.</p> <p>It is therefore proposed that Rule 3.11.5.4 is amended to provide for a more refined staging of resource consent applications over each of the three priority tranches.</p>	Amend 3.11.5.4 to provide for a more refined staging of resource consent applications over each of the three year period in each priority order but remain with the priority order in table 3.11-2.
134.	3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai	Support with amendments	<p>Nitrogen and controlled activity method</p> <p>Rule 3.11.5.4 requires NRP to be submitted both during the period, and with the consent application, which is a later date than 31 March 2019 but Schedule B requires NRP to be submitted by 31 March 2019. The NRP only needs to be provided to WRC once.</p>	Amend Rule 3.11.5.4(5)(c) to read: “A Nitrogen Reference Point has been produced for the property or enterprise in conformance to comply with Schedule B and is <u>has been</u> provided to the Waikato Regional Council at the time the resource consent application is lodged ”

#	Provision	Support/oppose	Discussion/reason	Decision sought
	Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu			
135.	Rules 3.11.5.3, 3.11.5.4, and 3.11.5.5,	Support with amendments	<p>No explicit rule to farm within NRP</p> <p>Rules 3.11.5.3, 3.11.5.4, and 3.11.5.5, require property or enterprises to produce an NRP, there is however no explicit requirement in these three rules to require land owners to continue to farm within the NRP.</p>	Amend 3.11.5.3, 3.11.5.4, and 3.11.5.5 to include a specific requirement that land users must farm such that when their farming activities are modelled in OVERSEER®, the OVERSEER® N leaching loss does not exceed the Nitrogen Reference Point for the property.
136.	3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu		<p>Timeframes</p> <p>Rule 3.11.5.4 contains dates as to when certain critical requirements are due. These include:</p> <ul style="list-style-type: none"> • Registration and NRP – 1 September 2018 to 31 March 2019 • Farm Plans and (where required) resource consent applications – 1 July 2020 for tranche 1 (later dates for tranches 2 and 3). <p>Clause 10(4) of Schedule 1 of the RMA specifies that the local authority must give its decision on a proposed Plan no later than 2 years after notification (i.e. 22 October 2018), which falls in the middle of the current period proposed by PPC1 within which both registration and NRP are due.</p> <p>This is problematic in that any changes to those provisions in the PPC1 will potentially not be known until it is too late to ensure they can be properly implemented. Some additional leeway as regards timing of the registration and NRP requirements is appropriate.</p>	Amend 3.11.5.4 so that the registration dates and Nitrogen Reference Point requirements are required 12 months after decisions are released on PPC1 under Clause 10(4)(b) of Schedule 1 of the RMA.
137.	3.11.5.4 Controlled Activity Rule – Farming activities	Support with amendments	The formatting and numbering of Rule 3.11.5.4 is unclear and confusing.	Amend 3.11.5.4 to re-number 4 and 5 to become a. and b. and remove the indent

#	Provision	Support/oppose	Discussion/reason	Decision sought
	with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu			on the paragraph starting with “after the dates...”
138.	3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu	Support amendments	with Rule 3.11.5.4(5)(d) only applies as a standard and term to the controlled activity part of the rule, and does not currently apply to the permitted activity part of the rule.	Amend 3.11.5.4(4) to add a new item to read: <u>“The use of land for farming activities complies with Schedule C.”</u>
139.	3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu	Support amendments	with 3.11.5.4(5)(d) is unclear as to whether all livestock are required to be excluded from water bodies (as per schedule C clause 3), or whether only the livestock specified (cattle, horses, deer and pigs) must be excluded, which appears to conflict with schedule C clause 3.	Amend 3.11.5.4(5)(d) to read: <u>“The use of land for farming activities cattle, horses, deer and pigs are excluded from water bodies in conformance with complies with Schedule C.”</u>

4.10 Rule 3.11.5.5

#	Provision	Support/oppose	Discussion/reason	Decision sought
140.	3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production/Te Ture mō ngā Mahi ka āta Whakahaerehia – Te whakatupu hua whenua ā-arumoni o te wā nei	Support with amendments	<p>Commercial vegetable production rule</p> <p>Rule 3.11.5.5 permits existing commercial vegetable production until 1 January 2020, after which time it requires resource consent to be obtained. The intent of the rule is to enable commercial vegetable production enterprises to move around but within a total area limit. It does this via standard (f) which limits the total area of any enterprise. The rule allows enterprises to move, in whole or part, from location to location with standard (g) requiring the net area to be maintained within the maximum areal cap. The rule requires an NRP to be produced for the “property or enterprise” and anticipates that this NRP can move from location to location, with the enterprise itself.</p> <p>The Council concerns with this are as follows. Schedule B requires an NRP to be obtained by “a property or enterprise”. Where a property is part of an enterprise (e.g. through a lease arrangement), it is not clear who owns the NRP. In this scenario, whilst it is clear that the entity actually farming the land is responsible for compliance with the rules, it is not clear whether the NRP produced attaches to the property which is fixed at a given location, or the enterprise (which, by definition, can move around). It cannot attach to both as that would double-count nitrogen leading to an increase in diffuse nitrogen loss over time.</p> <p>The concepts behind assigning an NRP either associated with a piece of land or associated with an entity are</p>	<p>Amend Rule 3.11.5.5 to resolve the practical implementation challenges in the rule, including:</p> <ul style="list-style-type: none"> • the ownership of the Nitrogen Reference Point (property or enterprise) • how the Nitrogen Reference Point concept can accommodate land which comes into or is taken out a commercial vegetable production enterprise.

#	Provision	Support/oppose	Discussion/reason	Decision sought
			<p>fundamentally different, and incompatible with each other. In practical terms, an NRP is a right to discharge up to a certain amount of nitrogen. This right to discharge can only be exercised in association with using a piece of land – the NRP is not a transferable discharge right, as there is no mechanism within PPC1 to enable nitrogen to be reassigned (Refer also to Section 2.1.3) Consequently, the concept of associating an NRP with an enterprise, and the corresponding ability to “exercise” that NRP anywhere on any other piece of land raises practicality issues. If an entity were to take its NRP from one piece of land to another property, the remaining land will not cease to lose nitrogen, the nitrogen loss will continue, at a rate dependent on the new land use. There is no mechanism in PPC1 to decide what that residual nitrogen loss amount should be.</p> <p>We consider that the concept of a NRP being connected to both property and an enterprise within the same policy is conflicting and unable to be implemented.</p>	
141.	3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production/Te Ture mō ngā Mahi ka āta Whakahaerehia – Te whakatupu hua whenua ā-arumoni o te wā nei	Support amendments with	<p>Commercial vegetable production and land use change prior to 2020 (refer also to section 2.2.2 of this submission)</p> <p>It is routine practice amongst commercial vegetable growers to move the enterprise, or parts of it, from block to block. In 2020, when consents are required under the rule, then standard and terms (f) and (g) will provide for this rotation provided that the total area does not exceed the maximum land area that was used during the reference period. Clause (g) makes it clear that where “new” land is brought into the enterprise, then an equal area of the existing operation must be removed from the</p>	<p>Amend 3.11.5.5 to provide for the rotation of crops within commercial vegetable production between now and 2020. Otherwise they are captured by non-complying Rule 3.11.5.7 which is not the intention.</p> <p>A solution may be to include a permitted activity rule for commercial vegetable growers that accommodates normal crop rotation that occurs as part of commercial vegetable production prior to consent being required under Rule 3.11.5.5.</p>

#	Provision	Support/oppose	Discussion/reason	Decision sought
			<p>enterprise. Once a resource consent is obtained in 2020, then this form of rotation will be allowed “as of right”.</p> <p>The problem arises between now and 2020 during which time rule 3.11.5.7 would appear to apply where new land is brought into an enterprise. It is considered that rule 3.11.5.7 was not intended to apply in this situation because item 4 of that rule applies to “any land use to commercial vegetable production except as provided for under standard and term (g) of rule 3.11.5.5.” As noted, (g) is only relevant when the controlled activity “part” of the rule has effect (which is after 1 January 2020), prior to that it is simply a permitted activity. The intention was for rule 3.11.5.7 item (4) to exempt these situations from being caught entirely.</p> <p>What it means for many vegetable growers is that they will need a non-complying activity consent to bring in new land. That could amount to hundreds of non-complying activity consents across the region between now and 2020. This represents a significant cost to everyone, with potentially no actual benefit.</p>	
142.	3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production/Te Ture mō ngā Mahi ka āta Whakahaerehia – Te whakatupu hua whenua ā-arumoni o te wā nei	Support with amendments	<p>Existing commercial vegetable production</p> <p>Rule 3.11.5.5 is a hybrid permitted/controlled activity rule. It permits the activity which is the subject of the rule (commercial vegetable production) until 1 January 2020; thereafter the activity is a controlled activity subject to various standards and terms. Currently, the rule is structured in such a way that the requirement to register (in conformance with schedule A), lodge an NRP and exclude stock are standards and terms of the controlled activity part of the rule – but not conditions of the permitted activity part of the rule. This means that these requirements do not arise under this rule until</p>	Amend 3.11.5.5 to read: “ <u>Permitted and Controlled Activity Rule – Existing commercial vegetable production</u> The use of land for commercial vegetable production and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water, is a permitted activity until 1 January 2020, <u>subject to conditions.</u> ”

#	Provision	Support/oppose	Discussion/reason	Decision sought
			<p>consent is needed on or after 1 January 2020 (rather than within the time periods that apply to all other properties).</p> <p>The proposed amendment seeks to bring the rule in line with the registration, NRP and stock exclusion requirements of all other properties.</p>	<p>From 1 January 2020 from which date it <u>the use of land for commercial vegetable production and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water, shall be a controlled activity (requiring resource consent) subject to the following standards and terms conditions</u></p> <p><u>Rule 3.11.5.5 Conditions for permitted and controlled activity:</u></p> <p>a. The property is registered with the Waikato Regional Council in conformance with Schedule A; and b. A Nitrogen Reference Point is produced for the property or enterprise in conformance with <u>to comply with</u> Schedule B...</p> <p>c. ... d. ... e. ...</p> <p><u>Rule 3.11.5.5 Additional Conditions for controlled activity:</u></p> <p>f. ... g. ... h. ..."</p>
143.	3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production/Te Ture mō ngā Mahi ka āta Whakahaerehia – Te	Support with amendments	Rule 3.11.5.5(c) is currently unclear whether all livestock are required to be excluded from water bodies (as per schedule C clause 3), or whether only the livestock specified must be excluded, which appears to conflict with schedule C clause 3.	Amend 3.11.5.5(c) to read: <u>"The use of land for farming activities cattle, horses, deer and pigs are excluded from water bodies in conformance with</u> <u>complies with</u> Schedule C."

#	Provision	Support/oppose	Discussion/reason	Decision sought
144.	whakatupu hua whenua ā-arumoni o te wā nei 3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production/Te Ture mō ngā Mahi ka āta Whakahaerehia – Te whakatupu hua whenua ā-arumoni o te wā nei	Support with amendments	Rule 3.11.5.5 standard and term (e) is ambiguous as to how the maximum area of land for NRP purposes, is calculated. It requires clarification that it is the maximum area of land used for commercial vegetable production in any single year during the reference period that must be complied with (not the area of all of the land that may have been used during that period).	Amend 3.11.5.5 (e) to read: “The areas of land, and their locations broken down by sub-catchments..., used for commercial vegetable production in any single financial year within that period, shall be provided to the Council; and”
145.	3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production/Te Ture mō ngā Mahi ka āta Whakahaerehia – Te whakatupu hua whenua ā-arumoni o te wā nei	Support with amendments	Rule 3.11.5.5(g) uses the term “new land” which is unclear. The term appears to mean “using land for vegetable growing where that land was not previously used for that purpose.”	Amend 3.11.5.5(g) read: “Where new land is proposed to be used, <u>that has not previously been used</u> for commercial vegetable production, an equivalent area...”
146.	3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production/Te Ture mō ngā Mahi ka āta Whakahaerehia – Te whakatupu hua whenua ā-arumoni o te wā nei	Support with amendments	Rule 3.11.5.5(g) requires that where “new land” is brought into an enterprise, an equivalent area of land is to be removed. At present, there is nothing in the provision that requires the land removed to be in the same sub-catchment (within the Waikato and Waipa River Catchment).	Amend 3.11.5.5(g) read: “Where new land is proposed to be used for commercial vegetable production, an equivalent area of land <u>within the same sub-catchment</u> must be removed from commercial vegetable production...”
147.	3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production/Te Ture mō ngā Mahi ka āta Whakahaerehia – Te whakatupu hua whenua ā-arumoni o te wā nei	Support with amendments	No explicit rule to farm within NRP Rules 3.11.5.3, 3.11.5.4 and 3.11.5.5, require property or enterprise to produce an NRP, there is no explicit requirement in these three rules to require land owners to continue to farm within the NRP.	Amend 3.11.5.3, 3.11.5.4 and 3.11.5.5 to include a specific requirement that land users must farm such that when their farming activities are modelled in OVERSEER®, the OVERSEER® nitrogen leaching loss does not exceed the Nitrogen Reference Point for the property.
148.	3.11.5.5 Controlled Activity Rule – Existing commercial	Support with amendments	Ownership of the NRP (refer also to section 2.1.2 of this submission)	Amend 3.11.5.5 to remove the ability for an enterprise to hold as Nitrogen

#	Provision	Support/oppose	Discussion/reason	Decision sought
	vegetable production/Te Ture mō ngā Mahi ka āta Whakahaerehia – Te whakatupu hua whenua ā-arumoni o te wā nei		<p>The concept of an enterprise which does not attach to land is incompatible with property based NRPs. Rule 3.11.5.5 permits existing commercial vegetable production until 1 January 2020, after which time it requires resource consent to be obtained. The intent of the rule is to enable commercial vegetable production enterprises to move around but within a total area limit. It does this via standard (f) which limits the total area of any enterprise. The rule allows enterprises to move, in whole or part, from location to location with standard (g) requiring the net area to be maintained within the maximum area cap.</p> <p>The rule requires an NRP to be produced for the “property or enterprise” and anticipates that this NRP can move from location to location, with the enterprise itself. There are various concerns with this (as explained in section 2.1.2 of this submission), relating to the NRP, the provisions which enable NRP to attach to an enterprise, are not implementable. NRP is only workable if it attaches to specific land.</p>	Reference Point and restrict the Nitrogen Reference Point to exist only with a particular parcel of land.

4.11 Rule 3.11.5.6

#	Provision	Support/oppose	Discussion/reason	Decision sought
149.	3.11.5.6 Restricted Discretionary Activity Rule – The use of land for farming activities/Te Ture mō ngā kōwhiringa mahi e herea ana – te whakamahinga o te	Support with amendments	<p>Clarity</p> <p>Rule 3.11.5.6 will be triggered if a farmer wishes to increase their NRP without changing their land use. If this occurred, it is unclear whether the matters over which discretion is reserved, is sufficiently clear whether the Council is able to consider the extent to which the</p>	Amend 3.11.5.6 by adding a new matter over which Council reserves its discretion to read: “ <u>viii. Consistency with the Objectives and Policies of the Waikato Regional Plan or proposed regional plan</u> ”.

whenua mō ngā mahinga
pāmu

proposal is consistent with the objectives and policies of
PPC1.

4.12 Rule 3.11.5.7

#	Provision	Support/oppose	Discussion/reason	Decision sought
150.	3.11.5.7 Non-Complying Activity Rule – Land Use Change/Te Ture mō ngā mahi kāore e whai i ngā ture – Te Panonitanga ā-Whakamahinga Whenua	Support with amendments	<p>The intent of rule 3.11.5.7 the land use change rule is to control specified land use changes in the catchment that are expected to result in increased discharges of contaminants from the previous landuse. It has been identified that Rule 3.11.5.7 inadvertently captures land use changes that are beyond the scope of the rule’s intent.</p> <p>The following two scenarios show that rule 3.11.5.7 inadvertently captures uses of land that it was not intended to.</p> <p>Scenario 1 concerns the routine practice amongst commercial vegetable growers of moving the enterprise, or parts of it, from block to block. When consents are required under the rule in 2020, standard and terms (f) and (g) will provide for this rotation provided that the total area under vegetable production does not exceed the maximum land area that was used during the reference period (2006-2016). Clause (g) makes it clear that where “new” land is brought into the enterprise, an equal area of the existing operation must be removed. Therefore, once consent is obtained in 2020, this form of rotation will be allowed “as of right” subject to holding a controlled activity consent.</p> <p>The problem arises between now and 2020. During this period, bringing land into commercial vegetable production (CVP) that was not previously used for CVP will trigger NCA rule 3.11.5.7 (noting it is prefaced with</p>	<p>Amend 3.11.5.7 to read: “Notwithstanding any other rule in the Plan <u>Except as authorised under rules 3.11.5.1, 3.11.5.2, 3.11.5.3 and 3.11.5.4</u> any of the following changes...”</p> <p>Or</p> <p>Amend 3.11.5.7 to exclude from its scope, changes of land use that occur within properties or enterprises as existing at the date of notification of the Plan.</p>

#	Provision	Support/oppose	Discussion/reason	Decision sought
			<p>“notwithstanding another rule in this plan...” even if an equal area of land is removed. It would not have been the intention of rule 3.11.5.7 to apply in this situation, because item 4 of that rule states that the rule applies to changes from “any land use to commercial vegetable production except as provided for under standard and term (g) of rule 3.11.5.5.” However, (g) is only relevant when the controlled activity “part” of the rule has effect which is after 1 January 2020. Prior to that, it is simply a permitted activity without conditions. It is clear that the intention was for NCA rule 3.11.5.7 item (4) to exempt these situations from being caught entirely. What this means for many (or potentially, most) vegetable growers is that they will need a NCA consent to bring new land into their CVP enterprise. If they bring in new land every year, a new consent will be needed every year, which could amount to hundreds of NCA consents across the region between now and 2020. This applies even when vegetable growers are not changing the physical footprint of their enterprise. It represents a significant cost to everyone, with potentially limited actual benefit to management of increases in discharges. It is proposed to include an additional Permitted Activity rule for commercial vegetable production to accommodate this scenario.</p> <p>Scenario 2 is similar but relates to traditional farming where, as part of standard farming practices on a property or enterprise, maize (or similar) may be grown and that maize block can move around within the property. Again, it is arguable that rule 3.11.5.7 captures this practice, requiring a non-complying activity consent. It refers to “notwithstanding any other rule in this plan” and “changes in the use of land from that which was occurring at 22 October 2016 within a property or</p>	

#	Provision	Support/oppose	Discussion/reason	Decision sought
			<p>enterprise...". Again, such an interpretation is contrary to the Collaborative Stakeholder Group's intent – which was to enable properties and enterprises to move farming activities around within boundaries, provided the overall NRP footprint was maintained or reduced.</p> <p>There are other scenarios that inadvertently trigger rule 3.11.5.7. For example, the harvesting and subsequent farming of small woodlots within an overall farming property. It should be noted that excluding these scenarios from rule 3.11.5.7 does not mean that nitrogen is unregulated. For changes that occur within the boundaries of a property where the primary land use is farming, future land use activity will need to be undertaken so as to comply with the NRP produced for that property. Hence, given that NRP will reflect nitrogen loss as occurring during the pre-notification reference period, overall land use may need to be adjusted to accommodate any small-scale changes in land use (such as small scale vegetable production or using a former woodlot area for farming) ensuring that the NRP for the property as a whole can be met. Note also that, in respect of woodlots and plantation forests, PC 1 introduces new requirements for the provision of harvest plans to the Waikato Regional Council. Amongst other things, these will require identification of controls on sediment discharge to water, and protection of waterbodies and associated riparian vegetation.</p>	
151.	3.11.5.7 Non-Complying Activity Rule – Land Use Change/Te Ture mō ngā mahi kāore e whai i ngā ture – Te Panonitanga ā-Whakamahinga Whenua	Support with amendments	<p>Clarity</p> <p>Rule 3.11.5.7 restricts specified land use changes including "any land use to commercial vegetable production". An exemption to this is provided for in 3.11.5.5(g) (any commercial vegetable production). This standard and term enables "new" land to be converted</p>	Amend 3.11.5.7 (4) to read: "Any land use to commercial vegetable production except as provided for under standard and term g. of Rule 3.11.5.5 <u>or a consent granted under rule 3.11.5.6.</u> "

#	Provision	Support/oppose	Discussion/reason	Decision sought
			to commercial vegetable production where it is matched by an equivalent area being removed. However, some commercial vegetable operations may not be eligible for, or may not obtain, consent under rule 3.11.5.5. In this circumstance, consent may instead be obtained under (restricted discretionary) rule 3.11.5.6. This also should be reflected in the exemptions in 3.11.5.7 (4).	
152.	3.11.5.7 Non-Complying Activity Rule – Land Use Change/Te Ture mō ngā mahi kāore e whai i ngā ture – Te Panonitanga ā-Whakamahinga Whenua	Support with amendments	Clarity In Rule 3.11.5.7 under the heading “Notification” there is reference to “existing” land use. This is intended to mean existing at the time of notification of PPC1, but can also be interpreted to mean “existing” at the time PPC1 is applied in the future.	Amend 3.11.5.7: Notification to read: “Consent applications will be considered without notification,... will be lower than that from the <u>existing land use</u> <u>land use as at 22 October 2016.</u> ”
153.	3.11.5.7 Non-Complying Activity Rule – Land Use Change/Te Ture mō ngā mahi kāore e whai i ngā ture – Te Panonitanga ā-Whakamahinga Whenua	Support with amendments	Consistency Rule 3.11.5.7 purports to regulate “changes in the use of land”. This wording does not align with s9 of the Resource Management Act 1991 (RMA), which enables consent authorities to regulate the “use of land”. The wording also incorrectly infers that it is the change “event” which the rule regulates, rather than the ongoing use of land. It is therefore appropriate to align the language in rule 3.11.5.7 with the statutory language.	Amend 3.11.5.7 to read: Notwithstanding any other rule in this plan, any of the following changes in the <u>ongoing use</u> of land from that which was occurring...
154.	3.11.5.7 Non-Complying Activity Rule – Land Use Change/Te Ture mō ngā mahi kāore e whai i ngā ture – Te Panonitanga ā-Whakamahinga Whenua	Support with amendments	Inclusion of diffuse discharges Rule 3.11.5.7 is intended to manage the discharge of nitrogen, phosphorus, sediment, microbial pathogens by managing land use change. This rule does not explicitly cover diffuse discharges, which go hand in hand with the land use, as the other proposed rules do.	Amend 3.11.5.7 to read: Notwithstanding any other rule in this plan, any of the following changes... property or enterprise <u>and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens on or into land in circumstances which may result in those contaminants entering water</u> located in the Waikato and Waipa River catchments...”

#	Provision	Support/oppose	Discussion/reason	Decision sought
155.	3.11.5.7 Non-Complying Activity Rule – Land Use Change/Te Ture mō ngā mahi kāore e whai i ngā ture – Te Panonitanga ā-Whakamahinga Whenua	Support with amendments	Regulatory gap Rule 3.11.5.7 regulates conversion from livestock grazing or arable cropping to dairy farming. This potentially leaves regulatory gaps e.g. conversion of land that is in grass but not grazed or that was, at the date of notification, otherwise unused for a farming purpose is not captured by the rule.	Amend 3.11.5.7(2) to read: “Any livestock grazing other than dairy farming <u>land use, except for commercial vegetable production</u> to dairy farming:” And delete 3.11.5.7(3) in its entirety.

4.13 Schedule A - Registration with Waikato Regional Council

#	Provision	Support/oppose	Discussion/reason	Decision sought
156.	Schedule A - Registration with Waikato Regional Council/Te Āpitiwhanga A – Te rēhita me te Kaunihera ā-Rohe oWaikato	Support with amendment	The requirement for all properties exceeding 2 hectares to register with WRC imposes an unnecessary and excessive cost relative to the benefit gained. The proposal therefore is to change the threshold from 2 to 4.1 hectares	Amend Schedule A to read: “Properties with an area greater than 2 hectares <u>4.1 hectares</u> (excluding urban properties) must...”
157.	Schedule A - Registration with Waikato Regional Council/Te Āpitiwhanga A – Te rēhita me te Kaunihera ā-Rohe oWaikato	Support with amendment	Registration with Waikato Regional Council Schedule A requires registration for all properties over 2 hectares but excludes “urban properties”. There is no clear definition as to the meaning of “urban properties”	Add to the Glossary in Part C, a definition for urban properties.
158.	Schedule A - Registration with Waikato Regional Council/Te Āpitiwhanga A – Te rēhita me te Kaunihera ā-Rohe oWaikato	Support with amendments	Schedule A clause 3 requires that proof of registration must be provided to the Council upon request. However there is no timeframe for responding to such a request.	Amend Schedule A clause 3 to read: “ <u>Within 7 working days of a request from the Waikato Regional Council</u> , proof of registration must be provided to the Waikato Regional Council...”
159.	Schedule A - Registration with Waikato Regional Council/Te Āpitiwhanga A – Te rēhita me te Kaunihera ā-Rohe oWaikato	Support with amendments	Schedule A clause 5 has a reference to both “property owner” and “land owner”. For consistency reference to property owner should be replaced with land owner.	Amend Schedule A clause 5 to read: “All property <u>land</u> owners must provide...”

4.14 Schedule B – Nitrogen Reference Point

#	Provision	Support/oppose	Discussion/reason	Decision sought
160.	Schedule B - NRP/Te Āpitianga B – Te tohu ā- hauota	Support with amendments	The current definitions associated with the NRP do not allow for effective implementation.	Amend Schedule B clause f. to read: “the <u>Nitrogen Reference Period</u> is the two financial years covering...
161.	Schedule B - NRP/Te Āpitianga B – Te tohu ā- hauota		<p>Ownership of the NRP (refer also to section 2.1.2 of this submission)</p> <p>Schedule B requires an NRP to be obtained by “a property or enterprise”. Where a property is part of an enterprise (e.g. through a lease arrangement), it is not clear who owns the NRP. In this scenario, whilst it is clear that the entity actually farming the land is responsible for compliance with the rules, it is not clear whether the NRP produced attaches to the property which is fixed at a given location, or the enterprise (which, by definition, can move around). It cannot attach to both as that would double-count nitrogen leading to an increase in diffuse nitrogen loss over time.</p> <p>The concepts behind assigning an NRP either associated with a piece of land or associated with an entity are fundamentally different, and incompatible with each other. In practical terms, an NRP is a right to discharge up to a certain amount of nitrogen. This right to discharge can only be exercised in association with using a piece of land – the NRP is not a transferable discharge right, as there is no mechanism within PPC1 to enable nitrogen transfer. Consequently, the concept of associating an NRP with an enterprise, and the corresponding ability to “exercise” that NRP anywhere on any other piece of land is raises practicality issues. If an entity were to take its NRP from one piece of land to another property, the remaining land will not cease</p>	Amend Rule 3.11.5.4 and Schedule B to remove the ability for an enterprise to hold a Nitrogen Reference Point, and restrict the Nitrogen Reference Point to exist only in association with a particular parcel or property.

#	Provision	Support/oppose	Discussion/reason	Decision sought
162.	Schedule B - NRP/Te Āpitianga B – Te tohu ā- hauota	Support with amendments	losing nitrogen, the nitrogen loss will continue, at a rate dependent on the new land use. There is no mechanism in PPC1 to decide what that residual nitrogen loss amount should be. Schedule B provides for two different methodologies and reference periods for calculating the NRP – one for commercial vegetable production, the other for all other use of land for farming. However, it is unclear whether it is the current, or intended, or previous land use that determines the reference period.	Amend Schedule B to clarify whether it is the current, intended, or previous land use that determines the appropriate nitrogen reference period to use.
163.	Schedule B - NRP/Te Āpitianga B – Te tohu ā- hauota	Support with amendments	Schedule B clause a allows some flexibility with different approaches to providing NRP services to farmers (i.e. a company could employ staff who are not Certified Farm Nutrient Advisors to carry out and submit the NRP, but all NRPs still need to be approved by a Certified Farm Nutrient Advisor.	Amend Schedule B clause a. to read: “The Nitrogen Reference Point must be calculated <u>approved</u> by a Certified Farm Nutrient Advisor...”
164.	Schedule B - NRP/Te Āpitianga B – Te tohu ā- hauota	Support with amendments	Schedule B clause b describes the basis of the NRP and refers to it being the “highest annual N loss that occurred during a single year (being 12 consecutive months)...” It is not clear that the annual nitrogen leaching loss relates to the property owners “financial year” as opposed to a calendar year or something else (refer also item f reference to “financial year”). Also the reference to 12 consecutive months is unnecessary.	Amend Schedule B clause b. to read: “The Nitrogen Reference Point shall be the highest annual nitrogen leaching loss that occurred during a single <u>financial</u> year (being 12 consecutive months) within the reference...”
165.	Schedule B - NRP/Te Āpitianga B – Te tohu ā- hauota	Support with amendments	Schedule B clause d provides for changing versions of <i>Overseer</i> for the calculation of the NRP. <i>Overseer</i> releases new versions regularly and the guidelines get updated. The 2016 guidelines would become out of date. Therefore the reference to the 2016 <i>Overseer</i> Best Practice Data Input standards is not appropriate.	Amend schedule B clause d. to read: “...and where the <i>OVERSEER</i> ® Model is used, it must be calculated using the <i>OVERSEER</i> ® Best Practice Data input standards 2016 <u>that relate to the version of the <i>Overseer</i>® model being used</u> , with the exceptions and inclusions set out in schedule B table 1.”

#	Provision	Support/oppose	Discussion/reason	Decision sought
166.	Schedule B - NRP/Te Āpitianga B – Te tohu ā- hauota	Support with amendments	Schedule B clause f provides for commercial vegetable growers requiring a reference period of the 11 years from 2006-2016. The NRP is the “average annual nitrogen leaching loss” during that period. The vegetable sector logic was that 11 years was a sufficient period to average out the rotations (and therefore nitrogen loss variability) that typically occurs in a commercial vegetable operation. However, if the land was not used for commercial vegetable growing during that entire reference period – if it was used for some lesser leaching land use, or not used at all – then it is not clear how the NRP should be calculated.	Amend Schedule B clause f. to read: “The reference period is the two... except <u>where the primary land use is for commercial vegetable production in which case the reference period is 1 July 2006 to 30 June 2016 or such lesser, relevant period if the land was used for commercial vegetable production during only part of that period.</u> ”
167.	Schedule B - NRP/Te Āpitianga B – Te tohu ā- hauota	Support with amendments	Schedule B clause g. includes a list of records that verify the input parameters used to model nitrogen leaching losses. These records must be retained and provided to the Council on request. The Council notes that in terms of ‘yield’ in vi the number may need to be an approximation, as it is not always possible to know the exact yield for crops.	Amend Schedule B clause g. to read: “... i. Stock numbers as recorded in annual accounts together with stock sale and purchase invoice <u>Records of stock numbers and stock classes, births and deaths, stock movement on and off the property, grazing records and transport records;</u> ii. Dairy production data; iii. Invoices for fertiliser applied to the land <u>Records of fertiliser type and amount, application rates and fertiliser placement records;</u> iv. Invoices for <u>Records of feed supplements and amount sold or purchased, and records of supplements grown and fed on farm;</u> v. Water use records for irrigation (to be averaged over 3 years or longer) in order to determine irrigation application rates <u>mm/ha/month per</u>

#	Provision	Support/oppose	Discussion/reason	Decision sought
				<p><u>irrigated block, and proof of areas irrigated (for Overseer® block setup);</u></p> <p>vi. <u>Records of crops grown on the land and grazed including area and yield, and including cultivation and sowing records where available; and</u></p> <p>vii. <u>A map detailing the location and area of land used for effluent irrigation;</u></p> <p>viii. <u>Horticulture crop diaries and NZGAP records.</u></p> <p>ix. <u>Soil test data – including anion storage capacity</u></p> <p>x. <u>A map detailing the property boundaries, areas including block (management) areas and retired areas, and the total area of non-productive areas; and</u></p> <p>xi. <u>Certificate of title and legal description.”</u></p> <p><u>Add an advice note to read: “Advice note: For the avoidance of doubt, financial information contained within the above records may be redacted (blacked out) prior to it being provided to Waikato Regional Council.”</u></p>
168.	Schedule B - NRP/Te Āpiti-hanga B – Te tohu ā-hauota	Support with amendments	with Schedule B Table 1 (data input methodology for ensuring consistency) requires more information to clarify how <i>Overseer</i> is to be used.	Amend Schedule B Table 1 by deleting the existing Table 1 and replace with the new Table 1 in Appendix A in this submission.

#	Provision	Support/oppose	Discussion/reason	Decision sought
169.	Schedule B - NRP/Te Āpitiwhanga B – Te tohu ā-hauota		Schedule B makes reference to the use of <i>Overseer</i> or any other model approved by the Chief Executive of the Waikato Regional Council. There are methodologies in Schedule B for consistency when using the <i>Overseer</i> model. There need to be similar requirements to ensure appropriate data protocols are required when using any other approved model to calculate the NRP, and these protocols should also be approved by the Chief Executive.	Amend Schedule B clause d to read: “...with the <u>settings that must be used complying with exceptions and inclusions set out in</u> Schedule B Table 1. <u>Where another approved model is used, it will conform to the data input standards as approved by the Chief Executive of the Waikato Regional Council.</u> ”

4.15 Schedule C - Stock exclusion

	Provision	Support/oppose	Discussion/reason	Decision sought
170.	Schedule C - Stock exclusion/Te Āpitiwhanga C – Te aukatinga o ngā kararehe	Support with amendments	<p>Consistency with national regulations</p> <p>The government is consulting on several aspects of its freshwater management, including a proposal to introduce national regulations to exclude stock from waterways. It is not clear when these will have effect but may be prior to the hearings for the PPC1 submissions. Having two different stock exclusion requirements will be difficult to implement and enforce, and may cause confusion within the farming sector.</p> <p>It would therefore be prudent to enable the stock exclusion provisions of the PPC1 to be considered in light of the national regulations in order to ensure that the two sets of requirements are not inconsistent with each other, and together provide for the most efficient and effective approach to stock exclusion while ensuring the objectives of the PPC1 are met.</p>	Amend schedule C to ensure that it is not inconsistent with the national regulations and to ensure that together they provide for the most efficient and effective approach to stock exclusion, whilst ensuring that the objectives of PPC1 are met.
171.	Schedule C - Stock exclusion/Te Āpitiwhanga C – Te aukatinga o ngā kararehe	Support with amendments	<p>Consistency with rules and schedules</p> <p>Policy 1c in 3.11.3 refers to streams in the list of areas that stock should be excluded from, however streams</p>	Add at the end of Schedule C an advisory note to read: “A reference to a river includes a reference to a stream.”

	Provision	Support/oppose	Discussion/reason	Decision sought
172.	Schedule C - Stock exclusion/Te Āpitiwhanga C – Te aukatinga o ngā kararehe	Support with amendments	are not in the stock exclusion schedule. The reason for the latter is that “streams” are included in the RMA definition of “River”. However, its omission may be confusing to readers. Stock exclusion Schedule C requires stock to be excluded from all rivers that continually contain water, whereas schedule 1 2(a)(ii) allows a farmer to provide alternative mitigation measures on land over 25° where fencing is not practicable. The proposal is to amend the Schedule C and Schedule 1 accordingly so that the provisions have consistent stock exclusion requirements.	Amend Schedule C to ensure consistency between this Schedule and Schedule 1 stock exclusion requirements.
173.	Schedule C - Stock exclusion/Te Āpitiwhanga C – Te aukatinga o ngā kararehe	Support with amendments	Schedule C clauses 1 and 2 relate to fencing requirements. It should refer to clause 3 as this is the clause that explicitly prohibits entry into or passage of stock across the bed of a waterway	Amend Schedule C: Exclusions to read: “The following situations are excluded from clauses 1 and 2 <u>clause 3</u> ”.
174.	Schedule C - Stock exclusion/Te Āpitiwhanga C – Te aukatinga o ngā kararehe	Support with amendments	Schedule C clause 5 the reference to “Farm Environment Plan” is potentially ambiguous if the basis for the Plan is not stated.	Amend Schedule C clause 5 to read: “For land use authorised... Farm Environment Plan, <u>prepared in accordance with Schedule 1</u> , which shall be within 3 years...”.

4.16 Schedule 1

#	Provision	Support/oppose	Discussion/reason	Decision sought
175.	Schedule 1 - Requirements for Farm Environment Plans/Te Āpitiwhanga 1: Ngā Herenga i ngā Mahere Taiao ā-Pāmu	Support with amendments	Schedule 1 utilises a 5 year rolling average which is not considered implementable. It is proposed that a more practical approach to implementation would be to use the NRP as a yardstick to indicate the relative amount of nitrogen being lost from a property, which would then inform the Farm Environment Plan process, the risk assessment and result a list of proposed mitigation	Delete Schedule 1 references to the 5 year rolling average and instead measure compliance based on whether the proposed mitigation actions listed in a Farm Environment Plans are completed.

#	Provision	Support/oppose	Discussion/reason	Decision sought
			actions designed to reduce nitrogen loss, in the same way as is proposed for the other three contaminants. Compliance would then be measured based on whether those actions are completed.	
176.	Schedule 1 - Requirements for Farm Environment Plans/Te Āpitihanga 1: Ngā Herenga i ngā Mahere Taiao ā-Pāmu	Support amendments	with Numbering Schedule 1 numbering includes “A. Farm Environment Plans shall contain as a minimum...” however there is no “B” to follow. The overall numbering of schedule 1 is confusing, where some points have a repeat of their identifier (e.g., one of the points is: A.2. (f) (ii) (f)). This will make referring to specific points difficult, as well as make the process of organising submissions difficult.	Amend Schedule 1 to simplify the numbering.
177.	Schedule 1 - Requirements for Farm Environment Plans/Te Āpitihanga 1: Ngā Herenga i ngā Mahere Taiao ā-Pāmu		Schedule 1 clause 2 contains requirements that Farm Environment Plans must meet, as well as provisions that set firm standards relating to land use practices. These include standards that are not reflected in any of the proposed rules, therefore making those specific provisions are unenforceable. These include: (a) Minimum grazing and cultivation setbacks (2(b)(ii) (b) Avoidance of cultivation on slopes over 15 degrees (unless discharge from them can be avoided) (2(f)(i)	Either, reflect the standards/terms/conditions in the rules, or delete the references to some of the minimum standards in Schedule 1. Or Amend them to reflect the standards as “best management practice” recommendations rather than firm requirements.
178.	Schedule 1 - Requirements for Farm Environment Plans/Te Āpitihanga 1: Ngā Herenga i ngā Mahere Taiao ā-Pāmu	Support amendments	with Schedule 1 clause 2 (e) is inconsistent with Schedule B clause 2 (e) which refers to protocols and not to Table 1 as stated in Schedule B.	Amend Schedule 1 clause 2 (e) to read: “A description of nutrient management practices including... using the model <i>OVERSEER</i> [®] in accordance with the <i>OVERSEER</i> [®] <u>data input standards and Table 1: Schedule B use protocols</u> , or using any other model or method approved”

#	Provision	Support/oppose	Discussion/reason	Decision sought
179.	Schedule 1 - Requirements for Farm Environment Plans/Te Āpitihanga 1: Ngā Herenga i ngā Mahere Taiao ā-Pāmu	Support with amendments	Schedule 1 clause 2(f)(i) refers to the avoidance of discharges from cultivation on steeper slopes. Avoidance is an absolute term which sets an impracticably high standard.	Amend Schedule 1 clause 2(f)(i) to read: "The identification of slopes over... from that cultivation can be avoided <u>minimised</u> ; and"
180.	Schedule 1 - Requirements for Farm Environment Plans/Te Āpitihanga 1: Ngā Herenga i ngā Mahere Taiao ā-Pāmu	Support with amendments	Schedule 1 clause 2(f)(ii)(d) addresses buffer areas between cultivated areas and water bodies, and sets a minimum setback of 5m (although no such setback is reflected in any rules). The establishment of 5m minimum setback is overly prescriptive. No tillage options on slopes of less than 15° do not require setback. For example, peat soil farms must use cultivation as direct drilling/no-tillage options are unavailable. These farms are typically crossed by perennial drains and 5m setbacks can have a significant effect on cultivation area. Less overland flow is likely to occur on peat soils due to the flat nature of the terrain they occupy, so there is limited additional environmental benefit from a 5m setback when compared with a 1m setback. Minimum tillage options are currently employed by some as a form of mitigation on appropriate soils, however the wording in Schedule 1 does not encourage the use of such technology. The amendment suggested would better facilitate the use of mitigation measures that reduce sediment loss rather than opting for full tillage as yields are typically greater.	Amend Schedule 1 Clause 2(f)(ii)(d) to read: "maintaining appropriate buffers between cultivated areas and water bodies (minimum 5m setback <u>or a lesser distance greater than 1m with appropriate mitigation measures specified in the Farm Environment Plan</u>).
181.	Schedule 1, 2(f)(ii)(e) and (f)	Support with amendments	Schedule 1 clause 2(f)(ii)(e) and (f) are incorrectly listed as sub-sections of 2(f)(ii), and should be elevated to be sub-sections of section 2.	Amend to renumber Schedule 1 clause 2(f)(ii)(e) to clause <u>2(g)</u> And renumber clause 2(f)(ii)(f) to clause <u>2(h)</u>
182.	Schedule 1 - Requirements for Farm Environment	Support with amendments	Schedule 1 clause 2(f)(ii)(f) could be better integrated with permitted activity rule 3.4.5.6 of the Regional Plan,	Amend Schedule 1 clause 2(f)(ii)(f) to read: "A description of freshwater... to

#	Provision	Support/oppose	Discussion/reason	Decision sought
	Plans/Te Āpiti hanga 1: Ngā Herenga i ngā Mahere Taiao ā-Pāmu		which authorises freshwater irrigation and spells out specific standards that must be met. Cross-reference to those standards will provide greater certainty when producing farm plans as to what particular information should be provided.	groundwater or surface water will be minimised. <u>This description shall, unless otherwise authorised by a resource consent, include information that demonstrates compliance with conditions (a) to (f) of rule 3.4.5.6 of the Waikato Regional Plan.</u>
183.	Schedule 1 - Requirements for Farm Environment Plans/Te Āpiti hanga 1: Ngā Herenga i ngā Mahere Taiao ā-Pāmu	Support with amendments	Schedule 1 clause 4 requires a description of actions to be undertaken in response to the risks identified in the risk assessment, while having regard to the relative priority of the risks. There is nothing in the clause that reflects the need for proportionality (as described in Policy 3(g)).	Amend Schedule 1 clause 4 to read: "A description of the actions... (having regard to their relative priority <u>and to the need for proportionality as specified in Policy 2(d) and 3(g)</u>) as well as where the mandatory..."
184.	Schedule 1 - Requirements for Farm Environment Plans/Te Āpiti hanga 1: Ngā Herenga i ngā Mahere Taiao ā-Pāmu		<p>Vegetable growing minimum standards</p> <p>Schedule 1 in the table under the heading vegetable growing minimum standards refers to the development of an approved erosion and sediment control plan constructed in accordance with the "Erosion and Sediment Control Guidelines for Vegetable Production June 2014". The <i>Erosion and Sediment Control Guidelines for Vegetable Production June 2014</i> states that it "provides information to growers on a range of possible control measures and options (Page 6) and steps to minimising soil erosion and sediment loss." They do not directly refer to an "erosion and sediment control plan. This may be confusing for those preparing their plans.</p> <p>In addition it is unclear what the approval process is for the erosion and sediment control plan (of which "approval" is a requirement).</p>	Amend Schedule 1: Vegetable growing minimum standards Row 5 of the table Soil/Phosphorus to read: "As a minimum by block: an approved erosion and sediment control plan constructed <u>compiled by the Certified Farm Environment Planner</u> in accordance with the Erosion and Sediment Control Guidelines for Vegetable Production June 2014"
185.	Schedule 1 - Requirements for Farm Environment Plans/Te Āpiti hanga 1: Ngā	Support with amendments	Schedule 1 clause 2(b) (ii) contains a typographical error "...for land with a slope of less than 15°..."	Amend Schedule 1 clause 2(b)(ii) to read: "Where practicable the provision... for land with a slope of less <u>less</u> than 15°..."

#	Provision	Support/oppose	Discussion/reason	Decision sought
186.	Herenga i ngā Mahere Taiao ā-Pāmu Schedule 1 - Requirements for Farm Environment Plans/Te ĀpitiHanga 1: Ngā Herenga i ngā Mahere Taiao ā-Pāmu	Support with amendments	Under “Matters of Control” Rule 3.11.5.4, the farming activity is restricted to a not exceeding their NRP “unless other suitable mitigations are specified” (further repeated in Schedule 1(5)(a)). This clearly enables farming which causes leaching loss beyond the NRP. This appears inconsistent with the objectives and policies of the proposed PPC1. It is unclear what scale of breach of the NRP this provides or how this might be quantified or consistently applied.	Amend Schedule 1 clause 5(a) to read: Actions, timeframes and other measures.... or enterprise’s Nitrogen Reference Point unless other suitable mitigations are specified. Or amend 3.11.5.4(iii) and Schedule 1 to provide more clarity regarding how the discretion available in this provision, should be exercised.

4.17 Table 1

#	Provision	Support/oppose	Discussion/reason	Decision sought
187.	Table 3.11-1: Short term and long term numerical water quality targets for the Waikato and Waipa River catchments/Ngā whāinga ā-tau taupoto, tauroa hoki mō te kounga wai i te riu o ngā awa o Waikato me Waipā		Review of reports from the Technical Leaders Group to the CSG suggest that it was the intention to include ammonia attribute for the lakes, in line the NPS-FM requirements. It is therefore likely an oversight that annual Median Ammonia and Annual Maximum Ammonia was missed out of Table 3.11-1 for lakes.	Amend Table 3.11-1: Dune, Riverine, Volcanic and Peat Lakes freshwater Management Units on page 67, by adding two new columns to provide targets for Annual Median and Annual Maximum Ammonia as per NPSFM - Band C for 80 year target.
188.	Table 3.11-1: Short term and long term numerical water quality targets for the Waikato and Waipa River catchments/Ngā whāinga ā-tau taupoto, tauroa hoki mō te kounga wai i te riu o	Support with amendments	In Table 3.11-1 ammonia (annual median and annual maximum) in NOF is adjusted for pH and temperature. It is not clear that the state data have been adjusted and are therefore (likely to be) lower than current state.	Amend Table 3.11-1 by adding a footnote to say that the annual median and annual maximum ammonia have been adjusted for pH.

				ngā awa o Waikato me Waipā		
189.	Table 3.11-1: Short term and long term numerical water quality targets for the Waikato and Waipa River catchments/Ngā whāinga ā-tau taupoto, tauroa hoki mō te kounġa wai i te riu o ngā awa o Waikato me Waipā				<p>There is a disjoint between the methods and attributes in Table 3.11-1 in regards to sediment and clarity. The methods focus on monitoring and reporting sediment against the attribute targets, but no targets are given for sediment. Targets are given for clarity, but clarity is not in the methods.</p> <p>For example:</p> <p>Method 3.11.4.10 (a) is about collecting information on the four contaminants, it refers to sediment and not clarity.</p> <p>Method 3.11.4.10 (b) is about relating the data from part a) of this Method to the attributes targets in Table 3.11-1. Part a) would provide data on sediment but there are no targets in Table 3.11-1 for sediment.</p> <p>Method 3.11.4.10 (d) is about an accounting system of the four contaminants. It refers to sediment and not clarity. It is not possible to account for clarity in the same way that can be done for the other contaminants.</p>	Amend either the Methods or Table 3.11-1 Explanatory note to Table 3.11-1 to get alignment between the attribute Clarity in Table 3.11-1 and references to sediment in the Methods.
190.	Table 3.11-1: Short term and long term numerical water quality targets for the Waikato and Waipa River catchments/Ngā whāinga ā-tau taupoto, tauroa hoki mō te kounġa wai i te riu o ngā awa o Waikato me Waipā	Support amendments	with		<p>Table 3.11-1 exists of 3 separate tables, which is confusing. The name of the table is usually put right before the table starts. Table 3.11-1 is on page 57 whereas the caption of the table is on the first half of page 56. This is confusing.</p>	<p>Amend Table 3.11-1 to combine the three tables into one table, or provide different captions and individual numbering for each table.</p> <p>And place the table caption directly above the table.</p>
191.	Table 3.11-1: Short term and long term numerical water quality targets for the Waikato and Waipa River catchments/Ngā whāinga	Support amendments	with		<p>Table 3.11-1 describes one of the sites as Waerenga Stm SH2 Maramarua (p63). The Council monitoring node made for this site is Waerenga Stm Taniwha Rd. Changing the name of this site will avoid confusion.</p>	Amend Table 3.11-1 to read: "Waerenga Stm SH2 Maramarua <u>Taniwha Rd.</u> "

	ā-tau taupoto, tauroa hoki mō te kounga wai i te riu o ngā awa o Waikato me Waipā				
192.	Table 3.11-1: Short term and long term numerical water quality targets for the Waikato and Waipa River catchments/Ngā whāinga ā-tau taupoto, tauroa hoki mō te kounga wai i te riu o ngā awa o Waikato me Waipā			The Waikato Regional Policy Statement, Method 4.2.7 requires the Waikato Regional Council to liaise with the Bay of Plenty Regional Council to ensure that any regional plan for part of the Rotorua Lake catchment that is within the Waikato region, is consistent with the objectives set for the lake. This particularly applies to managing land use and nutrient discharge levels.	Amend Table 3.11-1 to take into account the Bay of Plenty Regional Council water quality standards for those parts of the Waikato and Waipa River Catchment area that overlap with and drain into the Lake Rotorua Catchment.
193.	Table 3.11-1: Dune, Riverine, Volcanic and Peat Lakes Freshwater Management Units	Support amendments	with	Because of the scale of map 3.11-1, it cannot be determined which lakes are signified by the coloured polygons marked lakes FMUs. These lakes are not listed, named or referred to by name anywhere in the document, so it is almost impossible to know what lakes are intended to be in this category. Nor are they listed in the S32 document. Therefore, there is no certain way of knowing which lakes are covered by the classification. The reader is required to search through technical reports to find the names of the lakes. The lake the supporting documents refer to as Lake Opouri is named by LINZ as Lake Ngapouri. Therefore it is confusing to give it another name that is inconsistent with all available Government maps. It should be named in PPC1 as Lake Ngapouri.	Rename Lake Opouri as <u>Lake Ngapouri</u> in Table 3.11-1 Dune, Riverine, Volcanic and Peat Lakes Freshwater Management Units (last section, on page 67, list the names of the lakes and their catchments, as is the case for all other entries in the table.
194.	Table 3.11-1: Dune, Riverine, Volcanic and Peat Lakes Freshwater Management Units	Support amendments	with	It is not clear why the lakes mapped in Table 3.11-1 as Volcanic Lakes and listed in supporting document 3433691 as Volcanic Lakes are described as such, as there is no volcanic influence on the lakes, while lakes in the catchment that do have volcanic influence are not included. Therefore either clarification is needed as to what in PPC1 constitutes a Volcanic Lake, or the category	Rename the Volcanic Lake category in a way that is relevant to some aspect of the character of the lakes in the category.

should be given a more relevant and less confusing title. If the term Volcanic Lakes is applied because the lakes are found in the Taupo Volcanic Zone, then a more appropriate name would be Volcanic Zone Lakes, to distinguish them from lakes that are actually volcanic in nature.

4.18 Table 2

	Provision	Support/oppose	Discussion/reason	Decision
195.	Table 3.11-2 List of sub-catchments showing Priority 1, Priority 2, and Priority 3 sub-catchments/Te rārangī o ngā riu kōawaawa e whakaatu ana i te riu kōawaawa i te Taumata 1, i te Taumata 2, me te Taumata 3	Support	Table 3.11-2 list of sub-catchments showing priority 1, priority 2 and priority 3 sub-catchments WRC supports the prioritisation of catchments as these are in general alignment with the existing catchment management activity.	Retain
196.	Table 3.11-2 List of sub-catchments showing Priority 1, Priority 2, and Priority 3 sub-catchments/Te rārangī o ngā riu kōawaawa e whakaatu ana i te riu kōawaawa i te Taumata 1, i te Taumata 2, me te Taumata 3	Support with amendments	Table 3.11-2 has a caption above and below the table. It is common style that tables have their caption above the table not under the table.	At the end of table 3.11-2 on p.70, delete the words "Table 3.11-2: List of sub-catchments showing priority 1, Priority 2, and Priority 3 sub-catchments"

4.19 Map 3.11-1

ID	Provision	Support/oppose	Discussion/reason	Decision sought
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197.	Map 3.11-1: Map of the Waikato and Waipa River catchments, showing Freshwater Management Units	Support amendments	with	The map does not provide certainty that all lakes are covered by an FMU, and that each lake is correctly classified by lake type.	Amend Map 3.11-1 to correct possible inconsistencies with lake mapping and classification of Lake Freshwater Management Unit^ types.
198.	Map 3.11-1: Map of the Waikato and Waipa River catchments, showing Freshwater Management Units	Support amendments	with	Because of the scale of Map 3.11-1, it cannot be determined which lake FMUs are signified by the coloured polygons. These lakes are not listed, named or referred to by name anywhere in the document, so it is almost impossible to know what lakes and catchments are intended to be in this category. Nor are they listed in the PPC1 Section 32 document. Therefore, there is no certain way of knowing which lakes are covered by the Lake FMUs classification. The reader is required to search through technical reports to find the names of the lakes and catchments.	Add an additional map at a scale sufficient to accurately map and name all Lake Freshwater Management Unit^.
199.	Map 3.11-1: Map of the Waikato and Waipa River catchments, showing Freshwater Management Units	Support amendments	with	The light blue colour used on the map to identify major lakes and rivers (Waipa River, Waikato River, Lake Waikare etc.) is not shown on the legend. Therefore it is unclear from the map whether these water bodies are included in the FMU.	Amend the legend to clarify the Freshwater Management Unit^ status of the waterbodies shown in light blue.

4.20 Map 3.11-2

#	Provision	Support/oppose		Discussion/reason	
200.	Map 3.11-2: Map of the Waikato and Waipa River catchments, showing sub-catchments	Support amendments	with	Map 3.11-2 shows the locations of the sub-catchments, some of these are small and or predominately native bush, so separating them from adjoining sub-catchments provides no apparent benefit and seems to be an unnecessary complication.	Amend Map 3.11-2 by adding a comment to state that sub-catchment plans can include a multiple sub-catchment approach.
201.	Map 3.11-2: Map of the Waikato and Waipa River catchments, showing sub-catchments			There seems to have been a somewhat arbitrary splitting of the upper Waitomo catchment from the lower Waitomo catchment based on the water quality results from a monitoring station at Tumutumu Road. This	Amend Map 3.11-2 and Table 3.11-2 to combine Priority 1 sub-catchment 52 (Waitomo at Tumutumu Road) with

#	Provision	Support/oppose	Discussion/reason	Decision sought
			<p>splitting of an upper catchment from a lower sub-catchment has not been proposed in any other situation within PPC1 and is not considered to be consistent with catchment management principles to address water quality issues.</p> <p>To aid with the practical implementation of the PPC1 rules it is proposed that combining the upper and lower Waitomo catchments better serves the objectives of PPC1 than the current arbitrary split.</p>	<p>Priority 2 sub-catchment 46 (Waitomo at SH31 Otorohanga)</p> <p>And add to the list in Table 3.11-2 the combined area as: "<u>Waitomo catchment</u>", "<u>Priority 1</u>".</p>

4.21 Part B – 5.1.5 Conditions for Permitted Activity Rule 5.1.4.11 and Standards and Terms for Controlled Activity Rules

	Provision	Support/oppose	Discussion/reason	Decision sought
202.	5.1.5 Conditions for Permitted Activity Rule 5.1.4.11 and Standards and Terms for Controlled Activity Rules/Ngāāhuatanga o te Ture 5.1.4.11 mō ngāMahi e Whakaaetia ana, me ngā Paerewa me ngā Herenga mō ngā Turemō ngā Mahi ka āta Whakahaerehia	Support	Requiring that forestry harvest comes under a forest harvest plan, to be notified to the Waikato Regional Council prior to commencing harvest.	Retain

4.22 Part C – Additions to Glossary of Terms

	Provision	Support/oppose	Discussion/reason	Decision sought
203.	75 th percentile nitrogen leaching value		The approach to calculating the 75 th percentile nitrogen leaching value is not clearly articulated. The proposed change is to clarify that the calculation for determining the 75 th percentile is based on the ordinal ranking of	Amend the Glossary definition of 75 th percentile nitrogen leaching value to clarify the method for calculating the 75 th percentile.

204.	75 th percentile nitrogen leaching value	Support amendments	with	<p>dairy farm discharges, where the threshold is calculated once, at a single point in time (being post 31 March 2019), and any farms above the 75th percentile will be affected and need to reduce. Specifically referring to the method of calculating the 75th percentile nitrogen leaching value and improve clarity and effective implementation of the rules.</p> <p>The lakes FMUs will not have sufficient numbers of dairy farms to establish a 75th percentile nitrogen leaching value from the NRP numbers for each Lake FMU, and Lakes FMUs potentially span multiple Riverine FMUs, which may cause a 75 percentile nitrogen leaching value developed in a lake FMU to be inappropriate in at least part of the Lake FMU.</p>	<p>And include in the definition that this calculation will be undertaken once at a single point in time.</p>
205.	Best management practice/s	Support amendments	with	<p>There is a focus in the current definition of BMP on current technology. However, a mitigation of discharges may be a change in management that reduces discharges and may not be reliant on technology. Therefore for clarity the reference in the definition reference to current technology should be refined to incorporate mitigation that can also be achieved through changes to management practices.</p>	<p>Amend the Glossary definition of best management practice to make it clear that the term includes mitigation that can also be achieved through changes to management practices.</p>
206.	Current version of <i>Overseer</i> [®]	Support in part		<p>The definition of 'Current version of <i>Overseer</i>[®]' is missing from the glossary.</p>	<p>Add a new definition to the Glossary to read "<u>Current version of <i>Overseer</i>[®] is the version of the <i>Overseer</i>[®] model with the most recent release date</u>".</p>
207.	Edge of field mitigation/s	Support amendments	with	<p>River bank erosion is in some localities a major source of sediment to waterways, however the underlying cause of the erosion may have little connection with adjacent land use/management, and the costs of remediation can be relatively expensive and usually require a co-ordinated approach spanning several properties. In</p>	<p>Amend the Glossary definition of Edge of field mitigation/s to clarify which actions or technologies will be considered for funding in Method 3.11.4.5(g).</p>

208. Enterprise	Support amendments	with	<p>addition, the actions required to control river bank erosion may not be within the scope of a Farm Environment Plan.</p> <p>The definition accommodates multiple parcels or properties (including where owned by multiple owners) but does not explicitly confine all of the enterprises' properties/parcels of land within the Waikato/Waipā River Catchment. The definition leaves uncertainty as to the scale/numbers of "properties" which can be considered an "enterprise". For example, can 30 contiguous dairy farms, each run as an independent financial unit but sitting under one corporate entity, be treated as a single enterprise?</p> <p>As a landowner, WRC requires clarification regarding how land that is licensed to another enterprise needs to be managed to meet the requirements of HRWO. Is it considered part of the broader enterprise that it is licensed to? Is it considered separately or as a collective of licensed land parcels?</p>	<p>Clarify the definition of edge of field in the definition section.</p> <p>Amend the the Glossary definition of Enterprise to clarify the scope and nature of an enterprise.</p> <p>And amend the definition of Enterprise to read: "<u>for the purposes of Chapter 3.11, means one or more parcels</u>"...</p> <p>And delete the words 'principle' and replace with <u>principal</u>.</p>
209. Livestock Crossing Structure	Support amendment	with	<p>The current definition excludes structure that were not installed for the purposes of allowing livestock crossing, but which are adequate to meet that purpose.</p>	<p>Amend the Glossary definition of Livestock Crossing Structure to read: "<u>means a lawfully established structure installed to allow that enables</u> livestock to cross a water body."</p>
210. Nitrogen Reference Point	Support amendments	with	<p>The NRP is unclear, and limits the ability to accommodate changed versions of <i>Overseer</i> in the future.</p>	<p>Amend the Glossary definition of Nitrogen Reference Point to read: "The nitrogen loss number (units of kg N/ha/year) that is derived from an OVERSEER use protocol compliant OVERSEER® file that describes the property or farm enterprise and farm practices in an agreed year or years developed by a Certified Farm Nutrient Advisor, using the current version of the</p>

~~OVERSEER~~® model (or another model approved by the Council) for the property or enterprise at the "reference" point in time.

is:

- 1) For commercial vegetable production, the average nitrogen leaching rate (in kilograms of nitrogen per hectare per year) predicted by modelling the nitrogen reference period data in the current version of Overseer®.
- 2) For all other landuses, the nitrogen leaching rate (in kilograms of nitrogen per hectare per year) predicted by modelling the Nitrogen Reference Point data in the current version of Overseer®."

211. Nitrogen Reference Point

Flexibility to the definition is required to accommodate re-assignment of nitrogen upon incorporation of new land into a property.

Amend the Glossary definition of Nitrogen Reference Point, to include changes that result from the incorporation of new land into a property and which are approved by the Council.

212. Nitrogen reference period

Definitions are required to be added to the Glossary to clarify the meaning of words used in Schedule B.

Add to the Glossary a new definition for Nitrogen Reference Period to read: "is a property's or enterprise's 2014/15 and 2015/16 financial years, except for properties or enterprises where the principle landuse is commercial vegetable production, in which case the nitrogen reference period is the period commencing with the property's or

213. Nitrogen Reference Period data	Definitions are required to be added to the Glossary to clarify the meaning of words used in Schedule B.	<u>enterprise's 2006/7 financial year and ending with its 2015/16 financial year.</u> " Add to the Glossary a new definition for Nitrogen Reference Period data to read: <u>"is the set of verified Overseer input parameters for each of the financial years of the nitrogen reference period."</u>
214. Nitrogen Reference Point data	Definitions are required to be added to the Glossary to clarify the meaning of words used in Schedule B.	Add to the Glossary a new definition for Nitrogen Reference Point data to read: <u>"is the verified Overseer input parameters for the single financial year of the nitrogen reference period that when modelled in the version of Overseer current at 1 April 2019 results in the highest nitrogen leaching rate."</u>
215. Restoration	The definition is specific to PPC1, but that is not explicitly clear.	Amend the definition of Restoration to read: <u>"for the purposes of Chapter 3.11, is the process of..."</u>
216. Point Source Discharge/s	Amend existing definition for "point source discharge/s" to specifically exclude infrastructure that simply provides a conduit for water flow (e.g. flood protection and land drainage infrastructure).	Amend the Glossary definition of Point Source Discharge/s to exclude infrastructure that provides a conduit for waterflow (e.g. flood protection and land drainage infrastructure).
217. Stock unit	The reference to the words "as illustrated by" gives rise to ambiguity as to whether the table figures are firm or flexible. The definition should be a single stock unit calculation method.	Amend the definition of Stock unit to read: <u>"...energy per year, as illustrated in determined in accordance with the following stocking rate table."</u>
	The PPC1 regulates the grazing of animals. Rules 3.11.5.1 and 3.11.5.2 include provisions that expressly regulate grazing intensity by reference to stock units. Stocking rates are also integral aspects of how the remaining rules	Amend the definition to include an industry agreed stock unit criteria for pigs.

- in the PPC1 will be implemented. The definition of stock unit includes a Table with specific stock unit equivalents for a wide range of animals (cows, sheep, deer, alpacas, llamas, horses and goats), but excludes pigs. This is unhelpful and results in uncertainty with regard to interpretation of this aspect within the rules.
- 218. Urban properties** 'Urban properties' is a term used in Schedule A, but is not defined. Add to the Glossary a Chapter 3.11 specific definition for urban properties.
- 219. Wetland/s** What were once 'natural wetlands' if repeatedly grazed do now not support '*a natural ecosystem of plants and animals*', hence it could be argued that almost every wetland on a farm that has been grazed is not a 'natural ecosystem' and therefore outside of the definition and contrary to the intent of PPC1. Add a new definition to the Glossary for Wetland to read: "For the purposes of Chapter 3.11 includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions."
- Even it was a wetland full of natural wetland plants but no wetland animals could be found (which would require an ecologist assessment of every wetland), it would still be outside of the definition because of the linking use of "and" which requires both aspects to be legally satisfied.

4.23 Part D - Consequential amendments

	Provision	Support/oppose	Discussion/reason	Decision sought
220.	Riparian planting and stock exclusion (consequential amendment to Operative Regional Plan standard 3.3.4.28)	Support with amendments	<p>The Council supports stock exclusion from waterways as a priority mitigation, as first and second order streams and ephemeral waterways contribute the bulk of sediment within a catchment.</p> <p>With regard to how riparian planting and stock exclusion fencing shall apply, PPC1 does not provide clarity about which chapter of PPC1 has preference. Schedule C has a</p>	The more stringent parts of 3.3.4.28 should have preference, and a new consequential amendment should be added to 3.3.4.28.

setback of 1m, whereas 3.3.4.28 requires 3m and specific planting density.

221	Permitted activity Operative Regional Plan Rules 3.4.5.6 and 3.4.5.7	Support amendments	with Data under Rule 3.4.5.6 needs to be developed each month of each irrigation season to plan irrigation at that time. Time relevant data cannot be provided as part of a Farm Environment Plan as this is not provided monthly to WRC. A description of their irrigation monitoring systems could be provided describing the system they will put in place to comply.	Amend Part D: Consequential amendment to rule 3.4.5.6 on page 90 to read: "Subject to compliance with any specified requirements, reporting through a Farm Environment Plan is a valid means of supplying data under this rule to describe <u>how irrigation water balances will be calculated and managed.</u> "
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5 Appendix A

5.1 Replacement table to be inserted into Schedule B, Table 1

OVERSEER [®] Parameter	Setting that must be used	Explanatory note
<u>Farm Model</u> Pastoral and Horticulture	<u>To cover the entire farm area including riparian, retired, forestry, and yards and races. Non-attached farms including leased blocks where the sole purpose of that block is supporting the parent farm should be included – with that blocks specific climate coordinates and soil parameters.</u> <u>If the farm (for example where dairy animals are grazed) is part of another farming business such as a drystock farm, the losses from those animals will be represented in the drystock farms' Overseer[®] model.</u> <u>If the block or farm where the dairy animals are grazed falls outside of PPC1 area or region, the losses from those animals cannot be regulated and thus will not be modelled for the purposes of PPC1.</u>	<u>To capture the "whole farm" in one Overseer[®] file, where possible, to represent nitrogen leaching losses from farms in the Waikato and Waipa River Catchment.</u>
<u>Location</u> Pastoral and Horticulture	<u>Select Waikato region</u>	<u>This setting has an effect on climate settings and some animal characteristics, and thus predicted nitrogen leaching loss.</u> <u>The aim here is required to ensure consistency.</u>

OVERSEER®Parameter	Setting that must be used	Explanatory note
<u>Animal distribution – relative productivity</u> <u>Pastoral Only</u>	Use “no differences between blocks” with the following exceptions: <ul style="list-style-type: none"> • <u>Grazed pines or other woody vegetation. In this case use “Relative yield” and set the grazed pine block to 0.4 (40%)</u> • <u>Where the farm has a mixture of irrigated and non-irrigated areas. In this case use “Relative yield” and set the irrigated area to 1 (100%), and the non-irrigated area to 0.75 (75%)</u> 	<u>To ensure consistency.</u>
<u>Wetlands</u> <u>Pastoral and Horticulture</u>	<u>Entered as Riparian Blocks</u>	<u>As per the latest update of the Overseer® Best Practice Data Input Standards.</u>
<u>Stock number entry</u> <u>Pastoral Only</u>	<u>Based on specific stock numbers only</u>	<u>To ensure consistency and accuracy of stock number inputs.</u>
<u>Animal weights</u> <u>Pastoral Only</u>	<u>Only use Overseer® defaults – do not enter in weights and use the age at start setting where available (national averages)</u>	<u>Accurate animal weights are difficult to obtain and prove.</u>
<u>Block Climate data</u> <u>Pastoral and Horticulture</u>	<u>Only use the Climate Station tool.</u> <u>For contiguous blocks use the coordinates from the location of the dairy shed or the centre of the farm area (for non-dairy)</u> <u>For non-contiguous blocks use individual blocks’ climate station coordinates</u>	<u>To ensure consistency.</u>
<u>Soil Description</u> <u>Pastoral and Horticulture</u>	<u>Use Soil Order – obtained from S-Map or where S-Map is unavailable from LRI 1:50,000 data or a soil map of the farm.</u>	<u>To ensure consistency between areas of the region that have S-Map data and those that don’t.</u>
<u>Missing Data</u>	<u>In the absence of Nitrogen Referencing information being provided the WRC will use appropriate default numbers for any necessary inputs to the Overseer® model (such default numbers will be 75% of the catchment average values for those inputs).</u>	<u>This is the same approach as used in chapter 3.10 of the Waikato Regional Plan for the Lake Taupo Catchment.</u> <u>The approach may result in a lower Nitrogen Reference Point for farms with missing data, but provides a conservative mechanism for calculating a Nitrogen Reference Point in the absence of farm data, and is an incentive to provide farm data.</u>