

17 September 2018

The Chief Executive
Waikato Regional Council
Private Bag 3038
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Dear Vaughan

Proposed Plan Change 1 and Variation 1: Healthy Rivers - FURTHER SUBMISSION

Please find below the further submission on Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments and Variation 1 to Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments from Central North Island Iwi Land Management Limited (CNIILML) made under Clause 8 of the 1st schedule of the RMA 1991.

Further Submitter Details

Further Submitter	CNIILML
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Further Submissions

CNIILML has an interest in the proposal that is greater than the interest the general public has.

CNIILML made submissions on Plan Change 1 and Variation 1 (collectively known as the Healthy Rivers Plan Change).

As part of the settlement of the historical claims of Iwi the Central North Island, CNI Forest Lands were vested in CNI Iwi Holdings Limited (CNIHHL) on 1 July 2009, to be held in Trust on behalf of all beneficiaries of the CNI Iwi Collective (in excess of 100,000 people).

Over 34,000 Ha of this land is in the Waikato River catchment. The land returned in 2009 was encumbered with existing Crown Forestry Licences which progressively terminate over a 35 year period, ending in 2045.

CNI Iwi Holdings Ltd (CNIHHL) governs decision-making around activities anywhere upon this land, including planning and implementing land use change on behalf of the Board of iwi owners. Through a Land Management Agreement CNIHHL has Land Management of the CNI Forest Lands to its wholly owned subsidiary CNI Iwi Land Management Ltd. CNIILML is charged with ensuring that the economic potential of the CNI Forests Land is developed and maximised to the fullest extent possible, but in a sustainable manner and having regard to the cultural and environmental features of the land. As a prudent land owner CNIHHL aspires to spread its income risk, by having a range of land use activities, which create a diversified income portfolio. Currently the CNIHHL land is overly exposed to

growing a long term tree crop (monoculture plantation forest) with a consequential exposure to tree crop land rentals.

While CNIHL see the Healthy Rivers Proposed Plan Change 1 as an important step toward achieving the long-term objectives required by Te Ture Whaimana and supports a staged approach with long and short term targets, it is concerned that Proposed Plan Change 1 provides a limited pathway for changing land use on Settlement land.

CNIHL wishes to be heard in support of its further submissions. If others make a similar submission, CNIHL will consider presenting a joint case with them at the hearing.

Yours sincerely

Emailed

Alamoti Te Pou
General Manager
CNIILML

Submission point ID	Submitter name and ID	Plan Section	Relief sought in Submission	Support Oppose	reasons	Decision requested
PC1-13156	Beef + Lamb New Zealand Limited ID 73369	General	<p>AMEND PPC1 and re-notify inclusive of modified objectives, policies, rules and methods applying to the management of nitrogen.</p> <p>AND DELETE policies and methods including rules applying to managing nitrogen discharges.</p> <p>AND AMEND to include an alternative nitrogen management and allocation method, in accordance with the submission and with the following principles [see the 14 principles in the full submission] for the allocation of nutrients.</p> <p>AND AMEND so that N discharge/leaching standards/allocations are established based not on existing use and discharge profiles, but on the underlying natural capacity of soils and within the assimilative capacity of water.</p> <p>AND AMEND so that allocation methods achieve the limits and targets set by PPC1 and the Objectives of the plan.</p> <p>AND AMEND so that nitrogen loads are allocated within (sub) catchments in such a way that there is an equitable allocation of total catchment nitrogen load to all users/activities who may wish to use the available resource.</p> <p>AND AMEND to establish a nutrient transfer regime for nutrient user groups within sub-catchments, where catchment loads and limits have been established but only where any allocation methods are not based on current discharges (NRP) or land use. Transfer regimes are to enable nitrogen loss reductions to be achieved at least cost and to enable and encourage maximum efficiency and flexibility of resource use and to optimise economic benefits. Nutrient transfer systems must meet the following conditions:</p> <ol style="list-style-type: none"> 1. The initial allocation system meets all of the allocation principles 2. The transferable portion of the resource (e.g. nitrogen) only pertains to the load which achieves the desired environmental outcomes; and 3. Result in improved economic outcomes and land use optimisation <p>AND AMEND so that water quality outcomes below environmental limits which is caused by naturally occurring processes, or is due to the impacts of regionally or nationally significant infrastructure is provided for.</p> <p>AND AMEND so that objectives, policies, methods and rules, are included which facilitate and support the establishment and operation of (sub) catchment collective groups to manage water quality and biodiversity issues facing a catchment.</p> <p>AND AMEND so that objectives, policies and methods support innovative and, where required, edge of field mitigation which facilitates flexible, viable businesses and encourages communities to work together to identify, understand and act collectively to improve water quality.</p>	support	CNIILML supports this submission as the present construction of the plan provides for higher discharges to continue at their historic rate, which seriously constrains giving effect to the NPSFM or the Vision and Strategy.	Allow

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			AND AMEND so that regulatory methods are tailored to address the environmental issues specific to a sub-catchment or watershed and that land use.			
PC1-13161	Beef + Lamb New Zealand Limited ID 73369	General	AMEND PPC1 so that in over allocated catchments (where numerical water quality limits are currently being exceeded) land use and ancillary discharge activities that have caused or contributed to the over allocation, are managed to discharge standards which are set to progressively decline over time to ensure that discharges are reduced to meet the receiving water numerical limits/targets and achieve the Vision and Strategy for the Waikato River and the NPSFM.	support	CNIILML considers that this submission is consistent with the purpose of the Plan Change	Allow
PC1-2593	Oil companies ID 73716	Policy 10	<p>AMEND Policy 10 to ensure that the policy framework (particularly policies 10-13) is applied to target only to the rural environment/farming activities.</p> <p>Several options are presented:</p> <p>Option A: RETAIN Policies 3.11.3.10 to 3.11.3.13 without modification AND AMEND the Introduction to Chapter 3.11 Area covered by Chapter 3.11/Nga Riu o nga Awa o Waikato me Waipā to read: "This Chapter 3.11 applies to the... This Chapter is additional to all other parts of the Plan. Where there are any inconsistencies, Chapter 3.11 prevails. This Chapter only applies to discharges from pastoral land."</p> <p>Option B: RETAIN Policies 3.11.3.10 to 3.11.3.13 without modification and include an introduction/advice note at the beginning of the Policies section (3.11.3) to read: "3.11.3 Policies/Nga Kaupapa Here. <u>The following policies apply to applications involving discharges from pastoral farm land only.</u>"</p> <p>Option C: AMEND Policies 3.11.3.10 to 3.11.3.13 to ensure that they only apply to discharges from pastoral farm land to read: "Policy 10 Provide for point source discharges of regional significance... When deciding resource consent... microbial pathogens to water or onto or into land <u>from pastoral farm land</u>, provide for the... Policy 11 Applications to Best Practicable Option and Mitigation...Require any person undertaking point source discharge...Waikato and Waipā River catchments <u>from pastoral farm land</u> to adopt the Best Practicable... Policy 12 Additional considerations for point source discharges <u>from pastoral farm land</u> in relation to water quality targets... Policy 13 Point source consent duration..."</p>	support	CNIILML considers that this submission clarifies the relationship between PPC1 and the rest of the Regional Plan	Allow in part
V1PC1-236	Federated Farmers of NZ ID 74191	Policy 11	AMEND Policy 11 to read: "Policy 11: Application of Best Practicable Option, <u>Most Practicable Action</u> and mitigation or offset of effects <u>of discharges</u>	Oppose	CNIILML considers that deleting the requirement for an offset measure to be for	Disallow

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			<p><u>In order to avoid, remedy or mitigate the adverse effects of the discharge at the time a resource consent application is decided, require:</u></p> <p>1. any person undertaking a point source discharge of nitrogen, phosphorus, sediment or microbial pathogen to water or onto land in the Waikato and Waipā River catchments to adopt the Best Practicable Option*; and 2. <u>diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens to water or in circumstances where it may enter water in the Waikato and Waipā River catchments from farming activities covered by rules 3.11.5.2 to 3.11.5.7 to adopt the Most Practicable Action.</u></p> <p>Where it is not practicable to avoid, remedy or mitigate all adverse effects, an offset measure may be proposed in an alternative location or locations to the point source discharge <u>or the farm enterprise</u>, for the purpose of ...”</p> <p>AND DELETE Policy 11(b) requiring an offset measure to be for the same contaminant.</p>		the same contaminant will lead to a circumstances of a discharger seeking to offset a different contaminant. This will make it very difficult to quantify the size and quality of offset in terms of ensuring it achieves a positive effect on the environment.	
PC1-5848	Pamu Farms of NZ ID 74000	Policy 11	<p>AMEND Policy 11 to provide a new policy for a systematic review of point source and their seasonal effects on water quality. Include ranked and prioritised sites, to offer alternative land and funding. All catchment community to fund, including Agri-community/processing industries.</p> <p>OR ADD a NEW Policy and Rules for systemic S.128 review of all existing discharge permits over the term of PPC1.</p>	support	CNIILML considers that this would provide a more granular approach to the timing needs for discharge management	Allow
PC1-8151	Watercare services ID 74077	Policy 12	<p>RETAIN Policy 12.</p> <p>AND AMEND so that the applicants and decision makers are required to 'have particular regard to' the matters set out in Policy 12(a) to (d).</p> <p>AND AMEND Policy 12(b) to split into two parts. The first relating to technology upgrades and the second modelling and monitoring.</p>	support	CNIILML considers that this provides relevant guidance and more guidance to consent processing staff	Allow
PC1-1090	Auckland/Waikato Fish and Game and Eastern Region Fish and Game Submitter ID: 74085	Policy 13	<p>DELETE Policy 13 OR AMEND to read:</p> <p>"Point source consent duration</p> <p>When determining an appropriate duration for any point source consent granted consider the following matters:</p> <p>a. <u>Alternative methods of discharge, technology improvements or other changed circumstances that may arise in the future;</u> A consent term exceeding 25 years, where the applicant demonstrates the approaches set out in Policies 11 and 12 will be met; and</p>	Support in part	CNIILML supports the need to consider more parameters in deciding on consent term	Allow

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			<p>aa. <u>The sensitivity of the receiving environment and the adequacy/certainty of information that is available; and</u></p> <p>ab. <u>The applicant's past record of responsiveness to adverse effects including past technology upgrades undertaken to model, monitor and reduce the discharge of nitrogen, phosphorus, sediment or microbial pathogens within the previous consent term and their success; and</u></p> <p>b. The magnitude and significance of the investment made or proposed to be made in contaminant reduction measures and any resultant improvements in the receiving water quality;</p> <p>c. The need to provide appropriate certainty of investment where <u>substantial</u> contaminant reduction measures are proposed (including investment in treatment plant upgrades or land based application technology)."</p>			
PC1-11353	Wairakei Pastoral Ltd Submitter ID: 74095	Policy 13	PC1-11353 Support the provision with amendments AMEND Policy 13 to read: "Policy 13: <u>Diffuse or</u> pPoint sources consent duration..."	oppose	CNIILML believes that consent parameters for diffuse discharges are different from that of point sources. They have different issues, different profiles and need different approaches to mitigation and monitoring	Disallow
PC1-9332 PC1-11758 PC1-11907 PC1-11605 PC1-11857 PC1-12033 PC1-11709 PC1-10582 PC1-11806 PC1-11933 PC1-11656 PC1-12272 PC1-12127 PC1-8076 PC1-12211 PC1-10466	Maniapoto Maori Trust Board Maungatautari Marae Parekawhia McLean Ngaati Tamaoho Trust Ngati Haua Iwi Trust Poohara Marae Potini Whaanau Raukawa Charitable Trust Te Arawa River Iwi Trust Te Awamaarahi Marae Trust Te Kauri Marae	Methods	<p>ADD a NEW Method to read: "3.11.4.13 Decision support system The Waikato Regional Council working with regional stakeholders will:</p> <p>a. Develop a Decision Support System (DSS) to model the effectiveness of mitigation measures that are proposed to be put in place and implemented at a sub-catchment, property and enterprise level through any proposed Farm Environment Plan. For the purpose of Method 3.11.4.13, 'effectiveness' means the contribution of the proposed mitigation measures (whether individually or collectively) - that are put in place and implemented at a sub-catchment, property and enterprise level - to reducing the diffuse discharge of contaminants within the sub-catchment where property and/or enterprise is located."</p>	support	CNIILML supports the development of methods to guide the implementation of effective mitigation measures that contribute to achieving sub-catchment water quality targets set out in Objective 3.	Allow

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PC1-12162 PC1-12091 PC1-3519	Te Runanga o Ngati Kea Ngati Tuara Te Taniwha o Waikato Te Whakakitenga o Waikato Inc (Waikato-Tainui) Turangawaewae Marae Tuwharetoa Maori Trust Board Waahi Pa Marae Committee Waahi Whaanui Trust Waikato and Waipa River Iwi					
V1PC1-295	Federated Farmers of NZ ID 74191	Method 7	AMEND Method 3.11.4.7 to read: "Information needs Gather information and commission appropriate scientific research to inform the management of diffuse <u>and point source discharges of nitrogen, phosphorus, sediment and microbial pathogen</u> including: a. Implementing processes that will support <u>management</u> of discharges in the future. b. Researching: i. the quantum of contaminants that can be discharged at a sub-catchment and Freshwater Management Unit [^] scale while meeting the Table 3.11-1 water quality attribute [^] targets [^] (this will include understanding sub-catchment characteristics such as <u>attenuation, ground water travel time, sink, source and travel pathways, interaction or relationship between contaminants, and the impact of historical events e.g. landslips</u>). ii. <u>Whether the appropriate water attribute targets can be developed for 2096 or whether some interim targets or alternative approach is more appropriate. This will include an assessment as to whether these targets are consistent with the values[^] and are likely to result in the Vision and Strategy being achieved.</u> iii. <u>Whether there are alternative actions that are consistent with the values[^] and likely to achieve the Vision and Strategy that result in lower economic, social and cultural cost and disruption.</u> "	Oppose	CNIILML considers that this method is to gather information and scientific research necessary to inform any future plan. It is not necessary for the method to be extended to point source discharges, which are already authorised through resource consents and conditions. It is also important the method remains directed toward property or enterprise level diffuse discharges, where the contaminant discharge originates, as well as categorising and defining 'land suitability'. The Method should therefore be retained as notified.	Disallow
PC1-10243	Dairy NZ	Method 11	Method 3.11.4.11 Support the provision with amendments	Oppose in part	CNIILML considers that this submission seeks to entirely	Disallow

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			<p>AMEND Method 3.11.4.11 to read: "3.11.4.11 <u>Accounting system and monitoring –Land activities that affect water Monitoring and evaluation of the implementation of Chapter 3.11/...</u> Waikato Regional Council will: a. Review and report on the progress towards and achievement of the 80-year water quality objectives of Chapter 3.11. a.i <u>Set up a monitoring and accounting system for diffuse discharges that documents current contaminant loads of nitrogen, phosphorus, sediment and microbial pathogens, and expected future loads after mitigation actions are put in place and implemented.</u> b. Research, and identify and implement methods a programme of work to assess measure actions at a sub-catchment, property and enterprise level, and for their contribution to reductions in the discharge of contaminants... c. ... d. ... e. <u>Prepare for plan reviews by working in partnership with industry to achieve a-d above, in order to gain an accurate assessment of all sources that contribute to contaminant loads from the land, and track changes in diffuse and point source discharges at the scale of individual landowners and businesses, and collate information on the functioning and success of any Certified Industry Scheme."</u></p>		change the purpose and effect of this provision in a way that would reduce the evaluation components. The addition of components to identify contaminant sources is not opposed, but the removal of the other elements of this method is.	
PC1-690	Balance Agri-nutrients Ltd ID: 74036	Method 11	<p>AMEND Method 3.11.4.11(a) to read: "Review and report on the... objectives of Chapter 3.11, and the applicability of the 80-year timeframe, should the science and the information available advance to the point where it may be possible to achieve the <u>water quality objectives in a shorter timeframe without causing unacceptable social and economic harm:.."</u> AND MAKE any similar amendments to like effect or any consequential amendments that stem from the relief sought.</p>	support	CNIILML considers that the timeframe proposed for the plan should be subject to continuing scrutiny on the basis of more progress without significant harm.	Allow
PC1-10644	Fonterra shareholders council	Rule 7	<p>Support the provision with amendments DELETE Rule 3.11.5.7 and replace with the following: "Rule 3.11.5.7 – Non-complying Activity Rule – The use of land for farming activities and land use change The following activities are non-complying activities (requiring resource consent): 1. The use of land for farming activities 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; and</p>	oppose	CNIILML considers that this submission supports a grandparenting approach to land use, which CNIILML oppose	Disallow

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PC1-3379	Perrin Ag	Schedule B	<p>2. Any of the following changes in the use of land from that which was occurring at 22 October 2016 within a property or enterprise located in the Waikato and Waipa catchments, where prior to 1 July 2026 the change exceeds a total of 4.1 hectares:</p> <p>i. Woody vegetation to farming activities; or</p> <p>ii. Any livestock grazing other than dairy farming to dairy farming; or</p> <p>iii. Arable cropping to dairy farming; or</p> <p>iv. Any land use to commercial vegetable production except as provided for under standard and term g. of Rule 3.11.5.5 that do not comply with the conditions, standards or terms of Rules 3.11.5.1 to 3.11.5.5 and is not a discretionary activity under Rule 3.11.5.6."</p> <p>AND MAKE other amendments as necessary to clarify that land use change within a property or enterprise (>4.1 hectares) that does not increase the total area within that property devoted to that land use beyond 4.1 hectares is not caught by this rule.</p> <p>AMEND Schedule B (g) 'Missing Data' to make provisions for farmers to choose the 75% of the average calculations OR the data for the year they have available.</p> <p>AND AMEND Schedule B to facilitate trading and transfer of nitrogen.</p>	oppose	CNIILML considers that this would support highballing and gaming of N discharge benchmark setting.	Disallow
PC1-10616	Fonterra Co-operative Group Ltd 74057	Glossary	<p>AND ADD a NEW definition of 'effective hectares' to read:</p> <p><u>"Effective hectares: means the area of a property or enterprise as measured in hectares which is used for the regular grazing of animals or growing of crops or activities ancillary to those uses and which specifically excludes indigenous forest, plantation forest, closed canopy scrubland and protected wetlands."</u></p>	oppose	CNIILML considers that the purpose of such a definition is to support allocation according to current land use. CNIILML opposes allocation on that basis.	Disallow
PC1-799	New Zealand Association of Resource Management Submitter ID: 71702	Glossary	<p>AMEND the definition for Certified Farm Environment Planner to ensure that Certified Farm Environment Planners provide certified evidence of having undertaken and completed specialist training in land use capability mapping, and also submit at least two land use capability farm maps they have prepared, for peer review by expert Catchment Management staff of Waikato Regional Council.</p> <p>AND AMEND to ensure that suitable training courses are offered to staff and consultants for upskilling on land use capability mapping at farm scale level.</p>	Support in part	CNIILML considers that this is a relevant technical requirement, particularly for drystock enterprises.	Allow