



SUBMISSION

23 May 2018

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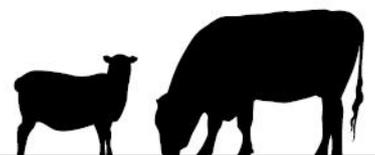
WAIKATO REGIONAL COUNCIL

SUBMISSION ON

**Variation 1 to the Proposed Waikato
Regional Plan Change 1 – Waikato and
Waipa River Catchments**

BY

Beef + Lamb New Zealand Ltd



SUBMISSION TO WAIKATO REIGONAL COUNCIL ON PROPOSED VARIATION 1 TO THE WAIKATO REGIONAL PLAN CHANGE 1 – WAIKATO AND WAIPA RIVER CATCHMENTS

Submission on publicly notified proposal for policy statement or plan
Clause 6 of First Schedule, Resource Management Act 1991

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Beef + Lamb New Zealand Limited could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that Beef + Lamb NZ Ltd submission relates to and the decisions it seeks from Council are as detailed on the following pages. The outcomes sought and the wording used is as a suggestion only, where a suggestion is proposed it is with the intention of 'or words to that effect'. The outcomes sought may require consequential changes to the plan or restructuring of the Plan, or parts thereof, to give effect to the relief sought.

Beef + Lamb New Zealand Ltd wishes to be heard in support of its submission, and will consider presenting a joint case at hearing with others presenting similar submissions.

1. Introduction

1. Beef + Lamb New Zealand Ltd (B+LNZ) welcomes the opportunity to make a submission on Waikato Regional Councils proposed Variation 1 to the Waikato Regional Plan Change 1 – Waikato and Waipa River Catchment (PC1).
2. B+LNZ is an industry-good body funded under the Commodity Levies Act through a levy paid by producers on all cattle and sheep slaughtered in New Zealand. Its mission is to deliver innovative tools and services to support informed decision making and continuous improvement in market access, product positioning, and farming systems.
3. B+LNZ is actively engaged in environmental issues that affect the pastoral production sector, and in building farmer specific capability and capacity in these areas to ensure that the industry supports an ethos of environmental stewardship, together with a vibrant, resilient, and profitable sector. Maintaining and where degraded enhancing the health of freshwater, aquatic habitats, and biodiversity across the region is important to the people of the Waikato Region, it is important for our economy, and it is important to farmers.
4. B+LNZ is actively building our work programme throughout the region to support the integrated and sustainable management of land and water resources. B+LNZ is:
 - (i) Working with farmers to develop Land Environment Plans (LEP) through levy funded workshops;
 - (ii) Supporting farmer representatives to engage in the collaborative catchment plan development processes;
 - (iii) Working with the Regional Council to ensure that management frameworks developed through Regional Plans are fit for purpose, and enable flexibility in land use and management practices, while ensuring that environmental issues are addressed in a targeted, efficient and effective way;
 - (iv) Working with the Regional Council to develop Farm Environment Plans which meet the requirements of PC1
 - (v) Developing and implementing science and extension programmes to help identify, prioritise and implement on farm actions that will make a difference to improving water quality, aquatic habitats, and biodiversity; and
 - (vi) Working with farmer leaders throughout the region to support uptake of farm environment plans and to encourage and support the development of sub catchment approaches to managing water quality
5. B+LNZ looks forward to continuing to build a positive and enduring relationship with the Council, and to work proactively on environmental initiatives of mutual interest and benefit for the people of the Waikato region and farmers.
6. B+LNZ submitted on the Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchment. That submission is attached as Appendix 1. Changes from B+LNZ submission on proposed PC1 are shown as underlined in this submission, in an effort to assist council in recording B+LNZ position relative to the position recorded through B+LNZ submission on PC1.

7. Proposed Variation 1 to the Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchment, brings the Hauraki sub catchments back into PC1 thereby making them subject to the provisions of PC1 including its regulatory framework.
8. Proposed Variation 1 in summary:
- (i) Brings the following subcatchments into PC1 (variation 1, pages 20 – 22):
 - Mangatangi (subcatchment 2, priority 1)
 - Whakapipi (sub catchment 3, priority 1)
 - Whangamarino at Jefferies Road (sub catchment 8, priority 1)
 - Waerenga (sub catchment 12, priority 1)
 - Mangatawhiri (subcatchment 1, priority 3)
 - (ii) Strengthens recognition and protection of wetland and spring habitats specifically Whangamarino Wetland (RAMSAR site) and Lake Waikare;
 - (iii) Includes new water quality outcomes in table 3-11.1 in relation to the Hauraki sub catchments;
 - (iv) Amends the timeframes in PC1 to:
 - Register with WRC between 1 May 2020 & 30 November 2020 (Schedule A)
 - Nitrogen reference data provided to WRC between 1 May 2020 & 30 November 2020 (Schedule B)
 - Properties > 4.1ha provide data from November 2020 (PA rule 3.11.5.2(5))
 - Horticulture is permitted until 1 September 2021 then controlled (Rule 3.11.5.5)
 - FEP submitted priority 1 sub catchment by 1 March 2022 & priority 2 by 1 March 2025 (PA cert scheme rule 3.11.5.3(5) & Controlled rule 3.11.5.4)
 - Farming permitted until 1 September 2021 priority 1 sub catchment & 1 September 2024 priority 2 (controlled rule 3.11.5.4(1) & (2))
9. B+LNZ's submission on PC1 and on Variation 1 reflects the views of our levy payers. As an organisation we have gone to great lengths over a long period of time to ensure that our proposed approach is supported fully by the farmers who ultimately will play a critical role of implementing, funding and supporting the actions required to improve water quality throughout the Waikato and Waipa catchments.

2. General Submissions on Proposed Variation 1 to Proposed Plan Change 1

B+LNZ opposes the whole of Variation 1 to the proposed Plan Change 1 (PC1)

Reasons for the submission

10. Proposed Variation 1 to Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchment (PC1), brings the Hauraki sub catchments back into PC1 thereby making them subject to the provisions of PC1 including its regulatory framework (variation 1, pages 20 – 22):
 - Mangatangi (subcatchment 2, priority 1)
 - Whakapipi (sub catchment 3, priority 1)
 - Whangamarino at Jefferies Road (sub catchment 8, priority 1)
 - Waerenga (sub catchment 12, priority 1)
 - Mangatawhiri (subcatchment 1, priority 3)
11. B+LNZ submitted on PC1. That submission is included as Appendix 1. B+LNZ submits that Variation 1 is substantially similar to PC1 specifically in regard to the following matters:
 - (i) Recognition of values:
 - (ii) Setting of 10 year and 80 year water quality outcomes through Table 3-11.1 to give effect to the Vision and Strategy for the Waikato Rivers:
 - (iii) Approach to managing land use to work towards achievement of the water quality outcomes in and giving effect to the Vision and Strategy for the Waikato River, including:
 - Provisions in relation to Land Use Change (Policy 6, Rule 3.11.5.7 and any other relevant provisions within the plan)
 - Establishment of Nutrient Reference Point as modelled by OVERSEER and approach for managing land use such that it does not exceed its NRP (Policy 2 and 7, Rules 3.11.5.2 to 3.11.5.7, Schedule B and all other areas in PC1 which refer to the Nitrogen Reference Point);
 - Stock exclusion (Policy 3, Policy 4, Rule 3.11.5.1, 3.11.5.2, 3.11.5.3, 3.11.5.4 and Schedule C)
 - Requirements for Farm Environment Plans (Policy 2, Rules 3.11.5.1, 3.11.5.2, 3.11.5.3, 3.11.5.4, 3.11.5.5, 3.11.5.6, 3.11.5.7, and Schedule 1)
12. Proposed Plan Change 1 is still being considered by the Waikato Regional Council, with hearings scheduled for the later part of 2018. B+LNZ understand that following submissions on Variation 1, the council intends to progress Variation 1 and PC1 together through the schedule 1 process. B+LNZ therefore submits that their submission on proposed Plan Change 1 is relevant, and should be applied to proposed Variation 1. In an effort to not have to repeat the entirety of that submission, B+LNZ have appended their Submission on PC1 as appendix 1. B+LNZ submits that submission points 1 to 47 and specific submission points under section 3 of their submission on PC1, including reasons for the submission and relief sought be applied to proposed variation 1.
13. B+LNZ submits that B+LNZ supports the Vision and Strategy for the Waikato River, but is concerned about how this is reflected and given effect to through proposed Variation 1 and PC1.
14. B+LNZ strongly supports the sub catchment approach to sustainable and integrated management of land and water resources, but considers that a number of significant amendments are required

to proposed Variation 1 and PC1 in order to ensure that the plan enables and supports sub catchment approaches, in an efficient and effective manner.

15. The provisions put forward by B+LNZ provide a more efficient and effective approach to the integrated and sustainable management of land and water resources, achievement of the Vision and Strategy, are consistent with the Collaborative Stakeholders vision, and provide for healthy and sustainable communities including economic wellbeing.
16. B+LNZ supports the intention by the Waikato Regional Council (WRC) to develop an integrated catchment land and water plan. The aim to address significant resource management issues, ensure that the regions land and water resources are sustainably managed, their values protected, and the Vision and Strategy for the Waikato River is achieved is strongly endorsed.
17. With that support for the intent in mind, B+LNZ's primary focus in this submission is seeking changes to proposed Variation 1 to ensure that this proposed Plan):
 - (i) safeguards the life supporting capacity and ecosystem health of freshwater;
 - (ii) recognises and provides for sustainable agricultural land uses;
 - (iii) gives effect to the *Resource Management Act 1991 (RMA or the Act)*, and NPSFWM, and works towards achievement of the Vision and Strategy for the Waikato River;
 - (iv) establishes a clear pathway that provides individuals and communities certainty about what will be required of them in order for the Vision and Strategy to be achieved in a way that is consistent with the principles of sustainable management;
 - (v) ensures that water quality is at a minimum maintained, and where degraded is improved;
 - (vi) ensures that the assimilative capacity of water is allocated efficiently, including the allocation of nutrient discharge authorisations, and where the assimilative capacity of water is over allocated that allocation is clawed back overtime; and
 - (vii) sets numerical standards/ limits/ targets/ for water quality, which safeguard the life supporting capacity and ecosystem processes of freshwater, and provide for the economic, recreational, cultural, amenity and intrinsic values of freshwater.
18. B+LNZ acknowledge that WRC intends future changes to proposed Variation 1 and PC1, in order to stage improvements in water quality over 80 years to achieve the Vision and Strategy for the Waikato River. B+LNZ understands that proposed Variation 1 and PC1 are therefore intended to provide a planning framework which ensures that the current state of water quality within the region is maintained as a minimum, that further over allocation of freshwater resources in relation to water quality is avoided, and that small improvements to water quality are achieved in the first 10 years of this plan. While the intention behind this approach is understood and on first impressions may appear pragmatic, B+LNZ has significant concerns in relation to the current methods, including rules, which are proposed and the fact that this plan provides no certainty for communities including farmers on what will be required to achieve the Vision and Strategy for the Waikato River, the NPSFWM, or the Plan's long term objectives.
19. B+LNZ's position is that this Regional Plan needs to give effect to the RMA, and is therefore required to:
 - (i) address the regionally significant natural resource management issues faced by the Waikato and Waipa Catchments;

- (ii) ensure that the region's land and water resources are sustainably managed including providing for the social, cultural and economic wellbeing of people and communities, and future generations;
 - (iii) achieve integrated management of natural resources;
 - (iv) include objectives which are the most appropriate way to achieve the purpose of the Act
 - (v) include policies to implement the Objectives, and rules (which may also include methods) which implement the policies, such that the Objectives of the Plan are achieved;
 - (vi) give effect to the Operative Regional Policy Statement (RPS); and
 - (vii) give effect to the National Policy Statement Freshwater Management (NPSFWM 2014)
20. B+LNZ's position is that proposed Variation 1 is required to include provisions (including as required methods) and a framework that demonstrates how the Vision and Strategy of the Waikato River will be given effect to in the long term, in a way that:
- (i) is consistent with the principles of sustainable management – people and communities; and
 - (ii) gives effect to the objective of protecting communities' relationship with the River, including economic and social relationships.
21. Fulfilment of these statutory requirements cannot be put off to a later schedule 1 processes or plan changes. Proposed Variation 1 should not wait to address fundamental Part 2 and Vision and Strategy concerns as it cannot assess "the efficiency and effectiveness" of a Plan with key sections missing". B+LNZ submits that as notified proposed Variation 1 fails to achieve the purpose of the Act, and the Vision and Strategy for the Waikato River, is inconsistent with the NPSFWM, and fails to ensure the sustainable management of land and water resources which provides for future generations.
22. B+LNZ is concerned that the proposed Variation 1 and PC1, fails to provide sufficient certainty for communities or individuals on how land and water resources are to be managed to achieve the long term Objectives of the Plan and the Vision and Strategy for the Waikato River. As currently proposed the plan states under 'Full achievement of the Vision and Strategy will be intergenerational'¹ that "*The 80 – year timeframe recognises the 'innovation gap' that means full achievement of water quality requires technologies or practices that are not yet available or economically feasible. In addition, the current understanding is that achieving water quality restoration requires a considerable amount of land to be changed from land uses with moderate and high intensity of discharges to land use with lower discharges (e.g. through reforestation)*". The outcome is a climate where the agricultural sector in particular has no certainty in relation to the future of their businesses or their communities. As currently proposed Variation 1 and PC1 are seeking substantial investment (beyond those reflected in the Council's s32 analysis) by the agriculture sector to comply with the Plan's rules for the first 10 years, but fails to provide certainty that these businesses will be viable after this period. While B+LNZ does not support approaches which force large scale land use changes, if those changes are going to be required then that conversation should be had in a transparent and honest fashion with communities and individuals now, and processes and provisions should be set up to enable full compensation for those individuals and communities. B+LNZ believes that the longer term aspirations for the region, including achievement of the Vision and Strategy for the Waikato River, can be achieved through the establishment now, of provisions which enable, incentivise, and promote communities working together to address complex land and water issues and investment, including in edge of field

¹ Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (2016) page 15

mitigation. Draconian approaches which look to force retirement of land are short sighted and unnecessary, as well as being inconsistent with achievement of the purpose of the RMA, and NPSFWM.

23. Proposed Variation 1 to the Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (PC1) in its current form does not adequately provide for / or give effect to:

- (i) The Purpose and Principles of the Resource Management Act, including promoting the sustainable management of natural resources in accordance with s5;
- (ii) The efficient use of natural resources including the assimilative capacity of freshwater.
- (iii) Functions of regional councils under section 30 RMA including the achievement of Integrated management of natural resources
- (iv) healthy resilient communities, including the economic wellbeing of people and communities
- (v) Section 15 RMA
- (vi) Section 32 RMA
- (vii) Sections 63, 65, 66, 67, 68 and 69 RMA
- (viii) Section 70 RMA
- (ix) National Policy Statement for Freshwater Management (NPSFWM 2014);
- (x) Operative Regional Policy Statement (RPS)
- (xi) Operative Waikato Regional Plan (WRP) that are not under notification
- (xii) The Vision and Strategy for the Waikato River

Further that the plan does not:

- (xiii) Ensure that land use activities and development are managed so that where numerical water quality limits are currently being achieved that they continue to be met, and where water quality limits are not met (currently degraded) that water quality is restored to meet the limits;
- (xiv) Manage land use activities and development in a manner which adopts the approach where those who are contributing most to a problem need to do the most to reduce;
- (xv) Take a consistent approach that is based on managing the actual effects of a particular land use; and

- (xvi) Provide or encourage nutrient management or allocation that is based on principles of sustainable management including providing for future generations, and which incentivise land use and land use change appropriate to soils, climate, and achievement of water quality outcomes. Nitrogen allocation and methods for managing Nitrogen should not reward current land uses and practices where nutrient discharges exceed the assimilative capacity of soils and water;

Section 32 Analysis

Reasons for the submission

- 24. B+LNZ submits that the section 32 analysis has not sufficiently assessed the costs and benefits of the proposed plan nor has it adequately assessed the alternative methods to achieve the stated objectives. That proposed Variation 1 and PC1 are not the most efficient or effective means to achieve the purpose of the Act.
- 25. B+LNZ submits that s32 has not been complied with, as the Waikato Regional Council has failed to produce an evaluation report which contains the level of detail that corresponds to the scale and significance of the economic and social effects that are anticipated from implementing proposed Variation 1, and in some cases no evaluation has been undertaken. As such B+LNZ submits that the WRC s32 analysis is inadequate and flawed.
- 26. Waikato Regional Council has failed to assess provisions including methods and rules which will be required to achieve the objectives of the plan including table 3.11-1, and give effect to the RMA, the Vision and Strategy for the Waikato River, or the NPSFWM (2014).
- 27. Waikato Regional Council has failed to show that proposed Variation 1 will achieve the improvements required by the Vision and Strategy in a way that:
 - (i) Is consistent with the principles of sustainable management – people and communities;
 - (ii) Gives effect to the Vision and Strategy for the Waikato River; and
 - (iii) Gives effect to the objective of protecting communities' relationship with the River, including economic and social relationships.
- 28. Waikato Regional Council has failed to assess the efficiency and effectiveness of proposed Variation 1 in relation to achieving the purpose of the Act and the Vision and Strategy for the Waikato River, in part, as key sections of the provisions including rules are missing.
- 29. Waikato Regional Council has failed to consider the effect the rules (particularly) will have on economic growth reduction, when assessing their efficiency and effectiveness (s32(2)(a)(1)). In particular, WRC have failed to assess the economic, and social implications, of holding nitrogen discharges from land uses to historic discharge levels (grand-parenting nitrogen discharges). As proposed Variation 1 and Plan Change 1 includes provisions including rules which act to restrict nitrogen discharges from farming land use to at or below historic discharge profiles as modelled by OVERSEER and for the 2014/15 or 2015/16 years. This allocation approach to nitrogen effectively rewards those that have historically been higher emitters of Nitrogen, while disadvantaging those that have historically been low emitters, including those that have already adopted good management practices to reduce their emissions. These provisions do not give effect to the Vision and Strategy (V&S) and do not promote the behavioural and farming changes required to meet the objectives of proposed Variation 1 and PC1. In particular, but without limitation to, the s32 analysis has failed to consider:

- (i) Capital devaluation of properties with limited ability to farm to sustainable potential;
 - (ii) Increased risk profiles and interest rates with banks; and
 - (iii) Loss of succession planning; innovation, growth and an inability to respond to market demands.
30. Waikato Regional Council has failed to consider the effect the rules (particularly) will have on economic growth reduction, when assessing their efficiency and effectiveness (s32(2)(a)(1)). In particular, the s32 analysis has failed to address the efficiency or effectiveness of applying blanket stock exclusion provisions on land up to a slope of 25 degrees. As proposed Variation 1 and PC1 includes provisions which require cattle, deer, and pigs to be excluded from waterbodies irrespective of size, through permanent fencing up to a land slope of 25 degrees. These provisions fail to assess the economic and social implications on hill country farmers, which arise from these provisions including: investment in infrastructure, tracking, earthworks, retirement of land, reticulation of water and associated ongoing maintenance, compliance and mitigation costs, and whether or not alternative prioritised investment will more efficiently achieve the purpose of the Act. Alternative provisions have not been assessed.
31. B+LNZ proposes alternative objectives, policies and methods including rules. In general terms B+LNZ considers that an alternative planning framework is preferable to achieve these objectives, than those proposed Variation 1. In respect of the Plan's Objectives, the subject of this submission, B+LNZ submits that the Council's section 32 evaluation is flawed as the Objectives are not the most appropriate way to achieve the purpose of the Act. In many cases, it is not apparent that the Council has considered or weighed up any alternatives in a meaningful way.
32. B+LNZ submits that the Council has not correctly evaluated the benefits and costs of the policies, rules and methods in order to determine the appropriateness or otherwise of including and in some cases specifically excluding, provisions the subject of this submission. B+LNZ disagrees that the Plan's provisions will provide an efficient and effective framework to achieve what should be the Objectives of the Plan, and the purpose of the Act.

National Policy Statement Freshwater Management (2014) (NPSFWM)

Reasons for the submission

33. B+LNZ submits that the proposed Plan, in relation to managing water quality, does not give effect to the NPSFWM included but not limited to, the following reasons.
34. Lack of clarity within proposed Variation 1 around what is considered to be a Freshwater Objective or a limit or target, and failure to establish Freshwater Objectives and Attributes;
35. The freshwater objectives established in proposed Variation 1 (the Objectives in Section 3.11.2) do not reflect values of freshwater including national values and do not recognise regional and local circumstances, as is required by Objective CA1, and Policy CA2, or existing water quality caused by naturally occurring processes or existing infrastructure, as is required by Policy CA3 (NPSFWM); And
36. Table 3.11-1 has not been developed in accordance with Policy CA2 and therefore is contrary to the requirements of the NPSFWM. In particular, the Council has failed to consider:
- (i) any choices between the values that the formulation of freshwater objectives and associated limits would require (NPSFWM Policy CA2 f iv); and

- (ii) any implications for resource users, people and communities arising from the freshwater objectives and associated limits including implications for actions, investments, ongoing management changes and any social, cultural or economic implications (NPSFWM Policy CA2 f v).
37. The 'limits' as described in Table 3.11-1 do not meet the definition of 'limits' in the NPSFWM (2014). In particular, the description of limits in proposed Variation 1 includes aspects that do not define the maximum amount of resource use available that allows a freshwater objective to be achieved. Some of the numerical limits such as Chlorophyll a and clarity (but not limited to) are more akin to freshwater objectives than 'limits' or 'targets'.
38. Proposed Variation 1 will not result in an improvement of the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated, particularly in relation to nitrogen concentrations in ground and surface water bodies, because those activities which have caused or contributed to the degradation are not required to reduce contributions to any significant amount. Proposed Variation 1 provides for higher discharges (those up to the 75th percentile) to continue to discharge at their historic rate, even though this will not give effect to the NPSFWM or the Vision and Strategy.
39. In order to give effect to the NPSFWM and achieve the Vision and Strategy for the Waikato and River, where over-allocation has been identified, the rules in the Plan will not result in the required improvement of the quality of fresh water in those catchments.
40. The Council is not able to impose conditions on discharge permits to ensure limits and targets can be met because:
- (i) Proposed Variation 1 does not establish a Nitrogen allocation method which will achieve the limits or targets;
 - (ii) Proposed Variation 1 does not provide assistance to the Council in determining how individual discharge proposals will influence the achievement of the Freshwater Objectives (and limits/targets) when accounting for all other discharges in a catchment.
41. B+LNZ acknowledges that the Council has chosen to adopt a staged approach to restoration and improvement of water quality across the Waikato and Waipa River Catchments in achieving the Vision and Strategy for the Waikato River, and therefore proposes subsequent plan changes to develop and incorporate methods including rules which achieve this. However, B+LNZ submit that Proposed Variation 1 and PC1 should still give effect to the RMA (1991) and NPSFWM (2014) now. It is not appropriate for the Council to defer giving effect to the RMA (1991) or NPSFWM (2014) on the basis that future plan changes will do so.

Relief sought to give effect to submissions on the plan

42. Withdraw proposed Variation 1 and the Proposed Waikato Regional Plan Change 1 in its current form.
43. That proposed Variation 1 and PC1 be amended and re-notified inclusive of:
- (i) with an amended and strengthened sub catchment approach;
 - (ii) modified objectives, policies, rules, and methods applying to the management of nitrogen; and

- (iii) amended stock exclusion policies and methods that are the same as the proposed national regulations;
 - (iv) Establishment of numerical water quality outcomes which provide for the ecological health of freshwater, as well as economic and social wellbeing of communities, rather than as a reflection of water quality present in 1863 as is currently reflected in the 80 year water quality outcomes in table 3-11.1.
44. Delete proposed policies and methods including rules applying to managing nitrogen discharges
45. Amend policies and methods requiring the exclusion of stock from water and adopt methods that are set out in the national regulation for exclusion of stock from waterbodies.
46. Include an alternative nitrogen management and allocation method, in accordance with this submission and with the following principles for the allocation of nutrients. Adopt Land Use Capability as a proxy for natural capital as an allocation approach within Variation 1 and PC1 now. Delete all references within proposed Variation 1 and PC1 to Land Use Suitability (LUS) (Policy 2 and 7, Rules 3.11.5.2 to 3.11.5.7, Schedule B and all other areas in PC1 which refer to the Nitrogen Reference Point).

Principle 1 Like land should be treated the same

Allocation should be based on the intrinsic qualities of the land. Two pieces of land with the same qualities should receive the same allocation. This principle recognises that allocation regimes should not be overly influenced by existing land use.

Principle 2 Those undertaking activities that have caused water quality problems should be required to improve their management to meet water quality limits.

All New Zealanders have a responsibility to manage their activities to maintain or improve water quality. This principle reflects the need for those who have caused water quality problems or who are contributing a greater amount to them to take a greater responsibility for meeting the costs of reducing nutrient loss to water. It also reinforces that those who have managed responsibly should not be required to have their land use constrained as a result of others' activity.

Principle 3 Flexibility of land use must be maintained

Land owners need to have the ability to respond to changes in climate, input costs, markets and technological innovation in order to maintain a profitable and sustainable farming enterprise. Allocating nutrients in such a way that unnecessarily limits land use change constrains the ability of land users to respond to those changes and optimally utilise the land resource.

Principle 4 The allocation system should be technically feasible, simple to operate and understandable

A high level of technical feasibility is fundamental to a successful allocation approach. The simpler the system, the more likely it is to be able to operate effectively. The approach must also be understandable by land users and the wider community. It must be able to be administered fairly and at minimum transaction costs to users and the regulator.

Principle 5 The natural capital of soils should be the primary consideration when establishing an allocation mechanism for nutrient loss

A natural capital approach allows for an economically efficient allocation of nutrients. Those soils with the greatest ability to retain nutrients and optimise nutrient use give land users the greatest flexibility to optimise production, respond to markets and technology while managing potential effects on water quality. Allocation systems should reflect the ability of these soil types to optimise production and land use flexibility.

Principle 6 Allocation approaches should provide for adaptive management and new information

Allocation decisions are primarily made on the information we know now and modelled future scenarios. Our understanding and the availability of both catchment and farm systems will change over the life of an allocation system as will possible management techniques. Allocation systems should provide sufficient flexibility to provide for adaptive management and be reviewed regularly to incorporate new information. Adequate transition times should be provided to incorporate new information where allocation changes as a result.

Principle 7 Appropriate timeframes must be set to allow for transition from current state to one where allocation of nutrients applies

Timeframes should take account of the degree to which any waterway is over-allocated (if that is the case), the period over which this state has come about and the costs for businesses and the current ability to manage to that allocation.

It should be recognised that current water quality issues are sometimes the result of many years of land use within catchments and may have developed over generations. Consideration needs to be taken of the legitimate expectations of people and natural justice. Accordingly, time should be provided for them to adjust. There needs to be a balanced approach and recognition of the uncertainty associated with water science versus the likely economic impact on businesses and the region. The primary objective should be to set an appropriate direction of travel that will see a steady improvement in water quality.

Principle 8 Long term investment certainty is a critical feature of a viable nutrient management system

Changes to nutrient allocation regimes must be signalled as far out as possible. Refinements to those systems must be managed to minimise their impacts on business viability, land value and the flexibility of land use. The aim must be to reflect the underlying elements of sustainable management in achieving improved water quality outcomes including reducing those adverse impacts on social and economic outcomes.

Principle 9 Improvement in water quality must remain the primary objective of adopting any nutrient allocation regime

When exploring the adoption of methods to achieve water quality improvements and manage to limits, the focus of community debates, modelling and discussion of allocation of nutrients can distract from the primary goal – maintaining and improving water quality. This principle emphasises that allocating nutrients to a property level doesn't in itself result in improved in water quality; it is the actions of land users that ultimately result in improved nutrient management.

Principle 10 In under-allocated catchments, where property based nutrient allocation has not been adopted in setting water quality limits, the system for allocating nutrients must be determined well before the limit is reached, be clear and easy to understand, and designed to avoid over-allocation

The mechanism for allocating nutrients, even if it does not have immediate effect, should be clear from the time when water quality limits are set. Allocation mechanisms should reflect the level of risk that the catchment will become over allocated. This may include the adoption of a pre-agreed catchment-specific environmental threshold (e.g. 75%-90% of a limit) to determine when an allocation regime should be adopted.

Principle 11 In designing the allocation system the benefits of a nutrient transfer system within the catchment or water management unit should be considered

Maximum economic efficiency of land use could be assisted by a mechanism for transferring nutrient discharge allowances within the same catchment. Nutrient transfer systems are only appropriate where:

- (i) the initial allocation system meets all of the allocation principles;
- (ii) only occurs within a sub-catchment or watershed and enables and supports Catchment Collective Groups;
- (iii) the transferable portion of the resource (e.g. nitrogen) only pertains to the load which achieves the desired environmental outcome;
- (iv) be a transfer within an established sub catchment programme that's based on allocation of a load consistent with these principles; and
- (v) results in improved economic outcomes and land use optimisation.

Principle 12 Regulation, monitoring, auditing and reporting of nutrients within an allocation regime needs to relate to the degree of environmental impact and pressure

If there is limited environmental pressure and if an activity has a low impact, then regulation – and the financial cost of complying with that regulation – should be commensurate with the degree to which the activities are causing an adverse effect on water quality.

Principle 13 As a minimum expectation, in all catchments, all land users should be at or moving towards (industry defined) Good Management Practice (GMP), recognising that GMP is constantly evolving and continuous improvement is inherent in GMP

In many catchments, lifting everyone to GMP is likely to go a long way towards achieving community objectives for managing to water quality limits. In catchments where nutrients are not over allocated, requiring good management practice is a sound alternative method to allocating nutrients to a farm (property based) level.

Principle 14 Nutrient allocation must be informed by sound science and stable and reliable catchment and farm system modelling and measurement

Modelling nutrient loss is important to inform nutrient allocation, but all models have limitations. Overseer is a key tool for understanding and managing nutrients on farms and to inform nutrient allocation decisions. In the short term there are significant limitations that need to be catered for in determining any regulatory or nutrient allocation regime (e.g. assumptions in Overseer regarding GMP, modelling of cropping regimes, ability of Overseer to estimate nutrient loss from the adoption of certain mitigations and the validation of Overseer estimates). Other measures may need to be included in the approach to managing nutrient loss to ensure innovative change is incentivised and that the focus remains on promoting good practice. Over time modelling designed to estimate nutrient loss will improve. Modelled estimates will change, so allocation regimes should account for modelling uncertainty and provide for appropriate transition periods.

- 47. Undertake a s32 analysis on the alternative methods and rules proposed in this submission.
- 48. That the relief outlined below and under the specific submission points, including information that is appended, is adopted and subsequent changes that give effect to the relief are adopted including the following amendments to the proposed Variation 1:
 - (i) provisions are included which ensure that the life supporting capacity of water, soil, and ecosystems are safeguarded;

- (ii) provisions (objectives, policies, and rules) are included in the Plan which ensure that freshwater resource use (assimilative capacity) is necessary, reasonable, and efficient;
- (iii) land use (including "farming") methods including rules include ancillary discharges (s9 and s15 RMA);
- (iv) land use and ancillary discharge activity rules are holistic, in that they apply to the farming operation and systems rather than taking a single activity focus;
- (v) land use and ancillary discharge activity rules meet the requirements of s70 RMA, and relevant planning considerations;

49. Nitrogen 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. Allocation methods should be intended to achieve the limits and targets set by proposed Variation 1 and PC1 and the Objectives of the plan. B+LNZ submits that Land Use Capability (LUC) be applied in proposed Variation 1 and PC1 as the allocation approach rather than grandparenting low leaching land uses to their Nutrient Reference point (NRP). All references to Land Use Suitability should be deleted (Policy 2 and 7, Rules 3.11.5.2 to -3.11.5.7, Schedule B and all other areas in the plan which refer to the Nitrogen Reference Point):

- (i) That nitrogen loads are allocated within (sub)catchments in such a way that there is an equitable allocation of a total catchment nitrogen load to all users/activities who may wish to use the available resource;
- (ii) That a nutrient transfer regime is established 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 (Nitrogen Reference Point) 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:
 - The initial allocation system meets all of the allocation principles;
 - Only occurs within a sub-catchment or watershed and only within a nutrient user/ Catchment Collective Groups;
 - The transferable portion of the resource (e.g. nitrogen) only pertains to the load which achieves the desired environmental outcome; and
 - Result in improved economic outcomes and land use optimisation.
- (iii) That this plan gives effect to RMA and the NPSFWM (2014) and in particular is consistent with the objectives and policies under section C(a) National Objectives Framework;
- (iv) That in formulating freshwater objectives and limits (including Table 3.11-1), the economic wellbeing, including productive economic opportunities, are provided for within the context of environmental objectives, attributes, and limits;
- (v) 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;
- (vi) That Objectives, policies and methods, including 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; and

- (vii) 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;
50. That land use and ancillary discharges (including nitrogen management or allocation) objectives policies and methods including rules recognise and provide for drystock sector farming operations including:
- (i) diversity of systems, soil, geology, and climate;
 - (ii) provide flexibility for land and resource users to adopt land use and farming operations to adapt to and meet markets, technology, and environmental constraints such as climate;
 - (iii) specifically provide objectives policies and methods that recognise and provide for activities that have a low discharge risk for one contaminant, to allow flexibility in implementation to target actions and expenditure to address other priority contaminants;
 - (iv) acknowledge the management and protection of existing biodiversity values; and support and enable enhancement and development of biodiversity values;
 - (v) provide for adaptation and changes in farm systems and management approaches to respond to technology, climate change and markets;
 - (vi) provide for flexibility in Nitrogen use and discharges that enable increases beyond historic discharge levels up to the LUC allocation level;
 - (vii) remove any reference to requiring (grand-parenting) farming operations to be held at historic nitrogen discharge levels or stocking rates, through application of the nitrogen reference point, and/or restrictions on stocking rates;
 - (viii) apply principles of addressing critical source management specific to a property rather than blunt standards such as stock exclusion through permanent fencing up to 25 degrees slope; and
 - (ix) ensure the requirement for specific mitigation is able to be tailored to a farm level and can provide for the future aspirations of the business, and is tailored to specifically meeting the environmental risks of concern specifically for the property and sub catchment.
51. That regulatory methods are tailored to address the environmental issues specific to a sub catchment or watershed and the land use;
52. That methods, including rules, are put in place now to achieve the policies and Objectives of the Plan, give effect to the RMA, and the NPSFWM. Management frameworks should be incorporated into proposed Variation 1 now which provide for land use and discharge permits to be consented for up to 35 years as is provided for under section 123(d) RMA, to provide applicants with certainty in order to make decisions for their families, and businesses, and where required to invest in environmental mitigation or reconfigure their systems.
53. 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 NPSFWM.

54. Amend Table 3.11-1 and the Objectives of the Plan to make a clear distinction between what are Freshwater Objectives, Attributes, and 'limits' and 'targets'. Freshwater Objectives would include values of freshwater such as cultural, ecological, primary production, commercial, and recreational values, and may also include numerical parameters for periphyton, chlorophyll a, macroinvertebrate community indices (MCI), and sediment/ clarity.
55. Amend Table 3.11-1 to include both the allowable instream load, and maximum allowable zone load (MAZL) for nitrogen for all sub catchments and Freshwater Management Units (FMUs). Nitrogen loads should be provided which relate to 1) current instream nitrogen concentrations, and 2) desired instream nitrogen concentrations. The instream loads should form the basis of an allocation framework for nitrogen, if allocation frameworks are deemed necessary, to assist with achievement of the objectives of the plan. Nitrogen instream concentrations should be set at levels which provide for the ecological health of freshwater and sustainable management of natural resources including provision for wellbeing of communities. Instream nitrogen and water quality outcome should not be set at arbitrary levels considered to be reflective of 1863. Adopt the MCI, nitrogen and phosphorus instream concentrations set out below for Waikato river.

Freshwater Management Unit (FMU)	MCI	Nitrogen			Phosphorus		
		Annual	Medium	Total	Annual	Medium	Total
Upper Waikato River	120	0.134mg/l – 0.444mg/l			0.015mg/l – 0.025mg/l		
Middle Waikato River	100	0.444 mg/l - 0.7mg/l			0.025mg/l – 0.035mg/l		
Lower Waikato River	90	At or under 1.6mg/l			At or under 0.054mg/l		

56. Amend Table 3.11-1 so that numerical parameters provide for the values of freshwater, including safeguarding the life supporting capacity of freshwater, cultural, and primary production values, and meet the objectives of the Plan. In particular, the E. coli and clarity numerical parameters (freshwater objectives) are to be amended so that they take into account flow and background contaminant levels, natural events and regional and nationally significant infrastructure, and are commensurate with the level of pathogenic risk for contact recreation and cultural values. E. coli and clarity numerical parameters (freshwater objectives) should not apply during higher flow events (i.e. above 2 x medium flow), or during the flow recession curve. The approach adopted in the Horizons region is supported:
- (i) E. coli 260/100ml < 50th percentile applies 1 November to 30 April when the river is below medium flow;
 - (ii) E. coli 550/ 100ml < 20th percentile the concentration of E Coli must not exceed 550 per 100ml year round when flow is at or below the 20th flow exceedance percentile (i.e. not in the top 20% of flows); and
 - (iii) The visual clarity of the water measured as the horizontal sighting range of a black disc must equal or exceed [table 3.11-1 numerical parameter given in meters] when the river is at or below medium flow (the 50th flow exceedance percentile).
57. Table 3.11-1 is amended following implementation of Policy CA2 such that it gives effect to Policy CA2 f iv, and v, in particular, and Policy CA3 (NPSFWM 2014).
58. Such other or further relief as addresses the issues raised by this submission.

3. Specific Submissions on Plan Change 1

The following section specifically focusses on the provisions in proposed Variation 1 that differ from those proposed in PC1. Specific provisions of the proposal that this submission relates to and the decisions it seeks from Council are as detailed in the following table. The outcomes sought and the wording used is a suggestion only, where a suggestion is proposed it is with the intention of 'or words to that effect'. The outcomes sought may require consequential changes to the Plan, including Objectives, Policies, or other rules, or restructuring of the Plan, or parts thereof, to give effect to the relief sought.

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
	SUPPORT / OPPOSE	REASON	RELIEF SOUGHT
Section 3.11.1 Values	Support in part	Retain the reasons set out B+LNZ submission on PC1.	Retain the relief set out in B+LNZ submission on PC. Retain the values incorporated through proposed Variation 1
Section 3.11.2 Objectives (6 and reasons for adopting objectives 1, 4, and 6)	Oppose in part	Retain the reasons set out B+LNZ submission on PC1. Objectives are not consistent with the Vision and Strategy and fail to give effect to the RMA and the NPSFWM.	Retain relief sought as set out in B+LNZ submission on PC1. Amend existing Objectives and include as required new Objectives: <ul style="list-style-type: none"> Establish Freshwater Objectives based on the values of freshwater including cultural, recreational, and ecological values, along with consumptive values (ability to assimilate pollution, food production, forestry) Change Table 3.11-1 numerical water quality targets to Freshwater Objectives as appropriate (i.e. chlorophyll a, clarity, E. coli), or and remove these parameters from

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
	SUPPORT / OPPOSE	REASON	RELIEF SOUGHT
			<p>table 3.11-1 and instead hold as numerical freshwater objectives</p> <ul style="list-style-type: none"> • Recognise and provide for the establishment and operation of collaborative sub catchment groups both through regulatory and non-regulatory methods in sustainably managing land and water resources and working towards achieving the Vision and Strategy for the Waikato River • Ensure resource use is efficient including through establishment of nitrogen allocation frameworks if nitrogen is required to be allocated • Ensure that resource use takes into account the natural capital of soils including the natural productive potential of soils (for example Land Use Capability(LUC)), climate, geology, and assimilative capacity of water • Strengthen the requirements to provide for the economic and social wellbeing of people and communities • Ensure that limits and targets are set appropriately and enable the economic and social wellbeing of people and communities and ensure that they are resilient, vibrant, and future proofed

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
	SUPPORT / OPPOSE	REASON	RELIEF SOUGHT
Table 3.11-1	Oppose in part	<p>Retain the reasons set out B+LNZ submission on PC1.</p> <p>Given the significant economic implications forecast by the Waikato Regional Council in achieving the table 3.11-1 outcomes, it appears that the Council has failed to adequately recognise or provide for economic values when setting the table 3.11-1 numerical parameters, which go beyond the requirements to safeguard the life supporting capacity of freshwater. The approach adopted by Council is therefore contrary to the requirements of the NPSFWM and s32 RMA, and fails</p>	<p>Retain the reasons set out B+LNZ submission on PC1.</p> <p>Amend Table 3.11-1 so that the numerical outcomes recognise and provide for the values under section 3.11.1, <u>and objectives as set out under section 3.11.2.</u></p> <p>Set numerical outcomes (limits/targets, including interim targets) at levels which give effect to the NPSFWM 2014 and in particular policies CA2 and CA3. Specifically consider the provision of economic wellbeing, including economic opportunities. Provide for water quality below national bottom lines which result from natural processes or/and from the impacts of national or regionally significant infrastructure.</p> <p>Adopt numerical limits that are appropriate to achieving desired outcomes and are applied at appropriate levels of flow that match the values, <u>rather than at levels reflective of 1863.</u></p> <p>Change Table 3.11-1 numerical water quality targets to Freshwater Objectives as appropriate (i.e. chlorophyll a, clarity, E. coli).</p> <p>Notwithstanding the relief sought as set out above, amend table 3.11-1:</p> <ol style="list-style-type: none"> 1. E. coli 260/100ml < 50th percentile applies 1 November to 30 April when the river is below medium flow: 2. E. coli 550/ 100ml < 20th percentile the concentration of E. coli must not

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:																
	SUPPORT / OPPOSE	REASON	RELIEF SOUGHT																
		<p>to give effect to the purpose of the Act.</p> <p>As currently proposed achievement of the table 3.11-1 water quality outcomes are stated as not being achievable under current land uses and with current technology, and may require conversion of pastoral land use back to forestry².</p> <p>The numerical outcomes in table 3.11-1 as they apply in respect to E Coli and clarity appear to apply irrespective of flow and therefore are not likely to be achievable even under pristine conditions. Furthermore, these numerical parameters are more akin to Freshwater</p>	<p>exceed 550 per 100ml year round when flow is at or below the 20th flow exceedance percentile (i.e. not in the top 20% of flows)</p> <p>3. The visual clarity of the water measured as the horizontal sighting range of a black disc must equal or exceed [table 3.11-1 numerical parameter given in meters] when the river is at or below medium flow (the 50th flow exceedance percentile).</p> <table border="1" data-bbox="885 1075 1460 1590"> <thead> <tr> <th><u>Freshwater Management Unit (FMU)</u></th> <th><u>MCI</u></th> <th><u>Annual Medium Total Nitrogen</u></th> <th><u>Annual Medium Total Phosphorus</u></th> </tr> </thead> <tbody> <tr> <td><u>Upper Waikato River</u></td> <td><u>120</u></td> <td><u>0.134mg/l = 0.444mg/l</u></td> <td><u>0.015mg/l = 0.025mg/l</u></td> </tr> <tr> <td><u>Middle Waikato River</u></td> <td><u>100</u></td> <td><u>0.444 mg/l - 0.7mg/l</u></td> <td><u>0.025mg/l = 0.035mg/l</u></td> </tr> <tr> <td><u>Lower Waikato River</u></td> <td><u>90</u></td> <td><u>At or under 1.6mg/l</u></td> <td><u>At or under 0.054mg/l</u></td> </tr> </tbody> </table>	<u>Freshwater Management Unit (FMU)</u>	<u>MCI</u>	<u>Annual Medium Total Nitrogen</u>	<u>Annual Medium Total Phosphorus</u>	<u>Upper Waikato River</u>	<u>120</u>	<u>0.134mg/l = 0.444mg/l</u>	<u>0.015mg/l = 0.025mg/l</u>	<u>Middle Waikato River</u>	<u>100</u>	<u>0.444 mg/l - 0.7mg/l</u>	<u>0.025mg/l = 0.035mg/l</u>	<u>Lower Waikato River</u>	<u>90</u>	<u>At or under 1.6mg/l</u>	<u>At or under 0.054mg/l</u>
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² Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (2016) page 15& 16

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
	SUPPORT / OPPOSE	REASON	RELIEF SOUGHT
		<p>Objectives than they are to 'limits' or 'targets'.</p> <p>Achievement of the Table 3.11-1 numerical outcomes therefore cannot be achieved while also achieving Objectives 2 and 4 and providing for the social, cultural, and economic wellbeing of people and communities</p>	
Policy 8	Incorporation of Whangamarino Wetland supported	Significant waterbody (RAMSAR status)	Retain
Policy 8 Prioritised implementation	Support in part Support Incorporation of Whangamarino Wetland	<p>Retain the reasons set out B+LNZ submission on PC1</p> <p>Significant waterbody (RAMSAR status)</p>	<p>Retain the relief sought as set out B+LNZ submission on PC1</p> <p>Retain Whangamarino Wetland</p>
Policy 15	Support in part	Management frameworks including rules	Amend so that the policy position is to:

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
	SUPPORT / OPPOSE	REASON	RELIEF SOUGHT
		<p>should act to maintain water quality where the values are achieved and enhance water quality where the values are not achieved. Enhancement is not required where the values are already achieved or where numerical water quality outcomes are already achieved</p>	<p>(i) maintain water quality and habitat health, where it currently meets the water quality outcomes/ objectives, and or values; and (ii) improve the water quality and habitat where it does not achieve numerical outcomes or values.</p>
<p>Rules 3.11.5.2, 3.11.5.3, 3.11.5.4, 3.11.5.4, 3.11.5.5 and Schedule A & B</p>	<p>Oppose</p> <p>Variation to the timeframes are supported in part</p>	<p>Retain the reasons set out B+LNZ submission on PC1</p> <p>Variation 1 proposes to amend the timeframes by which regulatory requirements are to be met.</p> <p>B+LNZ welcomes amendments to PC1 which lengthen the timeframes for meeting the regulatory requirements.</p>	<p>Retain the relief sought as set out B+LNZ submission on PC1</p> <p>Create further flexibility through Farm Environment Plan provisions.</p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
	SUPPORT / OPPOSE	REASON	RELIEF SOUGHT
		However, we seek further flexibility in meeting these requirements (Stock exclusion, NRP) through tailored farm specific approach given effect through Farm Environment Plans	
Stock exclusion amendments to definition or incorporation of a new definition	Oppose	Include a new definition or amend existing definition to 'effective exclusion'	Amend proposed Variation 1 and PC1 to "Effectively barred from access to the beds of lakes and rivers, drains, and wetlands, through a natural barrier (such as a cliff or vegetation), a permanent fence, or new technologies such as a 'virtual' GPS fence, and stock management. Temporary fencing may be used.

4. Conclusion

59. B+LNZ thanks the Waikato Regional Council for the opportunity to comment on proposed Variation
60. B+LNZ would not gain an advantage in trade competition through this submission.
61. B+LNZ wishes to **be heard in support of this submission and is happy to discuss the issues raised in this submission.**

Signed



Julia Beijeman
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23 May 2018

Appendix 1 B+LNZ Submission on proposed Plan Change 1

See attached to covering email



SUBMISSION

8 MARCH 2017

TO

WAIKATO REGIONAL COUNCIL

SUBMISSION ON

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

BY

Beef + Lamb New Zealand Ltd

SUBMISSION TO WAIKATO REGIONAL COUNCIL ON THE WAIKATO REGIONAL PLAN CHANGE 1 – WAIKATO AND WAIPA RIVER CATCHMENTS

Submission on publicly notified proposal for policy statement or plan
Clause 6 of First Schedule, Resource Management Act 1991

To: The Chief Executive & Science and Strategy - Policy
Waikato Regional Council
Private Bay 3038
Waikato Mail Centre
Hamilton 3240

Email healthyrivers@waikatoregion.govt.nz

Name of submitter: Beef + Lamb New Zealand Limited

Contact person: Matt Harcombe
Environment Programme Manager

Address for service: corina.jordan@beeflambnz.com
PO Box 135, Fielding 4740

Beef + Lamb New Zealand Limited could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that Beef + Lamb NZ Ltd submission relates to and the decisions it seeks from Council are as detailed on the following pages. The outcomes sought and the wording used is as a suggestion only, where a suggestion is proposed it is with the intention of 'or words to that effect'. The outcomes sought may require consequential changes to the plan or restructuring of the Plan, or parts thereof, to give effect to the relief sought.

Beef + Lamb New Zealand Ltd wishes to be heard in support of its submission, and will consider presenting a joint case at hearing with others presenting similar submissions.

1. Introduction

1. Beef + Lamb New Zealand Ltd (B+LNZ) welcomes the opportunity to make a submission on Waikato Regional Councils proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchment (PC1).
2. B+LNZ is an industry-good body funded under the Commodity Levies Act through a levy paid by producers on all cattle and sheep slaughtered in New Zealand. Its mission is to deliver innovative tools and services to support informed decision making and continuous improvement in market access, product positioning, and farming systems.
3. B+LNZ is actively engaged in environmental issues that affect the pastoral production sector, and in building farmer specific capability and capacity in these areas to ensure that the industry supports an ethos of environmental stewardship, together with a vibrant, resilient, and profitable sector. Maintaining and where degraded enhancing the health of freshwater, aquatic habitats, and biodiversity across the region is important to the people of the Waikato Region, it is important for our economy, and it is important to farmers.
4. B+LNZ is actively building our work programme throughout the region to support the integrated and sustainable management of land and water resources. B+LNZ is:
 - (i) Working with farmers to develop Land Environment Plans (LEP) through levy funded workshops;
 - (ii) Supporting farmer representatives to engage in the collaborative catchment plan development processes;
 - (iii) Working with the Regional Council to ensure that management frameworks developed through Regional Plans are fit for purpose, and enable flexibility in land use and management practices, while ensuring that environmental issues are addressed in a targeted, efficient and effective way;
 - (iv) Working with the Regional Council to develop Farm Environment Plans which meet the requirements of PC1
 - (v) Developing and implementing science and extension programmes to help identify, prioritise and implement on farm actions that will make a difference to improving water quality, aquatic habitats, and biodiversity; and
 - (vi) Working with farmer leaders throughout the region to support uptake of farm environment plans and to encourage and support the development of sub catchment approaches to managing water quality
5. B+LNZ looks forward to continuing to build a positive and enduring relationship with the Council, and to work proactively on environmental initiatives of mutual interest and benefit for the people of the Waikato region and farmers.
6. This submission truly reflects the views of our levy payers. As an organisation we have gone to great lengths over a long period of time to ensure that our proposed approach is supported fully by the farmers who ultimately will play a critical role of implementing, funding and supporting the actions required to improve water quality throughout the Waikato and Waipa catchments.

7. B+LNZ has:

- (i) interacted directly with over 1000 farmers during the submissions process;
- (ii) developed and run submissions workshops to inform farmers about the provisions within the plan, to support and assist them in forming their own views as to how the plan impacted on their own farms and to strongly inform B+LNZ submission;
- (iii) actively supported a member of the Collaborative Stakeholder Group (CSG);
- (iv) worked with a core reference group of farmers throughout the CSG process;
- (v) actively engaged with a wider group of farmers during critical periods of CSG decision making; and
- (vi) actively supported local farmer led groups in helping them understand the implications for their farms, their catchments and their communities.

2. General Submissions on Plan Change 1

B+LNZ opposes the whole of proposed Plan Change 1 (PC1)

Reasons for the submission

1. B+LNZ supports the Vision and Strategy for the Waikato River, but is concerned about how this is reflected and given effect to through PC1.
2. B+LNZ strongly supports the sub catchment approach to sustainable and integrated management of land and water resources, but considers that a number of significant amendments are required to PC1 in order to ensure that the plan enables and supports sub catchment approaches, in an efficient and effective manner.
3. The provisions put forward by B+LNZ provide a more efficient and effective approach to the integrated and sustainable management of land and water resources, achievement of the Vision and Strategy, are consistent with the Collaborative Stakeholders vision, and provide for healthy and sustainable communities including economic wellbeing.
4. B+LNZ supports the intention by the Waikato Regional Council (WRC) to develop an integrated catchment land and water plan. The aim to address significant resource management issues, ensure that the regions land and water resources are sustainably managed, their values protected, and the Vision and Strategy for the Waikato River is achieved is strongly endorsed.
5. With that support for the intent in mind, B+LNZ's primary focus in this submission is seeking changes to PC1 to ensure that this proposed Plan (PC1):
 - (i) safeguards the life supporting capacity and ecosystem health of freshwater;
 - (ii) recognises and provides for sustainable agricultural land uses;
 - (iii) gives effect to the *Resource Management Act 1991 (RMA or the Act)*, and NPSFWM, and works towards achievement of the Vision and Strategy for the Waikato River;
 - (iv) establishes a clear pathway that provides individuals and communities certainty about what will be required of them in order for the Vision and Strategy to be achieved in a way that is consistent with the principles of sustainable management;
 - (v) ensures that water quality is at a minimum maintained, and where degraded is improved;
 - (vi) ensures that the assimilative capacity of water is allocated efficiently, including the allocation of nutrient discharge authorisations, and where the assimilative capacity of water is over allocated that allocation is clawed back overtime; and
 - (vii) sets numerical standards/ limits/ targets/ for water quality, which safeguard the life supporting capacity and ecosystem processes of freshwater, and provide for the economic, recreational, cultural, amenity and intrinsic values of freshwater.
6. B+LNZ acknowledge that WRC intends future changes to PC1, in order to stage improvements in water quality over 80 years to achieve the Vision and Strategy for the Waikato River. B+LNZ understands that PC1 is therefore intended to provide a planning framework which ensures that the current state of water quality within the region is maintained as a minimum, that further over allocation of freshwater resources in relation to water quality is avoided, and that small improvements to water quality are achieved in the first 10 years of this plan. While the intention

behind this approach is understood and on first impressions may appear pragmatic, B+LNZ has significant concerns in relation to the current methods, including rules, which are proposed and the fact that this plan provides no certainty for communities including farmers on what will be required to achieve the Vision and Strategy for the Waikato River, the NPSFWM, or the Plan's long term objectives.

7. B+LNZ's position is that this Regional Plan needs to give effect to the RMA, and is therefore required to:
 - (i) address the regionally significant natural resource management issues faced by the Waikato and Waipa Catchments;
 - (ii) ensure that the region's land and water resources are sustainably managed including providing for the social, cultural and economic wellbeing of people and communities, and future generations;
 - (iii) achieve integrated management of natural resources;
 - (iv) include objectives which are the most appropriate way to achieve the purpose of the Act
 - (v) include policies to implement the Objectives, and rules (which may also include methods) which implement the policies, such that the Objectives of the Plan are achieved;
 - (vi) give effect to the Operative Regional Policy Statement (RPS); and
 - (vii) give effect to the National Policy Statement Freshwater Management (NPSFWM 2014)
8. B+LNZ's position is that PC1 is required to include provisions (including as required methods) and a framework that demonstrates how the Vision and Strategy of the Waikato River will be given effect to in the long term, in a way that:
 - (i) is consistent with the principles of sustainable management – people and communities; and
 - (ii) gives effect to the objective of protecting communities' relationship with the River, including economic and social relationships.
9. Fulfilment of these statutory requirements cannot be put off to later schedule 1 processes or plan changes. PC1 should not wait to address fundamental Part 2 and Vision and Strategy concerns as it cannot assess "the efficiency and effectiveness" of a Plan with key sections missing". B+LNZ submits that as notified PC1 fails to achieve the purpose of the Act, and the Vision and Strategy for the Waikato River, is inconsistent with the NPSFWM, and fails to ensure the sustainable management of land and water resources which provides for future generations.
10. B+LNZ is concerned that the Plan, as currently proposed, fails to provide sufficient certainty for communities or individuals on how land and water resources are to be managed to achieve the long term Objectives of the Plan and the Vision and Strategy for the Waikato River. As currently proposed the plan states under 'Full achievement of the Vision and Strategy will be intergenerational'¹ that "*The 80 – year timeframe recognises the 'innovation gap' that means full achievement of water quality requires technologies or practices that are not yet available or economically feasible. In addition, the current understanding is that achieving water quality restoration requires a considerable amount of land to be changed from land uses with moderate and high intensity of discharges to land use with lower discharges (eg through reforestation)*". The outcome is a climate where the agricultural sector in particular has no certainty in relation to the

¹ Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (2016) page 15

future of their businesses or their communities. As currently proposed PC1 is seeking substantial investment (beyond those reflected in the Council's s32 analysis) by the agriculture sector to comply with the Plan's rules for the first 10 years, but fails to provide certainty that these businesses will be viable after this period. While B+LNZ does not support approaches which force large scale land use changes, if those changes are going to be required then that conversation should be had in a transparent and honest fashion with communities and individuals now, and processes and provisions should be set up to enable full compensation for those individuals and communities. B+LNZ believes that the longer term aspirations for the region, including achievement of the Vision and Strategy for the Waikato River, can be achieved through the establishment now, of provisions which enable, incentivise, and promote communities working together to address complex land and water issues and investment, including in edge of field mitigation. Draconian approaches which look to force retirement of land are short sighted and unnecessary, as well as being inconsistent with achievement of the purpose of the RMA, and NPSFWM.

11. Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (PC1) in its current form does not adequately provide for / or give effect to:

- (i) The Purpose and Principles of the Resource Management Act, including promoting the sustainable management of natural resources in accordance with s5;
- (ii) The efficient use of natural resources including the assimilative capacity of freshwater.
- (iii) Functions of regional councils under section 30 RMA including the achievement of Integrated management of natural resources
- (iv) healthy resilient communities, including the economic wellbeing of people and communities
- (v) Section 15 RMA
- (vi) Section 32 RMA
- (vii) Sections 63, 65, 66, 67, 68 and 69 RMA
- (viii) Section 70 RMA
- (ix) National Policy Statement for Freshwater management (NPSFWM 2014);
- (x) Operative Regional Policy Statement (RPS)
- (xi) Operative Waikato Regional Plan (WRP) that are not under notification
- (xii) The Vision and Strategy for the Waikato River

Further that the plan does not:

- (xiii) Ensure that land use activities and development are managed so that where numerical water quality limits are currently being achieved that they continue to be met, and where water quality limits are not met (currently degraded) that water quality is restored to meet the limits;

- (xiv) Manage land use activities and development in a manner which adopts the approach where those who are contributing most to a problem need to do the most to reduce;
- (xv) Take a consistent approach that is based on managing the actual effects of a particular land use; and
- (xvi) Provide or encourage nutrient management or allocation that is based on principles of sustainable management including providing for future generations, and which incentivise land use and land use change appropriate to soils, climate, and achievement of water quality outcomes. Nitrogen allocation and methods for managing Nitrogen should not reward current land uses and practices where nutrient discharges exceed the assimilative capacity of soils and water;

Section 32 Analysis

Reasons for the submission

12. B+LNZ submit that the section 32 analysis has not sufficiently assessed the costs and benefits of the proposed plan nor has it adequately assessed the alternative methods to achieve the stated objectives. That PC1 as proposed is not the most efficient or effective to achieve the purpose of the Act.
13. B+LNZ submits that s32 has not been complied with, as the Waikato Regional Council has failed to produce an evaluation report which contains the level of detail that corresponds to the scale and significance of the economic and social effects that are anticipated from implementing PC1, and in some cases no evaluation has been undertaken. As such B+LNZ submits that the WRC s32 analysis is inadequate and flawed.
14. Waikato Regional Council has failed to assess provisions including methods and rules which will be required to achieve the objectives of the plan including table 3.11-1, and give effect to the RMA, the Vision and Strategy for the Waikato River, or the NPSFWM (2014).
15. Waikato Regional Council has failed to show that PC1 will achieve the improvements required by the Vision and Strategy in a way that:
 - Is consistent with the principles of sustainable management – people and communities;
 - Gives effect to the Vision and Strategy for the Waikato River; and
 - Gives effect to the objective of protecting communities' relationship with the River, including economic and social relationships.
16. Waikato Regional Council has failed to assess the efficiency and effectiveness of PC1 in relation to achieving the purpose of the Act and the Vision and Strategy for the Waikato River, in part, as key sections of the provisions including rules are missing.
17. Waikato Regional Council has failed to appropriately consider the implications of withdrawing 120,000 ha of the lower Waikato catchment from their Healthy Rivers Wai Ora Plan (Plan Change 1). B+LNZ considers that withdrawing part of the lower catchment has significant implications for farmers throughout the region. B+LNZ's key concerns are that the withdrawal:
 - (i) Undermines the effectiveness of the Plan across the entire region;
 - (ii) Fails to ensure the integrated catchment management of land and water resources across the whole of the Waikato catchment;

- (iii) Increases social and economic impacts imposed on individuals and communities within the target catchments;
 - (iv) Creates additional uncertainty and cost associated with making submissions on the plan; and
 - (v) Jeopardises the confidence of communities, including submitters, in the transparency and robustness of the planning process.
18. The withdrawn area is critical to the management of the whole catchment, and impacts on the management constraints imposed on farmers in the upper and middle catchment(s). The withdrawal makes it impossible to reliably assess whether or not the Plan is the most efficient and effective way to achieve the Objectives of PC1 or the Vision and Strategy for the Waikato River. It is the view of B+LNZ that the withdrawal also means that the Plan Change no longer adopts an integrated catchment approach to addressing complex land and freshwater management issues, which is required by the *Resource Management Act 1991*.
19. Waikato Regional Council has failed to consider the effect the rules (particularly) will have on economic growth reduction, when assessing their efficiency and effectiveness (s32(2)(a)(1)). In particular WRC have failed to assess the economic, and social implications, of holding nitrogen discharges from land uses to historic discharge levels (grand-parenting nitrogen discharges). As proposed Plan Change 1 includes provisions including rules which act to restrict nitrogen discharges from farming land use to at or below historic discharge profiles as modelled by OVERSEER and for the 2014/15 or 2015/16 years. This allocation approach to nitrogen effectively rewards those that have historically been higher emitters of Nitrogen, while disadvantaging those that have historically been low emitters, including those that have already adopted good management practices to reduce their emissions. These provisions do not give effect to the Vision and Strategy (V&S) and do not promote the behavioural and farming changes required to meet the objectives of PC1. In particular, but without limitation to, the s32 analysis has failed to consider:
- (i) Capital devaluation of properties with limited ability to farm to sustainable potential;
 - (ii) Increased risk profiles and interest rates with banks; and
 - (iii) Loss of succession planning; innovation, growth and an inability to respond to market demands.
20. Waikato Regional Council has failed to consider the effect the rules (particularly) will have on economic growth reduction, when assessing their efficiency and effectiveness (s32(2)(a)(1)). In particular the s32 analysis has failed to address the efficiency or effectiveness of applying blanket stock exclusion provisions on land up to a slope of 25 degrees. As proposed, PC1 includes provisions which require cattle, deer, and pigs to be excluded from waterbodies irrespective of size, through permanent fencing up to a land slope of 25 degrees. These provisions fail to assess the economic and social implications on hill country farmers, which arise from these provisions including: investment in infrastructure, tracking, earthworks, retirement of land, reticulation of water and associated ongoing maintenance, compliance and mitigation costs, and whether or not alternative prioritised investment will more efficiently achieve the purpose of the Act. Alternative provisions have not been assessed.
21. B+LNZ proposes alternative objectives, policies and methods including rules. In general terms B+LNZ considers that an alternative planning framework is preferable to achieve these objectives, than those proposed in PC1. In respect of the Plan's Objectives, the subject of this submission, B+LNZ submits that the Council's section 32 evaluation is flawed as the Objectives are not the most appropriate way to achieve the purpose of the Act. In many cases, it is not apparent that the Council has considered or weighed up any alternatives in a meaningful way.
22. B+LNZ submits that the Council has not correctly evaluated the benefits and costs of the policies, rules and methods in order to determine the appropriateness or otherwise of including and in some cases specifically excluding, provisions the subject of this submission. B+LNZ disagrees that

the Plan's provisions will provide an efficient and effective framework to achieve what should be the Objectives of the Plan, and the purpose of the Act.

National Policy Statement Freshwater Management (2014) (NPSFWM)

Reasons for the submission

23. B+LNZ submits that the proposed Plan, in relation to managing water quality, does not give effect to the NPSFWM included but not limited to, the following reasons.
24. Lack of clarity within PC1 around what is considered to be a Freshwater Objective or a limit or target, and failure to establish Freshwater Objectives and Attributes;
25. The freshwater objectives established in PC1 (the Objectives in Section 3.11.2) do not reflect values of freshwater including national values and do not recognise regional and local circumstances, as is required by Objective CA1, and Policy CA2, or existing water quality caused by naturally occurring processes or existing infrastructure, as is required by Policy CA3 (NPSFWM);
And
26. PC1 Table 3.11-1 has not been developed in accordance with Policy CA2 and therefore is contrary to the requirements of the NPSFWM. In particular the Council has failed to consider:
 - (i) any choices between the values that the formulation of freshwater objectives and associated limits would require (NPSFWM Policy CA2 f iv); and
 - (ii) any implications for resource users, people and communities arising from the freshwater objectives and associated limits including implications for actions, investments, ongoing management changes and any social, cultural or economic implications (NPSFWM Policy CA2 f v);
27. The 'limits' as described in Table 3.11-1 of PC1 do not meet the definition of 'limits' in the NPSFWM (2014). In particular, the description of limits in PC1 includes aspects that do not define the maximum amount of resource use available that allows a freshwater objective to be achieved. Some of the numerical limits such as Chlorophyll a and clarity (but not limited to) are more akin to freshwater objectives than 'limits' or 'targets'.
28. Plan Change 1 will not result in an improvement of the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated, particularly in relation to nitrogen concentrations in ground and surface water bodies, because those activities which have caused or contributed to the degradation are not required to reduce contributions to any significant amount. Plan Change 1 provides for higher discharges (those up to the 75th percentile) to continue to discharge at their historic rate, even though this will not give effect to the NPSFWM or the Vision and Strategy.
29. In order to give effect to the NPSFWM and achieve the Vision and Strategy for the Waikato and Waipa River catchments, where over-allocation has been identified, the rules in the Plan will not result in the required improvement of the quality of fresh water in those catchments.
30. The Council is not able to impose conditions on discharge permits to ensure limits and targets can be met because:
 - (i) Plan Change 1 does not establish a Nitrogen allocation method which will achieve the limits or targets;

- (ii) Plan Change 1 does not provide assistance to the Council in determining how individual discharge proposals will influence the achievement of the Freshwater Objectives (and limits/targets) when accounting for all other discharges in a catchment.
31. B+LNZ acknowledge that the Council has chosen to adopt a staged approach to restoration and improvement of water quality across the Waikato and Waipa River Catchments in achieving the Vision and Strategy for the Waikato River, and therefore proposes subsequent plan changes to develop and incorporate methods including rules which achieve this. However, B+LNZ submit that PC1 should still give effect to the RMA (1991) and NPSFWM (2014) now. It is not appropriate for the Council to defer giving effect to the RMA (1991) or NPSFWM (2014) on the basis that future plan changes will do so.

Relief sought to give effect to submissions on the plan

32. Withdraw the Proposed Waikato Regional Plan Change 1 in its current form.
33. That PC1 be amended and re-notified inclusive of:
- (i) all previous withdrawn areas;
 - (ii) with an amended and strengthened sub catchment approach;
 - (iii) modified objectives, policies, rules, and methods applying to the management of nitrogen; and
 - (iv) amended stock exclusion policies and methods that are the same as the proposed national regulations.
34. Delete proposed policies and methods including rules applying to managing nitrogen discharges
35. Amend policies and methods requiring the exclusion of stock from water and adopt methods that are set out in the national regulation for exclusion of stock from waterbodies.
36. Include an alternative nitrogen management and allocation method, in accordance with this submission and with the following principles for the allocation of nutrients.

Principle 1 Like land should be treated the same

Allocation should be based on the intrinsic qualities of the land. Two pieces of land with the same qualities should receive the same allocation. This principle recognises that allocation regimes should not be overly influenced by existing land use.

Principle 2 Those undertaking activities that have caused water quality problems should be required to improve their management to meet water quality limits.

All New Zealanders have a responsibility to manage their activities to maintain or improve water quality. This principle reflects the need for those who have caused water quality problems or who are contributing a greater amount to them to take a greater responsibility for meeting the costs of reducing nutrient loss to water. It also reinforces that those who have managed responsibly should not be required to have their land use constrained as a result of others' activity.

Principle 3 Flexibility of land use must be maintained

Land owners need to have the ability to respond to changes in climate, input costs, markets and technological innovation in order to maintain a profitable and sustainable farming enterprise. Allocating nutrients in such a way that unnecessarily limits land use change constrains the ability of land users to respond to those changes and optimally utilise the land resource.

Principle 4 The allocation system should be technically feasible, simple to operate and understandable

A high level of technical feasibility is fundamental to a successful allocation approach. The simpler the system, the more likely it is to be able to operate effectively. The approach must also be understandable by land users and the wider community. It must be able to be administered fairly and at minimum transaction costs to users and the regulator.

Principle 5 The natural capital of soils should be the primary consideration when establishing an allocation mechanism for nutrient loss

A natural capital approach allows for an economically efficient allocation of nutrients. Those soils with the greatest ability to retain nutrients and optimise nutrient use give land users the greatest flexibility to optimise production, respond to markets and technology while managing potential effects on water quality. Allocation systems should reflect the ability of these soil types to optimise production and land use flexibility.

Principle 6 Allocation approaches should provide for adaptive management and new information

Allocation decisions are primarily made on the information we know now and modelled future scenarios. Our understanding and the availability of both catchment and farm systems will change over the life of an allocation system as will possible management techniques. Allocation systems should provide sufficient flexibility to provide for adaptive management and be reviewed regularly to incorporate new information. Adequate transition times should be provided to incorporate new information where allocation changes as a result.

Principle 7 Appropriate timeframes must be set to allow for transition from current state to one where allocation of nutrients applies

Timeframes should take account of the degree to which any waterway is over-allocated (if that is the case), the period over which this state has come about and the costs for businesses and the current ability to manage to that allocation.

It should be recognised that current water quality issues are sometimes the result of many years of land use within catchments and may have developed over generations. Consideration needs to be taken of the legitimate expectations of people and natural justice. Accordingly time should be provided for them to adjust. There needs to be a balanced approach and recognition of the uncertainty associated with water science versus the likely economic impact on businesses and the region. The primary objective should be to set an appropriate direction of travel that will see a steady improvement in water quality.

Principle 8 Long term investment certainty is a critical feature of a viable nutrient management system

Changes to nutrient allocation regimes must be signalled as far out as possible. Refinements to those systems must be managed to minimise their impacts on business viability, land value and the flexibility of land use. The aim must be to reflect the underlying elements of sustainable management in achieving improved water quality outcomes including reducing those adverse impacts on social and economic outcomes.

Principle 9 Improvement in water quality must remain the primary objective of adopting any nutrient allocation regime

When exploring the adoption of methods to achieve water quality improvements and manage to limits, the focus of community debates, modelling and discussion of allocation of nutrients can distract from the primary goal – maintaining and improving water quality. This principle emphasises that allocating nutrients to a property level doesn't in itself result in improved water quality; it is the actions of land users that ultimately result in improved nutrient management.

Principle 10 In under-allocated catchments, where property based nutrient allocation has not been adopted in setting water quality limits, the system for allocating nutrients must be determined well before the limit is reached, be clear and easy to understand, and designed to avoid over-allocation

The mechanism for allocating nutrients, even if it does not have immediate effect, should be clear from the time when water quality limits are set. Allocation mechanisms should reflect the level of risk that the catchment will become over allocated. This may include the adoption of a pre-agreed catchment-specific environmental threshold (e.g. 75%-90% of a limit) to determine when an allocation regime should be adopted.

Principle 11 In designing the allocation system the benefits of a nutrient transfer system within the catchment or water management unit should be considered

Maximum economic efficiency of land use could be assisted by a mechanism for transferring nutrient discharge allowances within the same catchment. Nutrient transfer systems are only appropriate where:

- (i) the initial allocation system meets all of the allocation principles;
- (ii) only occurs within a sub-catchment or watershed and enables and supports Catchment Collective Groups;
- (iii) the transferable portion of the resource (e.g. nitrogen) only pertains to the load which achieves the desired environmental outcome;
- (iv) be a transfer within an established sub catchment programme that's based on allocation of a load consistent with these principles; and
- (v) results in improved economic outcomes and land use optimisation.

Principle 12 Regulation, monitoring, auditing and reporting of nutrients within an allocation regime needs to relate to the degree of environmental impact and pressure

If there is limited environmental pressure and if an activity has a low impact then regulation – and the financial cost of complying with that regulation – should be commensurate with the degree to which the activities are causing an adverse effect on water quality.

Principle 13 As a minimum expectation, in all catchments, all land users should be at or moving towards (industry defined) Good Management Practice (GMP), recognising that GMP is constantly evolving and continuous improvement is inherent in GMP

In many catchments, lifting everyone to GMP is likely to go a long way towards achieving community objectives for managing to water quality limits. In catchments where nutrients are not over allocated, requiring good management practice is a sound alternative method to allocating nutrients to a farm (property based) level.

Principle 14 Nutrient allocation must be informed by sound science and stable and reliable catchment and farm system modelling and measurement

Modelling nutrient loss is important to inform nutrient allocation, but all models have limitations. Overseer is a key tool for understanding and managing nutrients on farms and to inform nutrient

allocation decisions. In the short term there are significant limitations that need to be catered for in determining any regulatory or nutrient allocation regime (e.g. assumptions in Overseer regarding GMP, modelling of cropping regimes, ability of Overseer to estimate nutrient loss from the adoption of certain mitigations and the validation of Overseer estimates). Other measures may need to be included in the approach to managing nutrient loss to ensure innovative change is incentivised and that the focus remains on promoting good practice. Over time modelling designed to estimate nutrient loss will improve. Modelled estimates will change, so allocation regimes should account for modelling uncertainty and provide for appropriate transition periods.

37. Reinstate the lower catchment within the Plan, and undertake a s32 analysis on the alternative methods and rules proposed in this submission.
38. That the relief outlined below and under the specific submission points, including information that is appended, is adopted and subsequent changes that give effect to the relief are adopted including the following amendments to the PC1:
 - (i) provisions are included which ensure that the life supporting capacity of water, soil, and ecosystems are safeguarded;
 - (ii) provisions (objectives, policies, and rules) are included in the Plan which ensure that freshwater resource use (assimilative capacity) is necessary, reasonable, and efficient;
 - (iii) land use (including "farming") methods including rules include ancillary discharges (s9 and s15 RMA);
 - (iv) land use and ancillary discharge activity rules are holistic, in that they apply to the farming operation and systems rather than taking a single activity focus;
 - (v) land use and ancillary discharge activity rules meet the requirements of s70 RMA, and relevant planning considerations;
 - (vi) Nitrogen 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. Allocation methods should be intended to achieve the limits and targets set by PC1 and therefore PC1 Objectives;
 - (vii) That nitrogen loads are allocated within (sub)catchments in such a way that there is an equitable allocation of a total catchment nitrogen load to all users/activities who may wish to use the available resource;
 - (viii) That a nutrient transfer regime is established 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 (Nitrogen Reference Point) 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:
 - The initial allocation system meets all of the allocation principles;
 - Only occurs within a sub-catchment or watershed and only within a nutrient user/ Catchment Collective Groups;
 - The transferable portion of the resource (e.g. nitrogen) only pertains to the load which achieves the desired environmental outcome; and
 - Result in improved economic outcomes and land use optimisation.
 - (ix) That this plan gives effect to RMA and the NPSFWM (2014) and in particular is consistent with the objectives and policies under section C(a) National Objectives Framework;

- (x) That in formulating freshwater objectives and limits (including Table 3.11-1), the economic wellbeing, including productive economic opportunities, are provided for within the context of environmental objectives, attributes, and limits;
 - (xi) 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;
 - (xii) That Objectives, policies and methods, including 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; and
 - (xiii) 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;
39. That land use and ancillary discharges (including nitrogen management or allocation) objectives policies and methods including rules recognise and provide for drystock sector farming operations including:
- (i) diversity of systems, soil, geology, and climate;
 - (ii) provide flexibility for land and resource users to adopt land use and farming operations to adapt to and meet markets, technology, and environmental constraints such as climate;
 - (iii) specifically provide objectives policies and methods that recognise and provide for activities that have a low discharge risk for one contaminant, to allow flexibility in implementation to target actions and expenditure to address other priority contaminants;
 - (iv) acknowledge the management and protection of existing biodiversity values; and support and enable enhancement and development of biodiversity values;
 - (v) provide for adaptation and changes in farm systems and management approaches to respond to technology, climate change and markets;
 - (vi) provide for flexibility in Nitrogen use and discharges that enable increases beyond historic discharge levels, where these are low and where these discharges will not exceed long term determined sub catchment determined load limits;
 - (vii) remove any reference to requiring (grand-parenting) farming operations to be held at historic nitrogen discharge levels or stocking rates, through application of the nitrogen reference point, and/or restrictions on stocking rates;
 - (viii) apply principles of addressing critical source management specific to a property rather than blunt standards such as stock exclusion through permanent fencing up to 25 degrees slope; and
 - (ix) ensure the requirement for specific mitigation is able to be tailored to a farm level and can provide for the future aspirations of the business, and is tailored to specifically meeting the environmental risks of concern specifically for the property and sub catchment.
40. That regulatory methods are tailored to address the environmental issues specific to a sub catchment or watershed and the land use;
41. That methods, including rules, are put in place now to achieve the policies and Objectives of the Plan, give effect to the RMA, and the NPSFWM. Management frameworks should be incorporated into PC1 now which provide for land use and discharge permits to be consented for up to 35 years as is provided for under section 123(d) RMA, to provide applicants with certainty in order to

make decisions for their families, and businesses, and where required to invest in environmental mitigation or reconfigure their systems.

42. 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 NPSFWM.
43. Amend Table 3.11-1 and the Objectives of the Plan to make a clear distinction between what are Freshwater Objectives, Attributes, and 'limits' and 'targets'. Freshwater Objectives would include values of freshwater such as cultural, ecological, primary production, commercial, and recreational values, and may also include numerical parameters for periphyton, chlorophyll a, macroinvertebrate community indices (MCI), and sediment/ clarity.
44. Amend Table 3.11-1 to include both the allowable instream load, and maximum allowable zone load (MAZL) for nitrogen for all sub catchments and Freshwater Management Units (FMUs). Nitrogen loads should be provided which relate to 1) current instream nitrogen concentrations, and 2) desired instream nitrogen concentrations. The instream loads should form the basis of an allocation framework for nitrogen, if allocation frameworks are deemed necessary, to assist with achievement of the objectives of the plan.
45. Amend Table 3.11-1 so that numerical parameters provide for the values of freshwater, including safeguarding the life supporting capacity of freshwater, cultural, and primary production values, and meet the objectives of the Plan. In particular the E. coli and clarity numerical parameters (freshwater objectives) are to be amended so that they take into account flow and background contaminant levels, natural events and regional and nationally significant infrastructure, and are commensurate with the level of pathogenic risk for contact recreation and cultural values. E. coli and clarity numerical parameters (freshwater objectives) should not apply during higher flow events (ie above 2 x medium flow), or during the flow recession curve. The approach adopted in the Horizons region is supported:
 - (i) E. coli 260/100ml < 50th percentile applies 1 November to 30 April when the river is below medium flow;
 - (ii) E Coli 550/ 100ml < 20th percentile the concentration of E Coli must not exceed 550 per 100ml year round when flow is at or below the 20th flow exceedance percentile (ie not in the top 20% of flows); and
 - (iii) The visual clarity of the water measured as the horizontal sighting range of a black disc must equal or exceed [table 3.11-1 numerical parameter given in meters] when the river is at or below medium flow (the 50th flow exceedance percentile).
46. Table 3.11-1 is amended following implementation of Policy CA2 such that it gives effect to Policy CA2 f iv, and v, in particular, and Policy CA3 (NPSFWM 2014).
47. Such other or further relief as addresses the issues raised by this submission.

3. Specific Submissions on Plan Change 1

The specific provisions of the proposal that this submission relates to and the decisions it seeks from Council are as detailed in the following table. The outcomes sought and the wording used is a suggestion only, where a suggestion is proposed it is with the intention of 'or words to that effect'. The outcomes sought may require consequential changes to the Plan, including Objectives, Policies, or other rules, or restructuring of the Plan, or parts thereof, to give effect to the relief sought.

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
	SUPPORT / OPPOSE	REASON	RELIEF SOUGHT
<p>Part A, Section 3.11</p> <p><i>“Full achievement of the Vision and Strategy will be intergenerational”</i></p>	<p>Oppose in part</p>	<p>B+LNZ supports the Vision and Strategy for the Waikato River and the establishment of longer timeframes for its achievement where significant reductions in discharges from land use activities may be required.</p> <p>However, B+LNZ has significant concerns that PC1 as proposed fails to provide sufficient certainty for communities or individuals on how land and water resources are to be managed to achieve the long term objectives of the Plan and the Vision and Strategy for the Waikato River, or even whether or not pastoral land uses will be viable under subsequent plan changes. As stated under Section 3.11</p>	<p>Amend section 3.11 to reflect the outcomes sought in this submission.</p> <p>Amend Section 3.11 so that it explicitly recognises the role sub catchment groups will have in achieving the Vision and Strategy for the Waikato River.</p> <p>Amend paragraph 1 sentences 3 and 4 to give effect to the intent set out below.</p> <p><i>“The 80 – year timeframe recognises the ‘innovation gap’ that means full achievement of water quality outcomes set under Table 3.11-1 may require significant reductions in discharges from some land uses, in sub-catchments which are currently over allocated. As such timeframes should provide for investment in infrastructure, remediation, mitigation, innovation, and farm optimisation. requires technologies or practices that are not yet available or economically feasible. In addition, the</i></p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>'Full achievement of the Vision and Strategy will be intergenerational'² "The 80 – year timeframe recognises the 'innovation gap' that means full achievement of water quality requires technologies or practices that are not yet available or economically feasible. In addition, the current understanding is that achieving water quality restoration requires a considerable amount of land to be changed from land uses with moderate and high intensity of discharges to land use with lower discharges (eg through reforestation)".</p> <p>The outcome is a policy environment where the agricultural sector in particular has no certainty in relation to the future of their businesses or their communities on which to base investment decisions upon. These decisions include investment in environmental actions, and mitigation.</p> <p>While B+LNZ does not support approaches which force large scale land use changes, if those changes are</p>	<p>current understanding is that achieving water quality restoration <i>takes time due to lag phases between changes in land management approaches and establishment of on farm and edge of field mitigation (for example slope stabilisation, critical source management, wetland creation and enhancement, and establishment of riparian vegetation) and resultant water quality improvements.</i> requires a considerable amount of land to be changed from land uses with moderate and high intensity of discharges to land use with lower discharges (eg through reforestation).</p> <p>Include a new bullet point "<i>taking a targeted and risked based approach to managing land and water resources which is focussed on sub catchments and which ensures that:</i></p> <ul style="list-style-type: none"> (i) water quality is managed to ensure that: <ul style="list-style-type: none"> (a) water quality is maintained in those rivers and lakes where the existing water quality is at a level sufficient to support the Values in Section 3.11.1 Objective 1A (b) water quality is enhanced in those rivers and lakes where the existing water quality is not at a level sufficient to support the Values in Section 3.11.1 Objective 1A, so that the values are supported by 2097;

² Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (2016) page 15

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>going to be required then that conversation should be had in a transparent and honest fashion with communities and individuals now, and processes and provisions should be set up to enable full compensation for those individuals and communities.</p> <p>B+LNZ believes that the longer term aspirations for the region including achievement of the Vision and Strategy for the Waikato River can be achieved through the establishment, of provisions which enable, incentivise, and promote communities working together to address complex land and water issues and investment in edge of field mitigation. Draconian approaches which look to force retirement of land are short sighted and unnecessary, as well as being inconsistent with achievement of the purpose of the RMA, and NPSFWM.</p>	<p>(c) accelerated eutrophication and sedimentation of lakes in the catchment is prevented or minimised</p> <p>Delete bullet point 3 in relation to the nitrogen reference point and holding land uses to this historic discharge rate.</p> <p>Amend bullet point 5 to give effect to the intent set out below</p> <p>“Waikato Regional Council to incentivise, enable, and support, sub catchment approaches to sustainable land and water management, and adoption of edge of field mitigation where required. Regulatory, non-regulatory, and financial instruments are provided to enable and support communities working together in their watershed (sub-catchments) to address develop approaches outside the rule framework that both point source and diffuse losses of contaminants to water, allow contaminant loss risk factors to be assessed at a sub-catchment level, and implement mitigations that look beyond individual farm property boundaries to identify the most cost-effective and influential solutions.</p>
Section 3.11.1 Values &	Oppose in part	The values and uses in Section 3.11.1 are intended to inform the objectives, and policies of PC1. However, there are no express links between the values and the provisions of PC1, including the	PC1 should be amended by incorporating the values within the plan as Objectives, and providing express links between these values and subsequent sections of the plan to explain the relationship between particular values and uses and the

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>outcomes specified in table 3.11-1.</p> <p>The framework set out in PC1, when read in its entirety, should provide a clear link between the stated issues, values of freshwater, through to the objectives, policies and methods including rules.</p> <p>The establishment of numerical standards within the plan should give effect to the narrative within the RMA, ensuring that resources are utilised efficiently, and that the life supporting capacity of water and ecosystems are maintained, and the needs of future generations met. Where values are established, numerical standards should be established which recognise and provide for these values (NPSFWM), and which provide a regionally relevant translation of Schedule 3 (RMA).</p>	<p>desired water quality outcomes (Freshwater Objectives).</p> <p>Include a new Objective 1A or amend existing objectives to give effect to the following intent</p> <p><i>Water Management Values: Surface water bodies are managed in a manner which safe guards their life supporting capacity and recognises and provides for the Values in Section 3.11.1</i></p>
Section 3.11.2 Objectives	Oppose in part	Objectives are not consistent with the Vision and Strategy and fail to give	Amend existing Objectives and include as required new Objectives:

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		effect to the RMA and the NPSFWM.	<ul style="list-style-type: none"> • Establish Freshwater Objectives based on the values of freshwater including cultural, recreational, and ecological values, along with consumptive values (ability to assimilate pollution, food production, forestry) • Change Table 3.11-1 numerical water quality targets to Freshwater Objectives as appropriate (ie chlorophyll a, clarity, E. coli), or and remove these parameters from table 3.11-1 and instead hold as numerical freshwater objectives • Recognise and provide for the establishment and operation of collaborative sub catchment groups both through regulatory and non-regulatory methods in sustainably managing land and water resources and working towards achieving the Vision and Strategy for the Waikato River • Ensure resource use is efficient including through establishment of nitrogen allocation frameworks if nitrogen is required to be allocated • Ensure that resource use takes into account the natural capital of soils including the natural productive potential of soils (for example Land Use Capability(LUC)), climate, geology, and assimilative capacity of water • Strengthen the requirements to provide for the economic and social wellbeing of people and

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
			<p>communities</p> <ul style="list-style-type: none"> Ensure that limits and targets are set appropriately and enable the economic and social wellbeing of people and communities and ensure that they are resilient, vibrant, and future proofed
<p>Objective 1: Long Term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit.</p>	<p>Oppose in part</p>	<p>The objective to restore and protect water quality in the Waikato Waipa River Catchments along with the setting of numerical outcomes is supported.</p> <p>However, as currently proposed PC1 fails to provide a clear link between the values, the objectives, Table 3.11-1 water quality outcomes, and the policies, methods and rules.</p> <p>The proposed Objectives in PC1 fail to recognise or provide for tailored sub catchment approach to land and water management and recognition and protection of freshwater values including use values.</p> <p>Objectives should clearly state what is</p>	<p>Amend Objective 1 and or include a new Objectives to give effect to the following intent</p> <p><i>Objective 1A Water management Values: Surface water bodies are managed in a manner which safe guards their life supporting capacity and recognises and provides for the Values in Section 3.11.1</i></p> <p><i>Objective 1B Targeted and risked based approach to managing land and water resources which is focussed on sub catchments:</i></p> <p><i>(ii) water quality is managed to ensure that:</i></p> <p><i>(a) water quality is maintained in those rivers and lakes where the existing water quality is at a level sufficient to support the Values in Section 3.11.1 Objective 1A</i></p> <p><i>(b) water quality is enhanced in those rivers and lakes where the existing water quality is not at a level sufficient to support the Values in Section 3.11.1 Objective 1A, so that the</i></p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		to be achieved through resolution of a particular issue, and should be clear enough to provide direction for policies, and subsequently methods and rules. Objectives should ideally state what is to be achieved, where and when ³ .	<p>values are supported by 2097;</p> <p>(c) accelerated eutrophication and sedimentation of lakes in the catchment is prevented or minimised</p>
Table 3.11-1	Oppose in part	<p>The objective to restore water quality in the Waikato Waipa River Catchments along with the setting of numerical outcomes is supported.</p> <p>B+LNZ position is that the framework set out in PC1, when read in its entirety, should provide a clear link between the values of freshwater, the issues in the catchment in relation to natural resource management, through to the objectives, policies and methods including rules.</p> <p>The establishment of numerical attributes/standards within the plan should give effect to the narrative within the RMA, ensuring that resources are utilised efficiently, and that the life</p>	<p>Amend Table 3.11-1 so that the numerical outcomes recognise and provide for the values under section 3.11.1, Objective 1A.</p> <p>Set numerical outcomes (limits/targets, including interim targets) at levels which give effect to the NPSFWM 2014 and in particular policies CA2 and CA3. Specifically consider the provision of economic wellbeing, including economic opportunities. Provide for water quality below national bottom lines which result from natural processes or/and from the impacts of national or regionally significant infrastructure.</p> <p>Adopt numerical limits that are appropriate to achieving desired outcomes and are applied at appropriate levels of flow that match the values.</p> <p>Change Table 3.11-1 numerical water quality targets to Freshwater Objectives as appropriate (ie chlorophyll a, clarity, E. coli).</p>

³ Quality Planning website www.qualityplanning.org.nz, Writing good objectives

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>supporting capacity of water and ecosystems are maintained, and the needs of future generations met.</p> <p>Where values are established in accordance with NPSFWM (2014) they should be recognised and provided for through numerical water quality attributes/limits in accordance with NPSFWM (2014).</p> <p>Establishing standards for freshwater which recognise and provide for the values, that are reflective of water management classes, also provides a regionally relevant translation of Schedule 3 (RMA).</p> <p>Given the significant economic implications forecast by the Waikato Regional Council in achieving the table 3.11-1 outcomes, it appears that the Council has failed to adequately recognise or provide for economic values when setting the table 3.11-1 numerical parameters, which go beyond the requirements to safeguard the life supporting capacity of freshwater. The approach adopted by Council is therefore contrary to the</p>	<p>Notwithstanding the relief sought as set out above, amend table 3.11-1:</p> <p>48. E. coli 260/100ml < 50th percentile applies 1 November to 30 April when the river is below medium flow:</p> <p>49. E. coli 550/ 100ml < 20th percentile the concentration of E. coli must not exceed 550 per 100ml year round when flow is at or below the 20th flow exceedance percentile (i.e. not in the top 20% of flows)</p> <p>50. The visual clarity of the water measured as the horizontal sighting range of a black disc must equal or exceed [table 3.11-1 numerical parameter given in meters] when the river is at or below medium flow (the 50th flow exceedance percentile).</p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>requirements of the NPSFWM and s32 RMA, and fails to give effect to the purpose of the Act.</p> <p>As currently proposed achievement of the table 3.11-1 water quality outcomes are stated as not being achievable under current land uses and with current technology, and may require conversion of pastoral land use back to forestry⁴.</p> <p>The numerical outcomes in table 3.11-1 as they apply in respect to E Coli and clarity appear to apply irrespective of flow and therefore are not likely to be achievable even under pristine conditions. Furthermore these numerical parameters are more akin to Freshwater Objectives than they are to 'limits' or 'targets'.</p> <p>Achievement of the Table 3.11-1 numerical outcomes therefore cannot be achieved while also achieving Objectives 2 and 4 and providing for the social, cultural, and economic</p>	

⁴ Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (2016) page 15& 16

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		wellbeing of people and communities	
<p>Objective 2: Social, economic and cultural well-being is maintained in the long-term</p>	Oppose in part	<p>Support the intent of Objective 2 to recognise and provide for social, economic, and cultural wellbeing. However, as proposed this is subservient to the restoration and protection of water quality in the Waikato River catchment.</p> <p>While both arms of this objective in principle are achievable, as currently proposed PC1 fails to recognise, provide, and protect the social, and economic wellbeing of people and communities, when seeking the restoration and protection of water quality in the Waikato River. Primacy is therefore currently given to the restoration and protection of water quality, to the detriment of people and communities.</p>	<p>Amend Objective 2 so that it is made explicit that the objective is to enable people and communities to continue to provide for their social, economic, and cultural wellbeing, to be resilient and vibrant, and to provide for future generations.</p> <p>Amend Objective 2 to give effect to the following intent:</p> <p><i>Social, economic and cultural wellbeing is recognised and maintained in the long term/Te Whāinga 2: Ka whakaūngia te oranga ā-pāpori, ā-ōhanga, ā-ahurea hoki i ngā tauroa. Management of land and water resources within the Waikato River Catchment recognises and provides for Waikato and Waipa communities and their economic and social wellbeing, vibrancy and resilience.</i></p>
<p>New Objective Collaborative catchment groups are enabled and</p>	Insert a new objective	<p>B+LNZ understand that WRC intend to utilise a sub catchment approach for informing land and water management within the catchment. This is alluded to through the policies</p>	<p>Include new Objectives which facilitate and support the establishment and operation of (sub)catchment groups to manage water quality and biodiversity issues facing a catchment, providing innovative and where required edge of field mitigation and which facilitates flexible, viable businesses</p>

<p>The specific provisions B+LNZ submission relates to are:</p>	<p>B+LNZ submission is that:</p>		<p>The decision B+LNZ would like the Waikato Regional Council to make is:</p>
<p>incentivised</p>		<p>and is supported by implementation method 3.11.5.4.</p> <p>However, PC1 as notified does not contain an explicit suite of provisions including Objectives, policies, methods, and rules which effectively implement sub-catchment approaches. This includes a lack of mechanisms that recognise, incentivise and support community groups working together to ensure the sustainable management of land and water resources and achievement of the Vision and Strategy for the Waikato River.</p> <p>The most enduring and effective solution to water quality issues lies within Collaborative Catchment Groups working together with a desire to provide for healthy freshwater ecosystems, recreational and cultural values of freshwater, and healthy vibrant communities and economies targeted to the relevant priorities within their (sub) catchments.</p> <p>These groups should be incentivised, supported, and enabled. It is through</p>	<p>and communities, and enables sustainable management of resources such as nutrients within the assimilative capacity of soils and water, to achieve the Vision and Strategy for the Waikato River</p> <p>Amend PC1 so that it adopts and truly encourages and empowers a sub catchment approach to managing land use and water quality, tailored to the specific issues faced by the sub catchment, and with appropriate time frames for achievement of its interim targets and long term objectives.</p> <p>Amend PC1 to provide communities and individuals with certainty in relation to what will be required of them to enable sound business, succession, and investment decisions to be made, including investment into environmental mitigation.</p> <p>Amend Objective 4 or include a new Objective to give effect to the following intent:</p> <p>People and community resilience / Te Whaingā 4: Te manawa piharau o te tangata me te hāpori, and the achievement of the Vision and Strategy for the Waikato River.</p> <p>Communities working together to sustainably manage land and water resources within their sub-catchments, to protect the values for freshwater, to maintain and where degraded improve water quality, and to protect and restore biodiversity, for generations to come.</p>

<p>The specific provisions B+LNZ submission relates to are:</p>	<p>B+LNZ submission is that:</p>		<p>The decision B+LNZ would like the Waikato Regional Council to make is:</p>
		<p>these individuals and, community approaches, that innovative and effective solutions will be developed and implemented to achieve holistic and sustainable outcomes, and the Vision and Strategy for the Waikato River</p> <p>B+LNZ therefore seeks that PC1 is amended to encourage, facilitate and support collaboration between land owners to maintain or, where degraded, enhance freshwater resources and protect and provide for the values in the most effective and efficient means possible. These approaches should not be put off until further plan changes, but should be adopted now, if the Vision and Strategy is to be achieved.</p>	
<p>Objective 3: Short – term improvements in water quality Table 3.11-1</p>	<p>Oppose in part</p>	<p>The intent of Objective 3 is supported in relation to providing appropriate timeframes for the restoration and protection of water quality within the catchment. However as set out in the general submission section of this submission, people and communities need certainty in relation to what will</p>	<p>Amend Objective 3 so that it provides for and enables management approaches tailored to the sub-catchment unit or waterbody and which specifically focus on the issues identified for that waterbody i.e. in some catchments it may be nitrogen but in others it may be sediment.</p> <p>Delete reference to 10% of the required change. Amend table 3.11-1 so that the interim targets and timeframes recognise and</p>

<p>The specific provisions B+LNZ submission relates to are:</p>	<p>B+LNZ submission is that:</p>		<p>The decision B+LNZ would like the Waikato Regional Council to make is:</p>
		<p>be required of them in order to achieve the Vision and Strategy for the Waikato River, and water quality outcomes.</p> <p>As proposed Objective 3 provides no certainty for farmers to invest in the long term viability of their businesses or communities.</p> <p>Objective 3 does not give effect to the requirements in the RPS to recognise and provide for the continued operation and development of regionally significant primary industry activities.</p> <p>The 10% change requirement is arbitrary, not based on ecological thresholds, does not take into account the values of freshwater, nor the various contaminants, and fails to recognise the current allocation status of the specific sub-catchments. Furthermore, it fails to take into account the costs of reducing discharges to individuals and communities.</p>	<p>provide for the Economic and Social wellbeing of people and communities including implications for actions, investments, ongoing management changes and any social, cultural or economic implications. Timeframes should be set for periods longer than 10 years to enable longer term planning and investment in infrastructure, mitigation, and remedial activities. Timeframes in the range of 30 years would offer longer term certainty for communities and individuals and is likely to deliver better environmental outcomes, and would enable longer term consent applications as appropriate.</p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
<p>Objective 4 People and community resilience</p> <p>Table 3.11-1</p>	<p>Oppose</p>	<p>We support Objective 4 in relation to providing for people and community resilience. However, as currently proposed the objective fails to provide for this outcome because it recognises that as currently proposed PC1 will not achieve its objectives and further plan changes including increasing stringency of land use controls will be required (Objective 4b). The outcome is a plan which fails to provide communities and individuals with certainty about what will be required of them in the future, and which fails to ensure people and community resilience.</p> <p>Furthermore, Objective 4 fails to recognise sub catchment specific conditions including the fact that not all sub catchment are over allocated for all contaminants and therefore require restoration.</p> <p>The Plan fails to provide a pathway for individual and communities to work together to achieve the V&S over the</p>	<p>Include a new Objective which provide for people and community resilience, adaptive management, and sub-catchment approaches lead by communities.</p> <p>Delete reference to the staged approach and future plan changes including increasing stringency in land use controls and requirements, replace with adaptive management objectives and policies.</p> <p>Amend Objective 4 or include a new Objective to give effect to the following intent:</p> <p><i>People and community resilience / Te Whaingā 4: Te manawa piharau o te tangata me te hāpori, and the achievement of the Vision and Strategy for the Waikato River.</i></p> <p><i>Communities working together to sustainably manage land and water resources within their sub catchments, to protect the values for freshwater, to maintain and where degraded improve water quality, and to protect and restore biodiversity, for generations to come.</i></p> <p>Amend Table 3.11-1 interim targets so that they apply at a longer time frame such as 30 years, for those parameters which are significantly over allocated now. Amend the interim targets so that they progressively reduce over allocation at a rate and scale which provides for people and community resilience</p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>long term, if this is required.</p> <p>Enforcement of the rules as currently proposed will reduce farm profits, land values and community viability; making Objective 4 ,People and community resilience unachievable.</p>	<p>including economic wellbeing.</p> <p>Amend Table 3.11-1 and Objective 4 so that PC1 provides a pathway for individual and communities to work together to achieve the V&S over the long term.</p>
<p>New Policy</p>	<p>Insert a new Policy</p>	<p>PC1 fails to provide a clear link between the values, freshwater objectives, Table 3.11-1, and the rules and methods.</p> <p>The policies as proposed fail to provide a clear course of action to achieve or implement the objectives of the plan, and in particular fail to recognise the link between the Vision and Strategy, the values, the Objectives and the methods of achieving the objectives. In particular the policies fail to adequately adopt a sub-catchment management approach or to recognise and provide for tailored risk and effects based management.</p>	<p>Include new Policy 1A, or amend existing Policy 1 to give effect to Objective 1A and 1B with the intent of:</p> <p>Where current water quality meets the relevant Table 3.11-1 water quality outcomes (interim targets or 80 year targets/limits) within each sub-catchment, water quality must be managed in a manner which ensures that the water quality targets/ limits continue to be met beyond the zone of reasonable mixing.</p> <p>Where Table 3.11-1 water quality targets/ limits are not met, water quality within the sub catchment must be managed in a manner which progressively improves existing water quality relevant to the parameter exceeded, in order to meet:</p> <ul style="list-style-type: none"> (i) The water quality target/limit for the sub-catchment by 2096, and/or (ii) The relevant value that the water quality target/limit is designed to safeguard

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
<p>Policy 1: Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens</p> <p>Table 3.11-1</p>	<p>Oppose</p>	<p>While the intent is supported, the policy requires rewording to ensure that management approaches are tailored to address catchment/ sub-catchment specific issues.</p> <p>A one size fits all approach to managing land uses and internalising externalities is not the most efficient or effective means of achieving the plans objectives or the purpose of the RMA.</p> <p>B+LNZ consider that PC1 allocates nitrogen based on determination of a properties nitrogen reference point which is calculated from historic records (2014/15 or 2015/16). PC1 allows land use as a permitted activity, (<15kgN/ha/yr) or controlled activity provided the modelled nitrogen loss is the same or less than the historic losses. This effectively allocates the current nitrogen leaching to each parcel of land. If a land use wishes to leach more than the amount allowed by the permitted or controlled activity rules, it</p>	<p>Amend Policy 1 so that management approaches are tailored to addressing water quality issues identified on a sub catchment basis, and where the responsibility of addressing the impacts is apportioned to those land uses including point and non-point source discharges which have caused or contributed to any over allocation, and where improvements required over time are appropriate to the level of impact.</p> <p>Enable land uses which are less than or equal to 20 hectares, or which are leaching at or less than the 'sustainable level'⁶ to continue and provide them with flexibility to change farm systems or stocking rates up to the 'sustainable level'.</p> <p>If nitrogen is to be allocated through PC1 then amend PC1 through either amending existing policies (such as policy 1) and rules (such as 3.11.5.1 to 3.11.5.7) or including a new policy and associated rules which sets out how nitrogen will be allocated and discharges managed. The allocation and management framework will promote the efficient use of natural resources and incentives activities and behaviour change which promotes the sustainable management of natural resources and establishes a framework which will achieve the Vision and Strategy for the Waikato River. It will incorporate the allocation principles set out under appendix 1.</p> <p>Manage or allocate nitrogen based on:</p>

⁶ 'Sustainable level' can be defined as either a kg liveweight per ha relative to land use capability (LUC) or nitrogen kg discharge rate per hectare (kgN/ha/yr) which achieves the desired instream nitrogen load

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>must apply for a resource consent and in that application describe the amount of nitrogen loss that will occur. Consideration of that resource consent may include consideration of the amount of nitrogen lost by the activity, and (presumably) the resource consent (if granted) may contain conditions that limit the amount of nitrogen lost, or management practices or mitigations required to minimise the amount of nitrogen lost. The applicant then holds a resource consent which authorises a particular amount of nitrogen to be lost from the property. This cannot be considered anything other than an allocation of nitrogen loss.</p> <p>B+LNZ's position is that if nitrogen is to be allocated to land use then it should be allocated using the most effective and efficient tool available.</p> <p>a) 'flat rate per hectare' (where the catchment load is divided by the total number of hectares in the catchment and this</p>	<p>a) 'flat rate per hectare' permitted threshold (where the sub catchment load is divided by the total number of hectares in the sub catchment and this amount is allocated as a nitrogen discharge threshold to each hectare of land) for example 20kgN/ha/yr; or</p> <p>b) Natural capital or land use suitability based allocation per hectare' where a sub catchment nitrogen load is attributed to land based on its underlying characteristics and factors (including productive capability using the Land Use Capability classification system). This approach is used to determine the permitted baseline, and where required to stage reductions in nitrogen discharges over time for example as set out in the table below⁷; and</p> <p>c) Natural capital or land use suitability based threshold for the discharge of Nitrogen per hectare' that is used to determine where and when Council require additional regulatory standards or stricter activity status to reduce nitrogen loss over time – based on calculating a sub catchment Nitrogen load and focussing on priority areas where nitrogen is over allocated and therefore reductions from land uses are required. For example as set out in the table below.</p>

⁷ Categories and discharge numbers are indicative only and subject to change through schedule 1 process as more evidence and data becomes available.

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:																																
		<p>amount allocated as a nitrogen loss right to each hectare of land) or</p> <p>b) Natural capital based allocation per hectare' where the catchment load is attributed to land based on its productive capability using the Land Use Capability classification system).</p> <p>To give effect to the RMA and NPSFWM PC1 should:</p> <p>a) state the maximum allowable zone load (MAZL) of nitrogen (to provide certainty to resource users and environmental outcomes);</p> <p>b) allocate the maximum allowable zone load (MAZL) amongst land uses in the most</p>	<table border="1" data-bbox="1346 411 1966 900"> <thead> <tr> <th colspan="8">Land Use Capability – Natural Capital</th> </tr> <tr> <th>Class</th> <th>I</th> <th>II</th> <th>III</th> <th>IV</th> <th>V</th> <th>VI</th> <th>VII</th> </tr> </thead> <tbody> <tr> <td>Year 1 (Kg/N/ha/yr)</td> <td>30</td> <td>27</td> <td>24</td> <td>18</td> <td>16</td> <td>15</td> <td>8</td> </tr> <tr> <td>Year 5 (kgN/ha/yr)</td> <td>27</td> <td>25</td> <td>21</td> <td>16</td> <td>13</td> <td>12</td> <td>8</td> </tr> </tbody> </table> <p>Amend PC1, policy 1 (Table 3.11-1 or include a new policy) which sets out the:</p> <p>a) Current nitrogen load⁸; and</p> <p>b) Desired nitrogen load⁹; and</p>	Land Use Capability – Natural Capital								Class	I	II	III	IV	V	VI	VII	Year 1 (Kg/N/ha/yr)	30	27	24	18	16	15	8	Year 5 (kgN/ha/yr)	27	25	21	16	13	12	8
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⁸ Current nitrogen load includes both the Allowable in stream nitrate load to achieve current instream nitrogen concentration and the Maximum Allowable Zone Load (MAZL) which accounts for attenuation and provides the load that can be allocated to land.

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>efficient way possible;</p> <p>c) ensure that activities which would cause the maximum catchment load to be exceeded are avoided; and</p> <p>d) In catchments which are already over allocated, the plan should avoid allocating any further nitrogen; and</p> <p>e) In catchments which are already over allocated, the plan should put in place methods (such as a 'sinking lid on the allocation') so that over time the over allocation is phased out.</p> <p>To ensure that PC1 is effects based, efficient and effective, the Plan should target activities which exceed the 'sustainable level'⁵ and require through consent those activities to progressively reduce contaminant discharges over time.</p>	<p>c) Nitrogen discharge rate/ha/yr to achieve current nitrogen load; and</p> <p>d) Nitrogen discharge rate/ha/yr to achieve the desired nitrogen load</p> <p>Amend PC1 so that:</p> <p>f) activities which would cause the maximum catchment load to be exceeded are avoided; and</p> <p>g) In catchments which are already over allocated, the plan should avoid allocating any further nitrogen; and</p> <p>h) In catchments which are already over allocated, the plan should put in place methods (such as a 'sinking lid on the allocation') so that over time the over allocation is phased out.</p> <p>Management approaches should ensure that those activities and land uses which are contributing the most to the overallocated parameter bear the majority of the cost of reducing the overallocation (polluter pays principle)</p> <p>Amend Policy 1 (a) to ensure that low discharging land uses such as small scale (<20kg N/ha) or low impact activities (those discharging at or below the sustainable level) are enabled to</p>

⁹ Desired nitrogen load includes both the Allowable in stream nitrate load to achieve the desired instream nitrogen concentration, and the Maximum Allowable Zone Load (MAZL) which accounts for attenuation and provides the load that can be allocated to land.

⁵ IBID

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>Small scale (<20ha) or low impact activities (those discharging at or below the sustainable level) should be enabled to continue and be provided flexibility to change farm systems and stocking rates up to the sustainable levels for the sub catchment (FMU).</p> <p>PC1 should target stock exclusion requirements to intensively farmed animals on flat and rolling land, but enable flexibility for low intensity land uses or/and hill country farming. Management approaches for hill country are more effective and efficient when they are focussed on critical source management.</p>	<p>continue and are provided with flexibility to change farm systems and stocking rates up to the sustainable levels for the subcatchment (FMU).</p> <p>Policy 1(a) Delete “provided those discharges do not increase”</p> <p>Amend Policy 1(b) Requiring farming activities which exceed the ‘sustainable level¹⁰’ for the sub-catchment (FMU) to progressively reduce contaminant discharges over time, where the reductions are proportionate to the level of overall allocation within the sub-catchment and proportionate to the discharge level of the activity. Amend Policy 1(c) progressively excluding cattle, horses, deer, and pigs from rivers, stream, drains, wetlands and lakes on land up to 15 degrees slope, and where break fed on land above 15 degrees slope.</p> <p>Intensively farmed animals are required to be excluded from all permanently flowing waterbodies, but enable flexibility for low intensity land uses or/and hill country farming. Management approaches for hill country should be focussed on critical source management.</p> <p>Amend Policy 1 and/or include new Policy to enable establishment and operation of sub catchment groups working through global consents to sustainably manage land and water resources, to be innovative, to share and move resources as required within environmental limits, to be flexible, to recognise and provide for biodiversity values, to adopt edge of field</p>

¹⁰ IBID

<p>The specific provisions B+LNZ submission relates to are:</p>	<p>B+LNZ submission is that:</p>		<p>The decision B+LNZ would like the Waikato Regional Council to make is:</p>
			<p>mitigation and to offset residual impacts.</p> <p>Amend PC1, policy 1 so that land use rules and management frameworks include both land use and ancillary discharge provisions (sections 9 and 15 RMA)</p> <p>Amend PC1, policy 1 to enable establishment of nutrient user groups within the same catchment as part of catchment collective groups, and enable transfer of nutrients (at a level not exceeding the desired instream nutrient load), where the following principles are met:</p> <ul style="list-style-type: none"> • the initial allocation system meets all of the allocation principles in Appendix 1, for clarity this precludes nutrient transfer when allocation is based on current or historic discharges (NRP or Grandparenting) • transfer within nutrient user groups should only occur: • within a sub-catchment or watershed; and • within an established sub catchment programme that's based on fair allocation of a load • only pertains to the load which achieves the desired environmental outcome. • results in improved economic outcomes and land use optimisation <p>Amend Policy 1 to apply Policy 12 clauses (a), (b) and (c), and Policy 13 (a), (b), and (c), and require the application of best practicable option to avoid, remedy, or mitigate adverse effects of a discharge (either directly or indirectly to freshwater) where the discharge may cause or contribute to a freshwater</p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
			attribute being exceeded, through resource consents.
<p>Policy 2: Tailored approach to reducing diffuse discharges from farming activities</p>	<p>Support in part</p>	<p>Approaches which take a tailored farm specific approach to managing environmental impacts are supported and we seek that they be retained.</p> <p>Farm specific environmental mitigation should also be based on the sub-catchment or receiving water body water quality and identified issues, if any. The level of regulation and methods to achieve improved management practice should be commensurate with the level of risk and effects on water quality and the values.</p> <p>Timeframes for environmental mitigation including stock exclusion should provide for the economic wellbeing of people and communities, resilient businesses, and enable sound business, succession, and investment planning and decisions to be made. They should be able to be extended to ensure that expenditure can be prioritised in a way that achieves the</p>	<p>Amend Policy 2 so that management approaches are tailored to managing water quality on a sub-catchment basis. Reductions may not always be required.</p> <p>Amend Policy 2 to incentivise and support collaborative community groups working together to sustainably manage land and water resources and to implement a staged approach to achieving the Objective of the Plan, through long term global subcatchment land use and discharge permits, including land use change.</p> <p>Amend policy 2 to reflect the amendment set out above in policy 1 which relate to the management of nitrogen discharges and allocation, and which enable flexibility for low discharging land uses.</p> <p>Policy 2(a) replace 'that will reduce' with 'to manage'. Reduction may not always be required.</p> <p>Policy 2 (d) delete and replace with where current water quality is overallocated such that the water quality outcome in the sub-catchment, as set out in table 3.11-1 is not met, require reductions in the contaminant discharge to be proportionate to the amount of the current discharge (those discharging more are expected to make greater reductions), and proportionate to the scale of water quality improvement required in the sub-</p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>desired management of effects.</p> <p>PC1 should target stock exclusion requirements to intensively farmed animals on flat and rolling land, but enable flexibility for low intensity land uses or/and hill country farming. Management approaches for hill country are more effective and efficient when they are focussed on critical source management.</p> <p>The recommendations released in the government's clean water document¹¹ should be adopted</p>	<p>catchment, to provide for the values.</p> <p>Policy 2 (e) amend as follows: Requiring the exclusion of stock from permanently flowing waterbodies on land up to 15 degrees slope, and stock when break fed on land with a slope exceeding 15 degrees slope, to be completed within 3 years following the dates by which a Farm Environment Plan must be provided to the Council, or in any case no later than 1 July 2026.</p> <p>Management approaches for hill country should be focussed on critical source management with timeframes tailored through FEP.</p> <p>Amend Policy 2 to apply Policy 12 clauses (a), (b) and (c), and Policy 13 (a), (b), and (c), and require the application of best practicable option to avoid, remedy, or mitigate adverse effects of a discharge (either directly or indirectly to freshwater) where the discharge may cause or contribute to a freshwater attribute being exceeded, through resource consents.</p>
<p>Policy 4: Enabling activities with lower discharges to continue or to be established</p>	<p>Support in part</p>	<p>Support the intent of Policy 4 to enable activities with lower discharges to continue or to be established. However as currently proposed and reflected in the rules this aspect of Policy 4 is not</p>	<p>Amend Policy 4 so that it enables small scale land uses (<20ha), low intensity, and low discharging land uses to continue, to be flexible in their land use and their discharge of Nitrogen, and stocking rates, and to be established as set out under Policy 1.</p> <p>As set out under Policy 1 introduce permitted thresholds based</p>

¹¹ New Zealand Government Clean Water (February 2017) Ministry for the Environment, ME 1293.

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
while signalling further change may be required in future		achieved.	<p>on the 'sustainable level' for the sub catchment or FMU. The 'sustainable level' can be based on nitrogen loss per/kg/ha/yr or alternatively kg liveweight per ha relative to land use capability. Nitrogen loss rates should be based on either a permitted activity threshold using an equal allocation for a sub catchment (e.g. 20kgN/ha/yr) or Natural Capital based allocation or activity status (e.g. LUC), and relate to sub catchment or FMU specific desired instream nitrogen loads.</p> <p>Delete reference to future further reductions in contaminate discharges.</p> <p>Introduce recognition of existing biodiversity values on private land and that further establishment and protection of biodiversity is enabled and incentivised (as Policy 17 does).</p>
Policy 5: Staged approach	Support in part	<p>The intent of Policy 5 is supported. However as set out in the general submission section of this submission, and under specific submission points on Objectives 3 and 4, people and communities need certainty in relation to what will be required of them in order to achieve the Vision and Strategy for the Waikato River, and water quality outcomes.</p> <p>A staged approach to achieving the Objectives of the plan can be</p>	<p>Amend Policy 5 to give effect to the following intent.</p> <p><i>Recognise that achieving the water quality attribute targets in Table 3.11-1 may require significant reductions in discharges from some land uses, in sub-catchments which are currently over allocated. As such timeframes will need to be staged over 80 years, to provide for investment in infrastructure, remediation, mitigation, innovation, and farm optimisation, and in recognition that achieving water quality restoration takes time due to lag phases between changes in land management approaches and establishment of on farm and edge of field mitigation and resultant water quality improvements.</i></p>

<p>The specific provisions B+LNZ submission relates to are:</p>	<p>B+LNZ submission is that:</p>		<p>The decision B+LNZ would like the Waikato Regional Council to make is:</p>
		<p>developed through policies and methods including rules which enable land use activities which are at the 'sustainable level' for the sub-catchment and through requiring staged reductions in contaminant discharges through consents for land use activities which exceed the sustainable level. Longer term land use and discharge consents should be provided for those activities including sub catchment groups who can demonstrate staged reductions in contaminant discharges and investment in infrastructure, mitigation, remediation, so that the longer term aspirations of PC1 can be achieved.</p> <p>Regional Plans are reviewed on a 10 year cycle. However, they can establish provisions which set longer term horizons as PC1 has done with Objective 1 and Table 3.11-1.</p>	<p>Tailor management approaches to address the specific contaminate(s) of concern on a sub-catchment basis.</p> <p>Delete reference to further reductions through subsequent regional plans</p> <p>Give effect to Objective 3 and 4 as proposed through this submission</p> <p>Amend Policy 5 to enable the establishment and operation of sub catchment groups working through long term global consents to sustainably manage land and water resources, to adopt a staged approach to addressing water quality overallocation where it exists within the sub-catchment, to be innovative, to share and move resources as required within desired environmental limits/ targets, to be flexible, to recognise and provide for biodiversity values, and to adopt edge of field mitigation.</p> <p>Amend Table 3.11-1 so that the interim targets and timeframes recognise and provide for the Economic and Social wellbeing of people and communities including implications for actions, investments, ongoing management changes and any social, cultural or economic implications. Timeframes should be set for periods longer than 10 years to enable longer term planning and investment in infrastructure, mitigation, and remedial activities. Timeframes in the range of 30 years would offer longer term certainty for communities and individuals and is likely to deliver better environmental outcomes, and would</p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
			enable longer term consent applications as appropriate.
<p>Policy 6: Restricting land use change</p>	<p>Oppose in part</p>	<p>While the intention is supported in relation to ensuring that water quality is maintained at a minimum, the approach to achieving this is not supported. Management approaches should be effects based, rather than tying in existing land uses based primarily on benchmarking against historical discharge levels.</p> <p>The perverse environmental outcomes which can be achieved by such an approach is apparent in the recent example of a non-complying consent which was granted and which enabled a farming operation to discharge at a high rate of Nitrogen loss, for the term of the consent. This type of outcome will not result in environmental improvements and makes a mockery of holding lower leaching land uses at historic rates i.e. 3 – 20kgN/ha/yr for forestry, sheep and beef operations, and optimised dairy operations.</p>	<p>Amend Policy 6 to give effect to the following intent:</p> <ul style="list-style-type: none"> <i>i. Change title to restriction on intensive land uses and discharges to water;</i> <i>ii. enable land use activities including changes in land use where increases in contaminant discharges still enable sub catchment outcomes for water quality to be met including the values</i> <i>iii. enable changes in land use which occur within the sustainable level for the sub-catchment as set out in policy 1;</i> <i>iv. Take into account the degree to which land use is optimised in relation to the natural capital of soils, and sub-catchment water quality 80 year attributes targets (Table 3.11-1);</i> <i>v. Provide for increases in Nitrogen discharge where land use change will result in overall improvement in sustainable management and a decrease in soil loss, P loss, management of microbial pathogens, and enhancement of biodiversity values</i>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
<p>Policy 7: Preparing for allocation in the future</p>	<p>Support in part</p>	<p>The intent is supported, the policy as written is more appropriate as a method.</p> <p>The policy/method should be reworded to support the collection of data which may assist in future changes to allocation systems as further information becomes available, and the science and modelling around land and water management develops.</p> <p>However, the policy/method should not forecast that this will be possible or will even be preferable to the current approach. In respect to other contaminants such as sediment, E. coli, and phosphorus, future allocation may not be possible and if possible may not be the most effective and efficient way of managing natural resources.</p> <p>The policy/method should reflect the principles set out in appendix A</p>	<p>Make this policy a method.</p> <p>Amend policy/method 7:</p> <ul style="list-style-type: none"> a) Natural Resource Preparing for Allocation in the future b) Delete the first paragraph beginning “prepare for further diffuse discharge reductions ...” and replace with <i>work with stakeholders to determine subcatchment specific allocation of natural resources including the assimilative capacity of freshwater. The allocation approaches should apply;</i> c) Incorporate the allocation principles in Appendix 1 and those set out in B+LNZ general submissions d) Retain clauses a. b. c. d. e) Introduce new clauses to take into account of the degree to which land use is optimised to the natural capital of soils and assimilative capacity of water f) Adopt submissions set out in relation to the management and allocation of Nitrogen

<p>The specific provisions B+LNZ submission relates to are:</p>	<p>B+LNZ submission is that:</p>		<p>The decision B+LNZ would like the Waikato Regional Council to make is:</p>
<p>Policy 8 Prioritised implementation</p>	<p>Support in part</p>	<p>Prioritised implementation at a sub catchment level is supported. However, priority should also be given to reducing discharges from land uses and activities which undertaken in overallocated sub-catchments, and which are at or above the 50th percentile of discharges for that sub-catchment.</p>	<p>Amend policy 8 to require reductions of N greater than the currently proposed 75th percentile</p> <p>Introduce appropriate sub catchment contaminant numerical limits to enable targeted and prioritised actions</p> <p>Prioritise the establishment of catchment collaborative groups based on priority sub catchments.</p>
<p>Policy 9: Sub – catchment</p>	<p>Support in part</p>	<p>The most enduring and effective solution to water quality issues lies within Collaborative Catchment Groups working together in recognitions of these issues and with a desire to provide for healthy freshwater ecosystems, recreational and cultural values of freshwater, and healthy vibrant communities and economies.</p> <p>These groups should be incentivised, supported, and enabled. It is through these individuals and community spirit that innovative and effective solutions will be developed and implemented to achieve holistic and sustainable outcomes.</p>	<p>Retain Policy 9 but expand to facilitate and support the establishment and operation of sub-catchment groups to manage water quality and biodiversity issues facing a sub-catchment, providing innovative and where required edge of field mitigation and which facilitates flexible, viable businesses and communities, and enables transfer of resources such as nutrients within the assimilative capacity of soils and water, and at sustainable levels.</p> <p>Gives effect to new collaborative catchment objective(s).</p> <p>Incorporates Policy 17 provisions in relation to recognition, support, and enhancement of biodiversity values.</p> <p>Include a new Method which provides for Regional Council support of catchment groups and approaches to addressing complex land and water management issues. Including sub-catchment specific studies, data collection, catchment group</p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
			facilitation, development and funding of sub-catchment models which support catchment groups, decision making and consenting.
<p>New Policy: Nutrient Allocation</p>	<p>Amend the plan to insert a New Policy</p>	<p>A fundamental requirement in relation to ensuring resource use is necessary, reasonable, and efficient, and in managing to limits is a nutrient allocation method which promotes land use optimisation over time and incentivises and encourages management within environmental limits.</p> <p>Objectives, policies, and allocation methods should ensure that resource use takes into account the natural capital of soils including the natural productive potential of soils (for example Land Use Capability(LUC)), climate, geology, and the assimilative capacity of water.</p> <p>Land uses should be provided with the flexibility to change overtime to optimise the use of natural resources within environmental limits in order to provide for current and future</p>	<p><u>The following principles should apply across the catchment in the determination of nutrient allocation allowances.</u></p> <p><i><u>Principle 1</u></i> <u>Like land should be treated the same</u></p> <p><i><u>Principle 2</u></i> <u>Those undertaking activities that have caused water quality problems should be required to improve their management to meet water quality limits</u></p> <p><i><u>Principle 3</u></i> <u>Flexibility of land use must be maintained</u></p> <p><i><u>Principle 4</u></i> <u>The allocation system should be technically feasible, simple to operate and understandable</u></p> <p><i><u>Principle 5</u></i> <u>The natural capital of soils should be the primary consideration when establishing an allocation mechanism for nutrient loss</u></p> <p><i><u>Principle 6</u></i> <u>Allocation approaches should provide for adaptive management and new farm systems information</u></p> <p><i><u>Principle 7</u></i> <u>Appropriate time frames must be set to allow for transition from current state to one where allocation of nutrients applies</u></p> <p><i><u>Principle 8</u></i> <u>Long term investment certainty is a critical</u></p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>generations.</p> <p>Objective policies and methods should encourage and incentivise land users to address environmental concerns now.</p> <p>PC1 currently grandparents existing land uses and discharges through application of a Nitrogen Reference Point, restricts land use change, and restricts stocking rates. This approach does not incentivise appropriate reductions in nutrient loss now, distorts land use decisions, impacts on property values, disrupts social and cultural cohesion of communities and severely impacts on those land uses where advanced mitigation has already been adopted or where land use has been tailored appropriately to the underlying natural capital.</p>	<p><u><i>feature of a viable nutrient management system</i></u></p> <p><u><i>Principle 9 Improvement in water quality must remain the primary objective of adopting any nutrient allocation regime</i></u></p> <p><u><i>Principle 10 In under-allocated catchments, where property based nutrient allocation has not been adopted in setting water quality limits, the system for allocating nutrients must be determined well before the limit is reached, be clear and easy to understand and designed to avoid over-allocation</i></u></p> <p><u><i>Principle 11 In designing the allocation system the benefits of a nutrient transfer system within the catchment or water management unit must be considered</i></u></p> <p><u><i>Principle 12 Regulation, monitoring, auditing and reporting of nutrients within an allocation regime needs to relate to the degree of environmental impact and pressure</i></u></p> <p><u><i>Principle 13 As a minimum expectation, in all catchments, all land users should be at or moving towards (industry defined) Good Management Practice (GMP), recognising that GMP is constantly evolving and continuous improvement is inherent in GMP</i></u></p> <p><u><i>Principle 14 Nutrient allocation must be informed by sound science and stable and reliable catchment and farm system modelling and measurement.</i></u></p>

<p>The specific provisions B+LNZ submission relates to are:</p>	<p>B+LNZ submission is that:</p>		<p>The decision B+LNZ would like the Waikato Regional Council to make is:</p>
<p>3.11.4 Implementation Methods</p>	<p>Support in part</p>	<p>The intent of the implementation methods is supported. However B+LNZ has submitted seeking changes to the Objectives, policies, and rules of PC1 to further underpin and empower the intent of these methods and the degree to which they fit with regulations contained within the plan. The amendments sought need to be carried through and reflected in the Methods of implementation in PC1.</p>	<p>Amend in accordance with the changes sought to the Objectives, Policies methods and rules and schedules</p> <p>Amend 3.11.4.2 and associated schedules, policies and rules to expand criteria for certified industry scheme, auditing and reporting process</p> <p>Amend 3.11.4.3 in accordance with changes sought to schedule 1. Delete or amend requirement for certified farm environment planner. Introduce greater prioritisation of where farm plans as set out in the plan are required. Provide greater link to farm plan priorities and empowering sub catchment approach between methods 3.11.4.3 and 4.5.</p> <p>Amend 3.11.4.5 to provide for managing contaminant loads at a sub catchment level and much more targeted and prioritised use of farm environment plans to suit sub catchment priorities. Provide for sub catchment collectives or nutrient user groups to encourage and empower catchment communities working together to improve water quality.</p> <p>Amend 3.11.4.7 to empower an approach to managing nutrient discharge and in particular nitrogen discharge at a sub catchment level and in accordance with amendments sort on the objectives policies and methods contained within this submission.</p> <p>Amend 3.11.4.8 to introduce thresholds for the management of contaminants and in particular nitrogen that meet the changes</p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
			sought in this submission and that are based on better linking sub catchment contaminant loads to priority actions through resource consents and farm environment plans.
Rules 3.11.5.1	Support in part	<p>This rule is aimed at land holdings that are not commercial farms</p> <p>A maximum size criteria should be introduced where the effects of the activity although on a smaller scale could be similar in effect to land holdings covered in 5.2 – also sets a threshold where there is certainty about whether or not a property falls under a different rule</p>	Amend 5.1 to include a classification of small and low intensity farms up to 20 ha, and to include enterprises being undertaken on more than 1 property. Delete clause (3) 4.1 hectares. Delete clause (5) in relation to 6 stock units.
Rules 3.11.5.2	Oppose	<p>The rule as currently proposed is inconsistent with Policy 4 and fails to achieve the objectives of the plan. The suite of rules as proposed in PC1 fail to recognise and provide for the continued operation and development of regionally significant primary industry activities as is required by Policy 4.4 RPS.</p>	<p>Amend rules 3.11.5.2 to give effect to PC1 amended objectives and policies including policy 1, policy 2, and policy 4, and enable activities with lower contaminant discharges including nutrient discharges to continue or to be established.</p> <p>Amend Rule 3.11.5.2:</p> <p><i>1. The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and</i></p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>Targeting the overall majority of farming land uses within the consenting framework, irrespective of whether or not a sub-catchment is overallocated and irrespective of the level of contribution from the land use to that overallocation is inefficient and will be ineffective. Rules should focus on addressing those activities which have a disproportionate impact on water quality and the values of freshwater.</p>	<p><i>microbial pathogens onto or into land in circumstances which may result in those contaminants entering water where the property areas is greater than 4.1 hectares, and has more than 6 stock units per hectare or is used for arable cropping, is a permitted activity subject to the following conditions</i></p> <ol style="list-style-type: none"> 2. Delete clause 3 (a) to (e) 3. Delete clause (4)(b)(i) 4. Amend clause (4) (ii) 15kg N/ha/yr <i>20kgN/ha/yr or alternatively replace 20kgN/ha/yr with the 'sustainable level' calculated in accordance with policy 1, policy 2, or adopt a permitted threshold for Nitrogen discharge based on land use capability as a proxy for land use suitability</i> 5. Delete 'grazed' from clause (4) (c) 6. Amend 4 (d) to provide for some winter grazing of crops below a minimum area or with criteria contained within the rule to reduce risk of loss from critical source areas 7. Enable flexibility in land use, discharges, and stocking rates up to these standards and or thresholds 8. Delete any standards or clauses which hold land uses to historic nutrient discharge levels or stocking rates

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
<p>Rule 3.11.5.4: Controlled Activity</p>	<p>Oppose</p>	<p>The intent behind Rule 3.11.5-4 is supported. However we are concerned that some of the conditions and criteria are not economically sustainable and will significantly impact the viability and resilience of the drystock sector.</p> <p>As proposed the rules are unlikely to result in significant improvements in water quality and instead reward those land uses which have higher discharge levels. The rules also encourage gaming and perverse environmental outcomes.</p> <p>In particular B+LNZ opposes application of the Nitrogen Reference Point in relation to holding existing land uses to at or below historic leaching rates based on 2014/15 or 2015/16 years (Schedule B), clause (iii) and Schedule 1 clause (5)(a).</p> <p>Nutrient allocation should be based on principles of sustainable management including providing for future</p>	<p>Amend Rule 3.11.5.4 as follows:</p> <ol style="list-style-type: none"> 1. Amend clause (1) and properties or enterprises with a Nitrogen Reference Point greater than the 75th <i>50th percentile that are also within a sub-catchment which is currently overallocated in relation to nitrogen (table 3.11-12);</i> 2. Include new standard <i>that by 2096 the activity does not cause or contribute materially to an exceedance of the water quality 80 year targets for its specific sub-catchment as set out in table 3.11-1</i> 3. Amend Schedule 1 as set out below 4. Amend schedule C as set out below 5. Amend time frames for the requirement to complete and register Farm Environment Plans 6. Include under 'matters of control (ii) reference to the sub-catchment water quality outcomes and sub-catchment specific issues. Reductions of contaminant discharges may not always be required; 7. Amend matter of control clause (iii) the actions, timeframes and other measures to ensure that the diffuse discharge of nitrogen from the property does not cause or materially contribute to exceedance of the sub catchment nitrogen attributes/ targets in table 3.11-

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>generations, and which incentivise land use and land use change appropriate to soils, climate, and achievement of water quality outcomes. Allocation should not reward current land uses and practices where nutrient discharges exceed the assimilative capacity of soils and water, or reward high leaching land uses (up to 75th percentile) at the expense of land use activities which are low discharges and/ or which have already optimised their farm systems within environmental limits and invested in mitigation, remediation, and biodiversity.</p> <p>Oppose requirement to exclude cattle, deer and pigs from all permanently flowing waterbodies on land up to a slope of 25 degrees. Hill country farming (land slope of around 15 degrees and more) should be managed through tailored farm environment plans which are focused on the identification and management of critical source areas.</p>	<p>1 by 2096;</p> <p>8. Clause (iv) Delete reference to the 75th percentile. Replace with <i>for catchments which are currently overallocated for nitrogen, actions, timeframes, and other measures to ensure the diffuse discharge of nitrogen is reduced over the term of consent proportionate to the level of overallocation and the contribution that activity makes to the overallocation. Overallocation to be phased out by 50% by 2047</i></p> <p>9. Incorporate reference to Nitrogen discharge limit(s) (based on an estimate or band for land use capability or suitability), as set out under policy 1, and require consideration of Nitrogen discharge reductions through the consent where sub catchment discharge thresholds are exceeded</p> <p>10. Enable land uses to discharge to a series of Nitrogen discharge thresholds based on an sub catchment assessment of Land use capability, or suitability.</p> <p>11. Tailor environmental mitigation to critical source identification and management;</p> <p>12. Recognise and provide for existing biodiversity values and enhancement of biodiversity values(in accordance with Policy 17)</p> <p>13. Take into account the degree to which land use is</p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
			<p>optimised in relation to the natural capital of soils, and sub-catchment water quality 80year attributes targets (table 3.11-1)</p> <p>14. Enable consents to be granted for a term of 35 years.</p> <p>Amend Rule 3.11.5.4 so that it gives effect to amended Policies 1 and 2 and including Policy 12 clauses (a), (b) and (c), and Policy 13 (a), (b), and (c), and requires the application of best practicable option to avoid, remedy, or mitigate adverse effects of a discharge (either directly or indirectly to freshwater) where the discharge may cause or contribute to a freshwater attribute being exceeded, through resource consents.</p>
<p>Rule 3.11.5.6 Restricted Discretionary Activity Rule</p>	<p>Support in part</p>	<p>Include new provisions which provide for Catchment Collective Groups to manage their catchment holistically through a long term global consent.</p> <p>The most enduring and effective solution to water quality issues lies within Catchment Collective Groups working together in recognitions of these issues and with a desire to provide for healthy freshwater ecosystems, recreational and cultural values of freshwater, and healthy vibrant communities and economies.</p>	<p>Amend to enable and facilitate sub catchment collective groups and enterprises in sustainably managing land and water resources to achieve the water quality attributes and targets in table 3.11-1 by 2096.</p> <p>Waikato Regional Council restricts its discretion over the following matters:</p> <ul style="list-style-type: none"> i. Cumulative effects on water quality in the relevant sub-catchment(s); ii. The diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens; iii. The need for and content of a farm environment plan

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>These groups should be incentivised, supported, and enabled. It is through these individuals and community spirit that innovative and effective solutions will be developed and implemented to achieve holistic and sustainable outcomes.</p>	<ul style="list-style-type: none"> iv. The term of consent v. Retained vi. Retained vii. Retained viii. Amend to include: <ul style="list-style-type: none"> <i>a. Timing, and rate of reductions in contaminant discharges</i> <i>b. Compliance with table 3.11-1 interim targets and 80 year water quality targets</i> <i>c. Compliance with any Sub-catchment management plan prepared for the relevant sub-catchment;</i> <i>d. The adoption of an adaptive management and mitigation planning approach to manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens;</i> <i>e. Edge of field mitigation, remediation, and biodiversity enhancement (in accordance with Policy17);</i> <i>f. The time frame and circumstances under which</i>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
			<p><i>the consent conditions may be reviewed.</i></p> <p>Amend Rule 3.11.5.6 so that it gives effect to amended Policies 1 and 2 and including Policy 12 clauses (a), (b) and (c), and Policy 13 (a), (b), and (c), and requires the application of best practicable option to avoid, remedy, or mitigate adverse effects of a discharge (either directly or indirectly to freshwater) where the discharge may cause or contribute to a freshwater attribute being exceeded, through resource consents.</p>
New rule Discretionary	New Rule	Provide for Discretionary consents where the standards and conditions of rules 3.11.5.1 to 3.11.5.6 are not met. Allows recourse to the provisions of the RMA including part 2.	Establish a new Discretionary consent
Rule 3.11.5.7 Non Complying Activity Rule	Support with amendments	<p>Regulatory frameworks should be based on managing the effects on the environment and not be tailored to manage and tie in existing land use.</p> <p>Regulatory frameworks should provide flexibility for land use change to enable use and development in responses to changes in markets, which protect soils, and which can respond to changing</p>	<p>Amend rule 3.11.5.7 so that the rule does not apply to land use change where it does not exceed the sustainable Nitrogen discharge threshold (or limit) for the sub-catchment, or stocking rates.</p> <p>Amend rule 3.11.5.7 so that there is the requirement where the change in land use results in discharges in exceedance of the sustainable discharge level, that those discharges have to be reduced overtime, and may not exceed the 50th percentile for that catchment.</p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>environmental constraints. These requirements enable adaptive management and provide for both current and future generations.</p>	
<p>Schedule B</p>	<p>Oppose in part</p>	<p>Application of schedule B should be used to inform consenting requirements but should not be used to hold land uses to a historic nitrogen discharge amount.</p> <p>Use of OVERSEER is appropriate to inform relative change in a farming operation, management changes, and environmental risk. It is appropriate to include it within the toolbox of management approaches and to inform policy development, but it should not be used as the sole decision support tool.</p> <p>Consideration of soils should also be included when providing NRP</p>	<p>Amend so that Schedule B is consistent with 'Best Practice Data Input Standards' for OVERSEER, and reflects actual farm systems and operations.</p> <p>Delete requirement for a certified farm nutrient advisor and replace with certified nutrient management advisor</p> <p>Delete Schedule B table 1 assumptions where they are inconsistent with 'Best Practice Data Input Standards' for OVERSEER.</p> <p>Ensure that actual stock weights are used not the assumptions set out under definition of 'stock unit'</p> <p>Include a requirement for land owners to provide a summary of soil properties including land use capability classes (LUC) to ensure blocks are developed and applied appropriately within Overseer, and in determination of farm optimisation within natural resource limits.</p> <p>Extend the requirement to provide a NRP to align with priority one two and three catchment requirements for farm</p>

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
			environment plans Amend (f) to apply the reference point to the highest of the financial years from 2011-2016
Schedule C	Oppose	<p>The intent behind Schedule C and how it is applied within the regulatory framework is supported.</p> <p>However, as currently proposed Schedule C fails to take into account the constraints faced by the drystock sector and in particular hill country farming. As applied the schedule will result in perverse / adverse environmental effects including effects on existing biodiversity values within farms.</p> <p>Schedule C is inconsistent with Objectives and policies which relate to the recognition and protection of economic wellbeing of people and communities, including resilience and future generations.</p> <p>The approach is not the most effective an efficient means of achieving the purpose of the Act or the Objectives of</p>	Amend Schedule C: <ol style="list-style-type: none"> (1) To apply to land with a slope up to 15° (flat and rolling land) (2) Exclude stock which are breakfed on land with a slope greater than 15 degrees (3) Delete clause (3) and replace with Cattle, deer and pigs are able to enter water bodies for the purpose of crossing from one side to the other as long as they are being supervised and are actively driven across the water body in one continuous movement, where this occurs less frequently than once per week. Stock crossings used once or more per week, must use a livestock crossing structure.

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>the plan.</p> <p>Farm Environment Plans should be used to identify where other priorities for reducing contaminant loss to water will mean that stock exclusion is either not a priority or not required on all on parts of a farm adjoining waterbodies</p>	
Schedule 1	Support in part	<p>Application of tailored farm specific environment plans is generally supported, and we seek that it be retained. A focus on critical source management, which addresses contaminants of concern in relation to the land use and instream water quality outcomes for the sub-catchment/watershed, will deliver the best environmental outcomes while supporting a resilient and future proofed farming operation.</p> <p>Some of the input standards however, are contrary to the principles of tailored farm specific critical source identification and management such as the blanket stock exclusion requirements through permanent fencing, and restrictions on N</p>	<p>That Schedule 1 is retained with the following amendments</p> <ul style="list-style-type: none"> • Amend so farmers can identify the specific actions they will need to take through their Farm Environment Plan to address any water quality issues relevant within their sub-catchment. The council must identify relevant water quality issues within the sub catchment, as well as the associated mitigations that farmers should consider. This information must be provided to farmers before they are required to develop a Farm Environment Plan. • Delete requirement to be certified by a certified farm environment planner and replace with industry approved standard or developed in accordance with skills required to support the development of a council approved farm environment plan • Amend to enable application of 'Best Practicable Option'

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		<p>discharges for lower leaching land uses.</p> <p>It is important to retain through FEP tailored, farm specific, risk based assessment approaches, and management which is focused on critical sources. FEP should also recognise and provide for flexibility in farming practices and land uses, and the aspirations of the land holders and business owners, including ongoing economic viability and optimisation.</p>	<ul style="list-style-type: none"> • Clause 2 (ii) amend <i>25°</i> to <i>15°</i> • Clause 5 (a) amend to enable <i>flexibility in nitrogen discharges up to the sustainable nitrogen discharge level, but where this is exceeded N discharges shall not exceed NRP</i> • Clause 5 (b) amend so that <i>where the NRP exceeds the sustainable nitrogen discharge level, actions, timeframes and other measures are set out and implemented to ensure that nitrogen discharge is reduced overtime in a manner and to the extent that corresponds with the level of water quality improvement required to achieve the water quality outcomes and which is a proportionate to the level of discharge ie those discharging the most will be required to reduce the most (15% of total discharge each 10 year period)</i> • Ensure that <i>land use activities are not able to increase N discharge beyond either their NRP or the sustainable leaching level, whichever is the highest</i> – default to Non complying rule • That clause(d) is retained as proposed and in its entirety • Delete (f) (i) • Amend (f) (ii) to apply irrespective of slope • Amend 3 to include spatial mapping requirements from clauses:

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
			<ul style="list-style-type: none"> ○ 2 (c) (i) ○ 2 (c) (ii) ○ 2 (c) (iv) ○ 2 (c) (v) ○ 2 (d) (ii) ○ 2 (d) (iv) ○ 2 (f) (i) <p>Amend 2 (c) to refer to key critical source areas only.</p>
Definition Stock Units	Oppose	Weights and stock units should be based on actual weights per stock class for the region.	Delete Apply OVERSEER Best Practice Data Input Standards, or ensure that weights and stock units reflect actual weights and appropriate stock units for the region and are consistent between drystock operations and dairy operations.
New definition	Nutrient user groups	Include a new definition to assist with interpretation of the Objectives, Policies, and rules.	Means a group of properties in multiple ownership, where the owners of those properties undertake farming activities and operate as a collective for the purposes of nutrient management
New definition	Critical Source Area	Include a new definition to assist with interpretation of the Objectives,	A critical source area is:

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
		Policies, and rules.	a landscape feature like a gully, swale or a depression that accumulates runoff from an adjacent immediate area, and delivers it to surface waterways such as rivers and lakes, artificial waterways and field tiles; and areas which arise through land use activities and management approaches such as cultivation and winter grazing which result in contaminants being discharged from the activity and being delivered to surface waterways.
New definition	Best Practicable Option	Include a new definition to assist with interpretation of the Objectives, Policies, and rules.	Best Practicable option in relation to a discharge of a contaminant which may enter water, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to – (a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and (b) the financial implications, and the effects on the environment, of that option when compared with other options; and (c) the current state of technical knowledge and the likelihood that the option can be successfully applied
New definition	In stream nitrate	Include a new definition to assist with interpretation of the Objectives,	In-stream nitrate concentration limits (mg/L): the in-stream water quality concentrations required to achieve the identified

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Waikato Regional Council to make is:
	<p>concentration limits</p> <p>Allowable in stream nitrate load</p> <p>Maximum allowable zone load (MAZL)</p> <p>Measured in stream nitrate load</p>	<p>Policies, and rules.</p>	<p>water management objective for the associated sub catchment or FMU</p> <p>Allowable in stream nitrate load (tonnes per year) - the allowable volume of nitrate-nitrogen that can pass down the river at a particular point as determined from the <i>instream nitrate-nitrogen concentration limit</i>;</p> <p>Maximum allowable zone load (tonnes per year) (MAZL)- the amount of nitrogen that can be lost below the root zone within a defined water management zone as determined by the <i>in-stream nitrate load limit</i> (adjusted for attenuation between the rootzone and the river)</p> <p>Measured in-stream nitrate load (tonnes per year) - the amount of nitrate-nitrogen measured (based on actual monitoring data) as passing down the river at a particular point.</p>

4. Conclusion

48. B+LNZ thanks the Waikato Regional Council for the opportunity to comment on proposed Waikato Regional Plan Change 1.

49. B+LNZ would not gain an advantage in trade competition through this submission.

50. B+LNZ wishes to be heard **in support of this submission and is happy to discuss the issues raised in this submission.**

Signed

A handwritten signature in black ink, appearing to read 'Matt Harcombe', is written over a horizontal line.

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Appendix 1

Principles for the Allocation of Nutrients

These principles have been developed to guide decisions on nutrient allocation. They seek to ensure that nutrient allocation is fair, equitable, recognises the complexity of farming systems, and provides for continued flexibility of land use. They support catchment specific solutions to nutrient management and that different allocation regimes will be established that reflect differences between communities and their catchments, and to meet water quality objectives in those catchments. These principles should be considered carefully when forming any nutrient allocation policies or methods to achieve them. Each principle is important but they should be considered as a whole to inform allocation discussions.

Principle 1 Like land should be treated the same

Allocation should be based on the intrinsic qualities of the land. Two pieces of land with the same qualities should receive the same allocation. This principle recognises that allocation regimes should not be overly influenced by existing land use.

Principle 2 Those undertaking activities that have caused water quality problems should be required to improve their management to meet water quality limits.

All New Zealanders have a responsibility to manage their activities to maintain or improve water quality. This principle reflects the need for those who have caused water quality problems or who are contributing a greater amount to them to take a greater responsibility for meeting the costs of reducing nutrient loss to water. It also reinforces that those who have managed responsibly should not be required to have their land use constrained as a result of others' activity.

Principle 3 Flexibility of land use must be maintained

Land owners need to have the ability to respond to changes in climate, input costs, markets and technological innovation in order to maintain a profitable and sustainable farming enterprise. Allocating nutrients in such a way that unnecessarily limits land use change constrains the ability of land users to respond to those changes and optimally utilise the land resource.

Principle 4 The allocation system should be technically feasible, simple to operate and understandable

A high level of technical feasibility is fundamental to a successful allocation approach. The simpler the system, the more likely it is to be able to operate effectively. The approach must also be understandable by land users and the wider community. It must be able to be administered fairly and at minimum transaction costs to users and the regulator.

Principle 5 The natural capital of soils should be the primary consideration when establishing an allocation mechanism for nutrient loss

A natural capital approach allows for an economically efficient allocation of nutrients. Those soils with the greatest ability to retain nutrients and optimise nutrient use give land users the greatest flexibility to optimise production, respond to markets and technology while managing potential effects on water quality. Allocation systems should reflect the ability of these soil types to optimise production and land use flexibility.

Principle 6 Allocation approaches should provide for adaptive management and new information

Allocation decisions are primarily made on the information we know now and modelled future scenarios. Our understanding and the availability of both catchment and farm systems will change over the life of

an allocation system as will possible management techniques. Allocation systems should provide sufficient flexibility to provide for adaptive management and be reviewed regularly to incorporate new information. Adequate transition times should be provided to incorporate new information where allocation changes as a result.

Principle 7 Appropriate timeframes must be set to allow for transition from current state to one where allocation of nutrients applies

Timeframes should take account of the degree to which any waterway is over-allocated (if that is the case), the period over which this state has come about and the costs for businesses and the current ability to manage to that allocation.

It should be recognised that current water quality issues are sometimes the result of many years of land use within catchments and may have developed over generations. Consideration needs to be taken of the legitimate expectations of people and natural justice. Accordingly time should be provided for them to adjust. There needs to be a balanced approach and recognition of the uncertainty associated with water science versus the likely economic impact on businesses and the region. The primary objective should be to set an appropriate direction of travel that will see a steady improvement in water quality.

Principle 8 Long term investment certainty is a critical feature of a viable nutrient management system

Changes to nutrient allocation regimes must be signalled as far out as possible. Refinements to those systems must be managed to minimise their impacts on business viability, land value and the flexibility of land use. The aim must be to reflect the underlying elements of sustainable management in achieving improved water quality outcomes including reducing those adverse impacts on social and economic outcomes.

Principle 9 Improvement in water quality must remain the primary objective of adopting any nutrient allocation regime

When exploring the adoption of methods to achieve water quality improvements and manage to limits, the focus of community debates, modelling and discussion of allocation of nutrients can distract from the primary goal – maintaining and improving water quality. This principle emphasises that allocating nutrients to a property level doesn't in itself result in improved in water quality; it is the actions of land users that ultimately result in improved nutrient management.

Principle 10 In under-allocated catchments, where property based nutrient allocation has not been adopted in setting water quality limits, the system for allocating nutrients must be determined well before the limit is reached, be clear and easy to understand, and designed to avoid over-allocation

The mechanism for allocating nutrients, even if it does not have immediate effect, should be clear from the time when water quality limits are set. Allocation mechanisms should reflect the level of risk that the catchment will become over allocated. This may include the adoption of a pre-agreed catchment-specific environmental threshold (e.g. 75%-90% of a limit) to determine when an allocation regime should be adopted.

Principle 11 In designing the allocation system the benefits of a nutrient transfer system within the catchment or water management unit should be considered

Maximum economic efficiency of land use could be assisted by a mechanism for transferring nutrient discharge allowances within the same catchment. Nutrient transfer systems are only appropriate where:

- The initial allocation system meets all of the allocation principals
- Only occurs within a subcatchment or watershed and enable and support Catchment Collective Groups

- The transferable portion of the resource (eg nitrogen) only pertains to the load which achieves the desired environmental outcome.
- be a transfer within an established sub catchment programme that's based on fair allocation of a load
- result in improved economic outcomes and land use optimisation

Principle 12 Regulation, monitoring, auditing and reporting of nutrients within an allocation regime needs to relate to the degree of environmental impact and pressure

If there is limited environmental pressure and if an activity has a low impact then regulation – and the financial cost of complying with that regulation – should be commensurate with the degree to which the activities are causing an adverse effect on water quality

Principle 13 As a minimum expectation, in all catchments, all land users should be at or moving towards (industry defined) Good Management Practice (GMP), recognising that GMP is constantly evolving and continuous improvement is inherent in GMP

In many catchments, lifting everyone to GMP is likely to go a long way towards achieving community objectives for managing to water quality limits. In catchments where nutrients are not over allocated, requiring good management practice is a sound alternative method to allocating nutrients to a farm (property based) level.

Principle 14 Nutrient allocation must be informed by sound science and stable and reliable catchment and farm system modelling and measurement

Modelling nutrient loss is important to inform nutrient allocation, but all models have limitations. Overseer is a key tool for understanding and managing nutrients on farms and to inform nutrient allocation decisions. In the short term there are significant limitations that need to be catered for in determining any regulatory or nutrient allocation regime (e.g. assumptions in Overseer regarding GMP, modelling of cropping regimes, ability of Overseer to estimate nutrient loss from the adoption of certain mitigations and the validation of Overseer estimates). Other measures may need to be included in the approach to managing nutrient loss to ensure innovative change is incentivised and that the focus remains on promoting good practice. Over time modelling designed to estimate nutrient loss will improve. Modelled estimates will change, so allocation regimes should account for modelling uncertainty and provide for appropriate transition periods.

Estimates of nutrient loss are a necessary input to decisions on nutrient management but broader catchment-scale modelling is critical if these decisions are to be robust. There is an urgent need to increase the emphasis placed on catchment-scale modelling.

Note: The principles have been adopted by the Board of Beef + Lamb New Zealand.

Appendix 2 IMPLEMENTING NITROGEN DISCHARGE LIMITS

Note this recommended provision is indicative only, and will be subject to change once the modelling of scenarios by experts allows assessment of alternative provisions.

To ensure that the Table 3.11-1 nitrate-nitrogen surface water quality limits are not exceeded, and 80year targets are achieved by 2096, Waikato Regional Council will:

- (i) Specify in Table X the total allowable catchment load of nitrogen, which is the total amount of nitrogen able to be lost from production land use while still meeting (on average) the nitrogen limits specified in Table 3.11-1
- (ii) By 31 March 2019 onwards, require properties exceeding 20 hectares in area to keep the records specified in Schedule B so that Nutrient Budgets can be calculated using Overseer¹² (or an alternative model approved by WRC) so that the amount of nitrogen lost from production land use in the sub-catchment can be compared to the total allowable catchment load of nitrogen;
- (iii) in sub-catchments where the amount of nitrogen lost from production land use (modelled from the records gather under (ii)) is less than the catchment load specified for that sub-catchment in Table X:
 - (a) to provide for as a permitted activity issue resource consents for the use of production land use and the associated discharge of contaminants, with conditions to ensure that:
 1. the maximum amount of nitrogen lost from the land does not exceed the total allowable nitrogen loss specified in Table X;
 2. management practices to minimise the loss of phosphorus, sediment and faecal contamination, including stock access restrictions as specified in Schedule C and Schedule 1;
 3. in sub-catchments where the amount of nitrogen lost from production land use (modelled from the records gathered under (ii)) is greater than or equal to the catchment load specified for that sub-catchment in Table X;
 4. to not allow any increase in the total amount of nitrogen lost from the land in the sub-catchment, including not allowing any new land use or changes in existing land use that would result in increased loss of nitrogen from the land
 5. to issue consents for existing use of production land with conditions to ensure that:
 - the amount of nitrogen lost from the property complies with the interim total allowable nitrogen loss specified in Table X for each of the years specified in that table
 - that after 2096 the amount of nitrogen lost from the property complies with the total allowable nitrogen loss specified in Table X.

¹² Overseer is a nutrient budget model that calculates and estimates the nutrient flows in a productive farming system. It is owned and administered by the Ministry of Primary Industry, Fertiliser Association of New Zealand and AgResearch. The Overseer model is available at <http://www.overseer.org.nz/Home.aspx>. To be approved by WRC any alternative nitrogen loss model would need to be fit for purpose for the land use, have a demonstrable repeatability of results, be field tested, and be validated to accepted scientific standards.