
In the matter of: Clause 6 of Schedule 1 – Resource Management Act
1991 – Submission on publicly notified variation –
Variation 1 to Proposed Waikato Regional Plan
Change 1 – Waikato and Waipa River Catchments

And: **Walrakai Pastoral Ltd**

Submitter

And: **Waikato Regional Council**

Local Authority

Submission on publicly notified proposal for variation

Dated: **23 May 2018**

Counsel:

RJ Somerville QC / T Daya-Winterbottom

Solicitors:

Harmos Horton Lusk, Auckland

Form 5

SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR VARIATION*Clause 6 of Schedule 1, Resource Management Act 1991*To: Walkato Regional Council (**local authority** or **WRC**)Name of submitter: **Wairakel Pastoral Ltd****Submission on Variation 1 to Proposed Walkato Regional Plan Change 1**

- 1 WRC notified proposed Walkato Regional Plan Change 1 (**PC1**) on 16 October 2016.
 - 2 This is a submission on the following variation:
 - 2.1 Variation 1 to Proposed Walkato Regional Plan Change 1 – Walkato and Waipa River Catchments (**Variation**).
- Wairakel Pastoral**
- 3 Wairakel Pastoral Ltd (**WPL**) could not gain an advantage in trade competition through this submission.
 - 4 WPL is a wholly New Zealand owned company and is the freehold owner of the 25,690ha Wairakel Estate (**Estate**) north of Taupo shown edged black on the **attached** location map. The Estate is located partly in Sub-catchments 66, 72, 73 and 74 (see Map 3.11-2 as notified). It is committed to sustainable management, and has a long-term interest in and inter-generational vision for the management of the Estate. WPL is also a very environmentally aware and responsible corporate citizen.
 - 5 The Estate's success is due to long-term values, mixed land use and valued partnerships with WPL's like-minded lessees. These include Landcorp Farming Ltd, Mercury Energy Ltd and Fiber Fresh Feeds Ltd.
 - 6 The mixed land use encompasses a dynamic approach to a variety of activities, including, ovine and bovine dairy farming and dry-stock farming, geothermal energy generation, lucerne cropping, and beef and sheep grazing carried out by both WPL and its lessees.

- 7 The management of the Estate seeks to achieve an appropriate balance between commercial and environmental sustainability, including the planned set-aside of up to 7,000ha or 30% of the Estate for forestry providing ecological and landscape protection, and to safeguard slope stability on erosion prone land. Beyond that, current and ongoing development of the Estate makes a significant and sustained contribution to the local and regional economies.
- 8 All riparian and wetland areas have dedicated management plans to enhance and encourage their growth and development. These areas are protected with over 400km fencing (with a further 50km identified to follow). WPL has permanently retired 1100ha of riparian areas with a further 150ha identified for future retirement. The targeted average setback along the Waikato River is 75m, with several areas exceeding 150m.
- 9 In particular, as part of the commitment to riparian management stock are excluded from all water bodies within the Estate; riparian margins are progressively planted over time with native species and kept pest and weed free; with a targeted average of 15m from water bodies (depending on topography) in all livestock and pastoral farming areas on the Estate. The current average setback for fencing from all water bodies is 45m.
- 10 The WPL management team is based at Broadlands and covers a range of disciplines, including, business and farm planning, estate management and land economy, geographic information systems and cartography, natural resources planning, and soil conservation.
- 11 WPL has an acute awareness of the environmental challenges and has established and maintained an Estate wide monitoring programme and employs a dedicated environmental team (as noted above) to ensure the enhancement and development of its existing good management practices.
- 12 For example, in the development of its environmental management plans and monitoring programmes WPL has taken into account the views of hapu and iwi, both at a local and regional level, to ensure that the appropriate cultural issues are addressed and properly provided for. A number of the measures taken on the Estate such as stock exclusion fencing and the establishment of riparian strips along waterways respond directly to known hapu and iwi sediment controls and water quality concerns.

The submission

- 13 Key WPL submission points are:
 - 13.1 WPL applauds the investment made by WRC in the collaborative approach for preparing PC1 and the Variation

and strongly supports the sub-catchment approach to addressing water quality issues in PC1 and the Variation, but considers that a number of specific amendments are required (**words coloured blue**) to ensure that the Variation gives effect to this approach within the 10 year life of the plan change in an efficient and effective way. In summary:

- (a) These amendments are based on an adaptive management and mitigation approach (founded on sound science and risk assessment).
- (b) They are designed to expedite both short term and long term improvements in water quality and restoration and protection of water quality at a range of scales for actions at farm; enterprise; or sub-catchment.
- (c) This is achieved (primarily) by focusing on activity categories for farming, commercial vegetable production, and land use change; and by ensuring that the sub-catchment approach in the Variation is firmly and consistently embedded throughout all of the relevant Variation provisions.

13.2 For the purpose of giving effect to the National Policy Statement for Freshwater Management 2017 (**NPS-FM 2017**)¹ the stretch of the Waikato River catchment between the Lake Taupo control gates and Ohaaki-Ohakuri should be typified as a "river".

13.3 Existing freshwater quality in this stretch of the Waikato River (e.g. for the Estate) is generally consistent with Attribute State A for all relevant values and attributes pertaining to rivers, namely, nitrate, ammonia, and *E.coli*.

13.4 To the extent that the local authority has a discretion to set freshwater objectives regarding total nitrogen or total phosphorus for this stretch of the Waikato River, there is limited information that could support the exercise of such discretion.

13.5 Objectives, policies and methods (including rules) designed for managing water quality in the stretch of the Waikato River above Ohaaki-Ohakuri should therefore be focused on "maintaining" overall freshwater quality in the

¹ The reference to the National Policy Statement for Freshwater Management has been updated in this submission to refer to the NPS-FM 2017 that updated the NPS-FM 2014 in August 2017 to incorporate amendments to the NPS-FM and came into force on 17 September 2017 in accordance with the National Policy Statement for Freshwater Management Order 2017.

sub-catchment. This accords with the objective of protecting the health of the river in the Vision and Strategy.

- 13.6 The specific provisions as amended by the WPL submission are (when compared with the Variation as notified) the most efficient and effective way of achieving sustainable management, and providing opportunities for economic growth and employment. They will give effect to the Vision and Strategy for the Waikato River, and are consistent with the Collaborative Stakeholder Group's (CSG) policy selection criteria.
- 13.7 The long-term planning objectives for the Estate are well aligned with the Vision and Strategy for the Waikato River. Analysis of the Variation (as noted above) has highlighted several areas where WPL considers that amendments can be made which not only focus on achieving the Vision and Strategy, but also allow for a greater participation by properties and enterprises to take actions (at scale) which will bring about the behavioural and farming changes required to meet the objectives of the Vision and Strategy.
- 13.8 The Estate is operated as a single enterprise, managing the individual farming and other activities of the lessees via the terms and conditions of their leases. The size and scale of the Estate means that a sub-catchment approach is the most appropriate way to manage the natural resources to benefit both the productivity of the land and also the ecological function of the environment. This requires careful planning for farm layout and operation together with ongoing performance monitoring to ensure water quantity and quality objectives are maintained.
- 13.9 WPL therefore supports a sub-catchment based approach that will allow the Estate and other properties and enterprises in the region to act in the best interests of the environment through the ability to undertake collective mitigations and maintain economic productivity goals through efficiently managing the finite natural resources that are available within each sub-catchment.
- 13.10 In particular, the amendments sought to the Variation by the WPL submission will ensure that the sub-catchment approach is given full effect in both the short and long term without unduly restricting sustainable development, will encourage collaboration between properties in single and multiple ownership to establish enterprises, will foster integrated management, and will reduce compliance costs.
- 14 The specific provisions of the Variation that this submission relates to are:

14.1 The whole proposal in its entirety; and

14.2 Without limitation, the specific provisions referred to in Appendix E (**attached**)² of this submission.

15 WPL's submission is:

Provisions supported or opposed

15.1 WPL **supports** or **opposes** the specific provisions as detailed in Appendix E (**attached**) of this submission, and wishes to have them amended as detailed in the Appendix.

Reasons for the submission

15.2 The reasons for the submission are:

- (a) The Variation as notified will not promote sustainable management of natural and physical resources in accordance with pt 2 of the Resource Management Act 1991 (**RMA**).
- (b) The Variation as notified is not within the functions of regional councils as provided for in s 30 of the RMA.
- (c) The objectives of the Variation (as notified) are not the most appropriate way to achieve sustainable management.
- (d) The provisions in the Variation (as notified) are not the most appropriate way to achieve the objectives.
- (e) The Variation as notified will not promote opportunities for economic growth or employment.

² **Drafting note:** This submission has been designed to be read in conjunction with the specific decisions requested by WPL in the submission on PC1 filed by the company on 8 March 2017 included in Appendices A-D of that submission. The appendix attached to this submission that includes the specific decisions requested by WPL in relation to the Variation is therefore numbered sequentially as Appendix E. Where relevant appropriate cross-references are included in this submission on the Variation to the WPL submission on PC1. Form 5 for each submission sets out the general decisions requested by WPL (including any alternative, consequential, and further decisions that may be required – see e.g. paragraph 16.2 of this submission below), the background, the key submission points, and the general reasons for the submission. The two submissions are designed to be read together in their entirety and in context.

- (f) The evaluation report for the Variation does not (in relevant part) comply with the requirements of s 32 of the RMA.
- (g) The evaluation report is not (fully) supported by evidence of probative value.
- (h) The Variation as notified does not comply with relevant provisions in pt 5 of the RMA, including: s 63, s 65, s 66, s 67, s 68, s 69 and s 70.
- (i) The Variation as notified is not consistent with or does not give effect to the NPS-FM 2017.
- (j) The Variation as notified is not consistent with or does not give effect to the operative regional policy statement (**RPS**).
- (k) The Variation as notified is not consistent with remaining provisions in the operative Walkato Regional Plan (**WRP**) that are not proposed to be changed.
- (l) The Variation as notified (in respect of controls on land) will render interests in land incapable of reasonable use.
- (m) The Variation as notified does not comply with relevant provisions in schedule 1 of the RMA.
- (n) The rules in the Variation as notified are not clear and simple, or capable of consistent application.
- (o) The Variation as notified does not achieve the key WPL submission points included in paragraph 13 (above) of this submission.
- (p) The detailed reasons included in Appendix E (**attached**) of this submission.

Decisions sought

- 16 WPL seeks the following decisions from the local authority:
 - 16.1 The specific provisions be amended or deleted or retained or substituted as sought in Appendix E (**attached**) of this submission.
 - 16.2 Such alternative, consequential or further relief as may be required either to promote sustainable management or to give effect to this submission.

- 17 WPL wishes to be heard in support of its submission.
- 18 WPL agrees to participate in mediation or other alternative dispute resolution.



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23 May 2018

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APPENDIX E – VARIATION 1

E1. Specific provision

- 1 Explanatory statement.

Submission

- 2 WPL **supports** the amendments made to the Explanatory statement in relevant part, and wishes to have them retained or amended as detailed below.

Reasons for the submission

- 3 The amendment is important in clarifying the provisional effect of the PC1 provisions.

Decision sought

- 4 The amendments made by the Variation to the Explanatory statement should be retained as notified or amended by similar wording to like effect.

E2. Specific provision

- 5 Map 3.11-1.

Submission

- 6 WPL **supports** the amendments made to Map 3.11-1 in relevant part, and wishes to have the map retained or amended as detailed below.

Reasons for the submission

- 7 The amendments made to the map are consistent with reinstatement of the withdrawn section of PC1.

- 8 For the avoidance of doubt, WPL does not, however, resile from the decision sought regarding Map 3.11-1 in the submission made by the company on PC1 on 8 March 2017 (**PC1 submission**) (see Appendix A, A1, page 8, and Appendix D of the PC1 submission). The PC1 submission and the decision sought are maintained.

Decision sought

- 9 The amendments made by the Variation to Map 3.11-1 reinstating the withdrawn section of PC1 should be retained as notified or amended to like effect.

- 10 The decision sought is without prejudice to the PC1 submission regarding the map (as noted above) which is maintained.

E3. Specific provision

- 11 Section 3.11 Walkato and Walpa River Catchments – Background and Explanation.

Submission

- 12 WPL **supports** the amendments made to the Background and Explanation in relevant part, and wishes to have them retained or amended as detailed below.

Reasons for the submission

- 13 The amendments made to the Background and Explanation are consistent with reinstatement of the withdrawn section of PC1.
- 14 For the avoidance of doubt, WPL does not, however, resile from the decision sought regarding the Background and Explanation in the PC1 submission (see Appendix A, A2, pages 8-11 of the PC1 submission). The PC1 submission and the decision sought are maintained.

Decision sought

- 15 The amendments made by the Variation to the Background and Explanation should be retained as notified or amended to like effect.
- 16 The decision sought is without prejudice to the PC1 submission regarding the Background and Explanation (as noted above) which is maintained.

E4. Specific provision

- 17 Section 3.11.1 Values and uses for the Walkato and Walpa Rivers:

17.1 Values Diagram.

17.2 Identity and sense of place through the interconnectedness of land and water.

17.3 3.11.1.1 Intrinsic values.

17.4 3.11.1.2 Use values.

Submission

- 18 **WPL supports** the specific provisions in relevant part and **opposes** them in relevant part, and wishes to have them amended as detailed below.

Reasons for the submission

- 19 The amendments insert a reference to "springs" into PC1. But the term "springs" is not defined in the Variation, PC1, or the operative WRP. As a result, the amendments as notified will cause uncertainty absent an appropriate hydrological definition of the term "springs". This uncertainty is compounded by the fact that this term is proposed to be inserted throughout PC1 by the Variation.
- 20 It is also for note that hydraulic connectivity is addressed by Section 3.3.3 Policy 9 and the relevant diagram in the Advisory Notes in the operative WRP, and that no sustainable yields from aquifers are included in Table 3-6 of the operative WRP because the necessary evaluation of sustainable yields has yet to be undertaken. These references suggest that considerable scientific and technical uncertainty remains regarding groundwater, and that the amendment proposed by the Variation may be premature until further evaluation has been undertaken.
- 21 Additionally, the Variation also amends 3.11.1.2 by inserting the term "harmful" waters into PC1. But the Variation provides no mechanism for prospective resource consent applicants to engage with Maori to elicit whether such values are likely to be affected by any specific proposal.
- 22 For the avoidance of doubt, WPL does not, however, resile from the decision sought regarding Section 3.11.1 in the PC1 submission (see Appendix A, A3, pages 11-12 of the PC1 submission). The PC1 submission and the decision sought are maintained.

Decision sought

- 23 Delete the references to "springs" throughout the Variation, or alternatively amend the Variation by including an appropriate hydrological definition of "springs".
- 24 Amend relevant rules by inserting an advice note providing resource consent applicants with guidance on how to engage with Maori to identify whether there are any "harmful" waters that may need to be respected in some way.
- 25 The decision sought is without prejudice to the PC1 submission regarding Section 3.11.1 (as noted above) which is maintained.

E5. Specific provision

26 Section 3.11.2 Objective 6 Whangamarino Wetland.

Submission

27 WPL **supports** the specific provisions in relevant part, and wishes to have them retained or amended as detailed below.

Reasons for the submission

28 The Variation amends PC1 by reinserting the withdrawn text regarding Objective 6 pertaining to the Whangamarino Wetland. This amendment is appropriate because it will provide added protection for this wetland of international importance that is listed under the Ramsar Convention 1971.

Decision sought

29 Objective 6 as reinserted by the Variation should be retained as notified or amended to like effect.

E6. Specific provision

30 Section 3.11.2 Principle Reasons for Adopting Objectives.

Submission

31 WPL **supports** the specific provisions in relevant part and **opposes** them in relevant part, and wishes to have them retained or amended as detailed below.

Reasons for the submission

32 WPL generally supports the amendment to the reasons for adopting Objective 1, but notes that all six objectives will not apply in every case. Accordingly, the reasons need to be further amended to clarify (for the avoidance of doubt) that individual objectives will only apply where they are relevant in the context of specific resource consent applications.

33 The WPL PC1 submission (see Appendix A, A7, page 15 of the PC1 submission) opposes the "short-term" emphasis of Objective 4 as originally notified, because it is considered that adaptive management approaches will be relevant in both the short-term and the long-term to deliver anticipated environmental outcomes. The amendment to the reasons for adopting Objective 4 proposed by the Variation is opposed for the same reason. [Objective 6a also has a 'short-term' emphasis.]

34 The Variation also amends PC1 by reinserting the withdrawn text regarding the Principle Reasons for Adopting the Objectives pertaining to the Whangamarino Wetland. This amendment is

appropriate because it will provide added protection for this wetland of International Importance that is listed under the Ramsar Convention 1971.

- 35 For the avoidance of doubt, WPL does not, however, resile from the decision sought regarding the reasons for adopting the Objectives in the PC1 submission (see Appendix A, A9, pages 16-18 of the PC1 submission). The PC1 submission and the decision sought are maintained.

Decision sought

- 36 Section 3.11.2 as amended by the Variation should be further amended as follows:
- 37 Inserting the following words (coloured blue) at the end of the reasons for adopting Objective 1:

Reasons for adopting Objective 1

...

While all objectives are potentially relevant, individual objectives will only apply where they are relevant in the context of specific resource consent applications. All six objectives will not apply in every case.

- 38 Inserting the following words (coloured blue) at the end of the reasons for adopting Objective 4:

Reasons for adopting Objective 4

...

While adaptive management approaches will be relevant during the short-term, they will also remain equally relevant during the long-term for achieving anticipated environmental outcomes. Accordingly, Objective 4 speaks both to the current plan period and to the future beyond that, and is therefore not limited temporally by reference to a specific time period only. Effectively, the short-term should merge seamlessly with the long-term and adaptive management approaches should (where relevant) be used throughout.

- 39 The reinsertion of the reasons for adopting Objective 6 (by Variation 1) should be retained as notified or amended to like effect.
- 40 The decision sought is without prejudice to the PC1 submission regarding the reasons for adopting the Objectives (as noted above) which is maintained.

E7. Specific provision

- 41 Section 3.11.3 Policy 5 Staged approach.

Submission

- 42 WPL **supports** the specific provisions in relevant part, and wishes to have them retained or amended as detailed below.

Reasons for the submission

- 43 WPL supports the “enabling” approach now included in Policy 5 by the amendments proposed by the Variation. Effectively, the whole thrust of the WPL PC1 submission is to enable land owners to start on the journey of achieving the anticipated environmental outcomes (sought by PC1 and the Variation during the plan period and beyond) as soon as possible rather than being delayed by artificial regulatory dates, and to enable them to do so at whatever scale may be practicable from a land owner perspective – e.g. property, enterprise, or sub-catchment scale. Enabling voluntary action early should be encouraged and facilitated, while regulatory dates remain important from an enforcement and implementation perspective by setting minimum expectations for compliance.
- 44 For the avoidance of doubt, WPL does not, however, resile from the decision sought regarding Policy 5 in the PC1 submission (see Appendix A, A14, page 23 of the PC1 submission). The PC1 submission and the decision sought are maintained.

Decision sought

- 45 Policy 5 as amended by the Variation should be retained as notified or amended to like effect.
- 46 The decision sought is without prejudice to the PC1 submission regarding the reasons for adopting the Objectives (as noted above) which is maintained.

E8. Specific provision

- 47 Section 3.11.3 Policy 8 Prioritised Implementation.

Submission

- 48 WPL **supports** the specific provisions in relevant part, and wishes to have them retained or amended as detailed below.

Reasons for the submission

- 49 The reinsertion of the withdrawn text in Policy 8 is supported, because it will assist in providing added protection for the

Internationally important Whangamarino Wetland that is listed under the Ramsar Convention 1971.

- 50 For the avoidance of doubt, WPL does not, however, resile from the decision sought regarding Policy 8 in the PC1 submission (see Appendix A, A17, pages 26-27 of the PC1 submission). The PC1 submission and the decision sought are maintained.

Decision sought

- 51 Policy 8 as reinserted by the Variation should be retained as notified or amended to like effect.
- 52 The decision sought is without prejudice to the PC1 submission regarding Policy 8 (as noted above) which is maintained.

E9. Specific provision

- 53 Section 3.11.3 Policy 15 Whangamarino Wetland.

Submission

- 54 WPL **supports** the specific provisions in relevant part, and wishes to have them retained or amended as detailed below.

Reasons for the submission

- 55 The reinsertion of the withdrawn text for Policy 15 is supported, because it will provide added protection for the Whangamarino Wetland as a wetland of international importance that is listed under the Ramsar Convention 1971.

Decision sought

- 56 Policy 15 as reinserted by the Variation should be retained as notified or amended by similar wording to like effect.

E10. Specific provision

- 57 Section 3.11.4 Implementation method 3.11.4.1 Working with others.

Submission

- 58 WPL **supports** the specific provisions in relevant part, and wishes to have them retained or amended as detailed below.

Reasons for the submission

- 59 This amended provision is consistent with key themes in PC1 (as amended by the PC1 submission) and the Variation.

Decision sought

- 60 Implementation method 3.11.4.1 as amended by the Variation should be retained as notified or amended by similar wording to like effect.

E11. Specific provision

- 61 Section 3.11.4 Implementation method 3.11.4.4 Lakes.

Submission

- 62 WPL **supports** the specific provisions in relevant part, and wishes to have them retained or amended as detailed below.

Reasons for the submission

- 63 The reinsertion of the withdrawn text for Implementation method 3.11.4.4 is supported, because it will provide added protection for the Whangamarino Wetland as a wetland of International Importance that is listed under the Ramsar Convention 1971.

Decision sought

- 64 Implementation method 3.11.4.4 as reinserted by the Variation should be retained as notified or amended by similar wording to like effect.

E12. Specific provision

- 65 Section 3.11.5 Rule 3.11.5.2 Permitted Activity Rule – Other farming activities.

Submission

- 66 WPL **supports** the specific provisions in relevant part and **opposes** them in relevant part, and wishes to have them retained or amended as detailed below.

Reasons for the submission

- 67 WPL opposes the proposed amendments made to Rule 3.11.5.2 by the Variation.

- 68 These amendments will impede the voluntary approach described in paragraph 43 above, they set minimum compliance standards rather than being ambitious, and they are not

consistent with the amendments made to Policy 5 by the Variation.

Decision sought

- 69 Rule 3.11.5.2 as amended by the Variation should be further amended by deleting and inserting the words coloured blue as follows:

5. For all properties greater than 4.1 hectares, from on or before 30 November 2020, in addition to the requirements of Schedule A ...

E13. Specific provision

- 70 Section 3.11.5 Rule 3.11.5.3 Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme.

Submission

- 71 WPL **supports** the specific provisions in relevant part and **opposes** them in relevant part, and wishes to have them amended as detailed below.

Reasons for the submission

- 72 WPL opposes the proposed amendments made to Rule 3.11.5.3 by the Variation.
- 73 These amendments will impede the voluntary approach described in paragraph 43 above, they set minimum compliance standards rather than being ambitious, and they are not consistent with the amendments made to Policy 5 by the Variation.
- 74 For the avoidance of doubt, WPL does not, however, resile from the decision sought regarding Rule 3.11.5.3 in the PC1 submission (see Appendix A, A37, pages 41-42 of the PC1 submission). The PC1 submission and the decision sought are maintained.

Decision sought

- 75 Rule 3.11.5.3 as amended by the Variation should be further amended by deleting and inserting the words coloured blue as follows:

5. ...

a. By On or before 1 March 2022 for properties or enterprises within Priority 1 sub-catchments ...

b. By On or before 1 March 2025 for properties or enterprises within Priority 2 sub-catchments ...

- 76 The decision sought is without prejudice to the PC1 submission regarding Rule 3.11.5.3 (as noted above) which is maintained.

E14. Specific provision

- 77 Section 3.11.5 Rule 3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme.

Submission

- 78 WPL **supports** the specific provisions in relevant part and **opposes** them in relevant part, and wishes to have them amended as detailed below.

Reasons for the submission

- 79 WPL opposes the proposed amendments made to Rule 3.11.5.4 by the Variation.
- 80 These amendments will impede the voluntary approach described in paragraph 43 above, they set minimum compliance standards rather than being ambitious, and they are not consistent with the amendments made to Policy 5 by the Variation.
- 81 For the avoidance of doubt, WPL does not, however, resile from the decision sought regarding Rule 3.11.5.4 in the PC1 submission (see Appendix A, A38, pages 42-43 of the PC1 submission). The PC1 submission and the decision sought are maintained.

Decision sought

- 82 Rule 3.11.5.4(1), (2) and (Dates) as amended by the Variation should be further amended by deleting and inserting the words coloured blue as follows:
1. 1 September 2021 (or before) for properties or enterprises in Priority 1 sub-catchments ...
 2. 1 September 2024 (or before) for properties or enterprises in Priority 2 sub-catchments ...

...

Dates:

I. For Priority 1 sub-catchments, and properties or enterprises with a Nitrogen Reference Point of greater than 75th percentile leaching value, by on or before 1 March 2022

II. For Priority 2 sub-catchments, by on or before 1 March 2025

...

83 A similar amendment should also be made to Rule 3.11.5.4(3) and to the "dates" for Priority 3 sub-catchments as a consequence.

84 The decision sought is without prejudice to the PC1 submission regarding Rule 3.11.5.4 (as noted above) which is maintained.

E15. Specific provision

85 Section 3.11.5 Rule 3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production.

Submission

86 WPL **supports** the specific provisions in relevant part and **opposes** them in relevant part, and wishes to have them amended as detailed below.

Reasons for the submission

87 WPL opposes the proposed amendments made to Rule 3.11.5.5 by the Variation.

88 These amendments will impede the voluntary approach described in paragraph 43 above, they set minimum compliance standards rather than being ambitious, and they are not consistent with the amendments made to Policy 5 by the Variation.

89 As a result, this provision may require similar amendments to those made to the rules regarding farming activities to ensure that the provisions pertaining to commercial vegetable production are practicable and can be given effect to in a way that will implement key themes in PC1 and the Variation.

Decision sought

90 Rule 3.11.5.5 as amended by the Variation should be further amended consistent with the amendments made to the rules regarding farming activities by this submission or by wording to like effect.

E16. Specific provision

- 91 Section 3.11.5 Schedule A – Registration with Walkato Regional Council.

Submission

- 92 WPL **supports** the specific provisions in relevant part and **opposes** them in relevant part, and wishes to have them amended as detailed below.

Reasons for the submission

- 93 WPL opposes the proposed amendments made to Schedule A by the Variation.
- 94 These amendments will impede the voluntary approach described in paragraph 43 above, they set minimum compliance standards rather than being ambitious, and they are not consistent with the amendments made to Policy 5 by the Variation.

Decision sought

- 95 Schedule A as amended by the Variation should be further amended by deleting and inserting the words coloured blue blue as follows:
1. Registration ~~must~~ may occur ~~between 1 May 2020 and~~ at any time before 30 November 2020 but all relevant properties and enterprises must (at latest) be registered by that date ...

E17. Specific provision

- 96 Section 3.11.5 Schedule B – Nitrogen Reference Point.

Submission

- 97 WPL **supports** the specific provisions in relevant part and **opposes** them in relevant part, and wishes to have them amended as detailed below.

Reasons for the submission

- 98 WPL opposes the proposed amendments made to Schedule B by the Variation.
- 99 These amendments will impede the voluntary approach described in paragraph 43 above, they set minimum compliance standards rather than being ambitious, and they are not

consistent with the amendments made to Policy 5 by the Variation.

- 100 For the avoidance of doubt, WPL does not, however, resile from the decision sought regarding Schedule B in the PC1 submission (see Appendix A, A44, pages 51-52 of the PC1 submission). The PC1 submission and the decision sought are maintained.

Decision sought

- 101 Schedule B as amended by the Variation should be further amended by inserting the words coloured blue as follows:

e. The Nitrogen Reference Point and the Nitrogen Reference Point data must either be provided to Waikato Regional Council within the period 1 May 2020 to 30 November 2020 or in any resource consent application filed at any time before 30 November 2020 ...

- 102 The decision sought is without prejudice to the PC1 submission regarding Schedule B (as noted above) which is maintained.

E18. Specific provision

- 103 Section 3.11.6 List of Tables and Maps:

103.1 Table 3.11-1.

103.2 Table 3.11-2.

103.3 Map 3.11-2.

Submission

- 104 WPL **supports** the specific provisions in relevant part and **opposes** them in relevant part, and wishes to have them retained or amended as detailed below.

Reasons for the submission

- 105 The reinstatement of the removed text in Table 3.11-1 and Table 3.11-2, and the replacement of Map 3.11-2 with the amended version, are consistent with the reinstatement of the withdrawn area.

- 106 For the avoidance of doubt, WPL does not, however, resile from the decision sought regarding Table 3.11-1, Table 3.11-2, and Map 3.11-2 in the PC1 submission (see Appendix A, A48, A49, and A50, pages 55-58 of the PC1 submission). The PC1 submission and the decision sought are maintained.

Decision sought

- 107 Table 3.11-1, Table 3.11-2, and Map 3.11-2 as reinserted and amended by the Variation should be retained as notified or amended by similar text or mapping to like effect.
- 108 The decision sought is without prejudice to the PC1 submission regarding Table 3.11-1, Table 3.11-2, and Map 3.11-2 (as noted above) which is maintained.

E19. Specific provision

- 109 Amendments to the Glossary of Terms In the WRP:

109.1 Definition – 75th percentile nitrogen leaching value.

109.2 Definition – Sub-catchment.

109.3 Definition – Tangata whenua ancestral lands.

Submission

- 110 WPL **supports** the specific provisions in relevant part and **opposes** them in relevant part, and wishes to have them retained or amended as detailed below.

Reasons for the submission

- 111 WPL supports the amended wording for the definition of the 75th percentile nitrogen leaching value because this is consistent with the company's submissions on the Variation (see E16 and E17 above).
- 112 However, WPL considers that this provision should only be interpreted on an aggregate basis (when deciding any resource consent application) regarding the subject land area pertaining to the relevant application. Put simply, this provision should not be used as the basis for disaggregating the subject land area when deciding any resource consent application.
- 113 WPL also notes that this provision will not apply until all data for the relevant FMU has been received by WRC, the complete data set for the relevant FMU has been analysed by WRC, and WRC has determined (based on a full and complete data set) that the 75th percentile nitrogen leaching value is exceeded in relation to the relevant FMU. Beyond that, WPL notes that PC1 does not include any express method for WRC to advise all land owners in any FMU when the 75th percentile nitrogen leaching value has been exceeded or as to what voluntary action they should all take as a result. These matters are not addressed by the Variation.

- 114 The reinserted text in the definition of Sub-catchment, and the amended definition of Tangata whenue ancestral lands, are supported.
- 115 For the avoidance of doubt, WPL does not, however, resile from the decision sought regarding the Glossary of Terms in the PC1 submission (see Appendix A, A52, pages 59-61 of the PC1 submission). The PC1 submission and the decision sought are maintained.

Decision sought

- 116 The definitions of Sub-catchment, Tangata whenua ancestral lands as amended or reinserted by the Variation should be retained as notified or amended by similar wording to like effect.
- 117 The definition of 75th percentile nitrogen leaching value should be further amended to address the points made in paragraph 113 above of this submission by including (inter alia) express methods for WRC to advise all land owners in any FMU when the 75th percentile nitrogen leaching value has been exceeded and as to what voluntary action they should all take as a result.
- 118 The decisions sought are without prejudice to the PC1 submission regarding the Glossary of Terms (as noted above) which is maintained.

E20. Specific provision

- 119 Consequential amendments to the WRP.

Submission

- 120 WPL **supports** the specific provisions in relevant part, and wishes to have them retained or amended as detailed below.

Reasons for the submission

- 121 The reinstated text is appropriate because it will provide added protection for the Whangamarino Wetland as a wetland of international importance that is listed under the Ramsar Convention 1971.

Decision sought

- 122 The consequential amendments to the WRP reinserted by the Variation should be retained as notified or amended by similar wording to like effect.