SUBMISSION FORM

VARIATION 1 TO PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 WAIKATO AND WAIPĀ RIVER CATCHMENTS

Waikato REGIONAL COUNCIL
Te Kaunihera ā Rohe o Waikato

IMPORTANT NOTE

Save this PDF to your computer before answering. If you edit the original form from this webpage, your changes will not save. Please check or update your software to allow for editing. We recommend Acrobat Reader.

We need to receive your submission by 5pm, 23 May, 2018

YOUR NAME, ADDRESS FOR SERVICE AND CONTACT DETAILS (MANDATORY INFORMATION)

Name of Submitter (individual/organisation)	Theland Tahi Farm Group Limited	
Contact Person (if applicable)	Tony Nie and Pearce Watson	
Agent (if applicable)		
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PLEASE INDICATE WHETHER YOU WISH TO SPEAK AT A HEARING

- (●) Yes, I wish to speak at the hearing in support of my submission.
- ( ) No, I do not wish to speak at the hearing in support of my submission.

JOINT SUBMISSION

- [✓] If others make a similar submission, please tick this box if you would consider presenting a joint case with them at the hearing.

TRADE COMPETITION AND ADVERSE EFFECTS (SELECT APPROPRIATE)

○ I could / ◉ could not gain an advantage in trade competition through this submission. *Refer to last page for further information*

◉ I am / ○ am not directly affected by an effect of the subject matter of the submission that:

a. adversely effects the environment, and

b. does not relate to the trade competition or the effects of trade competition.

IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW

◉ Yes, I have attached 27 extra sheets. ○ No , I have not attached extra sheets.

SIGNATURE - *NOTE A SIGNATURE IS NOT REQUIRED IF YOU MAKE YOUR SUBMISSION BY ELECTRONIC MEANS*

Signed Tony Nie Date 23/05/2018

Type name if submitting electronically

SUBMISSIONS CAN BE

Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240

Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton

(07) 859 0998

healthyrivers@waikatoregion.govt.nz *Please note: Submissions received by email must contain full contact details.*

PLEASE CHECK that you have provided all of the information requested and if you are having trouble filling out this form, phone Waikato Regional Council on 0800 800 401 for help.

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

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

INFORMATION ABOUT WRITING A SUBMISSION ON A VARIATION OF A PROPOSED PLAN CHANGE

1. Trade competition

If you could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of part 1 of Schedule 1 of the Resource Management Act 1991 (RMA).

6 Making of submissions

(4) A person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that –

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition.

2. Privacy information

The Waikato Regional Council will make all submissions and further submissions including name and contact details publicly available at public libraries in the region, Council Offices and on Council's website. Any further submission, under the RMA, supporting or opposing your submission is required to be forwarded to you as well as Council.

Personal information will also be used for administration relating to the subject matter of the submissions, including notifying submitters of hearings and decisions. All information will be held by the Waikato Regional Council with submitters having the right to access and correct personal information.

3. Submission Content Review

Please note that the RMA states that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

If you have questions about making a submission, please visit *waikatoregion.govt.nz/healthyrivers* to see our factsheet about Making a Submission.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: Section 32 evaluation, Scenario 1 and proposed plan change 1 (as varied) in its entirety	
Do you support or oppose the provision? ☐Support ☐Support with amendment ☑Oppose ☐Oppose with amendments	
DECISION SOUGHT *State clearly the decision and/or suggested changes you want Council to make on the provision.*	**SUBMISSION** *State clearly the reasons for the decision you want Council to make.*
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Withdraw proposed plan change 1 in its entirety and re-draft in light of submissions lodged to date and consultation/discussions between WRC officers and submitters/stakeholders	The section 32 evaluation for PPC1 (as varied) is inadequate and does not contain a level of detail which is proportionate to the scale of significance of the social and economic effects anticipated as a consequence of PPC1. PPC1 does not give effect to the NPS-FWM or the Vision and Strategy, and does not achieve the purpose of the Resource Management Act 1991 ("RMA"). The is a lack of evidence to support the selection of "Scenario 1", particularly as the 80 year target (as expressed in table 3.11-1) is described as "aspirational". Targets should be achievable. While Theland Tahi is generally supportive of the "short term" 10 year targets, the setting of future and/or long term targets should be based on monitoring and data collection over the life of PPC1/V1 (including current state).

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: Use values – Municipal and domestic water supply	
☐Support ☐Support with amendment ☐Oppose ☑Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Amend as follows (or alternative wording which addresses the submission): The rivers are working rivers and supply water, generate electricity and support primary production, as well as providing drainage. The rivers also provide opportunities for activities which generate positive economic outcomes. ~~Fresh water is used for industrial and municipal processes, which rely on the assimilative capacity for discharges to surface water bodies. In addition:~~ • The primary production industries which rely on the rivers generate demand for products and services which, in turn facilitates economic growth. This enables individual businesses and communities to provide for their economic wellbeing and contributes to the vibrancy of small towns. ~~financial and economic contribution, individual businesses and the community and the vibrancy of small towns. They are working rivers; they create wealth.~~ • Those industries are ~~important~~ critical to the monetary economy of Waikato region, ~~enabling a positive brand to promote to overseas markets.~~ • The rivers provide for domestic and international tourism. Promotion of a clean, green image attracts international and domestic visitors. • The rivers provide drainage and assimilative capacity for wastewater disposal, flood and stormwater, and ecosystem services through community schemes or on site disposal.	The water supplied by the rivers is used for more than municipal and domestic purposes. This should be reflected in the use value. The reference to "commercial, municipal and industrial use" should be deleted from the "economic of commercial development" use value, in light of the relief sought that these matters be included in the previous value relating to water supply. The explanation to the value is not clearly drafted and should be amended accordingly. It is not just the "assimilative capacity" of the rivers which provides economic opportunities to people etc. Furthermore, communities benefit from economic or commercial development, not just people, businesses and industries.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: Objective 2: Social, economic and cultural wellbeing is maintained in the long term	
☐Support ☐Support with amendment ☐Oppose ☑**Oppose with amendments**	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Amend Objective 2 so that the social, economic and cultural wellbeing of the Waikato and Waipa communities is not restricted to an unquantified potential "benefit" of restoration of water quality. These wellbeings should be provided for within the short term (10 years) as well as the long term. For example: Objective 2: Social, economic and cultural wellbeing is maintained in the long term <u>Waikato and Waipa communities are able to provide for their social, economic and cultural wellbeing in the short term (10 years), and long term, recognising that the</u> Waikato and Waipa communities and their economy <u>may ultimately</u> benefit from the restoration and protection of water quality in the Waikato River catchment. <u>This in turn may</u> ~~which~~ enable~~s~~ the people and communities to continue to provide for their social, economic and cultural wellbeing.	Objective 2 currently reads as follows: *Waikato and Waipa communities and their economy benefit from the restoration and protection of water quality in the Waikato River catchment, which enables the people and communities to continue to provide for their social, economic and cultural wellbeing.* This objective reflects the proposition that the economy of the Waikato Region will benefit from the restoration and protection of water quality in the Waikato River catchment in the long term. There is no evidence in the supporting technical reports which adequately explains or quantifies this benefit. While improved water quality will be beneficial from an ecological, environmental and cultural perspective, the extent to which this will be socially and economically beneficial is not certain. If follows that social, economic and cultural wellbeing should be a standalone objective which is not linked to an assumption that the "restoration and protection of water quality" *via* PPC1 will "enable the people and communicates to continue to provide for their social, economic and cultural wellbeing". Social, economic and cultural wellbeing is relevant in the short term as well as the long term.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION:	3.11.2 Objective 3 Short-term improvements in water quality in the first stage of restoration and protection of water quality for each sub-catch
☐Support ☐Support with amendment ☐Oppose ☑Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Amend Objective 3 as set out below, or such alternative wording in order to address the reasons for submission: ~~Actions put in place and~~ Changes to land use and water management are implemented by 2026 which seek to reduce discharges of nitrogen, phosphorus, sediment and microbial pathogens, and are sufficient to eventually achieve ten percent of the required change between current water quality and the ~~80-year~~ water quality attribute^targets^ in Table 3.11-1. A ten percent change towards the long term water quality improvements is indicated by the short term water quality attribute^targets^ in Table 3.11-1.	Objective 3 currently reads as follows: ***Objective 3: Short-term improvements in water quality in the first stage of restoration and protection of water quality for each sub-catchment and Freshwater Management Unit*** *Actions put in place and implemented by 2026 to reduce discharges of nitrogen, phosphorus, sediment and microbial pathogens, are sufficient to achieve ten percent of the required change between current water quality and the 80-year water quality attribute^targets^ in Table 3.11-1. A ten percent change towards the long term water quality improvements is indicated by the short term water quality attribute^targets^ in Table 3.11-1.* The intent and meaning of objective 3 is not clear. The "reasons for adopting objective 3", do not support the proposition that such "actions" will achieve the short term water quality attributes in Table 3.11-1 by 2026. Rather, the objective appears to be aimed at changes in land use and management to be implemented by 2026.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: Objective 4: People and community resilience	
☐Support ☐Support with amendment ☐Oppose ☑Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Amend objective 4 to include reference to a staged approach to changing land management to address diffuse discharges of nutrients which provides for flexibility in land use management on farm and reference to the need for further research and data regarding current state of water quality, particularly within and across sub-catchments.	Proposed objective 4 reads as follows: ***Objective 4: People and community resilience*** *A staged approach to change enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing in the short term while:* *a. considering the values and uses when taking action to achieve the attribute^ targets^ for the Waikato and Waipa Rivers in Table 3.11-1; and* *b. recognising that further contaminant reductions will be required by subsequent regional plans and signalling anticipated future management approaches that will be needed to meet Objective 1.* The meaning of the objective, particularly clause a. is not clearly articulated. People and communities should be able to continue to provide for their wellbeing up to and beyond 2026 and that changes to land use management will be necessary to achieve the outcomes sought in Table 3.11-1 (noting that the numerics in Table 3.11-1, in particular the 80 year targets, are in question through submissions). In addition, there is no reference in the objective to addressing information gaps regarding current state and/or water quality issues within and across sub-catchments. In order to provide for the "wellbeings", there should be flexibility in PPC1 for the implementation of farm management measures and/or techniques to respond to changes (both environmental and economic) – for example through use of Farm Environment Plans.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: Objective 1: Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit	
☐Support ☐Support with amendment ☐Oppose ☑Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Revise objective 1 in light of relief sought in relation to section 32 evaluation and make necessary consequential amendments to Table 3.11-1 water quality attribute targets, including deletion of reference to 80 year targets.	Proposed objective 1 reads: ***Objective 1: Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit*** *By 2096, discharges of nitrogen, phosphorus, sediment and microbial pathogens to land and water result in achievement of the restoration and protection of the 80-year water quality attribute^ targets^ in Table 3.11-1.* The objective is predicated on Scenario 1. The section 32 evaluation does not adequately justify the adoption of Scenario 1. It is acknowledged that Table 3.11-1 is relevant to the reasons for this submission point and the relief sought necessarily relates to that table, rather that the wording of the objective *per se*.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: 3.11.3 Policy 1: Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens	
☐Support ☐Support with amendment ☐Oppose ☑**Oppose with amendments**	
DECISION SOUGHT.	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Amend policy 1 to provide for and enable flexibility of on-farm management in order to achieve the values and uses for the Waikato and Waipa Rivers. This must require such management to be best practice/good practice/most practicable or similar, in the context of the relevant sub-catchment profile. Delete clauses a to c.	Policy 1a. refers to "low level of contaminant discharge" and Policy 1b. refer to "high levels of contaminant discharge". Neither term is defined which creates uncertainty as to the meaning of each and therefore the implementation of the policy. Notwithstanding the above, policy 1 should be amended to allow for flexibility for on-farm management to achieve the values and uses for the Waikato and Waipa Rivers. However, such management must be representative of best practice/good practice or most practicable action (or similar) to work towards achieving the water quality targets in the short term and long term.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: 3.11.3 Policy 2: Tailored approach to reducing diffuse discharges from farming activities	
☐Support ☐Support with amendment ☐Oppose ☑Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Amend policy 2 to include a new clause which provides for and allows opportunity for offset mitigation between properties or enterprises which will achieve the degree of reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens proportionate to the amount of current discharge and proportionate to the scale of water quality improvement required in the sub-catchments capable of being achieved in the period to 2026, taking into account the particular characteristics of each sub-catchment.	The policy should be focused on the best management techniques and/or most practicable actions which will manage or reduce diffuse discharges. This should be tailored to sub-catchments and for those sub-catchments where there is an unknown "load to come" provide for off-set mitigation. Rather than defining mitigation actions, it is the management practices which should be identified that will achieve the mitigation outcomes sought.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: ADD NEW POLICY RE: FARM ENVIRONMENT PLANS	
☑Support ☐Support with amendment ☐Oppose ☐Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Add a new policy (e.g., 2A) re: Farm Environment Plans and their purpose to manage diffuse discharges of the four key contaminants. This should include, for example, the requirement that FEPs are effective in managing diffuse discharges on farms, are practical to implement and set out prioritised, tailored and practical mitigation actions which will assist to achieve the 10 year targets for contaminants.	Farm Environment Plans are a key method in PPC1 to achieve the water quality improvements sought. This should be supported by a clear policy as to their purpose, particularly for defining the management practices for each farm. FEP content and purpose should be clear and certain for farmers, which may require a degree of flexibility in delivering the "tailored" actions set out in an FEP.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: ADD NEW POLICY FOR REVIEW OF FEPs	
☑Support ☐Support with amendment ☐Oppose ☐Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Add a new policy (e.g., 2B) to recognise the need for flexibility to allow farm operators to make changes to FEP.	It is important that there is efficiency in preparing and implementing FEPs. This includes the ability to review FEPs as and when necessary/appropriate.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: Policy 6 Restricting land use change	
☐Support ☐Support with amendment ☑Oppose ☐Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Delete policy 6.	There is no justification for this policy. The focus should be on management and reduction in the level diffuse discharges of all four contaminants within sub-catchments. This may be achieved in circumstances where land use change occurs. This is a "blunt instrument" which does not provide flexibility for on-farm management (e.g., rotational cropping, retiring portions of land in exchange for alternative uses elsewhere on farm etc.).

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: 3.11.3 Policy 7 Preparing for allocation in the future	
☐Support ☐Support with amendment ☐Oppose ☑Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Amend policy 7 to address reason for submission. For example: ~~Prepare for further diffuse discharge reductions and any future property or enterprise-level allocation of diffuse discharges~~ ~~of nitrogen, phosphorus, sediment and microbial pathogens that will be required by subsequent regional plans, by implementing the policies and methods in this chapter. To ensure this occurs~~, Collect information and undertake research <u>for the purposes of developing future regional plan changes</u> ~~to support this~~, including collecting information about current discharges, developing appropriate modelling tools to estimate contaminant discharges, and researching the spatial variability of land use and contaminant losses and the effect of contaminant discharges ~~in different parts of the catchment that will assist in defining `land suitability'.~~<u>within each sub-catchment.</u> ~~Any future allocation should consider the following principles:~~ ~~a. Land suitability (5) which reflects the biophysical and climate properties, the risk of contaminant discharges from that~~ ~~land, and the sensitivity of the receiving water body, as a starting point (i.e. where the effect on the land and receiving~~ ~~waters will be the same, like land is treated the same for the purposes of allocation); and~~ ~~b. Allowance for flexibility of development of tangata whenua ancestral land; and~~ ~~c. Minimise social disruption and costs in the transition to the `land suitability' approach; and~~ ~~d. Future allocation decisions should take advantage of new data and knowledge.~~	It is inappropriate for a policy to prescribe what a future plan change should include and that this should include property or enterprise level "allocation" which will, or may, be based on an historic nitrogen "benchmark". Furthermore, this does not address contaminants other than N. The reference to the principles on which a future plan change should be based should be deleted. Any future plan change should involve a re-evaluation of the data regarding contaminants, collected as a consequence of implementing PPC1/V1, which is then used to inform the establishment of particular numerics/targets.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: ADD NEW POLICY REGARDING CONSIDERATIONS FOR DIFFUSE DISCHARGES AND SUB-CATCHMENT APPROACH	
☑Support ☐Support with amendment ☐Oppose ☐Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Add new policy (e.g., 12A) to address reason for submission.	The particular features and characteristics of sub-catchments are relevant to the management approach for the various contaminants. As such, the development of sub-catchment management plans based on research and data regarding sub-catchment profiles is a useful and necessary tool for achieving the outcomes sought for improved water quality in the short term and long term. This should be linked to the relative contribution of the industry sector of the farming enterprise and level of investment etc., by a farming enterprise and implementation of best practice/good practice or most practicable action (or similar)

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: ADD NEW POLICY TO SUPPORT PROPOSED NEW RDA AND DA RULES WHICH ARE LINKED TO MANAGEMENT PRACTICES	
☑Support ☐Support with amendment ☐Oppose ☐Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Add new policy to address reasons for submission.	PPC1 should include policy support for RDA and DA rules (see below) which are based on farming activities that implement best practice/good practice or most practicable action (or similar), to manage discharge of contaminants, keep records and monitor activities, and demonstrate actions to reduce diffuse nutrient discharge levels. This will assist to simplify the implementation of the provisions of PPC1 as varied, and assist to achieve a reduction of diffuse discharges of contaminants in a manner that is both efficient and will achieve the outcomes sought by the plan change.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land	
☐Support ☐Support with amendment ☑Oppose ☐Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Delete policy 16 in its current form.	On the basis that the activity status for land use change is amended to become restricted discretionary/discretionary, together with policy amendments to support the same, it is not necessary to include a specific policy as per policy 16.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: Policy 17: Considering the wider context of the Vision and Strategy	
☐Support ☐Support with amendment ☑Oppose ☐Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Delete policy 17.	The meaning and intent of this policy is unclear and appears to widen the scope of PPC1, which could be adverse for an applicant for resource consent for a farming activity. While it is appropriate for other objectives and strategies within the Vision and Strategy to be considered, if particular objectives of the Vision and Strategy are to be considered, these should be identified and justified in any section 32 evaluation.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: 3.11.4.3 Farm Environment Plans			
☐Support	☑Support with amendment	☐Oppose	☐Oppose with amendments
DECISION SOUGHT		**SUBMISSION**	
The decision I would like the council to make regarding this provision is:		The reason for requesting the decision is:	
Further and better particulars regarding WRC's expectations as to standard and content, including relevance of sub-catchment characteristics and best management/most practicable actions (or similar). Add new definition or amend existing definition for the term to be included in FEPs and other provisions referred to elsewhere in submission where the concept of best practice/good practice or most practicable action (or similar) is referred to.		The concept of best/good management practices and most practicable action (or similar) should be implemented through FEPs. The purpose and content of FEPs should be clear, certain, practical and capable of implementation. This should also reflect sub-catchment characteristics.	

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: ADD NEW METHOD RE: SUB-CATCHMENT PROFILES	
☑Support ☐Support with amendment ☐Oppose ☐Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Add new method to address reasons for submission.	In light of the relief sought to focus on sub-catchment management of diffuse discharges of nutrients, it is appropriate that a new method is added which recognises this and identifies the relevant research and data required to implement a sub-catchment approach and plan for the long term/future plan changes.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: 3.11.4.7 Information needs to support any future allocation	
☐Support ☐Support with amendment ☐Oppose ☑Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Delete reference to "future framework for the allocation"; "setting of property or enterprise level diffuse limits" (of discharges); delete sub-clauses ii) and iii). Amend to address reasons for submission.	Achievement of the water quality outcomes should not be predicated on a future allocation approach which is based on the nitrogen reference point. Positive water quality outcomes may be achieved more efficiently and effectively through other methods. As per above, any future plan changes should be based on research and data collection, including current state and development of numeric targets based on that information.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: 3.11.5.2 Permitted Activity Rule – Other farming activities	
☐Support ☑Support with amendment ☐Oppose ☐Oppose with amendments	
DECISION SOUGHT *State clearly the decision and/or suggested changes you want Council to make on the provision.*	**SUBMISSION** *State clearly the reasons for the decision you want Council to make.*
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Amend rule 3.11.5.2, clause 4(c) and (d) as follows: c. No part of the property or enterprise over ~~15~~ 23degrees slope is cultivated ~~or grazed~~; and d. No winter forage crops are grazed in situ, within 10m of any waterway; and Theland Tahi reserves its position in relation to the remaining conditions of this rule, in particular reference to the NRP.	Some conditions of this rule are impractical.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: 3.11.5.3 Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme	
☐Support ☑Support with amendment ☐Oppose ☐Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Refer to relief elsewhere regarding certainty of meaning and implementation of PPC1 methods. Require FEPs to be provided to WRC across all catchments at the same time.	Refer to relief elsewhere regarding certainty of meaning and implementation of PPC1 rules and methods. In light of the submission points regarding support for a sub-catchment and best practice/good practice or most practicable action (or similar) to manage nutrients, the rule should be amended to reflect that approach.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: 3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme	
☐Support ☑Support with amendment ☐Oppose ☐Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Refer to relief elsewhere regarding certainty of meaning and implementation of PPC1 methods. Require FEPs to be provided to WRC across all catchments at the same time. Amend matters of control to include sub-catchment approach and best practice/good practice or most practicable action (or similar)re: the same. Delete matter of control which refers to FEP.	If a FEP has been prepared by a suitably qualified farm environment planner, its content should not be a matter of control. In light of the submission points regarding support for a sub-catchment and best practice/good practice or most practicable action (or similar) to manage nutrients, the rule should be amended to reflect that approach.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: 3.11.5.6 Restricted Discretionary Activity Rule – The use of land for farming activities	
☐Support ☑Support with amendment ☐Oppose ☐Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Refer to relief elsewhere regarding certainty of meaning and implementation of PPC1 methods. Amend matters of discretion to include sub-catchment approach and best practice/good practice or most practicable action (or similar) re: the same. Delete matter of control which refers to FEP.	If a FEP has been prepared by a suitably qualified farm environment planner, its content should not be a matter of discretion. In light of the submission points regarding support for a sub-catchment and best practice/good practice or most practicable action (or similar) to manage nutrients, the rule should be amended to reflect that approach.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: 3.11.5.7 Non-Complying Activity Rule – Land Use Change	
☐Support ☐Support with amendment ☑Oppose ☐Oppose with amendments	
DECISION SOUGHT *State clearly the decision and/or suggested changes you want Council to make on the provision.*	**SUBMISSION** *State clearly the reasons for the decision you want Council to make.*
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Amend and/or delete rule to make land use change a restricted discretionary activity (or at a minimum a discretionary activity). Matters of discretion to relate to actions in FEP and management based on sub-catchment approach.	This rule is not the most appropriate to implement the policies, achieve the objectives of PPC1 or to give effect to the Vision and Strategy and NPS-FM. The economic analysis on which it is based is flawed as it does not consider the costs to those landowners who are part way through a conversion programme in which millions of dollars have been invested. The rule does not provide flexibility to implement land use change which may result in a net benefit to the catchment. There is no incentive to re-purpose land in pasture in light of investment and financial commitment to date, and PPC1 contains no proposals for funding land owners to "retire" farm land or to cease conversion and re-plant into forest. If re-forestation is an intended outcome of PC1 it should contain appropriate mechanisms to achieve this outcome rather than the threat of enforcement action or prosecution. The rule doesn't provide for flexibility for land use change activities which are based on land use suitability considerations and which could lead to better outcomes from an effects perspective (e.g., retiring areas of land such as steeper high areas, in exchange for conversion of suitable land into pasture). While the NRP may be cited as an effective proxy for enabling this land use change, it is appropriate that a specific rule is included. Criteria for the rule could include a requirement that the proposed land use change does not undermine the NRP mechanism for the property/enterprise.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: AMENDED DATES FOR COMPLIANCE	
☐Support ☐Support with amendment ☐Oppose ☑Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Replace dates with suitable alternative dates which are practical and capable of being achieved by landowners/farmers and able to be implemented by Waikato Regional Council. This applies to the 2026 dates as well as others. These dates should be subject to review and confirmation during the hearings. Amend date range for assessment of NRP to include the years 2016/2017, in addition to 2014/2015 and 2015/2016. Any other further and/or consequential relief which addresses the reasons for submission.	The dates for compliance with various rule requirements (information to be provided to WRC in rule 3.11.5.2; timing for provision of Farm Environment Plan ("FEP") in rule 3.11.5.3; timing for when controlled activity rule 3.11.5.4 applies to farming activities with a FEP not under certified industry scheme; timing for provision of FEP under rule 3.11.5.4; timing for when existing commercial vegetable production activities become classed as controlled in rule 3.11.5.5 and amendments to dates in the advisory note to the same rule; timing for registration under Schedule A; timing for provision of Nitrogen Reference Point ("NRP") and NRP data in Schedule B). There is no explanation or analysis which explains the reasons for the changes. It is understood that the changes were made in light of the timing of the plan change process. However, which the changes are presented as consequential changes, they are not. The dates are critical to the implementation of the plan change and assessing its effectiveness. The section 32 evaluation does not address the proposed date changes. Notwithstanding the above, it is appropriate for these dates to be amended so that they are practical and capable of being achieved by landowners/farmers and able to be implemented by Waikato Regional Council. This applies to the 2026 dates as well as others. For the avoidance of doubt, Theland Tahi also opposes the date range for the assessment of NRP for other farming activities (i.e., excluding commercial vegetable production). This should be extended to include 2016/2017 to better reflect current state.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: SCHEDULE 1, SCHEDULE B - NRP, APPENDIX C, ET AL	
Do you support or oppose the provision? ☐Support ☐Support with amendment ☐Oppose ☑Oppose with amendments	
DECISION SOUGHT *State clearly the decision and/or suggested changes you want Council to make on the provision.*	**SUBMISSION** *State clearly the reasons for the decision you want Council to make.*
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
That Schedule B NRP is amended to provide for variation of the Overseer model standards to allow measured soil carbon and nitrogen levels to be included in the analysis so that actual farm soil conditions are reflected in the outcome. Such variation of the values for nitrogen immobilisation potential may only occur if the variation is validated by a suitably qualified professional. Amend Schedule 1 to reflect best practice/good practice or most practicable action (or similar) approach to management of nutrients and to ensure that Farm Environment Plans are certain and capable of practical implementation. Amend Schedule C so that the requirements for stock exclusion are certain, clear and practical. Deleted the 80 year targets in table 3.11-1. Amend the year range for establishing NRP to include 2016/2017 (other farming activities).	The N profile for land which was formerly in plantation forest and converted to pasture for farming may be significantly different to land which has historically been pasture land. This is due to the N being absorbed by the high carbon content in the system (which, as it breaks down, holds a high amount of N". As a consequence, the ratio between carbon and nitrogen is increased and less is available to plants – i.e., pasture. The current "best practice" input standard (as set out in Schedule B of PPC1) do not allow inputs to be varied to reflect this unique circumstance. To establish an accurate NRP through Overseer for land which can be treated as "developing" or "developed", Schedule B should be amended to allow the values for N mobilisation potential to be varied to reflect the actual farm soil conditions. However, any such variation would be subject to verification by a suitably qualified person. This proposal may be appropriate for other properties, not just "developing" or "developed" land. As such, the relief sought is not confined to such properties. The detail of the requirements for Farm Environment Plans, stock exclusion and the establishment of Nitrogen Reference Point should be amended so that requirements are clear, certain and capable of implementation; and reflect a sub-catchment approach. The requirements for stock exclusion should be practical and include provision for setbacks. The 80 year targets in table 3.11-1 should be deleted, in light of submission point regarding selection of scenario 1. The range of years for establishing NRP are not reflective of current state, particularly in light of the time frames for PPC1/V1. These should be amended to include 2016/2017 as well as 2014/2015; 2015/2016.

SUBMISSIONS ON SPECIFIC PROVISIONS OF VARIATION 1 TO PROPOSED PLAN CHANGE 1 – Theland Tahi Farm Group Limited

PROVISION: GENERAL RELIEF SOUGHT	
☐Support ☐Support with amendment ☑Oppose ☐Oppose with amendments	
DECISION SOUGHT	**SUBMISSION**
The decision I would like the council to make regarding this provision is:	The reason for requesting the decision is:
Theland Tahi seeks relief in general terms which: Focuses on a sub-catchment, best management practice/good management/most practicable actions (or similar) approach to farming activity rules which do not rely on "grandparented" N values; Amends and/or adds objectives, policies, methods and rules to provide flexibility for land use and land use change in order to achieve an overall benefit for the sub-catchment in respect of diffuse discharges of the nutrients targeted by PPC1/V1 (not restricted to N); Amends provisions to provide clarity and certainty for farming activities; and For the avoidance of doubt, in addition to the particular relief set out in this submission, Theland Tahi seeks any further and/or consequential relief which will address the reasons for its submission and/or the relief sought, including in relation to the section 32 evaluation prepared by WRC. The outcomes sought and suggested wording should be treated as a suggestion only. All suggested amendments are intended to include "or words to that effect". The outcomes sought may also require consequential changes elsewhere in the text of the plan change to give effect to the relief sought and reasons for submission.	Uncertainty and impracticality of provisions in PPC1/V1 Provisions do not provide adequate or appropriate flexibility for land use, including commercial vegetable growing.