BEFORE THE INDEPENDENT HEARINGS PANEL FOR PROPOSED WAIKATO REGIONAL PLAN CHANGE 1

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments: Parts C1 – C6

PRIMARY STATEMENT OF EVIDENCE BY PHILIP HUNTER MITCHELL ON BEHALF OF OJI FIBRE SOLUTIONS (NZ) LIMITED FOR PART C7 – C10 HEARINGS

5 JULY 2019

---

1. SUMMARY OF EVIDENCE

1.1 My evidence addresses outstanding matters in relation to the Implementation Methods included in PC1, the changes proposed for Farm Environment Plans, the definitions used in PC1, future allocation matters and the role of Table 3.11-1. My key conclusions are as follows.

1.2 I agree that the Implementation Methods in PC1 should be deleted entirely. However, the matters addressed in those methods should not be ignored or overlooked by the Council. If they are to be retained, then I consider that they should be amended to reflect the policy framework and approach I set out in my Block 2 evidence.

1.3 Also, in my opinion, Farm Environment Plans must only be used as a tool to set out how the outcomes specified in permitted activity conditions (potentially) or resource consents issued in terms of PC1 will be achieved, in the same way that case law has determined that management plans required by resource consent conditions for point source discharges must only be used for determining how the standards specified in consent conditions are to be achieved. The changes proposed in the Block 3 Section 42A report retain implied targets and standards which in my opinion is inappropriate. Accordingly, I consider that the requirements for a Farm Environment Plan should be amended as set out in my Appendix 1.

1.4 I consider that PC1 should be seeking to ensure that activities giving rise to diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogen adhere to best environmental practices to minimise discharges of these contaminants. In that regard, I consider that any references in PC1 to “good farming practice” should be amended to “best environmental practice”, in part to make it clear that it is not just “average” performance that is required to improve water quality but better than average.

1.5 As a consequence, the definitions used in PC1 for “best management practice/s” and “good farming practice/s” should also be replaced with a

new term, “best environmental practice” as per the rationale in my Block 2 evidence. Also, the relevant policies and rules in PC1 should use this term, as also proposed in my Block 2 evidence. A definition for best environmental practice should, in my opinion, be based on the RMA definition for best practicable option and is included in Appendix 1.

1.6 I agree with the section 42A report recommendation that reference in PC1 to “industry agreed and approved” practices should be deleted.

1.7 To be consistent with the policy framework and timeframe for PC1 outlined in my Block 2 evidence, Policy 7 would need to be reworded to focus on gathering information relevant to future policy development requirements, as set out in Appendix 1.

1.8 With respect to Table 3.11-1, I consider that the expert witness caucusing has demonstrated that attempting to assign numerical targets for a water quality state 80 years in the future is fraught. In my opinion, such numeric targets are unrealistic, unnecessary and, in all likelihood, will not represent the desired water quality state necessary to ensure that the Vision and Strategy is met. In my opinion, narrative targets would be preferable, with such targets focusing on matters such as maintaining or enhancing existing water quality, improving water bodies with attributes states in lower bands into higher bands and ensuring all farm management is at best environmental practice.

2. INTRODUCTION

2.1 My full name is Philip Hunter Mitchell.

QUALIFICATIONS AND EXPERIENCE

2.2 I presented evidence on behalf of Oji Fibre Solutions (NZ) Limited (**OjiFS**) for the Part A and Part B Block 1 hearing and the Part C1 – C6 Block 2 hearing considering Proposed Plan Change 1 – Waikato and Waipā River Catchments (**PC1**).

2.3 My qualifications and experience are as set out in my evidence for the Parts A, B and C1 – C6 hearings for PC1.

2.4 Whilst I note that this is not an Environment Court hearing, I confirm that I have read and am familiar with the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. I agree to comply with that Code. Other than where I state I am relying on the evidence of another person my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SCOPE OF EVIDENCE

2.5 I have been asked by OjiFS to provide evidence in relation to the matters being addressed in the Block 3 hearing[1] for PC1 considering submissions on Parts C7-C10 (Commercial vegetable production; Alternative approaches; Farm Environment Plans; Miscellaneous matters not heard as part of Blocks 1 and 2). I have read and considered the Section 42A report (**section 42A report**)[2] relating to the matters to be considered in the Block 3 hearing.

2.6 In my evidence I discuss:

- The Implementation Methods included in PC1;
- The changes to Schedule 1 (Farm Environment Plans) proposed in the section 42A report;
- Commercial Vegetable Production;
- The definitions used in PC1;
- Policy 7 – Future Allocation; and

[1] Independent Hearings Panel Minute regarding Hearing Schedule dated 30 May 2019.

[2] Section 42A Report, Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments Block 3, Parts C7-C9, Waikato Regional Council Policy Series 2019/09, Document #14285477.

- Table 3.11-1.

2.7 The section 42A report on submissions relating to this hearing observes that:[3]

> The analysis and recommendations of this section of the report are conditional on the outcomes of the Block 1 and 2 hearing processes, and especially the expert witness caucusing and decisions on Table 3.11-1. The Officers, at the time of writing this report do not know the outcomes of the hearing on the overall direction and objectives or the main policies and rules.

2.8 That same constraint applies to anyone presenting evidence on PC1 and illustrates the difficulty in terms of seeking to establish an appropriate and integrated objective, policy and rule framework.

2.9 Following on from the presentation of my Block 1[4] and Block 2[5] evidence, the changes I propose and discuss below rely on, and would need to be consistent with, the planning framework that I consider is necessary to give effect to the Vision and Strategy.

3. IMPLEMENTATION METHODS

3.1 PC1, as notified, included twelve "Implementation Methods", which the section 42A report recommends deleting. I agree, and make a number of specific comments, as follows.

3.2 Several of those methods reflect what should be regarded as "best practice" for policy development and / or implementation, such as working with stakeholders (3.11.4.1), working with others to develop sub-catchment plans (3.11.4.5), providing resources and leadership (3.11.4.6), and gathering information and supporting research (3.11.4.7 and 3.11.4.12) and are arguably superfluous in a Regional Plan context.

3.3 Overall, I agree that the Implementation Methods in PC1 should be deleted entirely. That said, the matters addressed in those methods

[3] Section 42A Report, paragraph 11 (section 1.2, page 5).

[4] Primary Statement of Evidence by Philip Hunter Mitchell on Behalf of Oji Fibre Solutions (NZ) Limited dated 15 February 2019, presented on Tuesday, 9 April.

[5] Primary Statement of Evidence by Philip Hunter Mitchell on Behalf of Oji Fibre Solutions (NZ) Limited dated 3 May 2019, presented on Wednesday, 26 June.

should not be ignored or overlooked by the Council. There is clearly a need for good stakeholder engagement, collection and reporting of information relevant to managing and reducing diffuse source discharges of nitrogen and phosphorus, development of guidelines and preparation for management of future diffuse source discharges throughout the life of PC1. Similarly, the Council has an obligation to monitor (and therefore to fund monitoring and enforcement processes including for permitted activities) activities permitted under the PC1 rules.

3.4 In my opinion, those are matters that the Council must address through its ongoing operational planning and are not matters that need be addressed in PC1 specifically. If any Implementation Methods are to be retained, then they should be amended to reflect the policy framework and approach I set out in my Block 2 evidence.

3.5 Implementation Method 3.11.4.6 addresses matters that I consider are appropriately addressed through Council financial policy and annual plan processes. As I state below, Certified Industry Schemes are not, in my opinion, appropriate in respect of the matters PC1 is seeking to address, so, on that basis, Implementation Method 3.11.4.2 would therefore be redundant and should be deleted.

4. FARM ENVIRONMENT PLANS

4.1 I stated in my Block 2 evidence[6] that if Farm Environment Plans (as proposed in PC1) are to be used for managing reductions in contaminant discharges, they must only be a tool to set out "how" the outcomes specified in permitted activity conditions (potentially) or resource consents issued in terms of PC1 will be achieved, in the same way that case law has determined that management plans required by resource consent conditions for point source discharges must only be used for determining how the standards specified in consent conditions are to be achieved. I remain of that opinion.

[6] Paragraph 4.12.

4.2 The section 42A report recommendations regarding the Farm Environment Plans in Schedule 1 go some way toward meeting this requirement, particularly with respect to removing the standards implicit in clause 5 of the notified Schedule 1. However, in my opinion, while the Schedule 1 proposed in the s42A report requires farm activities to be managed (for example) "*according to good farming practice, and in a way that minimises the loss of contaminants*" (3a Management area: Whole Farm, Objective 1) or "*in accordance with the nitrogen management requirements of PC1*" (3b Management Area: Nutrient management, Objective 3), it also proposes a set of objectives and principles that potentially directs different outcomes. One obvious example is the references to Nitrogen Reference Points which, as explained in my earlier statements of evidence, should be deleted altogether.

4.3 I consider that care needs to be taken to ensure that the "Objectives" and "Principles" identified in Schedule 1 do not become "standards" to be met. I accept that it may be appropriate to have objectives for each type of activity within a farming operation, as proposed in the revised Schedule 1 included in the section 42A report, but any such objectives should, in my opinion, only relate to that particular farming activity and how it will be managed to achieve the standards specified in a resource consent.

4.4 Similarly, more certainty is required in the policies and rules in PC1 to confirm the standards required when issuing resource consents and to confirm that the role of the Farm Environment Plan is to demonstrate how those standards will be met.

4.5 On that basis, I have recommended some changes to the proposed Schedule 1 in my Appendix 1.

4.6 As I stated in my Block 2 evidence,[7] and as addressed in questioning from the Panel when I presented it, in my opinion, the concept of

[7] Paragraph 4.13.

"Certified Industry Schemes" is neither necessary nor appropriate in the context of PC1. Such schemes would essentially be used to enable certain parties to "certify" that the standards required under PC1 are being met, especially in circumstances where a Farm Environment Plan incorporated such standards. In my opinion, this would constitute an inappropriate delegation of Regional Council powers.

4.7 Under the framework I have proposed, farm environment plans can be developed at various scales, such at farm, enterprise or industry levels to assist consent applicants identify what is relevant and required. They could also be developed at a catchment or sub-catchment level.[8]

4.8 Additionally, any reference to requirements for a Certified Industry Scheme should be deleted from PC1.

5. COMMERCIAL VEGETABLE PRODUCTION

5.1 In paragraph 74 of the s42A report, the officers "*hesitantly prefer removal of the numeric 10% decrease in Policy 3, in favour of strengthened reliance on faster uptake*" of Good Management Practice for all commercial vegetable production.

5.2 In my Block 2 evidence, I set out the principles I consider appropriate in developing a policy framework for managing contaminant discharges to the Waikato and Waipā Rivers.

5.3 In that regard, I consider that all farming activities should be treated consistently i.e. across both vegetable and stock production activities. Therefore, in my opinion, it is appropriate to focus on requiring "best environmental practice" for commercial vegetable production, as well as other farming activities.

[8] As stated during questions from the Panel in the Block 2 hearing.

6. DEFINITIONS

6.1 The section 42A report recommends deleting the definition of "Best management practice/s"[9] and amending the definition for "Good Farming Practice/s"[10] by deleting reference to "industry agreed and approved" practices. I agree that those changes should be made, subject to replacement of both definitions with a new term, as referred to in my Block 2 evidence,[11] "best environmental practice". Also, the relevant policies and rules in PC1 should use this term, as proposed in my Block 2 evidence.

6.2 The definition of "good farming practices" proposed in the section 42A report basically means that any practice or action undertaken on a property to manage, reduce or minimise the risk of contaminants entering a water body is regarded as "good farming practice". There is no requirement to use "best practice" or to undertake actions other than what would be seen as "business as usual". This contrasts with the requirement often applied on point source discharge permits (considering the requirements of sections 105 and 108 of the RMA) to adopt the "best practicable option".

6.3 I consider that the definition for "best environmental practice" should be based on the RMA definition for best practicable option, but with the important addition of specifically referring to stock density controls and the requirement to reduce or minimise the risk of contaminants entering a water body. Suggested wording is as follows:

> **Best environmental practice/s:**
>
> For the purposes of Chapter 3.11, means adoption of the best practicable option/s, including stock density controls for the purpose of managing, reducing or minimising the risk of contaminants entering a water body.

[9] Page 202 of the section 42A report.

[10] Page 203 of the section 42A report.

[11] Section 4, especially paragraphs 4.5 and 4.8.

7. POLICY 7 – FUTURE ALLOCATION

7.1 In my opinion, Policy 7, as proposed, serves to pre-determine the requirements for future allocation of contaminant loads and the form of future plan changes or developments. As stated during the presentation of my Block 2 evidence, I consider that to be inappropriate at this juncture.

7.2 The section 42A report recommends[12] deleting Policy 7 in its entirety. I agree that Policy 7 in its notified form should not be retained. However, I recommend that Policy 7 be reworded, as follows, so that it directs its focus to the gathering information relevant to future policy development requirements:

> ~~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, c~~Collect information and undertake research ~~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'~~.
>
> Any ~~future allocation~~ information and research should consider the following ~~principles~~:
>
> a. Land suitability ~~which~~ reflecting~~s~~ the biophysical and climate properties of land, the risk of contaminant discharges from that land, and the sensitivity of ~~the~~ relevant receiving water bodies~~y, 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 f~~Flexibility ~~off~~or 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 n~~New data and knowledge relevant to nutrient discharges and allocation of nutrient loadings.

[12] Paragraph 483.

8. TABLE 3.11-1

8.1 The Panel has referred to Table 3.11-1 as being "*a cornerstone of Plan Change 1 (PC1)*"[13] and proposed expert conferencing to address uncertainties regarding the table. The expert caucusing resulted in a Joint Witness Statement,[14] the intention of which was to provide the scientific basis necessary to inform the section 42A report's analysis and recommendations.

8.2 In my opinion, the Joint Witness Statement demonstrates that there are many differing opinions as to what a table such as Table 3.11.1 should comprise.

8.3 It also reflects the difficulty associated with setting absolute water quality standards for contaminants that vary significantly in the environment, not only because of discharges related to human activities, but also naturally – both spatially and temporally. It also reflects what is, in my opinion (as addressed in questioning from the Panel during my Block 2 evidence), the impossibility of setting absolute quantitative water quality standards intended to be applicable in 80 years' time.

8.4 In my opinion, PC1 should be focussed on ensuring that all dischargers in the catchment are adopting "best practices", and in giving effect to meeting targets relevant to meeting or exceeding the relevant attribute states identified in the National Policy Statement for Freshwater Management 2014 (amended 2017). That, in my opinion, is preferable to defining specific water quality standards for a future state well beyond the duration of the current plan change, and in so doing creating what is, in effect, a *de facto* allocation regime. As stated during questioning at the Block 2 hearing, I consider that there is simply insufficient information available to make robust decisions on allocation issues at this juncture.

[13] Minute from the Hearing Panel – regarding Expert Conferencing – Table 3.11.1, dated 27 February 2019.

[14] PC1: Joint Witness Statement – Expert Conferencing – Table 3.11-1, dated 17 June 2019.

8.5 More specifically, I consider that narrative targets should be developed for achieving water quality improvements within the lifetime of PC1, rather than focusing on absolute limits that may or may not be relevant in 80 years' time. While those targets need to be cognisant of the attribute states required under the National Policy Statement for Freshwater Management (as set out in Appendix 2 of the Policy Statement), the targets themselves do not need to be numerical targets.

8.6 I note that in several instances current water quality is already superior to the Band A attribute states identified in Appendix 2 of the Policy Statement (for example, for nitrate and ammonia for several sites on the main stem of the Waikato River). In my opinion, a narrative target in such situations is to be preferred, with such targets focusing on matters such as maintaining or enhancing existing water quality, improving water bodies with attributes states in lower bands into higher bands and ensuring all farm management is at best environmental practice.

9. SUMMARY AND CONCLUSIONS

9.1 My evidence has addressed outstanding matters in relation to the Implementation Methods included in PC1, the changes proposed for Farm Environment Plans, the definitions used in PC1, future allocation matters and the role of Table 3.11-1. My key conclusions are as follows.

9.2 I agree that the Implementation Methods in PC1 should be deleted entirely. However, the matters addressed in those methods should not be ignored or overlooked by the Council. If they are to be retained, then I consider that they should be amended to reflect the policy framework and approach I set out in my Block 2 evidence.

9.3 Also, in my opinion, Farm Environment Plans must only be used as a tool to set out how the outcomes specified in permitted activity conditions (potentially) or resource consents issued in terms of PC1 will be achieved, in the same way that case law has determined that management plans required by resource consent conditions for point source discharges must only be used for determining how the standards

specified in consent conditions are to be achieved. The changes proposed in the Block 3 Section 42A report retain implied targets and standards which in my opinion is inappropriate. Accordingly, I consider that the requirements for a Farm Environment Plan should be amended as set out in my Appendix 1.

9.4 I consider that PC1 should be seeking to ensure that activities giving rise to diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogen adhere to best environmental practices to minimise discharges of these contaminants. In that regard, I consider that any references in PC1 to "good farming practice" should be amended to "best environmental practice", in part to make it clear that it is not just "average" performance that is required to improve water quality but better than average.

9.5 As a consequence, the definitions used in PC1 for "best management practice/s" and "good farming practice/s" should also be replaced with a new term, "best environmental practice" as per the rationale in my Block 2 evidence. Also, the relevant policies and rules in PC1 should use this term, as also proposed in my Block 2 evidence. A definition for best environmental practice should, in my opinion, be based on the RMA definition for best practicable option and is included in Appendix 1.

9.6 I agree with the section 42A report recommendation that reference in PC1 to "industry agreed and approved" practices should be deleted.

9.7 To be consistent with the policy framework and timeframe for PC1 outlined in my Block 2 evidence, Policy 7 would need to be reworded to focus on gathering information relevant to future policy development requirements, as set out in Appendix 1.

9.8 With respect to Table 3.11-1, I consider that the expert witness caucusing has demonstrated the that attempting to assign numerical targets for a water quality state 80 years in the future is fraught. In my opinion, such numeric targets are unrealistic, unnecessary and, in all likelihood, will not represent the desired water quality state necessary to

ensure that the Vision and Strategy is met. In my opinion, narrative targets would be preferable, with such targets focusing on matters such as maintaining or enhancing existing water quality, improving water bodies with attributes states in lower bands into higher bands and ensuring all farm management is at best environmental practice.

APPENDIX ONE: SPECIFIC CHANGES SOUGHT

Red – proposed text [*Note: For clarity, rather than showing all the changes from the original text, Schedule 1 and Policy 7 in PC1 should simply be replaced with the text in red font.*]

SCHEDULE 1 – REQUIREMENTS FOR FARM ENVIRONMENT PLANS/TE ĀPITIHANGA 1: NGĀ HERENGA I NGĀ MAHERE TAIAO Ā-PĀMU (CLEAN VERSION)

The Farm Environment Plan (FEP) will be prepared in accordance with Parts A, and B below, reviewed in accordance with Part C, and may be changed only in accordance with Part D.

PART A – PROVISION OF FEP

An FEP that describes the measures that will be put in place to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens to levels that are in accordance with the objectives and policies of PC1 and which constitute best environmental practice.

The FEP shall, as a minimum, include the following components, and be approved by the Council, acting in a technical certification capacity:

i. the matters set out in Parts B below to the extent relevant; and

ii. actions and measures to be taken to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens that are capable of being reviewed as set out in Part C below.

PART B – FEP CONTENT

The FEP shall, as a minimum, specify:

1. The following property, enterprise or industry details:

    a. Full name, address and contact details (including email addresses and telephone numbers) of the person responsible for the land use activities; and

    b. Legal description of the land and any relevant farm identifiers such as dairy supply number.

2. A map(s) at a scale that clearly shows:
    a. The boundaries of the property or land areas being farmed;
    b. The boundaries of the main land management units or land uses on the property or within the farm enterprise;
    c. The location of any Schedule C waterbodies;
    d. The location of riparian vegetation and fences adjacent to water bodies;
    e. The location on any waterways where stock have access or there are stock crossings;
    f. The location of any critical source areas and hotspots for contaminant loss to groundwater or surface water; and
    g. The location(s) of any required actions to support the achievement of the objectives and principles listed in section 3.
3. An assessment of whether farming practices on each property addressed by the FEP are consistent with each of the requirements of PC1; and
    a. A description of those farming practices that will continue to be undertaken in a manner consistent with reducing diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens;
    b. A description of those farming practices that are not consistent with the PC1 objectives and policies, and a description of the time bound actions or practices that will be adopted to ensure the objectives and policies are achieved; and
    c. An evaluation that demonstrates the measures proposed constitute best environmental practice.
4. Descriptions of actions and measures to be taken on each property addressed by the FEP to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens:
    a. Taking account of the characteristics of the farm system, the risks that the farm system poses to water quality, and the practices that

minimise the losses of sediment, microbial pathogens, phosphorus and nitrogen;

b. In respect of nutrient management, taking account of measures to minimise nutrient losses to water while maximising nutrient use efficiency and managing the amount and timing of fertiliser inputs and storage, including all sources of nitrogen and phosphorus, to match plant requirements and minimize risk of losses;

c. Reaching waterways, including steps to minimise losses of sediment, microbial pathogens, phosphorus and nitrogen to waterways, identification of the risk of overland flow of phosphorus, sediment and microbial pathogens on the property and locating and managing farm tracks, gateways, water troughs, self-feeding areas, stock camps, wallows and other sources of run-off to minimize risks to water quality;

d. On land and soil to minimise contaminant losses to waterways from soil disturbance and erosion;

e. By managing effluent discharges to minimise contaminant losses to waterways from farm animal effluent; and

f. By managing water and irrigation through operating irrigation systems efficiently and ensuring that the actual use of water is monitored and is efficient and managing the amount and timing of irrigation inputs to meet plant demands and minimise risk of leaching and run off;

such that those actions and measures constitute best environmental practice.

5. The FEP shall include for each aspect in 4 above:

a) Detail and content that reflects the scale of environmental risk posed by the activity;

b) A defined and auditable description of the actions and practices to be undertaken; and

c) The records and evidence that must be kept that demonstrate performance and the achievement of reductions in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens.

PART C – FEP REVIEW REQUIREMENTS

The FEP shall be reviewed in accordance with the review process set out the Waikato Regional Council's FEP Independent Review manual.

PART D – FEP CHANGES

Unless otherwise required by any conditions on a resource consent, changes can only be made to the FEP if:

1. The farming activity remains consistent with Part B of this schedule;
2. The change to the FEP does not contravene any mandatory requirement of the resource consent, or any requirement of the Regional Plan that is not already authorised; and
3. The nature of the change is documented in writing and approved by the Waikato Regional Council, acting in a technical certification capacity, that best environmental practice is being achieved.

DEFINITIONS

"Best environmental practice" should be defined as follows:

Best environmental practice/s: For the purposes of Chapter 3.11, means adoption of the best practicable option/s, including stock density controls for managing, reducing or minimising the risk of contaminants entering a water body.

POLICY 7 – FUTURE ALLOCATION

Collect information and undertake research about current discharges, appropriate modelling tools to estimate contaminant discharges, the spatial variability of land use and contaminant losses, and the effect of contaminant discharges in different parts of the catchment.

Any information and research should consider the following:

a. *Land suitability reflecting the biophysical and climate properties of land, the risk of contaminant discharges from that land, and the sensitivity of relevant receiving water bodies;*

b. *Flexibility for development of tangata whenua ancestral land; and*

c. *New data and knowledge relevant to nutrient discharges and allocation of nutrient loadings.*