Submission: Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

SUBMISSION	
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Submission required by 5pm, 8 March 2017.	

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OUR SUBMISSION IS THAT

Te Taniwha o Waikato are a collective that consists of the nine marae of the Lower Waikato River that are home for a number of hapu. These marae being: Oraeroa Marae, Taurangaui Marae, Tikirahi Marae, Te Kotahitanga Marae, Te Awamarahi Marae, Nga Tai ERua Marae, Mangatangi Marae, Hora Hora Marae and Maurea Marae.

All belong to Waikato iwi which is one of the four iwi that make up the confederation of tribes who descend from the ancestors of the Tainui waka. The whanau of the marae descend from tupuna who populated the region many eons ago. They are the heirs to kaitiaki responsibilities that have been handed down through the generations.

Te Taniwha o Waikato are actively involved in resource management in and around the Waikato River. Te Taniwha o Waikato are taking increasing responsibility for responding to resource consents and policy development in this part of the Waikato River. Te Taniwha o Waikato have been actively engaged by resource users such as Watercare to provide cultural perspectives on major projects. The pragmatic approach of Te Taniwha o Waikato, means information shared is respected and guides decision makers.

Te Taniwha o Waikato has a special relationship with the Waikato River and we seek to restore and protect its health and wellbeing for future generations.

Te Taniwha o Waikato have rights and interests in the Waikato River and seek to ensure that these rights and interests are also restored and protected.

For Waikato-Tainui and Te Taniwha o Waikato alike, the Waikato River includes the Waipa River and means "the Waikato River from Te Taheke Hukahuka (Te Putataka o Waikato) to the mouth and includes its waters, banks and beds (and all minerals under them) and its streams, waterways, tributaries, lakes, aquatic fisheries, vegetation and floodplains as well as its metaphysical being".

To Waikato-Tainui and Te Taniwha o Waikato, the Waikato River is our tupuna (ancestor) which has mana (prestige) and in turn represents the mana and mauri (life force) of the tribe. The River has its own mauri, its own spiritual energy, its own powerful identity. It is a single sui generis indivisible being.

Respect for te mana o te awa (the spiritual authority, protective power and prestige of the Waikato River) is at the heart of the relationship between the tribe and their ancestral River. We regard the River with reverence and love. The river gave us our name and identity and is the source of our wellbeing.

Over many generations, the marae of Waikato-Tainui have developed tikanga (values, ethics governing conduct) which embody our profound respect for the Waikato River and all life within it. The Waikato River sustains the people physically and spiritually. It brings them peace in times of stress, relief from illness and pain, and cleanses and purifies their bodies and souls from the many problems that surround them. Spiritually, to Te Taniwha o Waikato, the Waikato River is constant, enduring and perpetual resource.

The Waikato-Tainui Environmental Plan, Tai Tumu Tai Pari Tai Ao seeks to enhance Waikato-Tainui participation in resource and environmental management. The maimai aroha of Kiingi Taawhiao is the key driver and indicator of environmental health and wellbeing in this Plan. Waikato-Tainui aspires to the restoration of the environment and our waterways to the state that Kiingi Taawhiao observed when he composed his maimai aroha.

Waikato-Tainui and Te Taniwha o Waikato support and promote a coordinated, co-operative, and collaborative approach to natural resource and environmental management, restoration, and care within the Waikato-Tainui rohe. Through this Plan Waikato- Tainui and Te Taniwha o Waikato seek to achieve a consistent approach to environmental management across the rohe. Te Taniwha o Waikato seeks for Proposed Plan Change 1 to align with the Waikato-Tainui Environmental Plan.

Te Ture Whaimana o Te Awa o Waikato/Vision and Strategy is the primary direction setting document for the Waikato and Waipa Rivers and therefore must be restored for all, where they are safe to swim in and take food from over their entire length and, protected from further degradation —it is not enough to simply halt the decline water quality; water quality must immediately improve everywhere.

Poor water quality is a major concern for tangata whenua, mana whenua and ahi kaa. Nitrogen, phosphorus, sediment, heavy metals and bacteria levels are rising in our waterways. We all need to address these issues now, to ensure the health of our rivers going into the future. Proposed Plan Change 1 is one tool to improve water quality.

We are generally in support of Proposed Plan Change 1.

I/WE SEEK THE FOLLOWING DECISION BY COUNCIL

To include the specific submission points as recommended in this submission to Proposed Plan Change 1 Any other amendments to Part A, Part B, Part C and Part D of the Proposed Plan Change 1 should only be undertaken where those amendments will:

1. Align with the specific submission points as recommended in this submission.
2. Strengthen and enhances the Proposed Plan Change 1 to achieve the Vision and Strategy for the Waikato River and the water quality outcomes being sort in the Waikato-Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao.
3. Assist in protecting the Values and achieving the Objectives within Proposed Plan Change 1.
4. Flexibility to achieve (and where possible exceed) water quality objectives of the Vision and Strategy earlier than the 80-year timeframe.
5. Where water quality targets are being achieved and exceeded; these positive gains need to be protected, and the momentum to further improve water quality maintained.
6. The ability to review the Proposed Plan Change 1, should water quality objectives not be achieved within the given timeframes.
7. Appropriate support and resourcing to all sectors of the wider community so that the objectives of Proposed Plan Change 1 can be achieved.
8. Alignment to Waikato-Tainui Environmental Plan "Tai Tumu, Tai Pari, Tai Ao" and Whakatupuranga 2050.

PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION

☐ We wish to speak at the hearing in support of my submissions.

JOINT SUBMISSIONS

☐ If others make a similar submission, we may be prepared to present a joint case at any hearing.

SIGNATURE OF SUBMITTER

(or person authorised to sign on behalf of submitter)
A signature is not required if you make your submission by electronic means.

Signature	Date

Personal information is used for the administration of the submission process 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.

THE SPECIFIC POINTS OF PROPOSED PLAN CHANGE 1 OUR SUBMISSION RELATES TO:

Plan Section	Relief Sought	Rationale
3.11.2(1)	Retain the 80-year timeframe (2096) for achieving Te Ture Whaimana and amend Objective 1 to read: *"By 2096, <u>at the latest, or sooner where practicable</u>, discharges of nitrogen…"*	We consider Collaborative Stakeholder Group (CSG) agreed the 80-year timeframe (2096) after considering the best available information from the Technical Leaders Group (TLG) during the process to draft Proposed Plan Change 1. Te Ture Whaimana is the primary direction setting document for the restoration and protection of the Waikato and Waipā Rivers. We are committed to the long-term objectives set out in Te Ture Whaimana, particularly the restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length. Te Ture Whaimana (and its long-term focus) has significant status and weighting in the RMA planning hierarchy. It is deemed to be part of the Waikato Regional Policy Statement and effectively overrides section 79 of the RMA. Therefore, WRC must give effect to Te Ture Whaimana in the Regional Plan and Proposed Plan Change 1 must necessarily reflect and provide for long-term objectives. We acknowledge and accept that achievement of the long-term objectives will take time, and that the measures set out in Proposed Plan Change 1 are the first, important steps to assist with achieving those objectives. The proposed amendments to Objective 1 also seek to recognise that technological innovation may lead to the achievement of Te Ture Whaimana in a shorter timeframe. If this does occur, then the long-term timeframe to achieve Te Ture Whaimana should be adjusted accordingly.
3.11.2(1)	Amend Table 3.11-1 for nitrate-nitrogen and ammoniacal nitrogen to: • remove the 80-year numerical attribute targets for nitrate-nitrogen and ammoniacal nitrogen that are expressed in each sub-catchment (eg, at the sub-catchment scale); and • review the 10-year numerical attribute targets for nitrate-nitrogen and ammoniacal nitrogen to fix errors and achieve greater consistency between sub-catchments so that the degree of reduction required is proportionate to the amount of current discharge (eg, those discharging more are expected to make greater reductions).	We consider there is a risk the 80-year nitrate-nitrogen (and to a lesser extent the ammoniacal nitrogen) numerical attribute targets in Table 3.11-1, expressed at the individual sub-catchment scale, effectively "locks in" the maximum allowable concentration of nitrogen for each sub-catchment, and thus the maximum amount of resource use within each sub-catchment. Table 3.11-1 could also be perceived as "locking in" a degree of reductions in nitrogen outputs from each sub-catchment, sometimes greater, sometimes lesser, than the degree of improvement required in the Freshwater Management Unit (FMU) or sub-catchment overall. This could have the unintended consequence of significantly constraining the development of any future framework to allocate nitrogen by essentially defining the size of the "pie" available in each sub-catchment now. We have been very clear in articulating to the WRC that a 'grandparented' approach to allocating rights to discharge contaminants is unacceptable. Constraining or pre-determining the shape of any new allocation regime by "locking in" the maximum allowable concentration of nitrogen for each sub-catchment, is similarly unacceptable. We request the 80-year numerical attribute targets for nitrogen (including TN, nitrate-nitrogen and ammoniacal-nitrogen) be expressed as a single set of TN numerical attribute targets as measured in the main stem of the Waikato River at the bottom of each FMU.

3.11.2(1)	Amend Table 3.11-1 in respect of E. coli and Chlorophyll *a* to: • Retain the 80-year numerical attribute targets for E. coli and water clarity for the Waikato River main stem and sub-catchments; and • Retain the 80-year numerical attribute targets for Chlorophyll *a* for the Waikato River main stem;	The E. coli and clarity targets directly relate to, and are a measure of, the "swimmability" of the rivers and streams. The 80-year water quality targets for E coli and clarity expressed in Table 3.11-1 correspond to the long-term objective of Te Ture Whaimana for the Waikato and Waipā Rivers to be swimmable over their entire length, therefore, they need to be retained at the sub-catchment level. We note the Proposed Plan will need to allow for periodic reviews of the numerical targets to account for new scientific evidence. For example, new scientific evidence may suggest that a "safe" E. coli concentration for swimming is different from 540 E. coli/100mL, or that another microbiological indicator should be used. Similarly, the numerical attribute for chlorophyll *a* directly relates to the ecological health of the river and swimming (through water clarity) values, and should therefore be retained. The 80-year water quality targets require maintenance of current chlorophyll *a* median and maximum chlorophyll *a* concentrations in the Upper Waikato River (down to the Waipapa Tailrace), and reductions/improvement from the Narrows down to the bottom of the Lower Waikato FMU All of the 80 year numerical attributes targets for the main stem of the Waikato River are within the NPS-FM Band B (slightly impacted), except the annual median concentration at Ohaaki Bridge, which is in Band A (similar to natural reference conditions).
3.11.2(1)	Amend Table 3.11-1 in respect of total nitrogen and total phosphorus to: • Retain the 10-year TN and TP numerical attribute targets for the Waikato River main stem, and • Amend the 80-year TN and TP numerical attribute targets to a single point at the bottom of each FMU.	We understood the Total Nitrogen (TN) and Total Phosphorous (TP) numerical attribute targets were defined primarily to achieve the Chlorophyll *a* target. However, there seems to be a disconnect between the Chlorophyll *a* bands and the TN/TP bands, particularly in the Upper Waikato FMU. For example, in the Waikato River at Ohakuri Tailrace, the 80-year Chlorophyll *a* targets are within Band B. The TP target is also within Band B, but the TN target requires a reduction in concentration to B and A. It is important to acknowledge that the relationship between TN/TP and Chlorophyll a are only partially understood, and that further research will refine this knowledge. In short the TN/TP concentrations required to achieve the Chlorophyll *a* target may be subject to refinement in the future. Further, the reductions in TN and/or TP concentrations required at some of the monitoring points are not directly associated with any reduction in Chlorophyll *a*. For example, for the Waikato River at Waipapa Tailrace, the Chlorophyll *a* target requires a maintenance at the current levels, but the TN targets require a more than 50% reduction over 80-years. It is understood that the TN target at this monitoring site was not set specifically to achieve a Chlorophyll *a* target, but rather to contribute to the reductions required to achieve the TN target in the main stem of the Waikato River at the Narrows. Similarly, there is a risk that the setting of TN/TP targets at various points along the Waikato River within each FMU may constrain the development of the future allocation framework by "locking in" the degree of reduction required within each segment of the FMU.

3.11.2(2)	Amend Objective 2 to read: *"Objective 2: Social, economic, spiritual and cultural wellbeing and prosperity is maintained in the long term …* *Waikato and Waipā communities and their economy benefit from the restoration and protection of water quality in the Waikato River catchment, which enables the people and communities, in particular We, to continue to provide for their social, economic, spiritual and cultural wellbeing and prosperity."*	We understand Objective 2 was integral to the rationale for CSG adopting an 80-year timeframe to achieve Te Ture Whaimana. The proposed amendments to include spiritual and prosperity considerations provide a better balance to Objective 2, particularly as the Proposed Plan Change has a strong focus on environmental outcomes. We believe there is a need to consider the economic, social, spiritual and cultural well-beings together while trasitioning from the current water quality state to Te Ture Whaimana in 80-years.
3.11.2(3)	Retain the wording of Objective 3.	The CSG agreed to set a 10-year target (2026) for putting in place and implementing the sum-total of mitigation measures that would collectively achieve 10% of the journey towards achieving Te Ture Whaimana. We endorsed the decision of the CSG to set a short-term (10-year) objective toward achieving Te Ture Whaimana. We remain concerned that the WRC currently does not have a robust or agreed method/tool to guide decision-makers in determining whether the sum-total of mitigation measures that are put in place and implemented in the 10-year timeframe would collectively achieve 10% of the journey towards achieving Te Ture Whaimana. This matter needs to be addressed by the WRC through the implementation of the Proposed Plan Change. The targets set out in the first stage (10-years) of the 80-year timeframe to achieving Te Ture Whaimana need to be retained.
3.11.2(4)	Retain the wording of Objective 4	The CSG agreed a sequenced and staged approach to achieving the Te Ture Whaimana over the 80-year timeframe. The staged approach is a logical response to sequencing change over time, particularly as Objective 1 will be achieved in 80-years.
3.11.2(5)	Retain the wording of Objective 5.	We consider protecting and restoring Tāngata whenua values is a core tenant of achieving Te Ture Whaimana. In this respect, the wording of Objective 5 is critical to the plan change and sets out that the of Waikato and Waipā River Iwi (Tangata whenua) values must be integrated into the long-term co-management of the Waikato and Waipā River catchments. Of particular importance to We is: (i) exercising mana whakahaere over lands and resources; (ii) sustaining the relationship between ancestral lands and the Waikato and Waipā Rivers (including their tributaries); (iii) retaining an appropriate level of flexibility to utilise land returned through Treaty of Waitangi settlements and Maori freehold land; and (iv) more generally, improving water quality of the awa
3.11.2(6)	Insert new Objective 3.11.2(6) to read: *"3.11.2(6) **Objective 6: Dunes, Riverine, Volcanic and Peat Lakes Freshwater Management Units*** *Restore and protect water quality within lakes by managing activities in the Lakes Freshwater Management Units to achieve the water quality attribute targets in Table 3.11-1.* Insert new Reasons for adopting Objective 6 to read: *"**Objective 6** seeks to ensure that the water quality of all lakes within the Lakes Freshwater Management Units is restored and protected as part of achieving the*	We consider that the water quality of all lakes within the Lakes Freshwater Management Units must be restored and protected in a manner consistent with achieving Te Ture Whaimana. As such, the WRC needs to be proactive in managing land use activities within each lake catchment to achieve the water quality attribute targets in Table 3.11-1.

	Vision and Strategy. This will require the implementation of a lake-by-lake approach guided by Lake Management Plans for the management of activities in the Lakes Freshwater Management Units over the next 10 years.	
3.11.3(1)	Retain the wording of Policy 1.	We consider the term 'manage' in Policy 1 directs the WRC to actively reduce the discharge of the four contaminants from land use within the Waikato and Waipā River catchments. The reduction of the four contaminants must ultimately equate to the short-term improvements in water quality set out in Objective 3 (ie, actions put in place and implemented by 2026 to reduce discharges of the four contaminants are sufficient to achieve 10% of the required change between current use and the 80-year water quality target).
3.11.3(2) & (3)	Retain the wording of Policy 2 and Policy 3.	We support Policy 2 and Policy 3, insofar as the WRC must manage and require reductions in the diffuse discharge of the four contaminants from farming activities within a sub-catchment and commercial vegetable production systems. Policies 2 and 3 set out a 'risk based approach' to identify and define mitigation actions on land that will reduce the diffuse discharge of the four contaminants. Mitigation actions will be specified in a Farm Environment Plan, with those matters being articulated into resource consents that can be monitored and (if required) enforced. We agree that the degree of reduction required through mitigations must be proportionate to the current discharge of the four contaminants based on a property or enterprise scale.
3.11.3(4)	Retain the wording of Policy 4.	We consider flexibility is required to allow low discharging land uses to continue, land uses to change over time where the discharge is low or is reduced, and for new low discharging land uses to establish. The requirement to consider the cumulative effects of diffuse discharges is consistent with the intent of Part II of the RMA and is critical to achieve Objective 3 in 10-years and Objective 1 in 80-years. We also support the future-proofing intent of Policy 4 insofar as it signals that land uses defined as "low discharging" in the Proposed Plan Change, may be required to make reductions in the discharge of contaminants from land use in subsequent plan changes. Signaling the potential for future reductions of contaminants from land uses in subsequent plan changes is consistent with achieving the long-term objectives in Te Ture Whaimana.
3.11.3(5)	Retain the wording of Policy 5.	We support a staged approach —advanced through Proposed Plan Change 1— to the achievement of the long-term objectives set out in Te Ture Whaimana. Te Ture Whaimana is the primary direction setting document for the restoration and protection of the Waikato and Waipā Rivers. We are committed to the long-term objectives set out in Te Ture Whaimana, particularly the restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.Te Ture Whaimana (and its long-term focus) has significant status and weighting in the RMA planning hierarchy. It is deemed to be part of the Waikato Regional Policy Statement and effectively overrides section 79 of the RMA. The measures set out in Proposed Plan Change 1 are the first, important steps to assist with achieving the long-term objectives.

3.11.3(6)	Amend Policy 6 to read: *"Except as provided for in Policy 16, land use change consent applications that demonstrate a sustained increase in the diffuse discharge of nitrogen, phosphorus, sediment or **microbial pathogens** will generally not be granted.* *Land use change consent applications that demonstrate ~~clear and enduring~~ identified and sustained decreases in existing diffuse discharges of nitrogen, phosphorus, sediment or **microbial pathogens** will generally be granted* *For the purpose of Policy 3.11.3(6), "sustained" means an identified long-term decrease in the discharge of one or more of the four contaminants while allowing for low frequency, short duration and temporary fluctuations —caused by natural variability and seasonal/cyclical natural processes—in one or more of the four contaminants."*	We support a restrictive approach to the management of land use change in the first 10-years of the journey to achieving in Te Ture Whaimana. Historically, the permissive approach adopted by the WRC to manage the cumulative discharge of diffuse sources of the four contaminants resulted in the deterioration of water quality in the Waikato and Waipā Rivers. The new restrictive approach, while not being optimal, is necessary in the absence of information that would be required to support a property-scale approach to manage the discharge of the four contaminants. The proposed amendments to Policy 6 signal that land use change consent applications demonstrating a sustained long-term increase in the discharge of one or more of the four contaminants will not be granted. Conversely, applications that demonstrate an identified and sustained long-term decrease in the discharge of one or more of the four contaminants will generally by granted. For the purposes of this policy, We consider the term "sustained" means a long-term trend over time that provides for temporary increases and fluctuations in one or more of the four contaminants. However, it is up to the applicant to demonstrate that identified and sustained reductions will be achieved over the longer term.
3.11.3(7)	Amend Policy 7 to read: *"Prepare for further diffuse discharge reductions and any future property or enterprise-level allocation of diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens that ~~will~~ may be required by subsequent regional plans, by implementing the policies and methods in this chapter. To ensure this occurs, 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'~~ preparing any new allocation or management regime."* C. *Minimise social disruption and costs in transition to ~~the 'land suitability'~~ any new approach; and* *Footnote 5* 5. *Future mechanisms for allocation based on land suitability ~~will~~ may consider the following criteria:* c. *the natural capacity of the landscape within a sub-catchment to attenuate contaminant loss; and"*	We consider the allocation of rights to discharge contaminants from land use is a secondary consideration to achieving Te Ture Whaimana in the 80-year timeframe. However, the river iwi also acknowledges and understand that designing a new allocation regime to discharge contaminants at a property- or enterprise-level is likely to assist in improving the management of water quality in the Waikato and Waipā Rivers. While We support examining the range of approaches to allocation, the language used in the footnote may constrain these options to just "land suitability". To make an informed decision, the full range of allocation mechanisms should be explored, including "land suitability". We consider believe the articulation of rights to discharge contaminants at the individual property- or enterprise-level and, how these rights should be allocated, will take considerable work and should necessarily include We and regional stakeholders. A critical outcome of the Proposed Plan Change must be to provide a more detailed set of data to inform these decisions as noted in other submissions. We note that as co-managers of the Waikato and Waipā Rivers We will work with the WRC to co-design the process to develop any future allocation regime. The co-governance Healthy Rivers Wai Ora Committee (HRWOC) has the function of overseeing the implementation of the Proposed Plan Change and includes: • Co-design of the project framework for subsequent planning processes focused on further improvement of water quality, including the post Plan Change 1 approach to allocation of contaminant discharges to replace the interim "hold the line" approach, to be completed by 2025; We have been clear throughout the CSG-process to design the Proposed Plan Change —and in national discussions on water quality— that an allocation regime that is based on pure grand-parenting is unacceptable. We also note that in developing a new allocation regime, re-allocating rights to discharge contaminants will likely to provide for development opportunities on Multiple owned Maori land and Treaty

		Settlement lands. Any new allocation regime needs to be fully developed and ready to put in place by 1 July 2026 when Rule 3.11.5.7 expires.
3.11.8(8)	Retain the wording of Policy 8.	We support the WRC prioritising the sequencing for when properties and enterprises are required to undertake actions to give effect to the methods in the Proposed Plan. The 10-year timeframe to achieve Objective 3 would suggest the land uses located in the sub-catchments with the highest load of the four contaminants should put in place and implement sufficient mitigation measures in the first instance. This is consistent with the CSG designed values for the Waikato and Waipā River catchments. The use of sub-catchment planning (refer to Policy 9) is likely to assist with coordinating the process for farm environment planning across a sub-catchment and to identify where efficiencies could be gained through multiple properties and enterprises putting in place and implementing mitigations at a greater scale than property by property.
3.11.3(9)	Retain the wording of Policy 9.	We support coordinated sub-catchment planning approaches that will assist properties and enterprises to achieve reductions in the discharge of the four contaminants. The objective of sub-catchment planning should be to identify sub-catchment scale mitigations that will achieve the required reductions in contaminant discharges from properties and enterprises more effectively and at a reduced cost to those land owners. Coordinated planning across a spatially discrete area is also likely to encourage and motivate landowners to undertake Farm Environment Planning with a view to sharing collective resources and putting in place and implementing mitigation measures at a scale that is far larger than individual properties.
3.11.3(10)	Amend Policy 10 to read: *"…applications for **point source** discharges of nitrogen, phosphorus, sediment and **microbial** pathogens to water or onto or into land, ~~provide~~ have regard to the continued operation of:* *6. ~~Continued operation of~~ regionally significant infrastructure'; and* *7. ~~Continued operation of~~ regionally significant industry'."*	The existing wording of Policy 10 could create a situation where the WRC must decide whether to grant resource consent to "provide for" the continued operation of regionally significant infrastructure and regionally significant industry, irrespective of whether the targets for the four contaminants would be achieved. We consider it appropriate for the WRC to "have regard to" the continued operation of regionally significant infrastructure and regionally significant industry. However, in acknowledging that some point source discharges are necessary, the proposed amendment will better reflect that the WRC has discretion to make a balanced decision on resource consent applications on a case-by-case basis.
3.11.3(11)	Amend Policy 11 to read: *"Application of Best Practicable Option and mitigation or offset of effects ~~to~~ from point source discharges…"* *"Require any person undertaking a **point source discharge** of nitrogen, phosphorus, sediment or **microbial pathogens** to water or onto or into land in the Waikato and Waipā River catchments to adopt the Best Practicable Option* to avoid or mitigate these adverse effects of the discharge ~~at the time a resource consent application is decided~~. …for the purpose of ensuring net positive effects on the environment to ~~lessen any~~ by offsetting residual adverse effects of the discharge(s) that will…"*	We support the requirement for point source discharges to adopt the Best Practicable Option. The requirement to consider what is best practice should not be unduly limited to when resource consents applications are made. This is particularly the case where resource consent durations exceed 10-years —refer to Policy 13— and acknowledging that what is the Best Practicable Option in 2016, is likely to shift over time as technology for point source discharges (eg, treating waste water) improves. The ability to put in place and implement mitigations to offset the adverse effects of a point source discharge, where the full range of on-site mitigations have been exhausted, is broadly supported by We. It is considered that any offset should at least equate to, or improve upon, the required reduction of one or more of the four contaminants that are discharged into the same sub-catchment. Where offset mitigations are proposed to achieve the required reduction of one or more of the contaminants from point source discharges, the reductions need to be recorded through the accounting framework and must be attributed against the point source discharge. We note

		there is currently no accounting framework in place that could link/attribute any offset mitigation. Policy 11 includes four requirements listed (a) to (d) that are supported by We. Where the point source discharge is located at the head of a sub-catchment, it is considered entirely appropriate for the offset to be located upstream of the discharge in an adjacent sub-catchment. However, the five river Iwi do not support offsets being undertaken downstream of a point source discharge or in sub-catchments that are not located within the same FMU.
3.11.3(12)	Amend Policy 12 to read: "*Consider the contribution made by a **point source discharge** to the nitrogen, phosphorus, sediment and **microbial pathogen** ~~catchment~~ loads within a sub-catchment and the impact of that contribution on the ~~likely~~ achievement of the…"* *~~"d. The diminishing return on investment in treatment plant upgrades in respect of any resultant reduction in nitrogen, phosphorus, sediment or **microbial pathogens** when treatment plant processes are already achieving a high level of contaminant reduction through the application of the Best Practicable Option*."~~*	Policy 12 must be read in the context of assisting decision-makers to determine the appropriate reduction of contaminants from point source discharges within a sub-catchment and the timing/staging of when reductions will occur. We are of the view that Policy 12 must not be used by the operators of point source infrastructure to avoid upgrading that infrastructure (and/or putting in place and implementing offset mitigations) that would reduce contaminants commensurate to achieving Objective 1 and 3. Policy 11 already provides guidance for the potential use of offsets when the application of the Best Practicable Option may not achieve the required reduction in contaminant discharges. We consider there is a risk that clause (d) could be used by the operators of point source infrastructure to avoid making meaningful reductions of the four contaminants because of diminishing returns on investment, irrespective of the relative contribution of the point source discharge in the sub-catchment.
3.11.3(16)	Amend Policy 13 to read: "*When determining the appropriate duration for any consent granted consider the following matters:* a. ~~*A consent term exceeding 25 years, where t*~~ *The applicant demonstrates the approaches set out in Policies 11 and 12 will be met; and…"*	We consider it may be appropriate in some situations for specific point source discharges to have consent duration periods greater than 25-years. However, the 25-year duration should not be the mandatory starting point as is signaled in the existing wording of Policy 13(a). Instead, it would be more appropriate to consider consent duration on a case-by-case basis, particularly where there may be a degree of uncertainty about the potential effectiveness of proposed off-set measures, and where monitoring will be required to confirm anticipated effects. In any event, the RMA already provides for consent durations of greater than 25-years and, irrespective of Policy 13, there is nothing to prevent an applicant applying for a consent duration of greater than 25-years.
3.11.3(14)	Amend Policy 14 to read: "*...collecting and using data and information to support improving the management of land use activities within the lakes Freshwater Management Units^."*	We consider the WRC needs to be proactive in managing improvements (restore and protect) to the water quality of the four lake types within the Lakes FMU. While developing Lake Catchment Plans is a good first step, the plans need to actively use information and data that is collected to improve the management of land use within the lake catchments. The proposed amendments to Policy 14 make this explicit. It is unclear how coordinated sub-catchment planning that is signaled in Policy 9 relates to the development of Lake Catchment Plans and whether all the lakes are denoted as priority 1 in Table 3.11-2. In any event, We would expect to see the Lake Catchment Plans completed well before 2026 in a way that is consistent with Policy 14 and amendments to Method 3.11.4.4.

3.11.3(16)	Retain the wording of Policy 16.	The health and wellbeing of the Waikato River remains the primary concern of We and, any development of Multiple owned Māori land to further economic aspirations of River Iwi must occur within the context and framework of Te Ture Whaimana Iwi have historically faced many barriers and constraints to developing their lands. Actions of the Crown, such as the confiscation of land, alienation of land and legislation stipulating specific land ownership structures, have limited the ability of Māori to utilise their lands for economic development. The return of land through the Treaty settlement process was intended to redress land confiscation and alienation and, provide opportunities for the growth and prosperity of Waikato and Waipā River Iwi. The recent reform of the Te Ture Whenua Maori Land Act also sought to remove barriers to developing Multiple owned Maori land. The problem is the introduction of the non-complying activity rule (refer 3.11.5.7), while being reasonably necessary to 'hold the line' on land use change, places another barrier to the development of Multiple owned Maori land and Treaty Settlement lands. We consider Policy 16 provides a limited pathway for the owners of Multiple owned Maori land and Treaty Settlement land to pursue opportunities for developing their lands. We note that reason for adopting Objective 4 and Policy 7 explicitly signal that further reductions in contaminant discharges and property-scale allocations of the right to discharge contaminants will be required by subsequent regional plan changes. We have been clear that a pure grand-parented regime is unacceptable and a form of re-allocating rights to discharge will be necessary. Re-allocating rights to discharge is likely to provide for development opportunities on Multiple owned Maori land and Treaty Settlement lands.
3.11.3(17)	Retain the wording of Policy 17.	Te Ture Whaimana is the primary direction setting document for the restoration and protection of the Waikato and Waipā Rivers. We are committed to the achieving Te Ture Whaimana, particularly the restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length. The WRC should consider the wider objectives of the Vision and Strategy in preparing regional policy, operational planning (eg, catchment plans etc.) and planning for future capital works. Policy 17 is consistent with the existing policies and methods in the Regional Plan, particularly in relation to biodiversity enhancement.
3.11.4.1	Amend Method 1 to read: "3.11.4.1 Working with Others Waikato and Waipā River Iwi partners and <u>Regional Stakeholders</u>" "*Waikato Regional Council will work with <u>regional</u> stakeholders including Waikato and Waipā River Iwi partners…*"	We support the WRC in working with regional stakeholders (including We partners) to implement and monitor the effectiveness of the Proposed Plan Change and, to achieve the 80-year water quality targets (Te Ture Whaimana). This would include working with We as co-governance partners to co-manage the Waikato and Waipā Rivers. This would include the ongoing work of the Healthy Rivers Wai Ora Committee to review and improve the effectiveness of Plan Change 1 and co-design the project framework for future changes to the regional plan including a new approach to allocating contaminant discharges post 2026

3.11.4.2	Amend Method 3.11.4.2 to read: *3.11.4.2 Certified Industry Scheme* *Waikato Regional Council will develop an industry certification process for industry bodies as per the standards outlined in Schedule 2. The* ***Certified Industry Scheme*** *will include formal agreements between parties. Agreements will include:* a. *Provision for management of the* ***Certified Industry Schemes****;* b. *Oversight, and monitoring of* ***Farm Environment Plans****;* c. *Information provision ~~sharing~~;* d. *~~Aggregate~~ Collective reporting on* ***Certified Industry Scheme*** *implementation;* e *Process for dealing with non-compliance by the Certified Industry Scheme;* f. *Process for dealing with non-compliance by individual members of the Certified Industry Scheme; and* g. *Consistency across the various* ***Certified Industry Schemes***	We conditionally support the concept of Certified Industry Schemes as a mechanism for achieving Te Ture Whaimana efficiently and at a larger scale. There is scope for well-resourced and effective Industry Schemes to provide a high-quality service to landowners who are members of those Schemes. The benefits for members of a Certified Industry Scheme that is a permitted activity status for their farming activities under Proposed Rule 3.11.5.3. A potential problem, however, is a poorly resourced and badly run Industry Scheme is not likely to achieve the desired outcomes expressed through Objective 3 in 10-years. We consider Industry Scheme non-compliance puts at risk achieving Te Ture Whaimana in 80-years. There is also a potential incentive for the WRC to encourage and certify Industry Schemes as a way of reducing the cost of implementing Proposed Plan Change 1 —because the compliance and monitoring costs fall on the Scheme and not the WRC—. We, therefore, consider the WRC need to judiciously certify only those Industry Schemes that will be successful in achieving the water quality targets expressed through Objectives 1 and 3. To do this, the WRC needs robust and transparent certification criteria and a pathway to deal with serial non-compliance. Any agreements between the WRC and Industry Schemes must include processes for dealing with non-compliance at both the Scheme-level and for individual Scheme members.
3.11.4.3	Amend Method 3.11.4.3 to read: *"3.11.4.3 Farm Environment Plans* *Waikato Regional Council will prepare…will assess the risk of* ***diffuse discharges*** *of nitrogen, phosphorus, sediment and* ***microbial pathogens*** *and specify the range of relevant mitigation actions to reduce those risks ~~in order~~ to bring about reductions in the discharges of those contaminants. Waikato Regional Council will develop guidance for undertaking risk assessments, auditing and compiling* ***Farm Environment Plans****.* *Waikato Regional Council will take a risk based approach to monitoring* ***Farm Environment Plans****, starting with ~~more~~ a standardised monitoring programme and then potentially moving to less frequent monitoring based on risk assessment and the outcome of previous monitoring results.* *Waikato Regional Council will prepare an audit schedule for undertaking robust third party audit (independent of the farmer and* ***Certified Farm Environment Planner****) ~~and monitoring~~ of* ***Farm Environment Plans*** *and a randomised method for the selection of* ***Farm Environment Plans****.*	We consider the WRC needs to develop a standardised program to monitor the effectiveness of Farm Environment Plans on a frequent basis. The frequency of monitoring should only decrease where the outcome of monitoring shows the mitigation measures put in place and implemented through the Farm Environment Plan are effective in reducing the discharge of the four contaminants. The WRC should also prepare an audit schedule to undertake third party independent audits of Farm Environment Plans. The audits schedule should set out the requirements and matters that are the subject of each audit and a randomised method for selection of Farm Environment Plans spread across the three priority areas and sub-catchments or Freshwater Managements Units.

3.11.4.4	Amend Method 3.11.4.4 to read: *"Waikato Regional Council, working with ~~others~~ stakeholders, will:* *a. Review the areas demarcated as Lakes Freshwater Management Unit when an assessment of the groundwater contribution to each Lake is determined and compared with the surface water catchment.* *~~a~~b. Build on the Shallow Lakes Management Plan by prioritising the development of developing Lake Catchment Plans and…"* *~~b~~c. Prepare ~~and implement Lake Catchment Plans with relevant stakeholders (including the community).~~* *i. A vision for the lake developed in consultation with relevant stakeholders (including the community)."*	The Lakes FMUs for the various types of lakes (Dune, Riverine, Volcanic and Peat lakes) were determined using GIS tools by assessing only the surface water catchment for each lake. The degree of ground truthing of the GIS-based surface water catchment of each lake, or the degree to which the land contributing to water quality within each lake by way of groundwater is known, or has been incorporated in the delineation of each FMU, is unclear. We consider the extent of the catchment contributing water (either surface or groundwater) to each lake should be determined as part of the development of the Lakes Catchment Plans required by Policy 14, and that the extent of the corresponding FMUs should be reviewed accordingly. The WRC should also consider a project to prioritise the development of Lake Catchment Plans within the next 10-years (2026) and following the ground trothing exercise set out above. Prioritisation must include all lakes identified within the Lakes FMU and take into account the spatial location of some Lakes and wetlands within priority 1 sub-catchments and the development of sub-catchment scale planning.
3.11.4.5	Amend Method 3.11.4.5 to read: *"Waikato Regional Council will work with relevant stakeholders to develop **sub-catchment** scale plans (where a catchment plan does not already exist) and where ~~it has shown to be required~~ developing a plan would result in achieving the 10-year water quality attribute targets more efficiently. **Sub-catchment** planning…"*	We support the development of coordinated sub-catchment planning, provided that the level of planning assists to achieve the required reductions in the discharge of the four contaminants more effectively, faster and at a reduced cost to land owners.Similar to the rationale for supporting Policy 9, We also consider that coordinated planning across a spatially discrete area will motivate landowners to actively participate in Farm Environment Planning. A holistic approach to planning may enable the design of mitigation measures at a sub-catchment scale.
3.11.4.6	Retain the wording of Method 3.11.4.6.	We believe one of the biggest risks to the success of Proposed Plan Change 1 is the inability of the WRC to fully implement the Plan Change due to a shortage of appropriately skilled human resources, necessary systems and funding. We acknowledge the difficulty faced by the WRC in resourcing the implementation and ongoing operational aspects of the Proposed Plan Change. There is a dual role for Central Government to play in assisting the WRC to build capacity and capability in the short-term and to fund the design and development of specific systems. In particular, a framework to account for the discharge of the four contaminants at a property level and a Decision Support System that can provide a level of confidence that the sum-total of mitigation measures will achieve the short-term (Objective 3) targets and maintain the trajectory to achieve Te Ture Whaimana in 80-years.
3.11.4.7	Amend Method 3.11.4.7 to read, *"Gather information and commission appropriate scientific research to inform any future framework for the allocation of **diffuse discharges** by 2026 including:* *a. …support the setting of **property** or **enterprise**-level **diffuse discharge** ~~limits in the future~~* *Detailed evaluation of the range of options (including economic instruments) that are available to allocate rights to discharge contaminants from land use."*	We consider the articulation of rights to discharge contaminants at the individual property- or enterprise-level and, how these rights should be allocated, will take considerable work and include We and regional stakeholders. A critical outcome of the Proposed Plan Change, as recognised by Method 3.11.4.7, is to provide a detailed set of data and research to inform these decisions. The Method is supported by We. Proposed amendments to Method 3.11.4.7 set out more explicitly the timeframe for developing any new allocation regime — consistent with Rule 3.11.5.7 and Method 3.11.4.8— and, specify that a detailed evaluation (including the costs and benefits) of the range of options that will be available to allocate rights to discharge contaminants, is also required.

3.11.4.8	Amend Method 3.11.4.8 to read, b. *"Use this to ~~inform future~~ the best available information to develop changes to the Waikato Regional Plan by 2026 to manage discharges…"*	We consider the proposed amendment to Method 3.11.4.8 sets out more explicitly the timeframe for developing any new allocation regime that is consistent with Rule 3.11.5.7 and Method 3.11.4.7. We expect to work closely with the WRC as co-governors and co-managers of the Waikato and Waipā Rivers to develop any allocation regime. We also note the co-governance Healthy Rivers Wai Ora Committee (HRWOC) has the function of overseeing the implementation of the Proposed Plan Change and includes: • Co-design of the project framework for subsequent planning processes focused on further improvement of water quality, including the post Plan Change 1 approach to allocation of contaminant discharges to replace the interim "hold the line" approach, to be completed by 2025; Any new allocation regime needs to be fully developed and ready to put in place by 1 July 2026 when Rule 3.11.5.7 expires. To have meaningful dialogue on the shape and design of any future allocation regime, We consider the best available information must be collected through the implementation and eventual operation of the Proposed Plan Change.
3.11.4.9	Amend Method 3.11.4.9 to read, *"(a) …of the built environment ~~which anticipates and addresses~~ to address the cumulative effect of urban development on water quality over the long-term."*	We consider that urban populations also contribute to the water quality problem and therefore need to be part of the water quality solution. The method needs to direct cooperation between the WRC and territorial authorities to address the cumulative effects of urban development on water quality and determine ways to address the urban contribution over time.
3.11.4.10	Amend Method 3.11.4.10 to read, *"3.11.4.10 Freshwater accounting system and monitoring network* *Waikato Regional Council will establish and operate a publicly available freshwater accounting system and monitoring network in each…* *c. …monitoring data including ~~biologocial~~ monitoring tools such as the Macroinvertebrate Community Index and Cultural Health Index to provide the basis for…"* *d. ~~An information~~ A freshwater accounting system that accounts for the **diffuse discharges** ~~that supports the management~~ of nitrogen, phosphorus, sediment and **microbial pathogens** ~~**diffuse discharges**~~ at the **enterprise** or **property** scale."*	We support the development of a robust freshwater accounting system. To improve how we manage water quality, it will be important to identify the total load of each of the four contaminants and account for all sources (properties or enterprises) of those contaminants (point and diffuse). As land use and/or practices change within a sub-catchment and over time, the accounting for the discharge from each property or enterprise will also change. This information is particularly relevant to inform any future allocation regime post 2026. The National Policy Statement for Freshwater Management (NPS-FM) requires that regional councils and unitary authorities establish freshwater accounting systems for both water quantity and quality. The NPS-FM defines freshwater quality accounting systems as a system that —for each FMU— records, aggregates and keeps regularly updated, information on the measured, modelled or estimated: • loads and/or concentrations of relevant contaminants; • sources of relevant contaminants; • amount of each contaminant attributable to each source; and • where limits have been set, proportion of the limit that is being used Given that the numerical attribute targets for Objective 3 are expressed in Table 3.11-1 by sub-catchment, it may be appropriate for the freshwater accounting system to operate and report at the sub-catchment scale. This is consistent with the Freshwater Accounting guidance prepared by the Minister for the Environment where is it said to be "prudent to

		remain aware of these future requirements and flexibility should be built into the accounting system to allow accounts to be produced at the most relevant scale, and be aggregated to FMU or regional levels". We consider the phrase "establish and operate" means the WRC ensures the existing monitoring network is fit for purpose so that information and data can support the freshwater accounting system. The WRC should consider investing in upgrading the existing network to add new monitoring sites and to upgrade existing monitoring sites (where required).
3.11.4.11	Amend Method 3.11.4.11 to read, *"3.11.4.11 Plan effectiveness monitoring and evaluation of the implementation…* a. *~~Review and r~~ Report on ~~the~~ progress towards and achievement of the 10-year (Objective 3) and 80-year (Objective 1) water quality ~~objectives of Chapter 3.11~~ targets in 2020 and 2024* b. *~~Research and identify methods to measure actions at a **sub-catchment**, **property** and **enterprise** level, and their contributions to reductions in the discharge of contaminants~~"*	We consider the WRC needs to report on the effectiveness of the Proposed Plan Change in making progress towards achieving Objective 3 (actions put in place are sufficient to achieve 10% of the required change between current water quality and Te Ture Whaimana) at years 4 (2020) and year 8 (2024). As noted in Policy 7, the HROWC has the function of overseeing the implementation of the Proposed Plan Change. Amongst other key matters these include: • Effectiveness assessment via scheduled plan effectiveness reviews at years 4 (2020) and 8 (2025); and • Improving the effectiveness of the HRWO Plan Change, following scheduled plan effectiveness reviews at years 4 (2020) and 8 (2024) by making recommendations to revise or refine aspects of the Plan Change or its delivery. The proposed amendments make it explicit to We and the community that the WRC will undertake plan effectiveness reporting on progress towards achieving the Objective 3 water quality targets. The WRC should consider investing in upgrading the existing monitoring network to add new monitoring sites and to upgrade existing monitoring sites (where required).
3.11.4.10	Retain the wording of Method 3.11.4.10.	We consider the WRC should work with industry, Central Government and other regional councils to develop and disseminate good management practice (GMP) guidelines for landowners in the Waikato and Waipā River catchments. There is substantial literature on the utility of GMP particularly at the national level, and examples of GMP-based projects that have been put in place in other parts of the country, that will assist and guide the WRC It is noted that in some instances, GMP alone may not be sufficient to make the necessary reductions in the discharge of the four contaminants to assist with achieving Objective 3 at a property- or enterprise-scale.
3.11.4.13	Insert new Method 3.11.4.13 to read: *"3.11.4.13 Decision support system* *The Waikato Regional Council working with regional stakeholders will:* a. *Develop a Decision Support System (DSS) to model the effectiveness of mitigation measures that are proposed to be put in place and implemented at a sub-catchment, property and enterprise level through any proposed Farm Environment Plan.*	We understand the WRC does not currently have a robust or agreed method/tool to guide decision-makers in determining whether individual mitigation measures that are put in place and implemented through Farm Environment Plans would assist to achieve the sub-catchment water quality targets set out in Table 3.11.1-1. To provide the community and We with confidence that the 10-year targets set out in Objective 3 can be achieved, the WRC needs to work with Regional Stakeholders to develop a Decision Support System (DSS). A DSS would also provide valuable information to compliment an accounting framework to assist with the WRC's plan effectiveness monitoring.

	*For the purpose of Method 3.11.4.13, "effectiveness" means the contribution of the proposed mitigation measures (whether individually or collectively) —that are put in place and implemented at a **sub-catchment**, **property** and **enterprise** level— to reducing the diffuse discharge of contaminants within the sub-catchment where **property** and/or **enterprise** is located."*	
3.11.5.1	Retain the wording of Rule 3.11.5.1.	We support the approach to allow small and low intensity farming activities to continue operating at the same level of intensity and subject to the conditions listed in Rule 3.11.5.1. The schedule plan effectiveness monitoring reviews at years 4 (2020) and 8 (2024) should include an assessment of the relative contribution of the four contaminants at a sub-catchment and FMU-scale from properties subject to Rule 3.11.5.1. If the outcome of the assessment demonstrates the contribution of these properties is proportionately high, then targeted specific methods and actions to address any problems should be considered by the WRC.
3.11.5.2	Amend Rule 3.11.5.2 to read: *"Note: Rule 3.11.5.2 shall be the subject of a detailed effectiveness review at 2020 and 2024".*	We conditionally support the approach to allow other farming activities that do not comply with Rule 3.11.5.1 to continue operating at the same level of intensity discharge and subject to the conditions listed in Rule 3.11.5.2. The onus of demonstrating compliance with Rule 3.11.5.2 rests with the land owner and any additional information relating to compliance with the conditions is subject to the WRC requesting further information from monitoring. In the event the WRC is unable to actively monitor the properties that are subject to Rule 3.11.5.2, there is a risk that "would be" low intensity land uses, located on greater than 4.1 hectare blocks, could individually or cumulatively have an adverse effect on the water quality of the Waikato and Waipā Rivers. To provide a level of confidence to the regional community, the rule should include a note specifying when a detailed effectiveness review is to be undertaken by the WRC. The schedule of plan effectiveness monitoring reviews at years 4 (2020) and 8 (2024) must include an assessment of the relative contribution of the four contaminants —at a sub-catchment and FMU-scale— from properties subject to Rule 3.11.5.2. If the outcome of the assessment demonstrates the contribution of these properties is proportionately high, We request that the Permitted Activity Rule 3.11.5.2 for other farming activities be a Controlled Activity. Any application for controlled activities should be assessed against the modified set of conditions —potentially including the need to prepare Farm Environment Plans— that currently exist in Rule 3.11.5.2. This will ensure that appropriate mitigation actions, including through Farm Environment Plans can be articulated into conditions of resource consents that can then be monitored, reviewed and if necessary enforced by the WRC.

3.11.5.3	Amend Rule 3.11.5.3 to read: 7. *The Farm Environment Plan provided approved under Condition 5 may be amended in accordance with the procedure set out in Schedule 1 and the use of land shall thereafter be undertaken in accordance with the amended plan;* *AND* *Note: For the purpose of Rule 3.11.5.3, any property or enterprise that is deemed by the Council to be non-compliant shall be considered subject to Rule 3.11.5.6* *OR* *If the relief sought through submission 48 is not granted, amend Rule 3.11.5.3 to be a controlled activity with the matters of control being set out in amended Schedule 2*	We are concerned the WRC will have limited ability to enforce compliance for non-compliant farming activities with a Farm Environment Plan under a Certified Industry Scheme as these are deemed to be a permitted activity under Rule 3.11.5.3. To alleviate these concerns, We have sought amendments to Method 3.11.4.2 and Schedule 2 that sets out the assessment criteria for Industry Schemes to be Certified by the WRC. We consider that if the permitted activity status under Rule 3.11.5.3 is to be retained, it is essential that the certification process and criteria in Schedule 2 is robust and transparent. This includes ensuring that appropriate governance arrangements, management systems, processes, procedures and resources are in place to achieve the water quality targets set out in Objective 3 in 10-years We also consider it is critical to include a system of actions and/or consequences for members of any scheme where auditing reveals non-compliance with the mitigation actions identified in respective Farm Environment Plans. The WRC must also retain the ability to review, and where necessary revoke, certification of the Industry Scheme if performance outcomes are not achieved. At this time, it is unclear how members of Certified Industry Schemes with non-compliant Farm Environment Plans will be dealt with by Proposed Plan Change 1. There is no certainty in the regulatory framework how a property or enterprise, that has a non-complaint Farm Environment Plan or, fails to put in place and implement the mitigation actions, would be dealt with. We consider a non-compliant property or enterprise should fall out of an Industry Scheme and be subject to Rule 3.11.5.6 as a restricted discretionary activity. In the event the proposed amendments to Schedule 2 requested by We in submission 48 are not adopted, We request that the Permitted Activity Rule 3.11.5.3 for farming activities with a Farm Environment Plan under a Certified Industry Scheme be a Controlled Activity. Applications for controlled activity will be assessed against the amended criteria in Schedule 2. This will ensure that mitigation actions from the Farm Environment Plans (through the Certified Industry Scheme) can be articulated into conditions of resource consents that can then be monitored, reviewed and if necessary, enforced by the In addition to the above, We request the WRC notifies all applications the WRC receives for Certified Industry Schemes and provides We with copies of all audit and monitoring reports received from Certified Industry Schemes.
3.11.5.4	Amend Rule 3.11.5.4 to read: *"Subject to the following conditions:* *4a. The property is registered with the Waikato Regional Council in conformance with Schedule A; and* *~~5~~b. A **Nitrogen Reference Point** is produced for the property or enterprise in conformance with Schedule B; and* **Matters of Control** *Waikato Regional Council reserves control over the following matters:* i *The content of the Farm Environment Plan.* ii *The actions and timeframes for ~~undertaking~~ implementing and putting in place mitigation actions identified in the Farm Environment Plan that will maintain identified low levels of, or reduce the diffuse discharge of*	We support the controlled activity status for consenting land uses through Farm Environment Plans. The matters of control, however, need to be fine-tuned to ensure the mitigation measures that are identified through Farm Environment Plans will either maintain identified low levels of diffuse discharge (where this is deemed to be appropriate by the Certified Farm Environment Planner) and otherwise reduce the diffuse discharge of the four contaminants. We note that any activity that is unable to comply with the conditions and matters of control in Rule 3.11.5.4 is a restricted discretionary activity under Rule 3.11.5.6. The progression in activity status from controlled to restricted discretionary is supported by We.

	*nitrogen, phosphorus, sediment or **microbial pathogens** to water or to land where they may enter water.* iii *The actions, timeframes and other measures to ensure that the diffuse discharge of nitrogen from the property or enterprise, as measured by the five-year rolling average annual nitrogen loss as determined by the use of the current version of OVERSEER®, does not increase beyond the property or enterprise's Nitrogen Reference Point, unless other suitable and identified mitigations are specified.* iv *Where the Nitrogen Reference Point exceeds the 75th percentile nitrogen leaching value, actions, timeframes and other measures to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75th percentile nitrogen leaching value by 1 July 2026.* v *The term of the resource consent.* vi *The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent to demonstrate and/or monitor compliance with the Farm Environment Plan.* vii *The timeframe and circumstances under which the consent conditions may be reviewed or the Farm Environment Plan ~~shall be~~ amended.* viii *Procedures for reviewing, amending and re-approving the Farm Environment Plan."*	
3.11.5.6	Retain the wording of Rule 3.11.5.6.	We support Rule 3.11.5.6 being a Restricted Discretionary Activity to act as a "catch all" and allow the WRC to more fully assess resource consent applications from any property or enterprise that is unable to comply with Rules 3.11.5.1, 3.11.5.2, 3.11.5.3. We highlight their discomfort with the permitted activity status of Rule 3.11.5.3 and note there is no certainty a property or enterprise that is deemed by the Council to be non-compliant —with a Farm Environment Plan and as a member of a Certified Industry Scheme— would be subject to Rule 3.11.5.6 as a restricted discretionary activity. The WRC need to consider the best approach to provide confidence to the regional community and We that widespread non-compliance within Certified Industry Schemes does not put at risk achieving the 10-year targets set out in Objective 3. The schedule plan effectiveness monitoring reviews at years 4 (2020) and 8 (2024) should include an assessment of the application for resource consent under Rule 3.11.5.6 to ascertain the effectiveness of the Rule. In particular, the matters the WRC has restricted its discretion to and whether the "catch all" application of the rule is effective.
3.11.5.7	Retain the wording of Rule 3.11.5.7.	We support the 'hold the line' approach that was advanced and designed by the CSG. The 'hold the line' approach is the most practicable way to prevent further increases of contaminant discharges into the Waikato and Waipā River in the short-term. Particularly in the absence of detailed and accurate property-scale information to support the quantification of numerical discharge allowances for the four contaminants that are robust and enforceable. We support the expiry date of 1 July 2026 and considers this sends a clear signal to the Regional community that Rule 3.11.5.7 is an interim. measure and must be

		replaced with new regulatory framework that is developed hand-in-hand with We partners, the WRC and Regional stakeholders.
Schedule A	Amend Schedule A to read: ***Schedule A*** *- Registration with Waikato Regional Council* *Properties with an area greater than 2 hectares (excluding urban properties) must be registered with the Waikato Regional Council in the following manner:* *5. All property owners must provide:* a. *The following information in respect of the land owner, and the person responsible for using the land (if different from the land owner):* *i. Full name.* *ii. Trading name (if applicable, where the owner is a company or other entity).* *iii. Full postal and email address.* *iv. Telephone contact details.* b. *A map of the property showing all land parcels* c. *Legal description of the individual land parcels that comprise the property or enterprise as per the certificate(s) of title.* d. *Physical address of the property.* e. *A description of the land use activity or activities undertaken on the property as at 22 October 2016, including the land area of each activity.* f. *The total land area of the property.* g. *Where the land is used for grazing, the stocking rate of animals grazed on the land.* *6. Properties that graze livestock must also provide ~~a~~ an additional map showing:* *a. a. The location of:* *i. Property boundaries; and* *ii. Confirmation of water ~~Water~~ bodies listed in Schedule C (and provided by WRC in a map) for stock exclusion within the property boundary and fences adjacent to those water bodies; and* *iii. Livestock crossing points over those water bodies and a description of any livestock crossing structures.*	We support the requirement for registration information as set out in Schedule A. The information received by the WRC from Schedule A will be a cornerstone of improving the management of land use within the Waikato and Waipā River catchments.

Schedule B	Amend Schedule B to read: ***Schedule B – Nitrogen Reference Point*** *A property or enterprise with a cumulative area greater than 20 hectares (or any property or enterprise used for commercial vegetable production) must have a* ***Nitrogen Reference Point*** *calculated as follows:* a. *The Nitrogen Reference Point must be calculated by a* ***Certified Farm Nutrient Advisor*** *to determine the amount of nitrogen being leached from the property or enterprise during the relevant reference period specified in clause f), except for any land use change approved under Rule 3.11.5.7 where the* ***Nitrogen Reference Point*** *shall be determined through the Rule 3.11.5.7 consent process.* b. *The* ***Nitrogen Reference Point*** *shall be the average nitrogen leaching loss that occurred during the reference period ~~highest annual nitrogen leaching loss that occurred during a single year (being 12 consecutive months) within the reference period~~ (specified in clause f), except for commercial vegetable production in which case the* ***Nitrogen Reference Point*** *shall be the average annual nitrogen leaching loss during the reference period.* c. *The* ***Nitrogen Reference Point*** *must be calculated using the current version of the OVERSEER® Model (or any other model approved by the Chief Executive of the Waikato Regional Council).* d. *The* ***Nitrogen Reference Point*** *data shall comprise the electronic output file from the OVERSEER® or other approved model, and where the OVERSEER® Model is used, it must be calculated using the OVERSEER® Best Practice Data Input Standards 2016, with the exceptions and inclusions set out in Schedule B Table 1.* e. *The* ***Nitrogen Reference Point*** *and the* ***Nitrogen Reference Point*** *data must be provided to Waikato Regional Council within the period 1 September 2018 to 31 March 2019.* f. *The reference period is ~~an average of the five years between~~ the five financial years spanning 2011/12 to 1015/16 (as consistent with the five-year rolling average in 5(a) in schedule 1) ~~the two financial years covering 2014/2015 and 2015/2016~~, except for commercial vegetable production in which case the reference period is 1 July 2006 to 30 June 2016.* g. *The following records (where relevant to the land use undertaken on the property or enterprise) must be retained and provided to Waikato Regional Council at its request: i. Stock numbers as recorded in annual accounts together with stock sale and purchase invoices;* *ii. Dairy production data;* *iii. Invoices for fertiliser applied to the land;*	We consider the nitrogen reference point is a useful tool to assist the WRC to reconcile the quantum of nitrogen that is discharged by land uses within the Waikato and Waipā River catchment. The proposed changes acknowledge that data input standards need to be accurate to ensure nitrogen reference points from different land uses in different parts of the catchment are directly comparable. We are clear the nitrogen reference point is not a tool to benchmark nitrogen discharges from existing land use in a way that would grandparent future allocation of rights to discharge nitrogen.

iv. Invoices for feed supplements sold or purchased;

v. Water use records for irrigation (to be averaged over 3 years or longer) in order to determine irrigation application rates;

vi. Crops grown on the land; and

vii. Horticulture crop diaries and NZGAP records.

Table 1: Data input methodology for ensuring consistency of ***Nitrogen Reference Point*** *data using the OVERSEER® Model*

OVERSEER® Parameter	***Setting that must be used Explanatory note***	***Explanatory note***
Farm model	*To cover the entire enterprise including riparian, retired, forestry, and yards and races.*	*To capture the "whole farm" in one Overseer® file, where possible, to*
Pastoral and horticulture	*The model is to include non-contiguous properties that are part of the enterprise that are in the same sub-catchment. If the farm (for example where dairy animals are grazed or wintered) is part of another farming business such as a drystock farm, the losses from those animals will be represented in the drystock farm's Overseer model*	*truly represent nitrogen losses from farm in the catchment area*
Location *Pastoral and horticulture*	*Select Waikato Region*	*This setting has an effect on climate settings and some animal characteristics and is required to ensure consistency*
Animal distribution – relative productivity pastoral only	*Use "no differences between blocks" with the following exceptions* • *Grazed pines or other woody vegetation In this case use "Relative yield" and set the grazed pine blocks to 0 4 (40%)* • *Where the farm has a mixture of irrigated and non-irrigated*	*Where verification is possible relative difference should be allowed to be used to encourage smart land use and production systems consistent with policy 5*

	areas In this case use "Relative yield" and set the irrigated area to 1 (100%), and the non-irrigated areas to 0 75 (75%) • Where the farm has verifiable farm operational data that is capable of showing the relative use of various blocks on the farm by different classes of livestock	
Wetlands	Entered as Riparian Blocks	As per the 2016 OVERSEER® Best Practice Data Input Standards
Stock number entry	Based on specific stock numbers only	To ensure consistency and accuracy of stock number inputs
Animal weights	Only use OVERSEER® defaults – do not enter in weights and use the age at start setting where available (national averages) Except where the farm has verifiable digital data of stock weights at the appropriate times	Accurate animal weights are difficult to obtain and prove but those operators who manage and collect verifiable weights should be able to use them
Block climate data	Only use the Climate Station tool For contiguous blocks use the coordinates from the location of the dairy shed or the middle of the farm area (for non-dairy) For non-contiguous blocks use individual blocks' climate station coordinates.	
Soil description	For dairy systems Uuse Soil Order – obtained from S-Map or where S-Map is unavailable from LRI 1 50,000 data or a soil map of the farm. For all other land uses use the best verifiable information available	To ensure consistency between areas of the region that have S-Map data and those that don't for the purposes of developing the nitrogen reference point 75%ile
Missing data	In the absence of Nitrogen Referencing information being provided the Waikato Regional Council will use appropriate default numbers for any	Some farms will not be able to supply data, therefore a

		necessary inputs to the OVERSEER® model (such default numbers will generally be around 75% of normal Freshwater Management Unit^ average values for those inputs)	
Schedule C	Amend Schedule C to read: *"Water bodies from which cattle, horses, deer and pigs must be excluded:* i *Any river that is continually ~~contains surface water~~ flowing (ie, that is not identified as an **intermittently flowing river**).* ii *Any drain (including farm drainage canal) that continually contains surface water.* iii *Any wetland, including a constructed wetland that has a direct connection with continuously flowing surface water.* iv *Any lake."*		We support the requirement to progressively exclude livestock from waterways that is set out in Schedule B. Excluding livestock from waterways is consistent with recent national direction signaled by the Government. The requirement for a waterbody to continually contain surface water may be difficult for the WRC to prove. We consider a potential issue with the definition of "continually contains surface water" would be overcome by adding a new definition to Proposed Plan Change 1 for "Intermittently flowing river" (refer to Submission 46 below) and, amending clause i) of Schedule C (as requested above) to clarify the water bodies the clause does not apply to.
Schedule 1	Amend Schedule 1 to read: *A. Farm Environment Plans shall contain as a minimum:* *7. The property or enterprise details:* a. *Full name, address and contact details (including email addresses and telephone numbers) of the person responsible for the property or enterprise.* b. *Trading name (if applicable, where the owner is a company or other entity).* c. *A list of land parcels which constitute the property or enterprise:* d. *the physical address and ownership of each parcel of land (if different from the person responsible for the property or enterprise) ~~and any relevant farm identifiers such as the dairy supply number, Agribase identification number, valuation reference; and~~* *ii. The legal description of each parcel of land.* *iii. The relevant identifiers such as the rapid number, dairy supply number, Agribase identification number, valuation reference* 8. *An assessment of the risk of diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens associated with the farming activities on the property or enterprise, and the priority of those identified risks, having regard to sub-catchment targets in Table 3.11-1 and the*		We consider the use of Farm Environment Plans is the best available tool to engage with land owners to reinforce the need to identify critical source areas and design customised mitigation actions to reduce the diffuse discharge of the four contaminants. The proposed amendments to Schedule 1 clarify mitigation actions need to be put in place and implemented to reduce the four contaminants, including a detailed description of each mitigation action and a timeframe for implementation. The requirement for declarations signals the Certified Farm Environment Planner has used the best available and most accurate information to promulgate the design of mitigation actions.

	priority of lakes within the sub-catchment. As a minimum, the risk assessment shall include (where relevant to the particular land use): a. *A description of where and how stock shall be excluded from water bodies for stock exclusion including:* i. *the location and provision of fencing and livestock crossing structures to achieve compliance with Schedule C; and* ii. *for areas with a slope exceeding 25□ and where stream fencing is impracticable, the location and provision of alternative mitigation measures.* b. *A description of setbacks and riparian management, including:* i. *The management of water body margins including how damage to the bed and margins of water bodies, and the direct input of contaminants will be avoided, and how riparian margin settling and filtering will be provided for; and* ii. *Where practicable the provision of minimum grazing setbacks from water bodies for stock exclusion of 1 metre for land with a slope of laess than 15□ and 3 metres for land with a slope between 15□ and 25□; and* iii. *The provision of minimum cultivation setbacks of 5 metres.* c. *A description of the critical source areas from which sediment, nitrogen, phosphorus and microbial pathogens are lost, including:* i. *the identification of intermittent waterways, wetlands, overland flow paths and areas prone to flooding and ponding, and an assessment of opportunities to minimise losses ~~from~~ to these areas through appropriate stocking policy, stock exclusion and/or measures to detain floodwaters and settle out or otherwise remove sediment, nitrogen, phosphorus and microbial pathogens (e.g. detention bunds, sediment traps, natural and constructed wetlands); and* ii. *the identification of actively eroding areas, erosion prone areas, and areas of bare soil and appropriate measures for erosion and sediment control and re-vegetation; and* iii. *an assessment of the risk of diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens*	

	from tracks and races and livestock crossing structures to waterways, and the identification of appropriate measures to minimise these discharges (e.g. cut-off drains, and shaping); and iv. *the identification of areas where effluent accumulates including yards, races, livestock crossing structures, underpasses, stock camps, and feed-out areas, and appropriate measures to minimise the risk of diffuse discharges of contaminants from these areas to groundwater or surface water; and* v. *the identification of other 'hotspots' such as fertiliser, silage, compost, or effluent storage facilities, wash-water facilities, offal or refuse disposal pits, and feeding or stock holding areas, and the appropriate measures to minimise the risk of diffuse discharges of contaminants from these areas to groundwater or surface water.* d. *An assessment of appropriate land use and grazing management for specific areas on the farm in order to maintain and improve the physical and biological condition of soils and minimise the diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens to water bodies, including: i. matching land use to land capability; and* i. *identifying areas not suitable for grazing; and* ii. *stocking policy to maintain soil condition and pasture cover; and* iii. *the appropriate location and management of winter forage crops; and* iv. *suitable management practices for strip grazing.* e. *A description of nutrient management practices including* i. *a nutrient budget for the farm enterprise calculated using the model OVERSEER® in accordance with the OVERSEER® use protocols, or using any other model or method approved by the Chief Executive Officer of Waikato Regional Council; <u>and</u>* ii. *<u>an assessment of the assumptions used in a nutrient budget for the property and an opinion on material differences.</u>* f. *A description of cultivation management, including:*	

	i. *The identification of slopes over 15° and how cultivation on them will be avoided; unless contaminant discharges to water bodies from that cultivation can be avoided; and* ii. *How the adverse effects of cultivation on slopes of less than 15° will be mitigated through appropriate erosion and sediment controls for each paddock that will be cultivated including by:* a. *assessing where overland flows enters and exits the paddock in rainfall events; and* b. *identifying appropriate measures to divert overland flows from entering the cultivated paddock; and* c. *identifying measures to trap sediment leaving the cultivated paddock in overland flows; and* d. *Establishing and maintaining appropriate buffers between cultivated areas and water bodies (minimum 5m setback).* e. *A description of collected animal effluent management including how the risks associated with the operation of effluent systems will be managed to minimise contaminant discharges to groundwater or surface water.* f. *A description of freshwater irrigation management including how contaminant loss arising from the irrigation system to groundwater or surface water will be minimised.* 9. *A spatial risk map(s) at a scale that clearly shows:* a. *The boundaries of the property or enterprise (if different); and* b. *The locations of the main land uses* that occur on the property; and* c. *The locations of existing and future mitigation actions to manage contaminant diffuse discharges; and* d. *Any relevant internal property boundaries that relate to risks and mitigation actions described in this plan; and* e. *The location of continually flowing rivers, streams, and drains and permanent lakes, ponds and wetlands; and* f. *The location of riparian vegetation and fences adjacent to water bodies; and* g. *The location of critical source areas for contaminants, as identified in 2 (c) above.* 10. *A detailed description of the following:*	

	Mitigation actions, timeframes and other measures to reduce the diffuse discharge of phosphorus, sediment and microbial pathogens that will be undertaken in response to the risks identified in the risk assessment in 2 above (having regard to their relative priority) as well as where the mandatory time-bound actions will be undertaken, and when and to what standard they will be completed. 11. *A detailed description of the following:* a. *Mitigation actions, timeframes and other measures to ensure that the diffuse discharge of nitrogen from the property or enterprise, as measured by the five-year rolling average annual nitrogen loss as determined by the use of the current version of OVERSEER®, does not increase beyond the property or enterprise's Nitrogen Reference Point, unless other suitable mitigations are specified; or* b. *Where the Nitrogen Reference Point exceeds the 75th percentile nitrogen leaching value, actions, timeframes and other measures to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75th percentile nitrogen leaching value by 1 July 2026, except in the case of Rule 3.11.5.5.* 12. *A programme of works that sets out:* c. *The timeframe for putting in place and implementing the mitigation actions identified in (10) and (11) including:* i. *Record of inspection by Waikato Regional Council staff or;* ii. *Record of inspection by Certified Industry Scheme staff; and* iii. *Record of audit by independent third party accredited auditor.* 13. *A version control table that sets out the date of any amendment to the Farm Environment Plan and the content of the amendment to the Farm Environment Plan.* 14. *A declaration from the Certified Farm Environment Planner confirming the best available and most accurate information was used for the promulgation and design of mitigation actions.*	
Schedule 2	Amend Schedule 2 to read: ***Schedule 2 - Certification of Industry Schemes*** *The purpose of this schedule is to set out the criteria against which applications to approve an industry scheme will be assessed.* *The application shall be lodged with the Waikato Regional Council, and shall include information that demonstrates how the following requirements are met. The Waikato Regional Council may request further information or clarification on the application as it sees fit.*	We conditionally support the concept of Certified Industry Schemes The certification process and criteria prescribed in Schedule 2 need to be robust and transparent. This includes ensuring that appropriate governance arrangements, management systems, processes, procedures and resources are in place to achieve the water quality targets set out in Objective 3. The proposed amendments to Schedule 2 provide more robustness to ensure Industry Schemes that are certified will achieve the water quality targets set out in Objective 3. The amendments to Schedule 2 also attempt to add rigour around serial non-compliance through action or inaction. We note other points of submission that are directly related to Schedule 2. In particular, it is unclear how a property or enterprise that is a member of a Certified Industry Scheme and has a non-complaint Farm Environment Plan (by failing to put in place and implement mitigation actions), would be dealt with. We

	Approval will be at the discretion of the Chief Executive Officer of the Waikato Regional Council subject to the Chief Executive Officer being satisfied that the scheme will effectively deliver on the assessment criteria. ***Assessment Criteria*** A. Certified Industry Scheme System *The application must clearly demonstrate that the Certified Industry Scheme:* 1. *Is consistent with and will achieve:* a. ~~*the achievement of*~~ *the water quality targets referred to in Objective 3; and* b. *the purposes of Policy 2 or 3; and* c. *the requirements of Rules 3.11.5.3 and 3.11.5.5; and* d. *the magnitude of contaminant reductions that are required for the sub-catchment/s —where the Certified Industry Scheme operates— through the coordination of Farm Management Plans managed by the Certified Industry Scheme.* 2. *Has an appropriate ownership structure, governance arrangements and management (including capacity and capability to undertake the coordinated management of Farm Management Plans)* . 3. *Has the in-house capability to coordinate the collective mitigation measures identified in the Farm Management Plans managed by the Certified Industry Scheme and to communication with external stakeholders.* 4. *Has appropriate resources to achieve its function and responsibilities under (1)(a), including monitoring, auditing and reporting.* 5. *Has documented systems, processes, and procedures to ensure:* a. *Competent and consistent performance in preparing robust Farm Environment Plans* ~~*preparation*~~*, including implementation,* ~~*and*~~ *auditing and monitoring.* b. *Effective internal monitoring of performance, including procedures for the review and random sampling of Farm Environment Plans to target farming operations identified as being a higher risk to water quality, or as required by the Waikato Regional Council.* c. *Robust data management (both spatial and temporal).* d. *Timely provision of suitable quality data to Waikato Regional Council.* e. *Timely and* ~~*appropriate*~~ *detailed reporting, including (but not limited to):*	consider a non-compliant property or enterprise should fall out of an Industry Scheme and be subject to Rule 3.11.5.6 as a restricted discretionary activity.

	i. *progress with putting in place and implementing mitigation actions from Farm Environment Plans within the Certified Industry Scheme; and* ii. *current versus modelled or expected outcomes from the Certified Industry Scheme consistent with (1)(a).* f. *Corrective actions will be implemented where auditing reveals non-compliance with putting in place and implementing mitigation actions identified in Farm Environment Plans.* g *Agreed process for escalating continued and deliberate inaction or non-compliance of a member of the Certified Industry Scheme to Waikato Regional Council, including (but not limited to) revocation of the member from the Certified Industry Scheme.* h. *Internal quality control and verification.* i. *The responsibilities and accountability of all parties to the Certified Industry Scheme are clearly stated and enforced.* j. *An accurate and up to date register of scheme membership is established and maintained.* k. *Transparency and public accountability of Certified Industry Schemes* l. *The articles of the scheme, including its register of membership are available for public viewing.* *B. People* *The application must demonstrate that:* 1. *Those The nominated parties responsible for generating and auditing Farm Environment Plans are Certified Farm Environment Planners suitably qualified and experienced.* 2. *Auditing of Farm Environment Plans —prepared under the Certified Industry Scheme— requirements will be undertaken by parties that are accredited auditors and independent of the Farm Environment Plan preparation and approval process.* *C. Farm Environment Plans* *The application must demonstrate that Farm Environment Plans are prepared in conformance with Schedule 1.* *OR* *Amend Permitted Activity Rule 3.11.5.3 so that farming activities with a Farm Environment Plan under a Certified Industry Scheme are a Controlled Activity subject to the assessment criteria in Schedule 2:*	

Glossary	Amend the definition of Enterprise to read: *"Enterprise/s: means one or more parcels of land held in single or multiple ownership to support the principal land use or land which the principle land use is reliant upon, including associated land uses, and constitutes a single operating unit for the purposes of management. An enterprise is considered to be within a sub-catchment if more than 50% of that enterprise is within the sub-catchment.*	We consider there is a risk that the current definition of Enterprise could be interpreted too narrowly resulting in individual farming activities being separated out of an enterprise (eg, where dairy is associated with dry stock and forestry) Arbitrarily separating land uses within an enterprise could have unintended consequences for large enterprises with diverse business interests. The proposed amendment makes the definition more consistent with the farm model section (and associated explanatory note) of Table 1 in Schedule B that expressly instructs the inclusion of the entire enterprise —not only the primary land use— for calculating the Nitrogen Reference Point. The approach is also more in line with how a farm business would operate and offers potential benefits for land use rationalisation that aligns with Policy 5.
	Add the following definition of "Intermittently flowing river": *"Intermittently flowing river:* Intermittently flowing means a river or stream that, in its natural state during an average year, stops flowing on at least one occasion during the year."	We consider the requirement for a river to "continually contain surface water" under clause i) of Schedule C, in relation to water bodies from which cattle, horses, deer and pigs must be excluded, may be difficult for the WRC to enforce as it would be difficult to prove. The proposed new definition of "**Intermittently flowing river**", in conjunction with the requested amendment to the wording of clause i) sought under Submission 42 above, would assist by clarifying the water bodies the clause does not apply to.