

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

Submission form on publicly notified – Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

 E-MAILED  
8/3/17

SubForm	PC12016	COVER SHEET	
<b>FOR OFFICE USE ONLY</b>			
		Submission Number	
Entered		Initials	
File Ref		Sheet 1 of	

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

SUBMISSIONS CAN BE	
<b>Mailed to</b>	Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
<b>Delivered to</b>	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
<b>Faxed to</b>	(07) 859 0998 <i>Please Note: if you fax your submission, please post or deliver a copy to one of the above addresses</i>
<b>Emailed to</b>	healthyrivers@waikatoregion.govt.nz <i>Please Note: Submissions received by email must contain full contact details. We also request you send us a signed original by post or courier.</i>
<b>Online at</b>	www.waikatoregion.govt.nz/healthyrivers
<b>We need to receive your submission by 5pm, 8 March 2017.</b>	

YOUR NAME AND CONTACT DETAILS		
Full name: Southern Pastures Limited Partnership		
Full address Level 9a, Old South British Building, 3-13 Shortland Street, Auckland. Registered office: c/- Baker Tilly (Staples Rodway), Level 4 BNZ Building, 354 Victoria Street, PO Box 9159, Hamilton 3240		
Email phillip.wight@southernpastures.co.nz	Phone 09 307 9257	Fax

ADDRESS FOR SERVICE OF SUBMITTER		
Full name Southern Pastures LP, c/- Tompkins Wake, Hamilton		
Address for service of person making submission: Southern Pastures LP, c/- Tompkins Wake, Westpac House, Level 8, 430 Victoria Street, PO Box 258, Hamilton 3240		
Email marianne.mackintosh@tompkinswake.co.nz	Phone 07 8394771	Fax 07 8394913

TRADE COMPETITION AND ADVERSE EFFECTS <i>(select appropriate)</i>
I <input checked="" type="checkbox"/> could not gain an advantage in trade competition through this submission.

११/११/११

**THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 1 THAT MY SUBMISSION RELATES TO**

*Please state the provision, map or page number e.g. Objective 4 or Rule 3.11.5.1  
(continue on separate sheet(s) if necessary.)*

**REFER TO THE ATTACHED SUBMISSION DOCUMENT**

**I SUPPORT OR OPPOSE THE ABOVE PROVISION/S**

*(select as appropriate and continue on separate sheet(s) if necessary.)*

- Support the above provisions
- Support the above provision with amendments
- Oppose the above provisions

**REFER TO THE ATTACHED SUBMISSION DOCUMENT**

**MY SUBMISSION IS THAT**

*Tell us the reasons why you support or oppose or wish to have the specific provisions amended  
(Please continue on separate sheet(s) if necessary.)*

**REFER TO THE ATTACHED SUBMISSION DOCUMENT**

**I SEEK THE FOLLOWING DECISION BY COUNCIL**

*(select as appropriate and continue on separate sheet(s) if necessary.)*

- Accept the above provision
- Accept the above provision with amendments as outlined below
- Decline the above provision
- If not declined, then amend the above provision as outlined below

**REFER TO THE ATTACHED SUBMISSION DOCUMENT**

Amend as follows:

**REFER TO THE ATTACHED SUBMISSION DOCUMENT**

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

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

I do not wish to speak at the hearing in support of my submissions.

**JOINT SUBMISSIONS**

If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

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

Yes, I have attached extra sheets.

No, I have not attached extra sheets.

**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 7 March 2017

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.

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

## Additional sheet to assist in making a submission

<b>Section number of the Plan Change</b>	<b>Support /Oppose</b>	<b>Submission</b>	<b>Decision sought</b>
Please refer to title and page numbers used in the plan change document	Indicate whether you support or oppose the provision.	State in summary the nature of your submission and the reasons for it.	State clearly the decision and/or suggested changes you want Council to make on the provision.
<b>REFER TO THE ATTACHED SUBMISSION DOCUMENT</b>	<b>REFER TO THE ATTACHED SUBMISSION DOCUMENT</b>	<b>REFER TO THE ATTACHED SUBMISSION DOCUMENT</b>	<b>REFER TO THE ATTACHED SUBMISSION DOCUMENT</b>

## Submission by Southern Pastures LP

### Proposed Plan Change 1 to the Waikato Regional Plan, Waikato and Waipa River catchments – “Healthy Rivers” (“PPC1”)

8<sup>th</sup> March 2017

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#### Summary of submission

1. Southern Pastures LP (“SPLP”) has an interest in PPC1 in its entirety.
2. SPLP supports the underlying principles of PPC1, which seek to give effect to the Vision and Strategy for the Waikato and Waipa Rivers (“Vision and Strategy”), and the National Policy Statement on Freshwater Management (“NPS-FM”). However, SPLP considers that some amendments are necessary to the objectives, policies, methods and rules of PPC1 in order for the provisions of PPC1 to be the most appropriate to give effect to the Vision and Strategy and the NPS-FM, and to achieve the purpose of the Resource Management Act 1991 (“RMA”).
3. In that regard, SPLP supports PPC1 in part and opposes PPC1 in part. In particular, SPLP is concerned that the section 32 evaluation has not fully addressed the potential costs of the implementation of PPC1 and has not considered opportunities for flexibility in land use management, including offset mitigation, across farming enterprises or properties which will give effect to the policies of PPC1 and achieve its objectives. In that regard, SPLP supports the selection of Scenario 1, subject to the amendments which it seeks to provide for flexibility of land use management and land use change in circumstances where nutrient levels can be managed appropriately.
4. SPLP seeks relief which, in general terms:
  - (a) Amends and/or adds objectives, policies, methods and rules to provide flexibility for land use and land use change in order to achieve an overall benefit for the catchment in respect of diffuse discharges of the nutrients which are the focus of PPC1;
  - (b) Amends and/or adds policies, methods and rules to provide for certain land use change activities as a restricted discretionary activity; and
  - (c) Amends various provisions in order to clarify their meaning and provide certainty for stakeholders.

#### Introduction

5. SPLP is the largest institutional farmland fund in New Zealand. SPLP’s mission is to produce the finest quality milk using sustainable farming methods emphasising innovation, integrity, social responsibility and using the highest ethical standards to promote growth and potential within its farms. SPLP’s approach to farming is to be best-practice industry leaders in sustainable dairy farming.
6. SPLP own ten farms within the Waikato Region which are located within the jurisdictional boundaries of both South Waikato District Council and Taupo District Council. The farms have been progressively converted from production forest to dairy farming since 2009. All ten farms have established dairy

platforms which are operational and have been for some years. There is a limited area of farm land in total which is yet to be converted and this relates to parts of some of SPLP's farms.

7. SPLP adheres to a set of Environmental, Social and Governance policies. SPLP carries out reforestation of land unsuitable for pastoral farming because of contour and/or access constraints, and carries out riparian planting and ecological protection and restoration work in accordance with the recommendations from ecological assessments carried out by Wildlands Consultants. All waterways within SPLP farms are fenced to exclude stock from entering them.
8. Against that background, SPLP supports the underlying values and principles of PPC1. It understands and accepts the need for land use management to change in order to ensure that water quality within the Waikato and Waipa catchments is improved. However SPLP believes that those farmer stakeholders who have implemented environmental policies and adhere to best practice should not be penalised as a consequence of the actions of other stakeholders who may not do the same. In that regard, a key point of SPLP's submission is that PPC1 is amended to include provision for flexibility in land use management, including land use change, in the context of the proposed NRP reporting and contaminant reduction regime.

#### **Conditional support for PPC1, subject to amendments sought**

9. SPLP supports the underlying principles of PPC1. The issue of diffuse discharges of nutrients onto land and into the Waikato River catchment(s) must be addressed and controlled in order to achieve the objectives outlined in the Vision and Strategy as well as the National Policy Statement on Freshwater Management (NPS-FM). However, SPLP is concerned that the provisions as currently drafted:
  - (a) Do not provide appropriate flexibility for land use and land use change which has the potential to result in positive environmental outcomes for the catchment (for example, circumstances in which land that is currently in pasture could be exchanged/swapped/replanted in trees to allow for the use of land which is best suited for farming to be changed), and/or which will not lead to an increase in diffuse discharges of nutrients across an enterprise or property;
  - (b) Do not provide sufficient certainty for stakeholders regarding interpretation, implementation and, therefore, compliance with the proposed farming activity rules. In that regard, SPLP acknowledges that the "*Working Draft Implementation Plan for the Proposed Waikato Regional Plan Change 1 – Waikato and Waipa Catchments*", 15 February 2017" ("Draft Implementation Plan") provides some further guidance. However, this document is a draft and does not form part of PPC1. Accordingly, SPLP seeks relief to clarify certain provisions of PPC1 and how these will be implemented.
10. To address these concerns, SPLP seeks amendments to the provisions of PPC1 which are considered appropriate and which will give effect to the Waikato Regional Policy Statement ("WRPS"), the Vision and Strategy of the Waikato River/Te Ture Whaimana o Te Awa o Waikato, the NPS-FM, and the purpose of the RMA, in addition to providing clarity and certainty regarding the interpretation and implementation of the rules and other methods.
11. In that regard, SPLP is concerned the section 32 analysis prepared by WRC officers does not provide an adequate level of detail and analysis with respect to the new land use change rule and the economic analysis which underpins this.

### Reasons for submission

12. Further details of the reasons for this submission are included in the **attached** table marked Appendix 1, together with the specific relief sought.
13. In general terms, SPLP is concerned that the plan change:
  - (a) Establishes a “grand parenting” regime for nitrogen which effectively rewards land owners/farmers who poorly manage their farming activities, particularly in the context of diffuse discharges to land and water. The “benchmark” NRP for those stakeholders will be high and the future reductions in nutrient levels will be relatively easily to achieve. In contrast, those landowners/farmers who currently employ environmental best practice management technique will have a much lower benchmark Nitrogen Reference Point (NRP) and will be penalised.
  - (b) Does not appropriately recognise and provide for dairy farming entities who have carried out land use change from production forestry to best-practice pastoral farming prior to the commencement of the “Healthy Rivers” collaborative process and the development of a policy position which seeks to prevent further land use change. Such entities have invested significant resources into developing dairy farms which are operated in accordance with highest standards and environmental best practice. This will also have cost implications for the wider Regional economy. Such economic impacts do not appear to have been adequately considered in the development of PPC1;
  - (c) Does not provide sufficient certainty regarding the determination of the Nitrogen Reference Point (“NRP”) for each property or enterprise, including the meaning of “enterprise” and the implications of differences in interpretation for landowners in light of the proposed Plan Change provisions. While the Draft Implementation Plan provides some guidance, PPC1 does not contain sufficient direction as to how WRC will ensure the integrity and accuracy of the NRP for each property or enterprise when it is lodged in 2019, particularly if there are concerns regarding the reliability of the data set which is the basis for a NRP;
  - (d) Does not provide sufficient certainty regarding the version of OVERSEER which will be relied on, and the process by which the Chief Executive Officer of the Waikato Regional Council will “approve” any other model to calculate a NRP;
  - (e) Contains rules with immediate legal effect, in particular the proposed permitted activity rules, which are incapable of being complied with until future dates are triggered for the purpose of satisfying conditions of the same rules. It is assumed that WRC anticipates that farmers will rely on section 20A of the RMA in the interim period until such time as the dates in the permitted activity rule conditions are reached;
  - (f) Includes a land use change rule which, based on the definition of “arable cropping” is open to an interpretation that on-farm rotational cropping could trigger a requirement for a non-complying resource consent where that cropped area of land is sown in pasture;
  - (g) Establishes a regime which requires input from a “certified farm environment planner”, and/or “certified farm nutrient advisor” and the establishment of “certified industrial schemes” and correlating definitions of those terms without sufficient guidelines or certainty as to when these systems will be in place. While the Draft Implementation Plan provides some guidance, and the definitions in PPC1 state that they will be listed on its website, SPLP nevertheless considers it appropriate that PPC1 is amended to provide better and further particulars as to how the systems will be established, implemented and enforced;



- (h) Does not provide for economic assistance and/or funding for landowners/stakeholders which may incentivise, for example, re-purposing and/or retiring of land which may be less suitable for farming activities, or re-forestation areas of land currently in pasture. Re-forestation appears to be an expected outcome of PPC1 and the policy and rule framework supports this conclusion. However, the success of such a policy shift will not be realised unless there is genuine incentive for land owners to change. Other economic mechanisms should be considered, for example, nitrogen trading. However, it is acknowledged that this may be a matter for future plan changes;
- (i) Does not provide for economic assistance and/or fund for landowners/stakeholders to access which will assist with the preparation of preparing farm environment plans or cost implications for compliance with the proposed new rules; and
- (j) Does not provide for environmental offsets which provide flexibility for land owners/farmers to achieve reductions in the level of diffuse discharges of nutrients to land and water within the relevant catchment.

#### **Specific submission points and relief sought**

- 14. Against that background, the specific relief sought in relation to particular proposed provisions of PPC1 is set out in **attached** table, marked Appendix 1.
- 15. SPLP is interested in the entirety of PPC1. For the avoidance of doubt, in addition to the specific relief described in this submission and Appendix 1, SPLP seeks any further and/or consequential relief which will address the reasons for its submission and/or the relief sought, including in relation to the section 32 evaluation undertaken by WRC.
- 16. The amendments which are sought are shown in underlined tracked changes and strikethrough of the text of PPC1 as notified (and withdrawn in part). The amendments set out in Appendix 1, together with this document support and supplement the completed submission form (Form 5) which is also **attached** to this submission.

#### **Scenario 1 as foundation for PPC1**

- 17. WRC has published a section 32 evaluation in support of PPC1. A key foundation of PPC1 was the decision by the CSG to pursue "Scenario 1", being one of a number of scenarios which were modelled in order to achieve water quality outcomes to give effect to the NPS-FM and Vision and Strategy.
- 18. Section C2.2.11 of the section 32 analysis describes the scenario modelling outputs. (WRC 2015, Document#3405808). It refers to three rounds of modelling of the five listed scenarios, plus two further scenarios. This includes the Water quality in 1863 and business as usual. Scenario 1 was compared with water quality in 1863. The section 32 concludes:

Comparison between 1863 and Scenario 1, showed that achievement of Scenario 1 would lead to a water quality approaching, but a little below, that in 1863 and could be seen as an interpretation of the modern day equivalent of the 1863 state of the Waikato and Waipa rivers (Doole *et al.* 2016a).

19. It appears that Scenario 1 was chosen as the preferred scenario following the second round of modelling. However, SPLP understands that Scenario 2 represents a viable alternative which would give effect to the NPS-FM and the Vision & Strategy. The cost implications for Scenario 1 are significantly higher than those of Scenario 2 (see page 70, section 32 evaluation). Nevertheless, SPLP supports Scenario 1 subject to its relief sought being allowed regarding land use flexibility, including land use change and offset mitigation opportunities. As referred to above, this could include circumstances in which land that is currently in pasture could be exchanged/swapped/replanted in trees to allow for the use of land which is best suited for farming to be changed.

**Detail of relief sought**

20. Refer to Appendix 1, **attached**.

APPENDIX 1

Provision	Support/ Oppose	Submission	Decision sought
Section 32 evaluation and implementation methods	Conditional support	<p>The section 32 evaluation does not provide an analysis or conclusion as to whether the proposed new rules 1-6 are considered to be discharge rules (section 15 RMA) or land use rules (section 9 RMA), or a hybrid of the two. It is not clear whether an applicant should apply for a discharge consent or a land use consent or something else. The most useful guidance is provided in the proposed consequential amendments to section 3.5 of the Waikato Regional Plan which relate to discharges. This states:</p> <p><i>Background and Explanation: Insert new section at end of the Background and Explanation section:</i></p> <p><i>Discharges associated with Farming Land Use Chapter 3.11 addresses the use of land for farming in the Waikato and Waipa River catchments including associated diffuse.</i></p> <p>This issue should be clarified by way of an amendment to PPC1.</p>	Amend PPC1 to clarify the type of resource consent which must be applied for in respect of its proposed new rules.
3.11 Background and explanation: Full achievement of the Vision and Strategy will be inter-generational	Oppose in part	Despite the withdrawal of part of PPC1 (geographically and through consequential amendment to provisions), WRC has not amended the "Background and explanation" section of PPC1 to reflect this significant amendment.	<p>Amend "Background and explanation" section to explain how the key objective of the plan change (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), can be achieved when part of the Waikato River has been removed from the area which is subject to the plan change.</p> <p>Amend the "Background and explanation" section to explain how the staged approach to achieving the objective identified above can be implemented and the NPS-FM given effect to, in light of the withdrawal of a significant geographic area of the Waikato River catchment.</p>
3.11.1 Values and uses for the Waikato and Waipa Rivers			

Provision	Support/ Oppose	Submission	Decision sought
3.11.1.1 Mana Atua – Intrinsic values Intrinsic values - History Ko te whakapapa o ngā iwi ki ōna awa tūpuna / Historical relationships between the rivers and River Iwi Ko ngā kōrero o neherā / History	Support as notified		
3.11.1.1 Intrinsic values - Ecosystem health Ko te hauora me te mauri o te wai / The health and mauri of water Ecosystem health	Support as notified		
Intrinsic values - Natural form and character Ko te hauora me te mauri o te taiao / The health and	Support as notified		

Provision	Support/ Oppose	Submission	Decision sought
mauri of the environment Natural form and character			
3.11.1.2 Mana Tangata – Use values Use values - Wai tapu Ko ngā wai tapu / Sacred waters Wai tapu	Support as notified		
Use values - Geothermal Ko ngā Ngāwhā / Geothermal Geothermal	Support as notified		
Use values - Mahinga kai Ko ngā wāhi mahinga kai / Food gathering, places of food Mahinga kai	Support as notified		
Use values - Human health for recreation Ko te hauora me te mauri o ngā tāngata / The health and mauri of the people Human health for recreation	Support as notified		

Provision	Support/ Oppose	Submission	Decision sought
Use values - Transport and tauranga waka He urungi / Navigation Transport and tauranga waka	Support as notified		
Use values - Primary production Ko ngā mahi māra me ngā mahi ahu matua / Cultivation and primary production Primary production	Support		
Use values – Municipal and domestic water supply	Support in part	The water supplied by the rivers is used for more than municipal and domestic purposes. This should be reflected in the use value.	Amend to include reference to water supply for commercial, industrial and primary production purposes.
Use values - Commerical, municipal and industrial use Ko ngā āu putea / Economic or commercial development  Commercial, municipal and industrial use	Support in part	<p>The use value currently reads as follows:</p> <p><i>The rivers provide economic opportunities to people, businesses and industries.</i></p> <p><i>Fresh water is used for industrial and municipal processes, which rely on the assimilative capacity for discharges to surface water bodies. In addition:</i></p> <ul style="list-style-type: none"> <li>• <i>The rivers provide for economic wellbeing, financial and economic contribution, individual businesses and the community and the vibrancy of small towns. They are working rivers; they create wealth.</i></li> <li>• <i>Those industries are important to the monetary economy of Waikato region, enabling a positive brand to promote to overseas markets.</i></li> </ul>	<p>Amend as follows (or alternative wording which addresses the submission):</p> <p><u>The rivers are working rivers and supply water, generate electricity and support primary production, as well as providing drainage. The rivers also provide opportunities for activities which generate positive economic outcomes.</u> <del>Fresh water is used for industrial and municipal processes, which rely on the assimilative capacity for discharges to surface water bodies. In addition:</del></p> <ul style="list-style-type: none"> <li>• <u>The primary production industries which rely on the rivers generate demand for products and services which, in turn facilitates economic growth. This enables individual businesses and communities to provide for their economic wellbeing and contributes to the vibrancy</u></li> </ul>

Provision	Support/ Oppose	Submission	Decision sought
		<ul style="list-style-type: none"> <li>• <i>The rivers provide for domestic and international tourism. Promotion of a clean, green image attracts international and domestic visitors.</i></li> <li>• <i>The rivers provide assimilative capacity for wastewater disposal, flood and stormwater, and ecosystem services through community schemes or on site disposal.</i></li> </ul> <p>The reference to “commercial, municipal and industrial use” should be deleted from the “economic of commercial development” use value, in light of the relief sought that these matters be included in the previous value relating to water supply.</p> <p>The explanation to the value is not clearly drafted and should be amended accordingly. It is not just the “assimilative capacity” of the rivers which provides economic opportunities to people etc. Furthermore, communities benefit from economic or commercial development, not just people, businesses and industries.</p>	<p><del>of small towns. financial and economic contribution, individual businesses and the community and the vibrancy of small towns. They are working rivers; they create wealth.</del></p> <ul style="list-style-type: none"> <li>• Those industries are <del>important</del> <u>critical</u> to the monetary economy of Waikato region, <del>enabling a positive brand to promote to overseas markets.</del></li> <li>• The rivers provide for domestic and international tourism. Promotion of a clean, green image attracts international and domestic visitors.</li> <li>• The rivers provide <u>drainage and</u> assimilative capacity for wastewater disposal, flood and stormwater, and ecosystem services through community schemes or on site disposal.</li> </ul>
Use values - Mitigating flood hazards Mitigating flood hazards	Support in part	The mitigation of flood hazards is relevant to livestock as well as people.	Include reference to livestock in value.
<b>3.11.2 Objectives</b>			
<b>Objective 1:</b> Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit	Conditional support	<p>Proposed objective 1 reads:</p> <p><b><i>Objective 1: Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit</i></b></p> <p><i>By 2096, discharges of nitrogen, phosphorus, sediment and microbial pathogens to land and water result in achievement of the restoration and protection of the 80-year water quality attribute^ targets^ in Table 3.11-1.</i></p>	Refer to policy and rule amendments set out below regarding sought regarding land use flexibility, including land use change and offset mitigation opportunities

Provision	Support/ Oppose	Submission	Decision sought
		<p>This objective and the associated attribute targets are "aspirational".</p> <p>Objective 1 may be achieved in circumstances where land use change occurs, provided that diffuse nutrient discharges are managed appropriately. On the basis that its relief sought regarding land use flexibility, including land use change and offset mitigation opportunities being granted, SPLP supports objective 1.</p>	
<p><b>Objective 2:</b> Social, economic and cultural wellbeing is maintained in the long term</p>	<p>Conditional support</p>	<p>Proposed objective 2 reads:</p> <p><b><i>Objective 2: Social, economic and cultural wellbeing is maintained in the long term.</i></b></p> <p><i>Waikato and Waipa communities and their economy benefit from the restoration and protection of water quality in the Waikato River catchment, which enables the people and communities to continue to provide for their social, economic and cultural wellbeing.</i></p> <p>This objective reflects the proposition that the economies of Waikato and Waipa will benefit from the restoration and protection of water quality in the Waikato River catchment in the long term. There is no evidence in the supporting technical reports which adequately explains or quantifies this benefit. While improved water quality will be beneficial from an ecological, environmental and cultural perspective, the extent to which this will be socially and economically beneficial is not certain. It follows that social, economic and cultural wellbeing should be a standalone objective which is not linked to an assumption that the "restoration and protection of water quality" via PPC1 will "enable the people and communities to continue to provide for their social, economic and cultural wellbeing".</p> <p>Social, economic and cultural wellbeing is relevant in the short term as well as the long term.</p>	<p>Amend Objective 2 to read as follows (or similar to address reason for submission point):</p> <p>Objective 2: Social, economic and cultural wellbeing is maintained in the long term (80 years)</p> <p><u>Waikato and Waipa communities are able to provide for their social, economic and cultural wellbeing in the short term (10 years) and long term (80 years), recognising that the Waikato and Waipa communities and their economy may ultimately benefit from the restoration and protection of water quality in the Waikato River catchment. This in turn will</u> <del>which</del> enables the people and communities to continue to provide for their social, economic and cultural wellbeing.</p>



Provision	Support/ Oppose	Submission	Decision sought
<p><b>3.11.2</b> <b>Objective 3</b> Short-term improvements in water quality in the first stage of restoration and protection of water quality for each sub-catchment and Freshwater Management Unit</p>	<p>Oppose in part</p>	<p>Proposed objective 3 reads:</p> <p><b><i>Objective 3: Short-term improvements in water quality in the first stage of restoration and protection of water quality for each sub-catchment and Freshwater Management Unit</i></b></p> <p><i>Actions put in place and implemented by 2026 to reduce discharges of nitrogen, phosphorus, sediment and microbial pathogens, are sufficient to achieve ten percent of the required change between current water quality and the 80-year water quality attribute^targets^ in Table 3.11-1. A ten percent change towards the long term water quality improvements is indicated by the short term water quality attribute^targets^ in Table 3.11-1.</i></p> <p>The intent and meaning of objective 3 is not clear. Given the “reasons for adopting objective 3” reproduced below, it appears that the objective is not to achieve the short term water quality attributes in Table 3.11-1 by 2026.</p> <p><b><i>Reasons for adopting Objective 3</i></b> <i>Objective 3 sets short term goals for a 10-year period, to show the first step toward full achievement of water quality consistent with the Vision and Strategy.</i> <i>The effort required to make the first step may not be fully reflected in water quality improvements that are measureable in the water in 10 years. For this reason, the achievement of the objective will rely on measurement and monitoring of actions taken on the land to reduce pressures on water quality.</i> <i>Point source discharges are currently managed through existing resource consents, and further action required to improve the quality of these discharges will occur on a case-by-case basis at the time of consent renewal, guided by the targets and limits set in Objective 1.</i></p> <p>This proposition is further supported by the proposed consequential amendment to section 3.2 of the Waikato</p>	<p>Amend Objective 3 as set out below, or such alternative wording in order to address the reasons for submission:</p> <p><del>Actions put in place and</del> <u>Changes to land use and water management are</u> implemented by 2026 <u>which</u> reduce discharges of nitrogen, phosphorus, sediment and microbial pathogens, <u>and</u> are sufficient to <u>eventually</u> achieve ten percent of the required change between current water quality and the 80-year water quality attribute^targets^ in Table 3.11-1. A ten percent change towards the long term water quality improvements is indicated by the short term water quality attribute^targets^ in Table 3.11-1.</p>

Provision	Support/ Oppose	Submission	Decision sought
		<p>Regional Plan – Water Management Classes. This proposed consequential amendment reads as follows:</p> <p><i>Freshwater Management Units</i></p> <p><i>In Chapter 3.11, Fresh Water Management Units and associated water quality targets have been established for the Waikato and Waipa River catchments. Within the Waikato and Waipa River catchments, these targets are used in decision-making processes guided by the objectives in Chapter 3.11 and for future monitoring of changes in the state of water quality within the catchments. With regard to consent applications for diffuse discharges or point source discharges of nitrogen, phosphorus, sediment and microbial pathogens it is not intended, nor is it in the nature of water quality targets, that they be used directly as receiving water compliance limits/standards.</i></p> <p>Instead, the objective appears to be aimed at changes in land use and management to be implemented by 2026. There is an acknowledgement (including in the reports which are cross-referenced in the section 32 evaluation) that improvements in water quality attributes as a consequence of those changes won't be seen for some time, which could be beyond 2026.</p> <p>The wording of the objective doesn't reflect this as it refers to "actions put in place and implemented by 2026" to reduce contaminants are sufficient to "achieve ten percent of the required change between current water quality and the 80-year water quality attribute targets in Table 3.11-1. A ten percent change towards the long term water quality improvements is indicated by the short term water quality attribute targets in Table 3.11-1.". It will not be possible to achieve a 10% change in some instances, regardless of the extent of the change in land use and water management which occurs before 2026.</p>	

Provision	Support/ Oppose	Submission	Decision sought
		The objective should be amended so that its intended meaning is clear, including clarifying what is meant by “actions put in place and implemented”. This phrase does not make sense.	
<p><b>3.11.2 Objective 4:</b> People and community resilience</p>	Oppose in part	<p>Proposed objective 4 reads as follows:</p> <p><b>Objective 4: People and community resilience</b></p> <p><i>A staged approach to change enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing in the short term while:</i></p> <p><i>a. considering the values and uses when taking action to achieve the attribute^ targets^ for the Waikato and Waipa Rivers in Table 3.11-1; and</i></p> <p><i>b. recognising that further contaminant reductions will be required by subsequent regional plans and signalling anticipated future management approaches that will be needed to meet Objective 1.</i></p> <p>The meaning of the objective, particularly clause a. is not clearly articulated.</p> <p>It is understood that the objective is intended to be:</p> <ul style="list-style-type: none"> <li>• To enable people and communities to continue to provide for their wellbeing over the period up to 2026; and</li> <li>• For people and communities to continue to realise the values and uses for the rivers; and</li> <li>• For people and communities to make changes to the management of land use and water.</li> </ul> <p>The objective should be amended so that this is clearer.</p> <p>Furthermore, it is out of context for the term “adaptive management” to be used in this objective. The plan change does</p>	<p>Amend objective 4 as follows:</p> <p><b>Objective 4: People and community resilience</b></p> <p>A staged approach to <u>changing e enables people and communities to provide for their the management of land use and related diffuse discharges undertake adaptive</u> enables people and communities to <u>continue to provide</u> for their social, economic and cultural wellbeing in the short term (the period to 2026) <u>and to continue to realise</u> the values and uses while:</p> <p><del>a. considering the values and uses when taking action to achieve the attribute^ targets^ for the Waikato and Waipa Rivers in Table 3.11-1; and</del></p> <p>b. recognising that further contaminant reductions will be required by subsequent regional plans <del>and signalling anticipated future management approaches that will be needed</del> <u>in order</u> to meet Objective 1.</p>

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		not establish an adaptive management regime which people and communities will implement. As such, the term should be deleted and replaced by alternative wording.	
<b>Objective 5:</b> Mana Tangata – protecting and restoring tangata whenua values	Support		
<b>3.11.3 Policies</b>			
<b>3.11.3 Policy 1</b> Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens	Oppose in part	<p>Policy 1a. refers to "low level of contaminant discharge" and Policy 1b. refers to "high levels of contaminant discharge". Neither term is defined which creates uncertainty as to the meaning of each and therefore the implementation of the policy.</p> <p>For example, does the "level" of discharge refer to volume or the concentration of the contaminants in question? This needs to be clarified through the introduction of a definition or by way of an explanation in the policy.</p>	Amend PPC1 to include definition or explanation of what is meant by "low level of contaminant discharge" and "high levels of contaminant discharge".
<b>3.11.3 Policy 2:</b> Tailored approach to reducing diffuse discharges from farming activities	Oppose in part.	<p>Proposed policy 3.11.3 reads as follows:</p> <p><b>Policy 3.11.3</b></p> <p><i>Manage and require reductions in sub-catchment-wide diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens from farming activities on properties and enterprises by:</i></p> <p><i>a. Taking a tailored, risk based approach to define mitigation actions on the land that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, with the mitigation actions to be specified in a Farm Environment Plan either associated with a resource consent, or in specific</i></p>	<p>Amend clause d. of policy 3.11.3 as follows:</p> <p>d. Requiring the degree of reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens to be proportionate to the amount of current discharge (those discharging more are expected to make greater reductions), and proportionate to the scale of water quality improvement required in the sub-catchments <u>which is capable of being achieved in the short-term taking into account the particular characteristics of each sub-catchment</u>;...</p> <p>Add new clause da. as follows:</p>

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		<p><i>requirements established by participation in a Certified Industry Scheme; and</i></p> <p><i>b. Requiring the same level of rigour in developing, monitoring and auditing of mitigation actions on the land that is set out in a Farm Environment Plan, whether it is established with a resource consent or through Certified Industry Schemes; and</i></p> <p><i>c. Establishing a Nitrogen Reference Point for the property or enterprise; and</i></p> <p><i>d. Requiring the degree of reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens to be proportionate to the amount of current discharge (those discharging more are expected to make greater reductions), and proportionate to the scale of water quality improvement required in the sub-catchment; and</i></p> <p><i>e. Requiring stock exclusion to be completed within 3 years following the dates by which a Farm Environment Plan must be provided to the Council, or in any case no later than 1 July 2026.</i></p> <p>Due to the load-to-come in some of the Upper Waikato sub-catchments, it is not clear whether the 10% water-quality targets in PPC1 will be achieved. This is reflected in the explanatory note to Table 3.11-1 of PPC1. However, what this means in practical terms for farming activities in those sub-catchment is not clear. For example, it is not clear how this variance will be addressed, whether through the resource consent process and/or in future plan changes following analysis of 5-yearly monitoring data.</p>	<p>da. <u>Providing for and allowing opportunity for offset mitigation between properties or enterprises which will achieve the degree of reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens proportionate to the amount of current discharge and proportionate to the scale of water quality improvement required in the sub-catchments capable of being achieved in the period to 2026, taking into account the particular characteristics of each sub-catchment.</u></p>
<p><b>Policy 4:</b> Enabling activities with lower discharges to continue or to be established while signalling further change</p>	<p>Conditional support.</p>	<p>Proposed policy 4 reads as follows:</p> <p><i>Manage sub-catchment-wide diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, and enable existing and new low discharging activities to continue provided that cumulatively the achievement of Objective 3 is not compromised. Activities and uses currently defined as low dischargers may in the future need to take mitigation actions that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens in order for Objective 1</i></p>	<p>SPLP reserves its position, subject to acceptance of its relief sought elsewhere in its submission.</p>

Provision	Support/ Oppose	Submission	Decision sought
may be required in future		<p><i>to be met.</i></p> <p>As noted in relation to Policy 1, the meaning of “low discharges” requires definition or better explanation. Furthermore, it will be difficult for WRP to determine if and when the cumulative effects of “low discharging activities” will “compromise” objective 3.</p> <p>The policy is necessarily linked to the way in which “high level” discharges are addressed by the</p>	
<b>Policy 5 Staged approach</b>	Conditional support.	<p>Proposed policy 5 reads as follows:</p> <p><i>Recognise that achieving the water quality attribute^ targets^ set out in Table 11-1 will need to be staged over 80 years, to minimise social disruption and allow for innovation and new practices to develop, while making a start on reducing discharges of nitrogen, phosphorus, sediment and microbial pathogens, and preparing for further reductions that will be required in subsequent regional plans.</i></p>	SPLP reserves its position, subject to acceptance of its relief sought elsewhere in its submission.
<b>Policy 6: Restricting land use change</b>	Oppose	<p>Proposed policy 6 reads as follows:</p> <p><i>Except as provided for in Policy 16, land use change consent applications that demonstrate an 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 decreases in existing diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens will generally be granted.</i></p> <p>It is not clear whether the “increases” or “decreases” relate to property or enterprise specific activities, or if it will be measured/considered on a sub-catchment basis. Furthermore, in the absence of the NRP for each property/enterprise being lodged with WRC and/or the identification of the 75% percentile for N, it will be even more challenging for an applicant to address this policy.</p>	<p>Amend policy 6 and add new policy to recognise and provide for land use change activities as follows:</p> <p>Except as provided for in Policy 16, <u>Policy [X1]</u>, land use change consent applications that demonstrate an increase in the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens will generally not be granted.</p> <p>Land use change consent applications that demonstrate clear and enduring decreases in existing diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens will generally be granted.</p>

Provision	Support/ Oppose	Submission	Decision sought
		<p>More fundamentally, the policy is not the most appropriate to achieve the objectives of PPC1 or to give effect to the Vision and Strategy and NPS-FM as it is based on an economic analysis of the impacts on land owners which appears to have disregarded some farming stakeholders. Furthermore, it disregards the potential for offset mitigation which could result in no increase in diffuse discharges across an enterprise or property, or could result in a net environmental benefit with respect to diffuse discharges of nutrients.</p> <p>SPLP is concerned that, in the context of PPC1, the policy does not provide for development flexibility for farming activities which would facilitate “higher and best use” of land. The policy and rule framework for farming activities should provide flexibility for land use change, based on consideration of land use suitability and the potential for offset mitigation within an enterprise within a sub-catchment. This approach is intended to enable land use change activities which will result in positive environmental outcomes which achieve the objectives for PC1, but would otherwise conflict with the proposed land use change rule (see further submission point below).</p>	<p><b>Policy [X1] – Flexibility for land use change</b></p> <p><u>Land use change consent applications for activities that will not result in an increased diffuse discharge or nitrogen, phosphorus, sediment and microbial pathogens across a property or enterprise will generally be granted, taking into account:</u></p> <ul style="list-style-type: none"> <li>i. <u>Commitment to the implementation of best management practice actions for nitrogen, phosphorus, sediment and microbial pathogens for the proposed land use, including through the use of Farm Environment Plans for each property or enterprise;</u></li> <li>ii. <u>The creation of positive economic, social and cultural benefits for the Waikato Region.</u></li> </ul>
<p><b>3.11.3 Policy 7 Preparing for allocation in the future</b></p>	<p>Oppose in part</p>	<p>Proposed policy 7 reads as follows:</p> <p><i>Prepare for further diffuse discharge reductions and any future property or enterprise-level allocation of diffuse discharges</i></p>	<p>Amend policy 7 as follows:</p> <p><del>Prepare for further diffuse discharge reductions and any future property or enterprise-level allocation of diffuse discharges</del></p>

Provision	Support/ Oppose	Submission	Decision sought
		<p><i>of nitrogen, phosphorus, sediment and microbial pathogens that will be required by subsequent regional plans, by implementing the policies and methods in this chapter. To ensure this occurs, collect information and undertake research 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'.</i></p> <p><i>Any future allocation should consider the following principles:</i></p> <p><i>a. Land suitability (5) which reflects the biophysical and climate properties, the risk of contaminant discharges from that land, and the sensitivity of the receiving water body, as a starting point (i.e. where the effect on the land and receiving waters will be the same, like land is treated the same for the purposes of allocation); and</i></p> <p><i>b. Allowance for flexibility of development of tangata whenua ancestral land; and</i></p> <p><i>c. Minimise social disruption and costs in the transition to the 'land suitability' approach; and</i></p> <p><i>d. Future allocation decisions should take advantage of new data and knowledge.</i></p> <p>It is inappropriate for a policy to prescribe what a future plan change should include. The policy appears to rely on an assumption that during the period up to 2026 there will be no new or additional diffuse discharge loads beyond current levels (except for Iwi land which is converted) and that this will set a "benchmark" and provide information on which the plan makers can rely. This may or may not be the outcome. The reference to the principles on which a future plan change should be based should be deleted.</p>	<p><del>of nitrogen, phosphorus, sediment and microbial pathogens that will be required by subsequent regional plans, by implementing the policies and methods in this chapter. To ensure this occurs, Collect information and undertake research <u>for the purposes of developing future regional plan changes to support this</u>, 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'.</del></p> <p><del>Any future allocation should consider the following principles:</del></p> <p><del>a. Land suitability (5) which reflects the biophysical and climate properties, the risk of contaminant discharges from that land, and the sensitivity of the receiving water body, as a starting point (i.e. where the effect on the land and receiving waters will be the same, like land is treated the same for the purposes of allocation); and</del></p> <p><del>b. Allowance for flexibility of development of tangata whenua ancestral land; and</del></p> <p><del>c. Minimise social disruption and costs in the transition to the 'land suitability' approach; and</del></p> <p><del>d. Future allocation decisions should take advantage of new data and knowledge.</del></p>
<b>3.11.3 Policy 8: Prioritised implementation</b>	Conditional support	<p>Proposed Policy 8 reads as follows:</p> <p><i>Prioritise the management of land and water resources by implementing Policies 2, 3 and 9, and in accordance with the</i></p>	<p>Amend Policy 8 as follows:</p> <p><u><i>In addition to implementing Policies 2, 3 and 9, prioritise the management of land and water resources in the short term to</i></u></p>



Provision	Support/ Oppose	Submission	Decision sought
		<p>prioritisation of areas set out in Table 3.11-2. Priority areas include:</p> <p>a. Sub-catchments where there is a greater gap between the water quality targets<sup>^</sup> in Objective 1 (Table 3.11-1) and current water quality; and</p> <p>b. Lakes Freshwater Management Units<sup>^</sup>; and</p> <p>c. Whangamarino Wetland.</p> <p>In addition to the priority sub-catchments listed in Table 3.11-2, the 75<sup>th</sup> percentile nitrogen leaching value dischargers will also be prioritised for Farm Environment Plans.</p> <p>The policy could be amended to clarify its meaning and intent.</p>	<p><del>2026 by implementing Policies 2, 3 and 9, and in accordance with the prioritisation of areas set out in Table 3.11-2. Priority areas include:</del></p> <p>a. Sub-catchments where there is a greater gap between the water quality targets<sup>^</sup> in Objective 1 (Table 3.11-1) and current water quality; and</p> <p>b. Lakes Freshwater Management Units<sup>^</sup>; and</p> <p>c. Whangamarino Wetland.</p> <p>In addition to the priority sub-catchments listed in Table 3.11-2, the 75<sup>th</sup> percentile nitrogen leaching value dischargers will also be prioritised for Farm Environment Plans.</p>
<p><b>3.11.3 Policy 9:</b> Sub-catchment (including edge of field mitigation planning, co-ordination and funding)</p>	<p>Support as notified.</p>	<p>Take a prioritised and integrated approach to sub-catchment water quality management by undertaking sub-catchment planning, and use this planning to support actions including edge of field mitigation measures. Support measures that efficiently and effectively contribute to water quality improvements. This approach includes:</p> <p>a. Engaging early with tangata whenua and with landowners, communities and potential funding partners in sub-catchments in line with the priority areas listed in Table 3.11-2; and</p> <p>b. Assessing the reasons for current water quality and sources of contaminant discharge, at various scales in a sub-catchment; and</p> <p>c. Encouraging cost-effective mitigations where they have the biggest effect on improving water quality; and</p> <p>d. Allowing, where multiple farming enterprises contribute to a mitigation, for the resultant reduction in diffuse discharges to be apportioned to each enterprise in accordance with their respective contribution to the mitigation and their respective responsibility for the ongoing management of the mitigation.</p>	
<p><b>3.11.3 Policy 10:</b> provide for point source discharges of</p>	<p>Support as notified</p>		

Provision	Support/ Oppose	Submission	Decision sought
<b>regional significance</b>			
Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges	Support as notified		
Policy 12: Additional considerations for point source discharges in relation to water quality targets	Support as notified		
Policy 13: Point sources consent duration	Support as notified		
Policy 14: Lakes Freshwater Management Units	Support as notified		
Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land	Support as notified	<p><i>Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land/Te Kaupapa Here 16: Te hangore o te tukanga mō te whakawhanaketanga o ngā whenua e whakahokia ai i raro i ngā whakataunga kokoraho o Te Tiriti o Waitangi me ngā whenua Māori kei raro i te mana whakahaere o te takitini</i></p> <p><i>For the purposes of considering land use change applications under Rule 3.11.5.7, land use change that enables the development of tangata whenua ancestral lands shall be managed in a way that recognises and provides for:</i></p> <p><i>a. The relationship of tangata whenua with their ancestral lands; and</i></p>	

Provision	Support/ Oppose	Submission	Decision sought
		<p><i>b. The exercise of kaitiakitanga; and</i></p> <p><i>c. The creation of positive economic, social and cultural benefits for tangata whenua now and into the future;</i></p> <p><i>Taking into account:</i></p> <p><i>i. Best management practice actions for nitrogen, phosphorus, sediment and microbial pathogens for the proposed new type of land use; and</i></p> <p><i>ii. The suitability of the land for development into the proposed new type of land use, reflecting the principles for future allocation as contained in Policy 7, including the risk of contaminant discharge from that land and the sensitivity of the receiving water body; and</i></p> <p><i>iii. The short term targets^ to be achieved in Objective 3.</i></p>	
<p>Policy 17: Considering the wider context of the Vision and Strategy</p>	<p>Support as notified</p>	<p><i>Policy 17 currently reads as follows:</i></p> <p><i>Considering the wider context of the Vision and Strategy/Te Kaupapa Here 17: Te whakaaro ake ki te horopaki whānui o Te Ture Whaimana</i></p> <p><i>When applying policies and methods in Chapter 3.11, seek opportunities to advance those matters in the Vision and Strategy and the values^ for the Waikato and Waipa Rivers that fall outside the scope of Chapter 3.11, but could be considered secondary benefits of methods carried out under this Chapter, including, but not limited to:</i></p> <p><i>a. Opportunities to enhance biodiversity, wetland values^ and the functioning of ecosystems; and</i></p> <p><i>b. Opportunities to enhance access and recreational values^ associated with the rivers.</i></p>	
<p><b>3.11.4 Implementatio n methods</b></p>			
<p>3.11.4.1 Working with others</p>	<p>Support.</p>	<p>3.11.4.1 currently reads as follows:</p> <p><i>Waikato Regional Council will work with stakeholders including Waikato River iwi partners, Waikato River Authority, Waikato</i></p>	

Provision	Support/ Oppose	Submission	Decision sought
		<p><i>River Restoration Strategy partners, Department of Conservation, territorial authorities, industry and sector bodies, to implement Chapter 3.11 including all the following methods in 3.11.4. This will include coordinating priorities, funding and physical works, promoting awareness and providing education, to assist in giving effect to the Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato for the Waikato and Waipa Rivers.</i></p>	
<p>3.11.4.2 Certified Industry Scheme</p>	<p>Support, subject to relief sought.</p>	<p>3.11.4.2 reads as follows:</p> <p><i>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:</i></p> <ul style="list-style-type: none"> <li><i>a. Provision for management of the Certified Industry Schemes;</i></li> <li><i>b. Oversight, and monitoring of Farm Environment Plans;</i></li> <li><i>c. Information sharing;</i></li> <li><i>d. Aggregate reporting on Certified Industry Scheme implementation; and</i></li> <li><i>e. Consistency across the various Certified Industry Schemes</i></li> </ul> <p>While the Draft Implementation Plan provides guidance, SPLP is concerned at the lack of information regarding the process and timing for the establishment and approval of "Certified Industry Schemes". This is a key regulatory management tool for the purposes of implementing and enforcing the provisions of the Plan Change. However, there is no commitment from WRC as to when the information will be available on its website or how the administration of the schemes will function.</p>	<p>Further and better particulars regarding the process and timing for the establishment of Certified Industry Schemes, including a commitment that these will be listed/available on WRC's website by 22 October 2017. Further and better particulars regarding criteria for certifying industry schemes.</p> <p>(Also refer to submission point on Permitted Activity Rule 3.11.5.3 – Farming activities with a Farm Environment Plan under a Certified Industry Scheme, and Controlled Activity Rule 3.11.5.4 – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme.)</p>
<p>3.11.4.3 Farm Environment Plans</p>	<p>Support, subject to relief sought.</p>	<p>3.11.4.3 reads as follows:</p> <p><i>Waikato Regional Council will prepare parameters and minimum requirements for the development of a certification process for</i></p>	<p>Further and better particulars regarding WRC's expectations as to standard and content (bearing in mind detail already contained in PC1). Also refer to relief sought regarding farming activity rules, below.</p>

Provision	Support/ Oppose	Submission	Decision sought
		<p><i>professionals to develop, certify and monitor Farm Environment Plans in a consistent approach across the region. A Farm Environment Plan will be prepared by a certified person as per the requirements outlined in Schedule 1, and will assess the risk of diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens and specify actions to reduce those risks in order to bring about reductions in the discharges of those contaminants. Waikato Regional Council will develop guidance for 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 frequent monitoring and then moving to monitoring based on risk assessment. Robust third party audit (independent of the farmer and Certified Farm Environment Planner) and monitoring will be required.</i></p> <p>While the Draft Implementation Plan provides guidance, PPC1 should provide better and further information as to how this tool will be implemented. Also refer to submission point on Permitted Activity Rule 3.11.5.3 – Farming Activities with a Farm Environment Plan under a Certified Industry Scheme, and Controlled Activity Rule 3.11.5.4 – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme.</p>	
3.11.4.5 Sub-catchment scale planning	Support	<p>3.11.4.5 reads as follows:</p> <p><i>Waikato Regional Council will work with others to develop sub-catchment scale plans (where a catchment plan does not already exist) where it has been shown to be required. Sub-catchment scale planning will:</i></p> <p><i>a. Identify the causes of current water quality decline, identify cost-effective measures to bring about reductions in contaminant</i></p>	<u>Retain as notified.</u>

Provision	Support/ Oppose	Submission	Decision sought
		<p>discharges, and coordinate the reductions required at a property, enterprise and sub-catchment scale (including recommendations for funding where there is a public benefit identified).</p> <p>b. Align works and services to reduce nitrogen, phosphorus, sediment and microbial pathogen discharges including riparian management, targeted reforestation, constructed wetlands, sediment traps and sediment detention bunds.</p> <p>c. Assess and determine effective and efficient placement of constructed wetlands at a sub-catchment scale to improve water quality.</p> <p>d. Support research that addresses the management of wetlands, including development of techniques to monitor ecological change and forecasting evolution of wetland characteristics resulting from existing land use in the wetland catchments.</p> <p>e. Integrate the regulatory requirements to fence waterways with the requirements for effective drainage scheme management.</p> <p>f. Coordinate funding of mitigation work by those contributing to water quality degradation, in proportion to that contribution.</p> <p>g. Utilise public funds to support edge of field mitigations where those mitigations provide significant public benefit.</p>	
<p><b>3.11.4.6</b> <b>Method:</b> <b>Funding and</b> <b>implementation</b></p>	<p>Support, subject to relief sought.</p>	<p>3.11.4.6 reads as follows:</p> <p><i>Waikato Regional Council will:</i></p> <p>a. Provide staff resources and leadership within the organisation for the implementation of Chapter 3.11.</p> <p>b. Seek to secure funding for the implementation of Chapter 3.11 through the annual plan and long term plan processes.</p> <p>Given the economic implications for land owners who are required to comply with the provisions of PPC1, Waikato Regional Council should provide funding for landowners to assist with compliance and provide incentives to undertake mitigation work including retiring unsuitable land or reforestation.</p>	<p>Amend method 3.11.4.6 to include reference to WRC providing a fund to assist landowners, including financial incentives to re-purpose or retire land.</p>
<p>3.11.4.7 Information</p>	<p>Neutral, subject to</p>	<p>3.11.4.7 reads as follows:</p>	<p>SPLP reserves its position, in light of the relief sought elsewhere in its submission.</p>

Provision	Support/ Oppose	Submission	Decision sought
needs to support any future allocation	specific relief sought elsewhere in submission.	<p><i>Gather information and commission appropriate scientific research to inform any future framework for the allocation of diffuse discharges including:</i></p> <ul style="list-style-type: none"> <li><i>a. Implementing processes that will support the setting of property or enterprise-level diffuse discharge limits in the future.</i></li> <li><i>b. Researching:</i> <ul style="list-style-type: none"> <li><i>i. The quantum of contaminants that can be discharged at a sub-catchment and Freshwater Management Unit<sup>^</sup> scale while meeting the Table 3.11-1 water quality attribute<sup>^</sup> targets<sup>^</sup>.</i></li> <li><i>ii. Methods to categorise and define 'land suitability'.</i></li> <li><i>iii. Tools for measuring or modelling discharges from individual properties, enterprises and sub-catchments, and how this can be related to the Table 3.11-1 water quality attribute<sup>^</sup> targets<sup>^</sup>.</i></li> </ul> </li> </ul>	
3.11.4.8 Reviewing Chapter 3.11 and developing an allocation framework for the next Regional Plan	Neutral, subject to specific relief sought elsewhere in submission.	<p><i>Waikato Regional Council will:</i></p> <ul style="list-style-type: none"> <li><i>a. Develop discharge allocation frameworks for individual properties and enterprises based on information collected under Method 3.11.4.7, taking into account the best available data, knowledge and technology at the time; and</i></li> <li><i>b. Use this to inform future changes to the Waikato Regional Plan to manage discharges of nitrogen, phosphorus, sediment and microbial pathogens at a property or enterprise-level to meet the targets<sup>^</sup> in the Objectives.</i></li> </ul>	SPLP reserves its position, in light of the relief sought elsewhere in its submission.
3.11.4.10 Accounting system and monitoring	Neutral, subject to specific relief sought elsewhere in submission.	<p><i>Waikato Regional Council will establish and operate a publicly available accounting system and monitoring in each Freshwater Management Unit<sup>^</sup>, including:</i></p> <ul style="list-style-type: none"> <li><i>a. Collecting information on nitrogen, phosphorus, sediment and microbial pathogen levels in the respective fresh water bodies in each Freshwater Management Unit<sup>^</sup> from:</i> <ul style="list-style-type: none"> <li><i>i. Council's existing river monitoring network; and</i></li> <li><i>ii. Sub-catchments that are currently unrepresented in the existing monitoring network; and</i></li> <li><i>iii. Lake Freshwater Management Units<sup>^</sup>.</i></li> </ul> </li> <li><i>b. Using the information collected to establish the baseline data for compiling a monitoring plan and to assess progress towards achieving the Table 11-1 water quality attribute<sup>^</sup> targets<sup>^</sup>; and</i></li> </ul>	SPLP reserves its position, in light of the relief sought elsewhere in its submission.

Provision	Support/ Oppose	Submission	Decision sought
		<p><i>c. Using state of the environment monitoring data including biological monitoring tools such as the Macroinvertebrate Community Index to provide the basis for identifying and reporting on long-term trends; and</i></p> <p><i>d. An information and accounting system for the diffuse discharges from properties and enterprises that supports the management of nitrogen, phosphorus, sediment and microbial pathogens diffuse discharges at an enterprise or property scale.</i></p>	
<p>3.11.4.11 Monitoring and evaluation of the implementation of Chapter 3.11</p>	<p>Neutral, subject to specific relief sought elsewhere in submission.</p>	<p><i>Waikato Regional Council will:</i></p> <p><i>a. Review and report on the progress towards and achievement of the 80-year water quality objectives of Chapter 3.11.</i></p> <p><i>b. Research and identify methods to measure actions at a sub-catchment, property and enterprise level, and their contribution to reductions in the discharge of contaminants.</i></p> <p><i>c. Monitor the achievement of the values<sup>^</sup> for the Waikato and Waipa Rivers and the uses made of those rivers.</i></p> <p><i>d. Collate data on the number of land use resource consents issued under the rules of this chapter, the number of Farm Environment Plans completed, compliance with the actions listed in Farm Environment Plans, Nitrogen Reference Points for properties and enterprises, and nitrogen discharge data reported under Farm Environment Plans.</i></p> <p><i>e. Work with industry to collate information on the functioning and success of any Certified Industry Scheme.</i></p>	<p>SPLP reserves its position, in light of the relief sought elsewhere in its submission.</p>
<p>3.11.4.12 Support research and dissemination of best practice guidelines to reduce diffuse discharges</p>	<p>Support</p>	<p>Waikato Regional Council will:</p> <p>a. Develop and disseminate best management practice guidelines for reducing the diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and</p> <p>b. Support research into methods for reducing diffuse discharges of contaminants to water.</p>	
<p><b>3.11.5 Rules</b></p>			



Provision	Support/ Oppose	Submission	Decision sought
<p><b>3.11.5.1</b> Permitted Activity Rule – Small and Low Intensity farming activities</p>	<p>Neutral, subject to specific relief sought elsewhere in submission.</p>	<p>Rule 3.11.5.1 reads as follows:</p> <p><i>Rule 3.11.5.1 - Permitted Activity Rule – Small and Low Intensity farming activities</i>  <i>The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity subject to the following conditions:</i></p> <ol style="list-style-type: none"> <li>1. <i>The property is registered with the Waikato Regional Council in conformance with Schedule A; and</i></li> <li>2. <i>Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and</i></li> </ol> <p><i>Either:</i></p> <ol style="list-style-type: none"> <li>3. <i>The property area is less than or equal to 4.1 hectares; and</i></li> <li>4. <i>The farming activities do not form part of an enterprise being undertaken on more than one property; or</i></li> </ol> <p><i>Where the property area is greater than 4.1 hectares:</i></p> <ol style="list-style-type: none"> <li>5. <i>For grazed land, the stocking rate of the land is less than 6 stock units per hectare; and</i></li> <li>6. <i>No arable cropping occurs; and</i></li> <li>7. <i>The farming activities do not form part of an enterprise being undertaken on more than one property.</i></li> </ol>	<p>SPLP reserves its position, in light of the relief sought elsewhere in its submission.</p>
<p><b>3.11.5.2</b> Permitted Activity Rule – Other farming activities</p>	<p>Oppose in part.</p>	<p>Rule 3.11.5.2 reads as follows:</p> <p><i>Rule 3.11.5.2 - Permitted Activity Rule – Other farming activities</i>  <i>The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water where the property area is greater than 4.1 hectares, and has more than 6 stock units per hectare or is used for arable cropping, is a permitted activity subject to the following conditions:</i></p> <ol style="list-style-type: none"> <li>1. <i>The property is registered with the Waikato Regional Council in conformance with Schedule A; and</i></li> </ol>	<p>Amend rule 3.11.5.2, clause 4(c) and (d) as follows:</p> <ol style="list-style-type: none"> <li>c. No part of the property or enterprise over <del>15-23</del>degrees slope is cultivated or grazed; and</li> <li>d. No winter forage crops are grazed in situ, <u>within 10m of any waterway</u>; and</li> </ol>

Provision	Support/ Oppose	Submission	Decision sought
		<p>2. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C and Conditions 3(e) and 4(e) of this Rule; and</p> <p>3. Where the property area is less than or equal to 20 hectares:</p> <p>a. The farming activities do not form part of an enterprise being undertaken on more than one property; and</p> <p>b. Where the land is:</p> <p>i. used for grazing livestock, the stocking rate of the land is no greater than the stocking rate of the land at 22 October 2016; or</p> <p>ii. not used for grazing livestock, the land use has the same or lower diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens as the land use at 22 October 2016; and</p> <p>c. Upon request, the landowner shall obtain and provide to the Council independent verification from a Certified Farm Environment Planner that the use of land is compliant with either b)(i) or b)(ii) above; and</p> <p>d. Upon request from the Council, a description of the current land use activities shall be provided to the Council; and</p> <p>e. Where the property or enterprise contains any of the water bodies listed in Schedule C, new fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains).</p> <p>4. Where the property or enterprise area is greater than 20 hectares:</p> <p>a. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and</p> <p>b. The diffuse discharge of nitrogen from the property or enterprise does not exceed either:</p> <p>i. the Nitrogen Reference Point; or</p> <p>ii. 15kg nitrogen/hectare/year;</p> <p>whichever is the lesser, over the whole property or enterprise when assessed in accordance with Schedule B; and</p>	

Provision	Support/ Oppose	Submission	Decision sought
		<p><i>c. No part of the property or enterprise over 15 degrees slope is cultivated or grazed; and</i></p> <p><i>d. No winter forage crops are grazed in situ; and</i></p> <p><i>e. Where the property or enterprise contains any of the water bodies listed in Schedule C:</i></p> <p><i>i. There shall be no cultivation within 5 metres of the bed of the water body; and</i></p> <p><i>ii. New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains); and</i></p> <p><i>5. For all properties greater than 4.1 hectares, from 31 March 2019, in addition to the requirements of Schedule A, the following information must be provided to the Waikato Regional Council by 1 September each year:</i></p> <p><i>a. Annual stock numbers; and</i></p> <p><i>b. Annual fertiliser use; and</i></p> <p><i>c. Annual brought in animal feed.</i></p> <p>The following conditions of the permitted activity rule are considered to be unduly onerous and impractical.</p> <p><i>c. No part of the property or enterprise over 15 degrees slope is cultivated or grazed; and</i></p> <p><i>d. No winter forage crops are grazed in situ;</i></p> <p>It is understood that the condition restricting cultivation or grazing on land which is over 15 degrees in slope is intended to address the effects of run off of contaminants or the loss of contaminants onto land and into waterways. However, the condition is too restrictive and not consistent with accepted farming best practice. A more appropriate condition would be to apply a restriction to cultivation or grazing of land over 23 degrees. Such an amendment will still achieve the environmental outcome which the condition appears to seek.</p> <p>Similarly, restricting the ability for farmers to rely on the grazing of stock on winter forage crops creates an unnecessary and</p>	

Provision	Support/ Oppose	Submission	Decision sought
		<p>impractical situation. It is understood that the condition is intended to address the effects of runoff into waterways of contaminants arising from in situ winter grazing. This is unnecessarily restrictive and impractical. A more appropriate condition would be to allow for such in situ grazing, provided this occurred at a set-back distance which would address the actual or potential effects of such grazing activity.</p>	
<p><b>3.11.5.3</b> Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme</p>	<p>Oppose in part</p>	<p>While the Draft Implementation Plan provides guidance, SPLP is concerned about the use and implementation of the Nitrogen Reference Point, Certified Industry Schemes and preparation of Farm Environment Plans. These matters are addressed later in this submission. Accordingly, its opposition in part to rule 3.11.5.3 is based on the reference to those matters.</p> <p>Rule 3.11.5.3 reads as follows:</p> <p><i>Rule 3.11.5.3 - Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme</i></p> <p><i>Except as provided for in Rule 3.11.5.1 and Rule 3.11.5.2 the use of land for farming activities (excluding commercial vegetable production) where the land use is registered to a Certified Industry Scheme, and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity subject to the following conditions:</i></p> <ol style="list-style-type: none"> <li><i>1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and</i></li> <li><i>2. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and</i></li> <li><i>3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and</i></li> <li><i>4. The Certified Industry Scheme meets the criteria set out in Schedule 2 and has been approved by the Chief Executive Officer of Waikato Regional Council; and</i></li> </ol>	<p>Refer to relief cited below regarding certainty and implementation of PPC1 methods.</p>

Provision	Support/ Oppose	Submission	Decision sought
		<p>5. A Farm Environment Plan which has been prepared in accordance with Schedule 1 and has been approved by a Certified Farm Environment Planner, is provided to the Waikato Regional Council as follows:</p> <p>a. By 1 July 2020 for properties or enterprises within Priority 1 sub-catchments listed in Table 3.11-2, and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value;</p> <p>b. By 1 July 2023 for properties or enterprises within Priority 2 sub-catchments listed in Table 3.11-2;</p> <p>c. By 1 July 2026 for properties or enterprises within Priority 3 sub-catchments listed in Table 3.11-2; and</p> <p>6. The use of land shall be undertaken in accordance with the actions and timeframes specified in the Farm Environment Plan; and</p> <p>7. The Farm Environment Plan provided 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</p> <p>8. A copy of the Farm Environment Plan amended in accordance with condition (7) shall be provided to the Waikato Regional Council within 30 working days of the date of its amendment.</p>	
<p><b>3.11.5.4</b> Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme</p>	<p>Oppose in part</p>	<p>While the Draft Implementation Plan provides guidance, SPLP is concerned about the use and implementation of the Nitrogen Reference Point, Certified Industry Schemes and preparation of Farm Environment Plans. These matters are addressed later in this submission. Accordingly, its opposition in part to rule 3.11.5.3 is based on the reference to those matters.</p> <p><i>Rule 3.11.5.4 - Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme</i></p>	<p>Refer to relief cited below regarding certainty and implementation of PPC1 methods.</p>

Provision	Support/ Oppose	Submission	Decision sought
		<p><i>Except as provided for in Rule 3.11.5.1 and Rule 3.11.5.2 the use of land for farming activities (excluding commercial vegetable production) where that land use is not registered to a Certified Industry Scheme, and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity until:</i></p> <ol style="list-style-type: none"> <li><i>1. 1 January 2020 for properties or enterprises in Priority 1 sub-catchments listed in Table 3.11-2, and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value;</i></li> <li><i>2. 1 January 2023 for properties or enterprises in Priority 2 sub-catchments listed in Table 3.11-2;</i></li> <li><i>3. 1 January 2026 for properties or enterprises in Priority 3 sub-catchments listed in Table 3.11-2;</i></li> </ol> <p><i>Subject to the following conditions:</i></p> <ol style="list-style-type: none"> <li><i>4. The property is registered with the Waikato Regional Council in conformance with Schedule A; and</i></li> <li><i>5. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and</i></li> </ol> <p><i>After the dates set out in 1), 2) and 3) above the use of land shall be a controlled activity (requiring resource consent), subject to the following standards and terms:</i></p> <ol style="list-style-type: none"> <li><i>a. A Farm Environment Plan has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner, and is provided to the Waikato Regional Council at the time the resource consent application is lodged by the dates specified in I-III below; and</i></li> <li><i>b. The property is registered with the Waikato Regional Council in conformance with Schedule A; and</i></li> <li><i>c. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B and is provided to the Waikato Regional Council at the time the resource consent application is lodged; and</i></li> <li><i>d. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C.</i></li> </ol>	

Provision	Support/ Oppose	Submission	Decision sought
		<p><i>Matters of Control</i>  <i>Waikato Regional Council reserves control over the following matters:</i></p> <ul style="list-style-type: none"> <li><i>i. The content of the Farm Environment Plan.</i></li> <li><i>ii. The actions and timeframes for undertaking mitigation actions that maintain or reduce the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens to water or to land where they may enter water.</i></li> <li><i>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 mitigations are specified.</i></li> <li><i>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.</i></li> <li><i>v. The term of the resource consent.</i></li> <li><i>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.</i></li> <li><i>vii. The timeframe and circumstances under which the consent conditions may be reviewed or the Farm Environment Plan shall be amended.</i></li> <li><i>viii. Procedures for reviewing, amending and re-approving the Farm Environment Plan.</i></li> </ul> <p><i>Dates:</i></p> <ul style="list-style-type: none"> <li><i>I. For Priority 1 sub-catchments, and properties with a Nitrogen Reference Point of greater than 75th percentile nitrogen leaching value, by 1 July 2020</i></li> <li><i>II. For Priority 2 sub-catchments, by 1 July 2023</i></li> <li><i>III. For Priority 3 sub-catchments, by 1 July 2026</i></li> </ul> <p><i>Notification:</i></p>	

Provision	Support/ Oppose	Submission	Decision sought
		<p><i>Consent applications will be considered without notification, and without the need to obtain written approval of affected persons.</i></p>	
<p>3.11.5.6 Restricted Discretionary Activity Rule – The use of land for farming activities</p>	<p>Support in part</p>	<p>Rule 3.11.5.6 reads as follows:</p> <p><i>Rule 3.11.5.6 - Restricted Discretionary Activity Rule – The use of land for farming activities</i>  <i>The use of land for farming activities that does not comply with the conditions, standard or terms of Rules 3.11.5.1 to 3.11.5.5 and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a restricted discretionary activity (requiring resource consent).</i>  <i>Waikato Regional Council restricts its discretion over the following matters:</i></p> <ul style="list-style-type: none"> <li><i>i. Cumulative effects on water quality of the catchment of the Waikato and Waipa Rivers.</i></li> <li><i>ii. The diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens.</i></li> <li><i>iii. The need for and the content of a Farm Environment Plan.</i></li> <li><i>iv. The term of the resource consent.</i></li> <li><i>v. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent.</i></li> <li><i>vi. The time frame and circumstances under which the consent conditions may be reviewed.</i></li> <li><i>vii. The matters addressed by Schedules A, B and C.</i></li> </ul> <p><i>Notification:</i>  <i>Consent applications will be considered without notification, and without the need to obtain written approval of affected persons.</i></p>	<p>Refer to relief cited below regarding certainty and implementation of PPC1 methods.</p>
<p>3.11.5.7 Non- Complying Activity Rule –</p>	<p>Oppose</p>	<p>Rule 3.11.5.7 reads as follows:</p> <p><i>Rule 3.11.5.7 - Non-Complying Activity Rule – Land Use Change</i></p>	<p>Add new restricted discretionary activity rule 3.11.5.7A:</p>



Provision	Support/ Oppose	Submission	Decision sought
<p><b>Land Use Change</b></p>		<p><i>Notwithstanding any other rule in this Plan, any of the following changes in the use of land from that which was occurring at 22 October 2016 within a property or enterprise located in the Waikato and Waipa catchments, where prior to 1 July 2026 the change exceeds a total of 4.1 hectares:</i></p> <ol style="list-style-type: none"> <li><i>1. Woody vegetation to farming activities; or</i></li> <li><i>2. Any livestock grazing other than dairy farming to dairy farming; or</i></li> <li><i>3. Arable cropping to dairy farming; or</i></li> <li><i>4. Any land use to commercial vegetable production except as provided for under standard and term g. of Rule 3.11.5.5 is a non-complying activity (requiring resource consent) until 1 July 2026.</i></li> </ol> <p><i>Notification:</i> <i>Consent applications will be considered without notification, and without the need to obtain written approval of affected persons, subject to the Council being satisfied that the loss of contaminants from the proposed land use will be lower than that from the existing land use.</i></p> <p>This rule is not the most appropriate to implement the policies, achieve the objectives of PPC1 or to give effect to the Vision and Strategy and NPS-FM. The economic analysis on which it is based is flawed as it does not consider the costs to those landowners who are part way through a conversion programme in which millions of dollars have been invested.</p> <p>The rule does not provide flexibility to implement land use change which may result in a net benefit to the catchment. There is no incentive to re-purpose land in pasture in light of investment and financial commitment to date, and PPC1 contains no proposals for funding land owners to “retire” farm land or to cease conversion and re-plant into forest. If re-forestation is an intended outcome of PC1 it should contain appropriate mechanisms to achieve this outcome rather than the threat of enforcement action or prosecution.</p>	<p><u>Rule 3.11.5.7A Restricted Discretionary activity rule – Land Use Change</u></p> <p><u>Notwithstanding any other rule in this Plan, in order to achieve a staged approach to change, any of the following changes in the use of land from that which was occurring at 22 October 2016 within a property or enterprise located in the Waikato and Waipa catchments, where prior to 1 July 2026 the change exceeds a total of 4.1 hectares is are a restricted discretionary activity (requiring resource consent):</u></p> <ol style="list-style-type: none"> <li><u>1. Woody vegetation to farming activities; or</u></li> <li><u>2. Any livestock grazing other than dairy farming to dairy farming; or</u></li> <li><u>3. Arable cropping to dairy farming;</u></li> <li><u>4. Any land use to commercial vegetable production except as provided for under standard and term g. of Rule 3.11.5.5.</u></li> </ol> <p><u>Subject to the following standards and terms:</u></p> <ol style="list-style-type: none"> <li>a) <u>The 5-year rolling average does not exceed the nitrogen reference point, or where nitrogen reference point has not been calculated the average nitrogen loss for the property or enterprise over the 5 year period ending 30 June of the preceding</u></li> </ol>

Provision	Support/ Oppose	Submission	Decision sought
		<p>The rule doesn't provide for flexibility for land use change activities which are based on land use suitability considerations and which could lead to better outcomes from an effects perspective (e.g., retiring areas of land such as steeper high areas, in exchange for conversion of suitable land into pasture). While the NRP may be cited as an effective proxy for enabling this land use change, it is appropriate that a specific rule is included. Criteria for the rule could include a requirement that the proposed land use change does not undermine the NRP mechanism for the property/enterprise.</p> <p>Relevantly, the characteristics of the upper Waikato sub-catchments mean that ceasing activities will have no material impact on status of sub-catchment.</p> <p>The rule should be amended to allow for some limited conversion activities to be completed, provided there is a commitment to reducing diffuse discharges of nutrients, in accordance with the farming activity rules and offset mitigation techniques are recognised and provided for in PPC1.</p> <p>The amendments which are proposed are consistent with and implement the staged approach to changes in land use management which are reflected in the objectives and policies, in particular, objective 4.</p>	<p><u>year that the application is made.</u></p> <p>b) <u>Cattle, horses, deer and pigs are excluded from water bodies in accordance with Schedule C.</u></p> <p><u>Waikato Regional Council restricts its discretion over the following matters:</u></p> <ul style="list-style-type: none"> <li>i. <u>Cumulative effects on water quality of the catchment of the Waikato and Waipa Rivers.</u></li> <li>ii. <u>The diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens.</u></li> <li>iii. <u>The need for and the content of a Farm Environment Plan, including the use of offset mitigation measures.</u></li> <li>iv. <u>The term of the resource consent.</u></li> <li>v. <u>The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent.</u></li> <li>vi. <u>The time frame and circumstances under which the consent conditions may be reviewed.</u></li> </ul>

Provision	Support/ Oppose	Submission	Decision sought
			<p>Amend existing rule 3.11.5.7 as follows:</p> <p>Rule 3.11.5.7 – Non-complying activity rule – Land Use Change</p> <p><u>The following activities which do not comply with the standards and terms of rule(s) 3.11.5.7A are non-complying activities:</u></p> <p>Changes in the use of land from that which was occurring at 22 October 2016 within a property or enterprise located in the Waikato and Waipa catchments, where prior to 1 July 2026 the change exceeds a total of 4.1 hectares...</p> <p>AND INCLUDE: Any appropriate or consequential amendments to the rules set out above, or any other rule in PPC1 in order to address the reasons for submission and/or ensure drafting consistency.</p>
<p>Schedule A - Registration with Waikato Regional Council</p>	<p>Support, subject to relief sought regarding certainty</p>	<p><i>Schedule A - Registration with Waikato Regional Council/Te Āpitiwhanga A – Te rēhita me te Kaunihera ā-Rohe o Waikato</i></p> <p><i>Properties with an area greater than 2 hectares (excluding urban properties) must be registered with the Waikato Regional Council in the following manner:</i></p> <ol style="list-style-type: none"> <li><i>1. Registration must occur between 1 September 2018 and 31 March 2019.</i></li> <li><i>2. Registration information set out in clause 5, and where relevant in clause 6, below must be provided.</i></li> <li><i>3. Proof of registration must be provided to the Waikato Regional Council if requested by the Council.</i></li> <li><i>4. Registration information must be updated by the new owner of a property within 30 working days of the new owner</i></li> </ol>	<p>Notwithstanding the Draft Implementation Plan, provide better and further particulars of how the registration process will operate, including through amendment to the methods described in PPC1.</p>

Provision	Support/ Oppose	Submission	Decision sought
		<p>taking possession of the property, or otherwise at the request of the Waikato Regional Council.</p> <p>5. All property owners must provide:</p> <p>a. The following information in respect of the land owner, and the person responsible for using the land (if different from the land owner):</p> <p>i. Full name.</p> <p>ii. Trading name (if applicable, where the owner is a company or other entity).</p> <p>iii. Full postal and email address.</p> <p>iv. Telephone contact details.</p> <p>b. Legal description of the property as per the certificate(s) of title.</p> <p>c. Physical address of the property.</p> <p>d. 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.</p> <p>e. The total land area of the property.</p> <p>f. Where the land is used for grazing, the stocking rate of animals grazed on the land.</p> <p>6. Properties that graze livestock must also provide a map showing:</p> <p>a. The location of:</p> <p>i. Property boundaries; and</p> <p>ii. Water bodies listed in Schedule C for stock exclusion within the property boundary and fences adjacent to those water bodies; and</p> <p>iii. Livestock crossing points over those water bodies and a description of any livestock crossing structures.</p> <p><u>There is a level of uncertainty regarding the systems which are required to be in place for the registration process with WRC to be implemented effectively. Better and further particulars are needed to address this uncertainty.</u></p>	

Provision	Support/ Oppose	Submission	Decision sought
Schedule B - Nitrogen Reference Point	Oppose in part	<p>Schedule B reads as follows:</p> <p><i>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:</i></p> <p><i>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.</i></p> <p><i>b. The Nitrogen Reference Point shall be the 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.</i></p> <p><i>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).</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>f. The reference period is 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.</i></p>	<p>Notwithstanding the Draft Implementation Plan, amend PPC1 to include provision for the establishment of an auditing procedure or other mechanism which ensures the accuracy and reliability of the input data and use of the Overseer model for the purposes of establishing an NRP. For example, through the Farm Environment Plan process.</p>

Provision	Support/ Oppose	Submission	Decision sought
		<p><i>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></p> <ul style="list-style-type: none"> <li><i>i. Stock numbers as recorded in annual accounts together with stock sale and purchase invoices;</i></li> <li><i>ii. Dairy production data;</i></li> <li><i>iii. Invoices for fertiliser applied to the land;</i></li> <li><i>iv. Invoices for feed supplements sold or purchased;</i></li> <li><i>v. Water use records for irrigation (to be averaged over 3 years or longer) in order to determine irrigation application rates;</i></li> <li><i>vi. Crops grown on the land; and</i></li> <li><i>vii. Horticulture crop diaries and NZGAP records.</i></li> </ul> <p><i>Table 1: Data input methodology for ensuring consistency of Nitrogen Reference Point data using the OVERSEER®Model</i></p> <p><b>TABLE 1 NOT REPRODUCED HERE</b></p> <p>There are a number of uncertainties associated with the use of Overseer including the accuracy of the input data and the potential for reliance on the Fonterra farm data set for nitrogen leaching. This inaccuracy is likely to produce reference points which will "reward" those stakeholders who subsequently produce inaccurately high NRPs. These parties will effectively "grandparent" an NRP which can be reduced over time without serious cost or other implications for the person/stakeholder in question. This in turn will penalise those parties who provide accurate data for the purposes of establishing an NRP.</p> <p>In addition, there needs to be certainty as to the version of Overseer which is to be used and relied on. It is not appropriate for this to potentially be updated or amended without a further plan change as this will lead to further distortion of the reporting and reference point system.</p>	

Provision	Support/ Oppose	Submission	Decision sought
<p><b>Schedule C – Stock Exclusion</b></p>	<p>Support, subject to clarification regarding interpretation of schedule C and Schedule 1 Farm Environment Plans.</p>	<p>Schedule C reads as follows:</p> <p><i>Except as provided by Exclusions I. and II., stock must be excluded from the water bodies listed in i. to iv. below as follows:</i></p> <ol style="list-style-type: none"> <li><i>1. The water bodies must be fenced to exclude cattle, horses, deer and pigs, unless those animals are prevented from entering the bed of the water body by a stock proof natural barrier formed by topography or vegetation.</i></li> <li><i>2. New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within one metre of the bed of the water body (excluding constructed wetlands).</i></li> <li><i>3. Livestock must not be permitted to enter onto or pass across the bed of the water body, except when using a livestock crossing structure.</i></li> <li><i>4. For land use authorised under Rules 3.11.5.1 or 3.11.5.2, clauses 1 and 2 must be complied with:</i> <ol style="list-style-type: none"> <li><i>a. By 1 July 2023 for properties and enterprises within Priority 1 sub-catchments listed in Table 3.11-2.</i></li> <li><i>b. By 1 July 2026 for properties and enterprises within Priority 2 and Priority 3 sub-catchments listed in Table 3.11-2.</i></li> </ol> </li> <li><i>5. For land use authorised under Rules 3.11.5.3, 3.11.5.4 or 3.11.5.5, clauses 1 and 2 must be complied with by the date and in the manner specified in the property's or enterprise's Farm Environment Plan, which shall be within 3 years following the dates by which a Farm Environment Plan must be provided to the Council, or in any case no later than 1 July 2026.</i></li> </ol> <p><i>Water bodies from which cattle, horses, deer and pigs must be excluded:</i></p> <ol style="list-style-type: none"> <li><i>i. Any river that continually contains surface water.</i></li> <li><i>ii. Any drain that continually contains surface water.</i></li> <li><i>iii. Any wetland, including a constructed wetland.</i></li> <li><i>iv. Any lake.</i></li> </ol> <p><i>Exclusions:</i></p> <p><i>The following situations are excluded from clauses 1 and 2:</i></p> <ol style="list-style-type: none"> <li><i>I. Where the entry onto or passing across the bed of the water body is by horses that are being ridden or led.</i></li> </ol>	<p>Clarify relationship/interpretation of the requirements as between Schedule C and Schedule 1 Farm Environment Plans.</p>

Provision	Support/ Oppose	Submission	Decision sought
		<p><i>ii. Where the entry onto or passing across the bed of the water body is by a feral animal.</i></p> <p>SPLP notes that there is an interpretation issue between schedule C and schedule 1 FEPs. It understands that other stakeholders have identified the same issue.</p> <p>Schedule C requires stock exclusion and this is relevant to permitted activity rules of PPC1. However, Schedule 1 FEPs allows flexibility for slope exceeding 25 degrees where impracticable and alternative mitigation measures plus riparian management "where practicable" regarding grazing setbacks for water bodies.</p> <p>The relationship between the two schedules should be clarified and any interpretation issues addressed to avoid confusion and potential issues of non-compliance.</p>	
Schedule 1 - Requirements for Farm Environment Plans	Conditional support.	Farm Environment Plans will play a key role in the implementation and enforcement of the provisions of PPC1. As such, it is important that there is certainty regarding WRC's expectations as to the content and level of detail which will be required. The relationship between FEPs and the requirements of schedule C stock exclusions also needs to be addressed.	Notwithstanding the Draft Implementation Plan, amend and/or include further information in PPC1 in order to provide better certainty regarding WRC's expectations as to the content and level of detail which will be required for FEPs; and to clarify the relationship between FEPs and the requirements of schedule C stock exclusion.
Schedule 2 - Certification of Industry Schemes	Conditional support.	SPLP understands the rationale behind the intent of Certified Industry Schemes. However, there is a lack of detail and information in PPC1 as to the timing, cost, procedure and operation of such schemes.	Notwithstanding the Draft Implementation Plan, amend PPC1 to include better and further particulars regarding the approval and operation of Certified Industry Schemes.
Table 3.11-1: Short term and long term numerical water quality targets for the Waikato and Waipa River catchments	Support subject to relief sought regarding land use flexibility and off-	SPLP accepts table 3.11-1 as currently proposed provided its relief sought in relation to land use change, land use flexibility and off-set mitigation is accepted.	<p>SPLP: grant relief sought regarding land use change, land use flexibility and off-set mitigation, as detailed above.</p> <p>WRC to amend PPC1 so that its provisions clearly set out how the attributes in Table 3.11-1 will be implemented, particularly in the context of resource consent applications for farming activities.</p>



Provision	Support/ Oppose	Submission	Decision sought
	set mitigation		
<b>Part C Glossary of Terms</b>			
Definition - Arable cropping	Support, subject to clarification that the definition does not capture seasonal/cyclical farming processes	<p><i>Arable cropping: means the following arable crops:</i></p> <ul style="list-style-type: none"> <li><i>i. grain cereal, legume, and pulse grain crops</i></li> <li><i>ii. herbage seed crops</i></li> <li><i>iii. oilseeds</i></li> <li><i>iv. crops grown for seed multiplication for use in New Zealand or overseas</i></li> <li><i>v. hybrid and open pollinated vegetable and flower seeds and includes maize grain, maize silage, cereal silage, and mangels.</i></li> </ul> <p>It is common practice for dairy farms to rotate crops and stock grazing on a seasonal basis. It would be unduly onerous and impractical to require a resource consent for such activities, particularly where all other farming activity rules are required to be complied with.</p>	Amend PPC1 to clarify that the definition of arable cropping for the purposes of the proposed non-complying activity rule 3.11.5.7 does not include the rotation of crops and stock grazing on a seasonal basis, which forms part of day to day farming activities.
Definition - Best management practice/s	Support, subject to proposed amendment	<p><i>Best management practice/s: For the purposes of Chapter 3.11, means maximum feasible mitigation to reduce the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens from land use activities given current technology.</i></p> <p>The definition should be amended to include specific reference to off-set mitigation techniques.</p>	Amend definition to read as follows (or similar wording to address reason for submission):  <i>Best management practice/s: For the purposes of Chapter 3.11, means maximum feasible mitigation to reduce the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens from land use activities given current technology. <u>This includes off-set mitigation techniques implemented across an enterprise.</u></i>
Definition - Certified Farm Environment Planner	Support, subject to relief sought elsewhere	<i>Certified Farm Environment Planner: is a person or entity certified by the Chief Executive Officer of Waikato Regional Council and listed on the Waikato Regional Council website as a Certified Farm Environment Planner and has as a minimum the following qualifications and experience:</i>	Notwithstanding the Draft Implementation Plan, amend PPC1 to include better and further particulars regarding the certification of Certified Farm Environment Planners and expected timing for certification/listing on WRC website.

Provision	Support/ Oppose	Submission	Decision sought
	regarding certainty	<p><i>a. five years' experience in the management of pastoral, horticulture or arable farm systems; and</i></p> <p><i>b. completed advanced training or a tertiary qualification in sustainable nutrient management (nitrogen and phosphorus); and</i></p> <p><i>c. experience in soil conservation and sediment management.</i></p> <p>Notwithstanding the Draft Implementation Plan, SPLP understands that there are currently no individuals within the Waikato region who satisfy this set of criteria. Accordingly, there is no certainty that the rule it corresponds to will be capable of being complied with.</p>	
Definition Certified Industry Scheme/s	- Support, subject to relief sought elsewhere regarding certainty	<p><i>Certified Industry Scheme/s: is a scheme that has been certified by the Chief Executive Officer of Waikato Regional Council and listed on the Waikato Regional Council website as meeting the assessment criteria and requirements set out in Schedule 2 of Chapter 3.11.</i></p> <p>Notwithstanding the Draft Implementation Plan, there are currently no such schemes in the Waikato region. Accordingly, there is some uncertainty as to how the corresponding rule will be implemented.</p>	Notwithstanding the Draft Implementation Plan, amend PPC1 to include better and further particulars regarding the timing, certification and implementation of Certified Industry Schemes.
Definition Enterprise/s	- Oppose in part	<p>PPC 1 defines "enterprise" as follows:</p> <p><b><i>Enterprise(s):</i></b> means one or more parcels of land held in single or multiple ownership to support the principle land use or land which the principle land use is reliant upon, 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.</p> <p>Proposed Plan Change 1 amends the current definition of "property" in the WRP as follows:</p>	<p><b>Relief sought:</b></p> <p>Confirmation that the term "enterprise" is not restricted to a single dairy unit and may include more than one dairy unit in circumstances where the land is held in single ownership to support the principal land use.</p> <p>Amend the definition of "Enterprise/s" to read as follows (or similar to address reasons for submission):</p> <p>Enterprise/s: means one or more parcels of land held in single or multiple ownership <u>under the ultimate common control of one owner or entity to support the principal land</u></p>

Provision	Support/ Oppose	Submission	Decision sought
		<p><i>For the purposes of Chapters 3.3, <del>and</del> 3.4 and 3.11 means one or more allotments contained in single certificate of title, and also includes all adjacent land that is in the same ownership but contained in separate certificates of title. <u>For the purpose of Rules 3.11.5.3 and 3.11.5.4 a property is considered to be within a sub-catchment if more than 50% of that property is within the sub-catchment.</u></i></p> <p>SPLP is concerned that the farming activity rules which rely on the provision of an NRP for a “property” or “enterprise” could result in differences in interpretation as to what the term “enterprise” means, and/or which term applies in any given situation. For example, in rule 3.11.5.3 1., it is the “property” which is registered with the Waikato Regional council. However, a Nitrogen Reference Point is “produced for the “property or enterprise””.</p> <p>SPLP seeks relief which clarifies the terms “property” and “enterprise” and the NRP. SPLP considers the terms to be interchangeable such that when establishing an NRP, preparing Farm Environment Plans and otherwise complying with the rules in Plan Change 1, it is open to a person whether it applies a “property” or “enterprise” approach.</p> <p>In that regard, SPLP considers the term “enterprise” includes the totality of its land holding within a sub-catchment including dairy-effective land, land in rotational cropping, woody vegetation, retired land and remaining land in production forest (yet to be harvested), which is under the ultimate common control of one entity. Therefore it is not defined by a single dairy unit.</p> <p>Where the enterprise falls within more than one catchment, this may be considered as one enterprise where the land parcels are contiguous.</p>	<p>use, <u>which may include more than one dairy unit</u>, or land which the principal land use is reliant upon, and constitutes a single operative 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, <u>except that where the enterprise falls within more than one sub-catchment it may nevertheless be treated as a single enterprise if the land parcels are contiguous.</u></p>

Provision	Support/ Oppose	Submission	Decision sought
Definition - Nitrogen Reference Point	Condition al support	<p><i>Nitrogen Reference Point: The nitrogen loss number (units of kg N/ha/year) that is derived from an OVERSEER® use protocol compliant OVERSEER® file that describes the property or farm enterprise and farm practices in an agreed year or years developed by a Certified Farm Nutrient Advisor, using the current version of the OVERSEER® model (or another model approved by the Council) for the property or enterprise at the "reference" point in time.</i></p> <p>The accuracy of the NRP depends on quality of inputs and the OVERSEER® model which is used. The OVERSEER® model changes frequently. Consequently, the outputs will vary depending on which model is used, even if the same inputs are used. It is not clear how WRC intends to address the question of <i>vires</i> of referring to an external "document" or model which changes over time. If the OVERSEER® model to be used for the purposes of compliance with the rules in PPC1 and it is expected to be updated over the life of the plan, stakeholders need certainty as to how this is implemented and audited to ensure that there is consistency across farming activities/stakeholders. Notwithstanding the Draft Implementation Plan, PPC1 should be amended to include an auditing process and further and better particulars as to what model will apply.</p>	<p>WRC to confirm which version of Overseer applies and/or what "other model approved by Council" will apply; and how it will ensure consistency for the purposes of NRP reporting, implementation, and compliance.</p> <p>Also refer to relief sought above regarding data validation and need for auditing system for data set used for calculating NRP.</p>
Definition - Offset/s	Condition al support	<p><i>Offset/s: For the purposes of Chapter 3.11 means for a specific contaminant/s an action that reduces residual adverse effect of that contaminant on water quality.</i></p>	Retain definition, subject to relief sought above regarding definition of "best management practice"

<b>Provision</b>	<b>Support/ Oppose</b>	<b>Submission</b>	<b>Decision sought</b>
		As explained above, the use of off-set mitigation should usefully be added to the definition of "best management practice", in line with the amendments being sought to PPC1 provisions regarding land use change and land use flexibility.	