
From: Bridget Robson <bridget@eland.co.nz>
Sent: Wednesday, 8 March 2017 1:13 p.m.
To: Healthy Rivers
Cc: Alamoti Te Pou
Subject: (received 1.12 8/03)Submission to Plan Change 1 from CNI Iwi Holdings Limited
Attachments: Proposed Plan Change 1 CNIHL submission FINAL.docx

Categories: Receipt SENT - need log this in s/s

Please find attached our submission.
As requested a hard copy will be sent in the mail.

Regards
Bridget Robson

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8 March 2016

The Chief Executive
Waikato Regional Council
Private Bag 3038
Waikato Mail Centre
Hamilton 3240

Dear Vaughan

Plan Change 1: Healthy Rivers

To provide some context for the CNI Iwi Holdings Limited (CNIHHL) submission on Plan Change 1, we have below some background on the CNI settlement.

As part of the settlement of the historical claims of Iwi the Central North Island, CNI Forest Lands were vested in CNI Iwi Holdings Limited (CNIHHL) on 1 July 2009, to be held in Trust on behalf of all beneficiaries of the CNI Iwi Collective (in excess of 100,000 people), consisting of:

- i. Ngāi Tuhoe; and
- ii. Ngāti Manawa; and
- iii. Ngāti Rangitihī; and
- iv. Ngāti Tuwharetoa; and
- v. Ngāti Whakaue; and
- vi. Ngāti Whare; and
- vii. Raukawa; and
- viii. The Affiliate Te Arawa Iwi/Hapu

Over 34,000 Ha of this land is in the Waikato River catchment. The land returned in 2009 was encumbered with existing Crown Forestry Licences which progressively terminate over a 35 year period, ending in 2045.

CNI Iwi Holdings Ltd (CNIHHL) governs decision-making around activities anywhere upon this land, including planning and implementing land use change on behalf of the Board of iwi owners. Through a Land Management Agreement CNIHHL has Land Management of the CNI Forest Lands to its wholly owned subsidiary CNI Iwi Land Management Ltd. CNIILML is charged with ensuring that the economic potential of the CNI Forests Land is developed and maximised to the fullest extent possible, but in a sustainable manner and having regard to the cultural and environmental features of the land. As a prudent land owner CNIHHL aspires to spread its income risk, by having a range of land use activities, which create a diversified income portfolio. Currently the CNIHHL land is overly exposed to growing a long term tree crop (monoculture plantation forest) with a consequential exposure to tree crop land rentals.

While CNIHHL see the Healthy Rivers Proposed Plan Change 1 as an important step toward achieving the long-term objectives required by Te Ture Whaimana and supports a staged approach with long and short term targets, it is concerned that Proposed Plan Change 1 provides a limited pathway for changing land use on Settlement land.

CNIHHL have concerns about the increased controls on land use to “hold the line” to endeavour to prevent further land use intensification. The process for changing land use requires resource consent with very stringent requirements. These serve to perpetuate historic impediments to development. Past use of this Settlement land has not contributed to the water quality issues that this Plan Change seeks to address. The role of Settlement

Land to offsetting the discharge of contaminants from other developed land is therefore not adequately recognised or accounted for.

Thank you for the opportunity to present our concerns via the submission process.

Please find attached CNI Iwi Holding Limited submission on Plan Change 1.

NAME AND CONTACT DETAILS	ADDRESS FOR SERVICE OF SUBMITTER	
<p>Alamoti Te Pou CNI Iwi Land Management Limited PO Box 1592 Rotorua 3040 New Zealand</p> <p>Email: alamoti@landmanagement.co.nz Phone: 021 641 102</p>	<p>Bridget Robson eLand</p> <table border="1" data-bbox="874 591 1369 707"><tr><td>C/- CNI Iwi Land Management Ltd PO Box 1592 Rotorua 3040 <small>(WRC - Address change requested 18/11/2019 DOC#15555234)</small></td></tr></table> <p>Email bridget@eland.co.nz Phone 027 224 1574</p>	C/- CNI Iwi Land Management Ltd PO Box 1592 Rotorua 3040 <small>(WRC - Address change requested 18/11/2019 DOC#15555234)</small>
C/- CNI Iwi Land Management Ltd PO Box 1592 Rotorua 3040 <small>(WRC - Address change requested 18/11/2019 DOC#15555234)</small>		

I could not gain an advantage in trade competition through this submission.

I am directly affected by an effect of the subject matter of the submission that:

- adversely effects the environment, and
- does not relate to the trade competition or the effects of trade competition.

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

If others make a similar submission I will consider presenting a joint case with them at the hearing

Yours sincerely

Emailed 8 March 2017, hard copy to follow.

Alamoti Te Pou

General Manager CNIILML

Annex A - CNI Submission on Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments

Section number	Support /Oppose	Submission	Decisions sought
3.11.2(1) Objective 1	Support in part	<p>CNIHL consider the 80 year timeframe (2096) is generous. The achievement of the long-term objectives will take time, and the measures set out in Proposed Plan Change 1 are the first steps to achieving those objectives.</p> <p>The proposed amendments to Objective 1 also seek to recognise that technological innovation may lead to the achievement of Te Ture Whaimana in a shorter timeframe. If this does occur, then the long-term timeframe to achieve Te Ture Whaimana should be adjusted accordingly.</p>	<p>Retain the 80 year timeframe (2096) for achieving Te Ture Whaimana.</p> <p>Amend Objective 1 to read:</p> <p><i>“By 2096 <u>at the latest</u> discharges of nitrogen...”</i></p>
3.11.2(1) Objective 1	Oppose	<p>It is not appropriate to lock in the 80 year nitrogen numerical attribute targets in Table 3.11-1 at the individual sub-catchment scale. Locking in the maximum allowable concentration of nitrogen at the sub-catchment level also locks in the nature and scale of resource use within each sub-catchment. If an allocation trading regime is introduced, this would seriously distort the market.</p> <p>In sub-catchments that have historically had low discharges this would prevent them from changing to a higher emission profile and would thus have a de facto grandparenting effect. In all discussions about allocation regimes CNIHL have opposed grand parenting because it is inequitable and unreasonable.</p> <p>Sub catchment nitrogen targets in Table 3.11-1 may also lock in reductions to a greater extent than the degree of improvement required in any particular Freshwater Management Unit (FMU) overall.</p>	<p>That the 80 year numerical attribute targets for nitrogen (including TN, nitrate-nitrogen and ammoniacal-nitrogen) are expressed as a single set of TN numerical attribute targets measured in the main stem of the Waikato River at the bottom of each FMU.</p> <p>That the 10-year numerical nitrogen attribute targets are revised to show greater consistency between sub-catchments load, thus recognising that the degree of reduction required is proportionate to the amount of current discharge (e.g. those discharging more are expected to make greater reductions)</p> <p>Amend Table 3.11-1 for all the nitrogen targets, to:</p> <ol style="list-style-type: none"> 1. remove the 80 year numerical nitrogen attribute targets for from each sub-catchment; and 2. ensure that the 10-year numerical nitrogen attribute targets reflect a reduction framework based on necessary reductions, not on a reaction to current loads.
3.11.2(1) Objective 1	Oppose in part	<p>The E. coli and clarity targets are to support swimmability, thus, they need to be retained at the catchment and sub-catchment level.</p>	<p>Amend Table 3.11-1 in respect of E. coli and Chlorophyll <i>a</i> to:</p>

		The Plan will need to provide for reviews of the numerical targets to account for new scientific evidence. For example, new scientific evidence may suggest that a different indicator should be used, either microbiological or MCI.	<ol style="list-style-type: none"> 1. Include 80 year numerical attribute targets for E. coli and water clarity for the Waikato River main stem and sub-catchments; and 2. include 80 year numerical attribute targets for Chlorophyll <i>a</i> for the Waikato River main stem;
3.11.2(1) Objective 1	Oppose in part	Total Nitrogen (TN) and Total Phosphorous (TP) numerical attribute targets are defined primarily to achieve the Chlorophyll <i>a</i> target, but this relationship is not well understood.	<ol style="list-style-type: none"> 1. Amend Table 3.11-1 for total nitrogen and total phosphorus to retain the 10-year TN and TP numerical attribute targets for the Waikato River main stem. 2. Amend the 80 year TN and TP numerical attribute targets to a single point at the bottom of each FMU.
3.11.2(3) Objective 3	Support	Support the 10 year target (2026) that would make 10% progress towards achieving Te Ture Whaimana.	Retain Objective 3 as currently worded
3.11.2(4) Objective 4	Support	Support a staged approach to achieving the Te Ture Whaimana. This allows regular checking of progress and refining action to ensure Council stays on track for meeting the 80 year timeframe.	Retain Objective 4 as currently worded
3.11.2(5) Objective 5	Support	Waikato and Waipā River Iwi (Tangata whenua) values must be integrated into the long-term co-management of the Waikato and Waipā River catchments. CNIIHL needs the ability to exercise mana whakahaere over lands and resources and to retain an ability to utilise land returned through Treaty of Waitangi settlements, while improving water quality of the awa.	Retain Objective 5 as currently worded
3.11.3(1)	Support in part	Policy 1 directs the WRC to actively reduce the discharge of the four contaminants from land use, at the sub catchment level. This means that catchments with an overall low level of pollution are also required to reduce discharges. This sinking lid approach to all sub-catchments will have the effect of grandparenting land use. CNIIHL believes that the cleanup requires a proportionate response to the pollution, which this policy does not appropriately set.	Amend Policy 1 to read Manage and require reductions in sub-catchment-wide discharges of nitrogen, phosphorus, sediment and microbial pathogens, by: <ol style="list-style-type: none"> a. Enabling activities with a low level of contaminant discharge to water bodies provided those discharges do not increase; and b. Requiring farming activities with moderate to high levels of contaminant discharge to water bodies to reduce their discharges; and

			c. Progressively excluding cattle, horses, deer and pigs from rivers, streams, drains, wetlands and lakes.
3.11.3(2)	Support in part	Support that the degree of reduction required through mitigations must be proportionate to the current discharge of the four contaminants based on a property or enterprise scale. Clarify that the only purpose of a nitrogen reference point is to establish the ability to reduce discharges, and rule out the use of the nitrogen reference point to allocate or to set up for allocation of nitrogen discharge units.	Amend Policy 2 (c) Establishing a Nitrogen Reference Point for the property or enterprise for the sole purpose of establishing an ability to reduce nitrogen loss; and... Or words to like effect.
3.11.3(3)	Support in part	Support that the degree of reduction required through mitigations must be proportionate to the current discharge of the four contaminants based on a property or enterprise scale. Clarify that the only purpose of a nitrogen reference point is to establish the ability to reduce discharges, and rule out the use of the nitrogen reference point to allocate or to set up for allocation of nitrogen discharge units.	Amend Policy 3 (c) Establishing a Nitrogen Reference Point for the property or enterprise for the sole purpose of establishing an ability to reduce nitrogen loss; and... Or words to like effect.
3.11.3(4)	Support	Flexibility to allow low discharging land uses to continue or land uses to change over time where the discharge is low or is reduced, and for new low discharging land uses to establish is required.	Retain Policy 4 as currently worded
3.11.3(5) – Policy 5	Support in part	CNIIHL support the principle of a staged approach, but believes that this Plan Change must have a more active policy presumption than just to “prepare” land users for further reductions, but actually set all land use in the region on an aligned trajectory toward achievement of the long term targets.	Amend Policy 5 to create a clearer implementation path toward achievement of the long term targets, within the life of this plan.
3.11.3(6) – Policy 6	oppose	CNIIHL opposes the “hold the line” approach of Policy 6. This has the effect of grandparenting existing discharges, something the CSG was unanimously opposed to. It rewards those with high discharge and penalises those who contributed least to the problem. Those with forested land, contributing least to the problem, have all their land use optionality removed. Meanwhile those who are polluting the most have the greatest flexibility and options.	Delete Policy 6

		<p>Land use creating low levels of contamination are being used as offsets for land use with a high contamination profile – with those offsets being taken by regulation rather than being compensated for. Land owners with forests thus bear the cost of externalities created by others.</p> <p>The policy and associated rules have perverse outcomes. They create entirely the wrong incentives for future land use choices. They will make forestry less attractive, as no one will risk being locked into that use. It will reduce land values for all land that is currently under forestry (and drystock and cropping farming) that has any alternative land use potential. Perversely it will almost certainly increase the land value for vegetable cropping and intensive dairy. Landowners will thus be motivated to stay in the highest polluting land uses so as to retain future options, and therefore land value.</p>	
3.11.3(7) – Policy 7	Oppose	<p>The allocation of rights to discharge contaminants from land use are likely to lead to a range of behaviours totally inconsistent with goals of improving water quality. CNIHIL also believes that there are no suitable tools to make such allocations in any meaningful way at present, and that use of “Overseer” in this context pushes it well beyond its area of competence.</p> <p>Should Council persevere in developing an allocation regime, CNIHIL supports the use of principle a.</p> <p>On the basis that we oppose Policy 6, there is no need for policy 7, as it is only necessary because of policy 6 allocation. CNIHIL does however believe there is value in characterising pollution outputs, as a tool for reducing pollution by those creating the highest amounts. CNIHIL therefore seeks that Policy 7 is completely reframed as an information gathering policy for the purposes of allowing accurate regulatory interventions on the highest polluters.</p>	<p>Delete Policy 7 and replace with:</p> <p><u>Collect information and undertake research about current discharges, developing appropriate modelling tools to estimate contaminant discharges, and research the spatial variability of land use and contaminant losses and the effect of contaminant discharges in different parts of the catchment that will assist in defining ‘land suitability’.</u></p> <p>Any future regulation should consider the following principles:</p> <p><u>a. Land suitability 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);</u></p> <p><u>b. Future regulation decisions should take advantage of new data and knowledge.</u></p>

3.11.3(8) – Policy 8	Support in part	Sub-catchment planning (Policy 9) could assist with coordinating the process for farm environment planning and identify where efficiencies could be gained, however, prioritising the sequencing for action is needed because of the complicated nature of the rules and schedules. If these were simplified, action could proceed at a much faster rate along with water quality improvements.	Retain the wording of Policy 8.
3.11.3(9) – Policy 9	Support in part	Coordinated planning in a sub-catchment, or small group of sub-catchments is likely to encourage and motivate landowners to share resources and put in place and implement mitigation measures at a scale that is far larger than individual properties.	Retain Policy 9, with amendments to specify the timeframes for implementation of the cost effective mitigations.
3.11.3(16) – Policy 16	Support	<p>The return of land through the CNI Treaty Settlement of 2008 was intended to redress the wrongs of land confiscation and alienation and provide opportunities for the growth and prosperity. While Policy 16 provides for land use change in principle, the non-complying ‘hold the line’ rule on land use change creates a new set of wrongs on land that has not contributed to the water quality issues.</p> <p>Objective 4 and Policy 7 explicitly signal that reductions in contaminant discharges via property-scale allocations of the right to discharge will be required by subsequent regional plan changes. CNIHL have been clear that any allocation regime based on grand-parenting is unacceptable and a form of re-allocating rights to discharge will be necessary.</p>	Retain the wording of Policy 16.
3.11.4.2	Support in part	Well-resourced and effective Industry Schemes could have the result of good progress being made towards water quality improvement. A poorly resourced and badly run Industry Scheme is also a possibility. Certification of Industry Schemes thus requires comprehensive certification criteria and a pathway to deal with systemic non-compliance, including de-registering. Industry Schemes must include processes for dealing with non-compliance at Scheme level and individual Scheme member level.	<p>Amend Method 3.11.4.2 to read:</p> <p><i>3.11.4.2 Certified Industry Scheme</i> <i>.... Agreements will include:</i> <i>c. Information <u>provision</u> sharing;</i> <i>d. Aggregate <u>Collective</u> reporting on Certified Industry Scheme implementation;</i></p>

		<p>The benefits for members of a Certified Industry Scheme that their activity then has permitted activity status (Rule 3.11.5.3). This means that some of the highest polluting land use in the catchment is permitted, while land use with lesser effects requires consent. This is inconsistent with Objective One of PC1 and the RMA. We also note that there are no specific requirements for improvement for farms operating under an industry scheme.</p>	<p><i>e. Process for dealing with non-compliance by the Certified Industry Scheme;</i> <i>f. Process for dealing with non-compliance by individual members of the Certified Industry Scheme; and ...</i></p>
3.11.4.3 – Method 3	Support in part	<p>CNIHL consider the WRC needs to develop a standardised program to monitor the effectiveness of Farm Environment Plans on a frequent basis. The frequency of monitoring should only decrease where the outcome of monitoring shows the mitigation measures put in place and implemented through the Farm Environment Plan are effective in reducing the discharge of the four contaminants.</p> <p>The WRC should also prepare an audit schedule to undertake third party independent audits of Farm Environment Plans. The audits schedule should set out the requirements and matters that are the subject of each audit and a randomised method for selection of Farm Environment Plans spread across the three priority areas and sub-catchments or Freshwater Managements Units.</p>	<p>Amend Method 3.11.4.3 to read:</p> <p><i>“3.11.4.3 Farm Environment Plans Waikato Regional Council will prepare...will assess the risk of diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens and specify the <u>mitigation actions</u> 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 <u>a standardised monitoring programme.</u> and then potentially moving to <u>Less frequent monitoring would be based on risk assessment and the outcome of previous monitoring results. At least 10% of sites would be assessed by this method.</u> <u>Waikato Regional Council will prepare an audit schedule for undertaking robust third party audit (independent of the farmer and Certified Farm Environment Planner) and monitoring.</u></i></p>
3.11.4.5 – Method 5	Support in part	<p>Coordinated sub-catchment planning could achieve the required reductions in the discharge of the four contaminants more effectively, faster and at a reduced cost to land owners. Existing catchment plans may not usually have the specific role of targeting all four contaminants, with nitrogen pollution often not being a focus.</p>	<p>Amend Method 3.11.4.5 to read:</p> <p><i>“Waikato Regional Council will work with <u>relevant stakeholders</u> to develop sub-catchment scale plans (where a catchment plan does not already exist) <u>and where it has shown to be required developing a plan</u></i></p>

			<i>would result in achieving the 10-year water quality attribute targets more efficiently. Sub-catchment planning...”</i>
3.11.4.6 – Method 6		CNIIHL believe one of the biggest risks to the success is the inability of the WRC to fully implement the Plan Change due to a shortage of appropriately skilled staff, necessary systems and funding.	Retain Method 3.11.4.6. as written
3.11.4.7 – Method 7	Support in part	CNIIHL oppose allocation of discharge contaminant “rights”. Allocation drives behaviour contrary to improving water quality and sets up competition between land users to secure allocation units. CNIIHL experience is that this results in those with a low pollution profile get confined in their land use choices, and those doing the most polluting are able to exercise a lot of choice about land use. However, there is value in identifying the type of activities that cause high level of pollution to be able to focus attention on regulation to control these. Method 3.11.4.7, is to provide a detailed set of data and research to inform these decisions.	Amend Method 3.11.4.7 to read, <i>“Gather information and commission appropriate scientific research to inform any future <u>regulations to manage discharges to target high polluting activities</u> framework for the allocation of diffuse discharges by 2026 including:</i> <i>a. Implementing processes that will support the setting of property or enterprise-level diffuse discharge limits in the future.</i> <i>b. Researching:</i> <i>i. The quantum of contaminants that can be discharged at a sub-catchment and Freshwater Management Unit[^] scale while meeting the Table 3.11-1 water quality attribute[^] targets[^].</i> <i>ii. Methods to categorise and define ‘land suitability’.</i> <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[^] targets[^].</i>
3.11.4.8 – Method 8	Oppose	Allocating nutrient “rights” is not an appropriate regime to manage the process of improving water quality in the Waikato and Waipa catchments.	Amend Method 3.11.4.8 to read, <i>Waikato Regional Council will use:</i> <i>a. Develop discharge allocation frameworks for individual properties and enterprises based taking into account the best available data, knowledge and technology at the time; and</i> <i>b. Use this on</i> <i>information collected under Method 3.11.4.7, 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[^] in the Objectives.</i>

3.11.4.10 – Method 10	Support	<p>To improve how water quality is managed, it is important to identify the total load of each of the four contaminants and account for all sources (properties or enterprises) of those contaminants (point and diffuse). As land use and/or practices change within a sub-catchment and over time, the accounting for the discharge from each property or enterprise will also change.</p> <p>The numerical attribute targets for Objective 3 are expressed in Table 3.11-1 by sub-catchment, therefore it may be appropriate for the freshwater accounting system to operate and report at the sub-catchment scale.</p> <p>The WRC should consider investing in upgrading the existing network to add new monitoring sites to those sub-catchments where there are not sites and those where the site location is not appropriate for water quality monitoring (those originally set up for flood monitoring) .</p>	retain Method 3.11.4.10 as written
3.11.4.10 – Method 12	Support in part	<p>Developing and disseminating good management practice (GMP) guidelines for landowners in the Waikato and Waipā River catchments will be a crucial input to achieving Objective 3.</p> <p>However, many GMPs are well known and should be implemented now, requiring actions that are already practicable and proven to be effective in reducing contaminant losses. Delaying implementation by only having them as guidance means that some of the potentially easy gains that can be made will take an unnecessarily long time.</p>	<p>Amend Method 3.11.4.10 as follows:</p> <p><i>Waikato Regional Council will:</i></p> <p><i>a. require that Good management t practices are implemented; and</i></p> <p><i>a. b. Develop and disseminate best management practice guidelines for reducing the diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and</i></p> <p><i>c. b. Support research into methods for reducing diffuse discharges of contaminants to water.</i></p>
Plan section - 3.11.5.1	support	CNIHL support the approach to allow small and low intensity farming activities to continue operating at the same level of intensity and subject to the conditions listed in Rule 3.11.5.1.	Retain Rule 3.11.5.1. as written

3.11.5.2	Support in part	<p>There is a risk that “low intensity” land uses on <20Ha blocks, could individually or cumulatively have an adverse effect on the water quality of the Waikato and Waipā Rivers.</p> <p>Collectively such properties could make a material contribution of pollutants if they are heavily stocked. It appears the exemption is that they would be very resource intensive to manage under the individual FEP approach. Substituting the FEP’s with region wide practical GMPs, including stock limits, that apply to all properties, should ensure best practice is followed everywhere, including on smaller landholdings.</p>	<p>Amend Rule 3.11.5.2 to read:</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"> <i>1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and</i> <i>2. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and</i> <p><u><i>The property complies with the region-wide GMPs for pastoral land use;</i></u> <u><i>and</i></u> <i>Either:</i></p> <ol style="list-style-type: none"> <i>3. ...</i>
3.11.5.3	Support in part	<p>There is no reason that Council should delay in requiring all pastoral farmers to perform in accordance with standard Good Management Practices (GMPs). These should form a basic “licence to operate” and be part of normal farm operation. E.g. effluent ponds are lined. No block grazing of fodder crops on land over 15 degrees.</p> <p>It appears that WRC will have limited ability to enforce compliance on farms with a Farm Environment Plan under a Certified Industry Scheme (Rule 3.11.5.3).</p> <p>If the permitted activity status under Rule 3.11.5.3 is to be retained, the certification process and criteria in Schedule 2 must include ensuring that appropriate governance arrangements, management systems, compliance monitoring and enforcement processes, procedures and resources are in place.</p>	<p>Amend Rule 3.11.5.3 to read:</p> <p><i>...3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and</i> <u><i>The property complies with the region-wide GMPs for pastoral land use;</i></u> <u><i>and</i></u> <i>...</i></p>

		<p>The WRC must also retain the ability to review, and where necessary revoke, certification of the Industry Scheme if performance outcomes are not achieved.</p> <p>WRC must also notify all applications the WRC receives for Certified Industry Schemes and make available copies of all audit and monitoring reports received from Certified Industry Schemes.</p>	
3.11.5.4	Support in part	<p>There is no reason that Council should delay in requiring all pastoral farmers to perform in accordance with standard Good Management Practices (GMPs). These should form a basic “licence to operate” and be part of normal farm operation. E.g. effluent ponds are lined. No block grazing of fodder crops on land over 15 degrees.</p> <p>This rule requires refinement to ensure the mitigation measures that are identified through Farm Environment Plans will maintain identified low levels of diffuse discharge or otherwise reduce the diffuse discharge of the four contaminants.</p>	<p>Amend Rule 3.11.5.4 to read: Rule 3.11.5.4 - Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme <i>Except as provided for ... is a permitted activity until:</i></p> <ol style="list-style-type: none"> 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; 2. 1 January 2023 for properties or enterprises in Priority 2 sub-catchments listed in Table 3.11-2; 3. 1 January 2026 for properties or enterprises in Priority 3 sub-catchments listed in Table 3.11-2; <p><i>provided the property or enterprise complies with the region-wide GMPs for pastoral land use; ...</i></p> <p>“...Matters of Control Waikato Regional Council reserves control over the following matters:</p> <ol style="list-style-type: none"> i. The content of the Farm Environment Plan. ii. The actions and timeframes for undertaking implementing mitigation actions <u>identified in the Farm Environment Plan</u> that <u>will maintain identified low levels of, or reduce the diffuse discharge of nitrogen,</u>

			<p><i>phosphorus, sediment or microbial pathogens to water or to land where they may enter water.</i></p> <p><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 and identified mitigations are specified. ...</i></p>
3.11.5.6	Support in part	There is no reason that Council should delay in requiring all pastoral farmers to perform in accordance with standard Good Management Practices (GMPs). These should form a basic “licence to operate” and be part of normal farm operation. E.g. effluent ponds are lined. No block grazing of fodder crops on land over 15 degrees.	Make such amendments as appropriate to require a GMP approach as described for rules 3.11.5.1 to 3.11.5.5
3.11.5.7	Oppose	<p>CNIIHL oppose the ‘hold the line’ approach. While it may be the most practicable way to prevent further increases of contaminant discharges into the Waikato and Waipā River in the short-term it is deeply inequitable.</p> <p>Should Council persist with use of this rule, CNIIHL supports the expiry date of 1 July 2026 to send a clear signal that Rule 3.11.5.7 is an interim measure only. It must be replaced with a regulatory framework that requires those who pollute the most to carry the greatest burden of regulation and pollution abatement. Rule 3.11.5.7 signals the reverse.</p>	<p>Delete Rule 3.11.5.7.</p> <p>Should that relief not be accepted CNIIHL seeks that the expiry date be retained.</p>
Schedule A	support	CNIIHL support the requirement for registration information as set out in Schedule A.	Retain Schedule A as written
Schedule B	Oppose in part	CNIIHL consider the nitrogen reference point is a useful tool to assist the WRC to assess nitrogen discharge by land uses. The proposed changes acknowledge that output capability of Overseer is useful in	<p>Amend Schedule B to read:</p> <p><i>Schedule B – Nitrogen Reference Point</i></p>

		<p>identifying and ranking levels of nitrogen emission from different land pastoral uses. It is not accurate enough to be used as an allocation framework.</p> <p>CNIIHL seek that it be made abundantly clear that the purpose of the nitrogen reference point is only to assist with identifying the pattern of nitrogen discharge to enable Council to target high emitters. And that it is not to be used as a tool to benchmark nitrogen discharges from existing land use for allocation purposes, particularly in a way that would grandparent the discharge of nitrogen.</p>	<p>... as follows:</p> <p>a. The Nitrogen Reference Point must be calculated by a Certified Farm Nutrient Advisor to determine <u>identify the probable amount of nitrogen being leached from the property or enterprise during the relevant reference period specified...</u></p> <p>b. The Nitrogen Reference Point shall be the <u>average nitrogen leaching loss that occurred during the reference period</u> highest annual nitrogen leaching loss that occurred during a single year (being 12 consecutive months) within the reference period...</p> <p>d. The Nitrogen Reference Point data shall comprise the electronic output file from the OVERSEER® or other approved model. <u>Any use of Overseer must follow current best practice guidance for use of Overseer and identify all instances where this has been deviated from and why.</u> , 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.</p>
Schedule C	support	CNIIHL support the requirement to progressively exclude livestock from waterways that is set out in Schedule B.	Retain Schedule C as written
Schedule 1	Support in part	The proposed amendments to Schedule 1 clarify that use of Overseer must also identify the assumptions made, as Overseer assumes best management practices are used. When these are not present on farm the model must represent the actual circumstances on the property.	<p>Amend Schedule 1 to read:</p> <p>A. Farm Environment Plans shall contain as a minimum: ...</p> <p>8e. A description of nutrient management practices including</p> <p>i. a nutrient budget for the farm enterprise calculated using the model OVERSEER® in accordance with the OVERSEER® use protocols, or using any other model or method approved by the Chief Executive Officer of Waikato Regional Council; <u>and</u></p> <p>ii. <u>an assessment of the assumptions used in a nutrient budget for the property and an opinion on material differences.</u></p>
Schedule 2	Support in part	CNIIHL conditionally supports Certified Industry Schemes. The certification process and criteria prescribed in Schedule 2 needs to	Amend Schedule 2 to read:

	<p>identify that appropriate governance arrangements, management systems, processes, procedures and resources are in place, that will support the achievement of the water quality targets set out in Objective 3.</p> <p>It is not clear what happens if a property or enterprise that is a member of a Certified Industry Scheme does not comply with their Farm Environment Plan (by failing to put in place and implement mitigation actions). CNIHL believe that such a property or enterprise should automatically be subject to Rule 3.11.5.6.</p>	<p>Schedule 2 - Certification of Industry Schemes</p> <p>A. Certified Industry Scheme System</p> <p>Assessment Criteria</p> <p><i>The application must demonstrate that the Certified Industry Scheme:</i></p> <p><i>1. Is consistent with and will achieve: ...</i></p> <p><i>c. the requirements of Rules 3.11.5.3 and 3.11.5.5; and</i></p> <p><i>d. the contaminant reductions that are required for the sub-catchment/s where the Certified Industry Scheme operates, through the coordination of Farm Management Plans managed by the Certified Industry Scheme.</i></p> <p><i>35. Has documented systems, processes, and procedures to ensure:</i></p> <p><i>g. Agreed process for non-compliance of a member of the Certified Industry Scheme to Waikato Regional Council, including revocation of the member from the Certified Industry Scheme.</i></p> <p><i>h. Internal quality control and verification.</i></p> <p><i>i. The responsibilities and accountability of all parties to the Certified Industry Scheme are clearly stated and enforced.</i></p> <p>B. People</p> <p><i>The application must demonstrate that:</i></p> <p><i>1. Those <u>The nominated parties responsible for generating and auditing Farm Environment Plans are Certified Farm Environment Planners suitably qualified and experienced.</u></i></p> <p><i>2. Auditing of Farm Environment Plans requirements is undertaken by <u>parties that are accredited auditors and independent of the Farm Environment Plan preparation and approval process.</u></i></p>
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