

**SUBMISSION ON PROPOSED WAIKATO REGIONAL PLAN
CHANGE 1 - WAIKATO AND WAIPA RIVER
CATCHMENTS**

To: Chief Executive,
401 Grey Street,
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Submission on: Proposed Waikato Regional Plan Change 1 – Waikato and
Waipa River Catchments (proposed PC1)

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- 1. The specific provisions of the proposed PC1 that Ravensdown’s submission relates to are:**
The proposed PC1 provisions as included in the attached submission below.
- 2. Trade Competition**
Ravensdown could not gain an advantage in trade competition through this submission.
- 3. Ravensdown’s submission is:**
Refer to submission points below. The relief sought by Ravensdown are also outlined in the submission points below.
- 4. Ravensdown wishes to be heard in support of this submission.**
Ravensdown would be prepared to present a joint case with others that have made similar submissions at a hearing.



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Chris Hansen
Authorised Agent for Ravensdown Limited
8 March 2017

SUBMISSION ON PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 - WAIKATO AND WAIPA RIVER CATCHMENTS

Introduction

The following submission is made on behalf of Ravensdown Limited (Ravensdown) to proposed Plan Change 1 (proposed PC1) to the Waikato Regional Land & Water Plan (RL&WP).

Ravensdown takes an interest in regional plans from two perspectives – how plan provisions affect their own manufacture and storage activities and how the plan provisions may affect the users of their products. When considering plans Ravensdown wishes to ensure planning provisions are enabling and are not unduly restrictive.

In the Waikato Region, Ravensdown operates 10 sites. There are two limeworks (Supreme Lime at Hangitaki and Te Pahu at Karamu) and eight stores sites scattered throughout the region. These sites service the fertiliser needs of Ravensdown's approximately 2,800 shareholders in the Waikato.

In this context, Ravensdown is mindful that the purpose of the Resource Management Act 1991 (RMA) is to promote the sustainable management of natural and physical resources, while achieving a number of outcomes, including avoiding, remedying or mitigating the actual or potential adverse environmental effects of an activity. Ravensdown therefore seeks for plans to recognise that the RMA enables activities and anticipates environmental effects will occur, so long as these effects are managed to levels considered acceptable by the community. The RMA does not anticipate no development or zero effects from activities.

Ravensdown's submission is divided into two parts: Part I provides some general comments on proposed PC1 and provides comment on the key matters of concern. Part II provides specific comment on the proposed PC1 provisions, and the amendments sought by Ravensdown to address the key matters of concern addressed in Part I.

Ravensdown has been involved extensively in regional plans throughout New Zealand and has been involved in different processes in different regions. Ravensdown has found it particularly helpful where councils have entered into pre-hearing meetings or mediation with submitters, to explore submission points and identified possible agreed solutions prior to hearings. This has meant only matters that are outstanding proceed to hearings, and the time and effort (and costs) involved in attending hearings is minimised.

The Auckland Unitary Plan process is a case in point, where Council provided a marked-up version of the plan provisions based on their review of submissions. This marked up version is then used in mediation with an Independent Mediator where parties review the Council's suggested amendments, and any further amendments that are agreed through the mediation. A formal record of the mediation is circulated to all parties. The agreed marked up version then becomes the basis of the Council Officer evidence which addresses the outstanding matters.

Ravensdown would highly recommend Environment Waikato adopt such an approach to submissions on the proposed PC1.

Part I - General Comment on Proposed PC1

General Support

Ravensdown generally supports the intent of proposed PC1 to meet the requirements of the Healthy Rivers Vision and Strategy, and the overall approach adopted subject to amendments to address the matters raised in this submission.

In particular, Ravensdown supports:

- The use of the Collaborative process adopted to prepare proposed PC1;
- The Vision & Strategy outcomes (matters listed in bullet points on page 25 of notified proposed PC1);
- The approach to reducing contaminant losses from pastoral land implemented by Chapter 3.1.1 (matters listed in bullet points on page 27 of notified proposed PC1)
- The use of permitted activity and controlled activity status;
- The use of OVERSEER;
- The use of Farm Environment Plans;
- Support in principle for the Certified Industry Scheme, subject to it being amended to include industry established and supported schemes.

Matters That Need Addressing

Notwithstanding the matters supported above, the following matters have been identified by Ravensdown as needing addressing in proposed PC1:

Provide for a range of management responses to water quality issues in the Waikato & Waipa River Catchments

Ravensdown notes that proposed PC1 requires water quality for each sub-catchment and Freshwater Management Unit in the Waikato & Waipa River Catchments to be **restored** and **protected** in the short term and long term. This requirement comes from the Vision & Strategy for the Waikato & Waipa River Catchments.

While Ravensdown generally supports the Vision & Strategy objectives, it considers that proposed PC1 should provide for the maintenance of water quality in those sub-catchments where the water resource of the Waikato River & Waipa Catchment is already high quality (i.e. in the A Band of the NPS-FM). Ravensdown considers the existing high water quality in sub-catchments (such as in the Priority 3 area) can be maintained through an enterprise or collective-type approach adopting farming Good Management Practices and adaptive management mitigations.

Ravensdown seeks for Council to amend the specific plan provisions in Part II of this submission that addresses this point.

Determining a 10% improvement in water quality

Ravensdown acknowledges that proposed PC1 is in effect the first stage (10 years) of a two-staged 80-year planning process and intends to act as a 'placeholder' which more substantive water quality planning is undertaken. As a starting point, proposed PC1 requires actions to be put in place and implemented to achieve 10% of the required change between current water quality and the 80-year water quality attribute targets over the 10-year life of the plan.

However, it is not clear in proposed PC1 how the 10% change in water quality will be determined, and who is responsible to achieve this change. While Ravensdown acknowledges that Table 3.11.1 includes short term and long term numerical water quality targets for the Waikato & Waipa River catchments, it is not clear what the starting point for any particular sub-catchment is for each attribute, and whether meeting the numerical water quality targets in Table 3.11.1 for 2026 will be a 10% reduction in that attribute, or whether an overall 10% reduction in water quality will be the way of determining whether proposed PC1 has been achieved.

Ravensdown seeks for Council to amend the specific plan provisions in Part II of this submission that clarifies this point.

Time period to determine a Nitrogen Reference Point

Ravensdown notes that proposed PC1 requires a Nitrogen Reference Point to be set in accordance with Schedule B. In clauses b. and f., the Nitrogen Reference Point is to be the highest annual nitrogen leaching loss rate that occur in a single year (being 12 consecutive months) within the reference period which is the two financial years covering 2014/2015 and 2015/2016, except for commercial vegetable growers in which case the reference period is 1 July 2006 to 30 June 2016.

Ravensdown considers this time period is too short for non-commercial vegetable growing farming activities. In particular, such a short time period may result in a Nitrogen Reference Point that does not fully or accurately reflect the farm system, and could lead to inequity or onerous requirements placed on a farming activity when such actions are not required.

Ravensdown seeks for Council to amend the specific plan provisions in Part II of this submission that clarifies this point.

Certification of Farm Environment Plan preparation

Ravensdown notes that Schedule 1 of proposed PC1 outlines the requirements for a Farm Environment Plan, and requires it to be certified by a Certified Farm Environment Planner, who is defined as:

“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:

*a. five years' experience in the management of pastoral, horticulture or arable farm systems;
and*

b. completed advanced training or a tertiary qualification in sustainable nutrient management (nitrogen and phosphorus); and

c. experience in soil conservation and sediment management.”

Ravensdown supports the use of the Certified Nutrient Management Advisor (CMNA) programme established by the primary industry to prepare and certify Farm Environment Plans. Adopting existing programmes such as the CMNA will assist with meeting the high demand expected for the Farm Environment Plans.

The CNMA programme has been developed with the aim of building and upholding a transparent set of industry standards for nutrient management advisers to meet, so that they provide nationally consistent advice of the highest standard to farmers. The programme was developed with an Advisory Group, with pan sector representation, including regional council, university and primary sector representatives supporting recognised qualifications and ongoing proficiency of those who advise on nutrient use and management in the farming community. There is also an annual requirement to demonstrate currency in nutrient management with a framework for ‘Continuing Professional Development’ incorporated into the Nutrient Management Adviser Certification Programme. Ravensdown sees national consistency as highly desirable across the regions.

Ravensdown is also concerned about the capacity within the industry to prepare the additional Farm Management Plans required by proposed PC1. While Ravensdown is aware there are currently over 155 certified nutrient management advisers throughout New Zealand, there are a number of regional plans that require a considerable number of Farm Environment Plans to be prepared within the next 10 year period, and the ability for certified advisors to meet the demands placed in region plans is a concern for the industry.

Ravensdown seeks for Council to amend the specific plan provisions in Part II of this submission that clarifies this point.

Certified Industry Scheme

Schedule 2 of proposed PC1 identifies the criteria against which applications to approve an industry scheme will be assessed. While Ravensdown generally supports the intention of Schedule 2, it considers it is necessary to clarify that use industry approved schemes already exist and there seems to be a duplication if the Waikato Regional Council considers further approval is required for these schemes.

Ravensdown considers Schedule 2 should be amended to ensure nationally consistent industry certification schemes can be approved, and by addressing the definitions within proposed PC1 relating to certification programmes so that they are consistent with this approach

One of Ravensdown’s key concerns is that there are not enough Farm Environment Plan providers to service the workflow being created by regional plans around New Zealand, and providing for already developed industry schemes (such as the CNMA programme) is needed to address this gap.

Ravensdown seeks for Council to amend the specific plan provisions in Part II of this submission that clarifies this point.

“Moratorium” on land use change

Ravensdown considers the combination of Policy 6 and Rule 3.11.5.7 essentially places a ‘moratorium’ on land use change in the Waikato & Waipa River catchment area until after 2026, except for some specific activities. Ravensdown has concerns that this approach does not provide for a change in land use undertaken by an enterprise or collective adopting farming Good Management Practices and adaptive management mitigations to manage any effects on water quality. As discussed above, Ravensdown considers the existing high water quality in sub-catchments (such as in the priority 3 area) can be maintained through an enterprise or collective-type approach that will not affect the overall ability of proposed PC1 to achieve the Vision & Strategy objectives.

Ravensdown considers there needs to be amendments to the objectives, policies and rules to provide an alternative consenting pathway for such farming activities, including amendments to Policy 6 and the inclusion of a discretionary activity rule for these farming activities.

Ravensdown seeks for Council to amend the specific plan provisions in Part II of this submission that clarifies this point.

Implementing RPS – Policy 4.4

Ravensdown notes that Policy 4.4 of the Waikato RPS requires the management of natural and physical resources to provide for the continued operation and development of regionally significant primary production activities, through a number of actions. Ravensdown also notes proposed PC1 must give effect to (amongst other things) a regional policy statement (s.67 (3) (c) of the RMA). To ‘give effect to’ is an active not passive requirement. Ravensdown considers proposed PC1 as it is currently written does not meet this requirement of the RMA.

Ravensdown seeks for Council to amend the specific plan provisions in Part II of this submission that clarifies this point.

Part II – Specific Submission Points

Note: page numbers below refer to Proposed PC1 version dated 3 December 2016 (with withdrawals).

Plan Provisions	Page Number	Submission Oppose/support	Reason	I seek the following decision
Mana Tangata – Use Values Cultivation and primary production	3.11.1.2 page 25	Support	The importance of the rivers to support nationally significant primary production and industry is recognised	Retain the intent of the provision as currently written.
Mana Tangata – Use Values Economic or commercial development	3.11.1.2 page 25	Support	The importance of the rivers to provide economic opportunities is recognised	Retain the intent of the provision as currently written.
Objective 1: Long-term restoration and protection of water quality for each sub-catchment and Fresh Water Management Unit	3.11.2 page 27	Support in part	While Ravensdown generally supports the objective, it considers maintenance of water quality is an appropriate response where water quality meets the NPS-FM targets. Ravensdown seeks an amendment to the objective to provide for this response.	Retain the overall intent of Objective 1 while amending it to read (new words <u>underlined</u>): <i>“Long-term <u>maintenance, restoration and/or protection of water quality as relevant for each sub-catchment and Fresh Water Management Unit.</u>”</i> <i>“... result in achievement of the <u>maintenance, restoration and/or protection as relevant of the ...</u>”</i>
Objective 2: Social, economic and cultural wellbeing is maintained in the long term.	3.11.2 page 27	Support in part	While Ravensdown supports the overall intent of the objective, some amendments are sought to provide for the maintenance of water quality as requested in Objective 1 above. Ravensdown also considers that Objective 2 would benefit from wording which is consistent with the RMA definition of sustainable management.	Retain the overall intent of Objective 2 while amending it to read (new words <u>underlined</u>): <i>“... economy benefit from the <u>maintenance, restoration and/or protection of water quality in the Waikato River Catchment, in a way and at a rate which enables ...</u>”</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	3.11.2 page 27	Support in part	<p>While Ravensdown generally supports the intent of the objective, it is concerned that there is uncertainty regarding whether a 10% improvement in the N, P etc. attributes by 2026 is an overall target, and who is responsible to achieve the target.</p> <p>Ravensdown supports an overall 10% improvement in water quality, but considers it might not be feasible to achieve a 10% reduction in each individual attribute.</p>	<p>Retain the overall intent of Objective 3 while amending it by adding a Note (new words <u>underlined</u>):</p> <p><i>“Note: the ten percent change required by this objective is an overall improvement in water quality. It may not be feasible for each attribute in Table 3.11-1 to be reduced by ten percent.”</i></p>
Objective 4: People and community resilience	3.11.2 page 27	Support	Ravensdown supports the staged approach and enabling of adaptive management measures.	Retain the intent of Objective 4 as it is currently written.
Policy 1: Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens	3.11.3 page 30	Support in part	While Ravensdown generally supports the intent of the Policy 1, it considers it could be reworded to provide clarity in intent.	<p>Retain the intent of Policy 1 as it is currently written while amending it as follows (new words <u>underlined</u>):</p> <p><i>Manage and require reductions in sub-catchment-wide discharges of nitrogen, phosphorus, sediment and microbial pathogens <u>and where over-allocated require reductions in these discharges</u>, by:</i></p>
Policy 2: Tailored approach to reducing diffuse discharges from farming activities	3.11.3 page 30	Support in part/Oppose in part	<p>Ravensdown considers this is a key policy that currently uses a number of undefined terms and is poorly worded and structured. While the overall intent of the policy is supported, the following amendments are required to tighten up this policy:.</p> <ul style="list-style-type: none"> • Clause a. – it is not clear what the term ‘<i>tailored, risk based approach</i>’ is intended to mean or is referring to. Such undefined statements do not provide certainty to the plan user. • Clause b. - states the obvious and adds nothing to the policy and can be deleted. • Clause c. - introduces the Nitrogen Reference Point (NRP) which is an important tool – the policy should reference the need for the NRP to be calculated in accordance with Schedule B. 	<p>Retain the intent of Policy 2 while making the following amendments to clarify and focus the policy (new words <u>underlined</u>; words to be deleted strikeout):</p> <p><i>“a. <u>Taking a tailored, risk based approach to d- Define mitigation actions ...</u>”</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>

			<ul style="list-style-type: none"> • Clause d. – Council has chosen to address two matters: to ensure that those discharging more make greater reductions; and to ensure the scale of reductions required should be proportionate to the scale of the water quality improvements required in the relevant sub-catchment. The second matter should be the key driver that clause d. focusses on. <p>This policy should also reference GMP, which is defined in the plan.</p>	<p><i>“e. b. <u>Establishing a Nitrogen Reference Point for the property or enterprise in accordance with Schedule B; and</u>”</i></p> <p><i>“d. c. <u>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</u>”</i></p> <p>Add a new clause d.: <i>“d. Require farming activities to adopt Good Management Practices; and ...”</i></p>
<p>Policy 3: Tailored approach to reducing diffuse discharges from commercial vegetable production systems</p>	<p>3.11.3 page 31</p>	<p>Support in part</p>	<p>Ravensdown generally supports the intent of Policy 3 while making the following points:</p> <ul style="list-style-type: none"> • Clause a. - the flexibility regarding crop rotations is supported. • Clause b. - obtaining and verifying any data from the previous 10 years for commercial vegetable production systems will be difficult. • Clause c. - the establishment of a nitrogen reference point, which for this sector is the average N losses over the 10-year period between July 2006 and June 2016 will be difficult to achieve consistency meaning the N loss number will be unreliable – this has implications when this number is relied upon to determine activity status in the rules. • Clause d. – there is no timeframe included by which a 10% decrease in losses is to be achieved – presumably 2026? Also, while a 10% reduction in N can reasonably be estimated through the OVERSEER nutrient budgets there is no clear mechanism of how a reduction in 	<p>Retain the intent of Policy 3 while addressing the points raised by Ravensdown and making the following amendments to clarify and focus the policy (new words <u>underlined</u>; words to be deleted strikeout):</p> <p><i>“d. A 10% decrease <u>by 2026</u> in the ...”</i></p> <p><i>“g. <u>The degree of reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens is proportionate to the amount of current discharge (those discharging more are expected to make greater reductions), and the scale of water quality improvement required in the sub-catchment.</u>”</i></p>

			<p>losses of P, sediment or microbial pathogens will measured from the farm.</p> <ul style="list-style-type: none"> • Clause g. – the same comments apply as Clause d. in Policy 2 above. 	
Policy 4: Enabling activities with lower discharges to continue or to be established while signalling further change may be required in future	3.11.3 page 31	Support in part	<p>Ravensdown supports the intent of the policy to enable activities with lower discharges. However, Ravensdown wishes to make the following points:</p> <ul style="list-style-type: none"> • There is no definition or indication of what a ‘low discharging activity’ is; • There is no clarity regarding what constitutes an existing or new activity (i.e. did the activity have to occur when PC1 was notified or within a period of time prior to PC1 being notified to be considered existing?); • How will a low discharge activity demonstrate that cumulatively the achievement of Objective 3 is not compromised? 	Retain the overall intent of Policy 4 while addressing the points raised by Ravensdown to improve its clarity and implementation.
Policy 5: Staged approach	3.11.3 page 31	Support	Ravensdown supports the overall intent of the policy.	Retain the intent of Policy 5 as currently written.
Policy 6: Restricting land use change	3.11.3 page 32	Oppose in part	<p>While Ravensdown understand there will be a need to restrict some land use change in some sub-catchments that are over-allocated and water quality outcomes are not being met, it considers an increase in the diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens in an under-allocated sub-catchment will not necessarily lead to unacceptable water quality outcomes for that sub-catchment, particularly if Good Management Practices and adaptive management mitigations are adopted at an enterprise or collective scale. An increase in contaminant losses which are offset by reductions of the same magnitude or greater would not necessarily result in a deterioration in water quality.</p> <p>Ravensdown considers more clarity could be brought</p>	<p>Amend the intent of Policy 6 as follows (new words <u>underlined</u>; words to be deleted strikeout):</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 <u>which will potentially result in deterioration of water quality</u> will generally not be granted.</i></p> <p><i>Land use change consent applications that demonstrate clear and enduring decreases <u>an increase in existing diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens which does not result in deterioration of water quality, or an overall decrease will</u></i></p>

			to the policy by making the amendments sought.	<i>generally be granted.</i>
Policy 7: Preparing for allocation in the future	3.11.3 page 32	Support in part/Oppose in part	<p>While Ravensdown supports the intent of the policy, it considers the policy is poorly worded and constructed. The policy also introduces by way of a Footnote an important set of criteria to determine ‘land suitability’. Ravensdown considers introducing this term increases uncertainty for land managers with no reference to how land suitability might be assessed and what impact it may have on current or future investment in land development.</p> <p>Ravensdown cautions against limiting innovation and flexibility in farming practices by restricting land use based solely on current perception of “land use suitability” without linking it to an effects based measure.</p> <p>Controls based on current perceptions of land use suitability are in effect, input controls, not necessarily based on outcomes.</p> <p>Ravensdown considers this policy should be simplified, and the details on how land suitability would be determined should be included in Schedule A now and not as part of the next stage of the planning process.</p>	<p>Amend Policy 7 by making the following amendments to clarify and focus the policy (new words <u>underlined</u>; words to be deleted strikeout):</p> <p><i>“Prepare for further diffuse discharge reductions and any future property or enterprise-level allocation of diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens that will be required by subsequent regional plans, by implementing the policies and methods in this chapter. To ensure this occurs, by <u>collecting information and undertakeing research to support this, including:</u></i></p> <ul style="list-style-type: none"> • <i>collecting information about current discharges, developing appropriate modelling tools to estimate contaminant discharges; and</i> • <i>researching the spatial variability of land use and contaminant losses and the effect of contaminant discharges in different parts of the catchment that will assist in defining ‘land suitability’ (<u>refer to Schedule A</u>).</i>” <p>Include the detail regarding determining ‘land suitability’ in Schedule A.</p>
Policy 8: Prioritised Implementation	3.11.3 page 32	Support in part	<p>Ravensdown supports the intent of the policy to prioritisation of implementation. However, this policy should not be specific to the implementation of just Policies 2, 3 and 9.</p> <p>The last paragraph of the policy should also be amended to be clearer and more focused.</p>	<p>Retain the intent of Policy 8 while making the following amendments to clarify and focus the policy (new words <u>underlined</u>; words to be deleted strikeout):</p> <p><i>“Prioritise the management of land and water resources by implementing <u>the P-policies 2, 3 and 9, and in this plan</u> in accordance with the</i></p>

				<p><i>prioritization of areas ...”</i></p> <p><i>“In addition to the priority sub-catchments listed in Table 3.11-2, <u>the properties that exceed the 75th Percentile nitrogen leaching value dischargers will also be prioritised for the completion and implementation of Farm Environment Plans</u>”.</i></p>
Policy 9: Sub-catchment (including edge of field) mitigation planning	3.11.3 page 33	Support	Ravensdown supports the intent of Policy 9.	Retain the intent of Policy 9 as it is currently written.

New Policy 13A: Non-point source consent duration	3.11.3 page 34		<p>Ravensdown notes that Policy 13 describes the consent duration of 25 years for point source discharges that are in accordance with other policies that apply to these discharges.</p> <p>Ravensdown considers a similar policy that applies to non-point source discharges including farming activities is required. This policy would also be dependent on ensuring other policies are complied with. This will provide for certainty of investment which is will be an issue for all Waikato farmers.</p>	<p>Include a new policy that provides for a duration for non-point source discharges as follows (or similar):</p> <p><i>Policy 13A: Non-point sources consent duration</i></p> <p><i>When determining an appropriate duration for any consent granted consider the following matters:</i></p> <ul style="list-style-type: none"> <i>a. A consent term exceeding 25 years, where the applicant demonstrates the approaches set out in Policies 1 to 4 will be met; and</i> <i>b. The magnitude and significance of the investment made or proposed to be made in contaminant reduction measures and any resultant improvements in the receiving water quality; and</i> <i>c. The need to provide appropriate certainty of investment where contaminant reduction measures are proposed (including investment in treatment plant upgrades or land based application technology).</i>
Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land	3.11.3 page 35	Support in part	While Ravensdown supports the intent of the policy, it would prefer clause i. to require <u>good</u> management practices.	Retain the intent of Policy 16 as it is currently written, and amend clause i. of matters to be taken into account to refer to ‘ <u>good</u> management practices’, rather than ‘best management practices’.
Policy 17: Considering the wider context of the Vision and Strategy	3.11.3 page 35	Support	Ravensdown supports the intent of Policy 17.	Retain the intent of Policy 17 as it is currently written.

Method 3.11.4.1: Working with others	3.11.4 page 36	Support	Ravensdown supports the intent of Method 3.11.4.1.	Retain the intent of Method 3.11.4.1 as it is currently written.
Method 3.11.4.2: Certified Industry Schemes	3.11.4.2 page 36	Support in part	<p>While Ravensdown supports the Council working with industry to develop and implement an industry certification process consistent with Schedule 2, it supports a process whereby existing industry certification schemes can be adopted. There are efficiencies in adopting existing implemented programmes such as the Certified Nutrient Management Advisor programme discussed in Part I above.</p> <p>Ravensdown considers Method 3.11.4.2 should be amended to ensure nationally consistent industry certification schemes can be approved, and by addressing the definitions within this Plan Change relating to certification programmes so that they are consistent with this approach.</p>	<p>Amend Method 3.11.4.2 as follows (new words <u>underlined</u>; words to be deleted strikeout):</p> <p><i>Certifiedation of Industry Schemes</i> <i>Waikato Regional Council will develop an work collaboratively with industry to ensure an agreed certification process is <u>applied for industry</u> bodies as per the standards outlined in Schedule 2. The Certified Industry Scheme will include formal agreements between parties. Agreements will include:</i></p> <p>Adopt the definitions sought below (see definitions) relating to certification programmes.</p>
Method 3.11.4.3: Farm Environment Plans	3.11.4 page 36	Support in part/Oppose in part	While Ravensdown supports the use of a Farm Environment Plan approach, it does not consider a <i>Certified Environment Farm Planner</i> is required to prepare a Farm Environment Plan (as required by Schedule 1). Ravensdown supports the Certified Nutrient Management Advisor (CNMA) programme for preparing and certifying Farm Environment Plans.	<p>Retain the intent of the method to use Farm Environment Plans, while amending the certification process for the preparation and certification of Farm Environment Plans by adopting the Certified Nutrient Management Advisor programme.</p> <p>Adopt the definitions sought below relating to certification programmes.</p>
Method 3.11.4.4: Lakes	3.11.4 page 36	Support in part	While Ravensdown supports the intent of the method, it notes that <i>Lake Catchment Plans</i> are not defined in PC1.	Retain the intent of Method 3.11.4.4 as it is currently written and define what a <i>Lake Catchment Plan</i> is to cover to add clarity to the method.
Methods 3.11.4.5 to 3.11.7	3.11.4 page 37	Support	Ravensdown supports the intent of Methods 3.11.4.5 to 3.11.4.7.	Retain the intent of Methods 3.11.4.5 to 3.11.4.7 as they are currently written.

Method 3.11.4.10: Accounting system and monitoring	3.11.4 page 38	Support	Ravensdown supports the intent of Method 3.11.4.10.	Retain the intent of Method 3.11.4.10 as it is currently written.
Method 3.11.4.12: Support Research and dissemination of best practice guidelines to reduce diffuse discharges	3.11.4 page 38	Support in part	While Ravensdown supports the intent of the method, it considers it is more appropriate to refer to <u>good</u> management practice guidelines rather than 'best'.	Retain the intent of Method 3.11.4.12 as it is currently written, and amend the references to 'best' practice and 'best' management practice guidelines to <u>good</u> practice and <u>good</u> management practice guidelines.
Rule 3.11.5.1: Permitted Activity Rule - Small and Low Intensity farming activities	3.11.5 page 39	Support	Ravensdown supports the intent of Rule 3.11.5.1.	Retain the intent of Rule 3.11.5.1 as it is currently written.
Rule 3.11.5.2: Permitted Activity Rules - Other farming activities	3.11.5 page 40	Support in part	<p>While Ravensdown supports the permitted activity status for farming that are not small or low intensity, it is concerned that the conditions of the rule are detailed and complex. The first principles for a permitted activity rule is that a resource user is able to determine simply and easily whether the activity they propose is permitted or requires a consent. However, some of the permitted activity conditions include checks and verifications which may or may not determine the activity is permitted.</p> <p>For example, the requirements under condition 3b. (ii) means that an independent expert has to somehow quantify or qualify that land not used for grazing livestock has the same or a lower diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens as at the date of notification. This is quite an expensive request for a permitted activity rule that (for properties under 20ha) does not require a FEP or a nutrient budget.</p> <p>In addition, if a property is greater than 20ha then a nitrogen reference point is required in accordance</p>	<p>Retain the permitted activity status of Rule 3.11.5.2 while addressing the following matters (words to be added <u>underlined</u>):</p> <ol style="list-style-type: none"> i. Simplify the conditions to ensure there is no checks and verifications are required and so a resource user has certainty their activity is permitted, or requires a consent; ii. Delete Condition 3 b. ii.; iii. Amend Schedule B allow for a nitrogen reference point to be determined of a four-year period, and averaged over those four years; iv. Introduce a reference file approach to allow the 15kgN cap to move with updates of OVERSEER.

			<p>with Schedule B. This appears to be a grand-parented baseline approach using only two years (ten year for commercial vegetable producers) of data which does not seem to be a reasonable representation of the farm activities or system.</p> <p>The proposal to calculate the NRP based on either the 2014/15 or 2015/16 years provides little scope for a farmer to establish a NRP that is representative of their farm system, allowing for climatic and production variations. Ravensdown considers the approach taken in the Taupo Catchment where it is understood the highest annual N loss from a four-year span can be implemented as the NRP. Ravensdown would support the option for choosing the N loss most representative of the farm system from a four-year span.</p> <p>Ravensdown also suggests Council may also want to consider adopting a reference file approach so the 15kgN cap moves with OVERSEER updates.</p>	
Rule 3.11.5.3: Permitted Activity Rule - Farming activities with a Farm Environment Plan under a Certified Industry Scheme	3.11.5 page 42	Support in part	<p>While Ravensdown generally supports the permitted activity status and intent of the rule to provide for farming activities that are part of a certified industry scheme, this support is subject to amendments to Method 3.11.4.2 (above) to ensure nationally consistent industry certification schemes can be approved, and by addressing the definitions within this Plan Change relating to certification programmes so that they are consistent with this approach</p>	<p>Retain the permitted activity status and intent of Rule 3.11.5.3 subject to adopting the amendments sought to Method 3.11.4.2 above.</p> <p>Adopt the definitions sought below relating to certification programmes.</p>
Rule 3.11.5.4: Controlled Activity Rule - Farming activities with a Farm Environment Plan not under a Certified Industry Scheme	3.11.5 pages 42-43	Support in part	<p>While Ravensdown supports the permitted/controlled activity status of the rule, it has concerns regarding the following matters.</p> <p>Firstly, Ravensdown considers the rule structure could be split into two to provide clarity as the rule</p>	<p>Retain the permitted/controlled activity status of Rule 3.11.5.4 and amend the rule as follows (new words to be added <u>underlined</u>):</p> <ul style="list-style-type: none"> i. Split the rule into two parts to clarify when permitted activities become

			<p>sets out a process for the activity to be a controlled activity after the sub-catchment priority dates.</p> <p>Secondly, Ravensdown notes in Matters of Control iv requires all farming activities to have their nitrogen reference point under the 75th percentile by 1 July 2026. Ravensdown considers this is a less fair and less efficient process than simply requiring a uniform percentage reduction by all land users.</p>	<p>ii. controlled; Amend to ‘Matters of Control’ iv. as follows:</p> <p><i>iv. Where the Nitrogen Reference Point exceeds the 75th percentile nitrogen leaching value, actions, timeframes and other measures to ensure reduce the diffuse losses discharge of nitrogen using best practicable options in keeping with industry agreed good management practice, prior to a nitrogen loss allocation system being decided and introduced is reduced so that it does not exceed the 75th percentile nitrogen leaching value by 1 July 2026.</i></p>
Rule 3.11.5.5: Controlled Activity Rule - Existing commercial vegetable production	3.11.5 page 44	Support in part/Oppose in part	<p>While Ravensdown supports the controlled activity status of Rule 3.11.5.5, this support is subject to addressing issues relating to the nitrogen reference point, the certified industry scheme and the qualifications of people to undertake nutrient budgets and Farm Environment Plans addressed elsewhere in this submission.</p> <p>Furthermore, Ravensdown opposes in part standards and terms f. and g. that require no increase in land area for commercial vegetable production. Ravensdown considers these standards and terms are not effects based.</p> <p>For example, land area could be maintained but on different soil, location and different crop resulting in a significant increase in nitrogen leaching, and vice versa, under other circumstances it is entirely possible nutrient losses could be reduced despite increased cropping area.</p>	<p>Retain the intent of Rule 3.11.5.5 as it is currently written, subject to addressing issues relating to the nitrogen reference point, the certified industry scheme and the qualifications of people to undertake nutrient budgets and Farm Environment Plans addressed elsewhere in this submission.</p> <p>Delete standards and terms f. and g. from the rule, and renumber standards and terms h.as f..</p>

Rule 3.11.5.6: Restricted Discretionary Activity Rule - The use of land for farming activities	3.11.5 page 45	Support	Ravensdown supports the restricted discretionary activity status of Rule 3.11.5.6.	Retain Rule 3.11.5.6 as it is currently written.
New Rule 3.11.5.6B: Discretionary Activity Rule – The use of land for farming activities not provided for elsewhere	3.11.5 page 45		Ravensdown considers there is a need for a default rule for the use of land for farming activities where the matters of discretion included in Rule 3.11.5.6 cannot be met.	<p>Include a new Discretionary Activity Rule as follows:</p> <p><i>“3.11.5.6B Discretionary Activity – The use of land for farming activities not provided elsewhere</i></p> <p><i>The use of land for farming activities that do not meet the matters of discretion included in Rule 3.11.5.6 is a Discretionary Activity.</i></p> <p><i>Notification: Consent applications will be considered without notification, and without the need to obtain written approval or affected parties.</i></p>
New Rule 3.11.5.6C: Discretionary Activity Rule – Land Use Change under a Certified Industry Scheme	3.11.5 page 45		<p>Ravensdown considers there is a need to provide an alternative consenting pathway for land use change that can be managed by an enterprise or collective approved under the Certified Industry Scheme by adopting farming Good Management Practices and adaptive management mitigations. Such farming activities might cause an increase in existing diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens in some parts of the enterprise or collective area but which does not result in deterioration of water quality at the sub-catchment level due to the mitigations adopted.</p> <p>This discretionary activity rule implements the amendments sought to Policy 6 in this submission.</p>	<p>Include a new Discretionary Activity Rules as follows:</p> <p><i>“3.11.5.6C Discretionary Activity</i></p> <p><i>Land use change consent applications by members of a Certified Industry Scheme that may result in an increase in existing diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens but which does not result in an overall deterioration of water quality at the sub-catchment level due to mitigations adopted.</i></p> <p><i>Notification: Consent applications will be considered without notification, and without the need to obtain written approval or affected parties.</i></p>

Rule 3.11.5.7: Non-Complying Activity Rule - Land Use Change	3.11.5 page 45	Oppose in part	While Ravensdown understands the intent of Rule 3.11.5.7, it opposes the rule as it is currently written. Ravensdown considers amendments to the rule are required to align with the amendments requested to Policy 6 and a new Rule 3.11.5.6C in this submission.	Amend Rule 3.11.5.7 as follows (new words <u>underlined</u> ; words to be deleted strikeout): “Rule 3.11.5.7 – Non-Complying Activity – Land Use Change <i>Notwithstanding any other rule in this Plan, and of the following changes in the use of land from that which was occurring at 22 October 2016 within a property or enterprise locate in the Waikato or Waipa catchments, where prior to 1 July 2026 the change exceeds 4.1 hectares and there is an increase in the diffuse discharge of <u>nitrogen, phosphorus, sediment or microbial pathogens</u> which will potentially result in <u>deterioration of water quality</u>:</i> ...
Schedule A: Registration with Waikato Regional Council	Page 46	Support	Ravensdown supports the intent of Schedule A.	Retain the intent of Schedule A as it is currently written.
Schedule B: Nitrogen Reference Point	47-49	Support in part/Oppose in part	While Ravensdown supports the overall intent of Schedule A, it has concerns regarding the following matters that need addressing: Firstly, in relation to Clause a., Ravensdown is opposed to the development by Council of a separate, regionally specific ‘Certified Farm Nutrient Adviser’ scheme and definition, and requests that instead a nationally accepted certification scheme is inserted. Currently this is provided by the Nutrient Management Adviser Certification Programme Ltd., (NMACP). This consistency is important to ensure accurate and robust nutrient budgets that have been prepared by CNMAs and are fit for purpose.	Retain the intent of Schedule B while amending it as follows (new words <u>underlined</u> ; words to be deleted strikeout): <i>a. The Nitrogen Reference Point must be calculated by a Certified Farm Nutrient Management Adviser 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> <i>c. The Nitrogen Reference point must be</i>

			<p>Secondly, in relation to Clause c., while Ravensdown supports the requirement to use the latest version of OVERSEER, this should then be consistent with the Standards by using the latest version of the Best Practice Data Input Standards (not the 2016 version currently referenced in Clause d). With a new version of OVERSEER, there is a new version of the Best Practice Data Input Standards.</p> <p>Thirdly, in relation to Clause f., as discussed above in relation to Rule 3.11.5.2, the reference period (14/15 and 15/16) is too short and needs to be a four-year period average. This approach is used by other councils for determining a nitrogen loss number for a farm system, and having national consistency on this matter is considered important.</p> <p>Ravensdown considers the ECan baseline approach of the averaging the previous four years (which would be 12/13, 13/14, 14/15, and 15/16) would provide a fair indication of historical losses in the region.</p> <p>Fifthly, in relation to Table 1, the use of soil order will disadvantage some and advantage others when using S Map data if available and LRI data if not. This will be exacerbated when all of the area is S Mapped and the soil information used to calculate N loss.</p>	<p><i>calculated using the current version of the OVERSEER Model <u>and OVERSEER Best Practice Data Input Standards</u> (or any other model approved by the Chief Executive of the Waikato Regional Council).</i></p> <p><i>d. ... it must be calculated using <u>the current version of the OVERSEER Best Practice Data Input Standards 2016</u>, with the exception ...</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 <u>1 July 2006 to 30 June 2016 average of the previous - year period (12/13 – 15/16)</u>.</i></p> <p>Adopt the definitions sought below relating to certification programmes.</p>
Schedule 1: Farm Environment Plans	51-53	Support in part/Oppose in part	<p>Ravensdown supports the overall intent of Schedule 1 and notes the Farm Environment Plan requirements are a slight variation to the usual templates adopted by other regional councils.</p> <p>Ravensdown notes that in Clause 2 (d), the assessment of what are considered to be appropriate land uses for specific areas on farm looks to link land use to land capability. Ravensdown is concerned</p>	<p>Retain the intent of Schedule 1 while amending it as follows (new words <u>underlined</u>; words to be deleted strikeout):</p> <p><i>2. (e) A description of nutrient management practices including a nutrient budget <u>prepared by a Certified Nutrient Management Advisor for the farm enterprise calculated using the model OVERSEER® in accordance</u></i></p>

		<p>there is not current capacity within the industry to undertake this work that is carried out by trained soil conservators.</p> <p>Ravensdown considers Clause 2(e) should include reference to the frequency of nutrient budgeting required (i.e. that once every three years is adequate), that nutrient budgets are to be prepared by suitably qualified Nutrient Management Advisors, and that the Data Input Standards 2016 should be used (with the exceptions and inclusions set out in Schedule B).</p> <p>Ravensdown is opposed to the requirement to truncate nitrogen leaching to 75th ile N loss values in advance of developing allocation systems, and as is consistent with this view Ravensdown seeks amendment to Schedule 1 (5)(b) as per the submission points raised above for Rule 3.11.5.4.</p> <p>Ravensdown has reviewed the vegetable growing minimum standards set out in the table in Schedule 1 and make the following comments:</p> <ul style="list-style-type: none"> i. No. 2 & 3 Nitrogen, Phosphorus – fertilizer plans should be prepared by Certified Nutrient Management Advisors (as per the definition provided below); ii. No. 4 Nitrogen, Phosphorus – annual calibration of fertiliser deliver systems could be a problem – many growers have their own spreading equipment; iii. No. 6 Nitrogen, Phosphorus – not all commercial spreaders have the capability to document proof of fertiliser placement; iv. No. 8 Nitrogen, Phosphorus – what constitutes ‘evidence’ needs clarification for growers who self-apply and for commercial entities who are not set up with GIS/GPS 	<p><i>with the OVERSEER® use protocols <u>Data Input Standards 2016, with the exceptions and inclusions set out in Schedule B, Table 1, or using any other model or method approved by the Chief Executive Officer of Waikato Regional Council. <u>The nutrient budget is to be valid for three years, unless there is a change in the farm system that requires the nutrient budget to be reviewed earlier.</u></u></i></p> <p>5. (b) <i>Where the Nitrogen Reference Point exceeds the 75th percentile nitrogen leaching value, actions, timeframes and other measures to ensure the diffuse <u>loss discharge of nitrogen is reduced using best practicable options in keeping with industry agreed good management practice, prior to a nitrogen loss allocation system being decided and introduced so that it does not exceed the 75th-percentile nitrogen leaching value by 1 July 2026, except in the case of Rule 3.11.5.5.</u></i></p> <p>Addressing the specific comments regarding the practicalities and implications of the vegetable growing minimum standards included in the table.</p>
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			capability.	
Schedule 2: Certification of Industry Schemes	Pages 54-55	Support in part/Oppose in part	<p>While Ravensdown supports the Council working with industry to develop and implement an industry certification process as outlined in Schedule 2, it supports a process whereby existing industry certification schemes can be adopted. There are efficiencies in adopting existing implemented programmes such as the Certified Nutrient Management Advisor programme discussed in Part I above.</p> <p>Ravensdown considers Schedule 2 should be amended to ensure nationally consistent industry certification schemes can be approved, and by addressing the definitions within this Plan Change relating to certification programmes so that they are consistent with this approach</p> <p>One of Ravensdown's key concerns is that there are not enough Farm Environment Plan providers to service the workflow being created by regional plans around New Zealand, and providing for already developed industry schemes (such as the CNMA programme) is needed.</p>	<p>Retain Schedule 2 with amendments as follows (new words <u>underlined</u>; words to be deleted strikeout):</p> <p><i>The purpose of this schedule is to set out the criteria against which applications to approve an industry scheme will be assessed.</i></p> <p><i>The application shall be lodged with the Waikato Regional Council, and shall include information that demonstrates how the following requirements are met. The Waikato Regional Council may request further information or clarification on the application as it sees fit.</i></p> <p><i>Approval will be at the discretion of the Chief Executive Officer of the Waikato Regional Council subject to the Chief Executive Officer being satisfied that the scheme will effectively deliver on the assessment criteria.</i></p> <p><i>Assessment Criteria</i></p> <p><i>A. Certified Industry Scheme System</i></p> <p><i>The application must demonstrate that the Certified Industry Scheme:</i></p> <p><i>1. Is consistent with <u>standards necessary for the professional consultancy services and auditing services to support:</u></i></p> <p><i>a. the achievement of the water quality targets referred to in Objective 3; and</i></p> <p><i>b. the purposes of Policy 2 or 3; and</i></p> <p><i>c. the requirements of Rules 3.11.5.3 and 3.11.5.5.</i></p>

				<p><i>and</i></p> <p>C. Farm Environment Plans The application must demonstrate that Farm Environment Plans are prepared in conformance with Schedule 1.</p>
Definitions - Best management practice/s; Good Management Practice/s	Part C pages 79; 82	Oppose	<p>Ravensdown supports the term ‘<i>Good Management Practice</i>’ that has been adopted in most other regional plans, and seeks national consistency in the use of terms.</p> <p>Ravensdown supports the “<i>Industry Agreed Good Management Practices relating to Water quality</i>” – dated September 2015, developed under the Canterbury Matrix of Good Management project. This Code of Practice itemises a range of sector specific Codes of Practice which are also supported.</p>	<p>Delete the definition for ‘<i>Best Management Practice</i>’.</p> <p>Or in the alternative, adopt a generic definition for Good Management Practice, in preference to a specific interpretation for Chapter 3.11 alone.</p> <p>As suggested definition is:</p> <p>“<i>means the practices described in the document entitled Industry-agreed Good Management Practices relating to water quality</i>” - dated 18 September 2015.”</p> <p>Ravensdown supports the “<i>Industry Agreed Good Management Practices relating to Water quality</i>” – dated September 2015, developed under the Canterbury matrix of Good Management project.</p>
Definition - Certified Farm Environment Planner	Part C page 79	Support in part	<p>Ravensdown considers the qualifications for a Certified Farm Environment Planner should include as a minimum the Certificate in “Advanced Course in Sustainable Nutrient Management in New Zealand Agriculture”.</p> <p>This course requires the student to produce and critique a number of nutrient management plans to address challenging nutrient loss limits, using OVERSEER® Nutrient Budgets Model and has become a recognised industry standard.</p>	<p>Amend the definition for Certified Farm Environment Planner as follow (new words <u>underlined</u>; words to be deleted strikeout):</p> <p><i>Certified Farm Environment Planner</i>: <i>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></p>

			The definition should be amended to explicitly include this qualification.	<p>a. five years experience in the management of pastoral, horticulture or arable farm systems; <u>and Implements OVERSEER[®] input best practice and uses standard protocols recognised and approved by the Waikato Regional Council; and</u></p> <p>b. <u>holds a certificate in the Advanced Sustainable Nutrient Management in New Zealand Agriculture Course, or completed equivalent advanced training or a tertiary qualification in sustainable nutrient management (nitrogen and phosphorus); and</u></p> <p>c. has at least 5 years' work experience in soil conservation and sediment management a land use/farm advisory role; or</p> <p>d. <u>is approved in writing by the Chief Executive (or delegate thereof) of the Waikato Regional Council.</u></p>
Definition - Certified Farm Nutrient Advisor	Part C page 80	Oppose	Ravensdown opposes the definition of “Certified Farm Nutrient Advisor” as it inconsistent with the industry certification scheme for nutrient advisors; “ <i>Nutrient Management Adviser Certification Programme Ltd</i> ”.	<p>Delete the definition of Certified Farm Nutrient Advisor and replace it with the following definition:</p> <p><u>Certified Nutrient Management Adviser: is nutrient management adviser certified under the Nutrient Management Adviser Certification Programme Ltd. or approved by the Chief Executive Officer of Waikato Regional Council as equivalent.</u> (see http://www.nmacertification.org.nz for details.)</p>
Definition - Five-year rolling average	Part C page 81	Support	Ravensdown considers the definition can be clarified further by referring to the ‘most recent July-June 5 year period <u>estimated</u> ’, rather than ‘predicted’.	<p>Amend the definition of Five-year rolling average to read (new words <u>underlined</u>; words to be deleted strikeout):</p> <p><i>“means the average of modelled nitrogen leaching losses predicted <u>estimated</u> by</i></p>

				<i>OVERSEER from the most recent 5 years.”</i>
Definition - Nitrogen Reference Point	Part C page 82	Support in part	Ravensdown considers the definition of Nitrogen Reference Point can be improved by: <ul style="list-style-type: none"> i. Referring to Schedule B; ii. Referring to OVERSEER Data Input Standards; iii. Referring to the Certified Nutrient Management Adviser Programme as discussed above; iv. Clarify what ‘protocol compliant’ means. 	Amend the definition of Nitrogen Reference Point as follows: <ul style="list-style-type: none"> i. Refer to Schedule B that provides the process to determine the NRP; ii. Reference OVERSEER Data Input Standards; iii. Reference the Certified Nutrient Management Adviser Programme; iv. Clarify what ‘protocol compliant’ means.