

**Submission to
Waikato Regional Council
on the**

**Proposed Waikato Regional Plan Change 1 –
Waikato and Waipa River Catchments**

**from
Miraka Limited**

3 March 2017

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

Miraka Limited Submission on Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments

Submitter Contact Details

<i>Full Name of Submitter</i>	Miraka Limited (Miraka)
<i>Authorised By</i>	Richard Wyeth Chief Executive Officer
<i>Contact Person</i>	Grant Jackson General Manager Milk Supply
<i>Address for Service</i>	108 Tuwharetoa Street PO Box 740 Taupo 3352
<i>Email</i>	Grant.Jackson@miraka.co.nz
<i>Phone Numbers</i>	+64 7 376 0075 +64 21 647 160
<i>Fax</i>	+64 7 377 0694

Submitter Introduction

Miraka Limited (Miraka) welcomes the opportunity to submit on the Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (the Plan Change). We acknowledge the efforts that the Council and Waikato and Waipa River iwi have made in progressing the Plan Change to this stage.

Miraka is a Maori-owned dairy processing company with strong values founded on the cultural beliefs of our owners. We have an intergenerational view of business, with principles of sustainability guiding all our business decisions. Our values underpin the interconnected relationships we have with each other and the natural world that sustains and nourishes our well-being now and into the future.

Our vision, in turn, is “nurturing our world”, and we are committed to guardianship of the environment in achieving this. We wish to ensure our whole supply chain has the lowest impact on our world as possible. We have developed an industry-leading Farming with Excellence programme, ‘Te Ara Miraka’, that has a strong focus on kaitiakitanga and guardianship of the environment.

The dairy processing unit is located in Mokai, 30km northwest of Taupo, and sources its milk supply from 100 local farms within an 85km radius. These farms, their owners and workers, are part of the Miraka whanau.

We look forward to participating constructively in the First Schedule process of the Plan Change.

Authorisation

I confirm I am authorised on behalf of Miraka to make this submission.

Trade Competition

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

Submission Points in Support or Opposition

Miraka has 44 submission points on the Plan Change. Of these, there are

- 20 in support
- 15 in support with amendments
- 6 in support of the overall section, but in opposition to specific parts
- 3 in opposition.

Attachment One summarises each of Miraka's submission points, with the section number of the Plan Change, whether it is supported or opposed, reasons for submission, and the decision(s) sought.

Summary of Submission

Miraka supports the overall intent of the Plan Change being the first stage of achieving the Vision and Strategy set out in the Waikato River legislation, with an 80-year intergenerational timeframe to achieve the water quality targets, and a staged approach enabling people and communities to undertake adaptive management with minimal social disruption in the short term.

Miraka also supports many of the key policies and rules for achieving improved water quality, such as stock exclusion from waterways, constraints on land use change to more intensive uses, production of Nitrogen Reference Points (NRPs) and preparation of Farm Environment Plans (FEPs).

There are, however, aspects of the Plan Change that introduce inequity and the potential for unnecessary social disruption in the short term, such as the 75th percentile approach, and the adoption of a land suitability framework in phase two without a full First Schedule RMA process.

For best environmental outcomes in the short term, Miraka considers that FMUs should be identified at the sub catchment level. We also suggest that FEPs be required across the region, and have Best Management Practices incorporated into them, with their implementation regulated.

Stock exclusion, NRFs and FEP mitigations should be implemented on all properties and enterprises,

across the region, and all at the same time, to reduce the gap between current practices and best practices as soon as possible and achieve improvements in water quality.

Attachment One lists Miraka's individual submission points, with the section number of the Plan Change, whether it is supported or opposed, reasons for submission, and the decision(s) sought.

Decisions Sought

Miraka seeks the following decision on its submission on the Plan Change, that the Waikato Regional Council:

- retain with amendments, add, or delete the various provisions of the Plan Change that are referred to in Attachment 1 of this submission, and;
- provide any further or other consequential or alternative relief that may be necessary to give effect to the relief sought in this submission.

To Be Heard in Support of Submission

Miraka wishes to speak at the hearing in support of its submissions.

Joint Submissions

If other parties make similar submissions, Miraka will consider presenting joint cases with those parties at the hearing.

Extra Sheets

Extra sheets are attached to this submission, with a total of 24 pages in this submission.

Signed on behalf of Miraka Limited



Richard Wyeth, Chief Executive Officer

Date: 7/3/2017

Attachment One: Plan Change Provisions supported or opposed, reasons and relief sought

Submission Number:	1
Section Number of Plan Change:	3.11 Area covered by Chapter 3.11
Provision Supported or Opposed:	Oppose
Submission:	
<p>While Miraka supports the area covered under Plan Change 1 and the general catchment boundaries, we oppose the identification of Freshwater Management Units (FMUs) as listed.</p> <p>The National Policy Statement for Freshwater Management 2014 (NPS FM) requires regional councils to determine FMUs at an “<i>appropriate scale for setting freshwater objectives and limits and for freshwater accounting and management purposes</i>” (emphasis added).</p> <p>Miraka contends that the appropriate scale for FMUs is at the sub-catchment level. This appears to be supported by much of the content of Plan Change 1, with:</p> <ul style="list-style-type: none"> • Policy 1: “...Manage and require reductions in sub-catchment-wide discharges...”; • Policy 2: “...Manage and require reductions in sub-catchment-wide diffuse discharges...”; • Policy 4: “...Manage sub-catchment-wide diffuse discharges....”; • Policy 9: “Sub-catchment (including edge of field) mitigation planning, co-ordination and funding. Take a prioritised and integrated approach to sub-catchment water quality management by undertaking sub-catchment planning....”; • Implementation method 3.11.4.5: “Sub-catchment scale planning ...” that will identify causes of water quality decline, identify measures and coordinate reductions at a property, enterprise and sub-catchment scale; and • Glossary definition of sub-catchment referring to is as “the basic spatial unit for analysis and modelling” <p>together using the sub-catchment scale as the appropriate unit for management, planning, analysis, identification of measures and other aspects of water quality improvement.</p> <p>Furthermore, sub-catchments have already been prioritised with regard to discharge of the four contaminants and associated water quality attributes and are therefore effectively already being used by the Waikato Regional Council for Plan Change 1.</p> <p>Sub-catchments are the most appropriate scale for setting objectives and limits, and for accounting and management purposes, as per the NPS FM.</p>	
Decision Sought:	
Identify Freshwater Management Units at the sub-catchment scale and replace the list of FMUs on page 11 and in Map 3.11-1 with sub-catchment based FMUs.	

Submission Number:	2
Section Number of Plan Change:	3.11 Background and explanation, Full achievement of the Vision and Strategy will be intergenerational
Provision Supported or Opposed:	Support overall; oppose the presumption that land suitability will be the focus of the second stage discharge allocation framework
Submission:	
<p>Miraka supports the 80-year intergenerational timeframe to achieve the higher standards of water quality in the Waikato and Waipa Rivers and catchments. We support the approach to reducing contaminant losses from pastoral farm land. We also support the constraint on land use change to more intensive uses, with the provision for some flexibility of land use change for Maori land that has not been able to develop due to historic and legal impediments, but with some clarification as per our Submission 19 below.</p> <p>Miraka opposes, however, the decision that the second stage will focus on land suitability. Any discharge allocation framework under a future plan change that introduces the second stage should be subject to consultation and other First Schedule RMA processes, including the provision of information so that people can submit on this from an informed position. Refer also to Submissions 15 and 27.</p>	
Decision Sought:	
<p>Retain this background and explanation, with</p> <ul style="list-style-type: none"> • clarification on flexibility for Maori land as per the decision sought in Submission 19 below • amendment in paragraph eight of the second-to-last sentence to remove the reference to land suitability so it reads “This second stage will focus on how land use impacts on water quality”and • amendment of the last sentence to read “Methods in Chapter 3.11 include the research and information to be developed to support the determination of a discharge allocation framework.” 	
Submission Number:	3
Section Number of Plan Change:	3.11 Background and explanation, Reviewing progress toward achieving the Vision and Strategy
Provision Supported or Opposed:	Support with amendment
Submission:	
<p>Miraka supports the staged approach, with the use of collated information and research in reviewing this Plan and in informing any future property-level allocation of contaminant discharges, with any such reviews or future allocations being subject to full First Schedule RMA processes, including consultation and submissions.</p>	
Decision Sought:	
Retain, with clarification that the second stage of discharge reductions in a future plan review be subject to full First Schedule RMA processes.	

Submission Number:	4
Section Number of Plan Change:	3.11.1 Values and uses for the Waikato and Waipa Rivers
Provision Supported or Opposed:	Support
Submission:	
Miraka supports these values and their expression, including the community nature of these values and shared responsibility.	
Decision Sought:	
Retain this section in full	
Submission Number:	
	5
Section Number of Plan Change:	3.11.2 Objective 1: Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit, and the Reasons for adopting
Provision Supported or Opposed:	Support with amendment
Submission:	
Miraka supports the achievement of the restoration and protection water quality attribute targets by 2096. However, the determination of FMUs and associated objective, targets, measures and management should be at the sub-catchment level, as per Miraka's Submission 1 above.	
Decision Sought:	
Retain, with amendment such that sub-catchments are FMUs	
Submission Number:	
	6
Section Number of Plan Change:	3.11.2 Objective 2: Social, economic and cultural wellbeing is maintained in the long term, and the Reasons for adopting
Provision Supported or Opposed:	Support with amendment
Submission:	
Miraka supports the maintenance of social, economic and social wellbeing, acknowledges that change will be needed over the long term, and agrees with the importance of minimising social disruption during the transition, as per our Submissions 8 and 13. Further, we consider it important to minimise both social disruption and economic hardship during the transition.	
Decision Sought:	
Retain, and add the words "and economic hardship" after social disruption in Reasons for.	

Submission Number:	7
Section Number of Plan Change:	3.11.2 Objective 3: Short-term improvements in water quality in the first stage of restoration and protection of water quality, and the Reasons for adopting
Provision Supported or Opposed:	Support with amendment
Submission:	
Miraka supports actions to achieve ten per cent of the required change by 2026, and in particular acknowledges that the effects of these actions may not be fully reflected in water quality improvements that are measurable within ten years, and the associated commitment to the measurement and monitoring of actions taken. We seek clarification on how such measurement and monitoring will be undertaken and reported. Miraka considers the determination of FMUs and associated objective, targets, measures and management should be at the sub-catchment level, as per Submission 1 above.	
Decision Sought:	
Retain, with clarification as to how appropriate measurement and monitoring will be undertaken, and with amendment such that sub-catchments are identified as the FMUs.	
Submission Number:	
	8
Section Number of Plan Change:	3.11.2 Objective 4: People and community resilience, and the Reasons for adopting
Provision Supported or Opposed:	Support
Submission:	
Miraka supports a staged approach to change, enabling people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing in the short term. The minimisation of social disruption in the short term is referenced in Submissions 6 and 13.	
Decision Sought:	
Retain	
Submission Number:	
	9
Section Number of Plan Change:	3.11.2 Objective 5: Mana Tangata - protecting and restoring tangata whenua values, and the Reasons for adopting
Provision Supported or Opposed:	Support with amendment
Submission:	
Miraka supports tangata whenua values being integrated into the co-management of rivers and other water bodies, including that new impediments to the flexibility of the use of tangata whenua ancestral lands are minimised, and agrees with the observations on historic impediments and the continuation of some impediments or their effects. However, we seek clarification on the minimisation of new impediments, as per our Submission 19 below.	
Decision Sought:	
Retain, with clarification on minimisation of new impediments as per the decision sought on Submission 19 below.	

Submission Number:	10
Section Number of Plan Change:	3.11.3 Policy 1: Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens
Provision Supported or Opposed:	Support with amendment
Submission:	
Miraka supports the management of the four contaminants at a sub-catchment level, including enabling activities with a low level of contaminant discharge, and requiring farming activities with moderate to high levels of contaminant discharge to reduce their discharges through the application of good management practices in all Farm Environment Plans across the region, as per our Submissions 12, 16, 17, 23, 32 and 41.	
Decision Sought:	
Retain, with amendment of clause b. to read “Requiring all farming activities to apply best management practices to mitigate the discharge of contaminants to water bodies”.	
Submission Number:	11
Section Number of Plan Change:	3.11.3 Policy 2: Tailored approach to reducing diffuse discharges from farming activities
Provision Supported or Opposed:	Support in principle. Support part b. with amendment . Oppose d.
Submission:	
Miraka supports the tailored approach to reducing diffuse discharges from farming activities, managing and requiring discharges in sub-catchment-wide diffuse discharges. We support, in particular, the tailored Farm Environment Plan approach and the requirement under b. for the same level of rigour for Farm Environment Plans irrespective of whether they are established with a resource consent or through Certified Industry Schemes. We would further like to see assurance of the same level of rigour across farm sectors irrespective of their relative levels of sector development, resource and support. Miraka opposes part d. where the degree of reduction in diffuse discharges be proportionate to the amount of current discharge, and instead suggests that the degree of reduction be proportionate to the gap on farm between current practices and good management practices for reducing contaminant discharge, as per our Submission 12.	
Decision Sought:	
Retain the overall approach, with an amendment to part b. to extend the parity of rigour of Farm Environment Plans to all farming sectors. Reword part d. to read “Requiring the degree of reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens to be proportionate to the difference between current practices and the application of Best Management Practices (those not currently applying mitigations expected to make greater reductions), and proportionate to the scale of water quality improvement required in the sub-catchment; and”	

Submission Number:	12
Section Number of Plan Change:	3.11.3 Policy 4: Enabling activities with lower discharges to continue or to be established while signalling further change may be required in future
Provision Supported or Opposed:	Oppose in part
Submission:	
<p>Miraka believes that the initial stage to achieve ten per cent of the required change in water quality by 2026 should be borne by all dischargers of contaminants, and in particular those who have not yet implemented significant mitigation on their properties or enterprises. There may be some dischargers who have implemented significant mitigation measures, perhaps at considerable cost, and still not be low dischargers due to the biophysical nature of their properties. While it is recognised that in these situations change will be required in the long term it may place undue hardship on particular individuals, families and communities in the short term, in contradiction to Objectives 2 and 4. Sharing the responsibility across all dischargers of contaminants, and in particular those who have not yet undertaken significant mitigation actions is 1. more equitable, putting the initial onus for change on those who have not yet done it voluntarily, while still signalling to all that further change will be required; 2. takes a collective responsibility approach to water quality improvement, as per the Plan Change values; 3. may result in a greater than ten per cent improvement in water quality in ten years; and 4. minimises social disruption as per Objectives 2 and 4. Refer also to our Submission 16.</p>	
Decision Sought:	
<p>Enable activities with lower discharges to continue or to be established, but with the requirement that they include Best Management Practices for the mitigation of contaminant discharges in Farm Environment Plans and implement such mitigation practices.</p>	
Submission Number:	
	13
Section Number of Plan Change:	3.11.3 Policy 5: Staged approach
Provision Supported or Opposed:	Support with amendment
Submission:	
<p>Miraka supports a staged approach to achieving water quality attribute targets over 80 years to minimise social disruption and allow for innovation and new practices while making a start on reducing contaminant discharges and preparing for further reductions, but believes the reason for a staged approach extend to economic hardship as well as social disruption.</p>	
Decision Sought:	
<p>Retain, with the insertion of “economic hardship” so that it reads “...staged over 80 years, to minimise social disruption and economic hardship and....” Note: first sentence should read “...Table 3.11-1....”</p>	

Submission Number:	14
Section Number of Plan Change:	3.11.3 Policy 6: Restricting land use change
Provision Supported or Opposed:	Support
Submission:	
Miraka supports the restriction of land use changes to those that demonstrate clear and enduring decreases in diffuse discharges of contaminants or to those under Policy 16, with amendments to Policy 16 as per our Submission 19.	
Decision Sought:	
Retain	
Submission Number:	
	15
Section Number of Plan Change:	3.11.3 Policy 7: Preparing for allocation in the future
Provision Supported or Opposed:	Support with amendment
Submission:	
Miraka supports the collection of information, development of modelling tools and research into spatial variability of land use and contaminant losses and the effect of contaminant discharges in different parts of the catchments, and in particular the principles b. flexibility of development of tangata whenua land; c. minimisation of social disruption and d. use of new data and knowledge in future allocation decisions. However, Miraka believes there is insufficient information at this stage to commit to principle a. using land suitability as a starting point for future allocations, and that it should be subject to the full First Schedule RMA processes envisaged in the Background and explanation Submission 3.	
Decision Sought:	
Retain the policy overall, but with amendments to the wording around land suitability approach such that it is clear that this is not the starting point, but is one potential option, subject to First Schedule RMA processes once there is more detail for people to evaluate.	

Submission Number:	16
Section Number of Plan Change:	3.11.3 Policy 8: Prioritised implementation
Provision Supported or Opposed:	Oppose
Submission:	
<p>Miraka believes that the initial stage to achieve ten per cent of the required change in water quality by 2026 should be borne by all dischargers of contaminants across the whole region, as per our Submissions 10, 12, 17, 23, 32 and 41, and that sub-catchments should not be prioritised with respect to dates for water quality improvement implementation (but could be with respect to resources, planning and funding).</p> <p>Further, we oppose the 75th percentile nitrogen leaching value approach, as per our Submission 41, and any prioritisation associated with it.</p> <p>We consider that significant advances in water quality improvements in the short term can be made by sharing the responsibility across all dischargers of contaminants and requiring all properties and enterprises to include Best Management Practice mitigations in their farm plans, and implement them, across the region irrespective of sub-catchment or NRP.</p>	
Decision Sought:	
<p>Remove the prioritisation of sub-catchments in relation to implementation policies, but potentially retain it in relation to allocation of council staff resources, planning and funding.</p> <p>Delete the prioritisation of 75th percentile nitrogen leaching dischargers.</p>	

Submission Number:	17
Section Number of Plan Change:	3.11.3 Policy 9: Sub-catchment (including edge of field) mitigation planning, co-ordination and funding
Provision Supported or Opposed:	Support with amendment
Submission:	
<p>Miraka supports an integrated sub-catchment approach to mitigation planning, coordination and funding, including part a. early engagement, part b. assessment of reasons for current water quality and sources of contaminant discharge, part c. encouraging cost effective mitigations where they have the biggest effect on improving water quality; and part d. allowing multiple-enterprise mitigations to have their effects apportioned in accordance with respective contributions.</p> <p>Miraka considers that part c. encouraging cost effective mitigations where they have the biggest effect on improving water quality is of particular value in achieving the 2026 water quality improvements, and that this should be applied across the whole of the region, irrespective of proposed prioritisation of sub-catchments and current levels of contaminant discharges from properties or enterprises. All enterprises should be implementing mitigations that have the biggest effect on improving water quality. These mitigations will be specified in Farm Environment Plans. Further, the regional council should provide Best Practice management guidelines and mitigations that apply to a range of farming practices, land types and other biophysical factors so that they can be easily included in all Farm Environment Plans and applied across all properties and enterprises.</p>	
Decision Sought:	
Retain, with an additional part e. "Providing Best Practice management guidelines and examples of cost-effective mitigations that have the biggest effect on improving water quality across a range of farming policies, land types and other biophysical factors, to be included in Farm Environment Plans and applied on all properties and enterprises in the region."	
Submission Number:	
	18
Section Number of Plan Change:	3.11.3 Policy 14: Lakes Freshwater Management Units
Provision Supported or Opposed:	Support
Submission:	
Miraka supports a tailored approach to lakes, similar to the tailored philosophy of Farm Environment Plans, with Lake Catchment Plans focusing on the particular biophysical factors and activities within lake catchments.	
Decision Sought:	
Retain	

Submission Number:	19
Section Number of Plan Change:	3.11.3 Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land
Provision Supported or Opposed:	Support flexibility, but oppose clauses ii. and iii.
Submission:	
<p>Miraka supports flexibility for land use change that enables the development of tangata whenua ancestral lands that provides for a. relationship with ancestral lands, b. exercise of kaitiakitanga, and c. the creation of positive economic, social and cultural benefits for tangata whenua now and into the future, taking into account i. best management practice actions for contaminants for the proposed new land use.</p> <p>However, it strongly opposes the application of land suitability allocation principles as contained in Policy 7 on two grounds. Firstly, as per Miraka's Submissions 2 and 15, we believe that the principle of land suitability underpinning future discharge allocations requires research and detail being made public under a full First Schedule RMA process at the time of moving to a second plan change. Secondly, it is both inequitable and in opposition to Objective 5 regarding minimisation of new impediments on tangata whenua land to impose a restriction in the short term on Maori land (i.e. the land suitability principle), when it does not apply to other land or land users under Plan Change 1.</p> <p>In addition, Miraka finds clause iii. regarding short term targets to be achieved under Objective 3 to be ambiguous in this context. Objective 3 refers to actions by 2026 to achieve a 10 per cent change in water quality improvements. Policy 6 restricts land use changes to those that show decreases in diffuse discharges or to those under this Policy 16. Reading Objective 3 and Policy 6 together, it would appear that the flexibility to land use change afforded to tangata whenua ancestral lands may only apply where the proposed land use change indicates a 10 per cent improvement in water quality – i.e. little flexibility and a further impediment to development. If this is not the intended interpretation, and clause iii. has regard to the ten per cent improvements in water quality in the sub-catchment as a whole and not specifically to the proposed development of tangata whenua ancestral land, will this require greater mitigations from land owners in the rest of the sub-catchment? This requires clarification.</p> <p>Further, there is the potential for inequity in the development of tangata whenua ancestral land depending on the sub-catchment in which the land falls. If there is no gap between current water quality and the 80 year water quality attribute targets in a sub-catchment, then under part iii. the development may well go ahead. If there is a gap, however, it may not. Thus, it appears that historical land use in a catchment, including perhaps historical impediments, may be a key factor in determining whether new impediments to the flexibility of the use of tangata whenua ancestral lands are imposed, in contradiction to Objective 5.</p>	
Decision Sought:	
Retain the policy, with the removal of clauses ii. on land suitability and iii. on the short term targets to be achieved in Objective 3.	

Submission Number:	20
Section Number of Plan Change:	3.11.3 Policy 17: Considering the wider context of the Vision and Strategy
Provision Supported or Opposed:	Support
Submission:	
Miraka supports a holistic and integrative approach to advancing matters in the Vision and Strategy that are not directly within the scope of Chapter 3.11, in particular the seeking of opportunities to enhance biodiversity, wetland values and the functioning of ecosystems.	
Decision Sought:	
Retain	
Submission Number:	
	21
Section Number of Plan Change:	3.11.4.1 Working with others
Provision Supported or Opposed:	Support
Submission:	
Miraka supports shared responsibility and working with others to implement the objectives, policies and methods for giving effect to the Vision and Strategy for the Waikato River.	
Decision Sought:	
Retain	
Submission Number:	
	22
Section Number of Plan Change:	3.11.4.2 Certified Industry Scheme
Provision Supported or Opposed:	Support
Submission:	
Miraka supports the Certified Industry Scheme, including rigour with ensuring consistency across the various Certified Industry Schemes, and particularly across sectors.	
Decision Sought:	
Retain	

Submission Number:	23
Section Number of Plan Change:	3.11.4.3 Farm Environment Plans
Provision Supported or Opposed:	Support
Submission:	
<p>Miraka supports the tailored Farm Environment Plan approach to contaminant discharge mitigation, with clear parameters and requirements as outlined in this method. Further, Miraka would like the regional council to provide Best Practice management guidelines and mitigations that apply to a range of farming practices, land types and other biophysical factors so that they can be easily included in all Farm Environment Plans and applied across all properties and enterprises within the region as an effective and relatively non-disruptive means to achieve the ten-year improvements in water quality. See also our Submissions 10, 11, 12, 16, 17, 32 and 41.</p>	
Decision Sought:	
Retain	
Submission Number:	
24	
Section Number of Plan Change:	3.11.4.4 Lakes
Provision Supported or Opposed:	Support
Submission:	
<p>Miraka supports the Lake Catchment Plan approach to improve water quality and ecosystem health, and manage pest species.</p>	
Decision Sought:	
Retain	
Submission Number:	
25	
Section Number of Plan Change:	3.11.4.5 Sub-catchment scale planning
Provision Supported or Opposed:	Support
Submission:	
<p>Miraka strongly supports the sub-catchment scale of planning, and that such planning will identify causes of water quality decline, identify measures and coordinate reductions at a property, enterprise and sub-catchment scale. It also supports sub-catchment scale mitigations, wetland management research, coordination of funding across contributors, and utilisation of public funds to support mitigations that provide significant public benefit, as per our Submission 1.</p>	
Decision Sought:	
Retain	

Submission Number:	26
Section Number of Plan Change:	3.11.4.6 Funding and implementation
Provision Supported or Opposed:	Support
Submission:	
Miraka supports the provision of staff resources and leadership by Waikato Regional Council for the implementation of Chapter 3.11.	
Decision Sought:	
Retain	
Submission Number:	27
Section Number of Plan Change:	3.11.4.7 Information needs to support any future allocation
Provision Supported or Opposed:	Support with amendment
Submission:	
Miraka supports the gathering of information and commissioning of scientific research to inform <i>any future framework</i> for the allocation of diffuse discharges (<i>emphasis added</i>). However, it opposes the presumption in b.ii. that the framework will be based on 'land suitability' and requests that decisions on future frameworks be subject to full First Schedule RMA processes in the development of a second phase or the next Regional Plan, and that the information and research under method 3.11.4.7 be made available to the public to facilitate consultation and informed submissions, as per our Submissions 2, 3 and 15. Reference to the identification of sub-catchments as FMUs is again sought, as per Submission 1.	
Decision Sought:	
Retain, with:	
<ul style="list-style-type: none"> • the addition of “, as one potential allocation framework” to the end of clause b.ii. • the addition of a clause “c. Disseminating the information and research results in such a way as to inform the public and facilitate Schedule 1 processes around future allocation frameworks.” • the amendment of clause b.i to read “...at a sub-catchment or Freshwater Management Unit scale...” 	
Submission Number:	28
Section Number of Plan Change:	3.11.4.8 Reviewing Chapter 3.11 and developing an allocation framework for the next Regional Plan
Provision Supported or Opposed:	Support with amendment
Submission:	
Miraka supports Waikato Regional Council developing discharge allocation frameworks and using this to inform future changes to the Waikato Regional Plan, provided such discharge allocation frameworks are subject to full First Schedule RMA processes as per our Submissions 2 and 3.	
Decision Sought:	
Retain	

Submission Number:		29
Section Number of Plan Change:		3.11.4.9 Managing the effects of urban development
Provision Supported or Opposed:		Support
Submission:		
Miraka supports the inclusion of urban aspects into sub-catchment scale planning.		
Decision Sought:		
Retain		
Submission Number:		30
Section Number of Plan Change:		3.11.4.10 Accounting system and monitoring
Provision Supported or Opposed:		Support
Submission:		
Miraka supports the establishment and operation of a publicly available accounting system and monitoring in each FMU (identified at the sub-catchment level).		
Decision Sought:		
Retain		
Submission Number:		31
Section Number of Plan Change:		3.11.4.11 Monitoring and evaluation of the implementation of Chapter 3.11
Provision Supported or Opposed:		Support
Submission:		
Miraka supports the monitoring and evaluation of the implementation of Chapter 3.11 by the Waikato Regional Council, with a focus on monitoring the implementation of mitigations and Best Practice management in the FEPs.		
Decision Sought:		
Retain		

Submission Number:	32
Section Number of Plan Change:	3.11.4.12 Support research and dissemination of best practice guidelines to reduce diffuse discharges
Provision Supported or Opposed:	Support
Submission:	
Miraka strongly supports the development and dissemination of best management practice guidelines for reducing diffuse discharges of contaminants and of reducing diffuse discharges to water, and further supports a requirement for Farm Management Plans to include such practices that are applicable to the property or enterprise, and considers the application of best management practices across the region to be an effective way to achieve the 2026 water quality improvement objective.	
Decision Sought:	
Retain	
Submission Number:	
33	
Section Number of Plan Change:	3.11.5.2 Permitted Activity Rule – Other farming activities
Provision Supported or Opposed:	Support
Submission:	
Miraka supports this permitted activity rule.	
Decision Sought:	
Retain.	
Submission Number:	
34	
Section Number of Plan Change:	3.11.5.3 Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme
Provision Supported or Opposed:	Support in principle; oppose clauses 5.a., 5.b. and 5.c.
Submission:	
Miraka supports this permitted activity rule in general, including the production of a NRP, exclusion of stock from waterways, approval of the Certified Industry Scheme, and preparation of Farm Environment Plans with specified actions and timeframes for use of land. We do not, however, support a difference in timing for different sub-catchments but believe that all farming activities should be undertaking good management practices to reduce contaminant discharges and that if this is undertaken across the region there will be sufficient improvement in water quality in the short term. Further, we oppose the 75 th percentile nitrogen leaching value approach, as per our Submission 41.	
Decision Sought:	
Retain the overall rule, but replace clauses 5.a., 5.b. and 5.c. with a single 1 July 2020 date for all Farm Environment Plans to be prepared and provided, and in particular delete that part of 5.a. that refers to a NRP greater than the 75 th percentile nitrogen leaching value.	

Submission Number:	35
Section Number of Plan Change:	3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme
Provision Supported or Opposed:	Support in principle; oppose Rule clauses 1., 2. and 3.; oppose Matters of Control iv; oppose Dates I., II. And III.
Submission:	
Miraka supports this controlled activity rule in general, including the production of a NRP, preparation of Farm Environment Plans and exclusion of stock from waterways. We do not, however, support a difference in timing for different sub-catchments but believe that all farming activities should be undertaking good management practices to reduce contaminant discharges and that if this is undertaken across the region there will be sufficient improvement in water quality in the short term. Further, we oppose the 75 th percentile nitrogen leaching value approach, as per our Submission 41.	
Decision Sought:	
Retain the overall rule, but replace clauses 1., 2. and 3. with a single date for all properties and enterprises, delete Matters of Control iv that refers to a NRP greater than the 75 th percentile nitrogen leaching value, and replace the Dates I., II. and III. with a single 1 July 2020 date for all.	
Submission Number:	36
Section Number of Plan Change:	3.11.5.6 Restricted Discretionary Activity Rule – The use of land for farming activities
Provision Supported or Opposed:	Support
Submission:	
Miraka supports this rule in principle, subject to the application of a revised Policy 16, as per its Submission 19.	
Decision Sought:	
Retain	
Submission Number:	37
Section Number of Plan Change:	3.11.5.7 Non-Complying Activity Rule – Land Use Change
Provision Supported or Opposed:	Support
Submission:	
Miraka supports this rule in principle, subject to the application of a revised Policy 16, as per our Submission 19.	
Decision Sought:	
Retain	

Submission Number:	38
Section Number of Plan Change:	Schedule A - Registration with Waikato Regional Council
Provision Supported or Opposed:	Support
Submission:	
Miraka supports registration of properties under Schedule A.	
Decision Sought:	
Retain	
Submission Number:	39
Section Number of Plan Change:	Schedule B - Nitrogen Reference Point
Provision Supported or Opposed:	Support with amendment
Submission:	
<p>Miraka supports the calculation of a Nitrogen Reference Point (NRP) as per Schedule B, but seeks clarification and certainty with regard to clauses c., d. and e. which refer to the OVERSEER model and the timing of the provision of NRPs and NRP data to the council. There is uncertainty as to what is meant by the “current version of the OVERSEER Model”, and whether that is the current version as at the date of notification, or the current version 6.2.3 released 7 November 2016, or a version current at the time of NRP calculation. Miraka has two concerns here: firstly, that all enterprises and Certified Industry Schemes are using the same version, and secondly, if a later version of OVERSEER is specified, that all parties will have sufficient time for their NRP calculations, given their differences in resourcing and processes.</p> <p>Miraka specifically supports the data input methodology exceptions and inclusions in Table 1, in particular the requirement to cover the entire enterprise including riparian, retired, forestry, and yards and races, and not restrict inputs to effective areas.</p>	
Decision Sought:	
Retain, with clarification on the specific OVERSEER Model referred to in clauses c. and d., and its relationship to the timing in clause e.	
Submission Number:	40
Section Number of Plan Change:	Schedule C - Stock exclusion
Provision Supported or Opposed:	Support with amendment
Submission:	
Miraka supports the exclusion of stock from water bodies, with the exception of the staged dates in clause 4.	
Decision Sought:	
Retain, with a single date for all exclusion irrespective of sub-catchment.	

Submission Number:	41
Section Number of Plan Change:	Schedule 1 - Requirements for Farm Environment Plans
Provision Supported or Opposed:	Support overall Farm Environment Plan requirements; oppose clause 5.(b).
Submission:	
<p>Miraka supports the preparation, certification and requirements for Farm Environment Plans in Schedule 1, except for clause 5.(b): “Where the Nitrogen Reference Point exceeds the 75th percentile nitrogen leaching value, actions, timeframes and other measures to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75th percentile nitrogen leaching value by 1 July 2026....”</p> <p>Miraka opposes the 75th percentile approach on two main grounds:</p> <ol style="list-style-type: none"> 1. socio-economic equity and social disruption; and 2. effectiveness in reducing contaminants discharge and improving water quality in the short term. <p>Miraka believes that a 75th percentile nitrogen leaching value approach contradicts Objective 4 and Policy 5, which call for a staged approach to change enabling people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing in the short term. Given that the 75th percentile is calculated on a FMU basis, where there is likely to be a similarity of biophysical factors that affect leaching rates, it is possible that the 75th percentile NRP in a catchment with high ‘natural’ leaching and high levels of voluntary mitigation efforts and expenditure could be significantly higher than in an FMU where little has been done to mitigate leaching. Under the 75th percentile approach, and this scenario, farmers who have already done all they reasonably can in terms of mitigations could potentially be forced to de-stock or be forced off their land, causing immense social disruption and economic hardship in local communities. While it is accepted that such land use may not be able to continue long term, in the short term such social disruption is to be minimised.</p> <p>Further it is noted that nitrogen is not the key water quality issue for all sub-catchments, and therefore its reduction should not take precedence over the reduction of all other contaminant discharges. Neither is it appropriate to use nitrogen reduction as a proxy for the reduction of other contaminants; sediment discharge, for example, follows different pathways and requires different mitigations.</p> <p>Miraka considers that the 10 year reductions in contaminants discharge and improvements in water quality would be better met through the combination of :</p> <ul style="list-style-type: none"> • no further intensification of land use through either land use change or increase from a property or enterprise’s NRP • providing Best Practice management guidelines and examples of cost-effective mitigations that have the biggest effect on improving water quality across a range of farming policies, land types and other biophysical factors • requirement for Farm Environment Plans to include Best Management Practices and for these to be implemented, with regulation and enforcement as required • application of Best Management Practices across the region, irrespective of priority sub-catchments and NRPs. <p>Miraka considers that a method whereby the NRP is related to productivity to be another alternative to achieving water quality improvement goals without significant social disruption.</p> <p>Further, any reduction in NRP approach should be applied at the sub-catchment scale where management, planning, identification of measures and other aspects of water quality improvement already occur and can be applied at their most effective level, and not at the currently larger and relatively</p>	

<p>meaningless FMU scale. We consider that the objectives of Plan Change 1 would be better met by defining FMUs at the sub-catchment scale, as per our Submission 1.</p>	
<p>Decision Sought:</p>	
<p>Retain the overall schedule, with the deletion of clause 5.(b). Add a clause to the effect that the Waikato Regional Council will provide Best Management Practice guidelines for actions or measures to mitigate contaminant discharge in relation to a range of land uses, stock policies, land types and other biophysical factors and that such mitigating actions or measures are to be included in Farm Environment Plans and implemented on all properties and enterprises across the region. Develop a method whereby the NRP is considered relative to productivity.</p>	
<p>Submission Number: 42</p>	
<p>Section Number of Plan Change: Schedule 2 - Certification of Industry Schemes</p>	
<p>Provision Supported or Opposed: Support</p>	
<p>Submission:</p>	
<p>Miraka supports the Certification of Industry Schemes</p>	
<p>Decision Sought:</p>	
<p>Retain</p>	
<p>Submission Number: 43</p>	
<p>Section Number of Plan Change: 3.11.6 Tables</p>	
<p>Provision Supported or Opposed: Support with amendments</p>	
<p>Submission:</p>	
<p>Miraka supports the provision of information on water quality attributes for Freshwater Management Units, and seeks the provision of such information against sub-catchments, to be identified as FMUs as per our Submission 1.</p>	
<p>Decision Sought:</p>	
<p>Amend Table 3.11-1 to provide attribute information at the sub-catchment scale.</p>	

Submission Number:	44
Section Number of Plan Change:	Part C: Additions to Glossary of Terms
Provision Supported or Opposed:	Support with amendments
Submission:	
<p>Miraka supports the provision of clear definitions, and seeks to have the definition of property included, as it does not appear to be defined in the RMA, the NPS FM, or the RPS as suggested in the Explanatory Statement. If, in fact, it is defined in one of these, a clear pointer to its definition would be useful given the importance of this term.</p> <p>Miraka considers that Certified Farm Environment Planners should be equally qualified and experienced across the knowledge and management of <i>all</i> the contaminants, and therefore seeks the requirement of qualifications regarding sediment management, such as the New Zealand Association of Resource Managers Professional Certification.</p> <p>Miraka considers the definition of Edge of field mitigation/s to be insufficient, particularly given the self-referring nature of the ‘edge of field’ part of the definition, and seeks clarification of meaning.</p> <p>Miraka supports the definition of Enterprise.</p> <p>Miraka refers to its Submission 39 with regard to clarification of the ‘current’ version of OVERSEER and seeks the same clarification in the definition of Nitrogen Reference Point here in the Glossary.</p>	
Decision Sought:	
<p>Include the definition of property in the Glossary.</p> <p>Include a requirement for sediment management qualifications (such as New Zealand Association of Resource Managers Professional Certification) in the definition of Certified Farm Environment Planners.</p> <p>Clarify the definition of Edge of field mitigation/s.</p> <p>Retain the definition of Enterprise.</p> <p>Clarify which specific version of OVERSEER is to be used in the definition of Nitrogen Reference Point.</p>	

Miraka thanks the Waikato Regional Council for the opportunity to submit on Plan Change 1 and be heard in support of our submission.

Submissions ends here.