
In the matter of: Clauses 6 and 8 of Schedule 1 – Resource Management Act 1991 – Submissions on publicly notified plan change and variation – Proposed Plan Change 1 and Variation 1 to Waikato Regional Plan – Waikato and Waipa River Catchments

And: **Wairakei Pastoral Ltd**

Submitter

And: **Waikato Regional Council**

Local Authority

CLOSING SUBMISSIONS FOR WAIRAKEI PASTORAL LTD

Dated: 26 September 2019

Counsel: Dr RJ Somerville QC / Dr T Daya-Winterbottom

Solicitors: Harnos Horton Lusk, Auckland (Mr G Horton / Ms A Steel)

CLOSING SUBMISSIONS FOR WAIRAKEI PASTORAL LTD

- 1 These closing submissions are made on behalf of WPL regarding the PC1 Hearing Topics. They are divided into 12 parts and follow the same format as the Section 32 Report. A glossary of the abbreviations and defined terms used in these submissions, the endnote references, and a revised version of Appendix 5 from Mr McKay's Block 3 evidence showing the final strikethrough PC1 amendments recommended by WPL are **attached**.
- 2 Overall, the WPL amendments will ensure the ongoing restoration and protection of water quality via (inter alia) the adoption of a critical source areas/vulnerable land approach, and adaptive management in response to the precautionary principle. Put simply, maintaining or protecting water quality alone will not be an option: active investment in restoration will also be required.

PART A: BACKGROUND AND FRAMEWORK¹

- 3 The background and framework of PC1 is fully addressed in the WPL legal submissions.² In particular, s 66(1) of the RMA provides that WRC must prepare PC1 in accordance with (a) its functions under s 30, (b) the provisions of pt 2, (c) any directions given under s 25A(1), (d) its obligation to prepare an evaluation report in accordance with s 32, (e) its obligation to have particular regard to the s 32 evaluation report, (ea) any NPS and NES, and (f) any regulations.
- 4 In addition to giving effect to any NPS and NES,³ PC1 must also give effect to the WRPS (including the Vision and Strategy) under s 68(3)(c) of the RMA.
- 5 Under the *King Salmon* doctrine,⁴ the NPS-FM and the Vision and Strategy provide the direction for PC1 in terms of achieving sustainable management under pt 2 of the RMA. In particular, the Vision and Strategy (a) seeks to restore and protect the health and wellbeing of the Waikato River, (b) adopts a precautionary approach to decision-making, and (c) applies the latest available scientific methods to achieve these objectives.⁵ **No** party has alleged any inconsistency between the NPS-FM and the Vision and Strategy.

PART B: TECHNICAL INFORMATION⁶

- 6 The WPL science evidence (which has **not** been rebutted) has exposed three significant issues regarding the technical information that underpins PC1:
- 7 First, the Section 32 Report is underpinned by a combination of two models (OVERSEER and CLUES) to provide contaminant statistics

(loads,⁷ percentiles) that could be used to inform the preparation of FEPs/FW-FPs. But these combined models do not generate a daily time series that could be used to provide the contaminant statistics. In contrast, PC1 is underpinned by the OVERSEER model alone and does **not** therefore provide contaminant statistics (loads, percentiles) that could be used to inform the preparation of FEPs/FW-FPs. Put simply, there is **no** connection in both cases between the paddock and the stream.⁸ However, the RDST developed by WPL combines four models (APSIM, Source (SMWBM), Source (surface routing), and MODFLOW (MT3DMS)) to generate a daily time series of contaminants to provide contaminant statistics (loads, percentiles) that could be used to inform the preparation of FEPs/FW-FPs. Put simply, using a combination of models that generates a daily time series of contaminants provides a more realistic worldview and connects the paddock to the stream.⁹ The use of combined models to underpin the Section 32 Report indicates that something more sophisticated than simple reliance on OVERSEER alone is required and that landowners should be free to select other appropriate models to calculate NRPs and prepare FEPs/FW-FPs.

- 8 Second, Mr Williamson demonstrated that the groundwater N “load to come” concept, defined in the Section 32 Report bibliographic material¹⁰ as a load of N in groundwater derived from land surface recharge that will take many decades to discharge into the receiving environment, is contrary to the principles of redox chemistry. Instead, recent N concentration increases in surface water are explained by “quicker flow processes” (e.g. surface runoff and young groundwater discharges) that are relatively short or medium-term responses (5-15 years). The N load to come concept associated with old groundwater is therefore an oxymoron, because old groundwater (that is responsible for any groundwater lag) has been subject to redox reactions that progressively deplete DO and convert Nitrate into benign N₂.¹¹ These conclusions indicate that more ambitious long-term objectives for the Waikato River catchment (e.g. the 90% by 2040 NPS-FM national water quality target) could be adopted in substitution for the PC1 80-year goal in Objective 1 (noted below).
- 9 Third, Dr Neale recorded (inter alia) three significant anomalies and concerns regarding the population of the freshwater objectives in **Table 3.11-1**.¹² Table 3.11-1 should therefore be amended in accordance with the recommendations in the JWS, while recognising the outstanding issues detailed in Dr Neale’s response to the Hearings Panel’s subsequent questions and reflected in Appendix 3 of Dr Neale’s Block 1 evidence.¹³

PART C: OBJECTIVES¹⁴

- 10 The PC1 objectives are (generally) suitable for achieving sustainable management and giving effect to the NPS-FM and the

Vision and Strategy in the WRPS, subject to the amendments recommended by WPL.¹⁵

PART D: STAGING THE TRANSITION TO THE 80-YEAR GOAL¹⁶

- 11 **Policy 5** will not implement Objective 2 (maintaining social, economic, and cultural wellbeing) unless it is amended as recommended by WPL to provide (inter alia) express guidance regarding timely stock exclusion from water bodies and implementation of FEPs/FW-FPs, the protection of critical source areas/vulnerable land from inappropriate use and development, and the requirement to meet the freshwater objectives in Table 3.11-1.¹⁷
- 12 WPL agrees with the recommendation in the Block 3 Section 42A Report that **Policy 7** should be deleted.¹⁸ WPL also recommends that **Policy 17** should either be (a) deleted because PC1 is not an omnibus proposal designed to implement the Vision and Strategy in full, or (b) amended to reflect the primary function of PC1 to control the use of land for the purposes of the protection and restoration of the quality of water in water bodies.¹⁹
- 13 However, the WPL groundwater science evidence (noted above), the current NPS-FM, and the emerging national direction under the *Essential Freshwater* programme (noted below) suggest that either a more ambitious long-term objective is required (i.e. 2040),²⁰ or alternatively that an interim objective of achieving 90% of the required change between current water quality and the long-term freshwater objectives in Table 3.11-1 by 2040 may be warranted. Put simply, 2096 will not give effect to the NPS-FM.
- 14 Beyond that, the Block 3 Section 42A Report recommends that all PC1 methods should be deleted including (inter alia) Methods 3.11.4.7, 3.11.4.8, 3.11.4.10, 3.11.4.11, and 3.11.4.12. WPL agrees with this recommendation provided that the PC1 policies and rules are amended as recommended by WPL.²¹ Should the Hearings Panel wish to retain the PC1 methods, Mr McKay has made some suggested amendments that could be adopted.²²

PART E: MAKING REDUCTIONS IN DIFFUSE DISCHARGES VIA CATCHMENT WIDE RULES AND THE NRP²³

- 15 PC1 includes a suite of provisions designed to achieve Objectives 1 and 3 by making reductions in diffuse discharges via catchment wide rules and calculating NRPs.
- 16 To implement Objectives 1 and 3, WPL recommends that **Policy 1** should be amended to provide for: (a) FEPs/FW-FPs to be put in place and exclude stock from water bodies by 2022 to implement PC1 during the short-term, (b) greater direction for low-risk

permitted activities, and (c) direction on the mitigation responses required when the freshwater objectives in Table 3.11-1 are not met for the relevant sub-catchment.²⁴ WPL also recommends that **Policy 4** should be amended to provide for adaptive management,²⁵ and that **Policy 8** should be amended to provide critical source area/vulnerable land criteria in relation to land use consenting.²⁶ WPL also recommends that similar amendments should be made to **Policy 2** to stipulate assessment criteria for FEPs/FW-FPs.²⁷

- 17 PC1 as notified includes five rules that regulate existing farming activities,²⁸ together with a rule that regulates existing CVP.²⁹
- 18 The Block 2 Section 42A Report recommends that **Rule 3.11.5.1** should be deleted and that **Rule 3.11.5.2** should be amended to provide for low and medium intensity existing farming activities as permitted activities. WPL generally agrees with these recommendations but considers that existing farming activities above 20ha should more appropriately require controlled activity land use consent.³⁰
- 19 Amending the priority dates in **Rule 3.11.5.4** to enable landowners to apply for land use consent for existing farming activities at any time **before** (rather than after) the priority dates occur is “the” single most important amendment that should be made to PC1 because: (a) Rule 3.11.5.4 as notified requires FEPs/FW-FPs for land in Priority 3 sub-catchments to be approved after 1 January 2026 (this will not implement Objective 3 or meet the short-term freshwater objectives in Table 3.11-1); (b) quicker flow effects will manifest within the next 5-15 years in sub-catchments where pastoral conversion occurred before 22 October 2016; (c) without mitigation under FEPs/FW-FPs water quality in the Waikato River catchment will therefore deteriorate when compared against the 2010-2014 current state baseline; and (d) to meet the short-term (2026) freshwater objectives in Table 3.11-1 FEPs/FW-FPs should ideally have been put in place approximately 6-12 years previously in order for any implementation (mitigation) effects to be observed by 2026.³¹
- 20 To enable FEPs/FW-FPs to be put in place as soon as possible, WPL recommends that land use consent for existing farming activities should be required by 1 July 2020 for land in Priority 1 sub-catchments, and by 1 July 2022 for land in Priority 2 and Priority 3 sub-catchments.³²
- 21 PC1 as notified provides for **consenting at scale** to streamline processing and to substantially reduce the number of land use consents required for existing farming activities, namely: industry/sector schemes (Rule 3.11.5.3), properties and enterprises (Rules 3.11.5.4 and 3.11.5.6), and sub-catchments (Method 3.11.4.5). WPL generally agrees with this approach but

recommends that PC1 should be amended to provide a more straightforward approach to consenting at scale via a suite of restricted discretionary rules: **Rule 3.11.5.6A**: properties and enterprises; **Rule 3.11.5.6B**: sub-catchments; and **Rule 3.11.5.6C**: industry/sector schemes.³³

- 22 Providing for consenting at scale in this way is not novel and is entirely consistent with the RMA.³⁴ In particular, the amendments recommended by WPL will provide a generic and uniform rule suite that is relevant for **all** FMUs and sub-catchments within the river catchments covered by PC1, and is consistent with the NPS-FM and emerging national direction under the *Essential Freshwater* programme. Whereas deleting “enterprises” from PC1 as recommended by the Block 3 Section 42A Report would not be consistent with this direction.³⁵
- 23 The Block 2 Section 42A Report recommends that a new “catch-all” rule should be included in PC1 to provide a consenting pathway for existing farming activities that do not comply with the permitted, controlled, or restricted discretionary activity rules. WPL generally agrees with this recommendation and Mr McKay has included a discretionary activity land use rule (**Rule 3.11.5.6D**) in his recommended PC1 amendments.³⁶
- 24 Additionally, the Block 2 Section 42A Report recommends that two new discharge rules should be included in PC1. WPL considers that it would **not** be appropriate or reasonably practicable to include these new discharge rules in PC1 because: (a) at a strategic level s 30(1)(c)(ii) of the RMA allows WRC to include rules in PC1 to control land use for the purposes of restoring and protecting the quality of water in water bodies, and WRC has now recast the notified PC1 rules as land use rules (consistent with the emerging national direction noted below);³⁷ (b) the obligation in s 15(1)(b) of the RMA can be excused by a rule in a regional plan, and there is no legal obligation to include a discharge rule in PC1 when land use rules have already been proposed (which is now the case with PC1); (c) a permitted activity discharge rule (e.g. Rule 3.11.5.8) would not sit comfortably with s 70(1) of the RMA that deals with mixing zones; (d) there are legal and practical considerations that dictate against including discharge rules in regional plans to regulate diffuse discharges (in particular, the option available to the Environment Court in relation to Variation 5 is no longer available to WRC because the operative farm effluent rules are amended by PC1 to clarify that they should apply to point-source discharges only); and (e) generally, the Courts have preferred to regulate any adverse effects on water quality associated with farming activities via land use rules under s 9 and s 30(1)(c)(ii) of the RMA.³⁸
- 25 As noted above, WPL agrees that the PC1 methods including (inter alia) Methods 3.11.4.1, 3.11.4.3, and 3.11.4.3 could be deleted.

- 26 Schedule A (property/enterprise registration), Schedule B (NRP calculation), Schedule C (stock exclusion), Schedule 1 (FEPs/FW-FPs), and Schedule 2 (industry/sector schemes) are cross-referenced in the PC1 rules pertaining to existing farming activities. Generally, WPL recommends amendments to the PC1 schedules consistent with the amendments recommended to the rules (e.g. enabling consenting before the priority dates in Rule 3.11.5.4 occur, and enabling consenting at scale).
- 27 In particular, WPL recommends that **Schedule B** (NRP calculation) and **Schedule 1** (FEPs/FW-FPs) should be amended to enable any model or combination of models to be used by landowners when calculating NRPs and preparing FEPs/FW-FPs, and to delete the requirement for CEO approval before any alternative models (other than OVERSEER) can be used.³⁹ The unfettered discretion given to the CEO outside the RMA is unlawful.⁴⁰ Beyond that, reliance on the OVERSEER model alone is not consistent with the Section 32 Report (noted above) that relies on a combination models to provide contaminant statistics (loads, percentiles) that could be used to inform the preparation of FEPs/FW-FPs.
- 28 Based on the Block 2 evidence of Dr Neale regarding the immediate need to exclude stock from water bodies as a key implementation method for achieving Objective 3, WPL also recommends that **Schedule C** should be amended to require stock exclusion by 2023.⁴¹
- 29 Additionally, Schedule 1 (para 5(b)) (as notified) requires diffuse N discharges to be reduced by 1 July 2026 where they exceed the **75th percentile N leaching value**. This provision is problematic because: (a) it requires a full data set of all NRPs to be available, (b) the full data set will not (assuming full compliance) be available before 1 July 2026 because all consents and FEPs/FW-FPs required under PC1 (as notified) will be not be in place before that date, and (c) the Block 1 Section 42A Report acknowledges that full PC1 compliance in Priority 2 (75%) and Priority 3 (50%) sub-catchments is unlikely to be achieved by 1 July 2026.⁴² The provision is therefore unworkable and will not achieve Objective 3. More importantly, the 75th percentile N leaching value does not address critical source areas/vulnerable land.
- 30 The Block 2 Section 42A Report recommends that the 75th percentile N leaching value definition should be amended to include a factual deeming mechanism to overcome the problems identified above, but this compounds the issues and does not resolve them because it is likely unlawful.⁴³
- 31 Based on the Block 2 evidence of (inter alia) Mr Williamson, WPL recommends that the 75th percentile N leaching value should be deleted from PC1 and replaced by a requirement to identify and map critical source areas/vulnerable land when preparing

FEPs/FW-FPs and undertaking a risk assessment to determine what mitigations may be required in relation to specific farming activities in particular locations.⁴⁴ Critical source areas/vulnerable land have been mapped for the sub-catchments in the Upper Waikato River FMU by Mr Williamson,⁴⁵ and in response to questions from the Hearings Panel he confirmed that these areas could (in relation to other FMUs) either be mapped by landowners when applying for land use consent or by WRC (and that WRC should be able to carry out the mapping exercise within a period of approximately 6 months). The critical source areas/vulnerable land approach is consistent with the emerging national direction under the *Essential Freshwater* programme.

- 32 For completeness, Mr McKay also suggests some similar amendments that could be made to **Policy 3** and **Rule 3.11.5.5** relating to CVP.⁴⁶

PART F: RESTRICTING LAND USE CHANGES⁴⁷

- 33 Policy 6 and Rule 3.11.5.7 (as notified) restrict land use changes exceeding 4.1ha. Rule 3.11.5.7 provides for land use change as a non-complying activity, and Policy 6 provides that consent will not generally be granted unless “clear and enduring decreases in existing diffuse discharges” are demonstrated. But the Section 32 Report focuses on “major changes in land use that are likely to result in additional diffuse discharges” and does not underpin these provisions.⁴⁸
- 34 The Block 2 Section 42A Report recommends that Policy 6 should be deleted and that the PC1 rules should be amended to require non-complying activity land use consent for **all** existing farming activities where any land use change exceeding 4.1ha has occurred after 22 October 2016. These amendments offend against the principle of retroactivity and are unlawful.⁴⁹
- 35 WPL recommends that **Policy 6** should be amended to better implement Objectives 1 and 3, and that land use changes should be provided for as discretionary activities where: (a) the freshwater objectives in Table 3.11-1 can be met (**Rule 3.11.5.7A**), or (b) **Policy 16** regarding the development of Maori ancestral land and Treaty settlement land is satisfied (**Rule 3.11.5.7B**).⁵⁰ In other cases, WPL recommends that land use changes should be provided for as non-complying activities (**Rule 3.11.5.7C**). In particular, these amendments will enable land use changes to occur away from critical source areas (i.e. on non-vulnerable land).

PART G: MANAGING POINT-SOURCE DISCHARGES⁵¹

- 36 WPL made submissions on Policies 10, 11, 12, and 13 requesting (inter alia) that guidance should be provided regarding the duration

of land use consent for existing farming activities. This point has been addressed by the amendments to **Policy 4** recommended by Mr McKay seeking maximum consent durations of 25 years.⁵²

PART H: MANAGING WHANGAMARINO WETLAND⁵³

- 37 The WPL submissions generally support the PC1 provisions regarding the Whangamarino Wetland because they provide added protection for the internationally protected Ramsar site.⁵⁴ As noted above, WPL agrees that the PC1 methods including (inter alia) Methods 3.11.4.4, 3.11.4.5, and 3.11.4.6 could be deleted.

PART I: FLEXIBILITY OF THE USE OF TE TURE WHENUA AND SETTLEMENT LAND⁵⁵

- 38 RDST Scenario 7 demonstrates that the development potential of Maori ancestral land and Treaty settlement land can be unlocked to enable changes in land use (e.g. from planted production forest to dairy farming) when FEPs/FW-FPs are put in place and implemented, and where farming on vulnerable land (critical source areas) is appropriately mitigated. For example, Mr Conland indicated when presenting his Block 2 evidence that by retiring 776ha of vulnerable land currently used for farming activities in Sub-catchment 66A (Tahorakuri),⁵⁶ up to 17,776ha of non-vulnerable land in the sub-catchment currently planted as production forest could be used for dairy farming without generating any adverse effects on critical source areas.⁵⁷
- 39 The Scenario 7 modelling supports the amendments to **Policies 6** and **16** and insertion of new **Rule 3.11.5.7B**, recommended by Mr McKay. Put simply, Scenario 7 addresses Maori values that are now at the forefront of the NPS-FM debate as a result of the *Essential Freshwater* programme, and adopting the critical source areas/vulnerable land approach will address all three components of sustainable resource management: development, protection, and use.

PART J: PRIORITISATION AND SUB-CATCHMENT PLANNING⁵⁸

- 40 Sub-catchment planning (Method 3.11.4.5) is an integral part of PC1 as notified. But the failure to provide for sub-catchment planning via regulatory methods is not coherent or logical. For example: (a) PC1 uses the sub-catchment planning approach to monitor water quality and measure compliance against the freshwater objectives in Table 3.11-1, and to aggregate these findings at FMU level in accordance with the NPS-FM; (b) while the number of sub-catchment consents ultimately held under PC1 may not be considerable, evaluating a requested regulatory method solely in terms of numbers is not credible or relevant (it is unlikely that there will be more than a handful of industry/sector schemes

under the PC1 provisions but this has not been put forward by any party as a bar to including such provisions in PC1); (c) providing for sub-catchment level consents will have **no** effect on further intensification anywhere in the catchment, because sub-catchment consents are proposed as part of the suite of amendments to the land use rules pertaining to “existing” farming activities and CVP systems that will enable activities that were lawfully established on or before 22 October 2016 to continue; (d) failing to make express provision for sub-catchment consents in PC1 will not provide any certainty for stakeholders and is likely to result in unreasonable delay and impasse when applications are made; and (e) providing for sub-catchment consents (in relation to existing farming activities and CVP systems) will have no impact whatsoever on the PC1 monitoring framework.⁵⁹ The sub-catchment consent provisions are designed to apply in relation to **all** FMUs and sub-catchments.

- 41 WPL therefore recommends that **Policies 8, 9, and 14** should be amended and new **Rule 3.11.5.6B** inserted to expressly provide for sub-catchment scale consenting. As noted above, WPL agrees that the PC1 methods including (inter alia) Methods 3.11.4.1, 3.11.4.4, 3.11.4.5, 3.11.4.6, and 3.11.4.9 could be deleted.

PART K: NATIONAL DIRECTION⁶⁰

- 42 The *Essential Freshwater* programme (October 2018) and the proposed new NPS-FM, NES for Freshwater, and Stock Exclusion Regulations under s 360 of the RMA (September 2019) are material considerations.⁶¹ They inform the (likely) future trajectory of national direction. In particular, they: (a) include a continued focus on FMUs together with a clear focus on land use controls, (b) identify limits on resource use to achieve freshwater targets, (c) include numeric limits for (inter alia) TN and TP, (d) retain the national water quality targets for primary contact (i.e. 90% by 2040), (e) provide for consenting at scale via “enterprises”, (f) require independently audited FEPs/FW-FPs to be in place by 2025 at latest, (g) provide for land use change as a discretionary activity, (h) do not require OVERSEER to be used in all sub-catchments, and (i) and require stock exclusion by 2021 for dairy farming and by 2023 for beef farming. Overall, these proposals provide a coherent framework for restoring and protecting water quality and they reflect the PC1 amendments recommended by a number of submitters (including WPL). The Hearings Panel can give effect to the future national direction by accepting the PC1 amendments recommended by WPL. WPL has made the best attempt to align the recommended amendments with the emerging national direction.

PART L: OVERALL CONCLUSIONS

- 43 In conclusion, absent the amendments to PC1 requested by the WPL submissions and evidence:

- 43.1 PC1 will not promote sustainable management of natural and physical resources in accordance with pt 2 of the RMA.
- 43.2 PC1 will not be within the functions of regional councils as provided for in s 30 of the RMA.
- 43.3 PC1 does not comply with s 32 of the RMA because: (a) the objectives are not the most appropriate way to achieve sustainable management; (b) the provisions are not the most appropriate way to achieve the objectives; (c) PC1 will not promote opportunities for economic growth or employment; and (d) the evaluation report for PC1 does not (in relevant part) comply with the requirements of s 32 of the RMA, and is not (fully) supported by evidence of probative value.
- 43.4 The Section 42A Reports do not include any evaluation under s 32AA of the RMA regarding the WRC recommended PC1 amendments, and no reasons (or no credible reasons) are given in the Section 42A Reports for recommending (by implication) that the WPL submissions should be rejected.
- 43.5 PC1 does not comply with relevant provisions in pt 5 of the RMA, including: s 68 and s 70.
- 43.6 PC1 is not consistent with or does not give effect to the NPS-FM.
- 43.7 PC1 is not consistent with or does not give effect to the WRPS including the Vision and Strategy.
- 43.8 PC1 (in respect of controls on land) will render interests in land incapable of reasonable use.⁶²
- 44 WPL has therefore requested a series of carefully crafted amendments to the PC1 provisions addressed in the Section 42A Reports that (if accepted) will enable PC1 to become operative. Put simply, accepting the WPL amendments will future proof PC1 (in terms of the emerging national direction) in an effective and efficient way.



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Attachment 1

GLOSSARY OF TERMS

B+LNZ Beef and Lamb NZ

CSG Collaborative Stakeholder Group

CSG report Overview of Collaborative Stakeholders Group's Recommendations for Waikato Regional Plan Change No 1 - Waikato and Waipa River catchments

DO dissolved oxygen

Estate Wairakei Estate

ETS Emissions Trading Scheme

Fe²⁺ dissolved iron

FEPs Farm Environment Plans

FMUs Freshwater Management Units

FW-FPs Freshwater Module of a Farm Plan

FWO Freshwater Objectives

GFP Good Farming Practice

GMP Good Management Practice

HRWO Healthy Rivers Wai Ora

LDA linear discriminant analysis

LGA Local Government Act 2002

LSR land surface recharge

MfE Ministry for the Environment

Mn²⁺ dissolved manganese

MRT mean residence times

N nitrogen

N₂ nitrogen gas

NES-PF National Environmental Standards for Plantation Forestry 2017

NES-SHDW National Environmental Standards for Sources of Human Drinking Water 2007

NH₄ ammonium

NO₃⁻ nitrate

NOF National Objectives Framework

NPS-FM National Policy Statement for Freshwater Management 2014 (as amended)

NPS-REG National Policy Statement for Renewable Energy Generation

NRP Nitrogen Reference Point

NTNK Ngati Tahu – Ngati Whaoa

NZCPS New Zealand Coastal Policy Statement 2010

P phosphorus

PAMU Landcorp Farming Ltd

PC1 Proposed Waikato Regional Plan Change 1

PCE Parliamentary Commissioner for the Environment

RDST Ruahuwai decision support tool

RLAA Resource Legislation Amendment Act 2017

RMA Resource Management Act 1991

RMSE root mean square error

S²⁻ sulphide

Section 32 Report Section 32 Evaluation Report

Settlement Act Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

SO₄²⁻ sulphate

TAND Total Annual Nitrogen Discharge

TLG Technical Leaders Group

TN Total nitrogen

TP Total phosphorus

TSS total suspended solids

Var1 Variation 1

Vision and Strategy Vision and Strategy for the Waikato River

WPL Wairakei Pastoral Ltd

WRC Waikato Regional Council

WRP Waikato Regional Plan

WRPS Waikato Regional Policy Statement

Attachment 2

REFERENCES

- ¹ Section 32 Report, Parts A and B, 6-51.
- ² WPL Block 1 Legal Submissions, paras 22-102; WPL Block 1 Supplementary Legal Submissions; WPL Block 2 Legal Submissions, paras 6-86; WPL Block 3 Legal Submissions, paras 2-6.
- ³ RMA, s 68(3)(a) and (ba).
- ⁴ *Environmental Defence Society Inc v The New Zealand King Salmon Company Ltd* [2014] 1 NZLR 593 at [80], [85], [86], [88], and [90]-[91].
- ⁵ WRPS, 2.5.2 Objectives for the Waikato River (a) and (f), and 2.5.3 Strategies for the Waikato River (b).
- ⁶ Section 32 Report, Part C, 52-91.
- ⁷ Dr Neale, Block 1 EIC para 40 and Appendix 3.
- ⁸ Dr Jordan, Block 1 EIC paras 8-11, 12-32, and 37-52; Dr Jordan Block 2 EIC paras 4-11, 27, 34-36, and 62; Dr Jordan Block 2 presentation (28 May 2019); Dr Cresswell, Block 1 EIC paras 10-12, 13-16, 17-18, 29-34, and 41-46; Dr Cresswell, Block 2 EIC paras 9-29; Dr Cresswell, Block 2 presentation (28 May 2019).
- ⁹ Mr Williamson, Block 2 EIC paras 10-148; Dr Jordan, Block 2 EIC (in particular) paras 3-27; Dr Jordan, Block 2 presentation (28 May 2019).
- ¹⁰ Section 32 Report, Part C.3, 86-89.
- ¹¹ Mr Williamson, Block 1 EIC paras 5-36; Dr Cresswell, Block 2 EIC paras 37-56.
- ¹² Dr Neale, Block 1 EIC paras 44-49, 50-54 (Ammonia), 55-58 (TP), 61-71 (selection of current state data), and 73-79 (detection limits).
- ¹³ Dr Neale, Block 1 EIC paras 50-54 (Ammonia), 55-58 (TP), 61-71 (selection of current state data), 73-79 (detection limits), 93 (overall conclusion), and Appendix 3 (amended version of Table 3.11-1).
- ¹⁴ Section 32 Report, Part D, 92-127
- ¹⁵ WPL Block 1 Legal Submissions, paras 145-228; Dr Neale, Block 1 EIC paras 24-28; Mr Ford, Block 1 EIC paras 87, 88, and 89; Mr McKay, Block 1 EIC paras 83-90, 91-96, 97-105, 106-117, 118-123, and 124-126.
- ¹⁶ Section 32 Report, Part E.2, 131-140; PC1 Objectives 2, 3, and 4.
- ¹⁷ WPL Block 2 Legal Submissions, paras 97-103; Mr McKay, Block 2 EIC paras 58, 60, 61, 63, 65, and Appendix 1.
- ¹⁸ WPL Block 3 Legal Submissions, paras 29-30; Mr McKay, Block 3 EIC, para 9.4.
- ¹⁹ RMA, s 30(1)(c)(ii); WPL Block 3 Legal Submissions, paras 31-32; Mr McKay, Block 3 EIC paras 10-11.
- ²⁰ PC1, Objective 1.
- ²¹ WPL Block 3 Legal Submissions, paras 33-45.
- ²² Mr McKay, Block 3 EIC para 17.2 and Appendix 1A.

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- ²³ Section 32 Report, Part E.3, 141-183; WPL Block 2 Legal Submissions, paras 106-299.
- ²⁴ WPL Block 2 Legal Submissions, paras 182-189; Dr Neale, Block 2 EIC paras 21 and 24; Mr McKay, Block 2 EIC para 79 and Appendix 1.
- ²⁵ WPL Block 2 Legal Submissions, paras 191-194; Mr McKay, Block 2 EIC paras 98-99 and Appendix 1.
- ²⁶ WPL Block 2 Legal Submissions, paras 195-199; Mr McKay, Block 2 EIC para 103 and Appendix 1.
- ²⁷ WPL Block 2 Legal Submissions, paras 250-257; Mr Conland, Block 2 EIC paras 147, 150, 156, and 157; Mr Williamson, Block 2 EIC paras 189, 191, and 192; Mr McKay, Block 2 EIC para 82 and Appendix 1.
- ²⁸ PC1, Rules 3.11.5.1, 3.11.5.2, 3.11.5.3, 3.11.5.4, and 3.11.5.6.
- ²⁹ PC1, Rule 3.11.5.5.
- ³⁰ WPL Block 2 Legal Submissions, paras 204-207 and 274-281; Mr Conland, Block 2 EIC para 161; Mr McKay, Block 2 EIC paras 118, 123, and Appendix 1.
- ³¹ WPL Block 2 Legal Submissions, paras 210-227; Dr Neale, Block 2 EIC paras 23, 41, and 44; Mr Williamson, Block 2 EIC paras 158, 163, and 166; Mr Ford, Block 2 EIC paras 53-54; Mr McKay, Block 2 EIC para 122 Appendix 1.
- ³² Mr McKay, Block 2 EIC para 122 Appendix 1.
- ³³ WPL Block 2 Legal Submissions, paras 228-238; Mr Conland, Block 2 EIC para 101; Mr Ford, Block 2 EIC para 57; Mr McKay, Block 2 EIC para 135 and Appendix 1.
- ³⁴ WPL Block 2 Legal Submissions, paras 231-238.
- ³⁵ WPL Block 3 Legal Submissions, paras 61-64.
- ³⁶ WPL Block 2 Legal Submissions, paras 239-240; Mr McKay, Block 2 EIC Appendix 1.
- ³⁷ WRC Legal Submissions, paras 109-120.
- ³⁸ WPL Block 1 Supplementary Legal Submissions, paras 51-60; WPL Block 2 Legal Submissions, paras 23-78 and 241-242; *Carter Holt Harvey Ltd v Waikato Regional Council* A123/08; *Day v Manawatu-Wanganui Regional Council* [2012] NZEnvC 182; Final Report and Decisions of the Board of Inquiry into the Tukituki Catchment Proposal (18 June 2014); *Hawke's Bay and Eastern Fish and Game Councils v Hawke's Bay Regional Council* [2014] NZHC 3191, [2015] NZRMA 131; *P & E Ltd v Canterbury Regional Council* [2015] NZEnvC 106; *Mawhinney v Auckland Council* [2017] NZEnvC 162; *Federated Farmers of New Zealand Inc v Bay of Plenty Regional Council* [2019] NZEnvC 136.
- ³⁹ WPL Block 2 Legal Submissions, paras 166-178; Mr Conland, Block 2 EIC paras 25-29, 37 and 40; Dr Cresswell, Block 2 EIC paras 30-33; Mr McKay, Block 2 EIC paras 36-37 and Appendix 1.
- ⁴⁰ WPL Block 2 Legal Submissions, para 177; *Padfield v Minister of Agriculture, Fisheries and Food* [1968] AC 977 (HL) at 1030 and 1060; *Unison Networks Ltd v Commerce Commission* [2007] NZSC 74 at [53].

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- ⁴¹ WPL Block 2 Legal Submissions, paras 295-299; Dr Neale, Block 2 EIC paras 22-24; Mr Conland, Block 2 EIC paras 163-164; Mr McKay, Block 2 EIC paras 141-143 and Appendix 1.
- ⁴² Block 1 Section 42A Report, 123 para 635; WPL Block 1 Legal Submissions, paras 182-183; “Proposed Revisions to Schedule 1 to incorporate Good Farming Practice into Farm Environment Plans” (Rob Dragten Consulting 2019); WPL Block 3 Legal Submissions, para 82.
- ⁴³ *Hawke’s Bay and Eastern Fish and Game Councils v Hawke’s Bay Regional Council* [2015] NZRMA 131 at [141], [152], [153], [189], [190], [193], [194], [195], and [196].
- ⁴⁴ WPL Block 2 Legal Submissions, paras 260-266; Mr Conland, Block 2 EIC, paras 37, 76, 78, 82-83, and 85; Mr Williamson, Block 2 EIC, paras 167-192; Dr Cresswell, Block 2 EIC paras 34-35; Mr Ford, Block 2 EIC, paras 74-75 and 80; Mr McKay, Block 2 EIC paras 155-160.
- ⁴⁵ Mr Williamson, Block 2 EIC Figure 35 RDST nitrogen vulnerability map (p57).
- ⁴⁶ WPL Block 3 Legal Submissions, paras 70-71; Mr McKay, Block 3 EIC Appendix 1B.
- ⁴⁷ Section 32 Report, Part E.4, 184-192; PC1 Objectives 1 and 3.
- ⁴⁸ Section 32 Report, 184.
- ⁴⁹ WPL Block 2 Legal Submissions, para 320.
- ⁵⁰ WPL Block 2 Legal Submissions, paras 305-321; Mr Ford, Block 2 EIC paras 89 and 95; Mr McKay, Block 2 EIC para 173 and Appendix 1.
- ⁵¹ Section 32 Report, Part E.5, 193-200; PC1 Objectives 1 and 3.
- ⁵² WPL Block 2 Legal Submissions, paras 322-330; Mr McKay, Block 2 EIC para 191 and Appendix 1.
- ⁵³ Section 32 Report, Part E.6, 201-207.
- ⁵⁴ PC1, Objective 6, and Policies 15 and 17; WPL Block 1 Legal Submissions, paras 220-228; WPL Block 3 Legal Submissions, paras 91-105.
- ⁵⁵ Section 32 Report, Part E.7, 208-219.
- ⁵⁶ WPL Block 1 Legal Submissions, paras 236-240; Dr Neale, Block 1 EIC para 34; Mr Williamson, Block 1 EIC paras 42-44 and Figure 8.
- ⁵⁷ WPL Block 2 Legal Submissions, paras 339-346; Mr Conland, Block 2 EIC, para 166; Mr Williamson, Block 2 EIC paras 149-152; Mr McKay, Block 2 EIC para 188 and Appendix 1.
- ⁵⁸ Section 32 Report, Part E.8, 220-233; PC1 Objectives 1 and 3.
- ⁵⁹ WPL Block 3 Legal Submissions, paras 110-117; Mr McKay, Block 3 EIC paras 58-65.
- ⁶⁰ Section 32 Report, Part E.9, 234.
- ⁶¹ *Environmental Defence Society Inc v Auckland Regional Council* [2002] NZRMA 441 at [28] and [88]; *Carter Holt Harvey Ltd v Waikato Regional Council* [2011] NZEnvC 380 at [68] and [70]; WPL Block 1 Legal Submissions, paras 67-75.
- ⁶² RMA, s 85; WPL Block 2 Legal Submissions, Appendix 2.

Attachment 3

**REVISED VERSION OF APPENDIX 5 FROM MR MCKAY'S BLOCK 3
EVIDENCE SHOWING THE FINAL STRIKETHROUGH AMENDMENTS
RECOMMENDED BY WPL**

Note

No amendments have currently been recommended in relation to Objective 1 to address the point made in paras 8 and 13 of the WPL closing submissions regarding the national water quality target in the NPS-FM.

PART A

Insert the following Section as a new chapter after Chapter 3.10 and before Chapter 4 of the Waikato Regional Plan

3.11 Waikato and Waipa River Catchments/Ngā Riu o ngā Awa o Waikato me Waipā

Area covered by Chapter 3.11/Ngā Riu o ngā Awa o Waikato me Waipā

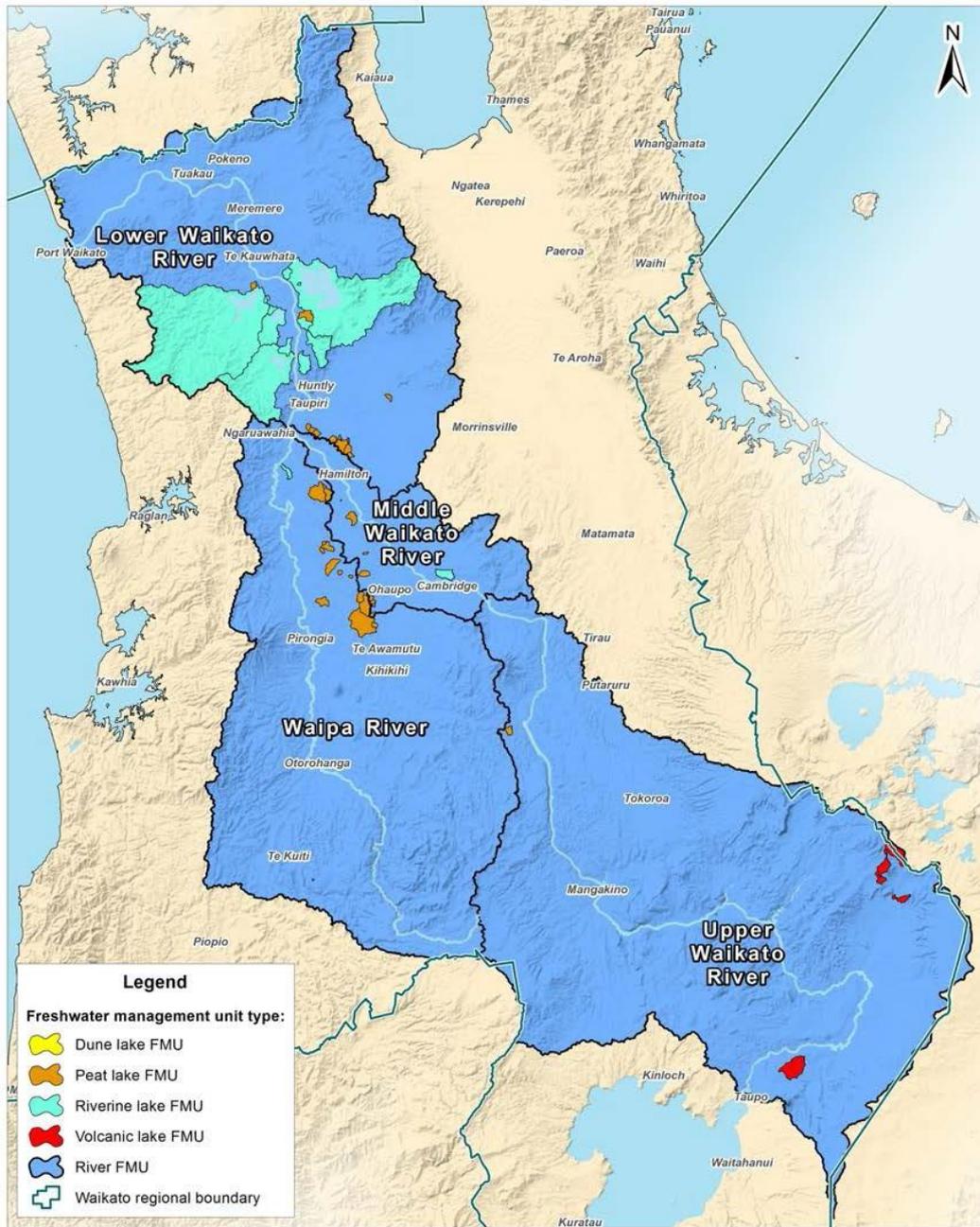
This Chapter 3.11 applies to the Waikato and Waipa River catchments. The map shown in Map 3.11-1 shows the general catchment boundary. This Chapter is additional to all other parts of the Plan. Where there are any inconsistencies, Chapter 3.11 prevails.

Map 3.11-1 shows the general catchment boundary and includes the boundaries of each Freshwater Management Unit[^] (FMU): The FMUs are:

- Upper Waikato River
- Middle Waikato River
- Lower Waikato River
- Waipa River
- Peat Lakes
- Riverine Lakes
- Dune Lakes
- Volcanic Lakes

FMUs are required by central government's National Policy Statement for Freshwater Management 2014. FMUs enable monitoring of progress towards meeting targets[^] and limits[^].

The Plan maps of the Waikato and Waipa River catchments are available electronically or for viewing at Waikato Regional Council offices on request.



Acknowledgements and Disclaimers
 1. © Waikato Regional Council 2013-2016. Healthy Rivers: Plan for Change / Wai Ora: He Rautaki Whakapapai Data.
 2. Digital political boundaries data sourced from Statistics New Zealand.
 3. Hydrological data sourced from Land Information New Zealand. Crown Copyright Reserved.

Freshwater management units

0 5 10 15 20 25 30 35 40 km
 Scale at A3 = 1:630,000

Created by: A Jeffries
 Date: 21/09/2016
 Version: 1
 Job No.: 33102
 File: 33102 FMUs Lake and FMUs River.mxd



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Map 3.11-1: Map of the Waikato and Waipa River catchments, showing Freshwater Management Units

Background and explanation

Co-management of the Waikato and Waipa Rivers

There are three River Acts that establish co-governance arrangements for the Waikato and Waipa Rivers and catchment. These are Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and Nga Wai o Maniapoto (Waipa River) Act 2012.

The iwi partners in the development of Chapter 3.11 are Maniapoto, Raukawa, Ngāti Tuwharetoa, Te Arawa River Iwi and Waikato-Tainui. The processes for preparing, reviewing, changing or varying the regional plan, in terms of River Iwi involvement in the process, is set out in the legislation. This includes a requirement for Council to establish a Joint Working Party with each of the River Iwi, the purposes of which include making joint recommendations to the Council regarding the plan change.

The three River Acts established the Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy) as the primary direction setting document for the Waikato and Waipa Rivers. The Vision and Strategy prevails over any inconsistencies in a national policy statement or New Zealand coastal policy statement, and is deemed to be part of the Waikato Regional Policy Statement.

The Vision and Strategy states that the Waikato and Waipa Rivers are degraded and require, amongst other things, restoration and protection. One objective⁽¹⁾ has been given particular focus for this chapter: The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length. The Vision and Strategy is being given effect to in Chapter 3.11 by:

- Reducing nitrogen, phosphorus, sediment and microbial pathogen losses from land
- Ongoing management of diffuse and point source discharges of nitrogen, phosphorus, sediment and microbial pathogens
- Giving people and communities time to adapt to the requirements of Chapter 3.11 and supporting actions to achieve short-term objectives while being clear that further reductions in nitrogen, phosphorus, sediment and microbial pathogen losses from land will be required in subsequent regional plans
- Ensuring that Waikato Regional Council continues to facilitate ongoing research, monitoring and tracking of changes on the land and in the water to provide for the application of Mātauranga Māori and latest scientific methods, as they become available
- Preparing for future requirements on what can be undertaken on the land, with limits^ ensuring that the management of land use and activities is closely aligned with the biophysical capabilities of the land, the spatial location, and the likely effects of discharges on the lakes, rivers and wetlands in the catchment.

Collaborative approach

The co-governance partners agreed to adopt a collaborative approach to investigate and develop fresh water management approaches that would be implemented in the Waikato and Waipa River Catchments.

A key feature of the collaborative approach was the Collaborative Stakeholder Group (CSG), which represented stakeholders and the wider community in Healthy Rivers: Plan for Change/Wai Ora: He Rauaki Whakapaipai. The CSG was the central channel for stakeholder and broader community collaboration in the project. It intensively reviewed and deliberated on technical material from a group of external technical experts from a range of disciplines. The CSG also sought input from their sectors and from the community, and ultimately proposed the contents of Chapter 3.11 to decision makers.

¹ Te Ture Whaimana o Te Awa o Waikato, Objective K

Water quality and National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2014 (NPS FM) requires regional councils to formulate freshwater objectives[^] and set limits[^] or targets[^] (a target is a limit to be achieved within a specified timeframe). Regional councils must ensure over-allocation[^] of the water resource is avoided, or addressed where that has already occurred.

Current water quality monitoring results show that while there is variability across the Waikato and Waipa River catchments, there are adverse effects on water bodies associated with discharges of nitrogen, phosphorus, sediment and microbial pathogens. The CSG concluded that (generally) from a water quality point of view, over-allocation[^] has occurred within the FMU's while in some water bodies current water quality is high. Some water bodies in the Waikato and Waipa River catchments are therefore not able to assimilate further discharges of nitrogen, phosphorus, sediment and microbial pathogens, without adversely affecting community-held values. Achieving the numeric, long-term freshwater objectives[^] in Chapter 3.11 will require reductions in diffuse and point source contaminants.

The NPS FM directs the Waikato Regional Council to establish freshwater objectives[^] that give effect to the objectives of the NPS FM and describe the state that Waikato regional communities want for fresh water in the future.

The NPS FM process followed in developing Chapter 3.11, included identifying FMUs and the values for each, and then choosing relevant water quality attributes[^] and attribute states[^] that can be monitored over time. Freshwater objectives[^] and limits[^] or targets[^] set out what is required to achieve the attribute states[^]. Under the NPS FM, a limit[^] is the maximum amount of resource use available, which allows a freshwater objective[^] to be met.

The CSG identified resource use that affects the achievement of the freshwater objectives[^] and long-term desired water quality, and for achieving the Vision and Strategy. Chapter 3.11 sets out policies and methods that restrict what can be done on the land and discharged to land or water.

Full achievement of the Vision and Strategy will be intergenerational

The CSG has chosen an 80-year timeframe to achieve the water quality objectives of the Vision and Strategy. The timeframe is intergenerational and more aspirational than the national bottom lines set out in the NPS FM because it seeks to meet the higher standards of being safe to swim in and take food from over the entire length of the Waikato and Waipa Rivers and catchment. Based on the information currently available, the CSG has concluded full achievement of the Vision and Strategy by 2096 is likely to be costly and difficult. The 80-year timeframe recognises the potential 'innovation gap' that means full achievement of water quality requires technologies or practices that ~~are~~ may not be yet available or economically feasible. In addition, the current understanding is that achieving water quality restoration requires ~~a considerable amount of~~ land to be changed from land uses with moderate and high intensity of discharges to land use with lower discharges (e.g. through reforestation-mitigation) within high-risk Sub-catchments. Whereas in other Sub-catchments it will be more appropriate to focus on applying mitigation methods via consent conditions, rather than simply preventing land use change.

Because of the extent of change required to restore and protect water quality in the 80-year timeframe, the CSG has adopted a staged approach. This approach breaks the required improvements into a number of steps, the first of which is to put in place and implement the range of actions in a 10 year period that will be required to achieve 10 percent of the required change between current water quality and the long term water quality in 2096. The staged approach recognises that immediate large scale land use change may be socially disruptive, and there is considerable effort and cost for resource users, industry and Waikato Regional Council to set up the change process in the first stage. New implementation processes, expertise and engagement are needed to support the first stage. The staged approach also allows time for the innovation in technology and practices that will need to be developed to meet the targets[^] and limits[^] in subsequent regional plans to be developed.

Because of the extent of change required to meet the 80-year limits[^], achieving even the first step towards the long-term freshwater objectives in this Plan is an ambitious target. This means the effects of actions and changes on the land may not be seen as water quality improvements in the water bodies in the short term. This is partly due to the time required for the concentration of contaminants in the water to reduce, following mitigation actions being put in place, and specifically, the time it takes for nitrogen to move through the soil profile to groundwater, and then to surface water. This means that the effect of actions put in place to reduce nitrogen now may not be seen in the water for some time (the length of time lag varies across the catchment). It also means there is a nitrogen 'load to come' from historic land use that is yet to be seen in the water.

The Stage 1 approach to reducing contaminant losses from pastoral farm land implemented by Chapter 3.11 requires:

- stock exclusion from water bodies as a priority mitigation action
- Farm Environment Plans (including those for commercial vegetable producers) that ensure industry-specific good management practice, and identify additional mitigation actions to reduce diffuse discharges by specified dates, which can then be monitored
- a property or enterprise scale nitrogen reference point to be established by modelling current nutrient losses from each property or enterprise, with no property or enterprise being allowed to exceed its reference point in the future and higher dischargers being required to reduce their nutrient losses; or
- the introduction of a refined Sub-catchment based nitrogen cap.
- an accreditation system to be set up for people who will assist farmers to prepare their Farm Environment Plan, and to certify agricultural industry schemes
- Waikato Regional Council to develop approaches outside the rule framework that allow contaminant loss risk factors to be assessed at a Sub-catchment level, and implement mitigations that look beyond individual farm boundaries to identify the most cost-effective solutions.

There are a number of existing provisions, including rules, in the Waikato Regional Plan that will continue to apply for point source discharges.

Municipal and industrial point source dischargers will also be required to revise their discharges in light of the Vision and Strategy and the water quality objectives, and Sub-catchment limits[^] and targets[^] that have been set. This will happen as the current consent terms expire.

There are a range of existing provisions in this Plan that deal with activities that relate to forestry. Forestry activities will continue to be managed by these existing provisions, with the addition of requirements around preparing harvest plans and notifying Waikato Regional Council of harvest activities.

In the short term ([i.e. Stage 1 = 10 years](#)), land use change from tree cover to animal grazing, or any livestock grazing other than dairy or arable cropping to dairy, or any land use to commercial vegetable production, will be constrained ([but not prohibited](#)). Provision has been made for some flexibility of land use for Māori land that has not been able to develop due to historic and legal impediments. As these impediments have had an impact on the relationship between tangata whenua and their ancestral lands, with associated cultural and economic effects, Chapter 3.11 seeks to recognise and provide for these relationships. These constraints on land use change are interim, until a future plan change introduces a second stage ([i.e. 10 – 80 years](#)), where further reductions in discharges of sediment, nutrients and microbial pathogens from point sources and activity on the land will be required. This second stage will focus on land suitability and how land use impacts on water quality, based on the type of land and the sensitivity of the receiving water. Methods in Chapter 3.11 include the research and information to be developed to support this.

Reviewing progress toward achieving the Vision and Strategy

The overall intent of Chapter 3.11 is to require resource users to make a start on reducing discharges of contaminants as the first stage of achieving the Vision and Strategy, with on-farm actions carried out and point source discharges reviewed as existing resource consents come up for renewal. The staged approach gives people and communities time to adapt, while being clear that further reductions will be required by subsequent regional plans.

The Vision and Strategy contained in each of the three River Acts is required to be reviewed periodically by the Waikato River Authority, which may make changes to insert limits and methods.

The Resource Management Act requires that regional councils commence reviews of their regional plans 10 years after those plans are operative. When this is done in the future, further changes to reduce diffuse and point source discharges will need to follow the initial preparatory stage embodied in Chapter 3.11 of this Plan.

During the life of this Plan, Waikato Regional Council will track the progress of actions undertaken on the land towards achieving the Vision and Strategy. In addition, research and information collation will be used when this Plan is reviewed, to inform any future property-level allocation of contaminant discharges.

Te Horopaki me ngā Whakamārama

Te whakahaere ngātahi i ngā awa o Waikato me Waipā

[Drafting note: WPL have not sought to amend text removed for simplicity.](#)

3.11.1 Values and uses for the Waikato and Waipa Rivers/Ngā Uara me ngā Whakamahinga o ngā Awa o Waikato me Waipā

The National Policy Statement – Freshwater Management Policy CA2 requires certain steps to be taken in the process of setting limits². These include establishing the values³ that are relevant in a FMU², identifying the attributes² that correspond to those values³, and setting objectives based on desired attribute states². This section describes values and uses for the Waikato and Waipa Rivers, to provide background to the objectives and limits² in later sections.

Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato⁽²⁾

“Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.”⁽³⁾

The values below have been prepared and are supported by the Collaborative Stakeholder Group.

² The Nga Wai o Maniapoto (Waipa River) Act 2012 extended Te Ture Whaimana o Te Awa o Waikato to also cover the Waipa River and its catchment

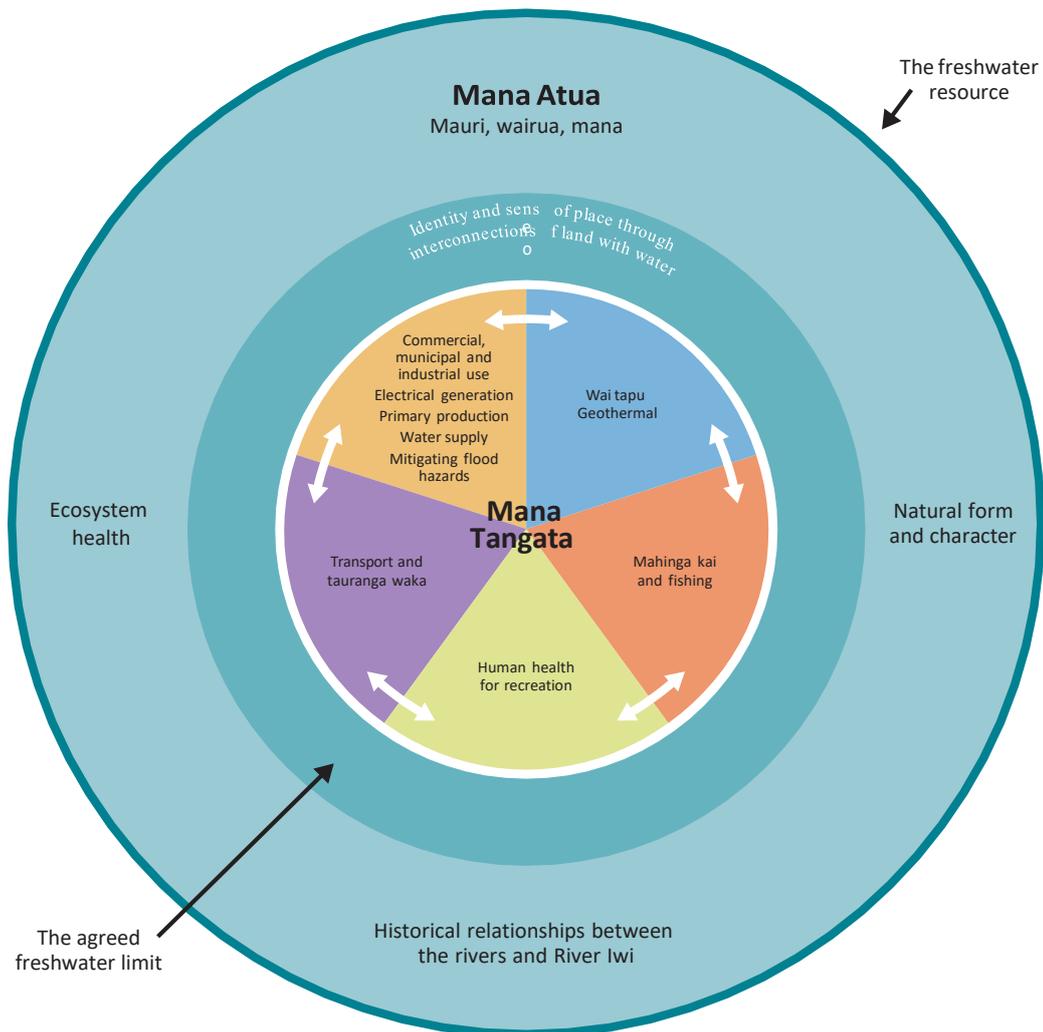
³ The Vision and Strategy is intended by Parliament to be the primary direction setting document for the Waikato River and activities within its catchment affecting the Waikato River. Values and uses are intrinsic to, and embedded in the Vision and Strategy.

Te Mana o te Wai: Mana Atua, Mana Tangata

Values can be thought of in terms of Mana Atua and Mana Tangata, which represent Te Mana o te Wai. ⁽⁴⁾ Mana Atua

represents the intrinsic values of water including the mauri (the principle of life force), wairua (the principle of spiritual dimension) and inherent mana (the principle of prestige, authority) of the water and its ecosystems in their natural state. Mana Tangata refers to values of water arising from its use by people for economic, social, spiritual and cultural purposes. Mana Atua and Mana Tangata values encompass past, present and future.

A strong sense of identity and connection with land and water (hononga ki te wai, hononga ki te whenua) is apparent through the Vision and Strategy and the many values associated with the rivers. This is represented in the figure below as a unifying value that provides an interface between the Mana Atua and Mana Tangata values.



⁴ The National Policy Statement for Freshwater Management 2014 states that the aggregation of a range of community and tangata whenua values, and the ability of fresh water to provide for them over time, recognises the national significance of fresh water and Te Mana o te Wai.

Hononga ki te wai, hononga ki te whenua - Identity and sense of place through the interconnections of land with water

- The rivers contribute to a sense of community and sustaining community wellbeing.
- The rivers are an important part of whānau/family life, holding nostalgic feelings and memories and having deep cultural and historical significance.
- For River Iwi, respect for the rivers lies at the heart of the spiritual and physical wellbeing of iwi and their tribal identity and culture. The river is not separate from the people but part of the people, “Ko au te awa, ko te awa ko au” (I am the river and the river is me).
- The rivers are a shared responsibility, needing collective stewardship: kaitiakitanga – working together to restore the rivers. There is also an important intergenerational equity concept within kaitiakitanga.
- Mahitahi (collaborative work) encourages us all to work together to achieve common goals.

3.11.1.1 Mana Atua – Intrinsic values

Drafting note: Values removed as per WPL evidence

3.11.2 Objectives/Ngā Whāinga

Objective 1: The 80-year freshwater objectives from Table 3.11-1 are met by the restoration and protection of freshwater quality within the Waikato and Waipa River catchments and their Sub-catchments by 2096.

~~Long-term restoration and protection of water quality for each Sub-catchment and Freshwater Management Unit/Te Whāinga 1: Te whakaoranga tauroa me te tiakanga tauroa o te kounga wai ki ia riu kōawaawa me te Wae Whakahaere i te Wai Māori~~

~~By 2096, discharges of nitrogen, phosphorus, sediment and microbial pathogens to land and water result in achievement of the restoration and protection of the 80-year water quality attribute[^] targets[^] in Table 3.11-1.~~

Objective 2: Social, economic and cultural wellbeing is maintained in the long term/Te Whāinga 2: Ka whakaūngia te oranga ā-pāpori, ā-ōhanga, ā-ahurea hoki i ngā tauroa

Waikato and Waipa communities and their economy benefit from the restoration and protection of water quality in the ~~Waikato River catchment~~ Waikato and Waipa Rivers' Sub-catchments, which enables the people and communities to continue to provide for their social, economic and cultural wellbeing.

Objective 3: The Short-term freshwater objectives from Table 3.11-1 are met by the restoration and protection of freshwater quality within the Waikato and Waipa River catchments and their Sub-catchments by 2026. ~~improvements in water quality in the first stage of restoration and protection of water quality for each Sub-catchment and Freshwater Management Unit/Te Whāinga 3: Ngā whakapainga taupoto o te kounga wai i te wāhanga tuatahi o te whakaoranga me te tiakanga o te kounga wai i ia riu kōawāwa me te Wae Whakahaere Wai Māori~~

~~Ngā whakapainga taupoto o te kounga wai i te wāhanga tuatahi o te whakaoranga me te tiakanga o te kounga wai i ia riu kōawāwa me te Wae Whakahaere Wai Māori~~

~~Actions put in place and implemented by 2026 to reduce discharges of nitrogen, phosphorus, sediment and microbial pathogens, are sufficient to achieve ten percent of the required change between current water quality and the 80-year water quality attribute[^] targets[^] in Table 3.11-1. A ten percent change towards the long term water quality improvements is indicated by the short term water quality attribute[^] targets[^] in Table 3.11-1.~~

Objective 4: People and community resilience/Te Whāinga 4: Te manawa piharau o te tangata me te hapori

A staged approach to change will be provided via policies, methods, and rules that enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing in the short term while:

- a. ~~considering the values and uses when taking action to achieve the attribute[^] targets[^] for~~ the Short Term and 80-year water quality objectives from Table 3.11-1 are met by maintaining or improving freshwater quality within the Waikato and Waipa Rivers in Table 3.11-1 catchments and their Sub-catchments; and
- b. recognising that further contaminant reductions will be required within in some Sub-catchments by subsequent regional plans and signalling anticipated future management approaches that will be needed to meet Objective 1.

Objective 5: ~~Mana Tangata – protecting and restoring tangata whenua values/Te Whāinga 5: Te Mana Tangata – te tiaki me te whakaora i ngā uara o te tangata whenua~~

Tangata whenua values are integrated into the co-management of the rivers and other water bodies within the catchment such that:

- a. tangata whenua have the ability to:
 - i. manage their own lands and resources, by exercising mana whakahaere, for the benefit of their people; and
 - ii. actively sustain a relationship with ancestral land and with the rivers and other water bodies in the catchment; and
- b. new impediments to the flexibility of the use of **both** tangata whenua ancestral lands **and land returned via treaty settlements** are minimised; and
- c. improvement in the rivers' water quality and the exercise of kaitiakitanga increase the spiritual and physical wellbeing of iwi and their tribal and cultural identity.

Objective 6: Whangamarino Wetland/Te Whāinga 6: Ngā Repo o Whangamarino

- ~~a. Nitrogen, phosphorus, sediment and microbial pathogen loads in the catchment of Whangamarino Wetland are reduced in the short term, to make progress towards the long term restoration of Whangamarino Wetland; and~~
- ~~b. The management of contaminant loads entering Whangamarino Wetland is consistent with the achievement of the water quality attribute targets in Table 3.11-1.~~

The Short Term and 80-year freshwater objectives from Table 3.11-1 are met within the water entering the Whangamarino Wetland by 2026 and 2096 respectively.

Principal Reasons for Adopting Objectives 1-6/Ngā Take Matua me Whai ngā Whāinga 1 ki te 6

Reasons for adopting Objective 1

Objective 1 sets long term limits for water quality consistent with the Vision and Strategy. Objective 1 sets aspirational 80-year water quality targets, which result in improvements in water quality from the current state monitored in 2010-2014. The water quality attributes listed in Table 3.11-1 that will be achieved by 2096 will be used to characterise the water quality of the different FMUs when the effectiveness of the objective is assessed.

Reasons for adopting Objective 2

Objective 2 sets the long term outcome for people and communities, recognising that restoration and protection of water quality will continue to support communities and the economy. The full achievement of the Table 11-1 2096 water quality attribute targets may require a potentially significant departure from how businesses and communities currently function, and it is important to minimise social disruption during this transition.

Reasons for adopting Objective 3

Objective 3 sets short term goals for a 10-year period, to show the first step toward full achievement of water quality consistent with the Vision and Strategy.

The effort required to make the first step may not be fully reflected in water quality improvements that are measurable in the water in 10 years. For this reason, the achievement of the objective will rely on measurement and monitoring of actions taken on the land to reduce pressures on water quality.

Point source discharges are currently managed through existing resource consents, and further action required to improve the quality of these discharges will occur on a case-by-case basis at the time of consent renewal, guided by the targets and limits set in Objective 1.

Reasons for adopting Objective 4

Objective 4 provides for a staged approach to long-term achievement of the Vision and Strategy. It acknowledges that in order to maintain the social, cultural and economic wellbeing of communities during the 80-year journey, the first stage must ensure that overall costs to people can be sustained.

In the future, a property-level allocation of contaminant discharges may be required. Chapter 3.11 sets out the framework for collecting the required information so that the most appropriate approach can be identified. Land use type or intensity at July 2016 will not be the basis for any future allocation of property-level contaminant discharges. Therefore, consideration is needed of how to manage impacts in the transition.

Objective 4 seeks to minimise social disruption in the short term, while encouraging preparation for possible future requirements.

Reasons for adopting Objective 5

Objective 5 seeks to ensure that this Plan recognises and provides for the relationship of tangata whenua with ancestral lands, by ensuring the other provisions of Chapter 3.11 do not provide a further impediment to tangata whenua making optimal use of their land. Historic impediments included customary tenure in the nineteenth century, public works, rating law, Te Ture Whenua Māori Act, and confiscation. Some impediments or their effects continue currently, including issues of governance, fragmentation and compliance with central and local government regulations such as regional and district plans, or the emissions trading scheme. Land relevant to this objective is land returned through Treaty of Waitangi settlement, and land under Māori title that has multiple owners.

Reasons for adopting Objective 6

Objective 6 seeks to recognise the significant value of Whangamarino Wetland, a Ramsar site of international importance, and the complexity of this wetland system. It seeks to recognise that the bog ecosystems (which are particularly sensitive to discharges of contaminants) need protection over time. The effort required to restore Whangamarino Wetland over 80 years is considerable and as a minimum needs to halt and begin to reverse the decline in water quality in the first 10 years. This objective describes how wetland restoration needs to be supported by restoration of the Lower Waikato Freshwater Management Unit Sub-catchments that flow into Whangamarino Wetland.

3.11.3 Policies/Ngā Kaupapa Here

Policy 1: ~~Land use management~~ Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens/Te Kaupapa Here 1: Te whakahaere i ngā rukenga roha o te hauota, o te pūtūtae-whetū, o te waiparapara me te tukumate ora pote

Manage ~~land use to improve the practices of farming activities~~ and require ~~achieve~~ reductions in ~~diffuse~~ Sub-catchment wide discharges of nitrogen, phosphorus, sediment and microbial pathogens, by within the catchments and Sub-catchments to achieve:

- a. ~~The short-term freshwater objectives by:~~ Enabling activities with a low level of contaminant discharge to water bodies provided those discharges do not increase; and
 - i. Timely implementation of Farm Environment Plans and stock exclusion from water bodies; and
 - ii. Establishing a Nitrogen Reference Point for properties, enterprises, Sub-catchments or sector schemes; and
 - iii. Identifying Vulnerable land, the appropriate use of it and any mitigating actions; and
 - iv. Providing direction via rules that Farming activities in Sub-catchments not meeting the Short-Term freshwater objectives will need to improve their practices relative to the water quality improvement required within the Sub-catchment as per Table 3.11-1; and
 - v. Providing permitted activity rules for land use activities of low intensity and with a low risk of diffuse discharge of Nitrogen, Phosphorous, Sediment and Microbial pathogens; and
 - vi. Requiring resource consents for activities that do not comply with permitted activity rules.
- b. ~~The 80-Year Freshwater objectives by:~~ Requiring farming activities with moderate to high levels of contaminant discharge to water bodies to reduce their discharges; and
 - i. Providing direction via rules that Farming activities in Sub-catchments not meeting the 80-year freshwater objectives will need to improve their practices proportionate to the water quality improvement required within the Sub-catchment as per Table 3.11-1; and
 - ii. Providing rules for Farming activities at property, enterprise, Sub-catchment or sector schemes level where the activity can demonstrate the achievement of both the Short Term and 80-year freshwater objectives within the Sub-catchment as listed in Table 3.11-1; and
 - iii. Providing rules to consider land use change at a property, enterprise, Sub-catchment or sector schemes scale where the resultant land use facilitates the achievement of the 80-Year freshwater objectives within the Sub-catchment as listed in Table 3.11-1.
- c. ~~Progressively excluding cattle, horses, deer and pigs from rivers, streams, drains, wetlands and lakes.~~

Policy 2: Tailored approaches to ~~managing~~ reducing diffuse discharges from farming activities/Te Kaupapa Here 2: He huarahi ka āta whakahāngaihia hei whakaiti i ngā rukenga roha i ngā mahinga pāmu

Manage and require reductions in Sub-catchment wide diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens from farming activities on properties and enterprises by:

- a. ~~Taking a~~ A tailored, risk based approach to managing land use, including adaptive management, to ~~define~~ mitigation actions on the land that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, with the mitigation actions to be specified in a Farm Environment Plan either associated with a resource consent, or in specific requirements established by participation in a Certified Industry Scheme at a property, enterprise, Sub-catchment or sector schemes scale will require; and
- a. Identification of suitable mitigating actions appropriate to the land, its use, risk assessment and the relevant freshwater objectives for the catchment and Sub-catchment as determined in Table 3.11-1, such that:
 - i. The result of the mitigating actions should be proportional to the scale of improvement required in the Sub-catchments water quality; and
 - ii. The mitigating actions should reflect best practice methods.

- b. Identification of Vulnerable land and the appropriate use of it and any mitigating actions necessary within the property, enterprise, Sub-catchment or sector schemes; 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
- c. Establishing a Nitrogen Reference Point for the property or enterprise The implementation of mitigating actions identified in a Farm Environment Plan by specified dates; and
- d. Farm Environment Plans to:
 - i. Set out clear, specific and time framed actions; and
 - ii. Take a tailored, risk-based approach to define mitigating actions that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens to address Table 3.11-1; and
 - iii. Require monitoring and auditing; and
 - iv. Be flexible and able to be updated so that continuous improvement, new technologies and mitigation practices can be adopted, such that where necessary diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens further reduce to address Table 3.11-1; and
 - v. Use an appropriate Decision support tool in accordance with Schedule B
~~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~~
- e. Consent applications at a Sub-catchment scale should demonstrate that both the Short Term and 80-Year freshwater objectives and Loads as listed in Table 3.11-1 will be achieved by:
 - i. Determining the Sub-catchment load limits relating to total nitrogen and total phosphorus; and
 - ii. Providing the calculated contribution to the Sub-catchment load from the proposed land use; and
 - iii. Providing mitigating actions and the committed timeframes required to achieve the load limits.

Requiring stock exclusion to be completed within 3 years following the dates by which a Farm Environment Plan must be provided to the Council, or in any case no later than 1 July 2026.
- f. Consent applications at a sector scheme scale should demonstrate that both the Short Term and 80-Year freshwater objectives as listed in Table 3.11-1 will be achieved by:
 - i. Providing Farm Environment Plan(s) for all members of a scheme; and
 - ii. Require all Farm Environment Plan(s) to include an identification of Vulnerable land and appropriate use of it, including any mitigating actions necessary within the property; and
 - iii. Providing the calculated contribution to the Sub-catchment load from the proposed land use; and
 - iv. Providing mitigating actions and the timeframes required to achieve the load limits.

Policy 3: Tailored approach to reducing diffuse discharges from commercial vegetable production systems/Te Kaupapa Here 3: He huarahi ka āta whakahāngaihia hei whakaiti i ngā rukenga roha i ngā pūnaha arumoni hei whakatupu hua whenua

Manage and require reductions in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens from commercial vegetable production through a tailored, property or enterprise or Sub-catchment or industry/sector scheme-specific approach where:

- a. Flexibility is provided to undertake crop rotations on changing parcels of land for commercial vegetable production, while reducing average contaminant discharges over time; and
- b. The maximum area in production for a property or enterprise or Sub-catchment or industry/sector scheme is established and capped utilising commercial vegetable production data from the 10 years up to 2016; and
- c. Establishing a Nitrogen Reference Point for each property or enterprise or Sub-catchment or industry/sector scheme; and
- d. Through the implementation of Good Farming Practices a ~~A 10% decrease in the diffuse discharge of nitrogen and a tailored reduction approach to the reductions~~ in the diffuse discharge of phosphorus, sediment and microbial pathogens is achieved by 2026 across the sector through the implementation of Best or Good Management Practices; and
- e. Identified mitigation actions are set out and implemented within timeframes specified in either a Farm Environment Plan and associated resource consent, or in specific requirements established by participation in a Certified Industry Sub-catchment or Sector Scheme; and
- f. Commercial vegetable production ~~enterprises~~ systems that reduce nitrogen, phosphorus, sediment and microbial pathogens are enabled; and
- g. 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.

Policy 3A: Sector schemes

Enable sector schemes to prepare and monitor the implementation of Farm Environment Plan(s) by requiring the sector scheme manager to report at least annually on the implementation of Farm Environment Plans managed under the scheme.

Policy 4: Farming activities/Consent terms ~~Enabling activities with lower discharges to continue or to be established while signalling further change may be required in future/Te Kaupapa Here 4: Te tuku kia haere tonu, kia whakaturia rānei ngā tūmahi he iti iho ngā rukenga, me te tohu ake ākuanei pea me panoni anō hei ngā tau e heke mai ana~~

Manage Sub-catchment wide diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, and enable existing and new low discharging activities to continue provided that cumulatively the achievement of Objective 3 is not compromised. Activities and uses currently defined as low dischargers may in the future need to take mitigation actions that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens in order for Objective 4 to be met.

Enabling land use:

- a. Through the inclusion of rules that control the use of land for Farming activities (under section 9(2) of the RMA) for the purposes of the maintenance and enhancement of the quality of water in water bodies. These rules shall expressly allow for the discharge of diffuse contaminants onto or into land, in circumstances which may result in that contaminant entering water, as a permitted activity; or by resource consents granted in accordance with such land use rules.
- b. Through the granting of resource consents for Farming activities a term not exceeding 25 years according to the ability of the property, enterprise, Sub-catchment or sector scheme to:
 - i. Improve the practices of Farming activities to achieve reductions in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens relevant to the water quality improvement required within the Sub-catchment as per Table 3.11-1; and
 - ii. Apply adaptive management methods to manage the Farming activities including, identified mitigating actions and their associated diffuse discharges.

Policy 5: Staged approach/Te Kaupapa Here 5: He huarahi wāwāhi

~~To r~~ Recognise that ~~achieving the water quality attribute targets set out in Table 11-1 will need to be staged over 80 years, to minimise social disruption and allow for innovation and new practices to develop, while making a start on reducing discharges of nitrogen, phosphorus, sediment and microbial pathogens, and preparing for further reductions that will be required in subsequent regional plans.~~

- a. Persons, businesses and communities will need to contribute to achieving the freshwater objectives in Table 3.11-1; and
- b. Changes in Farming practices need to start immediately; and
- c. The rate of change will need to be staged over the coming decades to minimise social, economic and cultural disruption and enable innovation and new practices to develop; and
- d. Responding to the reasonably foreseeable effects of climate change will mean that different regulatory and non-regulatory responses may be needed in future; and
- e. When considering resource consents, adaptive management is an appropriate method to include within consent conditions to manage risk(s) when seeking to restore and protect water quality in a staged manner; and
- f. The management of Farming activities and land use change through the stages is best achieved by requiring resource consent applications to include an appropriate assessment of risk and uncertainty based on sound adaptive management criteria.

Policy 6: Restricting land use change/Te Kaupapa Here 6: Te here i te panonitanga ā-whakamahinga whenua

~~Except as provided for in Policy 16, land use change consent applications that demonstrate an increase in the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens will generally not be granted.~~

- a. Land use change resource consent applications that demonstrate ~~clear and enduring decreases in existing diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens~~ the ability of the Sub-catchment to achieve the freshwater objectives, Targets and Limits (Total Nitrogen and Total Phosphorous) in Table 3.11-1, or otherwise complies with policy 16, shall ~~will~~ generally be granted.
- b. Land use change resource consent applications that cannot demonstrate the ability to achieve the freshwater objectives, Targets and Limits (Total Nitrogen and Total Phosphorous) in Table 3.11-1, or comply with Policy 16, shall require close and careful assessment as a Non-Complying Activity.
- c. All applications should demonstrate application of appropriate adaptive management methods.

[Drafting note: WPL recommends that Policy 7 be deleted.]

~~Policy 7: Preparing for allocation in the future/Te Kaupapa Here 7: Kia takatū ki ngā tohanga hei ngā tau e heke mai ana~~

~~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, collect information and undertake research to support this, including collecting information about current discharges, developing appropriate modelling tools to estimate contaminant discharges, and researching the spatial variability of land use and contaminant losses and the effect of contaminant discharges in different parts of the catchment that will assist in defining 'land suitability'.~~

~~Any future allocation should consider the following principles:~~

- ~~a. Land suitability⁽⁵⁾ which reflects the biophysical and climate properties, the risk of contaminant discharges from that land, and the sensitivity of the receiving water body, as a starting point (i.e. where the effect on the land and receiving waters will be the same, like land is treated the same for the purposes of allocation); and~~
- ~~b. Allowance for flexibility of development of tangata whenua ancestral land; and~~
- ~~c. Minimise social disruption and costs in the transition to the 'land suitability' approach; and~~
- ~~d. Future allocation decisions should take advantage of new data and knowledge.~~

~~Policy 8: Prioritised implementation/Te Kaupapa Here 8: Te raupapa o te whakatinanatanga~~

~~Prioritise the management of land use and water resources by implementing Policies 2, 3 and 9, and in accordance with the prioritisation of areas set out in Table 3.11-2. Priority areas include:~~

- ~~a. Sub-catchments where there is a greater gap between the water quality targets^a in Objective 1 (Table 3.11-1) and current water quality; and~~
- ~~b. Lakes Freshwater Management Units^a; and~~
- ~~c. Whangamarino Wetland.~~

~~In addition to the priority Sub-catchments listed in Table 3.11-2, the 75th percentile nitrogen leaching value dischargers will also be prioritised for Farm Environment Plans.~~

5 Future mechanisms for allocation based on land suitability will consider the following criteria:

- a) The biophysical properties of the land that determine productive potential and susceptibility to contaminant loss (e.g. slope, soil type, drainage class, and geology); and
- b) the local climate regime that determines productive potential and the likelihood of water storage and runoff patterns (e.g. frost, rainfall and its seasonal distribution); and
- c) The natural capacity of the landscape to attenuate contaminant loss; and
- d) the Objective 1 water quality limits^a related to nitrogen, phosphorus, microbial pathogens and sediment for the surface waters that the land is hydrologically connected to; and
- e) the desired values^a in those receiving waters (ecological and human health) and how they are influenced by the four contaminants.

The future weightings are to be determined.

For the avoidance of doubt, land suitability criteria exclude current land use and current water quality, the moderating effects of potential mitigations, and non-biophysical criteria (economic, social and cultural). Instead these factors will be of importance in analysing the implications of a completed land suitability classification.

Policy 9: Sub-catchment (including edge of field) mitigation planning, co-ordination and funding/Te Kaupapa Here 9: Te whakarite mahi whakangāwari, mahi ngātahi me te pūtea mō te riu kōawāwa (tae atu ki ngā taitapa)

Take a prioritised and integrated approach to Sub-catchment water quality management by ~~undertaking supporting~~ Sub-catchment planning, and ~~use this planning to support actions including edge of field mitigation measures.~~ ~~Support~~ including measures that efficiently and effectively contribute to water quality improvements. This ~~approach~~ includes:

- a. Engaging early with tangata whenua and with landowners, communities and potential funding partners in Sub-catchments in line with the priority areas listed in Table 3.11-2; and
- b. ~~Assessing the reasons for~~ Identifying current water quality and sources of contaminant discharges, at various scales in a Sub-catchment; and
- c. Encouraging cost-effective mitigations where they have the biggest effect on improving water quality; and
- d. ~~Allowing, where multiple farming enterprises contribute to a mitigation, for the resultant reduction in diffuse discharges to be apportioned to each enterprise in accordance with their respective contribution to the mitigation and their respective responsibility for the ongoing management of the mitigation.~~

d. Providing for Sub-catchment resource consents that are consistent with Policy 2(e)

Policy 10: Provide for point source discharges of regional significance/Te Kaupapa Here 10: Te whakatau i ngā rukenga i ngā pū tuwha e noho tāpua ana ki te rohe

When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, provide for the:

- a. Continued operation of regionally significant infrastructure; and
- b. Continued operation and development of regionally significant industry and primary production.

Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges/Te Kaupapa Here 11: Te whakahāngai i te Kōwhiringa ka Tino Taea me ngā mahi whakangāwari pānga; te karo rānei i ngā pānga ki ngā rukenga i ngā pū tuwha

- a. Require any person undertaking a point source discharge of nitrogen, phosphorus, sediment or microbial pathogens to water or onto or into land in the Waikato and Waipa River catchments to adopt the Best Practicable Option* to avoid or mitigate the adverse effects of the discharge preferably within the same Sub-catchment, ~~at the time a resource consent application is decided. Where it is not practicable to avoid or mitigate all adverse effects, an offset measure may be proposed in an alternative location or locations to the point source discharge, for the purpose of ensuring positive effects on the environment to lessen any residual adverse effects of the discharge(s) that will or may result from allowing the activity provided that the:~~
- b. When further considering the appropriateness of an offset, the location(s) of the offset and its ability to offset adverse effects within the receiving Sub-catchment also need to be considered.
- c. Further considerations include:
 - ~~a.~~ i. Primary discharge does not result in any significant toxic adverse effect at the point source discharge location; and
 - ~~b.~~ ii. Offset measure is for the same contaminant; and
 - ~~c.~~ iii. Offset measure occurs preferably within the same Sub-catchment in which the primary discharge occurs and if this is not practicable, then within the same Freshwater Management Unit^Δ or a Freshwater Management Unit^Δ located upstream, and
 - iii. Offset measure remains in place for the duration of the consent and is secured by consent condition.

Policy 12: Additional considerations for point source discharges in relation to water quality targets/Te Kaupapa Here 12: He take anō hei whakaaro ake mō ngā rukenga i ngā pū tuwha e pā ana ki ngā whāinga ā-kounga wai

Consider the contribution made by a point source discharge to the nitrogen, phosphorus, sediment and microbial pathogen catchment loads and the impact of that contribution on the likely achievement of both the short term freshwater objectives and Loads in Table 3.11-1 targets[^] in Objective 3 or the progression towards the 80-year freshwater objectives and Loads in Table 3.11-1 targets[^] in Objective 4, taking into account:

- a. The relative proportion of nitrogen, phosphorus, sediment or microbial pathogens that the particular point source discharge contributes to the catchment load; and
- b. Past technology upgrades undertaken to model, monitor and reduce the discharge of nitrogen, phosphorus, sediment or microbial pathogens within the previous consent term; and
- c. Whether it is appropriate The ability to stage future mitigation actions to allow investment costs to be spread over time and meet the water quality targets[^] specified above; and
- d. ~~The diminishing return on investment in treatment plant upgrades in respect of any resultant reduction in nitrogen, phosphorus, sediment or microbial pathogens when treatment plant processes are already achieving a high level of contaminant reduction through the application of the Best Practicable Option*.~~

Policy 13: Point sources consent duration/Te Kaupapa Here 13: Te roa o te tukanga tono whakaaetanga mō te pū tuwha

When considering a consent term for a discharge permit determining an appropriate duration for any consent granted consider the following matters:

- a. ~~A consent term exceeding 25 years, where the applicant demonstrates the approaches set out in Policies 11 and 12 will be met~~ The appropriateness of a longer consent duration, where the applicant demonstrates that the discharge is consistent with achieving both the Short-Term and 80-Year freshwater objectives for the Sub-catchment in Table 3.11-1; and
- 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
- 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).

Policy 14: Lakes Freshwater Management Units/Te Kaupapa Here 14: Ngā Wae Whakahaere Wai Māori i ngā Roto

Restore and protect lakes by 2096 through the implementation of a tailored lake-by-lake approach, guided by Lake Catchment Plans prepared over the next 10 years, which will include collecting and using data and information to support improving the management of land use activities in the lakes Freshwater Management Units.

Policy 15: Whangamarino Wetland/Te Kaupapa Here 15: Ngā Repo o Whangamarino

Protect and make progress towards restoration of Whangamarino Wetland by reducing the discharge of nitrogen, phosphorus, sediment and microbial pathogens in the Sub-catchments that flow into the wetland to:

- a. Reduce and minimise further loss of the bog ecosystem; and
- b. Provide increasing availability of mahinga kai; and
- c. Support implementation of any catchment plan prepared in future by Waikato Regional Council that covers Whangamarino Wetland.

Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land/Te Kaupapa Here 16: Te hangore o te tukanga mō te whakawhanaketanga o ngā whenua e whakahokia ai i raro i ngā whakataunga kokoraho o Te Tiriti o Waitangi me ngā whenua Māori kei raro i te mana whakahaere o te takitini

For the purposes of considering land use change applications under Rule 3.11.5.7, land use change that enables the development of tangata whenua ancestral lands and land returned via Treaty Settlements shall be managed in a way that recognises and provides for:

- a. The relationship of tangata whenua with their ancestral lands; and
- b. The 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 the achievement of the freshwater objectives:

- i. ~~Best management practice actions for nitrogen, phosphorus, sediment and microbial pathogens for the proposed new type of land use; and~~
- ii. ~~The suitability of the land for development into the proposed new type of land use, reflecting the principles for future allocation as contained in Policy 7, including the risk of contaminant discharge from that land and the sensitivity of the receiving water body; and~~
- iii. ~~The short term targets[^] to be achieved in Objective 3.~~

[Drafting note: WPL recommends that Policy 17 be deleted.]

~~Policy 17: Considering the wider context of the Vision and Strategy/Te Kaupapa Here 17: Te whakaaro ake ki te horopaki whānui o Te Ture Whaimana~~

~~When applying policies and methods in Chapter 3.11, seek opportunities to advance those matters in the Vision and Strategy and the values[^] for the Waikato and Waipa Rivers that fall outside the scope of Chapter 3.11, but could be considered secondary benefits of methods carried out under this Chapter, including, but not limited to:~~

- a. ~~Opportunities to enhance biodiversity, wetland values[^] and the functioning of ecosystems; and~~
- b. ~~Opportunities to enhance access and recreational values[^] associated with the rivers.~~

3.11.4 Implementation methods/*Ngā tikanga whakatinana*

3.11.4.1 Working with others/*Te mahi tahi me ētehi atu*

Waikato Regional Council will work with stakeholders including Waikato River iwi partners, Waikato River Authority, Waikato River Restoration Strategy partners, Department of Conservation, territorial authorities, industry and sector bodies, to implement Chapter 3.11 including all the following methods in 3.11.4. This will include coordinating priorities, funding and physical works, promoting awareness and providing education, to assist in giving effect to the *Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato* for the Waikato and Waipa Rivers.

3.11.4.2 Certified Industry Scheme/*Te kaupapa ā-ahumahi kua whai tohu*

Waikato Regional Council will develop an industry certification process for industry bodies as per the standards outlined in Schedule 2. The Certified Industry Scheme will include formal agreements between parties. Agreements will include:

- a. Provision for management of the Certified Industry Schemes;
- b. Oversight, and monitoring of Farm Environment Plans;
- c. Information sharing;
- d. Aggregate reporting on Certified Industry Scheme implementation; and
- e. Consistency across the various Certified Industry Schemes

3.11.4.3 Farm Environment Plans/*Ngā Mahere Taiao ā-Pāmu*

Waikato Regional Council will prepare parameters and minimum requirements for the development of a certification process for professionals to develop, certify and monitor Farm Environment Plans in a consistent approach across the region. A Farm Environment Plan will be prepared by a certified person as per the requirements outlined in Schedule 1, and will assess the risk of diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens and specify actions to reduce those risks in order to bring about reductions in the discharges of those contaminants. Waikato Regional Council will develop guidance for risk assessments, auditing and compiling Farm Environment Plans.

Waikato Regional Council will take a risk based approach to monitoring Farm Environment Plans, starting with more frequent monitoring and then moving to monitoring based on risk assessment. Robust third party audit (independent of the farmer and Certified Farm Environment Planner) and monitoring will be required.

3.11.4.4 Lakes and Whangamarino Wetland/*Ngā Roto me ngā Repo o Whangamarino*

Waikato Regional Council, working with others, will:

- a. Build on the Shallow Lakes Management Plan by developing Lake Catchment Plans and investigate lake specific options to improve water quality and ecosystem health and manage pest species. In many instances, this may require an adaptive management approach.
- b. Prepare and implement Lake Catchment Plans with community involvement which include:
 - i. A vision for the lake developed in consultation with the community.
 - ii. Description of the desired state of lake and recognition of the challenges (e.g. costs) and opportunities (e.g. benefits) in achieving it.
 - iii. An evidence based description of the problem (i.e. what is the gap between the current state and desired state) that recognises the presence of multiple stressors and uncertainty in responses and time frames.
 - iv. Community engagement in defining actions that will move the lake towards its desired state.
 - v. Responsibility for achieving the agreed actions and expected time frames, developed in consultation with those who will be undertaking the work.
 - vi. A monitoring regime that will provide evidence of the implementation of the defined actions and any changes in the state of the lake.
- c. As a priority, undertake the development and implementation of the Lake Waikare and Whangamarino Wetland Catchment Management Plan using the process set out in b).
- d. Work towards managing the presence of pest weeds and fish in the shallow lakes and connected lowland rivers area, including Whangamarino Wetland.

- e. Support research and testing of restoration tools and options to maintain and enhance the health of shallow lakes and Whangamarino Wetland (e.g. lake modelling, lake bed sediment treatments, constructed wetlands, floating wetlands, silt traps, pest fish management, and farm system management tools).
- f. Support lake and Whangamarino Wetland restoration programmes including, but not limited to, advice, funding, and project management. Restoration programmes may have a wider scope than water quality, including hydrological restoration, revegetation and biodiversity restoration.
- g. Develop a set of 10-year water quality attribute[^] targets[^] for each lake Freshwater Management Unit[^].

3.11.4.5 Sub-catchment scale planning/Te whakamāherehere mō te whānuitanga o ngā riu kōawaawa

Waikato Regional Council will work with others to develop Sub-catchment scale plans (where a catchment plan does not already exist) where it has been shown to be required. Sub-catchment scale planning will:

- a. Identify the causes of current water quality decline, identify cost-effective measures to bring about reductions in contaminant discharges, and coordinate the reductions required at a property, enterprise and Sub-catchment scale (including recommendations for funding where there is a public benefit identified).
- b. Align works and services to reduce nitrogen, phosphorus, sediment and microbial pathogen discharges including riparian management, targeted reforestation, constructed wetlands, sediment traps and sediment detention bunds.
- c. Assess and determine effective and efficient placement of constructed wetlands at a Sub-catchment scale to improve water quality.
- d. Support research that addresses the management of wetlands, including development of techniques to monitor ecological change and forecasting evolution of wetland characteristics resulting from existing land use in the wetland catchments.
- e. Integrate the regulatory requirements to fence waterways with the requirements for effective drainage scheme management.
- f. Coordinate funding of mitigation work by those contributing to water quality degradation, in proportion to that contribution.
- g. Utilise public funds to support edge-of-field mitigations where those mitigations provide significant public benefit.

3.11.4.6 Funding and implementation/Te pūtea me te whakatinanatanga

Waikato Regional Council will:

- a. Provide staff resources and leadership within the organisation for the implementation of Chapter 3.11.
- b. Seek to secure funding for the implementation of Chapter 3.11 through the annual plan and long term plan processes.

3.11.4.7 Information needs to support any future allocation/Ngā pārongo e hiahiatia ana hei taunaki i ngā tohanga o anamata

Gather information and commission appropriate scientific research to inform any future framework for the allocation of diffuse discharges including:

- a. Implementing processes that will support the setting of property or enterprise level diffuse discharge limits in the future.
- b. Researching:
 - i. The quantum of contaminants that can be discharged at a Sub-catchment and Freshwater Management Unit[^] scale while meeting the Table 3.11-1 water quality attribute[^] targets[^].
 - ii. Methods to categorise and define 'land suitability'.
 - iii. Tools for measuring or modelling discharges from individual properties, enterprises and Sub-catchments, and how this can be related to the Table 3.11-1 water quality attribute[^] targets[^].

3.11.4.8 Reviewing Chapter 3.11 and developing an allocation framework for the next Regional Plan/Te arotake i te Upoko 3.11, te whakarite hoki i tētahi anga toha mō te Mahere ā Rohe e whai ake ana

Waikato Regional Council will:

- a. Develop discharge allocation frameworks for individual properties and enterprises based on information collected under Method 3.11.4.7, taking into account the best available data, knowledge and technology at the time; and
- b. Use this to inform future changes to the Waikato Regional Plan to manage discharges of nitrogen, phosphorus, sediment and microbial pathogens at a property or enterprise level to meet the targets[^] in the Objectives.

~~3.11.4.9 Managing the effects of urban development/Te whakahaere i ngā pānga o te whanaketanga ā tāone~~

Waikato Regional Council will:

- a. Continue to work with territorial authorities to implement the Waikato Regional Policy Statement set of principles that guide future development of the built environment which anticipates and addresses cumulative effects over the long term.
- b. When undertaking Sub-catchment scale planning under Method 3.11.4.5 in urban Sub-catchments engage with urban communities to raise awareness of water quality issues, and to identify and implement effective solutions for the urban context.

~~3.11.4.10 Accounting system and monitoring/Te pūnaha kaute me te aroturuki~~

Waikato Regional Council will establish and operate a publicly available accounting system and monitoring in each Freshwater Management Unit[^], including:

- a. Collecting information on nitrogen, phosphorus, sediment and microbial pathogen levels in the respective fresh water bodies in each Freshwater Management Unit[^] from:
 - i. Council's existing river monitoring network; and
 - ii. Sub-catchments that are currently unrepresented in the existing monitoring network; and
 - iii. Lake Freshwater Management Units[^].
- b. Using the information collected to establish the baseline data for compiling a monitoring plan and to assess progress towards achieving the Table 11-1 water quality attribute[^] targets[^]; and
- c. Using state of the environment monitoring data including biological monitoring tools such as the Macroinvertebrate Community Index to provide the basis for identifying and reporting on long-term trends; and
- d. An information and accounting system for the diffuse discharges from properties and enterprises that supports the management of nitrogen, phosphorus, sediment and microbial pathogens diffuse discharges at an enterprise or property scale.

~~3.11.4.11 Monitoring and evaluation of the implementation of Chapter 3.11/Te aroturuki me te arotake i te whakatinanatanga o te Upoko 3.11~~

Waikato Regional Council will:

- a. Review and report on the progress towards and achievement of the 80-year water quality objectives of Chapter 3.11.
- b. Research and identify methods to measure actions at a Sub-catchment, property and enterprise level, and their contribution to reductions in the discharge of contaminants.
- c. Monitor the achievement of the values[^] for the Waikato and Waipa Rivers and the uses made of those rivers.
- d. Collate data on the number of land use resource consents issued under the rules of this chapter, the number of Farm Environment Plans completed, compliance with the actions listed in Farm Environment Plans, Nitrogen Reference Points for properties and enterprises, and nitrogen discharge data reported under Farm Environment Plans.
- e. Work with industry to collate information on the functioning and success of any Certified Industry Scheme.

~~3.11.4.12 Support research and dissemination of best practice guidelines to reduce diffuse discharges/Te taunaki i te rangahautanga me te tuaritanga o ngā aratohu mō ngā mahi tino whai take hei whakaiti i ngā rukenga roha~~

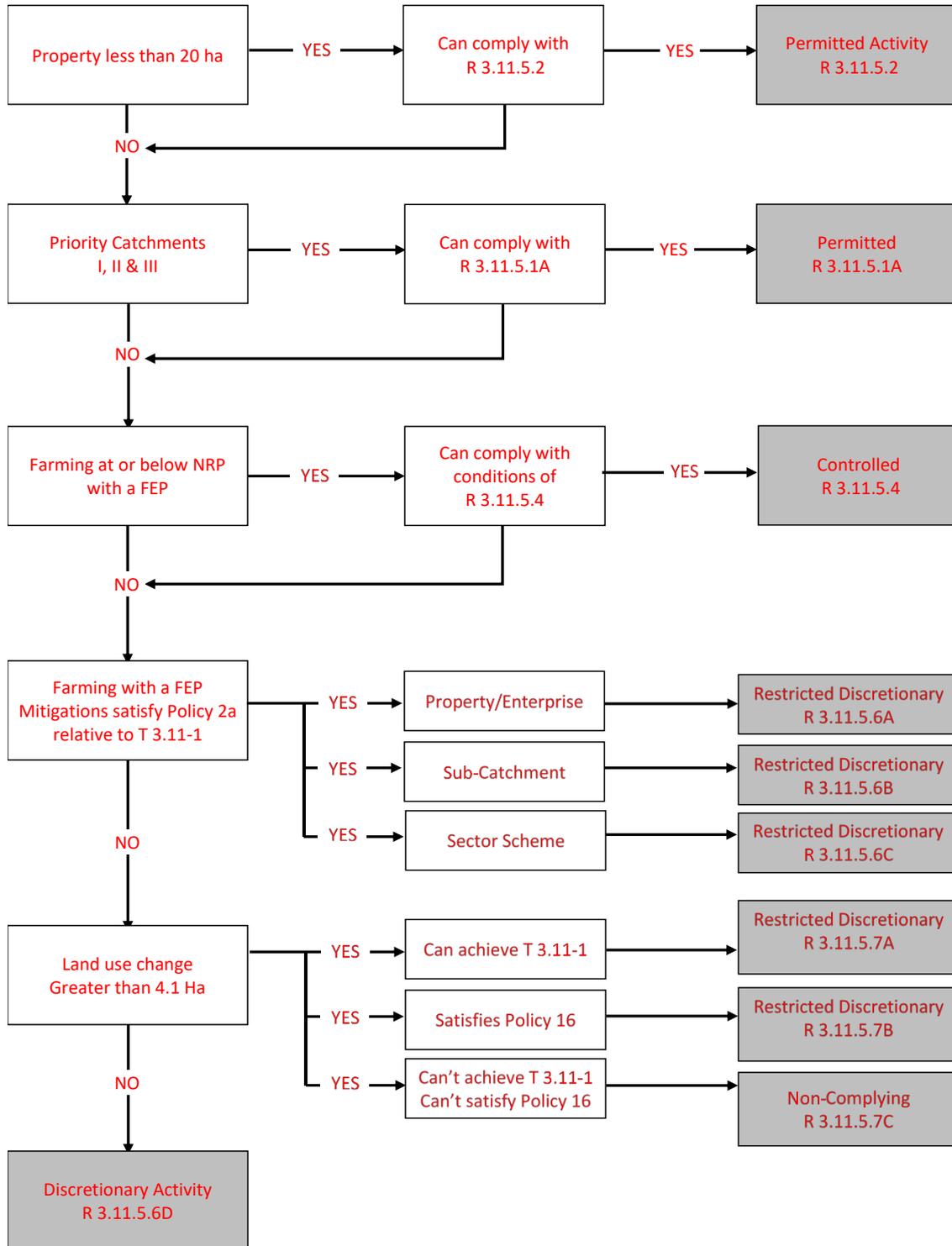
Waikato Regional Council will:

- a. Develop and disseminate best management practice guidelines for reducing the diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and
- b. Support research into methods for reducing diffuse discharges of contaminants to water.

3.11.5 Rules/Ngā Ture

Advice note:

The following rules are included in the Waikato Regional Plan under section 9(2) of the RMA to control the use of land for farming activities for the purposes of the maintenance and enhancement of the quality of water in water bodies and expressly allow the discharge of diffuse contaminants onto or into land in circumstances which may result in that contaminant entering water as a permitted activity or by resource consent granted in accordance with the abovementioned land use rules. The restrictions under section 15(1)(b) of the RMA are met by compliance with these rules. (Also refer to the definition of "Farming Activities").



Flowchart for Rules in Chapter 3.11.5

3.11.5.1 Permitted Activity Rule – Small and Low Intensity farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ngā mahi iti, ngā mahi pāiti hoki i runga pāmu

~~Rule 3.11.5.1 – Permitted Activity Rule – Small and Low Intensity farming activities~~

~~The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in these contaminants entering water is a permitted activity subject to the following conditions:~~

- ~~1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and~~
- ~~2. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and~~
- ~~Either:~~
- ~~3. The property area is less than or equal to 4.1 hectares; and~~
- ~~4. The farming activities do not form part of an enterprise being undertaken on more than one property; or~~
- ~~Where the property area is greater than 4.1 hectares:~~
- ~~5. For grazed land, the stocking rate of the land is less than 6 stock units per hectare; and~~
- ~~6. No arable cropping occurs; and~~
- ~~7. The farming activities do not form part of an enterprise being undertaken on more than one property.~~

Rule 3.11.5.1A - Interim Permitted Activity Rule – Farming Activities
Farming Activities that will ultimately require resource consent under Rules 3.11.5.4, 3.11.5.6A, 3.11.5.6B, 3.11.5.6C and 3.11.5.6D:

1. For the use of land in Priority 1 sub-catchments by 1 July 2020; or
2. For the use of land in Priority 2 and Priority 3 sub-catchments by 1 July 2022.

are in the interim permitted activities subject to the following conditions:

1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and
2. No Commercial vegetable production occurs.

Withdrawn IN PART - See inserted Addendum

3.11.5.2 Permitted Activity Rule – Small and Low Intensity ~~Other~~ farming activities/Te Ture mō ngā Mahi e Whakaetia ana – Ētehi atu mahi i runga pāmu

Rule 3.11.5.2 - Permitted Activity Rule – Small and low intensity ~~Other~~ farming activities

The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water where the property area is greater than 4.1 hectares, and has more than 6 stock units per hectare or is used for arable cropping, is a permitted activity subject to the following conditions:

1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and
2. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C and Conditions 3(e) and 4(e) of this Rule; and
3. The Farming activities do not form part of an enterprise, Sub-catchment, or industry/sector scheme; and
4. No Commercial vegetable production occurs; and
5. No feedlots or sacrifice paddocks are used on the property; and
6. No more than 5% of the land is used for cropping, including winter forage crops; and
7. Where the property area is less than or equal to 20 hectares, and:
 - a. ~~The farming activities do not form part of an enterprise being undertaken on more than one property; and~~
 - b. ~~Where the land is:~~
 - i. ~~used for grazing livestock, the stocking rate of the land is no greater than the stocking rate of the land at 22 October 2016; or~~
 - ii. ~~not used for grazing livestock, the land use has the same or lower diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens as the land use at 22 October 2016; and~~
 - c. ~~Upon request, the landowner shall obtain and provide to the Council independent verification from a Certified Farm Environment Planner that the use of land is compliant with either b)(i) or b)(ii) above; and~~
 - d. ~~Upon request from the Council, a description of the current land use activities shall be provided to the Council; and~~
 - e. ~~Where the property or enterprise contains any of the water bodies listed in Schedule C, new fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains).~~
8. ~~Where the property or enterprise area is greater than 20 hectares:~~
 - a. ~~A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and~~
 - b. ~~The diffuse discharge of nitrogen from the property or enterprise does not exceed either:~~
 - i. ~~the Nitrogen Reference Point; or~~
 - ii. ~~15kg nitrogen/hectare/year;~~
 - c. ~~No part of the property or enterprise over 15 degrees slope is cultivated or grazed; and~~
 - d. ~~No winter forage crops are grazed in situ; and~~
 - e. ~~Where the property or enterprise contains any of the water bodies listed in Schedule C:~~
 - i. ~~There shall be no cultivation within 5 metres of the bed of the water body; and~~
 - ii. ~~New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains); and~~
- 5- 8. For all properties greater than 4.1 hectares, from 31 March 2019, in addition to the requirements of Schedule A, the following information must be provided to the Waikato Regional Council by 1 September each year:
 - a. Annual stock numbers; and
 - b. Annual fertiliser use; and
 - c. Annual brought in animal feed.

~~3.11.5.3 Permitted Activity Rule — Farming activities with a Farm Environment Plan under a Certified Industry Scheme/Te Ture mō ngā Mahi e Whakaetia ana — Ngā mahi i runga pāmu kua whai Mahere Taiao ā Pāmu i raro i te Kaupapa ā Ahumahi kua Whai Tohu~~

~~Rule 3.11.5.3 — Permitted Activity Rule — Farming activities with a Farm Environment Plan under a Certified Industry Scheme~~

~~Except as provided for in Rule 3.11.5.1 and Rule 3.11.5.2 the use of land for farming activities (excluding commercial vegetable production) where the land use is registered to a Certified Industry Scheme, and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity subject to the following conditions:~~

- ~~1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and~~
- ~~2. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and~~
- ~~3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and~~
- ~~4. The Certified Industry Scheme meets the criteria set out in Schedule 2 and has been approved by the Chief Executive Officer of Waikato Regional Council; and~~
- ~~5. A Farm Environment Plan which has been prepared in accordance with Schedule 1 and has been approved by a Certified Farm Environment Planner, is provided to the Waikato Regional Council as follows:
 - ~~a. By 1 July 2020 for properties or enterprises within Priority 1 Sub-catchments listed in Table 3.11-2, and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value;~~
 - ~~b. By 1 July 2023 for properties or enterprises within Priority 2 Sub-catchments listed in Table 3.11-2;~~
 - ~~c. By 1 July 2026 for properties or enterprises within Priority 3 Sub-catchments listed in Table 3.11-2; and~~~~
- ~~6. The use of land shall be undertaken in accordance with the actions and timeframes specified in the Farm Environment Plan; and~~
- ~~7. The Farm Environment Plan provided under Condition 5 may be amended in accordance with the procedure set out in Schedule 1 and the use of land shall thereafter be undertaken in accordance with the amended plan; and~~
- ~~8. A copy of the Farm Environment Plan amended in accordance with condition (7) shall be provided to the Waikato Regional Council within 30 working days of the date of its amendment.~~

3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan ~~not under a Certified Industry Scheme~~/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu

Rule 3.11.5.4 - Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme

Except as provided for in Rule 3.11.5.1A and Rule 3.11.5.2 the use of land for farming activities (excluding commercial vegetable production) ~~where that land use is not registered to a Certified Industry Scheme, and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted controlled activity until requiring resource consent application(s) to be lodged with the Waikato Regional Council by:~~

1. ~~1 July 2020~~ January 2020 for properties or enterprises in Priority 1 Sub-catchments listed in Table 3.11-2, and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value ~~or;~~
2. ~~1 July 2022~~ January 2023 for properties or enterprises in Priority 2 ~~and 3~~ Sub-catchments listed in Table 3.11-2;
3. ~~1 January 2026~~ for properties or enterprises in Priority 3 Sub-catchments listed in Table 3.11-2;

Subject to the following conditions:

- ~~3.~~ 4. The provision of information for the property is registered with the Waikato Regional Council in conformance with in accordance with Schedule A; and
- ~~4.~~ 5. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and
- ~~5.~~ Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and
- ~~6.~~ A Farm Environment Plan has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner, and is provided to the Waikato Regional Council at the time the resource consent application is lodged; and
- ~~7.~~ Vulnerable Land has been identified and appropriate mitigation actions are included in the Farm Environment Plan.

~~After the dates set out in 1), 2) and 3) above the use of land shall be a controlled activity (requiring resource consent), subject to the following standards and terms:~~

- ~~i. A Farm Environment Plan has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner, and is provided to the Waikato Regional Council at the time the resource consent application is lodged by the dates specified in I-III below; and~~
- ~~ii. The property is registered with the Waikato Regional Council in conformance with Schedule A; and~~
- ~~iii. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B and is provided to the Waikato Regional Council at the time the resource consent application is lodged; and~~
- ~~iv. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C.~~

Matters of Control

Waikato Regional Council reserves control over the following matters:

- i. The content of the Farm Environment Plan, including the Vulnerable Land assessment and identified mitigation actions.
- ii. The actions and timeframes for undertaking mitigation actions that ~~maintain or~~ are necessary to reduce the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens relative to Table 3.11-1 to water or to land where they may enter water.
- iii. The actions, timeframes and other measures to ensure that the diffuse discharge of nitrogen from the property or enterprise, as measured by the five-year rolling average annual nitrogen loss ~~as determined by the use of the current version of OVERSEER®~~, does not increase above beyond the property's property or enterprise's Nitrogen Reference Point, ~~unless other suitable mitigations are specified.~~
- iv. ~~Where the Nitrogen Reference Point exceeds the 75th percentile nitrogen leaching value, actions, timeframes and other measures to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75th percentile nitrogen leaching value by 1 July 2026.~~
- iv. v. The term of the resource consent having regard to Policy 4.
- v. vi. The monitoring, record keeping, reporting and information provision requirements for the consent holder of ~~the resource consent~~ to demonstrate and/or monitor compliance with the Farm Environment Plan.
- vi. vii. The timeframe and circumstances under which the consent conditions may be reviewed or the Farm Environment Plan shall be amended.
- vii. viii. Procedures for reviewing, amending and re-approving the Farm Environment Plan.

Dates:

- I. ~~For Priority 1 sub-catchments, and properties with a Nitrogen Reference Point of greater than 75th percentile nitrogen leaching value, by 1 July 2020~~
- II. ~~For Priority 2 sub-catchments, by 1 July 2023~~
- III. ~~For Priority 3 sub-catchments, by 1 July 2026~~

Notification:

Consent applications will be considered without notification, and without the need to obtain written approval of affected persons.

3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production/Te Ture mō ngā Mahi ka āta Whakahaerehia – Te whakatupu hua whenua ā-arumoni o te wā nei

[Drafting Note: Rule 3.11.5.1A Interim Permitted Rule needs amending or replicating to also include this rule as a PA until 1 January 2020.]

Rule 3.11.5.5 - Controlled Activity Rule – Existing commercial vegetable production

The use of land for commercial vegetable production ~~and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water, is a permitted activity until 1 January 2020, from which date it shall be a controlled activity (requiring resource consent) subject to the following standards and terms~~ shall be a controlled activity (requiring resource consent) subject to the following standards and terms:

- a. The property is registered with the Waikato Regional Council provision of information for the property or enterprise or Sub-catchment of industry/sector scheme in accordance ~~in conformance~~ with Schedule A; and
- b. A Nitrogen Reference Point is produced for the property or enterprise or Sub-catchment or industry/sector scheme in conformance with Schedule B and provided to the Waikato Regional Council at the time the resource consent application is lodged; and
- c. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and
- d. ~~The land use is registered to a Certified Industry Scheme; and~~
- ~~e.~~ d. The areas of land, and their locations broken down by Sub-catchments [refer to Table 3.11-2], that were used for commercial vegetable production within the property or enterprise each year in the period 1 July 2006 to 30 June 2016, together with the maximum area of land used for commercial vegetable production within that period, shall be provided to the Council; and
- ~~f.~~ e. The total area of land for which consent is sought for commercial vegetable production must not exceed the maximum land area of the property or enterprise or Sub-catchment or industry/sector scheme that was used for commercial vegetable production during the period 1 July 2006 to 30 June 2016; and
- ~~g.~~ f. Where new land is proposed to be used for commercial vegetable production, an equivalent area of land must be removed from commercial vegetable production in order to comply with standard and term f.; and
- ~~h.~~ g. A Farm Environment Plan for the property or enterprise or Sub-catchment or industry/sector scheme prepared in conformance with Schedule 1 and approved by a Certified Farm Environment Planner is provided to the Waikato Regional Council at the time the resource consent application is lodged;
- h. Vulnerable Land has been identified and appropriate mitigation actions are included in the Farm Environment Plan.

Matters of Control

Waikato Regional Council reserves control over the following matters:

- i. The content of the Farm Environment Plan, including the Vulnerable Land assessment and identified mitigation actions.
- ii. The maximum area of land to be used for commercial vegetable production.
- iii. The actions and timeframes for undertaking mitigation actions that maintain or reduce the diffuse discharge of nitrogen, phosphorus or sediment to water or to land where those contaminants may enter water, including provisions to manage the effects of land being retired from commercial vegetable production and provisions to achieve Policy 3(d).
- iv. The actions and timeframes to ensure that the diffuse discharge of nitrogen does not increase beyond the Nitrogen Reference Point for the property or enterprise.
- v. The term of the resource consent having regard to Policy 4.
- vi. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent to demonstrate and/or monitor compliance with the Farm Environment Plan.
- vii. The time frame and circumstances under which the consent conditions may be reviewed.
- viii. Procedures for reviewing, amending and re-certifying the Farm Environment Plan.

Notification:

Consent applications will be considered without notification, and without the need to obtain written approval of affected persons.

~~3.11.5.6 Restricted Discretionary Activity Rule – The use of land for farming activities/Te Ture mō ngā kōwhiringa mahi e herea ana – te whakamahinga o te whenua mō ngā mahinga pāmu~~

Rule 3.11.5.6 A Restricted Discretionary Activity Rule – The use of land for farming activities on a property or an enterprise

The use of land for farming activities on a property or an enterprise that does not comply with the conditions, standard or terms of Rules 3.11.5.42 to 3.11.5.54 and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a restricted discretionary activity (requiring resource consent).

Subject to the following conditions:

1. The provision of information for the subject land in accordance with Schedule A and additionally for an enterprise in accordance with Schedule 2; and
2. Nitrogen Reference Point(s) is produced for the subject land in accordance with Schedule B; and
3. Cattle, horses, deer and pigs are excluded from water bodies in accordance with Schedule C; and
4. The Farm Environment Plan has been prepared in accordance with Schedule 1 and additionally for an enterprise in accordance with Schedule 2 and has been certified by a Certified Farm Environment Planner; and
5. An assessment of Vulnerable Land and mitigating actions are included in the Farm Environment Plan; and
6. Adaptive management methods to manage the farming activities, including identified mitigating actions, are included in the Farm Environment Plan

Waikato Regional Council restricts its discretion over the following matters:

- ~~i. Cumulative effects on water quality of the catchment of the Waikato and Waipa Rivers.~~
- ~~ii. The diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens.~~
- ~~iii. The need for and the content of a~~ extent to which the freshwater objectives targets and limits (Total Nitrogen and Total Phosphorous) in Table 3.11-1. within the relevant Sub-catchment(s) are being achieved, and the appropriateness of the mitigating actions included in the Farm Environment Plan having regard to Policy 2(a).
- ~~iv. The term of the resource consent~~ having regard to Policy 4.
- ~~v. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent.~~
- ~~vi. The time frame and circumstances under which the consent conditions may be reviewed.~~
- ~~vii. The matters addressed by Schedules A, B and C.~~

Notification:

Consent applications will be considered without notification, and without the need to obtain written approval of affected persons.

Rule 3.11.5.6B - Restricted Discretionary Activity Rule – The use of land for farming activities managed at a Sub-catchment scale or any part of a Sub-catchment.

The use of land for farming activities managed at a Sub-catchment scale or any part thereof that does not comply with the conditions, standard or terms of Rules 3.11.5.2 4 to 3.11.5.6A ~~and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water~~ is a restricted discretionary activity (requiring resource consent).

Subject to the following conditions:

1. The provision of information regarding the Sub-catchment governance in accordance with Schedule 2; and
2. The provision of information regarding the subject land within the Sub-catchment in accordance with Schedule A; and
3. Nitrogen Reference Point(s) is produced for the subject land in accordance with Schedule B; and
4. Cattle, horses, deer and pigs are excluded from water bodies in accordance with Schedule C; and
5. The Farm Environment Plan(s) has been prepared in accordance with Schedule 1 and additionally for an enterprise in accordance with Schedule 2 and has been certified by a Certified Farm Environment Planner; and
6. An assessment of Vulnerable Land and mitigating actions are included in the Farm Environment Plan(s); and
7. Adaptive management methods to manage the Farming activities, including identified mitigating actions, are included in the Farm Environment Plan(s).

Waikato Regional Council restricts its discretion over the following matters:

- ~~i. Cumulative effects on water quality of the catchment of the Waikato and Waipa Rivers.~~
- ~~ii. The diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens.~~
- iii. i. The need for and the content of a extent to which the freshwater objectives targets and limits (Total Nitrogen and Total Phosphorous) in Table 3.11-1. within the relevant Sub-catchment(s) are being achieved, and the appropriateness of the mitigating actions included in the Farm Environment Plan(s) having regard to Policy 2(a).
- iv. ii. The term of the resource consent having regard to Policy 4.
- v. iii. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent.
- vi. iv. The time frame and circumstances under which the consent conditions may be reviewed.
- ~~vii. The matters addressed by Schedules A, B and C.~~

Notification:

Consent applications will be considered without notification, and without the need to obtain written approval of affected persons.

Rule 3.11.5.6C - Restricted Discretionary Activity Rule – The use of land for farming activities managed under an industry/sector scheme.

The use of land for farming activities managed under an industry/sector scheme that does not comply with the conditions, standard or terms of Rules 3.11.5.1A to 3.11.5.6B and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a restricted discretionary activity (requiring resource consent).

Subject to the following conditions:

1. The provision of information regarding the industry/sector scheme in accordance with Schedule 2; and
2. The provision of information regarding the subject land included in the industry/sector scheme in accordance with Schedule A; and
3. Nitrogen Reference Point(s) is produced for the subject land in accordance with Schedule B; and
4. Cattle, horses, deer and pigs are excluded from water bodies in accordance with Schedule C; and
5. The Farm Environment Plan(s) has been prepared in accordance with Schedule 1 and additionally for an enterprise in accordance with Schedule 2 and has been certified by a Certified Farm Environment Planner; and
6. An assessment of Vulnerable Land and mitigating actions are included in the Farm Environment Plan(s); and
7. Adaptive management methods to manage the Farming activities, including identified mitigating actions, are included in the Farm Environment Plan(s).

Waikato Regional Council restricts its discretion over the following matters:

- i. ~~Cumulative effects on water quality of the catchment of the Waikato and Waipa Rivers.~~
- ii. ~~The diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens.~~
- iii. i The need for and the content of a extent to which the freshwater objectives, targets and limits (Total Nitrogen and Total Phosphorous) in Table 3.11-1, within the relevant Sub-catchment(s) are being achieved, and the appropriateness of the mitigating actions included in the Farm Environment Plan(s) having regard to Policy 2(a).
- iv. ii The term of the resource consent having regard to Policy 4.
- v. iii The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent.
- vi. iv The time frame and circumstances under which the consent conditions may be reviewed.
- vii. ~~The matters addressed by Schedules A, B and C.~~

Notification:

Consent applications will be considered without notification, and without the need to obtain written approval of affected persons.

Rule 3.11.5.6D Discretionary Activity Rule- The use of land for Farming activities that does not comply with the conditions, standards or terms of Rules 3.11.5.2, 3.11.5.4, 3.11.5.6A, 6B and 6C is a Discretionary activity (requiring resource consent).

~~3.11.5.7 A Non-Complying Discretionary Activity Rule – Land Use Change/Te
Ture mō ngā mahi kāore e whai i ngā ture – Te Panonitanga ā-
Whakamahinga Whenua~~

Rule 3.11.5.7 A- Non-Complying Discretionary Activity Rule – Land Use Change

~~Notwithstanding any other rule in this Plan, a~~ Any of the following changes in the use of land from that which was occurring at 22 October 2016 within a property, enterprise, sub-catchment, or industry/sector scheme located in the Waikato and Waipa catchments, where prior to 1 July 2026 the change exceeds a total of 4.1 hectares:

1. Woody vegetation to farming activities; or
2. Any livestock grazing other than dairy farming to dairy farming; or
3. Arable cropping to dairy farming; or
4. Any land use to commercial vegetable production except as provided for under standard and term g. of Rule 3.11.5.5

is a ~~non-complying~~ discretionary activity (requiring resource consent) until 1 July 2026.

Subject to the following conditions:

1. The provision of information regarding the subject land in accordance with Schedule A; and
2. A Nitrogen Reference Point(s) is produced for the resultant land use for the subject land in accordance with Schedule B; and
3. Cattle, horses, deer and pigs are excluded from water bodies in accordance with Schedule C; and
4. Identification of the current Sub-catchment water quality in comparison to the Short-Term and 80-Year Fresh Water Objectives in Table 3.11-1; and
5. Identification of the current Sub-catchment loads for Total Nitrogen and Total Phosphorous in comparison to Table 3.11-1; and
6. Provide information that demonstrates that with the resultant land use the freshwater objectives, targets and limits (Total Nitrogen and Total Phosphorous) in Table 3.11-1 within the relevant Sub-catchment can be achieved; and
7. The Farm Environment Plan(s) has been prepared in accordance with Schedule 1 and additionally for an enterprise in accordance with Schedule 2 and has been certified by a Certified Farm Environment Planner; and
8. An assessment of Vulnerable Land and mitigating actions are included in the Farm Environment Plan(s); and
9. Adaptive management methods to manage the Farming activities, including identified mitigating actions, are included in the Farm Environment Plan(s).

Assessment - Discretionary Activity

The Council's assessment will consider, but not be limited to, the following criterion:

Whether with the resultant land use the freshwater objectives, targets and limits (Total Nitrogen and Total Phosphorous) in Table 3.11-1, within the relevant Sub-catchment(s), can be achieved.

Notification:

~~Consent applications will be considered without notification, and without the need to obtain written approval of affected persons, subject to the Council being satisfied that the loss of contaminants from the proposed land use will be lower than that from the existing land use.~~

Rule 3.11.5.7 ~~B - Non-Complying~~ Discretionary Activity Rule – Land Use Change

~~Notwithstanding any other rule in this Plan, a~~ Any of the following changes in the use of land from that which was occurring at 22 October 2016 within a property, or enterprise, Sub-catchment, or industry/sector scheme located in the Waikato and Waipa catchments, where prior to 1 July 2026 the change exceeds a total of 4.1 hectares:

1. Woody vegetation to farming activities; or
2. Any livestock grazing other than dairy farming to dairy farming; or
3. Arable cropping to dairy farming; or
4. Any land use to commercial vegetable production except as provided for under standard and term g. of Rule 3.11.5.5; and

Where the resultant land use satisfies Policy 16, regardless of the extent to which the freshwater objectives, targets and limits (Total Nitrogen and Total Phosphorous) within the relevant Sub-catchment(s) in Table 3.11-1 are being achieved:

Is a ~~non-complying~~ discretionary activity (requiring resource consent) until 1 July 2026.

Subject to the following conditions:

1. The provision of information regarding the subject land in accordance with Schedule A; and
2. A Nitrogen Reference Point(s) is produced for the resultant land use for the subject land in accordance with Schedule B; and
3. Cattle, horses, deer and pigs are excluded from water bodies in accordance with Schedule C; and
4. The Farm Environment Plan(s) has been prepared in accordance with Schedule 1 and additionally for an enterprise in accordance with Schedule 2 and has been certified by a Certified Farm Environment Planner; and
5. An assessment of Vulnerable Land and mitigating actions are included in the Farm Environment Plan(s); and
6. Adaptive management methods to manage the Farming activities, including identified mitigating actions, are included in the Farm Environment Plan(s).

Notification:

~~Consent applications will be considered without notification, and without the need to obtain written approval of affected persons, subject to the Council being satisfied that the loss of contaminants from the proposed land use will be lower than that from the existing land use.~~

Rule 3.11.5.7 C - Non-Complying Activity Rule – Land Use Change

~~Notwithstanding any other rule in this Plan, a~~ Any of the following changes in the use of land from that which was occurring at 22 October 2016 within a property, or enterprise, Sub-catchment, or industry/sector scheme located in the Waikato and Waipa catchments, where prior to 1 July 2026 the change exceeds a total of 4.1 hectares:

1. Woody vegetation to farming activities; or
2. Any livestock grazing other than dairy farming to dairy farming; or
3. Arable cropping to dairy farming; or
4. Any land use to commercial vegetable production except as provided for under standard and term g. of Rule 3.11.5.5; and

Where with the resultant land use the freshwater objectives, targets and limits (Total Nitrogen and Total phosphorous) in Table 3.11-1 within the relevant Sub-catchment cannot be achieved, and Policy 16 does not apply

Is a non-complying activity (requiring resource consent) until 1 July 2026.

Notification:

~~Consent applications will be considered without notification, and without the need to obtain written approval of affected persons, subject to the Council being satisfied that the loss of contaminants from the proposed land use will be lower than that from the existing land use.~~

[Drafting note: WPL recommends that proposed Rules 3.11.5.8 and 3.11.5.9 be deleted.]

Withdrawn IN PART - See inserted Addendum

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Schedule A - Registration with Waikato Regional Council/Te Āpitiwhanga A – Te rēhita me te Kaunihera ā-Rohe o Waikato

Properties with an area greater than 2 hectares (excluding urban properties) must be registered with the Waikato Regional Council in the following manner:

1. Registration must occur between 1 September 2018 and 31 March 2019.
2. Registration information set out in clause 5, and where relevant in clause 6, below must be provided.
3. Proof of registration must be provided to the Waikato Regional Council if requested by the Council.
4. Registration information must be updated by the new owner of a property within 30 working days of the new owner taking possession of the property, or otherwise at the request of the Waikato Regional Council.
5. All property owners must provide:
 - a. The following information in respect of the land owner, and the person responsible for using the land (if different from the land owner):
 - i. Full name.
 - ii. Trading name (if applicable, where the owner is a company or other entity).
 - iii. Full postal and email address.
 - iv. Telephone contact details.
 - b. Legal description of the property as per the certificate(s) of title.
 - c. Physical address of the property.
 - d. A description of the land use activity or activities undertaken on the property as at 22 October 2016, including the land area of each activity.
 - e. The total land area of the property.
 - f. Where the land is used for grazing, the stocking rate of animals grazed on the land.
6. Properties that graze livestock must also provide a map showing:
 - a. The location of:
 - i. Property boundaries; and
 - ii. Water bodies listed in Schedule C for stock exclusion within the property boundary and fences adjacent to those water bodies; and
 - iii. Livestock crossing points over those water bodies and a description of any livestock crossing structures.

Schedule B - Decision Support Tools for calculating Nitrogen Reference Points and preparing Farm Environment Plans/Te Āpithanga B – Te tohu ā-hauota

A property or enterprise or Sub-catchment or subject land area managed under a sector scheme with a cumulative area greater than 20 hectares (or any property or enterprise used for commercial vegetable production) must have a Nitrogen Reference Point calculated, either in accordance with a Decision Support Tool that satisfies the criteria in Part A below, or in accordance with OVERSEER under Part B below.

Part A. Decision Support Tool

- a. Any Decision Support Tool shall be prepared by, or under the supervision of a suitably qualified person and meet the criteria in paragraph (b) below.
- b. Decision support tool criteria:
 - i. The model is based on sound science, including:
 - Scientific basis
 - Computational infrastructure
 - Assumptions and limitations
 - Peer review
 - ii. The model is managed to ensure quality, including
 - Quality assurance and quality control
 - Data availability and quality
 - Test cases
 - iii. The model's behaviour approximates to the real system being modelled (including the tools and procedures necessary to make this judgment), including:
 - Sensitivity and uncertainty analysis
 - Corroboration of model results with observations
 - Benchmarking against other models
 - iv. The model is appropriate for a specific regulatory application under Chapter 3.11, including:
 - Model resolution
 - Transparency
- c. The calculation report prepared in accordance with the decision support tool shall also include the information required under paragraphs (a.), (b.), (e.), (f.) and (g.) in Part B below.

Part B. Nitrogen Reference Point calculation where OVERSEER is used.

A property or enterprise or Sub-catchment or industry/sector scheme with a cumulative area greater than 20 hectares (or any property or enterprise used for commercial vegetable production) must have a Nitrogen Reference Point calculated as follows:

- a. The Nitrogen Reference Point must be calculated by a Certified Farm Nutrient Advisor to determine the amount of nitrogen being leached from the property or enterprise or Sub-catchment or industry/sector scheme during the relevant reference period specified in clause f) ~~except for any land use change approved under Rule 3.11.5.7 where the Nitrogen Reference Point shall be determined through the Rule 3.11.5.7 consent process.~~
- b. The Nitrogen Reference Point shall be the highest annual nitrogen leaching loss that occurred during a single year (being 12 consecutive months) within the reference period specified in clause f), except for commercial vegetable production in which case the Nitrogen Reference Point shall be the average annual nitrogen leaching loss during the reference period.
- c. The Nitrogen Reference Point must be calculated using the current version of the OVERSEER model (or any other ~~model approved by the Chief Executive of the Waikato Regional Council~~ Decision Support Tool that satisfied the criteria in Part A above).
- d. The Nitrogen Reference Point data shall comprise the electronic output file from the OVERSEER or other approved model, and where the OVERSEER Model is used, it must be calculated using the OVERSEER Best Practice Data Input Standards 2016, ~~with the exceptions and inclusions set out in Schedule B Table 4.~~
- e. The Nitrogen Reference Point and the Nitrogen Reference Point data must be provided to Waikato Regional Council within the period 1 September 2018 to 31 March 2019.
- f. The reference period is any one of the two following financial years ~~- covering 2014/2015 and or 2015/2016~~ or 2016/2017; except for commercial vegetable production in which case the reference period is 1 July 2006 to 30 June 2016.
- g. The following records (where relevant to the land use undertaken on the property or enterprise or Sub-catchment or industry/sector scheme) must be retained and provided to Waikato Regional Council at its request:

- h. The Nitrogen Reference Point data shall comprise the electronic output file from the OVERSEER or other approved model, and where the OVERSEER Model is used, it must be calculated using the OVERSEER Best Practice Data Input Standards 2016, with the exceptions and inclusions set out in Schedule B Table 1.
- i. The Nitrogen Reference Point and the Nitrogen Reference Point data must be provided to Waikato Regional Council within the period 1 September 2018 to 31 March 2019.
- j. The reference period is the two financial years covering 2014/2015 and 2015/2016, except for commercial vegetable production in which case the reference period is 1 July 2006 to 30 June 2016.
- k. The following records (where relevant to the land use undertaken on the property or enterprise) must be retained and provided to Waikato Regional Council at its request:
 - i. Stock numbers as recorded in annual accounts together with stock sale and purchase invoices;
 - ii. Dairy production data;
 - iii. Invoices for fertiliser applied to the land;
 - iv. Invoices for feed supplements sold or purchased;
 - v. Water use records for irrigation (to be averaged over 3 years or longer) in order to determine irrigation application rates;
 - vi. Crops grown on the land; and
 - vii. Horticulture crop diaries and NZGAP records.

©

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

Drafting Note - Schedule B Table 1 has not been included in full, its deletion in full has been sought in planning evidence of Mr McKay.

OVERSEER [®] Parameter	Setting that must be used	Explanatory note
Farm model Pastoral and horticulture	To cover the entire enterprise including riparian, retired, forestry, and yards and races. The model is to include non-contiguous properties that are part of the enterprise that are in the same Sub-catchment. If the farm (for example where dairy animals are grazed or wintered) is part of another farming business such as a drystock farm, the losses from those animals will be represented in the drystock farm's Overseer model.	To capture the "whole farm" in one Overseer file, where possible, to truly represent nitrogen losses from farm in the catchment area.
Location Pastoral and horticulture	Select Waikato Region	This setting has an effect on climate settings and some animal characteristics and is required to ensure consistency.
Animal distribution – relative productivity pastoral only	Use "no differences between blocks" with the following exceptions: Grazed pines or other woody vegetation. In this case use "Relative yield" and set the grazed pine blocks to 0.4 (40%). Where the farm has a mixture of irrigated and non-irrigated areas. In this case use "Relative yield" and set the irrigated area to 1 (100%), and the non-irrigated areas to 0.75 (75%).	

Wetlands	Entered as Riparian Blocks	As per the 2016 OVERSEER [®] Best Practice Data Input Standards.
Stock number entry	Based on specific stock numbers only	To ensure consistency and accuracy of stock number inputs.
Animal weights	Only use OVERSEER [®] defaults – do not enter in weights and use the age at start setting where available (national averages).	Accurate animal weights are difficult to obtain and prove.
Block climate data	Only use the Climate Station tool For contiguous blocks use the coordinates from the location of the dairy shed or the middle of the farm area (for non-dairy). For non-contiguous blocks use individual blocks' climate station coordinates.	
Soil description	Use Soil Order – obtained from S-Map or where S-Map is unavailable from LRI 1:50,000 data or a soil map of the farm.	To ensure consistency between areas of the region that have S-Map data and those that don't.
Missing data	In the absence of Nitrogen Referencing information being provided the Waikato Regional Council will use appropriate default numbers for any necessary inputs to the OVERSEER [®] model (such default numbers will generally be around 75% of normal Freshwater Management Unit [^] average values for those inputs).	Some farms will not be able to supply data, therefore a default must be established.

Schedule C - Stock exclusion/Te Āpitianga C – Te aukatinga o ngā kararehe

Except as provided by Exclusions I. and II [below](#), stock must be excluded from the water bodies listed in i. to iv. below as follows:

1. The water bodies must be fenced to exclude cattle, horses, deer and pigs, unless those animals are prevented from entering the bed of the water body by a stock proof natural barrier formed by topography or vegetation.
2. New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within one metre of the bed of the water body (excluding constructed wetlands).
3. Livestock must not be permitted to enter onto or pass across the bed of the water body, except when using a livestock crossing structure.
4. For land use authorised under Rules 3.11.5.1 [A](#) or 3.11.5.2, clauses 1 and 2 [above](#) must be complied with:
 - a. By 1 July ~~2020~~ [2023](#) for properties and enterprises within Priority 1 sub-catchments listed in Table 3.11-2.
 - ~~b. By 1 July 2026 for properties and enterprises within Priority 2 and Priority 3 sub-catchments listed in Table 3.11-2.~~
5. For land use authorised under Rules ~~3.11.5.3, 3.11.5.4 or 3.11.5.5~~, [3.11.5.6A, 3.11.5.6B or 3.11.5.6C](#), clauses 1 and 2 must be complied with by the date and in the manner specified in the property's ~~or enterprise's~~ [or sector schemes](#) Farm Environment Plan(s), which shall be within 3 years following the dates by which a Farm Environment Plan must be provided to the Council, or in any case no later than 1 July ~~2026~~ [2025](#).

Water bodies from which cattle, horses, deer and pigs must be excluded:

- i. Any river that continually contains surface water.
- ii. Any drain that continually contains surface water.
- iii. Any wetland, including a constructed wetland.
- iv. Any lake.

Exclusions:

The following situations are excluded from clauses 1 and 2 [above](#):

- i. Where the entry onto or passing across the bed of the water body is by horses that are being ridden or led.
- ii. Where the entry onto or passing across the bed of the water body is by a feral animal.

Schedule 1 - Requirements for Farm Environment Plans/Te Āpiti hanga 1: Ngā Herenga i ngā Mahere Taiao ā-Pāmu

~~A Farm Environment Plan shall be prepared in accordance with the requirements of A below. The Farm Environment Plan shall be certified as meeting the requirements of A by a Certified Farm Environment Planner.~~

~~The Farm Environment Plan shall identify all sources of sediment, nitrogen, phosphorus and microbial pathogens, and identify actions, and timeframes for those actions to be completed, in order to reduce the diffuse discharges of these contaminants.~~

~~The Farm Environment Plan must clearly identify how specified minimum standards will be complied with.~~

~~The requirements set out in A apply to all Farm Environment Plans, including those prepared within a Certified Industry Scheme.~~

~~This schedule applies to all farming activities, but it is acknowledged that some provisions will not be relevant to every farming activity.~~

~~A. Farm Environment Plans shall contain as a minimum:~~

~~1. The property or enterprise details:~~

~~(a) Full name, address and contact details (including email addresses and telephone numbers) of the person responsible for the property or enterprise.~~

~~(b) Trading name (if applicable, where the owner is a company or other entity).~~

~~(c) A list of land parcels which constitute the property or enterprise:~~

~~(i) the physical address and ownership of each parcel of land (if different from the person responsible for the property or enterprise) and any relevant farm identifiers such as the dairy supply number, Agribase identification number, valuation reference; and~~

~~(ii) The legal description of each parcel of land.~~

~~2. An assessment of the risk of diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens associated with the farming activities on the property, and the priority of those identified risks, having regard to Sub-catchment targets in Table 3.11-1 and the priority of lakes within the Sub-catchment. As a minimum, the risk assessment shall include (where relevant to the particular land use):~~

~~(a) A description of where and how stock shall be excluded from water bodies for stock exclusion including:~~

~~(i) the provision of fencing and livestock crossing structures to achieve compliance with Schedule C; and~~

~~(ii) Where practicable the provision of minimum grazing setbacks from water bodies for stock exclusion of 1 metre for land with a slope of less than 25° and where stream fencing is impracticable, the provision of alternative mitigation measures.~~

~~(b) A description of setbacks and riparian management, including:~~

~~(i) The management of water body margins including how damage to the bed and margins of water bodies, and the direct input of contaminants will be avoided, and how riparian margin settling and filtering will be provided for; and~~

~~(ii) Where practicable the provision of minimum grazing setbacks from water bodies for stock exclusion of 1 metre for land with a slope of less than 15° and 3 metres for land with a slope between 15° and 25°; and~~

~~(iii) The provision of minimum cultivation setbacks of 5 metres.~~

~~(c) A description of the critical source areas from which sediment, nitrogen, phosphorus and microbial pathogens are lost, including:~~

~~(i) the identification of intermittent waterways, overland flow paths and areas prone to flooding and ponding, and an assessment of opportunities to minimise losses from these areas through appropriate stocking policy, stock exclusion and/or measures to detain floodwaters and settle out or otherwise remove sediment, nitrogen, phosphorus and microbial pathogens (e.g. detention bunds, sediment traps, natural and constructed wetlands); and~~

- (ii) the identification of actively eroding areas, erosion prone areas, and areas of bare soil and appropriate measures for erosion and sediment control and re-vegetation; and
 - (iii) an assessment of the risk of diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens from tracks and races and livestock crossing structures to waterways, and the identification of appropriate measures to minimise these discharges (e.g. cut off drains, and shaping); and
 - (iv) the identification of areas where effluent accumulates including yards, races, livestock crossing structures, underpasses, stock camps, and feed-out areas, and appropriate measures to minimise the risk of diffuse discharges of contaminants from these areas to groundwater or surface water; and
 - (v) the identification of other 'hotspots' such as fertiliser, silage, compost, or effluent storage facilities, wash water facilities, offal or refuse disposal pits, and feeding or stock holding areas, and the appropriate measures to minimise the risk of diffuse discharges of contaminants from these areas to groundwater or surface water.
- (d) An assessment of appropriate land use and grazing management for specific areas on the farm in order to maintain and improve the physical and biological condition of soils and minimise the diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens to water bodies, including:
- (i) matching land use to land capability; and
 - (ii) identifying areas not suitable for grazing; and
 - (iii) stocking policy to maintain soil condition and pasture cover; and
 - (iv) the appropriate location and management of winter forage crops; and
 - (v) suitable management practices for strip grazing.
- (e) A description of nutrient management practices including a nutrient budget for the farm enterprise calculated using the model OVERSEER in accordance with the OVERSEER use protocols, or using any other model or method approved by the Chief Executive Officer of Waikato Regional Council.
- (f) A description of cultivation management, including:
- (i) The identification of slopes over 15° and how cultivation on them will be avoided; unless contaminant discharges to water bodies from that cultivation can be avoided; and
 - (ii) How the adverse effects of cultivation on slopes of less than 15° will be mitigated through appropriate erosion and sediment controls for each paddock that will be cultivated including by:
 - (a) assessing where overland flows enters and exits the paddock in rainfall events; and
 - (b) identifying appropriate measures to divert overland flows from entering the cultivated paddock; and
 - (c) identifying measures to trap sediment leaving the cultivated paddock in overland flows; and
 - (d) maintaining appropriate buffers between cultivated areas and water bodies (minimum 5m setback).
- (g) A description of collected animal effluent management including how the risks associated with the operation of effluent systems will be managed to minimise contaminant discharges to groundwater or surface water.
- (h) A description of freshwater irrigation management including how contaminant loss arising from the irrigation system to groundwater or surface water will be minimised.
3. A spatial risk map(s) at a scale that clearly shows:
- (a) The boundaries of the property; and
 - (b) The locations of the main land uses ⁽⁶⁾ that occur on the property; and
 - (c) The locations of existing and future mitigation actions to manage contaminant diffuse discharges; and

6 For dairy farms this might be the OVERSEER® blocks, for drystock farms this might be Land Use Capability blocks.

- (d) Any relevant internal property boundaries that relate to risks and mitigation actions described in this plan; and
- (e) The location of continually flowing rivers, streams, and drains and permanent lakes, ponds and wetlands; and
- (f) The location of riparian vegetation and fences adjacent to water bodies; and
- (g) The location of critical source areas for contaminants, as identified in 2(e) above.

4. A description of the actions that will be undertaken in response to the risks identified in the risk assessment in 2 above (having regard to their relative priority) as well as where the mandatory time-bound actions will be undertaken, and when and to what standard they will be completed.

5. A description of the following:

(a) Actions, timeframes and other measures to ensure that the diffuse discharge of nitrogen from the property or enterprise, as measured by the five-year rolling average annual nitrogen loss as determined by the use of the current version of OVERSEER, does not increase beyond the property or enterprise's Nitrogen Reference Point, unless other suitable mitigations are specified; or

(b) Where the Nitrogen Reference Point exceeds the 75th percentile nitrogen leaching value, actions, timeframes and

other measures to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75th percentile nitrogen leaching value by 1 July 2026, except in the case of Rule 3.11.5.5.

Parts A and B of this schedule apply to all farming activities, but it is acknowledged that some provisions will not be relevant to every farming activity.

Part A – Farm Environment Plans

1. A Farm Environment Plan (FEP) shall be prepared and implemented in accordance with the requirements below.
2. The FEP shall be in written or digital form and include the following:
 - a) The material set out in Parts B and D below; or
 - b) For Sub-catchment consents the material set out in Parts B, C and D below; or
 - c) For industry/sector scheme consents the material set out in Parts B and D below.

Part B – Farm Environment Plan Content

- 1) The FEP shall contain the following details:
 - a) Full name, address and contact details (including email addresses and telephone numbers) of the person(s) responsible for the farming activities under this FEP or trading name (if applicable).
 - b) A list of land parcels which constitute the subject land and including:
 - i) The physical address and ownership of each parcel of land (if different from the person responsible for managing the properties or enterprises) and any relevant farm identifiers such as the dairy supply number, Agribase identification number, valuation reference; and
 - ii) The legal description of each parcel of land.
- 2) The FEP shall contain map(s) or aerial photograph(s) of the land area(s) at a scale that clearly show the locations of:
 - a) The boundaries of the legal parcels of the properties/enterprises; and
 - b) Any relevant internal property/enterprise boundaries that relate to risks and mitigation actions described in the FEP; and
 - c) Any water bodies including rivers, streams, drains, permanent lakes, ponds, springs and wetlands; and
 - d) The existing and proposed riparian vegetation and fences (or other stock exclusion methods) adjacent to water bodies; and
 - e) The places where stock access or cross water bodies (including bridges, culverts and fords); and
 - f) Vulnerable Land areas, as identified in Part B 3(a); and
 - g) The existing and future mitigation actions to control farming activities and manage any associated contaminant diffuse discharges; and
 - h) Any freshwater monitoring locations associated with mitigating actions.
- 3) The FEP shall contain an assessment of the risk of any diffuse discharges of sediment, nitrogen, phosphorus and microbial pathogens associated with the farming activities on the land parcels, and the priority of those identified risks, having regard to Sub-catchment freshwater objectives, targets and limits (Total Nitrogen and Total Phosphorous) within the relevant Sub-catchment in Table 3.11-1 and the priority of lakes and wetlands within the Sub-catchment. As a minimum, the assessment shall include:

- a) A description of the Vulnerable Land areas and an assessment of measures to manage any diffuse discharges of sediment, nitrogen, phosphorous and microbial pathogens associated with farming activities on the land parcels, including:
 - i) The identification of an appropriate buffer zone for water bodies including intermittent water bodies, overland flow paths and areas prone to flooding and ponding; and
 - ii) The identification of erosion prone land including: LUC Class 8 land; actively eroding areas; gully head areas; and areas of bare soil; and
 - iii) An assessment of any nitrogen risk areas. Including potentially high nitrogen risk areas located on land in close proximity to water bodies with:
 - 1. high soil permeability,
 - 2. rapid groundwater travel, or
 - 3. high connectivity between shallow groundwater and surface water; and
 - iv) An assessment of the shallow groundwater areas with saturated soils, artificial drainage (e.g. tile/mole drains).
- b) A description of setbacks and riparian management, including:
 - i) The management of water body margins including how damage to the bed and margins of water bodies, and the direct input of contaminants will be reduced as far as practicable, and how riparian margin settling and filtering will be provided for; and
 - ii) The provision of minimum setbacks from water bodies for stock exclusion of 5 metres with an average 15 metres setback target (where practicable) from the water bodies across subject land; and
 - iii) The provision of minimum setbacks of 5 metres where cultivation should be avoided; and
 - iv) How stock shall be excluded from riparian margins and water bodies to achieve compliance with Schedule C; and
 - v) For areas with a slope exceeding 25° and where water body fencing is impracticable, the provision of alternative mitigation measures.
- c) Performance goals within the FEP that clearly set an action plan and timeframe for managing any diffuse discharges associated with farming activities on the land parcels.
- d) The use of any DST (in accordance with Schedule B) in the above assessment.
- 4) The FEP shall include a nutrient budget (which includes nutrient losses to the environment) calculated in accordance with Schedule B. The nutrient budget shall also include the following:
 - a) Budget updates at the end of each reporting year (including any: change in crop area, crop rotation length, type of crops grown, stocking rate or stock type);
 - b) Each time the nutrient budget is updated all the input data used to prepare it shall be reviewed, and a record of the input data review shall be kept;
 - c) Calculation of the five-year rolling average NRP (except in the case of Rule 3.11.5.5).
- 5) The FEP shall contain Good Farm Practice¹ (GFP) benchmarks which identify:
 - a) Existing GFP including any implemented since 22 October 2016; and
 - b) How GFP will be implemented annually during the term of the land use consent; and
 - c) The effectiveness of the GFP.
- 6) In response to the assessments carried out under Part B paragraphs 3, 4 and 5 above the FEP shall include mitigation actions that will be undertaken to:
 - a) Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens (associated with farming activities on the land parcels; and
 - b) Maintain the five-year rolling average NRP (below the NRP baseline); and
 - c) Identify:
 - i) Management triggers; and
 - ii) Evaluation and screening processes; and
 - iii) Proactive and reactive mitigation actions; and
 - d) Implement GFP benchmarks; and
 - e) Achieve performance goals to manage such diffuse discharges.
- 7) The FEP shall contain a record of:
 - a) Management triggers; and
 - b) Actions, timeframes and other measures to manage any diffuse discharges (associated with farming activities) from the land parcels; and
 - c) Annual reviews of where the actions will be undertaken, and when and to what standard they will be completed; and
 - d) Monitoring against performance goals.
- 8) The FEP shall be certified as meeting the requirements of this Schedule by a Certified Farm Environment Planner.
- 9) The FEP shall be reviewed at least once in every 12-month period from grant of the land use consent and the outcome of the review documented, and provided to the Waikato Regional Council upon request.

¹ Examples of GFP are provided on the HortNZ, DairyNZ and Beef and Lamb New Zealand websites and in the document titled "Good Farming Practice Action Plan for Water Quality 2018" published by Federated Farmers.

Part C Sub-catchment scale consents

FEPs required under Rule 3.11.5.6 (B) shall contain the following additional matters.

1. Identify and assess the critical water quality issues in the Sub-catchment to achieve the freshwater objectives, targets and limits in Table 3.11-1;
2. Use of any DST (in accordance with Schedule B) to measure, model, and predict changes in the quality of water in water bodies measured against the freshwater objectives, targets and limits in the Sub-catchment relative to farming activities on all individual properties and enterprises within the Sub-catchment, and how they relate to the Sub-catchment loads within Table 3.11-1;
3. Establish the principles for mitigation of input loads at the Sub-catchment level based on the relationship between farming activities and the freshwater objectives, targets and limits and loads for the Sub-catchment in Table 3.11-1;
4. A monitoring programme (reporting in a suitable written or digital format) designed to monitor the actual or potential environmental effects of farming activities within the Sub-catchment;
5. Use of adaptive management approaches to respond as part of any mitigation actions to actual or potential adverse effects of farming activities on the receiving environment identified in the monitoring programme; and
6. Requirements for annual monitoring and mitigation reports.

Advice note: *FEPs prepared in relation to Sub-catchment scale consents must also comply with the additional matters in Schedule 2.*

Part D Vegetable growing minimum standards

Farm environment plans required under Rule 3.11.5.5 shall, in addition to the matters set out above, ensure the following matters are addressed.

No	Contaminant	Vegetable growing minimum standards
1	Nitrogen, Phosphorus	Annual soil testing regime, fertiliser recommendations by block and by crop
2	Nitrogen, Phosphorus	Tailored fertiliser plans by block and by crop
3	Nitrogen, Phosphorus	Both (1) and (2) prepared by an appropriately qualified person
4	Nitrogen, Phosphorus	Annual calibration of fertiliser delivering systems through an approved programme such as Spreadmark/Fertspread
5	Soil/Phosphorus	As a minimum by block: an approved erosion and sediment control plan constructed in accordance with the Erosion and Sediment Control Guidelines for Vegetable Production June 2014
6	Nitrogen, Phosphorus	Documentation available for proof of fertiliser placement according to recommended instruction
7	Nitrogen, Phosphorus	Adoption and use of improved fertiliser products proved effective and available such as formulated prills, coatings and slow release mechanisms
8	Nitrogen, Phosphorus	Evidence available to demonstrate split applications by block/crop following expert approved practice relating to: <ul style="list-style-type: none"> o form of fertiliser applied o rate of application o placement of fertiliser o timing of application

Schedule 2 - Certification of Industry Schemes Land use controls for enterprise, Sub-catchment, and industry/sector scheme consents /Te Āpitiwhanga 2 – Te whakamana i ngā tohu o ngā Kaupapa Ahumahi

~~The purpose of this schedule is to set out the criteria against which applications to approve an industry scheme will be assessed.~~

~~The application shall be lodged with the Waikato Regional Council, and shall include information that demonstrates how the following requirements are met. The Waikato Regional Council may request further information or clarification on the application as it sees fit.~~

~~Approval will be at the discretion of the Chief Executive Officer of the Waikato Regional Council subject to the Chief Executive Officer being satisfied that the scheme will effectively deliver on the assessment criteria.~~

~~Assessment Criteria~~

~~A. Certified Industry Scheme System~~

~~The application must demonstrate that the Certified Industry Scheme:~~

~~1. Is consistent with:~~

- ~~a. the achievement of the water quality targets referred to in Objective 3; and~~
- ~~b. the purposes of Policy 2 or 3; and~~
- ~~c. the requirements of Rules 3.11.5.3 and 3.11.5.5.~~

~~2. Has an appropriate ownership structure, governance arrangements and management.~~

~~3. Has documented systems, processes, and procedures to ensure:~~

- ~~a. Competent and consistent performance in Farm Environment Plan preparation and audit.~~
- ~~b. Effective internal monitoring of performance.~~
- ~~c. Robust data management.~~
- ~~d. Timely provision of suitable quality data to Waikato Regional Council.~~
- ~~e. Timely and appropriate reporting.~~
- ~~f. Corrective actions will be implemented and escalated where required, including escalation to Waikato Regional Council if internal escalation is not successful.~~
- ~~g. Internal quality control.~~
- ~~h. The responsibilities of all parties to the Certified Industry Scheme are clearly stated.~~
- ~~i. An accurate and up to date register of scheme membership is maintained.~~
- ~~j. Transparency and public accountability of Certified Industry Schemes~~
- ~~k. The articles of the scheme are available for public viewing.~~

~~B. People~~

~~The application must demonstrate that:~~

- ~~1. Those generating and auditing Farm Environment Plans are suitably qualified and experienced.~~
- ~~2. Auditing of Farm Environment plan requirements is independent of the Farm Environment Plan preparation and approval.~~

~~C. Farm Environment Plans~~

~~The application must demonstrate that Farm Environment Plans are prepared in conformance with Schedule 1.~~

A. Governance and management

Applications must include:

1. A description of the governance arrangements for the enterprise, Sub-catchment, or industry/sector scheme;
2. Any contractual or other legal arrangements between the consent holder (manager) and the members of the enterprise, Sub-catchment, or industry/sector scheme;
3. A description of the process for gaining and ceasing membership;
4. A description of the subject area, including land uses, key environmental issues, property boundaries and ownership details of members' properties;
5. A procedure for keeping records of the matters in (4) above and advising WRC of changes;

B. Preparation of Farm Environment Plans

Applications must include:

1. A statement of the consent holder's capability and capacity for preparing and certifying the Farm Environment Plan(s) in conformance with Schedule 1, including the qualifications and experience of any personnel employed by or otherwise contracted by the consent holder to prepare or certify the Farm Environment Plan(s);
2. An outline of timeframes for developing Farm Environment Plan(s) considered necessary by the consent holder to manage the enterprise, Sub-catchment, or industry/sector scheme.

C. Implementation of Farm Environment Plans

Applications must include:

1. A statement of the consent holder's capability and capacity for monitoring and assessing the implementation of the Farm Environment Plan(s), including the qualifications and experience of any personnel employed by or otherwise contracted by the consent holder to monitor or assess implementation of the Farm Environment Plan(s);
2. A description of the expectations and agreements around record-keeping by the consent holder and (where relevant) members of the enterprise, Sub-catchment, or industry/sector scheme;
3. A strategy for identifying and managing poor performance in implementing the Farm Environment Plan(s).

D. Audit

Applications must include a description of an annual audit process to be conducted by an independent body, including:

1. A process for assessing performance against agreed actions in the Farm Environment Plan(s);
2. A statement of how audit results will be shared with members of the enterprise, Sub-catchment, industry/sector scheme, and the wider community;
3. A process for assessing the performance of any personnel employed by or otherwise contracted by the consent holder to prepare, certify, and audit the implementation of the Farm Environment Plan(s).

A summary audit report must be submitted to the Waikato Regional Council at least annually.

Advice note: Enterprise, Sub-catchment, and industry/sector scheme consents

The resource consent application (and any AEE) should define the ultimate potential geographical extent and NRP.

The application will include a list of the initial members and the Schedule A information regarding the properties owned by them.

New members will be able to enter the enterprise/scheme etc at any time during the 25-year life of the land use consent where they come within the envelope of the ultimate potential geographical extent and NRP defined by the application (and any AEE) (scope) subject to:

- a. Notice of new members entering the enterprise/scheme etc being given to WRC within 20 working days of entry and the Schedule A information regarding the properties owned by the new members being provided to WRC at the same time.
- b. The NRP condition being changed to reflect the new increased NRP provided that this does not exceed the envelope of the ultimate potential NRP defined by the application (and any AEE).
- c. An amended/updated FEP (if necessary) being filed with WRC at the same time.

Under this scenario (points 1-3 above) a new consent will not be required and new members can enter the enterprise/scheme etc without enlarging the existing consent (i.e. keeping within the envelope).

Where the resource consent application (and any AEE) only defines the exact geographical extent and NRP then a new consent will be required for the whole enterprise/scheme etc plus the new properties entering in order to allow new members to enter the enterprise/scheme etc, because they would otherwise exceed the consented envelope and enlarge the consent. The new application would need to satisfy all relevant PC1 rules.

Members may exit from the enterprise/scheme etc at any time subject to:

- a. Notice of the members exiting from the enterprise/scheme etc being given to WRC within 20 working days of exit and the Schedule A information regarding the properties owned by the exiting members being provided to WRC at the same time.
- b. The NRP condition being changed to reflect the new reduced NRP resulting from the exit.
- c. An amended/updated FEP (if necessary) being filed with WRC at the same time.

A new enterprise/scheme etc consent would not be required for the remaining members i.e. they would continue to operate under the original enterprise/scheme etc consent (as amended).

The exiting member(s) would need to seek a completely new consent for their land under the PC1 rules.

3.11.6 List of Tables and Maps/Te Rārangī o ngā Ripanga me ngā Mahere

Table 3.11-1: Short term and long term numerical water quality targets for the Waikato and Waipa River catchments/Ngā whāinga ā-taupaupoto, tauroa hoki mō te kōunga wai i te riu o ngā awa o Waikato me Waipā

Table 3.11-2 List of Sub-catchments showing Priority 1, Priority 2, and Priority 3 Sub-catchments/Te rārangī o ngā riu kōawaawa e whakaatu ana i te riu kōawaawa i te Taumata 1, i te Taumata 2, me te Taumata 3

Map 3.11-1: Map of the Waikato and Waipa River catchments, showing Freshwater Management Units

Map 3.11-2: Map of the Waikato and Waipa River catchments, showing Sub-catchments

Table 3.11-1: Short term and long term numerical water quality targets for the Waikato and Waipa River catchments/Ngā whāinga ā-taupaupoto, tauroa hoki mō te kōunga wai i te riu o ngā awa o Waikato me Waipā

Within the Waikato and Waipa River catchments, these targets are used in decision-making processes guided by the objectives in Chapter 3.11 and for future monitoring of changes in the state of water quality within the catchments. With regard to consent applications for diffuse discharges or point source discharges of nitrogen, phosphorus, sediment and microbial pathogens, it is not intended, nor is it in the nature of water quality targets, that they be used directly as receiving water compliance limits/standards. Reference should also be made to Method 3.2.4.1.

Explanatory note to Table 3.11-1

The tables set out the concentrations (all attributes except clarity) or visibility distance (clarity attribute) to be achieved by actions taken in the short term and at 80 years for rivers and tributaries, and at 80 years for lakes FMUs. Where water quality is currently high (based on 2010-2014 monitoring data), the short term and 80-year targets will be the same as the current state and there is to be no decline in quality (that is, no increase in attribute concentration or decrease in clarity). Where water quality needs to improve, the values to be achieved at a site indicate a short term and long term reduction in concentration or increase in clarity compared to the current state.

For example, at Otamakokore Stream, Upper Waikato River FMU:

- the current state value for median nitrate is 0.740 mgNO₃-N/L. The short term and 80-year targets are set at 0.740 mgNO₃-N/L to reflect that there is to be no decline in water quality
- the current state value for *E. coli* is 696 *E. coli*/100ml. The 80-year target is 540 *E. coli*/100ml and the short term target is set at 10% of the difference between the current state value and the 80 year target.

The achievement of the attribute targets in Table 3.11-1 will be determined through analysis of 5-yearly monitoring data. The variability in water quality (such as due to seasonal and climatic events) and the variable response times of the system to implementation of mitigations may mean that the targets are not observed for every attribute at all sites in the short term.

The effect of some contaminants (particularly nitrogen) discharged from land has not yet been seen in the water. This means that in addition to reducing discharges from current use and activities, further reductions will be required to address the load to come that will contribute to nitrogen loads in the water. There are time lags between contaminants discharged from land uses and the effect in the water. For nitrogen in the Upper Waikato River particularly, this is because of the time taken for nitrogen to travel through the soil profile into groundwater and then eventually into the rivers. This means that there is some nitrogen leached from land use change that occurred decades ago that has entered groundwater, but has not yet entered the Waikato River. In some places, water quality (in terms of nitrogen) will deteriorate before it gets better. Phosphorus, sediment and microbial pathogens and diffuse discharges from land have shorter lag times, as they reach water from overland flow. However, there will be some time lags for actions taken to address these contaminants to be effective (for example tree planting for erosion control).

Upper Waikato River Freshwater Management Unit

Site	Attributes																			
	Annual Median Chlorophyll a (mg/m)		Annual Maximum Chlorophyll a (mg/m)		Annual Median Total Nitrogen (mg/m)		Annual Median Total Phosphorus (mg/m)		Annual Median Nitrate NO ₃ -N/L		Annual 95 th percentile Nitrate (mg NO ₃ -N/L)		Annual Median Ammonia (mg NH ₄ -N/L)		Annual Maximum Ammonia (mg NH ₄ -N/L)		95 th percentile E. coli (E. coli/100mL)		Clarity (m)	
	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year
Waikato River Ohaaki Br	1.5	1.5	13	13	134	134	10	10	0.039	0.039	0.062	0.062	0.002	0.002	0.013	0.013	70	70	3.8	3.8
Waikato River Ohakuri Tailrace Br	3.2	3.2	11	11	206	160	17	17	0.084	0.084	0.172	0.172	0.003	0.003	0.017	0.017	15	15	3.4	3.4
Waikato River Whakamaru Tailrace	5		25	25	260	160	20	20	0.101	0.101	0.230	0.230	0.003	0.003	0.010	0.010	60	60	2.0	3.0
Waikato River Waipapa Tailrace	4.1	4.1	25	25	318	160	25	20	0.164	0.164	0.320	0.320	0.007	0.007	0.017	0.017	162	162	2.0	3.0
Puerto Stm Broadlands Rd Br									0.450	0.450	0.530	0.530	0.003	0.003	0.009	0.009	92	92	1.8	3.0
Torepatutahi Stm Vaile Rd Br									0.500	0.500	0.800	0.800	0.002	0.002	0.011	0.011	216	216		
Waiootapu Stm Homestead Rd Br									1.257	1.0	1.563	1.5	0.112	0.03	0.176	0.05	281	281		

Withdrawn IN PART - See inserted Addendum

Site	Attributes										
	Annual Median Chlorophyll a (mg/m)	Annual Maximum Chlorophyll a (mg/m)	Annual Median Total Nitrogen (mg/m)	Annual Median Phosphorus (mg/m)	Annual Nitrate NO ₃ -N/L	Annual 95 th percentile Nitrate (mg NO ₃ -N/L)	Annual Median Ammonia (mg NH ₄ -N/L)	Annual Maximum Ammonia (mg NH ₄ -N/L)	95 th percentile <i>E. coli</i> (<i>E. coli</i> /100mL)	Clarity (m)	
Mangakara Stm (Reporoa) SH5					1.270	1.590	0.008	0.062	1584	0.9	1.0
Kawaunui Stm SH5 Br					2.580	2.850	0.006	0.079	2335	1.4	1.6
Waiotapu Stm Campbell Rd Br					0.915	1.100	0.291	0.315	18	1.2	1.6
Otamakokore Stm Hossack Rd					0.740	1.190	0.006	0.024	680	1.2	1.6
Whirinaki Stm Corbett Rd					0.770	0.870	0.002	0.012	98	2.7	3.0
Tahunaatara Stm Ohakuri Rd					0.555	0.830	0.003	0.015	783	1.3	1.6
Mangaharakeke Stm SH30 (Off Jct SH1)					0.525	0.750	0.003	0.015	684	1.1	1.6
Waipapa Stm (Mokai) Tirohanga Rd Br					1.189	1.500	0.003	0.005	1147	1.2	1.6
Mangakino Stm Sandel Rd					0.650	0.860	0.003	0.012	251	1.8	3.0

Site	Attributes										
	Annual Median Chlorophyll a (mg/m)	Annual Maximum Chlorophyll a (mg/m)	Annual Median Total Nitrogen (mg/m)	Annual Median Total Phosphorus (mg/m)	Annual Nitrate NO ₃ -N/L	Annual Median Nitrate NO ₃ -N/L	Annual 95 th percentile Nitrate (mg NO ₃ -N/L)	Annual Median Ammonia (mg NH ₄ -N/L)	Annual Maximum Ammonia (mg NH ₄ -N/L)	95 th percentile <i>E. coli</i> (<i>E. coli</i> /100mL)	Clarity (m)
Whakauru Stm SH1 Br					0.260	0.260	0.450	0.003	0.033	2106	0.8
Mangamingi Stm Paraonui Rd Br					2.760	2.4	3.120	0.091	0.296	2151	0.8
Pokaiwhenua Stm Arapuni - Putaruru Rd					1.680	1.0	2.040	0.002	0.020	1363	1.3
Little Waipa Stm Arapuni - Putaruru Rd					1.522	1.0	2.040	0.002	0.085	1377	1.5
											1.6

Withdrawn IN PART - See inserted Addendum

Middle Waikato River Freshwater Management Unit

Site	Attributes																			
	Annual Median Chlorophyll a (mg/m)		Annual Maximum Chlorophyll a (mg/m)		Annual Median Nitrogen (mg/m)		Annual Median Phosphorus (mg/m)		Annual Median Nitrate (mg NO ₃ -N/L)		Annual 95 th percentile Nitrate (mg NO ₃ -N/L)		Annual Median Ammonia (mg NH ₄ -N/L)		Annual Maximum Ammonia (mg NH ₄ -N/L)		95 th percentile E. coli (E. coli/100mL)		Clarity (m)	
	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year
Waikato River Narrows Boat Ramp	5.5	5	23	23	404	350	28	20	0.235	0.235	0.500	0.500	0.009	0.009	0.018	0.018	340	260	1.7	1.7
Waikato River Horotiu Br	6.1	5	23	23	432	350	34	20	0.260	0.260	0.530	0.530	0.007	0.007	0.029	0.029	774	540	1.4	1.6
Karapiro Stm Hickey Rd Bridge									0.520	0.520	1.689	1.5	0.008	0.008	0.031	0.031	4518	540	0.9	1.0
Mangawhero Stm Cambridge-Ohaupo Rd									1.990	1.0	2.490	1.5	0.041	0.03	0.072	0.05	2920	540	0.3	1.0
Mangaonua Stm Hoeka Rd									1.455	1.0	1.878	1.5	0.036	0.03	0.051	0.05	6372	540	1.0	1.0
Mangaone Stm Annebrooke Rd Br									2.580	2.4	2.940	1.5	0.009	0.009	0.020	0.020	2052	540	0.9	1.0
Mangakotukutuku Stm Peacocks Rd									0.800	0.800	1.788	1.5	0.077	0.03	0.132	0.05	11394	540	0.5	1.0

Site	Attributes									
	Annual Median Chlorophyll a (mg/m)	Annual Maximum Chlorophyll a (mg/m)	Annual Median Nitrogen (mg/m)	Annual Median Phosphorus (mg/m)	Annual Median Nitrate (mg NO ₃ -N/L)	Annual 95 th percentile Nitrate (mg NO ₃ -N/L)	Annual Median Ammonia (mg NH ₄ -N/L)	Annual Maximum Ammonia (mg NH ₄ -N/L)	95 th percentile <i>E. coli</i> (<i>E. coli</i> /100mL)	Clarity (m)
Waitawhiriwhiri Stm Edgecumbe Street					0.880	1.240	0.256	0.318	5922	0.4
Kirikiroa Stm Tauhara Dr					0.815	1.572	0.096	0.183	2124	0.5
										1.0

Withdrawn IN PART - See inserted Addendum

Lower Waikato River Freshwater Management Unit

Site	Attributes																			
	Annual Median Chlorophyll a (mg/m)		Annual Maximum Chlorophyll a (mg/m)		Annual Median Total Nitrogen (mg/m)		Annual Median Total Phosphorus (mg/m)		Annual Median Nitrate (mg NO ₃ -N/L)		Annual 95 th percentile Nitrate (mg NO ₃ -N/L)		Annual Median Ammonia (mg NH ₄ -N/L)		Annual Maximum Ammonia (mg NH ₄ -N/L)		95 th percentile E. coli (E. coli/100mL)		Clarity (m)	
	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year
Waikato River Huntly-Tainui Br	5.9	5	19	19	562	350	43	20	0.365	0.365	0.900	0.900	0.005	0.005	0.015	0.015	1944	540	0.9	1.0
Waikato River Mercer Br	10.0	5	30	25	631	350	49	20	0.365	0.365	0.870	0.870	0.003	0.003	0.010	0.010	1494	540		
Waikato River Tuakau Br	11.3	5	37	25	571	350	50	20	0.325	0.325	0.880	0.880	0.003	0.003	0.008	0.008	1584	540	0.7	1.0
Komakorau Stm Henry Rd									1.279	1.0	4.400	3.5	0.250	0.24	0.419	0.40	3474	540	0.3	1.0
Mangawara Stm Rutherford Rd Br									0.765	0.765	2.760	1.5	0.103	0.03	0.172	0.05	4955	540	0.3	1.0

Site	Attributes											
	Annual Median Chlorophyll a (mg/m)	Annual Maximum Chlorophyll a (mg/m)	Annual Median Total Nitrogen (mg/m)	Annual Median Total Phosphorus (mg/m)	Annual Median Nitrate (mg NO ₃ -N/L)	Annual 95 th percentile Nitrate (mg NO ₃ -N/L)	Annual Median Ammonia (mg NH ₄ -N/L)	Annual 95 th percentile Ammonia (mg NH ₄ -N/L)	Annual Maximum Ammonia (mg NH ₄ -N/L)	95 th percentile <i>E. coli</i> (<i>E. coli</i> /100mL)	Clarity (m)	
Awaroa Stm (Rotowaro) Sansons Br @ Rotowaro-Huntly Rd					0.700	1.190	0.021	0.021	0.089	1800	0.8	1.0
Matahuru Stm Waiterimu Road Below Confluence					0.715	1.689	0.016	0.016	0.059	6147	0.4	1.0
Whangape Stm Rangiriri-Glen Murray Rd					0.004	0.690	0.006	0.006	0.134	584	0.3	1.0
Waerenga Stm SH2 Maramarua					0.820	1.410	0.005	0.005	0.022	5098	0.9	1.0
Whangamarino River Jefferies Rd Br					0.625	1.842	0.012	0.012	0.147	4712	0.6	1.0
Mangatangi River SH2 Maramarua					0.110	1.120	0.005	0.005	0.038	5567	0.5	1.0
Mangatawhiri River Lyons Rd Buckingham Br					0.013	0.370	0.003	0.003	0.011	5108	1.6	1.6
Whangamarino River Island Block Rd					0.075	0.700	0.011	0.011	0.054	655	0.3	1.0

Withdrawn IN PART - See inserted Addendum

Site	Attributes										
	Annual Median Chlorophyll a (mg/m)	Annual Maximum Chlorophyll a (mg/m)	Annual Median Total Nitrogen (mg/m)	Annual Median Total Phosphorus (mg/m)	Annual Median Nitrate (mg NO ₃ -N/L)	Annual 95 th percentile Nitrate (mg NO ₃ -N/L)	Annual Median Ammonia (mg NH ₄ -N/L)	Annual Maximum Ammonia (mg NH ₄ -N/L)	95 th percentile <i>E. coli</i> (<i>E. coli</i> /100mL)	Clarity (m)	Clarity (m)
Whakapipi Stm SH22 Br					3.390	5.120	0.006	0.081	1773	1.1	1.1
Ohaeroa Stm SH22 Br					1.473	1.806	0.003	0.015	4667	0.8	1.0
Opuatia Stm Ponganui Rd					0.740	1.060	0.005	0.016	2898	0.6	1.0
Awaroa River (Waiuku) Otaua Rd Br Moseley Rd					1.369	2.310	0.021	0.135	1017	0.4	1.0

Waipa River Freshwater Management Unit

Site	Attributes											
	Annual Median Nitrate (mg NO ₃ -N/L)		Annual 95 th percentile Nitrate (mg NO ₃ -N/L)		Annual Median Ammonia (mg NH ₄ -N/L)		Annual Maximum Ammonia (mg NH ₄ -N/L)		95 th percentile E. coli (E. coli/100mL)		Clarity (m)	
	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year	short term	80 year
Waipa River/Mangaokewa Rd	0.380	0.380	0.600	0.600	0.003	0.003	0.017	0.017	2417	540	1.5	1.6
Waipa River Otewa	0.228	0.228	0.502	0.502	0.003	0.003	0.008	0.008	2036	540	2.1	2.1
Waipa River/SH3/Otorohanga	0.370	0.370	1.050	1.050	0.004	0.004	0.020	0.020	3289	540	1.2	1.6
Waipa River Pirongia-Ngutuui Rd Br	0.565	0.565	1.270	1.270	0.008	0.008	0.023	0.023	4441	540	0.7	1.0
Waipa River Whatawhata Bridge	0.673	0.673	1.319	1.319	0.009	0.009	0.026	0.026	3657	540	0.6	1.0
Ohote Stm Whatawhata/Horoitiu Rd	0.495	0.495	1.370	1.370	0.023	0.023	0.052	0.052	2142	540	0.6	1.0
Kaniwhaniwha Stm Wright Rd	0.350	0.350	0.890	0.890	0.007	0.007	0.022	0.022	1917	540	0.9	1.0
Mangapiko Bowman Rd Stm	1.369	1.0	2.490	1.5	0.022	0.022	0.076	0.03	7074	540	0.6	1.0
Mangaohoi Stm South Branch Maru Rd	0.230	0.230	0.390	0.390	0.003	0.003	0.008	0.008	943	540	1.6	1.6
Mangauika Stm Te Awamutu Borough W/S Intake	0.210	0.210	0.280	0.280	0.002	0.002	0.003	0.003	1008	540	3.3	3.3

Withdrawn IN PART - See inserted Addendum

Site	Attributes									
	Annual Median Nitrate (mg NO ₃ -N/L)	Annual 95 th percentile Nitrate (mg NO ₃ -N/L)	Annual Median Ammonia (mg NH ₄ -N/L)	Annual Maximum Ammonia (mg NH ₄ -N/L)	95 th percentile <i>E. coli</i> (<i>E. coli</i> /100mL)	Clarity (m)				
Puniu River Bartons Corner Rd Br	0.650	1.280	0.007	0.029	2790	0.9				
Mangatutu Stm Walker Rd Br	0.380	0.880	0.003	0.012	738	1.5				
Waitomo Stm SH31 Otorohanga	0.520	0.830	0.008	0.025	1453	0.6				
Mangapu River Otorohanga	0.860	1.360	0.015	0.057	4284	0.7				
Waitomo Stm Tumutumu Rd	0.630	0.800	0.004	0.013	2241	1.1				
Mangaokewa Stm Lawrence Street Br	0.530	0.980	0.004	0.013	6224	1.4				
						1.6				

Dune, Riverine, Volcanic and Peat Lakes Freshwater Management Units

	Attributes						
Lake FMU	Annual Median Chlorophyll a (mg/m ³)	Annual Maximum Chlorophyll a (mg/m ³)	Annual Median Total Nitrogen (mg/m ³)	Annual Median total Phosphorus (mg/m ³)	95 th percentile <i>E. coli</i> (<i>E. coli</i> /100mL)	80 th percentile cyanobacteria (biovolume mm ³ /L)	Clarity (m)
	80 year*	80 year*	80 year*	80 year*	80 year*	80 year*	80 year*
Dune	12	60	750	50	540	1.8 ⁺	1
Riverine	12	60	800	50	540	1.8 ⁺	1
Volcanic	12	60	750	50	540	1.8 ⁺	1
Peat	12	60	750	50	540	1.8 ⁺	1

*unless a lake is already of better water quality, in which case the water quality is to not decline

+1.8mm³/L biovolume equivalent of potentially toxic cyanobacteria or 10mm³/L total biovolume of all cyanobacteria

Table 3.11-2: List of Sub-catchments showing Priority 1, Priority 2, and Priority 3 Sub-catchments/Te rārangi o ngā riu kōawaawa e whakaatu ana i te riu kōawaawa i te Taumata 1, i te Taumata 2, me te Taumata 3

If more than fifty percent of a farm enterprise is in a particular Sub-catchment, then the dates for compliance for that Sub-catchment apply.

Sub-catchment identifier	Sub-catchment number	Priority
Mangatangi	2	1
Whakapipi	3	1
Whangamarino at Jefferies Rd Br	8	1
Whangamarino at Island Block Rd	10	1
Opuatia	11	1
Waerenga	12	1
Waikare	13	1
Matahuru	14	1
Whangape	16	1
Mangawara	17	1
Awaroa (Rotowaro) at Harris/Te Ohaki Br	18	1
Waikato at Huntly-Tainui Br	20	1
Kirikiroa	23	1
Waikato at Horotiu Br	25	1
Waikato at Bridge St Br	27	1
Waitawhiriwhiri	28	1
Mangakotukutuku	30	1
Mangawhero	35	1
Moakurarua	42	1
Little Waipa	44	1
Pokaiwhenua	45	1
Mangamingi	48	1
Waipa at Otorohanga	51	1
Waitomoat Tumutumu Rd	52	1
Mangapu	53	1
Mangarapa	55	1
Mangaharakeke	57	1
Mangarama	61	1

Mangaokewa	63	1
Waikato at Waipapa	64	1
Waiotapu at Homestead	65	1
Waipa at Mangaokewa Rd	68	1
Waipapa	70	1
Torepatutahi	72	1
Waikato at Tuakau Br	4	2
Waikato at Port Waikato	6	2
Waikato at Rangiriri	15	2
Awaroa (Rotorua) at Sansons Br	19	2
Firewood	21	2
Komakorau	22	2
Waipa at Waingarō Rd Br	24	2
Mangaone	31	2
Waipa at SH23 Br Whatawhata	34	2
Kaniwhaniwha	36	2
Mangapiko	38	2
Puniu at Bartons Corner Rd Br	40	2
Waipa at Pirongia-Ngūtunui Rd Br	43	2
Waitomo at SH31 Otorohanga	46	2
Whakauru	49	2
Tahunaatara	54	2
Otamakokore	59	2
Waipa at Otewa	60	2
Kawaunui	62	2
Waikato at Whakamaru	67	2
Mangakara	69	2
Mangakino	71	2
Mangatawhiri	1	3
Awaroa (Waiuku)	5	3
Ohaeroa	7	3
Waikato at Mercer Br	9	3

Withdrawn IN PART - See inserted Addendum

Ohote	26	3
Mangaonua	29	3
Karapiro	32	3
Waikato at Narrows	33	3
Mangauika	37	3
Mangaohoi	39	3
Waikato at Karapiro	41	3
Mangatutu	47	3
Puniu at Wharepapa	50	3
Whirinaki	56	3
Waiotapu at Campbell	58	3
<u>Tahorakuri</u>	<u>66A</u>	<u>3</u>
<u>Ohakuri</u>	<u>66B</u>	<u>3</u>
Waikato at Ohakuri	66	3
Waikato at Ohaaki	73	3
Pueto	74	3

Table 3.11-2: List of Sub-catchments showing Priority 1, Priority 2, and Priority 3 Sub-catchments

Consequential amendment arising from the creation of Sub-catchment 66A and 66B (above)

Map 3.11-2: Map of the Waikato and Waipa River catchments, showing Sub-catchments

Drafting note: Map 3.11.2 temporarily removed from this version; amendment sought as per evidence of Mr. Williamson as Figure 8 of his evidence:

Withdrawn IN PART - See inserted Addendum

PART B

Insert the following Condition to section 5.1.5 of the Waikato Regional Plan after 5.1.5 (p)iii. and before the Advisory Note.

5.1.5 Conditions for Permitted Activity Rule 5.1.4.11 and Standards and Terms for Controlled Activity Rules

Drafting note: Agree with Reporting Officer to delete

PART C

Insert the following terms into the Glossary in alphabetical order.

Additions to Glossary of Terms/Ngā Āpitihanga ki te Rārangi Kupu

~~Definition – 75th percentile nitrogen leaching value~~

~~75th percentile nitrogen leaching value: The 75th percentile value (units of kg N/ha/year) of all of the Nitrogen Reference Point values for dairy farming properties and enterprises within each Freshwater Management Unit and which are received by the Waikato Regional Council by 31 March 2019.~~

Definition – Adaptive Management

Adaptive management: means the approach to managing risk or uncertainty whilst enabling development and/or use and ensuring the protection of identified environmental values. Any adaptive management approach must satisfy the following:

- (a) The need for good baseline information about the receiving environment;
- (b) Provide for effective monitoring of adverse effects using appropriate indicators;
- (c) That thresholds are set to trigger remedial action before the effects become overly damaging; and
- (d) That any effects that might arise can be remedied before they become irreversible.

Definition - Arable cropping

Arable cropping: means the following arable crops:

- i. grain cereal, legume, and pulse grain crops
- ii. herbage seed crops
- iii. oilseeds
- iv. crops grown for seed multiplication for use in New Zealand or overseas
- v. hybrid and open pollinated vegetable and flower seeds and includes maize grain, maize silage, cereal silage, and mangels.

Definition - Best management practice/s

Best management practice/s: For the purposes of Chapter 3.11, means maximum feasible mitigation to reduce the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens from land use activities given current technology.

Definition - Certified Farm Environment Planner

Certified Farm Environment Planner: is a person or entity certified by the Chief Executive Officer of Waikato Regional Council and listed on the Waikato Regional Council website as a Certified Farm Environment Planner and has as a minimum the following qualifications and experience:

- 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.

Definition - Certified Farm Nutrient Advisor

Certified Farm Nutrient Advisor: is a person certified by the Chief Executive Officer of Waikato Regional Council and listed on the Waikato Regional Council website as a certified farm nutrient advisor and has the following qualifications and experience:

- a. Has completed nutrient management training to at least intermediate level, and
- b. Has experience in nutrient management planning.

~~Definition - Certified Industry Scheme/s~~

~~Certified Industry Scheme/s: is a scheme that has been certified by the Chief Executive Officer of Waikato Regional Council and listed on the Waikato Regional Council website as meeting the assessment criteria and requirements set out in Schedule 2 of Chapter 3.11.~~

Definition - Commercial vegetable production

Commercial vegetable production: means the following vegetables grown in New Zealand for commercial purposes:

- i. artichokes, Asian vegetables, beans, beetroot, boxthorn, broccoflower, broccoli, broccolini, Brussels sprouts, burdock, cabbage, capsicums, carrots, cauliflower, celeriac, celery, chilli peppers, chokos, courgettes, cucumbers, eggplant, Florence fennel, garland chrysanthemum, garlic, gherkins, herbs, Indian vegetables, kohlrabi, kumara, leeks, lettuces, marrows, melons, okra, parsnips, peas, puha, pumpkin, purslane, radishes, rakkyo, rhubarb, salad leaves, salsify, scallopini, scorzonera, shallots, silverbeet, spinach, spring onions, sprouted beans and seeds, squash, swedes, sweetcorn, taro, turnips, ulluco, watercress, witloof, yakon, yams, zucchinis, potatoes, tomatoes, asparagus, onions; and
- ii. the hybrids of the vegetables listed in subparagraph i.

Definition - Cultivation

Cultivation: For the purposes of Chapter 3.11, means preparing land for growing pasture or a crop and the planting, tending and harvesting of that pasture or crop, but excludes:

- a. direct drilling of seed.
- b. no-tillage practices.
- c. recontouring land.
- d. forestry.

Definition - Dairy Farming

Dairy Farming: means farming of dairy cows on a milking platform for milk production.

Definition – Decision Support Tool

Decision Support Tool: An information and accounting framework that can be used to assist with analysis and decision-making processes.

Definition - Diffuse discharge/s

Diffuse discharge/s: For the purposes of Chapter 3.11, means the discharge of contaminants that results from land use activities including cropping and the grazing of livestock and includes non-point source discharges.

Definition - Drain

Drain: For the purposes of Chapter 3.11, means an artificially created channel designed to lower the water table and/or reduce surface flood risk but does not include any modified (e.g. straightened) natural watercourse.

Definition - Drystock Farming

Drystock Farming⁽⁷⁾ : means pasture grazing beef cattle, dairy animals grazed off a milking platform, sheep, and deer for meat, wool, or velvet production.

Definition - Edge of field mitigation/s

Edge of field mitigation/s: mitigation actions or technologies to reduce loss of contaminants from farm land by intervening at edge of field either on or off-farm, and includes constructed wetlands, sedimentation ponds and detention bunds.

Definition - Enterprise/s

Enterprise/s: means one or more parcels of land held in single or multiple ownership to support the principle land use or land which the principle land use is reliant upon, and constitutes a single operating unit for the purposes of management. An enterprise is considered to be within a Sub-catchment if more than 50% of that enterprise is within the Sub-catchment.

Definition - Escherichia coli (E. coli)

Escherichia coli (E. coli)⁽⁸⁾ : is a bacterium used as an indicator that faecal contamination of the water has almost certainly occurred, so pathogens may be present in the water (Pathogen: an organism capable of causing an illness in humans).

Definition - Farm Environment Plan/s

Farm Environment Plan/s: For the purposes of Chapter 3.11, means a plan developed in accordance with Schedule 1.

Definition - Farming activities

Farming activities: For the purposes of Chapter 3.11, ~~the grazing of animals or the growing of produce, including crops, commercial vegetable production and orchard produce but not does not include planted production forest or the growing of crops on land irrigated by consented municipal wastewater discharges.~~ **includes:**

(i) The grazing of animals or the growing of produce, including crops, commercial vegetable production and orchard produce, but does not include planted production forest or the growing of crops on land irrigated by consented municipal wastewater discharges; and

(ii) Expressly allows for and includes the associated diffuse discharges associated with the land use.

Definition - Five-year rolling average

Five-year rolling average⁽⁹⁾ : means the average of modelled nitrogen leaching losses predicted by OVERSEER[®] from the most recent 5 years.

7 adapted from NIWA 2016. https://www.niwa.co.nz/our-science/freshwater/tools/kaitiaki_tools/land-use/agriculture/dry-stock

8 Ministry of Health Drinking-water Standards for New Zealand 2005 (Revised 2008) definition pg 146

9 Adapted from Freeman, M.; (ed). (2016). Using Overseer- Establishing national guidance for the appropriate and consistent use of Overseer by regional councils in setting and managing water quality limits Consultation Draft Overseer Guidance Project, Overseer Management Services Ltd. Wellington, New Zealand

Definition - Forage crop

Forage crop: means crops, annual or biennial, which are grown to be utilised by grazing or harvesting as a whole crop.

Definition - Good Management Practice/s

Good Management Practice/s: For the purposes of Chapter 3.11, means industry agreed and approved practices and actions undertaken on a property or enterprise that reduce or minimise the risk of contaminants entering a water body.

Definition - Livestock crossing structure

Livestock crossing structure: means a lawfully established structure installed to allow livestock to cross a water body.

Definition - Mahinga kai

Mahinga kai: the customary and contemporary gathering and use of naturally occurring and cultivated foods (also known as Hauanga kai).

Definition – Mitigation actions

Mitigation actions mean the measures or actions to be undertaken and committed to within a Farm Environment Plan, that manage the effects on water quality of diffuse discharges from the land use.

Definition - Microbial pathogen/s

Microbial pathogen/s⁽¹⁰⁾: A microorganism capable of inducing illness in humans.

Definition - Milking platform

Milking platform: means that area devoted to feeding cows on a daily basis during the milking season.

Definition - Nitrogen Reference Point

Nitrogen Reference Point: The nitrogen loss number (units of kg N/ha/year) ~~that is derived from an OVERSEER[®] use protocol compliant OVERSEER file~~ that describes the property or farm enterprise and farm practices in an agreed year or years developed by a Certified Farm Nutrient Advisor, using an appropriate methodology provided for under Schedule B ~~the current version of the OVERSEER model (or another model approved by the Council)~~ for the property or enterprise at the "reference" point in time.

Definition - Offset/s

Offset/s: For the purposes of Chapter 3.11 means for a specific contaminant/s an action that reduces residual adverse effects of that contaminant on water quality.

Definition - Point source discharge/s

Point source discharge: For the purposes of Chapter 3.11, means discharges from a stationary or fixed facility, including the irrigation onto land from consented industrial and municipal wastewater systems.

10 Adapted from Ministry of Health. 2008. Drinking-water Standards for New Zealand 2005 (Revised 2008). Wellington: Ministry of Health.

Definition - Restoration

Restoration: is the process of assisting the recovery of an ecosystem that has been degraded, damaged or destroyed. It is an intentional activity that initiates or accelerates an ecological pathway, or trajectory through time, towards a reference state consistent with Objective 1.

Definition - Setback

Setback: means the distance from the bed of a river or lake, or margin of a wetland.

Definition - Spring

Spring: means a water body derived from an underground source that flows year-round at a minimum flow rate of 5 L/s.

Definition - Stock unit

Stock unit: means an animal that eats 6,000 megajoules of metabolisable energy per year, and is illustrated in the following stocking rate table ⁽¹¹⁾:

Stock class	Number of Stock Units per animal	Animal performance definition
Dairy bull	6.1	620kg Friesian breeding bull
Dairy cow	10.4	450kg F8J8 dairy cow producing 400kg MS
Dairy heifer 1-2 years age	5.1	F8J8 199 – 419kg Jul to Apr
Dairy heifer calf (weaned)	1.6	F8J8 110 – 199kg Dec to Jun
Beef bull	6.0	620kg Beef cross MA breeding bull
Beef cow	7.5	480kg MA Beef cross breeding cow calving at 96%
Bull 1-2 years age	6.8	Friesian bull 209kg to 535kg slaughter weight
Steer 1-2 years age	5.8	WF steer 203kg to 478kg slaughter weight
Heifer 1-2 years age	5.7	WF heifer 208kg to 420kg slaughter weight
Steer calf < 1 year (weaned)	2.7	WF steer 100kg to 203kg Dec to Jun
Bull calf < 1 year (weaned)		Fresian 100kg to 209kg bull Dec to Jun
Heifer calf < 1 year (weaned)	1.6	WF heifer 90kg to 208kg Dec to Jun
Ram	1.0	73kg Romney ram, 4.5kg wool
Adult ewe	1.01	63kg Romney MA ewe lambing at 126%, 4.5kg wool
Sheep 1-2 years of age	0.9	Romney hogget 46kg to 66kg, 4kg wool
Sheep < 1 years of age (weaned)	0.5	Romney 26kg to 46kg from Dec to June, 2kg wool
Bucks & does < 1 year (weaned)	0.5	OVERSEER [®] default
Angora does	1.1	OVERSEER [®] default
Feral does	0.9	OVERSEER [®] default
Feral bucks & wethers	0.5	OVERSEER [®] default
Stag	2.4	Red stag 200kg, 4kg velvet
Breeding hind	2.5	Red hind 110kg, 86% fawning
Hind 1-2 years age	1.2	Red hind 53kg – 75kg
Hind fawn (weaned)	1.0	Red hind 37kg – 53kg over 4 months, annualised to 12 months
Stag 1-2 years age	2.3	Red stag 55kg – 159kg over 12 months, 2kg velvet

¹¹ Table adapted from Perrin Ag Consultants Ltd 2016. Bay of Plenty Regional Council: Methodology for creation of NDA reference files and stocking rate table; version 2. Table 1: Stocking rate table pg. 18.

Stag fawn (weaned)	1.1	Red stag 42kg – 55kg over 4 months, annualised to 12 months
Alpaca	0.8	OVERSEER [®] default
Llama	1.6	OVERSEER [®] default
Pony	6	OVERSEER [®] default
Pony brood mare w/foal	8	OVERSEER [®] default
Small hack	8	OVERSEER [®] default
Small hack broodmare w/foal	10	OVERSEER [®] default
Large hack	12	OVERSEER [®] default
Thoroughbred	12	OVERSEER [®] default
Large hack broodmare w/foal	14	OVERSEER [®] default
Milking ewe	0.9	70kg ewe producing 50kg MS
Milking goat	1.8	80kg nanny producing 140kg MS

Definition - Sub-catchment

Sub-catchment: For the purposes of Chapter 3.11, means an area of land within the Waikato River catchment representing the contributing area draining to one of 74⁽¹²⁾ 75 locations in the stream and river network, and used as the basic spatial unit for analysis and modelling.

Definition - Tangata whenua ancestral lands

Tangata whenua ancestral lands: means land that has been returned through settlement processes between the Crown and tangata whenua of the catchment, or is, as at the date of notification, Māori freehold land under the jurisdiction of Te Ture Whenua Maori Act 1993.

Definition - Vulnerable land

Vulnerable Land: for the purposes of Chapter 3.11 includes:

- a. Erosion Prone Land (Land as set by Waikato Regional Council guidance, including LUC 8 land)
- b. Riparian margins (the space of land up to 15 metres from the top of the river bed, or edge of wetland)
- c. Nitrogen Risk Areas (land with rapid groundwater travel (response) times based on proximity to a waterbody; soil and/or aquifer transmissivity); and
- d. Drainage land (Land where shallow groundwater is directly connected to surface water through a drainage network)

Definition - Woody vegetation

Woody vegetation: means indigenous vegetation, planted production forest, and any other non-pastoral vegetation (excluding weed species).

¹² Refer to Map 3.11-2.

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PART D

Consequential amendments to Waikato Regional Plan/Ngā whakatikahanga ka hua ake mō roto i te Mahere ā-Rohe a Waikato

Formatting used:

- Note that for the following text the new wording underlined and deleted wording has ~~strikethrough~~
- Blue “filling” marks different chapters/ sections of the WRP and is inserted for ease of reference only
- Italics are for information only and are not matters to be submitted on

<i>Operative Plan Provision</i>	<i>Proposed Change</i>
<i>Readers Guide</i>	
<i>Introduction</i>	<p>Add to end second para:</p> <p><u>Plan Change No.1 - Waikato and Waipa River Catchments (made operative on [date])</u></p>
<i>Abbreviations and Symbols</i>	<p>Add the following alphabetically:</p> <p>NPS FM National Policy Statement Freshwater Management</p> <p><u>FEP Farm Environment Plan</u></p> <p><u>Ha hectare</u></p> <p><u>FMU Freshwater Management Unit</u></p> <p><u>NNitrogen</u></p> <p><u>P Phosphorus</u></p> <p><u>E.coli Escherichia coli</u></p>

<i>2 Matters of Significance to Maori</i>	
<i>2.1.1 General</i>	<p>Add a new section at the end of 2.1.1:</p> <p><u>Legislation passed in 2010 and 2012* introduced a new era of co-management for the Waikato and Waipa River catchments. Co-management provides ways for iwi to manage the rivers together with central and local government. Waikato and Waipa River iwi – Ngati Maniapoto, Raukawa, Ngati Tuwharetoa, Te Arawa River Iwi and Waikato-Tainui – and Waikato Regional Council have been partners in developing the <i>Healthy Rivers: Plan for Change/ Wai Ora: He Rautaki Whakapaipai</i> project. This project was set up to assist in achieving the <i>Vision and Strategy for the Waikato River/ Te Ture Whaimana o Te Awa o Waikato</i>. This Vision and Strategy is the primary direction-setting document for the Waikato and Waipa Rivers and focuses on restoring and protecting the health and well-being of the rivers for current and future generations.</u></p>

	<p>Chapter 3.11 has arisen from the above co-management project together with the Government's National Policy Statement for Freshwater Management 2014, and specifically addresses the Waikato and Waipa River catchments.</p> <p>* <u>Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 and Nga Wai o Maniapoto (Waipa River) Act 2012.</u></p>
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3.1 Water Resources	
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3.1 Background and Explanation	<p>Add to end of para 4:</p> <p><u>Chapter 3.11 sets out more stringent provisions within the Waipa and Waikato River catchments to address the trend of degrading water quality.</u></p>
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	<p>Add new sentence as second para in section "Tangata Whenua":</p> <p><u>The Waikato and Waipa River catchments are co-managed by the Waikato and Waipa River iwi – Ngati Maniapoto, Raukawa, Ngati Tuwharetoa, Te Arawa River Iwi and Waikato-Tainui – and Waikato Regional Council. The Vision and Strategy for the Waikato River/ Te Ture Whaimana o Te Awa o Waikato is the primary direction-setting document for the Waikato and Waipa Rivers and focuses on restoring and protecting the health and well-being of the rivers for current and future generations. (Refer also to CH 3.11)</u></p>
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	<p>Amend last sentence under "Issue and Objective":</p> <p>...the objectives are found in Chapter 3.2 – 3.11 of this Plan....</p>
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3.2 Management of Water Resources	
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3.2 Water Management Classes	<p>Add as a new last paragraph:</p> <p><u>Freshwater Management Units</u></p> <p><u>In Chapter 3.11, Fresh Water Management Units and associated water quality targets have been established for the Waikato and Waipa River catchments. Within the Waikato and Waipa River catchments, these targets are used in decision-making processes guided by the objectives in Chapter 3.11 and for future monitoring of changes in the state of water quality within the catchments. With regard to consent applications for diffuse discharges or point source discharges of nitrogen, phosphorus, sediment and microbial pathogens it is not intended, nor is it in the nature of water quality targets, that they be used directly as receiving water compliance limits/standards.</u></p>
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3.2.4.1 Water Management Classes	<p>Amend 3.2.4.1(e):</p> <p>... apply to a water body as well as policies in Section 3.11.3 for waterbodies in the Waikato and Waipa River catchments, when making decisions.... the same issue and are inconsistent particular regard....</p>
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3.3.3 Water Takes - Policies	
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Policy 1 (c)	Amend Policy 1 (c):
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<p><i>(Establish Allocation and Minimum Flows for Surface Water)</i></p>	<p>...in accordance with the policies in Chapters 3.2 and 3.11 of this Plan.</p>
<p>Policy 4 (f) <i>(Establish Sustainable Yields from Groundwater)</i></p>	<p><i>Amend Policy 4(f):</i> ...in accordance with the policies in Chapters 3.2 and 3.11 of this Plan.</p>
<p>Standard 3.3.4.28 <i>(How riparian planting and stock exclusion fencing shall apply)</i></p>	<p><i>Add a new advisory note:</i> <u>In the Waikato and Waipa River catchments, refer also to Chapter 3.11.</u></p>

<p>3.4.5 <i>Implementation methods – The Use of Water</i></p>	
<p>Rule 3.4.5.6 <i>Permitted Activity Rule - Use of Water for Crop and Pasture Irrigation</i></p>	<p><i>Add a new advisory note:</i> <u>Subject to compliance with any specified requirements, reporting through a Farm Environment Plan is a valid means of supplying data under this rule.</u></p>
<p>Rule 3.4.5.7 <i>Controlled Activity Rule - Use of Water for Crop and Pasture Irrigation</i></p>	<p><i>Add a new advisory note:</i> <u>Subject to compliance with any specified requirements, reporting through a Farm Environment Plan is a valid means of supplying data under this rule.</u></p>

<p>3.5 Discharges</p>	
<p><i>Background and Explanation</i></p>	<p><i>Insert new section at end of the Background and Explanation section:</i> <u>Discharges associated with Farming Land Use</u> <u>Chapter 3.11 addresses the use of land for farming in the Waikato and Waipa River catchments including associated diffuse.</u></p>
<p>Objective 3.5.2</p>	<p><i>Amend Objective 3.5.2 by adding a new clause c) as follows (and consequential renumbering):</i> <u>c) does not have adverse effects that are inconsistent with the objectives for the Waikato and Waipa River catchments in Section 3.11.2.</u></p>

<i>Principal Reasons for adopting the Objective</i>	<i>Amend Principal Reasons for adopting the Objective:</i> ...outlined in Sections 3.1.2, <u>3.11.2</u> and 5.2.5 of this Plan....
3.5.3 Policy 2(a) <i>Managing Discharges to Water with More than Minor Adverse Effects)</i>	<i>Amend 3.5.3 Policy 2(a):</i> ... with the policies in Sections <u>3.2.3</u> and <u>3.11.3</u> of this Plan....
3.5.3 Policy 4 Discharges to Land: Advisory Note	<i>Add a new advisory note:</i> <u>In the Waikato and Waipa River catchments, refer also to Chapter 3.11.</u>
3.5.3 Policy 5(b) <i>Ground Water</i>	<i>Amend 3.5.3 Policy 5(b):</i> ... with the policies in Sections <u>3.2.3</u> and <u>3.11.3</u> of this Plan....
<i>Explanation and Principal Reasons for Adopting the Policies</i>	<i>Add at the end of Policy 2 para:</i> <u>The cross reference to Section 3.11.3 recognises the specific water quality objectives sought to be achieved for the Waikato and Waipa River catchments through Chapter 3.11.</u> <i>Add at the end of Policy 6 para.:</i> <u>Chapter 3.11 addresses how water quality aspects of the Vision and Strategy will be given effect to in the Waikato and Waipa River catchments.</u>
Rule 3.5.5.1 <i>Permitted Activity Rule - Discharge of Farm Animal Effluent onto Land</i>	<i>Amend opening of rule:</i> The <u>point-source</u> discharge of contaminants onto land...
<i>Advisory Notes to Rule 3.5.5.1 Permitted Activity Rule - Discharge of Farm Animal Effluent onto Land</i>	<i>Add new bullet point:</i> <u>Diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens associated with use of land for farming in the Waikato and Waipa River catchments are addressed in Chapter 3.11.</u>
Rule 3.5.5.2 <i>Permitted Activity Rule - Discharge of Feed Pad and</i>	<i>Amend opening of rule:</i> The <u>point-source</u> discharge of feed pad...

<p><i>Stand-Off Pad Effluent onto Land</i></p>	
<p><i>Advisory Notes to Rule 3.5.5.2</i></p> <p><i>Permitted Activity Rule - Discharge of Feed Pad and Stand-Off Pad Effluent onto Land</i></p>	<p><i>Add new bullet point:</i></p> <p><u>Diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens associated with use of land for farming in the Waikato and Waipa River catchments are addressed in Chapter 3.11.</u></p>
<p><i>Rule 3.5.5.3</i></p> <p><i>Controlled Activity Rule - Existing Discharge(s) of Effluent from Pig Farms onto Land</i></p>	<p><i>Amend opening of rule:</i></p> <p>The <u>point-source</u> discharge of contaminants ...</p>
<p><i>Advisory Notes to Rule 3.5.5.3</i></p> <p><i>Controlled Activity Rule - Existing Discharge(s) of Effluent from Pig Farms onto Land</i></p>	<p><i>Add new bullet point:</i></p> <p><u>Diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens associated with use of land for farming in the Waikato and Waipa River catchments are addressed in Chapter 3.11.</u></p>
<p><i>Rule 3.5.5.4</i></p> <p><i>Discretionary Activity Rule - Discharge of Effluent onto Land</i></p>	<p><i>Amend opening of rule:</i></p> <p>The <u>point-source</u> discharge of farm...</p>
<p><i>Advisory Notes to Rule 3.5.5.4</i></p> <p><i>Discretionary Activity Rule - Discharge of Effluent onto Land</i></p>	<p><i>Add new bullet point:</i></p> <p><u>Diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens associated with use of land for farming in the Waikato and Waipa River catchments are addressed in Chapter 3.11.</u></p>
<p><i>Rule 3.5.5.5</i></p> <p><i>Discretionary Activity Rule - Discharge of</i></p>	<p><i>Amend opening of rule:</i></p> <p>Except as provided for by Rule 3.5.4.6, the <u>point-source</u> discharge of treated...</p>

<i>Treated Effluent to Water</i>	
<i>Advisory Notes to Rule 3.5.5.5 Discretionary Activity Rule - Discharge of Treated Effluent to Water</i>	<p>Add new bullet point:</p> <p><u>Diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens associated with use of land for farming in the Waikato and Waipa River catchments are addressed in Chapter 3.11.</u></p>
<i>Rule 3.5.5.6 Prohibited Activity Rule - Discharge of Untreated Animal Effluent</i>	<p>Amend opening of rule:</p> <p>The <u>point-source</u> discharge of untreated...</p>
<i>Explanation and Principal reasons for adopting methods 3.5.5.1 to 3.5.5.6</i>	<p>Add a new sentence at the end of first para:</p> <p><u>Additional methods are provided in Chapter 3.11 to manage diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens associated with farming land uses within the Waikato and Waipa River catchments.</u></p>
<i>Rule 3.5.10.2 Controlled Activity Rule - Take, Diversion and Discharge of Water Pumped from Existing Drainage and Flood Control Schemes</i>	<p>Add new clause (v) to Rule 3.5.10.2:</p> <p><u>(v) In the case of the Waikato and Waipa River catchments, measures that recognise and provide for the objectives in Chapter 3.11.</u></p>
3.6 Damming & Diverting	
<i>Objective 3.6.2 (a)</i>	<p>Amend Objective 3.6.2:</p> <p>(a)...in Sections <u>3.1.2 and 3.11.2</u></p>
<i>Principal Reasons for Adopting the Objectives</i>	<p>Amend first sentence:</p> <p>... in Sections <u>3.1.2 and 3.11.2</u> and for...</p>
3.7 Wetlands	
<i>Objective 3.7.2</i>	<p>Amend the wording:</p>

	Refer to Objectives 3.1.2 and 3.11.2 Objective 6.
<i>Policies 3.7.3</i> <i>Explanation and Principal Reasons</i>	<i>Add a sentence at end of Explanation and Principal Reasons:</i> <u>For Whangamarino Wetland refer also to Section 3.11.2 Objective 6 and Section 3.11.3 Policy 15.</u>
<i>Rule 3.7.4.6</i> <i>Advisory note</i> <i>Discretionary Activity Rule - Creation of New Drains and Deepening of Drain Invert Levels</i>	<i>Amend advisory note first bullet:</i> <u>...Policy 1 of Section 3.7.3 and for Whangamarino Wetland, Section 3.11.2 Objective 6 and Section 3.11.3 Policy 15.</u>
<i>Rule 3.7.4.7</i> <i>Discretionary Activity Rule - Drainage of Wetlands</i>	<i>Amend advisory note first bullet:</i> <u>...Policy 1 of Section 3.7.3 and for Whangamarino Wetland, Section 3.11.2 Objective 6 and Section 3.11.3 Policy 15.</u>
<i>Explanation and Principal Reasons for Adopting Methods 3.7.4.1 to 3.7.4.7</i>	<i>Amend first para:</i> <u>...to achieve Objectives 3.1.2 and 3.11.2 Objective 6.... Other methods in Chapters 3.4, 3.5, 3.6, 3.11,....</u>
3.8 Drilling	
3.8.2 Objective	<i>Amend Objective 3.8.2 (a):</i> <u>a)... in sections 3.1.2 and 3.11.2</u>
3.9 Non-Point Source Discharges	
<i>New section proposed</i>	<i>Add a new para after the Background and Explanation section:</i> <u>The Relationship between Chapter 3.9 and Chapter 3.11</u> <u>With regard to the Waikato and Waipa River catchments, the objectives, policies, methods (including rules) in this chapter should be read in conjunction with the provisions of Chapter 3.11. Where there is any inconsistency between this Chapter and Chapter 3.11, the provisions of Chapter 3.11 prevail.</u>
Objective 3.9.2	<i>Amend Objective 3.9.2:</i> <u>...Objectives 3.1.2 and 3.11.2</u>

<p><i>Explanation and Principal Reasons for Adopting the Policies</i></p>	<p><i>Amend last sentence of last para under Policy 2:</i></p> <p>... Lake Taupo <u>and Waikato/Waipā River</u> catchments...as detailed in Sections 3.10 <u>and 3.11</u> respectively.</p> <p><i>Add a last sentence at end of para on Policy 3:</i></p> <p><u>In the Waikato and Waipā River catchments, Rule 3.11.5.3 applies.</u></p>
<p><i>Rule 3.9.4.11</i></p> <p><i>Permitted Activity Rule - Fertiliser Application</i></p>	<p><i>Add opening words:</i></p> <p><u>Except as otherwise provided for, or restricted by an approved Farm Environment Plan, in accordance with the provisions and requirements of Chapter 3.11, (which applies in the Waikato and Waipā River catchments)</u>the discharge of fertiliser...</p>
<p><i>Explanation and Principal Reasons for Adopting Methods</i></p>	<p><i>Add to end of first para:</i></p> <p><u>For rules and methods relating to the Waikato and Waipā River catchments – refer also to provisions in Chapter 3.11.</u></p> <p><i>Add to end of Method 3.9.4.7:</i></p> <p><u>Refer to Chapter 3.11 for stock exclusion rules that apply in the Waikato and Waipā River catchments.</u></p> <p><i>Add to middle of Method 3.9.4.10:</i></p> <p>Apart from within the Lake Taupo Catchment <u>and Waikato and Waipā River catchments</u>, Waikato Regional</p>

<p><i>4.2 River and Lake bed structures</i></p>	
<p><i>4.2.2 Objective</i></p>	<p><i>Amend Objective 4.2.2 (b):</i></p> <p>...Objectives <u>3.1.2 and 3.11.2.</u></p>
<p><i>Principal Reasons for Adopting the Objective</i></p>	<p><i>Amend the para relating Part b):</i></p> <p>...and Objectives <u>3.1.2 and 3.11.2</u> in the Water module.</p>
<p><i>4.2.3 Policy 2 (Management of Structures)</i></p>	<p><i>Amend 4.2.3 Policy 2 (b):</i></p> <p>...in Sections <u>3.2.3 and 3.11.3...</u></p>
<p><i>Rule 4.2.8.2</i></p> <p><i>Controlled Activity Rule - Bridges</i></p>	<p><i>Amend Rule 4.2.8.2 matter (vii):</i></p> <p>...Water Management Class in this Plan <u>and in the case of the Waikato and Waipā River catchments, the relevant water quality objectives in Chapter 3.11.</u></p>
<p><i>Rule 4.2.8.3</i></p> <p><i>Restricted Discretionary Activity Rule - Bridges</i></p>	<p><i>Amend Rule 4.2.8.3 matter (xi):</i></p> <p>...Water Management Class in this Plan <u>and in the case of the Waikato and Waipā River catchments, the relevant water quality objectives in Chapter 3.11.</u></p>

<p><i>Rule 4.2.9.3</i></p> <p><i>Controlled Activity Rule - Culverts for Catchment Areas Not Exceeding 500 Hectares</i></p>	<p><i>Amend Rule 4.2.9.3 matter (xii):</i></p> <p>...Water Management Class in this Plan <u>and in the case of the Waikato and Waipa River catchments, the relevant water quality objectives in Chapter 3.11.</u></p>
<p><i>Rule 4.2.10.1</i></p> <p><i>Permitted Activity Rule - Discharge and Intake structures</i></p>	<p><i>Amend Rule 4.2.10.1 condition (n):</i></p> <p>...Water Management Classes in Section 3.2.4 of this Plan <u>and in the case of the Waikato and Waipa River catchments, the relevant water quality objectives in Chapter 3.11.</u></p>
<p><i>Rule 4.2.11.2</i></p> <p><i>Restricted Discretionary Activity Rule - Fords</i></p>	<p><i>Amend Rule 4.2.11.2 matter xi):</i></p> <p>...Water Management Classes in this Plan <u>and in the case of the Waikato and Waipa River catchments, the relevant water quality objectives in Chapter 3.11.</u></p>
<p><i>Rule 4.2.16.1</i></p> <p><i>Controlled Activity Rule - Channel Training Structures</i></p>	<p><i>Amend Rule 4.2.16.1 matter (xi):</i></p> <p>...Water Management Classes <u>and in the case of the Waikato and Waipa River catchments, the relevant water quality objectives in Chapter 3.11.</u></p>
<p><i>Rule 4.2.20.3</i></p> <p><i>Controlled Activity Rule - Removal or Demolition of Structures</i></p>	<p><i>Amend Rule 4.2.20.3 matter (x):</i></p> <p>...Water Management Classes in Section 3.2.4 of this Plan <u>and in the case of the Waikato and Waipa River catchments, the relevant water quality objectives in Chapter 3.11.</u></p>
<p><i>4.3 River and Lake Bed Disturbances</i></p>	
<p><i>4.3.1 Issue 4</i></p>	<p><i>Amend 4.3.1 Issue 4 (c):</i></p> <p>...inconsistent with Chapters 3.1 <u>and 3.11</u></p>
<p><i>4.3.2 Objective</i></p>	<p><i>Amend Objective 4.3.2 (b):</i></p> <p>...with objectives in Chapters 3.1 <u>and 3.11</u></p> <p><i>Amend Objective 4.3.2 (l):</i></p> <p>...with objectives in Chapters 3.1 <u>and 3.11</u></p>

<i>Principal Reasons for Adopting the Objective</i>	<p><i>Amend para relating to Part b):</i></p> <p>... objectives in Chapters 3.1 and 3.11 of this Plan</p> <p><i>Amend para relating to Part l):</i></p> <p>... in Chapters 3.1 and 3.11</p>
<i>4.3.3. Policy 1 (Bed and Bank Alterations and Extraction of Sand, Gravel and Other Bed Material)</i>	<p><i>Amend 4.3.3. Policy 1 (b):</i></p> <p>...in Section 3.2.3 and the objectives in Section 3.11.2, or...</p>
<i>4.3.3 Policy 3 (Clearance of Vegetation)</i>	<p><i>Amend 4.3.3 Policy 3 (a):</i></p> <p>...in Chapters 3.2 and 3.11</p>
<i>Explanation and Principal Reasons for Adopting the Policies</i>	<p><i>Add to the end of the paragraph relating to Policy 4:</i></p> <p><u>For the Waikato and Waipa River catchments, regulatory provisions are set out in Chapter 3.11.</u></p>
<i>Method 4.3.5.3 Livestock access</i>	<p><i>Add a new first sentence:</i></p> <p><u>The Waikato and Waipa River catchments are excluded from this method and are addressed in Chapter 3.11.</u></p>
<i>Rule 4.3.5.4 Permitted Activity Rule - Livestock on the Beds and Banks of Priority One Water Bodies</i>	<p><i>Amend opening words of Rule 4.3.5.4:</i></p> <p>...any water body <u>within the Waikato and Waipa River catchments or any water body mapped in the</u></p>
<i>Rule 4.3.5.4 Advisory Note</i>	<p><i>Add a new first bulletpoint:</i></p> <ul style="list-style-type: none"> • <u>Controls on livestock in the Waikato and Waipa River catchments are set out in Chapter 3.11.</u>
<i>Rule 4.3.5.5 Discretionary Activity Rule - Livestock on the Beds and Banks of Priority One water Bodies</i>	<p><i>Amend opening words to rule 4.3.5.5:</i></p> <p>... Livestock Exclusion Area <u>where that Livestock Exclusion Area is outside the Waikato and Waipa River catchments:</u></p>
<i>Rule 4.3.5.5</i>	<p><i>Add a new first bulletpoint:</i></p>

Advisory Note	<ul style="list-style-type: none"> • <u>Controls on livestock access to water bodies in the Waikato and Waipa River catchments are set out in Chapter 3.11.</u>
4.3.5.6 Non-Complying Activity - Livestock on the Beds and Banks of Rivers and Lakes	<p>Amend opening words to Rule 4.3.5.6:</p> <p>Except as provided for in Rules 4.3.5.4 and 4.3.5.5 <u>or within the Waikato and Waipa River catchments, the rules set out in Chapter 3.11,...</u></p>
Rule 4.3.5.6 Advisory Note	<p>Add a new first bullet point:</p> <ul style="list-style-type: none"> • <u>Controls on livestock in the Waikato and Waipa River catchments are set out in Chapter 3.11.</u>
Explanation and Principal Reasons for Adopting Methods	<p>Add a new first sentence:</p> <p><u>The access of stock to waterbodies in the Waikato and Waipa River catchments are addressed in Chapter 3.11.</u></p>
Rule 4.3.6.2 Controlled Activity Rule - Extraction of Bed Material and Disturbance of River and Lake Beds associated with Lawfully Established Structures	<p>Amend 4.3.6.2 matter xiii):</p> <p>... Water Management Classes in this Plan <u>and in the case of the Waikato and Waipa River catchments, the water quality objectives in Chapter 3.11.</u></p>

5.1 Accelerated Erosion	
Background and Explanation	<p>Add a new paragraph after the paragraph entitled Background and Explanation:</p> <p><u>Relationship between Chapter 5.1 and Chapter 3.11.</u></p> <p><u>Within the Waikato and Waipa River catchments, the diffuse discharge of sediment to water as a result of the use of land for farming is regulated by Chapter 3.11. Those requirements are separate to and distinct from the matters regulated in Chapter 5.1. The requirements of Chapter 5.1 and 3.11 must, therefore, be read together.</u></p>
5.1.2 Objective	<p>Amend 5.1.2(b):</p> <p>...Objectives <u>3.1.2 and 3.11.2</u></p>
Principal Reasons for Adopting the Objective	<p>Amend 4th para:</p> <p>...Objectives <u>3.1.2 and 3.11.2</u> establishesin Chapters <u>3.2 and 3.11</u> of this Plan.</p>

<p>5.1.4.11</p> <p><i>Permitted Activity Rule - Soil Disturbance, Roding and Tracking and Vegetation Clearance</i></p>	<p><i>Add new advisory note:</i></p> <p><u>With regard to the clearance of vegetation or planted production forest in the Waikato and Waipa River catchments, note that subsequent land use may be regulated by Rule 3.11.5.7.</u></p>
<p>5.1.4.12</p> <p><i>Permitted Activity Rule - Soil Cultivation Adjacent to water Bodies</i></p>	<p><i>Amend opening statement:</i></p> <p>Except as controlled by rules 7.2.6.1 and 7.2.6.2, or in the Waikato and Waipa River catchments, as required <u>by rule 3.11.5.2, or by an approved Farm Environment Plan developed under Rules 3.11.5.3 or 3.11.5.4 or 3.11.5.5,</u> soil cultivation not less than...</p>
<p>5.1.4.13</p> <p><i>Discretionary Activity Rule - Soil Disturbance, Roding and Tracking and Vegetation Clearance</i></p>	<p><i>Add to the beginning of Clause 2:</i></p> <p><u>Except as allowed by an approved Farm Environment Plan developed under rules 3.11.5.3 or 3.11.5.4 or 3.11.5.5,</u> <u>Soil cultivation...</u></p> <p><i>Add new advisory note:</i></p> <p><u>With regard to the clearance of vegetation or planted production forest in the Waikato and Waipa River catchments, note that subsequent land use may be regulated by Rule 3.11.5.7.</u></p>
<p>5.1.4.14</p> <p><i>Controlled Activity Rule - Soil Disturbance, Roding and Tracking and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas</i></p>	<p><i>Add an advisory note:</i></p> <p><u>With regard to the clearance of vegetation or planted production forest in the Waikato and Waipa River catchments, note that subsequent land use may be regulated by Rule 3.11.5.7.</u></p>
<p>5.1.4.15</p> <p><i>Discretionary Activity Rule - Soil Disturbance, Roding and Tracking and Vegetation Clearance, Riparian Vegetation</i></p>	<p><i>Add an advisory note:</i></p> <p><u>With regard to the clearance of vegetation or planted production forest in the Waikato and Waipa River catchments, note that subsequent land use may be regulated by Rule 3.11.5.7.</u></p>

Clearance in High Risk Erosion Areas	
Explanation and Principal Reasons for Adopting Methods	<p>Add to end of para that deals with Method 5.1.4.5:</p> <p><u>Within the Waikato and Waipa River catchments, there are policy and regulatory provisions that require the development of Farm Environment Plans for some land uses (refer Chapter 3.11).</u></p> <p>Add to end of para that deals with Method 5.1.4.9:</p> <p><u>A regulatory approach has been introduced for the Waikato and Waipa River catchments in Chapter 3.11.</u></p>
5.2 Discharges onto or into land	
Integration with Water and Air Management	<p>Add to para 3:</p> <p>...discussed in Chapters 3.5 and 3.11.</p>
5.2.2 Objective	<p>Amend clause b):</p> <p>...in Section 3.1.2 or the objectives for the Waikato and Waipa River catchments in Section 3.11.2.</p>
5.2.3 Policy 2 Other Discharges Onto or Into Land	<p>Amend 5.2.3 Policy 2(b):</p> <p>...in Sections 5.1.3 and 3.11.3</p> <p>Amend 5.2.3 Policy 2(c):</p> <p>... in Section 3.2.3.3 or in the Waikato and Waipa River catchments, the water quality objectives in Section 3.11.2</p>
Explanation and Principal Reasons for adopting Methods 5.2.5.1 to 5.2.5.8	<p>Add as a last sentence to the opening paragraph:</p> <p><u>For activities in the Waikato and Waipa River catchments, refer also to the objectives and policies in Chapter 3.11.</u></p>
5.3 Contaminated Land	
Objective 5.3.2	<p>Amend clause b):</p> <p>...in Sections 3.1.2 and 3.11.2</p>
Principal Reasons for adopting the Objective	<p>Amend 3 para:</p> <p>...in Chapters 3.1, 3.11 and 6.1.</p>
Glossary of Terms	

<i>property</i>	<p><i>Amend definition of "property":</i></p> <p>For the purposes of Chapters 3.3, and 3.4 <u>and 3.11</u> means one or more allotments contained in single certificate of title, and also includes all adjacent land that is in the same ownership but contained in separate certificates of title. <u>For the purpose of Rules 3.11.5.3 and 3.11.5.4, a property is considered to be within a sub-catchment if more than 50% of that property is within the sub-catchment.</u></p>
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HE TAIAO MAURIORA

HEALTHY ENVIRONMENT

HE ŌHANGA PAKARI

STRONG ECONOMY

HE HAPORI HIHIRI

VIBRANT COMMUNITIES

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Withdrawn IN PART - See inserted Addendum