



To: **Waikato Regional Council**

Further Submission on: **PROPOSED WAIKATO REGIONAL PLAN
CHANGE 1: WAIKATO AND WAIPĀ RIVER
CATCHMENTS AND VARIATION 1 TO PROPOSED
WAIKATO REGIONAL PLAN CHANGE 1:
WAIKATO AND WAIPĀ RIVER CATCHMENTS**

From: DairyNZ

Date: 17 September 2018

Address for service

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1. INTRODUCTION

This is a Further Submission in relation to the Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments and Variation 1 to Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments. DairyNZ made submissions on Proposed Plan Change 1 and Variation 1. DairyNZ is making this Further Submission to Beef and Lamb NZ Ltd original submissions because, as the industry good organisation representing New Zealand's dairy farmers, it has an interest in the proposed plan which is greater than the general public's interest.

DairyNZ's support or opposition to original submissions is outlined in the attached table together with its reasoning and confirmation of the relief sought.

DairyNZ wishes to be heard in support of its Further Submission and, is willing to consider presenting a joint case at hearing with other submitters addressing similar issues.

I can confirm that I am authorised to make this Further Submission on DairyNZ's behalf.



Justine Young
Senior Policy Advisor
Dairy NZ

17 September 2018

Table 1: Further Submission on Beef and Lamb NZ Ltd original submissions

Submitter	Provision And submission point ID	General theme of submission point	Decision sought	Support or oppose	Reason	Decision sought
Beef and Lamb NZ Ltd	General PC1V1 1706	General	<p>AMEND V1 and PPC1 and re-notify inclusive of an amended and strengthened sub-catchment approach.</p> <p>AND AMEND V1 and PPC1 and re-notify inclusive of modified objectives, policies, rules and methods applying to the management of nitrogen.</p> <p>AND DELETE policies and methods including rules applying to managing nitrogen discharges.</p> <p>AND AMEND to include an alternative nitrogen management and allocation method, in accordance with the submission and with the following principles [see the 14 principles outlined on page 12-14 of the full submission] for the allocation of nutrients.</p> <p>AND AMEND to adopt Land Use Capability as a proxy for natural capital as an allocation approach within V 1 and PPC1 now.</p> <p>AND DELETE all references in V1 and PPC1 to Land Use Suitability (LUS) (including Policy 2 and 7, Rules 3.11.5.2 to 3.11.5.7, Schedule B and all other areas in PC1 which refer to the Nitrogen Reference Point).</p>	Support in part oppose in part	The submission is a broadcast set of provisions which cannot be assessed as to implications for plan users.	Do not allow the parts of the submission where no alternative is proposed or described in a way that can be assessed as to implications for plan users.

		<p>AND AMEND so that N discharge/leaching standards/allocations are established based not on existing use and discharge profiles, but on the underlying natural capacity of soils and within the assimilative capacity of water.</p> <p>AND AMEND so that allocation methods achieve the limits and targets set by proposed V1 and PPC1 and the Objectives of PPC1.</p> <p>AND AMEND PPC1 and V1 to apply Land Use Capability (LUC) as the allocation approach rather than grandparenting low leaching land uses to their NRP.</p> <p>AND AMEND so that nitrogen loads are allocated within (sub) catchments in such a way that there is an equitable allocation of total catchment nitrogen load to all users/activities who may wish to use the available resource.</p> <p>AND AMEND to establish a nutrient transfer regime for nutrient user groups within sub-catchments, where catchment loads and limits have been established but only where any allocation methods are not based on current discharges (NRP) or land use. Transfer regimes are to enable nitrogen loss reductions to be achieved at least cost and to enable and encourage maximum efficiency and flexibility of resource use and to optimise economic benefits. Nutrient transfer systems must meet the following conditions:</p> <p><input type="checkbox"/> The initial allocation system meets all of the allocation principles;</p>			
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			<ul style="list-style-type: none"> ☒ Only occurs within a sub-catchment or watershed and only within a nutrient user/Catchment Collective Groups; ☒ The transferable portion of the resource (e.g. nitrogen) only pertains to the load which achieves the desired environmental outcomes; and ☒ Result in improved economic outcomes and land use optimisation. 			
Objective 3 PC1V1 1660	Extend timeframes, allow sub catchment approach	<p>APPLY decision requested in accordance with the submitter's PPC1 submission PC1-11482: [AMEND Objective 3 so that it provides for and enables management approaches tailored to the sub-catchment unit or waterbody and which specifically focus on the issues identified for that waterbody (i.e. in some catchments it may be Nitrogen but in others it may be sediment). AND DELETE reference to 10 percent of the required change. AND AMEND Table 3.11-1 so that the interim targets and timeframes recognise and provide for the Economic and Social well-being of people and communities including implications for actions, investments, ongoing management changes and any social, cultural or economic implications. AND AMEND Objective 3 by extending timeframes to longer than 10 years, preferably 30 years.]</p>	Support in part Oppose in part	The submission introduces new principles without setting out implications or reasons under the RMA, including the concept of a 30 year 'first stage'.	Do not allow the part of the submission that deletes the 10% change and extends the timeframes.	
Table 3.11-1	Range of changes requested to the Table of	RETAIN the decision requested as set out in the submission to PPC1 [see submission point 1658].	Support in part oppose in part	The submitter is proposing new numerical outcomes in Table 3.11-1	Allow the parts of the submission related to	

PC1V1 675	water quality attributes.	<p>AND AMEND Table 3.11-1 to make a clear distinction between what are freshwater objectives, attribute, limits and targets.</p> <p>AMEND Table 3.11-1 to include both the allowable in-stream load and maximum allowable zone load for nitrogen for all sub-catchments and Freshwater Management Units.</p> <p>AND AMEND to ensure nitrogen loads are provided which related to the current in-stream nitrogen concentrations and the desired in-stream nitrogen concentrations.</p> <p>AND AMEND to ensure the nitrogen in-stream concentrations are set at levels which provide for the ecological health of freshwater and sustainable management of natural resources.</p> <p>AND AMEND to adopt numerical limits that are appropriate to achieving desired outcomes and are applied at appropriate levels of flow that match the values, rather than levels reflective of 1863.</p> <p>AMEND Table 3.11-1 to include the MCI, nitrogen and phosphorus in-stream concentrations as set out in the table on page 17 and 21 of the submission.</p> <p>AND AMEND Table 3.11-1 to ensure the numerical outcomes recognise and provide for the values in 3.11.1 and objectives in 3.11.2.</p> <p>AND AMEND Table 3.11-1 so that numerical parameters provide for the values of freshwater, including safeguarding the life supporting capacity of freshwater, cultural and primary production values, and meet the Objectives of PPC1. In</p>		<p>without technical justification, particularly for Total N, Total P, and MCI. DairyNZ prefers to rely on the extensive research and justification in the development of PPC1 change, and the input from Waikato River Iwi and Collaborative Stakeholder Group about how the values relate to the Vision and Strategy and how they should be given effect to.</p> <p>DairyNZ is not able to ascertain the implications of much of the relief sought. Some aspects of the submission on Table 3.11-1 will assist plan users, including the acknowledgement of flood and high flows</p>	<p>language alignment with national policy statement (NPS-FM), and implementation guidance, and disallow the parts of the submission where no clarity as to relief sought or where submitter has proposed alternatives that cannot be justified according to the current technical understanding (amendments to in-stream conc).</p>
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		<p>particular, the E.coli and clarity numerical parameters (Freshwater Objectives) are to be amended so that they can take into account flow and background contaminant levels, natural events and regional and nationally significant infrastructure, and are commensurate with the level of pathogenic risk for contact recreation and cultural values. E.coli and clarity numerical parameters (Freshwater Objectives) should not apply during higher flow events (i.e. above 2x the medium flow), or during the flow recession curve, The approach adopted in the Horizons region is supported (see suggested wording for E.coli and visual clarity above). AND AMEND to adopt the approach taken by Horizons Regional Council:</p> <p><u>"E.coli 260/100 ml < 50th percentile applies 1 November to 30 April when the river is below medium flow: E.coli 550/100 ml < 20th percentile the concentration of E.coli must not exceed 550 per 100 ml year round when flow is at or below the 20th flow exceedance percentile (i.e. not in the top 20 percent of flows)</u></p> <p><u>The visual clarity of the water measured as the horizontal sighting range of a black disc must equal or exceed [Table 3.11-1 numerical parameter given in meters] when the river is at or below medium flow (the 50th flow exceedance percentile)."</u></p> <p>AND AMEND Table 3.11-1 following implementation of Policy CA2 such that it gives the effect to Policy CA2 (f) (iv) and (v) and Policy CA3 of the NPSFM.</p>		<p>and peaks of some contaminants during this time. However, the application of Table 3.11-1 is explained in PPC1, which may be the most appropriate way to allow for changes to meet some of the concerns raised.</p>	
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			<p>AND AMEND to set numerical outcomes (limits/targets, including interim targets) at levels which give effect to the NPSFM. In particular Policies CA2 and CA3.</p> <p>AND AMEND to consider the provision of economic well-being, including economic opportunities.</p> <p>AND AMEND to provide for water quality below national bottom lines which results from natural processes and the impacts of nationally and regionally significant infrastructure.</p> <p>AND AMEND Table 3.11-1 numerical water quality targets to freshwater objectives as appropriate (i.e. chlorophyll a, clarity, E. coli) and remove these parameters from Table 3.11-1 and hold as numerical objectives.</p>			
Table 3.11-1	PC1V1 1658	Changes to Table 3.11-1 to insert proposals for nitrogen and potential method for allocating to a per property level.	<p>APPLY decision requested in accordance with the submitter's PPC1 submission PC1-11158:</p> <p>[AMEND Table 3.11-1 so that the numerical outcomes recognise and provide for the values under Section 3.11.1 Objective 1A.</p> <p>AND AMEND numerical outcomes (limits/targets, including interim targets) at levels which give effect to the National Policy Statement for Freshwater Management (2014) and in particular Policies CA2 and CA3.</p> <p>AND AMEND to consider the provision of economic well-being, including economic opportunities.</p> <p>AND AMEND to provide for water quality below national bottom lines which results from natural processes and/or from the impacts of national and regionally significant infrastructure.</p>	Support in part oppose in part	The submitter is proposing that it is possible to set a discharge per hectare per year on the available information. This, and other relief sought is not able to be justified and does not give effect to the RMA. A per property allocation of nitrogen is not supported by DairyNZ in this plan, including the	Do not allow the submission except for the parts of the submission related to language alignment with national policy statement (NPS-FM), and implementation guidance.

		<p>AND AMEND to adopt numerical limits that are appropriate to achieving desired outcomes and are applied at appropriate levels of flow that match the values. APPLY decision requested in accordance with the submitter's PPC1 submission PC1-11158: [AMEND Table 3.11-1 so that the numerical outcomes recognise and provide for the values under Section 3.11.1 Objective 1A. AND AMEND numerical outcomes (limits/targets, including interim targets) at levels which give effect to the National Policy Statement for Freshwater Management (2014) and in particular Policies CA2 and CA3. AND AMEND to consider the provision of economic well-being, including economic opportunities. AND AMEND to provide for water quality below national bottom lines which results from natural processes and/or from the impacts of national and regionally significant infrastructure. AND AMEND to adopt numerical limits that are appropriate to achieving desired outcomes and are applied at appropriate levels of flow that match the values. AND AMEND so that the interim targets and timeframes recognise and provide for the Economic and Social well-being of people and communities including implications for actions, investments, ongoing management changes and any social, cultural or economic implications. AND AMEND Table 3.11-1 interim targets so that they apply at a longer time frame such as 30 years, for those</p>	<p>potential method set out in the submission.</p> <p>DairyNZ prefers to rely on the extensive research and justification in the development of PPC1 change, and the input from Waikato River Iwi and Collaborative Stakeholder Group about how the values relate to the Vision and Strategy and how they should be given effect to.</p> <p>DairyNZ is not able to ascertain the implications of much of the relief sought. Some aspects of the submission on Table 3.11-1 will assist plan users, including the acknowledgement of flood and high flows</p>	
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		<p>parameters which are significantly over allocated now AND AMEND the interim targets so that they progressively reduce over allocation at a rate and scale which provides for people and community resilience including economic wellbeing.</p> <p>AND AMEND Table 3.11-1 so that PPC1 provides a pathway for individuals and communities to work together to achieve the Vision and Strategy over the long term.</p> <p>AND AMEND Policy 1 and Table 3.11-1 OR ADD a NEW Policy which sets out the:</p> <p>a) Current Nitrogen load (footnote: Current Nitrogen load includes both the Allowable in-stream nitrate load to achieve current in-stream Nitrogen concentration and the Maximum Allowable Zone Load (MAZL) which accounts for attenuation and provides the load that can be allocated to land)</p> <p>b) Desired Nitrogen load (footnote: Desired Nitrogen load includes both the Allowable in stream nitrate load to achieve the desired in-stream Nitrogen concentration, and the Maximum Allowable Zone Load (MAZL) which accounts for attenuation and provides the load that can be allocated to land)</p> <p>c) Nitrogen discharge rate/ha/year to achieve current Nitrogen load</p> <p>d) Nitrogen discharge rate/ha/year to achieve the desired Nitrogen load</p>		<p>and peaks of some contaminants during this time. However, the application of Table 3.11-1 is explained in PPC1, which may be the most appropriate way to allow for changes to meet some of the concerns raised.</p>	
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		<p>AND AMEND Table 3.11-1 and PPC1 Objectives to make a clear distinction between what are Freshwater Objectives, Attributes, limits and targets. Freshwater Objectives would include values of freshwater such as cultural, ecological, primary production, commercial, and recreational and may include numerical parameters for periphyton, chlorophyll a, macroinvertebrate community indices (MCI) and sediment and clarity.</p> <p>AND AMEND Table 3.11-1 to include the allowable instream load and maximum allowable zone load (MAZL) for Nitrogen for all sub-catchments and Freshwater Management Units. Nitrogen loads should be provided which relate to:</p> <p>current instream Nitrogen concentrations and desired instream Nitrogen concentrations. The instream loads should form the basis of an allocation framework for Nitrogen, if allocation frameworks are deemed necessary, to assist with achievement of the Objectives of PPC1.</p> <p>AND AMEND Table 3.11-1 so that numerical cultural and primary production values, and meet the Objectives of PPC1. In particular, the E.coli and clarity numerical parameters (Freshwater Objectives) are to be amended so that they can take into account flow and background contaminant levels, natural events and regional and nationally significant infrastructure, and are commensurate with the level of pathogenic risk for contact recreation and cultural values.</p> <p>E.coli</p>			
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			<p>and clarity numerical parameters (Freshwater Objectives) should not apply during higher flow events (i.e. above 2x the medium flow), or during the flow recession curve, The approach adopted in the Horizons region is supported (see suggested wording for E.coli and visual clarity above).</p> <p>AND AMEND Table 3.11-1 following implementation of Policy CA2 such that it gives the effect to Policy CA2 (f) (iv) and (v) and Policy CA3 of the National Policy Statement for Freshwater Management 2014.]</p>			
	<p>Policy 1 PC1 V 1 1661</p>	<p>Range of relief sought for allocation options and thresholds for low intensity land uses</p>	<p>APPLY decision requested in accordance with the submitter's PPC1 submission PC1-11485: [AMEND Policy 1 to enable land uses which are less than or equal to 20 hectares, or which are leaching at or less than the 'sustainable level' (Footnote: 'Sustainable level' can be defined as either a kg liveweight per ha relative to land use capability (LUC) or Nitrogen kg discharge rate per hectare (kgN/ha/year) which achieves the desired in-stream Nitrogen load) to continue and provide them with flexibility to change farm systems or stocking rates up to the 'sustainable level'. AND IF Nitrogen is to be allocated through PPC1 THEN AMEND PPC1 through either amending existing Policies (such as Policy 1) and Rules (such as 3.11.5.1 to 3.11.5.7) OR including a new Policy and associated Rules which sets out how Nitrogen will be allocated and discharges managed.</p>	<p>oppose</p>	<p>DairyNZ does not support allocation of nitrogen in PPC1, and does not believe that any of the approaches in this submission, if further information can be provided about implications, is likely to give effect to the RMA. The proposal of defining 'sustainable level' and linking it to water quality outcomes is not possible given the current level of information and for</p>	<p>Do not allow the submission</p>

		<p>AND AMEND to ensure the allocation and management framework for Nitrogen promotes the efficient use of natural resources AND incentivises activities and behaviour change which promote the sustainable management of natural resources AND will achieve the Vision and Strategy AND incorporates the allocation principles set out under appendix 1 in the submission.</p> <p>AND AMEND PPC1 to manage or allocate Nitrogen based on:</p> <p>(a) 'flat rate per hectare' permitted threshold (where the sub-catchment load is divided by the total number of hectares in the sub-catchment and this amount is allocated as a Nitrogen discharge threshold to each hectare of land) for example 20kgN/ha/year; OR</p> <p>(b) Natural capital or land use suitability based allocation per hectare' where a sub-catchment Nitrogen load is attributed to land based on its underlying characteristics and factors (including productive capability using the Land Use Capability classification system). This approach should be used to determine the permitted baseline, and where required to stage reductions in Nitrogen discharges over time as per Table 1 below (footnote: Categories and discharge numbers are indicative only and subject to change through Schedule 1 process as more evidence and data becomes available); AND</p>		<p>that reason the approach should not be allowed.</p>	
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		<p>c) Natural capital or land use suitability based threshold for the discharge of Nitrogen per hectare' that is used to determine where and when Council require additional regulatory standards or stricter activity status to reduce Nitrogen loss over time - based on calculating a sub-catchment Nitrogen load and focusing on priority areas where Nitrogen is over allocated and therefore reductions from land uses are required. For example as set out in Table 1.</p> <p>Table 1 Land Use Capability - Natural Capital Class I II III IV V VI VII</p> <p>Year 1 (Kg/N/ha/year) 30 27 24 18 16 15 8</p> <p>Year 5 (kgN/ha/year) 27 25 21 16 13 12 8</p> <p>AND AMEND Policy 1 and Table 3.11-1 OR ADD a NEW Policy which sets out the:</p> <p>a) Current Nitrogen load (footnote: Current Nitrogen load includes both the Allowable in-stream nitrate load to achieve current in-stream Nitrogen concentration and the Maximum Allowable Zone Load (MAZL) which accounts for attenuation and provides the load that can be allocated to land)</p> <p>b) Desired Nitrogen load (footnote: Desired Nitrogen load includes both the Allowable in stream nitrate load to achieve</p>			
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		<p>the desired in-stream Nitrogen concentration, and the Maximum Allowable Zone Load (MAZL) which accounts for attenuation and provides the load that can be allocated to land)</p> <p>c) Nitrogen discharge rate/ha/year to achieve current Nitrogen load</p> <p>d) Nitrogen discharge rate/ha/year to achieve the desired Nitrogen load</p> <p>AND AMEND PPC1 so that:</p> <p>f) activities which would cause the maximum catchment load to be exceeded are avoided</p> <p>g) In catchments which are already over allocated, PPC1 should avoid allocating any further Nitrogen</p> <p>h) In catchments which are already over allocated, PPC1 should put in place Methods (such as a 'sinking lid on the allocation') so that over time the over allocation is phased out.</p> <p>AND AMEND PPC1 to ensure that those activities and land uses which are contributing the most to the over allocated parameter bear the majority of the cost of reducing the over allocation</p> <p>AND AMEND Policy 1 (a) to ensure that low discharging land uses such as small scale (<20kg N/ha) or low impact activities (those discharging at or below the sustainable level) are enabled to continue and are provided with flexibility</p> <p>to change farm systems and stocking rates up to the sustainable levels for the sub-catchment (Freshwater Management Unit).]</p>			
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	Policy 1 V1 1667	Sub-catchment approach	<p>APPLY decision requested in accordance with the submitter's PPC1 submission PC1-12575: [AMEND Policy 1 so that management approaches are tailored to addressing water quality issues identified on a sub catchment basis, and where the responsibility of addressing the impacts is apportioned to those land uses including point and non-point source discharges which have caused or contributed to any over allocation, and where improvements required over time are appropriate to the level of impact.</p> <p>AND AMEND Policy 1 AND/OR include a new Policy to enable establishment and operation of sub-catchment groups working through global consents to sustainably manage land and water resources, to be innovative, to share and move resources as required within environmental limits, to be flexible, to recognise and provide for biodiversity values, to adopt edge of field mitigation and to offset residual impacts.</p> <p>AND AMEND PPC1 and Policy 1 so that land use rules and management frameworks include both land use and ancillary discharge provisions (sections 9 and 15 Resource Management Act)</p> <p>AND AMEND PPC1 and Policy 1 to enable establishment of nutrient user groups within the same catchment as part of catchment collective groups AND enable transfer of nutrients (at a level not exceeding the desired in-stream nutrient load), where principles in Appendix A of the submission are met, precluding nutrient transfer when</p>	Support in part oppose in part	The parts of the submission which may assist plan users and achieve the objectives, are those that relate to tailoring mitigations to water quality impacts. These are supported with the caveat that sufficient information and tracking is in place to implement this approach in the current plan and ensure values are maintained and objectives achieved.	Do not allow the submission that rely on missing information about the link between action on the land and measured contaminants in water.

		<p>allocation is based on current or historic discharges AND transfer within nutrient user groups only occurs: within a sub-catchment or watershed; within an established sub-catchment programme that's based on fair allocation of a load; only pertains to the load which achieves the desired environmental outcome; results in improved economic outcomes and land use optimization.</p> <p>AND AMEND Policy 1 to apply Policy 12 clauses (a), (b) and (c), and Policy 13 (a), (b), and (c), and require the application of best practicable option to avoid, remedy, or mitigate adverse effects of a discharge (either directly or indirectly to freshwater) where the discharge may cause or contribute to a freshwater attribute being exceeded, through resource consents.</p> <p>AND ADD new Policy 1A OR AMEND Policy 1 to give effect to Objective 1A and 1B with the intent of: <u>“Where current water quality meets the relevant Table 3.11 - 1 water quality outcomes (interim targets or 80 year targets/limits) within each sub-catchment, water quality must be managed in a manner which ensures that the water quality targets/ limits continue to be met beyond the zone of reasonable mixing.</u> <u>Where Table 3.11-1 water quality targets/limits are not met, water quality within the sub-catchment must be managed in a manner which progressively improves existing water quality relevant to the parameter exceeded, in order to meet:</u> <u>(i) The water quality target/limit for the sub-catchment by 2096, and/or</u></p>			
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			<u>(ii) The relevant value that the water quality target/limit is designed to safeguard”]</u>			
	Policy 1 PC1V1 1688	Stock exclusion	<p>APPLY decision requested in accordance with the submitter’s PPC1 submission PC1-12577: [AMEND Policy 1 (c) as follows: “progressively excluding cattle, horses, deer, and pigs from rivers, stream, drains, wetlands and lakes <u>on land up to 15 degrees slope, and where break fed on land above 15 degrees slope.</u>” AND AMEND PPC1 so intensively farmed animals are required to be excluded from all permanently flowing waterbodies, but enable flexibility for low intensity land uses or/and hill country farming AND focus management approaches for hill country on critical source management.]</p>	Support in part oppose in part	Targeting critical source areas as hotspots of adverse effects is justified from a technical cause and effect. The concept is supported as policy guidance. However, a blanket exemption for Land above 15 degrees slope with respect to stock exclusion, cannot be justified from an effects basis. The implications of the request to enable flexibility’ are not clear in terms of the need to reduce risk of contaminants from stock in and around waterbodies.	Do not allow the part of the submission that sets out that only some land and slopes will come within stock exclusion requirements, either in a FEP or in Schedule C.
	Policy 1 PC1V1 1668	Graduated contaminant reductions	[AMEND Policy 1 (a) as follows: “enabling activities with a low level of contaminant discharge to water bodies provided those discharges do not increase ”	oppose	The suggested amendments do give effect to the RMA and do not improve clarity for plan users.	Do not allow the submission.

			<p>AND AMEND Policy 1 (b) as follows: “Requiring farming activities with moderate to high levels of contaminant discharge to water bodies to reduce their discharges; and which <u>exceed the 'sustainable level' for the sub-catchment (Freshwater Management Unit) to progressively reduce contaminant discharges over time, where the reductions are proportionate to the level of over allocation within the sub-catchment and proportionate to the discharge level of the activity.”]</u></p>			
	<p>Policy 2 V1PC1 1691</p>		<p>APPLY decision requested in accordance with the submitter’s PPC1 submission PC1-12708: [AND AMEND Policy 2 (e) as follows: "Requiring stock exclusion <u>the exclusion of stock from permanently flowing waterbodies on land up to 15 degrees slope, and stock when break fed on land with a slope exceeding 15 degrees slope, 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.</u>"]</p>	<p>Oppose in part</p>	<p>Specifying when stock will be excluded in a policy assists plan users. However, the threshold chosen is not justified when environmental effects of stock in headwater seeps and small streams.</p>	<p>Do not allow the submission</p>
	<p>Policy 7 V1 PC1 1674</p>	<p>Alternative allocation approach requested</p>	<p>APPLY decision requested in accordance with the submitter’s PPC1 submission PC1-11491: [AMEND Policy 7 to make it a Method. AND AMEND Policy/Method 7 as follows: “Natural Resource Preparing for Allocation in the future Prepare for further diffuse discharge reductions and any future property or enterprise level allocation of diffuse discharges</p>	<p>oppose</p>	<p>The changes do not give effect to the RMA and are not appropriate to insert into PPC1.</p>	<p>Do not allow the submission.</p>

		<p>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'. Work with stakeholders to determine sub-catchment specific allocation of natural resources including the assimilative capacity of freshwater. The allocation approaches AND ADD the allocation principles in Appendix 1 of the submission and those set out in the general Section of the submission. AND ADD new clauses to take into account the degree to which land use is optimised to the natural capital of soils and assimilative capacity of water. AND AMEND to adopt submissions set out in relation to the management and allocation of Nitrogen.] AND ADD the allocation principles in Appendix 1 of the submission and those set out in the general Section of the submission.</p>			
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			<p>AND ADD new clauses to take into account the degree to which land use is optimised to the natural capital of soils and assimilative capacity of water.</p> <p>AND AMEND to adopt submissions set out in relation to the management and allocation of Nitrogen.]</p>			
	<p>Policy 9</p> <p>V1PC1 1676</p>	<p>Provide more support and detail for sub-catchment approach</p>	<p>AND AMEND to facilitate and support the establishment and operation of sub-catchment groups to manage water quality and biodiversity issues facing a sub-catchment, providing innovative and, where required, edge of field mitigation, and which facilitates flexible, viable businesses and communities, and enables transfer of resources such as nutrients within the assimilative capacity of soils and water, and at sustainable levels.</p> <p>AND AMEND PPC1 to include a new Method which provides for Regional Council support of catchment groups and approaches to addressing complex land and water management issues, including sub-catchment specific studies, data collection, catchment group facilitation, development and funding of sub-catchment models which support catchment groups, decision making and consenting.</p>	<p>support</p>	<p>It is appropriate to insert more guidance to facilitate and support management at a local level if plan objectives are met. Given the uncertainty about current environmental footprint at a property level, it is not possible to apply sub-catchment limits in the way sought in this submission.</p>	<p>Allow submission</p>
	<p>Policy 8</p> <p>V1PC1 1675</p>	<p>Introduce greater specificity to PPC1 at a sub-catchment limit and change the</p>	<p>AMEND Policy 8 to require reductions of Nitrogen greater than the currently proposed 75th percentile.</p> <p>AND AMEND to introduce appropriate sub-catchment contaminant numerical limits to enable targeted and prioritised actions.</p>	<p>oppose</p>	<p>The implications of the change sought are unclear, except that some properties can increase leaching while others decrease. DairyNZ supports the highest</p>	<p>Do not allow the submission</p>

		75 th percentile reduction value to require more N reductions			leaching farms making reductions, and believes PPC1 has set the threshold at an appropriate level. Further reductions in PPC1 will not give effect to the RMA. Given the uncertainty about current environmental footprint at a property level, it is not possible to apply sub-catchment limits in the way sought in this submission.	
Rule 3.11.5.2 V1 1663	Amend rule to broaden the scope (so that the thresholds are deleted) and instead apply a Permitted activity generally to	APPLY decision requested in accordance with the submitter's PPC1 submission PC1-11502: [AMEND Rule 3.11.5.2 to give effect to PPC1 amended Objectives and Policies including Policy 1, Policy 2, and Policy 4 AND enable activities with lower contaminant discharges including nutrient discharges to continue OR to be established. AND AMEND Rule 3.11.5.2 as follows:"The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of	oppose	Enabling properties with low risk of contaminants discharge to continue to operate with a resource consent is supported by DairyNZ, but the changes sought appear to remove all checks and balances	Do not allow the submission	

		all land use, based on 3 potential options	<p>Nitrogen, Phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water where the property areas 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..."</p> <p>AND DELETE Rule 3.11.5.2 (3) (a) to (e).</p> <p>AND DELETE Rule 3.11.5.2 (4) (b) (i).</p> <p>AND AMEND Rule 3.11.5.2 (4) (ii) as follows: "15kgN/ha/year <u>20kgN/ha/year</u>" OR alternatively replace 20kgN/ha/year with the 'sustainable level' calculated in accordance with Policy 1 and Policy 2, OR adopt a permitted threshold for Nitrogen discharge based on land use capability as a proxy for land use suitability.</p> <p>AND DELETE "grazed" from Rule 3.11.5.2 (4) (c).</p> <p>AND AMEND Rule 3.11.5.2 (4) (d) to provide for some winter grazing of crops below a minimum area or with criteria contained within the Rule to reduce risk of loss from critical source areas.</p> <p>AND AMEND to enable flexibility in land use, discharges, and stocking rates up to these standards and or thresholds.</p> <p>AND DELETE any standards or clauses which hold land uses to historic nutrient discharge levels or stocking rates.]</p>		<p>and potentially allow more than minor adverse effects. The technical basis for PPC1 means that the 3 alternative sets of relief sought cannot be justified as Objectives 1 and 3 will not be achieved. The change to the rule allows some properties to increase their current level of N leaching.</p> <p>The expected load to come of nitrogen and achievement of objectives must be factored in any changes made to PPC1.</p>	
	Rule 3.11.5.4 V1 1664	Wide ranging changes to application of water quality targets,	<p>APPLY decision requested in accordance with the submitter's PPC1 submission PC1-11503: [AMEND Rule 3.11.5.4 (1) as follows: "...and properties or enterprises with a Nitrogen Reference Point greater than the 75th <u>50th</u> percentile Nitrogen</p>	oppose	<p>The submission does not give effect to the RMA and will not achieve Objective 1 or 3 of PPC1. Implications of some</p>	Do not allow the submission

		<p>timeframes for reducing nitrogen and FEPs.</p>	<p>leaching value <u>that are also within a sub-catchment which is currently over allocated in relation to Nitrogen (Table 3.11- 1 and 3.11-2);</u> AND AMEND to include new standard that by 2096 the activity does not cause or contribute materially to an exceedance of the water quality 80 year targets for its sub-catchment as set out in Table 3.11-1. AND AMEND Schedule 1 as set out in this submission. AND AMEND Schedule C as set out in this submission. AND AMEND timeframes for the requirement to complete and register Farm Environment Plans. AND ADD under 'matters of control (ii) reference to the sub-catchment water quality outcomes and sub-catchment specific issues. Reductions of contaminant discharges may not always be required; AND AMEND matter of control clause (iii) as follows: 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 using the current version of OVERSEER, does not increase beyond the property or enterprise's Nitrogen Reference Point, unless other suitable mitigations are specified does not cause or materially contribute to exceedance of the sub-catchment Nitrogen attributes/targets in Table 3.11-1 by 2096. AND DELETE reference to the 75th percentile in Rule 3.11.5.4 (iv) AND REPLACE with <u>“for catchments which are currently over allocated for Nitrogen, actions, timeframes, and other measures to ensure the diffuse discharge of</u></p>		<p>of the relief sought are not able to be assessed, would make decisions on FEPs more open to discretion and therefore less certain for landowners, and therefore the submission should not be allowed.</p>	
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		<p><u>Nitrogen is reduced over the term of consent proportionate to the level of over allocation and the contribution that activity makes to the over allocation. Over allocation to be phased out by 50 percent by 2047.”</u></p> <p>AND ADD reference to Nitrogen discharge limit(s) (based on an estimate or band for land use capability or suitability), as set out under Policy 1 AND require consideration of Nitrogen discharge reductions through the consent where sub catchment discharge thresholds are exceeded.</p> <p>AND AMEND to enable land uses to discharge to a series of Nitrogen discharge thresholds based on a sub-catchment assessment of Land use capability, or suitability.</p> <p>AND AMEND to tailor environmental mitigation to critical source identification and management.</p> <p>AND AMEND to recognise and provide for existing biodiversity values and enhancement of biodiversity values (in accordance with Policy 17).</p> <p>AND AMEND to take into account the degree to which land use is optimised in relation to the natural capital of soils, and sub-catchment water quality 80 year attributes targets (Table 3.11-1).</p> <p>AND AMEND to enable consents to be granted for a term of 35 years.</p> <p>AND AMEND Rule 3.11.5.4 so that it gives effect to amended Policies 1 and 2 and including Policy 12 clauses (a), (b) and</p>			
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			(c), and Policy 13 (a), (b), and (c), and requires the application of Best Practicable Option to avoid, remedy, or mitigate adverse effects of a discharge (either directly or indirectly to freshwater) where the discharge may cause or contribute to a freshwater attribute being exceeded, through resource consents.]			
Schedule 1 V1PC1 1686	Changes to give greater guidance to FEPs	APPLY decision requested in accordance with the submitter's PPC1 submission PC1-11508: [AMEND Schedule 1 so farmers can identify the specific actions they will need to take through their Farm Environment Plan to address any water quality issues relevant within their sub-catchment. The Council must identify relevant water quality issues within the sub-catchment, as well as the associated mitigations that farmers should consider. This information must be provided to farmers before they are required to develop a Farm Environment Plan. AND DELETE requirement to be certified by a Certified Farm Environment Planner AND REPLACE with industry approved standard or developed in accordance with skills required to support the development of a Council approved Farm Environment Plan. AND AMEND to enable application of 'Best Practicable Option'.]	Support in part oppose in part	The submitters request around application of 'Best Practicable Option' could be usefully applied to guidance, including outside PPC1 and should be considered in conjunction with DairyNZ and other submitters requests for greater clarity for FEPs. Trained and certified advisors will be an essential element in consistent and robust FEP implementation.	Allow the parts of the submission that relate to greater guidance for the degree of risk mitigation in local areas.	
Schedule 1	Changes to allow	APPLY decision requested in accordance with the submitter's PPC1 submission PC1-12365:	Support in part	Long term achievement of	Allow the parts of the	

	V1 1688	flexibility to increase nitrogen discharges through FEPs	<p>[AMEND Schedule 1 (5) (a) to enable flexibility in Nitrogen discharges up to the sustainable Nitrogen discharge level, but where this is exceeded Nitrogen discharges shall not exceed the Nitrogen Reference Point.</p> <p>AND AMEND Schedule 1 (5) (b) so that where the Nitrogen Reference Point exceeds the sustainable Nitrogen discharge level, actions, timeframes and other measures are set out and implemented to ensure that Nitrogen discharge is reduced overtime in a manner and to the extent that corresponds with the level of water quality improvement required to achieve the water quality outcomes and which is proportionate to the level of discharge, i.e. those discharging the most will be required to reduce the most (15 percent of total discharge each 10 year period)</p> <p>AND AMEND Schedule 1 to ensure that land use activities are not able to increase Nitrogen discharge beyond either their Nitrogen Reference Point or the sustainable leaching level, whichever is the highest - default to non-complying Rule.]</p>	oppose in part	water quality aspects of the Vision and Strategy is supported by DairyNZ, and demonstrable progress in this plan. Allowing increases in nitrogen discharges for some properties will not achieve PPC1 objectives and cannot be justified considering the technical basis of PPC1.	submission that relate to ensuring activities do not increase beyond a nitrogen discharge level, and do not allow the parts of the submission that request changes to increase nitrogen discharges.
Definition related to effective exclusion of stock	V1 1724	Add detail to definition about what constitutes exclusion from water or wetlands	<p>ADD a new definition to Additions to Glossary of Terms or AMEND an existing definition to <u>'effective exclusion: Effectively barred from access to the beds of lakes and rivers, drains, and wetlands, through a natural barrier (such as a cliff or vegetation, a permanent fence, or new technologies such as a 'virtual' GPS fence, and stock management. Temporary fencing may be used.</u></p>	support	The proposed wording gives greater certainty to plan users and acknowledges new technological solutions.	Allow the submission

<p>Definition Stock unit V1 1653</p>	<p>Clarity and consistency sought</p>	<p>APPLY decision requested in accordance with the submitter's PPC1 submission PC1-11509: [DELETE Definition – Stock unit AND REPLACE with a definition that applies the OVERSEER Model Best Practice Data Input Standards OR ensure that weights and stock units reflect actual weights and appropriate stock units for the region and are consistent between drystock operations and dairy operations.]</p>	<p>Support</p>	<p>The definition should encompass the best available knowledge as of 2018.</p>	<p>Allow the submission</p>
<p>Definition Critical Source Area BPO, other definitions related to nitrogen and numerical targets V1 1650</p>	<p>Range of definitions</p>	<p>APPLY to V1 the decision requested in accordance with the submitter's PPC1 submission PC1-11510: [ADD a NEW definition for 'Nutrient user groups' - a group of properties in multiple ownership, where the owners of those properties undertake farming activities and operate as a collective for the purposes of nutrient management. AND ADD a NEW definition for 'Critical Source Area' - a landscape feature like a gully, swale or a depression that accumulates runoff from an adjacent immediate area, and delivers it to surface waterways such as rivers and lakes, artificial waterways and field tiles; and areas which arise through land use activities and management approaches such as cultivation and winter grazing which result in contaminants being discharged from the activity and being delivered to surface waterways. AND ADD a NEW definition for 'Best Practicable Option - Best Practicable option in relation to a discharge of a contaminant which may enter water, means the best Methods for preventing or minimising the adverse effects on the environment having regard, among other things, to -</p>	<p>Support in part oppose in part</p>	<p>Inserting definitions that give greater clarity to plan users is supported, particularly those that relate to mitigations and farm environment plans, with the caveat that aligning terminology is needed, both within PPC1 and with national work on Good Farming Practice. The provisions requested that relate to nitrogen target definitions are not supported as the</p>	<p>Allow the parts of the submission that assist plan users with implementing FEPs</p>

		<p>(a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and</p> <p>(b) the financial implications, and the effects on the environment, of that option when compared with other options; and</p> <p>(c) the current state of technical knowledge and the likelihood that the option can be successfully applied.</p> <p>AND ADD a NEW definition for 'In stream nitrate concentration limits (mg/L)' - the in-stream water quality concentrations required to achieve the identified water management Objective for the associated sub-catchment or Freshwater Management Unit.</p> <p>AND ADD a NEW definition for 'Allowable in stream nitrate load (tonnes per year)' - the allowable volume of nitrate-Nitrogen that can pass down the river at a particular point as determined from the in-stream nitrate-Nitrogen concentration limit.</p> <p>AND ADD a NEW definition for 'Maximum allowable zone load (MAZL)' - the amount of Nitrogen that can be lost below the root zone within a defined water management zone as determined by the in-stream nitrate load limit (adjusted for attenuation between the root zone and the river) AND ADD a NEW definition for 'Measured in-stream nitrate load (tonnes per year) - the amount of nitrate-Nitrogen measured (based on actual monitoring data) as passing down the river at a particular point.]</p>		technical basis is not justified.	

Submission ends.



To: **Waikato Regional Council**

Further Submission on: **PROPOSED WAIKATO REGIONAL PLAN
CHANGE 1: WAIKATO AND WAIPĀ RIVER
CATCHMENTS AND VARIATION 1 TO PROPOSED
WAIKATO REGIONAL PLAN CHANGE 1:
WAIKATO AND WAIPĀ RIVER CATCHMENTS**

From: DairyNZ

Date: 17 September 2018

Address for service

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1. INTRODUCTION

This is a Further Submission in relation to the Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments and Variation 1 to Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments. DairyNZ made submissions on Proposed Plan Change 1 and Variation 1. DairyNZ is making this Further Submission because, as the industry good organisation representing New Zealand's dairy farmers, it has an interest in the proposed plan which is greater than the general public's interest.

DairyNZ's support or opposition to original submissions by Federated Farmers is outlined in the attached table together with its reasoning and confirmation of the relief sought.

DairyNZ wishes to be heard in support of its Further Submission and, is willing to consider presenting a joint case at hearing with other submitters addressing similar issues.

I can confirm that I am authorised to make this Further Submission on DairyNZ's behalf.



Justine Young
Senior Policy Advisor
Dairy NZ

17 September 2018

Further Submission on Federated farmers of NZ Ltd original submissions

Submission no./submitter	Provision And submission point ID	General theme of Submission point	Decision sought	Support or oppose	Reason	Decision sought
Fed farmers of New Zealand Ltd	Obj 4 143	Staged approach	ADD a NEW paragraph (b) to Objective 4 to read: ' <u>addressing information gaps and gaining an understanding of the current water state, water quality issues and the causes for each sub-catchment and the relationship with other sub catchments;</u> and' AND AMEND Objective 4(b) to read: 'bc. recognizing that further contaminant reductions will <u>may</u> be required by subsequent regional plans...'	Support in part oppose in part	The addition requested to address information gaps is important to have as an outcome and must be part of a staged approach. The technical basis for the plan change clearly states further contaminants reductions are required to achieve Objectives 1 and 3.	Allow the part of the submission that adds new paragraph b), do not allow the part of the submission that alters existing b).
	Policy 2 164	Clarify how diffuse contaminants are dealt with and expected reductions	AMEND Policy 2(a) to read: 'Taking a tailored, risk based approach to identify <u>the Most Practicable Actions to define mitigation actions</u> on the land that will manage or 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	Support in part oppose in part	The requested changes assist with clarity of implementation, but also introduce ideas that are equally difficult to implement. Policy 2 is currently problematic in that plan users cannot be clear about how the risk-based FEP will be implemented, particularly the concept of	Allow the part of the submission that gives greater guidance to linking sub catchment characteristics with mitigations and

		<p>resource consent, or in specific requirements established by participation in a Certified Industry Scheme; and' AND AMEND Policy 2(d) to read: 'i. the amount of the current discharge (those discharging more are <u>may</u> be expected to make greater reductions) and proportionate to <u>ii. the relative contribution of the industry sector within which the farming enterprise belongs to the likely achievement of the short term targets^ in Objective 3 or the progression towards the outcomes anticipated by the Vision and Strategy and values^ referred to in Objective 1; and</u> <u>iii. the characteristics of the sub-catchment within which the subject farm enterprise is located and the scale of water</u> quality improvement required in the sub-catchment; and' AND AMEND Policy 2(e) to read: 'Requiring stock exclusion and setbacks in accordance with Schedule C 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<u>2028</u>.' OR AMEND the stock exclusion date to 3 years from the date that the FEP becomes operative.</p>		<p>more reductions that are proportionate to an unspecified sub catchment load.</p>	<p>do not allow a new approach of relative contribution by sector.</p>
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			AND AMEND the date for assessing progress to a 10 year timeframe as opposed to 10 years from notification.			
	New Policy 2A 172	More detail about FEPs	ADD a NEW Policy to read: 'Policy 2A: <u>Farm Environment Plans</u> <u>Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens from farming enterprises by requiring the preparation of Farm Environment Plans that:</u> <u>a. are effective in managing diffuse discharges on farms; and</u> <u>b. are practical to implement; and</u> <u>c. are consistent in assessing risks from diffuse discharges in the manner set out in Schedule 1 or 1A; and</u> <u>d. set out a range of prioritised, tailored and practical mitigation actions that allows each farm to have tailored actions designed to fit the specific circumstances of the farming enterprise including soil, slope, climate and resources; and</u> <u>e. recognise and provide for existing programmes of actions in place to manage diffuse discharges from the farm; and</u> <u>f. are proportional in the mitigation of diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens</u> <u>from the farming enterprise based on:</u>	Support in part	Further policy guidance in the plan is necessary because of the central importance of the farm planning tool to the successful implementation of objectives. The suggested wording contains a number of clarifications and is an important starting point to guide plan users.	Allow the submission

			<p><u>i. the risk of contaminant loss from a property taking into account the scale and significance of the risk from the discharge of each contaminant from the farming enterprise to the likely achievement of the short term targets^ in Objective 3 or the progression towards the outcomes anticipated by the Vision and Strategy referred to in Objective 1;</u></p> <p><u>ii. while recognising that flexibility in the delivery and nature of the tailored actions is necessary to accommodate changes to farming systems and address environmental risks brought about by factors such as seasonal fluctuation, unforeseeable events, health and safety obligations and animal welfare requirements</u></p>			
	New Policy 2B 175	Guidance about review of FEPs	<p>ADD a NEW policy to read: '<u>Policy 2B: Review and amendment of Certified Farm Environment Plans</u> Provide for review and amendment of a Certified Farm Environment Plan for a farming enterprise:</p> <p><u>a. recognising that flexibility is required to allow farm enterprises:</u></p> <p><u>i. to make changes to Certified Farm Environment Plan actions and/or management measures (including changes to timing or priority) that may not be provided for by a Certified Farm Environment Plan but are necessary to respond to</u></p>	Support in part	Plan users will benefit from guidance on how FEPs will be reviewed, and providing this in a policy is appropriate. The wording in a)i) is not supported. Any new policy should make it clear that FEP amendments can only be made if there is no increase in risk of adverse effects.	Allow the part of the submission that relates to guiding how reviews will be undertaken, particularly part b).

		<p><u>changing circumstances, seasonal fluctuations, unforeseeable events, health and safety, and animal welfare requirements</u></p> <p><u>ii. while adopting the Most Practicable Action to manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens associated with the farming enterprise in order to assist with achieving the short term targets^ in Objective 3 or the progression towards the outcomes anticipated by the Vision and Strategy and values^ referred to in Objective 1; and</u></p> <p><u>b. ensuring that amendments to a Certified Farm Environment Plan can be actioned without the need to lodge an application for a change to consent condition where the farming enterprise operates by way of resource consent under any of Rules 3.11.5.2A to 3.11.5.7.</u></p>			
	Policy 7 224	<p>AMEND Policy 7 to read: 'Policy 7: Preparing for allocation in the future. Prepare for potential further diffuse discharge reductions or mitigations and any future property or enterprise level allocation of diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens that will<u>may</u> be required by</p>	Support in part oppose in part	<p>The addition requested about addressing information gaps, is important to have as an outcome and must be part of a staged approach.</p> <p>The technical basis for the plan change clearly states</p>	Allow the parts of the submission that refer to information gaps being filled to prepare for the future.

		<p>subsequent regional plans, by implementing the policies and methods in this chapter. To <u>assist with this</u> ensure this occurs, collect information and undertake research to support this is, including:</p> <p>a. collecting information about current discharges, developing appropriate modelling tools to estimate contaminant discharges,'</p> <p>AND ADD a NEW paragraph (b) to Policy 7 to read: 'b. collating information obtained from the Catchment Profiles and sub-catchment management plans, models or data obtained through implementation of this Plan change, and'</p> <p>AND AMEND Policy 7 to read: 'c. researching the spatial variability of land use and contaminant losses as well as the hydrological relationship between sub-catchments, ground and surface water and contaminant loss, and the effect of contaminant discharges in different parts of the catchment that will assist in defining 'land suitability'.'</p> <p>AND ADD the following sentence after proposed paragraph (c): 'In preparing for the future, the Nitrogen Reference Point established under Policy 2(c) is not to be regarded as forming the basis of any allocation mechanism that may be</p>		<p>further contaminants reductions are required to achieve Objectives 1 and 3.</p>	
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			adopted in the future.'			
	New Policy 12A	Guidance for farm mitigations	<p>ADD a NEW policy to read: '<u>Policy 12 A: Additional considerations for diffuse discharges in relation to water quality targets</u></p> <p><u>Consider the contribution made by a diffuse discharge to the nitrogen, phosphorus, sediment and microbial pathogen catchment loads and the impact of that contribution on the likely achievement of the short term targets^ in Objective 3 or the progression towards the outcomes anticipated by the Vision and Strategy and values^ referred to in Objective 1, taking into account:</u></p> <p><u>a. the characteristics of the sub-catchment within which the subject farm enterprise is located as set out in the Catchment Profile and any sub-catchment management plan (including load reductions achieved through whole of subcatchment actions); and</u></p> <p><u>b. the relative contribution of the industry sector within which the farming enterprise belongs to the likely achievement of the short term targets^ in Objective 3 or the progression towards the outcomes anticipated by the Vision and Strategy and values^ in Objective 1; and</u></p>	Support in part oppose in part	As for the submitters amendments to Policy 2, further guidance on how farm mitigations and water quality objectives are linked, is a helpful addition to guide plan users. However, some aspects introduce another level of assessment which is not appropriate in a policy.	Allow part a) and b) and disallow part c) of the submission

			<p><u>c. the resources reasonably available to the farm enterprise; and</u></p> <p><u>d. investment in past on farm and edge of field contaminant mitigations including technology upgrades to model, monitor and reduce the discharge of nitrogen, phosphorus, sediment and microbial pathogens where those mitigations are already achieving a high level of contaminant reduction through the application of the Most Practicable Action.'</u></p>			
	<p>New method 3.11.4.5A</p> <p>290</p>	<p>Sub-catchment scale planning</p>	<p>ADD a NEW method to read: '<u>3.11.4.5A Catchment Profiles</u> <u>Waikato Regional Council will develop Catchment Profiles for the sub-catchments listed in Table 3.11-2. Each Catchment Profile shall be developed and made publicly available a minimum of two years before the Farm Environment Plans in the sub-catchment(s) to which it relates are required to be provided to the Waikato Regional Council.</u> <u>A Catchment Profile shall contain all of the information relevant to water quality in a sub-catchment(s), including but not limited to:</u> <u>a. Sub-catchment targets and the current state for each contaminant in each sub-catchment.</u></p>	<p>Support in part</p> <p>Oppose in part</p>	<p>The scope of catchment profiles requested in the submission is appropriate and the detail of the information is generally supported as necessary to inform where and what mitigations will be most cost effective in achieving the objectives. The timeframe is unrealistic and not supported given DairyNZ support for FEP timeframes in its submission to Variation 1.</p>	<p>Allow the submission except for timeframe requested.</p>

			<p><u>b. Sector and other (including pest and natural sources of contaminants) contributions toward sub-catchment targets.</u></p> <p><u>c. Consented discharges and takes in the sub-catchment.</u></p> <p><u>d. Any operative sub-catchment management plans.</u></p> <p><u>e. Information about adjoining/related catchments, relationships between sub-catchment or opportunities to coordinate with related sub-catchments.</u></p> <p><u>f. Any zones that the sub-catchment is divided into to represent farming systems or land uses (including activities generating point source discharges) of a consistent type (in terms of contaminant loss).</u></p> <p><u>g[f]. Information about hot spots or critical source areas within the sub-catchment including geophysical and climate characteristics e.g. rainfall or soil type, or historical events e.g. landslips.</u></p> <p><u>h[g]. Freshwater accounting system, monitoring plan and any other information generated pursuant to Methods 3.11.4.7 or 3.11.4.10.</u></p>			
	3.11.4.12	Work with industry on implementation guidelines	AMEND the short title of Method 3.11.4.12 to read: 'Support research and dissemination of best <u>industry agreed good</u> management practice guidelines to reduce diffuse and <u>point source</u> discharges'	support	Guidance documents developed with DairyNZ and other agencies and groups will streamline implementation of the plan	Allow the submission

		<p>AND AMEND paragraph (a) to read: 'In consultation and collaboration with industry and stakeholders, develop and disseminate best <u>industry agreed good</u> management practice guidelines for reducing the diffuse and <u>point source</u> discharges of nitrogen, phosphorus, sediment and microbial pathogens; and'</p> <p>AND AMEND paragraph (b) to read: 'Support research into methods for reducing diffuse <u>and point source</u> discharges of contaminants to water</p> <p>AND ADD a NEW paragraph (c) to Method 3.11.4.12 to read: '<u>c. In consultation and collaboration with industry and stakeholder, develop and disseminate guidelines for How Waikato Regional Council will consider applications to use models other than Overseer, how mitigations not recognised by Overseer will be recognised and provided for, how actual data may be used as an Overseer input (as opposed to defaults), circumstances for departure from Overseer parameter settings, how different input standards could be used for changes in the 2016 data input standards could be accommodated, and alternatives to provide for situations where data is missing.'</u></p>	<p>by reducing ambiguity and utilising knowledge and experience being developed currently (for instance, on mitigations currently outside OVERSEER).</p>	
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<p>New method 3.11.4.13 314</p>	<p>Guidance on 75th percentile</p>	<p>ADD a NEW Method to read: <u>'3.11.4.13 Calculation of 75th percentile</u> <u>In consultation and collaboration with industry and stakeholders, Waikato Regional Council will develop guidelines for</u> <u>how it will calculate the dairy nitrogen curve for the purposes of assessing the 75th percentile. This will include</u> <u>a. How to accommodate and/or coordinate the date the nitrogen reference point data is received, the date the 75th percentile is calculated and the[n] communicated to the community.</u> <u>b. How to ensure that all nitrogen reference points are calculated in the same or comparable versions of Overseer, in order to obtain a robust estimate of the 75th percentile.</u> <u>c. How to ensure that the assessment against the 75th percentile for properties moving forward (e.g. to demonstrate reductions to the 75th percentile) will remain robust as Overseer versions change.</u> <u>d[c]. The appropriate statistical basis for calculating the 75th percentile.</u> <u>e[d]. Whether the River FMU is the appropriate spatial scale for calculating the 75th percentile.</u> <u>f[e]. How the 75th percentile will be independently verified.'</u></p>	<p>Support in part</p>	<p>Further guidance in the plan about how the 75th percentile value will be calculated, and considerations of the impact on individuals of the spatial scale, will make implementation more effective and efficient, with support on the proviso that any changes ensure enough nitrogen is removed in the life of the plan change to achieve Objective 3.</p>	<p>Allow the submission</p>
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			<p><u>OR AMEND to clarify in Schedule B how the 75th percentile is to be calculated to ensure transparency, consistency, fairness and robustness.</u></p> <p>OR AMEND Chapter 3.11 to provide for Overseer version changes AND ENSURE that there are no penalties due to a version change.</p>			
	Schedule B 717		<p>AMEND Schedule B(a) to read: 'The Nitrogen Reference Point must be calculated by a Certified Farm Nutrient Advisor to determine <u>estimate</u> the amount of nitrogen being leached from the property or enterprise during the relevant reference period specified in clause f), except for any land use change approved under Rule 3.11.5.7 where the Nitrogen Reference Point shall be determined identified through the Rule 3.11.5.7 consent process.'</p> <p>AND AMEND Schedule B(b) to read: 'The Nitrogen Reference Point ... during the reference period (and where the property was not used for commercial vegetable growing during that entire period, it shall be the average annual nitrogen leaching for the period it was used for commercial vegetable growing and also within the period specified in clause f).'</p>	Support in part Oppose in part	Some of the changes sought do not give effect to the RMA and will add unnecessary uncertainty and cost without achieving the objectives.	Do not allow the part of the submission that seeks a ten-year period for the NRP

		<p>OR AMEND to provide for all farming activities (including commercial vegetable production) to be measured as the highest annual nitrogen leaching loss in a single 12 month period.</p> <p>AND AMEND Schedule B(c) to read: 'The Nitrogen Reference Point must be calculated using the current version of the OVERSEER Model approved by the Chief Executive of the Waikato Regional Council or an alternative model or OVERSEER versions approved by the Chief Executive of the Waikato Regional Council.'</p> <p>OR AMEND PPC1 to set out the assessment criteria for consideration of alternative models to Overseer.</p> <p>OR AMEND to provide for Waikato Regional Council to develop guidelines or assessment criteria that sit outside PPC1.</p> <p>AND AMEND Schedule B(d) to read: 'The Nitrogen Reference Point data...OVERSEER Best Practice Data Input Standards 2016 (unless approval is obtained from the Chief Executive of the Waikato Regional Council to use alternative standards), with the exceptions and inclusions set out in Schedule B Table 1.'</p> <p>OR AMEND the policies and methods to provide guidance and a reasonable basis for calculating the missing data where</p>			
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			<p>properties do not have sufficient data for the benchmark years.</p> <p>AND AMEND Schedule B(e) to read: 'The Nitrogen Reference Point and the Nitrogen Reference Point data must be provided to...'</p> <p>AND AMEND Schedule B(f) to read: 'The reference period is the twoten financial years covering 2014/2015 and 2005/2006 to 2015/2016...'</p> <p>AND AMEND Schedule B(g) to read: 'The following records (where relevant to the land use undertaken on the property or enterprise) must be retained for a period of seven years and provided to Waikato Regional Council at its request:'</p>			
	Schedule C 958	Stock exclusion	<p>AMEND Schedule C to read: 'Schedule C - Stock exclusion and setbacks</p> <p>The standards in Schedule C apply to all farming activities unless accompanied[s] by an FEP providing for alternative mitigations or accompanied by resource consent under Rule 3.11.5.6.'</p> <p>AND AMEND Schedule C to be in three parts titled 'A. Stock exclusion and setbacks', 'B. Dates' and 'C. Water bodies'.</p> <p>AMEND Schedule C to read: 'A. Stock exclusion and setbacks</p>	Support in part oppose in part	Some of the changes sought add clarity to the stock exclusion provisions and may still achieve the objectives, in particular the assessment of risk through a FEP.	Allow the submission except for the threshold of stocking rate

		<p>1. On land that is grazed at a stocking rate equal to or exceeding 18 stock units per hectare, stock must be excluded and set back one metre from the water bodies listed in section C i. to iv. below as follows: Except as provided by Exclusions I. and II., stock must be excluded from the water bodies listed in i. to iv. below as follows:</p> <p>1.a. 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.</p> <p>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).</p> <p>3.b. Livestock must not be permitted to enter onto or pass across the bed of the water body, except when using a livestock crossing structure.</p> <p>c. The following situations are excluded from clauses a. and b.:</p> <p>i. Where the entry onto or passing across the bed of the water body is by horses that are being ridden or led.</p>			
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		<p>ii. Where the entry onto or passing across the bed of the water body is by a feral animal.</p> <p>2. Cultivation must be set back a minimum of 1m from the water bodies listed in section C i. to iv. below.'</p> <p>B. Dates</p> <p>4.1. For land use authorised under Rule 3.11.5.1 or for land use under 20ha and authorised under Rule 3.11.5.2, clauses A1 and A2 must be complied with:</p> <p>a. By 1 July 20232025 for properties and enterprises within Priority 1 sub-catchments listed in Table 3.11-2.</p> <p>b. By 1 July 20262028 for properties and enterprises within Priority 2 and Priority 3 sub-catchments listed in Table 3.11-2.</p> <p>5.2. For land use over 20ha and authorised under Rule 3.11.5.2 or for land use authorised under Rules 3.11.5.3, 3.11.5.4, 3.11.5.4A, or 3.11.5.5 or 3.11.5.5A, clauses A1 and A2 must be complied with by the date and in the manner specified in the property's or enterprise's Farm Environment Plan or Simplified Farm Environment Plan, which shall be within 3 years following the dates by which a Farm Environment Plan or Simplified Farm Environment Plan must be provided to the Council, or in any case no later than 1 July 20262028.</p>			
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			<p>C. Water bodies Water bodies from which cattle, horses, deer and pigs must be excluded or from which cultivation setbacks apply:</p> <p>i. Any river that continually contains surface water and is wider than one metre and deeper than 30cm.</p> <p>ii. Any drain that continually contains surface water and is wider than one metre and deeper than 30cm.</p> <p>iii. Any <u>significant</u> wetland, including excluding a constructed wetland</p> <p>iv. Any lake that is greater than 1ha in area.</p> <p>Exclusions: The following situations are excluded from clauses A1 and A2: 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.</p>			
	Schedule 1 766	Changes to FEPs and dispute process set out	<p>AMEND Schedule 1 to read: A Farm Environment Plan shall be prepared in accordance with the requirements of A <u>set out below</u>. The Farm Environment Plan shall be certified as meeting the requirements of A Schedule 1 by a Certified Farm Environment Planner.</p>	Support in part oppose in part	The successful implementation of FEPs is a critical part of PPC1, therefore careful consideration of matters raised in the submission, including how consistency will be achieved across multiple advisors and	Allow the parts of this submission that give greater guidance to plan users, including assessment,

		<p>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.</p> <p>The Farm Environment Plan must clearly identify how specified minimum standards will be complied with.</p> <p>The requirements set out in A below apply to all Farm Environment Plans, including those prepared within a Certified Industry Scheme.</p> <p>This schedule applies to all farming activities that require a Farm Environment Plan, but it is acknowledged that some provisions will not be relevant to every farming activity.</p> <p><u>Purpose of a Farm Environment Plan....</u> <i>Full relief not copied into this table</i></p> <p>...</p> <p><u>[1] Reference should be made to the Waikato Regional Council Farm Environment Plan Guidance Document for further information on the circumstances that may generate an amendment to a Farm Environment Plan.'</u></p>	<p>industry schemes. The changes could be made as council and primary industry co-developed implementation guides.</p>	<p>review and change processes</p>
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			OR AMEND paragraph 7(b) to adopt a reasonable, transparent and fair way of adopting Overseer version changes that maintains relativity between the NRP and the current discharge.			
Definition NRP 804			AMEND the definition of Nitrogen Reference Point to read: '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 <u>(or parts of the property or farm enterprise, where it is more appropriate to calculate several Nitrogen Reference Points for the property or enterprise)</u> and farm practices ... (or another model or version of approved by the Council)...'	Support in part oppose in part	For plan consistency, the NRP should be comparable regardless of ownership changes.	Allow the part of the submission that allows more accurate tracking of nitrogen
Definition 802			ADD to the Glossary of Terms a NEW definition of Most Practicable Action to read: ' <u>Definition - Most Practicable Action</u> <u>Most Practicable Action ("MPA"): For the purposes of a Farm Environment Plan and/or for the consideration of appropriate actions on farm to control diffuse contaminants associated with the farm enterprise, Most Practicable Action means the combination, priority and timing of actions to manage the discharge of contaminants from the farm enterprise that:</u>	Support in part oppose in part	Some of the aspects covered in the definition give effect to the RMA and some add unnecessary ambiguity and will not aid implementation	Do not allow the part of the submission that relates to a sector contribution

		<p><u>a. recognises and provides for the characteristics of the sub-catchment within which the subject farm enterprise is located as set out in the relevant sub-catchment Management Plan and Catchment Profile produced by Waikato Regional Council; and</u></p> <p><u>b. corresponds to the scale and significance of the risk from the discharge of each contaminant from the farm enterprise to the likely achievement of the short term targets^ in Objective 3 or the progression towards the outcomes anticipated by the Vision & Strategy and values^ referred to in Objective 1; and</u></p> <p><u>c. takes account of the relative contribution of the industry sector within which the farm enterprise belongs to the likely achievement of the short term targets^ in Objective 3 or the progression towards the outcomes anticipated by the Vision & Strategy and values^ referred to in Objective 1; and</u></p> <p><u>d. takes account of the resources reasonably available to the farm enterprise.'</u></p>			
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Further Submission ends.



To: **Waikato Regional Council**

Further Submission on: **PROPOSED WAIKATO REGIONAL PLAN
CHANGE 1: WAIKATO AND WAIPĀ RIVER
CATCHMENTS AND VARIATION 1 TO PROPOSED
WAIKATO REGIONAL PLAN CHANGE 1:
WAIKATO AND WAIPĀ RIVER CATCHMENTS**

From: DairyNZ

Date: 17 September 2018

Address for service

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1. INTRODUCTION

This is a Further Submission in relation to the Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments and Variation 1 to Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments. DairyNZ made submissions on Proposed Plan Change 1 and Variation 1. DairyNZ is making this Further Submission because, as the industry good organisation representing New Zealand's dairy farmers, it has an interest in the proposed plan which is greater than the general public's interest.

DairyNZ's support and/or opposition to specific submissions made by Auckland/Waikato Fish and Game is outlined in the attached table together with its reasoning and confirmation of the relief sought.

DairyNZ wishes to be heard in support of its Further Submission and, is willing to consider presenting a joint case at hearing with other submitters addressing similar issues.

I can confirm that I am authorised to make this Further Submission on DairyNZ's behalf.



Justine Young
Senior Policy Advisor
Dairy NZ

17 September 2018

Submission no./submitter	Provision And submission point ID	Decision sought	Support or oppose	Reason	Decision sought
Auckland/Waikato Fish and Game	Objective 1 and general points PC1-10806	Objective 1 Support the provision with amendments AMEND Table 3.11-1 so that 80 year attributes and targets are consistent with ecosystem health measures and achieving healthy freshwater ecosystems AND AMEND to include a range of attribute targets for all sites and sub-catchments that provide a clear linkage and assessment and measurement chain from the desired freshwater outcome to required reductions in nutrient loss from land by way of an allocation system AND AMEND to include appropriate sites for every sub-catchment AND AMEND to ensure clear linkages between Tables 3.11-1 and Table 3.11-2 AND AMEND Table 3.11-1 to add missing targets and limits, including ecosystem health based limits and targets AND AMEND Table 3.11-1 to adopt the relief sought in Appendix 1 of the submission (pages 66 to 69).	Support in part Oppose in part	The submission does not give effect to the RMA and introduces new concepts without justification or specific relief sought, where DairyNZ is unable to assess implications.	Allow the part of the submission that links the tables and do not allow other parts of the submission.
	Delete FEP through industry scheme V1 PC1	Delete Rule 3.11.5.3	oppose	The submission does not give effect to the RMA. The changes proposed will increase costs of implementation and	Do not allow the submission

	340			provide no more certainty of achieving the values and objectives of the PPC1 than existing provisions.	
	Changes to rule 3.11.5.4 V1PC1 1578	<p>Rule 3.11.5.4 Support with amendments APPLY decision/s requested in accordance with the submitter's PPC1 submission PC1-10999, except as modified by their V1 submission: [AMEND Rule 3.11.5.4 to read: "3.11.5.4 Controlled Activity Rule - Farming activities including multiple farms with a Farm Environment Plan not under a Certified Industry Scheme 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 3.11.5.1 and Rule 3.11.5.2 the use of land for farming activities (excluding commercial vegetable production) where that land use is not registers to a Certified Industry Scheme, and the associated diffuse discharge ... is a permitted activity until: 1. 1 January 2020 for properties or enterprises in Priority 1 sub-catchments listed in Table 3.11-2, and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value;</p>	oppose	The submission does not give effect to the RMA. The changes proposed will increase costs of implementation and provide no more certainty of achieving the values and objectives of the PPC1 than existing provisions.	Do not allow the submission

		<p>subject to <u>provided it complies with</u> the following standards and terms:</p> <p>a. A Farm Environment Plan has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner, and is provided to the Waikato Regional Council at the time as part of the resource consent application is lodged, which must be lodged by the dates specified in I-III below; and</p> <p>...</p> <p>e. <u>Nitrogen Discharges from the properties meets the targets and timeframes set out in Schedule E, as assessed by the Regional Council under the methodology contained in Scheduled B (including Updated Nitrogen Leaching Assessments).</u></p> <p>Matters of Control: Waikato Regional Council reserves control over the following matters:</p> <p>i. <u>The content of the Farm Environment Plan, which in any event must be in accordance with Schedule 1.</u></p> <p>i1. Buffers, as specified in Schedule D.</p> <p>...</p> <p>iii. The actions, timeframes and other measures to determine the diffuse discharge of nitrogen from the property or enterprise, <u>in accordance with Schedule B 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</u></p>			
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		<p>property or enterprises Nitrogen Reference Point, unless other suitable measures are specified. to ensure that nitrogen discharge is reduced to or maintained at the level specified in Schedule E or the level authorised by any nitrogen discharge rights if a trading scheme is operative within the</p> <p>vi. The monitoring, record keeping, reporting and information provision, <u>including public information provision</u>, requirements for the holder of the resource consent to demonstrate and/or monitor compliance with the Farm Environment Plan.</p> <p>vii. The timeframe and circumstances under which the consent conditions may be reviewed or the Farm Environment Plan shall be amended.</p> <p>viii. Procedures for reviewing, amending and recertifying re-approving the Farm Environment Plan the resource consent including:</p> <p>a) <u>Periodic reviews in accordance with the subcatchment progress review timeframes as specified in Table 3.11-2.</u></p> <p>b) <u>Reviews, initiated by the consent holder under section 128 on the purchase or sale of any nitrogen discharge rights under any operative catchment nitrogen trading scheme, in order to change the level of discharge authorised by the consent in clause iii.</u></p> <p>Dates:</p> <p>I. For Priority 1 sub-catchments, and properties</p>			
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		<p>with a Nitrogen Reference Point of greater than 75th percentile nitrogen leaching values, by 1 July 2020</p> <p>...</p> <p>Notification: Consent applications will be considered without notification, and without the need to obtain written approval of affected persons.</p> <p><u>Reviews will be subject to limited or public notification based on progress against the subcatchment progress review targets and and timeframes specified in Table 3.11-2."</u></p>			
	PC1 11001	<p>Rule 3.11.5.6</p> <p>Support the provision with amendments</p> <p>AMEND Rule 3.11.5.6 to read:</p> <p>"3.11.5.6 Restricted Discretionary Non Complying Activity Rule - The use of land for farming activities</p> <p><u>Rule 3.11.5.6 Restricted Discretionary Non Complying Activity Rule - The use of land for farming activities</u></p> <p>The use of land for farming activities that does not comply with the conditions, standard or terms of Rules 3.11.5.1 to 3.11.5. 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 non-complying activity</p>	oppose	The submission does not give effect to the RMA.	Do not allow the submission

		<p>(requiring resource consent). Waikato Regional Council restricts its discretion over will consider the following matters:</p> <p>i. Cumulative Effects on water quality of the catchment of the Waikato and Waipa Rivers, <u>including cumulative effects and the extent to which the limits and targets in Schedule E are achieved.</u></p> <p>...</p> <p>Notification: Consent applications will be considered without limited or public notification, and without the need to obtain written approval of affected persons."</p>			
	1580	<p>Rule 3.11.5.6 Support with amendments APPLY decision/s requested in accordance with the submitter's PPC1 submission PC1-11001, except as modified by their V1 submission: [AMEND Rule 3.11.5.6 to read: "3.11.5.6 Restricted Discretionary Non Complying Activity Rule - The use of land for farming activities Rule 3.11.5.6 Restricted Discretionary Non Complying Activity Rule - The use of land for farming activities The use of land for farming activities that does not comply with the conditions, standard or terms of Rules 3.11.5.1 to 3.11.5.5 and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens</p>	oppose	The submission does not give effect to the RMA.	Do not allow the submission

		<p>onto or into land in circumstances which may result in those contaminants entering water is a restricted discretionary non-complying activity (requiring resource consent).</p> <p>Waikato Regional Council restricts its discretion over will consider the following matters:</p> <p>i. Cumulative Effects on water quality of the catchment of the Waikato and Waipā Rivers, including cumulative effects and the extent to which the limits and targets in Schedule E are achieved.</p> <p>...</p> <p>Notification: Consent applications will be considered without limited or public notification, and without the need to obtain written approval of affected persons."]</p>			
	PC1 11002	<p>Rule 3.11.5.7</p> <p>Support the provision with amendments</p> <p>AMEND the notification section of Rule 3.11.5.7 to read:</p> <p>"Notification: Consent applications will be considered without limited or public 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</p>	oppose	The submission does not give effect to the RMA.	Do not allow the submission
	V1PC1 1581	<p>Rule 3.11.5.7</p> <p>Support with amendments</p> <p>APPLY decision/s requested in accordance with the submitter's PPC1 submission PC1-11002,</p>	oppose	The submission does not give effect to the RMA.	Do not allow the submission

		<p>except as modified by their V1 submission: [AMEND the notification section of Rule 3.11.5.7 to read: "Notification: Consent applications will be considered without <u>limited or public notification,</u> 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."]</p>			
	<p>PC1 11004</p>	<p>Table 3.11-1 Support the provision with amendments AMEND Table 3.11-1 so that 80-year attributes and targets are consistent with ecosystem health measures and achieving healthy freshwater ecosystems AND AMEND the numerical 80-year targets to give effect to the water quality objectives of the Vision and Strategy AND AMEND Table 3.11-1 to include a range of attribute targets for all sites and sub-catchments that provide a clear linkage and assessment and measurement chain from the desired freshwater outcome to required reductions in nutrient loss from land by way of an allocation system AND AMEND to include attribute targets that enable an accurate characterisation of water quality and ecosystem health AND that ensure freshwater resources are sustainably managed,</p>	<p>oppose</p>	<p>The submission does not give effect to the RMA. It introduces new concepts without justification or specific relief sought, where DairyNZ is unable to assess implications.</p>	<p>Do not allow the submission</p>

		<p>provide for the habitat of trout and indigenous fish and the significant values of wetlands, AND that measure progress toward outcomes and enable reviews to assess the effectiveness of PPC1</p> <p>AND AMEND to include appropriate sites for every sub-catchment</p> <p>AND AMEND to define and refine short-term attribute targets for all sites</p> <p>AND AMEND the explanatory narrative to read: <u>"Actions put in place and implemented by 2036 to reduce discharges of nitrogen, phosphorous, sediment and microbial pathogens, have achieved thirty percent of the required change between current water quality and the 80 year water quality attribute targets in Table 3.11-1 once this Plan has been operative for 20 years."</u></p> <p>AND AMEND to ensure clear linkages between Tables 3.11-1 and Table 3.11-2</p> <p>AND AMEND Table 3.11-1 to adopt the amendments sought for rivers and streams, and add appropriate indicators for lakes and wetlands, as detailed in the table in Appendix 1 of the submission (pages 66 to 69).</p>			
	V1PC1 278	<p>Table 3.11-1</p> <p>Support with amendments</p> <p>RETAIN Table 3.11-1.</p> <p>AND AMEND to include attributes, limits and targets as set out in Appendix 2 [attached to full submission].</p>	oppose	The submission does not give effect to the RMA. It introduces new concepts without justification or specific relief sought, where	Do not allow the submission

		AND ENSURE the amendments are consistent with other relief sought by the submission AND the thresholds listed in Appendix 1 [attached to the submission].		DairyNZ is unable to assess implications.	
	V1PC1 299	Support with amendments AMEND Table 3.11-1 to include NEW attributes with numeric limits and targets consistent with the swimmable, healthy and food gathering goals of the Vision and Strategy. AND AMEND to include Nitrate and Dissolved Reactive Phosphorous (DRP) attributes, with limits as set out in Appendix 1 [attached to full submission]. AND AMEND to include Observed/expected Macroinvertebrate Community Index (MCI) (the fraction of current MCI divided by the predicted reference MCI to account for natural spatial variation) with limits as set out in Appendix 1. AND AMEND to include deposited sediment and Periphyton in hard bottomed streams (using a relative measure to account specific characteristics of streams in the catchment). AND ADD an Estuary Trophic Index for the Waikato River Estuary, in the Port Waikato subcatchment	oppose	The submission does not give effect to the RMA. It introduces new concepts without justification or specific relief sought, where DairyNZ is unable to assess implications.	Do not allow the submission

Submission Ends.



To: **Waikato Regional Council**

Further Submission on: **PROPOSED WAIKATO REGIONAL PLAN
CHANGE 1: WAIKATO AND WAIPĀ RIVER
CATCHMENTS AND VARIATION 1 TO PROPOSED
WAIKATO REGIONAL PLAN CHANGE 1:
WAIKATO AND WAIPĀ RIVER CATCHMENTS**

From: DairyNZ Ltd

Date: 17 September 2018

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1. INTRODUCTION

This is a Further Submission in relation to the Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments and Variation 1 to Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments. DairyNZ made submissions on Proposed Plan Change 1 and Variation 1. DairyNZ is making this Further Submission because, as the industry good organisation representing New Zealand's dairy farmers, it has an interest in the proposed plan which is greater than the general public's interest.

DairyNZ's support or opposition to original submissions is outlined in the attached table together with its reasoning and confirmation of the relief sought.

DairyNZ wishes to be heard in support of its Further Submission and, is willing to consider presenting a joint case at hearing with other submitters addressing similar issues.

I can confirm that I am authorised to make this Further Submission on DairyNZ's behalf.



Justine Young
Senior Policy Advisor
Dairy NZ

17 September 2018

Further Submission on Fonterra Ltd original submissions

Submission no./submitter	Provision and submission point ID	Theme of submission point	Decision sought	Support or oppose	Reason	Decision sought
Fonterra Ltd	General V1PC1 -801	Change the plan to provide a schedule to allow relatively low risk nitrogen leaching properties to have a more streamlined way of tracking nitrogen loss	<p>ADD a NEW schedule to PPC1 to be named 'Schedule BA', and read as follows: <u>Schedule BA - Nitrogen Risk Scorecard Reference Grade and assessment</u> <u>Properties or enterprises greater than 20ha (or greater than 4.1 ha that cannot meet the conditions of Rule 3.11.5.2(3))</u> <u>must comply with a nitrogen reference leaching rate determined either as the Nitrogen Reference Point (calculated in accordance with Schedule B) or a Nitrogen Risk Scorecard Reference Grade (established in accordance with Schedule BA).</u> <u>1.Where a rule of this plan allows for compliance to be measured using the Nitrogen Risk Scorecard the Nitrogen Risk Scorecard Reference Grade shall be determined as follows:</u> <u>a. The Nitrogen Risk Scorecard Reference Grade must be determined using the Nitrogen Risk Scorecard described in clause 2</u></p>	Support	The suggested change will still result in achieving the plan change objectives with a simpler nitrogen tracking and implementation framework that is more resource effective for landowners. The part of submission supported is set up of a N risk scorecard and process for identifying land is at 'steady state' for N leaching risk.	Allow the submission

			<p><u>b. The Nitrogen Risk Scorecard Reference Grade data set out in clause 3 for the reference period set out in clause 1d, must be provided to Waikato Regional Council in the template format set out in clause 4 within the period 1 May 2020 to 30 November 2020.</u></p> <p><u>c. The provision of Nitrogen Risk Scorecard Reference Grade data must be accompanied by a statement from a Certified Farm Nutrient Advisor that the information is a true and accurate reflection of the farm inputs over the reference period and that the information to verify data supplied is available on request.</u></p> <p><u>d. The Nitrogen Risk Scorecard Reference Grade shall be the highest grade that occurred during a single year (being 12 consecutive months) within the two year reference period specified in clause d) as generated by the Nitrogen Risk Scorecard.</u></p> <p><u>e. The reference period is the two financial years covering 2014/2015 and 2015/2016.</u></p> <p><u>2. [The specific operational design of the Nitrogen Risk Scorecard is to be determined prior to the hearings on V1/PC1. However, it will include the following design features:</u></p>			
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		<p><u>It will be an online tool hosted by Waikato Regional Council</u></p> <p><u>It will weight the key drivers of nitrogen loss risk from a property that are within farmer control. The six key risk factors considered in the nitrogen risk scorecard are: (a) Livestock, (b) Nitrogen fertiliser, (c) Imported feed, (d) Effluent management, (e) Cropping and Cultivation, (f) Irrigation</u></p> <p><u>The data required for the consideration of nitrogen loss risk using the scorecard</u></p> <p><u>Each key risk factor is made up of a number of sub factors for which there is a data provision requirement (where the sub factor is relevant to a particular farm system)</u></p> <p><u>Each sub factor is given a weighting that drives up or down the risk grading given for the overarching key risk factor.</u></p> <p><u>The key risk factor (and sub factors) provide direction for the development of the appropriate tailored actions in the FEP.</u></p> <p><u>It will calculate numbers (grades) for the key risk factors that can be considered individually, and an overall</u></p>			
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		<p><u>farm level risk grade that acts as either the reference point for the property or: on an ongoing reporting basis, provides for an assessment of compliance with the reference point - ie identifies a property that is "steady state" for N loss risks (and the broader risks associated with intensification)</u></p> <p><u>3. Farm data required to be submitted to determine the Nitrogen Risk Scorecard Grade is as follows:</u></p> <ul style="list-style-type: none"> <u>☐ Production data</u> <u>☐ Imported feeds (tonnes imported, tonnes of feed by type - grouped according to protein content of different feeds)</u> <u>☐ Nitrogen fertiliser (total kgN applied/effective ha, application timings, application rate, application decisions, fertiliser form, applications to effluent blocks)</u> <u>☐ Livestock (peak stocking rate, winter management practices, calving date, animal breed, use of infrastructure)</u> <u>☐ Effluent management (effluent irrigation method, effluent area, storage, effluent irrigation decisions)</u> <u>☐ Cropping and Cultivation (area cultivated, cultivation practice, crop types, N fert applied, setbacks)</u> 			
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		<p><u>2 Irrigation (method / system, scheduling approach, decisions)</u></p> <p><u>4. The template to be used for the annual provision of farm data is as provided on the Waikato Regional Council website at:</u> <u>[url to be provided]</u> [The template aims to assist users to provide the required information in a standard format. Fonterra would expect that to be made available (in electronic form) on the Waikato Regional Council website providing the added benefit of allowing for the collation of all data fields required to carry out the scorecard assessment - and hence achieve a high level of administrative efficiency]</p> <p><u>5. Where a rule of this Plan allows for compliance to be measured using the Nitrogen Risk Scorecard the Nitrogen Risk Scorecard Grade shall be determined as follows:</u></p> <p><u>a. by 1 July of each year the farm data described in Clause 3 for the preceding year (1 June to 30 May) must be provided to the Waikato Regional Council in the template format described in clause 4.</u></p> <p><u>b. The landholder shall keep all relevant records supporting the reliability of the data provided to the Waikato Regional</u></p>			
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			<p><u>Council for the purposes of (a) above and provide this information to the Waikato Regional Council on request. This data shall include as a minimum the following:</u></p> <p><u>i. Stock numbers as recorded in annual accounts together with stock sale and purchase invoices;</u></p> <p><u>ii. Dairy production data;</u></p> <p><u>iii. Invoices for fertiliser applied to the land;</u></p> <p><u>iv. Invoices for feed supplements sold or purchased; and</u></p> <p><u>v. Water metering records.</u></p>			
	Objective 4 V1PC1-1363		<p>[AMEND Objective 4 to read: "...a) considering the values and uses identified in <u>Section 3.11.1</u> when taking action to achieve <u>Objectives 1 and 3</u> the attribute^Δ targets^Δ for the Waikato and Waipā Rivers in <u>Table 11-1</u>; and..."]</p>	support	It is appropriate to link the objective to 1 and 3, because it allows a broader comparison. For instance, Objective 3 seeks to make a change in the actions carried out by people, and then links that to water quality.	Allow the submission
	Policy 1 V1PC1-748	Links policy 1 and 4	<p>"...a) Enabling activities with a low level of contaminant discharge to water bodies <u>consistent with Policy 4</u> provided those discharges do not increase; and..."]</p>	support	The suggested change provides a clearer link between policy 1 and 4, which otherwise may have been in conflict – Policy 1 talks about ‘no increase’ and Policy 4 is concerned with cumulative impact on the objectives.	Allow the submission

	Policy 2 V1PC1 748	Clarify that N is treated differently than other 3 contaminants	AMEND Policy 2(a) to read: a. Taking a tailored, risk based approach: i. 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 in a Certified Industry Scheme; and ii. <u>to manage the diffuse discharge of nitrogen to:</u>	support	If nitrogen is to be treated differently from the other 3 contaminants in the FEP, then this should be clearly spelt out. Support allowing relatively low risk nitrogen leaching properties to have a more streamlined way of tracking nitrogen loss. A 3 year rolling average is sufficient and preferable to 5 years given the length of the plan change to 2026.	Allow the submission
	Policy 2 V1PC1 755	Oppose the part d) of policy 2, that states discretionary judgements are made by those preparing and certifying FEPs, to proportionally reduce contaminant loss.	d. <u>Requiring Farm Environmental Plans to identify the areas and activities representing diffuse discharge risks and the most effective way of managing those risks on the property or enterprise.</u>	support	DairyNZ supports further guidance on where and how much diffuse contaminants should be reduced. This should be guided by robust information, not left to a single person on an ad hoc basis.	Allow the submission
	Policy 4 V1PC1	Policy guidance to adjust how relatively risk	Amend policy 4 read: "Policy 4: Enabling activities with lower discharges to continue or to be established	Support	The plan Change should focus implementation effort on the highest risk activities of	Allow the submission

	1348	activities are treated	<p><u>Enable existing and new farming that individually and collectively make a minor contribution to contaminant loads and/or that pose a low risk of increased contaminant discharge because the activities:</u></p> <p><u>a. Occupy a small land area; and/or</u></p> <p><u>1. Have a low nitrogen discharge per hectare (and/or the land is not used for an intensive farming use);</u></p> <p><u>Provided that high risk diffuse discharge practices are avoided."</u></p> <p><u>AND ADD a NEW Policy 4A to read: "Policy 4A: Signalling further change by lower discharging activities may be required in the future.</u></p> <p><u>Recognise that lower discharging activities may need to take additional mitigation actions to reduce diffuse discharges or nitrogen, phosphorus, sediment and microbial pathogens after 2026 in order for Objective 1 to be met."</u></p> <p><u>AND ADD a NEW Policy 4AB to read: "Policy 4AB: Enabling farming activities managed in accordance with industry schemes.</u></p> <p><u>Enable existing farming activities that have a low risk of increased contaminant discharge for their farming type and/or a</u></p>	contaminants discharges, while still retaining sufficient control to ensure other activities do not cumulatively adversely affect achievement of objectives 1 and 3. Policy guidance that clearly sets out the approach for managing activities that are lower risk of increasing nitrogen leaching	
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			<p><u>likelihood of diffuse discharge reductions over time because:</u></p> <p><u>a. They are part of an industry scheme designed to manage diffuse discharge risk; and</u></p> <p><u>b. In accordance with that industry scheme the diffuse nitrogen discharge by those properties whose Nitrogen Reference Point is above the 75th percentile nitrogen leaching value for the relevant freshwater management unit^."]</u></p>			
	<p>Policy 6</p> <p>V1PC1</p> <p>1349</p>	<p>Link policy 6 and 16</p>	<p>DELETE Policy 6 and REPLACE to read: "<u>...Manage the potential for increases in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens by generally only allowing land use change where it would:</u></p> <p><u>a. Not result in increased diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens; and/or</u></p> <p><u>b. Promote the implementation of Policy 16."</u></p>	<p>support</p>	<p>The proposed wording is an improvement as it sets out the intent more clearly and links the two related polices.</p>	<p>Allow the submission</p>

Submitter	Provision	Theme of Submission point	Decision sought	Support or oppose	Reason	Decision sought
<p>Fonterra Ltd</p>	<p>Rule 3.11.5.1</p>	<p>Simplify the rule so it only applies to small properties,</p>	<p>AMEND Rule 3.11.5.1 to read:</p>	<p>support</p>	<p>Simplifying the rule will assist plan users. A bought-in feed condition in the rule, is a</p>	<p>Allow the submission</p>

	V1PC1 762	and add a threshold for intensity	<p>1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and</p> <p>2. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and</p> <p>Either:</p> <p>3. The property area is less than or equal to 4.1 hectares; and</p> <p>4. The farming activities do not form part of an enterprise being undertaken on more than one property; or and</p> <p>Where the property area is greater than 4.1 hectares:</p> <p>5. For grazed land, the stocking rate of the land is less than 6 stock units per hectare; and Less than 25% of the feed consumed by livestock on the property is imported on the property.</p> <p>6. No arable cropping occurs; and</p> <p>7. The farming activities do not form part of an enterprise being undertaken on more than one property.</p>		proxy for intensification and therefore risk of contaminant discharges. However, if the intent is to prevent a cattle feed lot situation, then the percentage of bought in feed can be increased. A look up table in the rule to aid plan users will be needed.	
	Rule 3.11.5.2 765	Management of nitrogen in the life of the plan should be made more administratively efficient and achieve the same	<p>AMEND Rule 3.11.5.2 as follows:</p> <p>Rule 3.11.5.2 - Other Farming Activities <u>Small and/or low to medium nitrogen leaching risk farming activities</u></p>	Support in part	The Plan Change is the first stage of achieving the Vision and Strategy. While it is important for all properties to manage and reduce nitrogen to achieve the long term targets, any method of	Allow the part of the submission related to nitrogen risk scorecard,

		<p>outcomes in respect of farm systems that are of lower risk. That obligations on small, low risk N leaching properties are modest with an increasing level of oversight and reporting required as risk factors for N loss increase.</p>	<p>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 <u>that is not permitted under Rule 3.11.5.1 where the property area is greater than 4.1 hectares</u>, and has more than 6 stock units per hectare or is used for arable cropping, is a permitted activity subject to the following conditions:</p> <ol style="list-style-type: none"> 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)(c) and 4(e)(f) of this Rule; and 3. WhereThe property area is less than or equal to 20 hectares; and <ol style="list-style-type: none"> a. The farming activities do not form part of an enterprise being undertaken on more than one property; and b. <u>Less than 25% of the feed consumed by any livestock on the property is imported onto the property;</u> b.c. Where the land is: 		<p>distributing the rights to discharge nitrogen is yet to be determined. All landowners should establish baseline information about nitrogen losses in the Plan Change as a priority. To compare these baselines, a consistent methodology is needed. If properties are amalgamated a consistent baseline methodology will become important. Therefore, the requirement for an NRP should continue to apply to all properties over 20ha and arable cropping.</p> <p>The proposal by the submitters to streamline the way nitrogen is tracked and monitored in the life of the plan is supported. DairyNZ supports the change to delete a threshold of 15kgN/ha/year and replace it with N leaching risk thresholds that will continue to be relevant even when OVERSEER versions change. The</p>	<p>and the rule being simplified and conditions applied that relate to risk, with the proviso that the thresholds related to risk in the proposed 3b) and 4 a) and b) are the most appropriate. Do not allow the part of the submission that allows landowners to choose to do initial baseline is calculated using the risk matrix</p>
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			<p>i. used for grazing livestock, the stocking rate of the land is no greater than the stocking rate of the land at 22 October 2016; or</p> <p>ii. not used for grazing livestock, the land use has the same or lower diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens as the land use at 22 October 2016; and</p> <p>c.d. Upon request, the landowner shall obtain and provide to the Waikato Regional Council independent verification from a Certified Farm Environment Planner that the use of land is compliant with either b)c)(i) or b)c)(ii); above and</p> <p>d.e. Upon request from the Waikato Regional Council, a description of the current land use activities shall be provided to the Council; and</p> <p>e.f. 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); or</p> <p>4. WhereThe property or enterprise has an area is greater than 20 hectares and:</p>		<p>thresholds that apply to judge whether a property is low enough intensity to remain within the rule, should be consistent with those in Rule 3.11.5.1, in terms of well understood principles of N-critical inputs.</p>	<p>or the NRP process in Schedule B. Allow part of submission that lists conditions for arable cropping with the proviso they are the most appropriate to manage risk of discharges.</p>
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			<p>a. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and The peak stocking rate is less than 10 stock units per hectare;</p> <p>b. The diffuse discharge of nitrogen from the property or enterprise does not exceed either:</p> <ul style="list-style-type: none"> i. The Nitrogen Reference Point; or ii. 15kg nitrogen/hectare/year; whichever is the lesser, over the whole property or enterprise when assessed in accordance with Schedule B; and Less than 5% of the property is cultivated in any one year; <p>d.c. No winter forage crops are grazed in situ.</p> <p>d. No winter forage crops are grazed in situ; and A reference level of nitrogen leaching, is provided to the Waikato Regional Council in the form of either:</p> <ul style="list-style-type: none"> (i) An Nitrogen Reference Point calculated in accordance with Schedule B; or (ii) <u>A Nitrogen Risk Scorecard Reference Grade determined in accordance with Schedule BA.</u> <p>e. Where the property or enterprise contains any of the water bodies listed in Schedule C:</p> <ul style="list-style-type: none"> 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 			
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		<p>three metres of the bed of the water body (excluding constructed wetlands and drains) and</p> <p><u>Nitrogen leaching from the property or enterprise does not exceed the reference level of nitrogen leaching for the property or enterprise submitted to the Waikato Regional Council in accordance with condition 4 d, as demonstrated by either:</u></p> <p><u>(i) the three-year rolling average as submitted to the Waikato Regional Council by 1 July each year; or</u></p> <p><u>(ii) an annual Nitrogen Risk Scorecard Assessment undertaken in accordance with Schedule BA and submitted to the Waikato Regional Council by 1 July each year.</u></p> <p><u>f. A Farm Environment Plan is prepared in accordance with Schedule 1, is approved by a Certified Farm Environment Planner, and is provided to the Waikato Regional Council by 1 July 2023;</u></p> <p><u>g. The use of land is undertaken in accordance with the actions and timeframes specified in the Farm Environment Plan;</u></p> <p><u>h. The Farm Environment Plan provided under Condition 4f may be amended in accordance with the procedure set out</u></p>			
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			<p><u>in Schedule 1 and the use of land shall thereafter be undertaken in accordance with the amended plan;</u></p> <p><u>i. A copy of the Farm Environment Plan amended in accordance with condition 4h shall be provided to the Waikato Regional Council within 30 working days of the date of its amendment;</u></p> <p>j. Where the property or enterprise contains any of the water bodies listed in Schedule C:</p> <p>i. There shall be no cultivation within 5 metres of the bed of the water body; and</p> <p>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 or</p> <p>5. For all properties greater than 4.1 hectares, from 31 March 2019 30 November 2020, in addition to the requirements of Schedule A, the following information must be provided to the Waikato Regional Council by 1 September each year:</p> <p>a. annual stock numbers; and</p> <p>b. Annual fertiliser use; and</p> <p>c. Annual brought in animal feed.</p> <p><u>The property or enterprise is used for arable cropping; and</u></p>			
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			<p><u>a. No part of the property is used for grazing livestock</u></p> <p><u>b. Arable cropping does not occur within 3 meters of any waterbody</u></p> <p><u>c. No part of the property or enterprise over 15 degrees slope is cultivated</u></p> <p><u>d. 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 5 a to d above.</u></p> <p><u>e. A reference level of nitrogen leaching and associated data, is provided to the Waikato Regional Council at the date of registration in the form of either:</u></p> <p><u>(i) A Nitrogen Reference Point calculated in accordance with Schedule B; or</u></p> <p><u>(ii) A Nitrogen Risk Scorecard Grade determined in accordance with Schedule BA.</u></p> <p><u>f. Nitrogen leaching from the property or enterprise does not exceed the reference level of nitrogen leaching for the property or enterprise submitted to the Waikato Regional Council in accordance with condition 4 d, as demonstrated by either:</u></p> <p><u>(i) the three-year rolling average as calculated each year and submitted to the Waikato Regional Council; or</u></p>			
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			<p><u>(ii) an annual Nitrogen Risk Scorecard Assessment undertaken in accordance with Schedule BA and submitted to the Waikato Regional Council by 1 July each year.</u></p> <p><u>g. A Farm Environment Plan is prepared in accordance with Schedule 1, is approved by a Certified Farm Environment Planner, and is provided to the Waikato Regional Council by 1 July 2023;</u></p> <p><u>h. The use of land is undertaken in accordance with the actions and timeframes specified in the Farm Environment Plan;</u></p> <p><u>i. The Farm Environment Plan provided under Condition 4g 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;</u></p> <p><u>j. A copy of the Farm Environment Plan amended in accordance with condition 4h shall be provided to the Waikato Regional Council within 30 working days of the date of its amendment;</u></p>			
	Rule 3.11.5.3	All farms gain an NRP but ongoing management of	AMEND sections of Rule 3.11.5.3 as follows:	Support in part	The submission provides a more streamlined and efficient administration for	Allow the changes requested

	PC1 V1 779	nitrogen in the life of the plan should be made more administratively efficient and achieve the same outcomes in respect of farm systems that are of lower risk.	<p>2. A Nitrogen Reference Point is produced<u>calculated</u> for the property or enterprise in conformance with Schedule B within the period May 2020 to 30 November 2020; and</p> <p>4. The Certified Industry Scheme meets the criteria standards set out in Schedule 2 and has been approved by the Chief Executive Officer of Waikato Regional Council; and</p> <p>c. The information required to undertake the Nitrogen Risk Scorecard Assessment as set out in Schedule BA shall be provided to the Waikato Regional Council by 1 July each year in the template prescribed in Schedule BA e; or</p> <p>7. The Farm Environment Plan provided under Condition 5 may be amended in accordance with the procedure set out in Schedule 1 and the use of land shall thereafter be undertaken in accordance with the amended plan; and <u>Where the property or farm enterprise has a Nitrogen Reference Point above the 50th percentile nitrogen leaching value but below the 75th percentile nitrogen leaching value, the three-year rolling average does not exceed the</u></p>		tracking and monitoring nitrogen discharges, for those farms that are relatively low risk. The approach of an alternative to an OVERSEER-measured NRP as a proxy for ongoing assessment of nitrogen output risk is appropriate given the administration effort under the current approach and that there will be changes to nitrogen management needed in subsequent plan changes. Further assessment is needed of the content of the schedule that lists nitrogen relevant farm inputs with risk factors with consideration this is narrowed further to N fertiliser, imported feed, area irrigated, area of autumn and winter cropping.	in submission that allow an input-based nitrogen leaching risk assessment for farms below the 50 th percentile nitrogen leaching NRP.
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			<p><u>Nitrogen Reference Point from the date on which the Nitrogen Reference Point is provided to the Waikato Regional Council; or</u></p> <p><u>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.</u></p> <p><u>Where the property or farm enterprise has a Nitrogen Reference Point above the 75th percentile nitrogen leaching value, the Farm Environment Plan for the property or enterprise will set out actions, timeframes and other measures to ensure that diffuse discharge of nitrogen is progressively reduced so that it does not exceed that 75th percentile nitrogen leaching value by 2026.</u></p> <p>AND RETAIN conditions 1, 3, 6, 7 and 8 as notified (but renumbered as appropriate</p>			
	Rule 3.11.5.4 V1PC1 788	Nitrogen risk applied to implementation	AMEND Rule 3.11.5.4 as necessary, to provide for the Nitrogen Risk Scorecard approach [see submission points V1PC1-801, 814 and 815 as reference to this approach].	support	For lower N leaching farms which are not making changes that are likely to increase N, an annual check using OVERSEER is not necessary to achieve objective 3. An alternative resource effective method as put forward in the submission is preferred.	Allow submission

	Schedule B		<p>AMEND Schedule B Part c to read: "...c. The Nitrogen Reference Point must be calculated using the current <u>most recent</u> version of the OVERSEER Model (or any other model approved by the Chief Executive of the Waikato Regional Council)..." AND ADD a NEW Part eA of Schedule B to read: "<u>...eA: Once a year, following the release of a new version of Overseer (or any other model approved by the Chief Executive of the Waikato Regional Council), the Nitrogen Reference Point will be recalculated by the Waikato Regional Council (or for those registered to a Certified Industry Scheme, by the Certified Industry Scheme provider) using the latest version of that model and same data input file as was used to calculate the Nitrogen Reference Point submitted to Council in accordance with part e of this Schedule. When such a recalculation occurs, the resulting leaching rate becomes the Nitrogen Reference Point for the purposes of Rules 3.11.5.2 to 3.11.5.7...</u>" AND AMEND Table 1 setting used for 'missing data' as follows:</p>	support	<p>There will be changes in versions of the OVERSEER model over the life of the plan. The rule must ensure comparisons do not disadvantage farmers or the river. It should allow for nitrogen inputs to be compared even if modelled outputs change. There will be many circumstances where some data is missing for no fault of the current owner. This is exacerbated by the delays in finalising rules. The proposed changes allow additional considerations whilst the default situation still incentivises owners to source input data.</p>	Allow the submission
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			<p>"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 FMU average values for those inputs). for the particular farm system type but may be adjusted on the basis of farm production data which shall be provided in all cases where the complete suite of Nitrogen Referencing information is unavailable."</p> <p>AND REPLACE the setting that must be used in that cell corresponding to the 'Soil Description' line of Table 1 to read:</p> <p><u>"In any Farm Management Unit that has complete coverage of S Map, obtain soil description from the Link to S Map within Overseer.</u></p> <p><u>In any Farm Management Unit that does not have complete coverage of S Map use soil order from LRI 1:50,000 data or a soil map of the farm."</u></p>			
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Submission ends.



To: **Waikato Regional Council**

Further Submission on: **PROPOSED WAIKATO REGIONAL PLAN
CHANGE 1: WAIKATO AND WAIPĀ RIVER
CATCHMENTS AND VARIATION 1 TO PROPOSED
WAIKATO REGIONAL PLAN CHANGE 1:
WAIKATO AND WAIPĀ RIVER CATCHMENTS**

From: DairyNZ Ltd

Date: 17 September 2018

Address for service

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1. INTRODUCTION

This is a Further Submission in relation to the Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments and Variation 1 to Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments. DairyNZ made submissions on Proposed Plan Change 1 and Variation 1. DairyNZ is making this Further Submission because, as the industry good organisation representing New Zealand's dairy farmers, it has an interest in the proposed plan and variation which is greater than the general public's interest.

DairyNZ's support or opposition to Miraka's original submissions is outlined in the attached table together with its reasoning and confirmation of the relief sought.

DairyNZ wishes to be heard in support of its Further Submission and is willing to consider presenting a joint case at hearing with other submitters addressing similar issues.

I can confirm that I am authorised to make this Further Submission on DairyNZ's behalf.



Justine Young
Senior Policy Advisor
Dairy NZ

17 September 2018

Further Submission on Miraka Ltd original submissions

Original submitter	Provision and submission point ID	Submission	Decision sought by submitter	Support or oppose	Reason	Decision sought on whole or part of the submission
Miraka Ltd	Schedule 1 PC1- 12465	Guidance for FEPs is needed	Add a clause to the effect that the Waikato Regional Council will provide Best Management Practice guidelines for actions or measures to mitigate contaminant discharge in relation to a range of land uses, stock policies, land types and other biophysical factors and that such mitigating actions or measures are to be included in Farm Environment Plans and implemented on all properties and enterprises across the region.	Support in part	Guidelines in the plan and in operational council documents about how to assess risk of contaminants discharges and set mitigations in FEPs, will be essential to achieving Objective 3.	Accept the part of the submission that requests council guidelines on mitigation measures for FEPs
Miraka Ltd	Schedule 1 PC1-8898		Develop a method whereby the NRP is considered relative to productivity.	Support in part	The key aspect DairyNZ wishes to see retained is actions to hold and in some cases reduce nitrogen in the life of the plan change. It is appropriate to consider alternative methods of determining how nitrogen losses from a farm are assessed.	Accept part of the submission that requests investigation into nitrogen and the link to productivity and nitrogen surplus

Submission ends.



To: **Waikato Regional Council**

Further Submission on: **PROPOSED WAIKATO REGIONAL PLAN
CHANGE 1: WAIKATO AND WAIPĀ RIVER
CATCHMENTS AND VARIATION 1 TO PROPOSED
WAIKATO REGIONAL PLAN CHANGE 1:
WAIKATO AND WAIPĀ RIVER CATCHMENTS**

From: DairyNZ

Date: 17 September 2018

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1. INTRODUCTION

This is a Further Submission in relation to the Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments and Variation 1 to Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments. DairyNZ made submissions on Proposed Plan Change 1 and Variation 1. DairyNZ is making this Further Submission because, as the industry good organisation representing New Zealand's dairy farmers, it has an interest in the proposed plan which is greater than the general public's interest.

DairyNZ's support or opposition to Waikato Regional Council original submissions is outlined in the attached table together with its reasoning and confirmation of the relief sought.

DairyNZ wishes to be heard in support of its Further Submission and, is willing to consider presenting a joint case at hearing with other submitters addressing similar issues.

I can confirm that I am authorised to make this Further Submission on DairyNZ's behalf.



Justine Young
Senior Policy Advisor
Dairy NZ

17 September 2018

Submitter	Provision And submission point ID	Theme of submission point	Decision sought	Support or oppose	Reason	Decision sought
Waikato Regional Council	Policies 2 and 3 and/or Schedule 1 V1PC1 1485	Clarify intent and application of Policy 2	AMEND Policy 2 to make it explicit that those dischargers who exceed the 75th percentile nitrogen leaching value, must reduce their nitrogen losses to the 75th percentile.	support	Support clarification for plan users in the policy, that those landowners who exceed the 75 th percentile value will need to reduce by 2026.	Allow submission
	Policy 2 V1PC1 199	Guidance on mitigation actions	AMEND Policy 2 and 3 to provide further guidance for timeframes associated with identified mitigation actions.	support	Support clarification in the policy, about how and where the timeframes for mitigations will be specified. Timeframes for mitigation actions should be set in the FEP, with the condition of consent is that an up to date FEP must be available on request.	Allow submission
	Policy 2 V1PC1	Widen the scope of Policy 2	AMEND Policy 2(d) to refer to "water quality improvement required in the sub-catchment, Freshwater Management	support	Support the acknowledgment that taking a broader	Amend Policy 2(d) in conjunction with

	207		Unit (FMU) or catchment as appropriate".		context of water quality improvement is appropriate, given that the modelling work assumed that in the long term, reductions in all contaminants needed to occur in every part of the catchment	other changes to give further guidance for FEPs
	Policy 9(d) V1PC1 209	Clarify intent and application of Policy 9 with respect to how apportionment of mitigations amongst multiple landowners is done and who decides on a sub-catchment basis.	PROVIDE within Policy 9 (d), greater clarity and guidance as to how multiply developed mitigations are regulated, both in terms of satisfying the policy criteria applicable to an FEP and compliance with its requirements.	support	Support clarification to landowners and how mitigations that apply to more than one property will be assessed, decided, and tracked.	Allow the submission
	Method 3.11.4.5 V1PC1 1511	Generalise the method to allow more leeway to develop the sub-catchment approach Replace sub-catchment planning 'will' with	AMEND Method 3.11.4.5 to read: "Waikato Regional Council will work with others to develop ... where it has been shown to be required. Sub-catchment scale planning will may:..." AND DELETE Method 3.11.4.5 (f) in its entirety.	support	Council and those contributing to sub-catchment planning, should be able to use new ideas, initiatives that have developed since the plan was notified in 2016, so it	Allow the part of submission that opens the consideration of options, in conjunction with other changes to add new ideas

		'may' and generalise wording of how targeted funding could work.	AND REPLACE Method 3.11.4.5 (f) with: "Develop funding models for sub-catchment planning processes and mitigation actions where an individual's contribution		is appropriate to amend the method to provide greater flexibility for future processes	for sub-catchment planning
	Rule 3.11.5.2 V1PC1 1514	Remove absolute N number as risk threshold	AND AMEND Rule 3.11.5.2(4)(b)(ii) so that the reference to the nitrogen threshold (15 kgN/ha/yr) is deleted and replaced with a suitable land use intensity proxy	Support in part	OVERSEER model will change and therefore the absolute N leaching number specified as a risk threshold in the rule may change, although nothing else has changed on the property. A land use intensity proxy that is linked to known principles that will not change may be more appropriate and should be considered alongside other requests for a risk matrix approach to implementation.	Allow the submission
	Rule 3.11.5.4	Make changes to the rule to clarify how mitigations	AMEND Rule 3.11.5.4 to ensure that the registration dates and Nitrogen Reference Point requirements are required 12	Support in part	Clause 3.11.5.4.iii allows for mitigations such as	Do not allow the part of the submission that

	<p>V1 PC1 1516</p>	<p>outside OVERSEER will be treated.</p> <p>Make changes to the rule to recognise that land parcels will be amalgamated or split up and therefore rules should allow nitrogen to be accounted for.</p> <p>Make changes to the rule that result in the same level of robust N leaching risk assessment and mitigations being imposed and then implemented, but removes practical difficulties in yearly implementation requirements</p>	<p>months after decisions are released on PPC1 AND AMEND Rule 3.11.5.4 to include a specific requirement that land users must farm such that when their farming activities are modelled in OVERSEER®, the Overseer nitrogen leaching loss does not exceed the Nitrogen Reference Point for the property AND AMEND to introduce provisions throughout PPC1 to enable the reassignment of Nitrogen Reference Point entitlements between properties when new land is incorporated into a property AND DELETE all references in PPC1 to the '5 year rolling average' (Rule 3.11.5.4 and Schedule 1) AND MAKE any consequential amendments to delete the definition in the Glossary in Part C AND AMEND to use the Nitrogen Reference Point as a yardstick to indicate the relative amount of nitrogen being lost from a property AND AMEND Rule 3.11.5.4(iii) to read: "The actions, timeframes and other...the property or enterprise's Nitrogen Reference Point, unless other suitable mitigations are specified." OR alternatively AMEND Rule 3.11.5.4(iii) and Schedule 1 to provide more clarity regarding how the discretion available in this provision,</p>		<p>constructed wetlands and bunds that are very effective in reducing contaminants on farm. Research is underway nationally to develop robust assessment of efficacy and guidelines that can be used by council decision makers. If OVERSEER is the gatekeeper of which mitigations can and cannot be accepted to mitigate risk, then this will stifle innovation on farm and stop uptake of edge of field mitigations. Constructed wetlands, bunds are mitigations that were heavily relied on to achieve the property-level change and the short</p>	<p>seeks to delete part of clause 3.11.5.4.iii but allow the alternative relief</p> <p>Allow the part of the submission that relates to practical implementation and accounting for nitrogen.</p>
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			<p>should be exercised AND AMEND Rule 3.11.5.4(5) to require compliance with the Nitrogen Reference Point in the period during which the property owner is permitted under this rule AND AMEND to require compliance with Schedule B AND AMEND Rule 3.11.5.4 and Schedule B to delete the ability for an enterprise to hold a Nitrogen Reference Point and restrict the Nitrogen Reference Point to exist only in association with a particular parcel or property AND AMEND Rule 3.11.5.4(5)(c) to read: "A Nitrogen Reference Point has been produced for the property or enterprise in conformance to comply with Schedule B and is has been provided to the Waikato Regional Council at the time the resource consent application is lodged..."</p>		<p>term targets. Therefore, more work on clarifying how these work is the best course of action, rather than deleting the provision.</p> <p>The changes sought in the submission will achieve Objectives in the plan and are supported by DairyNZ if they ensure that a baseline NRP is undertaken, and the FEP process demonstrates that the risk of nitrogen leaching is reduced, and for those farms above a 75th percentile N leaching value, as calculated in the NRP, must reduce to that value.</p>	
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Schedule B V1PC1 222	Clarify that NRP can be amended by council	PROVIDE a provision within Schedule B that enables the Council to amend an NRP where it is appropriate to do so.	Support	There will be times, upon amalgamation or subdivision, where an NRP must be amended. This is a simple accounting process that should be allowed for in the rules.	Allow the submission
Schedule B 229	Update the schedule to recognise most relevant and up to date information for use in OVERSEER model	AMEND Table 1 in Schedule B, to specify the use of SMAP (Soil Map) functionality instead of Soil Order	support	It will be important for consistency of results in OVERSEER, to use the same, up to date base information inputs to the model.	Allow the submission
Schedule B V1PC1 1494	Clarify schedule B	AMEND clause b. to read: "The Nitrogen Reference Point shall be the highest annual nitrogen leaching loss that occurred during a single financial year (being 12 consecutive months) within the reference..." AND AMEND clause d. to read: "...and where the OVERSEER® Model is used, it must be calculated using the Overseer® Best Practice Data input standards 2016 that relate to the version of the Overseer® model being used, with the exceptions and inclusions set out in schedule B table 1."	Support in part	Amendments appropriately reflect practical implementation testing and will improve the plan useability without altering achievement of objectives	Allow the submission

			<p>AND AMEND clause f. to read: "The Nitrogen Reference Period is the two... except where the primary land use is for commercial vegetable production in which case the reference period is 1 July 2006 to 30 June 2016 or such lesser, relevant period if the land was used for commercial vegetable production during only part of that period."</p> <p>AND AMEND Schedule B clause g. to read: "...</p> <ul style="list-style-type: none"> i. Stock numbers as recorded in annual accounts together with stock sale and purchase invoiceRecords of stock numbers and stock classes, births and deaths, stock movement on and off the property, grazing records and transport records; ii. Dairy production data; iii. Invoices for fertiliser applied to the landRecords of fertiliser type and amount, application rates and fertiliser placement records; iv. Invoices forRecords of feed supplements and amount sold or purchased, and records of supplements grown and fed on farm; v. Water use records for irrigation (to be averaged over 3 years or longer) in order to determine irrigation application rates mm/ha/month per irrigated block, and proof of areas irrigated (for Overseer® block setup); 			
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			<p>vi. Records of crops grown on the land and grazed including area and yield, and including cultivation and sowing records where available; and</p> <p>vii. A map detailing the location and area of land used for effluent irrigation;</p> <p>viii. Horticulture crop diaries and NZGAP records.</p> <p>ix. Soil test data – including anion storage capacity</p> <p>x. A map detailing the property boundaries, areas including block (management) areas and retired areas, and the total area of non-productive areas; and</p> <p>xi. Certificate of title and legal description."</p> <p>AND ADD an advice note to read: "Advice note: For the avoidance of doubt, financial information contained within the above records may be redacted (blacked out) prior to it being provided to Waikato Regional Council."</p> <p>AND AMEND Schedule B Table 1 by deleting the existing Table 1 and replace with the new Table 1 in Appendix A to the submission.</p> <p>AND AMEND Schedule B clause d to read: "...with the settings that must be used complying with exceptions and inclusions set out in Schedule B Table 1. Where another approved model is used, it will conform to the data input</p>			
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			standards as approved by the Chief Executive of the Waikato Regional Council.			
	Schedule B 1494	Clarify Schedule B and improve ability to account for nitrogen	AMEND Schedule B to remove the ability for an enterprise to hold a Nitrogen Reference Point, and restrict the Nitrogen Reference Point to exist only in association with a particular parcel or property. AND AMEND to clarify whether it is the current, intended, or previous land use that determines the appropriate nitrogen reference period to use.	Support in part	DairyNZ supports the requirement for farms to obtain robust baseline information about nitrogen leaching, which gives a snapshot of nitrogen leaching at the reference years, and will be important for future changes. It is important that this baseline level of nitrogen leaching is tagged to a parcel of land. The outcome of the change sought will improve the ability to account of nitrogen, which is currently not stated in the plan change.	Allow the part of the submission that will allow the council to track nitrogen associated with land, even when it is amalgamated or subdivided, and do not allow the part of the submission that implies that a landowner should not be able to shift nitrogen around.
	Schedule 1 1522	Measure compliance on basis of whether actions in FEPs are completed	[DELETE Schedule 1 references to the 5 year rolling average and instead measure compliance based on whether the proposed mitigation actions listed in a Farm Environment Plans are completed.	Support in part oppose in part	Mitigations outside OVERSEER that are currently being researched should	Allow the part of the submission that ensures mitigations to reduce risk of N

		<p>AND AMEND Schedule 1 clause 2 (e) to read: "A description of nutrient management practices including... using the model OVERSEER® in accordance with the OVERSEER® data input standards and Table 1: Schedule Base protocols, or using any other model or method approved"</p> <p>AND AMEND Schedule 1: Vegetable growing minimum standards Row 5 of the table Soil/Phosphorus to read: "As a minimum by block: an approved erosion and sediment control plan constructed by the Certified Farm Environment Planner in accordance with the Erosion and Sediment Control Guidelines for Vegetable Production June 2014"</p> <p>AND AMEND Schedule 1 clause 5(a) to read: "Actions, timeframes and other measures.... or enterprise's Nitrogen Reference Point unless other suitable mitigations are specified."</p> <p>OR AMEND 3.11.5.4(iii) and Schedule 1 to provide more clarity regarding how the discretion available in this provision, should be exercised.</p>		<p>be allowed in FEP mitigations.</p>	<p>loss are completed</p> <p>Do not allow the part of the submission that seeks to delete part of clause 3.11.5.4.iii but allow the alternative relief</p>
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To: **Waikato Regional Council**

Further Submission on: **PROPOSED WAIKATO REGIONAL PLAN
CHANGE 1: WAIKATO AND WAIPĀ RIVER
CATCHMENTS AND VARIATION 1 TO PROPOSED
WAIKATO REGIONAL PLAN CHANGE 1:
WAIKATO AND WAIPĀ RIVER CATCHMENTS**

From: DairyNZ

Date: 17 September 2018

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1. INTRODUCTION

This is a Further Submission in relation to the Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments and Variation 1 to Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments. DairyNZ made submissions on Proposed Plan Change 1 and Variation 1. DairyNZ is making this Further Submission because, as the industry good organisation representing New Zealand's dairy farmers, it has an interest in the proposed plan which is greater than the general public's interest.

DairyNZ's support or opposition to original submissions by Wairakei Pastoral Ltd, is outlined in the attached table together with its reasoning and confirmation of the relief sought.

DairyNZ wishes to be heard in support of its Further Submission and, is willing to consider presenting a joint case at hearing with other submitters addressing similar issues.

I can confirm that I am authorised to make this Further Submission on DairyNZ's behalf.



Justine Young
Senior Policy Advisor
Dairy NZ

17 September 2018

submitter	Provision And submission point ID	Theme of submission point	Decision sought	Support or oppose	Reason	Decision sought
Wairakei Pastoral Ltd	Background PC1 11259	Explanation for new approach to sub-catchments	<p>AMEND the first paragraph of the Full Achievement of the Vision and Strategy will be Intergenerational section to read: "...The 80-year timeframe recognises the <u>potential</u> 'innovation gap' that means full achievement of water quality requires technologies or practices that are <u>may</u> not yet be 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 and use with lower discharges (e.g. through <u>reforestation mitigation</u>) within high-risk sub-catchments. Whereas in other sub-catchments it will be more appropriate to focus on <u>applying mitigation methods via consent conditions, rather than simply preventing land use change.</u>"</p> <p>AND AMEND paragraph 4 and associated bullet points to read: "The '<u>Stage 1</u>' approach to reducing contaminant losses from pastoral farm land implemented by Chapter 3.11 requires: ...</p>	Support in part oppose in part	The wording changes are appropriate as they anticipate new knowledge being developed during the life of the plan. It is not clear in the remainder of the submission how a nitrogen cap at a sub catchment level could be related back to the sum of all the actions at a property or enterprise level.	Allow the part of the submission that sets out the benefits of a sub catchment approach

			<p>☒ a property or enterprise scale nitrogen reference point to be established by modelling current nutrient losses from each property or enterprise, with nor property or enterprise being allowed to exceed its reference point in the future and higher dischargers being required to reduce their nutrient losses; <u>or</u></p> <p>☒ <u>the introduction of a refined sub-catchment based nitrogen cap."</u></p> <p>AND AMEND paragraph 8 to read: "In the short term (i.e. <u>Stage 1 = 10 years</u>), land use change from tree cover to animal grazing ... will be constrained (<u>but not prohibited</u>). Provision has been made for some flexibility of land use for Māori land ... 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..."</p> <p>AND AMEND PPC1 to consistently refer to 'property or enterprise' throughout [as opposed to just property'].</p>			
	Policy 2 PC1 12956	Alternative approach to NRP, where a sub catchment nitrogen load is related to existing NRPs and Objective 1, and can be used in a consent	<p>AMEND Policy 2 to renumber paragraph (c) as (b)</p> <p>AND ADD a NEW paragraph (c) to read: <u>"Encouraging enterprises to apply for sub-catchment management resource consent applications for farming activities and commercial vegetable production, associated diffuse discharges, and land</u></p>	Support in part	The submission sets out an alternative way of managing contaminants at a sub catchment level, and describes the checks and balances to	Allow the submission.

		<p>situation for an entire sub-catchment.</p>	<p>use change; and" AND REPLACE paragraph (d) with the following: <u>"Where an adaptive management and mitigation approach for sub-catchment management is developed, assess and calculate risk-based input loads for each contaminant at a refined subcatchment level. The input loads will be proportional to the Objective 1 freshwater objectives related to nitrogen, phosphorus, sediment and microbial pathogens for the surface waters that each refined sub-catchment is connected to. The input load for nitrogen will replace the Nitrogen Reference Point where an enterprise based consent for sub-catchment management is sought, proportional to the properties or enterprises collectively managed under existing Nitrogen Reference Point(s) values; and"</u> AND AMEND to renumber paragraph (e) as (f) AND ADD a NEW paragraph (e) to read: <u>"Identifying mitigation actions that are to be set out to achieve Objectives 1 and 3 and implemented within either a sub-catchment management plan; Farm Environment Plan; an associated resource consent; or in specific requirements established by participation in any relevant Certified Industry Scheme; and"</u> AND ADD a NEW paragraph (g) to read:</p>		<p>ensure the Objective is met. Allowing this approach in addition to the existing pathway, may provide an effective way to manage contaminants, if the process to develop the plan and the resulting consent is robust and the result achieves the plan objectives.</p>	
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			<u>"Enterprises that reduce nitrogen, phosphorus, sediment and microbial pathogens are enabled."</u>			
	Policy 4 11344	Describe an alternative pathway of sub catchment consents	ADD the following paragraph to Policy 4: <u>"Enabling enterprises to apply for sub-catchment management resource consent applications which include lower discharges from farming activities and commercial vegetable production, associated diffuse discharges, and land use change, will provide a key method (alongside participation in any relevant Certified Industry Schemes) for achieving clear and enduring improvements in water quality in order to meet (inter alia) Objectives 1 and 3 while allowing existing activities to continue and enabling new activities to be established."</u>	support	Allowing this approach in addition to the existing pathway, may provide an effective way to manage contaminants, if the process to develop the plan and the resulting consent is robust and the result achieves the plan objectives.	Allow the submission
	Policy 5 11345	Sets up the Schedule of adaptive management principles for use in sub catchment plans	ADD the following to Policy 5: <u>"Ensuring that resource consent applications for farming activities and land use change include an appropriate assessment of risk and uncertainty based on sound adaptive management criteria. Encouraging enterprises to apply for sub-catchment management resource consent applications for farming activities and commercial vegetable production, associated diffuse discharges, and land use change, will provide a key method (alongside participation in any relevant Certified Industry</u>	Support	Further guidance on how to deal with risk and uncertainty will assist plan users and the submitters Schedule 2 is also supported because the change process to achieve objectives should be adjusted as knowledge is gained.	Allow the submission.

			<u>Schemes) for implementing a staged approach to achievement the freshwater objectives In Table 3.11 -1."</u>			
	Policy 6 11346		<p>AMEND Policy 6 to read:</p> <p>"a. Except as provided for in Policy 16...</p> <p>b. Land use change consent applications that demonstrate clear and enduring decreases in existing diffuse discharges or nitrogen, phosphorus, sediment, or microbial pathogens <u>how the freshwater objectives in Objective 3 and Table 3.11 -1 can be achieved will generally be granted.</u></p> <p>c. Sub-catchment land use change consent applications will generally be granted where:</p> <p>i. <u>It is made by an enterprise for properties in a sub-catchment following a collaborative process to seek participation from all stakeholders with an interest in the land area in any sub-catchment.</u></p> <p>ii. <u>It Is supported by an adaptive management and mitigation approach for the sub-catchment which determines the suitability of the land for development including the risk of contaminant discharges from that land and the sensitivity of the receiving water bodies.</u></p> <p>iii. <u>The enterprise has prepared a Sub-catchment Management Plan in accordance with the criteria set out in [new] Schedule 2 of Chapter 3.11 with actions which demonstrate how the enterprise will</u></p>	Support in part oppose in part	The changes more clearly reflect the effects-based considerations than the current wording. However, item c) 'generally be granted' cannot be justified given the uncertainties, and the policy should instead, set out the process.	Allow the submission except for the wording in c) referred to.

			<u>achieve Objective 3 and specifically the Table 3.11-1 freshwater objectives."</u>			
	Schedule A V1PC1 687	Flexibility for people to start registering now	AMEND Schedule A(1) to read: 1. Registration must <u>may</u> occur between 1 May 2020 and <u>at anytime before 30 November 2020</u> but all relevant <u>properties and enterprises must (at least) be registered by that date.</u>	support	The submission is supported as it aligns with relief sought in the DairyNZ submission.	Allow the submission