



## Federated Farmers of New Zealand

### Submission on Variation 1 to Proposed Waikato Regional Plan Change 1 Waikato and Waipa River Catchments

23 May 2018



**SUBMISSION TO WAIKATO REIGONAL COUNCIL ON VARIATION 1 TO PROPOSED  
WAIKATO REGIONAL PLAN CHANGE 1 WAIKATO AND WAIPA RIVER CATCHMENTS  
("VARIATION 1")**

Form 5

Submission on publicly notified proposal for policy statement or plan  
Clause 6 of First Schedule, Resource Management Act 1991

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This is a submission on Variation 1 to the Proposed Waikato Regional Plan Change 1 Waikato and Waipa River Catchments ("Variation 1").

**Note:** a reference to Variation 1 in this submission is a reference to the "Supporting Document Incorporating Variation 1 Amendments to Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments."

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

The specific provisions of the proposal that FFNZ's submission relates to and the decisions it seeks from Council are as detailed on the following pages. FFNZ also seeks any consequential changes necessary to give effect to the relief sought or address the concerns raised in this submission.

FFNZ wishes to be heard in support of its submission.

## **1. INTRODUCTION**

- 1.1 FFNZ welcomes the opportunity to submit on Variation 1.
- 1.2 FFNZ is a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers involved in a range of rural businesses. FFNZ is a pan sector organisation that works with farmers to ensure practical and workable outcomes.
- 1.3 FFNZ aims to add value to its members' farming businesses. Its key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
  - a. FFNZ's members may operate their business in a fair and flexible commercial environment;
  - b. FFNZ's members, their families and their staff have access to services essential to the needs of the rural community; and
  - c. FFNZ's members adopt responsible management and environmental practices
- 1.4 FFNZ represents members who are engaged in a wide range of land use activities in the Waikato River Catchment. This includes dairy farms, a range of drystock activities (including sheep and beef for meat and wool, cattle grazing for dairy support and deer for meat and velvet), horticulture activities (from commercial vegetable growing to cropping to orchards) and intensive farming activities like pig farming.
- 1.5 This also specifically includes members in the north eastern portion of the Waikato River Catchment that has been brought within the plan change as part of Variation 1.
- 1.6 Both in the lead up to and following FFNZ's original submission on Plan Change 1 on 8 March 2017, FFNZ has undertaken extensive consultation with its members. This has included public meetings, member advisories, newspaper articles, discussion groups, one on one meetings, meetings with Waikato Regional Council ("WRC") and stakeholders, and projects with individual farmers to understand the implications of Plan Change 1 and Variation 1.
- 1.7 FFNZ has also undertaken extensive consultation with a range of farming and community interest groups, as well as territorial authorities and businesses that rely on the rural economy. As the largest pan sector organisation representing farming interests, FFNZ has attempted to find a middle ground position that attempts to balance the competing interests.

## **2. VARIATION 1**

- 2.1 The circumstances of this plan change have not been like a typical plan change. These include the decision to remove part of the sub-catchment and then reintroduce it by way of variation, the fact that the plan change will regulate a range of activities that had not previously been regulated in a direct way, the development of the plan change through a collaborative stakeholder group process, and the changes or progression in thinking that have occurred during the 12 month or so delay following the close of submissions on Plan Change 1.

- 2.2 In this section FFNZ sets out some of those circumstances in more detail in order to provide context for the approach adopted in this submission on Variation 1 and the reasons FFNZ considers it has scope to make this submission.

### **Removal of north eastern part**

- 2.3 The removal of the north eastern part of the Waikato River Catchment from Plan Change 1 and then re-inclusion of that area through Variation 1 has caused considerable delay to the Schedule 1 process. FFNZ's submission dated 8 March 2017 sought the withdrawal of the whole of Plan Change 1 and the re-notification of it as a complete plan change once consultation with Hauraki Iwi was complete. There were many who made a similar submission.
- 2.4 FFNZ stands by that submission and considers that such an approach would have provided for a cleaner and clearer process and ensured fairness to all concerned.
- 2.5 Instead, Council has decided to reintroduce the north eastern part of the Catchment as a Variation. FFNZ considers that as a fundamental principle of natural justice (and to give effect to Schedule 1 of the Resource Management Act), this must mean an opportunity to submit on the entire contents of Chapter 3.11 and not just the parts changed by Variation 1.
- 2.6 By way of example, there are many people in the north eastern part of the Catchment who decided not to submit on Plan Change 1 because it did not apply to them and at the time they did not know what the policy and rule framework would be for their activity. Many of these people are FFNZ members.
- 2.7 If these people are not given an opportunity to submit on how the rules affect their activities, they will effectively have no opportunity to be heard. As an organisation representing members in this situation, FFNZ considers that it also has an opportunity to submit on the entirety of Chapter 3.11 and not just the amendments made by Variation 1.
- 2.8 FFNZ also considers that if an opportunity is being extended to those in the north eastern part of the Catchment to submit on the whole of Chapter 3.11 (and it considers that Council has a duty to do so), the same opportunity must be provided to everyone in the Catchment. It is likely that many parties' thinking has moved on since 8 March 2017 and to provide one group with an opportunity to submit on that updated thinking (being those in the north eastern part of the Catchment) but not others would be a breach of natural justice.
- 2.9 Providing everyone with an opportunity submit on the entirety of Chapter of 3.11 through Variation 1 is consistent with the approach Council has adopted in its notification and consultation documents and is also consistent with the comments by the Chairperson of WRC in the opening parts of Variation 1:

We want to get this plan right so **I encourage you to submit your feedback**. Water quality is a shared problem and we need shared solutions. [emphasis added]

- 2.10 FFNZ's view is that providing a comprehensive submission now (particularly the detailed track changes and explanation of the reasons for them) also provides an opportunity to update WRC and all other submitters on the progression FFNZ has made in its thinking. It gives other parties the opportunity to express their views on the track changes through further

submissions as opposed to potentially excluding them if the track changes were simply presented as evidence.

### **Progression in thinking**

- 2.11 The delay over the past 12 months or so, has provided an opportunity for all parties to better understand the plan change, to undertake further research and analysis and to engage with each other to better understand the implications of the plan change. Importantly, it has provided an opportunity for parties to think about how the plan change could be amended to address their concerns (whereas submissions provided in March 2017 were more focused on what parties did not like about Plan Change 1).
- 2.12 During this time there have also been many changes at a policy level. For example, the National Policy Statement for Freshwater Management (“**NPS-FM**”) was amended in 2017 and the draft national stock exclusion rules were not finalised (nor did they provide the assistance that many parties thought they might provide in setting guidance for regional planning). Changes like this have played a part in the progression in thinking that has occurred.
- 2.13 FFNZ has given considerable thought to how the wording in Chapter 3.11 ought to be changed to address its concerns. It has spent considerable time canvassing a range of views from all of those with direct or indirect farming interests as well as those an interest in rural communities.
- 2.14 At the time FFNZ drafted its submission on Plan Change 1 it thought that detailed proposals (including track changes to Chapter 3.11) were being worked on by a range of organisations (particularly levy payer funded rural production industry good organisations). FFNZ raised concerns about the apparent lack of coordination amongst these organisations and thought that it could best assist by making a high level submission and address the details of the proposal through further submissions.
- 2.15 In the time following the close of submissions on Plan Change 1, it became apparent to FFNZ that there was no single coordinated position among agricultural interest groups, there was no pan sector or middle ground approach, and most organisations appeared to be solely thinking about how the plan change affected their own interests. FFNZ decided that it needed to take leadership and, as the largest pan sector organisation, draft the specific changes it thought were needed to provide a middle ground approach that considers the implications for all activities (and not just a specific sector).
- 2.16 FFNZ considers that Variation 1 is an opportunity to present those detailed track changes. By presenting them as part of its submission on Variation 1, it provides an opportunity for parties to comment on them through the further submission process.
- 2.17 For clarity, FFNZ considers that the detailed track changes are within the scope of its submission dated 8 March 2017 and also within the scope of a submission on Variation 1 (being the changes that are needed to address the interests of members in the north eastern part of the catchment). Its point is that it considers that there are additional public interest considerations which support the approach it has adopted in this submission, being the opportunity for the public to submit on the track changes through the further submission process (as opposed to leaving it until evidence exchange to present them).

- 2.18 FFNZ considers that it could have developed these track changes and provided them as evidence during the hearing process (as they are within the scope of its 8 March 2017 submission, and this is the usual process). However, this would have excluded the opportunity for the public to comment on them as part of further submissions.

### **Drafting of Chapter 3.11**

- 2.19 Chapter 3.11 proposes to regulate many activities that have not previously been directly regulated or approached in the way that is proposed. The approach has been a fundamental change in mind set for many involved in the rural sector. It has taken some time to understand the implications for individual farming activities (particularly given the range of farm types, systems and practices within the Waikato Catchment) and how the Chapter could be better drafted to address these.
- 2.20 This has been compounded by some of the drafting issues with Chapter 3.11, the way in which it was prepared (e.g. by a collaborative stakeholder group as opposed to Council plan drafters) and with the significant number of documents that were generated as part of the CSG process.
- 2.21 The result is that it has taken time to understand how detailed track changes to Chapter 3.11 could be drafted, this has required leadership by a pan sector organisation and this is likely to be an ongoing and iterative process. This would benefit from further input through the further submission process. Variation 1 provides an opportunity to pull all of the threads together and present the track changes as a unified and cohesive proposal, together with detailed reasoning and explanation in the table set out in section 5 of this submission.

### **Status of submission on Plan Change 1**

- 2.22 FFNZ considers that the detailed track changes, and the reasons for them, are within the scope of its high level submission dated 8 March 2017. That submission was at a comparatively general or high level as the implications of Plan Change 1 were not well understood by any party at that time, and how to address concerns (in terms of specific wording changes) had not been able to be properly assessed.
- 2.23 FFNZ considers that this submission is more in the nature of providing detailed track changes as opposed to changing its position. However, for clarity, to the extent that there is a conflict between this submission and FFNZ's submission dated 8 March 2017, this submission shall prevail.
- 2.24 This submission focuses on the solutions (in terms of track changes to Chapter 3.11) and the reasons for the solutions. FFNZ's submission dated 8 March 2017 focused more on the flaws or issues with Chapter 3.11, the reasons for them (e.g. inadequate section 32 analysis, inconsistency with NPS-FM, inconsistency with the statutory framework, flaws with CSG process and analysis etc) and how they could be addressed at a high level.

## **3. GENERAL COMMENTS ABOUT PRINCIPLES FOR FFNZ FRAMEWORK**

- 3.1 In this section FFNZ sets the context for the principles that have guided the policy and regulatory framework it proposes through track changes to Chapter 3.11.

## Long term objectives

- 3.2 FFNZ supports efforts to improve water quality. However, these efforts need to be targeted and balanced with economic cost and social disruption in order to achieve sustainable management. FFNZ has concerns that the section 32 analysis is fundamentally flawed and refers to the reasons contained in its submission dated 8 March 2017.
- 3.3 FFNZ also acknowledges the recent Land Air Water Aotearoa (“**LAWA**”) report which indicates that at least 87% of waterways are stable or improving for all of the attributes that are measured. This suggests that progress is being made and that public perception around freshwater quality does not necessarily align with actual states.
- 3.4 FFNZ recognises the NPS-FM and the Vision and Strategy for the Waikato River (“**Vision & Strategy**”) as two important guiding documents for freshwater management decisions in the Waikato. It considers that it is important that these two documents are interpreted and applied in a way that achieves sustainable management. If they are, they will appropriately guide decision making and provide appropriate long term objectives.
- 3.5 FFNZ supports the objective of progressing towards the achievement of the Vision & Strategy and the adoption of an 80 year timeframe to recognise the long term and aspirational nature of this goal. It also supports the identification of values for the Waikato and Waipa Rivers (an important part of the NPS-FM process) and using those values as part of the long term objective to guide decision making.
- 3.6 However, FFNZ has concerns about how these aspirational and narrative goals were translated into numeric targets for each water quality attribute. FFNZ does not support the adoption of 80 year numeric targets (in Table 3.11-1) and instead supports the adoption of a narrative approach that focuses on progress towards or assistance to achieve the water quality outcomes anticipated by the Vision & Strategy and the values by 2096 (see track changes to Objective 1).
- 3.7 This approach provides for the development of numeric targets in the short or medium term as better information becomes available or as technology changes. FFNZ considers it neither necessary nor desirable to impose 80 year numeric limits on the sub-catchments at this stage.
- 3.8 FFNZ’s concerns with the calculation of the numeric water quality attributes include:
- a. Issues with the assumptions underlying the setting of the long term numeric attribute states e.g. the lake metric for nitrogen has been adopted in the main stem of the Waikato River, total phosphorous targets have only been set for the main stem and are based on the lake metric, and it is assumed that the Vision & Strategy requires the specific attribute number to improve even if it is currently in the A band under the National Objectives Framework (“**NOF**”).
  - b. Issues with the basis for the analysis, this includes the fact that the river is highly modified with hydro dams and townships along its length. It is not clearly understood how these ought to be treated or the impact upon the appropriate numeric attribute states. In addition, the values for hydro electricity generation, primary production and economic or

commercial development do not appear to have been weighed in the decision making when setting the attribute states.

- c. It is premature to adopt numeric 80 year targets or limits given that the 80 year targets are aspirational and not achievable on the basis of current technology. Achieving the 80 year targets places reliance on technological and scientific advances in terms of land and plants, mechanical and engineered interventions to reduce and attenuate losses from land use activities on natural water systems. It is unrealistic and unnecessary to make such assumptions at this stage.
- d. The Catchment is poorly understood e.g. little is known about attenuation and load to come as well as the drivers of contaminant loads.
- e. The 80 year targets rely on CSG's interpretation of "restore and protect" and the Vision & Strategy as well as attribute states in the NPS-FM. For example, CSG interpreted this as meaning that water quality must improve everywhere, even where it is in the A Band. This is not consistent with the NPS-FM (which provides for maintain or improve and also provides that "maintain" means maintain within a band). FFNZ considers that "restore and protect" does not necessarily mean that all water quality attributes must improve.
- f. The numeric attribute states do not take into account or provide for anomalies or spikes e.g. flood or other unforeseeable events that result in an E coli spike that is not a trend. The attribute states also have not been updated for the 2017 amendments to the NPS-FM.
- g. The numeric attribute states do not take into account economic, social and cultural wellbeing as required by Part 2 of the RMA, as required by the Vision & Strategy (e.g. Objectives D and J) and as required by the values (e.g. values for primary production and economic or commercial development). For example, the 80 year targets will impose significant economic cost and social change both regionally and nationally. However, this has not adequately or appropriately assessed in the section 32 evaluation.
- h. The numeric attribute states appear to have taken some values into account but not others or they appear to have failed to adequately balance competing values. For example, the 80 year targets assume no hydro dams, yet there are several along the Waikato River and they are recognised as a value (but the impact of hydro dams on achievable water quality targets does not appear to have been appropriately weighed in the decision making). Likewise, the 80 year targets are not available on the basis of current technology and the closer the Catchment progresses to the targets the more significant and devastating the cost that is imposed on the regional and national economy. The significance of primary production and economic opportunities the river provides are values but they also do not appear to have been appropriately weighed in the decision making.

3.9 FFNZ considers that it is not necessary nor desirable to set long term numeric attribute targets or limits for the Catchment. FFNZ considers that neither the Vision & Strategy nor the NPS-FM require this. FFNZ also has concerns about the vires of a regional plan if 80 year numeric attribute targets are adopted as an objective because the regional plan has no way of achieving these numbers (assuming that there is a legal requirement for a regional plan to achieve its objectives).

## Short term targets

- 3.10 FFNZ sees merit in adopting 10 year numeric attribute targets that are achievable in the lifetime of the plan and against which progress can be measured. FFNZ considers that the appropriate 10 year period is until at least 2028 (not 2026) to take into account the delay that has occurred since Plan Change 1 was notified.
- 3.11 FFNZ also supports the short term targets on the basis that they are set at a sub-catchment scale as opposed to property scale. As explained in section 5 of this submission, FFNZ does not support allocation to a property level because it considers that there is no reliable and equitable way of allocating nitrogen (or any contaminant). It considers that there are other ways of achieving reductions and desired outcomes without needing to allocate.
- 3.12 While FFNZ has concerns with the setting of the 80 year targets (and recognising that the 10 year targets are derived from the 80 year targets), it considers that the 10 year targets are likely to serve the purpose a measure to assess and demonstrate progress in the first 10 years.
- 3.13 At this stage FFNZ considers that the impacts of errors in underlying assumptions are likely to be reduced when considering the 10 year targets (given that they represent 10% of the difference between current state and the 80 year target). However, if there was a more accurate, realistic and achievable measure for 10 year targets, FFNZ would support such an alternative. In the alternative, FFNZ proposes that short term targets are adopted on the basis of National Objectives Framework (“**NOF**”) bands as opposed to specific numbers.
- 3.14 For all of these reasons, FFNZ supports an approach as follows (FFNZ has amended Table 3.11-1 and Objectives 1 and 3 to reflect this):
- a. Variation 1 seeks to make progress towards the water quality outcomes anticipated by the Vision & Strategy and the values<sup>^</sup>.
  - b. Variation 1 adopts the short term water quality attribute states (or in the alternative, NOF bands) as the objective to be achieved in the first 10 years (being the period to 2028).
- 3.15 FFNZ has some concerns about the implications as a result of the delay since notification of Plan Change 1 in 2016 and the changes to key dates for actions under Variation 1. FFNZ is concerned that this may result in the progress that was intended to be achieved by 2026 (being 10% of the journey in 10 years) not being achieved. It considers that a reasonable and realistic response is to treat the 10 year period as ending in 2028 (being 10 years from the date of notification of Variation 1).
- 3.16 By way of example, many of the gains anticipated by Chapter 3.11 are through the adoption of FEPs. It is likely to be unrealistic to expect these to deliver the anticipated water quality improvements by 2026 when farmers in Priority 2 and 3 catchments are not required to obtain FEPs until 2025 and 2026.
- 3.17 FFNZ understands that there is a need to stage the implementation of Chapter 3.11 due to the number of farmers affected, the limited Council resources and the limited pool of certified farm environment planners. For that reason, it supports targeting priority sub-catchments.

- 3.18 As explained in the details of this submission, FFNZ has some concerns about the sub-catchments identified as a priority and considers that this would benefit from review and re-prioritisation. Notwithstanding these concerns, FFNZ does not want to cause any undue or unnecessary delay and in the absence of a better basis for prioritising, FFNZ is willing to “get on with the job” using the priorities in Table 3.11-2.
- 3.19 While FFNZ supports the achievement of water quality improvements as quickly as reasonably and sustainably possible, it considers that it would be prudent to extend the 2026 timeframe so that it truly reflects 10% of the journey in the first 10 years. It proposes that a timeframe of 2028 is adopted as follows:
- a. Priority 1 sub-catchments are to submit Farm Environment Plans (“**FEPs**”) by 1 March 2022.
  - b. Priority 2 sub-catchments are to submit FEPs by 1 March 2025.
  - c. Priority 3 sub-catchments are to submit FEPs by 1 March 2028. This recognises the additional two year period that has been granted to those in Priority 1 and 2 sub-catchments and the need to stage or stagger the FEP and/or consenting process. It also recognises that it is likely to be extremely difficult to find a certified farm environment planner who can complete the work (or do it for a reasonable fee) if Priority 1 and 2 sub-catchments are so close together.
  - d. The water quality 10 year targets are assessed at 2028. This effectively provides for a 10 year period from the date of notification of Variation 1. It recognises the 19 month delay that has occurred from the notification of Plan Change 1 to the notification of Variation 1. It also recognises the extensions to the timeframes for FEPs and provides the same proportional time between the FEPs and 10 year period as was intended at the time Plan Change 1 was notified.
  - e. The stock exclusion requirements are to be met by 2028. This provides for the period that was originally intended for farmers to exclude stock through FEPs and also provides for the stock exclusion requirements in Chapter 3.11 to be clarified (in particular, the conflict between Schedules C and 1 to be resolved).
- 3.20 It is noted that the plan change is still in the very early stages of the Schedule 1 process. Given the number of parties involved, it is almost inevitable that there will be numerous Environment Court appeals and, given the interest of all parties in the entire plan change, there is a strong possibility that it is many years before the provisions are operative.
- 3.21 Accordingly, FFNZ considers that the above timeframes may be too optimistic. It proposes to balance this to changes to the methods to ensure that any impacts on progression towards the 10 year targets (such as delays in implementing FEPs, changes to rules late in the process or discovery that the prioritisation of sub-catchments did not target the right ones) are taken into account as part of the review and evaluation in 10 years time. However, in the alternative, it consider that the 10 year period ought to start from the date Chapter 3.11 becomes operative.

## **Federated Farmers' principles for Plan Change 1**

3.22 FFNZ supports an approach that is effects based, equitable and consistent (noting that this does not require the “same” outcome but it does require a similar approach). Based on extensive consultation with members and a range of parties, it developed an approach that is based on the following principles:

### **a. Consistency in approach between Lakes and rivers.**

3.23 Chapter 3.11 appears to adopt a “proceed with care” approach for the lakes. It is based on developing robust sub-catchment management plans, taking the time to understand the drivers of water quality and potential solutions, and provides for coordinated whole of catchment actions tailored to the particular lake.

3.24 In contrast, Chapter 3.11 appears to adopt an “act immediately, stop any contaminant increasing” approach for the rivers (which are much closer to 10 and 80 year targets than the lakes). FFNZ seeks a more consistent approach whereby actions are tailored to the particular sub-catchment (and this involves a better understanding of sub-catchment characteristics), whilst at the same time taking appropriate actions to ensure the required progress in the first 10 years.

3.25 This does not mean the same approach is adopted between lakes and rivers (e.g. FFNZ’s proposal for rivers still adopts the NRP, the Catchment Profiles are not detailed like a sub-catchment management plan etc), but it means that they are more similar e.g. both adopt a sub-catchment, tailored and proportionality approach.

### **b. Consistency in approach between urban and rural; point source and diffuse discharges.**

3.26 Chapter 3.11 adopts a different approach for point source discharges compared with diffuse discharges. For example, point source discharges are not subject to Chapter 3.11 until it is time to renew their consents. When they are renewed, point source discharges are not required to “minimise” every contaminant but instead they are assessed under the Best Practicable Option (“**BPO**”) framework. They have the ability to offset contaminants and they have the ability to seek consent terms in excess of 25 years.

3.27 In contrast, diffuse discharges associated with farming activities have been subject to Chapter 3.11 since it was notified. They are required to reduce and minimise all contaminants. They do not have the ability to offset and are very unlikely to be granted consent unless they can show all contaminants will be reduced.

3.28 FFNZ is not suggesting that the same approach ought to be adopted. However, it is advocating for a similar approach (from a fairness perspective). For example, it does not propose to change the application of Chapter 3.11 (i.e. it applies to farmers immediately and point source discharges at the time of resource consent) but it does propose changes so the approaches are more similar, for example a Most Practicable Actions (“**MPA**”) to guide mitigations (as opposed to requiring all diffuse discharges to be reduced) and consent terms exceeding 25 years where similar standards to those applied to point source discharge consents for similar terms are met.

- 3.29 FFNZ also proposes that all sources of contaminants (urban and rural, point source and diffuse) are considered within a sub-catchment. It proposes that the Catchment Profiles (Method 3.11.4.5A) hold details both on diffuse discharges and point source discharges.
- 3.30 FFNZ proposes that the impact of all sources of contaminants are considered (this includes natural sources in addition to rural and urban) when the progress towards 10 year water quality targets are assessed. FFNZ's firm view is that progress can only be made if the whole of the community is involved – everyone is part of the problem and everyone is part of the solution.
- 3.31 FFNZ notes that many submitters on Plan Change 1 sought a similar outcome by requesting the adoption of BPO or good management practices for diffuse discharges to achieve a more consistent and reasonable approach.

**c. An approach that is effects based not ownership based.**

- 3.32 FFNZ considers that any regulation (as well as the exercise of Council's functions and powers under the Resource Management Act) must be effects based and not ownership based. FFNZ does not support Policy 16 on the basis that it provides flexibility for development of land based on ownership as opposed to providing flexibility for development of land based on effects.
- 3.33 FFNZ recognises that flexibility is required and that Chapter 3.11 does not acknowledge this (and this analysis is lacking in the section 32 report). Flexibility is required for things like FEPs to respond to unexpected or unforeseeable events or changes, the nitrogen reference point to provide for increases in nitrogen and land use change. However, FFNZ believes that the appropriate way to provide that flexibility is on the basis of assessing effects.
- 3.34 FFNZ proposes changes to Chapter 3.11 that are likely to go some way to addressing some of the concerns of the owners of Treaty settlement and Maori land. Its framework provides for the assessment of land use change applications as a discretionary activity with appropriate policy support to ensure that the focus is on the implications of the diffuse discharges associated with the land use change for the likely achievement to 10 year targets for the particular sub-catchment and progress towards the Vision & Strategy and values.
- 3.35 At the same time, this assessment is not limited to a particular class of land. Any land owner can seek to change their land use and every land owner has the assurance that their application will be considered on its merits and on its likely effects.
- 3.36 In addition, FFNZ considers that its proposal is more likely to provide for land use change for Treaty settlement and Maori owned land than is currently provided in Chapter 3.11.
- 3.37 For example, while Policy 16 provides support for the development of Treaty settlement and Maori owned land but once the consideration of a proposal passes the gateway test FFNZ considers that it is unlikely it would meet the discretionary threshold that then applies. This is on the basis of the policy framework (which requires all contaminants to reduce), Rule 3.11.5.7 requiring notification if contaminants are not reducing and any consents granted under Rule 3.11.5.7 being for the period to 1 July 2026 (with uncertainty as to their status after that date).

- 3.38 In contrast, FFNZ's framework of a discretionary activity for land use change with policy support where MPA is adopted and risks associated with diffuse discharges of contaminants are reasonably managed (see amendments to Policy 6). This is more likely to provide for the concerns of Treaty settlement and Maori land owners than the present drafting of Chapter 3.11.
- 3.39 FFNZ has concerns about the framework adopted by the Technical Leaders Group ("TLG") to assess the effects of land use change and the effects of Policy 16. It is concerned that the analysis does not support Policy 16 or the policy and rule framework in Chapter 3.11.
- 3.40 FFNZ understands that TLG modelled the likely effects of allowing 10,000ha to convert to dairy and concluded that it resulted in particular targets for total nitrogen (the lake metric) not being met in 10 years. FFNZ understands that TLG then modelled the effects of allowing 10,000ha of Treaty settlement or Maori owned land to convert to dairy. Instead of assessing the impacts on 10 year targets, it assessed whether it would change the number of sites that would meet 10 year targets and concluded that it would not change the outcome (i.e. only 1 of 9 sites meets targets if no development is assumed and 1 of 9 sites meets targets if 10,000ha of Maori land is developed).
- 3.41 FFNZ has two main concerns with this analysis:
- a. It assumes that only 10,000ha would be developed and the analysis appears to have solely focused on forestry in the Central North Island. FFNZ is concerned that significantly more land than this has the potential to be developed when Treaty Settlement and Maori owned land in the entire Catchment is considered e.g. Maramarua forest, Te Kuiti area etc.
  - b. There was no consistent assessment between development of 10,000ha of any land and 10,000ha of Treaty settlement or Maori owned land. There does not appear to be a basis for concluding the outcome of developing one area of land might be different from another. There does not appear to be a basis for assuming the effects would be different.
- 3.42 FFNZ considers that this analysis is a further serious deficiency in the section 32 evaluation.
- d. Consistency in approach across all farming activities e.g. drystock and dairy.**
- 3.43 FFNZ supports an approach that is consistent across all farming activities. This does not necessarily mean the same approach but it means an approach that considers the effects of the particular activity, in the context of the sub-catchment characteristics and does not favour one activity over another (or create windfall gains for one at the expense of another).
- 3.44 This includes changes like providing flexibility for low nitrogen leaching drystock farmers to increase nitrogen. This provides some equity for addressing the situation whereby dairy farmers had the opportunity to intensify prior to regulation or to recognise differences in the systems (e.g. drystock farmers may need to change sheep:cattle ratios in response to economic or climate change, or changes in leasing arrangements, which changes nitrogen, whereas a dairy farm system is more stable).
- 3.45 However, this flexibility needs to be finely balanced to help ensure that this does not erode gains made by high nitrogen leaching farms reducing to the 75<sup>th</sup> percentile.

- 3.46 Likewise, with forestry activities there is an opportunity to consider land use change and the balancing factor is that it needs to be considered in the context of the particular sub-catchment.
- 3.47 FFNZ's framework attempts to seek consistency in approach through the way the contaminants are assessed. For example, nitrogen might be more of an issue for a dairy farm and there are controls around that. However, just because a drystock farm was low in nitrogen does not mean that it does not also have to address adverse effect on water quality from its activity.
- 3.48 FFNZ proposes that activities have to address contaminants that are an issue for the sub-catchment in proportion to their contribution towards the issue. FFNZ also proposes that properties over 20ha with low nitrogen discharges still have to obtain an FEP (albeit a simplified version) to ensure that a critical source area assessment is undertaken and an MPA assessment of the appropriate actions to address the water quality issues associated with that activity.
- 3.49 FFNZ also considers that there should be consistency in approach irrespective of whether the activity is permitted under a certified industry scheme or obtains consent. This includes things like the FEP preparation process (i.e. it is prepared by a certified farm environment planner with no control by Council over content, control is instead over the certification process) and the FEP review process.
- 3.50 FFNZ proposes to adopt a slightly different approach for commercial vegetable growers to recognise their specific circumstances. However, it considers that the approach is still consistent with the approach for other farming activities. FFNZ proposes changes to Rule 3.11.5.5 to ensure a consistent approach but one that is also tailored to the particular characteristics of commercial vegetable growing.
- 3.51 FFNZ also proposes a new Rule 3.11.5.5A to provide for the transfer of commercial vegetable growing from one property to another. The intention is to achieve the same overall approach (i.e. focus on contaminants that are an issue) but to recognise the special characteristics of this activity e.g. the rotational nature, they often have very high nitrogen discharges and the fact that they are 1% of the Catchment.

**e. Consistency in approach across Nitrogen, phosphorous, sediment and E coli.**

- 3.52 FFNZ's framework seeks an approach that is consistent across all contaminants. This is achieved by taking a sub-catchment approach to focus on the particular contaminants of issue (as opposed to requiring all contaminants to decrease).
- 3.53 This is also achieved by requiring low nitrogen properties over 20ha to obtain and FEP (albeit a simplified version).
- 3.54 This does not mean that the same approach is adopted. For example, a reference point is only adopted for nitrogen (and an alternative approach would be not to adopt a reference point and instead rely on the narrative approach for all contaminants in an FEP). But it is about ensuring a tailored, sub-catchment specific and proportionate response is adopted for all contaminants (primarily through the FEPs and Catchment Profiles but also through the methods).

#### 4. GENERAL COMMENTS ABOUT FFNZ FRAMEWORK

4.1 In this section FFNZ describes the general framework it proposes through track changes to Chapter 3.11. The key theme is the reference to the sub-catchment and farm characteristics to guide tailored actions (as opposed to blanket restrictions or reductions everywhere).

##### **Three levels of interventions**

4.2 FFNZ considers that Chapter 3.11 should be based on three levels of interventions:

- a. **Group action plans** to improve water quality. This is primarily through sub-catchment planning as provided for in the amended Method 3.11.4.5, through Catchment Profiles coordinating sub-catchment information including any plans (Method 3.11.4.5A) and through FEPs taking into account the Catchment Profiles (amended Schedule 1). These plans will coordinate whole or part of sub-catchment(s) actions or edge of field mitigations as well as to coordinate funding and participation. There is no legal obligation to be part of an action plan but actions committed to by farmers as part of an action plan are taken into account when considering the tailored actions as part of the FEP.
- b. **Minimum standards across all farming activities** based on industry agreed good management practices (“GMP”). The minimum standards should be consistent across the entire catchment and affordable, sensible and achievable. This is achieved through amendments to Schedule C. As is explained later in this submission, a FEP may identify more stringent or alternative actions than the minimum standards depending on the outcome of the assessment of critical source areas and the MPA identified.
- c. **Tailored actions in each FEP** so that reductions on individual properties are proportionate to the distance the sub-catchment is from the particular target and proportionate to the individual property’s (or the sector’s) contribution towards that contaminant. Mitigations are based on MPA.

4.3 FFNZ supports an approach that achieves proportionality and is based on MPA. For example, it considers that the actions required in FEPs should be proportionate to:

- a. The specific sub-catchment i.e. distance from 10 year target for each contaminant.
- b. The specific sector’s contribution towards each contaminant e.g. if phosphorous is an issue in a particular sub-catchment but the individual farmer’s sector’s contribution is minor, the mitigations required by the individual farmer should reflect that.

4.4 FFNZ considers that as notified, there was a disconnect between the policies and rules. In particular, the policies contemplated a sub-catchment approach with tailored FEPs and proportionate actions. However, the rules had no regard to any of those factors. FFNZ considers that the framework it proposes achieves the regulatory framework contemplated by the policies.

##### **Most practicable action (“MPA”)**

4.5 FFNZ considers that the purpose of any mitigations for diffuse discharges associated with farming activities and required by Chapter 3.11 must be based on Most Practicable Action.

- 4.6 Most Practicable Action is the combination of methods to manage the discharge of contaminants that recognises the characteristics of the sub-catchment, corresponds to the scale and significance of the contaminant relative to the water quality values, takes into account proportionality and takes account of the resources reasonably available to the farming enterprise. This is defined in more detail in the section called “purpose of an FEP” that FFNZ has inserted into Schedule 1 and also in the definition inserted into the definitions section.
- 4.7 FFNZ is concerned that as currently drafted, the policy and rule framework in Chapter 3.11 require all contaminants to be reduced. The FEP assessment (as notified in Plan Change 1) involves minimising all contaminants and does not provide for a tailored or proportionate approach.
- 4.8 FFNZ has considerable concern about the associated economic cost of adopting such an approach (and this has not been appropriately considered in the section 32 report). The FEP case study project that FFNZ commissioned in collaboration with other industry bodies (as well as WRC) identified that the costs to individual farmers for complying with the mitigations are likely to be significant, with the costs for one farmer ranging from \$300,000 to \$785,000 (depending on how the stock exclusion requirements are interpreted) and \$0 to \$500,000 for other farmers in the case study.
- 4.9 FFNZ understands that the modelling relied upon by the CSG was based on Overseer and other modelled numbers as well as numerous assumptions about what the policy mix might deliver. Any data relied upon appears to be from Canterbury and Southland (with different soil types, rainfall etc) with no actual Waikato data. The effect is that it is uncertain what the policy mix (e.g. FEP actions) will deliver in terms of water quality (and FFNZ is concerned that we will significantly over deliver on 10 year targets). This is a further deficiency in the section 32 evaluation.
- 4.10 FFNZ is further concerned in light of the modelling undertaken for CSG which showed that the policy mix significantly over delivers on the 10 year targets (as well as imposing significant economic cost in the vicinity of a loss of \$193m and 1,880 jobs nationally in the first 10 years).
- 4.11 In contrast, MPA provides for a tailored and proportionate approach and is more similar to the BPO approach for point source discharges. FFNZ considers that this approach is more likely to achieve sustainable management where any costs are reasonable and are targeted at the water quality improvements needed to assist with achieving the 10 year targets.
- 4.12 FFNZ supports sensible, practical and affordable solutions and believes that this is what MPA will deliver. This resonates well with the Waikato Regional Council’s Chair’s comments at page 6 of Variation 1 that “progress can only be made through seeking sensible, practical solutions and working with others.”

#### **Five main thresholds for assessment**

- 4.13 FFNZ supports the use of the nitrogen reference point (“**NRP**”) as a reference point (as opposed to as a benchmark or basis for allocation). It proposes that there are five primary thresholds or trigger points for assessing farming activities:

- a. **Those below permitted baseline** (this is currently expressed as 15kgN/ha in Rule 3.11.5.2 but could alternatively be based on a narrative) can increase to the permitted baseline as a permitted activity. They are required to undertake a Simplified FEP to ensure that they are adopting mitigations based on MPA to address any risks from critical source areas. The intention is to provide some flexibility for low nitrogen emitters to increase nitrogen e.g. extensive hill country farmers on 8kgN/ha could change their sheep:cattle ratio and increase to 12kgN/ha.
- b. **Those between permitted baseline and 75<sup>th</sup> percentile** can increase nitrogen as a controlled activity (new Rule 3.11.5.4A). Council has control over the level of nitrogen increase. The intention is to provide some flexibility for farmers e.g. FFNZ is aware of several instances where farmers would like to fence off, retire and plant gullies and other parts of their land but they would need to intensify on the flat parts of their land in order to fund such works. Under the current planning framework, they would need to apply for consent under Rule 3.11.5.6 and FFNZ's assessment is that it is very unlikely (if not impossible) that they would be granted consent. In contrast, the controlled activity would provide an appropriate consenting pathway for such proposals.
- c. **Those above 75<sup>th</sup> percentile** are required to reduce to the 75<sup>th</sup> percentile. However, an appropriate consenting pathway is provided in Rule 3.11.5.6 for those properties that are not able to reduce e.g. they may be operating at good management practices (and have invested heavily in the farming activity) but due to geophysical characteristics they have very high nitrogen leaching.
- d. **Commercial vegetable growing** can continue as a controlled activity and can transfer to other sites (to recognise the rotational nature of this activity) as a controlled activity. Once the commercial vegetable growing activity leaves the parent property, the parent property can apply for consent as a restricted discretionary activity under Rule 3.11.5.6 if the previous activity is not being replaced by another commercial vegetable growing activity.
- e. **Land use change** is provided for as a discretionary activity with appropriate policy support and guidance to ensure an effects based decision.

## Flexibility

- 4.14 By its nature farming can be unpredictable and reactive. FFNZ considers that flexibility is required to ensure that farming activities can appropriately manage and respond to things such as adverse weather events, economic downturns, health and safety or animal welfare risks, changes in leasing arrangements etc. This is essential for providing for economic and social wellbeing.
- 4.15 FFNZ is concerned that as drafted, there is insufficient flexibility in the rule and FEP framework and that this is one of the drivers of the significant economic and social costs associated with the plan change.
- 4.16 FFNZ considers that its proposal provides flexibility in the rule framework as explained above in terms of the five primary thresholds or trigger points for assessing farming activities.
- 4.17 FFNZ's proposal provides flexibility for FEPs as follows:

- a. FEPs are prepared by a certified farm environment planner and submitted to WRC. Where they have been prepared in accordance with Schedule 1, WRC does not have control over the content of the FEP.
  - b. FEP actions and timing are not conditions of consent. This means there is some flexibility to change actions in response to unforeseeable or unexpected events or other changes.
  - c. FEPs can be amended by a certified farm environment planner without the need to vary a resource consent.
  - d. Minimum standards can be varied by a FEP, providing flexibility for things like how to achieve stock exclusion.
  - e. The farming activity is to be undertaken **generally** in accordance with the FEP. FFNZ considers that this recognises the practice in the context of other activities that have to obtain management plans and undertake those generally in accordance e.g. traffic management plans, landscape management plans etc. FFNZ considers that this is necessary to provide for flexibility for things like storm events, animal welfare issues etc.
- 4.18 This is recognised through the adoption of new policies (e.g. 2A and 2B), amendments to the matters of control in the relevant rules and amendments to Schedule 1.

### **Overseer**

- 4.19 The use of Overseer is another area where there is a need for flexibility. FFNZ supports the NRP on the basis that it is a reference point not a benchmark or used as a basis for allocation, the FMUs for calculating the 75<sup>th</sup> percentile are revisited so that they ensure that “like is compared with like” and that Overseer is used in a way that is practical and reasonable.
- 4.20 FFNZ has some concerns that the proposed use of Overseer will be inflexible and impracticable. Those concerns include:
- a. There is no or insufficient scope to provide for mitigations not recognised by Overseer. FFNZ proposes to address this with changes to Schedule B and changes to Method 3.11.4.12 to provide for guidance documents about how they will be recognised.
  - b. There is no or insufficient flexibility in the Overseer parameters, settings that must be used and data input standards. FFNZ proposes changes to Schedule B and changes to Method 3.11.4.12 to provide for guidance documents about how they will be recognised.
  - c. Provision for models other than Overseer. FFNZ proposes amendments to Schedule B and Method 3.11.4.12 to provide for guidance documents about applications to use other models will be assessed.
  - d. The NRP years are too narrow and were not “normal” in terms of factors including pay out and pasture growth. FFNZ proposes to adopt a wider range of years.
  - e. The “missing data” approach does not provide for tailoring to a particular farm (and it is likely that many farms were purchased during or following the reference years and do not have sufficient data). FFNZ proposes changes to Schedule B to address this.

- f. The FMUs (particularly the Upper Waikato FMU) are likely to be too large a scale for assessing the NRPs and do not provide for sufficient flexibility to recognise differences in nitrogen driven by geophysical and other characteristics (however the effect of this is uncertain until the NRPs are available to calculate the 75<sup>th</sup> percentile). FFNZ proposes to address this through potentially changing FMU boundaries (or undertaking the analysis at a different spatial scale e.g. a group of related sub-catchments) and an appropriate consenting pathway for those over the 75<sup>th</sup> percentile but who cannot reduce due to soil, rainfall and other related characteristics.
- g. FFNZ supports the five year rolling average for calculating the NRP because it provides for flexibility during good years and bad years. For example, during a drought a bull finishing farm's NRP might increase because the farm is unable to send the bulls to the meat works due to an influx in cull cows as a result of the drought. It may need to keep them longer than planned and may need to buy in additional feed (and this is also needed to comply with animal welfare obligations). The result is an increase in nitrogen but no change in farm system. A five year rolling average would provide flexibility for such circumstances.
- h. Overseer version change is not addressed in Chapter 3.11. FFNZ proposes changes to Schedule B to provide flexibility to use alternative versions of Overseer where the current version is not appropriate. FFNZ also has concerns about measuring compliance with NRPs when Overseer versions change. FFNZ is concerned that the NRP might move disproportionately to the current nitrogen discharge for no change in farm system. FFNZ considers that flexibility ought to be provided to address this issue.
- i. It is not clear whether Chapter 3.11 contemplates multiple NRPs for a single property or enterprise. FFNZ considers that flexibility ought to be provided for such an approach to recognise that a farm may have different soil, rainfall and other characteristics that warrant several NRPs to ensure an accurate picture of the farm.

4.21 In addition, FFNZ proposes a reasonable consenting pathway through Rule 3.11.5.6 for circumstances where Overseer requirements in Chapter 3.11 cannot be met.

**5. DETAILED SUBMISSION**

Provision	Support or oppose	Decision sought	Reasons
Map 3.11-1	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>Clarify intention of FMUs and sub-catchments and how this gives effect to the NPS-FM. In addition, clarify the spatial unit for freshwater accounting and monitoring and ensure that it is at a reasonable scale that appropriately provides for an indication of water quality and management of water quality issues.</p> <p>If the FMUs are going to be used to calculate the dairy nitrogen curve as the basis for requiring those above the 75<sup>th</sup> percentile to reduce, amend the FMUs so that similar sub-catchments are aggregated.</p> <p>In the alternative, split the Upper Waikato FMU</p>	<p>Page 14 of Variation 1 states that Map 3.11-1 shows the general catchment boundary and the boundaries of each Freshwater Management Unit (“FMU”). It then lists the four river FMUs and the four lake FMUs. It appears that the intention is that there are eight FMUs.</p> <p>It is understood that the purpose of identifying the FMUs is to meet the Council’s obligations under the NPS-FM of identifying the FMU as the basis for which progress towards targets and limits will be monitored.</p> <p>The NPS-FM defines FMUs as “the water body, multiple water bodies or any part of a water body determined by the regional council as the appropriate spatial scale for setting freshwater objectives and limits and for freshwater accounting and management purposes.”</p> <p>The policies and rules in Chapter 3.11 set short term targets and monitor progress towards the targets at a <b>sub-catchment</b> level (as opposed to FMU level). The relevance of the FMUs in the policies and rules appears to be for calculating the 75<sup>th</sup> percentile for nitrogen leaching and requiring those above the 75<sup>th</sup> percentile in each FMU to reduce.</p> <p>In principle, there may be no issue with this approach as the sub-catchment level may be the appropriate spatial scale for setting objectives/limits and for freshwater accounting/management. However, FFNZ considers that it is important to be clear about what the FMUs are being used for, what the sub-catchments are being used for and how the NPS-FM is being given effect to. Variation 1 needs clarification to carefully articulate this.</p> <p>As explained in more detail below, FFNZ does not support the adoption of 80 year targets and instead supports the adoption of 10 year targets with the long term objective being to progress towards achieving the Vision &amp; Strategy and values (as set in accordance with the NPS-FM process). FFNZ considers that this is approach would to give effect to the NPS-FM and the Vision &amp; Strategy. It is concerned that the approach in Chapter 3.11 does not.</p>

Provision	Support or oppose	Decision sought	Reasons
		<p>into two or more FMUs to ensure that the FMU applies to similar geographical and geophysical characteristics.</p> <p>In the alternative, amend the policy and rule framework so that those that have to reduce nitrogen are those with the highest discharges for the same soil, biophysical and/or climate characteristics (i.e. it is those who are high due to poor management practices that are reducing, not those that are high due to circumstances beyond their control).</p> <p>Review the FMUs as part of the review of Chapter 3.11 in 10 years time.</p>	<p>On the basis of the proposed policy and rule framework (i.e. that FMUs are only used to identify the 75<sup>th</sup> percentile for nitrogen discharges), FFNZ has two concerns with the way the FMUs have been defined:</p> <ul style="list-style-type: none"> <li>• The spatial scale for the river FMUs may be too large. FFNZ considers that the FMU should aggregate sub-catchments with similar soil, geophysical, climate and any other relevant characteristics. If the FMUs are too large, FFNZ is concerned that some farms with high nitrogen leaching due to pumice soils and high rainfall (for example) may have to reduce in circumstances where they have comparatively good management practices and others with poor practices may not have to reduce.</li> <li>• The spatial scale for the lake FMUs is too small. For example, there may only be four farmers in a lake FMU. That would mean that one of those farmers would have to reduce, irrespective of their practices or nitrogen leaching level in absolute terms.</li> </ul> <p>It is not possible to properly assess these issues and impact for the 75<sup>th</sup> percentile because the NRPs are unknown and the 75<sup>th</sup> percentile is not able to be calculated.</p> <p>If FMUs are to be used to identify the dairy nitrogen leaching curve (and those above the 75<sup>th</sup> percentile are required to reduce), FFNZ considers that the size of the FMUs needs to be changed to ensure that similar sub-catchments are grouped together. This will help to ensure that it is those farms that have the highest nitrogen discharges due to poor management practices are required to reduce as opposed to those farms with the highest nitrogen discharges due to circumstances beyond their control. FFNZ also considers that the lake FMUs would need to be excluded from such calculation (those in the lake FMU would instead be subject to the river FMU that the lake FMU falls within).</p> <p>By way of example, the Upper Waikato River FMU is the largest FMU. It also has the greatest differences in geophysical characteristics and climate. At the bottom of the FMU are the pumice soils and high rainfall in and around Reporoa. These characteristics result</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>in high nitrogen discharges and have little or no relationship with the farmer's actions or activities.</p> <p>In contrast, at the top of the Upper Waikato FMU the soils are heavy and deeper and rainfall is typically lower. This results in the soil holding onto nutrients better and as a result nitrogen discharges are typically lower (particularly when compared with the Reporoa area). It is possible that you could have a farmer at the bottom of the FMU with comparatively good farm practices and high nitrogen leaching, and a farmer at the top of the FMU with comparatively poor farm practices and low nitrogen leaching. This could result in the farmer with good practices having to reduce to the 75<sup>th</sup> percentile and the farmer with poor practices not needing to make any change.</p> <p>It is acknowledged that a sub-catchment scale is unlikely to be the appropriate scale at which to calculate the nitrogen curve (e.g. for small sub-catchments with only four farms this would likely result in one of those farms having to reduce irrespective of how "good" or "bad" the four farms are). But it is likely to be appropriate to group several sub-catchments together on the basis of the similarity of their environment and characteristics. FFNZ considers that WRC should consider whether that would be a more appropriate spatial scale for the FMUs.</p> <p>FFNZ considers that the appropriateness and efficacy of the FMUs ought to be reviewed as part of the review of Chapter 3.11 in 10 years time.</p>
Background and explanation	Oppose in part	Amend as required to give effect to the concerns raised or relief sought in this submission.	<p>FFNZ has some concerns with the wording of the background and explanation section of Chapter 3.11. The necessary amendments to the wording will depend on how this submission is addressed (particularly where more than one alternative is suggested) and the outcome of the further submission process.</p> <p>Rather than proposing detailed changes at this stage, FFNZ has instead focused on the plan provisions but wishes to indicate that it seeks changes to the background and explanation as necessary to give effect to the concerns raised or relief sought in this submission.</p>
3.11.1 Values	Oppose in part	Amend as proposed in Attachment 1.	The values have largely been adopted from the NPS-FM. FFNZ generally supports the values and uses and considers that there should be more direct linkages to them in the objectives, policies and rules, as proposed in this submission.

Provision	Support or oppose	Decision sought	Reasons
		<p>In the alternative, amend the primary production, commercial, municipal and industrial use values to include wetlands and springs.</p> <p>In the alternative, delete the words “wetlands and springs” from all parts of the section about values.</p> <p>In the alternative, in the event that the primary production value is not broad enough to include the irrigation, cultivation and food production value in the NPS-FM, FFNZ seeks the addition of that value.</p>	<p>However, it does seek some changes to the values as set out below.</p> <p><b>Intrinsic values – ancestry and history</b>  One of the key amendments proposed by Variation 1 is to the History values. It is proposed that this includes “Ancestry” and refers to the River and other iwi relationship with wetlands and springs (as well as rivers).</p> <p>While the Vision &amp; Strategy refers to iwi relationship with the rivers, ancestry and history values are not anticipated by the NPS-FM. FFNZ has concerns about what wetlands and springs these values would apply to and the implications for land use activities (particularly farming).</p> <p>For example, wetland is a very broad term. Is it intended that any land that is wet at any time of the year is captured? If so, what is required to maintain and restore the relationship of iwi with such land?</p> <p>FFNZ considers that there are more appropriate ways to address this than through the values in Chapter 3.11.</p> <p>FFNZ is also concerned that the use of the term “springs” is uncertain. This is not a term that is used in the NPS-FM and could potentially include any land that is wet at any time of the year.</p> <p>Accordingly, FFNZ seeks the deletion of “wetlands” and “springs.” It is noted that the words “wetlands and springs” remain in the context of the third bullet point where they are considered as part of the holistic or functional relationship with rivers. FFNZ considers that this is different from the other amendments which have the effect of making wetlands and springs independent from rivers (and therefore involving stricter obligations and criteria). This is also consistent with the use of “wetlands and springs” in the explanation to the values, immediately above the ancestry and history value.</p> <p>In the alternative, if these terms are to remain they ought to also be included or recognised in the primary production, commercial, municipal and industrial use values as</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>wetlands and springs are arguably like rivers in that they also provide economic opportunities for people, businesses and industries.</p> <p>FFNZ does not propose to delete “wetlands and springs” from the introductory paragraph of the values because that does not raise the same concerns (as it does not involve placing obligations on parties and the wetlands and springs are being considered in the context of the rivers as opposed to subject to them).</p> <p>However, in the alternative, FFNZ seeks the deletion of “wetlands and springs” from all parts if it would provide clarify or consistency.</p> <p><b>Intrinsic values – ecosystem health</b>  FFNZ seeks the deletion of “clean” from the first three bullet points. Its concern is that “clean” is a subjective term and uncertain. For example, it could mean that the water is clear or that it is free from bacteria; it could mean it is safe to swim in or safe to drink; or something else.</p> <p>FFNZ considers that the bullet points sufficiently explain the necessary quality or state of the water without the need to qualify it with the word “clean.”</p> <p><b>Use values – mahinga kai</b>  FFNZ proposes to add the word “Rivers” tot eh first paragraph to clarify what is being referred to. It also proposes to delete the last bullet point because recreation needs and social wellbeing does not relate to mahinga kai, but instead relates to the next value “human health for recreation.” FFNZ considers this bullet point is already addressed in the first bullet point in the human health for recreation value.</p> <p><b>Use values – human health for recreation</b>  The human health for recreation values are more stringent than the values in the NPS-FM 2014 and, in FFNZ’s view, more stringent than the values in the 2017 amendments to the NPS-FM. FFNZ has a particular issue with the use of the term “minimal risk” which is more stringent than “moderate risk” and a different focus from the current wording of the NPS-FM.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ proposes to amend this value to reflect the current wording of the NPS-FM and also the objectives of the Vision &amp; Strategy.</p> <p>FFNZ also proposes to amend the second bullet point by deleting “an important value for the river is cleanliness.” FFNZ is concerned that “cleanliness” is not a value (the value is swimming) and the meaning is not clear e.g. does it mean that it is clear or that it is free from bacteria; that it can be used for swimming or that it can be used for drinking? The intention appears to be that it is safe for swimming.</p> <p>Accordingly, FFNZ considers that the first part of the bullet point could be deleted and the sentence will not lose its meaning but it will benefit from clarity.</p> <p>FFNZ also proposes to add the qualification that rivers are safe to swim in at the times of year and in the parts of the river suitable for swimming. This is consistent with the 2017 amendments to the NPS-FM.</p> <p>FFNZ is concerned about attempting to make the rivers swimmable at all times of year and in all places when this does not reflect other factors impacting on safety and would put the community to unnecessary economic and social cost.</p> <p><b>Use values – primary production</b>  FFNZ supports the primary production and commercial, municipal and industrial use values. FFNZ considers that it is consistent with the Vision &amp; Strategy and NPS-FM to recognise the wide variety of primary production in the catchment that the river supports.</p> <p>FFNZ notes that the irrigation, cultivation and food production value in the NPS-FM has not been included. It considers that the primary production value is sufficiently broad enough to include it. However, in the event that it is not, it seeks the addition of that that value.</p> <p>In the alternative, if the amendments are to be made to the Ancestry and History values to include wetlands and springs, then the primary production and commercial, municipal and industrial use values should also recognise that wetland and springs (and not just rivers) support regionally significant primary production and provide for economic wellbeing etc.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>This may be through providing for animal drinking sources, irrigation and pasture (particularly if wetlands and springs are to apply to pasture that is wet some or all of the time). It might also be for assimilative capacity of discharges.</p> <p><b>Water supply</b>  FFNZ seeks the deletion of the words “and health” from the first sentence of the water supply value. These words do not fit with the rest of the sentence, which focuses on drinking water, and do not add anything to the sentence. FFNZ is concerned that “health” is subjective and uncertain and the key requirement is clear in this sentence without that word i.e. that water is safe to drink.</p> <p>FFNZ supports the clarification in the first bullet point that the water is to be treated for potable and non-potable uses. It considers that it would be unrealistic to expect the water to be safe to drink untreated.</p> <p><b>Economic or commercial development</b>  FFNZ supports the value that recognises the economic opportunities the rivers create for people, businesses and industries. FFNZ considers that farming activities fit within this. For example, the rivers provide assimilative capacity for overland flow off farmland during floods or storm events.</p> <p><b>Electricity generation</b>  FFNZ supports the value that recognises hydro and geothermal electricity generation. FFNZ considers that these values are important to bear in mind when assessing water quality because they may place restrictions or limits on what is achievable or how other values are provided for.</p> <p><b>Use values – mitigating flood hazards</b>  FFNZ supports the recognition of the role of the rivers in mitigating flood hazards. Floods can have devastating impacts on farmland and infrastructure, as well as water quality.</p> <p>FFNZ considers that this value should also be born in mind when considering the other values e.g. swimmability (as flood mitigation or flows will impact on and this is partly the reason for the qualification to the human health for recreation value i.e. rivers are not</p>

Provision	Support or oppose	Decision sought	Reasons
			usually swimmable during floods and it is during floods that the water quality may be poor).
Objective 1	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>Make the necessary consequential amendments to the reasons for adopting Objective 1.</p> <p>In the alternative, develop a more realistic set of 80 year numeric attribute states that addresses the concerns raised by FFNZ in this submission.</p>	<p><b>Maintenance</b> The NPS-FM requires water quality to be maintained within a NOF band or improved. FFNZ recognises that the Vision &amp; Strategy requires health and wellbeing of the Waikato River to be restored and protected and that where there is an inconsistency between the NPS-FM and the Vision &amp; Strategy, the Vision &amp; Strategy prevails.</p> <p>However, FFNZ considers that maintaining water quality and restoring or protecting the health and wellbeing of the river are not necessarily inconsistent. It also considers that there are instances where restoring and protecting the health and wellbeing of the river will mean maintaining water quality in a sub-catchment or FMU.</p> <p>FFNZ considers that it is important to include the word “maintain” in order to give effect to the NPS-FM and without compromising the Vision &amp; Strategy.</p> <p>As explained in more detail below (in the context of the explanation for Table 3.11-1), FFNZ considers that the approach ought to be to maintain within a NOF band and not maintain to a specific numeric attribute state. This is consistent with the 2017 amendments to the NPS-FM and with the advice from the Land and Water Forum and the Parliamentary Commissioner for the Environment.</p> <p><b>Sub-catchment and/or FMU</b> The introductory parts of Chapter 3.11 refer to setting values, objectives and limits for FMUs. However, Chapter 3.11 then sets values for the whole catchment and only sets limits at a sub-catchment scale. The FMUs appear to be only relevant in the body of Chapter 3.11 for determining the dairy nitrogen leaching curve and identifying the 75<sup>th</sup> percentile in each FMU.</p> <p>FFNZ considers that the management of water quality may more appropriately happen at a sub-catchment or groups of sub-catchments scale. It also considers that the assessment of water quality may more appropriately be made at a multiple sub-catchment or at the FMU scale (particularly for very small sub-catchments and those vulnerable to spikes or uncontrollable upstream events).</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>For these reasons, it seeks the inclusion of the word “or” in the heading of Objective 1.</p> <p><b>80 year numeric attribute states</b>  As explained in the general comments above, FFNZ has concerns about the setting of 80 year numeric attribute states at this stage and on the basis of the current assumptions. FFNZ considers that it is not necessary to set 80 year numeric targets at this stage. It considers that a better objective for Chapter 3.11 is to set progression towards the outcomes anticipated by the Vision &amp; Strategy and values ^ as the long term goal.</p> <p>FFNZ considers that the appropriate way of addressing and resolving these issues is to instead put the focus back on the Vision &amp; Strategy and the values as opposed to forcing numeric limits to fit one particular interpretation of the Vision &amp; Strategy, or analysis of the values, or one particular set of assumptions. This will provide for adaptive management and also serve to minimise economic cost and social disruption and better achieve Part 2 of the RMA.</p> <p>For these reasons FFNZ seeks deletion of the 80 year water quality targets.</p> <p><b>Assist to achieve water quality outcomes</b>  Managing point source and diffuse discharges of nitrogen, phosphorous, sediment and microbial pathogens to land and water will <b>assist</b> to achieve the water quality outcomes anticipated by the Vision &amp; Strategy but it will not be the only actions required to achieve those outcomes.</p> <p>Achieving the Vision &amp; Strategy will take a coordinated programme of action. It will involve understanding the specific drivers of water quality in each sub-catchment (including natural sources of contaminants, attenuation and lags) and coordinated whole of community actions. Some of the actions (such as removal of koi karp) do not relate to discharges of nitrogen, phosphorous, sediment and microbial pathogens but will help to improve water quality and achieve the Vision &amp; Strategy.</p> <p><b>Point source and diffuse discharges</b></p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ considers that it is fundamental that all discharges (diffuse and point source) as well as all sources of contaminants (including natural sources) and travel pathways (including lags and attenuation) are taken into consideration in assessing progress towards long term goals.</p> <p>FFNZ has not proposed specific amendments to Objective 1 in respect of this because it considers that it is reasonably clear in that it is “discharges” that are being “managed.” However, if this is not clear, FFNZ seeks amendments to clarify this is the intention.</p> <p>In respect of diffuse discharges, it is those discharges that reach waterways that are an issue, as opposed to those discharges to land. For example, the discharge of nitrogen to land might be 20kg/yr but the actual discharge to water may be significantly less due to attenuation. Therefore, it needs to be clear that it is the discharges to land in circumstances where it may enter water that is being managed. This will also provide for technology advances, such as technologies that reduce nitrogen leaching from urine patches.</p>
Objective 2	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>Make the necessary consequential amendments to the reasons for adopting Objective 2.</p> <p>In the alternative, merge Objectives 1 and 2 so that enabling people and communities to provide for their social, economic and cultural wellbeing is balanced with assisting to achieve the water quality</p>	<p><b>Provide for not maintain wellbeing</b>  FFNZ considers that the relevant metric is “providing for” or “enabling” social, economic and cultural wellbeing and not simply maintaining it. This is consistent with section 5 of the RMA.</p> <p>FFNZ also considers that this must be provided for or enabled at all times and not solely in the “long term.” FFNZ is concerned that by specifying the “long term” in the title, this implies that social, economic and cultural wellbeing will not be provided for or enabled in the term of this plan change.</p> <p>For these reasons FFNZ seeks changes to the heading of Objective 2.</p> <p><b>Maintain, restore and/or protect water quality <u>while</u> enabling wellbeing</b>  The reasons provided for adopting Objective 2 recognise the importance of improving water quality whilst at the same time supporting communities and the economy. This is different from the current wording of Objective 2 which suggests that it is the improvement of water quality that enables people and communities to provide for their social, economic and cultural wellbeing.</p>

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		<p>outcomes anticipated by the Vision &amp; Strategy in 80 years.</p>	<p>While this may partly be the case, this is not consistent with the reasoning behind Objective 2 or the rationale for treating the 80 year targets as aspirational targets with the first 10 years being 10% of the journey. That rationale was that the targets must be balanced with the social, economic and cultural wellbeing and, in particular, the social disruption during transition minimised.</p> <p>This would also be inconsistent with Part 2 of the RMA and with the values^ set under the NPS-FM.</p> <p>FFNZ considers that replacing the words “which enables” with “whilst enabling” more accurately reflects this and it is more appropriate to balance social, economic and cultural wellbeing with water quality actions as opposed to assuming that the water quality actions will enable social, economic and cultural wellbeing.</p> <p>This is also consistent with the approach taken in Objective 4.</p> <p><b>Maintain water quality</b> FFNZ considers that the word “maintenance” needs to be included for consistency with Objective 1, the NPS-FM and the Vision &amp; Strategy. It also refers to its reasoning above.</p> <p>In the alternative, Objectives 1 and 2 could be merged to be clear that the Waikato River catchment is being maintained, restored and/or protected to assist with achieving the Vision &amp; Strategy whilst at the same time enabling communities to provide for their social, economic and cultural wellbeing.</p>
Objective 3	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>Make the necessary consequential amendments to the reasons for adopting Objective 3.</p>	<p><b>Maintenance</b> Adoption of the word “maintenance” for the reasons set out in the context of Objectives 1 and 2 above.</p> <p><b>Actions implemented by 2026</b> Variation 1 anticipates a range of actions to manage point source and diffuse discharges to assist with achieving the 10 year targets. For example, farms over 20ha or 15kgN are expected to adopt FEPs. Point source discharges are expected to adopt BPO. Coordinated whole of catchment actions are planned for Whangamarino Wetland.</p>

Provision	Support or oppose	Decision sought	Reasons
		<p>In the alternative, amend the short term targets in Table 3.11-1 to achieve realistic and reliable targets based on reasonable assumptions that address the concerns raised in this submission.</p> <p>In the alternative, amend the short term targets in Table 3.11-1 so that they based on the NOF bands as opposed to specific numbers.</p>	<p>FFNZ considers that it is unrealistic to assume that these actions will be put in place by 2026. There are some actions that will occur by this date e.g. stock are to be excluded and all farms that require an FEP are to obtain them by 2026 (although it is noted that FFNZ’s proposal is to change this date to 2028). However, the actions that will improve water quality e.g. mitigations identified in an FEP, adoption of BPO for point source discharges at the time of renewal of consent, will not be implemented by 2026.</p> <p>FFNZ considers that the 2026 date can be deleted. There is no need to provide a date. If there is a need, in the alternative, FFNZ considers it should be 2028.</p> <p>FFNZ considers that it is more appropriate and realistic to require actions to be <b>identified</b> (as opposed to put in place) and implemented but with no specific timeframe. The timeframe is clear from the requirement to achieve the 10 year water quality targets (which FFNZ says should be as at 2028).</p> <p><b>Manage not reduce</b> It appears that CSG’s assumption was that all water quality attributes in all sub-catchments need to improve and therefore all contaminants must be reduced. FFNZ does not agree with this interpretation and does not consider that every contaminant from every land use activity must reduce or that all attributes in every sub-catchment must improve. FFNZ considers that such an approach would result in significantly exceeding the 10 year targets as well as significant economic cost and social disruption.</p> <p>This approach is also inconsistent with “maintain” in the NPS-FM, which requires maintenance within a band.</p> <p>FFNZ considers that the appropriate action is to <b>manage</b> discharges of contaminants (both diffuse and point source) as opposed to <b>reduce</b> (particularly in the short term where attribute states are at or better than 10 year targets).</p> <p><b>Point source discharge consents</b> The reasoning for Objective 3 states that point source discharges will be reviewed on a case by case basis at the time of consent renewal. In principle, FFNZ does not have an</p>

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			<p>issue with that approach but considers it important that point source discharges ought to be subject to the same objectives/policies/principles as diffuse discharges. By not specifying the discharge type in Objective 3, FFNZ considers the implication is that they are subject to this Objective (and seeks specific wording if they are not).</p> <p><b>Sub-catchment approach</b>  FFNZ supports a sub-catchment approach that considers all sources of contaminants (point source and diffuse), the particular water quality issues in the sub-catchment and the collective actions required to address those issues. The heading of Objective 3 refers to sub-catchments and FMUs but this has not been carried through to the body of Objective 3. FFNZ considers it is important and necessary to specify that the actions to address the four contaminants are aimed at maintaining, restoring or protecting water quality at the sub-catchment and/or FMU.</p> <p><b>Short term water quality attribute targets</b>  For the reasons set out under Objective 1 above, FFNZ does not support the attribute numbers for the 80 year attribute targets. FFNZ supports adopting 10 year targets to measure progress. It seeks amendments to Table 3.11-1 so that it contains the current state and short term target for each attribute and each sub-catchment and the deletion of 80 year targets.</p> <p>FFNZ considers that the important metric is assisting to achieve the Vision &amp; Strategy and values by 2096 and not arbitrary 80 year attribute targets.</p> <p>FFNZ supports the objective of achieving 10% of the journey in the first 10 years. However, it has concerns that the effects of delay over the past 18 months since PC1 was notified and the decision under Variation 1 to extend the timeframes mean that 2026 is no longer a realistic deadline by which to aim to achieve 10% of the journey. It says this should be 2028.</p> <p>FFNZ has some concerns with the 10 year targets in that they represent more than 10% of the journey on the basis of the underlying assumptions. For example, the requirement to improve water quality everywhere means that the overall improvement might be more than 10%. However, FFNZ recognises that having a tangible short term target is a helpful</p>

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			<p>way of measuring progress, obtaining community support and demonstrating improvement.</p> <p>However, it would support more reliable and reasonable short term targets that addressed the issues with the assumptions (including those set out in the general comments above).</p>
Objective 4	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>Make the necessary consequential amendments to the reasons for adopting Objective 4.</p>	<p>FFNZ supports a staged and adaptive management approach. It also supports an approach that minimises social and economic disruption. However, the qualifications in Objective 4 need further refinement.</p> <p><b>Paragraph a</b> FFNZ does not propose amendments to paragraph a on the basis that Table 3.11-1 is amended as sought in this submission (including that the 80 year targets are removed and the current state for each attribute is inserted).</p> <p>If this is not amended, FFNZ seeks amendments to this paragraph to clarify that the intention is to achieve 10% of the journey towards the water quality outcomes contemplated by the Vision &amp; Strategy and the values.</p> <p>FFNZ supports the inclusion of the consideration of the values and uses when taking action to achieve the 10 year targets.</p> <p><b>New paragraph b</b> FFNZ considers that there are fundamental information gaps, either as a result of a lack of monitoring/data or a lack of science/analysis. It is important that further information is collected and a greater understanding developed and that this is taken into account as part of the staged approach to change.</p> <p>The NPS-FM anticipates an iterative approach to objective and limit setting, change and management, and FFNZ considers that this needs to be reflected in Objective 4 by an iterative process of addressing information gaps and refining objectives/limits/actions. This is also consistent with an adaptive management approach.</p>

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			<p>The Catchment is substantial and diverse. There are strong sub-catchment characteristics and factors (although they are poorly understood). Accordingly, information gaps, science and analysis need to be addressed at a sub-catchment level.</p> <p><b>Paragraph c</b>  No one knows for certain at this stage what future management approaches <u>will</u> be needed. There are uncertainties regarding current states and the likely outcomes of measures to be adopted through this plan change (e.g. stock exclusion). The purpose of the stocktake in 10 years' time is to identify how much progress has been made towards achieving the Vision &amp; Strategy water quality outcomes in the context of greater monitoring, information and understanding.</p> <p>It is also likely that there will be a greater understanding of the level of water quality improvements required to achieve the Vision &amp; Strategy and the values. This will include improved modelling and refinement of assumptions.</p> <p>In this context, FFNZ considers that saying “further reductions <b>will</b> be required” is not correct but the word “may” is more appropriate.</p> <p><b>New paragraph d</b>  FFNZ considers that flexibility needs to be provided in FEPs to provide for changes needed to planned actions as a result of uncontrollable or unforeseeable events like flooding, drought, landslip, economic downturn, accidents etc. Events like this may result in the need to take actions to protect human live or animal welfare but these actions may be contrary to those contained in a FEP or mean that there are no resources to carry out those actions contained in a FEP.</p> <p>For example, a farmer may plan to fence streams on part of his/her property this year. A major storm event may happen that washes out boundary fences and other infrastructure necessary for health and safety and animal welfare e.g. bridges. The farmer may have to divert the resources that were intended to fence the streams to these urgent works and as a result delay works identified in an FEP. FFNZ considers that these types of events and actions should not result in an amendment to an FEP and/or consent condition and/or trigger the need to obtain a new consent.</p>

Provision	Support or oppose	Decision sought	Reasons
			FFNZ considers that providing an element of flexibility in FEPs is essential for their success in helping to achieve the desired water quality outcomes. It is also essential for social and economic wellbeing.
Objective 5	Oppose in part	Amend as proposed in Attachment 1.  Make the necessary consequential amendments to the reasons for adopting Objective 5.	<p><b>Paragraph b</b> FFNZ does not support paragraph b of Objective 5 and seeks the deletion of this paragraph. FFNZ considers that the plan change ought to adopt a consistent approach across all land types that is effects based as opposed to ownership based.</p> <p>FFNZ acknowledges the concerns of owners of Te Ture Whenua Maori and/or Treaty settlement land that is currently in forestry or undeveloped. However, it considers that these concerns would be better addressed through a robust framework that considers the effects of the development of this land as opposed to providing a specific exemption (or different approach) for this land.</p> <p>FFNZ considers that the plan change should treat all landowners equitably, and that it is not the role of the Council to address matters that relate to Treaty of Waitangi or other grievances through the plan change. The matter is addressed further in the submission on Policy16.</p>
Objective 6		Amend as proposed in Attachment 1.  Make the necessary consequential amendments to the reasons for adopting Objective 6.	<p>FFNZ supports a tailored and targeted approach to Whangamarino Wetland that is based on sub-catchment forensics and community consultation (including involvement in identifying values and objectives, setting limits or targets and identifying appropriate actions). It also supports a staged approach to the restoration of the wetland that takes into account the economic and social impacts and implications.</p> <p><b>Paragraph b</b> FFNZ seeks changes to paragraph b of Objective 6 to clarify that management of contaminant loads will <b>assist</b> with the achievement of water quality outcomes. This recognises that what is required is a programme of coordinated and whole of catchment actions and not just contaminant loads e.g. addressing koi carp.</p> <p>FFNZ also seeks the deletion of the reference to the long term targets in Table 3.11.1 and instead the link to the Vision &amp; Strategy and values^ for the reasons explained under Objective 1 above.</p>

Provision	Support or oppose	Decision sought	Reasons
Policy 1	Oppose in part	Amend as proposed in Attachment 1.	<p><b>Diffuse and point source</b>  In order to achieve the 10 year targets, and in order to make progress towards the water quality outcomes anticipated by the Vision &amp; Strategy and the values, all sources of contaminants will need to be managed (not just diffuse discharges). The Vision &amp; Strategy expressly states that all of the community is responsible for restoring and protecting the health and wellbeing of the Waikato River. Chapter 3.11 acknowledges this through policies that apply to point source discharges.</p> <p>Accordingly, FFNZ seeks the deletion of “diffuse” from the heading of Policy 1 and the addition of “point source” to the policy.</p> <p><b>Short term water quality targets</b>  The purpose of managing and requiring reductions in contaminants is to achieve the 10 year water quality targets (noting that FFNZ considers the 10 year period ends in 2028). This needs to be reflected in Policy 1. It provides the context to guide decisions about management and reduction of contaminants.</p> <p><b>MPA and BPO</b>  FFNZ considers that diffuse discharges ought to adopt the MPA framework to assess the appropriate actions for management of contaminants. Likewise, point source discharges ought to adopt BPO.</p> <p>For the reasons explained above, FFNZ considers that MPA is a more appropriate framework for assessing the actions required than that listed in paragraphs a to c of Policy 1. It provides for an assessment of the sub-catchment characteristics, it provides for proportionality and it provides for individual farming characteristics. This is preferable to a blanket approach that only looks at absolute numbers (or, more accurately, estimates of discharges).</p> <p>FFNZ is concerned that paragraphs a to c do not appropriately provide for and enable farming activities. For example, if a farming activity does not increase a contaminant that is an issue for a particular sub-catchment, that activity should be provided for (and enabled where it also proposes other environmental benefits). FFNZ is concerned that</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>paragraphs a to c will result in the 10 year targets being over achieved and result in significant economic cost and social disruption.</p>
Policy 2	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>In the alternative, amend paragraph e so that the date for stock exclusion is three years from the date that the FEP becomes operative and the date for assessing progress is amended to be a 10 year timeframe (as opposed to 10 years from the date of notification of the plan change).</p>	<p>FFNZ supports a tailored and risk based approach to managing diffuse discharges on a sub-catchment basis. However, it considers that Policy 2 requires amendments to provide appropriate parameters around or a framework for assessing required actions.</p> <p><b>Paragraph a</b> For the reasons set out above, FFNZ considers that the MPA framework is the appropriate framework for assessing mitigations and actions for managing diffuse discharges. It considers that paragraph a needs to refer to it to provide the framework of the tailored, risk based approach.</p> <p>FFNZ also considers that it is appropriate to <b>manage</b> or reduce discharges and refers to the reasons above in the context of Objective 3.</p> <p>FFNZ considers that all farms above 20ha should obtain a FEP. It has deleted the last part of paragraph a to reflect this (the notified wording suggested it was only activities that require consent or are part of an industry scheme). It considers that it is not necessary to further specify how the FEP is obtained – the important statement is that an FEP is obtained.</p> <p><b>Paragraph d</b> FFNZ agrees with the need for proportionality. However, it considers that proportionality needs to be viewed in the context of several factors and not in absolute terms. This is needed both to achieve the environmental outcomes and to achieve them at lowest social and economic cost.</p> <p>FFNZ considers that the discharge must be proportionate to the amount of the discharge, the relevant sector’s contribution towards the short term targets and progress towards achieving the Vision &amp; Strategy and values and the particular sub-catchment characteristics.</p> <p>Accordingly, it seeks amendments to paragraph d to reflect this.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p><b>Paragraph e</b>  FFNZ seeks amendments to paragraph e to reflect its approach of placing minimum standards in Schedule C and requiring all farms to comply with those minimum standards (subject to an FEP assessment which could identify more stringent or different mitigations than the minimum standards).</p> <p>FFNZ has some concerns about requiring stock exclusion to be completed by 1 July 2026 given that the dates for obtaining FEPs have changed and given that those in the north eastern part of the Catchment have only been subject to this rules since 2018.</p> <p>There is also the uncertainty surrounding stock exclusion in the notified version of the rules e.g. the apparent contradiction in Schedule C (which requires all stock to be excluded) and Schedule 1 (which contemplates other mitigations e.g. reticulation of animal drinking water).</p> <p>FFNZ considers that a reasonable and realistic approach is to change the date for stock exclusion and set backs to 1 July 2028. It considers that this lines up well with the other date changes and with the likely Schedule 1 process under the RMA (in that it will take some time to result Plan Change 1 and that will involve clarification of issues like the conflict in Schedule C and 1).</p> <p>FFNZ also considers it appropriate that progress towards short term targets is reviewed in 2028 and that this lines up with 10 years following notification of Variation 1.</p> <p>In the alternative, FFNZ proposes that the date for stock exclusion is three years from the date that the FEP becomes operative and the date for assessing progress is amended to be a 10 year timeframe (as opposed to 10 years from the date of notification of the plan change).</p>
New Policy 2A	Support	Insert as proposed in Attachment 1.	FFNZ considers that Variation 1 lacks the required direction and guidance on FEPs. A policy regarding FEPs is necessary to provide certainty and guidance for plan users and Council, and a framework for assessing consent applications.

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			FFNZ proposes a new policy 2A to set the objectives and intended contexts of a FEP. It refers to its comments in the general section of this submission about FEPs, MPA and flexibility.
New Policy 2B	Support	Insert as proposed in Attachment 1.	<p>FFNZ considers that providing sufficient flexibility in FEPs is critical for both achieving the desired water quality outcomes and for achieving a practical and implementable FEP. Critical for this is providing for review and amendment of FEPs.</p> <p>As explained above, flexibility is required to ensure that farms can respond to changing circumstances (e.g. floods or drought) and to ensure that the best combination of Most Practicable Actions is achieved. This should be achieved with minimal bureaucracy and without the need to change consent conditions.</p> <p>FFNZ proposes a new Policy 2B to provide for review and amendment of FEPs in a way that recognises these two principles.</p>
Policy 3	Oppose in part	Amend as proposed in Attachment 1.	<p>As with Policy 2, FFNZ supports a tailored approach to managing diffuse discharges from commercial vegetable production.</p> <p><b>Paragraph a</b> FFNZ considers that contaminant discharges need to be <b>managed</b>, as opposed to reduced and refers to the reasoning above.</p> <p><b>Paragraph b</b> FFNZ seeks the deletion of paragraph b (cap on the maximum area for vegetable production). It is concerned that it will not be possible to provide for the wellbeing of the people of New Zealand as a whole, as is required by section 5 of the RMA, unless commercial vegetable production is allowed to expand into the Waikato to meet the needs of the growing populations of the surrounding areas of Auckland, the Bay of Plenty and the Waikato (subject to management of discharges).</p> <p>The area of land occupied for commercial vegetable growing now, and likely to be occupied for vegetable growing into the near and foreseeable future is small, compared to the amount of land in the Waikato Region as a whole. Further, commercial vegetable growing is subject to a set of industry management practices, designed to produce optimal environmental outcomes.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>The consenting regime ought to provide for consideration of increases in commercial vegetable production as a discretionary activity.</p> <p><b>Paragraph d</b> FFNZ opposes a blanket reduction in contaminants from commercial vegetable production. It considers that any reduction ought to be considered and achieved through good management practices and MPA. It does not support the use of “best management practice” because it considers that this threshold is unreasonably and unrealistically high and too subjective.</p> <p><b>Paragraph e</b> It considers that MPA ought to guide the mitigations for commercial vegetable production just as they do for other farming activities and as BPO does for point source discharges. As with Policy 2, FFNZ considers that it is the FEP that is important, not whether it is obtained by consent or the industry scheme. Also, the industry scheme FEP ought to be the same as if the FEP was obtained by consent.</p> <p><b>Paragraph f</b> For the reasons set out above, FFNZ considers that discharges ought to be “managed” not “reduced.”</p> <p><b>Paragraph g</b> As explained in the reasons for amendments to Policy 2, any reduction in diffuse discharges ought to be proportionate to more than just absolute numbers. While it may turn out that highest discharges have to reduce, this will depend on an assessment of sub-catchment factors and relative contributions.</p>
Policy 4	Support in part	Insert as proposed in Attachment 1.	<p>FFNZ supports a sub-catchment approach and supports management of discharges within sub-catchments (or groups of related sub-catchments). It also supports consideration of the contribution of the particular discharge to the short term targets.</p> <p>FFNZ seeks amendments to the last part of Policy 4 to clarify that reductions in diffuse discharges from low discharges will <b>assist</b> with making progress towards the Vision &amp; Strategy and values outcomes, but they will not alone meet them. It refers to the</p>

Provision	Support or oppose	Decision sought	Reasons
			comments above about whole of catchment responsibility e.g. point source and diffuse, and an understanding of the drivers e.g. pest fish, natural sources, sink/source/transport pathways, attenuation etc.
Policy 5	Support in part	Amend as proposed in Attachment 1.	<p>For the reasons set out above, FFNZ does not support the long term attribute numbers. However, it supports making progress towards the water quality outcomes anticipated by the Vision &amp; Strategy and values^ and staging this over an 80 year period. It also supports a framework that “enables” (as opposed to simply allows) innovation and new practices to develop.</p> <p>For the reasons set out above, FFNZ considers that discharges need to be <b>managed</b> and/or reduced (not simply reduced). It is also important that the emphasis is on <b>discharges</b> which include point source discharges, and not simply diffuse discharges. The Vision &amp; Strategy and values^ will not be achieved if only a particular sector of the community is targeted. What is required is whole of community responsibility and action.</p> <p>FFNZ seeks the insertion of the words <b>at a sub-catchment level</b> to clarify that it is sub-catchment targets that are relevant and not a requirement for every property or farm to reduce contaminants. This recognises that the reductions depend on sub-catchment characteristics, property contributions (proportionality) and edge of field or other mitigations that may be adopted (e.g. coordinated sub-catchment management plans or offsets). The bigger the toolbox for potential mitigations (as opposed to a narrow focus on property level reductions) the more likely the environmental outcomes will be achieved and achieved at lowest social and economic cost.</p> <p>While FFNZ acknowledges that it is important to signal potential change and manage expectations, it is not clear yet what further reductions may be required and who may be required to make them. Therefore, the last part of Policy 5 should be qualified to acknowledge reductions and <b>mitigations</b> and that these <b>may</b> (as opposed to will) be required.</p>
Policy 6	Oppose	Insert as proposed in Attachment 1.	FFNZ does not support Policy 6 on the basis that it solely focuses on increases in diffuse discharges (and declining consent for such activities) without consideration of particular sub-catchment characteristics, proportionality and other relevant factors. The combined effect of this policy and the non complying activity rule is that land use change that

Provision	Support or oppose	Decision sought	Reasons
			<p>increases any contaminant is prohibited. FFNZ considers that this unreasonably and unrealistically raises the bar and it is not appropriate to prohibit such activities.</p> <p>This creates a regime that is inflexible and is not effects based. FFNZ considers that getting the policy context right and allowing the assessment on a case by case basis of activities such as land use change is the appropriate means to address issues such as development of underdeveloped land or conversion of Treaty settlement land that is currently in forestry to pastoral farming.</p> <p>FFNZ seeks the adoption of a new Policy 6 that provides an appropriate framework for the assessment of applications for increases in contaminants and land use change. FFNZ is very concerned that as currently drafted, the plan does not provide a consenting pathway for increases in contaminants and it is likely to be very difficult to obtain a restricted discretionary activity consent and impossible to obtain a consent for land use change (unless the applicant can demonstrate that all contaminants will reduce).</p> <p>Such an outcome does not achieve sustainable management and is not effects based.</p> <p>FFNZ considers that increases in contaminants and land use change can appropriately be managed through the application of MPA, monitoring or reporting and management of discharges. It seeks a new Policy 6 to reflect this and provide support and guidance for the restricted discretionary and proposed discretionary (for land use change) consents.</p>
Policy 7	Oppose in part	Amend as proposed in Attachment 1.	<p><b>Allocation</b></p> <p>FFNZ opposes the use of allocation mechanisms to manage nutrient use. Principally this is because there is no fair, equitable and reliable way in which to allocate contaminants. FFNZ considers that issues arising from the over-allocation of nutrients or contaminants can generally be addressed in ways other than allocation, such as the implementation of good management practices (and MPA), particularly in the case of interim proposals, as is the case with Chapter 3.11. More bespoke and detailed proposals can be developed at a later stage through a sub-catchment and/or freshwater management unit based assessment and implemented at that time through a sub-catchment plan change, as per the approach in the Canterbury region.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ considers that it is premature to signal that allocation may be required in the future. What is required at present is reasonable information gathering and the filling of gaps, a better understanding of the catchment and science.</p> <p>For these reasons, FFNZ seeks the deletion of the word “allocation” in the heading of Policy 7 and a re-focusing of this policy on filling information gaps as opposed to pre-determining the future.</p> <p><b>Preparation</b> FFNZ seeks changes to the first paragraph of Policy 7 to recognise that there may be a need to reduce diffuse discharges (whether at a property or sub-catchment or FMU scale, this is not clear at this stage) or look at other mitigations (given the high degree of uncertainty presently, it is important not to narrow the focus). For reasons explained above, it is also important to signal that reductions “may” (not will) be required and that research and information is required to assist with providing greater certainty or clarity (as opposed to ensuring reductions occur).</p> <p><b>Paragraph b</b> FFNZ considers that a new paragraph b is required to reflect its views about the Catchment Profiles playing an integral role and a better understanding of the sub-catchments being the key to informing the way forward at the end of the lifetime of this plan change.</p> <p><b>Paragraph c</b> Continuing on from paragraph b, it is important to understand hydrology and relationships between sub-catchments and this needs to be reflected in paragraph c.</p> <p>The terms “land suitability” are vague and, at present, poorly understood. FFNZ is very concerned about signalling an allocation approach at this stage or pre-determining the way forward, particularly when the catchment is poorly understood, there are many information gaps and the science is in its infancy. In addition, FFNZ considers that the case needs to be made for allocation before it is considered (and FFNZ considers there is no case at present to support a need to allocate). Therefore FFNZ seeks the deletion of this from paragraph c and the deletion of the future allocation principles.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p><b>Nitrogen reference point</b>  FFNZ opposes Policy 7 as worded because it is effectively a de facto allocation mechanism, in that the Nitrogen Reference Point is liable to be rolled over into a permanent allocation mechanism.</p> <p>FFNZ considers that it needs to be clearly stated in Chapter 3.11 that the Nitrogen Reference Point is to be used solely for the purpose of determining those land users who need to reduce their nutrient discharges and monitoring progress towards the Vision &amp; Strategy and values^ but will not form the basis of (or justification for) any allocation regime that may come into being in the future.</p>
Policy 8	Support in part	<p>Insert as proposed in Attachment 1.</p> <p>In the alternative, amend priority sub-catchments in Table 3.11-2 to reflect distance from 10 year targets not 80 year targets or not a ranking approach to prioritisation.</p>	<p>FFNZ supports Policy 8 subject to clarification that priorities are based on distance from short term targets (as FFNZ seeks amendments to Table 3.11-1) and not 80 year numeric targets currently proposed.</p> <p>FFNZ supports the prioritisation of sub-catchments. As explained in more detail below (in the context of Table 3.11-2), FFNZ has concerns about how the sub-catchments have been prioritised in Table 3.11-2. It is concerned that the prioritisation exercise has focused on nitrogen when this is the contaminant that is likely to be the least of the issues and has not adequately focused on contaminants that are the worst (e.g. E coli in some of the Waipa catchments) and where the biggest gains can and need to be made.</p> <p>FFNZ is also concerned that the prioritisation methodology appears to have focused on ranking sub-catchments as opposed to looking at absolute distances from targets or water quality issues. FFNZ is concerned about the potential implications of this for achieving 10% of the journey in the first 10 years (to the extent that the worst sub-catchments and areas for greatest/easiest gain have not been targeted first).</p> <p>If there is another way of prioritising the sub-catchments so that those that are further from the 10 year water quality targets are prioritised first, FFNZ would support such an approach. However, in the absence of a more appropriate way of prioritising the sub-catchments, FFNZ considers that Table 3.11-2 could be retained but as part of the review of Chapter 3.11 (and implementation of the next generation plan in 10 years time), WRC ought to review whether the sub-catchments were appropriately prioritised in Table 3.11-2</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>and any implications that had for achievement of the 10 year targets and implications for drafting the next plan change (this is provided for in the track changes to Methods 3.11.4.8 and 3.11.4.11)</p> <p><b>Paragraph a</b> FFNZ seeks a change to paragraph a to clarify that it is the 10 year water quality targets in Objective 3 that are assessed for prioritisation and not the 80 year targets. This change is also necessary to reflect the amendments that have been made to Objective 3 in this submission and FFNZ’s concerns about the long term targets as explained in the context of Objective 1 above.</p>
Policy 9	Support in part	Amend as proposed in Attachment 1.	<p>FFNZ supports sub-catchment planning and whole of community actions to improve water quality. FFNZ seeks a change to paragraph d to clarify that it is whole of catchment.</p> <p><b>Paragraph a</b> FFNZ reiterates its concerns about the priority areas in Table 3.11-2 and the implications for achievement of the 10 year targets (and progress towards the Vision &amp; Strategy and values) if sub-catchments are not appropriately prioritised.</p> <p>If there is another way of prioritising the sub-catchments so that those that are further from the 10 year water quality targets are prioritised first, FFNZ would support such an approach. However, in the absence of a more appropriate way of prioritising the sub-catchments, FFNZ considers that Table 3.11-2 could be retained but as part of the review of Chapter 3.11 (and implementation of the next generation plan in 10 years time), WRC ought to review whether the sub-catchments were appropriately prioritised in Table 3.11-2 and any implications that had for achievement of the 10 year targets and implications for drafting the next plan change (this is provided for in the track changes to Methods 3.11.4.8 and 3.11.4.11).</p> <p><b>Paragraph d</b> FFNZ seeks to replace “farming enterprises” with “land uses” to recognise that it is more than just farmers involved in sub-catchment plans (it is whole of community e.g. rural and urban, diffuse and point source). FFNZ also seeks the deletion of the word “diffuse” so that point source discharges are included. This is likely to provide appropriate incentives for point source discharges to become involved in catchment plans and where they</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>provide or contribute towards enduring mitigations as part of sub-catchment plans, they also ought to be receive credit for the reduction in discharges they contribute towards.</p> <p>The intention is to create and encourage an integrated and whole of catchment framework that incentivises all land uses to improve water quality.</p>
Policy 10	Oppose in part	Insert as proposed in Attachment 1.	<p>FFNZ acknowledges the need to provide for the continued operation of regionally significant infrastructure and industry. However, it considers that this should not be without qualification.</p> <p>It considers that opportunities to reduce contaminant discharge ought to be considered and that BPO needs to apply to all point source discharges. For example, at the time of renewal of consent it is appropriate to consider any advances in technology that enable regionally significant infrastructure or industry to reduce contaminant discharges or to consider new opportunities for offsets or other mitigations.</p> <p>Accordingly, FFNZ seeks the addition of these qualifications to Policy 10.</p>
Policy 11	Oppose in part	Amend as proposed in Attachment 1.	<p>One of FFNZ's fundamental principles is consistency in approach between point source and diffuse discharges; urban and rural. FFNZ considers that this is achieved through point source discharges adopting BPO and diffuse discharges adopting MPA.</p> <p>FFNZ seeks amendments to Policy 11 to ensure that the policy applies to both point source (which adopt BPO) and diffuse discharges (which adopt MPA).</p> <p>FFNZ seeks the deletion of paragraph b to provide opportunities to consider offsetting one contaminant for another. This would provide for an expanded toolbox of potential mitigations and could be particularly relevant in a sub-catchment where it is proposed that a contaminant increases but it is not an issue and is offset by meaningful reductions in another contaminant that is an issue. FFNZ considers that this is critical for ensuring progress in the context of aspirational 80 year journey with long term outcomes that are not achievable on the basis of current technology.</p>
Policy 12	Support in part	Amend as proposed in Attachment 1.	<p>FFNZ supports Policy 12 on the basis that it is amended to reflect FFNZ's views on the long term targets and necessary amendments to Objective 1. It also supports it on the basis that a similar policy is adopted for diffuse discharges to reflect FFNZ's principle about consistency in treatment across urban/rural; point source/diffuse discharges.</p>

Provision	Support or oppose	Decision sought	Reasons
New Policy 12A	Support	Insert a new policy as proposed in Attachment 1.	<p>FFNZ seeks a new Policy 12A to provide for additional considerations for diffuse discharges in the same way that additional matters are considered for point source discharges. These matters are the sub-catchment characteristics, relative contribution towards targets or objectives, the resources reasonably available to the farm enterprise and the investment on farm or edge of field (recognising Policy 9).</p> <p>This would ensure consistency in the approach across point source and diffuse discharges, give effect to the MPA framework FFNZ proposes (achieving consistency with the BPO framework for urban), incentivise investment in enduring mitigations and encourage innovation and new technology.</p>
Policy 13	Oppose in part	Amend as proposed in Attachment 1.	<p>FFNZ considers that amending Policy 13 so that it applies to point source and diffuse discharges would help to achieve consistency in approach to urban/rural as well as incentivising investment in enduring mitigations and encouraging innovation and new technology.</p> <p>FFNZ considers that it is appropriate to recognise actions to manage diffuse discharges in accordance with the framework proposed in Policy 12A with consent terms exceeding 25 years, just as is proposed for point source discharges.</p> <p>FFNZ proposes amendments to the end of paragraph c to provide relevant farming examples (and balance the focus of that paragraph on industrial discharges).</p>
Policy 14	Support in part	Amend as proposed in Attachment 1.	<p>FFNZ supports adopting lake catchment plans to specifically understand and target water quality issues in the lakes. As explained above, it is not convinced that the lake FMUs are the appropriate spatial scale.</p> <p>FFNZ considers that it needs to be clarified that the lakes are being managed, restored and/or protected to assist with giving effect to the Vision &amp; Strategy and the values<sup>^</sup> by 2096. Without this qualification, it is not clear to what extent they are being restored or protected or for what purpose.</p> <p>For the reasons explained above, FFNZ considers that it is important to include the word “maintain” because this is what the NPS-FM requires and will be the appropriate standard to the extent that it is consistent with the Vision &amp; Strategy or the Vision &amp; Strategy does</p>

Provision	Support or oppose	Decision sought	Reasons
			not apply (as could be the case if an aspect of lake water quality or a lake was not relevant for protecting and restoring the health and wellbeing of the Waikato River).
Policy 15	Oppose in part	Amend as proposed in Attachment 1.	<p>FFNZ supports a tailored catchment management plan approach to Whangamarino Wetland that coordinates whole of catchment and community actions to maintain, restore and/or protect the wetland and assist with giving effect to the Vision &amp; Strategy and the values^.</p> <p>It considers that this is best addressed by adopting similar wording to Policy 14 and it also refers to the reasons given for Policy 14. FFNZ notes that this would be consistent with the approach in Method 3.11.4.4, which adopts the same framework for management plans for lakes as it does for Whangamarino Wetland.</p> <p>FFNZ is very concerned about the specific wording in paragraphs a to c effectively pre-determining a sub-catchment management planning process (including sub-catchment forensics and whole of community engagement). It effectively pre-determines some of the steps set out in Method 3.11.4.4.</p> <p>FFNZ also queries the vires of supporting a catchment plan that has yet to be prepared and for which there appear to be no parameters. Or alternatively, binding a future council to prepare a catchment plan or the content of such a plan.</p> <p>For these reasons FFNZ seeks the deletion of paragraphs a to c and the adopting of wording similar to Policy 14.</p>
Policy 16	Oppose	Delete as proposed in Attachment 1.	<p>FFNZ opposes Policy 16. It considers that it is not appropriate to manage resources on the basis of ownership and supports an effects based regime.</p> <p>The Courts have established that the concept of sustainable management takes priority over private property rights, for example in <i>Falkner v Gisborne District Council</i> ([1995] 3 NZLR 622). In <i>Haddon v Auckland Regional Council</i> (Environment Court decision A077/93), the Environment Court established that ownership of resources is not of itself relevant under the RMA and that all land is subject to the regime of the RMA. In <i>Western Bay of Plenty District Council v Te Whaiti</i> (Environment Court decision A128/05) the Environment Court found that Maori-owned land is not exempt from the RMA.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ recognises that flexibility may be required for the development of Treat Settlement or Te Ture Whenua Maori land and that Chapter 3.11 does not provide that flexibility (due to the apparent requirement for all contaminants to reduce and the inability to obtain consent for land use change unless they do). However, FFNZ considers that this flexibility is more appropriately addressed on an effects basis as proposed in the amendments it seeks.</p> <p>FFNZ considers that Policy 16 is contrary to its principle of effects based regulation as opposed to ownership based. It considers that the changes it seeks provide a better framework for flexibility for all landowners and therefore equity or consistency in approach.</p> <p>FFNZ acknowledges that Maori land owners may have historic issues or grievances. However, it considers those to be matters to be addressed at a central government level and not at a regional or property owner level.</p> <p>The Vision &amp; Strategy and values^ create aspirational objectives and ambitious water quality outcomes that are not possible on the basis of present technology. What is needed is whole of community engagement, innovation, incentivisation and action as opposed to division or exclusion.</p> <p>As explained under general comments section above, FFNZ also has concerns about how TLG estimated the likely impact of developing 10,000ha of Treaty Settlement or Maori owned land (particularly compared with the analysis it did about the development of 10,000ha of other land) and that this policy will unlikely result in consents being granted (as the rest of the plan change is directed towards declining applications that seek to increase any contaminant).</p>
Policy 17	Oppose	Delete as proposed in Attachment 1.	<p>FFNZ opposes Policy 17. It considers that the matters addressed in Policy 17 are not within the scope of plan change (or Variation 1), as it was notified.</p> <p>Even if Policy 17 was within the scope of the Plan Change 1 (or Variation 1), FFNZ considers it to be inappropriate, in that it is not appropriate to consider “opportunities to enhance biodiversity, wetland values, the functioning of ecosystems” and “opportunities to enhance access and recreational values” that are not related to plan change when</p>

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			<p>processing resource consent applications that are made in reliance on the provisions in Chapter 3.11.</p> <p>It is considered that biodiversity outcomes should not be the drivers of measures taken to address water quality issues, rather biodiversity outcomes will follow water quality outcomes.</p> <p>Accordingly, Policy 17 ought to be deleted.</p>
Method 3.11.4.1	Support	Retain	FFNZ supports a collaborative approach and considers that the best outcomes can only be achieved by working with stakeholders and the community.
Method 3.11.4.2	Support	Retain	<p>FFNZ supports the certified industry scheme. It sees the scheme as providing an alternative for farmers to work with their industry bodies. It also sees the scheme as a practical way of reducing the huge task ahead of Council in terms of bringing all farms within Chapter 3.11.</p> <p>Critical for the industry scheme success will be ensuring consistency in approach (both between individual schemes and the alternative consenting process) and robust auditing.</p>
Method 3.11.4.3	Support in part	Amend as proposed in Attachment 1.	<p>FFNZ supports the farm environment planning process, including the certification of professionals to certify FEPs.</p> <p><b>Most Practicable Actions</b></p> <p>For reasons explained above, FFNZ considers that the FEPs ought to be based on MPA. It considers that MPA provides an appropriate framework for assessing actions and sets the parameters for what farmers are required to do.</p> <p>FFNZ does not support a blanket approach that requires all contaminants to be minimised everywhere without consideration of things like sub-catchment characteristics, proportionality etc. For these reasons it seeks the deletion of the sentence that refers to “specify actions to reduce those risks” and adoption of a process that involves identifying the MPA for the management of diffuse discharges of nitrogen, phosphorous, sediment and microbial pathogens. FFNZ considers that this approach will lead to sustainable management i.e. assist to achieve the water quality outcomes whilst providing for social, economic and cultural wellbeing.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p><b>Industry bodies</b> FFNZ supports the development of guidance for risk assessments, auditing and compiling FEPs but considers that this needs to be done in consultation with stakeholders, such as industry bodies. FFNZ is concerned that if they are developed by WRC in isolation, they may not be practical, realistic or implementable. This is important for ensuring community (particularly farmer) buy in and achieving the objectives of this plan change.</p> <p><b>Pragmatic and risk based</b> FFNZ considers that it is important that WRC takes a <b>pragmatic</b> as well as risk based approach to monitoring FEPs. FFNZ considers that it is important to recognise the need for flexibility in the implementation of FEPs for the reasons explained above.</p> <p>FFNZ consider that robust third party audit and monitoring <b>may</b> (as opposed to will) be required. It considers that substituting the word “may” for “will” recognises a pragmatic and risk based approach e.g. if a farm is low risk and has been through a robust certified FEP process (and the certified farm environment planner is subject to robust audit) there may be no need for robust third party audit of that specific farm.</p>
Method 3.11.4.4	Support	Retain	FFNZ supports the considered approach to management of the lakes and Whangamarino Wetland as set out in Method 3.11.4.4. It considers that a collaborative process with all affected members of the community and stakeholders that involves robust problem identification and solution finding will best result in restoring and protecting the lakes and Whangamarino Wetland and best achieve sustainable management.
Method 3.11.4.5	Support in part	Amend as proposed in Attachment 1.  In the alternative, adopt the same framework for sub-catchment planning for lakes, method 3.11.4.4.	<p>FFNZ supports sub-catchment scale planning. However, it is concerned that the method for rivers is very different in its approach compared with the method for lakes. It is concerned that sub-catchment planning for the rivers appears rushed and without proper problem definition and solution focus.</p> <p>FFNZ acknowledges the need to balance time, cost and resources involved in developing detailed sub-catchment action plans with the state of degradation, number of plans and potential for water quality improvement.</p> <p>FFNZ proposes several amendments to the method to provide for a more robust, coordinated and community focused approach. In the alternative, it considers that the same approach adopted for lakes should be adopted for rivers (i.e. method 3.11.4.4).</p>

Provision	Support or oppose	Decision sought	Reasons
			<p><b>Paragraph a</b>  FFNZ is concerned that paragraph a potentially pre-determines the process of identifying the causes of water quality decline by assuming that reductions in contaminants are required. FFNZ considers that a robust forensic approach is required to identify the causes without Method 3.11.4.5 assuming that contaminants must be reduced (for example, there may be a need for control of pest fish or riparian planting or other actions that are not simply reductions in diffuse discharges).</p> <p>FFNZ also considers that it is also important that the contributions of all sources of contaminants are considered e.g. diffuse and point source, natural sources, historical events.</p> <p>FFNZ also considers that actions may need to be coordinated at a property level but also at multiple land owner scales within a catchment (i.e. less than a whole sub-catchment but more than a single property) or at a multiple sub-catchment scale. FFNZ considers that flexibility should be provided to consider the coordination of such actions.</p> <p><b>Paragraph b</b>  FFNZ considers that a key aspect of sub-catchment scale planning is aligning and <b>coordinating</b> works and <b>actions</b>. It seeks the addition of these words to better explain the process. It also considers that the works are to <b>manage</b> (as opposed to reduce) contaminants because that provides for a wider range of actions than simply reducing (e.g. it may be that there are ways of managing contaminants at a sub-catchment level that do not involve property or sub-catchment level reductions). This is consistent with the examples listed in paragraph b which relate to managing contaminants e.g. through riparian planting as opposed to reducing point source or diffuse discharges.</p> <p><b>Paragraph c</b>  FFNZ considers that <b>identify</b> and assess (instead of determine) more accurately describes the process for sub-catchment planning of edge of field works. This ought to be done in consultation with the community and it is an iterative process as the outcome may change and more information becomes available.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>It also considers that the focus of the paragraph ought to be wider than simply constructed wetlands. There are likely to be a wider toolbox of options and more are likely to be identified as technology evolves.</p> <p><b>Paragraph d</b> As with paragraph c, FFNZ considers that paragraph d needs to be broader than simply researching the management of wetlands. Where there are other edge of field or sub-catchment scale works that can assist to improve water quality these also ought to be investigated. This will provide for adaptive management, innovation and advances in technology.</p> <p><b>Paragraph e</b> FFNZ considers that sub-catchment scale planning should <b>coordinate</b> as well as integrate fencing requirements under Chapter 3.11 with drainage management. The objective ought to be the efficient and effective operation of drainage schemes.</p> <p><b>Paragraph f</b> FFNZ considers that contributions towards works can be wider than simply funding e.g. donation of labour, equipment, materials etc. It also considers that sub-catchment management plans need to remain voluntary and for that reason has inserted the word <b>requesting</b> into paragraph f to recognise that those contributing to water quality degradation are requested (not required) to contribute in proportion to that.</p> <p>FFNZ considers that the regime would be undermined if sub-catchment actions or membership of groups or participation in plans became mandatory or a regulatory requirement.</p> <p><b>Paragraph g</b> FFNZ seeks the deletion of the word “significant” so that public funds are utilised where the mitigations provide public benefit. It is concerned that there may be important edge of field mitigations that may not meet the threshold for “significant public benefit” due to the size of the catchment or local community.</p>

Provision	Support or oppose	Decision sought	Reasons
			It considers that a wide toolbox of options (including funding avenues) ought to be available or able to be considered for any sub-catchment planning work.
New method 3.11.4.5A	Support	Insert as proposed in Attachment 1.	<p>FFNZ seeks a new method requiring WRC to develop Catchment Profiles for each sub-catchment (or groups of sub-catchment). FFNZ considers that the Catchment Profiles are critical for bridging the gap between the proportionality approach described in the policies (as notified) and the focus of the rules on minimising diffuse discharges of contaminants at a property level.</p> <p>FFNZ considers that the Catchment Profiles are critical for guiding FEP actions and important for the MPA framework it proposes. It suggests that these are published at least two years before the FEPs for the sub-catchment to which they relate are required to be provided to WRC in order to ensure that the relevant information is available for the preparation of FEPs.</p> <p>FFNZ recognises that the Catchment Profiles will be an organic process with new information being added to them as it becomes available.</p> <p>FFNZ understands that WRC is well advanced in developing an online portal to collate some of the information listed in paragraphs a to g of the new method FFNZ proposes.</p> <p>The Catchment Profiles are not about having a detailed sub-catchment plan for each sub-catchment or FMU and they are different from the sub-catchment plans contemplated by Method 3.11.4.5. They are likely to be at a higher level and a means of collating all of the various pieces of work, research or information relating to a sub-catchment as it becomes available.</p>
Method 3.11.4.6	Support	Retain	<p>FFNZ supports the resourcing of WRC to implement Chapter 3.11. It acknowledges that implementing Chapter 3.11 is likely to be resource intensive and commends WRC for initiatives it is taking to try to reduce the cost or more cost effectively implement Chapter 3.11.</p> <p>FFNZ considers that ratepayer money should always be managed wisely and that includes seeking to minimise costs (for all parties) and maximise transparency in the implementation of Chapter 3.11.</p>

Provision	Support or oppose	Decision sought	Reasons
			FFNZ considers that seeking funding through annual plan and long term planning processes helps with transparency.
Method 3.11.4.7	Oppose in part	Amend as proposed in Attachment 1.	<p>FFNZ opposes signalling the allocation of nitrogen (or any contaminant) at this stage. Not only does FFNZ consider that it is not necessary or equitable to allocate contaminants (nor is there a reliable way of doing so), but also it considers that it is premature to signal an approach in the absence of robust information and science. To do so will likely pre-determine any future process and that is unlikely to result in a process that achieves the best water quality outcomes at lowest social and economic cost. It is also unlikely to achieve sustainable management.</p> <p>FFNZ considers that issues arising from the over allocation of nutrients can generally be addressed in ways other than allocation. It considers that this is what its MPA framework achieves. An alternative approach could be the implementation of good management practices, with more detailed proposals developed at a later stage through a sub-catchment or FMU based assessment and implemented through a sub-catchment specific plan change.</p> <p>FFNZ supports a method that instead gathers information and undertakes scientific research to inform the future management of diffuse and <b>point source</b> discharges of all contaminants (not just nitrogen). FFNZ seeks amendments to the opening paragraph of Method 3.11.4.7 to reflect this.</p> <p><b>Paragraph a</b> FFNZ seeks amendments to paragraph a to provide for a wider range of information gathering and scientific research as opposed to a narrow focus on property level limit setting. FFNZ considers that the method ought to look at management of all discharges (point source and diffuse).</p> <p><b>Paragraph b</b> FFNZ considers that the three parts of paragraph b need to be re-focused in light of the current information gaps and uncertainty around future numeric targets and approaches.</p> <p>The first part is about researching the level of contaminants that can be discharged at a sub-catchment or FMU scale while meeting the short term, 10 year targets.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ considers that it is premature to investigate the long term targets because they are poorly understood. For example, attenuation is poorly understood, as is the groundwater catchment and interaction between contaminants or nutrients. FFNZ instead seeks express recognition that this will be investigated in the context of the short term targets.</p> <p>The second part is about further investigating the long term targets and about whether there is enough information to set 80 year targets or whether so alternative interim approach is more appropriate.</p> <p>The third part is about looking at alternative actions that are consistent with the values<sup>^</sup> and likely to achieve the Vision &amp; Strategy at lower economic, social and cultural cost and disruption. This would provide for an adaptive management framework that also achieves sustainable management.</p>
Method 3.11.4.8	Oppose in part	Amend as proposed in Attachment 1.	<p>As explained above, FFNZ does not support an allocation regime. It considers that Method 3.11.4.8 ought to focus on review and investigation of discharge management frameworks and not an allocation framework. To adopt a narrow focus on an allocation framework would unreasonably limit the exploration of options and potentially pre-determine future processes. FFNZ considers that it would not achieve sustainable management.</p> <p><b>Paragraph a</b> FFNZ seeks the adoption of a new paragraph to require a review of Chapter 3.11 (as indicated in the heading for Method 3.11.4.8). FFNZ considers that it is important that not only is progress reviewed but the review should also include consideration of the range of decisions or factors that may have influenced that progress, including the decisions about prioritisation of sub-catchments and the implications for achievement of short term targets (FFNZ's concerns about this are explained in more detail below in the context of Table 3.11-2).</p> <p>In the alternative, paragraph a could be linked with paragraph a of Method 3.11.4.11.</p> <p><b>Paragraph b</b></p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ considers that it is fundamental that management (not allocation) frameworks for diffuse and point source discharges are developed in consultation with the community. It considers it important that all contaminants and their sources are taken into account and that management options at a property or enterprise, sub-catchment(s) and FMU level are investigated.</p> <p>FFNZ also considers that it is fundamental that any uncertainties, assumptions and confidence levels are clearly identified. These are important factors to take into account in the management of any discharges and in considering any actions to improve water quality.</p> <p><b>Paragraph c</b> FFNZ seeks the deletion of “property or enterprise level” from paragraph b because it considers that this results in too narrow a focus on the types of discharges that may be managed or the types of management options. FFNZ considers that all discharges (not just diffuse) and sources (e.g. natural, historical events etc) of contaminants need to be considered.</p> <p>FFNZ proposes that the focus is to assist with achieving the Vision &amp; Strategy and values<sup>^</sup>, in light of its amendments to Table 3.11-1 to remove the 80 year numeric targets.</p>
Method 3.11.4.9	Support in part	Amend as proposed in Attachment 1.	<p>FFNZ supports proactive steps by WRC and territorial authorities to manage the effects of urban development. It considers that this should extend to sub-catchments earmarked for future urban development and not just those where it is currently occurring.</p> <p>FFNZ considers that urban discharges (both point source and diffuse e.g. stormwater run off) need to be part of the solution for the water quality issues in the Catchment.</p> <p>FFNZ also considers that there needs to be a new paragraph c that focuses on gathering information and getting a better understanding of the effects of urban development. This will help to better manage them.</p>
Method 3.11.4.10	Support in part	Amend as proposed in Attachment 1.	<p>FFNZ supports the establishment and operation of a freshwater accounting and monitoring system. It considers that any system needs to be robust, transparent and accommodate a feedback loop for continuous improvement.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ seeks amendments to Method 3.11.4.10 to provide for information gathering and monitoring at a sub-catchment as well as FMU scale. This reflects the focus in the short term targets on sub-catchments and FFNZ considers that this would more appropriately provide for the sub-catchment characteristics or water quality drivers (which will be lost when water quality is considered at an FMU level).</p> <p>FFNZ seeks amendments to recognise the changes it seeks to Table 3.11-1.</p> <p>FFNZ seeks changes to paragraph d to recognise that an information and/or accounting system <b>could</b> assist with the management of discharges at a property <b>or sub-catchment or FFMU</b> scale. It refers to the concerns raised above about allocation of contaminants and unduly narrowing the toolbox of solutions at this stage when there are so many unknowns.</p> <p>FFNZ also considers that the information and accounting ought to also take into account <b>point source discharges</b>. To ignore them misses a large piece of the puzzle and is inconsistent with FFNZ's principle of consistency in approach across urban/rural; point source and diffuse discharges.</p>
Method 3.11.4.11	Oppose in part	Amend as proposed in Attachment 1.	<p>FFNZ supports the monitoring an evaluation of Chapter 3.11. However, it seeks some changes to Method 3.4.11 to reflect its position on the targets and its principles (particularly consistency in approach between urban/rural, point source and diffuse discharges).</p> <p><b>Paragraph a</b> FFNZ seeks changes to Paragraph a to reflect the changes it proposes for Objectives 1 and 3. It considers that progress towards short term targets should be evaluated in the context of the prioritisation of sub-catchments in Table 3.11-2 and refers to the comments below in the context of that table.</p> <p>FFNZ also seeks changes to clarify that the review and report will take into account all sources contributing towards water quality and actions contributing towards improvement. It is concerned that without clarification it may be assumed that only diffuse discharges are considered.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p><b>Paragraph b</b> FFNZ seeks changes to paragraph b to clarify that it is methods for measuring actions to reduce both <b>point source and diffuse</b> discharges that are being researched and investigated. It is concerned that without clarification it may be assumed that only diffuse discharges are considered. To ignore point source discharges would miss a large piece of the puzzle and is inconsistent with FFNZ's principle of consistency in approach across urban/rural; point source and diffuse discharges.</p> <p><b>Paragraph d</b> FFNZ considers that the data that is gathered needs to relate to both <b>point source</b> and diffuse discharges. This means collecting data on point source discharge consents, actions listed in those consents and any contaminant (not just nitrogen) discharge data reported under resource consents.</p> <p>FFNZ is concerned that if this information is only collected for diffuse discharges, Council will not be able to fully understand the drivers of water quality in a sub-catchment (or the overall catchment). It may be that some or all of this data is being collated for point source discharges but FFNZ considers that it needs to be complete and collated in the same place and format as the diffuse discharge data.</p> <p>This would also be consistent with FFNZ's principle of consistency in approach across urban/rural; point source and diffuse discharges.</p>
Method 3.4.11.12	Oppose in part	Amend as proposed in Attachment 1.	<p>FFNZ supports the research and dissemination of practice guidelines. However, it considers that this method requires amendment.</p> <p><b>Paragraph a</b> FFNZ considers that the guidelines need to be based on <b>industry agreed good management practice</b> and apply to both <b>point source</b> and diffuse discharges.</p> <p>FFNZ is concerned that "best practice" sets the bar unreasonably high and is not sufficiently flexible or certain to provide for the wide range of farm systems and farm types in the catchment. Council is not in the business of farming. Accordingly, FFNZ considers that industry and stakeholders have a key role in assisting Council to develop GMP guidelines.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ seeks amendments to require the guidelines to be developed in <b>consultation and collaboration</b> with industry and stakeholders.</p> <p>As explained above, point source discharges also play an important role in water quality drivers. Developing guidelines for them would also assist to refine or clarify best practicable option. Including these discharges is also consistent with FFNZ's principle of consistency in approach across urban/rural; point source and diffuse discharges.</p> <p><b>Paragraph b</b> FFNZ seeks amendments to include point source discharges.</p> <p><b>Paragraph c</b> FFNZ proposes a new paragraph c to provide for the development of guidelines on a range of matters that it has identified in this submission (mostly in the context of Overseer in Schedule B). It refers to the reasons provided later in this table in the context of Schedule b.</p>
New Method 3.11.4.13	Support	<p>Insert as proposed in Appendix 1.</p> <p>In the alternative, clarify in Schedule B how the 75<sup>th</sup> percentile is to be calculated to ensure transparency, consistency, fairness and robustness.</p> <p>In the alternative, amend Chapter 3.11 to provide for Overseer version changes and ensure that no farmer is penalised simply</p>	<p>FFNZ is concerned that this is a lack of clarity (and appears to be a lack of thought) about how the 75<sup>th</sup> percentile will be calculated. It has concerns that how this is calculated could have significant implications for farmers and the community and have not been taken into account (or adequately considered) in the section 32 analysis or CSG process.</p> <p>FFNZ proposes a new Method 3.11.4.13 to provide for WRC to develop guidelines about how the 75<sup>th</sup> percentile is to be calculated. This is intended to help to address particular concerns it has about (and the fact that it may not be possible to fully assess these until the NRP data is obtained):</p> <ul style="list-style-type: none"> <li>• How to accommodate the delays or timing issues e.g. time for receiving NRP data, time for calculating 75<sup>th</sup> percentile, time for notifying, time for amending FEP to adopt it (or for farmers not in Priority 1 sub-catchments to be notified sufficiently promptly so they have time to prepare their FEPs).</li> <li>• How to deal with Overseer version changes e.g. ensure that the calculations are all in the same versions or comparable versions when the 75<sup>th</sup> percentile is calculated.</li> </ul>

Provision	Support or oppose	Decision sought	Reasons
		because of a version change.	<p>FFNZ notes that Overseer version changes can have significant impacts. FFNZ notes that there are version changes every six months and while many of them are minor, some are very significant. For example, the average impact for Rotorua from changing from Overseer version 5.4 to 6.2 was an average 88% increase in Overseer numbers. This could produce very skewed results.</p> <ul style="list-style-type: none"> <li>• How to ensure that assessment against the 75<sup>th</sup> percentile is in the same or comparable Overseer versions.</li> <li>• The appropriate statistical basis for calculating the 75<sup>th</sup> percentile. FFNZ understands that there are a range of statistical methodologies that all produce different results. FFNZ seeks one that is fair, robust and representative.</li> <li>• FFNZ has concerns that the River FMU may not be the appropriate spatial scale and that it may be appropriate to group similar sub-catchments or break up the Upper Waikato FMU. FFNZ considers that this needs to be given more thought.</li> <li>• FFNZ thinks that the 75<sup>th</sup> percentile calculation or methodology (including spatial scale and accommodation of Overseer version changes) ought to independently verified to ensure it is transparent, fair, robust and representative.</li> </ul> <p>FFNZ is very concerned about the apparent lack of thought about or provision for Overseer version changes. In the alternative, FFNZ seeks amendments to Chapter 3.11 (including Schedule B) to provide for Overseer version changes and to ensure that no farmer is penalised simply because of a version change.</p>
Rule 3.11.5.1	Support in part	<p>Amend as proposed in Attachment 1.</p> <p>In the alternative, paragraph 5 could be amended to a reasonable stocking rate (or some other metric) that adequately</p>	<p>FFNZ supports the adoption of a more relaxed rule for farming activities on smaller properties or of a low intensity. This balances the level of risk associated with these activities and likely environmental gain with the economic and social cost of complying with and enforcing more stringent rules. It is also likely to recognise the scale and nature of these activities e.g. lifestyle blocks may be less intensive and not generate a profit.</p> <p><b>Paragraph 1</b></p>

Provision	Support or oppose	Decision sought	Reasons
		addresses likely water quality risks whilst providing for low intensity farms to operate under Rule 3.11.5.1.	<p>FFNZ proposes no changes to paragraph 1 on the basis that its proposed changes to Schedule A are adopted. It considers that it is properties over 4.1ha that ought to be registered and refers to the reasons set out below in the context of Schedule A.</p> <p>In the event that Schedule A is not amended, it seeks changes to paragraph 1 to address its concerns.</p> <p><b>Paragraph 2</b> FFNZ considers that paragraph 2 ought to be amended to refer to the stock exclusion <b>and setback</b> requirements in Schedule C. It considers that this Schedule (as amended by this submission) sets the important minimum standards that ought to apply to all farming activities in the catchment.</p> <p>FFNZ proposes the use of the words “are and/or will be complied with” because the stock exclusion requirements do not apply until future dates. These changes have been carried through to the other rules.</p> <p><b>Paragraph 4</b> As currently drafted, paragraph 4 appears to exclude farm enterprises which carry out activities over more than one property (even where the combined area is equal to or less than 4.1ha).</p> <p>FFNZ considers that the effects from farming enterprises on 4.1ha are likely to be same whether they are managed over one property or multiple properties. It considers that there are no reasons to treat them differently, provided the total area of land is no more than 4.1ha.</p> <p>For example, a land owner could own two 1ha blocks or own 2ha and lease 1ha. The environmental effects from these activities are very unlikely to be different from a landowner who has 2ha or 3ha properties at one location. In addition, it is likely to be very onerous for such small block owners or operators to have to comply with the standards in Rule 3.11.5.2 or Rule 3.11.5.4, for example.</p>

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			<p>Accordingly, FFNZ is concerned that paragraph 4, as drafted, would not achieve sustainable management and should be amended so that multiple properties can be subject to this rule provided that the combined area does not exceed 4.1ha.</p> <p><b>Paragraph 5</b> FFNZ is concerned that 6 stock units is extremely conservative and is unlikely to apply to many (if any) farms. It is concerned that the number appears arbitrary and is not effects based.</p> <p>Six stock units would equate to half a horse or half a beef cow per hectare. It is very unlikely that any farm would be so lightly grazed.</p> <p>FFNZ considers that the number could be increased to 9 stock units. This is half the threshold for the stock units it proposes as the trigger in Schedule C for the stock exclusion requirements (and that is on the basis that 18 stock units is of sufficient intensity to require stock exclusion). It is still a very low stocking rate but more reasonable than 6 stock units. FFNZ seeks consequential amendments to Rule 3.11.5.2.</p>
Rule 3.11.5.2	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>In the alternative, amend paragraph 4b to adopt a “permitted baseline” for properties over 20ha that is not based on nitrogen but is instead based on a stocking rate of say 16 stock units per hectare and/or a narrative about farm system types that appropriately captures low intensity farms and provides flexibility for</p>	<p>FFNZ supports a permitted activity rule for farming activities that are more intensive or larger than those captured by Rule 3.11.5.1 but of a potentially lower risk than activities under the other rules. However, FFNZ considers that Rule 3.11.5.2 requires some amendment to balance risk mitigation with economic or social cost and to ensure that the rule is practical and implementable.</p> <p><b>Paragraph 2</b> FFNZ seeks amendments to paragraph 2 to refer to the stock exclusion <b>and setback</b> requirements in Schedule C. It considers that this Schedule (as amended by this submission) sets the important minimum standards that ought to apply to all farming activities in the catchment.</p> <p>This also means that the requirements in paragraph e to exclude stock can be deleted and this results in a tidier rule will minimum standards set out in Schedule C and a reference to them in paragraph 2.</p> <p><b>Paragraph 3b</b></p>

Provision	Support or oppose	Decision sought	Reasons
		<p>their nitrogen to increase as a permitted activity.</p>	<p>FFNZ considers that it is unduly restrictive to require land used for grazing to maintain the same stocking rate as at 22 October 2016. It considers that a more appropriate approach is to give landowners the option of i. maintaining a stocking rate or ii. maintaining diffuse discharges. FFNZ proposes amendments to paragraph 3b to achieve this.</p> <p>This would provide greater flexibility for landowners to provide for social and economic wellbeing whilst at the same time achieving the same environmental outcome. This may also provide for situations where there are no stocking rate data (e.g. properties purchased after 22 October 2016), if nitrogen discharges can be estimated using the “missing data” option under Schedule B (as amended by this submission).</p> <p>FFNZ has some concerns that the standards for properties between 4.1ha and 20ha are potentially more onerous than for properties under Rule 3.11.5.3 or 3.11.5.4. For example, those rules do not require maintenance of a stocking rate or maintenance of diffuse discharges.</p> <p>However, FFNZ acknowledges that there is a balance for properties that are 4.1ha to 20ha between needing to demonstrate maintenance of a current state and the cost involved in preparing a FEP. FFNZ notes that these properties could obtain consent under the proposed new controlled activity rule or the amended restricted discretionary activity rule.</p> <p><b>Paragraph 3e</b> FFNZ proposes to move the requirements to provide information from the bottom of the rule up to paragraph e. This paragraph already applied to properties under 20ha but is no longer needed for properties greater than 20ha because they are doing a Simplified FEP.</p> <p>FFNZ also proposes to change the requirements so that the information is only to be provided upon request (as opposed to annually). It considers that annually is too high an obligation and that sufficient information to understand properties under 20ha can be obtained if this information is provided in 2020 (at the time of registration) and if it is then provided on request.</p>

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			<p>If the intention is to review the plan change in or around 2026 (and FFNZ proposes that this should be 2028), the 2020 data may provide sufficient information but if more information was required, a request could be made in 2025.</p> <p>FFNZ is concerned that if information is provided annually, the compliance cost on farmers under 20ha would be high and the benefit from the additional data received by the Council small (particularly as it is unlikely that Council would be considering the data annually and an indication for trends could be obtained by requesting the data at say five yearly intervals).</p> <p>There is still the ability to request information at any frequency the Council considers reasonable where it has concerns about the farm enterprise or considers there are greater risks.</p> <p><b>Paragraph 4b</b> FFNZ seeks amendments in paragraph 4b to enable farmers to be able to farm up to a permitted baseline.</p> <p>In the track changes to Variation 1, FFNZ has proposes that this is characterised in terms of a nitrogen threshold i.e. farmers can increase up to 15kg of nitrogen as a permitted activity.</p> <p>FFNZ considers that it could be more appropriate to characterise the permitted baseline in terms of a stocking rate and/or narrative. For example, it could allow farms to increase to 16 stock units as long as the activity does not involve strip grazing or some other farming types that are likely to result in high contaminant discharges.</p> <p>This alternative approach would provide for consideration of contaminants other than nitrogen.</p> <p>Irrespective of the approach adopted, FFNZ considers that sufficient flexibility ought to be provided to low intensity farms to increase nitrogen in order to give them flexibility to adapt to changing economic, environmental or other challenges they may face. This is</p>

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			<p>necessary to provide for their social and economic wellbeing and to achieve sustainable management.</p> <p>Some examples of the types of scenarios that will result in increases in nitrogen and need to be provided for include:</p> <ul style="list-style-type: none"> <li>• The need to change cattle/sheep ratios due to downturn in the wool pay out.</li> <li>• The need to retain stock on the property for longer due to drought (it is common during drought for the meat works to be inundated with cull cows such that they will not accept beef cows and as a result of keeping them on the property for longer nitrogen increases).</li> <li>• The impact of retiring some areas and intensifying on others (which may be necessary to fund these works).</li> <li>• The impact of sub-dividing a part of the property and the resultant increase in nitrogen on the balance of the property.</li> <li>• The impact of a change in lessee (if the land is leased) and the resulting difference in farm systems (which could result in small changes in nitrogen even though, for example, the type of farm or animals grazed have not changed).</li> </ul> <p>FFNZ also considers that this flexibility is necessary to reduce the significant economic impact of the plan change on both the regional and national economy.</p> <p><b>Paragraphs 4c, d, e</b>  FFNZ proposes that paragraphs 4c, d and e are deleted and replaced with the minimum standards in Schedule C. It considers that farms that wish to cultivate or graze on land with a slope above 15 degrees or graze winter forage crops in situ can do so under this rule by addressing the risks of these activities through a FEP.</p> <p>FFNZ considers that amending the rule in this way provides more flexibility to farmers and avoids an impractical or uncertain rule. For example, it may be difficult to measure or identify the slope of land, it may be difficult to assess whether that land is grazed and it may be difficult to apply this or other rules if parts apply but parts do not.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ considers that providing for the farm to obtain a FEP to manage these risks more appropriately balances the potential water quality risks with the need for flexibility to provide for economic and social wellbeing.</p> <p><b>New paragraph 4d</b> FFNZ proposes that compliance with the permitted baseline paragraph 4b (currently proposed as 15kgN/ha/yr) is provided to Council upon request. If the permitted baseline is a nitrogen limit calculated by Overseer, FFNZ considers that it ought to be calculated on a five year rolling average basis, as it is in the other rules.</p> <p>FFNZ also considers that this information ought only to be provided upon request to reflect the low risk nature of these properties. FFNZ considers that requiring it to be provided annually would be unduly and unnecessarily frequent and expensive.</p> <p><b>New paragraph 4e</b> FFNZ considers that all farms over 20ha ought to obtain an FEP. FFNZ considers that this is important for managing all four contaminants and because farms that are low for nitrogen might not be low for sediment, phosphorous or E coli.</p> <p>FFNZ considers that FEPs are an important and helpful part of the management of all farming activities. However, it recognises that for these low intensity farms, the costs of preparing a complete FEP (and going through the process in Schedule 1) may be significant with little or no corresponding environmental benefit.</p> <p>Nitrogen is not the focus for these properties. However, in saying this, FFNZ recognises that while these properties might have low nitrogen emissions there could be ways of managing nitrogen or other contaminants (through the identification of risks at critical source areas) that would help to improve water quality.</p> <p>For these reasons it proposes a new Schedule 1A, which provides for a simplified FEP that focuses on the critical source areas and does not require maintenance within an NRP (because it is no exceeding the permitted baseline, as provided for in paragraph 4d, that is relevant).</p>

Provision	Support or oppose	Decision sought	Reasons
			<p><b>New paragraphs 4f, g, h</b>            To provide for the adoption and implementation of an FEP as part of the permitted activity, FFNZ proposes the adoption of paragraphs 4e, f and g. FFNZ considers that the adoption of an FEP under this rule is the same as the adoption of an FEP under the industry scheme permitted activity rule. It considers that the fact that the FEP is approved by a certified farm planner (as opposed to Council) means that no discretion is reserved for Council (save for certification process and auditing of farm planners) and the rule is sufficiently certain.</p> <p>It also considers that this provides an appropriate balance between actions to manage risks for water quality and providing flexibility as well as social and economic wellbeing.</p>
Rule 3.11.5.3	Support in part	<p>Amend as proposed in Attachment 1.</p> <p>In the alternative or in addition, when assessing progress made in a 10 year period and/or evaluating the progress make under Chapter 3.11, take into account the time period available for implementation of FEP actions.</p> <p>In the alternative, amend all dates and timeframes to provide a reasonable opportunity to obtain a FEP (when the rules are operative) and a reasonable timeframe to assess 10</p>	<p>FFNZ supports the certified industry scheme as a way of:</p> <ul style="list-style-type: none"> <li>• Providing farmers with the choice of either engaging with Council to obtain consent from Council or working with an industry body to meet the requirements of the scheme.</li> <li>• Helping to manage the volume of resource consents the Council needs to process.</li> </ul> <p>This is on the proviso the industry schemes are robust and transparent, the standards or outcomes are the same as they are under the consenting process, and the certification and auditing process is robust.</p> <p>FFNZ considers that refinement of rule 3.11.5.3 is required.</p> <p><b>Paragraph 3</b>            FFNZ seeks amendment to paragraph 3 to reflect its approach of placing the minimum standards in Schedule C and achieving consistency in the minimum standards throughout the rules (and across all farms).</p> <p><b>Paragraph 5</b>            Variation 1 changes the dates for the submission of FEPs in Priority 1 and 2 sub-catchments. FFNZ considers that it is appropriate that more time is provided for</p>

Provision	Support or oppose	Decision sought	Reasons
		<p>year progress (from when the rules become operative).</p>	<p>preparing FEPs and that they are prepared when there is greater certainty about the FEP provisions. However, FFNZ has several concerns about the date changes.</p> <p>FFNZ is concerned about the implications for the achievement of the 10 year targets. A key mechanism for achieving reductions in diffuse discharges (to assist with achieving 10% of the journey in the first 10 years) is through implementation of FEPs. By delaying the Priority 1 and 2 catchments by 2 years to 2023 and 2025, it is likely that many mitigations will not yet be implemented in 2026 or those mitigations that have been implemented may not have yet had time to result in better water quality.</p> <p>FFNZ proposes a sensible approach is to change the 10 year timeframe to 2028, which aligns with 10 years from notification of Variation 1 and the 2 year extension aligns with extending the dates for Priority 1 and 2 sub-catchments by 2 years. FFNZ considers that no date changes to the 10 year period within Chapter 3.11 are required because the 10 year timeframe is not defined, nor is the time period for the short term targets. FFNZ instead proposes a practical approach that treats the date for review of Chapter 3.11 as the date from when Variation 1 was notified.</p> <p>FFNZ also proposes to change the date for Priority 3 sub-catchments to 1 March 2028 to provide consistency with the extensions for Priority 1 and 2 sub-catchments and to ensure that sufficient time is available for these farms to obtain FEPs (including the availability of certified farm planners to prepare and approve such plans). FFNZ is concerned that a one year gap between Priority 2 and 3 will create a real shortage in planners to carry out the work, will impact on the quality of the FEPs and will likely significantly increase the cost of obtaining an FEP.</p> <p>FFNZ is also concerned that those in the north eastern part of the Catchment have only just become subject to Chapter 3.11 and ought to have a 10 year period to 2028 for demonstrating water quality improvements (as was originally intended, before they were withdrawn from the plan change).</p> <p>FFNZ also has concerns that Chapter 3.11 unlikely to be operative at the time that FEPs are required to be obtained. It is likely that the chapter will be subject to Environment</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>Court appeals and this will likely create uncertainty and unnecessary cost (if the FEP provisions in Chapter 3.11 change and FEPs have to be re-written).</p> <p>FFNZ proposes changes to the rules so that the prioritisation and dates for when FEPs were obtained are taken into account when Chapter 3.11 is reviewed and evaluated.</p> <p>In the alternative, FFNZ considers that all dates and timeframes need to be reviewed and amended to provide a reasonable opportunity to obtain a FEP (when the rules are operative) and a reasonable timeframe to assess 10 year progress.</p> <p>FFNZ is also uncertain of the reasons for adopting different dates for FEPs prepared under industry schemes compared with resource consents. It considers that the same date (being the later of the two i.e. 1 March 2022 and 1 March 2025) ought to be adopted.</p> <p><b>New paragraphs 6 and 7</b></p> <p>There appears to be nothing in the plan change to require farms under the certified industry scheme to stay at their NRP or for those above the 75<sup>th</sup> percentile to reduce (save for a reference in Schedule 1). FFNZ seeks the inclusion of conditions requiring them to maintain the NRP or reduce below the 75<sup>th</sup> percentile, if they wish to rely on Rule 3.11.5.3. This is consistent with the approach under Rule 3.11.5.4.</p> <p>FFNZ considers that the date for reducing to below the 75<sup>th</sup> percentile should be changed to 1 March 2028. It considers that 2026 does not provide sufficient time to adopt mitigations in the context of the delay through withdrawal of the north eastern part of the Catchment and notification of Variation 1, the context of delay in calculating the NRP and delay in the timeframes for obtaining FEPs.</p> <p>FFNZ also considers that it is unfair for those in the north eastern part of the Catchment who have not previously been subject to the rules and now need to comply with them in eight years time. These farmers (and farmers everywhere else) still will not know whether they are in the 75<sup>th</sup> percentile for at least another two years, or what actions they need to undertake to get to the 75<sup>th</sup> percentile for at least another five years.</p> <p><b>New paragraph 8</b></p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ is concerned that subdivision is not dealt with in the plan change. FFNZ considers that the NRP ought to run with the land and ought to be re-calculated at the time of subdivision for all lots.</p> <p>FFNZ considers that calculating the NRP for each individual lot (based on the land use for that particular piece of land during the benchmark years, in accordance with Schedule B) is a fairer way of calculating the NRP than to give the lots the average NRP that was held by the parent title.</p> <p>FFNZ also considers that this approach is fairer than allowing an enterprise to move nitrogen around prior to sale, which could potentially result in land not receiving a NRP.</p> <p><b>Paragraph 9</b> FFNZ proposes to modify paragraph 7 so that the use of land is to be undertaken <b>generally</b> in accordance with the actions and timeframes in the FEP.</p> <p>FFNZ is concerned that requiring activities to be undertaken in strict accordance with the FEP does not provide sufficient flexibility to recognise the nature of farming (including that there can be unforeseeable changes e.g. extreme weather events, or a need to react or respond to factors beyond a farmers control, as well as a need to comply with other legal obligations such as health and safety and animal welfare). It considers that adding the word “generally” provides that flexibility and is consistent with the approach taken to other resource consents e.g. traffic management generally in accordance with the traffic management plan or removal of trees generally in accordance with the ecologist’s report.</p> <p>This is also necessary to achieve sustainable management and reduce the significant economic and social cost of the proposed policy mix.</p>
Rule 3.11.5.4	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>In the alternative or in addition, amend the timeframe for assessing progress to 10 years (as</p>	<p>FFNZ supports the approach of providing for farming activities with an FEP and not under an industry scheme by way of a controlled activity resource consent. This support is on the basis that FEPs are prepared by a certified farm environment planner with Council control over the certification and audit process as opposed to over the content of the FEP.</p>

Provision	Support or oppose	Decision sought	Reasons
		<p>opposed to 2026) or take into account the time period for implementation of FEP actions when assessing progress made as at 2026.</p> <p>In the alternative, amend all dates and timeframes to provide a reasonable opportunity to obtain a FEP (when the rules are operative) and a reasonable timeframe to assess 10 year progress.</p>	<p>FFNZ considers that changes are required to Rule 3.11.5.4 to ensure it is implementable, consistent with the industry scheme process and FFNZ’s view of the FEP process, and for consistency with changes sought elsewhere in this submission.</p> <p><b>Paragraphs 1, 2 and 3</b>  FFNZ has changed the dates in paragraphs 1 and 2 so that they are the same as Rule 3.11.5.3. It considers that the approach ought to be consistent across the two. It is not clear why the dates for obtaining an FEP do not match up with the date for obtaining resource consent. FFNZ considers that they should align.</p> <p>FFNZ is also concerned that the effect of paragraphs 1 and 2 and paragraphs i and ii (at the end of the rule) are that it is not clear whether the farming activity is permitted for the six month period between the two dates. If the rules were land use rule, it is unlikely that there would be an issue because they would likely be authorised under section 9 of the RMA.</p> <p>However, it is understood that the rules are hybrid section 9 and section 15 rules and therefore it is arguable that they would not be authorised during that six month period in the absence of an express provision in a rule. FFNZ proposes to resolve the issue by amending the dates to be the same.</p> <p>Variation 1 changes the dates for the submission of FEPs in priority 1 and 2 sub-catchments. FFNZ considers that it is appropriate that more time is provided for preparing FEPs and that they are prepared when there is greater certainty about the FEP provisions. However, FFNZ has several concerns about the date changes.</p> <p>FFNZ is concerned about the implications for the achievement of the 10 year targets. A key mechanism for achieving reductions in diffuse discharges (to assist with achieving 10% of the journey in the first 10 years) is through implementation of FEPs. By delaying the Priority 2 catchments to 2025, it is likely that many mitigations will not yet be implemented in 2026.</p> <p>FFNZ also has concerns that Chapter 3.11 will not be operative at the time that FEPs are required to be obtained. It is likely that the chapter will be subject to Environment Court</p>

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			<p>appeals and this will likely create uncertainty and unnecessary cost (if the FEP provisions in Chapter 3.11 change and FEPs have to be re-written).</p> <p>In the alternative, FFNZ considers that all dates and timeframes need to be reviewed and amended to provide a reasonable opportunity to obtain a FEP (when the rules are operative) and a reasonable timeframe to assess 10 year progress.</p> <p>FFNZ is also uncertain of the reasons for adopting different dates for FEPs prepared under industry schemes compared with resource consents. It considers that the same date (being the later of the two i.e. 1 March 2022 and 1 March 2025) ought to be adopted.</p> <p>FFNZ proposes to change the date for Priority 3 sub-catchments to 1 March 2028 for the reasons explained above in the context of Rule 3.11.5.3. For consistency, it considers that the date should be 1 March 2028 in both paragraph 3 and paragraph 5c of Rule 3.11.5.4.</p> <p><b>New paragraphs 5d and e</b>  FFNZ considers that maintaining your NRP and reducing where you exceed the 75<sup>th</sup> percentile ought to be standards and terms of the rule as opposed to matters of control. This is consistent with the approach in other rules and consistent with the hierarchy in the rules (i.e. if a farm enterprise cannot comply with this rule they are then assessed under the next rule).</p> <p>FFNZ considers that Council should not retain control over these matters because it should only be concerned about ensuring that the NRP does not exceed the 75<sup>th</sup> percentile by 1 July 2028 or that the NRP will be complied with.</p> <p>The detailed actions for how that will be achieved are a matter for the farmer and the certified farm planner. Council's point of control is over the certification and audit process and this is appropriate as Council does not have the resources or expertise to advised on detailed farm actions and mitigations. This is also appropriate as it incentivises the farmer to take ownership of the FEP in a way that they would not if the actions in an FEP were imposed on them. It also encourages innovation and the adoption of new technology.</p>

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			<p>As with Rule 3.11.5.3, FFNZ considers that the date for reducing to below the 75<sup>th</sup> percentile should be changed to 1 March 2028. It considers that 2026 does not provide sufficient time to adopt mitigations in the context of the delay through withdrawal of the north eastern part of the Catchment and notification of Variation 1, the context of delay in calculating the NRP and delay in the timeframes for obtaining FEPs.</p> <p>FFNZ also considers that it is unfair for those in the north eastern part of the Catchment who have not previously been subject to the rules and now need to comply with them in eight years time. These farmers (and farmers everywhere else) still will not know whether they are in the 75<sup>th</sup> percentile for at least another two years, or what actions they need to undertake to get to the 75<sup>th</sup> percentile for at least another five years.</p> <p><b>New paragraph 5f</b> FFNZ is concerned that subdivision is not dealt with in the plan change. FFNZ considers that the NRP ought to run with the land and ought to be re-calculated at the time of subdivision for all lots.</p> <p>FFNZ considers that calculating the NRP for each individual lot (based on the land use for that particular piece of land during the benchmark years, in accordance with Schedule B) is a fairer way of calculating the NRP than to give the lots the average NRP that was held by the parent title.</p> <p>FFNZ also considers that this approach is fairer than allowing an enterprise to move nitrogen around prior to sale, which could potentially result in land not receiving a NRP.</p> <p><b>New paragraph 5g</b> FFNZ seeks the amendment to existing paragraph d (now g) by reference to the approach of placing the minimum standards in Schedule C.</p> <p><b>New paragraphs 5h to j</b> FFNZ considers that the Council should not retain control over the content for the FEP for the reasons set out above. This includes that it is not appropriate or necessary for Council to reserve control over the content of the FEP when the FEP has been prepared</p>

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			<p>by a certified farm environment planner, there is a training regime and certification process, as well as an auditing process.</p> <p>The appropriate level of control is through the audit (and potential review, as set out in the proposed changes to Schedule 1) of the FEP and not through the content of individual FEPs (particularly as Council is not in the business of farming or farm planning).</p> <p>It should be a standard or term of Rule 3.11.5.4 that the use of land is generally in accordance with the FEP. FFNZ refers to the reasoning in rule 3.11.5.3 above as to why the use of the word “generally” is important.</p> <p>FFNZ considers that there should be a process for amending FEPs and proposes that amendment of the FEP should be the same under the industry scheme and resource consent. This will ensure consistency between the two pathways.</p> <p>Specifying a process for amending the FEP provides for certainty and clarity for all parties and also provides for flexibility should circumstances change. The amendment process needs to be reasonable and keep costs to a minimum. It should also recognise the approach to FEPs i.e. Council has control over certification and auditing, not over the content of the FEP.</p> <p><b>Matters of control</b>  In the context of FEPs being prepared and approved by a certified farm environment planner and the amendments to the standards and terms proposed by FFNZ, FFNZ considers that the only matters of control required by Council are the term of the resource consent and the monitoring and record keeping requirements.</p> <p>FFNZ considers that it needs to be clarified that the consent holder has to demonstrate that and/or Council monitoring has to be satisfied that the use of land is <b>generally</b> in accordance with the FEP and refers to the reasoning under Rule 3.11.5.3 above.</p> <p>FFNZ considers that this approach to the conditions of the resource consents will provide appropriate flexibility, avoid undue or unnecessary micro management of farming activities, encourage innovation and adaptive management and provide appropriate</p>

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			<p>flexibility for an activity that is inherently uncertain and requires flexibility to respond to changes and comply with a myriad of legal and other obligations.</p> <p>FFNZ considers that amendment or review of the FEP is appropriately dealt with in Schedule 1. It is very concerned about any signal that resource consent conditions may be reviewed and does not consider this appropriate. Farmers require certainty for existing and ongoing investment in their farming activity. If there is a need to respond to adverse effects of the activity, that is more appropriately dealt with through review and amendment of the FEP (as provided for in FFNZ's amendments to Schedule 1). Any other matter could be deal with through section 128 of the RMA.</p> <p>FFNZ considers that the actions to manage diffuse discharges ought to be guided by its MPA framework and that this appropriately addressed in Schedule 1 (as well as in the policies) without the need to refer to it in Rule 3.5.11.4. For clarify, this approach replaces the current requirement to maintain or reduce diffuse discharges with Council having control over the actions to achieve this. FFNZ considers that its framework strikes a more appropriate balance between maintaining or improving water quality and providing for social and economic wellbeing.</p>
New rule 3.11.5.4A	Support	Insert as proposed in Attachment 1.	<p>FFNZ considers that flexibility to increase nitrogen ought to be provided for those farm enterprises that are above 15kgN/ha (or an alternative, more appropriate or suitable permitted baseline developed under Rule 3.11.5.2) but below the 75<sup>th</sup> percentile. FFNZ proposes that this is provided by allowing these farm enterprises to apply for a controlled activity consent with Council retaining control over the level of the discharge of nitrogen.</p> <p>The intention is to provide for those farm enterprises that need to increase nitrogen through intensification but not through land use change. There could be a range of reasons for this, including:</p> <ul style="list-style-type: none"> <li>• The need to change sheep:cattle ratio due to a downturn in the price of wool.</li> <li>• The need to intensify on the flatter parts of a property in order to fund (or maintain the existing enterprise) retirement of steeper land and riparian planting.</li> <li>• The need to change farm systems due to health and safety, changes in technology or some other factor impacting on the farm enterprise.</li> </ul>

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			<ul style="list-style-type: none"> <li>• The impact of retiring some areas and intensifying on others (which may be necessary to fund these works).</li> <li>• The impact of sub-dividing a part of the property and the resultant increase in nitrogen on the balance of the property.</li> <li>• The impact of a change in lessee (if the land is leased) and the resulting difference in farm systems (which could result in small changes in nitrogen even though, for example, the type of farm or animals grazed have not changed).</li> </ul> <p><b>Standards and terms</b> FFNZ proposes similar standard and terms for the new Rule 3.11.5.4A as are proposed for Rules 3.11.5.3 and 3.11.5.4. The intention is to ensure consistency in approach and address the matters set out above in the context of these standards and terms.</p> <p>FFNZ proposes that the rule also deals with subdivision, with the intention that a NRP is calculated for each subdivided lot and where it is proposed that the nitrogen on one or more of those subdivided lots exceeds the NRP for the particular lot, Council has control over the level of increase in the nitrogen discharge.</p> <p>FFNZ also proposes that these consent applications are non notified for consistency with these other rules and because there is no need to notify such applications (and these consents ought to be cost effective).</p> <p><b>Matters of control</b> FFNZ proposes that the matters of control are the same as contained in the amended Rule 3.11.5.4, with the addition of control over the level of nitrogen discharge.</p>
Rule 3.11.5.5	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>In the alternative or in addition, amend the timeframe for assessing progress to 10 years (as opposed to 2026) or take into account the</p>	<p>FFNZ supports the approach of adopting a separate rule for existing commercial vegetable production to recognise that the issues associated with it are different from other farming activities. However, FFNZ considers that amendments are needed to ensure that commercial vegetable production is provided for (recognising the relative scale and importance of this for the region) and to ensure that the rule is practical and implementable.</p> <p><b>Dates</b></p>

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		<p>time period for implementation of FEP actions when assessing progress made as at 2026.</p> <p>In the alternative, amend all dates and timeframes to provide a reasonable opportunity to obtain a FEP (when the rules are operative) and a reasonable timeframe to assess 10 year progress.</p> <p>In the alternative, FFNZ seeks amendments to the standards and terms of Rule 3.11.5.5 to provide for subdivision on the same or similar terms as contained in Rules 3.11.5.3 and 3.11.5.4.</p> <p>In the alternative, FFNZ seeks a permitted activity rule for commercial vegetable growing that is registered to a certified industry scheme on the</p>	<p>FFNZ proposes to change the date in Rule 3.11.5.5 so that it is consistent with the dates in Rules 3.11.5.3 and 3.11.5.4. FFNZ is not aware of the reason for making this date six months different from the other dates, but considers that consistency in approach ought to be the priority.</p> <p>It also refers to its comments in the context of Rules 3.11.5.3 and 3.11.5.4 above about the changes to the dates and the implications for the 2026 targets, and to the reasons it they should be 2028 (not 2026) targets.</p> <p>The reason may be that the six month consent period referred to in the advisory note. Notwithstanding this, FFNZ considers that the time period ought to still be 1 March 2022 and has amended the advisory note accordingly.</p> <p><b>Paragraph c</b> FFNZ seeks a new paragraph c to reflect changes to Rule 3.11.5.4 i.e. that the property must not exceed the NRP on a five year rolling average basis.</p> <p><b>Paragraph d</b> FFNZ has amended paragraph c to be consistent with its approach elsewhere in the plan change of moving minimum standards to Schedule C and all farming activities complying with these.</p> <p><b>Paragraph e</b> It is not clear whether participation in an industry scheme is intended to be compulsory for commercial vegetable growers but that is the implication of paragraph d. FFNZ does not support such an approach and considers that participation should be optional. It is particularly concerned about the imposition of such an obligation before it is known whether there will be a scheme and/or whether there will be a choice between schemes.</p> <p>In the alternative, FFNZ seeks a new permitted activity rule for commercial vegetable growing that is registered to a certified industry scheme on the same or similar conditions as Rule 3.11.5.3.</p> <p><b>Paragraphs j to l</b></p>

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		<p>same or similar terms and conditions as Rule 3.11.5.3.</p>	<p>FFNZ seeks new paragraphs j to l for the reasons set out above i.e. to provide for the use of land “generally” in accordance with the FEP and to provide for reviews of the FEPs.</p> <p><b>Subdivision</b>  FFNZ’s proposed changes do not provide for subdivision of properties used for commercial vegetable growing. This is because FFNZ considers that this activity would appropriately be dealt with under the new proposed transfer rule (for the commercial vegetable growing leaving the parent property) and the amended restricted discretionary activity rule (for the parent property obtaining an NRP then being subdivided for a land use that is different from commercial vegetable growing).</p> <p>However, in the event that it is necessary to provide for subdivision, FFNZ proposes in the alternative that a clause is inserted into Rule 3.11.5.5 on the same basis as the equivalent clauses in the rules above.</p> <p><b>Certified industry scheme</b>  FFNZ notes that a certified industry scheme has not been provided for as a permitted activity in the same way that it has for other farming activities under Rule 3.11.5.3. FFNZ is not sure of the reasoning but considers that commercial vegetable growing could be provided for under a permitted activity framework in the same way.</p> <p>FFNZ considers that as currently drafted, there appears to be little or no reason to join a certified industry scheme if a farmer is growing commercial vegetables because a resource consent is required. As explained above, FFNZ does not support the compulsory requirement to join a scheme and obtain consent (there should be a choice).</p> <p>In the alternative to the proposed changes, FFNZ seeks a new Rule 3.11.5.5B to provide for commercial vegetable growing as a permitted activity if there is a certified industry scheme, along the same lines as Rule 3.11.5.3.</p> <p><b>Matters of control</b>  As with Rule 3.11.5.4, FFNZ considers that the matters of control ought to only be the term of the resource consent and monitoring and information keeping.</p>

Provision	Support or oppose	Decision sought	Reasons
New Rule 3.11.5.5A	Support	<p>Insert as proposed in Attachment 1.</p> <p>In the alternative, amend Rule 3.11.5.5A in Attachment 1 to provide for the transfer within parts of sub-catchments or zones, or among a group of related sub-catchments.</p> <p>In the alternative, and in the event that Rule 3.11.5.6 does not reasonably provide for an alternative land use to establish on the parent property after the commercial vegetable grower leaves, FFNZ seeks amendments to policies, Rule 3.11.5.5A and/or Rule 3.11.5.6 to provide for a new land use to establish on the parent property after the commercial vegetable grower leaves.</p>	<p>Commercial vegetable growing involves vegetable rotation and this often requires moving from property to property. FFNZ is concerned that the plan change does not provide for the transfer of commercial vegetable growing (and the associated high nitrogen discharges) to a new property or with the NRP the parent property receives after the commercial vegetable growing has left.</p> <p>FFNZ considers that the costs for the discharge associated with commercial vegetable production is more closely aligned with a discharge consent as opposed to a hybrid land use / discharge consent. FFNZ considers that a new Rule 3.11.5.5A would more appropriate provide for this situation.</p> <p>FFNZ considers that the transfer of consents for commercial vegetable growing ought to be limited to the sub-catchment within which it is located to ensure that there is no change in the net effect of discharges from the activity on water quality.</p> <p>In the alternative, if the sub-catchment is not the appropriate spatial scale (e.g. the sub-catchment is very small or the relevant consideration is a group of sub-catchments) at a suitable spatial scale that ensures that the net effect of the discharges on water quality in the sub-catchment, parts (or zones) of a sub-catchment, or groups of sub-catchments is maintained.</p> <p><b>NRP for parent property</b>  This rule addresses the issue of the transfer of discharge consents as the commercial vegetable grower moves to a new property. It contemplates a commercial vegetable grower moving on and another vegetable grower (most likely of a different type) replacing it on the parent property.</p> <p>In the event that the commercial vegetable grower moves on and another land use is established on the parent property, the parent property will have two main choices – obtain consent under Rule 3.11.5.4 (if the nitrogen data for the benchmark years is available) or under Rule 3.11.5.6 (if the nitrogen data for the benchmark years is not available or the land use is different) (noting that there are other options such as low nitrogen use under rule 3.11.5.2 or a certified industry scheme under Rule 3.11.5.3).</p>

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			<p>FFNZ considers that consent ought to be reasonably available for the parent property, recognising that there may not be data available during the benchmark years and recognising that nitrogen needs to be available to ensure that an appropriate and reasonable land use can be established following the departure of the commercial vegetable growing activity.</p> <p>FFNZ seeks changes to the restricted discretionary activity to ensure that the discretion reserved is appropriate and it seeks changes to the rules to provide for a reasonable consenting pathway. However, in the event that this does not reasonably provide for the parent property to establish another land use, FFNZ seeks changes to Rule 3.11.5.5A, the relevant policies and/or Rule 3.11.5.6 to provide for such a situation.</p> <p><b>Standards and terms</b> FFNZ proposes that the transfers of discharges for commercial vegetable growing are on the same standard and terms as Rule 3.11.5.5 and refers to the reasons provided under that rule above.</p> <p><b>Matters of control</b> FFNZ proposes the same matters of control as are proposed for the other controlled activities and refers to the reasons provided above.</p> <p>FFNZ also considers that the applications ought to be considered without notification or the need to obtain written approval of affected persons for the reasons provided above.</p>
New provision – information requirements	Support	Insert as proposed in Attachment 1.	<p>FFNZ considers that it is both good planning practice and would assist plan users and Council to provide information requirements for controlled activities. FFNZ is concerned that without them it is not clear what information applications need to contain or how Council would assess and consider consents.</p> <p>FFNZ seeks the inclusion of information requirements as set out in Attachment 1.</p>
Rule 3.11.5.6	Oppose in part	Amend as proposed in Attachment 1.	<p>FFNZ supports a restricted discretionary activity rule that provides for situations where farmers cannot comply with Rules 3.11.5.1 to 3.11.5.5A. However, it is very concerned that as worded it is likely that very few (if any) activities will meet the requirements and it is possible that this rule will never provide an alternative consenting pathway.</p>

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			<p>FFNZ seeks changes to the Rule 3.11.5.6 to provide a reasonable consenting pathway to ensure that there are options for farmers to provide for their social and economic wellbeing while at the same time achieving the water quality objectives.</p> <p><b>Paragraph i</b> FFNZ seeks amendments to clarify that it is the cumulative effects of the <b>farming activity</b> on water quality within the relevant <b>sub-catchment</b> that are relevant (or the wider catchment where that is relevant).</p> <p>FFNZ considers that this is consistent with the sub-catchment approach proposed in the policies contained in the notified version of Plan Change 1, consistent with FFNZ’s proposed adoption of MPA and the appropriate spatial scale at which effects ought to be measured.</p> <p><b>Paragraph ii</b> FFNZ seeks changes to paragraph ii to clarify that it is the diffuse discharges from the farm enterprise that are considered and that the factors that are taken into account are the five considerations involved in FFNZ’s proposed MPA assessment.</p> <p>This will ensure that the discharge is considered in the context of proportionality, sub-catchment characteristics, scale and significance of risk and industry sector contribution. FFNZ is concerned that without this context, there is an assumption of reduction of every discharge everywhere irrespective of whether it is an issue. This would not achieve sustainable management.</p> <p><b>Paragraph iii</b> FFNZ considers that reasonable parameters around the need and content of the FEP ought to be provided in paragraph iii to guide decision making and to provide certainty for plan users (particularly farmers).</p> <p>It considers that this can be achieved by reference to the failure to comply with Schedule 1 and the MPA facts which are proposed to be inserted into paragraph ii.</p>

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			<p>It is also important because Schedule 1 is not directly referred to in any of the other provisions of this rule.</p> <p><b>Paragraph vii</b> FFNZ considers that subdivision ought to be provided for with discretion restricted to the NRP for the lots with reference to the significant of the failure to comply with Schedule B and the MPA considerations in paragraph ii.</p> <p><b>Paragraph viii</b> FFNZ seeks similar amendments in paragraph viii to provide context for the assessment of the failure to comply with Schedules A, B and C.</p>
Rule 3.11.5.7	Oppose in part	Amend as proposed in Attachment 1.	<p>FFNZ considers that a non complying activity status for land use change is too high a threshold. FFNZ is also concerned that as drafted, the plan change provides no pathway for land use change to the uses listed in paragraphs 1 to 4 of Rule 3.11.5.7, unless every contaminant is proposed to be reduced.</p> <p>FFNZ considers that this threshold is unreasonably and unnecessarily high. It considers that this will not provide for economic and social wellbeing and may not result in better water quality outcomes. For example, if there was a land use change proposal that resulted in one contaminant increasing in a sub-catchment where that contaminant is not an issue, but it also resulted in a significant reduction in contaminants that are an issue for the sub-catchment, that proposal ought to have a consenting pathway. FFNZ is concerned that under the existing framework, such a proposal would not be considered, let alone granted consent.</p> <p>FFNZ is also concerned about the use of the non-complying threshold (including the section 104D gateway test) for a common farming activity that is anticipated to happen within the 1 million ha catchment. FFNZ considers that the non-complying threshold ought to be reserved for activities that are not contemplated and have not been provided for within a policy framework.</p> <p>FFNZ also considers that the non-complying threshold is not justified in light of the TLG economic evidence showing the significant negative effects on the regional and national economy as a result of the proposed policy mix (a significant part being the likely inability</p>

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			<p>obtain resource consent for land use change), as well as the policy mix significantly over delivering on the 10 year targets.</p> <p>FFNZ considers that a discretionary activity status is a more appropriate threshold. FFNZ has proposed changes to the policies to provide strong policy guidance for such consents and also amended Schedule 1 to provide strong guidance on the MPA framework that will help assessment of such consents.</p> <p>FFNZ also considers that the information requirements proposed below provide guidance and certainty about how consent applications would be assessed.</p> <p><b>2026 deadline or timeframe</b>  FFNZ does not support limiting the term of the consent under Rule 3.11.5.7 to 1 July 2026. It considers that this does not provide sufficient certainty for farming activities and does not recognise the significant investment that is likely to be involved with land use change under this rule. It also does not support limiting the duration of this rule to 2026.</p> <p>FFNZ considers that the term of consent is a relevant consideration by reference to Policy 13, with the relevant assessment including the level of mitigation or reduction of diffuse discharges of contaminants. This provides appropriate incentives for land owners to put in place actions to reduce contaminants that are an issue and provides the potential for the greatest environmental outcomes and improvements in water quality.</p> <p>This provides for a case by case assessment as well as appropriate incentives for those undertaking land use change to propose greater water quality improvements where they want consents for longer durations.</p> <p><b>Notification</b>  FFNZ seeks the deletion of the last sentence of the notification paragraph. It is concerned that the implication is that if the applicant cannot demonstrate that the loss of contaminants will be lower than the existing land use, it will be notified and consent will not be granted.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>It is also concerned about the vires of the approach in Rule 3.11.5.7 (particularly when combined with the wording of the policies, as notified) as it signals predetermination of consents for land use change.</p> <p>FFNZ notes that the CSG appears to have made a policy decision that all contaminants must reduce everywhere, irrespective of what band they are in under the National Objectives Framework or the current issues for the sub-catchment. FFNZ has strong concerns that this is an unduly cautious approach that may result in significantly over delivering on the 10 year targets, could result in no improvement in water quality (if it deters proposals that would make real progress on contaminants that are an issue for a sub-catchment) and will result in significant economic cost and social disruption. This is further compounded when coupled with the flawed assumptions upon which the 80 year targets are based on (as set out in the general comments section of this submission).</p> <p>Accordingly, FFNZ considers that the current wording of Rule 3.11.5.7 is unlikely to achieve sustainable management.</p> <p>FFNZ also notes that CSG was focused on nitrogen and implications of increases. FFNZ considers that requiring nitrogen to reduce in any land use consent is an unduly restrictive. It proposes that this can be considered in the context of a discretionary activity consent and specifically addressed as part of the information to be provided.</p>
New provision – Information requirements	Support	Insert as proposed in Attachment 1.	<p>FFNZ seeks the adoption of information requirements for restricted discretionary and discretionary activities.</p> <p>As with the proposed information requirements for controlled activities, FFNZ considers that it is both good planning practice and it would assist plan users and Council to provide information requirements for controlled activities. FFNZ is concerned that without them it is not clear what information applications need to contain or how Council would assess and consider consents.</p> <p>FFNZ seeks the inclusion of information requirements as set out in Attachment 1. The intention is that information is provided on the key matters for assessment of restricted discretionary and discretionary activities:</p>

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			<ul style="list-style-type: none"> <li>• The MPA to manage the discharge of contaminants.</li> <li>• Proposed monitoring and information methods.</li> <li>• Analysis of how the risks of exceeding nitrogen limits and risks from discharges of the other contaminants can be reasonably managed.</li> <li>• Information relating to the value of the existing investment (this is relevant to both the MPA assessment and the duration of the consent).</li> </ul>
Schedule A	Support in part	Amend as proposed in Attachment 1.	<p>FFNZ supports the provision of information from property owners, subject to that information being used for reasonable purposes, personal information not being disclosed and there being a cost effective and efficient way of doing this.</p> <p>It understands that WRC is working on an online portal for implementing much of the plan change. FFNZ considers that this would likely provide a cost effective and efficient means of providing the information.</p> <p><b>Property size</b>  FFNZ proposes to change the size of the property that is subject to Schedule A to 4.1ha. This is consistent with the approach in the plan change of providing for small farming activities as a permitted activity and minimising the level of compliance to recognise the small nature and scale of this activity.</p> <p>FFNZ anticipates that part of the reason for gathering information on properties over 2ha might be for better understanding the catchment. However, it considers that this threshold is too low in terms of creating a significant burden on many small property owners with little or no corresponding benefit. It considers that the data for or environmental effects of properties between 2ha and 4.1ha could be reasonably estimated based on the number of properties and likely effects of these properties.</p> <p>FFNZ is also concerned that a threshold of 2ha might inadvertently capture properties that not relevant or for whom the obligations are very onerous. For example, there are likely to be many properties that exceed the 2ha threshold and are simply used as lawn. This might be the case in Tamahere where there are large properties that comprise lawn and gully.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ also considers it appropriate to exclude urban properties but that a reasonable definition of urban properties needs to be provided in the plan to provide certainty for plan users. It proposes a definition below. This would exclude any properties not in a District Plan Rural Zone.</p> <p><b>Dates</b> Paragraph 1 provides for registration between 1 May 2020 and 30 November 2020. This involves 20 month extension to the deadline. FFNZ reiterates its concerns above about changing the deadlines and implications for the 2026 targets (and why they should be 2028 targets). However, it notes that these dates simply relate to registration (it is the other date changes that effectively delay the process). FFNZ proposes no changes but notes the comments above about this needing to be taken into account when reviewing outcomes achieved under this plan change.</p> <p><b>Purpose of information</b> FFNZ seeks the addition of a paragraph at the end of Schedule A that sets out the purpose of the information and confirms that confidential or personal information will not be disclosed to third parties.</p> <p>FFNZ considers it very important that the information is only used for purposes set out in Chapter 3.11. This includes the methods that refer to reviewing progress and/or collecting information to better understand the sub-catchment.</p>
Schedule B	Support in part	<p>Amend as proposed in Attachment 1.</p> <p>Amend the plan to set out the assessment criteria for consideration of alternative models to Overseer (paragraph c).</p> <p>Alternatively, provide for WRC to develop guidelines or</p>	<p>FFNZ supports the provision of a schedule that sets out how the NRP is to be calculated. However, it has some concerns about the use of Overseer and about how the NRP is to be calculated. It seeks amendments to Schedule B to address its concerns.</p> <p><b>Paragraph a</b> FFNZ seeks changes to paragraph a to recognise that Overseer is a model that <b>estimates</b> (as opposed determines nitrogen, which implies that is has been measured and is precise). It also considers that the NRP for land use change is <b>identified</b> through the consenting process as opposed to determined (because, once again, Overseer is estimating as opposed to measuring nitrogen losses).</p> <p><b>Paragraph b</b></p>

Provision	Support or oppose	Decision sought	Reasons
		<p>assessment criteria that sits outside the plan. This could be achieved by amendments to the methods require WRC to develop this in consultation and collaboration industry and key stakeholders.</p> <p>Amend Table 1 to provide for actual data where that is reliably available.</p> <p>In the alternative, FFNZ seeks amendments to policies and methods to provide for guidance and a reasonable basis for calculating the missing data where properties do not have sufficient data for the benchmark years.</p> <p>In the alternative to paragraph b, provide for all farming activities (including commercial vegetable production) to be measured as the highest annual nitrogen</p>	<p>FFNZ supports the approach of taking the highest nitrogen loss in a single year for farming activities. It considers that the paragraph needs to be amended for commercial vegetable growing so that the average nitrogen loss is not influenced by times when the land was not used for commercial vegetable growing (which would significantly skew the outcome).</p> <p>It is not clear how the leaching loss would be influenced by the average approach as opposed to also adopting a single year approach for commercial vegetable growers. This does not appear to have been appropriately assessed in the section 32 evaluation or CSG process. FFNZ considers that this ought to be addressed.</p> <p>In the alternative, FFNZ considers that paragraph b ought to be amended so that it is the highest annual nitrogen leaching loss in a single year for commercial vegetable growing.</p> <p><b>Paragraph c</b> FFNZ seeks changes to paragraph C to provide for the NRP to be estimated using a version other than the current version of Overseer or an alternative model. FFNZ considers that this is important to provide flexibility including in situations where there is a more appropriate model for estimating nitrogen for a particular farm or where the current version of Overseer contains bugs or less effectively models nitrogen for a particular farm.</p> <p>FFNZ considers that the plan needs to set out some assessment criteria for alternative models. Alternatively, this could sit outside the plan. FFNZ has proposed changes to Method 3.11.4.12c that could provide for WRC to develop guidance material or assessment criteria for this in consultation and collaboration with industry and stakeholders.</p> <p><b>Paragraph d</b> As with paragraph c, FFNZ seeks amendments to paragraph d to provide for flexibility should the data input standards 2016 change or not be appropriate for estimating nitrogen from a particular farm. It has also proposed amendments to Method 3.11.4.12c to provide for WRC to develop guidance or assessment criteria on this issue.</p>

Provision	Support or oppose	Decision sought	Reasons
		leaching loss in a single 12 month period.	<p>An example is that Overseer does not readily incorporate cover crops into its calculation. Overseer assumes that a fallow period (with attendant runoff/leaching) always follows a crop. If a farmer was to sow a cover crop for maize by helicopter prior to harvesting, there would be no fallow. The trash remains in place and the cover crop grows through it. Overseer would accordingly over estimate the nitrogen loss because this mitigation is not recognised.</p> <p><b>Paragraph e</b> It is not clear to FFNZ why Council would require the NRP data to be provided in circumstances where the NRP is required to be calculated by a certified farm nutrient advisor. FFNZ considers that the Council’s control is over the certification and auditing process as opposed to analysing or assessing information behind an NRP. Accordingly, it seeks amendments to paragraph e so that only the NRP is required to be provided.</p> <p>FFNZ notes that WRC can request the data from farmers in paragraph g and that this is more appropriate than requiring submission with the NRP. FFNZ considers that WRC is unlikely to look at the data (it relies on the certified nutrient advisor) and this would likely go some way to allaying concerns by farmers about the volume of information to be provided.</p> <p>FFNZ reiterates its concerns above about changing the deadlines and implications for the 2026 targets (and why they should be 2028 targets). However, it notes that these dates simply relate to submission of the NRP (it is the other date changes that effectively delay the process). FFNZ proposes no changes but notes the comments above about this needing to be taken into account when reviewing outcomes achieved under this plan change.</p> <p><b>Paragraph f</b> FFNZ is concerned that the two years selected for the NRP are years that are unlikely to be representative of the farming activity and unlikely to be appropriate for calculating the reference point.</p> <p>FFNZ is concerned that the 2014/15 and 2015/16 years were not “normal” years in terms of the dairy pay out, meat and wool prices, pasture growth and climate. FFNZ proposes</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>that a longer period for calculating the reference point years would assist. It considers that a six year period ought to be provided.</p> <p>This would provide consistency in the approach between pastoral farming activities and commercial vegetable growing activities. It does not matter if farmers do not have records dating back to 2009/10 because it is the nitrogen discharge in a single 12 month period within this date range.</p> <p><b>Paragraph g</b> FFNZ considers that the time period for retaining records ought to be seven years to match other record keeping practices. It is concerned that without this clarification, farmers could be required to keep records forever (an unreasonably high standard).</p> <p>FFNZ notes that some of the record keeping requirements might be unduly onerous for some farm types or systems. It considers that this is addressed through the changes it seeks to Rule 3.11.5.6 (by providing a restricted discretionary activity consenting pathway if the information cannot be provided). For example, a service bull operation may not be able to keep precise stock number records.</p> <p>However, if these amendments are not made to Rule 3.11.5.6, FFNZ seeks amendments to paragraph g to ensure that there is some flexibility in terms of the information retention requirements.</p> <p><b>New paragraph h</b> While FFNZ recognises the importance of ensuring consistency in the approach to estimating the NRP, it considers that this needs to be balanced with obtaining the best estimate of nitrogen for farming activities.</p> <p>For example, FFNZ has concerns about the use of Overseer defaults where actual data is available. Table 1 requires animal weights to be calculated only using Overseer defaults. FFNZ understands that the upcoming versions may allow actual animal weights and this may improve the application of the Overseer model.</p>

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			<p>Another example is that the soil description is required to use Soil Order obtained from S maps. An issue with this is that the soils in S map have low reliability for being accurate and the only way to get accurate data is intensive soil profiling (but there are very limited people in the country who can do this). Soil test data is more able to tell a story about the soil profile, including organic matter in top layers and soil density. FFNZ considers this alternatives to S map ought to be provided for where it is able to be demonstrated that S maps are unreliable.</p> <p>FFNZ considers that changes ought to be made to Table 1 to allow farmers to provide actual data where that is reliably available.</p> <p>FFNZ also considers that there ought to be the option of deviating from the Overseer parameter setting where approval is obtained from WRC.</p> <p>FFNZ proposes amendments to Method 3.11.4.12c to provide for WRC to develop guidance on how deviations from parameter setting can be provided for.</p> <p><b>Missing data</b>  FFNZ supports having an approach that provides for situations where a farm enterprise does not have sufficient data for the benchmark years. It supports the approach of using what data is available and providing a reasonable mechanism for estimating the data that is not available.</p> <p>FFNZ is concerned that calculating the NRP might be a significant issue for properties that were purchased in the period between the benchmark years and now because purchasers may not have been aware of or understood the NRP requirements and may not have sufficient information to calculate an NRP.</p> <p>FFNZ supports the approach of adopting appropriate default numbers but considers that appropriate policy support and/or guidance through guidance documentation developed by Council pursuant to a method, ought to be provided. FFNZ is concerned that the default numbers may not be a reasonable proxy for the farming activity or may not be available.</p>

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			<p>FFNZ considers that a fairer and more reasonable system is to provide for the activity to receive the average for that input as is received for the same farming activities in the same FMU or sub-catchment (to recognise that some of the FMUs are not representative of the sub-catchment).</p> <p>In the alternative, FFNZ seeks amendments to policies and methods to provide for guidance on how WRC will calculate missing data to ensure a fair system for dealing with missing data. FFNZ has proposed changes to Method 3.11.4.12 to provide for this.</p>
Schedule C	Oppose in part	Amend as proposed in Attachment 1.	<p>FFNZ supports the adoption of minimum standards that apply to all farming activities in the catchment (unless consent is sought under Rule 3.11.5.6, as amended by FFNZ's submission, or otherwise provided for in an FEP). FFNZ considers that these minimum standards need to be reasonable, practicable and easily understood by anyone using the plan.</p> <p>FFNZ acknowledges that in certain places or for certain farm types or systems, it may be necessary to adopt standards that are higher or more stringent than the minimum standards. FFNZ considers that this is the role of the critical source area assessment as a means of tailoring the FEP to the particular activity.</p> <p>For example, a low intensity drystock property may not have to exclude stock from its streams as a minimum standard (because the stock rate is below 18 stock units) but the FEP might identify that stream bank erosion at one point on the property is a critical source area for sediment and phosphorous. It might identify that the most practicable action is to fence off and riparian plant this part of the stream or area of the farm (which would be more stringent than the minimum standard).</p> <p>FFNZ also considers that it is helpful for plan users and for clarity in the plan provisions if all of the minimum standards are contained in Schedule C.</p> <p>FFNZ proposes to separate Schedule C into three clear parts:</p> <ul style="list-style-type: none"> <li>• Part A – stock exclusion and setbacks</li> <li>• Part B – Dates by which certain standards must be complied with</li> <li>• Part C – Water bodies to which the minimum standards apply</li> </ul>

Provision	Support or oppose	Decision sought	Reasons
			<p><b>A. Stock exclusion and set backs</b></p> <p>As notified, Chapter 3.11 required all water bodies (as defined in Schedule C) to be fenced or excluded. FFNZ is concerned that for certain farm types, systems or locations this will impose significant economic cost on farmers for little or no environmental gain.</p> <p>The cost and practicality of fencing, particularly on land above 25 degrees, are significant. This is especially so for farms grazing beef or deer and the limited opportunities for alternative grazing such as sheep (due to the need for animal rotation and the need to exclude sheep for waterways in order to provide for cattle exclusion and grazing rotation). The costs of stock exclusion for hill country farms could be in the vicinity of \$300,000 to \$800,000. This has not been adequately considered in the section 32 report.</p> <p>Even where it was possible to exclude stock to meet the stock exclusion requirements (putting the cost to one side), it was not possible to achieve this in the timeframes set in the plan change.</p> <p>FFNZ has spent a lot of time surveying members and looking at what works and what does not work in other regions. The overwhelming feedback is that a stock exclusion obligation that is linked with stock units is practical, easy for everyone to understand or for Council to monitor and enforce, and strikes the right balance between environmental benefit and economic cost.</p> <p>Stock exclusion on the basis of a stocking rate is currently applied in Tuki Tuki and the Auckland Unitary Plan.</p> <p>FFNZ has considered the option of excluding stock on a slope basis. FFNZ is concerned that this is not an effective way to regulate because it is too difficult or subjective to assess and is too uncertain for farmers and too uncertain for Council to enforce. For example, it is not clear whether all or part of a paddock would need to be steeper than 25 degrees.</p> <p>This was one of the issues with the draft national regulations for stock exclusion where it was proposed that stock would have to be excluded if 20% or more of a paddock was less</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>than 25 degrees steep. FFNZ’s investigations found that this would either capture most hill country farms or be too difficult or subjective to assess.</p> <p><b>Paragraph 1</b>  In paragraph 1 of Schedule C, FFNZ proposes that a stocking rate of 18 or more per hectare is adopted as the threshold for stock exclusion. This is consistent with stocking rates elsewhere and is likely to be certain for both Council and farmers.</p> <p>FFNZ proposes to delete paragraph 2 (which required new fences to ensure a 1m setback). FFNZ does not support a minimum setback as a minimum standard and considers that the extent of any setback should be considered as part of the critical source area assessment in the FEP.</p> <p>FFNZ proposes a new paragraph c, which involves moving the exclusions (horses being ridden or led and feral animals) from the end of the rule to sitting under paragraph A1, to which they relate. FFNZ considers that this is easier for a plan user to interpret.</p> <p><b>Paragraph 2</b>  FFNZ proposes a new paragraph 2, which sets a minimum cultivation setback of 1m. FFNZ considers that it is more helpful to have this minimum standard in Schedule C. It considers that this setback ought to be from the same water bodies as the stock exclusion requirement.</p> <p>FFNZ also considers that 1m is a reasonable setback as a minimum standard. It considers that a greater setback can be considered as part of the critical source area analysis in a FEP. FFNZ is concerned that adopting a slope requirement for cultivation setbacks is too uncertain and impracticable and refers to the reasons above in the context of stock exclusion.</p> <p>If a greater setback than 1m is required, this can be reasonably assessed as part of the FEP process.</p>

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			<p>By way of example, the cost of a 5m buffer strip when cultivating peat land will have a significant opportunity cost. Peat cropping land is likely to have minimal soil run off from cultivated areas, even after periods of heavy rain.</p> <p>Providing for a lower minimum standard (and opportunity in the FEP to propose an alternative) provides opportunity for innovation or a range of other possible mitigations such as strip tillage, where only a 150mm strip is cultivated in front of each seed couler.</p> <p><b>B. Dates</b>  FFNZ has amended the wording of paragraphs 1 and 2 to reflect the amendments it has made to the rules i.e. it is only that land for which there is no requirement to obtain a Simplified FEP or FEP that is required to meet the minimum standards by the 1 July 2025 (priority 1 sub-catchments) or 1 July 2028 (priority 2 and 3 sub-catchments).</p> <p>For all properties required to obtain a Simplified FEP or FEP, the appropriate date is three years after the provision of the FEP or no later than 1 July 2028.</p> <p>FFNZ has changed the dates by two years because it considers this necessary given that the other dates have moved by two years. FFNZ is concerned about situations where the FEP might identify more stringent standards as the MPA but these would not be available if the stock exclusion had to be completed prior to the FEP.</p> <p>FFNZ notes that there is nothing to stop a farmer excluding stock earlier than these dates.</p> <p>FFNZ also has concerns for those in the north eastern part of the Catchment. They have had not had sufficient time to understand their obligations.</p> <p>In addition, there is some uncertainty in how to reconcile the conflict between Schedule C and Schedule 1 (as notified). This is likely to be resulted through the Schedule 1 of the RMA process. FFNZ considers that providing an additional two years assists with that, provides greater certainty and reduces costs (particularly if mitigations undertaken prior to FEPs have to be reversed or undone or re-done).</p> <p><b>C. Water bodies</b></p>

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			<p>FFNZ considers that the water bodies ought to be those that are the subject of the Dairy Clean Streams Accord. FFNZ is very concerned about the cost and practicality of fencing water bodies beyond these and is concerned that the corresponding environmental benefit is likely to be small or minor.</p> <p>Part of the reason for the success of the Clean Streams Accord is that there is clarity and certainty about what water bodies require fencing, they are reasonable and they are the water bodies that have greatest risk for water quality.</p> <p>FFNZ is particularly concerned about the requirement to exclude stock from any wetland, including a constructed wetland. This is a very significant and onerous requirement as it could arguably include permanent and ephemeral wetlands, as well as a range of areas of land that people would consider to be wetlands. It may also result in little or no environmental benefit, particularly if grazing these areas of land during dry times is an effective means of controlling exotic species.</p> <p>FFNZ is also concerned that the cultivation setbacks were too stringent because they applied to any water body (and not those listed in Schedule C).</p> <p>FFNZ has amended the water bodies listed in Part C to ensure that they are consistent with the Clean Streams Accord and to ensure that they are consistent across all minimum standards.</p> <p>There is always the possibility that an individual farmer may have to exclude stock from another water body, if their FEP identifies it as a critical source area and excluding stock is the MPA.</p> <p>FFNZ is concerned about the time of year potentially affecting the assessment of water bodies e.g. during wet periods, ephemeral waterways may not be readily apparent. It considers that this could be addressed through a combination of the proposed amendments to the definition of water bodies, the development of guidance documents for farm environment planners and the opportunity to amend or review or raise a dispute about a FEP as proposed in the amendments to Schedule 1.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p><b>FEP may provide for alternative approach</b>  As explained above, the purpose of Schedule C is to contain the minimum standards. It may be that the FEP identifies actions that are more stringent than the minimum standards. Likewise it might also identify different actions.</p> <p>For example, it might identify that the MPA for a particular farm is to provide stock water reticulation, silt traps or wetlands as opposed to fencing streams.</p> <p>FFNZ considers that this resolves the contradiction that was previously contained in Schedule C and Schedule 1 whereby Schedule C required stock to be excluded from all water bodies but Schedule 1 provided for alternative mitigations.</p> <p>This is achieved by specifically stating in paragraph 2 of Schedule 1 that the stock exclusion and setback requirements must be met unless appropriately addressed by an alternative mechanism as part of the critical source area assessment.</p>
Schedule 1	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>In the alternative to the relief sought in paragraph 7b, adopt a reasonable, transparent and fair way for adopting Overseer version changes that maintains relativity between the NRP and the current discharge.</p>	<p>FFNZ supports the FEP approach (including preparation and approval by a certified farm environment planner) and supports setting out the requirements for FEPs in a schedule. However, FFNZ has concerns about Schedule 1, including that as drafted there is no purpose or direction other than all contaminants must be minimised everywhere, without any consideration of the particular circumstances. The result is not a tailored FEP.</p> <p>FFNZ also had some concerns about how the schedule was drafted did not reflect the intention or was not practical e.g. the fifth paragraph suggested that all farming activities required a FEP as opposed to Schedule 1 solely applying to those farming activities that require a FEP.</p> <p><b>Purpose of a FEP</b>  FFNZ proposes a new section setting out the purpose of a FEP. FFNZ considers this to be good planning practice and appropriate to provide guidance for the farmer and the certified farm planner as to how risks, actions and mitigations are to be identified and assessed.</p> <p>FFNZ considers that the purpose of a FEP ought to be to identify the MPA for the management of diffuse discharges of nitrogen, phosphorous, sediment and E coli in order</p>

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			<p>to assist with achieving the short term targets or progressing towards the Vision &amp; Strategy and values. These targets are consistent with the changes elsewhere in the plan change and FFNZ refers to the reasons set out above.</p> <p>As explained above, FFNZ considers that the MPA assessment is similar in approach to the BPO assessment for point source discharges, save that it does not have the connotations that go with a BPO assessment and it is tailored towards diffuse discharges from farming activities.</p> <p>FFNZ sets out in detail in Schedule 1 the MPA assessment. In summary it involves identifying the priority and combination of actions to manage diffuse discharges from the farm enterprise that:</p> <ul style="list-style-type: none"> <li>• Recognise the sub-catchment characteristics as set out in the Catchment Profile or Sub-catchment Management Plan.</li> <li>• Corresponds to the scale and significance of the risk from the farm enterprise by reference to the short term targets or progression toward the Vision &amp; Strategy and values.</li> <li>• Takes into account the contribution of the industry sector to which the farm enterprise belongs by reference to the short term targets or progression toward the Vision &amp; Strategy and values.</li> <li>• Takes into account the resources reasonably available to the farm enterprise.</li> </ul> <p>FFNZ considers that this assessment is consistent with the proportionality and sub-catchment approach contained in the policies (as notified), consistent with all activities in the catchment taking steps to assist with achieving the short term targets and to progress towards the Vision &amp; Strategy and the values and consistent with the BPO analysis which takes into account the financial implications.</p> <p>FFNZ considers that consideration of the resources reasonably available to the farm enterprise is necessary to balance the other three bullet points and to achieve a sustainable management assessment.</p> <p><b>Content of a FEP</b></p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ has re-arranged the content of the FEP to ensure that there are separately identified sections, and to ensure that this assessment is undertaken for each property to the extent that it is relevant for a particular farm:</p> <ul style="list-style-type: none"> <li>• Paragraph 1 – property details</li> <li>• Paragraph 2 – compliance with Schedules B and C</li> <li>• Paragraph 3 – critical source area assessment</li> <li>• Paragraph 4 – additional considerations for cultivation above 25 degrees</li> <li>• Paragraph 5 – spatial risk maps</li> <li>• Paragraph 6 – assessment of implications of known natural hazards and/or climate change for the MPA.</li> <li>• Paragraph 7 – actions to be undertaken in response to risks, actions to ensure NRP not exceeded and actions to ensure those that exceed the 75<sup>th</sup> percentile reduce.</li> </ul> <p><b>Paragraph 2</b> FFNZ considers that consideration of information to demonstrate compliance with Schedules B and C can be put into a single paragraph. It considers that an appropriate consenting pathway ought to be provided for those that cannot comply with these schedules and that this is provided by Rules 3.11.5.4A, 6 or 7 (as amended by this submission).</p> <p>As explained above, FFNZ considers that reasonable minimum stock exclusion and cultivation setback standards ought to be set out in Schedule C and the assessment of more stringent standards ought to be undertaken as part of the critical source area assessment.</p> <p><b>Paragraph 3</b> FFNZ has made amendments to paragraph 3 to reflect the approach of identifying risks of diffuse discharges associated with the farm enterprise using the MPA framework. FFNZ considers that this robustly and appropriately addresses the assessments that are required to consider the tailored actions appropriate for each farm enterprise.</p> <p>FFNZ proposes to delete paragraph d for the following reasons:</p>

Provision	Support or oppose	Decision sought	Reasons
			<ul style="list-style-type: none"> <li>• The steps in the new paragraph 3 will be more a more comprehensive, tailored and effective way of assessing the water quality impacts of the farm enterprise.</li> <li>• FFNZ does not support land use capability as a proxy for appropriate or suitable land use or as a proxy for natural capital or the assimilative capacity for land.</li> <li>• Paragraph d is not risk or effects based and FFNZ supports an approach that is tailored to the particular sub-catchment as well as risks and effects based.</li> </ul> <p>FFNZ had concerns that the previous wording of the risk identification process for critical source areas focused on minimisation of every contaminant. Not only does this not provide for a sub-catchment approach where the tailored actions are proportional (as contemplated by the policies) but also this is not consistent with the approach for urban.</p> <p>The requirement for urban is to avoid or mitigate and where not practicable offset. FFNZ is not proposing the same framework but is proposing a framework (through MPA) that achieves consistency in the approach to rural and urban (which retains BPO). It also allows for tailoring of actions taking into account the four parts of the MPA assessment.</p> <p><b>Paragraph 4</b> FFNZ considers that the standard in paragraph 4 (as notified) was too high, in that all cultivation was to undertake a detailed assessment. This would impose significant cost and loss on many farms with little or no corresponding benefit.</p> <p>FFNZ considers that a more reasonable approach is to require a detailed assessment using the MPA framework for cultivation above 25 degrees. While FFNZ has reservations about adopting a slope criterion (and refers to its comments in respect of stock exclusion in Schedule C), it considers that it is likely to apply to a narrower and more discrete area than the stock exclusion rules.</p> <p>FFNZ considers that paragraphs e and f do not fit with the rest of paragraph d and has moved them to the critical source area analysis under paragraph 3.</p> <p><b>Paragraph 5</b></p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ proposes to delete footnote 6, which referred to land uses for dairy farms being identified with Overseer blocks and with land use capability blocks for drystock farms. FFNZ does not support a LUC allocation approach and is concerned that this could be used as the basis for future allocation. It considers that the locations that main land uses could be identified using a range of tools or methods (including a narrative approach or mapping) and should not be limited to a LUC approach.</p> <p><b>Paragraph 6</b> FFNZ has moved the assessment of natural hazards or climate change on the MPA to paragraph 6 because it flows better to consider how the MPA might change before confirming the MPA in paragraph 7a.</p> <p><b>Paragraph 7</b> FFNZ has grouped the identification of actions into paragraph 7:</p> <ul style="list-style-type: none"> <li>• The actions identified under the critical source areas analysis.</li> <li>• The actions to stay within the NRP (except where consent is granted to exceed the NRP).</li> <li>• The actions to reduce the NRP to below the 75th percentile (except where consent is granted to exceed the NRP).</li> </ul> <p>In respect of paragraph b, FFNZ has some concerns about the incorporation of Overseer within Chapter 3.11. FFNZ is concerned that a farmer might be at or below its NRP but as a result of Overseer (and with no change to the farm system, type or area) the nitrogen discharge increases disproportionately to the NRP such that the farm then exceeds the NRP.</p> <p>FFNZ supports the use of the five year rolling average for Overseer and refers to the reasons in the general comments above.</p> <p>FFNZ proposes to manage this by determining nitrogen loss using the version of Overseer current at the time the FEP is prepared. FFNZ recognises that this may create issues where old versions of Overseer become obsolete. However, it is concerned that without this, relativity (in terms of effort to get below the 75<sup>th</sup> percentile or remain at an NRP) may not be maintained.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ would support an alternative method of accommodating Overseer version changes if it was transparent, fair and maintained relativity.</p> <p>FFNZ also proposes to amend the date in paragraph c to reflect the changes to the dates elsewhere. It refers to the reasons under Rules 3.11.5.3 and 3.11.5.4 about why it is necessary to provide an additional two years, particularly for those in the north eastern part of the Catchment and considering the dates for obtaining an NRP and FEP have changed by two years.</p> <p><b>Process for amending of reviewing a FEP</b>  FFNZ considers that a reasonable process ought to be provided for the review and/or amendment of an FEP. This is consistent the certified industry scheme rule (and the amendments in this submission to the other rules), which contemplate such a process.</p> <p>FFNZ considers that having clarity around the circumstances and options for both Council and farmers to make amendments (in identified circumstances) provides flexibility and certainty. It also provides for innovation, adaptive management and on going learning and improvement.</p> <p>FFNZ considers that the Council initiated review part helps to bed in the process whereby the Council does not have control over actions in an FEP, but instead it has control through the certification and auditing process. It provides for situations where the FEP actions are not achieving what was intended or where something has changed.</p> <p>FFNZ proposes reasonable timeframes around notification and amendment to the FEP to ensure that costs are kept to a minimum and are reasonable.</p> <p><b>Dispute resolution</b>  FFNZ considers that a reasonable dispute resolution process ought to be provided in the event that there are any disagreements about the FEP. It has proposed a process but considers there could be alternative ways of addressing its concerns and would support any reasonable dispute resolution process.</p>

Provision	Support or oppose	Decision sought	Reasons
New schedule 1A	Support	Insert as proposed in attachment 1.	<p>FFNZ proposes a new Schedule 1A to provide for those activities that are greater than 20ha and require a Simplified FEP under Rule 3.11.5.2. The purpose of the Simplified FEP is to provide for a tailored and sub-catchment specific assessment of the risks and critical source areas for properties over 20ha but with low nitrogen discharges (or below some other appropriate permitted baseline as explained in the reasons for Rule 3.11.5.2 above).</p> <p>For these properties, nitrogen is not likely to be an issue. Therefore, the focus on nitrogen has been removed from this schedule. This includes the requirements to remain within a NRP or reduce to the 75<sup>th</sup> percentile. However, it may still be appropriate to manage nitrogen and therefore it is still part of the critical source area assessment in Schedule 1A.</p> <p>The intention is to also recognise that these are likely to be very low intensity and low profitability properties and to keep the costs of compliance reasonable and appropriate. Accordingly the schedule has been refined to the likely key matters for these properties.</p> <p>In the alternative, FFNZ would support any other changes to this schedule to make it reasonable, practicable and appropriate for the low intensity properties it will apply to.</p>
Schedule 2	Support in part	<p>Amend as proposed in attachment 1.</p> <p>In the alternative, if a permitted activity rule is provided for certified industry schemes for commercial vegetable growing, provide for reference to that rule in paragraph 1c.</p>	<p>As explained above, FFNZ supports the certified industry scheme on the basis that it provides farmers with options for complying with the plan change (i.e. deal with their industry body to remain permitted or deal with Council for consent), it is likely to reduce the number of resource consents that Council needs to process to a reasonable level and it is a way of getting industry support for the changes (both in terms of physical actions and in terms of accepting regulation) needed as part of the plan change.</p> <p>FFNZ considers that it is very important that the certified industry scheme process is robust and the outcome is consistent across schemes and as compared with the consenting process.</p> <p>FFNZ considers that some amendments need to be made to Schedule 2 to ensure that it achieves the objectives and is practicable.</p> <p><b>Assessment criteria</b></p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ has some concerns about the assessment criteria in terms of whether they are directed or targeted at ensuring a robust industry scheme.</p> <p>FFNZ's key concern is with paragraph 1:</p> <ul style="list-style-type: none"> <li>• FFNZ proposes to delete paragraph a because the industry scheme cannot achieve water quality targets or cannot be consistent with this. The focus of the industry scheme is instead on the requirements around the preparation of FEPs (as set out in the policies, rules and schedules).</li> <li>• FFNZ proposes to add Policies 2A and 2B (which relate to the preparation of FEPs) and the purpose of an FEP as set out in Schedule 1. These are important parts of the context for the FEP process.</li> <li>• FFNZ has some concerns about the reference to 3.11.5.5. This rule refers to Council approving resource consents for commercial vegetable growing and not the requirements for a certified industry scheme. FFNZ refers to its comments above and in the alternative, seeks the addition of a permitted activity rule for commercial vegetable growing under a certified industry scheme and the addition of that rule to paragraph 1c of Schedule 2.</li> </ul> <p>FFNZ considers that an additional subparagraph needs to be added to paragraph 3 to recognise and provide for individual farmers to access their information. FFNZ is concerned about the potential for farmers to lose the flexibility to change from an industry scheme to a resource consent if they are not able to access their information.</p>
Table 3.11-1	Oppose in part	<p>Amend as proposed in Attachment 1.</p> <p>Amend table 3.11-1 to remove the 80 year targets and insert the current state for each attribute.</p>	<p>Table 3.11-1 contains the short term and long term numerical water quality targets for Waikato and Waipa River catchments.</p> <p>As explained above, FFNZ has strong concerns about the calculation of the 80 year targets including about the assumptions and current lack of information or understanding to calculate these. FFNZ considers that it is not necessary to embed 80 year numerical targets into this plan change and that a better approach is to set a target or objective of making progression towards the Vision &amp; Strategy and values. FFNZ considers that this does not need to be further refined at this stage.</p>

Provision	Support or oppose	Decision sought	Reasons
		<p>Where it is possible to identify “spikes” in current attribute state data, remove those spikes to ensure that the current state data is as near as possible to actual state.</p> <p>In the alternative, amend the short term targets in Table 3.11-1 to achieve realistic and reliable targets based on reasonable assumptions that address the concerns raised in this submission.</p> <p>In the alternative, amend the short term targets in Table 3.11-1 so that they based on the NOF bands as opposed to specific numbers.</p>	<p>This provides for innovation, responsiveness to changes in information over the next 10 years and provides the opportunity to consider more appropriate intermediate (or even shorter term targets).</p> <p>FFNZ supports the adoption of reasonable and realistic 10 year targets and a reasonable 10 year period, say to 2028 (10 years from notification of Variation 1) not 2026. As explained above, it has some reservations about adopting the 10 year targets in the plan change on the basis that they are derived from the 80 year targets. However, in the context of the 10 year targets being 10% of the difference between current state and the 80 year targets, and in the apparent absence of something more suitable, FFNZ is willing to support the 10 year targets (subject to there being no better alternative measure).</p> <p>FFNZ considers that the current states and the 10 year targets may be helpful and important for demonstrating the water quality improvements that are made in the first 10 years. An alternative way of indicating progress could be NOF bands. Accordingly, in the alternative, FFNZ seeks the replacement of the short term numeric targets with NOF bands.</p> <p>As explained above, FFNZ has some concerns about the delay over the past 18 months for the achievement of the 10 year targets and about the implications of the date changes in Variation 1, as well as any further delay and uncertainty as the plan change progresses through the RMA Schedule 1 process. FFNZ is concerned that this may mean that the 10 year targets are not realistic or achievable by 2026.</p> <p>FFNZ considers that the timeframe ought to be to 2028 (or some other reasonable timeframe e.g. 10 years from when Chapter 3.11 becomes operative or the extent to which Chapter 3.11 has been implemented ought to be taken into account when reviewing progress towards short term targets). FFNZ also considers that further thought needs to be given to the 2026 deadline and how progress towards the 10 year targets is measured.</p> <p>FFNZ has some concerns about current state data being affected by spikes or one off events that are not representative of current water quality. Where it is possible to identify</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>“spikes” in current attribute state data, it seeks the removal those spikes to ensure that the current state data is as near as possible to actual state.</p> <p>In light of all of this, FFNZ seeks amendments to Table 3.11-1 to remove the 80 year targets, insert the current state and retain the 10 year targets (subject to there being no better 10 year target and subject to reconsideration of the 2026 deadline, particularly when it comes time to assess progress towards the targets as part of the review of Chapter 3.11).</p> <p>This is also contingent on the qualification contained at page 63 of Variation 1 i.e. that the 10 year targets are not water quality targets intended to be used as receiving water compliance limits/standards. FFNZ proposes that the word “directly” in this sentence is deleted.</p> <p>FFNZ’s interpretation of Chapter 3.11 is that it applies to both point source and diffuse discharges. Its interpretation of the water quality attributes is that the contributors to the current state (and therefore achieving the 10 year targets) are all discharges (and not simply diffuse) and sources (including natural sources or modifications like the hydro dams which contribute towards water quality e.g. holding the water raises the water temperature and contributes towards algal blooms).</p> <p>It is very important that all discharges, sources and causes of water quality issues are taken into account when considering the drivers of water quality issues and identifying actions to improve water quality (where improvement is needed).</p> <p><b>Explanatory note</b>  FFNZ is very concerned that, as worded, the explanatory note requires compliance with a specific attribute number. FFNZ has several concerns about this including issues with estimating or modelling the specific attribute numbers (and it refers to the detailed reasons in the general comments section of this submission) and it is concerned that the NPS-FM requires water quality to be maintained within a band (as opposed to a specific attribute number) and the Vision &amp; Strategy does not require specific attribute numbers to be maintained.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>The Land and Water Forum and the Parliamentary Commissioner for the Environment have both recommended that water quality is maintained within a band, and this is the approach confirmed in the 2017 amendments to the NPS-FM. In the context of the Waikato and Waipa Rivers catchment, FFNZ considers that this ought to be considered at a sub-catchment or group of sub-catchments scale (the FMUs are too large). A table showing the current NOF band for each attribute in each sub-catchment could be included into Chapter 3.11.</p> <p>For these reasons FFNZ seeks the deletion of the words in the explanatory note to Table 3.11-1 that require specific attribute numbers to be maintained.</p> <p>FFNZ is concerned that the wording in the explanatory note about the nitrogen load to come does not reflect the uncertainty in estimating this, including the effects of attenuation. FFNZ proposes amendments to reflect this uncertainty.</p> <p>The balance of the amendments FFNZ proposes to the explanatory note on page 63 of Variation 1 are to reflect its amendments to remove the 80 year targets and its views on the short term and long term targets, as explained in this submission.</p>
Table 3.11-2	Oppose in part	In the absence of a more appropriate way of prioritising the sub-catchments, retain Table 3.11-2 but as part of the review of Chapter 3.11 (and implementation of the next generation plan in 10 years time), review whether the sub-catchments were appropriately prioritised in Table 3.11-2 and any implications that had for achievement of the 10	<p>FFNZ supports the approach of prioritising sub-catchments. This recognises that it is not possible to prepare FEPs for all sub-catchments at the same time and ought to recognise the sub-catchments that have the poorest water quality.</p> <p>However, FFNZ has some concerns with the process that appears to have been adopted to prioritise the sub-catchments in Table 3.11-2, which contains the list of sub-catchments showing Priority 1, Priority 2 and Priority 3 sub-catchments.</p> <p>FFNZ is concerned that the process for prioritising sub-catchments simply involved ranking each sub-catchment as opposed to looking at the gap between current state and the 10 year targets. FFNZ is also concerned that the process has produced some skewed results with sub-catchments that appear to have reasonably good water quality ranked as priority 1 and sub-catchments that appear to have some significant water quality issues ranked as priority 3.</p>

Provision	Support or oppose	Decision sought	Reasons
		<p>year targets and implications for drafting the next plan change.</p> <p>In the alternative, re-prioritise Table 3.11-2 to be based on distance from 10 year targets as opposed to ranking each site.</p>	<p>FFNZ is concerned about the implications of this approach for achievement of the 10 year targets in the first 10 years and/or the 2026 timeframe (and proposes a timeframe to at least 2028).</p> <p>If there is another way of prioritising the sub-catchments so that those that are further from the 10 year water quality targets are prioritised first, FFNZ would support such an approach. However, in the absence of a more appropriate way of prioritising the sub-catchments, FFNZ considers that Table 3.11-2 could be retained but as part of the review of Chapter 3.11 (and implementation of the next generation plan in 10 years time), WRC ought to review whether the sub-catchments were appropriately prioritised in Table 3.11-2 and any implications that had for achievement of the 10 year targets and implications for drafting the next plan change.</p> <p>FFNZ notes that it has proposed amendments to Method 3.11.4.8a and 3.11.4.11a above to ensure that the role of prioritisation in the context of the progress towards the 10 year targets is reviewed and evaluated.</p>
Map 3.11-2	Support in part	<p>Retain, subject to amendment in response to concerns raised in this submission in respect of Table 3.11-2.</p> <p>Adopt a fair and transparent process for properties outside the WRC boundary but within a sub-catchment and also assess the implications of those properties not being subject to the rules.</p>	<p>FFNZ supports the approach of identifying the sub-catchments and their priorities within a map.</p> <p>It reiterates its concerns above about the process for prioritising sub-catchments.</p> <p>FFNZ also raises concerns about how properties outside the Waikato Regional Boundary but within a relevant sub-catchment will be treated. FFNZ considers that if these properties were to be subject to Chapter 3.11, any process to achieve this ought to be fair and transparent. In addition, the effects or implications of not regulating these properties ought to be investigated.</p> <p>The definition of sub-catchment refers to them as being the “basic spatial unit for analysis and modelling” and defines them as identified in Map 3.11-2. FFNZ has concerns that an individual sub-catchment may not be the appropriate spatial unit for analysis and modelling and it may be appropriate to consider groups of related sub-catchments. This is reflected in the proposed Catchment Profiles in Method 3.11.4.5A and the amendments to the definitions below.</p>

Provision	Support or oppose	Decision sought	Reasons
Definitions	Support in part	<p>Amend definitions as proposed in Attachment 1.</p> <p>Amend definition of “75<sup>th</sup> percentile nitrogen leaching value” to ensure that properties are not penalised (or find themselves in the 75<sup>th</sup> percentile) simply because they are on leaky soil or have high rainfall.</p> <p>In the alternative, delete the definition of drystock farming.</p>	<p>FFNZ seeks changes to certain definitions and the addition of other definitions, as set out below.</p> <p><b>75<sup>th</sup> percentile nitrogen leaching value</b> As explained above, FFNZ has concerns that the FMU scale may not be appropriate for assessing the 75<sup>th</sup> percentile. It is particularly concerned about the potential implications for farms in the Upper Waikato FMU which is very large and very diverse (including in terms of rainfall and soil type).</p> <p>It seeks changes to the definition of the 75<sup>th</sup> percentile to ensure that properties are not penalised (or find themselves in the 75<sup>th</sup> percentile) simply because they are on leaky soil or have high rainfall. This could be on the basis of adopting a sub-catchment approach or adopting a narration the sufficiently describes good management practices and ensures that it is those with poor management practices or who have intensified out of proportion to normal dairy farming activity on their farm system and farm location.</p> <p>At a minimum, FFNZ proposes changes to the definition in Appendix 1 of this submission to clarify that it is the River FMUs and not all eight FMUs for which the 75<sup>th</sup> percentile is calculated. FFNZ also refers new Method 3.11.4.13 proposed above and the reasoning provided there.</p> <p><b>Best management practice/s</b> FFNZ proposes to delete the definition of best management practice/s. It considers that this definition is not necessary because of the adoption of its MPA framework. It is also concerned about the subjectivity and uncertainty involved in such a definition and the focus on maximum reduction of contaminants. It strongly prefers an approach that is proportional and takes into account the specific circumstances including the sub-catchment and farm.</p> <p><b>Catchment Profile</b> FFNZ proposes a new definition of Catchment Profile to provide for the profiles being collated as part of method 3.11.4.5A and FFNZ’s proposal for a sub-catchment approach.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ reiterates its comments above that the intention is not to provide for completed sub-catchment plans to enable or establish an alternative planning framework. It is also not the intention that the Catchment Profiles are 100% complete or accurate.</p> <p>FFNZ considers that developing and collating information at a sub-catchment scale will be an iterative and on going process. The intention is to initially collate all of the information that currently exists (and many of it is more detailed and helpful than many would think), identify information gaps and continuing update this as more information becomes available.</p> <p><b>Cultivation</b>  FFNZ is very concerned that the definition of cultivation will capture many activities that are not cultivation or not intended to be subject to the minimum standards in the plan change that apply to cultivation. This includes hay making which would arguably be the “tending and harvesting of pasture” and would therefore be subject to the cultivation minimum standards.</p> <p>FFNZ proposes to amend the exclusions for this definition so that it is clear that it does not apply to farming practices that do not require tillage or disturbance of the ground.</p> <p>In the alternative, FFNZ seeks a new definition of cultivation that appropriately captures and describes cultivation activities.</p> <p><b>Drystock farming</b>  The terms “drystock farming” do not appear to be used anywhere in Chapter 3.11. FFNZ considers that they do not add anything and could be deleted.</p> <p><b>Enterprise</b>  FFNZ understands that the reason for considering whether a farm enterprise is within a sub-catchment is for the purposes of assessing the priorities under Table 3.11-2. FFNZ considers that this ought to be clarified in the definition.</p> <p>Alternatively, if there is some other purpose for the statement at the end of the definition, this ought to be clarified.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>FFNZ notes that its MPA framework is based on a sub-catchment assessment. However this is specific to the particular sub-catchment being affected i.e. if it is more than one, it is the particular sub-catchment to which the activity (or part of an activity) relates and not just the sub-catchment that more than more than 50% of the enterprise is located.</p> <p><b>Farming activities</b>  FFNZ proposes to delete the last part of the definition so that the growing of crops on land irrigated by municipal wastewater discharges is not excluded. It is not clear why they would be excluded when the plan change is intended to apply to all farming activities and the growing of crops in this way is a farming activity.</p> <p>FFNZ is concerned that such activities would effectively not be regulated and this is not an appropriate outcome when similar activities are and when these will be contributing to water quality outcomes.</p> <p><b>Farm enterprise</b>  FFNZ proposes a new definition of farm enterprise that combines the definitions of enterprise and farming activities. FFNZ considers that this appropriate describes the activities and reflects the amendments it has made to Chapter 3.11.</p> <p><b>Five year rolling average</b>  As explained above, FFNZ supports the five year rolling average as the basis for modelling nitrogen loss (as opposed to relying on an Overseer number at one point in time).</p> <p>FFNZ considers that the five year rolling average is important to provide flexibility for farmers. Farming is inherently uncertain and responsive to a number of factors. It would be unduly restrictive and most likely impossible to require farms to ensure that they do not exceed a fixed Overseer number at any point in time.</p> <p>FFNZ considers that the five year rolling average can help to address seasonal changes such as drought or flooding by providing a basis upon which unintended “overs” can be balanced out during normal or other times.</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>In the alternative, FFNZ supports a methodology that more appropriately balances the need for certainty for the Council with the need for flexibility for farmers to respond to a range of changes including climate, economic, health and safety, and animal welfare.</p> <p><b>Good management practice/s</b>  FFNZ supports the adoption of a definition for good management practice/s and the recognition that the practices need to be industry agreed or approved. It considers that industry has an important role in helping to define and encourage good management practices.</p> <p>However, FFNZ considers that good management practice is not limited to reducing or minimising the risk of contaminants entering water bodies and is concerned about a narrow focus on reduction and minimisation of contaminants. It considers that good management practice includes the management of contaminant risk and this is not necessarily the same as reduction or minimisation.</p> <p>Accordingly, it seeks the addition of “manage” to the definition of good management practice/s.</p> <p><b>Most practicable action</b>  FFNZ seeks the addition of a definition of MPA. The intention is to provide a framework for the assessment of mitigation actions or actions to control (manage, reduce or minimise) the diffuse discharge of contaminants associated with the farm enterprise. The intention is also to achieve consistency with the approach to urban or point source discharges but with a framework that is specifically suited and adapted for farming activities.</p> <p><b>Nitrogen reference point</b>  FFNZ supports the NRP on the basis that it is used as a reference point and not a benchmark or basis upon which to allocate nitrogen.</p> <p>FFNZ is aware that there may be some farm enterprises or properties for which it is more appropriate to calculate more than one NRP. For example, there might be three</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>geographically distinct blocks and it makes more sense to keep them separate as opposed to incorporate into one NRP.</p> <p>Accordingly, FFNZ seeks amendments to the definition of NRP to make it clear that there can be more than one NRP and the NRP can relate to just part of the property. TI has also provided for the use of other versions and refers to its comments above about similar changes in Schedule B.</p> <p>FFNZ also reiterates its concerns about how Overseer version changes will be accommodated to ensure that a fair, transparent, robust and proportionate approach is adopted.</p> <p><b>Offset/s</b> FFNZ seeks an amendment to the definition of offset/s to provide for the possibility of offsetting an increase in one contaminant with a reduction in another. This is reflected in the amendments to Policy 11, paragraph b.</p> <p>FFNZ is concerned about the focus on reducing all contaminants without providing for the possibility of increasing a contaminant where it is more than offset by the reduction in another contaminant (particularly where the former contaminant is not an issue for the sub-catchment but the latter contaminant is an issue). This approach would stifle innovation and may not achieve better water quality outcomes (particularly where allowing one contaminant to increase could provide resources or incentives to achieve a significant reduction in another contaminant).</p> <p><b>Restoration</b> FFNZ proposes to delete the definition of restoration. The term does not appear to be used in Chapter 3.11 nor does it appear to link with any provision. FFNZ is also concerned that the definition is subjective and not appropriate.</p> <p><b>Setback</b> FFNZ is concerned about the ambiguity as to the point where a setback will be measured. FFNZ considers that it ought to be measured from the active bed of a river or lake (as this</p>

Provision	Support or oppose	Decision sought	Reasons
			<p>will capture the edge of the waterway during normal flows) or the margin of a permanent wetland (as opposed to intermittent wetlands).</p> <p><b>Sub-catchment</b> The definition of sub-catchment refers to them as being the “basic spatial unit for analysis and modelling” and defines them as identified in Map 3.11-2. FFNZ has concerns that an individual sub-catchment may not be the appropriate spatial unit for analysis and modelling and it may be appropriate to consider groups of related sub-catchments.</p> <p>This is provided for in the new method 3.11.4.5A, which provides for Catchment Profiles and in the proposed definition for Catchment Profiles.</p> <p>To reflect this, FFNZ seeks the addition of the word “may” to the definition.</p> <p><b>Urban properties</b> FFNZ proposes a new definition, primarily to assist with the interpretation of the properties to which Schedule A applies. It considers it appropriate that all properties that are not in a District Plan Rural Zone are excluded. It does not consider that it is appropriate for properties in zones such as Future Urban or Country Living to be subject to the Schedule A registration requirements.</p>
5.1.5 Conditions for permitted activity rule 5.1.4.11	Support	Retain	<p>FFNZ supports the addition of the harvest management plan for forestry activities. It considers that the approach of managing contaminants from forestry activities is consistent with the approach of managing diffuse discharges from farming activities.</p> <p>FFNZ notes that parts of the harvest plan may have been superseded by the National Environmental Standard for Plantation Forestry. FFNZ considers that to the extent that they are inconsistent, the more stringent standard ought to apply.</p>

## **APPENDIX 1**

### **FFNZ TRACK CHANGES TO SUPPORTING DOCUMENT INCORPORATING VARIATION 1 AMENDMENTS TO PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 – WAIKATO AND WAIPA RIVER CATCHMENTS**

23 May 2018

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

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

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

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

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

Only the river FMUs are used for the purposes of calculating the dairy curve for the 75<sup>th</sup> percentile nitrogen value.

FMUs are required by central government's National Policy Statement for Freshwater Management 2014. FMUs enable monitoring of progress towards meeting targets<sup>^</sup> and limits<sup>^</sup>. This will also occur at a sub-catchment level, with the sub-catchments identified in Map 3.11-2.

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

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

The National Policy Statement – Freshwater Management Policy CA2 requires certain steps to be taken in the process of setting limits<sup>^</sup>. These include establishing the values<sup>^</sup> that are relevant in a FMU<sup>^</sup>, identifying the attributes<sup>^</sup> that correspond to those values<sup>^</sup>, and setting objectives based on desired attribute states<sup>^</sup>. This section describes values and uses for the Waikato and Waipa Rivers, to provide background to the objectives and limits<sup>^</sup> in later sections.

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

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

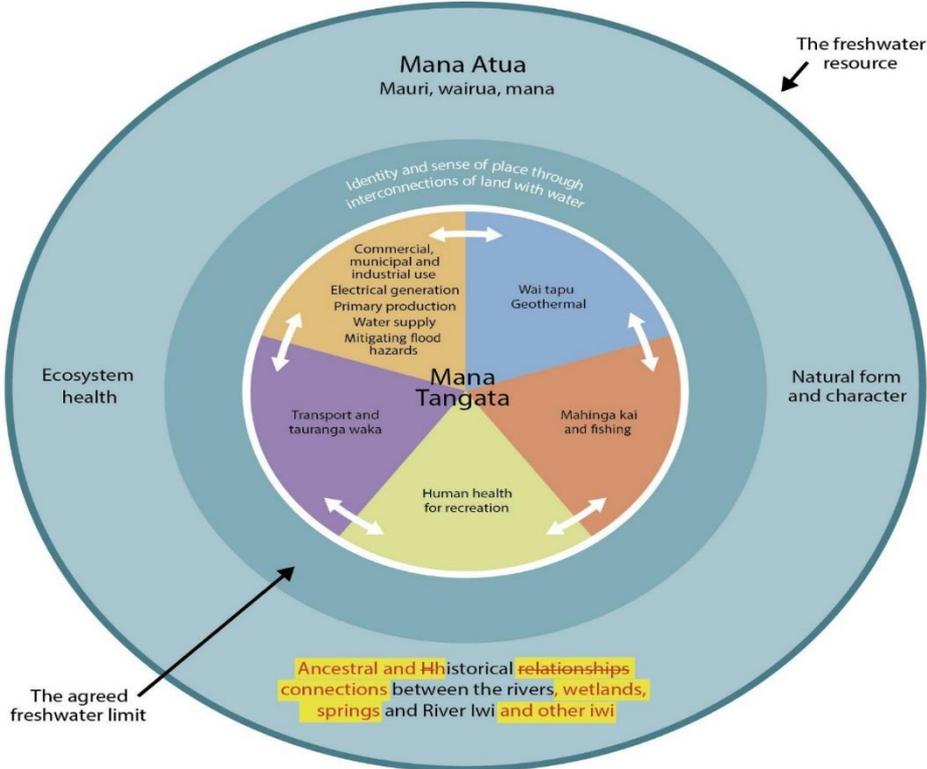
The values below have been prepared and are supported by the Collaborative Stakeholder Group.

**Te Mana o te Wai: Mana Atua, Mana Tangata**

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

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

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



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

The rivers contribute to a sense of community and sustaining community wellbeing.

- The rivers are an important part of whānau/family life, holding nostalgic feelings and memories and having deep cultural and historical significance.
- For River Iwi and other iwi, respect for the rivers, wetlands and springs lies at the heart of the spiritual and physical wellbeing of iwi and their tribal identity and culture. The river, wetlands and springs are is not separate from the people but part of the people, “Ko au te awa, ko te awa ko au” (I am the river and the river is me).
- Whanaungatanga is at the heart of iwi relationships with rivers, wetlands and springs. Te taura tāngata is the cord of kinship that binds iwi to rivers, wetlands and springs. It is a braid that is tightly woven, tying in all its strands. It is unbroken and infinite, forming the base for kaitiakitanga and the intergenerational role that iwi have as kaitiaki.
- The rivers are a shared responsibility, needing collective stewardship: kaitiakitanga – working together to restore the rivers. There is also an important intergenerational equity concept within kaitiakitanga.
- Mahitahi (collaborative work) encourages us all to work together to achieve common goals.

### 3.11.1.1 Mana Atua – Intrinsic values

Ko te whakapapa o ngā iwi ki ōna awa tūpuna Ko ngā hononga tūpuna me ngā hononga o mua i waenga i ngā iwi o te awa me ētehi atu iwi me ngā awa, ngā repo me ngā puna / Ancestral and Historical relationships connections between the rivers, wetlands and springs and River Iwi and other iwi

Ko ngā korero tūpuna me ngā Kōrero o Muao neherā / Ancestry and History

~~Each~~ River Iwi and other iwi has their own unique and intergenerational relationship with the rivers, wetlands and springs.

- The rivers, wetlands and springs have always been seen as taonga (treasures) to all River Iwi and other iwi.
- The rivers, wetlands and springs have always given River Iwi and other iwi a strong sense of identity and connection with the land and water.
- Rivers, wetlands and springs were used holistically; River Iwi and other iwi understood the functional relationships with and between all parts of the rivers, wetlands and springs, spiritually and physically as kaitiaki.
- Tribal taniwha and tupua dwell in the rivers which are also the location of continued spiritual and cultural traditions and practices maintained over the many centuries.
- Iwi tupuna inhabited a rohe that teemed with life in the rivers, wetlands and springs. These resources were subject to access and use rights as an essential part of kaitiakitanga.
- Iwi strive to maintain and restore these relationships despite the modification and destruction that has occurred through different types of development along affecting the rivers, wetlands and springs.

### Intrinsic values - Ecosystem health

Ko te hauora me te mauri o te wai / The health and mauri of water

## Ecosystem health

The Waikato and Waipa catchments support resilient freshwater ecosystems and healthy freshwater populations of indigenous plants and animals.

- **Clean** freshwater restores and protects aquatic native vegetation to provide habitat and food for native aquatic species and for human activities or needs, including swimming and drinking.
- **Clean** freshwater restores and protects macroinvertebrate communities for their intrinsic value and as a food source for native fish, native birds and introduced game species.
- **Clean** freshwater supports native freshwater fish species.
- Wetlands and floodplains provide water purification, refuge, feeding and breeding habitat for aquatic species, habitat for water fowl and other ecosystem services such as flood attenuation.
- Freshwater contributes to unique habitats including peat lakes, shallow riverine lakes and karst formations which all support unique biodiversity.
- Rivers and adjacent riparian margins have value as ecological corridors.

### Intrinsic values - Natural form and character

#### Ko te hauora me te mauri o te taiao / The health and mauri of the environment

##### Natural form and character

Retain the integrity of the rivers within the landscape and its aesthetic features and natural qualities for people to enjoy.

- The rivers have amenity and naturalness values, including native vegetation, undeveloped stretches, and significant sites.
- People are able to enjoy the natural environment; it contributes to their health and wellbeing.
- The rivers are an ecological and cultural corridor. The rivers as a whole living entity.

#### 3.11.1.2 Mana Tangata – Use values

##### Use values - Wai tapu

#### Ko ngā wai tapu me ngā wai kino / Sacred and harmful waters

##### Wai tapu and wai kino

Area of water body set aside for spiritual activities that support spiritual, cultural and physical wellbeing, or have properties that require additional caution or care.

- The rivers are a place for sacred rituals, wairua, healing, spiritual nurturing and cleansing.
- The rivers provide for cultural and heritage practices and cultural wellbeing, particularly at significant sites.
- The rivers have different states of wai tapu and wai kino that are adhered to and respected

##### Use values - Geothermal

#### Ko ngā Ngāwhā / Geothermal

##### Geothermal

A valued resource that is naturally gifted to sustain certain activities (meeting spiritual and physical needs).

- Geothermal areas and their various resources were prized by tūpuna (ancestors) for their many uses and are still valued and used today.
- Geothermal areas of the river have natural form and character, and unique flora found only in the geothermal environment.
- Geothermal areas are a special microclimate.

#### **Use values - Mahinga kai**

#### **Ko ngā wāhi mahinga kai / Food gathering, places of food**

#### **Mahinga kai**

The ability to access the Waikato and Waipa [Rivers](#) and their tributaries to gather sufficient quantities of kai (food) that is safe to eat and meets the social and spiritual needs of their stakeholders.

- The rivers provide for freshwater native species, native vegetation, and habitat for native animals.
- The rivers provide for freshwater game and introduced kai species.
- The rivers provide for cultural wellbeing, knowledge transfer, intergenerational harvest, obligations of manaakitanga (to give hospitality to, respect, generosity and care for others) and cultural opportunities, particularly at significant sites.
- The rivers should be safe to take food from, both fisheries and kai.
- The rivers support aquatic life, healthy biodiversity, ecosystem services, flora and fauna and biodiversity benefits for all.
- The rivers are a corridor.
- The rivers provide resources available for use which could be managed in a sustainable way.
- ~~The rivers provide for recreation needs and for social wellbeing.~~

#### **Use values - Human health for recreation**

#### **Ko te hauora me te mauri o ngā tāngata / The health and mauri of the people**

#### **Human health for recreation**

~~People are able to connect with the rivers through a range of activities such as swimming, waka, boating, fishing, mahinga kai and water-skiing. The rivers are a place to swim and undertake recreation activities in an environment that poses minimal risk to health.~~

- The rivers provide for recreational use, social needs and social wellbeing, are widely used by the community, and are a place to relax, play, exercise and have an active lifestyle.
- ~~An important value for the rivers is cleanliness;~~ the rivers should be safe for people to swim in at times of year and in the parts of the rivers suitable for swimming.
- The rivers provide resources available for use which could be managed in a sustainable way.

#### **Use values - Transport and tauranga waka**

#### **He urungi / Navigation**

#### **Transport and tauranga waka**

All communities can use the rivers to pilot their vehicles and waka and navigate to their destinations.

- The rivers provide for recreational use (navigation), and sporting opportunities. The rivers are a corridor, mode of transport and mode of communication.
- The rivers provide for culture and heritage, cultural wellbeing, and social wellbeing, particularly at significant sites.

#### **Use values - Primary production**

#### **Ko ngā mahi māra me ngā mahi ahu matua / Cultivation and primary production**

##### **Primary production**

The rivers support regionally and nationally significant primary production in the catchment (agricultural, horticultural, forestry). These industries contribute to the economic, social and cultural wellbeing of people and communities, and are the major component of wealth creation within the region. These industries and associated primary production also support other industries and communities within rural and urban settings.

- The rivers support a wide variety of primary production in the catchment, including dairy, meat, wool, horticulture and forestry.
- Due to the economies of scale of these industries, other service sectors, such as agritech, aviation and manufacturing, are able to operate.
- These industries combined contribute significantly to regional and national GDP, exports, food production and employment.
- The rivers and the surrounding land offer unique opportunities for many communities and industries to operate, contributing to the lifestyle and sense of community, pride and culture in rural Waikato.

#### **Water supply**

#### **Ko ngā hāpori wai Māori / Municipal and domestic water supply**

##### **Water supply**

The rivers provide for community water supply, municipal supply, and drinkable water supply ~~and~~ health.

- The catchment's surface and subsurface water is of a quality that can be effectively treated to meet appropriate health standards for both potable and non-potable uses.

#### **Use values - Commercial, municipal and industrial use**

#### **Ko ngā āu putea / Economic or commercial development**

##### **Commercial, municipal and industrial use**

The rivers provide economic opportunities to people, businesses and industries.

Freshwater is used for industrial and municipal processes, which rely on the assimilative capacity for discharges to surface water bodies. In addition:

- The rivers provide for economic wellbeing, financial and economic contribution, individual businesses and the community and the vibrancy of small towns. They are working rivers; they create wealth.
- Those industries are important to the monetary economy of Waikato region, enabling a positive brand to promote to overseas markets.

- The rivers provide for domestic and international tourism. Promotion of a clean, green image attracts international and domestic visitors.
- The rivers provide assimilative capacity for wastewater disposal, flood and stormwater, and ecosystem services through community schemes or on site disposal.

### **Use values - Electricity generation**

#### **Electricity generation**

The river provides for reliable, renewable hydro and geothermal energy sources and thermal generation, securing national self-reliance and resilience.

New Zealand's social and economic wellbeing are dependent on a secure, cost-effective electricity supply system. Renewable energy contributes to our international competitive advantage. Electricity also contributes to the health and safety of people and communities.

- Waikato hydro scheme extends over 186km, comprising Lake Taupō storage, dams, lakes, and power stations. Tongariro Power scheme adds 20 per cent to natural inflows to Lake Taupō.
- Huntly Power Station's role in the New Zealand electricity system is pivotal, particularly when weather dependent renewable generation is not available. Fresh water is used for cooling and process water.
- Geothermal power stations located on multiple geothermal systems use fresh water for cooling, process water and drilling.

### **Use values - Mitigating flood hazards**

#### **Mitigating flood hazards**

Flood management systems protect land used and inhabited by people.

- River engineering, including stopbanks and diversions, protect land and infrastructure from damage by flooding.

### 3.11.2 Objectives/Ngā Whāinga

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

~~Manage By 2096~~, discharges of nitrogen, phosphorus, sediment and microbial pathogens to ~~land and water~~ or to land in circumstances where it may enter water, for the purposes of assisting to achieve the water quality outcomes anticipated by the Vision & Strategy and the values^ by 2096. result in achievement of the restoration and protection of the 80-year water quality attribute^ targets^ in Table 3.11-1.

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

~~Water quality in the Waikato River Catchment is~~ Waikato and Waipa communities and their economy benefit from the maintained, restored and/or protected restoration and protection of water quality in the Waikato River catchment, which whilst enabling enables the people and communities to continue to provide for their social, economic and cultural wellbeing.

**Objective 3:** Short-term improvements in water quality in the first stage of maintenance, restoration and/or protection of water quality for each sub-catchment and Freshwater Management Unit/Te Whāinga 3: Ngā whakapainga taupoto o te kounga wai i te wāhanga tuatahi o te whakaoranga me te tiakanga o te kounga wai i ia riu kōawāwa me te Wae Whakahaere Wai Māori

Actions are identified put in place and implemented by 2026 to reduce manage discharges of nitrogen, phosphorus, sediment and microbial pathogens to maintain, restore and/or protect water quality for each sub-catchment and/or Freshwater Management Unit and are sufficient to achieve ten percent of the required change between current water quality and achieving the water quality outcomes anticipated by the Vision & Strategy and values^ the 80-year water quality attribute^ targets^ in Table 3.11-1. A ten percent change towards the long term water quality improvements is indicated by the short term water quality attribute^ targets^ in Table 3.11-1.

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

A staged approach to change enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing in the short term while:

a. considering the values and uses when taking action to achieve the attribute^ targets^ for the Waikato and Waipa Rivers in Table 3.11-1; and

b. addressing information gaps and gaining an understanding of the current state, water quality issues and the causes for each sub-catchment and the relationship with other sub-catchments; and

~~b. c.~~ recognising that further contaminant reductions will may be required by subsequent regional plans and signalling anticipated future management approaches that will be needed to meet Objective 1.

d. recognising and providing for flexibility in the implementation of on-farm management measures to respond to changes brought about by climatic events, natural hazards, economic conditions, health and safety, and animal welfare requirements.

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

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

a. tangata whenua have the ability to:

i. manage their own lands and resources, by exercising mana whakahaere, for the benefit of their people; and

ii. actively sustain a relationship with ancestral land and with the rivers and other water bodies in the catchment; and

~~b. new impediments to the flexibility of the use of tangata whenua ancestral lands are minimised; and~~

c. improvement in the rivers' water quality and the exercise of kaitiakitanga increase the spiritual and physical wellbeing of iwi and their tribal and cultural identity.

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

~~a. Nitrogen, phosphorus, sediment and microbial pathogen loads in the catchment of Whangamarino Wetland are reduced in the short term, to make progress towards the long term restoration of Whangamarino Wetland; and~~

~~b. The management of Contaminant loads entering Whangamarino Wetland are managed to assist with is consistent with the achievement of the water quality outcomes anticipated by the Vision & Strategy and values<sup>^</sup>. <sup>attribute^targets^</sup> in Table 3.11-1.~~

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

### Reasons for adopting Objective 1

Objective 1 ~~confirms the water quality outcomes contemplated by the Vision & Strategy as the overarching goal. The timeframe for this is 80 years or 2096. The objective is to manage discharges of nitrogen, phosphorous and microbial pathogens to assist with achieving these outcomes. sets long term limits<sup>^</sup> for water quality consistent with the Vision and Strategy. Objective 1 sets aspirational 80-year water quality targets<sup>^</sup>, which result in improvements in water quality from the current state monitored in 2010-2014. The water quality attributes<sup>^</sup> listed in Table 3.11-1 that will be achieved by 2096 will be used to characterise the water quality of the different FMUs when the effectiveness of the objective is assessed. Objective 1 sets the overall context for what is to be achieved in terms of water quality improvements. There is not any hierarchy of Objectives 1 to 6.~~

### Reasons for adopting Objective 2

Objective 2 ~~provides the context against which water quality improvements are sought. sets the long term outcome for people and communities, recognising that restoration and protection of water quality will continue to support communities and the economy.~~ The full achievement of the Vision & Strategy water quality outcomes by 2096 ~~Table 11-1 2096 water quality attribute<sup>^</sup> targets<sup>^</sup>~~ may require a potentially significant departure from how businesses and communities currently function, and it is important to minimise social disruption during this transition. Throughout the water quality improvement journey, it is also important to enable people and communities to continue to provide for their social, economic and cultural wellbeing.

### Reasons for adopting Objective 3

Objective 3 sets short term goals for a 10-year period, to show the first step toward full achievement of water quality consistent with the Vision and Strategy. The effort required to make the first step may not be fully reflected in water quality improvements that are measurable in the water in 10 years. For this reason, the achievement of the objective will rely on measurement and monitoring of actions taken on the land to reduce pressures on water quality.

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

### Reasons for adopting Objective 4

Objective 4 provides for a staged approach to long-term achievement of the Vision and Strategy. It acknowledges that in order to maintain the social, cultural and economic wellbeing of communities during the 80-year journey, the first stage (the short term 10-year period) must ensure that overall costs to people can be sustained.

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

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

### Reasons for adopting Objective 5

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

### Reasons for adopting Objective 6

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

### 3.11.3 Polices/Nga Kaupapa Here

**Policy 1:** Manage ~~diffuse~~ discharges of nitrogen, phosphorous, sediment and microbial pathogens

Manage and require reductions in sub-catchment wide diffuse and point source discharges of nitrogen, phosphorus, sediment, and microbial pathogens to assist with achieving the short term water quality attribute targets in Table 3.11-1 by adopting Most Practicable Actions for diffuse discharges and Best Practicable Option for point source discharges.

~~a. Enabling activities with a low level of contaminant discharge to water bodies provided those discharges do not increase; and~~

~~b. Requiring farming activities with moderate to high levels of contaminant discharge to water bodies to reduce their discharges; and~~

~~c. Progressively excluding cattle, horses, deer and pigs from rivers, streams, drains, wetlands and lakes.~~

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

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

a. Taking a tailored, risk based approach to identify the Most Practicable Actions to define mitigation actions 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 resource consent, or in specific requirements established by participation in a Certified Industry Scheme; and

b. Requiring the same level of rigour in developing, monitoring and auditing of mitigation actions on the land that is set out in a Farm Environment Plan, whether it is established with a resource consent or through Certified Industry Schemes; and

c. Establishing a Nitrogen Reference Point for the property or enterprise; and

d. Requiring the degree of reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens to be proportionate to:

i. the amount of the current discharge (those discharging more ~~are~~ may be expected to make greater reductions) and proportionate to

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 & Strategy and values^ referred to in Objective 1; and

iii. the characteristics of the sub-catchment within which the subject farm enterprise is located and the scale of water quality improvement required in the sub-catchment; and

e. 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 ~~2026-2028~~.

#### Policy 2A: Farm Environment Plans

Manage diffuse discharges of nitrogen, phosphorous, sediment and microbial pathogens from farming enterprises by requiring the preparation of Farm Environment Plans that:

- a. are effective in managing diffuse discharges on farms; and
- b. are practical to implement; and
- c. are consistent in assessing risks from diffuse discharges in the manner set out in Schedule 1 or 1A; and
- 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
- e. recognise and provide for existing programmes of actions in place to manage diffuse discharges from the farm; and
- f. are proportional in the mitigation of diffuse discharges of nitrogen, phosphorous, sediment and microbial pathogens from the farming enterprise based on:
  - 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<sup>^</sup> in Objective 3 or the progression towards the outcomes anticipated by the Vision & Strategy referred to in Objective 1;
  - 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 fluctuations, unforeseeable events, health and safety obligations and animal welfare requirements.

**Policy 2B: Review and amendment of Certified Farm Environment Plans**

Provide for review and amendment of a Certified Farm Environment Plan for a farming enterprise:

- a. recognising that flexibility is required to allow farm enterprises:
  - 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 changing circumstances, seasonal fluctuations, unforeseeable events, health and safety, and animal welfare requirements
  - ii. while adopting the Most Practicable Action to manage diffuse discharges of nitrogen, phosphorous, sediment and microbial pathogens associated with the farming enterprise in order to assist with achieving the short term targets<sup>^</sup> in Objective 3 or the progression towards the outcomes anticipated by the Vision & Strategy and values<sup>^</sup> referred to in Objective 1; and
- 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.

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

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

- a. Flexibility is provided to undertake crop rotations on changing parcels of land for commercial vegetable production, while reducing average managing contaminant discharges over time; and
- ~~b. The maximum area in production for a property or enterprise is established and capped utilising commercial vegetable production data from the 10 years up to 2016; and~~
- c. A Nitrogen Reference Point is established for each property or enterprise; and
- d. ~~A 10% decrease in~~ The diffuse discharge of nitrogen, ~~and a tailored reduction in the diffuse discharge of~~ phosphorus, sediment and microbial pathogens is achieved across the sector managed through the implementation of ~~Best or~~ Good Management Practices and/or Most Practicable Action; and
- e. Identified Most Practicable Actions ~~mitigation actions~~ are set out and implemented within timeframes specified in ~~either a Farm Environment Plan and associated resource consent, or in specific requirements established by participation in a Certified Industry Scheme.~~
- f. Commercial vegetable production enterprises that ~~reduce manage~~ nitrogen, phosphorus, sediment and microbial pathogens are enabled, including where the commercial vegetable production enterprise is transferred to a different site; ~~and~~
- g. The degree of reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens is proportionate to:
  - i. the amount of current discharge (those discharging more ~~are~~ may be expected to make greater reductions), and
  - 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 & Strategy and the values^ referred to in Objective 1; and
  - iii. the characteristics of the sub-catchment within which the subject farm enterprise is located and the scale of water quality improvement required in the sub-catchment.

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

Manage sub-catchment-wide diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, and enable existing and new low discharging activities to continue provided that cumulatively the achievement of Objective 3 is not compromised. Activities and uses currently defined as low dischargers may in the future need to take mitigation actions that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens in order to assist with making progress towards ~~for~~ Objective 1 ~~to be met~~.

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

Recognise that achieving the water quality outcomes anticipated by the Vision & Strategy and values^ attribute^ targets^ set out in Table 11-1 will need to be staged over 80 years, to minimise social disruption and ~~allow for~~ enable innovation and new practices to develop, while making a start on managing and/or reducing discharges of nitrogen, phosphorus, sediment and microbial pathogens at a sub-catchment level, and preparing for any further reductions or mitigations that ~~will~~ may be required in subsequent regional plans

**Policy 6:** Restricting land use change

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

~~Land use change consent applications that demonstrate clear and enduring decreases in existing diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens will generally be granted.~~

**Policy 6:** Restricted Discretionary and Discretionary Activities

Grant consent to applications for farming activities that apply for consent under Rule 3.11.5.6 (Restricted Discretionary Activity) or Rule 3.11.5.7 (Discretionary Activity) that can demonstrate the following:

- a. The Most Practicable Actions to manage the discharge of nitrogen, phosphorous, sediment and microbial pathogens on a proportional basis will be implemented by the farm operator; and
- b. Monitoring, record keeping, reporting and information provision to the Waikato Regional Council by the consent holder will be undertaken in an efficient and effective manner; and
- c. Where consent is sought to allow an exceedance of permitted or controlled activity nitrogen limits that the risks associated with phosphorous, sediment and microbial pathogen discharges from the farming activity can be reasonably managed.

**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~~ may be required by subsequent regional plans, by implementing the policies and methods in this chapter. To assist with this ~~ensure this occurs~~, collect information and undertake research to support this, including:

a. collecting information about current discharges, developing appropriate modelling tools to estimate contaminant discharges,

b. collating information obtained from the Catchment Profiles and sub-catchment management plans, models or data obtained through implementation of this Plan Change, and

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'~~.

In preparing for the future, the Nitrogen Reference Point established under Policy 2c is not to be regarded as forming the basis of any allocation mechanism that may be adopted in the future.

Any future allocation should consider the following principles:

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

Footnote 5:

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

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

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

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

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

- a. Sub-catchments where there is a greater gap between the water quality targets<sup>^</sup> in Objective 31 (Table 3.11-1) and current water quality; and
- b. Lakes Freshwater Management Units<sup>^</sup>; and
- c. Whangamarino Wetland.

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

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

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

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

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

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

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

provided that opportunities to reduce the levels of discharges have been explored and that best practicable option is adopted in accordance with Policy 11.

**Policy 11:** Application of Best Practicable Option, Most Practicable Action and mitigation or offset of effects to point source of discharges

Require In order to avoid, remedy or mitigate the adverse effects of the discharge at the time a resource consent application is decided, require:

1. any person undertaking a point source discharge of nitrogen, phosphorus, sediment or microbial pathogens to water or onto or into land in the Waikato and Waipa River catchments to adopt the Best Practicable Option\*; and

2. diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens to water or in circumstances where it may enter water in the Waikato and Waipa River catchments from farming activities covered by rules 3.11.5.2 to 3.11.5.7 to adopt the Most Practicable Action.

to avoid or mitigate the adverse effects of the discharge, at the time a resource consent application is decided. Where it is not practicable to avoid, remedy or mitigate all adverse effects, an offset measure may be proposed in an alternative location or locations to the point source discharge or the farm enterprise, for the purpose of ensuring positive effects on the environment to lessen any residual adverse effects of the discharge(s) that will or may result from allowing the activity provided that the:

- a. Primary discharge does not result in any significant toxic adverse effect at the a point source discharge location; and

~~b. Offset measure is for the same contaminant; and~~

c. Offset measure occurs preferably within the same sub-catchment in which the primary discharge occurs and if this is not practicable, then within the same Freshwater Management Unit<sup>^</sup> or a Freshwater Management Unit<sup>^</sup> located upstream, and

d. Offset measure remains in place for the duration of the consent and is secured by consent condition.

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

Consider the contribution made by a point source discharge to the nitrogen, phosphorus, sediment and microbial pathogen catchment loads and the impact of that contribution on the likely achievement of the short term targets<sup>^</sup> in Objective 3 or the progression towards the outcomes anticipated by the Vision & Strategy and values<sup>^</sup> referred to in Objective 1-80-year targets<sup>^</sup> in Objective 1, taking into account:

a. The relative proportion of nitrogen, phosphorus, sediment or microbial pathogens that the particular point source discharge contributes to the catchment load; and

b. Past technology upgrades undertaken to model, monitor and reduce the discharge of nitrogen, phosphorus, sediment or microbial pathogens within the previous consent term; and

c. The ability to stage future mitigation actions to allow investment costs to be spread over time and meet the water quality targets<sup>^</sup> specified above or make progress towards the outcomes anticipated by the Vision & Strategy and values<sup>^</sup>; and

d. The diminishing return on investment in treatment plant upgrades in respect of any resultant reduction in nitrogen, phosphorus, sediment or microbial pathogens when treatment plant processes are already achieving a high level of contaminant reduction through the application of the Best Practicable Option\*.

**Policy 12A:** Additional considerations for diffuse discharges in relation to water quality targets

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<sup>^</sup> in Objective 3 or the progression towards the outcomes anticipated by the Vision & Strategy and values<sup>^</sup> referred to in Objective 1, taking into account:

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 sub-catchment actions); and

b. the relative contribution of the industry sector within which the farming enterprise belongs to the likely achievement of the short term targets<sup>^</sup> in Objective 3 or the progression towards the outcomes anticipated by the Vision & Strategy and values<sup>^</sup> in Objective 1; and

c. the resources reasonably available to the farm enterprise; and

d. investment in past on farm and edge of field contaminant mitigations including technology upgrades to model, monitor and reduce the discharge of nitrogen, phosphorous, sediment

and microbial pathogens where those mitigations are already achieving a high level of contaminant reduction through the application of the Most Practicable Action.

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

When determining an appropriate duration for any consent granted consider the following matters:

- a. A consent term exceeding 25 years, where the applicant demonstrates the approaches set out in Policies 11 and 12 or 12A will be met; and
- b. The magnitude and significance of the investment made or proposed to be made in contaminant reduction measures and any resultant improvements in the receiving water quality; and
- c. The need to provide appropriate certainty of investment where contaminant reduction measures are proposed (including investment in treatment plant upgrades or land based application technology or farm system changes e.g. retiring land, feed pads etc).

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

Manage, restore and/or protect lakes to assist with giving effect to the Vision & Strategy and values^ by 2096 through the implementation of a tailored lake-by-lake approach, guided by Lake Catchment Plans prepared over the next 10 years, which will include collecting and using data and information to support the management of activities in the lakes Freshwater Management Units^.

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

Maintain, restore and/or protect and make progress towards restoration of Whangamarino Wetland to assist with giving effect to the Vision & Strategy and values^ by 2096 through the implementation of a tailored approach guided by a catchment plan prepared by Waikato Regional Council in consultation with the community, which will include collecting and using data and information to support the management or coordination of activities in the sub-catchments that flow into the wetland. by managing and/or reducing the discharge of nitrogen, phosphorus, sediment and microbial pathogens in the sub-catchments that flow into the wetland to:

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

**Policy 16:** ~~Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land~~

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

- ~~a. The relationship of tangata whenua with their ancestral lands; and~~
- ~~b. The exercise of kaitiakitanga; and~~

~~c. The creation of positive economic, social and cultural benefits for tangata whenua now and into the future; Taking into account:~~

~~i. Best management practice actions for nitrogen, phosphorus, sediment and microbial pathogens for the proposed new type of land use; and~~

~~ii. The suitability of the land for development into the proposed new type of land use, reflecting the principles for future allocation as contained in Policy 7, including the risk of contaminant discharge from that land and the sensitivity of the receiving water body; and~~

~~iii. The short term targets<sup>^</sup> to be achieved in Objective 3.~~

**Policy 17:** ~~Considering the wider context of the Vision and Strategy~~

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

~~a. Opportunities to enhance biodiversity, wetland values<sup>^</sup> and the functioning of ecosystems; and~~

~~b. Opportunities to enhance access and recreational values<sup>^</sup> associated with the rivers~~

**3.11.4 Implementation methods/Ngā tikanga whakatinana**

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

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

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

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

a. Provision for management of the Certified Industry Schemes;

b. Oversight, and monitoring of Farm Environment Plans;

c. Information sharing;

d. Aggregate reporting on Certified Industry Scheme implementation; and

e. Consistency across the various Certified Industry Schemes

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

Waikato Regional Council will prepare parameters and minimum requirements for the development of a certification process for professionals to develop, certify and monitor Farm Environment Plans in a consistent approach across the region. A Farm Environment Plan will be prepared by a certified person as per the requirements outlined in Schedule 1, and will ~~assess the risk~~ identify the Most Practicable Actions for the management of diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens.

~~and specify actions to reduce those risks in order to bring about reductions in the discharges of those contaminants.~~

In consultation with stakeholders, including industry bodies, Waikato Regional Council will develop guidance for risk assessments, auditing and compiling Farm Environment Plans.

Waikato Regional Council will take a pragmatic and risk based approach to monitoring Farm Environment Plans, starting with more frequent monitoring and then moving to monitoring based on risk assessment, and recognising that flexibility in the implementation of Farm Environment Plans is required in response to changing circumstances, seasonal fluctuations, unforeseeable events, health and safety and animal welfare requirements. Robust third party audit (independent of the farmer and Certified Farm Environment Planner) and monitoring ~~will~~ may be required.

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

Waikato Regional Council, working with others, will:

a. Build on the Shallow Lakes Management Plan by developing Lake Catchment Plans and investigate lake-specific options to improve water quality and ecosystem health, and manage pest species. In many instances, this may require an adaptive management approach.

b. Prepare and implement Lake Catchment Plans with community involvement which include:

- i. A vision for the lake developed in consultation with the community.
- ii. Description of the desired state of lake and recognition of the challenges (e.g. costs) and opportunities (e.g. benefits) in achieving it.
- iii. An evidence-based description of the problem (i.e. what is the gap between the current state and desired state) that recognises the presence of multiple stressors and uncertainty in responses and time frames.
- iv. Community engagement in defining actions that will move the lake towards its desired state.
- v. Responsibility for achieving the agreed actions and expected timeframes, developed in consultation with those who will be undertaking the work.
- vi. A monitoring regime that will provide evidence of the implementation of the defined actions and any changes in the state of the lake.

c. As a priority, undertake the development and implementation of the Lake Waikare and Whangamarino Wetland Catchment Management Plan using the process set out in b).

d. Work towards managing the presence of pest weeds and fish in the shallow lakes and connected lowland rivers area, including Whangamarino Wetland.

e. support research and testing of restoration tools and options to maintain and enhance the health of shallow lakes [and Whangamarino Wetland](#) (e.g. lake modelling, lake bed sediment treatments, constructed wetlands, floating wetlands, silt traps, pest fish management, and farm system management tools).

f. Support lake [and Whangamarino Wetland](#) restoration programmes including, but not limited to, advice, funding, and project management. Restoration programmes may have a wider scope than water quality, including hydrological restoration, revegetation and biodiversity restoration.

g. Develop a set of 10-year water quality attribute^ targets^ for each lake Freshwater Management Unit^.

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

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

a. Identify the causes of current water quality decline, identify cost-effective measures to [address the causes of water quality decline bring about reductions in contaminant discharges](#), and [where reductions in the discharges of contaminants are required](#), coordinate ~~the~~ reductions ~~required~~ at a property, enterprise [\(or multiple property scale\)](#) and sub-catchment [\(or multiple sub-catchment\)](#) scale (including recommendations for funding where there is a public benefit identified).

b. Align [works and services and coordinate actions and works \(including edge of field work\)](#) to ~~reduce manage~~ nitrogen, phosphorus, sediment and microbial pathogen discharges including riparian management, targeted reforestation, constructed wetlands, sediment traps and sediment detention bunds.

c. [Identify and assess and determine](#) effective and efficient placement of constructed wetlands [and other edge of field works](#) at a sub-catchment scale to improve water quality.

d. Support research that addresses the management of wetlands [and other edge of field works](#), including development of techniques to monitor ecological change and forecasting evolution of wetland characteristics resulting from existing land use in the wetland catchments, [and other sub-catchment scale actions to improve water quality](#).

e. Integrate [and coordinate](#) the [regulatory requirements to fence fencing of](#) waterways [in accordance with Chapter 3.11](#) with the requirements for effective drainage scheme management [to ensure efficient and effective operation of drainage schemes](#).

f. Coordinate funding of [or contributions towards](#) mitigation work by [requesting](#) those contributing to water quality degradation [to contribute](#) in proportion to that contribution.

g. Utilise public funds to support edge of field mitigations where those mitigations provide [significant](#) public benefit.

#### **[3.11.4.5A Catchment Profiles](#)**

[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.](#)

A Catchment Profile shall contain all of the information relevant to water quality in a sub-catchment(s), including but not limited to:

- a. Sub-catchment targets and the current state for each contaminant in each sub-catchment.
- b. Sector and other (including pest and natural sources of contaminants) contributions toward sub-catchment targets.
- c. Consented discharges and takes in the sub-catchment.
- d. Any operative sub-catchment management plans.
- e. Information about adjoining/related catchments, relationships between sub-catchments or opportunities to coordinate with related sub-catchments.
- 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).
- 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.
- g. Freshwater accounting system, monitoring plan and any other information generated pursuant to Methods 3.11.4.7 or 3.11.4.10.

#### **3.11.4.6 Funding and implementation/Te pūtea me te whakatinanatanga**

Waikato Regional Council will:

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

#### **3.11.4.7 Information needs ~~to support any future allocation~~**

Gather information and commission appropriate scientific research to inform ~~any future framework for the allocation~~ the management of diffuse and point source discharges of nitrogen, phosphorus, sediment and microbial pathogen including:

- a. Implementing processes that will support ~~the setting of property or enterprise-level diffuse management of~~ discharges ~~limits~~ in the future.
- b. Researching:
  - i. The quantum of contaminants that can be discharged at a sub-catchment and Freshwater Management Unit<sup>^</sup> scale while meeting the Table 3.11-1 water quality attribute<sup>^</sup> targets<sup>^</sup> (this will include understanding sub-catchment characteristics such as attenuation, ground water travel time, sink, source and travel pathways, interaction or relationship between contaminants, and the impact of historical events e.g. landslips).
  - ii. Whether appropriate water attribute targets can be developed for 2096 or whether some interim targets or alternative approach is more appropriate. This will include an assessment as to whether these targets are consistent with the values<sup>^</sup> and are likely to result in the Vision & Strategy being achieved.

iii. Whether there are alternative actions that are consistent with the values<sup>^</sup> and likely to achieve the Vision & Strategy that result in lower economic, social and cultural cost and disruption.

ii. Methods to categorise and define 'land suitability'.

iii. Tools for measuring or modelling discharges from individual properties, enterprises and sub-catchments, and how this can be related to the Table 3.11-1 water quality attribute<sup>^</sup> targets<sup>^</sup>.

#### **3.11.4.8 Reviewing Chapter 3.11 and ~~an allocation~~ discharge management frameworks for the next Regional Plan/Te arotake i te Upoko 3.11, te whakarite hoki i tētehi anga toha mō te Mahere ā-Rohe e whai ake ana**

Waikato Regional Council will:

a. Carry out a comprehensive review of Chapter 3.11, including the progress towards the 10 year targets and the Vision & Strategy and values, the mitigations that have been adopted by point source and diffuse discharge and the extent to which they have been implemented, the prioritisation of sub-catchments in Map 3.11-2 (and the extent to which that assisted with progress) and any other matters relevant to assessing the efficacy of Chapter 3.11 in achieving or assisting to achieve the Objectives of this chapter.

b. In consultation with the community, identify and develop discharge ~~allocation~~ management frameworks for individual properties and enterprises based on information collected under Method 3.11.4.7 (and taking into account all contaminants and their sources and management at a sub-catchment, Freshwater Management Unit and/or property or enterprise level), taking into account the best available data, knowledge and technology at the time but clearly identifying uncertainties, assumptions and confidence levels; and

~~b. c.~~ Use this to inform future changes to the Waikato Regional Plan to manage discharges of nitrogen, phosphorus, sediment and microbial pathogens at a property or enterprise level to assist with achieving the Vision & Strategy and values<sup>^</sup>. meet the targets<sup>^</sup> in the Objectives.

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

Waikato Regional Council will:

a. Continue to work with territorial authorities to implement the Waikato Regional Policy Statement set of principles that guide future development of the built environment which anticipates and addresses cumulative effects over the long term.

b. When undertaking sub-catchment scale planning under Method 3.11.4.5 in urban sub-catchments (or sub-catchments where future urban development is likely) engage with urban communities to raise awareness of water quality issues, and to identify and implement effective solutions for the urban context.

c. Gather information and gain a better understanding about the effects of urban development on water quality issues and the potential options or technology for dealing with those effects.

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

Waikato Regional Council will establish and operate a publicly available accounting system and monitoring in each sub-catchment and Freshwater Management Unit<sup>^</sup>, including:

- a. Collecting information on nitrogen, phosphorus, sediment and microbial pathogen levels in the respective fresh water bodies and sub-catchments in each Freshwater Management Unit<sup>^</sup> from:
  - i. Council's existing river monitoring network; and
  - ii. Sub-catchments that are currently unrepresented in the existing monitoring network; and
  - iii. Lake Freshwater Management Units<sup>^</sup>.
- b. Using the information collected to establish the baseline data for compiling a monitoring plan and to assess progress towards achieving the short term targets<sup>^</sup> in Objective 3 and the outcomes anticipated by the Vision & Strategy and values<sup>^</sup> in Objective 1-Table 11-1 water quality attribute<sup>^</sup> targets<sup>^</sup>; and
- c. Using state of the environment monitoring data including biological monitoring tools such as the Macroinvertebrate Community Index to provide the basis for identifying and reporting on long-term trends; ~~and~~
- d. An information and/or accounting system for the point source and diffuse discharges of nitrogen, phosphorous, sediment and microbial pathogens from properties and enterprises that could supports the management of nitrogen, phosphorus, sediment and microbial pathogens diffuse discharges at an enterprise or property scale or at a sub-catchment or Freshwater Management Unit<sup>^</sup> scale.

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

Waikato Regional Council will:

- a. Review and report on the progress towards and achievement of the short term targets<sup>^</sup> in Objective 3 (including the implications of prioritising sub-catchments in Table 3.11-2) and the progression towards the outcomes anticipated by the Vision & Strategy and values<sup>^</sup> referred to in Objective 1 80-year water quality objectives of Chapter 3.11 (this will take into account all sources contributing towards water quality and all actions contributing towards improvement).
- b. Research and identify methods to measure actions at a sub-catchment, property and enterprise level, and their contribution to reductions in the point source and diffuse discharge of contaminants.
- c. Monitor the achievement of the values<sup>^</sup> for the Waikato and Waipa Rivers and the uses made of those rivers.
- d. Collate data on the number of land use resource consents issued under the rules of this chapter, the number of point source discharge consents issued under the Regional Plan, the number of Farm Environment Plans completed, compliance with the actions listed in Farm Environment Plans point source and diffuse discharge consents, Nitrogen Reference Points for properties and enterprises, and any contaminant nitrogen discharge data reported under Farm Environment Plans or resource consents.
- e. Work with industry to collate information on the functioning and success of any Certified Industry Scheme.

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

Waikato Regional Council will:

- a. In consultation and collaboration with industry and stakeholders, develop and disseminate best industry agreed good management practice guidelines for reducing the diffuse and point source discharges of nitrogen, phosphorus, sediment and microbial pathogens; and
- b. Support research into methods for reducing diffuse and point source discharges of contaminants to water.
- c. In consultation and collaboration with industry and stakeholders, 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 in put (as opposed to defaults), circumstances for departure from Overseer parameter settings, how different data input standards could be used or changes in the 2016 data input standards could be accommodated, and alternatives to provide for situations where data is missing.

**3.11.4.13 Calculation of 75<sup>th</sup> percentile**

In consultation and collaboration with industry and stakeholders, Waikato Regional Council will develop guidelines for how it will calculate the dairy nitrogen curve for the purposes of assessing the 75<sup>th</sup> percentile. This will include:

- a. How to accommodate and/or coordinate the date the nitrogen reference point data is received, the date the 75<sup>th</sup> percentile is calculated and the communicated to the community.
- 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 75<sup>th</sup> percentile.
- c. How to ensure that the assessment against the 75<sup>th</sup> percentile for properties moving forward (e.g. to demonstrate reductions to the 75<sup>th</sup> percentile) will remain robust as Overseer versions change.
- c. The appropriate statistical basis for calculating the 75<sup>th</sup> percentile.
- d. Whether the River FMU is the appropriate spatial scale for calculating the 75<sup>th</sup> percentile.
- e. How the 75<sup>th</sup> percentile will be independently verified.

### 3.11.5 Rules/Ngā Ture

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

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

1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and
2. ~~The stock exclusion and setback requirements in Schedule C are and/or will be complied with Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C;~~ and

Either:

3. The property area is less than or equal to 4.1 hectares; and
4. The farming activities do not form part of an enterprise being undertaken on more than one property ~~where the combined area is no greater than 4.1ha;~~ or

Where the property area is greater than 4.1 hectares:

5. For grazed land, the stocking rate of the land is less than ~~69~~ stock units per hectare; and
6. No arable cropping occurs; and
7. The farming activities do not form part of an enterprise being undertaken on more than one property.

#### Rule 3.11.5.2 - Permitted Activity Rule – Other farming activities

The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water where the property area is greater than 4.1 hectares, and has more than ~~69~~ stock units per hectare or is used for arable cropping, is a permitted activity subject to the following conditions:

1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and
2. ~~The stock exclusion and setback requirements in Schedule C are and/or will be complied with Cattle, horses, deer and pigs are excluded from water bodies and setbacks are provided in conformance with Schedule C and Conditions 3(e) and 4(e) of this Rule;~~ and
3. Where the property area is less than or equal to 20 hectares:
  - a. The farming activities do not form part of an enterprise being undertaken on more than one property; and
  - b. ~~The land use has Where the land is:~~
    - i. ~~used for grazing livestock, the stocking rate of the land is no greater than the same~~ stocking rate ~~as it had on of the land at 22 October 2016~~ ~~(where the land is used for grazing livestock);~~ or

ii. ~~not used for grazing livestock, the land use has~~ the same or lower diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens as the land use at 22 October 2016 (irrespective of whether the land is used for grazing livestock); and

c. Upon request, the landowner shall obtain and provide to the Council independent verification from a Certified Farm Environment Planner that the use of land is compliant with either b)(i) or b)(ii) above; and

d. Upon request from the Council, a description of the current land use activities shall be provided to the Council; and

e. Upon request from the Council, the following information is provided to the Council, in respect of the 12 month period prior to the date of the request:

i. Annual stock numbers; and

ii. Annual fertiliser use; and

iii. Annual brought in animal feed.

~~e. Where the property or enterprise contains any of the water bodies listed in Schedule C, new fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains).~~

4. Where the property or enterprise area is greater than 20 hectares:

a. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and

b. The diffuse discharge of nitrogen from the property or enterprise does not exceed ~~either:~~

~~i. the Nitrogen Reference Point; or~~

~~ii. 15kg nitrogen/hectare/year;~~

~~whichever is the lesser, over the whole property or enterprise when assessed in accordance with Schedule B; and~~

~~c. No part of the property or enterprise over 15 degrees slope is cultivated or grazed; and~~

~~d. No winter forage crops are grazed in situ; and~~

~~e. c. The stock exclusion and setback requirements in Schedule C are complied with Where the property or enterprise contains any of the water bodies listed in Schedule C:~~

~~i. There shall be no cultivation within 5 metres of the bed of the water body; and~~

~~ii. New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains); and~~

d. Upon request, evidence is provided to the Council demonstrating compliance with paragraph b as measured by the five-year rolling average annual nitrogen loss as determined by the use of the current version of OVERSEER®; and

e. A Simplified Farm Environment Plan which has been prepared in accordance with Schedule 1A and has been approved by a Certified Farm Environment Planner is provided to Waikato Regional Council; and

f. The use of land shall be undertaken generally in accordance with the actions and timeframes specified in the Simplified Farm Environment Plan; and

g. The Simplified Farm Environment Plan may be amended in accordance with the procedure set out in Schedule 1A and the use of land shall thereafter be undertaken in accordance with the amended plan; and

h. A copy of the Simplified Farm Environment Plan amended in accordance with condition g shall be provided to the Waikato Regional Council within 30 working days of the date of its amendment.

~~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:~~

~~a. Annual stock numbers; and~~

~~b. Annual fertiliser use; and~~

~~c. Annual brought in animal feed.~~

#### **Rule 3.11.5.3 - Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme**

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

1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and

2. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and

3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C ~~The stock exclusion and setback requirements in Schedule C are and/or will be complied with;~~ and

4. The Certified Industry Scheme meets the criteria set out in Schedule 2 and has been approved by the Chief Executive Officer of Waikato Regional Council; and

5. A Farm Environment Plan which has been prepared in accordance with Schedule 1 and has been approved by a Certified Farm Environment Planner, is provided to the Waikato Regional Council as follows:

a. By ~~1 July 2020~~ 1 March 2022 for properties or enterprises within Priority 1 sub-catchments listed in Table 3.11-2, and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value;

b. By ~~1 July 2023~~ 1 March 2025 for properties or enterprises within Priority 2 sub-catchments listed in Table 3.11-2;

c. By 1 ~~July 2026~~ March 2028 for properties or enterprises within Priority 3 sub-catchments listed in Table 3.11-2; and

6. The diffuse discharge of nitrogen from the property or enterprise, as measured by the five-year rolling average annual nitrogen loss as determined by the use of the current version of OVERSEER®, does not increase beyond the property or enterprise's Nitrogen Reference Point, unless other suitable mitigations are specified; and

7. Where the Nitrogen Reference Point exceeds the 75<sup>th</sup> percentile nitrogen leaching value, actions, timeframes and other measures are proposed in the Farm Environment Plan to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75<sup>th</sup> percentile nitrogen leaching value by 1 March 2028.

8. If the property is subdivided, a new Nitrogen Reference Point shall be calculated for all of the lots created by the subdivision in conformance with Schedule B for each individual lot.

~~6-9.~~ 9. The use of land shall be undertaken generally in accordance with the actions and timeframes specified in the Farm Environment Plan; and

~~7-10.~~ 10. The Farm Environment Plan provided under Condition 5 may be amended in accordance with the procedure set out in Schedule 1 and the use of land shall thereafter be undertaken in accordance with the amended plan; and

~~8-11.~~ 11. A copy of the Farm Environment Plan amended in accordance with condition ~~(7) 10~~ shall be provided to the Waikato Regional Council within 30 working days of the date of its amendment.

#### **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 registered to a Certified Industry Scheme, and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity until:

1. ~~1 January 2020~~ ~~1 September 2021~~ 1 March 2022 for properties or enterprises in Priority 1 sub-catchments listed in Table 3.11-2, and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value;

2. ~~1 January 2023~~ ~~1 September 2024~~ 1 March 2025 for properties or enterprises in Priority 2 sub-catchments listed in Table 3.11-2;

3. ~~1 January 2026~~ 1 March 2028 for properties or enterprises in Priority 3 sub-catchments listed in Table 3.11-2;

Subject to the following conditions:

4. The property is registered with the Waikato Regional Council in conformance with Schedule A; and

5. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and

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

- 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 the resource consent application is lodged by the dates specified in I-III below; and
- b. The property is registered with the Waikato Regional Council in conformance with Schedule A; and
- c. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B and is provided to the Waikato Regional Council at the time the resource consent application is lodged; and
- d. The diffuse discharge of nitrogen from the property or enterprise, as measured by the five-year rolling average annual nitrogen loss as determined by the use of the current version of OVERSEER®, does not increase beyond the property or enterprise's Nitrogen Reference Point, unless other suitable mitigations are specified; and
- e. Where the Nitrogen Reference Point exceed the 75<sup>th</sup> percentile nitrogen leaching value, actions, timeframes and other measures are proposed to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75<sup>th</sup> percentile nitrogen leaching value by 1 July 2028; and
- f. If the property is subdivided, a new Nitrogen Reference Point shall be calculated for all of the lots created by the subdivision in conformance with Schedule B for each individual lot.
- ~~g. The stock exclusion and setback requirements in Schedule C are complied with Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C.~~
- h. The use of land shall be undertaken generally in accordance with the actions and timeframes specified in the Farm Environment Plan; and
- i. The Farm Environment Plan provided under condition e. 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
- j. A copy of the Farm Environment Plan amended in accordance with condition f. shall be provided to the Waikato Regional Council within 30 working days of the date of its amendment.

### **Matters of Control**

Waikato Regional Council reserves control over the following matters:

- ~~i. The content of the Farm Environment Plan.~~
- ~~ii. The actions and timeframes for undertaking mitigation actions that maintain or reduce the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens to water or to land where they may enter water.~~
- ~~iii. The actions, timeframes and other measures to ensure that the diffuse discharge of nitrogen from the property or enterprise, as measured by the five-year rolling average annual nitrogen loss as determined by the use of the current version of OVERSEER®, does not~~

~~increase beyond the property or enterprise's Nitrogen Reference Point, unless other suitable mitigations are specified.~~

~~iv. Where the Nitrogen Reference Point exceeds the 75th percentile nitrogen leaching value, actions, timeframes and other measures to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75th percentile nitrogen leaching value by 1 July 2026.~~

v. The term of the resource consent.

vi. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent to demonstrate and/or monitor the use of land generally in accordance ~~compliance~~ with the Farm Environment Plan.

~~vii. The timeframe and circumstances under which the consent conditions may be reviewed or the Farm Environment Plan shall be amended.~~

~~viii. Procedures for reviewing, amending and re-approving the Farm Environment Plan.~~

**Dates:**

I. For Priority 1 sub-catchments, and properties with a Nitrogen Reference Point of greater than 75th percentile nitrogen leaching value, ~~by 1 July 2020~~ 1 March 2022

II. For Priority 2 sub-catchments, ~~by 1 July 2023~~ 1 March 2025

III. For Priority 3 sub-catchments, ~~by 1 July 2026~~ 1 March 2028

**Notification:**

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

**3.11.5.4A Controlled Activity Rule – The use of land for farming activities exceeding the Nitrogen Reference Point**

Except as provided for in Rules 3.11.5.1 to 3.11.5.5, 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, irrespective of whether or not the farming activity is registered to a Certified Industry Scheme where:

a. The property is registered with the Waikato Regional Council in conformance with Schedule A; and

b. A Farm Environment Plan which has been prepared in accordance with Schedule 1 and has been approved by a Certified Farm Environment Planner is provided to the Waikato Regional Council; and

c. A Nitrogen Reference Point has been produced for the property or enterprise in conformance with Schedule B and the diffuse discharge of nitrogen associated with the use of the land for farming activities will exceed the Nitrogen Reference Point; and

d. The stock exclusion and setback requirements in Schedule C are and/or will be complied with; and

e. The diffuse discharge of nitrogen from the property or enterprise does not exceed the 75th percentile nitrogen leaching value; and

f. If the property is subdivided, a new Nitrogen Reference Point has been calculated for all of the lots created by the subdivision in conformance with Schedule B for each individual lot where the diffuse discharge of nitrogen associated with the use of the land for farming activities will exceed the Nitrogen Reference Point(s);

is a Controlled Activity.

### **Matters of Control**

Waikato Regional Council reserves control over the following matters:

1. The level of nitrogen discharge from the site, or new sites in the case of a subdivided property.

2. The term of the resource consent.

3. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent to demonstrate and/or monitor compliance with the Farm Environment Plan.

### **Notification:**

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

### **Rule 3.11.5.5 - Controlled Activity Rule – Existing commercial vegetable production**

The use of land for commercial vegetable production and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water, is a permitted activity until ~~11 January 2020~~ 1 September 2021 1 March 2022, from which date it shall be a controlled activity (requiring resource consent) subject to the following standards and terms:

a. The property is registered with the Waikato Regional Council in conformance with Schedule A; and

b. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B and provided to the Waikato Regional Council at the time the resource consent application is lodged; and

c. The diffuse discharge of nitrogen from the property or enterprise, as measured by the five-year rolling average annual nitrogen loss as determined by the use of the current version of OVERSEER®, does not increase beyond the property or enterprise's Nitrogen Reference Point, unless other suitable mitigations are specified; and

~~e-d.~~ The stock exclusion and setback requirements in Schedule C are and/or will be complied with

~~Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and~~

~~d-e.~~ The land use is registered to a Certified Industry Scheme if the applicant wishes to be part of a Certified Industry Scheme; and

~~e-f.~~ The areas of land, and their locations broken down by sub-catchments [refer to Table 3.11-2], that were used for commercial vegetable production within the property or enterprise each year in the period 1 July 2006 to 30 June 2016, together with the maximum area of land used for commercial vegetable production within that period, shall be provided to the Council; and

~~f-g.~~ The total area of land for which consent is sought for commercial vegetable production must not exceed the maximum land area of the property or enterprise that was used for commercial vegetable production during the period 1 July 2006 to 30 June 2016; and

~~g-h.~~ Where new land is proposed to be used for commercial vegetable production, an equivalent area of land must be removed from commercial vegetable production in order to comply with standard and term ~~fg.~~; and

~~h-i.~~ A Farm Environment Plan for the property or enterprise prepared in conformance with Schedule 1 and approved by a Certified Farm Environment Planner is provided to the Waikato Regional Council at the time the resource consent application is lodged; and

j. The use of land shall be undertaken generally in accordance with the actions and timeframes specified in the Farm Environment Plan; and

l. The Farm Environment Plan provided under condition h. 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

l. A copy of the Farm Environment Plan amended in accordance with condition j. shall be provided to the Waikato Regional Council within 30 working days of the date of its amendment.

## **Matters of Control**

Waikato Regional Council reserves control over the following matters:

~~i. The content of the Farm Environment Plan.~~

~~ii. The maximum area of land to be used for commercial vegetable production.~~

~~iii. The actions, and timeframes to ensure that the diffuse discharge of nitrogen, does not increase beyond the Nitrogen Reference Point, for the property or enterprise.~~

~~iv. The actions and timeframes to ensure that the diffuse discharge of nitrogen does not increase beyond the Nitrogen Reference Point for the property or enterprise.~~

v. The term of the resource consent.

vi. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent to demonstrate and/or monitor the use of land generally in accordance compliance with the Farm Environment Plan.

~~vii. The time frame and circumstances under which the consent conditions may be reviewed.~~

~~viii. Procedures for reviewing, amending and re-certifying the Farm Environment Plan.~~

## **Notification:**

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

Advisory note: Under section 20A(2) of the RMA a consent must be applied for within 6 months of ~~1 January 2020~~ 1 September 2021 1 March 2022, namely by ~~1 July 2020~~ 1 March 2022 1 September 2022.

### **3.11.5.5A Controlled Activity Rule –Transfer of Commercial Vegetable Production Activity**

The diffuse discharge of nitrogen, phosphorous, sediment and microbial pathogens from commercial vegetable production onto or into land in circumstances which may result in those contaminants entering water where that commercial vegetable production activity has been legally established on a parent property and is transferring the activity to a new property in the same sub-catchment shall be a controlled activity, subject to the following standards and terms:

1. The parent property and the new property are registered with the Waikato Regional Council in conformance with Schedule A, and
2. A Nitrogen Reference Point for the commercial vegetable production activity at the parent property has been calculated in conformance with Schedule B and the proposed commercial vegetable production activity at the new property is of an intensity and scale that does not result in the Nitrogen Reference Point value of the activity as undertaken at the parent property being exceeded, as measured by the five year rolling average annual nitrogen loss determined by the current version of OVERSEER®.
3. The use of the area of land on the new property for farming activities and the associated diffuse discharge of nitrogen, phosphorous, sediment and microbial pathogens onto or into that area of land in circumstances which may result in those contaminants entering water is ceased prior to the commencement of the commercial vegetable production activity on that same area of land.
4. A Farm Environment Plan for the property or enterprise prepared in conformance with Schedule 1 and approved by a Certified Farm Environment Planner is provided to the Waikato Regional Council at the time the resource consent application is lodged.
5. The use of land shall be undertaken generally in accordance with the actions and timeframes specified in the Farm Environment Plan.

### **Matters of Control**

- i. The term of the resource consent.
- ii. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent to demonstrate and/or monitor compliance with the Farm Environment Plan.

### **Notification:**

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

### Information Requirements - Controlled Activities

Applications for a Controlled Activity under either Rules 3.11.4, 3.11.4A 3.11.5.5 or 3.11.5.5A shall, at minimum, provide the following information:

- a. A Farm Environment Plan prepared in conformance with Schedule 1 along with evidence of approval of the Farm Environment Plan by a Certified Farm Environment Planner; and
- b. Evidence of the registration of the property with the Waikato Regional Council in conformance with Schedule A; and
- c. A Nitrogen Reference Point for the property or enterprise in conformance with Schedule B; and
- d. Information explaining how Schedule C will be complied with.

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

The use of land for farming activities that does not comply with the conditions, standard or terms of Rules 3.11.5.1 to 3.11.5.5A and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a restricted discretionary activity (requiring resource consent).

Waikato Regional Council restricts its discretion over the following matters:

- i. Cumulative effects of the farm enterprise on water quality of the sub-catchment within which the farming activity occurs and, where relevant, the wider catchment of the Waikato and Waipa Rivers
- ii. The diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens from the farm enterprise, taking into account:
  - (a) the relative proportion of nitrogen, phosphorus, sediment and microbial pathogens that the particular discharge contributes to the catchment load; and
  - (b) the characteristics of the sub-catchment within which the subject farming enterprise is located as set out in the relevant Sub-catchment Management Plan and Catchment Profile produced by Waikato Regional Council; and
  - (c) the scale and significance of the risk from each contaminant discharge to the achievement of the values and uses for the Waikato and Waipa Rivers;
  - (d) the relative contribution of the industry sector within which the farming enterprise belongs to the likely achievement of the short term targets<sup>^</sup> in Objective 3 or the progression towards the outcomes anticipated by the Vision & Strategy referred to in Objective 1; and
  - (e) the resources reasonably available to the farming enterprise.
- iii. The need for and the content of a Farm Environment Plan including the significance of any failure to comply with Schedule 1 in the context of the matters listed in paragraph ii above.
- iv. The term of the resource consent.
- v. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent.

vi. The time frame and circumstances under which the consent conditions may be reviewed.

vii. If the property is subdivided, the Nitrogen Reference Point for all of the lots created by the subdivision by reference to the significance of any failure to comply with Schedule B for each individual lot in the context of the matters referred to in paragraph ii above.

~~vii.viii.~~ The significance of any failure to address or comply with the matters addressed by contained in Schedules A, B and C, in the context of the matters listed in paragraph ii above.

Notification:

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

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

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

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

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

Notification:

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

#### **Information Requirements - Restricted Discretionary and Discretionary Activities**

Applications for a Restricted Discretionary Activity under Rule 3.11.5.6 or a Discretionary Activity under Rule 3.11.5.7 shall, at minimum, provide the following information:

- a. An analysis of the Most Practicable Actions to manage the discharge of nitrogen, phosphorous, sediment and microbial pathogens on a proportional basis that will be implemented by the operator of the farm enterprise; and
- b. A description of the monitoring, record keeping, reporting and information provision methods that will be implemented by the consent holder to ensure efficient and effective communication with the Waikato Regional Council on consent related matters; and
- c. Where consent is sought to allow an exceedance of permitted or controlled activity nitrogen limits, an analysis and description of how the risks associated with discharges from the farm enterprise of phosphorous, sediment and microbial pathogen onto or into land in circumstances which may result in those contaminants entering water can be reasonably managed; and

d. Information setting out the value of existing investment in the farming enterprise to which the consent application relates.

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

Properties with an area greater than 2 4.1 hectares (excluding urban properties) must be registered with the Waikato Regional Council in the following manner:

1. Registration must occur between ~~1 September 2018~~ 1 May 2020 and ~~31 March 2019~~ 30 November 2020.
2. Registration information set out in clause 5, and where relevant in clause 6, below must be provided.
3. Proof of registration must be provided to the Waikato Regional Council if requested by the Council.
4. Registration information must be updated by the new owner of a property within 30 working days of the new owner taking possession of the property, or otherwise at the request of the Waikato Regional Council.
5. All property owners must provide:
  - a. The following information in respect of the land owner, and the person responsible for using the land (if different from the land owner):
    - i. Full name.
    - ii. Trading name (if applicable, where the owner is a company or other entity).
    - iii. Full postal and email address.
    - iv. Telephone contact details.
  - b. Legal description of the property as per the certificate(s) of title.
  - c. Physical address of the property.
  - d. A description of the land use activity or activities undertaken on the property as at 22 October 2016, including the land area of each activity.
  - e. The total land area of the property.
  - f. Where the land is used for grazing, the stocking rate of animals grazed on the land.
6. Properties that graze livestock must also provide a map showing:
  - a. The location of:
    - i. Property boundaries; and
    - ii. Water bodies listed in Schedule C for stock exclusion within the property boundary and fences adjacent to those water bodies; and
    - iii. Livestock crossing points over those water bodies and a description of any livestock crossing structures.

The Waikato Regional Council will only use this information for the purposes establishing compliance with Waikato Regional plan rules and will not provide or disclose personal or confidential details collective under this Schedule to any third party.

## Schedule B - Nitrogen Reference Point/Te Āpitiwhanga B – Te tohu ā-hauota

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

- a. The Nitrogen Reference Point must be calculated by a Certified Farm Nutrient Advisor to ~~determine~~ estimate 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.
- b. The Nitrogen Reference Point shall be the highest annual nitrogen leaching loss that occurred during a single year (being 12 consecutive months) within the reference period specified in clause f), except for commercial vegetable production in which case the Nitrogen Reference Point shall be the average annual nitrogen leaching loss during the reference period (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).
- c. 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 version approved by the Chief Executive of the Waikato Regional Council.
- d. The Nitrogen Reference Point data shall comprise the electronic output file from the OVERSEER or other approved model, and where the OVERSEER Model is used, it must be calculated using the OVERSEER Best Practice Data Input Standards 2016 (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.
- e. The Nitrogen Reference Point ~~and the Nitrogen Reference Point data~~ must be provided to Waikato Regional Council within the period ~~1 September 2018~~ 1 May 2020 to ~~31 March 2019~~ 30 November 2020.
- f. The reference period is the ~~two~~ ten financial years covering ~~2014/2015 and 2005/2006 to~~ 2015/2016, except for commercial vegetable production in which case the reference period is 1 July 2006 to 30 June 2016.
- g. The following records (where relevant to the land use undertaken on the property or enterprise) must be retained for a period of seven years and provided to Waikato Regional Council at its request:
  - i. Stock numbers as recorded in annual accounts together with stock sale and purchase invoices;
  - ii. Dairy production data;
  - iii. Invoices for fertiliser applied to the land;
  - iv. Invoices for feed supplements sold or purchased;
  - v. Water use records for irrigation (to be averaged over 3 years or longer) in order to determine irrigation application rates;
  - vi. Crops grown on the land; and

vii. Horticulture crop diaries and NZGAP records.

h. The Nitrogen Reference Point must be calculated using the data input methodology contained in Table 1, except where reliable actual data is available that can be used in substitution for Overseer defaults or where approval is obtained from the Chief Executive of the Waikato Regional Council for deviation from the Overseer parameter setting.

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

Overseer parameter	Setting that must be used <u>(unless otherwise provided for in Chapter 3.11)</u>	Explanatory note
Missing data	In the absence of Nitrogen Referencing information being provided the Waikato Regional Council will use the appropriate default numbers for any necessary inputs to the Overseer model. <u>{Where the default numbers are not available or are not a reasonable proxy for the farming activity, the activity will receive the average value for that input for the same farming activity in the same such default numbers will generally be around 75% of normal Freshwater Management Unit^ or sub-catchment average values for those inputs}.</u>	Some farms will not be able to supply data, therefore a default must be established.

## Schedule C - Stock exclusion and setbacks/Te Āpitiwhanga C – Te aukatinga o ngā kararehe

The standards in Schedule C apply to all farming activities unless accompanied by an FEP providing for alternative mitigations or accompanied by resource consent under Rule 3.11.5.6.

### A. Stock exclusion and setbacks

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:~~

~~1. a.~~ 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.

~~2. New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within one metre of the bed of the water body (excluding constructed wetlands).~~

~~3. b.~~ 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.

c. The following situations are excluded from clauses a. and b.:

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.

2. Cultivation must be set back a minimum of 1m from the water bodies listed in section C i. to iv. below.

### B. Dates

~~4. 1.~~ 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:

a. By 1 July ~~2023~~ 2025 for properties and enterprises within Priority 1 sub-catchments listed in Table 3.11-2.

b. By 1 July ~~2026~~ 2028 for properties and enterprises within Priority 2 and Priority 3 sub-catchments listed in Table 3.11-2.

~~5. 2.~~ 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 ~~2026~~ 2028.

### C. Water bodies

Water bodies from which cattle, horses, deer and pigs must be excluded or from which cultivation setbacks apply:

- i. Any river that continually contains surface water and is wider than one metre and deeper than 30cm.
- ii. Any drain that continually contains surface water and is wider than one metre and deeper than 30cm.
- iii. Any significant wetland, ~~including~~ excluding a constructed wetland
- iv. Any lake that is greater than 1ha in area.

Exclusions:

~~The following situations are excluded from clauses A 1 and A 2:~~

~~I. Where the entry onto or passing across the bed of the water body is by horses that are being ridden or led.~~

~~II. Where the entry onto or passing across the bed of the water body is by a feral animal.~~

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

A Farm Environment Plan shall be prepared in accordance with the requirements ~~of A set out~~ below. The Farm Environment Plan shall be certified as meeting the requirements of ~~A Schedule 1~~ by a Certified Farm Environment Planner.

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

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

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

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.

### **Purpose of a Farm Environment Plan**

The purpose of a Farm Environment Plan is to identify the Most Practicable Action for the management of diffuse discharges from the farm enterprise of nitrogen, phosphorous, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water in order to assist with achieving the short term targets^ in Objective 3 or making progress towards the outcomes anticipated by the Vision & Strategy and the values^ referred to in Objective 1.

For the purposes of a Farm Environment Plan, Most Practicable Action means the combination, priority and timing of actions to manage the discharge of contaminants from the farm enterprise that:

a. recognises and provides for the characteristics of the sub-catchment within which the subject farming enterprise is located as set out in the relevant Sub-catchment Management Plan and Catchment Profile produced by Waikato Regional Council; and

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

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 referred to in Objective 1; and

d. takes account of the resources reasonably available to the farm enterprise

### **Content of a Farm Environment Plan**

To the extent that it is applicable to the particular farm enterprise, a Farm Environment Plan shall contain:

A. Farm Environment Plans shall contain as a minimum:

1. The property or enterprise details:

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

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

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

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

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

2. Unless accompanied by a resource consent under Rule 3.11.5.4A, 3.11.5.6 or 3.11.5.7, or in the case of Schedule C appropriately addressed by an alternative mechanism as part of the assessment in paragraph 3, information to demonstrate compliance with Schedule B (Nitrogen Reference Point) and Schedule C (Stock Exclusion and Setbacks).

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

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

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

~~(ii) for areas with a slope exceeding 25 mitigation measures, and where stream fencing is impracticable, the provision of alternative~~

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

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

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

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

~~(c) 3. A description of the critical source areas from which diffuse discharges of sediment, nitrogen, phosphorus and microbial pathogens associated with the farm enterprise are lost, and identification of the Most Practicable Action including:~~

~~(i) (a) the identification of any intermittent waterways, overland flow paths and areas prone to flooding and ponding within the critical source areas, and an assessment of opportunities to minimise losses from these areas through the Most Practicable Action to manage any risks~~

from the critical source areas. Such actions could include appropriate stocking policy, stock exclusion and/or measures to detain floodwaters and settle out or otherwise remove sediment, nitrogen, phosphorus and microbial pathogens (e.g. detention bunds, sediment traps, natural and constructed wetlands); and

~~(ii)~~ (b) the identification of any actively eroding areas, erosion prone areas, and areas of bare soil within the critical source areas within the critical source areas, as well as any erosion or sediment loss from cultivation within the critical source areas, and ~~appropriate measures an assessment of the Most Practicable Action any~~ for erosion and sediment control. and Actions could include re-vegetation; and

~~(iii)~~ (c) an assessment of the risk of diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens from any tracks and races and livestock crossing structures to waterways within the critical source areas, and ~~the identification of appropriate measures to minimise an assessment of the Most Practicable Action to reduce any of~~ these discharges. Actions could include (e.g. cut-off drains, and shaping); and

~~(iv)~~ (d) the identification of any areas where effluent accumulates including yards, races, livestock crossing structures, underpasses, stock camps, and feed-out areas within the critical source areas, and ~~appropriate measures to minimise the risk of an assessment of the Most Practicable Action to reduce any risk of~~ diffuse discharges of contaminants from these areas to groundwater or surface water; and

~~(v)~~ (e) the identification of any other 'hotspots' such as fertiliser, silage, compost, or effluent storage facilities, wash-water facilities, offtal or refuse disposal pits, ~~and~~ feeding or stock holding areas, ~~and the appropriate measures to minimise an assessment of the Most Practicable Action to reduce~~ the risk of diffuse discharges of any contaminants from these areas to groundwater or surface water; and

(f) a description of any systems for managing collected animal effluent and freshwater irrigation, including the Most Practicable Action to reduce any risk of contaminants from these areas or the use of these systems to groundwater or surface water.

~~(d) An assessment of appropriate land use and grazing management for specific areas on the farm in order to maintain and improve the physical and biological condition of soils and minimise the diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens to water bodies, including:~~

~~(i) matching land use to land capability; and~~

~~(ii) identifying areas not suitable for grazing; and~~

~~(iii) stocking policy to maintain soil condition and pasture cover; and~~

~~(iv) the appropriate location and management of winter forage crops; and~~

~~(v) suitable management practices for strip grazing.~~

~~(e) A description of nutrient management practices including a nutrient budget for the farm enterprise calculated using the model OVERSEER in accordance with the OVERSEER use protocols, or using any other model or method approved by the Chief Executive Officer of Waikato Regional Council.~~

~~(f) A description of cultivation management, including:~~

~~(i) The identification of slopes over 15 and how cultivation on them will be avoided; unless contaminant discharges to water bodies from that cultivation can be avoided; and~~

4. For cultivation on land with slopes greater than 25°, assessment of the Most Practicable Action to mitigate any (ii) How the adverse effects of cultivation on slopes of less than 15 degrees will be mitigated including through appropriate erosion and sediment controls for each paddock that will be cultivated including by:

(a) assessing where overland flows enters and exits the paddock in rainfall events; and

(b) identifying appropriate measures to divert overland flows from entering the cultivated paddock; and

(c) identifying measures to trap sediment leaving the cultivated paddock in overland flows; and

(d) maintaining appropriate buffers between cultivated areas and water bodies ~~(minimum 5m setback).~~

~~(e) A description of collected animal effluent management including how the risks associated with the operation of effluent systems will be managed to minimise contaminant discharges to groundwater or surface water.~~

~~(f) A description of freshwater irrigation management including how contaminant loss arising from the irrigation system to groundwater or surface water will be minimised.~~

3.5. A spatial risk map(s) at a scale that clearly shows:

(a) The boundaries of the property; and

(b) The locations of the main land uses ~~(6)~~ that occur on the property; and

(c) The locations of existing and future mitigation actions to manage contaminant diffuse discharges; and

(d) Any relevant internal property boundaries that relate to risks and mitigation actions described in this plan; and

(e) The location of continually flowing rivers, streams, and drains and permanent lakes, ponds and wetlands; and

(f) The location of riparian vegetation and fences adjacent to water bodies; and

(g) The location of critical source areas for contaminants, as identified in ~~2 (c)~~ 3 above.

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

6. Assessment of the risk of how known natural hazards and/or climate change may affect farming activities on the property, including commentary on how the occurrence of the known natural hazard could foreseeably alter the Most Practicable Actions outlined in the Farm Environment Plan.

5. 7. A description of the following:

(a) actions that are intended to be undertaken in response to any risks identified in the Farm Environment Plan (having regard to their relative priority and significance) as well as where the time-bound actions are intended to be undertaken, and when and to what standard they are intended to be completed; and

~~(a)~~ (b) Actions, timeframes and other measures to ensure that the diffuse discharge of nitrogen from the property or enterprise, as measured by the five-year rolling average annual nitrogen loss as determined by the use of the ~~current~~ version of OVERSEER current at the time at the time of preparation of the Farm Environment Plan does not increase beyond the property or enterprise's Nitrogen Reference Point, unless other suitable mitigations are specified or consent is obtained under Rule 3.5.11.4A or 3.5.11.6 or 3.5.11.7; or

~~(b)~~ (c) Where the Nitrogen Reference Point exceeds the 75<sup>th</sup> percentile nitrogen leaching value, actions, timeframes and other measures to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75<sup>th</sup> nitrogen leaching value by 1 July ~~2026~~ 2028, except in the case of Rule 3.11.5.5, Rule 3.11.5.6 or Rule 3.11.5.7.

### Vegetable growing minimum standards

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

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

### Process for Amending and/or Reviewing a Farm Environment Plan

Farm Environment Plans can be amended and/or reviewed at the request of the farmer, or by way of review initiated by Waikato Regional Council in accordance with the process set out below.

Triggers for amending/reviewing a Farm Environment Plan may include (but are not limited to)<sup>1</sup>:

- a) At the direction of Council or a Certified Industry Scheme;
- b) Where a farmer transfers between Certified Industry Schemes or to a consented activity;
- c) Where there has been a material change in on farm risk or circumstances that would require changes to the mitigation actions within the Farm Environment Plan.

#### **Farmer or Industry Scheme Initiated Amendments**

Farmer initiated amendments to a Farm Environment Plan must be approved by a Certified Farm Environment Planner (“CFEP”). Any amendments shall remain consistent with the overall purpose and intent of the relevant Farm Environment Plan, and be prepared in the manner set out previously in this Schedule without the need to apply for a change to consent condition under the RMA.

**d)** Amendments to a Farm Environment Plan approved by a CFEP must be provided to Waikato Regional Council within 30 working days of the amendment being approved in writing by the CFEP. A copy of the latest approved version of a Farm Environment Plan for a farming activity shall be available from the Waikato Regional Council on-line portal at all times.

#### **Council Initiated reviews**

Waikato Regional Council may every five (5) years after the date of approval of a FEP, serve notice on the Farm Environment Plan holder of its intention to review any or all of the content of the Farm Environment Plan for any of the following purposes:

- a. To address situations where the Farm Environment Plan actions are not achieving the intended environmental outcomes envisaged by the Farm Environment Plan.
- b. To address situations where environmental or other circumstances (e.g. technology) change and as result the Most Practical Actions set out in the Farm Environment Plan require review.

The matters that require attention will be advised to the Farm Environment Plan holder in writing by Waikato Regional Council within 10 working days of the completion of the review. Upon receipt of such notification the Farm Environment Plan holder will engage a CFEP to prepare a new or amended Farm Environment Plan at the farmer’s cost to address matters identified in the review.

#### **Dispute Resolution**

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<sup>1</sup> 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.

Any dispute or difference arising out of or in relating the approval of or amendments to a Farm Environment Plan may be referred to mediation, a non-binding dispute resolution process in which an independent mediator facilitates negotiation between the parties.

Mediation may be initiated by either party writing to the other party and identifying the dispute which is being suggested for mediation. The other party will either agree to proceed with mediation or agree to attend a preliminary meeting with the mediator to discuss whether mediation would be helpful in the circumstances.

The parties will agree on a suitable person to act as mediator or will ask the Arbitrators' and Mediators' Institute of New Zealand Inc. to appoint a mediator. The mediation will be in accordance with the Mediation Protocol of the Arbitrators' and Mediators' Institute of New Zealand Inc."

The mediation shall be terminated by –

- (a) The signing of a settlement agreement by the parties; or
- (b) Notice to the parties by the mediator, after consultation with the parties, to the effect that further efforts at mediation are no longer justified; or
- (c) Notice by one or more of the parties to the mediator to the effect that further efforts at mediation are no longer justified; or
- (d) The expiry of sixty (60) working days from the mediator's appointment, unless the parties expressly consent to an extension of this period.

If no mediation is agreed to or if the mediation should be terminated as provided in (b), (c) or (d), any dispute or difference arising out of or relating to the approval of or amendments to a Farm Environment Plan, shall be referred to and finally resolved by arbitration in New Zealand in accordance with New Zealand law and the current Arbitration Protocol of the Arbitrators' and Mediators' Institute of New Zealand Inc. The arbitration shall be by one arbitrator to be agreed upon by the parties and if they should fail to agree within twenty-one (21) days, then to be appointed by the President of the Arbitrators' and Mediators' Institute of New Zealand Inc.

## **Schedule 1A - Requirements for Simplified Farm Environment Plans**

A Simplified Farm Environment Plan shall be prepared in accordance with the requirements set out below. The Simplified Farm Environment Plan shall be certified as meeting the requirements of Schedule 1A by a Certified Farm Environment Planner.

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

The requirements set out below apply to all Simplified Farm Environment Plans.

This schedule applies to all farming activities that require a Simplified Farm Environment Plan, but it is acknowledged that some provisions will not be relevant to every farming activity.

### **Purpose of a Simplified Farm Environment Plan**

The purpose of a Simplified Farm Environment Plan is to identify the Most Practicable Action for the management of diffuse discharges from the farm enterprise of nitrogen, phosphorous, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water in order to assist with achieving the short term targets^ in Objective 3 or making progress towards the outcomes anticipated by the Vision & Strategy referred to in Objective 1.

For the purposes of a Simplified Farm Environment Plan, Most Practicable Action means the combination, priority and timing of actions to manage the discharge of contaminants from the farming enterprise that:

a. recognises and provides for the characteristics of the sub-catchment within which the subject farming enterprise is located as set out in the relevant Sub-catchment Management Plan and Catchment Profile produced by Waikato Regional Council; and

b. corresponds to 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 & Strategy referred to in Objective 1; and

c. takes account of 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 & Strategy referred to in Objective 1; and

d. takes account of the resources reasonably available to the farming enterprise

### **Content of a Simplified Farm Environment Plan**

To the extent that it is applicable to the particular farm enterprise, a Simplified Farm Environment Plan shall contain:

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

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

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

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

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

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

2. Unless accompanied by a resource consent under Rule 3.11.5.4A, 3.11.5.6 or 3.11.5.7, information to demonstrate compliance with Schedule C (Stock Exclusion and Setbacks).

3. A description of the critical source areas from which diffuse discharges of sediment, nitrogen, phosphorus and microbial pathogens associated with the farm enterprise are lost, and identification of the Most Practicable Action including:

(a) the identification of intermittent waterways, overland flow paths and areas prone to flooding and ponding within the critical source areas, and an assessment of the Most Practicable Action to manage risks from the critical source areas. Such actions could include appropriate stocking policy, stock exclusion and/or measures to detain floodwaters and settle out or otherwise remove sediment, nitrogen, phosphorus and microbial pathogens (e.g. detention bunds, sediment traps, natural and constructed wetlands); and

(b) the identification of actively eroding areas, erosion prone areas, and areas of bare soil within the critical source areas within the critical source areas, and an assessment of the Most Practicable Action for erosion and sediment control. ~~and~~ Actions could include re-vegetation; and

(c) an assessment of the risk of diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens from tracks and races and livestock crossing structures to waterways within the critical source areas, and an assessment of the Most Practicable Action to reduce these discharges. Actions could include cut-off drains, and shaping}; and

(d) the identification of areas where effluent accumulates including yards, races, livestock crossing structures, underpasses, stock camps, and feed-out areas within the critical source areas, and an assessment of the Most Practicable Action to reduce the risk of diffuse discharges of contaminants from these areas to groundwater or surface water; and

(e) the identification of other 'hotspots' such as fertiliser, silage, compost, or effluent storage facilities, wash-water facilities, offal or refuse disposal pits, feeding or stock holding areas, and erosion or sediment loss from cultivation within the critical source areas, and an assessment of the Most Practicable Action to reduce the risk of diffuse discharges of contaminants from these areas to groundwater or surface water; and

(f) a description of any systems for managing collected animal effluent and freshwater irrigation, including the Most Practicable Action to reduce the risk of contaminants from these areas or the use of these systems to groundwater or surface water.

4. For cultivation on land with slopes greater than 25°, assessment of the Most Practicable Action to mitigate any adverse effects of cultivation including through appropriate erosion and sediment controls for each paddock that will be cultivated including by:

(a) assessing where overland flows enters and exits the paddock in rainfall events; and

(b) identifying appropriate measures to divert overland flows from entering the cultivated paddock; and

(c) identifying measures to trap sediment leaving the cultivated paddock in overland flows; and

(d) maintaining appropriate buffers between cultivated areas and water bodies.

5. A spatial risk map(s) at a scale that clearly shows:

(a) The boundaries of the property; and

(b) The locations of the main land uses that occur on the property; and

(c) The locations of existing and future mitigation actions to manage contaminant diffuse discharges; and

(d) Any relevant internal property boundaries that relate to risks and mitigation actions described in this plan; and

(e) The location of continually flowing rivers, streams, and drains and permanent lakes, ponds and wetlands; and

(f) The location of riparian vegetation and fences adjacent to water bodies; and

(g) The location of critical source areas for contaminants, as identified in 3 above.

6. A description of the actions that will be undertaken in response to any risks identified in the risk assessment in 3 and 4 above (having regard to their relative priority and timing) as well as where any mandatory time-bound actions will be undertaken, and when and to what standard they will be completed.

7. Assessment of the risk of how known natural hazards and/or climate change may affect farming activities on the property, including commentary on how the occurrence of the known natural hazard could foreseeably alter the Most Practicable Actions outlined in the Simplified Farm Environment Plan.

8. A description of the actions that are intended to be undertaken in response to any risks identified in the Simplified Farm Environment Plan (having regard to their relative priority and significance) as well as where the time-bound actions are intended to be undertaken, and when and to what standard they are intended to be completed.

### **Process for Amending and/or Reviewing a Simplified Farm Environment Plan**

Simplified Farm Environment Plans can be amended and/or reviewed at the request of the farmer, or by way of review initiated by Waikato regional Council in accordance with the process set out below.

Triggers for amending/reviewing a Simplified Farm Environment Plan may include (but are not limited to)<sup>2</sup>:

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<sup>2</sup> 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 Simplified Farm Environment Plan.

- a) At the direction of Council; and
- b) Where there has been a material change in on farm risk or circumstances that would require changes to the mitigation actions within the Simplified Farm Environment Plan.

### **Farmer Initiated Amendments**

Farmer initiated amendments to a Simplified Farm Environment Plan must be approved by a Certified Farm Environment Planner (“CFEP”). Any amendments shall remain consistent with the overall purpose and intent of the relevant Simplified Farm Environment Plan, and be prepared in the manner set out previously in this Schedule without the need to apply for a change to consent condition under the RMA.

e) Amendments to a Simplified Farm Environment Plan approved by a CFEP must be provided to Waikato Regional Council within 30 working days of the amendment being approved in writing by the CFEP. A copy of the latest approved version of a Simplified Farm Environment Plan for a farming activity shall be available from the Waikato Regional Council on-line portal at all times.

### **Council Initiated reviews**

Waikato Regional Council may every five (5) years after the date of approval of a Simplified Farm Environment Plan, serve notice on the Simplified Farm Environment Plan holder of its intention to review any or all of the content of the Simplified Farm Environment Plan for any of the following purposes:

- a. To address situations where the Simplified Farm Environment Plan actions are not achieving the intended environmental outcomes envisaged by the Simplified Farm Environment Plan.
- b. To address situations where environmental or other circumstances (e.g. technology) change and as result the Most Practical Actions set out in the Simplified Farm Environment Plan require review.

The matters that require attention will be advised to the Simplified Farm Environment Plan holder in writing by Waikato Regional Council within 10 working days of the completion of the review. Upon receipt of such notification the Simplified Farm Environment Plan holder will engage a CFEP to prepare a new or amended Simplified Farm Environment Plan at the farmer’s cost to address matters identified in the review.

### **Dispute Resolution**

Any dispute or difference arising out of or in relating the approval of or amendments to a Simplified Farm Environment Plan may be referred to mediation, a non-binding dispute resolution process in which an independent mediator facilitates negotiation between the parties.

Mediation may be initiated by either party writing to the other party and identifying the dispute which is being suggested for mediation. The other party will either agree to proceed with mediation or agree to attend a preliminary meeting with the mediator to discuss whether mediation would be helpful in the circumstances.

The parties will agree on a suitable person to act as mediator or will ask the Arbitrators’ and Mediators’ Institute of New Zealand Inc. to appoint a mediator. The mediation will be in accordance with the Mediation Protocol of the Arbitrators’ and Mediators’ Institute of New Zealand Inc.”

The mediation shall be terminated by –

- (a) The signing of a settlement agreement by the parties; or
- (b) Notice to the parties by the mediator, after consultation with the parties, to the effect that further efforts at mediation are no longer justified; or
- (c) Notice by one or more of the parties to the mediator to the effect that further efforts at mediation are no longer justified; or
- (d) The expiry of sixty (60) working days from the mediator's appointment, unless the parties expressly consent to an extension of this period.

If no mediation is agreed to or if the mediation should be terminated as provided in (b), (c) or (d), any dispute or difference arising out of or relating to the approval of or amendments to a Simplified Farm Environment Plan, shall be referred to and finally resolved by arbitration in New Zealand in accordance with New Zealand law and the current Arbitration Protocol of the Arbitrators' and Mediators' Institute of New Zealand Inc. The arbitration shall be by one arbitrator to be agreed upon by the parties and if they should fail to agree within twenty-one (21) days, then to be appointed by the President of the Arbitrators' and Mediators' Institute of New Zealand Inc.

## **Schedule 2 - Certification of Industry Schemes/Te Āpitihanga 2 – Te whakamana i ngā tohu o ngā Kaupapa Ahumahi**

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

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

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

### **Assessment Criteria**

#### **A. Certified Industry Scheme System**

The application must demonstrate that the Certified Industry Scheme:

1. Is consistent with:

~~a. the achievement of the water quality targets referred to in Objective 3; and~~

b. the purposes of Policy 2 or 3, [Policies 2A and 2B and the purpose of a Farm Environment Plan as set out in Schedule 1](#); and

c. the requirements of Rules 3.11.5.3 and 3.11.5.5.

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

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

a. Competent and consistent performance in Farm Environment Plan preparation and audit.

b. Effective internal monitoring of performance.

c. Robust data management.

d. Timely provision of suitable quality data to Waikato Regional Council.

e. Timely and appropriate reporting.

f. Corrective actions will be implemented and escalated where required, including escalation to Waikato Regional Council if internal escalation is not successful.

g. Internal quality control.

h. The responsibilities of all parties to the Certified Industry Scheme are clearly stated.

i. An accurate and up to date register of scheme membership is maintained.

j. Transparency and public accountability of Certified Industry Schemes

k. The articles of the scheme are available for public viewing.

[l. Individual farmers retain and maintain access to data and information about them and their farm enterprise or property that is gathered as part of the Certified Industry Scheme.](#)

## B. People

The application must demonstrate that:

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

## C. Farm Environment Plans

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

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

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

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

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

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

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

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

#### **Explanatory note to Table 3.11-1**

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

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

- the current state value for median nitrate is 0.740 mgNO<sub>3</sub>-N/L. The short term **and 80-year targets are** is set at 0.740 mgNO<sub>3</sub>-N/L. It is in the A band for median nitrate and must maintain within that band. to reflect that there is to be no decline in water quality
- the current state value for E.coli is 696 E.coli/100ml. The **80-year target is 540 E.coli/100ml and the short term target is set at 680 E.coli/100ml to recognise the improvement needed in the first 10 years. 10% of the difference between the current state value and the 80-year target.**

The achievement of the attribute targets in Table 3.11-1 will be determined through analysis of 5-yearly monitoring data **as adjusted for any anomalies e.g. one off spikes**. The variability in water quality (such as due to seasonal and climatic events) and the variable response times of

the system to implementation of mitigations may mean that the targets are not observed for every attribute at all sites in the short term.

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

## Definitions

### Definition - 75<sup>th</sup> percentile nitrogen leaching value

75<sup>th</sup> percentile nitrogen leaching value: The 75<sup>th</sup> percentile value (units of kg N/ha/year) of all of the Nitrogen Reference Point values for dairy farming properties and enterprises within each [River Freshwater Management Unit](#)<sup>^</sup> and which are received by the Waikato Regional Council by ~~31 March 2019~~ [30 November 2020](#).

### Definition - Arable cropping

Arable cropping: means the following arable crops:

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

and includes maize grain, maize silage, cereal silage, and mangels.

### ~~Definition – Best management practice/s~~

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

### Definition - Catchment Profile

Catchment Profile: means the information about a sub-catchment or group of sub-catchments compiled and collated by Waikato Regional Council in accordance with Method 3.11.4.5A.

### Definition - Certified Farm Environment Planner

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

- a. five years experience in the management of pastoral, horticulture or arable farm systems; and
- b. completed advanced training or a tertiary qualification in sustainable nutrient management (nitrogen and phosphorus); and
- c. experience in soil conservation and sediment management.

### Definition - Certified Farm Nutrient Advisor

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

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

**Definition - Certified Industry Scheme/s**

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

**Definition - Commercial vegetable production**

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

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

**Definition - Cultivation**

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

- a. direct drilling of seed.
- b. ~~no-tillage practices~~ farming practices that do not require tillage or disturbance of the ground including but not limited to haymaking and topping of pasture.
- c. recontouring land.
- d. forestry.

**Definition - Dairy Farming**

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

**Definition - Diffuse discharge/s**

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

**Definition - Drain**

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

**Definition - Drystock Farming**

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

**Definition - Edge of field mitigation/s**

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

**Definition - Enterprise/s**

Enterprise/s: means one or more parcels of land held in single or multiple ownership to support the principle land use or land which the principle land use is reliant upon, and constitutes a single operating unit for the purposes of management. An enterprise is considered to be within a sub-catchment if more than 50% of that enterprise is within the sub-catchment [for the purposes of assessing the priority of sub-catchments in Table 3.11-2.](#)

**Definition - Escherichia coli (E. coli)**

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

**Definition - Farm Environment Plan/s**

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

**Definition - Farming activities**

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

**Definition – Farm enterprise**

Farm enterprise: For the purposes of Chapter 3.11, means the property upon which or enterprise within which farming activities are undertaken.

**Definition - Five-year rolling average**

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

**Definition - Forage crop**

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

**Definition - Good Management Practice/s**

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

**Definition - Livestock crossing structure**

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

**Definition - Mahinga kai**

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

**Definition - Microbial pathogen/s**

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

**Definition - Milking platform**

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

**Definition - Most Practicable Action**

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:

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

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<sup>^</sup> in Objective 3 or the progression towards the outcomes anticipated by the Vision & Strategy and values<sup>^</sup> referred to in Objective 1; and

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<sup>^</sup> in Objective 3 or the progression towards the outcomes anticipated by the Vision & Strategy and values<sup>^</sup> referred to in Objective 1; and

d. takes account of the resources reasonably available to the farm enterprise.

**Definition - Nitrogen Reference Point**

Nitrogen Reference Point: The nitrogen loss number (units of kg N/ha/year) that is derived from an OVERSEER<sup>®</sup> use protocol compliant OVERSEER<sup>®</sup> file that describes the property or farm enterprise (or parts of the property or farm enterprise, where it is more appropriate to calculate several Nitrogen Reference Points for the property or farm enterprise) and farm practices in an agreed year or years developed by a Certified Farm Nutrient Advisor, using the current version of the OVERSEER<sup>®</sup> model (or another model or version approved by the Council) for the property or enterprise at the "reference" point in time.

**Definition - Offset/s**

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

achieves a greater reduction in another contaminant with the net result being an overall improvement in water quality.

**Definition - Point source discharge/s**

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

**Definition – Restoration**

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

**Definition - Setback**

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

**Definition - Stock unit**

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

[stock unit table]

**Definition - Sub-catchment**

Sub-catchment: For the purposes of Chapter 3.11, means an area of land within the Waikato River catchment representing the contributing area draining to one of 7469<sup>(12)</sup> locations in the stream and river network, and may be used as the basic spatial unit for analysis and modelling.

**Definition - Tangata whenua ancestral lands**

Tangata whenua ancestral lands: means land that has been returned through settlement processes between the Crown and tangata whenua of the catchment, or is, as at the date of notification 22 October 2016, Māori freehold land under the jurisdiction of Te Ture Whenua Maori Act 1993.

**Definition – Urban properties**

Urban properties: means any property not zoned Rural in a District Plan prepared under the Resource Management Act.

**Definition - Woody vegetation**

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