

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

I MUA I TE KOOTI TAIAO O AOTEAROA TĀMAKI MAKURAU

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal pursuant to clause 14(1) of the First Schedule of the Act

BETWEEN FEDERATED FARMERS OF NEW ZEALAND INC

Appellant

A N D

WAIKATO REGIONAL COUNCIL

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON
A PROPOSED CHANGE TO A REGIONAL WATER CATCHMENT PLAN**

Clause 14(1) of the First Schedule, Resource Management Act 1991
8 July 2020



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To: The Registrar
Environment Court
Auckland

Federated Farmers of New Zealand Inc (“**Federated Farmers**”) appeals against a decision (or parts of the decision) of Waikato Regional Council (“**Council**”) on the following plan change:

Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments (“Plan Change 1”)

1. Federated Farmers made a submission on Plan Change 1.
2. Federated Farmers is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (“**Act**”).
3. Federated Farmers received notice of the decision on 22 April 2020. The appeal period closes on 8 July 2020.
4. The decision was made by the Council.

The decision (or parts of the decision) that Federated Farmers is appealing:

5. Federated Farmers appeals the decision to adopt Plan Change 1 (as amended by the Hearing Panel (“**Decisions Version**”)) in its entirety, i.e. the decision as it relates to the introduction and all of the objectives, policies, methods, rules, definitions and schedules.

The reasons for the appeal are as follows:

6. Federated Farmers supports sustainable management of resources and the use of regulatory and non-regulatory measures to maintain or enhance water quality, and to restore and protect the health and wellbeing of the Waikato and Waipā Rivers. However, Federated Farmers considers that the regulatory and non-regulatory methods proposed in Plan Change 1 do not appropriately give effect to the relevant higher order documents, have not appropriately balanced environmental, economic, social and cultural considerations, and are not the most efficient and effective means of achieving the objective of the plan change.
7. The general reasons for the appeal are that the Decisions Version:

- a. Is inappropriate and/or unnecessary.
 - b. Will not promote the sustainable management of resources, and are contrary to Part 2 and other relevant provisions of the Act.
 - c. Does not manage the use of resources in a way that enables the community to provide for their social and economic wellbeing.
 - d. Does not represent an efficient use and development of natural and physical resources.
 - e. Is contrary to good resource management practice.
 - f. Does not appropriately avoid, remedy or mitigate adverse effects on the environment.
 - g. Do not give effect to Te Ture Whaimana o Te Awa o Waikato (“**Vision & Strategy**”) and/or the National Policy Statement for Freshwater Management 2014, as amended in 2017 (“**NPS-FM**”) and/or the Waikato Regional Policy Statement (“**RPS**”).
 - h. Do not represent the most appropriate way to achieve the objectives of Proposed Plan Change 1 in terms of section 32 of the Act.
8. Federated Farmers' opposition in general terms is that the proposed provisions as currently drafted are unclear and unworkable.
9. Without limiting the generality of the above, further specific grounds of appeal are set out in Appendix 1.

Federated Farmers seeks the following relief:

- 10. Generally, Federated Farmers seeks relief which is consistent with its submission on Plan Change 1 (including its submission and further submission on Variation 1).
- 11. In addition, Federated Farmers seeks:
 - a. That Plan Change 1 is amended in the manner described in Appendix 1, or with words to like effect; and

- b. Such consequential or related relief as may be necessary to give effect to its concerns described in this notice of appeal, including consequential changes needed to policies or other provisions as a result of rules being amended.
12. Federated Farmers 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. An appropriate transition and pathway needs to be provided, including staging of actions over (with Federated Farmers' view being that the focus of the first 10 years is on 10% of the journey, with farms adopting good management practices or good farming practices). The provisions also need to be reasonable, practicable and implementable. They ought to provide for flexibility to tailor actions to particular farms, farm systems and/or locations. The actions required ought to recognise the scale, intensity and risk of activities, as well as the fact that this is the first part of the journey, the catchment is currently not well understood and farming activities are not the only (and in some cases even the main) driver of water quality issues.
13. Federated Farmers has concerns that the provisions, as they are currently drafted in the Decisions Version, do not strike the right balance and that there is a real risk of regulatory failure.

Attachments

14. Federated Farmers attaches the following documents to this notice:
- a. Appendix 1, setting out the specific reasons for the appeal and the relief sought.
15. The following documents are not attached because of the Environment Court's decision¹ to waive the requirement to attach these documents and the requirement to serve notices of appeal on submitters:
- a. A copy of Federated Farmers' submission and further submission.
 - b. A copy of the relevant decision.

¹ *An Application by Wairakei Pastoral Limited & Others [2020] NZEnvC 063.*

- c. A list of names and addresses of persons to be served with a copy of this notice.



N J Edwards
For Federated Farmers

Dated: 8 July 2020

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Contact person: Nikki Edwards, solicitor

Filing fee: \$511.11

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

The Environment Court has extended the timeframes for the filing of section 274 notices and has issued directions about service of section 274 notices.² Accordingly, to become a party to the appeal, you must,—

- by 29 September 2020, file an electronic copy of any section 274 notice of your wish to be a party to the proceedings (in form 33) by email to the Environment Court's dedicated email address at WRC.PC1appeals@justice.govt.nz, which may be signed or unsigned, in which case no hard copy need to be filed.
- by 29 September serve copies of your notice on Waikato Regional Council by sending an electronic copy to PC1Appeals@waikatoregion.govt.nz and on the appellant by sending an electronic copy to nedwards@fedfarm.org.nz.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

² An Application by Wairakei Pastoral Limited & Others [2020] NZEnvC 063.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission and the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

APPENDIX 1 – SPECIFIC PROVISIONS APPEALED, REASONS FOR APPEAL AND RELIEF SOUGHT

Provision appealed	Reasons for appeal	Relief sought
OBJECTIVES		
Objective 1 In relation to the effects of nitrogen, phosphorus, sediment and microbial pathogens on water quality, the health and wellbeing of the Waikato and Waipā Rivers, including all springs, lakes and wetlands within their catchments, is both restored over time and protected, with the result that in particular, they are safe for people to swim in and take food from at the latest by 2096.	<p>Federated Farmers supports restoring and protecting the Waikato and Waipā Rivers and staging this over 80 years to recognise the significant economic and social cost and the lack of available mitigations or technology to fully give effect to the Vision & Strategy now (or in the foreseeable future).</p> <p>Federated Farmers also supports the focus on achieving a state, in 80 years, where the rivers are safe for swimming and taking food from. However, Federated Farmers considers that the focus ought to be on those places and times of year where people swim and take food from, and not every part of the river or every spring, lake, wetland and catchment at all times of year. To achieve this would impose significant cost for no benefit (associated with swimming or taking food).</p>	Amend Objective 1 so that the focus is on restoring and protecting over time (at the latest by 2096) those <i>places and times of year</i> where the Waikato and Waipā Rivers, including all springs, lakes and wetlands within their catchments are used to swim in and take food from.
Objective 2 Progress is made over the life of this Plan towards the restoration and protection of the health and wellbeing of the Waikato and Waipā River catchments in relation to nitrogen, phosphorus, sediment and microbial pathogens by the short-term numeric water quality values in Table 3.11-1 being met no later than 10 years after Chapter 3.11 of this Plan is operative.	<p>Objective 2 requires the achievement of the short-term numeric water quality values in Table 3.11-1 (being 20% of the journey) within 10 years of PC1 becoming operative. This is very different from the notified version of PC1, Objective 3, which required actions to be put in place and implemented by 2026, to achieve the short term attribute states (being 10% of the journey).</p> <p>Federated Farmers supports a focus on 10 years from when the whole plan change becomes operative (as opposed to 10 years from when it was notified, or 10 years from when parts of it become operative) because of the time that has elapsed already and because it is not realistic to expect changes until after there is a requirement to undertake actions (through methods in the plan change).</p> <p>However, Federated Farmers is very concerned that the focus is on achieving water quality states that may take many years to be attained after the implementation of actions intended to achieve them (due to factors which</p>	Amend Objective 2 so that the focus is on implementing actions (that will assist to achieve the short-term numeric water quality values in Table 3.11-1) within 10 years after Chapter 3.11 is operative (as opposed to achieving certain attribute states). For clarity, these actions may include the adoption of a FEP but will not necessarily require all actions specified in the FEP to be implemented within 10 years.

Provision appealed	Reasons for appeal	Relief sought
	<p>are not able to be controlled, such as the load to come and groundwater travel times). Council can control actions on land but it cannot control when those actions result in measured improvements in water quality. In addition, there may be other factors that impact on water quality and mean that improvements as a result of mitigations on farm are not observable in monitoring data.</p> <p>Federated Farmers considers that the FEP will be the key tool for improving practices on farm. However, Federated Farmers considers that there should not be an obligation to implement the actions in a FEP in the 10 year timeframe of PC1 (as that would not recognise that actions need to be staged and that actions may be proposed and planned many years into the future).</p> <p>Federated Farmers considers that Objective 2 ought to be realistic and achievable. As drafted, there is no means of achieving it (particularly as some sub-catchments would have just five years to implement actions and then see the improvement in water quality, based on the current prioritisation of farm plans and consents).</p> <p>In addition, Objective 2 now relies on the achievement of 20% of the journey (as opposed to 10%). Federated farmers considers this even more unrealistic and unachievable, will likely impose significant cost (without providing an appropriate transition or pathway), and has not been the subject of a section 32 or 32AA assessment.</p> <p>Accordingly, Federated Farmers considers that Objective 2 ought to focus on 10% water quality improvement (by amendment of attribute states in Table 3.11-1 as proposed below, including that if current monitoring data is update, the short term targets need to be re-calculated to ensure that the obligation</p>	<p>Amend Table 3.11-1 so that the short term attribute states are based on 10% of the journey to the 80 year targets (irrespective of current water quality states) not 20%.</p>

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	<p>is to achieve 10% of the journey) and it ought to focus on implementation of actions to achieve that 10 years after PC1 is operative.</p> <p>This does not prevent actions from achieving more than 10% of the water quality improvement, but it does ensure that the target is realistic and achievable (as well as based on a robust section 32 assessment).</p>	
<p>Objective 3</p> <p>Waikato and Waipā communities are assisted to provide for their social, economic, spiritual and cultural wellbeing through staging the reduction of the discharges of nitrogen, phosphorus, sediment and microbial pathogens necessary to restore and protect the health and wellbeing of the Waikato and Waipā River catchments, and by the encouragement of collective community action for that purpose.</p>	<p>Federated Farmers supports the staging of actions and supports providing for the four wellbeings along the way. However, Federated Farmers considers that the wellbeing of individuals also needs to be provided for and it needs to be recognised that all sectors and land uses (including urban, hydro dams and natural sources, for example) are contributing to the issues and the Vision & Strategy will not solely be achieved by the farming sector acting alone.</p> <p>Federated Farmers also considers that the four wellbeings can be (and need to be) provided for by not just staging the reduction but the whole framework and approach.</p>	<p>Amend Objective 3 to clarify that the social, economic, spiritual and cultural wellbeing of individuals and communities will be provided for along the journey to achieving the Vision & Strategy and that the focus is on all sources of nitrogen, phosphorous, sediment and microbial pathogens, not just farming.</p>
<p>Objective 4</p> <p>Tangata whenua values are integrated into the management of the rivers and other water bodies within the Waikato and Waipā River catchments such that:</p> <p>a. Tangata whenua have the ability to:</p> <ul style="list-style-type: none"> 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 catchments; and 	<p>Federated Farmers is concerned that any flexibility for the use and management of tangata whenua ancestral land and land returned via Treaty settlements should not be used to provide an allocation to that land, or require existing landowners to make greater reductions in contaminants (now or in the future) in order to provide for development or additional flexibility on tangata whenua ancestral lands or Treaty settlement land.</p> <p>Federated Farmers is concerned that Objective 4, when combined with Policy 18, go beyond the function of a regional council in section 30 and potentially impose additional cost on existing farmers and landowners to provide for potential development of tangata whenua ancestral land and/or Treaty settlement land.</p>	<p>Amend Objective 4 to clarify that any flexibility for, or removal of impediments relating to, the development, use and management of tangata whenua ancestral land and land returned via Treaty settlements is subject to sustainable management, a consistent and effects based assessment, and is not to impose additional social and economic cost on existing</p>

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b. Any impediments to the flexibility of the use of tangata whenua ancestral lands and land returned via treaty settlements are restricted to those necessary to give effect to Te Ture Whaimana o Te Awa o Waikato; 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	<p>Federated Farmers is also concerned that a consistent and effects based approach ought to be adopted in response to any use of land or land use change. Federated Farmers proposes that the activity status for land use change is changed to discretionary and considers that this would be a more appropriate way to provide for land use change of any land, on an effects basis (as opposed to creating an exception for some land, based on ownership, through a policy framework).</p> <p>Federated Farmers considers that these issues ought to be addressed at a national level and not through a regional plan.</p>	<p>landowners (both now and in the future).</p> <p>Delete paragraph b of Objective 4.</p>
Objective 5 Restoration and protection of the health and wellbeing of the Whangamarino Wetland, over time and in relation to nitrogen, phosphorus, sediment and microbial pathogens at the latest by 2096, consistent with its status as an outstanding waterbody with significant values, including habitat for threatened species and sensitive raised bog ecosystems.	<p>Federated Farmers supports the principle of restoring Whangamarino Wetland, provided that such efforts are reasonable, take a whole catchment approach (where all land uses are considered), and take into account social and economic implications. This may mean that a staged approach is adopted, funding is made available and as long a transition period as possible is adopted for land use change or other significant changes.</p> <p>As discussed below, Federated Farmers does not consider that existing land use activities in the Whangamarino Wetland catchment should have a different activity status or that maps should be adopted in PC1 for the catchment (they ought to be part of a Catchment Profile, where they can be amended and updated as science and information changes without the need to do a plan change).</p>	<p>Amend Objective 5 to clarify that this is to be achieved whilst providing for the social and economic wellbeing of the existing farming and other activities that rely on the wetland or land uses around the wetland, recognising the existing land use activities, taking a whole of catchment approach and adopting a staged transition or imposition of change to reduce economic, social and other cost.</p>
POLICIES		
Policy 1 Manage farming land uses to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, by:	Federated Farmers has concerns that the wording of the opening wording of Policy 1 (and then the sub paragraphs) focuses on reducing the four contaminants everywhere. It is concerned that this means, for example, that every farm plan will need to show that all four contaminants are reduced (Policy 1(e)).	<p>Amend Policy 1 so that the focus is on reducing diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens where that is necessary and appropriate</p>

Provision appealed	Reasons for appeal	Relief sought
<p>a. Requiring a general improvement in farming practice to reduce diffuse discharges of those contaminants; and</p> <p>b. Focusing priority action on those farming practices that reduce those contaminant(s) set out in Table 3.11-2; and</p> <p>c. Enabling, through permitted activity rules, low intensity farming and horticultural activities (not including commercial vegetable production), with low risk of diffuse discharge of contaminants to water bodies, and requiring resource consents for all other activities; and</p> <p>d. Requiring a greater level of scrutiny, by resource consents, of those farming activities (including commercial vegetable production) that diffusely discharge into sub-catchments that include riverine or peat lakes identified on Map 3.11-1 in accordance with Policy 15; and</p> <p>e. Requiring the timely implementation of Farm Environment Plans to reduce diffuse discharges of those contaminants.</p>	<p>Such an approach would not take into account situations where there is no issue with one or more of the contaminants in the particular sub-catchment or where a particular farming activity is not contributing towards an issue.</p> <p>Such an approach may also preclude a farming activity from making a greater reduction in a contaminant that is an issue (say sediment) because it has to focus on making a reduction in a contaminant that is not an issue (say nitrogen). This would not result in a better environmental outcome and would likely result in a worse environmental outcome.</p> <p>Further, such an approach does not take into account the social and economic costs, which would likely significantly outweigh any benefit of reducing all contaminants everywhere.</p> <p>Paragraph a Federated Farmers is concerned that requiring general improvement in farming practice is not appropriate if this is required at an individual farmer (as opposed to catchment) level. For example, where a farm is already operating above good management practice and/or has achieved reductions in the contaminants that are an issue in the particular sub-catchment, it is not appropriate to require greater improvements (or to fail to recognise improvements made before there was a legal obligation to make them).</p> <p>Federated Farmers considers that paragraph a needs to be amended to clarify that “general improvement” is at a catchment or community level, and not at an individual farmer level.</p> <p>Paragraph b While Federated Farmers supports an approach that focuses on contaminants that are an issue, Federated Farmers does not support paragraph b because that requires all contaminants in Table 3.11-2 to be</p>	<p>(as opposed to requiring reductions of all contaminants everywhere), and at the same time providing for social and economic wellbeing, a staged approach and an appropriate transition.</p> <p>Amend paragraph a to clarify that general improvement in farming practice is at a catchment scale and not an individual farmer level.</p> <p>Delete paragraph b.</p> <p>Delete paragraph d.</p> <p>Amend paragraph e (and/or elsewhere in Policy 1) to require the reductions in one or more of the four contaminants, and the timing of the implementation of actions in FEPs to be tailored to each farm taking in a way that:</p> <ul style="list-style-type: none"> • Recognises and provides for the characteristics of the sub-catchment within

Provision appealed	Reasons for appeal	Relief sought
	<p>reduced, irrespective of whether the particular farming activity is contributing to them, the drivers of those contaminants or the practices already adopted.</p> <p>Federated Farmers considers its Catchment Profile approach, and framework proposed in response to Policy 2 below, better provides for tailoring and prioritising of actions to achieve improvements in water quality. Accordingly, paragraph b ought to be deleted.</p> <p>Paragraph c</p> <p>Federated Farmers has concerns about the risk of regulatory failure (if a large number of activities are to require certified FEPs and consent) and has concerns to ensure that a reasonable, practical and implementable framework is achieved. Accordingly, it supports the ability for small scale and low intensity farming to operate as a permitted activity and for consents to be required for higher intensity farming. As explained in the context of the rules below, Federated Farmers considers that the activity status for some activities is too stringent and it seeks changes to address its concerns.</p> <p>Paragraph d</p> <p>Federated Farmers does not agree that it is appropriate to require greater scrutiny of resource consents for farming activities in riverine or peat lakes. Federated Farmers is concerned that water quality issues for these lakes is not well understood (e.g. relationship between actions on farm and water quality, effects of pests and natural sources etc) and it is not appropriate to require greater actions by farmers until that is understood. A further issue is that there is no monitoring data or short term targets, and the lakes are small and spread around a variety of areas (each with different geophysical and other characteristics).</p> <p>Accordingly, Federated Farmers considers that paragraph d ought to be deleted.</p>	<p>which the farm is located as set out in the relevant Sub-catchment Management Plan and/or Catchment Profile developed by WRC [as provided by in the new Method 3.11.3.2A proposed by Federated Farmers]; and</p> <ul style="list-style-type: none"> • Corresponds to the scale and significance of the risk from the discharge of each contaminant from the farm to the likely achievement of Objective 2 and progression towards Objective 1. • Takes account of the relative contribution of the industry sector within which the farm belongs to the likely achievement of Objective 2 and progression towards Objective 1.

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	<p>Paragraph e</p> <p>Federated Farmers supports the timely implementation of FEPs but what is timely will vary depending on factors such as the particular farm system, farm business, location and sub-catchment, and contaminant. Accordingly, Federated Farmers considers that this requirement needs to be tailored to the particular farm taking into account the sub-catchment characteristics Federated Farmers proposes are incorporated into Catchment Profiles (Method 3.11.3.2A) and the framework Federated Farmers proposes in the context of Policy 2 below.</p> <p>Federated Farmers also considers that the extent of the reduction and which contaminants are reduced also needs to be tailored taking into account Catchment Profiles, proportionality and the resources reasonably available to the farm enterprise.</p>	<ul style="list-style-type: none"> Takes account of the resources reasonably available to the farm enterprise.
<p>Policy 2</p> <p>Provide for farming activities (that require a resource consent) other than commercial vegetable production, with a Farm Environment Plan prepared in accordance with Policy 4, as follows:</p> <p>a. Requiring farming activities with a Nitrogen Leaching Loss Rate within the Moderate Nitrogen Leaching Loss range set out in Schedule B Table 1 to obtain a resource consent, and to demonstrate that either the Nitrogen Leaching Loss Rate is already as low as practicable given the current land use or that the Nitrogen Leaching Loss Rate will reduce to the lowest practicable level over an appropriate specified period; and</p>	<p>In principle, Federated Farmers supports a policy containing guidance for resource consents and providing a framework for considering actions required in FEPs. However, Federated Farmers is concerned that Policy 2 does not contain sufficient guidance to a consenting officer and plan users about how different consents will be processed, how consistency will be achieved and what will be required by farmers.</p> <p>Federated Farmers is also concerned that there is a focus on nitrogen (and particularly on nitrogen reductions above efficiency or good management practice) and that is inconsistent with the policy decision to delete the NRP requirements and with the water quality data that nitrogen is the least of the issues for many sub-catchments.</p> <p>Federated Farmers seeks a consistent and equitable approach, across all discharges. Federated Farmers notes that the framework it proposes to</p>	<p>Amend the policy guidance for the preparation of FEPs (provided in Policy 2 and elsewhere in PC1) so that it is clear, consistent, reasonable and practicable.</p> <p>Delete paragraphs a and b and replace them with a framework that:</p> <ul style="list-style-type: none"> Considers all contaminants (not just nitrogen) and all activities (not just moderate and high dairy leaching)

Provision appealed	Reasons for appeal	Relief sought
<p>b. Requiring farming activities with a High Nitrogen Leaching Loss Rate as set out in Schedule B Table 1 to:</p> <ul style="list-style-type: none"> i. Make significant reductions to their Nitrogen Leaching Loss Rate; or ii. Demonstrate why significant reductions to their Nitrogen Leaching Loss Rate should either not be required; or iii. Demonstrate why significant reductions to their Nitrogen Leaching Loss Rate should only be required over an extended timeframe to provide an appropriate transition period for conversion to lower nitrogen leaching land use(s); having regard to: <ul style="list-style-type: none"> • The accuracy of the modelled Nitrogen Leaching Loss Rate, including whether it captures the benefits of existing contaminant mitigation steps that have been put in place; • The relative vulnerability of the land to nitrogen leaching, as established by an expert analysis of, among other considerations: <ul style="list-style-type: none"> o The rainfall, topography and soil characteristics of the property(s); and o The distance of the property(s) to surface waterways within the same groundwater sub-catchment; and o Subject to data availability, 	<p>replace paragraphs a and b is very similar to the framework for point source discharges in Policy 13.</p> <p>Paragraphs a and b</p> <p>Federated Farmers is concerned that paragraphs a and b do not provide for sufficient certainty and consistency in how the policy will be applied to farmers with moderate and high N leaching loss rates; or for consistency and equity in treatment of all farmers within PC1.</p> <p>In principle, Federated Farmers supports the provision of guidance as to what factors are taken into account when considering the level of effort required by each farm (not necessarily just on nitrogen but on any of the four contaminants that PC1 controls). However, Federated Farmers considers that the wording of Policy 2 is insufficient to provide that for nitrogen (with no guidance on any of the other contaminants). In particular, no certainty is provided to plan users or consenting officers about whether N leaching is “as low as practicable” or whether a “significant reduction to nitrogen” is proposed.</p> <p>Federated Farmers is also concerned that the focus is solely on nitrogen and this policy has pre-determined that this must be as low as practicable, or significantly reduced. Federated Farmers considers that the assessment ought to be based on all contaminants (as opposed to singling out nitrogen, which Federated Farmers considers is the least of the issues for most sub-catchments). It also ought to take into account the specific characteristics or circumstances including the sub-catchment, proportionality and resources reasonably available to the farm.</p> <p>Paragraph c</p> <p>Federated Farmers is concerned that the focus of paragraph c is on no “material increase” in intensity of land use (but it is not clear how this would</p>	<p>activities) and considers all sources of contaminants (e.g. pests and natural sources, not just diffuse discharges).</p> <ul style="list-style-type: none"> • Provides for tailored FEPs that: <ul style="list-style-type: none"> o Recognise and provide for the characteristics of the sub-catchment within which the farm is located as set out in the relevant Sub-catchment Management Plan and/or Catchment Profile developed by WRC [as provided by in the new Method 3.11.3.2A proposed by Federated Farmers]; and o Correspond to the scale and significance of the risk from the discharge of each contaminant from the farm to the likely achievement of

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<p>the depth of groundwater under the land, the chemical characteristics of that groundwater, the speed that groundwater transmits nitrate nitrogen leached below the root zone to surface waterways and the likely attenuation of nitrate nitrogen between the root zone and any surface waterway;</p> <ul style="list-style-type: none"> • Whether the farming activities are making a significant or disproportionate contribution to nitrogen loading in the sub-catchment(s) within which the land is located and/or downstream catchments; and • How it is proposed to reduce the Nitrogen Leaching Loss Rate, including how quickly and to what extent it will be reduced; and c. Generally not granting land use consent applications for changes in land use that involve a material increase in the intensity of the use of land compared to the land uses as at 22 October 2016, unless it can be demonstrated that this would result in a positive contribution to the health and wellbeing of the Waikato and Waipā river catchments in accordance with Policy 5; and d. Generally excluding farmed cattle, horses, deer and pigs from rivers, streams, drains, wetlands, lakes and springs; and 	<p>be defined) and on requiring offsetting or environmental compensation where there is. In principle, Federated Farmers would support an approach that applies flexibility to consider offsetting or environmental compensation, but considers that this depends on the particular water quality issues in the sub-catchment and how “material increase” in intensity of land use is defined.</p> <p>Federated Farmers is also concerned that the effect of this paragraph may be to grandfather land uses to the intensity (in stocking rates, farm system or some other factors) that they were used for in 2016. Federated Farmers does not support an approach. Federated Farmers considers that flexibility needs to be provided to recognise that some intensification may need to occur in response to markets or droughts (e.g. changes to sheep:cattle ratios, holding stock longer during droughts), 2016 may not be a representative year (e.g. farming intensities may be impacted by economic or climatic events at the time) and that some intensification may achieve better environmental outcomes (e.g. intensifying on flat areas of a farm in order to fund the retirement of steep areas).</p> <p>Federated Farmers also considers the linkage to Policy 5 to be too stringent and to not provide sufficient flexibility to recognise that farming needs to adapt to unforeseen and unforeseeable events like drought, flooding, market prices etc. Federated Farmers also considers that it is not consistent with the framework for point source discharges created by Policy 12.</p> <p>Paragraphs d and e</p> <p>In principle, Federated Farmers supports the exclusion of cattle, horses, deer and pigs from waterbodies where there is the ability to tailor the actions, a reasonable time is provided for implementing the actions, and it is needed to address adverse effects. Federated Farmers does not support a blanket requirement for exclusion, or even a presumption of exclusion, particularly in respect of springs, drains, intermittent and ephemeral waterways.</p>	<p>Objective 2 and progression towards Objective 1.</p> <ul style="list-style-type: none"> ○ Take account of the relative contribution of the industry sector within which the farm belongs to the likely achievement of Objective 2 and progression towards Objective 1. ○ Takes account of the resources reasonably available to the farm enterprise. ● Provides an appropriate transition pathway and/or recognises geophysical and other constraints or influences on high intensity activities (such as those in the upper reaches of the Upper Waikato FMU that impact on N leaching estimates in Overseer).

Provision appealed	Reasons for appeal	Relief sought
<p>e. Where farmed cattle, horses, deer and pigs are not excluded from rivers, streams, drains, wetlands, lakes and springs:</p> <p>i. Ensuring adverse effects of stock on waterbodies are minimised, including by the identification and management of critical source areas, ensuring that access of stock to waterbodies does not cause conspicuous pugging and exacerbated erosion; and</p> <p>ii. Imposing consent conditions to require mitigation measures to address any damage to aquatic habitat and discharge of contaminants resulting from stock access to those waterbodies; and</p> <p>f. Encouraging creation of riparian buffers (with appropriate riparian vegetation where necessary) adjacent to rivers, streams, drains, wetlands, lakes and springs to reduce overland flow of contaminants and improve freshwater habitat quality.</p>	<p>Federated Farmers is concerned that the exceptions to stock exclusion in paragraph e are too stringent and will impose significant cost on farmers (and far exceed any potential environmental benefit).</p> <p>Federated Farmers is concerned that a requirement to “minimise” adverse effects of stock on waterbodies is potentially very onerous because “minimise” could mean reduce to the lowest extent possible (which would be if stock were excluded and would defeat the purpose of having an exception to the stock exclusion rule).</p> <p>Federated Farmers considers that mitigations to address any damage to aquatic habitat and discharge of contaminants resulting from stock access to waterbodies ought to be addressed in FEPs and not consent conditions. This would provide for tailoring of actions to the particular farm and provide the necessary flexibility (as farming is always adapting to changes or responding to unforeseeable events) to change or refine mitigations without the need to seek a variation of resource consent (which would involve unnecessary time, delay and cost).</p> <p>Paragraph f</p> <p>While there are likely to be circumstances where the creation of riparian buffers is appropriate, Federated Farmers is concerned that encouraging this adjacent to all rivers, streams, drains, wetlands, lakes and springs to reduce overland flow paths is a very onerous requirement. Federated Farmers considers that this ought to be managed through a tailored FEP assessment and required only where it is reasonably necessary, cost effective and appropriate.</p> <p>Federated Farmers also considers that the focus ought to be on critical source areas as opposed to any wet areas (which is the implication of listing</p>	<p>Amend paragraph c (and elsewhere in PC1) to clarify that land uses are not grandfathered to the intensity they were operating at in 2016, to provide a reasonable definition as to what is considered to be a “material” increase in intensity of land use and to provide flexibility for intensification to recognise the nature of farming e.g. the need to respond to economic and climatic events or to recognise that 2016 may not be representative due such events.</p> <p>Amend paragraph d to require stock to be excluded from permanent waterbodies (as defined in the Dairy Clean Streams Accord) and as defined in Federated Farmers’ proposed amendments to Schedule C.</p> <p>Amend paragraph e as follows:</p> <p>e. Where farmed cattle, horses, deer and pigs are not excluded from rivers, streams, drains,</p>

Provision appealed	Reasons for appeal	Relief sought
	<p>rivers, streams, drains etc). This would enable a focus on those areas most at risk of affecting water quality and is consistent with the focus of FEPs. Federated Farmers is also concerned that a focus on reducing overland flow and improving freshwater habitat quality is too broad and would mean that riparian buffers could be required in any area that is wet at any time of year, not just those critical sources areas that ought to be the focus (particularly in the context of the social and economic cost and the 10 year objectives/targets for this plan change).</p>	<p>wetlands, lakes and springs in accordance with Schedule C;</p> <ul style="list-style-type: none"> i. Ensuring adverse effects of stock on waterbodies are minimised managed, including by the identification and management of critical source areas, ensuring that access of stock to waterbodies does not cause conspicuous pugging and exacerbated erosion; and ii. <u>Impose consent conditions to require Ensuring that Farm Environment Plans contain appropriate mitigation measures to address any damage to aquatic habitat and discharge of contaminants resulting from stock access to those waterbodies; and</u> <p>In the alternative to the proposed use of the word “managed”, include the words “reduced” or “avoided, remedied or mitigated.”</p> <p>Amend paragraph f as follows:</p> <p>f. <u>Where appropriate and practicable, encouraging (but</u></p>

Provision appealed	Reasons for appeal	Relief sought
		<p><u>not requiring) creation of riparian buffers (with appropriate riparian vegetation where necessary) adjacent to Schedule C waterbodies rivers, streams, drains, wetlands, lakes and springs to manage critical source areas reduce overland flow of contaminants and improve freshwater habitat quality.</u></p> <p>In the alternative, delete paragraph f.</p>
<p>Policy 3</p> <p>Provide for commercial vegetable production including the flexibility to undertake crop rotations on multiple and/or changing properties as follows:</p> <p>a. Enable existing commercial vegetable production described in a Farm Environment Plan prepared in accordance with Policy 4, and that reduces diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens within the baselines determined under c below, and adhere to the Farm Environment Plan and any minimum standards specified in Rule 3.11.4.5; and</p> <p>b. Ensure sector-based initiatives and other mitigation measures are adopted to progressively reduce losses of nitrogen,</p>	<p>Federated Farmers considers that a consistent and equitable approach to all activities in the PC1 catchment ought to be adopted to ensure that everyone is doing their part to improve water quality.</p> <p>Federated Farmers recognises that CVP is different from pastoral farming activities and therefore it may be appropriate to provide for it in a separate policy and rule. However, Federated Farmers considers that this should still be consistent in outcome with the expectations of other activities (and this could be recognised in Federated Farmers proposed Catchment Profiles or factors to be considered e.g. sector contributions characteristics).</p> <p>Federated Farmers is also concerned that recognising the positive contribution of CVP to people and communities in this policy, but not providing comparable recognition to other farming activities, unduly and unnecessarily elevates the status of CVP and/or does not appropriately recognise the status of other farming activities.</p>	<p>Amend Policy 3 to ensure a consistent and equitable approach to all activities in the PC1 catchment and to address Federated Farmers' concerns.</p>

Provision appealed	Reasons for appeal	Relief sought
<p>phosphorus, sediment and microbial pathogens; and</p> <p>c. Each commercial vegetable grower shall establish and demonstrate ongoing operation of commercial vegetable production within baselines that define:</p> <ul style="list-style-type: none"> i. The maximum area of land in commercial vegetable production based on a representative sample of data for each sub-catchment from the ten years prior to 2016, allowing for the maximum area in any one year over that period in each sub-catchment; and ii. The Nitrogen Leaching Loss Rate associated with each commercial vegetable production rotation; and <p>d. Recognise the positive contribution to people and communities from commercial vegetable production consistent with Te Ture Whaimana o Te Awa o Waikato by specifying in Table 1 in Rule 3.11.4.8 the maximum area of land available in each sub-catchment to support commercial vegetable growing during the anticipated life of the plan and providing an opportunity to increase commercial vegetable growing up to those maxima through a consent process, subject to:</p> <ul style="list-style-type: none"> i. The location being within land classified as LUC 1 and 2 using the Land Use Capability (LUC) Survey Handbook. 		

Provision appealed	Reasons for appeal	Relief sought
<p>ii. The location being within sub-catchments identified as appropriate for commercial vegetable growing in Table 1 in Rule 3.11.4.8.</p> <p>iii. The area utilised for commercial vegetable growing is less than the sub-catchment area limit in Table 1 in Rule 3.11.4.8 accounting for any consents that have already been granted.</p> <p>iv. Offsetting or compensation being proposed for commercial vegetable production activity in accordance with Policy 5.</p>		
<p>Policy 4</p> <p>Where a Farm Environment Plan is required to assist in achieving Policies 1, 2 and 3, it shall be prepared, monitored and reviewed as follows:</p> <p>a. If a property is used for dairy farming, commercial vegetable production, or has a stocking rate of more than 18 stock units per hectare and/or more than 5% in arable cropping, use an appropriate decision support tool in accordance with Schedule B of this Chapter, to quantify the Nitrogen Leaching Loss Rate for the property; and</p> <p>b. Identify land most vulnerable to diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens including critical source areas for overland flow of</p>	<p>Federated Farmers supports the adoption of a policy to provide guidance for FEPs, but considers that amendments are needed to Policy 4 in order to ensure tailored actions can be developed to manage contaminant discharges that pragmatically reflect the circumstances of each farm and farmer, address the particular water quality issues and take into account actions at a sub-catchment or multiple property level.</p> <p>Federated Farmers considers that it is important that clarity is provided for the context of this assessment through a framework that establishes key parameters. In particular, there is a need to consider tailored actions in the context of the catchment (including what may be happening in catchment management plans or other multiple property actions) and the specific water quality issues and in the context of what is reasonable and practical on a particular farm.</p> <p>Paragraph a</p> <p>In principle, Federated Farmers supports properties obtaining a NLLR where it is used as a drafting gate to determine the activity status of dairy farming activities but not where it is used as an allocation or benchmarking tool, or</p>	<p>Amend Policy 4 to ensure that the focus is on providing a reasonable and implementable framework for FEPs that ensures reasonable and consistent parameters are applied to help choose from the range of mitigations potentially available, that results in a fair, consistent and practicable approach to farming activities.</p> <p>Amend paragraph a to address Federated Farmers' concerns, including that the NLLR should be used as a drafting gate for dairy activities, it should not be used to require N reductions and the</p>

Provision appealed	Reasons for appeal	Relief sought
<p>sediment, phosphorus and microbial pathogens; and</p> <p>c. Take a risk-based approach to managing land use, including adaptive management, to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and</p> <p>d. Identify suitable mitigating actions appropriate to the land, its use, risk assessment and the short-term numeric water quality values specified in Table 3.11-1 for the sub-catchment(s) within which the land is located and downstream catchments; and</p> <p>e. Prioritise actions and timing of those farming practices that will reduce the contaminant(s) set out in Table 3.11-2, having regard to any relevant sub-catchment or collective management plan in terms of those priority actions; and</p> <p>f. Take account of any off-property mitigation within the sub-catchment (e.g. from a sub-catchment collective approach or other Farm Environment Plans) of the effects of diffuse discharge; and</p>	<p>where it is used to require N reductions (particularly without consideration of the factors described in Federated Farmers' response to Policy 2(a) and (b) above).</p> <p>Federated Farmers does not support other activities having to obtain an NLLR because it does not affect their activity status and is not to be used as an allocation or benchmarking tool, or as the basis to require reductions.</p> <p>Federated Farmers is also concerned about activities where Overseer does not do a good job of reflecting their N leaching. This includes arable cropping (and many properties may be captured by the 5% threshold in this policy and in the rules). Arable cropping has deep roots so N leaching is very low. However, Overseer assumes a more shallow root system and for most crops will model N losses many times higher than actual losses. Accordingly, Federated Farmers has concerns about properties classified as high leaching when they are in fact not.</p> <p>Federated Farmers proposes amendments to Schedule B to provide for alternatives to Overseer, or recognition of mitigations not recognised by Overseer, to attempt to address this concern. Depending on the changes made to Schedule B, Federated Farmers considers that changes may also need to be made to paragraph a (and elsewhere in the policies or rules) to address its concerns.</p> <p>Paragraph b</p> <p>While Federated Farmers supports a tailored approach, it considers that ought to be in the context of a defined framework (including the Catchment Profiles it proposes in Method 3.11.3.2A and the factors described in Federated Farmers' response to Policy 2(a) and (b) above). It does not support the use of the terminology "vulnerable" because this is a new term that is not defined, is not commonly used in farming practice, could be</p>	<p>calculation of the NLLR should be able to be amended where Overseer does not do a good job of modelling N loss.</p> <p>Amend paragraph b as follows:</p> <p><u>Identify land most vulnerable to diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens including critical source areas for overland flow of sediment, phosphorus and microbial pathogens; and</u></p> <p><u>Having regard to the Catchment Profiles and the framework described in Policy 2(a) [as amended by Federated Farmers' appeal]</u> <u>Identify land most vulnerable identify actions to manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens including critical source areas for overland flow of sediment, phosphorus and microbial pathogens; and</u></p> <p>Amend paragraph c as follows:</p>

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<p>g. Set out clear, specific and time bound actions and practices; and</p> <p>h. Enable Farm Environment Plans to be updated so that continuous improvement, new technologies and mitigation practices can be adopted, such that where necessary diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens further reduce to assist in meeting the objectives of this Chapter.</p>	<p>interpreted in many ways and lacks objective or clear assessment e.g. is it the land on the particular property that is most vulnerable, or land in the context of the catchment that is most vulnerable or something else? This could impose very significant cost on farmers for uncertain or unknown environmental benefit.</p> <p>It is also inconsistent with the focus in Schedule D2, for example, on critical source areas (a term commonly used in farming and commonly understood).</p> <p>Federated Farmers considers that its proposed use of Catchment Profiles and framework for assessment described in response to Policy 2(a) and (b) above provides for a more objective, transparent and tailored approach. That would enable actions to be tailored to address those critical source areas posing greatest risk in terms of the four contaminants PC1 seeks to control.</p> <p>Federated Farmers also considers that its Catchment Profile framework would provide greater certainty for farmers and greater consistency and transparency in the Council's application of PC1.</p> <p>Paragraph c</p> <p>In principle, Federated Farmers supports a risk based approach to managing land use. It also supports an adaptive management approach, provided those terms are not interpreted as a precautionary approach but as an approach over time that responds to changes (e.g. environmental, economic, technological) and is refined (as opposed to starting out with a cautious approach). This would be consistent with the application of these terms in other plan changes, such as Bay of Plenty Regional Council's Plan Change 10.</p>	<p>Take a risk-based approach to managing land use, including adaptive management, to <u>respond to environmental, economic and technological changes over time</u> <u>reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens</u>; and</p> <p>Amend paragraph e as follows:</p> <p>Prioritise actions and timing of those farming practices that will <u>reduce manage</u> the contaminant(s) set out in Table 3.11-2, having regard to any relevant sub-catchment, or collective management plan <u>and Catchment Profile, the contribution of the farming enterprise to the contaminant and the resources reasonably available to the farm enterprise in terms of these priority actions</u>; and</p> <p>Amend paragraph f as follows:</p> <p>Take account of any off-property mitigation within the</p>

Provision appealed	Reasons for appeal	Relief sought
	<p>However, Federated Farmers does not support an approach that requires a reduction of all four contaminants everywhere. Federated Farmers considers that such an approach would not provide for an appropriately tailored and targeted approach, and would impose significant cost for little or no (or uncertain) benefit. Federated Farmers is very concerned that if a requirement to reduce all contaminants everywhere was coupled with an interpretation of “adaptive management” based on exercising caution, this would impose significant, unreasonable and unnecessary costs on farmers for uncertain or no benefit.</p> <p>Paragraph d</p> <p>Federated Farmers supports identification of mitigations that are appropriate to the land, its use, risk assessment and the short term numeric water quality values, provided that those short term targets are amended as proposed in Federated Farmers’ appeal and that no property is responsible for achieving any of those targets i.e. there is recognition of the proportionate contribution to the water quality issue at a property or sector level (without allocating contaminants to a property or sector or other level), as well as recognition of lags and other factors impacting on water quality.</p> <p>Paragraphs e and f</p> <p>Federated Farmers supports prioritising actions, particularly as this recognises that it is not possible (or cost effective) to improve all contaminants at once, that some contaminants are more of an issue than others (depending on the particular sub-catchment and sector the farming activity belongs to, for example) and that putting more effort into one or more contaminant will be more effective and efficient than reducing all contaminants. However, Federated Farmers considers that the prioritisation also needs to occur in accordance with the Catchment Profiles it proposes, and not just any sub-catchment or collective management plan (as is proposed in paragraphs e and f).</p>	<p>sub-catchment (e.g. from a sub-catchment collective approach, <u>Catchment Profile</u> or other Farm Environment Plans) of the effects of diffuse discharge; and</p> <p>Amend paragraph g as follows:</p> <p>Set out clear, specific and time bound actions and practices, <u>whilst recognising that those proposed mitigations that are further into the future will not have the same specificity or clarity as those in the immediate future, with the former being refined as the time approaches</u>; and</p> <p>Amend paragraph h as follows:</p> <p>Enable Farm Environment Plans to be updated <u>(without requiring a variation in resource consent)</u> so that continuous improvement, new technologies and mitigation practices can be adopted, such that where necessary diffuse discharges of</p>

Provision appealed	Reasons for appeal	Relief sought
	<p>Federated Farmers also considers that the timing and prioritisation of actions needs to take into account the resources reasonably available to the farmer. For example, this may mean that the timing of management actions are prioritised over mitigations involving an infrastructure cost to provide a reasonable period to save for those actions and therefore manage the cost to farmers of complying with PC1.</p> <p>Federated Farmers also considers that the focus ought to be on managing contaminants as opposed to reducing all contaminants everywhere (as could be implied by the words “reduce the contaminant(s)”).</p> <p>Paragraphs g and h</p> <p>Federated Farmers supports clear, specific and timebound actions but considers that recognition ought to be given to the fact that any proposed mitigations that are further into the future will not have the same specificity or clarity as those in the immediate future, with the former being refined as the time approaches.</p> <p>This leads into paragraph h about farm plans being updated and accordingly Federated Farmers view on paragraph g is contingent on paragraph h remaining as drafted. If it was to change then Federated Farmers would seek amendment to paragraph g to address its concerns. Federated Farmers considers that FEPs ought to be able to be updated without requiring a variation of consent. This would ensure efficiency (and reduce cost) where there is no substantive change to the farming operation or where the change proposed is an environmental benefit e.g. the proposal is to adopt new technology that will reduce contaminants.</p>	nitrogen, phosphorus, sediment and microbial pathogens further reduce to assist in meeting the objectives of this Chapter.
Policy 5	In principle, Federated Farmers supports a policy that allows for offsetting and compensation because that potentially provides greater flexibility for how	Delete paragraphs a and b and replace them with a more

Provision appealed	Reasons for appeal	Relief sought
<p>Provide for offsetting and compensation that better achieves the objectives of Te Ture Whaimana o Te Awa o Waikato where:</p> <ul style="list-style-type: none"> a. There is an overall reduction in the relevant sub-catchment(s) of the diffuse discharge of each of nitrogen, phosphorus, sediment and microbial pathogens from the property(s); or b. There is a sufficient reduction in the diffuse discharge of nitrogen, phosphorus, sediment and/or microbial pathogens from the property(s) so that the positive benefits to restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers demonstrably exceeds the adverse effects from any increases in the diffuse discharge of any of those contaminants, provided any increases are not of a contaminant that Table 3.11-2 identifies as a priority for reduction in that sub-catchment. 	<p>environmental benefits will be achieved and helps to reduce the costs. However, Federated Farmers considers that amendments are needed to Policy 5 to provide some the context for this assessment using a framework to establish key parameters.</p> <p>Paragraph a</p> <p>As explained above, Federated Farmers does not support an approach that requires a reduction in all contaminants from properties. There are some properties where nitrogen, for example, is not an issue for the sub-catchment, the nitrogen discharge from the property is low and requiring further discharges would impose significant cost (and in the context where the property is contributing little to the sub-catchment nitrogen load).</p> <p>Paragraph b</p> <p>Federated Farmers is concerned that paragraphs b does not provide sufficient certainty and guidance for farmers (or for consistency in application by Council). For example, it is not clear what a “sufficient reduction” means or how this would be consistently applied.</p> <p>Federated Farmers considers that its Catchment Profiles framework provides a more robust framework where the focus can be on overall improvement in water quality and on those contaminants of greatest issue (as opposed to simply requiring all contaminants to be reduced everywhere).</p>	<p>appropriate framework for considering achievement of the Vision & Strategy by focusing on the contaminants of greatest issue in a particular sub-catchment (and the contribution to those issues of sector, that the farming activity belongs to) and not on reducing all contaminants everywhere.</p>
<p>Policy 6</p> <p>Encourage sector schemes to enable greater efficiency in the preparation, implementation and monitoring of Farm Environment Plans through the provision of: education, information, coordination, technical and professional assistance for property owners,</p>	<p>Federated Farmers supports encouraging sector schemes to play a greater role in the implementation of PC1, primarily because farmers are more likely to be engaged with their sector bodies as opposed to WRC. However, Federated Farmers considers that this policy ought to apply to all sector bodies and industry groups as opposed to just sector schemes. Federated Farmers’ experience is that engagement by all industry groups with farmers</p>	<p>Amend Policy 6 as follows:</p> <p><u>Encourage sector schemes, industry bodies and farmer groups</u> to enable greater efficiency in the preparation, implementation and monitoring of Farm Environment Plans</p>

Provision appealed	Reasons for appeal	Relief sought
as well as monitoring and reviewing of the Farm Environment Plan so as to better achieve the objectives of this Chapter.	is a more effective and credible means of ensuring a plan is implemented and achieves its objectives.	through the provision of: education, information, coordination, technical and professional assistance for property owners, as well as monitoring and reviewing of the Farm Environment Plan so as to better achieve the objectives of this Chapter.
<p>Policy 7</p> <p>Generally not granting resource consents that authorise farming and commercial vegetable production activities for a duration beyond 2035 in recognition of the possibility that a replacement regional plan(s) may include new requirements for management after that date, including an allocation regime.</p>	<p>Federated Farmers does not support the imposition of a 2035 maximum duration on resource consents. Federated Farmers is concerned that 15 years (from 2020) is not appropriate to recognise the investments some farmers may be making through what is proposed in their FEPs and that delays to resolution of Environment Court appeals may mean that this time period is very short (particularly for those farms that do not have to obtain resource consent until five years after PC1 becomes operative).</p> <p>Federated Farmers considers that a more reasonable approach would be to adopt a 20 year time period for consents as the “default position.” This would be consistent with the approach to resource consents for diffuse discharges of contaminants in other regional plans, such as Bay of Plenty Regional Councils’ Plan Change 10.</p> <p>Providing a reasonable consent duration would provide an incentive, as well as certainty, for farmers to invest in mitigations that would likely otherwise not be pursued because of the uncertainty as to whether consent will be renewed or what additional costs may be imposed on them (should all consents expire in 2035).</p> <p>Having a common expiry date for WRC would also likely present a significant implementation challenge at the time the consents expire as there would be</p>	<p>Amend Policy 7 as follows:</p> <p>Generally not granting resource consents that authorise farming and commercial vegetable production activities for a duration <u>of more than 20 years beyond 2035 in recognition of the possibility that a replacement regional plan(s) may include new requirements for management after that date, including an allocation regime.</u></p>

Provision appealed	Reasons for appeal	Relief sought
	<p>around 5-6,000 consents that would all need to be processed at the same time. Federated Farmers is concerned that this could lead to regulatory failure. While this could be managed to some degree by Council staging expiry dates prior to 2035, that would result in even shorter term consents and greater uncertainty for farmers.</p> <p>Should future plan changes require greater contaminant reductions, different management practices or even allocate contaminants (an approach that Federated Farmers does not support), that could be addressed through review conditions, the adaptive management factors considered in policy 4(c) above, amendments to FEPs or through the drafting of the provisions of future plan changes.</p>	
Policy 8 <ul style="list-style-type: none"> a. People and communities will need to collectively change practices and activities so as to contribute to achieving the short-term numeric water quality values in Table 3.11-1 for the catchments as a whole; and b. Recognise that the changes will need to continue more than 10 years after Chapter 3.11 of this Plan is operative while minimising the adverse impacts on people and communities, enabling innovation and new practices to develop, and responding to the reasonably foreseeable effects of climate change. 	<p>In principle, Federated Farmers supports the intent of Policy 8 in terms of acknowledging that people and communities (not just individual farm properties) need to change, that change will be ongoing but that adverse effects need to be minimised.</p> <p>However, Federated Farmers considers that it is also important that Policy 8 recognises the importance of staging the change over an 80 year period and economic and social wellbeing is provided for at all times along that journey. It is also important to recognise that all sectors of the community will need to contribute towards water quality improvements, not just farming activities.</p> <p>Accordingly, Federated Farmers proposes a new paragraph b1. to be inserted between paragraphs a and b.</p>	<p>Amend Policy 8 by adding a new paragraph b1 as follows:</p> <p><u>b1. Recognise that achieving Te Ture Whaimana o Te Awa o Waikato is an 80 year journey that will require actions by all sectors of the community and that economic and social wellbeing of people and communities will need to be provided for along that journey.</u></p>
Policy 9 <p>Encourage collective groups of property owners and other stakeholders to work</p>	<p>Federated Farmers supports a policy that provides for collective or multiple property actions. It considers that these actions need to be captured in the Catchment Profiles it proposes.</p>	<p>Amend Policy 9 to address Federated Farmers' concerns.</p>

Provision appealed	Reasons for appeal	Relief sought
<p>together on measures to improve water quality in their sub-catchment, thereby contributing positively to Objective 1 by providing opportunities to manage diffuse discharges from multiple properties more efficiently, including through enabling proposals that ensure:</p> <ul style="list-style-type: none"> a. Overall there is a reduction in diffuse discharges to at least the same extent that would be required if all the properties were managed individually; b. The resource consent application responds to the water quality improvements required in each sub-catchment; c. Where the properties are in separate ownership, conditions are imposed or a legally binding instrument is in place between the consent holder and each property, to ensure (a) above is achieved; d. Review conditions are imposed to enable ongoing management of adverse effects. 	<p>However, as explained above, Federated Farmers has concerns that there is a focus on a reduction of all contaminants everywhere. Federated Farmers also has concerns about the potential instruments used to create legally binding obligations and that this may deter collective or multiple property actions (and the associated efficiency and environmental gains).</p>	
<p>Policy 10 Prepare for further diffuse discharge reductions and any future management regime (including potentially the allocation of diffuse discharges of contaminants) in subsequent regional plans by collecting information and undertaking research</p>	<p>While Federated Farmers considers that further information needs to be collected and that the catchment needs to be better understood, Federated Farmers does not support preparing for allocation or consider that it is necessary or appropriate to signal this in this plan change.</p>	<p>Amend Policy 10 by deleting the words “including potentially the allocation of diffuse discharges of contaminants.”</p>

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<p>including, but not limited to, collecting information about current discharges, developing appropriate modelling tools to estimate contaminant discharges, and researching the spatial variability of land use, contaminant losses and the effect of contaminant discharges in different parts of the catchment, to assist in the design of any future management regime.</p>		
<p>Policy 15</p> <p>Contribute to restoration and protection of riverine and peat lakes by:</p> <p>a. The reduction of both diffuse and point source discharges of nitrogen, phosphorus, sediment and microbial pathogens entering the catchments of those lakes consistent with achievement of the numerical water quality values for lake Freshwater Management Units in Table 3.11-1; and</p> <p>b. The implementation of a tailored lake-by-lake approach, guided by existing data and information and any existing Lake Catchment Plans as well as Lake Catchment Plans prepared over the next 10 years, which will include collecting and using data and information to support improving the management of land use activities within the lakes Freshwater Management Units.</p>	<p>Federated Farmers considers it important that Policy 15 considers both diffuse and point source discharges, and acknowledges that managing these will contribute (as opposed to achieve) restoration and protection (and it is important to acknowledge the role of natural sources of contaminants, lags and loads to come that are beyond the control of council and land use activities).</p> <p>Federated Farmers also considers it appropriate to develop tailored, catchment plans for each lake or sub-catchment to address the particular water quality issues (and they will likely be site specific).</p> <p>Federated Farmers is concerned to ensure that there are appropriate sub-catchment or lake catchment forensics (to identify water quality issues and sources of the problems). Federated Farmers does not support an approach that requires a reduction in all contaminants on all properties. For example, there may need to be a reduction in all four contaminants at a particular lake but that does not necessarily mean that an individual property will have to reduce nitrogen if nitrogen discharges are already low or efficient. Accordingly, the focus should be on reduction at a catchment level and not at an individual farm issue.</p> <p>Federated Farmers is also concerned that the focus ought to be on actions to assist with achieving targets as opposed to requiring the achievement of specific numeric values (for the reasons discussed above, this will be outside the control of any party due to factors such as groundwater travel lags, load to</p>	<p>Amend Policy 15 as follows:</p> <p>Contribute to restoration and protection of riverine and peat lakes by:</p> <p>a. <u>Actions to reduce, The reduction at a catchment level,</u> of both diffuse and point source discharges of nitrogen, phosphorus, sediment and microbial pathogens entering the catchments of those lakes <u>where this will assist with improving lake water quality consistent with achievement of the numerical water quality values for lake Freshwater Management Units in Table 3.11-1, while taking account of the hydrological drivers, natural sources of contaminants and pest species that affect water quality;</u> and</p>

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	<p>come, unexpected or uncontrollable events (e.g. flood) and natural sources of contaminants).</p> <p>Federated Farmers also considers that hydrological drivers, natural sources of contaminants and pest species that affect water quality also need to be taken into account, as they are (as proposed by Federated Farmers' amendments) in Policy 16 below. Water quality improvement will require more than just a focus on diffuse discharges (and by Federated Farmers' amendment point source discharges), and will require an understanding of all sources of contaminants and effects. Federated Farmers does not support a regime where farmers are required to do more simply to mitigate the effects of other activities or sources of water quality issues, or where it would be more efficient, effective and economic to target other mitigations (such as controlling pest fish or constructed wetlands).</p> <p>In respect of paragraph b, Federated Farmers also considers that it important that the information collection (and catchment forensics) is ongoing, community involvement in the development of catchment plans is critical, catchment plans need to be appropriately resourced and funding/resources need to be available for mitigation actions.</p> <p>It is also important that lake catchment plans and collective actions are community led, with community and stakeholder consultation and engagement.</p> <p>As explained below, Federated Farmers consider that the attribute targets for the lake FMUs ought to be deleted and, as explained above, Federated Farmers does not support the requirement in Policy 1(d) for greater scrutiny of consents in the lake FMUs.</p>	<p>b. The implementation of a <u>tailored and community led</u> lake-by-lake approach, guided by existing data and information and any existing Lake Catchment Plans as well as <u>new information collected, new science and technology, and</u> Lake Catchment Plans prepared over the next 10 years, which will include collecting and using data and information to support improving the management <u>and resourcing</u> of land use activities within the lakes Freshwater Management Units, better <u>understanding the effects of pests and natural sources of contaminants, and actions needed to control pests (including identifying the agency responsible and resourcing required).</u></p>
Policy 16 Contribute to restoration and protection of the Whangamarino Wetland by the reduction of both diffuse and point source discharge of nitrogen, phosphorus, sediment or microbial pathogens entering the wetland system to:	In principle, Federated Farmers supports a tailored catchment plan approach to Whangamarino that co-ordinates whole of catchment and community actions to restore and protect the wetland, particularly where the focus is on both diffuse and point source discharges, and on off farm or multiple property and coordinated actions as opposed to requiring every individual property to reduce contaminants or to restore and protect the wetland. However, it is	Amend Policy 16 as follows: Contribute to restoration and protection of the Whangamarino Wetland <u>by through actions to reduce the reduction, at a catchment</u>

Provision appealed	Reasons for appeal	Relief sought
<p>a. Achieve the numeric water quality values and attribute states in Table 3.11-1 for Whangamarino Wetland Catchment area sub-catchments shown in Map 3.11.3;</p> <p>b. Assist protection of the significant values and ecosystem health of the wetland system;</p> <p>c. minimise further loss of bog wetland habitat;</p> <p>d. Increase the availability of mahinga kai; while taking account of the hydrological drivers that affect water quality.</p>	<p>also fundamental that the development of such plans is community led and based on the best data/science available (including an understanding of sub-catchment forensics).</p> <p>Federated Farmers repeats the concerns raised about Policy 15, including:</p> <ul style="list-style-type: none"> • Catchment management plans should be tailored and site specific. • There should be a focus on reduction in contaminants at a catchment level and not a requirement for every property to reduce all four contaminants. • The focus should be on actions to assist with achieving water quality targets as opposed to requiring the targets or specific numbers themselves to be achieved (over which there is no control). • Information collection must be ongoing, catchment plans need to be appropriately resourced and funding/resources needs to be available for mitigation actions. • The effects of pests and natural sources needs to be taken into account, along with actions to manage or control pests. As explained in the context of Method 3.11.3.6 below, pests (in particular koi carp) are having a significant impact on water quality and unless they are controlled, it is very unlikely that on farm mitigations will result in meaningful water quality improvements. <p>Federated Farmers does not support the use of the word “minimise” in paragraph c (and elsewhere in the plan) because it could be reduced to the lowest extent possible and there is no consideration of the associated costs and benefits.</p> <p>Federated Farmers considers that as well as hydrological drivers (which Federated Farmers assumes includes groundwater travel lags and load to come but if not the policy should be amended to clarify that it does include</p>	<p><u>scale</u>, of both diffuse and point source discharges, and other sources (including pests) of nitrogen, phosphorus, sediment or microbial pathogens entering the wetland system to:</p> <p>a. <u>Assist with achieving</u> <u>Achieve</u> the numeric water quality values and attribute states in Table 3.11-1 for Whangamarino Wetland Catchment area sub-catchments shown in Map 3.11.3;</p> <p>b. Assist protection of the significant values and ecosystem health of the wetland system;</p> <p>c. <u>minimise</u> <u>Assist with reducing</u> further loss of bog wetland habitat;</p> <p>d. <u>Assist with increasing</u> <u>Increase</u> the availability of mahinga kai; while taking account of the hydrological drivers, <u>natural sources</u> of contaminants and</p>

Provision appealed	Reasons for appeal	Relief sought
	<p>this), natural sources of contaminants and pests (like koi carp) ought to be taken into account.</p> <p>As explained below, Federated Farmers does not support a separate rule or consent activity status for existing farming activities in the Whangamarino Wetland catchment. Federated Farmers also does not support including a map in PC1 and considers it appropriate to include Map 3.11-3 in the Catchment Profiles as a non-statutory document.</p>	<u>pest species</u> that affect water quality and providing for social and economic wellbeing of those activities and the community in the Whangamarino Wetland Catchment.
Policy 17 Contribute to restoration and protection of the significant values and uses of wetlands other than Whangamarino, and their ecosystems by maintaining, and where degraded, improving the values of wetlands in relation to the effects of nitrogen, phosphorus, sediment or microbial pathogen discharges.	<p>Federated Farmers' concern is that Policy 17 may impose significant obligations on an individual landowner where, for example, a wetland is entirely on their property or where they are already low (or efficient) for one contaminant but an approach is adopted whereby all contaminants on all properties must be reduced to maintain or improve the values of wetlands.</p> <p>Federated Farmers is also concerned that the values and uses of wetlands have not been identified and that ought to happen through a community process, and not through a resource consent process.</p> <p>Federated Farmers considers this policy unnecessary because the significant values and uses of wetlands will be addressed through the requirements in other policies to address the effects of nitrogen, phosphorus, sediment or microbial pathogen discharges.</p>	Delete Policy 17
Policy 18 For the purposes of considering land use change application enabling the development of tangata whenua ancestral lands, recognise and provide for: a. The relationship of tangata whenua with their ancestral lands; and	<p>Federated Farmers supports an effects based regime, where the effects of activities are considered and managed in a clear and consistent manner. Federated Farmers does not consider that it is appropriate to manage resources on the basis of ownership.</p> <p>Federated Farmers understands the desire to develop tangata whenua ancestral lands in a way that recognises and provides for the relationship of tangata whenua with their ancestral lands, the exercise of kaitiakitanga and</p>	Delete Policy 18

Provision appealed	Reasons for appeal	Relief sought
b. The exercise of kaitiakitanga; and c. The creation of positive economic, social, and cultural benefits for tangata whenua now and into the future, in a way that gives effect to Te Ture Whaimana o Te Awa o Waikato.	<p>the creation of positive economic, social and cultural benefits for tangata whenua, and that some flexibility may be required for such development. However, Federated Farmers is concerned that such land use change ought to be subject to the same effects based assessment that applies to other land use change. It is also concerned that in the absence of such an assessment, intensification of tangata whenua land may result in increases in the four contaminants and that may lead to future plan changes requiring greater reductions by existing land uses.</p> <p>Federated Farmers considers that the development of tangata whenua land ought to be considered at a national level and not through regional plans. Federated Farmers does not support the use of regional plans or the RMA process to settle Treaty grievances or to address historical impediments to development of land (particularly where providing for this will require existing landowners to make greater reductions in contaminants (over and above that required to meet environmental outcomes) now or in the future).</p> <p>Federated Farmers considers it more appropriate to address concerns of tangata whenua by changing the and consent status for land use change as opposed to having a separate policy framework for tangata whenua land.</p>	
Policy 19 When managing resource consent applications related to the discharge of nitrogen, phosphorus, sediment and microbial pathogens, seek opportunities to advance achievement of the objectives in Te Ture Whaimana o Te Awa o Waikato for the Waikato and Waipā Rivers, including, but not limited to:	<p>Federated Farmers considers that the matters addressed in Policy 19 are outside the scope of the plan change.</p> <p>Even if they were in scope, Federated Farmers considers Policy 19 to be inappropriate, in that it is not appropriate to consider “opportunities to enhance biodiversity and the functioning of ecosystems” and “opportunities to enhance access and recreational values associated with rivers” that are not related to the plan change when processing or managing resource consent applications that are made in reliance of the provisions in Chapter 3.11.</p>	Delete Policy 19

Provision appealed	Reasons for appeal	Relief sought
a. Opportunities to enhance biodiversity and the functioning of ecosystems; and b. Opportunities to enhance access and recreational values associated with the rivers.	<p>It is considered that biodiversity outcomes should not be the drivers of measures taken to address water quality issues, rather biodiversity will follow water quality outcomes.</p> <p>Accordingly, Federated Farmers seeks the deletion of Policy 19.</p>	
IMPLEMENTATION METHODS		
Method 3.11.3.1 Waikato Regional Council, working with others, will: a. Build on the Shallow Lakes Management Plan and existing information, data and Lake Catchment Plans by developing Lake Catchment Plans and investigating 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, where catchment plans do not already exist, with relevant stakeholders (including community involvement).	<p>Federated Farmers supports a catchment approach where it is based on good science and community involvement.</p> <p>As explained above, Federated Farmers supports an adaptive management approach only if that is interpreted as refining or changing the management plans, as opposed to taking a cautious approach. If this is not correct, then Federated Farmers seeks the deletion of the term.</p> <p>As explained below, Federated Farmers seeks a new method to provide for Catchment Profiles. Federated Farmers considers that lake catchment plans could be prepared as part of the catchment profiles, in which case there would not be a need for a separate policy.</p> <p>To the extent that this method does not address Federated Farmers concerns, or is not necessary in light of the amendments proposed below, Federated Farmers seeks amendments to Method 3.11.3.1.</p>	Amend Method 3.11.3.1 to address Federated Farmers' concerns.
Method 3.11.3.2 Waikato Regional Council will work with relevant stakeholders 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:	<p>Federated Farmers supports the development of sub-catchment plans in consultation with the community and stakeholders. However, it considers that amendments are needed to Method 3.11.3.2 to ensure that:</p> <ul style="list-style-type: none"> • The focus is on identifying the issues as opposed to making an assumption about the causes of water quality decline, and to ensure all sources of contaminants causing water quality issues are considered. 	Amend Method 3.11.3.2 as follows: Waikato Regional Council will work with relevant stakeholders to develop sub-catchment scale plans (where a catchment plan does not already exist) where it has been shown to be required.

Provision appealed	Reasons for appeal	Relief sought
<p>a. Identify causes of current water quality decline, identify cost-effective measures to bring about reductions in contaminant discharges, and coordinate the reductions required at a property and sub-catchment scale (including recommendations for funding where there is public benefit identified).</p> <p>b. Further develop adaptive management and mitigation approaches (including the use and development of Decision Support Tools) to estimate total diffuse discharges associated with farming activities; the spatial variability of land use and diffuse losses of nitrogen, phosphorus, sediment and microbial pathogens; and the effect of diffuse discharges throughout the sub-catchment.</p> <p>c. Align works and services to reduce nitrogen, phosphorus, sediment and microbial pathogen discharges including riparian management, targeted reforestation, constructed wetlands, sediment traps and sediment detention bunds.</p> <p>d. Assess and determine effective and efficient placement of constructed wetlands at a sub-catchment scale to improve water quality.</p>	<ul style="list-style-type: none"> • The focus is on proper sub-catchment forensics (to identify all sources of contaminants, not just diffuse sources or not on identifying loads associated with farming activities). This includes coordinating actions to control pests, which may involve coordinating multiple agencies e.g. DOC, WRC, catchment care groups or funding. • All options are considered, not just constructed wetlands. <p>While Federated Farmers supports, in principle, WRC funding research (or obtaining public funding for research) that addresses the management of wetlands, it considers that there should be no obligation on farming activities to adopt and implement any of the findings of that research. Federated Farmers has not proposed any amendment to paragraph (e) (in light of the proposed deletion of Policy 7 above). However, in the event that that policy is not deleted, Federated Farmers considers that paragraph (e) needs to be amended to address its concerns.</p> <p>Paragraph (f) needs to be amended because there is a requirement to exclude stock but not to fence waterways. It is also not clear what "integrate" means but Federated Farmers considers that the intention ought to be to focus on what is practicable whilst achieving the intended outcomes.</p> <p>Paragraph (g) requires funding to be coordinated by those contributing to the water quality issues paying for the mitigation actions. Federated Farmers considers that the payments also ought to be staged to recognise that some landowners may need time to contribute and may not have access to the same resources as other landowners (e.g. municipals).</p>	<p>Sub-catchment scale planning will:</p> <p>a. Identify <u>water quality issues and the causes of current water quality decline or sources of contaminants causing water quality issues</u>, identify cost-effective measures to bring about reductions in contaminant discharges <u>or improvements in water quality</u>, and coordinate the <u>any reductions or mitigations or other actions</u> required at a property, <u>agency</u> and sub-catchment scale (including recommendations for funding where there is public benefit identified).</p> <p>b. <u>Further develop adaptive management and mitigation approaches</u> <u>Investigate and understand sources of contaminants including diffuse, point source, pests and natural sources, by understanding contaminant load or discharge by source</u> (including the use and development of Decision Support Tools <u>to assist with</u></p>

Provision appealed	Reasons for appeal	Relief sought
<p>e. Support research that addresses the management of wetlands, including development of techniques to monitor ecological change and forecasting evolution of wetland characteristics resulting from the existing land use in the wetland catchments.</p> <p>f. Integrate the regulatory requirements to fence waterways with the requirements for effective drainage scheme management.</p> <p>g. Coordinate funding of mitigation work by those contributing to water quality degradation, in proportion to that contribution.</p> <p>h. Utilise public funds to support edge of field mitigations where those mitigations provide significant public benefit.</p>	<p>Federated Farmers proposes a new Catchment Profile method that may address some of the matters contained in Method 3.11.3.2. To the extent that it does, or there are matters raised in Federated Farmers' proposal that are not addressed in Method 3.11.3.2, Federated Farmers seeks amendments to address those matters.</p>	<p>(this) to estimate total diffuse discharges associated with farming activities; the spatial variability of land use and diffuse losses sources of nitrogen, phosphorus, sediment and microbial pathogens; and the effect of diffuse discharges these contaminants throughout the sub-catchment.</p> <p>c. Align and coordinate works and services to reduce nitrogen, phosphorus, sediment and microbial pathogen discharges including pest control, riparian management, targeted reforestation, constructed wetlands, sediment traps and sediment detention bunds.</p> <p>d. Assess and determine effective and efficient placement of mitigations such as constructed wetlands at a sub-catchment scale to improve water quality.</p> <p>e. Support research that addresses the management of</p>

Provision appealed	Reasons for appeal	Relief sought
		<p>wetlands, including development of techniques to monitor ecological change and forecasting evolution of wetland characteristics resulting from the existing land use in the wetland catchments.</p> <p>f. <u>Where stock exclusion requirements conflict with Integrate the regulatory requirements to fence waterways with the requirements for effective management of drainage schemes, management provide for and coordinate alternative actions to address such conflicts.</u></p> <p>g. Coordinate <u>and stage</u> funding of mitigation work by those contributing to water quality degradation, in proportion to that contribution <u>and resources available to those contributing</u>.</p> <p>h. Utilise public funds to support edge of field mitigations where those</p>

Provision appealed	Reasons for appeal	Relief sought
		mitigations provide significant public benefit.
New Method 3.11.3.2A	<p>Federated Farmers considers that Council ought to develop catchment profiles to provide context for the preparation of FEPs, preparation of sub-catchment plans and other actions required under PC1.</p> <p>The intention is not to carry out the detailed sub-catchment planning (provided for in Method 3.11.3.2) but to instead collate the information that already exists (but is held in different locations) to ensure that actions are appropriately tailored and coordinated and to ultimately achieve the water quality outcomes most efficiently and effectively.</p> <p>Federated Farmers understands that WRC has already started developing catchment profiles in response to a need identified in implementation of FEP requirements.</p>	<p><u>3.11.3.2A Catchment Profiles</u></p> <p><u>Waikato Regional Council will develop Catchment Profiles for the sub-catchments listed in Table 3.11-1. Each Catchment Profile shall be developed and made publicly available at least six months before the Farm Environment Plans in the sub-catchment(s) to which the Catchment Profile relates are required to be provided to the Waikato Regional Council.</u></p> <p><u>A Catchment Profile shall contain all of the information relevant to water quality in a sub-catchment(s), including but not limited to:</u></p> <p class="list-item-l1"><u>a. Sub-catchment targets (where applicable) and the current state for each contaminant for which there is a target in each sub-catchment.</u></p> <p class="list-item-l1"><u>b. Sector and other (including pest (see Method 3.11.3.6) and natural sources of</u></p>

Provision appealed	Reasons for appeal	Relief sought
		<p><u>contaminants) contributions toward sub-catchment targets.</u></p> <p><u>c. Consented discharges and takes in the sub-catchment.</u></p> <p><u>d. Any operative sub-catchment management plans.</u></p> <p><u>e. Information about adjoining/related catchments, relationships between sub-catchments or opportunities to coordinate with related sub-catchments.</u></p> <p><u>f. Any zones that the sub-catchment is divided into to represent farming systems or land uses (including activities generating point source discharges) of a consistent type (in terms of contaminant loss).</u></p> <p><u>g. Information about hot spots or critical source areas within the sub-catchment including geophysical and climate characteristics e.g. rainfall or soil type, or historical events e.g. landslips.</u></p>

Provision appealed	Reasons for appeal	Relief sought
		<u>h. Freshwater accounting system, monitoring plan and any other information generated pursuant to Method 3.11.3.3.</u>
<p>Method 3.11.3.3</p> <p>Waikato Regional Council will establish and operate a publicly available accounting system and monitoring in each Freshwater Management Unit, including:</p> <ul style="list-style-type: none"> a. Collecting information on nitrogen, phosphorus, sediment and microbial pathogen levels in the respective fresh water bodies in each Freshwater Management Unit from: <ul style="list-style-type: none"> i. Council's existing river monitoring network; and ii. Sub-catchment that are currently unrepresented in the existing monitoring network; and iii. Lake Freshwater Management Units. b. Using the information collected to establish the baseline data for compiling a monitoring plan and to assess progress towards achieving the Table 3.11-1 water quality attribute targets; and c. Using state of the environment monitoring data including biological monitoring tools 	<p>Federated Farmers 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. Federated Farmers also considers that it needs to account for all sources of contaminants (including point source, natural sources and factors like attenuation) and not just diffuse discharges.</p> <p>Given the size of the FMUs, Federated Farmers considers that it may be appropriate in some cases to operate an accounting system at a sub-catchment or groups of sub-catchments level.</p> <p>Paragraph b</p> <p>Federated Farmers has concerns about the use of more up to date data to compare against progress towards Table 3.11-1 water quality targets, if the targets have not been re-calibrated in light of the up dated data.</p> <p>As explained in the context of Table 3.11-1 below, Federated Farmers considers that the intention of CSG was that PC1 was 10% of the journey to the 80 year targets (recognising that they were not achievable based on current technology, that there was a lack of options after about 30-40% of the reductions and the significant cost of achieving the targets). The intention was that the journey to the long term targets would not be front end loaded and there would be a reasonable transition period.</p>	<p>Amend Method 3.11.3.3 as follows:</p> <p>Waikato Regional Council will establish and operate a publicly available accounting system and monitoring <u>at a sub-catchment(s) scale (as appropriate)</u> and in each Freshwater Management Unit, including:</p> <p>Amend paragraph a as follows:</p> <p>Collecting information on nitrogen, phosphorus, sediment and microbial pathogen levels in the respective fresh water bodies in each <u>sub-catchment and/or</u> Freshwater Management Unit from:</p> <p>Amend paragraph b as follows:</p> <p>b. Using the information collected to establish the</p>

Provision appealed	Reasons for appeal	Relief sought
<p>such as the Macroinvertebrate Community Index to provide the basis for identifying and reporting on long-term trends; and</p> <p>d. An information and accounting system for the diffuse discharges from properties that supports the management of nitrogen, phosphorus, sediment and microbial pathogens diffuse discharges at a property scale.</p>	<p>While the targets have been changed to 20% (noting Federated Farmers considers they should be changed back to 10%), the intention is still that 20% of the journey is achieved (noting that Federated Farmers consider that it should be actions implemented to assist with achieving 20% of the journey, not a 20% improvement in measured water quality).</p> <p>Federated Farmers' concern is that by comparing current state against short term targets calculated on a previous current state (2010/14 monitoring data), we will not be comparing "apples with apples." For example, if water quality deteriorates (due to factors such as a load to come or weather event or something else unrelated to farming), the targets will require more than 20% improvement and will become harder to achieve.</p> <p>Accordingly, if updated current state data is used to assess progress towards short term targets, Federated Farmers considers that the short term targets must also be re-calculated using the updated current state data. If there was an alternative way to achieve the same outcome, Federated Farmers would support that. What is important is that the relative effort required of farmers does not become harder over time due to factors outside their control.</p> <p>Paragraph d</p> <p>Federated Farmers seeks changes to paragraph d to:</p> <ul style="list-style-type: none"> • Focus on information gathering and reporting as opposed to an "accounting system". The word "accounting" implies that the information is quantitative or in a numeric format and that it can be attributed to individual properties, landowners or activities. This is unlikely to be the case for any of the contaminants and the only contaminants that can be modelled are N and P using Overseer (and possibly other decision support tools, but they all have accuracy and other issues and are still modelled not measured). 	<p>baseline data for compiling a monitoring plan and <u>where this is used to assess progress towards achieving the Table 3.11-1 water quality attribute targets, those targets are updated and re-calculated using the more up to date information or monitoring data;</u> and</p> <p>Amend paragraph d as follows:</p> <p>An information and <u>accounting reporting system</u> for the diffuse and point source discharges of nitrogen, phosphorus, sediment and microbial pathogens from properties <u>to help to better understand water quality issues. that supports the management of nitrogen, phosphorus, sediment and microbial pathogens diffuse discharges at a property scale.</u></p>

Provision appealed	Reasons for appeal	Relief sought
	<ul style="list-style-type: none"> • Include point source as well as diffuse discharges. Federated Farmers considers that it is important that all discharges are considered, monitored and further information is gathered because they will all be contributing to water quality issues. • Federated Farmers considers that is premature to manage N, P, sediment and E coli at an individual property scale and that such an approach is not helpful given the nature of diffuse discharges, the lack of understanding of groundwater and sub-catchment characteristics (including attenuation and the load to come) and that the focus ought to be on gathering information about all sources of contaminants to better understand water quality issues. 	
<p>Method 3.11.3.4</p> <p>Waikato Regional Council will:</p> <p>a. Review and report on the progress towards and achievement of the 80-year numerical water quality values of Chapter 3.11, and giving effect to Te Ture Whaimana o Te Awa o Waikato (to the extent provided for in Chapter 3.11).</p> <p>b. Research and identify methods to measure actions at a sub-catchment and property level, and their contribution to reductions in the discharge of contaminants including how it will marry its Regional Ecological Monitoring of Streams (REMS) programme with the Waikato and Waipā River catchments' sub-catchment water quality monitoring programme.</p>	<p>Federated Farmers considers that Method 3.11.3.4 ought to be deleted because:</p> <ul style="list-style-type: none"> • Most of the matters contained in it are already contained in Method 3.11.3.3. • Several of the matters are included in the new Catchment Profiles method proposed above. • The focus is solely on diffuse discharges and Federated Farmers considers there ought to be a focus on all sources of contaminants (for that reason Federated Farmers proposes in the new Catchment Profiles method that all resource consents for discharges and takes are recorded, not just consents issued under Chapter 3.11). • The focus is on “measuring” actions and discharges and effects at a property scale. While Federated Farmers considers that it is helpful to understand the effects of mitigations on water quality, the nature of the activities, diffuse discharges and sub-catchments (including factors like attenuation and lags) is that these are likely to be very difficult to “measure” and difficult to attribute to a property scale. 	<p>Delete Method 3.11.3.4.</p>

Provision appealed	Reasons for appeal	Relief sought
<p>c. Work with landowners and sub-catchment/collective groups to establish complementary monitoring programmes that are relevant to their operations and sub-catchments.</p> <p>d. Collate data on the number of land use resource consents issued under the rules of this chapter, the number of Farm Environment Plans completed, compliance with the actions listed in Farm Environment Plans, nitrogen loss for properties, and nitrogen discharge data reported under Farm Environment Plans.</p> <p>e. Work with industry to collate information on the functioning and success of any certified sector scheme.</p>	<p>Further, Federated Farmers does not support the allocation of contaminants.</p>	
<p>Method 3.11.3.5</p> <p>Waikato Regional Council will:</p> <p>a. Develop and disseminate best management practice guidelines for reducing the diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and</p> <p>b. Support research into methods for reducing diffuse discharges of contaminants to water.</p>	<p>While Federated Farmers agrees that clarity and guidelines around good management practices (GMP) (or good farming practices, GFP) would be helpful, it considers that this method needs to focus on industry agreed good management practices (not “best management practice”). It is also important to recognise that GMP will evolve and be refined over time, so guidelines will need to be reviewed and updated.</p> <p>Federated Farmers is concerned that “best practice” is aspirational, sets the bar unreasonably high, is not referred to in PC1 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,</p>	<p>Amend Method 3.11.3.5 as follows:</p> <p>Waikato Regional Council will:</p> <p>a. <u>In consultation and collaboration with industry and stakeholders, Ddevelop and disseminate best industry agreed good management practice guidelines for reducing managing the diffuse discharges of nitrogen,</u></p>

Provision appealed	Reasons for appeal	Relief sought
	<p>Federated Farmers considers that industry and stakeholders have a key role in assisting Council to develop good management practice guidelines.</p> <p>The research ought to also consider point source and other discharges (e.g. natural sources) of contaminants, not just diffuse discharges.</p> <p>Federated Farmers also considers that this method ought to provide for guidelines for the use of decision support tools other than Overseer, mitigations not recognised by Overseer, how actual data can be relied upon as opposed to default input standards for Overseer, and other departures from Overseer input protocols, assumptions or standards. This would provide greater certainty about the application of Schedule B. It is also important that industry is consulted in the development of this.</p>	<p>phosphorus, sediment and microbial pathogens; and</p> <p>b. Support research into methods for reducing <u>and managing diffuse and point source discharges of contaminants to water, as well as other sources of contaminants or other matters relevant to water quality such as attenuation, ground water travel times, loads to come and the role of pests.</u></p> <p>c. <u>In consultation and collaboration with industry and stakeholders, develop and disseminate guidelines for how Waikato Regional Council will consider applications to use models or decision support tools other than Overseer, how mitigations not recognised by Overseer will be recognised and provided for, how actual data may be used as an Overseer input (as opposed to defaults), circumstances for departure from Overseer parameter settings, how</u></p>

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		<u>different data input standards could be used or changes in the 2016 data input standards could be accommodated, alternatives to provide for situations where data is missing, and any other issues that are likely to arise from the use of Overseer.</u>
<p>Method 3.11.3.6 Koi carp and Canada Geese management</p> <p>Waikato Regional Council will:</p> <p>a. Continue to work with, provide support to, and strongly encourage the relevant agencies (such as Department of Conservation, Fish & Game and the Ministry for Primary Industries), as well as the community and landowners, to take a coordinated approach to the management, surveillance, control and eradication, of pest species including: Koi carp, brown bullhead catfish, gambusia, rudd and tench; and any new pest species; and to control, as far as practicable, advisory animals including Canada geese. In the context of Chapter 3.11 a focus should be placed on the management and control of Koi carp and Canada geese; and</p>	<p>Federated Farmers considers that the many of the ongoing degradation problems with the Whangamarino Wetland (and other sites) is due to the effects of pests such as Koi Carp. Even with strict restrictions on the agriculture sector it is likely that water quality will continue to degrade if pests are not controlled.</p> <p>Federated Farmers considers that stronger controls need to be put in place to manage pest control, in particular koi carp. Without addressing the issue of pest fish it is unlikely that the water quality in the Whangamarino wetland will experience meaningful improvement, regardless of the restrictions placed on farming enterprises.</p> <p>There are similar issues with Canada Geese (and other pests) in other sub-catchments.</p> <p>While Federated Farmers supports a specific method to emphasise the importance of pest control, and to require coordination of resources, it considers that there also needs to be recognition that pests will limit the effectiveness of actions on farm, and that farmer should not be penalised because of this.</p>	<p>Retain Method 3.11.3.6 and amend Policies 2, 4, 15 and 16, and adopt a new method 3.11.3.2A to ensure that the effects of pests like koi carp and Canada geese (and actions to control them) are taken into account in considering the actions required on farm to improve water quality.</p>

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b. Through the implementation of the Regional Pest Management Plan (which describes why and how various plant and animal pests and advisory plants and animals will be controlled in the Waikato region), set out the priorities for pest fish management and advisory animals in the Region, and ensure that adequate funding is allocated for this function via the Waikato Regional Council's Long Term Plan.	Federated Farmers proposes amendments to the new Catchment Profile method (and policies) it proposes to require the effects of pests to be taken into account. This will mean that these effects are also taken into account in the policies that refer to the Catchment Profiles and in preparation of FEPs. In addition, Federated Farmers proposes changes to Policies 15 and 16 to specifically take into account the effects of pests on restoration and protection of riverine and peat lakes, and Whanagmarino Wetland.	
RULES		
<p>Rule 3.11.4.1 Permitted Activity Rule – Small and very low intensity farming</p> <p>The use of land for farming including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water is a permitted activity subject to:</p> <p>Conditions 1-9 below if the use of land for farming on a property is less than or equal to 20ha; or</p> <p>Conditions 1-11 below if the use of land for farming on a property is greater than 20 ha.</p> <p>1. The property is registered with the Waikato Regional Council if required by and in conformance with Schedule A; and</p>	<p>Federated Farmers supports the adoption of a permitted activity rule for farming activities on smaller properties or of a very 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 are not generally run for a profit and collectively comprise less land area.</p> <p>However, Federated Farmers considers that amendments are needed to ensure that small and very low intensity farmers are provided for, and to achieve the intention of providing for properties below 12 stock units without the need to prepare a FEP.</p> <p>Paragraph 4</p> <p>Federated Farmers considers the inclusion of “feedlots” is too blunt for a minimum standard and causes confusion as the definition of feedlots directly overlaps with what could be considered intensive indoor farming which is expressly excluded from the definition of “farming”. Federated Farmers considers reference to “feedlots” ought to be deleted.</p>	<p>Delete paragraph 4</p> <p>In the alternative, adopt a reasonable definition of feedlots and sacrifice paddocks to address Federated Farmers' concerns.</p> <p>Delete paragraph 6</p> <p>Amend paragraph 8 to provide an appropriate, reasonable, practical and certain standard for grazing on land above 25 degrees.</p> <p>Amend paragraphs 10 and 11 to clarify that the requirements in paragraph 11 only apply to properties grazing horses or</p>

Provision appealed	Reasons for appeal	Relief sought
<p>2. Farming is undertaken in conformance with the minimum farming standards in Schedule C; and</p> <p>3. No commercial vegetable production; and</p> <p>4. No feedlots or sacrifice paddocks are used on the property; and</p> <p>5. No more than 5% of the land used for farming is used for cropping, including winter forage crops; and</p> <p>6. The farming occurs on one property; and</p> <p>7. The winter stocking rate is less than 12 stock units per hectare, but does not apply to horse (equine) farming; and</p> <p>8. No stock above 400kg shall be grazed on land with a slope of 25 degrees or greater; and</p> <p>9. No dairy farming occurs; and</p> <p>10. Upon request, the landowner shall obtain and provide to the Waikato Regional Council independent verification from a Certified Farm Environment Planner that the use of land is compliant with the conditions of this Rule within 20 working days of the request</p>	<p>Federated Farmers also has concerns about sacrifice paddocks and how farmers will know in advance whether they comply with the permitted activity standard. Federated Farmers is concerned that farmers may inadvertently find themselves in breach of this standard simply because an unforeseeable or unusual weather event results in heavy rainfall and stock being held in a paddock and the paddock inadvertently being classified as a sacrifice paddock.</p> <p>Accordingly, Federated Farmers considers that paragraph 4 ought to be deleted or in the alternative the definitions of feedlot and sacrifice paddocks amended to address Federated Farmers' concerns.</p> <p>Paragraph 6</p> <p>Rule 3.11.4.1 excludes land uses where the activities are carried out over more than one property (even where the combined area is equal to or less than 20ha).</p> <p>Federated Farmers considers that the effects from farming enterprises on land areas of 20ha are likely to be the same whether they are managed over one property or multiple properties. It considers that there is no reason to treat them differently, provided the total area of land is no more than 20ha (and the other standards in Rule 3.11.4.1 are met).</p> <p>For example, a land owner could own two 5ha blocks or own 5ha and lease 6ha. The environmental effects from these activities are very unlikely to be different from a landowner who has 10ha or 11ha properties at one location. In addition, it is very onerous on these farmers (as well as an ineffective and inefficient use of limited Council and other resources) for these activities to default to a discretionary activity status under Rule 3.11.4.8 if they are carried out over more than one property.</p>	<p>being used for free range poultry, and that this rule applies to all properties over 20ha with less than 12 stock units.</p>

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<p>(unless otherwise agreed in writing by the Waikato Regional Council); and</p> <p>11. i. For at least 9 months in any 12 month period, more than 75% of the stock units on the property are horses; OR</p> <p>ii. The property is used only for free range poultry.</p>	<p>Accordingly, Federated Farmers considers that paragraph 6 should be deleted.</p> <p>Paragraph 8 Federated Farmers considers that a standard based on slope is better than a standard based on LUC class. However, it has concerns about how certain and practical this standard will be. It also refers to the concerns raised below in the context of the definition of slope. If there is a more appropriate, reasonable and certain way of defining this standard, Federated Farmers would support such amendment.</p> <p>Paragraphs 10 and 11 Federated Farmers considers that Rule 3.11.4.1 ought to apply to properties over 20ha with a stocking rate of less than 12 stock units (and that this was the intention of the Hearing Panel's decision). However, due to the word "and" at the end of paragraph 10 this rule would only apply to properties over 20ha if more than 75% of the stock units are used for horses or the property is only used for free range poultry.</p> <p>Federated Farmers considers that this could be fixed by removing the word "and" at the end of paragraph 10 and by clarifying that paragraph 11 only applies to properties used to graze horses or free range poultry. Another option would be to clarify at the start of the rule that conditions 1-10 apply to farming over 20ha, except that conditions 1-11 apply to properties grazing horses or free range poultry.</p>	
<p>Rule 3.11.4.2 Interim Permitted Activity – Farming prior to obtaining consent Except as permitted by Rule 3.11.4.1 or 3.11.4.3, or as regulated by Rule 3.11.4.9, the use of land for farming, including any</p>	<p>In principle, Federated Farmers supports an interim permitted activity rule (particularly where the dates for obtaining consents are staged).</p> <p>However, Federated Farmers has concerns about the requirements to comply with Schedule C (in the interim) and the requirement to obtain</p>	<p>Delete clause 1 of Rule 3.11.4.2.</p>

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<p>associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water is a permitted activity until the relevant Application Date specified in Table 3.11-3, subject to the following condition:</p> <p>1. Farming is undertaken in conformance with the minimum farming standards in Schedule C.</p> <p><i>Note: Failure to comply with Schedule C will result in farming operations requiring consent immediately (and not as specified in Table 3.11-3).</i></p>	<p>consent if this is not complied with. On the basis of the current wording of Schedule C, Federated Farmers is concerned that this could be onerous and defeat the purpose of staging the requirement to obtain consents.</p> <p>Federated Farmers seeks the deletion of clause 1 of Rule 3.11.4.2 or, in the alternative, amendments to Schedule C.</p>	
<p>Rule 3.11.4.3 – Permitted Activity Rule – Low intensity farming</p> <p>Unless permitted by Rule 3.11.4.1 or regulated by Rule 3.11.4.6:</p> <p>3A. The use of land for farming, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water, where:</p> <p>i. For drystock farming the winter stocking rate is equal to or less than 18 stock units per hectare;</p>	<p>Federated Farmers considers that Rule 3.11.4.3, as currently drafted, is unclear and confusing. In particular, it is confusing for the plan user to have to refer back to previous rules to understand whether this rule applies. This is especially difficult for plan users trying to ascertain whether their land use activity is permitted under clause 3B. Being a permitted activity rule, the rule should clearly outline the minimum standards a farmer must meet without having to look elsewhere in the plan.</p> <p>Federated Farmers seeks the rule be redrafted to be more user friendly.</p> <p>Paragraph 3B</p> <p>Federated Farmers considers that there is no need to refer to conditions 1, 2, 3 and 6 of Rule 3.11.4.1 within 3B as these are repeated within paragraphs 1-8 of Rule 3.11.4.3. Such repetition will likely cause confusion for plan users.</p>	<p>Amend Rule 3.1.4.3 as follows (only the relevant paragraphs are reproduced):</p> <p>Unless permitted by Rule 3.11.4.1 or regulated by Rule 3.11.4.6 <u>the following use of land for farming is permitted activity:</u></p> <p>3A. ...</p> <p>3B. The use of land for farming, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water</p>

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<p>ii. For all other farming, the Nitrogen Leaching Loss Rate for the property is Low in conformance with Table 1 in Schedule B;</p> <p>OR</p> <p>3B The use of land for farming, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water, and where all of the conditions of Rule 3.11.4.1 are met except for either or both of conditions 4 and 5;</p> <p>is a permitted activity. 3A and 3B are subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The property is registered with the Waikato Regional Council if required by and in conformance with Schedule A; and 2. Farming is undertaken in conformance with the minimum farming standards in Schedule C; and 3. Where 3A(ii) applies, a Nitrogen Leaching Loss Rate is produced for the property in conformance with Schedule B; and 	<p>Federated Farmers also considers that condition 10 of Rule 3.11.4.1 should not be referred to, as the Council will have access to the landowner's FEP and full access to electronic system software as required by paragraphs 7 and 8 of Rule 3.11.4.3.</p> <p>Paragraph 5</p> <p>The Hearing Panel in its decision identified that farming activities across multiple properties are common, sometimes being on contiguous blocks of land and sometimes non-contiguous blocks. However, this is to be distinguished from collective approaches, where groups of landowners work together to coordinate actions across multiple properties (not under the same ownership and not carrying out the same or a single farming activity).</p> <p>The Hearing Panel recommended the adoption of a specific policy and rule addressing collectives. The Panel recommended that, due to the complexity of consenting on a collective basis, this activity ought to be a discretionary activity. Federated Farmers considers that it is clear from the decision that the Hearing Panel used the term "collective" to mean collective groups of property owners and other stakeholders working together and the intention was not to capture farming that may occur on more than one property.</p> <p>The notified version of PC1 provided for a "farm enterprise" approach, which considered the farming activity as a whole. Unfortunately, the decisions version has effectively adopted a property approach, which effectively divides an existing activity by property location. The implication is that many farming activities would default to the discretionary activity rule because they are carried out on more than one property. Not only is this contrary to the Hearing Panel's intention, but also Federated Farmers considers that this will impose significant cost on farmers and on Council, risk regulatory failure and deliver little environmental benefit. In addition, there was no consideration of</p>	<p>or onto or into land in circumstances which may result in those contaminants entering water, and where all of the <u>following conditions of Rule 3.11.4.1 are met: except for either or both of conditions 4 and 5;</u></p> <p><u>Conditions i-iii below if the use of land for farming on a property is less than or equal to 20ha; or</u></p> <p><u>Conditions i-iv below if the use of land for farming on a property is greater than 20ha.</u></p> <p>i. <u>The winter stocking rate is less than 12 stock units per hectare, but does not apply to horse (equine) farming; and</u></p> <p>ii. <u>No stock above 400kg shall be grazed on land with a slope of 25 degrees or greater [or an amendment to this standard to address Federated Farmers concern in the context of Rule 3.11.4.1 above]; and</u></p> <p>iii. <u>No dairy farming occurs; and</u></p>

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<p>4. No commercial vegetable production occurs; and</p> <p>5. The use of land for farming occurs on one property; and</p> <p>6. The minimum standards in Schedule D1 (Part D) are met; and</p> <p>7. A Farm Environment Plan:</p> <ul style="list-style-type: none"> a. has been prepared in conformance with Schedule D1; and b. shows actions and mitigations that demonstrate how the minimum standards set out in Schedule D1 will be achieved; and c. provides evidence to demonstrate the Nitrogen Leaching Loss Rate for the property in conformance with Schedule B where applicable; and d. is provided to the Waikato Regional Council within six months after this chapter becomes operative; and <p>8. Full electronic access to any software or system that models or records diffuse contaminant losses for the farming authorised by this rule is granted to the Waikato Regional Council, and if requested, any analysis produced by an approved software or system is provided to the Waikato Regional Council.</p>	<p>the costs, risks and benefits (or other s32 matters) of applying a discretionary activity status to farming activities carried out over more than one property.</p> <p>This is likely to be a significant issue for farmers because it is very common for dairy farms, for example, to have a home block but to winter the herd or to graze young stock at a run off block (these could be leased blocks that are not contiguous to the home block). A drystock operation might likewise involve young stock being raised at a property in one location, then sent to a run off block or property at another location to fatten. A service bull operation would involve the bulls spending significant amounts of time at other properties.</p> <p>Accordingly, Federated Farmers seeks the deletion of paragraph 5 of Rule 3.11.4.3 and the adoption of an “farm enterprise” approach (with appropriate amendment to definitions, policies and rules to achieve this).</p> <p>Paragraph 7</p> <p>Federated Farmers considers that a reasonable, practicable and affordable FEP framework needs to be provided to recognise that low intensity farming activities are having less of an impact on the environment, they are generally smaller scale or less profitable activities and may have more limited mitigations or options available. Federated Farmers seeks amendments to Schedule D1, and also amendment to policies and rules (including Rule 3.11.4.3) to achieve this.</p> <p>Federated Farmers also seeks an extension of the six month time period in clause d, to ensure that sufficient time is provided for farmers to prepare a FEP and obtain any advice necessary in the preparation of the FEP or in understanding the application of the rule and their obligations.</p>	<p><u>ix a. For at least 9 months in any 12 month period, more than 75% of the stock units on the property are horses; OR</u></p> <p><u>b. The property is used only for free range poultry.</u></p> <p>is a permitted activity. 3A and 3B are subject to the following conditions:</p> <p>...</p> <p>5. The use of land for farming occurs on one property; and</p> <p>7. A Farm Environment Plan:</p> <ul style="list-style-type: none"> a. has been prepared in conformance with Schedule D1; and b. shows actions and mitigations that demonstrate how the minimum standards set out in Schedule D1 will be achieved; and c. provides evidence to demonstrate the Nitrogen Leaching Loss Rate for the property in conformance with Schedule B where applicable required by the rules; and

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	<p>Paragraph 8</p> <p>Federated Farmers' members are concerned about the privacy of personal, confidential and commercial data provided to WRC. Accordingly, amendments are sought to paragraph 7 to ensure that while full electronic access is provided, it is on a confidential and private basis and is solely used by WRC and solely for the purpose of assessing the compliance of the farm to which it relates with the rules.</p>	<p>d. is provided to the Waikato Regional Council within six <u>12</u> months after this chapter becomes operative; and</p> <p>Amend Paragraph 8 to ensure that confidentiality of personal and commercially sensitive data is retained and that the data is solely used by WRC and is not used for any purpose other than assessing compliance of the farm to which it relates with the rules.</p> <p>Such other amendments to policies, rules and definitions to ensure that a "farm enterprise" approach is adopted and that the FEP framework and permitted activity standards are reasonable, practicable and affordable.</p>
New permitted activity Rule 3.11.4.3A – Sector Schemes	<p>Federated Farmers considers that FEPs prepared pursuant to a Sector Scheme ought to be a permitted activity. Federated Farmers is concerned about the risk of regulatory failure as a result of the volume of FEPs and resource consents to be prepared and approved under PC1. Federated Farmers sees the Sector Schemes as a mechanism for reducing the regulatory burden, as well as creating efficiencies (e.g. FEPs prepared under the scheme would be set out in a consistent format, FEPs could be prepared</p>	<p>Adopt a new Rule 3.11.4.3A to provide for farming activities as a permitted activity under a Sector Scheme.</p>

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	<p>more quickly and cost effectively if the industry body already has information on the farming activity etc) and incentives (e.g. milk supply agreements that refer to FEPs) that do not exist under a consent framework.</p> <p>It would also give farmers the option of dealing with their industry body through the sector scheme or dealing with the regional council.</p>	
<p>Rule 3.11.4.4 – Controlled Activity Rule – Moderate intensity farming</p> <p>Unless regulated by Rule 3.11.4.6:</p> <p>4A. The use of land for farming, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water where:</p> <ul style="list-style-type: none"> i. For drystock farming the winter stocking rate is greater than 18 stock units per hectare; ii. For all other farming, the Nitrogen Leaching Loss Rate for the property is Moderate in conformance with Table 1 in Schedule B; <p>OR</p> <p>4B. The use of land for farming, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water, where:</p>	<p>Controlled activity status</p> <p>Federated Farmers supports a controlled activity status for moderate intensity (and other) farming activities. Federated Farmers considers that the controlled activity status ought to also apply to existing high NLLR farms to recognise that they are existing activities. Federated Farmers considers that a discretionary activity status for these activities is unreasonably stringent, will be inefficient and will impose unnecessary cost. The ability to turn down consent and/or take into account any matter in exercise of Council's discretion, does not recognise that these are existing farming activities.</p> <p>Federated Farmers proposes an additional matter of control (clause iiiA) to recognise that these farms ought to manage nitrogen in accordance with Policy 2 (as amended by Federated Farmers' appeal). Federated Farmers considers that this is not strictly necessary because it is considered in Schedule D2 (Federated Farmers proposes amendments to Schedule D2 so that it is considered in terms of nitrogen efficiency, and nutrient management, as opposed to a specific standard). However, it has been provided as a more explicit notice to plan users of the expectations for high NLLR activities and as a compromise to recognise the change from the activity status in the decisions version of PC1.</p> <p>Federated Farmers also considers that the controlled activity status ought to apply to farming activities in the Whangamarino Wetland Catchment (as discussed below in the context of Rule 3.11.4.6). Federated Farmers</p>	<p>Amend Rule 3.11.4.4 as follows (only the relevant paragraphs are reproduced below):</p> <p>Rule 3.11.4.4 – Controlled Activity Rule – Moderate and high intensity farming</p> <p>Unless regulated by Rule 3.11.4.6:</p> <p>4A. The use of land for farming, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water where:</p> <ul style="list-style-type: none"> i. For drystock farming the winter stocking rate is greater than 18 stock units per hectare; ii. For all other farming, the Nitrogen Leaching Loss Rate for the property is Moderate or

Provision appealed	Reasons for appeal	Relief sought
<p>i. For drystock farming the winter stocking rate is equal to or less than 18 stock units per hectare;</p> <p>ii. For all other farming, the Nitrogen Leaching Loss Rate for the property is Low in conformance with Table 1 in Schedule B; but which cannot meet the stock exclusion standards in Clauses 1-4 of Schedule C or one or more of the standards in Part D of Schedule D1;</p> <p>is a controlled activity. 4A and 4B are subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The property is registered with the Waikato Regional Council if required by and in conformance with Schedule A; and 2. Farming is undertaken in conformance with the minimum farming standards in Schedule C except in the case of stock exclusion where a tailored solution may be approved as part of a Farm Environment Plan lodged with the resource consent application; and 3. Where 4A(ii) or 4B(ii) apply a Nitrogen Leaching Loss Rate is produced for the property in conformance with Schedule B; and 	<p>considers that no changes are required to Rule 3.11.4.4 to provide for this because the significance of the wetland and specific water quality issues will be addressed in the Catchment Profile and therefore addressed in the FEP (on the basis of the revised framework Federated Farmers proposes). In the event that Federated Farmers' revised framework is not adopted, Federated Farmers considers that any additional matters associated with the wetland or a sub-catchment management plan for the wetland, could be addressed by an additional matter of control to that effect.</p> <p>In addition to the above issues, Federated Farmers has several concerns with the drafting and application of Rule 3.11.4.4, including:</p> <ul style="list-style-type: none"> • In places, the drafting is unclear and confusing. • There needs to be a reasonable consenting pathway if the conditions or standards of Rule 3.11.4.4 cannot be met. • Activities captured by Rule 3.11.4.4 because they cannot comply with Rule 3.11.4.3 ought to have the option to prepare a FEP in accordance with Schedule D1, and propose a tailored action for the standard (or standards) in Rule 3.11.4.3 that they cannot meet. • Rule 3.11.4.3 ought to be amended to address matters raised elsewhere in this notice of appeal or Federated Farmers' submission. <p>Paragraph 4B</p> <p>Federated Farmers supports the purpose of the exemption in clause 4B but considers that it should refer to Schedule C in its entirety. Federated Farmers considers that there ought to be a controlled activity pathway for those farms that cannot meet Schedule C (and can then tailor actions through a FEP under Schedule D2). As many of the matters in Schedule C are included in Part D of Schedule D1, this would also be consistent with the intention of the last sentence of paragraph 4B.</p>	<p>high in conformance with Table 1 in Schedule B;</p> <p>OR</p> <p>4B. The use of land for farming, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water, where:</p> <p>i. For drystock farming the winter stocking rate is equal to or less than 18 stock units per hectare;</p> <p>ii. For all other farming, the Nitrogen Leaching Loss Rate for the property is Low in conformance with Table 1 in Schedule B; but which cannot meet <u>one or more of</u> the stock-exclusion standards in <u>Clauses 1-4 of</u> Schedule C or one or more of the standards in Part D of Schedule D1;</p>

Provision appealed	Reasons for appeal	Relief sought
<p>4. No commercial vegetable production occurs; and</p> <p>5. The use of land for farming occurs on one property; and</p> <p>6. A Farm Environment Plan:</p> <ul style="list-style-type: none"> a. has been prepared in conformance with Schedule D2; and b. has been approved by a Certified Farm Environment Planner as: <ul style="list-style-type: none"> i. being in conformance with Schedule D2; and ii. providing evidence to demonstrate the Nitrogen Leaching Loss Rate for the property in conformance with Schedule B; and iii. showing actions and mitigations that demonstrate how the farming activity will achieve the goals and principles set out in Part D of Schedule D2; and c. is provided to the Waikato Regional Council by the relevant Application Date specified in Table 3.11-3; and <p>7. Full electronic access to any software or system that models or records diffuse contaminant losses for the farming authorised by this rule is granted to the Waikato Regional Council, and if requested, any analysis produced by an approved</p>	<p>Paragraph 2</p> <p>Federated Farmers considers that the purpose of the controlled activity rule ought to be to allow farmers to apply for a consent where they cannot meet one or more of the requirements of Schedule C (and not just the stock exclusion standards). This would be the most efficient and effective way of implementing the plan and achieving the objectives at lowest cost to farmers.</p> <p>Federated Farmers considers that the ability to tailor a mitigation to address any one of the standards in Schedule C ought to be provided for as a controlled activity.</p> <p>Paragraph 5</p> <p>As explained above, Federated Farmers considers that the relevant rules should not exclude farming that is carried out over more than one property for reasons including:</p> <ul style="list-style-type: none"> • The Hearing Panel's intention was to provide for multiple farms or activities or farm enterprises to apply for a discretionary consent as a collective, but has inadvertently also included farming activities carried out over more than one property. • It is common to carry out a farming activity on more than one property e.g. a dairy farm might graze and milk cows on a home block, but use a run off block for young stock or winter grazing. It is not appropriate, efficient or cost effective to require activities like this to apply for a discretionary consent. • Federated Farmers supports a "farm enterprise" approach where the entire activity is considered, as opposed to requiring a discretionary activity consent or requiring each property to obtain a separate consent. 	<p>Amend paragraph 2 as follows:</p> <p>Farming is undertaken in conformance with the minimum farming standards in Schedule C except in the case of stock exclusion where a tailored solution <u>for those standards in Schedule C that are not able to be complied with</u> is may be approved as part of a Farm Environment Plan lodged with the resource consent application; and</p> <p>Delete paragraph 5 and amend the policies, rules and definitions to achieve a farm enterprise approach.</p> <p>Amend paragraph 6 to address Federated Farmers' concerns about the FEP framework.</p> <p>Amend paragraph 6 to enable those farmers who require consent under this rule as a result of non-compliance with Rule 3.11.4.3 to prepare a FEP under Schedule D1 but to</p>

Provision appealed	Reasons for appeal	Relief sought
<p>software or system is provided to the Waikato Regional Council.</p> <p>Waikato Regional Council reserves control over the following matters:</p> <ul style="list-style-type: none"> i. The measures to achieve the policies and objectives of Chapter 3.11 to the extent that they are relevant to the matters in ii – xi below. ii. The content of the Farm Environment Plan. iii. The actions and timeframes which demonstrate how the farming activity will achieve the goals and principles set out in Part D of Schedule D2. iv. The method by which the environmental outcomes of the stock exclusion requirements in Schedule C are achieved. v. Measures to address the effects, including cumulative effects, of diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens. vi. In the case of the use of land for farming where the property is wholly or partly in a peat or riverine lake FMU, the effects of the activity on lake water quality. 	<p>Accordingly, Federated Farmers seeks the deletion of paragraph 5 and amendments to the policies, rules and definitions to achieve a farm enterprise approach.</p> <p>Paragraph 6</p> <p>Federated Farmers considers that a reasonable, practicable and affordable FEP framework needs to be provided, that provides for tailored solutions. This includes providing an appropriate framework to assist farmers and farm advisors to choose from the myriad of options that may be available to address potential critical source areas, risks etc. Federated Farmer seeks amendments to Schedule D2, and also amendment to policies and rules (including Rule 3.11.4.4) to achieve this.</p> <p>Federated Farmers seeks amendments to this paragraph in the event that the changes it seeks to policies and schedules are not made, or as consequential relief if consequential changes are required to paragraph 6 as a result of the changes it proposes to the policies, rules and schedules.</p> <p>Federated Farmers seeks changes to Paragraph 6 to enable farmers who need consent under Rule 3.11.3.4 because they cannot meet one or more of the standards in Rule 3.11.3.3 to be able to prepare a FEP in accordance with Schedule D1, except that a tailored option is proposed for the standard not met (it could be a standard in Schedule C or D1, for example). Federated Farmers considers this a more effective and efficient option, as well as lower cost, for these farmers compared with the more onerous requirement of preparing a FEP in accordance with Schedule D2.</p> <p>Federated Farmers also seeks changes to paragraph 6(ii) to clarify that it is only those farmers who are required to obtain an NLLR (to demonstrate that they are low or moderate) who are required to provide evidence to demonstrate the NLLR for the property in conformance with Schedule B.</p>	<p>propose a tailored solution for the matter(s) in that schedule that cannot be met (as opposed to having to prepare an entire FEP in accordance with Schedule D2).</p> <p>Amend paragraph 6 so that the only farmers required to provide evidence to demonstrate the NLLR (clause ii) are those who are required to obtain an NLLR (to demonstrate that they are low or moderate).</p> <p>Amend Paragraph 7 to ensure that confidentiality of personal and commercially sensitive data is retained and that the data is solely used by WRC and is not used for any purpose other than assessing compliance of the farm to which it relates with the rules.</p> <p>Amend the matters of control as follows:</p> <p>i. The measures to achieve the policies and objectives of Chapter 3.11 to the extent that</p>

Provision appealed	Reasons for appeal	Relief sought
<p>vii. Measures to address any adverse effects on downstream drinking water supplies.</p> <p>viii. The duration of the resource consent.</p> <p>ix. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent to demonstrate and/or monitor compliance with the resource consent and Farm Environment Plan.</p> <p>x. The timeframe and circumstances under which the resource consent conditions may be reviewed.</p> <p>xi. Procedures for reviewing, amending and re-approving the Farm Environment Plan.</p> <p>Notification: Consent applications will be considered without notification, and without the need to obtain written approval of affected persons.</p>	<p>Federated Farmers is concerned that requiring all farmers to obtain an NLLR would defeat the purpose of the NLLRs (which is as a drafting gate to determine the activity status of certain activities and not as a reference point or benchmarking tool). Federated Farmers is also concerned about the cost and resources (particularly when there will be a limited pool of advisors) and that the cost and resources could be used elsewhere for greater benefit.</p> <p>Paragraph 7 Federated Farmers' members are concerned about the privacy of personal, confidential and commercial data provided to WRC. Accordingly, amendments are sought to paragraph 7 to ensure that while full electronic access is provided, it is on a confidential and private basis and is solely used by WRC and solely for the purpose of assessing the compliance of the farm to which it relates with the rules.</p> <p>Matters of control Federated Farmers accepts that WRC has the ability to specify within a controlled activity rule, matters over which it has reserved control in relation to an activity. However, Federated Farmers considers that such controls must be clear and appropriate to the circumstances.</p> <p>Federated Farmers is also concerned that there are many overlaps, when control over the content of the FEP in accordance with Schedule D2 would address the matters e.g. clause iv is not necessary because it is addressed in principle 13 of Schedule D2. There are also unnecessary controls (such as matter v) because they are matters already addressed in Schedule D1 (and therefore over which control is maintained in clauses ii or iii).</p> <p>Federated Farmers also considers that in the context of existing farming activities and a detailed FEP schedule, such as Schedule D2, it is not appropriate for control to be reserved over a broad range of matters,</p>	<p>they are relevant to the matters in ii—xi below.</p> <p>ii. The content of the Farm Environment Plan <u>in accordance with Schedule D2, except for any activity requiring consent under this Rule as a result of non-compliance with a standard in Rule 3.11.4.3, in which case control shall only be reserved over the content of the Farm Environment Plan that relates to the subject matter of the standard infringed.</u></p> <p>iii. The actions and timeframes which demonstrate how the farming activity will achieve the goals and principles set out in Part D of Schedule D2, <u>except for any activity requiring consent under this Rule as a result of non-compliance with a standard in Rule 3.11.3.3, in which case control shall only be reserved over the actions and timeframes that relate to the subject matter of the standard infringed.</u></p>

Provision appealed	Reasons for appeal	Relief sought
	<p>including policies and objectives, content of FEP, actions and timeframes etc (particularly where most, if not all, of these matters are already contained in Schedule D2). Such controls would be more akin to a discretionary activity.</p> <p>Federated Farmers also considers that given the clear and specific FEP framework in Schedule D2, control over the content of a FEP ought to be limited to those matters in Schedule D2. Accordingly, significant amendment is proposed to the matters of control.</p> <p>A further issue is the situation of those farms who cannot comply with one or more of the matters in Schedule D1, and therefore need to apply for consent under Rule 3.11.4.4. Federated Farmers considers that it would be more effective and efficient for those farmers to have the option of preparing a FEP under Schedule D1 and having a tailored solution proposed for the matter(s) that they cannot comply with (as opposed to having to prepare an entire FEP under Schedule D2).</p> <p>In respect of procedures for reviewing, amending and re-approving the Farm Environment Plan, Federated Farmers considers that WRC ought to establish an implementation plan and guidance about this, in consultation with stakeholders, and considers that this approach ought to be based on something similar to the review and grading approach in Canterbury or the draft implementation plan for Bay of Plenty Regional Council's Plan Change 10.</p>	<p><u>iiiA. Where the property had a high NLLR, the actions, timeframes and other measures to manage nitrogen in accordance with Policy 2.</u></p> <p><u>iv. The method by which the environmental outcomes of the stock exclusion requirements in Schedule C are achieved.</u></p> <p><u>v. Measures to address the effects, including cumulative effects, of diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens.</u></p> <p><u>vi. In the case of the use of land for farming where the property is wholly or partly in a peat or riverine lake FMU, the effects of the activity on lake water quality.</u></p> <p><u>vii. Measures to address any adverse effects on downstream drinking water supplies.</u></p> <p>...</p>

Provision appealed	Reasons for appeal	Relief sought
		<p>Amend PC1 (including methods) to require an implementation plan to be prepared in consultation with industry groups to provide for matters such as the use of models other than Overseer, procedures for reviewing and grading FEPs and procedures for amending FEPs.</p> <p>viii. The duration of the resource consent.</p>
<p>Rule 3.11.4.6 – Restricted Discretionary Activity Rule – Farming in Whangamarino</p> <p>Unless permitted by Rule 3.11.4.1 or regulated by Clauses 7A or 7B of Rule 3.11.4.7, the use of land for farming in the Whangamarino Wetland Catchment area shown on Map 3.11-3, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water, is a restricted discretionary activity subject to the following conditions:</p> <p>1. The property is registered with the Waikato Regional Council if required by and in conformance with Schedule A; and</p>	<p>Federated Farmers does not support a restricted discretionary activity status for existing farming activities in the Whangamarino Wetland Catchment. While Federated Farmers recognises the special significance of the wetland, as a RAMSAR site, it considers that existing farming activities ought to be provided as controlled or permitted activities to recognise that they are established activities. Federated Farmers does not consider it appropriate that Council could require land use change as that is not the intention of PC1 or the first 10 years of the journey, and it would impose significant cost. Federated Farmers is also concerned about the implementation burden on Council (and risk of regulatory failure) in terms of processing restricted discretionary activity consents for existing activities.</p> <p>Federated Farmers considers that Rule 3.11.4.6 ought to be deleted and farmers in this catchment ought to be able to apply for consent under Rules 3.11.4.1, 3.11.4.3 or 3.11.4.4 (whichever is applicable) (or the commercial vegetable production rules, although Federated Farmers is not aware whether there is any commercial vegetable growers in the catchment).</p>	<p>Delete Rule 3.11.4.6</p>

Provision appealed	Reasons for appeal	Relief sought
<p>2. Farming is undertaken in conformance with the minimum farming standards in Schedule C except in the case of stock exclusion where a tailored solution may be approved as part of a Farm Environment Plan lodged with the resource consent application; and</p> <p>3. A Nitrogen Leaching Loss Rate is produced for the property in conformance with Schedule B; and</p> <p>4. The use of land for farming occurs on one property; and</p> <p>5. A Farm Environment Plan:</p> <ul style="list-style-type: none"> a. has been prepared in conformance with Schedule D2; and b. has been approved by a Certified Farm Environment Planner as: <ul style="list-style-type: none"> i. being in conformance with Schedule D2; and ii. providing evidence to demonstrate the Nitrogen Leaching Loss Rate for the property in conformance with Schedule B; and iii. showing actions and mitigations that demonstrate how the farming activity will achieve the goals and principles set out in Schedule D2; and 	<p>Federated Farmers considers that the appropriate way to provide for or recognise the special status of the wetland, and the water quality issues, is through the development of a sub-catchment management plan (in consultation with the community) and this will be recognised and provided for in the Catchment Profiles which will in turn inform FEPs.</p> <p>Federated Farmers is concerned about the effects of pests, such as koi carp, on the wetland and the lack of coordination and engagement with landowners and agencies to manage the pests. Federated Farmers is also concerned that Rule 3.11.4.6 will unnecessarily and unreasonably place the emphasis on mitigations on individual properties within the catchment, without consideration of the bigger picture, efficient and effective interventions (including pest control) and unreasonably place the cost in individual farmers (particularly when whole of catchment, lower cost interventions, including pest control, would likely result in greater water quality improvements).</p> <p>Accordingly, Federated Farmers considers that Rule 3.11.4.6 ought to be deleted.</p>	

Provision appealed	Reasons for appeal	Relief sought
<p>c. is provided to the Waikato Regional Council by the relevant Application Date specified in Table 3.11-3.</p> <p>6. Full electronic access to any software or system that models or records diffuse contaminant losses for the farming authorised by this rule is granted to the Waikato Regional Council, and if requested, any analysis produced by an approved software or system is provided to the Waikato Regional Council; and</p> <p>7. For commercial vegetable production, in addition to the matters above, conditions 3 and 4 of Rule 3.11.4.5.</p> <p>Waikato Regional Council restricts its discretion to the following matters:</p> <ul style="list-style-type: none"> i. The policies and objectives of Chapter 3.11, in particular Policy 16, to the extent that they are relevant to the matters in ii – xii below. ii. The effects of the diffuse discharge on the water quality of the Whangamarino Wetland and Lake Waikare where applicable. iii. The content of the Farm Environment Plan. 		

Provision appealed	Reasons for appeal	Relief sought
<p>iv. The method by which the environmental outcomes of the stock exclusion requirements in Schedule C are achieved.</p> <p>v. The actions and timeframes which demonstrate how the farming activity will achieve the goals and principles set out in Part D of Schedule D2.</p> <p>vi. Measures to address the effects, including cumulative effects, of diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens.</p> <p>vii. Measures to address any adverse effects on downstream drinking water supplies.</p> <p>viii. The duration of the resource consent.</p> <p>ix. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent to demonstrate and/or monitor compliance with the resource consent and Farm Environment Plan.</p> <p>x. The timeframe and circumstances under which the resource consent conditions may be reviewed.</p>		

Provision appealed	Reasons for appeal	Relief sought
<p>xi. Procedures for reviewing, amending and re-approving the Farm Environment Plan.</p> <p>xii. For commercial vegetable production, in addition to the matters above, the matters of control in Rule 3.11.4.5.</p>		
<p>Rule 3.11.4.7 – Discretionary Activity Rule – Farming in a collective, high intensity farming, and farming not otherwise authorised</p> <p>The use of land for farming including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water is a discretionary activity only if one or more of the following circumstances apply:</p> <p>7A. The farming is on more than one property;</p> <p>7B. The Nitrogen Leaching Loss Rate for the property is High in conformance with Table 1 in Schedule B;</p> <p>7C. The farming is not regulated by any other Chapter 3.11 rule, or fails to meet the conditions of any other Chapter 3.11 rule.</p> <p>Subject to the following conditions:</p>	<p>Paragraph 7A – more than one property</p> <p>As discussed above, Federated Farmers considers that one of the purposes of Rule 3.11.4.7 is to capture catchment collectives (groups of farm enterprises applying for a single consent) and not farming activities carried out over more than one property. Even if this was not the intention, for the reasons explained above, Federated Farmers considers that it is not reasonable or appropriate to apply a more restrictive activity status (than the permitted or controlled status that would otherwise apply), simply because the activity is carried out over more than one property.</p> <p>Accordingly, Federated Farmers seeks deletion of paragraph 7A and amendments elsewhere in PC1 to clarify that farming can be “on more than one property.”</p> <p>Paragraph 7B – high NLLR</p> <p>Federated Farmers does not agree that a discretionary activity status is appropriate for high NLLR activities. Federated Farmers considers that properties with a high NLLR ought to be provided for as a controlled activity, with an additional matter of control about timeframes and other measures to reduce nitrogen leaching if Council has concerns about that matter.</p> <p>Paragraph 7B – not already regulated or failure to meet any other rule</p> <p>Federated Farmers supports having a rule to provide for activities that are not regulated by any of the preceding rules, or does not meet any of the standards or conditions of the preceding rules. However, Federated</p>	<p>Amend Rule 3.11.4.7 to:</p> <ul style="list-style-type: none"> • Change the activity status to a restricted discretionary activity. • Delete paragraph 7A and 7B, so that those activities are provided for in the rules above (as explained in this notice of appeal). • Amend the conditions of the rule as set out below. • Adopt a reasonable set of matters of discretion to address Federated Farmers' concerns. <p>Amend conditions 2 to 4 to address the concerns raised by Federated Farmers and to ensure that they provide for the range of activities that may not meet one or more of the standards or conditions of the preceding rules. This could be by amendments set out below</p>

Provision appealed	Reasons for appeal	Relief sought
<p>1. The property is registered with the Waikato Regional Council if required by and in conformance with Schedule A; and</p> <p>2. Farming is undertaken in conformance with the minimum farming standards in Schedule C except in the case of stock exclusion where a tailored solution may be approved as part of a Farm Environment Plan lodged with the resource consent application; and</p> <p>3. A Nitrogen Leaching Loss Rate is produced for the property in conformance with Schedule B; and</p> <p>4. A Farm Environment Plan:</p> <ul style="list-style-type: none"> a. has been prepared in conformance with Schedule D2; and b. has been approved by a Certified Farm Environment Planner as: <ul style="list-style-type: none"> i. being in conformance with Schedule D2; and ii. providing evidence to demonstrate the Nitrogen Leaching Loss Rate for the property in conformance with Schedule B; and iii. showing actions and mitigations that demonstrate how the farming activity will achieve the goals and principles set out in Part D of Schedule D2; and 	<p>Farmers considers that the discretionary activity status is too stringent, particularly where the majority (if not all) of the activities to which this rule would apply would be existing activities.</p> <p>For example, Federated Farmers considers that a discretionary activity status is too stringent for a farm that proposes an alternative to a standard contained in Schedule D2 or proposes an alternative to the calculation of the NLLR in Schedule B.</p> <p>Federated Farmers considers that there are discrete matters over which discretion could be exercised and that these are able to be specified. This would increase efficiency and reduce costs, for both Council and applicants, whilst achieving the same environmental benefits.</p> <p>Conditions</p> <p>Federated Farmers considers that the conditions ought to be amended to address the concerns raised in respect of other rules, e.g. there ought to be the ability to provide a tailored solution to any of the matters in Schedule C and not just stock exclusion, to only require a NLLR to be prepared where the activity would have required it under one of the preceding rules.</p> <p>The conditions also ought to be amended to provide for scenarios for where consent is sought because a matter in Schedules B, C, D1 or D2 cannot be met.</p> <p>Matters of discretion</p> <p>Federated Farmers seeks an appropriate and reasonable list of matters of discretion. This includes:</p> <ul style="list-style-type: none"> • The content of the FEP and the actions and timeframes which demonstrate how the farming activity will achieve the goals and principles set out in Part D of Schedule D2. 	<p>or a complete re-write of the conditions:</p> <p>2. Farming is undertaken in conformance with the minimum farming standards in Schedule C except in the case of stock exclusion where a tailored solution may be approved as part of a Farm Environment Plan lodged with the resource consent application; and</p> <p>3. <u>Where the activity would otherwise be required by a Rule in Chapter 3.11 to prepare a Nitrogen Loss Rate, a Nitrogen Leaching Loss Rate is produced for the property in conformance with Schedule B except where consent is sought to depart from Schedule B;</u> and</p> <p>4. A Farm Environment Plan:</p> <ul style="list-style-type: none"> a. has been prepared in conformance with Schedule D1 or D2, <u>except that where consent is a departure from one or more standards in Schedule D1 or D2, the Farm Environment Plan shall be prepared in accordance with</u>

Provision appealed	Reasons for appeal	Relief sought
<p>c. is provided to the Waikato Regional Council by the relevant Application Date specified in Table 3.11-3; and</p> <p>5. Full electronic access to any software or system that models or records diffuse contaminant losses for the farming authorised by this rule is granted to the Waikato Regional Council, and if requested, any analysis produced by an approved software or system is provided to the Waikato Regional Council.</p>	<ul style="list-style-type: none"> • In respect of standards in Schedules B, C, D1 or D2, the actions and alternative solutions proposed for any standards that cannot be met. <p>Notification:</p> <p>Federated Farmers considers that consent applications under Rule 3.11.4.7 ought to be considered on a non-notified basis.</p>	<p><u>those standards that can be met and the tailored actions or alternative for those standards that cannot be met shall be set out; and</u></p> <p>b. has been approved by a Certified Farm Environment Planner as:</p> <ol style="list-style-type: none"> i. being in conformance with Schedule D1 or D2 (except that where a tailored action or alternative is proposed it shall be certified as being appropriate in the circumstances); and ii. <u>where the activity would otherwise have had to prepare a Nitrogen Leaching Loss Rate in accordance with a Rule in Chapter 3.11, providing evidence to demonstrate the Nitrogen Leaching Loss Rate for the property in conformance with Schedule B (except where consent is sought for a departure from Schedule B, in which case information explaining how the Nitrogen Leaching Loss Rate has been calculated will be provided);</u> and

Provision appealed	Reasons for appeal	Relief sought
		<p>iii. showing actions and mitigations that demonstrate how the farming activity will achieve the goals and principles set out in Part D of Schedule D2 (<u>except where the Farm Environment Plan has been prepared in accordance with Schedule D1 or consent is sought for a departure from schedule D1 or D2</u>); and</p> <p>c. is provided to the Waikato Regional Council by the relevant Application Date specified in Table 3.11-3; and</p> <p>Amend Paragraph 5 to ensure that confidentiality of personal and commercially sensitive data is retained and that the data is solely used by WRC and is not used for any purpose other than assessing compliance of the farm to which it relates with the rules.</p> <p>Provide for non-notification of consent applications with no need to obtain written approval of affected persons.</p>

Provision appealed	Reasons for appeal	Relief sought
New Rule 3.11.4.7A – Restricted Discretionary Activity Rule for catchment collectives	<p>Federated Farmers considers that a full range of options ought to be provided for farmers to comply with the requirements to obtain a FEP, including permitted/controlled/restricted discretionary activity statuses, sector schemes and catchment collectives.</p> <p>Catchment collectives were intended to be provided for in Rule 3.11.4.7, but the drafting of the rule focused on properties (in paragraph 7A) as opposed to farm enterprises.</p> <p>Federated Farmers considers that catchment collectives ought to be a restricted discretionary activity to recognise that these are existing farming activities and that Council's discretion will relate to several key matters that are able to be listed in the plan to provide certainty for all parties. This will provide for a more efficient and effective consenting regime.</p>	Adopt a new Rule 3.11.4.7A to provide for catchment collectives as a restricted discretionary activity.
Rule 3.11.4.8 – Discretionary Activity Rule – Commercial vegetable production expansion The use of land for commercial vegetable production on land which is additional to that regulated by Rule 3.11.4.5, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water, is a discretionary activity subject to the following conditions: 1. The property is registered with the Waikato Regional Council if required by and in conformance with Schedule A; and	<p>Federated Farmers considers that Rule 3.11.4.8 needs to ensure consistency with the rest of the regulatory framework in terms of consistent expectations of farmers and everyone doing their part to improve water quality.</p> <p>Federated Farmers considers that a discretionary activity status is appropriate to recognise that this rule provides for a new activity or intensification of an existing activity.</p> <p>Paragraph 7 Federated Farmers considers that the words "extant resource consents" are ambiguous. Federated Farmers considers that all consents granted for commercial vegetable production ought to be taken into account. However, it is arguable that these words could be interpreted as applying to only those commercial vegetable production activities that have applied for and been granted consent at the time the new activity seeks consent; or only those activities that have been granted consent under Rule 3.11.4.8 (and not also </p>	Amend paragraph 7 as follows: The total area of land for which consent is sought must not, in combination with any <u>extant</u> resource consents for <u>commercial vegetable production</u> granted under <u>Chapter 3.11</u> , exceed the maximum sub-catchment area limits specified in Table 1 below. Such other amendments as are necessary to address Federated Farmers' concerns

Provision appealed	Reasons for appeal	Relief sought
<p>2. A Nitrogen Leaching Loss Rate is produced for the property in conformance with Schedule B; and</p> <p>3. A Farm Environment Plan:</p> <ul style="list-style-type: none"> a. has been prepared in conformance with Schedule D2; and b. has been approved by a Certified Farm Environment Planner as: <ul style="list-style-type: none"> i. being in conformance with Schedule D2; and ii. providing evidence to demonstrate the Nitrogen Leaching Loss Rate for the property in conformance with Schedule B; and iii. showing actions and mitigations that demonstrate how the farming activity will achieve the goals and principles set out in Part D of Schedule D2; and c. is provided to the Waikato Regional Council by the relevant Application Date specified in Table 3.11-3; and <p>4. Full electronic access to any software or system that models or records diffuse contaminant losses for the farming authorised by this rule is granted to the Waikato Regional Council, and if requested, any analysis produced by an approved software or system is provided to the Waikato Regional Council; and</p>	<p>Rule 3.11.4.5). This defeats the purpose of the rule and could provide for significant expansion of commercial vegetable production activities and intensification of land uses.</p> <p>Accordingly, paragraph 7 ought to be amended to clarify that it applies to any consents granted under Chapter 3.11 for commercial vegetable production.</p>	<p>and ensure a practicable and consistent rule framework.</p>

Provision appealed	Reasons for appeal	Relief sought
<p>5. The land for which consent is sought must be located entirely within the sub-catchments specified in Table 1 below; and</p> <p>6. The land for which consent is sought must be entirely located on LUC 1 and/or 2 land; and</p> <p>7. The total area of land for which consent is sought must not, in combination with any extant resource consents, exceed the maximum sub-catchment area limits specified in Table 1 below.</p> <p>Rule 3.11.4.8 Table 1: Sub-catchments with Commercial Vegetable Production growth areas ...</p>		
<p>Rule 3.11.4.9 – Non-Complying Activity</p> <p>Rule – Land use change</p> <p>Notwithstanding any other rule in this Plan, the following changes in the use of land are non-complying activities:</p> <p>1. Any change in the use of land to commercial vegetable production that, either itself or in combination with any extant resource consents, is not regulated by Rule 3.11.4.5 and does not meet the conditions of Rule 3.11.4.8.</p> <p>2. Any of the following changes in land use within a property, where the change exceeds</p>	<p>Federated Farmers considers that land use change ought to be provided for as a discretionary activity, except that land use change to commercial vegetable production that does not meet Rule 3.11.4.8 should be a non-complying activity.</p> <p>Federated Farmers considers that a non-complying activity status for the other kinds of land use change is too high a threshold. Federated Farmers considers that a non-complying activity status (including the section 104D gateway test) is more appropriate for activities that have not been contemplated. In contrast, PC1 provides a robust objective and policy framework for considering a consent application for land use change.</p>	<p>Amend Rule 3.11.4.9 so that land use change is a discretionary activity.</p> <p>Delete paragraph 1 so that land use change to CVP that does not meet Rule 3.11.4.8 is non complying.</p>

Provision appealed	Reasons for appeal	Relief sought
a cumulative net total of 4.1 ha from that which was occurring at 22 October 2016: a. woody vegetation to farming; or b. any land use to dairy farming.	<p>Federated Farmers considers that it would also provide a reasonable and appropriate basis for considering the effects of the land use change, irrespective of land ownership.</p> <p>Federated Farmers also considers that this would also provide for a tailored approach that considers the particular sub-catchment and land use change activity. The PC1 catchment is large and diverse. There are also a range of potential activities or farm systems that could be proposed under paragraph 2 of this rule, some of which may be appropriate in some sub-catchments and some of which may no. Federated Farmers considers that a discretionary activity would appropriately provide for such assessments, particularly in conjunction with the information contained in the Catchment Profiles Federated Farmers proposes.</p> <p>Federated Farmers also considers that paragraph 1 ought to be deleted to recognise that some expansion of commercial vegetable production activities has been provided for as a discretionary activity in Rule 3.11.4.8. That would mean that land use change that does not meet that rule would be non-complying.</p>	
SCHEDULES		
Schedule A – Registration with Waikato Regional Council Properties with an area greater than 4.1 hectares must be registered with the Waikato Regional Council in the following manner: 1. Registration information set out in Clause 4, and where relevant in Clause 5, below must be provided.	<p>Federated Farmers supports the requirement to register properties, subject to the information provided being solely for the purposes of PC1, personal information not being disclosed to third parties or used for any other purposes, and there being a cost effective and efficient way of providing the information.</p> <p>Federated Farmers understands that Waikato Regional Council is working on an online portal for implementing much of the plan change. Federated Farmers considers that this would likely provide a cost effective and efficient means of providing the information.</p> <p>Purpose of information</p>	<p>Amend paragraph 4 as follows:</p> <p>All owners <u>or the person(s) responsible for using the farming activity (if different from the property owner)</u> must provide the following information:</p>

Provision appealed	Reasons for appeal	Relief sought
<p>2. Proof of registration must be provided to the Waikato Regional Council within 7 working days of a request by Waikato Regional Council being made.</p> <p>3. Registration information must be updated:</p> <ul style="list-style-type: none"> a. Where the property changes hands, within 30 working days of the new owner taking possession of the property, or b. At the request of the Waikato Regional Council. <p>4. All owners must provide the following information:</p> <ul style="list-style-type: none"> a. in respect of the property owner, and the person responsible for using the land (if different from the property owner): <ul style="list-style-type: none"> 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 and certificate(s) of title references (computer freehold registers) for all the land in the property. 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. 	<p>Federated Farmers seeks the addition of a paragraph at the end of Schedule A that sets out the purpose and use of the information and confirms that confidential or personal information will not be disclosed to third parties.</p> <p>Federated Farmers 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> <p>Paragraph 4</p> <p>Federated Farmers is concerned that the onus lies on the property owner to provide the information required in paragraph 4. In particular the requirement to provide the stocking rate for the property and a description of the land use activity undertaken as at 22 October 2016. In many cases the landowner may be the appropriate person to provide this information. However, where the farm is leased and farmed by another person it may be unreasonable or unduly onerous for the landowner to provide this information, especially in the case of a long-standing lease arrangement. Federated Farmers considers that paragraph 4 should require all owners or the person responsible for the farming activity (if different from the property owner) to provide the information.</p> <p>Federated Farmers considers that there is no clear rationale to include the annual stocking rate as required information. It is not relevant given that the trigger under Chapter 3.11 for drystock farming activities is the winter stocking rate, and the trigger point for dairy farming activities is the NLLR. Federated Farmers agrees that this information ought to only be provided at the time of registration and notes that there can be considerable variation in stocking rates (for no change in farm system) due to economic factors, drought etc. It would be very onerous and unnecessary to require this information to be updated.</p> <p>Federated Farmers seeks deletion of annual stocking rates from paragraph 4(f).</p>	<p>Amend paragraph 4(f) as follows:</p> <p>Where the land is used for grazing, the annual and winter stocking rates of animals grazed on the land at the time of registration</p> <p>New paragraph 6:</p> <p><u>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 collected under this Schedule to any third party or use the information collected for any other purpose.</u></p>

Provision appealed	Reasons for appeal	Relief sought
<p>f. Where the land is used for grazing, the annual and winter stocking rates of animals grazed on the land at the time of registration.</p> <p>g. If more than one property is farmed as part of a group, the addresses and owners of the other properties and the name of that group.</p> <p>5. Properties that graze livestock must also provide a map showing the location of:</p> <ul style="list-style-type: none"> a. Property boundaries; and b. Water bodies listed in Schedule C for stock exclusion within the property boundary and fences adjacent to those water bodies; and c. Livestock crossing points over those water bodies and a description of any livestock crossing structures. 		
<p>Schedule B – Nitrogen leaching loss rate for FMUs</p> <p>A. Calculation of Nitrogen Leaching Loss Rate</p> <p>Any property where the total farmed area is greater than 20 hectares, or any property that is used for commercial vegetable production, must provide a Nitrogen Leaching Loss Rate using one of the methods described below, where required to do so by any rule in Chapter 3.11.</p> <p>1. A pre-assigned Nitrogen Leaching Loss Rate</p>	<p>Federated Farmers supports the Hearing Panel's decision to adopt a NLLR as a drafting gate to assess the activity status of some farming activities (as opposed to using a reference point or benchmarking land uses). Federated Farmers considers that only those properties that require a NLLR to assess their activity status ought to be required to obtain a NLLR. Accordingly, the last few words of the first sentence under Section A of Schedule B are critical. This helps to address concerns that PC1 unreasonably grandparents activities and it would address some concerns about the use of Overseer.</p> <p>However Federated Farmers has further concerns about the use of Overseer and how the NLLR is to be calculated and therefore seeks amendments to Schedule B to address these concerns.</p>	<p>Amend paragraph 2a as follows:</p> <p>A Nitrogen Leaching Loss Rate established <u>modelled</u> using Overseer</p> <p>a. The Nitrogen Leaching Loss Rate must be <u>determined</u> <u>modelled</u> by a Certified Farm Nutrient Advisor <u>or a suitably qualified and experienced</u> person based on the amount of nitrogen <u>Overseer estimates</u> is being leached from the property during the most recent</p>

Provision appealed	Reasons for appeal	Relief sought
<p>a. A pre-assigned Nitrogen Leaching Loss Rate may be used if it has been certified by a Certified Farm Nutrient Advisor as having been established in accordance with section 2 or section 3 below.</p> <p>2. A Nitrogen Leaching Loss Rate established using Overseer</p> <p>a. The Nitrogen Leaching Loss Rate must be determined by a Certified Farm Nutrient Advisor based on the amount of nitrogen being leached from the property during the most recent farming year (using the most recent version of Overseer), or any full year from the 2015/16 year, to the 2019/20 year (using the version of Overseer that was the most recent available in the relevant year), except that:</p> <ul style="list-style-type: none"> i. for commercial vegetable production the Nitrogen Leaching Loss Rate shall be based on the highest modelled annual nitrogen leaching loss that occurred during a single year (being 12 consecutive months) within the reference period from 1 July 2006 to 30 June 2016; or ii. for any land use approved under Rule 3.11.4.9, the Nitrogen Leaching Loss Rate shall be determined through the resource consent process. 	<p>Paragraph 2a</p> <p>Federated Farmers supports the flexibility provided for the year used to calculate the NLLR and the ability to use either the latest version of Overseer or the version that applied during the period chosen for the NLLR. Federated Farmers considers it very important to provide for Overseer version change and for consistency and comparability in assessment.</p> <p>Federated Farmers seeks changes to paragraph 2 (and elsewhere) to recognise that Overseer is a model that estimates or models as opposed to determines nitrogen leach (the word “determine” implies that it has been measured and is precise).</p> <p>Federated Farmers also considers that the NLLR for land use change is identified through the consenting process as opposed to determined (because, once again, Overseer is estimating as opposed to measuring nitrogen losses).</p> <p>Paragraph 2b</p> <p>Federated Farmers is concerned about farm systems for which Overseer does not model, or model well, about locations where Overseer may not be calibrated to (and due to rainfall or soils types the model does not model farm systems well), and about mitigations that may be adopted on farm that are not recognised by Overseer.</p> <p>Accordingly, the NLLR data may comprise data other than the Overseer data. Federated Farmers seeks changes to paragraph 2b to reflect that. Federated Farmers also seeks changes to provide for situations where data is missing e.g. due to the purchase of a property, or where the data does not represent the farm system e.g. due to environment, management or other conditions at the time.</p>	<p>farming year (using the most recent version of Overseer), or any full year from the 2015/16 year, to the 2019/20 year (using the version of Overseer that was the most recent available in the relevant year), except that:</p> <ul style="list-style-type: none"> i. for commercial vegetable production the Nitrogen Leaching Loss Rate shall be based on the highest modelled annual nitrogen leaching loss that occurred during a single year (being 12 consecutive months) within the reference period from 1 July 2006 to 30 June 2016; or ii. for any land use approved under Rule 3.11.4.9, <u>where the Nitrogen Leaching Loss Rate is required, it shall be determined identified through the resource consent process.</u> <p>Amend paragraph 2b to provide that NLLR data can comprise data other than Overseer data, or such other changes to address Federated Farmers' concerns set out in</p>

Provision appealed	Reasons for appeal	Relief sought
<p>b. The Nitrogen Leaching Loss Rate data shall comprise the data used in Overseer to calculate the Nitrogen Leaching Loss Rate.</p> <p>c. The analysis (inputs and outputs) must be published to Waikato Regional Council:</p> <ul style="list-style-type: none"> i. at the time a resource consent application is lodged; or ii. within 30 days of a written request made by the Waikato Regional Council, whichever is the earlier. <p>d. The following records (where relevant to the calculation and auditing of the Nitrogen Leaching Loss Rate) must be retained for the life of the Regional Plan and/or relevant consent, whichever is longer, and provided to Waikato Regional Council at its request:</p> <ul style="list-style-type: none"> i. Records of stock numbers and stock classes, births and deaths, stock movements on and off the property, grazing records and transport records; ii. Total annual milk solids as stated in the milk supply statement; iii. Records of fertiliser type and amount, including annual accounts, and any records of fertiliser application rates and placement; iv. Quantity and type of feed supplements purchased and used on the property; v. Water use records for irrigation (to be averaged over 3 years or longer) in order to determine irrigation application rates 	<p>Paragraph 2c</p> <p>Federated Farmers is concerned about the confidentiality of information “published” to WRC. While Federated Farmers appreciates that the purpose of the advice note in Schedule B is to provide for confidentiality of financial information (by allowing farmers to redact it), it is likely that for many farmers aspects of the Overseer file or data contained in it will also be confidential.</p> <p>Federated Farmers seeks amendments to Paragraph 2c (or elsewhere in PC1) to maintain the confidentiality of personal and commercially sensitive information.</p> <p>Paragraph 2d</p> <p>Federated Farmers is concerned that the list of information that must be retained is onerous and that the time period for retaining it is onerous. Federated Farmers considers that the obligation to retain information ought to be for no more than seven years and seeks amendments to paragraph 2d to reflect that.</p> <p>Federated Farmers is concerned that for some farm systems recording all of the information listed in clauses i to x will be very onerous.</p> <p>Federated Farmers considers that paragraph 2d ought to be amended to provide that this information only needs to be recorded to the extent that it is relates to the particular farming activity and is relevant to the applicable rule. Further, it ought to provide that the information to be recorded and retained may be amended by resource consent.</p> <p>Federated Farmers reiterates its concerns about maintaining confidentiality of personal and commercially sensitive data and seeks that this is provided for in paragraph 2d (or elsewhere in PC1).</p>	<p>the reasons for this appeal point.</p> <p>Amend paragraph 2c and 3e to ensure that the confidentiality of personal and commercially sensitive data is maintained.</p> <p>Amend paragraph 2d and 3f to require that the information is required to be retained for no longer than seven years and to provide that the information listed in 2.d.i to x only needs to be recorded to the extent that it is relates to the particular farming activity and is relevant to the applicable rule.</p> <p>Amend paragraph 2d and/or elsewhere in PC1 to provide that the list of information to be recorded and retained may be amended by resource consent and to ensure that the confidentiality of personally and commercially sensitive information is maintained.</p>

Provision appealed	Reasons for appeal	Relief sought
<p>(mm/ha/month per irrigated block) and areas irrigated;</p> <p>vi. Crops grown on the property (area and yield), quantities of each crop consumed on the property, and quantities sold off farm; and</p> <p>vii. Horticulture crop diaries and New Zealand Good Agricultural Practice (NZGAP) records; and</p> <p>viii. The Nitrogen Leaching Loss Rate data as defined in Clause b above; and</p> <p>ix. Soil test data – including anion storage capacity; and</p> <p>x. A map which shows property boundaries, block management areas, retired/non-productive areas and areas used for effluent irrigation.</p> <p>Advice note: For the avoidance of doubt, financial information contained within the above records may be redacted (blacked out) prior to it being provided to Waikato Regional Council.</p> <p>3. A Nitrogen Leaching Loss Rate established via an alternative, approved model.</p> <p>a. Alternative models may be used provided a suitably qualified and experienced nutrient loss modeller can demonstrate and has certified to WRC that the model:</p>	<p>Paragraph 3</p> <p>Paragraph 3a as drafted allows for alternative models to Overseer to be used provided a “suitably qualified and experienced nutrient loss modeller” can demonstrate and has certified to WRC that the model meets the prescribed standards. Federated Farmers is concerned that this unnecessarily limits the person who may be appropriate for determining the appropriateness of an alternative model. Other regional plans simply use the term “suitably qualified and experienced person” and Federated Farmers considers that ought to be adopted in PC1.</p> <p>If there is concern about the types of people who may be a SQEP, or how models other than Overseer will be considered, Federated Farmers considers this could be clarified through the development of an implementation plan that is developed by WRC in consultation with stakeholders. Federated Farmers seeks amendments to the methods to provide for such an outcome.</p> <p>Federated Farmers considers that it is unreasonably onerous to require an alternative model to Overseer to have “user guides and input standards.” This would unduly and unnecessarily limit the alternative models that could be considered and may result in many farming activities having to rely on Overseer even though it is a poor proxy for estimating N loss for their farms and there is a better or more reliable way of understanding their actual N loss. Accordingly, Federated Farmers seeks that references to this in paragraph 3 are deleted.</p> <p>Paragraph 3c refers to a “Certified Farm Nutrient Advisor.” Federated Farmers considers that a CFNA may be appropriate for modelling the NLLR in Overseer, but may not be appropriate when modelling N leaching using another model. Federated Farmers considers that the words “suitably qualified and experienced person” ought to be adopted (and this would be</p>	<p>Amend PC1 to require WRC to prepare an implementation plan to provide further guidance on matters such as “suitably qualified and experienced person” or how Council will consider applications to use models other than Overseer.</p> <p>Amend paragraph 3a as follows:</p> <ul style="list-style-type: none"> a. Alternative models may be used provided a suitably qualified and experienced <u>nutrient loss modeller person</u> can demonstrate and has certified to WRC that the model: ... <p>Amend the second bullet point in paragraph 3a as follows:</p> <ul style="list-style-type: none"> • has appropriate supporting documentation,<u>user guides and input standards</u> <p>Amend paragraph 3c as follows:</p> <ul style="list-style-type: none"> c. The Nitrogen Leaching Loss Rate must be determined <u>identified by a Certified Farm</u>

Provision appealed	Reasons for appeal	Relief sought
<ul style="list-style-type: none"> • has been developed through a robust review and quality control process; • has appropriate supporting documentation, user guides and input standards; and • can produce comparable modelling outputs to those of Overseer. <p>b. Prior to the use of any alternative model, documentation of its suitability in accordance with (a) must be provided to the Waikato Regional Council.</p> <p>c. The Nitrogen Leaching Loss Rate must be determined by a Certified Farm Nutrient Advisor based on the amount of nitrogen being leached from the property during the most recent farming year, or any full year from the 2015/16 year, except that:</p> <ul style="list-style-type: none"> i. for commercial vegetable production the Nitrogen Leaching Loss Rate shall be based on the highest modelled annual nitrogen leaching loss that occurred during a single year (being 12 consecutive months) within the reference period from 1 July 2006 to 30 June 2016; or ii. for any land use approved under Rule 3.11.4.9, the Nitrogen Leaching Loss Rate shall be determined through the resource consent process. d. The Nitrogen Leaching Loss Rate data shall comprise the data used in any approved model to calculate the Nitrogen Leaching Loss Rate and will conform to the data input 	<p>consistent with paragraph 3a). Paragraph 3c also needs to be amended to provide for N loss to be estimated for a property, farm enterprise or farming activity (depending on how the farm is managed or operated).</p> <p>Mitigations outside of Overseer</p> <p>Federated Farmers considers that Schedule B ought to also be amended to provide for the ability to use mitigations that are not recognised by Overseer, proxies or work arounds, or changes to input standards, actual input data (where this exists, as opposed to Overseer defaults), other data or proxies (where records or information is missing or is not reflective or representative of the farm system) and other departures from standard Overseer data input standards or protocols where this would provide for a more accurate estimate of nitrogen leaching.</p> <p>This is separate from the provisions for an alternative model and Federated Farmers considers it could be provided for by a new paragraph 2A in Schedule B or amendments to paragraph 2.</p> <p>Table 1</p> <p>Federated Farmers understands that the intention of Table 1 is that the intention is that the low, moderate and high kgN/ha/yr numbers are intended to represent the 30th, 30th to 75th, and 75th percentiles for N leaching for dairy farmers in each FMU (with the exception of the Upper Waikato FMU, where the bottom number is the 25th percentile not the 30th). The numbers are based on data provided by Fonterra about N leaching for its farmers during the 2015/16 season.</p> <p>While Federated Farmers supports the intention of using the percentiles as a drafting gate to determine activity status, it has several concerns with this approach, including:</p>	<p>Nutrient Advisor <u>Suitably Qualified and Experienced Person</u> based on the amount of nitrogen <u>the model predicts was being leached from the property or farm enterprise or farming activity</u> during the most recent farming year, or any full year from the 2015/16 year, except that:</p> <p>...</p> <p>ii. for any land use approved under Rule 3.11.4.9, the Nitrogen Leaching Loss Rate shall be determined <u>identified</u> through the resource consent process.</p> <p>Amend paragraph 3d as follows:</p> <p>d. The Nitrogen Leaching Loss Rate data shall comprise the data used in any approved model to calculate the Nitrogen Leaching Loss Rate and will conform to the data input standards that form part of the approved model.</p> <p>Amend Schedule B to provide for recognition of</p>

Provision appealed	Reasons for appeal	Relief sought
<p>standards that form part of the approved model.</p> <p>e. The analysis (inputs and outputs) must be published to Waikato Regional Council:</p> <ul style="list-style-type: none"> i. at the time a resource consent application is lodged; or ii. within 30 days of a written request made by the Waikato Regional Council, whichever is the earlier. <p>f. Records relevant to the calculation and compliance auditing of the Nitrogen Leaching Loss Rate must be retained for the life of the Regional Plan and/or relevant consent, whichever is longer, and provided to Waikato Regional Council at its request.</p> <p>Advice note: For the avoidance of doubt, financial information contained within the above records may be redacted (blacked out) prior to it being provided to Waikato Regional Council.</p> <p>B. Table 1: Nitrogen Leaching Loss Rate levels:</p>	<ul style="list-style-type: none"> • The numbers are based on the 2015/16 season and Fonterra farms. The Hearing Panel heard from many farmers during the hearings process about why that season was a particularly low year to base nitrogen leaching on (including drought and other factors). It is not clear how this impacts on the data relied on by the Hearing Panel. • Federated Farmers is also concerned that Fonterra's data may not be an accurate representative of the dairy curve in each of the FMUs. Federated Farmers' members in the lower Waikato FMU consider the numbers to be very low and the distribution curve overall appears to be quite narrow. • The N leaching numbers in Table 1 are expressed as absolute values and apples are not being compared with apples. The relevance of these numbers to the original intention (i.e. that 30% of farmers would be low) will change over time, depending on Overseer version change. The experience in other catchments that have adopted absolute N leaching limits in regional plans is that there has been a significant change through Overseer version change. • The version of Overseer used to model the farms leaching at the time consent is sought will be different from the version used to derived the loss rates in Table 1. <p>These concerns may not be significant if Table 1 is only used as a drafting gate (with no requirement to achieve or maintain a certain N loss rate), there are no significant changes to N leaching estimates as a result of Overseer version changes between the version used by Fonterra to calculate the nitrogen curve and when a farm seeks consent, and Fonterra's data for the 2015/16 season is reasonably representative of the dairy curve. However, given that resolution of appeals may take some years, there is a proposal for staged implementation of PC1 and there is currently uncertainty as to how Policy 2 will be applied (and the N reductions farmers will be required to achieve), Federated Farmers is concerned that many of the assumptions</p>	<p>mitigations that are outside of Overseer, proxies or work arounds, or changes to input standards, actual input data (where this exists, as opposed to Overseer defaults) and other departures from standard Overseer data input standards or protocols where this would provide for a more accurate estimate of nitrogen leaching.</p> <p>Amend Schedule B to provide for different data to be used or a reasonable approach where data is missing or does not represent the farm system.</p> <p>Amend Table 1 and elsewhere in PC1 to address the issues raised by Federated Farmers in the reasons for this appeal point, including concerns about Overseer version change.</p>

Provision appealed	Reasons for appeal	Relief sought
	<p>relied on in Table 1 could change and the numbers may no longer be realistic.</p> <p>Accordingly, Federated Farmers seeks amendments to Table 1, and elsewhere in PC1 to:</p> <ul style="list-style-type: none"> • Provide for the ability to update the N loss rates in Table 1 as Overseer version changes, such as a reference file approach, without the need to rely on future plan changes. • Provide for the ability for an individual farmer as part of a consent or permitted activity framework to have their NLLR or the Table 1 thresholds adjusted where there are specific factors that mean that Table 1 is not directly relevant for assessing whether their N loss is low, medium or high. 	
Schedule C – Minimum farming standards <p>Stock exclusion</p> <p>Notwithstanding any other requirements of this Plan, and except as provided by Exclusions I. and II., farmed cattle, horses, deer and pigs must be excluded from the water bodies listed in 5. below as follows:</p> <p>1. The water bodies on land:</p> <p>a. with a slope of up to 15 degrees; or</p> <p>b. with a slope over 15 degrees where in any paddock adjoining the water body, the number of stock units exceeds 18 per grazed hectare at any time;</p> <p>must be fenced to exclude farmed cattle, horses, deer and pigs, unless those animals are prevented from entering the bed of the</p>	<p>Given the diversity in the PC1 catchment (in terms of matters such as land use, farm system, geography, water quality issues etc), Federated Farmers considers that caution ought to be exercised in adopting minimum standards that will apply to all activities, everywhere. Federated Farmers is concerned that a “one size fits all” approach will not achieve the most efficient and effective outcome, or sustainable management. While a reasonable permitted activity framework (including standards) is appropriate to provide for lower intensity or smaller scale activities without the need to obtain a FEP, Federated Farmers considers that it is likely that a tailored approach will be more appropriate in many circumstances.</p> <p>For these reasons, Federated Farmers considers that the standards ought to be reasonable and the least required, and any of the standards ought to be able to be amended through a controlled activity consent process.</p> <p>Federated Farmers also has concerns with calling the standards “minimum standards.” Federated Farmers considers that they are catchment-wide or</p>	<p>Amend the heading of Schedule C as follows: <u>Schedule C – Minimum Catchment-wide farming standards [or, in the alternative, call them “non-tailored” or “permitted” standards]</u></p> <p>Amend paragraph 1 to adopt a more reasonable and certain threshold for the exception to stock exclusion based on a reasonable stock unit basis or on a narrative approach.</p> <p>Amend paragraph 2 as follows:</p>

Provision appealed	Reasons for appeal	Relief sought
<p>water body by a stock-proof natural or constructed barrier formed by topography or vegetation.</p> <p>Advice note: Clause 1 does not authorise the construction of fences or other barriers in the bed of a river or lake, or in a wetland.</p> <p>2. New temporary, permanent or virtual fences installed after this chapter becomes operative must be located to ensure farmed cattle, horses, deer and pigs will be excluded from the bed of the water body. The fences must be located at a distance of not less than:</p> <ul style="list-style-type: none"> a. 3 metres from the edge of any wetlands listed in Table 3.7.7 of the Waikato Regional Plan; and b. 3 metres from the outer edge of the bed for any other waterbodies; and c. 1 metre from the edge of a drain, except for drains where the bank-to-bank width is less than 2 metres in which case no setback from the edge of the drain is required. <p>3. Farmed cattle, horses, deer and pigs must not enter onto or pass across the bed of the water body, except when using a livestock crossing structure or when they are being supervised and actively driven across a water body, at a location identified for this</p>	<p>non-tailored standards that apply everywhere except to the extent that modifications are proposed through FEPs or consents. Calling them “minimum standards” implies that an alternative solution cannot be imposed or anything else must be more strict. Federated Farmers consider that this would not achieve a tailored approach, would be too inflexible and would impose significant cost.</p> <p>Stock Exclusion</p> <p>The Decisions Version restricts the stock exclusion requirements to land with a slope of up to 15 degrees or with a slope over 15 degrees where the number of stock units in any paddock adjoining the water body exceeds 18 per grazed hectare at any time.</p> <p>Federated Farmers is concerned that the use of a slope threshold for the exception to the stock exclusion requirements does not provide sufficient certainty for farmers and Council about whether streams are located on land that is above or below 15 degrees (particularly if part of a paddock is flat, or part of the land adjoining the stream is flat but the rest is very steep). Federated Farmers is also concerned that this approach may result in many waterways being subject to the stock exclusion requirements (when the intention is that they should not be included), simply because the definition of slope averages slope within a paddock and that may mean some steep areas get included.</p> <p>Federated Farmers is very concerned about the significant costs of fencing (particularly for hill country farmers and particularly for those farms that need to provide a reticulated water supply and/or culverts for stock crossings as a consequence).</p> <p>Federated Farmers considers that an alternative and more appropriate proxy or threshold for the exception to the stock exclusion requirements ought to</p>	<p>Change the setbacks to 1m from Dairy Clean Streams Accord waterbodies and from the edge of those permanent waterbodies.</p> <p>New paragraph 3A: <u>The following situations are excluded from Clauses 1 and 2:</u></p> <p>I. <u>Where the entry onto or passing across the bed of the water body is by horses that are being ridden or led.</u></p> <p>II. <u>Deer or pig wallows in constructed ponds or constructed wetlands that are located at least 10 metres away from the bed of a water body.</u></p> <p>Amend paragraph 3 as follows:</p> <p>Farmed cattle, horses, deer and pigs must not enter onto or pass across the bed of the water body, except when using a livestock crossing structure or when they are being supervised and actively driven across a water body, at a location identified for this purpose in a Farm Environment</p>

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<p>purpose in a Farm Environment Plan, in one continuous movement.</p> <p>Advice note: Clause 3 does not authorise the construction of stock crossing structures in the bed of a river or lake, or in a wetland.</p> <p>4. For farming that is permitted under Rules 3.11.4.1, 3.11.4.2 and 3.11.4.3, Clauses 1 and 2 above must be complied with:</p> <ul style="list-style-type: none"> a. within 2 years after this chapter becomes operative; or b. in sub-catchments identified as a priority for E. coli in Table 3.11-2, within 1 year after this chapter becomes operative. <p>5. Water bodies from which cattle, horses, deer and pigs must be excluded:</p> <ul style="list-style-type: none"> a. The bed of a river (including any spring, stream and modified river or stream), or artificial watercourse that is permanently or intermittently flowing; and b. The bed of any lake; and c. Any wetland, including a constructed wetland, greater than 50m² <p>Exclusions:</p> <p>The following situations are excluded from Clauses 1, 2 and 3:</p>	<p>be adopted. This could include deleting the slope threshold (so that it is only when stocking rates exceed 18 stock units that stock exclusion is required) and/or adopting a narrative approach i.e. describe the activities or circumstances during which stock must be excluded e.g. when break feeding or grazing winter forage crops.</p> <p>If an approach based on stock units is adopted, Federated Farmers considers that the threshold (including how stock units is defined and calculated) needs to be reasonable to reflect the particular circumstances (recognising the diversity throughout the catchment). For this reason, Federated Farmers seeks amendments to the definition of stock units and has not proposed a specific definition at this stage for how stock units is calculated i.e. average or winter or instantaneous.</p> <p>Federated Farmers notes that the standards in Schedule C would not prevent a tailored FEP from proposing that stock are excluded from waterbodies where they were otherwise not be required to be in Schedule C (likewise, under Federated Farmers' proposal, there ought to be the ability to propose alternative, tailored solutions where the standards in Schedule C cannot be met).</p> <p>Paragraph 1</p> <p>Federated Farmers proposes that a reasonable exception to the stock exclusion requirements is adopted that is based either on stock units or on a narrative approach.</p> <p>Paragraph 2</p> <p>Federated Farmers considers that a 3m setback is too stringent (particularly where a 3m or greater setback can be proposed as part of a tailored action in a FEP). Federated Farmers proposes that a 1m setback is required from permanent waterbodies that exceed 1m in width, and drains that are greater</p>	<p>Plan, in one continuous movement.</p> <p>Amend paragraph 4 as follows:</p> <p>4. For farming that is permitted under Rules 3.11.4.1, 3.11.4.2 and 3.11.4.3, Clauses 1 and 2 above must be complied with, <u>unless an alternative timeframe is proposed in a FEP or as part of a resource consent application:</u></p> <p>Amend the timeframes in paragraph 4 so that they are extended by 5 to 10 years after PC1 becomes operative.</p> <p>Amend paragraph 5 as follows:</p> <p>5. Water bodies from which cattle, horses, deer and pigs must be excluded:</p> <ul style="list-style-type: none"> a. <u>The bed of a river (including any spring, stream and modified river or stream), or artificial watercourse that is permanently or intermittently flowing</u> <u>Any river that continually contains surface</u>

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<p>I. Where the entry onto or passing across the bed of the water body is by horses that are being ridden or led.</p> <p>II. Deer or pig wallows in constructed ponds or constructed wetlands that are located at least 10 metres away from the bed of a water body and which are not connected by an overland flow path to a water body.</p> <p>For the purposes of Clause 5, an intermittently flowing river or artificial watercourse is one which is not permanently flowing and meets at least three of the following criteria:</p> <ul style="list-style-type: none"> a. it has natural pools; b. it has a well-defined channel, such that the bed and banks can be distinguished; c. it contains surface water more than 48 hours after a rain event which results in stream flow; d. rooted terrestrial vegetation is not established across the entire cross-sectional width of the channel; e. organic debris resulting from flood can be seen on the floodplain; or f. there is evidence of substrate sorting process, including scour and deposition. 	<p>than 2m in width, except where this does not provide for drain maintenance. Federated Farmers also considers that drains less than 1m in width should not be required to be fenced.</p> <p>New paragraph 3A</p> <p>Federated Farmers proposes a new paragraph 3A, which involves moving the exclusions (horses being ridden or led or deer or pig wallows) from the end of the “stock exclusion” section to sitting under paragraph 2. Federated Farmers considers that this is easier for a plan user to interpret.</p> <p>Federated Farmers also seeks the deletion of the words “and which are not connected by an overland flow path to a water body” from paragraph II of the exclusion. Federated Farmers’ concern is that during times of high rainfall, all constructed ponds or constructed wetlands could be flooded and therefore connected to a water body.</p> <p>Paragraph 3</p> <p>Federated Farmers considers that it is too onerous to require a FEP to be provided where animals are being driven across a waterbody. Not all properties are required to prepare FEPs but many properties will have waterbodies that they need to cross. It is not reasonable to require them to obtain a FEP simply because they are actively driving stock across the waterbody on occasion. Accordingly, Federated Farmers seeks amendments to paragraph 3 to remove the FEP requirement.</p> <p>Paragraph 4</p> <p>Federated Farmers is concerned about the significant cost of the stock exclusion requirements, particularly for drystock farmers if the standards contained in Schedule C are not amended (this includes costs of fencing, access for fencing, reticulation of drinking water and the cost of stock crossings and culverts). Federated Farmers considers that at longer period</p>	<p><u>water and is wider than one metre and deeper than 30cm;</u> and <u>b. Any drain that continually contains surface water and is wider than 2m and deeper than 30cm.</u> <u>b. The bed of any lake c. Any lake that is greater than 1ha;</u> and <u>c. Any wetlands listed in Table 3.7 of the Waikato Regional Plan.</u> wetlands, including a constructed wetland, greater than 50m²</p> <p>Delete paragraphs 6 and 7.</p> <p>Delete paragraphs 8 and 9</p> <p>Amend paragraph 10 as follows: No cultivation shall occur within 5 <u>1</u> metres of any waterbody described in Clause 5.</p>
<p>Fertiliser Application</p> <p>6. Nitrogenous fertiliser is not applied at rates greater than 30kgN/ha per dressing.</p>		

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<p>7. No nitrogenous fertiliser is applied during the months of June and July in any year unless the temperature is tested and found to be greater than 10 degrees Celsius within the root zone.</p> <p>Exclusions: Clauses 6 and 7 do not apply to commercial vegetable production.</p> <p>Sacrifice paddocks and winter forage crop grazing</p> <p>8. When any land adjacent to a Clause 5 waterbody is being utilised for the grazing of a winter forage crop (from 1 June to 1 September) or as a sacrifice paddock, an ungrazed vegetated buffer at least 10 metres in width measured from the edge of the waterbody shall be maintained.</p> <p>9. No cattle older than 2 years or greater than 400kg lwt are grazed on forage crops on LUC class 6e, 7 or 8 land from 1 June to 1 September.</p> <p>Cultivation</p> <p>10. No cultivation shall occur within 5 metres of any waterbody described in Clause 5.</p>	<p>of time ought to be provided to implement the stock exclusion requirements than 1 year or 2 years (depending on sub-catchment).</p> <p>Federated Farmers considers that there ought to be the ability to stage the implementation of stock exclusion requirements through a FEP or resource consent and this ought to be recognised in Schedule C.</p> <p>Federated Farmers is concerned that the timeframes of 1 and 2 years to complete stock exclusion requirements are not sufficient, particularly given that most catchments would need to achieve this in 1 year, the limited availability of fencing contractors and other resources and the number of farmers that would need to comply (particularly if the slope requirement and definition of waterbodies are not amended). Federated Farmers considers that 5 to 10 years (as opposed to 1 or 2 years) from the date PC1 is operative ought to be provided (with greater and different prioritisation of sub-catchments to provide for a staged implementation during this period).</p> <p>Paragraph 5</p> <p>Federated Farmers considers that the waterbodies to which the stock exclusion obligations apply ought to be those that are the subject of the Dairy Clean Streams Accord. Federated Farmers 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 (in comparison with the cost).</p> <p>Federated Farmers is particularly concerned that the Decisions Version of Schedule C applies to intermittently flowing water bodies.</p> <p>Federated Farmers' GIS analysis as part of its response to the draft national stock exclusion regulations and Ag First and Baker Ag case studies reports (presented in evidence to the Hearing Panel during the Council Hearing) showed a significant cost of fencing permanent waterways. Federated</p>	

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	<p>Farmers is very concerned about these costs increasing significantly if intermittent waterways are included (particularly as these were not required to be fenced as part of the Clean Streams Accord). Federated Farmers is also concerned about the practical difficulties for farmers and Council in distinguishing wet areas of paddocks from intermittent waterways and ephemeral watercourses.</p> <p>Federated Farmers is particularly concerned that the definition of waterbodies that has been adopted is too stringent as a standard to be applied everywhere in the PC1 catchment. Adopting a less stringent definition of waterbodies (as proposed by Federated Farmers) still allows for tailoring of solutions through a FEP to exclude stock from waterbodies (including intermittent waterways) where they are a critical source area or causing a water quality issue.</p> <p>Fertiliser Application – paragraphs 6 and 7</p> <p>Federated Farmers is concerned that restricting the application of nitrogenous fertiliser during the month of July is likely to be detrimental to many farm operations (dairy farming in particular), for little or no environmental benefit. Federated Farmers understands from farm advisors and members that many farmers should be applying nitrogenous fertiliser on their farm during July and August to ensure grass growth through the spring. This spring growth is the most valuable feed to dairy farmers who are able to calve earlier and therefore avoid higher feed demand during the summer dry months. Without spring grass, farmers would need to need to buy in more feed to supplement the lack of spring growth, or calve later (and buy in feed later) or de-stock.</p> <p>Federated Farmers is also concerned that 30kgN/ha per dressing is unduly restrictive as a minimum standard to apply everywhere. While it may be appropriate in many situations, in the varied PC1 catchment (and given that most dairy farmers will be preparing tailored FEPs), Federated Farmers considers that it ought to be deleted.</p>	

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	<p>Federated Farmers understands that paragraphs 6 and 7 are likely to mostly affect dairy farmers. Those farmers will have FEPs that will provide tailored solutions for fertiliser application. Federated Farmers considers that paragraphs 6 and 7 are too restrictive as minimum standards and ought to be deleted.</p> <p>Sacrifice paddocks and winter forage crop grazing – paragraphs 8 and 9</p> <p>Federated Farmers is concerned that the standards proposed in paragraphs 8 and 9 are too restrictive and inflexible to apply across the PC1 catchment as minimum standards. In addition, they may not address erosion and sedimentation effects of farming activities. Accordingly, Federated Farmers considers that those paragraphs ought to be deleted.</p> <p>By way of example, Federated Farmers is concerned that a buffer of at least 10m will likely place significant cost on farmers without considering the particular circumstances. Those more intensive farming activities that are likely to have sacrifice paddocks or grazing winter forage crops are likely to require a FEP anyway, which can be appropriately tailored to address any critical source areas or specific effects of such activity. This would achieve better environmental outcomes for lower cost compared with a “blunt” and “one size fits all” approach.</p> <p>Federated Farmers is also very concerned that the restrictions in paragraph 9 will affect a large number of dairy and drystock farmers by compromising their ability to farm their properties over the winter months. Federated Farmers does not agree that LUC 6e is the most erosion prone land or land that needs to be restricted (much of it is able to be farmed during winter months with minimal environmental effects).</p> <p>Federated Farmers estimates that around 35% of the drystock land in the PC1 catchment area is classified as LUC 6e or above, and in some areas</p>	

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	<p>whole farms would fall in those LUC categories. Further 46% of dairy land in the upper Waikato is LUC 6e or above. The majority of this land is easy, medium and rolling hill country that, if managed appropriately, has a low risk of erosion.</p> <p>FEPs will provide for appropriate management actions, adoption of good management practices and can provide tailored solutions for where there may be adverse effects from grazing LUC 6e, 7 or 8 land.</p> <p>Federated Farmers is very concerned about any standards that rely on the LUC system given that farm scale mapping is required to ensure that land is properly classified, such mapping is expensive and time consuming, and the LUC class may not reflect the environmental effects (particularly as limitations to the versatility of land, based on its LUC classification, can be overcome). Further practical issues include how paddocks would be assessed if part of the paddock was LUC 6e and part was LUC 4, for example.</p> <p>There are also issues with directing the rule at older stock, as its effects may instead be driven by younger stock or numbers of stock or stock type (e.g. bulls vs steers), as well as location and weather conditions.</p> <p>Federated Farmers is concerned that it will likely be difficult for WRC to assess whether the standard in paragraph 9 has been complied with and to monitor and enforce compliance.</p> <p>For all of these reasons, Federated Farmers considers that paragraphs 8 and 9 ought to be deleted.</p> <p>Cultivation Federated Farmers considers that a 5m setback may be appropriate in certain circumstances. However, Federated Farmers is concerned that such requirement is too blunt as a catchment-wide standard in Schedule C (and</p>	

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	<p>will impose significant cost without consideration of the corresponding benefit, which will vary case to case).</p> <p>It does not take into account the variety of factors that have an impact on soil movement including cultivation type, soil type, rainfall (volume and intensity), time of year, slope and length of slope. For example, on peat soil 5m will be excessive while on sloping land that is clay soil and has been cultivated and left to fallow, 5m may be insufficient.</p> <p>It is also unnecessary and will impose financial cost for farmers growing maize on peat soils. For example for a 2ha paddock (100m wide by 200m) with drains on three sides, a 5m setback would remove 8% of the cropable area from the paddock when compared to a 1m setback. For a farmer growing 50 ha of maize and averaging 25tDM/ha, this removes 4ha of cropable area and reduces income by around \$15,000.</p> <p>Federated Farmers considers that a more pragmatic approach would be to adopt a setback of 1m in Schedule C, and provide for a greater setback to be determined as part of a tailored action in the FEP.</p> <p>Paragraph 10</p> <p>Federated Farmers considers that 1m is a reasonable setback as a catchment-wide standard (this is contingent on the definition of waterbodies being amended as proposed in response to paragraph 5 above). It considers that a greater setback can be considered as part of the critical source area analysis in a FEP.</p> <p>By way of example, the cost of a 5m buffer strip when cultivating peat land will likely have a significant opportunity cost. Peat land is likely to have minimal soil run off from cultivated areas, even after periods of heavy land.</p> <p>Providing for a lower minimum standard (and opportunity in the FEP to propose an alternative tailored setback) provides opportunity for innovation</p>	

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	or a range of other possible mitigations such as strip tillage, where only a 150mm strip is cultivated in front of each seed coulter.	
<p>Schedule D1 – Requirements for Farm Environment Plans for farming under Rule 3.11.4.3</p> <p><i>The Farm Environment Plan (FEP) must be prepared in accordance with Parts A, B, C and D below, reviewed in accordance with Part E, and changed in accordance with Part F.</i></p> <p>Notes:</p> <p><i>An FEP may be prepared by the landowner, or by any other person on behalf of the landowner, including via a certified sector scheme.</i></p> <p><i>An FEP under this schedule does not have to be certified by a Certified Farm Environment Planner (CFEP).</i></p> <p>PART A – PROVISION OF FARM ENVIRONMENT PLAN</p> <p>An FEP must be submitted to Waikato Regional Council using either:</p> <ol style="list-style-type: none"> 1. A council digital FEP tool that includes the matters set out in Part C below to the extent relevant; OR 	<p>In principle, Federated Farmers agrees with a more specific and less tailored Schedule for preparation of FEPs to ensure that FEPs can be prepared as a permitted activity. Federated Farmers also supports the ability for the FEP to be prepared by the landowner (or by other people). However, Federated Farmers considers that the standards in Schedule D1 still need to be reasonable, practicable and workable, and that there will still need to be the ability to tailor some actions.</p> <p>Federated Farmers is concerned that there is a lack of s32 or s32AA assessment for many of the standards proposed, in that it is not clear what environmental benefit would result from the standards and how this compares with the cost. There is also no assessment of the numbers of farmers that the standards in Schedule D1 would apply to or how many of them would currently comply with the schedule (or the extent of the actions required to comply).</p> <p>Federated Farmers has significant concerns about regulatory failure (particularly if a significant number of farmers require tailored FEPs and resource consents). It considers that Schedule D1 ought to provide a reasonable pathway for those farmers that are considered lower risk or smaller in scale in order to reduce the burden on industry (in terms of preparing tailored FEPs) and Council (in terms of processing resource consent applications).</p> <p>Part B – Farm Environment Plan Purpose</p> <p>Federated Farmers considers that more context is needed and a broader description of the purpose of the FEP is needed. This will include ensuring sub-catchment scale or off farm or multiple property scale actions are taken into account and that resources available to the farmer are taken into</p>	<p>Amend Part B as follows:</p> <p>The purpose of an FEP is to demonstrate <u>assess compliance of the farming activity with the minimum standards set out in Part D below (to the extent that they apply to the farming activity)</u> and, where any standards are not currently met, to identify and record the <u>including the identification and recording of any specific, time bound actions and mitigations necessary to ensure compliance with Part D.</u></p> <p>Amend Part B to adopt a broader purpose statement to guide choices of mitigations and actions to ensure reasonable, practical and affordable outcomes, such as:</p> <p><u>In identifying actions and mitigations to ensure compliance with Part D, the Farm Environment Plan is to identify the nature,</u></p>

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<p>2. An industry digital FEP tool, capable of recording information consistent with the council data exchange specifications that includes the matters set out in Part C below to the extent relevant.</p> <p>The Waikato Regional Council data exchange specifications will set out the standards and detail of the data exchange process to be used by external industry parties in the provision of FEPs.</p>	<p>account (as this will have an impact of the types of actions e.g. infrastructure or management actions; timing and prioritisation of actions).</p> <p>Further, while a large part of a FEP prepared under Schedule D1 will be demonstrating compliance with the standards in Part D, there will still likely be a need to make a choice between several possible actions, or to assess the timing or priority of actions. Accordingly, Federated Farmers considers that there needs to be the same or similar purpose statement as Federated Farmers proposes for Schedule D2 below and to link back to the purposes of the FEP as set out in Policies 2 and 4 (as proposed to be amended by Federated Farmers).</p>	<p><u>combination, priority and timing of actions in a way that:</u></p>
<p>PART B – FARM ENVIRONMENT PLAN PURPOSE</p> <p>The purpose of an FEP is to demonstrate compliance with the minimum standards set out in Part D below, including the identification and recording of any specific, time bound actions and mitigations necessary.</p>	<p>Federated Farmers considers that the FEP ought to assess compliance with the standards in Schedule D1 (as opposed to demonstrating compliance because that implies that it has been complied with and would not provide for the specific, time bound actions to achieve compliance). It also ought to relate to the farming activity or farm enterprise (recognising that this may occur over more than one property), as opposed to a specific property.</p>	<p><u>1. 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</u></p>
<p>PART C – FARM ENVIRONMENT PLAN CONTENT</p> <p>The FEP shall contain as a minimum:</p> <ol style="list-style-type: none"> 1. The following details that describe the land being farmed: <ol style="list-style-type: none"> a. Full name, postal and physical address and contact details (including email address and telephone number) of the person responsible for farming on the land; 	<p>Federated Farmers also has concerns with calling the standards “minimum standards.” Some of them are not phrased as minimum standards and Federated Farmers would be very concerned if they were. The term “minimum standards” implies that the standards cannot be tailored or apply everywhere (which is not the case). There are also standards that are farming activity specific and will not be relevant for some farm systems, types or locations.</p> <p>It is noted that the amendments proposed are conditional on amendments being made elsewhere e.g. reference to Objective 2 in the proposed amendment is subject to a short term target of 10% of the journey and the objective being the adoption of actions to improve water quality not</p>	<p><u>2. 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 2 or the progression towards achieving Objective 1; and</u></p> <p><u>3. 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 2 or the progression towards achieving Objective 1; and</u></p>

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<p>b. Legal description of the land being farmed which is the subject of the FEP</p> <p>i. The ownership of each parcel of land if different from the person responsible for farming on the land;</p> <p>ii. The legal description of each parcel of land;</p> <p>iii. Any relevant farm identifiers such as dairy supply number, Agribase identification number, and valuation reference.</p> <p>c. Identification of the sub-catchment within which the land is being farmed.</p> <p>2. Description of whole farm management practices and general requirements:</p> <p>a. Identification and description of the key characteristics of the farm system including all inputs, outputs and management practices.</p> <p>3. A map(s) or aerial photo at a scale that clearly shows:</p> <p>a. The property boundaries of the land being farmed;</p> <p>b. Land Use Capability (LUC) classes;</p> <p>c. The sub-catchment(s) that the property or land being farmed is/are within, and their location in the sub-catchment;</p> <p>d. The boundaries of the main land management units or land uses on the land being farmed;</p>	<p>achievement of instream attribute states in 10 years. If these amendments are not made, Federated Farmers seeks amendments to the proposed purpose statement to address its concerns.</p> <p>Part C – Farm Environment Plan Content</p> <p>Paragraph 3b requires a map or aerial photo showing the LUC classes. While Federated Farmers supports the use of LUC as a decision support tool, it is just one of the potential tools for informing farm management decisions. Federated Farmers would be concerned if there was a requirement to carry out property or farm scale mapping or if LUC class was used as the sole determinate of the versatility of land, management actions or land uses.</p> <p>Federated Farmers has concerns about the standards based on LUC 6e, 7 and 8 land because they will likely affect many farming activities and are too blunt to manage effects.</p> <p>Federated Farmers considers that paragraph 3b ought to be amended so that a map showing the LUC classes is only required “where relevant” and there is no requirement to undertake property scale mapping.</p> <p>Paragraph 3e requires the identification of the location of permanently and intermittently flowing waterbodies. Federated Farmers’ considers that there should be no requirement to exclude stock from intermittently flowing waterbodies (as a minimum standard) or to identify all intermittently flowing waterbodies (because that may depend on the time of year, season or rainfall events). However, Federated Farmers considers there is likely to be merit in identifying these “where relevant”, provided that there is no obligation to identify every single one or to exclude stock.</p>	<p><u>4. Takes account of the resources reasonably available to the farm enterprise</u></p> <p>Part C</p> <p>Amend paragraph 3b and 3e as follows:</p> <p>b. Land Use Capability (LUC) classes, <u>where relevant and at a scale determined by the landowner or person responsible for managing the farming activity.</u></p> <p>e. The location (and for named waterbodies, the names) of any permanently <u>flowing or, where relevant</u> intermittently flowing, waterbodies on the property including rivers, streams, drains, wetlands, lakes and springs, specifically identifying any waterbodies that <u>are required to meet the criteria for stock exclusion in Schedule C;</u></p> <p>Amend paragraph 4 as follows:</p> <p>4. Confirmation that <u>the relevant each of the following</u></p>

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<p>e. The location (and for named waterbodies, the names) of any permanently or intermittently flowing waterbodies on the property including rivers, streams, drains, wetlands, lakes and springs, specifically identifying any waterbodies that meet the criteria for stock exclusion in Schedule C;</p> <p>f. The location of riparian vegetation and fences (or other stock proof barriers adjacent to Schedule C water bodies);</p> <p>g. The location of any stock crossing points or structures on any Schedule C water bodies where stock have access;</p> <p>h. The location of any critical source areas and hotspots for contaminant loss to groundwater or surface water; and</p> <p>i. The location(s) of described actions and practices to be undertaken.</p> <p>4. Confirmation that each of the following minimum standards in Part D is met, including the identification and recording of any specific, time bound actions and mitigations necessary.</p> <p>5. The evidence to demonstrate the Nitrogen Leaching Loss Rate for the farm in conformance with Schedule B where applicable.</p> <p>PART D – STANDARDS</p>	<p>Federated Farmers seeks amendments to paragraph 4 to recognise that standards in part D may not be being met at present, but actions are proposed to ensure that they are met during the timeframe of the FEP.</p> <p>Federated Farmers seeks amendments to paragraph 5 to recognise that not all farms are required to prepare a NLLR, that it is only used as a drafting gate to determine activity status and so it should only be prepared where required by a rule. Federated Farmers again reiterates its concerns that the confidentiality of personal and commercially sensitive information is maintained.</p> <p>Part D – Standards</p> <p>Federated Farmers seeks amendments to the standards to ensure that they are practicable and workable, as well as not being unduly or unnecessarily restrictive.</p> <p>1. Nutrient management</p> <p>Federated Farmers is concerned about the limitation of N fertiliser applications to 30kgN per hectare per dressing and the limitation of no N fertiliser during June and July. As explained above, fertiliser application during July is important for grass growth and supporting dairy herds after calving. Federated Farmers is also concerned that 30kgN is too conservative.</p> <p>Federated Farmers considers that the 30kgN limit (or 50kgN as proposed by Federated Farmers) should only apply to pasture because arable cropping is managed very differently. Fertiliser is applied to crops at three times per season at significantly higher rates than 30kgN. As the nitrogen is taken up by the crop and the roots are deep, it is very different from applying fertiliser to pasture. For example, the Farmed Landscapes Research Centre considers that the optimum N application rate is 25-50kgN/ha for pastures</p>	<p>minimum-standards in Part D is <u>are met</u>, including the identification and recording of any specific, time bound actions and mitigations necessary <u>to ensure compliance with Part D (where any standards are not currently met)</u>.</p> <p>Amend paragraph 5 as follows:</p> <p>5. The evidence to demonstrate the Nitrogen Leaching Loss Rate for the farm in conformance with Schedule B where <u>applicable</u> <u>required by the rules</u>.</p> <p>Part D</p> <p>Amend paragraph 1 as follows:</p> <p>d. Nitrogen fertiliser application rates to pasture are no greater than <u>30-50kg</u> of N per hectare per dressing <u>to pasture</u>.</p> <p>Delete paragraph f.</p> <p>Delete paragraph h.</p>

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<p>1. Nutrient management</p> <p>a. Monitor soil phosphorus (P) levels and maintain them at agronomic optimum as set out in the Code of Practice for Nutrient Management and the relevant sector specific on-farm practice booklet.</p> <p><i>Note: For the purpose of this schedule, the Code of Practice for Nutrient Management means: Code of Practice for Nutrient Management (with Emphasis on Fertiliser Use), Fertiliser Association of New Zealand, 2013. It can be found at http://www.fertiliser.org.nz/Site/code-of-practice/. The sector specific on-farm booklets are: Fertiliser Use on New Zealand Sheep and Beef Farms, Fertiliser Associate of New Zealand, 2018; Fertiliser Use on New Zealand Dairy Farms, Fertiliser Association of New Zealand 2016; Managing Soil Fertility on Cropping Farms, New Zealand Fertiliser Manufacturers' Research Association (NZFMRA) 2012. They can be found at http://www.fertiliser.org.nz/Site/resources/booklets.aspx.</i></p> <p>b. Where soil P levels are above optimum there will be a managed reduction plan to reach the optimum levels as set out in the relevant Code of Practice for Nutrient Management sector specific on-farm practice booklet (see reference above).</p>	<p>and 50-75kgN/ha for arable crops. Further it would be impractical (in terms of cost and soil damage) to comply with this standard, as you would need to apply about 12 dressings each time (as opposed to a single application three times during the season).</p> <p>Accordingly, Federated Farmers proposes that the rate of 50kgN per hectare to pasture is used in paragraph d and that paragraph f is deleted.</p> <p>Federated Farmers notes there are slow release nitrogen alternatives, such as SustaiN that can be applied at a higher rate with lower N leaching. Federated Farmers considers that such practices ought to also be provided for.</p> <p>Federated Farmers also has concerns about the requirement to calibrate equipment to spread fertiliser annually. Federated Farmers understands that calibrating the equipment is a difficult exercise (it needs to be done in a large warehouse and with many controls and it might only be able to be done by the manufacturer). Federated Farmers also understands that equipment to spread fertiliser remains calibrated unless it suffers damage and requires repair. Accordingly, it is not something that needs to be calibrated annually. Federated Farmers considers that paragraph h ought to be deleted on this basis. If calibration is to be required, it needs to be in a more reasonable set of circumstances e.g. only if the equipment is damaged and needs repair.</p> <p>2. Farming in accordance with the nitrogen management requirements:</p> <p>Federated Farmers is concerned about the focus of paragraph 2 on nitrogen management requirements, when properties preparing FEPs under Schedule D1 will have low N leaching and the NLLR is used to determine activity status and not to benchmark activities or to require N reductions.</p>	<p>Amend paragraph 2 as follows:</p> <p>2. Farming in accordance with the nitrogen management requirements <u>Overall risk assessment</u></p> <p>a. <u>A whole farm risk assessment, using a tool or model approved by a person who the Waikato Regional Council is satisfied is suitably qualified shall be carried out as part of the FEP development process. Key farm data will be entered into the same approved tool or model annually so as to demonstrate that whole farm N loss / risk ratings have not increased over the previous year. An overall assessment of the risks to water quality associated with the main activities that comprise the farming activity or farm enterprise.</u></p> <p>b. <u>Annual purchased N surplus shall not exceed 150kg N/ha/yr. Note: 'purchased N surplus' is calculated as the difference between the N brought onto a</u></p>

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<p>c. Nitrogen (N) fertiliser is applied to pasture in response to a future feed deficit identified using a formal feed budgeting tool that documents the method of determining fertiliser need.</p> <p><i>Note: a ‘future feed deficit’ occurs when the projected pasture growth is insufficient to feed the livestock carried on the property over the projection period.</i></p>	<p>Federated Farmers considers that the focus of paragraph 2 ought to instead be on an overall risk assessment.</p> <p>While Federated Farmers considers an N surplus approach may be more appropriate than an N leaching approach, it considers that 150kgN/ha/yr is arbitrary and not relevant if the other standards and conditions of Schedule D1 and the permitted activity rule are being met. It is also not consistent with the policy and rule framework.</p>	farm in fertiliser and imported animal feed, less the amount of N exported from the farm in product. It is to be calculated within a year of the development of the FEP and annually thereafter, using the online calculator located on the Waikato Regional Council website or, alternatively, it is an automated output of the Fonterra Nitrogen Risk Scorecard.
<p>d. Nitrogen fertiliser application rates to pasture are no greater than 30kg of N per hectare per dressing.</p>	<p>Accordingly, Federated Farmers considers that paragraph 2 should be re-written to focus on an overall assessment of the risks to water quality associated with the main activities that comprise the farming activity.</p>	Amend paragraph 4a by substituting the words “manage and/or reduce” for the word “minimise.” Federated Farmers’ concern is that minimise could mean “reduce to the lowest extent possible” and it is concerned that in some places or cases, reductions are not what is needed (rather maintenance of management of current levels).
<p>e. Nitrogen fertiliser is applied to crops in accordance with the Code of Practice for Nutrient Management. Where a relevant industry crop model is used to support the decision-making process, the practice will be consistent with the guidance of the Code of Practice for Nutrient Management and the decision process will be documented with records retained for 3 years.</p>	<p>4. Land and soil</p> <p>Federated Farmers seeks changes to paragraph 4a (and elsewhere) to substitute the words “reduce or manage” for the word “minimise.” Federated Farmers’ concern is that minimise could mean “reduce to the lowest extent possible” and it is concerned that in some places or cases, reductions are not what is needed (rather maintenance of management of current levels).</p>	Amend paragraph 4a by substituting the words “manage and/or reduce” for the word “minimise” and make the same change where the word “minimise” is used elsewhere in Schedule D1
<p>f. No nitrogenous fertiliser is applied during the months of June and July in any year unless the temperature is tested and found to be greater than 10 degrees Celsius within the root zone.</p>	<p>Federated Farmers considers the standards for grazing on land of LUC 6e, 7 or 8 in paragraph 4b are unduly cautious and restrictive. As explained above (in the context of Schedule C), Federated Farmers is concerned that this provision would significantly impact on the ability of a large number of dairy and drystock farmers to continue to farm their properties over the winter months. Federated Farmers also considers the provision to be unclear and uncertain and would be too difficult or subjective to assess. Federated Farmers seeks the deletion of 4b.</p>	Delete paragraph 4b
<p>g. Stored fertiliser is covered or roofed with impermeable material. The storage area will be walled or bunded so no contaminated runoff or leaching from the storage site occurs.</p>	<p>Federated Farmers is concerned that paragraph 4c could be interpreted to mean that farm scale erosion risks are specifically mapped, as opposed to</p>	Amend paragraph 4c as follows: c. Farm scale erosion risks (type of erosion occurring / areas of the property at risk / specific location of major erosion sites) are identified and

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<p>h. Equipment for spreading fertiliser is calibrated at least annually in conformance with manufacturers' recommendations or in the absence of any manufacturers' recommendation, in accordance with any industry best practice and a record kept of that calibration process.</p> <p>i. Contractors used for fertiliser spreading are Spreadmark accredited.</p> <p><i>Note: Spreadmark accreditation is an industry quality assurance mechanism. Details can be found at https://fertqual.co.nz/understanding-the-marks/spreadmark/</i></p> <p>2. Farming in accordance with the nitrogen management requirements</p> <p>a. A whole farm risk assessment, using a tool or model approved by a person who the Waikato Regional Council is satisfied is suitably qualified shall be carried out as part of the FEP development process. Key farm data will be entered into the same approved tool or model annually so as to demonstrate that whole farm N loss / risk ratings have not increased over the previous year.</p> <p>b. Annual purchased N surplus shall not exceed 150kg N/ha/yr.</p> <p><i>Note: 'purchased N surplus' is calculated as the difference between the N brought onto a farm in fertiliser and imported animal feed,</i></p>	<p>being identified on a map. Federated Farmer considers the former interpretation would impose significant cost on farmers, while the latter interpretation would be all that is required to identify and manage the risks.</p> <p>5. Winter grazing of forage crops</p> <p>For the reasons outlined above (in paragraph 4 and in Schedule C), Federated Farmers considers the standards for grazing on land of LUC 6e, 7 or 8 to be overly cautious and unreasonably restrictive. Federated Farmers also considers such standards to be too difficult or subjective to assess. Federated Farmers seeks the deletion of paragraph 5a. Federated Farmers seeks the deletion of reference to LUC6e, 7 and 8 from paragraph 5b and for paragraph 5b to be amended to restrict grazing of winter forage crops on the slope of any land which exceeds 25 degrees and where those areas have been identified on the map prepared in accordance with paragraph 3 of Part C so that there is certainty for the farmer and the Council as to where winter forage crops cannot be grazed (this would also align with amendments Federated Farmers proposes to paragraph 7a). Federated Farmers also seeks the deletion of 30 grazed cattle in an individual fenced area because it considers that this will be site specific and is too blunt as a non-tailored standard.</p> <p>Federated Farmers also seeks changes to all references to "forage crops" to "winter forage crops", because the latter term is defined and forage crops could include grass and other crops that are not intended to be captured.</p> <p>Federated Farmers considers the setback in paragraph 5c is too restrictive and ought to be no more than 5m (which was the standard in the draft NES proposed as part of the Government's Essential Freshwater package).</p> <p>Federated Farmers is also concerned about the application of paragraph 5c to sacrifice paddocks. Farmers may not be aware that a paddock is a</p>	<p><u>the specific location of major erosion sites are mapped identified on a map.</u></p> <p>Delete paragraph 5a</p> <p>Amend paragraph 5b to refer to strip grazing of winter forage crops on any land where slope exceeds 25 degrees (i.e. delete reference to LUC 6e, 7 and 8) and where that land has been identified on a map in accordance with paragraph 3 of Part C. Delete the reference to 30 cattle grazed in an individually fenced area.</p> <p>Amend paragraph 5c:</p> <p>c. When any land adjacent to a Schedule C Clause 5 waterbody is being utilised for the grazing of a winter forage crop (from 1 June to 1 September) or as a sacrifice paddock, an un-grazed vegetated buffer at least 10 5 metres from the edge of the waterbody shall be maintained.</p>

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<p><i>less the amount of N exported from the farm in product. It is to be calculated within a year of the development of the FEP and annually thereafter, using the online calculator located on the Waikato Regional Council website or, alternatively, it is an automated output of the Fonterra Nitrogen Risk Scorecard.</i></p>	<p>sacrifice paddock or may not know this in advance. Federated Farmers considers it difficult to apply this standard retrospectively. This could be addressed by amending the definition of sacrifice paddocks or by deleting sacrifice paddocks from this standard.</p>	<p>In the alternative, delete the reference to sacrifice paddocks in paragraph 5c.</p>
<p>3. Waterbodies management</p> <p>a. Stock access to waterbodies is managed in conformance with Schedule C.</p>	<p>Federated Farmers considers that the requirement to temporarily fence ephemeral waterbodies in paragraph 5e is unduly restrictive and impractical. Depending on the time of year or a weather event, could mean that large areas within a paddock, or sections within a paddock would have to be fenced. This would impose significant cost and impracticality on farming activities, particularly where the ephemeral waterbody is not linked with a critical source area of intermittent or permanent waterbody.</p>	<p>Delete paragraph 5e</p>
<p>4. Land and soil</p> <p>a. Actions to minimise sediment loss from critical source areas are undertaken as soon as possible in accordance with a plan which prioritises those which are near Schedule C Clause 5 waterbodies.</p> <p>b. On land of LUC class 6e, 7 or 8 no cattle older than 2 years or greater than 400kg lwt are grazed from 1 June to 1 September.</p> <p>c. Farm scale erosion risks (type of erosion occurring / areas of the property at risk / specific location of major erosion sites) are mapped.</p>	<p>It would create significant uncertainty for farmers and may also be difficult to enforce. Accordingly, paragraph 5e ought to be deleted.</p> <p>6. Races, laneways, bridges and other infrastructure</p> <p>In principle, Federated Farmers supports the provision in paragraph 6a for new races, laneways, culverts and bridges to be designed and maintained to prevent ponding and to direct runoff to vegetated areas. However, it considers that "intermittent flow paths" is unclear (it is not clear if it is intermittent waterbodies or ephemeral flow paths) and considers that the term "intermittent waterbodies" (which Federated Farmers considers ought to be defined) ought to be used and reference made to those identified in a map in accordance with paragraph 3 of Part C.</p>	<p><u>Runoff should be directed away from Direct runoff to permanent or surface water or to intermittent flow paths</u> <u>intermittent waterbodies must not occur.</u></p> <p>Note: direct runoff occurs where there is no filtering effect as a result of contact with vegetation.</p>
<p>5. Winter grazing of forage crops</p> <p>a. No cattle older than 2 years or greater than 400kg lwt are grazed on forage crops on LUC class 6e, 7 or 8 land from 1 June to 1 September.</p>	<p>Federated Farmers does not support the requirement in paragraph 6b for existing races, laneways, culverts and bridges to meet the same standards within 3 years of Chapter 3.11 becoming operative. Federated Farmers considers this requirement for existing infrastructure too be unreasonably onerous and extremely costly for farmers. Federated Farmers considers that</p>	<p>Delete paragraph 6b.</p> <p>Amend paragraph 6c to replace the word "minimise"</p>

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<p>b. No winter grazing of forage crops occurs on LUC Class 6e, 7 or 8 land from 1 June to 1 September where the number of cattle grazed exceeds 30 in an individually-fenced area.</p>	<p>other farm practices, such as removing stock from critical source areas and limiting stock adjacent to water bodies would be a more effective use of money and time for farmers to reduce contaminants.</p> <p>Federated Farmers seeks the deletion of paragraph 6b.</p>	<p>with the words “manage and/or reduce”</p> <p>Delete paragraph 6d.</p>
<p>c. When any land adjacent to a Schedule C Clause 5 waterbody is being utilised for the grazing of a winter forage crop (from 1 June to 1 September) or as a sacrifice paddock, an un-grazed vegetated buffer at least 10 metres from the edge of the waterbody shall be maintained.</p>	<p>In the alternative, Federated Farmers considers that farmers ought to be given the lifetime of the plan (10 years from the date it is operative) to comply.</p>	<p>Amend paragraph 7a as follows:</p> <p>a. No cultivation of LUC class 6e, 7 or 8 land, or of any land where slope exceeds 20 <u>25</u> degrees <u>and where that land has been identified on a map in accordance with paragraph 3 of Part C.</u></p>
<p>d. Break feeding is managed so grazing occurs progressively downhill from the top of the slope to the bottom of the slope.</p>	<p>In principle, Federated Farmers supports the requirement in paragraph 6c for new gateways, water troughs, self-feeding areas, stock camps, wallows and other sources of sediment, nutrient and microbial loss to be located to “manage and/or reduce” (but not “minimise” for the reasons explained above) the risks to surface water quality.</p>	<p>Amend paragraph 8 to provide for the use of alternative dairy effluent storage calculators and to ensure that paragraph 8 contains no more stringent obligations than are contained in the existing Regional Plan rules for dairy effluent.</p>
<p>e. Ephemeral waterbodies that are not permanently fenced that have water in them during grazing are temporarily fenced to exclude stock.</p>	<p>Federated Farmers does not support the requirement in paragraph 6d for existing gateways, water troughs, self-feeding areas, stock camps, wallows and other sources of sediment, nutrient and microbial loss to be located to minimise the risks to surface water quality within three years of Chapter 3.11 becoming operative. Federated Farmers considers such requirement to be unduly onerous for farmers in both time and money with limited environmental impact. Federated Farmers considers that there are more effective uses of money and time of farmers to reduce contaminants.</p>	<p>Amend paragraph 9 to clarify that it applies to water irrigation only.</p>
<p>6. Races, laneways, bridges and other infrastructure</p> <p>a. New races, laneways, culverts and bridges must be designed (including, in the case of races and laneways, through surface contouring and surface drainage channels) and maintained to prevent ponding and to direct runoff to vegetated areas. Direct runoff to surface water or to intermittent flow paths must not occur.</p>	<p>Federated Farmers seeks the deletion of paragraph 6d. In the alternative, and in the event that that the paragraph is not deleted, 10 years ought to be provided to comply with this standard.</p> <p>7. Cultivation</p>	<p>Amend paragraph 10 to provide for confidentiality of personal and commercially</p>

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<p>Note: direct runoff occurs where there is no filtering effect as a result of contact with vegetation.</p> <p>b. Existing races, laneways, culverts and bridges which were established before this chapter becomes operative shall meet standard 6(a) within three years after this chapter becomes operative.</p> <p>c. New gateways, water troughs, self-feeding areas, stock camps, wallows and other sources of sediment, nutrient and microbial loss are located to minimise the risks to surface water quality.</p> <p>d. Existing gateways, water troughs, self-feeding areas, stock camps, wallows and other sources of sediment, nutrient and microbial loss are re-located to minimise the risks to surface water quality within three years after this chapter becomes operative.</p>	<p>For the reasons explained above, Federated Farmers does not support basing a standard on LUC class. Federated Farmers considers that the slope restriction ought to be to 25 degrees and where those areas have been identified on the map prepared in accordance with paragraph 3 of Part C so that there is certainty for the farmer and the Council as to where cultivation is not going to occur.</p> <p>8. Effluent management</p> <p>Federated Farmers has concerns about the dairy effluent storage calculator (paragraph 8a) in that it may not be appropriate for the particular property, it may be out of date and/or an alternative calculator or method of calculating required storage may be more appropriate. Accordingly, Federated Farmers seeks amendments to reflect this.</p> <p>Federated Farmers also considers that paragraph 8 should contain no more stringent obligations than are contained in the existing Regional Plan rules for dairy effluent.</p> <p>9. Irrigation</p> <p>It is unclear whether these standards apply to both water and effluent irrigation. Federated Farmers considers that given paragraph 8 comprehensively covers effluent irrigation, paragraph 9 ought to be limited to water irrigation.</p> <p>10. Record keeping</p> <p>Federated Farmers reiterates the concerns set out above about maintaining confidentiality of personal and commercially sensitive information and that records should only be required to be retained for seven years. An exception should also be provided for situations where no records exist e.g. due to sale and purchase or due to errant farm managers who have not kept receipts.</p>	<p>sensitive information, to require records to be kept for a maximum of 7 years and to provide for situations where no records exist or have been kept.</p> <p>Amend Part E to ensure that a cost effective and efficient review framework is provided that takes into account the proposed actions in the FEP as well as the standards in Schedule D1 and addresses Federated Farmers' concerns. Also make amendments to achieve a framework that recognises the unpredictable and changing environment within which farming occurs, and to adopt a review and grading approach similar to that adopted in Canterbury.</p>
<p>7. Cultivation</p> <p>a. No cultivation of LUC class 6e, 7 or 8 land, or of any land where slope exceeds 20 degrees.</p> <p>b. Cultivation does not occur within any critical source areas.</p>		
<p>8. Effluent management</p> <p>a. Dairy effluent storage consistent with a 90% (or greater) conformance with the Dairy</p>		<p>Amend Part E to define "material increase in the intensity of farming" or to adopt more appropriate terminology to ensure that an outcome is achieved where the FEP can be reviewed at any time without</p>

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<p>Effluent Storage Calculator (DESC) is in place at the date that the FEP is required. <i>A guide to using the Dairy Effluent Storage Calculator (DESC); Step by step instructions on how to calculate storage requirements, DairyNZ 2015.</i> https://www.dairynz.co.nz/media/3223285/Using_the_Dairy_Effluent_Storage_Calculator_DNZ40_114.pdf</p> <p>b. Effluent ponds are managed to ensure there is a minimum of 75% working volume available between 1 March and 1 May each year.</p> <p>c. The effluent block is sized to ensure nitrogen applications from applied effluent are less than 150kgN/ha/year.</p> <p>d. The effluent system is designed and operated to ensure that the conditions of Rule 3.5.5.1 and Rule 3.5.5.2 are met at all times, unless a specific consent has been sought under Rules 3.5.5.3 to 3.5.5.5 to depart from the standards in Rule 3.5.5.1 and Rule 3.5.5.2 in which case the conditions of that consent shall be met at all times.</p> <p>e. Yard areas (drystock and dairy) to be managed to ensure runoff to water does not occur. Where yards are sealed and washed down effluent must be collected into an effluent system and managed as set out in a) to d) above.</p>	<p>Part E – reviewing a FEP</p> <p>It is not clear whether the CFEP is reviewing the FEP for consistency with the schedule or reviewing the farming activity for consistency with the FEP, or both. Federated Farmers considers that depends on whether Schedule D1 is a list of “yes/no” questions, or a list which requires some tailoring of actions (e.g. marking critical source areas on maps, describing actions and practices to be undertaken). As presently drafting, Schedule D1 is a mix of both approaches.</p> <p>Federated Farmers does not necessarily have an issue with Schedule D1 being a mix of both approaches, which recognises that not everything can be turned into a “tick box” exercise and there will always be a need for some tailoring (even if it is to identify steep land on a map where cultivation will not occur). It also provides for explanation of how the farm will be managed to meet the standards e.g. not grazing certain areas of the farm at certain times of year will take planning and management, and those actions can be described.</p> <p>As drafted, Part E appears to require a view of the farming activity against the standards in Part D. If that is the case, then there seems to be no point in preparing a FEP and it would be difficult to assess the activity without reviewing the matters in Part C. Federated Farmers does not support this approach.</p> <p>Federated Farmers is concerned about the potential cost for farmers if the FEP is required to be reviewed against Schedule D1 and the actions are then reviewed against the FEP (effectively a double review). While Federated Farmers agrees in principle with a review after 12 months and again in three years, it is concerned that this may not be appropriate if the review was the “double review.”</p>	<p>triggering a need for a review by a CFEP, that a FEP can be reviewed if there is a change in farm system or change to the farming activity and no review by a CFEP is required if the activity continues to comply with the relevant rule and with Schedule D1.</p> <p>Amend Part F as follows:</p> <p>Changes can be made to the FEP without triggering the need for review by a CFEP <u>or a variation of any consent required by Chapter 3.11</u>, provided:</p> <ul style="list-style-type: none"> a. The amended FEP continues to comply with the requirements of this schedule b. The change to the FEP does not contravene any mandatory requirement of any resource consent held in respect of the property, or any requirement of the Regional Plan that is not already authorised; c. The nature of the change is documented in writing and made available to any CFEP at

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<p>f. Major incident risks (e.g. spillages or other unauthorised discharges) are identified and emergency procedures are in place.</p> <p>g. Effluent system maintenance and monitoring is carried out on a regular basis.</p> <p>h. All effluent applications are recorded – location, duration, application rate, and where relevant identity of contract spreader.</p> <p>9. Irrigation</p> <p>a. Irrigation scheduling – soil moisture tapes, soil moisture probes and/or a soil moisture budget are used to inform irrigation decisions.</p> <p>b. A deficit irrigation system is operated. Fixed depth and return irrigation systems must be replaced with a deficit irrigation approach within 3 years of the date that the FEP is required.</p> <p>c. An assessment of the irrigation system must be undertaken every second year to determine application depths and uniformity. Where test results fall outside of manufacturers' specifications for the system an action must be included to address this within 12 months.</p> <p>10. Record Keeping</p> <p>a. Accurate and auditable records of annual farm inputs, outputs and management practices are maintained.</p>	<p>Federated Farmers also considers that it is important that failure to comply with one or more action in an FEP does not, on its own, result in breach of a permitted activity standard or consent condition. Federated Farmers seeks a reasonable framework which recognises the nature of farming e.g. that there are factors beyond farmer controls that mean that actions intended to be completed on a certain date may be done on a different date, not able to be completed at all or the action might be very different. An example is that if a plan required a stream to be fenced by a certain date but a slip occurs washing away the fence, or the slip occurs and resources are diverted to fixing the slip (which poses a greater environmental risk) than to completing the fencing by the intended date.</p> <p>Federated Farmers seeks amendments to the review paragraphs to ensure that a cost effective and efficient review framework is provided that takes into account proposed actions as well as the standards and addresses Federated Farmers' concerns. Federated Farmers seeks a review and grading, as well as consent condition approach similar to Canterbury (and that has been proposed in other regions such as Bay of Plenty Regional Council's Plan Change 10).</p> <p>Federated Farmers also has concerns about the words "material increase" in paragraph b of Part E. Federated Farmers is concerned that this is not defined and it is not clear how "intensity" in farming is to be measured e.g. does it relate to stocking rates, increases in one or more of the contaminants, change in farm system or something else? Federated Farmers also considers that a material increase in farming should not trigger a FEP review if the FEP is amended to be consistent with the Schedule or if the standards in the relevant rule are still met.</p>	<p>the time he/she undertakes undertaking a review, or to the Waikato Regional Council, on request.</p> <p>Adopt a new Part G to provide a reasonable dispute resolution mechanism or pathway, such as a mediation then arbitration clause, or similar.</p>

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<p>b. Information described in a) above is provided to the Waikato Regional Council on request.</p> <p>PART E – REVIEWING A FARM ENVIRONMENT PLAN</p> <p>An FEP shall be reviewed by a Certified Farm Environment Planner who holds a reviewing endorsement (issued by Waikato Regional Council), as follows:</p> <ul style="list-style-type: none"> a. Within 12 months of the date that the FEP is required and thereafter at intervals of no more than 3 years; b. An FEP shall also be reviewed in the event of any material increase in the intensity of farming. <p>The purpose of the review is to provide an expert opinion as to whether the farming activities on the property are being undertaken in a manner that meets the Part D minimum standards. The results of the review shall be provided to the Waikato Regional Council within 20 working days of the review date.</p> <p>PART F – AMENDING A FARM ENVIRONMENT PLAN</p> <p>Changes can be made to the FEP without triggering the need for review by a CFEP, provided:</p>	<p>Other regional plans, such as Bay of Plenty Regional Council's Plan Change 10, have adopted a definition of the factors that will trigger a FEP review. In the case of PC10, it is a “significant farm system change” and these words are defined.</p> <p>Federated Farmers seeks an appropriate definition of either the words “material increase in the intensity of farming” or a more appropriate term (such as significant farm system change or similar) to clearly identify when a FEP will require review. Federated Farmers also considers that if there is a significant change in the farm system, then that should trigger an amendment to the FEP but not necessarily a review of the FEP. Federated Farmers considers that the FEP ought to be able to be changed at any time as long as the FEP is prepared in accordance with Schedule D1 (or resource consent obtained).</p> <p>Part F – amending a FEP</p> <p>As explained above, Federated Farmer agrees that the FEP ought to be amended at any time without requiring a review of resource consent or a review of the FEP. Federated Farmers seeks amendment to Part F to clarify these two points.</p> <p>New Part G – dispute resolution</p> <p>Federated Farmers considers that a dispute resolution provision or mechanism ought to be provided to address any disputes that might arise out of the interpretation of Schedule D1, application to the FEP or to the farm, or assessment of the farming activity against Schedule D1 or the FEP. Federated Farmers considers that it is appropriate to proactively provide for this and it would provide greater certainty for plan users and council.</p>	

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<p>a. The amended FEP continues to comply with the requirements of this schedule</p> <p>b. The change to the FEP does not contravene any mandatory requirement of any resource consent held in respect of the property, or any requirement of the Regional Plan that is not already authorised;</p> <p>c. The nature of the change is documented in writing and made available to any CFEP undertaking a review, or to the Waikato Regional Council, on request.</p>		
<p>Schedule D2 – Requirements for Farm Environment Plans for farming that requires consent</p> <p>The Farm Environment Plan (FEP) will be prepared in accordance with Parts A, B, C and D below, reviewed in accordance with Part E, and changed in accordance with Part F.</p> <p>Notes:</p> <p><i>An FEP may be prepared by the landowner, or by any other person on behalf of the landowner, including via a certified sector scheme.</i></p> <p><i>An FEP under this schedule must be certified by a Certified Farm Environment Planner (CFEP).</i></p>	<p>Federated Farmers supports a reasonable FEP framework that provides for tailoring of actions within an FEP to the particular property and farm system, farm type and sub-catchment, and is cost effective. Federated Farmers also supports an effects and risk based approach, which focuses on the objectives to be achieved in PC1 (as amended by Federated Farmers' appeal i.e. implementation of actions to assist with achieving the 10 year targets, which Federated Farmers says should represent 10% of the journey).</p> <p>Federated Farmers has concerns that Schedule D2 does not fully achieve such a framework e.g. there is a focus on "minimising" all contaminants everywhere (as opposed to reducing those contaminants that are an issue and managing/maintaining those that are not, or those for which the particular farming activity is already low and not a key contributor).</p> <p>Accordingly, Federated Farmers proposes changes below to address its concerns.</p> <p>Part B – Farm Environment Plan Purpose</p>	<p>Amend Part B as follows:</p> <p>The purpose of an FEP is to assesses the farming activity [or farming enterprise] against good farming practices for the management of diffuse discharges of nitrogen, phosphorous, sediment and microbial pathogens. Where the farming activity [or farming enterprise] is not being managed in a way that is consistent with good farming practice, the FEP is to identify the actions and mitigations to manage the diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens from the farming activity [or farming enterprise]</p>

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<p>PART A – PROVISION OF FARM ENVIRONMENT PLAN</p> <p>An FEP must be submitted to Waikato Regional Council using either:</p> <ol style="list-style-type: none"> 1. A council digital FEP tool including the matters set out in Part B below to the extent relevant, with maps and data provided as spatial GIS layers; OR 	<p>As with Schedule D1, Federated Farmers considers that more context for the FEP and a broader description of the purpose of the FEP is needed. This will include ensuring that sub-catchment scale or off farm or multiple property scale actions and that resources available to the farmer are taken into account in tailoring mitigations (as this will have an impact of the types of actions e.g. infrastructure or management actions; timing and prioritisation of actions).</p>	<p><u>to achieve good farming practice.</u></p>
<ol style="list-style-type: none"> 2. An industry digital FEP tool that: <ol style="list-style-type: none"> a. complies with the council's data exchange specifications; and b. includes all the matters set out in part C - E below to the extent relevant; and c. includes maps and data provided as spatial GIS layers; and d. has been approved by the Chief Executive of Waikato Regional Council as meeting the criteria in (a) – (c) above. <p>The Waikato Regional Council data exchange specifications will set out the standards and detail of the data exchange process to be used by external industry parties in the provision of FEPs.</p>	<p>Federated Farmers is concerned that for any critical source area or environmental effect of a farming activity, there are a myriad of potential mitigations available. Without a clear purpose for the FEP (including context and guiding principles), it is difficult to identify (and there will be a lack of consistency in identifying) the appropriate action or to propose the timing of actions or to prioritise actions. Federated Farmers considers it important to recognise that everything cannot be done at once, but that the focus ought to be on the most important or effective or valuable mitigation in the context of the farming activity, water quality issues, sub-catchment and resources available to the farmer.</p> <p>Further, Federated Farmers considers that the focus of the FEP is not necessarily on demonstrating compliance with the goals and principles, but to show how they will be met over time (in instances where goals or principles are not currently met). The FEP ought to set out the timeframes for implementation of actions and the purpose needs to help set the framework for such an assessment.</p>	<p><u>1. In identifying actions and mitigations, the FEP is to identify the nature, combination, priority and timing of actions to manage the diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens from the farm enterprise in a way that:</u></p> <ol style="list-style-type: none"> <u>a. Recognises and provides for the characteristics of the sub-catchment within which the subject farming activity [or farming enterprise] is located as set out in the relevant Sub-catchment Management Plan and Catchment Profile produced by Council;</u> <u>b. Corresponds to the scale and significance of the risk from the discharge of each contaminant from the farming activity [or farming enterprise] to the likely achievement of Objective 2 or the progression towards achieving Objective 1;</u> <u>c. Takes account of the relative contribution of the industry</u>

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<p>principles set out in Part D of this schedule; and</p> <p>2. Where appropriate, identify and record the specific, time bound actions and mitigations that will be adopted to ensure the farming activities are consistent with the goals and principles set out in Part D of this schedule, that will result in the greatest reduction in diffuse discharges as practicable.</p> <p>PART C – FARM ENVIRONMENT PLAN CONTENT</p> <p>The FEP shall contain as a minimum:</p> <ul style="list-style-type: none"> 1. The following details that describe the land being farmed: <ul style="list-style-type: none"> a. Full name, postal and physical address and contact details (including email addresses and telephone numbers) of the person responsible for farming on the land; b. Legal description of the land being farmed which is the subject of the FEP i. The ownership of each parcel of land if different from the person responsible for farming on the land; ii. The legal description of each parcel of land; iii. Any relevant farm identifiers such as dairy supply number, Agribase identification number, and valuation reference; 	<p>reduction in diffuse discharges as practicable" are unclear (and raises questions like how much reduction? Which contaminants?) and require reductions above and beyond the expectations or objectives of the first 10 years of the journey to achieve 80 year targets. It has also not been modelled in terms of environmental effects, economic and social cost etc.</p> <p>It is noted that the amendments proposed are conditional on amendments being made elsewhere e.g. reference to Objective 2 in the proposed amendments is subject to a short term target of 10% of the journey and the objective being the adoption of actions to improve water quality not achievement of instream attribute states in 10 years. Federated Farmers also seeks a farming activity or farming enterprise approach where the whole activity is assessed, and not a property by property approach. If these amendments are not made, Federated Farmers seeks amendments to the proposed purpose statement to address its concerns.</p> <p>Part C – Farm Environment Plan Content</p> <p>Federated Farmers proposes changes to Part C to reflect concerns expressed above in the context of Schedule D1 e.g. LUC mapping is just one tool for informing farm management decisions (and there should be no obligation to undertake LUC mapping at a property scale), to maintain confidentiality of certain information and to ensure that the purpose (as amended by Federated Farmers) guides the preparation of FEPs.</p> <p>Part D – Goals and Principles</p> <p>Federated Farmers considers that the goals and principles are supplementary guidelines to Part B and generally consistent with the Good Farming Practice principles (although Federated Farmers does not agree with some of the wording changes to the principles in the Decisions Version and considers that this fundamentally changes the principles agreed by industry groups).</p>	<p><u>sector within which the farming activity [or farming enterprise] belongs to the likely achievement of Objective 2 and the progression towards achieving Objective 1; and</u></p> <p><u>d. Takes into account the resources reasonably available to the farming activity [or farming enterprise].</u></p> <p><u>2. 4. In carrying out the assessment described in paragraph 1, assess whether current farming activities are consistent with the goals and principles set out in Part D of this schedule <u>shall be taken into account</u>; and</u></p> <p><u>3.2. Where appropriate, the FEP shall identify and record the specific, time bound actions and mitigations that will be adopted to ensure the farming activity [or farming enterprise] is managed in a way that is activities are consistent with paragraphs 1 and 2 above, and where good farming practices or the goals and principles</u></p>

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<p>c. Identification of the sub-catchment(s) within which the land is being farmed.</p> <p>2. A map(s) or aerial photo at a scale that clearly shows:</p> <ul style="list-style-type: none"> a. The property boundaries of the land being farmed; b. Land Use Capability (LUC) classes; c. The sub-catchment(s) that the property or land being farmed is/are within, and their location in the sub-catchment; d. The boundaries of the main land management units or land uses on the land being farmed; e. The location (and for named waterbodies, the names) of any permanently or intermittently flowing waterbodies on the property including rivers, streams, drains, wetlands, lakes and springs, and specifically identifying any waterbodies that meet the criteria for stock exclusion in Schedule C; f. The location of riparian vegetation and fences (or other stock proof barriers adjacent to Schedule C water bodies); g. The location of any stock crossing points or structures on any Schedule C water bodies where stock have access; h. The location of any critical source areas and hotspots for contaminant loss to groundwater or surface water; and 	<p><i>Replace “minimise” with “manage and/or reduce”</i></p> <p>Federated Farmers considers that “minimise” has a connotation of reduction (even if the contaminant discharge is already low), and could be interpreted as reducing to the lowest extent possible. Federated Farmers considers an approach of “reducing everything, everywhere” is inappropriate and also introduces uncertainty about what level of contaminant loss is to be produced, as well as potentially imposing significant cost above what has been assessed or intended in the first 10 years of the journey.</p> <p>Federated Farmers considers the use of the words “manage and/or reduce” provides better clarity that the required assessment is against Good Farming Practice and where this is already met (or even exceeded) then discharges are managed and where it is not met, there are to be managed reductions to achieve Good Farming Practice.</p> <p><i>Changes to goals or principles to reflect Good Farming Practice Action Plan</i></p> <p>Federated Farmers also proposes changes to reflect the wording adopted in the Good Farming Practice Action Plan, which focus on resource use efficiency (e.g. that is why “agronomically appropriate” has been added to principle 3) or on the aspect of the farm that is being managed (e.g. that is why “transport” has been added to principle 10).</p> <p>In addition, Federated Farmers considers that further clarification or context ought to be provided to ensure that the focus is on resource use efficiency and managing risks (as opposed to reducing or minimising everything everywhere).</p> <p><i>Deletion of Goal 3</i></p> <p>Federated Farmers is concerned that the focus of Goal 3 is on nitrogen management/reduction, when for many situations nitrogen is the least of the</p>	<p>have not yet been achieved, actions are implemented in the timeframe of the FEP to achieve them, the goals and principles set out in Part D of this schedule, that will result in the greatest reduction in diffuse discharges as practicable.</p> <p>Amend paragraphs 2b, e and i in Part C as follows:</p> <p>b. Land Use Capability (LUC) classes, where relevant and at a scale determined by the landowner or person responsible for managing the farming activity;</p> <p>e. The location (and for named waterbodies, the names) of any permanently flowing, or where relevant intermittently flowing, waterbodies on the property including rivers, streams, drains, wetlands, lakes and springs, and specifically identifying any waterbodies that are required to meet the criteria for stock exclusion in Schedule C;</p>

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<p>i. The location(s) of the actions and practices that will be adopted to ensure farming activities are consistent with the goals and principles listed in Part D.</p> <p>3. The FEP shall include:</p> <ul style="list-style-type: none"> a. An assessment, in sufficient detail to reflect the scale of environmental risk, of whether farming practices are consistent with each goal and principle in Part D below; and b. A defined and auditable description of those farming practices that will continue to be undertaken in a manner consistent with the goals and principles; c. A description of those farming practices that are not consistent with the goals or principles, and a defined and auditable description of the specific, time-bound actions and practices that will be adopted to ensure the farming activities are consistent with the goals and principles; d. The evidence to demonstrate the Nitrogen Leaching Loss Rate for the farm in conformance with Schedule B; e. The records and evidence that must be kept that demonstrate performance and the achievement of a goal or principle listed in Part D. <p><i>Note: For b) and c), identified actions and practices may include adherence to any specific and relevant industry</i></p>	<p>issues. While the principle is called “nutrient management” the focus is on nitrogen and on reduction. This is not consistent with the amendments to PC1 in the Decisions Version, which involve removing the NRP, the requirement to maintain N levels or reduce to the 75th percentile. Federated Farmers considers that Goal 3 ought to be deleted and the principles in Goal 3 ought to be moved to Goal 2 (which addresses nutrient management) and that the focus ought to be on nitrogen use efficiency and being consistent with Policy 2 (as amended by Federated Farmers’ appeal).</p> <p><i>Stock exclusion</i></p> <p>Federated Farmers seeks amendments to Goal 5 and the principles to clarify that stock are to be excluded from Schedule C waterbodies (as amended by Federated Farmers i.e. Dairy Clean Streams Accord waterbodies and where the stocking rate exceeding 18 stock units or based on a narrative approach). Federated Farmers is concerned that without that clarification it is possible that this section could be interpreted as requiring stock to be excluded from all waterbodies and irrespective of stocking rates or a narrative. Federated Farmers is also concerned that it may not be clear what the environmental outcomes of Schedule C are and therefore principle 13 ought to be on managing environmental effects of stock accessing Schedule C waterbodies where they would otherwise require exclusion.</p> <p><i>LUC classification and management of erosion prone land</i></p> <p>Federated Farmers does not agree that erosion prone land should be required to be retired. It considers that the focus ought to be on management of such land and one option to manage such land is retirement (but that is not the only option nor should it be required).</p> <p>Federated Farmers also does not agree that the focus should be on land of certain LUC classifications (and reiterates concerns set out above about the</p>	<p>i. The location(s) of the actions and practices that will be adopted to ensure farming activities are consistent with the <u>purpose set out in Part B and the</u> goals and principles listed in Part D.</p> <p>Amend paragraphs 3 of Part C as follows:</p> <p>3. The FEP shall include:</p> <ul style="list-style-type: none"> a. An assessment, in sufficient detail to reflect the scale of environmental risk, of whether farming practices are consistent with <u>the purpose set out in Part B and the</u> each goals and principles in Part D below; and b. A defined and auditable description of those farming practices that will continue to be undertaken in a manner consistent with the <u>purpose set out in Part B and the</u> goals and principles; c. A description of those farming practices that are not consistent with the <u>purpose set out in Part B and the</u> goals and principles, and a defined and

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<p><i>codes of practice.</i></p> <p>PART D – Goals and Principles</p> <p>Goal 1 – Whole Farm</p> <p>To manage farming activities in a way that minimises the loss of contaminants that potentially affect water quality, from the farm.</p> <p>Principles</p> <ol style="list-style-type: none"> 1. Identify the characteristics of the farm system, the risks that the farm system poses to water quality, and the farming practices that minimise the losses of nitrogen, phosphorus, sediment and microbial pathogens. 2. Maintain accurate and auditable records of annual farm inputs, outputs and management practices. 3. Manage farming operations to minimise losses of nitrogen, phosphorus, sediment and microbial pathogens to water, and maintain or enhance soil structure. <p>Goal 2 – Nutrient Management</p> <p>To minimise nutrient losses to water and avoid inefficient nutrient use.</p> <p>Principles</p>	<p>large areas of land in the Waikato that are LUC 6e and that this is not an effects based way to manage risk or farming activities).</p> <p>Federated Farmers also does not agree with principle 18 and the requirement to maintain or improve the physical and biophysical condition of soils because what this requires is uncertain and unclear, could impose significant cost for limited benefit and there are already appropriate principles aimed at reducing sediment and phosphorous loss into waterways.</p> <p>Part E – FEP review requirements</p> <p>As with Schedule D1, it is not clear whether the FEP is to be reviewed against Schedule D2, or whether farming actions are reviewed against the FEP, or both (and Federated Farmers reiterates its concerns about this set out above). Federated Farmers considers that if a FEP has been certified by a CFEPA, there is no need to review it against Schedule D2 (noting that Council may wish to audit CFEPs as part of its certification of FEPs, but that is not a matter between farmer and Council).</p> <p>Federated Farmers considers that the review of actions on farm against FEPs ought to be reasonable and cost effective. It also considers that it is important that failure to comply with one or more action in an FEP does not, on its own, result in breach of a consent condition. Federated Farmers seeks a reasonable framework which recognises the nature of farming e.g. that there are factors beyond farmer controls that mean that actions intended to be completed on a certain date may be done on a different date, not able to be completed at all or the action might be very different. An example is that if a plan required a stream to be fenced by a certain date but a slip occurs washing away the fence, or the slip occurs and resources are diverted to fixing the slip (which poses a greater environmental risk) than to completing the fencing by the intended date.</p>	<p>auditable description of the specific, time-bound actions and practices that will be adopted to ensure the farming activities are consistent with <u>purpose set out in Part B and the goals and principles</u>;</p> <p>d. <u>Where required by a rule in this plan, t</u>The evidence to demonstrate the Nitrogen Leaching Loss Rate for the farm in conformance with Schedule B;</p> <p>e. The records and evidence that must be kept that demonstrate performance and the achievement of <u>the purpose set out in Part B and the a goal or principle listed in Part D</u>.</p> <p><i>Note: For b) and c), identified actions and practices may include adherence to any specific and relevant industry codes of practice.</i></p> <p>Amendments to Part C (or elsewhere in PC1) to address Federated Farmers' concerns about maintaining the confidentiality of personal and commercially sensitive</p>

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<p>4. Monitor soil phosphorus levels and maintain them at or below the agronomic optimum for the farm system.</p> <p>5. Manage the amount and timing of nutrient inputs, taking account of all sources of nitrogen and phosphorus, to match plant requirements and minimise risk of losses to water.</p> <p>6. Store and load nutrients to minimise risk of spillage, leaching and loss into waterbodies.</p> <p>7. Ensure equipment for spreading nutrients is well maintained and calibrated.</p> <p>8. Store, transport and distribute feed to minimise wastage, leachate and soil damage.</p> <p>Goal 3 – Nutrient Loss Reduction To farm in accordance with the nitrogen management requirements of Chapter 3.11 or any requirement specified in a resource consent.</p> <p>Principle</p> <p>9. a. Where land is used for farming (except for commercial vegetable production) to farm in a manner that achieves the nutrient loss</p>	<p>Federated Farmers seeks a review and grading, as well as a consent condition approach similar to Canterbury (and that has been proposed in other regions such as Bay of Plenty Regional Council's Plan Change 10).</p> <p>Part F – Amending a FEP Federated Farmers agrees that FEPs ought to be able to be amended without requiring a variation of consent or triggering a review of a FEP. Federated Farmers seeks an amendment to paragraph 1 of Part F to recognise that an alternative solution to a matter in Part B, C or D of Schedule D2 could be proposed by the FEP and to paragraph 3 to require the change to the FEP to be made available at the time of review by the CFEP.</p> <p>New Part G – Dispute Resolution Procedure As with Schedule D1, Federated Farmers considers that a dispute resolution mechanism or provision ought to be provided to address any disputes that arise out of the interpretation of Schedule D2, application of that schedule to the FEP or to the farming activity, or assessment of the farming activity against Schedule D2 or the FEP.</p> <p>Federated Farmers does not consider the nature of the disputes that could arise (e.g. certification or not of a FEP) to be relevant to the section 357 RMA process and cannot be relied upon.</p>	<p>information, to ensure that records do not need to be kept for more than seven years and to provide for situations where no records exist or have been kept.</p> <p>Amend Part D as follows:</p> <p>Amend the goals and principles to replace all references to “minimise” with the words “manage and/or reduce.” Also amend them to reflect industry agreed good farming practices, including by adopting the wording from the Good Farming Practice Action Plan, with such amendments as are necessary to reflect the PC1 catchment.</p> <p>Amend principle 3 as follows:</p> <p>3. Manage farming operations to <u>minimise manage and/or reduce</u> losses of nitrogen, phosphorus, sediment and microbial pathogens to water, and maintain or enhance soil</p>

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<p>reductions required in Policy 2 of Chapter 3.11; or</p> <p>b. Where land is used for commercial vegetable production, to farm in a manner that achieves the nutrient loss reductions required in Policy 3 of Chapter 3.11.</p> <p>Goal 4 – Waterways To minimise losses of nitrogen, phosphorus, sediment and microbial pathogens to waterways.</p> <p>Principles</p> <p>10. Identify risk of overland flow of nitrogen, phosphorus, sediment and microbial pathogens on the property and implement measures to minimise losses of these to waterbodies.</p> <p>11. Locate and manage farm tracks, gateways, water troughs, self-feeding areas, stock camps, wallows and other sources of runoff to minimise effects on water quality.</p> <p>Goal 5 – Stock exclusion To exclude stock from waterbodies and minimise stock damage to the beds and margins of wetlands and riparian areas.</p> <p>Principles</p>		<p>structure <u>where agronomically appropriate</u>.</p> <p>Amend Goal 2 as follows: <u>To minimise manage and/or reduce nutrient losses to water and avoid inefficient nutrient use, while maximising nutrient use efficiency.</u></p> <p>Delete Goal 3 and principles 9a and 9b.</p> <p>In the alternative, delete Goal 3 and move principles 9a and 9b to sit under Goal 2, but amend them so that nutrient reductions are only required to achieve nitrogen use efficiency or, in the further alternative, to the extent required under Policy 2.</p> <p>Amend principles 10 and 11 as follows: 10. Identify risk of overland flow of nitrogen, phosphorus, sediment and microbial pathogens on the property and implement measures to <u>minimise manage and/or</u></p>

Provision appealed	Reasons for appeal	Relief sought
<p>12. Exclude stock in a manner consistent with the requirements in Schedule C; or 13. Achieve the intended environmental outcomes of Schedule C through an alternative approach.</p> <p>Goal 6 – Land and Soil To minimise contaminant losses to waterways from soil disturbance and erosion.</p> <p>Principles</p> <p>14. Minimise periods of exposed soil between crops/pasture and adopt measures to minimise erosion, overland flow and leaching.</p> <p>15. Minimise soil losses by either retiring erosion prone land, and in particular LUC classes 6e, 7 and 8, or by adopting appropriate soil conservation measures and practices.</p> <p>16. Select paddocks for growing crops and intensive grazing which minimise possible nitrogen and phosphorus, faecal, and sediment loss from critical source areas and avoid exacerbating erosion.</p> <p>17. Manage grazing and crops to minimise losses from critical source areas.</p>		<p>reduce losses <u>transport</u> of these to waterbodies.</p> <p>11. Locate and manage farm tracks, gateways, water troughs, self-feeding areas, stock camps, wallows and other sources of runoff to <u>minimise manage and/or reduce effects on risks to water quality</u>.</p> <p>Amend Goal 5 and principle 13 as follows: Goal 5 – Stock exclusion To exclude stock from <u>Schedule C</u> waterbodies and <u>minimise manage and/or reduce stock damage to the beds and margins of wetlands and riparian areas</u>.</p> <p>13. Achieve <u>Where the stock exclusion requirements in Schedule C cannot be complied with, manage the effects of stock accessing Schedule C waterbodies</u> the intended environmental outcomes of Schedule C</p>

Provision appealed	Reasons for appeal	Relief sought
<p>18. Maintain or improve the physical and biological condition of soils in order to minimise the movement of sediment, phosphorus and other contaminants into waterways.</p> <p>Goal 7 – Effluent To minimise contaminant losses to waterways from farm animal effluent.</p> <p>Principles</p> <p>19. Ensure the effluent system meets the industry-specific Code of Practice.</p> <p>20. Have sufficient storage available for farm animal effluent and wastewater and actively manage effluent storage levels to ensure no discharge of contaminants to waterways at all times.</p> <p>21. Ensure equipment for spreading effluent and other organic manures is well maintained and calibrated.</p> <p>22. Apply effluent to pasture and crops at depths, rates and times to match plant requirements and soil water holding capacity without pooling or running off.</p> <p>Goal 8 – Water and Irrigation</p>		<p>through an alternative approach.</p> <p>Amend principles 15 and 16 and delete principle 18:</p> <p>15. Minimise soil losses by either retiring Manage or retire erosion prone land to manage and/or reduce soil losses through appropriate measures and practices, and in particular LUC classes 6e, 7 and 8, or by adopting appropriate soil conservation measures and practices.</p> <p>16. In Selecting paddocks for growing crops and intensive grazing recognise and mitigate the risks of which minimise possible nitrogen and phosphorus, faecal, and sediment loss from critical source areas and avoid exacerbating erosion.</p> <p>18. Maintain or improve the physical and biological condition of soils in order to minimise the movement of sediment, phosphorus and</p>

Provision appealed	Reasons for appeal	Relief sought
<p>To operate irrigation systems in a way that minimises contaminant losses from irrigation to surface water or groundwater.</p> <p>Principle</p> <p>23. Manage the amount and timing of irrigation inputs to meet plant demands and minimise risk of leaching and runoff.</p> <p>PART E – FARM ENVIRONMENT PLAN REVIEW REQUIREMENTS</p> <p>The FEP shall be reviewed by a Certified Farm Environment Planner for consistency with this schedule:</p> <ol style="list-style-type: none"> 1. Within 12 months of the granting of the consent application; and 2. In accordance with the review intervals set out in the conditions of the resource consent. <p>The purpose of the review is to provide an expert opinion whether the farming activities on the property are being undertaken in a manner consistent with the goals and principles set out in Part D of this schedule.</p> <p>The review shall be undertaken by re-assessing the FEP in accordance with the requirements set out in this schedule.</p>		<p>other contaminants into waterways.</p> <p>Amend principles 19, 20 and 22 as follows:</p> <p>19. Ensure the effluent system meets the industry-specific Code of Practice <u>or equivalent standard</u>.</p> <p>20. Have sufficient storage available for farm animal effluent and wastewater and actively manage effluent storage levels to ensure no discharge of contaminants to waterways at all times.</p> <p>22. Apply effluent to pasture and crops at depths, rates and times to match plant requirements and soil water holding capacity without pooling or running off.</p> <p>Amend Goal 8 as follows:</p> <p>To operate irrigation systems <u>efficiently and ensure that the actual use of water is monitored and efficient</u>, in a way that minimises</p>

Provision appealed	Reasons for appeal	Relief sought
<p>The results of the review shall be provided to the Waikato Regional Council, within 20 working days of the review due date.</p> <p>PART F – AMENDING A FARM ENVIRONMENT PLAN</p> <p>Unless otherwise required by the Waikato Regional Council in accordance with any conditions of the resource consent, changes can be made to the FEP without triggering the need for review by a CFEP, provided:</p> <ol style="list-style-type: none"> 1. The farming activity and FEP remain consistent with Parts B, C and D of this schedule. 2. The change to the FEP does not contravene any mandatory requirement of the resource consent, or any requirement of the Regional Plan that is not already authorised. 3. The nature of the change is documented in writing and made available to any CFEP undertaking a review, or to the Waikato Regional Council, on request. 		<p>contaminant losses from irrigation to surface water or groundwater.</p> <p>Amend Part E to clarify that the farming activity is to be reviewed against the FEP, to ensure that the review process is reasonable and cost effective, to achieve a framework that recognises the unpredictable and changing environment within which farming occurs, and to adopt a review and grading approach similar to that adopted in Canterbury.</p> <p>Amend paragraphs 1 and 3 of Part F as follows:</p> <ol style="list-style-type: none"> 1. The farming activity and FEP remain consistent with Parts B, C and D of this schedule, <u>except where an alternative mitigation or solution is proposed and/or consent is sought for such alternative.</u> 3. The nature of the change is documented in writing and made available to any CFEP at

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		<p>the time he/she undertakes undertaking a review, or to the Waikato Regional Council, on request.</p> <p>New Part G – Dispute Resolution Procedure: Adopt a new Part G to provide a reasonable dispute resolution mechanism or pathway, such as a mediation then arbitration clause, or similar.</p>
<p>Schedule E The purpose of this schedule is to set out the minimum standards for certified sector schemes.</p> <p>Applications for approval as a certified sector scheme shall be lodged with the Waikato Regional Council, and shall include information that demonstrates how the following standards are met. The Waikato Regional Council may request further information or clarification on the application as it sees fit.</p> <p>Approval will be at the discretion of the Chief Executive of the Waikato Regional Council subject to the Chief Executive being satisfied</p>	<p>As explained above, Federated Farmers considers that Sector Schemes ought to be used to provide for FEPs as permitted activities. Federated Farmers is very concerned about the risk of regulatory failure (arising from a significant number of consent applications and a shortage of CFEPs to prepare FEPs) and sees the Sector Schemes as a way of achieving consistency across FEPs, reducing the number of resource consents to be processed and creating incentives to achieve water quality improvements that would not otherwise exist. FEPs as a permitted activity under a Sector Scheme would also give farmers the option of dealing with their industry body or the WRC.</p> <p>Federated Farmers sees Sector Schemes having a role in preparing and coordinating FEPs, and creating incentives to adhere to them. Federated Farmers does not see the Sector Schemes having a role in monitoring and enforcement of FEPs, or in reviewing FEPs or reporting breaches to WRC.</p>	<p>Amend Schedule E (as well as to the relevant policies, rules and schedules) to achieve a Sector Scheme regime under which FEPs can be prepared as a permitted activity, reduce the risk of regulatory failure, and without placing the obligation of monitoring and enforcing compliance with FEPs on Sector Schemes.</p>

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<p>that the scheme will meet the standards set out in sections A-D below.</p> <p>A. Governance and management Applications must include:</p> <ol style="list-style-type: none"> 1. A description of the governance arrangements of the scheme; 2. The contractual arrangements between the scheme and its members; 3. A description of the process for gaining and ceasing membership; 4. A description of the scheme area, including land uses, key environmental issues, property boundaries and ownership details of members' properties; 5. A procedure for keeping records of the matters in (4) above and advising Waikato Regional Council of changes; 6. A draft contractual agreement with the Waikato Regional Council that will require the scheme, on certification, to meet and maintain the standards outlined in Section B to D below. <p>B. Preparation of Farm Environment Plans Applications must include:</p> <ol style="list-style-type: none"> 1. A statement of the scheme's capability and capacity for preparing and certifying Farm Environment Plans that meet the requirements of Schedule D1 or D2, including the qualifications and experience of 	<p>Federated Farmers is concerned that there will not be an incentive for industry and other groups to establish a Sector Scheme if FEPs prepared under the scheme are not a permitted activity.</p> <p>Accordingly, Federated Farmers seeks amendments to Schedule E to provide for a Sector Scheme to be consistent with Federated Farmers' views and the original intention of Sector Schemes in the notified version of PC1. To the extent that modifications are required to either Schedule D1 or D2 for FEPs prepared under the Sector Scheme, Federated Farmers seeks those amendments.</p>	

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<p>any personnel employed by or otherwise contracted to the scheme to prepare or certify Farm Environment Plans;</p> <p>2. An outline of timeframes for developing Farm Environment Plans for its members.</p> <p>C. Implementation of Farm Environment Plans</p> <p>Applications must include:</p> <p>1. A statement of the scheme's capability and capacity for monitoring and assessing the implementation of Farm Environment Plans, including the qualifications and experience of any personnel employed by or otherwise contracted to the scheme to monitor or assess implementation of Farm Environment Plans;</p> <p>2. A description of the expectations and agreements around landowner and property record-keeping;</p> <p>3. A strategy for identifying and managing poor performance in implementing Farm Environment Plans.</p> <p>D. Audit</p> <p>Applications must include a description of an annual audit process to be conducted by an independent body, including:</p> <p>1. A process for assessing the performance of the scheme and any personnel employed by or otherwise contracted to the scheme to</p>		

Provision appealed	Reasons for appeal	Relief sought
<p>prepare, certify, and audit the implementation of Farm Environment Plans;</p> <p>2. A statement of how audit results will be shared with the scheme's members and the wider community;</p> <p>A summary audit report must be submitted to the Waikato Regional Council annually.</p>		
TABLES		
<p>Table 3.11-1: Short term water quality attribute states and 80 year attribute states for the Waikato and Waipā River catchments</p> <p>Table 3.11-1(a) <i>E.coli</i> and Clarity Attribute States</p> <p>Table 3.11-1(b) Dissolved Nitrogen and Phosphorus Attribute States</p> <p>Table 3.11-1(c) Chlorophyll, Total Nitrogen and Total Phosphorus Attribute States</p> <p>Table 3.11-1(d) Dune, Riverine, Volcanic and Peat Lakes Freshwater Management Units</p>	<p>80 year targets</p> <p>Federated Farmers has concerns about the calculation of the 80 year targets including about the assumptions and lack of information or understanding to calculate these. Federated Farmers considers that it is not necessary (or appropriate) to embed 80 year numeric targets into this plan change.</p> <p>Federated Farmers considers that the focus for this plan change ought to be on the first 10 years (and 10% of the journey), and getting farmers to GMP or GFP. While Federated Farmers does not propose to delete the 80 year targets, it considers that amendments need to be made to the explanatory note to Table 3.11-1 to make it clear that:</p> <ul style="list-style-type: none"> • The 80 year targets are aspirational and not achievable on current technology. • The 80 year targets rely on many assumptions (including attenuation, ground water travel times, sources of contaminants etc) and modelling and need to be refined over time as science, technology and other factors change. • To adopt an approach of maintaining within a NOF band as opposed to requiring adherence to strict numbers. • To adjust short term targets as water quality monitoring data is changed to ensure that 10% of the effort is maintained (see discussion below). • To adjust monitoring data to take into account anomalies e.g. one off spikes that skew the data. 	<p>Amend the explanatory note to Table 3.11-1 to address Federated Farmers' concerns.</p> <p>Amend Table 3.11-1 to address Federated Farmers concerns about current state and short term targets (including to change the short term targets to 10% of the journey and to make it clear that if monitoring data changes the short term targets need to be re-calculated to maintain 10% of the effort in the first 10 years). Delete the current state numbers for all sites where there is no corresponding target.</p> <p>Delete Table 3.11-1(d)</p>

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	<ul style="list-style-type: none"> • To place the emphasis on further reductions “may” be likely (as opposed to “will”) as this will depend on the contaminant and changes in the science, technology or understanding of the catchment. • To reflect the current uncertainties and further information required. • It also needs to be clear that the targets are to be achieved by all land use activities, not just farming activities and that Table 3.11-1 provides no indication of the sources (e.g. rural, urban or natural) of contaminants. This is why Federated Farmers considers the catchment profiles are important, particularly where, for example, a tributary is high for TP but that is driven by a municipal discharge. <p>Short term targets and monitoring data</p> <p>In principle, Federated Farmers supports the inclusion of current state based on current monitoring data. However, it needs to be made clear in Table 3.11-1 that this is based on the 2010-2014 period and that any change to monitoring data will require the short term targets to be re-calculated to ensure that they represent 10% of the journey to the 80 year targets.</p> <p>Federated Farmers also considers that the current state should only be included for those attributes for which there are short term and 80 year targets. They should not, for example, be included for the tributaries for TN and TP because there are no targets outside the 8 sites on the Waikato main stem. Including current data for those sites is likely to be misleading (and meaningless particularly as there is no information about load or flow or contribution towards TN or TP in the mainstem) if it is then used to extrapolate required reductions or to allocate nitrogen or phosphorus, for example.</p> <p>Federated Farmers considers that the short term targets need to be based on current monitoring data. If, for example, current state numbers change,</p>	

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	<p>the short term targets need to be re-calculated (i.e. 10% remains constant but the numeric target changes). Federated Farmers considers that this is critical to ensure that the effort required under PC1 is constant through time and the short term targets do not become easier or harder to achieve simply because water quality has improved or worsened (which may be the case due to factors like seasonal events, increases from other sources like urban discharges, lags in groundwater travel times etc).</p> <p>As explained above, Federated Farmers considers that the short term targets ought to be amended to ensure that the required improvement is 10% of the journey (not 20%). This was the intention of CSG, the intention of the first 10 years and has been modelled and the subject of a s32 assessment.</p> <p>It is not appropriate to require 20% of the journey when the policy mix has not been modelled, it is not clear that 20% will be achieved and at what cost and it is not appropriate to effectively double farmer obligations in the same 10 year timeframe (while there has been delay in getting to this point, and further delay before PC1 is operative, during that time farmers have not had an opportunity to prepare or to start making reductions because it is not clear what will be required of them). This means that there is no appropriate transition for farmers to get to 20% improvement.</p> <p>Also as explained above, Federated Farmers considers that the focus ought to be on implementing actions in the first 10 years to assist with achieving the short term target, and not on achieving the short term targets. The former approach is consistent with the notified version of PC1 and would recognise matters such as the uncertainty regarding groundwater and surface water, the catchment, the link between actions on farm and water quality improvements, lags, attenuation, etc.</p>	

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	<p>Dune, Riverine, volcanic and peat lakes FMUs</p> <p>Federated Farmers considers that Table 3.11-1(d) ought to be deleted. There is no current monitoring data for these FMUs, it is not possible to calculate short term targets and the FMUs are spread all around the catchment. Federated Farmers considers that the long term targets are meaningless (and potentially open to misinterpretation) as well as highly uncertain due to a lack of data, science and other factors.</p>	
Table 3.11-2 Prioritisation of contaminants in each sub-catchment (as noted under Policy 1)/Te Ripanga 3.11-2: Te whakamātāmuatanga o ngā tāhawahawatanga i roto i ia riu kautawa (e rārangi ana i raro i te Kaupapa Here 1)	<p>While Federated Farmers supports an approach of prioritisation of sub-catchments that takes into account all contaminants, Federated Farmers is concerned that the prioritisation of N and P has been based on TN and TP (which are lake metrics, are not appropriate for river systems and do not take into account that the Waikato River has been modified by hydro dams).</p> <p>Federated Farmers is also concerned that approach results in a significant number of sub-catchments being prioritised whereas the approach ought to result in those that are worst being prioritised and providing for appropriate staging and transition. Federated Farmers is concerned about the risk of regulatory failure, as well as cost to farmers, if the implementation of PC1 is not appropriately staged and prioritised.</p> <p>There also needs to be a process for how those sub-catchments with no current state water quality data to be included and how it will be ensured that the data is representative and robust. Federated Farmers has concerns that anomalies (e.g. spikes due to weather bombs) may be included in the current state data and have not been removed from the assessment in Table 3.11-2 (and should be).</p>	Amend table 3.11-2 to address Federated Farmers' concerns.
Table 3.11-3 Sub-catchment Application Date/Te Ripanga 3.11-3: Te rā tono o te riu kautawa	<p>Federated Farmers supports the prioritisation of the dates for application of resource consents and, in principle, supports such an approach based on targeting priority sub-catchments. However, Federated Farmers has concerns that the volume of consents is still likely to be significant and that there is a real risk that there will be insufficient capability and capacity (by CFEPs and Council) to ensure they are all processed. Federated Farmers</p>	Amend table 3.11-3 to address Federated Farmers' concerns. Make any consequential amendments to Maps 3.11-2.

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	<p>also has concerns that there are still some sub-catchments that have been given a higher priority than they should have (and the vice versa could also apply).</p> <p>Federated Farmers considers that Table 3.11-3 ought to be amended to stage the implementation of the requirement to obtain resource consent over 10 years, this would mean that the number of consents to be processed each year is reduced to a level that is realistic and manageable and that the sub-catchments where water quality is worst are targeted first.</p> <p>Federated Farmers also considers that there may be merit in “breaking up” some of the larger sub-catchments or amalgamating some of the smaller sub-catchments. Federated Farmers also considers that catchments like the Whangamarino Wetland catchments in Map 3.11-3 ought to be part of the Catchment Profiles Federated Farmers proposes, as opposed to part of PC1.</p>	Delete Map 3.11-3.
GLOSSARY		
Annual stocking rate: means the average of 12 monthly average stock unit counts on a property divided by the grazed hectares of the property, and is expressed as su/ha, and is based on a farm year of 1 July to 30 June in any year.	<p>If PC1 is amended to delete the use of the term “annual stocking rate” (and to base everything on a winter stocking rate), then Federated Farmers considers this definition ought to be deleted.</p> <p>It is not clear why the year is 1 July to 30 June when, for dairy farmers, the year is 1 June to 31 May. Accordingly, if this definition is retained, Federated Farmers considers that this time period ought to be adopted (or a time period that more reasonably reflects the farming year).</p>	Delete the definition of annual stocking rate. In the alternative, amend the definition of annual stocking rate to be 1 June to 31 May or such other time period as more reasonably reflects the farming year.
New definition: Catchment Profile: means the information about sub-catchments or groups of sub-catchments compiled and collaged by Waikato Regional Council in accordance with Method 3.11.3.2A.	Federated Farmers considers that a new definition of Catchment Profile is needed to link with its appeal points about amending policies, methods and rules to refer to Catchment Profiles.	Adopt a definition of Catchment Profile as proposed by Federated Farmers in Method 3.11.3.2A.

Provision appealed	Reasons for appeal	Relief sought
<p>Certified Farm Environment Planner: is a person who has been approved by the Chief Executive of the Waikato Regional Council to provide farm environment planning and auditing services in one or more of pastoral, horticultural or arable farm systems. The person shall:</p> <ul style="list-style-type: none"> a. have a minimum of three years relevant experience in pastoral, horticultural or arable farm systems; and b. be certified as a Nutrient Management Adviser under a national nutrient management adviser certification programme (or an equivalent certification programme approved by the Chief Executive of Waikato Regional Council); and c. have experience in soil conservation and sediment management; and d. have agreed to Waikato Regional Council's terms of agreement for operating as a Certified Farm Environment Planner. <p>Note: Certified Farm Environment Planners will be listed on the Waikato Regional Council's website.</p>	<p>Federated Farmers has proposed in the context of Schedules D1 and D2 that a CFEP and CFNA could be replaced by a suitably qualified and experienced person (SQEP). If this is the case, or if the term SQEP is to also be used, Federated Farmers seeks the adoption of a reasonable and appropriate definition of SQEP and/or the deletion of the definitions of CFEP and/or CFNA.</p>	<p>Amend the definition of Certified Farm Environment Planner and/or adopt a new definition to address Federated Farmers appeal point about a suitably qualified and experienced person in Schedules D1 and D2.</p>
<p>Certified Farm Nutrient Advisor: is a person who has been approved by the Chief Executive of the Waikato Regional Council to provide nutrient management advice and produce a Nitrogen Leaching Loss Rate in accordance with Schedule B. The</p>	<p>Federated Farmers has proposed in the context of Schedules D1 and D2 that a CFEP and CFNA could be replaced by a suitably qualified and experienced person (SQEP). If this is the case, or if the term SQEP is to also be used, Federated Farmers seeks the adoption of a reasonable and appropriate definition of SQEP and/or the deletion of the definitions of CFEP and/or CFNA.</p>	<p>Amend the definition of Certified Farm Nutrient Advisor and/or adopt a new definition to address Federated Farmers appeal point about a suitably qualified and experienced</p>

Provision appealed	Reasons for appeal	Relief sought
<p>person shall:</p> <ul style="list-style-type: none"> a. be certified as a Nutrient Management Adviser under a national nutrient management adviser certification programme (or an equivalent certification programme approved by the Chief Executive of Waikato Regional Council); and b. have agreed to Waikato Regional Council's terms of agreement for operating as a Certified Farm Nutrient Advisor. <p>Note: Certified Farm Nutrient Advisors will be listed on the Waikato Regional Council's website.</p>		person in Schedules D1 and D2.
<p>Critical source areas: For the purposes of Chapter 3.11, means those areas of farmed land that contribute a disproportionately large amount of sediment, phosphorus and microbial pathogens to surface water.</p>	<p>Federated Farmers considers that the definition of critical source area is important. Federated Farmers is concerned that the definition proposed is too vague and broad e.g. it raises the question of “disproportionately large” compared to what? Federated Farmers considers that any definition must be clear, able to be applied by plan users and Council to any situation and based on farming practices or common sense and consistency with industry and farming practice. Federated Farmers seeks a new definition to address its concerns and reflect the use of the term in PC1, particularly Schedules D1 and D2.</p>	<p>Amend the definition of critical source area to address Federated Farmers' concerns.</p>
<p>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:</p> <ul style="list-style-type: none"> a. direct drilling of seed or fertiliser. b. no-tillage practices. c. tree planting. 	<p>Federated Farmers is concerned that the definition of cultivation will capture many activities that are not cultivation or are not intended to be subject to the standards or restrictions in the plan that apply to cultivation. This includes the making of hay, which could be interpreted as the “tending and harvesting of pasture.” Likewise, growing grass for pasture could be captured.</p> <p>Federated Farmers seeks either further clarity about the exclusions or a better definition than “growing pasture or crop ...” to make it clear that it is</p>	<p>Amend the definition of cultivation to provide further clarity about the activities that are excluded or amend the definition itself to clarify the nature of the activity. For example, if the exclusions are amended, paragraph b could</p>

Provision appealed	Reasons for appeal	Relief sought
	<p>the planting of crops (not grass) for animal or human consumption, for example, that are captured.</p> <p>In the alternative, Federated Farmers seeks the adoption of the definition of cultivation in the National Planning Standards 2019, where the focus is on “disturbance” of land as opposed to “preparing” land.</p> <p>Federated Farmers is also concerned that strip tilling is not included in the list of exclusions. Strip tilling is emerging as a very favourable practice for the establishment of maize crops. A narrow area where the seed will be drilled is tilled while the remainder of the paddock is sprayed out, but not tilled in any way.</p> <p>Most international conventions consider strip tillage (zone tillage) as a form of no-till. In the US, strip tillage is included as a form of no till. The Conservation Technology Information Center's (CTIC) (https://www.ctic.org/resource_display/?id=322) definition of no-till includes strip-till, provided less than one-third of the total row area is tilled.</p>	<p>be amended and new paragraphs b1 and d could be added as follows:</p> <p>b. no-tillage practices. <u>Farming practices that do not require tillage or disturbance of the ground including but not limited to haymaking and topping of pasture.</u></p> <p>b1. <u>Recontouring land.</u></p> <p>d. <u>Strip tillage.</u></p> <p>In the alternative, adopt the definition in the National Planning Standards 2019.</p>
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 excludes point source discharges.	<p>Federated Farmers considers that the definition of diffuse discharges needs to be amended to clarify that it is the discharge of nitrogen, phosphorous, sediment and microbial pathogens, not “contaminants” that is diffuse discharges for the purposes of Chapter 3.11. These are the primary discharges from farming activities and are the discharges that are controlled or managed by Chapter 3.11.</p>	<p>Amend the definition of diffuse discharges as follows:</p> <p>For the purposes of Chapter 3.11, means the discharge of <u>contaminants nitrogen, phosphorous, sediment and E coli</u> that results from land use activities including cropping and the grazing of livestock and excludes point source discharges.</p>

Provision appealed	Reasons for appeal	Relief sought
New definition: Farming enterprise	<p>Federated Farmers seeks the adoption of a “farming enterprise” or “enterprise” approach. It considers that farming activities should be assessed at an enterprise and not a property scale. It seeks changes to the policies, rules and schedules to reflect this and considers that it is appropriate to adopt a definition that is similar to that used in the notified version of PC1. As part of that definition, it should also be clarified how the farming enterprise (or activity) is assessed in terms of assessing which sub-catchment it is in for determining its priority (adopting a 50% approach is consistent with Table 3.11-3 which says the property is in the sub-catchment with the greatest proportion of land in that sub-catchment).</p>	<p>Adopt a new definition for farming enterprise or enterprise to provide for an enterprise approach similar to that which was proposed in the notified version of PC1:</p> <p><u>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 3.11-3.</u></p>
Feedlot: An area of land on which livestock are contained, where there is no forage available for grazing, and feed is brought to the livestock within the area of containment, but does not include horses stabled or in yards.	<p>Federated Farmers considers the definition of “feedlot” causes confusion as it directly overlaps with what could be considered intensive indoor farming which is expressly excluded from the definition of “farming”.</p> <p>Federated Farmers considers the definition of feedlot ought to be amended to more clearly describe the activity (and exclude intensive indoor farming) or it ought to be deleted (along with controls around it).</p>	<p>Amend the definition of feedlot to ensure that it does not capture intensive indoor farming and other activities that are excluded from “farming activities.”</p>

Provision appealed	Reasons for appeal	Relief sought
		In the alternative, delete the definition of feedlot
New definition: Good Farming Practice/s	<p>Federated Farmers considers a new definition should be inserted into the glossary to define “Good Farming Practice/s” or “Good Management Practices,” given that one or other of these terms is used in PC1 (and Federated Farmers considers that the purpose of the first 10 years of PC1 is to get farmers to GFP or GMP).</p> <p>Federated Farmers seeks a reasonable and practicable definition of GFP or GMP that is consistent with the use of those terms by industry and farmers, recognises that these principles/practices evolve over time and can be undertaken at a range of levels or scales e.g. property, sub-catchment, industry, community.</p>	Adopt a definition of Good Farming Practices or Good Management Practices. <u>Good Farming Practice/s: For the purposes of Chapter 3.11, means an the industry agreed and approved (recognising that these evolve over time) practices and actions undertaken at a property, enterprise, industry, sub-catchment or community level to manage or reduce the risk of nitrogen, phosphorus, sediment or E Coli entering waterbodies.</u>
Grazed hectares: means the area in hectares, of a property that: <ol style="list-style-type: none"> is in pasture and used for stock grazing; and is in crops that are entirely grazed in-situ; and is used as sacrifice paddocks; and includes, for a period of 10 years from the date the land is retired, any land previously used for grazing that has been retired from all farming or forestry activities. 	Federated Farmers supports an approach that recognises and incentivises retirement of land and adopts a whole farm (as opposed to effective area) approach. Federated Farmers considers that the definition of grazed hectares needs to provide for retirement of land to forest to be recognised. Therefore, forestry ought to be excluded from paragraph d.	Amend the definition of grazed hectares as follows: <ol style="list-style-type: none"> includes, for a period of 10 years from the date the land is retired, any land previously used for grazing that has been retired from all farming or forestry activities.

Provision appealed	Reasons for appeal	Relief sought
New definition: intermittent waterbody	<p>Federated Farmers refers to concerns raised above in the context of Schedules C, D1 and D2. Federated Farmers seeks a definition of intermittent waterbody, which distinguishes it from a permanent waterbody and ephemeral flow paths and addresses concerns raised by Federated Farmers.</p> <p>A definition is proposed based on the definition contained in the Decisions Version of Schedule C.</p>	<p>Adopt a definition of intermittent waterbody:</p> <p>Intermittent waterbody intermittently flowing river or artificial watercourse is one which is not permanently flowing and meets at least three of the following criteria:</p> <ul style="list-style-type: none"> a. it has natural pools; b. it has a well-defined channel, such that the bed and banks can be distinguished; c. it contains surface water more than 48 hours after a rain event which results in stream flow; d. rooted terrestrial vegetation is not established across the entire cross-sectional width of the channel; e. organic debris resulting from flood can be seen on the floodplain; or f. there is evidence of substrate sorting process, including scour and deposition. <p>In the alternative, such other definition as would address Federated Farmers' concerns.</p>

Provision appealed	Reasons for appeal	Relief sought
Microbial pathogen/s: A microorganism capable of inducing illness in humans.	Federated Farmers considers that the definition of microbial pathogens needs to link to the microbial pathogens being controlled for the purposes of PC1 i.e. E coli from farmed animals. Accordingly, Federated Farmers seeks amendments to this definition to reflect this. In the alternative, all references in PC1 to "microbial pathogens" should be to E coli.	Amend the definition of microbial pathogens so that it relates to E coli from farmed animals. For example: <u>For the purposes of Chapter 3.11, A microorganism capable of inducing illness in humans that originates from farming activities.</u>
Milking platform: means that area of land devoted to feeding dairy cattle on a daily basis for the purpose of milk production and includes land used for the growing of feed for the cows within the same property.	Federated Farmers is concerned that the definition of milking platform is too broad. The intention is to capture those parts of the farm where there is a milking shed with associated infrastructure, and the milking cows are being grazed. It should not capture areas of land where the dairy herd is grazed during winter (when they are not being milked) or feed grown for cows unless the cows are eating it in situ. Accordingly, the definition ought to be amended to achieve this.	Amend the definition of milking platform to address Federated Farmers concerns, for example: <u>means that area of land devoted to feeding dairy cattle on a daily basis for the purpose of milk production during the milking season, and includes land used for the growing of feed for the cows within the same property.</u>
Property: For the purposes of Chapter 3.11, means, to the extent that the land is within the Waikato and Waipā River catchments shown in Map 3.11-1, one or more allotments contained in single Computer Freehold Register (certificate of title), and also includes all adjacent land that is in common ownership but contained in separate certificates of title, including certificates of title separated only by a road, river or utility	Federated Farmers reiterates its concerns above about controlling activities on a property basis. Federated Farmers considers that they ought to be controlled on a farm enterprise basis. If such an approach is adopted, that may require amendments to the definition of property, or the definition may no longer be relevant. Accordingly, Federated Farmers seeks such consequential amendments as are necessary to achieve a farm enterprise approach.	Amend the definition of property where necessary to achieve a farm enterprise approach.

Provision appealed	Reasons for appeal	Relief sought
corridor, and is a single operating unit for the purpose of management.		
Sacrifice Paddock: means an area of land on which livestock are repeatedly but temporarily contained, typically during extended periods of wet weather, where the soil in the confinement area suffers such severe treading damage that pasture renovation is required.	<p>Federated Farmers considers that the definition of sacrifice paddock should focus on the area of land where stock are “continuously” grazed as opposed to “repeatedly” grazed. It considers that it is the continual holding of stock at a location that causes the effects that PC1 seeks to manage, as opposed to repeatedly holding them in an area temporarily (which would arguably include activities like holding stock in yards and is a different activity from a sacrifice paddock).</p> <p>Federated Farmers also considers that the definition should enable farmers to identify that a paddock is a sacrifice paddock before it becomes one. This would provide greater certainty and avoid retrospective application of any standards relating to setback or other controls. Basing the definition on bringing in stock feed would help to achieve them.</p>	<p>Amend the definition of sacrifice paddock: means an area of land on which livestock are <u>repeatedly continuously</u> but temporarily contained, typically during extended periods of wet weather, where the soil in the confinement area suffers such severe treading damage that pasture renovation is required.</p> <p>Also, amend the definition so that it is clear from the outset that a paddock is a sacrifice paddock, such as by reference to bringing in stock feed.</p>
Sector scheme/s: is a scheme group or organisation responsible for preparing and assisting with the implementation of Farm Environment Plans that has been certified by the Chief Executive of Waikato Regional Council and listed on the Waikato Regional Council website as meeting the standards, assessment criteria and requirements set out in Schedule E of Chapter 3.11.	As explained above, Federated Farmers supports sector schemes as a permitted activity as a means to reduce the regulatory implementation burden, achieve additional benefits that would not arise under a consent regime, and to give farmers the option of dealing with their industry body or sector scheme as opposed to Council. Federated Farmers considers that the scheme should prepare and certify the FEPs, and encourage implementation of FEPs, but is not responsible for implementing them, monitoring or enforcing compliance. Accordingly, Federated Farmers seeks amendments to the definition of sector schemes to reflect this.	<p>Amend the definition of sector schemes to reflect the amendments proposed by Federated Farmers to PC1 in respect of sector schemes.</p>
Setback: means the distance from the bed of a river or lake, or margin of a wetland.	Federated Farmers considers that the definition of setback ought to be deleted. It is only used once in PC1, to refer to there being no required “setback” from drains less than 2m wide. Federated Farmers considers that	Delete the definition of setback.

Provision appealed	Reasons for appeal	Relief sought
	<p>the definition creates confusion because it refers to the bed of rivers, whereas Schedule C refers to the “outer edge of the bed” and it refers to margins of wetlands ,whereas Schedule C refers to the “edge” of wetlands.</p>	
<p>Stock unit: means an animal that eats 6,000 megajoules of metabolisable energy per year, and for the stock listed, is illustrated by the following by the following stocking rate table ...</p>	<p>Federated Farmers is concerned that the stocking rate table relies on specific breeds of stock to determine the number of stock units per animal. Federated Farmers considers that this approach may not lead to appropriate management or controls of farming activities involving other breeds. For example the number of stock units allocated to a bull (1-2 years age) is based off a Friesian bull which may be heavier (or have different feed requirements) than a Jersey bull. This may result in a more onerous control on the farming activities of the Jersey bull farmer than would be required to address effects. Federated Farmers' concern is to ensure consistency in approach and outcome.</p> <p>Federated Farmers considers that where farmers have additional data which reflects that their stock units are different from that which they would default to in the table, the farmer should be able to rely on this additional data to tailor their stock unit to the specific stock on their farm and effects of their activity.</p>	<p>Amend the definition to reflect that where farmers have additional data which reflects that their stock units are different from that identified in the table, the farmer is able to rely on this additional data to tailor their stock units to the specific stock on their farm.</p> <p>Make any other amendments to the other provisions in PC1 that are needed to achieve this outcome.</p>
<p>Slope: means the steepness of the land surface. For the purposes of Chapter 3.11, for cultivation and grazing, slope shall mean the average slope over any 20m distance (measured along the ground surface); and for stock exclusion requirements, shall mean the average slope, measured from the edge of the bed of a waterbody to a distance of 20m perpendicular to that waterbody, averaged for the paddock. Slope is measured in degrees and to an accuracy no less than that</p>	<p>In principle, Federated Farmers considers the definition of slope to be a pragmatic approach for defining slope in absence of LiDAR data. However, Federated Farmers is concerned about the practical effects of the definition when coupled with rules about grazing, cultivation and stock exclusion above certain slopes. For example, it may mean that every 20m section of land needs to be assessed before it is cultivated to avoid breaching rules or some sections of streams may need to be fenced and other sections not fenced, depending on the slope of each 20m section.</p> <p>From a compliance perspective, Federated Farmers considers a stocking rate (as opposed to slope), or identifying areas of land not to be cultivated on</p>	<p>Amend the definition of slope: means the steepness of the land surface. For the purposes of Chapter 3.11,<u>for cultivation and grazing,, where LiDAR data does not exist,</u> slope shall mean the average slope over any 20m distance (measured along the ground surface); <u>and for stock exclusion requirements,</u> shall mean the average slope, measured from</p>

Provision appealed	Reasons for appeal	Relief sought
achieved by a handheld inclinometer or Abney level.	<p>a map (as opposed to relying on a slope measurement) is more certain, measurable and/or observable.</p> <p>Federated Farmers considers that stock exclusion ought to be assessed on the basis of stock units or a narrative approach, and not slope. Therefor the parts of the definition that relate to stock exclusion ought to be delete.</p> <p>Federated Farmers also has concerns about measuring slope over any 20m distance where that would result in areas of land that could be grazed or cultivated, and areas that could not. Federated Farmers seeks a pragmatic approach such that slope could be averaged over a paddock, for example. Federated Farmers seeks what changes to the rules or schedules or definition as are needed to achieve such a pragmatic approach.</p>	<p>the edge of the bed of a waterbody to a distance of 20m perpendicular to that waterbody, averaged for the paddock. Slope is measured in degrees and to an accuracy no less than that achieved by a handheld inclinometer or Abney level.</p> <p>Also amend the rules, schedules or definitions to achieve a pragmatic approach that allows land or paddocks to be cultivated or grazed without having to have 20m sections or other pockets land that are not able to be cultivated or grazed due to the 20m distance requirement proposed in the above definition.</p>
Winter forage crop: means crops, annual or biennial, but excluding pasture species, which are grown to be utilised by grazing or harvesting as a whole crop between 1 May and 30 September of each year.	<p>Federated Famers seeks an amendment of the months used for the definition so that the winter forage crop applies to crops grazed during winter months.</p> <p>Federated Farmers is also concerned that PC1 inconsistently uses “forage crops” and “winter forage crops.” Federated Farmers is concerned that forage crops could mean grass, maize and other crops not intended to be captured. Accordingly, Federated Farmers considers that all references to “forage crops” should be “winter forage crops.”</p>	<p>Amend the definition of winter forage crop:</p> <p>means crops, annual or biennial, but excluding pasture species, which are grown to be utilised by grazing or harvesting as a whole crop between <u>1 May and 30 September</u> <u>1 June and 31 August</u> of each year.</p>

Provision appealed	Reasons for appeal	Relief sought
<p>Winter stocking rate: means the winter average of stock unit counts on a property divided by the grazed hectares of the property, and is expressed as wsu/ha, and is based on the period 1 May to 31 July in any year</p>	<p>Federated Farmers has concerns with the proposed use of stocking rates and stock units with PC1. Federated Farmers considers that it is important to understand what stocking rates are and their limitations. Notwithstanding this, they can provide a helpful trigger point with different or additional rules or standards applying below or above a certain number of stock units. However, stocking rates are not a direct measure of environmental performance, rather, they are a measure of potential risk. Federated Farmers has proposed amendments to the policies, rules and schedules to address these concerns.</p> <p>Federated Farmers has concerns that the months proposed for measuring winter stocking rates may not reflect stock carried over winter or that winter stocking rate may not be the relevant measure. Federated Farmers seeks any amendments needed to ensure that the wsu/ha rate is appropriate, relevant and achieves a risk and effects based approach.</p>	<p>Amend PC1 to ensure all references are to “winter forage crops”, not “forage crops.”</p> <p>Amend the definition of winter stocking rate to ensure that it is appropriate, relevant and achieves a risk and effects based approach.</p>