

IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2020-AKL-000089

I MUA I TE KOOTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU

IN THE MATTER of the Resource Management Act 1991

A N D

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

BETWEEN WAIKATO REGIONAL COUNCIL

Appellant

A N D WAIKATO REGIONAL COUNCIL

Respondent

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274 Resource Management Act 1991

29 September 2020



**FEDERATED
FARMERS**
OF NEW ZEALAND

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To: The Registrar
Environment Court
Auckland

Federated Farmers of New Zealand Inc ("**Federated Farmers**") wishes to be a party to the following proceedings:

Waikato Regional Council v Waikato Regional Council
ENV-2020-AKL-000089

Federated Farmers made a submission about the subject matter of the proceedings.

Federated Farmers is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

Federated Farmers is interested in all of the proceedings.

1. Federated Farmers represents farmers in the Waikato and Waipā Rivers Catchment.
2. Federated Farmers has appealed the decision to on Proposed Waikato Regional Council Plan Change 1 – Waikato and Waipā River Catchments ("**PC1**"), as amended by the Hearing Panel, in its entirety, i.e. the decision as it relates to the introduction and all of the objectives, policies, methods, rules, definitions and schedules.
3. 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 PC1 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.
4. Federated Farmers is interested in all the issues raised by the Appellant.
5. Federated Farmers supports in part and opposes in part the relief sought by the Appellant.

6. Without limiting the generality of the above, an explanation of the issues that Federated Farmers has particular interest in is set out in **Appendix A**.

7. Federated Farmers agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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APPENDIX A

Provision Appealed	Reasons for Appeal	Relief Sought by Appellant	Support/Oppose	Reason
Policies				
Policy 2	<p>Appeal point (a) Policy 2 is to provide for farming activities that require a resource consent other than commercial vegetable production (CVP) with a Farm Environment Plan. The Policy requires farming to be undertaken with reference to a Nitrogen Leaching Loss Rate (NLLR).</p> <p>Paragraph 579 (second bullet) of the Hearing Panel's recommendation (which was accepted in the Decision) clearly sets out its intention with regard to the function of the NLLR, namely: "the nitrogen leaching numbers form activity status triggers (permitted activity or requiring a consent) rather than fixing the level at or below which farming must occur."</p> <p>Despite this intention, Policy 2 a and b both strongly infer use of the NLLR as a "cap" within which farming must be undertaken. This creates a fundamental ambiguity as to how the NLLR is to be applied in practice and creates significant potential difficulties for implementation of the Plan. The policy should refer to "nitrogen loss" more generally.</p> <p>Appeal point (b)</p>	<p>Amend Policy 2(a) and (b) 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 loss Nitrogen Leaving Loss Rate is already as low as practicable given the current land use or that the nitrogen loss Nitrogen Leaching Loss Rate will reduce to the lowest practicable level over an appropriate specified period; and</p> <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 loss; or ii Demonstrate why significant reductions to their nitrogen loss Nitrogen Leaching Loss Rate should either not be required; or iii Demonstrate why significant reductions to their nitrogen loss 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 loss Nitrogen Leaching Loss Rate, including whether it captures the benefits of existing contaminant mitigation steps that have been put in place; 	Support in part Oppose in part	<p>Appeal point (a) Federated Farmers does not support a "capped" approach and agrees that more general reference to "nitrogen loss" is more appropriate.</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>Appeal point (b) 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 be defined). Federated Farmers supports the removal of the term "material increase" however Federated Farmers considers that there are further amendments required to paragraph (c) as reflected in Federated Farmers' appeal.</p>

	<p>The meaning of "material increase" is ambiguous, and potentially inconsistent with policy signals elsewhere in Policy 2, that reinforce the need for reductions in losses of contaminants.</p>	<p>...</p> <ul style="list-style-type: none"> How it is proposed to reduce nitrogen loss Nitrogen Leaching Loss Rate, including how quickly and to what extent it will be reduced; <p>Amend Policy 2(c) to read as follows: <u>Generally not granting land use consent applications for changes in land use that increase the loss of contaminants from the land compared with the losses 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;</u></p>		
Rules				
<p>Rule 3.11.4.1 Permitted Activity Rule – Small and very low intensity farming</p>	<p>Rule 3.11.4.1 permits the use of land for small and very low intensity farming and associated discharges, subject to conditions. Condition 10 is designed to help the Council to determine compliance with the rule. However, the condition only applies to properties over 20 hectares, and does not apply to properties under 20 ha (which will be the vast majority of properties subject to this rule). There seems no sound reason for enabling Council to require independent verification of compliance, where appropriate, on larger properties but not smaller properties. It seems likely that this is an oversight/error in the drafting. The ability for the Council to require a person to provide an independent confirmation of their compliance with the rule</p>	<p>Amend Rule 3.11.4.1 (4th line) as follows: ...Conditions 1-910 below if the use of land for farming on a property is less than or equal to 20ha.</p>	<p>Oppose</p>	<p>Federated Farmers considers that the intention of this rule is to balance 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.</p> <p>Federated Farmers considers it to be unnecessary for properties less than or equal to 20ha to subject to paragraph 10. The economic cost of obtaining a certified FEP for a property of such a small size (generally lifestyle blocks) outweighs the very little environmental effects.</p>

	would greatly assist the Council's ability to enforce it.			
Rule 3.11.4.2 Interim Permitted Activity – Farming prior to obtaining consent	<p>Appeal point (a) Rule 3.11.4.2 permits the use of land for farming and associated discharges on an interim basis – until certain activities require resource consent at specified dates following the Plan becoming operative. The activities include those regulated by rules 3.11.4.4, 3.11.4.5, 3.11.4.6 and 3.11.4.7. It omits rule 3.11.4.8. however. The rule states that "except as permitted by PA rules 3.11.4. 1 and 3.11.4.3, or as regulated by 3.11.3.9 (land use change), the use of land for farming is a permitted activity until the relevant Application Date specified in Table 3.11-3..." The omission of reference to rule 3.11.4.8 means that the land use regulated by rule 3.11.4.8 - expansion of CVP into new areas - is one of the "protected" activities i.e. a permitted activity until the dates for the various SCs to which that rule applies. This is an error in that it was clearly not the Panel's intent to permit CVP expansion, even on an interim basis, except by way of discretionary activity rule 3.11.4.8.</p> <p>Appeal point (b) Currently this permitted activity rule does not include any requirement for those relying on the rule, to register their land use with the Council. Including this requirement would greatly</p>	<p>Amend Rule 3.11.4.2 as follows: Except as permitted by Rule 3.11.4. 1 or 3.11.4.3, or as regulated by Rule 3.11.4.8 or 3.11.3.9...</p> <p>Include a further condition in Rule 3.11.4.2 as follows: The property is registered with the Waikato Regional Council if required by and in accordance with Schedule A.</p>	<p>Support in part Oppose in part</p>	<p>Appeal point (a) Federated Farmers considers Rule R.11.4.8 should also be subject to Rule 3.11.4.2.</p> <p>Appeal point (b) Federated Farmers considers that farmers should not have to register their property until the plan becomes operative.</p>

	aid the Council to understand what is happening on the land, which will better enable it to ensure compliance with the rule framework and forecasting its resources.			
Rule 3.11.4.3 – Permitted Activity Rule – Low intensity farming	Rule 3.11.4.3 permits the use of land for low intensity farming and associated diffuse discharges subject to conditions. It is inherently difficult to enforce for the Council, including simply knowing which properties are relying on the rule. The ability for the Council to require a person to provide an independent confirmation of their compliance with the rule (in the same way as enabled in Rule 3.11.4.1) would greatly assist the Council's ability to enforce it.	Add the following condition to Rule 3.11.4.3: <u>Upon written 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 (unless otherwise agreed in writing by the Waikato Regional Council).</u>	Oppose	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 considers the economic cost of obtaining a certified FEP for a property such low intensity outweighs the very little environmental effects.
Rule 3.11.4.6 – Restricted Discretionary Activity Rule – Farming in Whangamarino	Appeal point (a) Rule 3.11.4.6 provides for farming and associated diffuse discharges within the Whangamarino wetland catchment, subject to conditions. Condition 4 requires that the activity be on one property. However, CVP is recognised elsewhere as not being constrained in this way (eg see Policy 3). Appeal point (b) Rules 3.11.4.5 and 3.11.4.8, which provide for CVP do not reference Schedule C (which is appropriate). However, Rule 3.11.4. 6 which restricts farming, including CVP, in the Whangamarino Wetland	Amend Rule 3.11.4.6(4) as follows: The use of land for farming (<u>except for commercial vegetable production</u>) occurs on one property... Amend Rule 3.11.4.6(2) as follows: Farming (<u>except for commercial vegetable production</u>) is undertaken in conformance with the minimum farming standards in Schedule C...	Oppose	Federated Farmers considers Rule 3.11.4.6 ought to be deleted for the reasons outlined in its appeal.

	Catchment, does. This is inconsistent.			
Rule 3.11.4.8 – Discretionary Activity Rule – Commercial vegetable production expansion	<p>Rule 3.11.4.8 provides for the expansion of CVP as a discretionary activity, subject to conditions. Condition 7 and Table 1 of the rule are intended to set areal limits on the total amount of land which can be granted under this rule for “expansion” of current CVP. However, Table 1, as currently drafted, does not make it entirely clear whether the areas in the Table are the total or “additional” areas. It should be clarified that they are totals. Furthermore, condition 7 of rule 3.11.4.8 cross-refers to the Table and specifies that “The total area of land for which consent is sought must not, in combination with any extant resource consents, exceed the maximum sub-catchment areal limits specified in Table 1 below.” The problem with condition 7 is that CVP is occurring lawfully now in these catchments without a resource consent and, while all CVP will require consent under the Plan eventually, it cannot be assumed (as condition 7 currently does) that this will have occurred before any “additional CVP” applications under rule 3.11.4.8, are made.</p>	<p>Amend the heading of the third column of Table 1 at Rule 3.11.4.8 as follows: <u>Additional</u> areal limits of land for CVP use per sub-catchment (hectares).</p> <p>Amend condition 7 as follows: The total area of land for which consent is sought must not, in combination with any extant resource consents <u>commercial vegetable production that is authorised by extant resource consents or otherwise lawfully established</u>, exceed the maximum sub-catchment areal limits specified in Table 1 below.</p>	<p>Support in part Oppose in part</p>	<p>Table 1 Federated Farmers supports the amendment of the heading to allow for “expansion” of current CVP.</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.</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>
Schedules				
Schedule B – Nitrogen leaching loss rate for FMUs Table 1: Nitrogen Leaching Loss Rate levels	Appeal point (a) In regards to Cause A3(a) there is no clarity as to what “suitably qualified and experienced” means. This opens the door for a myriad of individuals to	Amend Schedule B, clause A 3(a) to read: Alternative models may be used provided a suitably qualified and experienced nutrient modeller can	<p>Support in part Oppose in part</p>	Appeal point (a) Federated Farmers disagrees with the Appellant that “suitably qualified and experienced” may open the door for a myriad of individuals to propose alternative models. Rather, Federated

	<p>propose alternative models and risk inconsistent farm data across the region.</p> <p>Appeal point (b) Table 1: Nitrogen Leaching Loss Levels specifies values for the 4 river FMUs, cross-referring to Map 3.11-1. Lake FMUs are not referred to in Table 1 which potentially implies there are no NLLR levels for those FMUs</p>	<p>demonstrate and has certified to WRC that the model:</p> <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><u>For the purposes of this provision the “suitably qualified and experienced modeller” must be a person with relevant qualifications and extensive experience relating to the modelling of nutrient loss from farming activities of the type undertaken in the Waikato Region. The qualifications and experience must relate to the application of Overseer and the alternative model.</u></p> <p>Add a Note under Schedule B Table 1 as follows: <u>For the avoidance of doubt, the NLLR level for a property within a lake FMU is that which applies to the relevant riverine FMU within which the lake FMUs is located.</u></p>		<p>Farmers is concerned that the wording of paragraph a, particularly a “suitably qualified and experienced nutrient loss modeller” 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>Federated Farmers considers the relief sought further limits the person who may be appropriate for determining the appropriateness of an alternative model.</p> <p>Appeal point (b) Federated Farmers supports the relief sought to ensure clarity when interpreting Table 1.</p>
<p>Schedule C – Minimum farming standards</p>	<p>Appeal point (a) Clause 1(b) applies a maximum grazing intensity of 18 stock units per hectare based on a slope criterion (greater than 15 degrees) to be applied on an “any paddock” basis. This threshold is very low given current mob stocking practice and is therefore disproportionately restrictive and likely to be impracticable for many drystock farmers to comply with.</p> <p>Appeal point (b)</p>	<p>Amend Schedule C, clause 1(b) to read as follows: <u>“...with a slope over 15 degrees where the number of stock units exceeds 18 per grazed hectare at any time, measured on a whole farm basis.”</u></p> <p>Amend Schedule C 6 as follows: ...Nitrogenous fertiliser is not applied at rates <u>to pasture</u> greater than 30kgN/ha per dressing, <u>excluding farm animal effluent</u></p>	<p>Support in part Oppose in part</p>	<p>Appeal point (a) Federated Farmers supports the intention of the relief sought, but considers that the threshold ought to be 18 stock units of cattle measured on a whole farm basis. It would be incorrect to include sheep in the stock unit calculation as sheep are not captured under the stock exclusion rules.</p> <p>Appeal point (b) Federated Farmers supports the amendments proposed to ensure paragraph 6 only applies to pasture and excludes farm animal effluent. Federated Farmers considers that</p>

	<p>Schedule C, Clause (6) requires that: "Nitrogenous fertiliser is not applied at rates greater than 30kgN/ha per dressing". It appears that the words "to pasture" have been omitted from the provision. In this regard, at paragraph 1697 of its recommendation the Hearing Panel said: "This standard has been adopted from Fonterra's evidence which states "Nitrogen fertiliser application rates to pasture are no greater than 30 units of N per dressing". This omission means that if the standard is applied to arable farming it is difficult, if not impossible, to meet and would result in many farms requiring consent that may have otherwise been permitted. The provision is also missing reference to excluding animal effluent from the 30 kgN/ha. This may mean that the restriction (loading rate and soil temperature) applies to animal effluent also.</p>			<p>paragraph 6 ought to be further amended to increase 30kgN/ha per dressing as it considers it to be unduly restrictive as a minimum standard.</p>
<p>Schedule C (9), Schedule D1 Part D 4(b) and Schedule D1 Part D (5)(a)</p>	<p>These three provisions are very similar and set minimum standards for farming which restrict stock of "older than 2 years" or "greater than 400 kg lwt" from grazing (including winter grazing) steep land from June to September each year. The use of cattle age and weight as thresholds for determining compliance with this standard, raises practical difficulties for the Council with regard to monitoring and enforcing. If faced with having to determine compliance with</p>	<p>Amend each provision as follows:</p> <p>Schedule C (9) No cattle older than 2 years or greater than 400kg lwt are grazed on forage crops on LUC class 6e, 7 or 8 from 1 June to 1 September.</p> <p>Schedule D1, Part D (4)(b) On 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>Schedule D1, Part D (5)(a)</p>	<p>Oppose</p>	<p>Federated Farmers considers restricting all cattle from on steep land from June to September each year to be too restrictive and inflexible to apply across the PC1 catchment as a minimum standard.</p>

	<p>the standard, the Council cannot readily determine the age or weight of cattle, without voluntarily supplied information from the land user. It will generally not be practicably possible for the Council to enforce compliance with this standard.</p>	<p>No cattle older than 2 years or greater than 400kg lwt are grazed on forage crops on LUC class 6e, 7 or 8 from 1 June to 1 September.</p>		
<p>Schedule C (9) and Schedule D1 Part C (3)(b), Part D (4)(b), (5)(a) & (b), and (7)(a) Schedule D2 Part C(2)(b)</p>	<p>The use of standards referencing LUC classes is not practicable because current LUC mapping is at a scale (1:50,000) that does not enable practicable application at the farm/paddock scale. If the provision is intended to require LUC mapping on all farms, this requirement will be expensive and onerous for farmers. It is questionable if the resourcing would be available to do this as LUC mapping at a property scale is a skill held by a limited pool of experts.</p>	<p>Remove reference to LUC and replace with slope-based criteria by amending the provisions as follows (and incorporating proposed amendments from appeal issue above):</p> <p>Schedule C (9) <u>No cattle are grazed on forage crops on land with a slope above 25 degrees from 1 June to 1 September.</u></p> <p>Schedule D1, Part C (3)(b) Delete this provision.</p> <p>Schedule D1 Part D (4)(b) <u>On land with a slope greater than 25 degrees no cattle are grazed from 1 June to 1 September.</u></p> <p>Schedule D1, Part D (5)(a) & (b) <u>a. No cattle are grazed on forage crops on land with a slope greater than 25 degrees from 1 June to 1 September.</u></p> <p><u>b. No winter grazing of forage crops occurs on land with a slope greater than 25 degrees from 1 June to 1 September where the number of cattle grazed exceeds 30 in an individually-fenced area.</u></p> <p>Schedule D1, Part D (7) (a)</p>	<p>Support in part Oppose in part</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>Federated Farmers considers that reference to LUC land should be deleted throughout PC1.</p> <p>To be clear, Federated Farmers does not support restricting all cattle from on steep land from June to September each year.</p>

		<p><u>No cultivation of any land where slope exceeds 20 degrees.</u></p> <p>Schedule D2, Part C (2) (b) Delete this provision.</p>		
<p>Schedule D1 – Requirements for Farm Environment Plans for farming under Rule 3.11.4.3</p>	<p>Appeal point (a) Clause D(5)(e) requires that “ephemeral waterbodies that are not permanently fenced that have water in them during grazing are temporarily fenced to exclude stock”. The reference to “ephemeral” waterbodies is inconsistent with, and arguably more stringent than, the stock exclusion provisions of Schedule C (which is limited to watercourses which are “permanently or intermittently flowing”). Standardising the terminology between Schedules C and D would assist understanding of, and compliance with, the Plan. A further amendment clarifies that this requirement only applies where permanent fencing is not otherwise required</p> <p>Appeal point (b) Clause D8(d) requires compliance with various rules in the operative plan (and conditions). While this is not strictly necessary in that those legal requirements stand alone, it is appropriate to signal the need for ongoing compliance with all other aspects of the Regional Plan. However, the regional plan is currently undergoing review and will be required to conform with the National Planning Standards, therefore these rule references</p>	<p>Amend Schedule D1 Part D 5(e) as follows: Ephemeral waterbodies that are not otherwise required to be permanently fenced that have water in them during grazing are temporarily fenced to exclude stock.</p> <p>Amend 8 (d) as follows: The effluent system is designed and operated to ensure <u>compliance with all relevant rules and requirements in the Regional Plan, that the conditions of Rule 3.5.5.1 are met at all times, unless a specific consent has been sought under Rules 3.5.5.2 to 3.5.5.5 to depart from the standards in Rule 3.5.5.1 in which case the conditions of that consent shall be met at all times.</u></p> <p>Amend the Schedule D1 Part D 9 heading as follows: Irrigation (<u>including effluent irrigation</u>)</p> <p>Amend Schedule D1 Part E (a) as follows: ...and thereafter at intervals of no more than 3 years <u>or at any earlier date specified by the WRC in response to non-compliance with these standards...</u></p>	<p>Support in part Oppose in part</p>	<p>Appeal point (a) 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>Federated Farmers therefore supports deleting reference to ephemeral waterbodies.</p> <p>Appeal point (b) Federated Farmers supports the relief sought as specific rule references may become out of date in the short to medium term.</p> <p>Appeal point (c) Federated Farmers considers that given paragraph 8 comprehensively covers effluent irrigation, paragraph 9 ought to be limited to water irrigation. Federated Farmers therefore opposes the relief sought.</p> <p>Appeal point (d) Federated Farmers considers that 3 yearly review intervals are appropriate. Farmers need to have certainty from their FEPs to recognise the investments some farmers will be making through</p>

	<p>are likely to be out of date in the short to medium term. The standard also erroneously refers to consent being required under rule 3.5.5.2 (which is a permitted activity rule).</p> <p>Appeal point (c) Clause D(9) sets out irrigation standards. But it is not clear if they apply to effluent irrigation – which they should.</p> <p>Appeal point (d) Part E of the Schedule provides for reviews of FEPs 12 months following the rule being operative, at a minimum of 3 yearly intervals thereafter, and when there is a "material increase in the intensity of farming" (despite that appearing to be potentially contrary to the requirement in Part D 2(a) to demonstrate that Nitrogen loss risk ratings "have not increased over the previous year"). There is no ability for the Council to require a review at an earlier date in response to a previous review which indicates poor compliance or non-compliance.</p>			<p>what is proposed in that FEP. A three year review period assists in providing that certainty.</p>
Glossary				
Glossary generally	<p>There is a significant risk that some definitions in the Proposed Plan will be inconsistent with definitions that come through in the Government's Essential Freshwater Programme. Such inconsistencies may create ambiguities which may impact on parties who are affected by both PC1 and the Essential Freshwater programme.</p>	<p>Amend the Proposed Plan definitions as necessary to align with definitions that are established through the Essential Freshwater programme.</p>	<p>Support</p>	<p>Many of the definitions in PC1 are inconsistent with the definitions in the NES. It is appropriate with possible to align the definitions used in both PC1 and the NES.</p>

<p>Drystock farming</p>	<p>The distinction between an arable and drystock farm is unclear.</p> <p>Rule 3.11.4.3 Condition 3A i) excludes drystock farming from providing an NLLR (but the definition of drystock farming does not include arable). Condition 3A ii. states that all "other farming" needs an NLLR (this includes any Dairy farming).</p> <p>However, there is the option under 3B where an NLLR is not required, and the farms that qualify would be farms that comply with rule 3.11.4.1 (except for feedlot/sacrifice paddocks or those farms with greater than 5% arable), and under 20ha (or greater where they comprise more than 75% horse stock units). Therefore, arable farms greater than 20ha would need an NLLR, but not those under 20ha. However, most arable properties contain some animals hence the overlap of these definitions.</p>	<p>Amend the Drystock Farming definition as follows: ...means pasture grazing beef cattle, dairy cattle grazed off a milking platform, <u>arable cropping on farms less than or equal to 5% of farm area</u>, other dairy animals, sheep, goats, and deer for meat, fibre, or velvet production.</p>	<p>Oppose</p>	<p>Federated Farmers considers that arable cropping of 5% of the area is too restrictive.</p>
<p>Feedlot</p>	<p>The definition is broad, and potentially overlaps with existing Regional Plan definitions for "feed pad", "standoff pads" and "intensive indoor farming".</p>	<p>Replace the definition with the definition provided in the s42A report as follows: 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. <u>means the containment and feeding of livestock, covered or uncovered, for the purpose of finishing for meat production, and the activity precludes the</u></p>	<p>Support in part Oppose in part</p>	<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 supports the intent of the relief sought but considers further drafting should occur to ensure that the definition more clearly describes the activity (and exclude intensive indoor farming).</p>

		<u>maintenance of vegetative groundcover.</u>		
Stock unit	<p>“Stock unit” is defined with reference to a Table, setting out stock rate figures that were developed specifically for Rotorua Lakes catchment farms. The definition notes that the stock types and values in the Table, are "illustrative". For these reasons, it is not clear whether the values in the Table are intended to be strictly applied when implementing the Plan or not. The Table and the definition should be amended to clarify that the values are indicative only and that farmers are able to make a case for utilising different numbers where the circumstances warrant that.</p>	<p>Amend the definition as follows: ...means an animal that eats 6000 megajoules of metabolisable energy per year and for the stock listed, is illustrated by the following; stocking rate table. <u>Note: the Table below provides indicative stock unit values for various livestock.</u></p>	Support	Federated Farmers considers the amendments are appropriate.