

IN THE ENVIRONMENT COURT  
AT AUCKLAND

ENV-2020-AKL-000090

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 RIVER AUTHORITY

*Appellant*

A N D WAIKATO REGIONAL COUNCIL

*Respondent*

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**NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS**

Section 274 Resource Management Act 1991

29 September 2020

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**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 River Authority v Waikato Regional Council**  
**ENV-2020-AKL-000090**

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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N J Edwards / L F Jeffries

Counsel for Federated Farmers

Date: 29 September 2020

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## APPENDIX A

Provision Appealed	Reasons for Appeal	Relief Sought by Appellant	Support/Oppose	Reason
<b>Objectives</b>				
<b>Objective 1</b>	<p>The Appellant considers that PC1, as it currently stands, is not clear on what constitutes a “wetland”. The term “wetland” is referred to in Objective 1 and throughout a number of other provisions in PC1.</p> <p>It is important to ensure that all wetland areas are captured under the provisions of PC1, particularly wetlands that have been degraded over time and what may not fall under the definition of “wetland” in the RMA.</p>	<b>Objective 1 is amended to define “wetlands”</b> as “permanently or intermittently wet areas, shallow water, and land water margins that support plants that are adapted to wet conditions”.	Oppose	Will likely impose significant costs that were not considered by the section 32 assessment.
<b>Methods</b>				
<b>Method 3.11.3.1</b>	Exclude current or short-term water quality limits in respect of all lakes	Method 3.11.3.1 is amended to include appropriate provision for the implementation of short-term water quality targets for lakes (as identified in the amendments to Table 3.11.1(d)).	Oppose	Federated Farmers considers that there is insufficient information at present to set short and long-term water quality targets for lakes.
<b>Schedules</b>				
<b>Schedule C – Minimum farming standards</b>	PC1, as it currently stands, provides standards that are better suited for rivers (flowing water) and does not provide standards that are suitable for lakes and wetlands. This approach fails to give effect to the objectives and strategies of the Vision and Strategy and it would be more appropriate to include setback provisions of fencing for stock exclusion to at least 5 metres rather than 3 metres.	Schedule C is amended to provide specific minimum farming standards relating to lakes and wetlands including setback provisions of fencing to at least 5 metres for stock exclusion	Oppose in part	Federated Farmers considers that the stock exclusion rules should reflect those of the national standards and only apply to low slope land as defined in the Stock Exclusions Regulations.
<b>Tables</b>				
<b>Table 3.11-1(d) Dune, Riverine, Volcanic and Peat Lakes Freshwater Management Units</b>	Table 3.11.1(d) sets the attributable targets for Dune, Riverine, Volcanic and Peat Lakes, which are long-term 80 year targets only. The Vision and Strategy provides for the adoption of a	Table 3.11.1(d) is amended to include appropriate short-term water quality targets for lakes	Oppose	Federated Farmers considers Table 3.11.1(d) ought to be deleted for the reasons set out in the Federated Farmers’ appeal.

	<p>“precautionary approach” and this applies to lakes.</p> <p>PC1, as it currently stands, does not provide for short-term water quality limits for lakes. In order to provide certainty that water quality in lakes will not degrade further over a 10 year timeframe, and ensure that a precautionary approach is achieved to give effect to the Vision and Strategy, short-term water quality targets for lakes must be set.</p>			
<p><b>Table 3.11-3 Sub-catchment Application Date/Te Ripanga 3.11-3: Te rā tonu o te riu kautawa</b></p>	<p>PPC1, as it currently stands, does not provide for all lakes, within the sub-catchments identified in Table 3.11-3, to be given priority. This is not appropriate given some lakes are under sustained pressure and are not meeting community values, and this fails to give effect to the objectives and strategies of the Vision and Strategy.</p> <p>It would be more appropriate to explicitly identify all lakes and prioritise these based on the difference in scale, water quality and information available on specific lakes or lake types.</p>	<p>Table 3.11-3 is amended to identify lakes and give appropriate prioritisation to those lakes;</p>	<p>Oppose in part</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 sub-catchments where water quality is worst are targeted first.</p> <p>Federated Farmers considers that there is not sufficient evidence at this stage to suggest all lakes should be given priority.</p>