

IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2020-AKL-000094

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 ROYAL FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND INCORPORATED

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

169 London Street
PO Box 447
Hamilton
Telephone: 07 858 0815
Email: ljeffries@fedfarm.org.nz
Solicitor acting: Nikki Edwards /
Laura Jeffries

To: The Registrar
Environment Court
Auckland

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

Royal Forest and Bird Protection Society of New Zealand Incorporated v Waikato Regional Council
ENV-2020-AKL-000094

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.



N J Edwards / L F Jeffries

Counsel for Federated Farmers

Date: 29 September 2020

Address for service: PO Box 447, Hamilton 3240

Telephone: 07 858 0815

Fax/email: ljeffries@fedfarm.org.nz

Contact person: Laura Jeffries

APPENDIX A

Provision Appealed	Reasons for Appeal	Relief Sought by Appellant	Support/Oppose	Reason
Objectives				
Objective 1	<p>The time frame of “at the latest 2096” is far too long. This in combination with Obj 2 means PC 1 in itself will not achieve any of the improvements discussed in Objectives 1 & 2 in the very minimum for at least 10 years.</p> <p>With nothing required for 10 years another plan will be in place or at in least in the process of being developed and yet another set of proposed target dates will be recommended. The Council needs to take this opportunity to see quantifiable improvements in the life of PC1.</p> <p>It is accepted that this is a long term goal oriented objective but the Appellant says it can be much tighter and encourage more improvements more quickly.</p>	<p>Reword: <u>”The restoration and protection of water quality to achieve healthy rivers by 2050”</u></p>	Oppose	<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 therefore opposes the relief sought.</p>
Objective 2	<p>This objective defers actions to improve water quality for a further 10 years. This is inappropriate because there will be many who will not implement any changes to their farming practices until the near fruition of the ten year time frame.</p> <p>The ten year time frame sets a worrying trend that each subsequent plan change will not have to meet the next set of shot-term numeric water quality</p>	<p>Amend the objective: <u>Immediate and constant</u> progress is made <u>over the life of this plan</u> towards ...</p>	Oppose	<p>Federated Farmers supports a focus on 10 years from when the whole plan change becomes operative and for progress to be made over the life of this plan. It is unreasonable to expect immediate progress and does not take into account the staged implementation of PC1.</p>

	<p>values for another 10 years. Rather than a gradual increase in water quality it will create a 10 year burst in improved quality which is then followed by a another 10 years of stagnation.</p> <p>PC1 should require immediate actions required to address the deteriorating water quality.</p> <p>This objective is inconsistent with many of the policies which imply that PC1 actually requires reductions in contaminant losses.</p>			
Policies				
Policies 1, 2, 3 & 4	<p>Policy 4 states where a Farm Environmental Plan is required to assist in achieving policies 1, 2, and 3.</p> <p>There is no clear indication in Polices 1, 2, and 3 when a farm environment plan will be required. Policy 1 simply states the timely implementation of Farm Environment Plans. Policy 2 provides for farming activities with a farm environment plan but doesn't say when a Farm environment plan will be required. The rules do require the implementation of Farm Environment Plans but the rules require guidance from the policies to implement certain aspects such as Farm Environment Plans</p> <p>Neither does Policy 4 refer to Schedule D1 or give clear scope for the implementation of schedule D1</p>	<p>Amend Policies 2 & 3 to reflect the rules that require Farm Environment Plans.</p> <p>Amend Policy 4 to give clear scope for the implementation of Schedule D1.</p>	Oppose	Federated Farmers considers the relief sought within the Federated Farmers' appeal for these provisions is more appropriate.

<p>Policies 3(d)(iv), 5, 12(b), and 13</p>	<p>Offsets and compensation are not appropriate in a water quality context.</p> <p>Even if there was a place for offsetting or compensation in the freshwater context. It needs to comply with the mitigation hierarchy, avoid, remedy and then mitigate</p>	<p>Delete references to offsetting and compensation.</p>	<p>Oppose</p>	<p>Federated Farmers supports policies that allows for offsetting and compensation because that potentially provides greater flexibility for how environmental benefits will be achieved and helps to reduce the costs.</p>
<p>Policy 6 along with definition of Sector/scheme, schedule D1, D2 and E</p>	<p>Agree with the s42A report that sector schemes would develop without any encouragement through PC1. If they will develop irrespective of whether PC1 provides for them why make PC1 any more confusing than it already is. Council can encourage sector schemes outside of the regulatory process.</p> <p>Maintaining certified sector schemes within PC1 particularly where it is says “a scheme group or organisation responsible for preparing and assisting with the implementation” raises issues of liability</p> <p>Sector schemes are not responsible for preparing Farm Environment Plan the farm owner is.</p>	<p>Delete all references to “sector schemes” within PC1.</p>	<p>Oppose</p>	<p>Federated Farmers supports encouraging sector schemes to play a greater role in the implementation of PC1.</p> <p>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 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>Policy 17</p>	<p>The policy refers to the protection of significant values but then in the next instance simply refers to improving the values. There should be no requirement that value of wetland must be significant to be restored and protected.</p>	<p>Amend: ... and protection of the significant values and uses of wetlands...</p>	<p>Oppose</p>	<p>Federated Farmers considers that Policy 17 ought to be deleted. In the case that it is not deleted, Federated Farers considers that there should be a requirement that values of wetland must be significant to be restored and protected.</p>

	RMA, s 7 requires preservation of wetlands irrespective of whether they have significant values			
Policy 19	This policy seems to go some ways towards supporting offsets and compensation. This policy should make it clear that it does not relate to biodiversity offsets or environmental compensation which does not have a place in freshwater management	Amend: ... seek opportunities <u>other than through offsets and compensation of residual effects</u> to advance ...	Oppose	Federated Farmers considers that Policy 19 ought to be deleted. In the case it is not deleted, Federated Farmers considers that offsets and compensation of residual effects should be permitted.
Glossary				
Sector scheme	Farmers are responsible for providing their own FEPs	Delete	Oppose	Federated Farmers supports encouraging sector schemes to play a greater role in the implementation of PC1, particularly in relation to FEPs.