

IN THE ENVIRONMENT COURT  
AT AUCKLAND

ENV-2020-AKL-000096

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 DIRECTOR-GENERAL OF CONSERVATION

*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:

**Director-General of Conservation v Waikato Regional Council**  
**ENV-2020-AKL-000096**

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 PC1 – 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

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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>	The Appellant says the objective has a greater focus on the human aspects of health and wellbeing of the Waikato and Waipā rivers than the intrinsic aspects. There is lack of provision for, or recognition of, the need to restore and protect ecosystem health. Ecosystem health is a compulsory national value under the NPS FM. Without an objective which seeks to achieve ecosystem health, PC1 (PC1) will not adequately provide for ecological health, ecosystem processes, indigenous species habitats and biological diversity. Including reference to ecosystem health will give effect to the NPS FM and Te Ture Whaimana by taking a more holistic approach. The health and wellbeing of the awa includes regenerating and preserving fisheries, invertebrates and plant life, as well as ecological integrity.	<b>Amend Objective 1 as follows:</b> In relation to the effects of nitrogen, phosphorus, sediment and microbial pathogens on water quality <u>and ecosystem health</u> , 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.	Oppose	Federated Farmers considers that the reference to ecosystem health is not appropriate because the scope of PC1 is limited to water quality as it relates to the four contaminants
<b>Objective 2</b>	PC1 lacks provision for, or recognition of the need to also restore and protect ecosystem health. Ecosystem health is a compulsory national value under the NPS FM. PC1 does not adequately provide for ecological health, ecosystem processes, indigenous species habitats and biological diversity. Including reference to ecosystem health will give effect to Te Ture Whaimana by taking a more holistic approach. The health and wellbeing of the awa includes ecological values including regenerating and preserving fisheries,	<b>Amend Objective 2 as follows:</b> Progress is made over the life of this Plan towards the restoration and protection of the health and wellbeing, <u>including ecosystem health</u> , of the Waikato and Waipā River catchments in relation to nitrogen, phosphorus, sediment and microbial pathogens by <u>ensuring</u> the short term <b>numeric</b> water quality <u>values attribute states</u> in Tables 3.11-1 (a)-(d) being are met no later than 10 years after Chapter 3.11 of this Plan is operative.	Oppose	As above, Federated Farmers considers that the reference to ecosystem health is not appropriate because the scope of PC1 is limited to water quality as it relates to the four contaminants  Federated Farmers also considers that the focus ought to be on numeric attribute states in Table 3.11-1 (as amended in Federated Farmers' appeal) and not on narrative values or states.

	<p>invertebrates and plant life, as well as ecological integrity.</p> <p>The health and wellbeing of the awa includes ecosystem health and this should be explicitly mentioned.</p>			
<p><b><u>New Objective A</u></b></p> <p><b><u>The integrated management of land, land use and development, freshwater, the coastal environment and associated ecosystems is required to ensure the restoration and protection of the health and wellbeing of the Waikato and Waipā River catchments.</u></b></p>	<p>The Appellant considers that it is necessary to include an objective in the plan to address the 'mountains to sea' integrated nature of catchments. The PC1 must ensure that freshwater ecosystems from the mountains to the sea are restored and consideration of estuaries as part of the catchment are vital to achieving this. This integrated and holistic approach is consistent with Te Ture Whaimana. Sediments and nutrients for the Region ultimately accumulate at the Waikato Estuary.</p> <p>Coastal waters and estuaries are adversely affected by land management practices and discharges in the catchments that flow into those coastal waters. The decision to omit reference to the estuary and coastal waters in the objectives and policies leaves a significant gap in the management of coastal waters and does not give effect to the New Zealand Coastal Policy Statement 2010.</p>	<p>Include a new objective which provides for the integrated management of freshwater resources which recognises the interactions between freshwater and the coastal environment, from the mountains to the sea</p>	<p>Oppose</p>	<p>Federated Farmers considers that the scope of PC1 is limited and does not consider that it is appropriate to attempt to fully implement the NPSFM through PC1. That will happen through the Freshwater Plan Change Process.</p>
<b>Policies</b>				
<p><b>Policy 1</b></p>	<p>The Appellant says the narrow focus on riverine and peat lake catchments is inappropriate and will not contribute to the protection or restoration of the values of dune and volcanic lakes in the Waikato and Waipā River catchments, both of which are also highly sensitive to nutrients.</p> <p>The Appellant considers Table 3.11-2 inappropriately focusses on an</p>	<p>Amend Policy 1 as follows:  Manage farming land uses to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, by:  a. Requiring a general improvement in farming practice to reduce diffuse discharges of <del>these</del> contaminants;  and</p>	<p>Support in part  Oppose in part</p>	<p><b>Paragraph a</b>  Federated Farmers agrees that there needs to provide greater specificity on what constitutes an acceptable level of 'general improvement'.</p> <p>In particular Federated Farmers considers that paragraph a needs to be amended to clarify that "general improvement" is at</p>

	<p>already limited number of contaminants affecting water quality in the sub-catchments, and that the approach of focussing and narrowing the focus to even fewer attributes within the sub-catchments is inappropriate and may not account for cumulative and downstream inputs. The Director-General of Conservation is concerned with the lack of technical background or clear scientific justification supporting the criteria used by the Panel to reprioritise Table 3.11-2 for individual contaminants on a sub-catchment basis.</p> <p>The phrase 'general improvement' is ambiguous, uncertain, and lacking in guidance as to what constitutes an appropriate level of improvement that will achieve the sub catchment and cumulative catchment water quality outcomes.</p>	<p><del>b. Focusing priority action on those farming practices that reduce those contaminant(s) set out in Table 3.11-2;</del> and</p> <p>...</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 <del>riverine or peat</del> <u>all</u> lakes identified on Map 3.11-1 in accordance with Policy 15; and</p> <p>And</p> <p>Amend the policy to provide greater specificity on what constitutes an acceptable level of 'general improvement', and including reference to how the improvement contributes to sub-catchment and cumulative catchment outcomes.</p>		<p>a catchment or community level, and not at an individual farmer level.</p> <p><b>Paragraph b</b> Federated Farmers does not support paragraph b because it would effectively require all contaminants in Table 3.11-2 to be reduced, irrespective of whether the particular farming activity is contributing to them, the drivers of those contaminants or the practices already adopted. For that reason, Federated Farmers supports the relief seeking paragraph b to be deleted (but its reasoning differs from the Appellant).</p> <p><b>Paragraph d</b> Federated Farmers does not agree that it is appropriate to require greater scrutiny of resource consents for farming activities in riverine or peat lakes, let alone all lakes (as sought by the Appellant). Accordingly, Federated Farmers opposes the relief sought by the Appellant.</p>
<p><b>Policy 2</b></p>	<p>The Appellant says this policy encourages "general exclusion" of farmed stock from waterbodies but does not provide guidance on how stock exclusion is to be undertaken, this should be clarified with a reference to the requirements of Schedule C.</p>	<p><b>Amend Policy 2 to:</b></p> <ul style="list-style-type: none"> <li>- Ensure policy seeks to encourage and support stock exclusion in a way that avoids adverse effects on freshwater values and water quality.</li> <li>- Include a reference to achieve the requirements of Schedule C in sub-clause (d) and (e) as follows:</li> </ul>	<p>Oppose</p>	<p>Federated Farmers considers that the policy as currently drafted adequately encourages and supports stock exclusion in a way that avoids, remedies or mitigates adverse effects on water quality.</p> <p>Federated Farmers does not consider it appropriate to attempt to fully implement the NPSFM through PC1. That will</p>

		<p>d. Generally excluding farmed cattle, horses, deer and pigs from rivers, streams, drains, wetlands, lakes and springs <u>in accordance with the requirements of Schedule C</u>; and</p> <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>iii. <u>Ensuring that the environmental outcomes of stock exclusion, outlined in Schedule C, are achieved by another means.</u></p>		<p>happen through the Freshwater Plan Change Process.</p> <p>Federated Farmers considers that there is a clear link between Policy 2 and Schedule C and it is unnecessary to reference the requirements of Schedule C.</p>
<p><b>Policy 4</b></p>	<p>The Appellant says that Table 3.11-2 inappropriately focusses on an already limited number of contaminants affecting water quality in the catchments, and that the individual sub-catchment approach may not account for cumulative or downstream inputs. The Director-General considers the existing focus on the management of nitrogen, phosphorus, <i>E.coli</i>, and sediment is already narrow and will not achieve outcomes for ecosystem health. This policy further narrows that focus to potentially a single contaminant in</p>	<p><b>Amend Policy 4 as follows:</b> 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: ... <del>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</del></p>	<p>Oppose</p>	<p>Federated Farmers supports prioritising actions, particularly as this recognises that it is not possible (or cost effective) to improve all contaminants, everywhere 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.</p>

	individual sub-catchments. This is likely to result in continued degradation of other contaminants within sub catchments and does not consider cumulative or downstream inputs.			
<b>Policy 5</b>	<p>The Appellant considers that Policy 5 as worded does not adequately include the principles which underpin good biodiversity offsetting. The gains of the offset should be additional to any water quality improvements that are already required under PC1 (additionality). The offsetting and compensation should also be managed to secure outcomes that last at least as long as the impacts and preferably in perpetuity (permanence).</p> <p>The Appellant says the policy also allows for the prioritisation of contaminants through reference to Table 3.11-2 which is against the intention of achieving Te Ture Whaimana.</p>	<p><b>Amend Policy 5 as follows:</b> Provide for offsetting and compensation that better achieves the objectives of Te Ture Whaimana o Te Awa o Waikato where:</p> <p>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); <u>and</u> <del>or</del></p> <p><u>b. net environmental benefit can be demonstrated; and</u></p> <p><del>c. 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, improvements to restore and protect to restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers permanently and demonstrably exceeds those already required by Chapter 3.11. 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</del></p>	Oppose	<p>Federated Farmers considers paragraph (b) as proposed by the appellant to be open-ended and does not provide clarity as to what is expected by the landowner to achieve a “net environmental benefit” Or how this would be measured or assessed.</p> <p>Federated Farmers supports the prioritisation of contaminants through reference to Table 3.11-2. Federated Farmers considers that 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 (irrespective of whether the contaminants are an issue or, they are, whether the farm is contributing to the issue).</p> <p>Federated Farmers is also concerned that a requirement to “permanently” restore and protect could impose very significant obligations/costs (as well as not providing for future generations) and there should be no requirement to exceed obligations in Chapter 3.11.</p>
<b>Policy 15</b> b	The Appellant considers the narrow focus on riverine and peat lake catchments to be inappropriate and	<b>Amend Policy 15 as follows:</b>	Oppose	Federated Farmers considers it unduly onerous and



	<p>will not contribute to the protection or restoration of the values of dune and volcanic lakes in the Waikato and Waipā River catchments, both of which are also highly sensitive to the effects of contaminants. All lakes are sensitive owing to their longer residence time which allows for efficient nutrient recycling. Once lakes area degraded, they are highly resistant to any mitigation measures. The policy is inconsistent with objective 1 of PC1 which refers to all lakes.</p>	<p>Contribute to restoration and protection of <b>riverine and peat lakes all</b> by ...</p>		<p>inappropriate for Policy 15 to apply to all lakes.</p>
<b>Policy 17</b>	<p>The Appellant says the inclusion of a policy for the protection of the values of wetlands is supported, however there needs to be greater clarity provided on what the significant values and uses of wetlands are. The Policy also needs to make specific reference to restoring and protecting the Ecosystem Health of wetlands.</p> <p>The significant values of wetlands include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Ecosystem health, including habitat for indigenous biodiversity, ecological processes and water quality</li> <li>• Natural form and character</li> <li>• Wai tapu</li> <li>• Mahinga kai</li> <li>• Recreation</li> </ul> <p>The policy also needs to specify that action is required to improve wetland values and that ultimately, this needs to be achieved through a reducing in the input of contaminants into wetlands.</p>	<p><b>Amend Policy 17 as follows:</b>  Contribute to restoration and protection of the significant values and uses of wetlands other than Whangamarino, <u>including their ecosystem health, natural form and character, wai tapu, mahinga kai and recreation and their ecosystems</u> by maintaining, and where degraded, improving the values of wetlands <del>in relation to</del> <u>by reducing the inputs of the effects of</u> nitrogen, phosphorus, sediment or microbial pathogen discharges.</p>	Oppose	<p>Federated Farmers considers the relief sought imposes significant obligations on individual landowners. Further, Federated Farmers does not support an input approach or approaching reductions of the four contaminants at an individual property scale (as opposed to a sub-catchment and FMU approach that prioritises the contaminants at issue).</p> <p>Federated Farmers does not consider it appropriate to attempt to fully implement the NPSFM through PC1. That will happen through the Freshwater Plan Change Process.</p> <p>Federated Farmers considers that Policy 17 ought to be deleted 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>
<b>Methods</b>				

<p><b>Method 3.11.3.1</b></p>	<p>The Appellant supports retention of implementation method 3.11.3.1 as it provides clear guidance that existing lake management plans, information and data should be used to improve the water quality, ecosystem health and management of pests in lakes.</p> <p>However, despite the title of the implementation method referring to Whangamarino Wetland, there is no reference the Whangamarino and its existing Catchment Management Plan and the priority for its implementation within this method.</p>	<p>Retain the implementation method 3.11.3.1 with amendments that ensure specific reference to Whangamarino wetland and in particular, the priority implementation of the Lake Waikare and Whangamarino Wetland Catchment Management Plan, within the body of the implementation method.</p>	<p>Oppose</p>	<p>Federated Farmers does not consider specific reference to Whangamarino wetland is necessary. Federated Farmers' appeal seeks a new method to provide for Catchment Profiles Federated Farmers considers the concerns relating to the Whangamarino wetland would be more appropriately dealt with through these Catchment Profiles.</p>
<p><b>Method 3.11.3.2</b></p>	<p>The Appellant supports retention of implementation method 3.11.3.2 to the extent that it will lead to the development of sub-catchment plans. However, there is a lack of clarity from the method about the instances where these plans are "shown to be required" and further clarification is needed so that it is clear to plan users when sub-catchment plans are required (e.g., where sub-catchments are degraded or contributing to cumulative degradation) including a cross reference to the importance of consideration of lakes and wetlands in sub-catchment planning.</p>	<p><b>Retain implementation method 3.11.3.1 with amendments to:</b></p> <ul style="list-style-type: none"> <li>• Provide clarity around when a sub-catchment plan is required,</li> <li>• Include reference to Implementation method 3.11.3.1 to ensure lakes and wetlands within sub-catchments</li> </ul>	<p>Support in part Oppose in part</p>	<p>Federated Farmers supports further clarity being provided as to when a sub-catchment plan is required. Federated Farmers' appeal proposes a new Catchment Profile method to address this matter.</p>
<p><b>Method 3.11.3.3</b></p>	<p>Implementation method 3.11.3.3 is supported by the Appellant as it requires the clear and transparent collection of information about Freshwater Management Units. However the method should be extended to require the co-ordinated monitoring of wetland, estuarine and coastal environments.</p> <p>A risk management approach is needed for all hard-bottomed streams in the PC1 sub-catchments to ensure they do not exceed national bottom</p>	<p><b>Retain implementation method 3.11.3.3 with amendments to:</b></p> <ul style="list-style-type: none"> <li>• ensure the co-ordinated monitoring of wetland, estuarine and coastal environments,</li> <li>• ensure periphyton growth is monitored where there is a risk of nuisance periphyton growth in accordance with steps 1-4 in the previous column,</li> <li>• ensure monitoring of dissolved oxygen</li> </ul>	<p>Oppose</p>	<p>Federated Farmers considers that the focus of this method is appropriately on information gathering whereas the amendments proposed by the Appellant focus on 'monitoring' and therefore are not appropriate.</p>

	<p>lines in the NPS FM. During expert conferencing, experts identified key steps to determine areas where there is a risk of periphyton effects as:</p> <ol style="list-style-type: none"> <li>1. Determine the sites which have hard-bottomed substrates and their contributing sub-catchments,</li> <li>2. Assess nutrient concentrations to determine whether there is a risk of periphyton growth occurring at these sites (e.g., dissolved inorganic nitrogen &gt;1.1mg/L and dissolved reactive phosphorus &gt;0.018mg/L – approach 5B in the nutrient attribute document or alternatively the draft NPS FM 1mg/L DIN and 0.018mg/L DRP),</li> <li>3. Implement a monitoring programme to assess periphyton biomass and cover at these sites,</li> <li>4. Assess exceedance of thresholds spatially and temporally.</li> </ol> <p>An attribute state should be included (as an addition to Table 3.11-1b) that does not exceed the national bottom line for chlorophyll a. Dissolved Oxygen is critical to aquatic life more DO monitoring needs to be undertaken within the sub-catchments. DO is a functional indicator that reflects trophic state. DO directly links managed attributes (N&amp;P) to the goals in the vision and strategy and should also be included in Tables 3.11-1.</p>	<ul style="list-style-type: none"> <li>• include direct reference to nutrients (N and P) at the sub-catchment scale in subclause d</li> <li>• Include monitoring of macrophyte cover in tributary sub-catchments</li> </ul>		
<p><b>Method 3.11.3.4</b></p>	<p>Implementation method 3.11.3.4 is supported to the extent that it requires the monitoring and evaluation of the implementation of the plan change and directs how this will be achieved. However, the method does not contain specific requirements for the frequency of reporting and this should</p>	<p>Retain implementation method 3.11.3.4 with amendments to:</p> <ul style="list-style-type: none"> <li>• Require 3-yearly review and monitoring towards the progression of achieving the water quality values and giving effect to Te Ture Whaimana in subclause a,</li> </ul>	<p>Oppose</p>	<p>Federated Farmers considers Method 3.11.3.4 ought to be deleted for the reasons outlined in its appeal.</p>

	<p>be clarified as a requirement for 3-yearly reporting.</p> <p>Additional narrative and numeric attributes are sought to provide for ecosystem health and direct the 'marrying' of the contaminant monitoring and Regional Ecological Monitoring of Streams (REMS) data proposed in clause b. It is also sought that additional attributes be included which provide the basis for assessing against ecosystem health and meeting bottom lines in the NPS FM including:</p> <ul style="list-style-type: none"> <li>• Deposited sediment</li> <li>• dissolved oxygen</li> <li>• statistical methods to determine if water quality is maintained/improved</li> <li>• monitoring of additional sub-catchments not monitored</li> <li>• additional temperature monitoring</li> <li>• periphyton and nuisance submerged macrophyte risk assessment and dissolved nutrient status of tributaries</li> <li>• MCI</li> </ul>	<ul style="list-style-type: none"> <li>• Include specific methods for monitoring or further development of attributes for:</li> <li>• Dissolved oxygen monitoring and establishment of baseline reference condition and a bottom line for lowland sites;</li> <li>• Statistical methods to determine if water quality is being maintained or improved;</li> <li>• Monitoring of additional sub-catchments;</li> <li>• Monitoring of MCI</li> <li>• Monitoring of deposited sediment</li> <li>• The need to review N and P short-term attribute states;</li> <li>• Monitoring and investigation of TN and TP thresholds for the Waikato Estuary;</li> <li>• Monitoring and reporting on submerged macrophytes as key indicators of ecosystem health (noting that a bottom line for nuisance submerged macrophytes can be included now and LakeSPI is included as an NPS FM attribute);</li> <li>• Additional temperature monitoring; and</li> <li>• A periphyton risk assessment of hard substrate sites in wadable tributaries, their nutrient status (and that of contributing sub-catchments), periphyton monitoring at these sites and assessment of periphyton against national bottom lines at these sites.</li> </ul>		
<p><b>New Implementation Method</b>  <a href="#"><u>Waikato Regional Council, working with others, will:</u></a>  <a href="#"><u>a. undertake the benchmarking of wetland soil nutrients, surface water quality, sub-catchment sediment and nutrient inputs and wetland vegetation for all natural wetlands across the</u></a></p>	<p>A new implementation method is sought which provides for the benchmarking of wetland nutrient and sediment status by 2023. This step is considered to be a critical requirement in the review of the performance of Chapter 3.11. It should provide for 10 yearly assessment of changes in wetland</p>		Oppose	Federated Farmers does not support benchmarking of wetland nutrient and sediment status by 2023.

<p><u>Waikato and Waipā River catchments by 2023; and</u>  <u>b. prioritise the improvement of degraded wetland systems by identifying methods and requiring actions to reduce the inputs of contaminants</u></p>	<p>nutrient and sediment status, and will inform future target setting.</p>			
<p><b>New Implementation Method</b>  <u>For sub-catchments where current water quality attribute states are unknown, the current state shall be determined following 5 years of annual monitoring of water quality. Once current state has been determined, a short-term water quality attribute state shall be set which reflects 20% of the improvement from current state required to achieve the 80-year attribute state. These current and short-term water quality states will then be included in Tables 3.11-1 (a) – (d) through a plan change as soon as practicable.</u></p>	<p>A new implementation method is recommended to establish a method for determining the short and long term water quality attribute states in sub-catchment where current state is not known. It is recommended that current state be determine following 5 years of annual monitoring of water quality and that short-term and 80-year attribute states be established following this and implemented through a future plan change.</p>		<p>Oppose</p>	<p>Federated Farmers considers that its proposed Catchment Profiles would provide context for the preparation of FEPs, preparation of sub-catchment plans and other actions required under PC1 and therefore this new method is unnecessary.</p>
<p><b>Rules</b></p>				
<p><b>Rule 3.11.4.3 – Permitted Activity Rule – Low intensity farming</b></p>	<p>The Appellant says that permitted activity status for farming activities and their associated discharges, where the requirements of Rule 3.11.4.1 (4) and (5) are not met, is not appropriate.</p> <p>Non-compliance with subclause 4 provides that feedlots or sacrifice paddocks can be used while non-compliance with subclause 5 allows for cropping in excess of 5% to occur. These activities can be sources of significant sediment and nutrient runoff and need to be carefully managed to ensure that the minimum</p>	<p>Delete subclause 3B of Rule 3.11.4.3 entirely.</p>	<p>Oppose</p>	<p>Federated Farmers considers that the use of feedlots and cropping in excess of 5% can be a permitted activity given that the landowners are required to meet the minimum standards in Schedule C which will mitigate the effects of any sediment or nutrient run off.</p>

	requirements of 20% improvement in the 80 year targets specified in Table 3.11-1 can be achieved.			
<b>Rule 3.11.4.4 – Controlled Activity Rule – Moderate intensity farming</b>	<p>The Appellant controlled activity status for activities subject to rule 3.11.4.4 is inappropriate, given that there is no ability for the Council to decline an application for a controlled activity and the triggers for activity status allow for:</p> <ul style="list-style-type: none"> <li>• Non-compliance with stock exclusion requirements of Schedule C,</li> <li>• Activities with moderate Nitrogen Leaching Rates</li> <li>• Drystock farming over 18 stock units</li> </ul> <p>A restricted discretionary activity for these activities is more appropriate to ensure that the minimum requirements of 20% improvement in the 80 year targets specified in Table 3.11-1 can be achieved and that consent is not granted in the instance where this is not demonstrated. Setbacks from waterbodies are a key requirement to ensuring that the water quality attributes are achieved however the matters of control refer to the “environmental outcomes of stock exclusion requirements” but the Plan Change does not specify what these are.</p>	<p>Amend Rule 3.11.4.4 to specify a restricted discretionary activity status in place of a controlled activity status for activities in 4A and 4B as well as the following specific amendments:</p> <ul style="list-style-type: none"> <li>• Ensure all lake FMU are included in the matters where discretion is to be reserved in (vi)</li> <li>• Ensure further guidance is provided for plan users around what healthy lake environments are and the land use activities and discharges that are likely to have the greatest impact on each lake type.</li> </ul>	Oppose	<p>Federated Farmers considers that the controlled activity status ought to apply to activities 4A and 4B. Federated Farmers considers that a restricted discretionary activity status for these activities is unreasonably stringent, would be inefficient and 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><b>Rule 3.11.4.8 – Discretionary Activity Rule – Commercial vegetable production expansion</b></p> <p><b>Table 1: Sub-catchments with Commercial Vegetable Production growth areas ...</b></p>	<p>The Appellant considers rule 3.11.4.8 to be uncertain and ambiguous in its application and needs to be clarified to ensure that its application can be clearly understood by all plan users.</p>	<p>That rule 3.11.4.8 be more clearly worded to ensure it is clear to all plan users when the rule applies. Words to the achieve this could be “<i>For the use of land for commercial vegetable production <del>on land which is additional to that regulated by, that does not comply with one or more</del> rules in Rule 3.11.4.5, including...</i>” or similar/alternative wording is sought that would clearly outline to plan users when the rule applies.</p>	Support in part	<p>Federated Farmers agrees that the wording could be clarified to clearly outline to plan users when the rule applies.</p>
<b>Schedules</b>				

<p><b>Schedule A – Registration with Waikato Regional Council</b> Properties with an area greater than 4.</p>	<p>Schedule A sets out requirements for registration of properties with the Waikato Regional Council. From the notified version of the plan change, the minimum land area required to be registered has increased in size from 2ha to 4.1ha which has the effect of excluding properties between 2-4ha in size from being registered. The reason for this change is not clear and the change is not supported as it reduces the number of properties and subsequently, the area of land, registered with the Council. The amendment to the required size of property for registration means properties under 4.1ha in size do not need to comply with the requirements of Chapter 3.11.</p>	<p>Amend Schedule A to ensure it applies to all properties 2 ha or greater, as originally set out in the notified version of the schedule.</p>	<p>Oppose</p>	<p>Federated Farmers considers requiring all properties above 2ha to register would likely create a significant implementation burden on council when funds could be better used elsewhere.</p> <p>Federated Farmers is also concerned that a threshold of 2ha might inadvertently capture properties that not relevant or for whom the obligations are very onerous. For example, there are likely to be many properties that exceed the 2ha threshold and are simply used as lawn. This might be the case in Tamahere where there are large properties that comprise lawn and gully.</p>
<p><b>Schedule B – Nitrogen leaching loss rate for FMUs</b> <b>A. Calculation of Nitrogen Leaching Loss Rate</b></p>	<p>Schedule B relates to the requirement to determine a Nitrogen Leaching Loss Rate (NLR) for any property which is 20ha or larger.</p> <p>The ability of a property to utilise a choice of farming year and subsequent relevant version of Overseer or other model (as provided for under 3.) to determine the NLR is inappropriate as this approach will result in an inability to accurately compare NLRs between Overseer versions, thereby undermining the effectiveness of the plan change to achieve its objectives..</p>	<p><b>Amend Schedule B so that:</b> A single farming year and version of Overseer (or other directly comparative model) be used in determining the NLR</p> <p>OR</p> <p>The farming year to be utilised in establishing the NLR is:</p> <ul style="list-style-type: none"> <li>• the highest modelled annual nitrogen leaching loss for the property of any year between 2015/16 to 2019/20; or</li> <li>• where evidence can be provided, as part of the calculation under Schedule B, that clearly demonstrates action(s) implemented that show a consistent trend of reduction of nitrogen leaching from the property) (since the highest annual leaching loss was determined), the 2019/2020 farming year is to be used; and</li> </ul>	<p>Oppose</p>	<p>Federated Farmers supports the flexibility provided for the year used to calculate the NLLR. Allowing the choice of a farming year takes into account the variability of farming, eg if there is a drought during a single farming year, that year will not be a true representative of the farming activity and therefore not appropriate for calculating the reference point.</p>

		<ul style="list-style-type: none"> <li>• where the differences between any versions of Overseer or any other model utilised to determine the NLR are clearly identified, a precautionary approach to setting an NLR that best reflects the N leaching from the property is applied, taking account of the differences in modelling.</li> </ul>		
<p><b>Schedule C – Minimum farming standards</b></p>	<p>The use of setbacks as a mechanism for achieving the water quality values set in Table 3.11-1 recognises the multiple environmental benefits that can be achieved through riparian management, including stock exclusion and setbacks for cultivation and winter grazing/sacrifice paddocks. However, the setbacks distances included in Schedule C are not sufficient to achieve the removal of fine sediment before entering a waterbody and do not appear to be based on sound scientific evidence.</p>	<p><b>Amend Schedule C to:</b>  Include a statement at the beginning of the schedule which identifies the multiple environmental benefits that can be achieved from riparian management including stock exclusion to guide plan users. This statement should read  <u>“Environmental outcomes that can be achieved from the exclusion of stock and from requiring setbacks for activities such as fertiliser application, sacrifice paddocks and winter forage crop grazing and cultivation include</u>  <ul style="list-style-type: none"> <li>- <u>nutrient and contaminant interception and processing,</u></li> <li>- <u>shading from vegetated riparian areas,</u></li> <li>- <u>input of wood and leaves to stream ecosystems, and</u></li> <li>- <u>enhanced fish and invertebrate habitat.”</u></li> </ul>   Correct the error in 2(a) to reflect the 10m setback for wetlands as outlined in the decision of the hearing panel.   Remove reference in 2(a) to Table 3.7.7 and requiring the setback of 10m to apply to all wetlands 50m<sup>2</sup> in size and over.   Increase requirements for stock exclusion setbacks in sub clause 2(b) to require:  <ul style="list-style-type: none"> <li>• 10m setbacks from the edge of bed of all lakes</li> </ul> </p>	<p>Oppose</p>	<p>Federated Farmers considers the setback distances proposed by the Appellant to be unnecessary and unreasonable and will not achieve sustainable management.</p>



		<ul style="list-style-type: none"> <li>• 10m setbacks from the edge of the bed for all permanent rivers and streams</li> <li>• 3m setbacks from the edge of the bed for all intermittent/ephemeral rivers and streams</li> </ul> <p>Increase the requirements for cultivation setbacks from waterbodies in subclause 10 from 5m to the following:</p> <ul style="list-style-type: none"> <li>• 10m from the edge of the bed for all lakes</li> <li>• 10m from the edge of bed for all permanent rivers and streams</li> <li>• 10m from the edge of the bed of all natural wetlands.</li> </ul>		
<p><b>Schedule D1 – Requirements for Farm Environment Plans for farming under Rule 3.11.4.3</b></p>	<p>The guidance provided through Schedule D1 for permitted farming activities is supported. However, amendments need to be made to ensure the interpretation and implementation of the Schedule is clear to all plan users. In particular:</p> <ul style="list-style-type: none"> <li>• The purpose statement needs to be revised to ensure that it is focussed on achieving the outcomes sought in Chapter 3.11 through the objectives and policies in addition to achieving the minimum standards in part D.</li> <li>• Schedule d1 should be further amended to require the removal of redundant drains and drains from wetlands given the effect of drains in exacerbating water quality impacts, including phosphorus release</li> </ul> <p>The use of the term of “material increase” in Part E (b) is uncertain and ambiguous and needs to be clarified.</p>	<p><b>Amend Schedule D1 as follows:</b></p> <p>Replace the Part B purpose statement to ensure that it is focussed on achieving the outcomes sought in Chapter 3.11 through the objectives and policies, in addition to achieving the minimum standards in part D with wording which states:</p> <p><u>“The purpose of an FEP is to manage land use activities in a way that reduces the diffuse discharge of contaminants from farming activities and achieves the water quality attribute states in Tables 3.11-1(a) – (d).”</u></p> <p>Require the identification and removal of redundant drains and drains from wetlands to be included in Farm Environment Plans</p> <p>Include a definition of “material increase” to the Plan Change which clarifies the intent of Part E (b).</p>	<p>Oppose</p>	<p><b>Purpose</b></p> <p>Federated Farmers opposes the proposed amendment to the Part B purpose statement. Federated Farmers considers that the focus ought to be on implementing actions in the first ten years to assist with achieving the short term target, and not on achieving the short term targets (and it is no the obligation of an individual farmer or FEP to achieve targets).</p> <p><b>Redundant drains</b></p> <p>Federated Farmers opposes the requirement to identify and remove redundant drains and drains from wetlands in a permitted Farm Environment Plan (or as a regulatory requirement).</p> <p><b>Material Increase</b></p> <p>Federated Farmers also has concerns about the words “material increase” in paragraph</p>

				<p>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>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.</p>
<p><b>Schedule D2 – Requirements for Farm Environment Plans for farming that requires consent</b></p>	<p>There are a number of amendments to the Schedule that are necessary to ensure that FEPs are effective in their role as a key tool for implementing the objectives and policies of PC1 and improving the health and wellbeing of the Waikato and Waipā River catchments over the coming 10 years and 80 years into the future.</p> <p>The following amendments will enable Schedule d2 to give effect to the objectives and policies of the plan change.</p> <p>Goal 1. Provide greater recognition of the sensitivity of lakes, when compared to rivers, to the impact of contaminants within a sub-catchment. This should require contaminant</p>	<p><b>Amend Schedule D2 as follows:</b>  Replace the Part B (1) purpose statement to ensure that it is focussed on achieving the outcomes sought in Chapter 3.11 through the objectives and policies in addition to achieving the minimum standards in part D with wording which states:  <u>“The purpose of an FEP is to manage land use activities in a way that reduces the diffuse discharge of contaminants from farming activities and achieves the water quality attribute states in Tables 3.11-1(a) – (d).”</u></p> <p>Revise Goal 1 to ensure it is clear for all plan users that the management of farming activities needs to be managed for the most sensitive</p>	<p>Oppose</p>	<p><b>Purpose</b>  Federated Farmers opposes the proposed amendment to the Part B purpose statement. Federated Farmers considers that the focus ought to be on implementing actions in the first ten years to assist with achieving the short term target, and not on achieving the short term targets.</p> <p><b>Goal 1</b>  Federated Farmers opposes the proposed amendments to Goal 1 and considers such amendments to be unreasonable and unnecessary.</p>

	<p>reductions to take account of the most sensitive waterbodies within a catchment i.e. lakes. Also including reference to the existing best practice guidance (“For Peat’s Sake”2) for Waikato peat lake catchments. These catchments are particularly important due to their global uniqueness and the highly vulnerable nature of peat lake ecosystems.</p> <p>Specifically include urine and faeces from animals when referencing to sources of nitrogen and phosphorus in Goal 2 and associated principles to ensure that these key contributors to diffuse nutrients discharges are appropriately recognised.</p> <p>Require redundant drains to be identified and removed as part of the FEP recognising their contribution to contaminant runoff.</p> <p>Refer to contaminant management under Goal 3 and associated policies rather than nitrogen or nutrient management/loss which are currently included to ensure that contaminant management is the wider focus of FEPs and not just nitrogen.</p> <p>Strengthen the requirements of Goal 4 and associated principles to require that all contaminant sources are identified and a specific plan is in place to ensure contamination from the source is reduced to a level is commensurate with the discharge risk.</p> <p>Require a principle associated with Goal 4 that recognises the need for setbacks for more than stock exclusion as a way of managing</p>	<p>waterbody/receiving environment within the sub-catchment i.e. any lake with wording that states:  “To manage farming activities in a way that minimises the loss of contaminants that potentially affect water quality, from the farm, <u>taking into account the need to maintain ecosystem health in the most sensitive waterbodies in the sub-catchment including any lakes</u>”.</p> <p>Include a new principle to Goal 1 that states: <u>“Manage farming activities within Peat Lake FMUs in accordance with the good management practice guidance contained in ‘For Peat’s Sake’”.</u></p> <p>Amend Principle 5 (Goal 2) to specifically reference that sources of nutrients and phosphorus includes the urine and faeces of animals as follows:  “Manage the amount and timing of nutrient inputs, taking account of all sources of nitrogen and phosphorus, <u>including from the urine and faeces of animals</u> to match plant requirements and minimise risk of losses to water.”</p> <p>Amend Goal 3 and associated principles 9 a and b to refer to “contaminant management” rather than nitrogen management or nutrient loss as follows:  “To farm in accordance with the <u>nitrogen contaminant</u> management requirements of Chapter 3.11 or any requirement specified in a resource consent.</p> <p>“9. a. Where land is used for farming (except for commercial vegetable production) to farm in a manner that achieves the <u>nutrient contaminant</u></p>	<p>Federated Farmers does not consider that it is appropriate to attempt to fully implement the NPSFM through PC1. A full freshwater plan change is the appropriate avenue for full implementation of the NPSFM.</p> <p><b>Principle 5 (Goal 2)</b>  Federated Farmers considers it is unnecessary to specifically refer to urine and faeces of animals.</p> <p><b>Goal 3 and Principle 9</b>  Federated Farmers considers Goal 3 ought to be deleted. In the case it is not deleted Federated Farmers considers that the amendment proposed by the Appellant is unnecessary.</p> <p><b>Goal 4</b>  <i>Farm contaminant sources</i>  Federated Farmers opposes the relief sought by the Appellant. Federated Farmers considers the proposed principle is incredibly onerous and unreasonable.</p> <p><i>Setbacks</i>  Federated Farmers opposes the relief sought by the Appellant. Federated Farmers considers the proposed principle is unduly onerous and unreasonable.</p> <p><b>Goal 6</b>  Federated Farmers opposes the relief sought by the Appellant. Federated Farmers considers the proposed principle is unduly onerous and unreasonable.</p>
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	<p>contaminant discharge (including fertiliser application, crop grazing, cultivation and sacrifice paddocks).</p> <p>Amend Principle 13 (Goal 5) to provide clarification to all plan users about what the “intended environmental outcomes of Schedule C” are to ensure that any alternative approach is effective in achieving the intended outcomes.</p> <p>Amend Goal 6 and associated principles to require that redundant man-made drainage channels are identified and reinstated to their original state, recognising their contribution as contaminant pathways to surface waterbodies</p> <p>Include an additional principle to Goal 7 to specifically require effluent storage ponds to be lined in recognition of the significant discharge of N and P from storage ponds to shallow groundwater and adjacent waterbodies and appropriately mitigate these risks.</p> <p>Part E – include a requirement for 3-yearly reviews of FEPs to provide clear tracking of progress towards the short-term water quality outcomes.</p>	<p>loss 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 <u>nutrient contaminant</u> loss reductions required in Policy 3 of Chapter 3.11.”</p> <p>Include an additional principle to Goal 4 requiring that all on farm contaminant sources are identified and a plan for contaminant reduction from each source is developed as follows:  <u>“Identify all on farm contaminant sources and implement specific, time based, strategies to reduce the risk of contaminants entering waterbodies”.</u></p> <p>Add an additional principle to Goal 4 which specifically require setbacks from the edge of waterbodies from the activities described in Schedule C including cultivation, sacrifice paddocks and winter forage crop grazing and fertiliser application that states:  <u>“Specify the location and distance of setbacks from waterbodies on the farm to achieve compliance with Schedule C”.</u></p> <p>Add an additional principle to Goal 6 which requires the identification of any redundant man-made drainage channels to be retired and restored to their pre-excavated state as part of any Farm Environment Plan developed under Schedule D2 as follows:  <u>“Identify any man-made drainage channels that can and will be retired and restored to their pre-excavated state”.</u></p>		<p><b>Goal 7</b>  Federated Farmers considers that the proposed relief sought is unnecessary. Federated Farmers notes that principle 19 requires farmers to ensure the effluent system meets the industry specific Code of Practice and this would provide guidance on the seepage of effluent.</p> <p><b>Part E</b>  Federated Farmers considers that review intervals should be set out in the conditions of the consent, and opposes the requirement for three-yearly review intervals.</p>
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		<p>Include an additional principle to Goal 7 to specifically require effluent storage ponds to be lined in recognition of the significant discharge of N and P from storage ponds to shallow groundwater and adjacent waterbodies and appropriately mitigate these risks as follows:</p> <p><u>“Ensure effluent storage facilities are sealed to restrict the seepage of effluent. The permeability of the sealing layer must not exceed 1x10-9m/s.”</u></p> <p>Part E – remove clause 2 and replace it with a clause that requires a 3-yearly review of all FEPs as follows:</p> <p><u>“In accordance with 3-yearly review intervals or other such review requirements set out in the conditions of any resource consent.”</u></p>		
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**Tables**

<b>Table 3.11-1: Explanatory Note</b>	<p>Amendments to the Explanatory note included for Table 3.11-1 are required to implement the objectives and policies of the plan change:</p> <ul style="list-style-type: none"> <li>Remove the example included at paragraph 2, and replace it with an explanation which outlines how the 20% short term improvement in water quality needs to be applied</li> <li>Amend paragraph 3 to ensure that the frequency that will be used to determine whether attributes states are achieved e.g. Ammonia maximum should be evaluated based on annual maximums.,</li> <li>Remove paragraph 4 as it is not consistent with the evidence presented to the hearing panel regarding lag times and this</li> </ul>	<p><b>Amend the explanatory note to Table 3.11-1 as follows;</b> Retain paragraph 1 in its entirety</p> <p>Remove paragraph 2 and replace it with the following: <u>“Where water quality is to be maintained – current, short term and 80-year attribute states in Tables 3.11-1(a) - (d) are the same, to reflect that there is to be no decline in water quality. Where water quality is to be improved from the current state – the short-term attribute state is represented as 20% of the improvement from current state required to achieve the 80-year attribute state”.</u></p> <p>Remove paragraph 3 and replace it with the following:</p>	Oppose	<p>Federated Farmers considers that the proposed amendments are impractical and not workable.</p> <p>Federated Farmers does not consider it appropriate to attempt to fully implement the NPSFM through PC1. That will happen through the Freshwater Plan Change Process.</p>
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	<p>explanation undermines the short term attribute states.</p> <p>For the sub-catchments not currently included in Tables 3.11-1, short-term water quality attribute states for these sub-catchments should be development. For the sub-catchments where little or no monitoring data currently exists 5 years of monitoring data should be used to determine current state of the sub-catchment water quality and to determine the 20% improvement required in the short term between the current state and the 80-year attribute states required to give effect to Te Ture Whaimana.</p>	<p><u>“The achievement of the attribute states in Table 3.11-1 will be determined through analysis of monitoring data in accordance with the required assessment frequency specified in the table or in the implementation methods for each attribute”.</u></p> <p>Remove paragraph 4 entirely</p> <p>Retain paragraph 5 entirely.</p>		
<p><b>Table 3.11-1: Short term water quality attribute states and 80 year attribute states for the Waikato and Waipā River catchments</b></p>	<p>The separation of the Tables in 3.11-1 into clearly identifiable tables for subsets of the attributes applicable for each sub-catchment is supported. However, there are only 62 of the 74 sub-catchments listed in the 3.11-1 tables and the tables should include current, short term and 80-year attribute states for all sub-catchments subject to PC1. For some of these sub-catchments there is little or no current monitoring data, however given the long term and integrated nature of the improvements required to water quality over the entire PC1 area, these sub-catchments should include as a minimum, long term attribute states in a manner consistent with the methods used to assign long term attributes states for the other sub-catchments so as to give effect to Te Ture Whaimana over the entire PC1 area. Setting all of the DRP attribute states (short term and 80 year) at the current state concentrations is unlikely to provide for downstream TP</p>	<p><b>Amend Tables 3.11-1 as follows:</b></p> <p>Include attribute states for all 74 sub-catchments that are subject to PC1</p> <p>Assign short-term and 80-year water quality attribute states for all sub-catchments where there is available monitoring data in a manner that is consistent with the methods used to assign attributes states for the other sub-catchments.</p> <p>Include the Pungarehu Canal/Stream monitoring site for sub-catchment 13 Waikare in Tables 3.11-1 with associated short-term and 80 year attribute states, consistent with the application of attribute states in all other sub-catchments.</p> <p>Ensure that there are no toxic effects on aquatic life including within tributaries.</p> <p>Ensure downstream nitrogen and phosphorous attribute states can be met by the nutrient concentrations</p>	<p>Oppose</p>	<p>As above, Federated Farmers does not consider it appropriate to attempt to fully implement the NPSFM through PC1. That will happen through the Freshwater Plan Change Process.</p>

	<p>attributes to be met, particularly in the middle and lower Waikato and Whangamarino where significant reductions in TP are needed over time and many contributing sub-catchments have very elevated DRP concentrations. DRP (and dissolved inorganic nitrogen or DIN) may also have significant adverse effects on ecosystem health within the tributary sub-catchments themselves. 80 year attribute states for DRP are needed in tributaries (along with DIN), with short term attributes states calculated as 20% of the difference between current state and the 80 year state where water quality improvement is needed. It is only appropriate to set short term and 80 year DRP attribute states at the current level where water quality is to be maintained, ecosystem health is provided for and reductions are not needed to meet cumulative downstream TP concentrations.</p> <p>Significant adverse effects on aquatic life and ecosystem health can occur at nitrogen and phosphorous concentrations much less than toxicity levels. Additionally, the risk of periphyton growth in hard-bottomed streams is greatly increased (with subsequent adverse effects on dissolved oxygen). Furthermore, the attribute states for dissolved nitrogen (DIN) and phosphorus (DRP) in the sub-catchments have not been calculated in a way which takes account of their cumulative contribution to nitrogen and phosphorous at the FMU and catchment scales or sensitive downstream waterbodies.</p>	<p>contributed by the sub-catchments for both short term and 80 years water quality attribute states.</p> <p>Ensure adverse effects on aquatic life and ecosystem health (such as nuisance periphyton proliferation and low dissolved oxygen) are managed within the tributary sub-catchments through including DIN and DRP attribute states for all sub-catchments.</p> <p>Include new numeric attributes for planktonic cyanobacteria in the lower Waikato FMU mainstem sites (Waikato at Huntly-Tainui Br, Waikato at Mercer Br and Waikato at Tuakau Br) consistent with national bottom lines in the NPS FM (or better).</p> <p>Include new narrative attributes for deposited sediment and MCI with 80-year targets that improve the proportion of stream length (over the whole of the Waikato and Waipā catchments using the REMS monitoring programme and data) in a 'poor' state for these attributes and include short term attributes that are 20% of the 80-year targets.</p> <p>Include new numeric 80-year attributes for dissolved oxygen and periphyton that are at least consistent with the national bottom lines in the NPS FM.</p> <p>Include a narrative attribute in one of the Tables 3.11-1 that recognises the impacts of deposited sediment on ecosystem health and seeks improvement over time in streams that currently exceed a 'poor'</p>		
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	<p>Deposited sediment has a major impact on aquatic life and currently, the plan change does not account for ecosystem health in tributaries. Sediment is one of the four contaminants proposed to be managed by PC1. Water clarity and deposited sediment have separate and cumulative adverse effects on ecosystem health and indigenous species habitats. As a result, there is a need to introduce a narrative attribute to require an improvement in deposited sediment over time to the proportion of stream length which currently exceeds the 'poor' threshold for fine sediment (silt and sand) of approximately 50% cover. A narrative attribute where the proportion of stream length (calculated using REMS monitoring) that exceeds 'poor' MCI condition improves over time is also sought.</p>	<p>threshold for fine sediment of approximately 50% cover.</p> <p>Include a narrative attribute in one of the Tables 3.11-1 that recognises the impacts of poor MCI condition on ecosystem health, and requires improvement over time in the length of stream across the Waikato and Waipā River catchments where there is poor MCI condition. In addition, short-term attribute states should be set to achieve 20% improvement of the 80-year attribute states.</p> <p>Where relevant data is not available to include in the table(s), include an additional method in the plan to require that data is gathered and subsequently included in the table(s) by way of a plan change as soon as practicable.</p>		
<b>Table 3.11-1(a) <i>E.coli</i> and Clarity Attribute States</b>	<p>The Director-General is supportive of the attributes states for <i>E. coli</i> and clarity as included and seeks to ensure that all sub-catchments within the PC1 area are included in the table with relevant 80-year water quality attribute states and current and short term attribute states where current data is available to include these.</p>	<p>Ensure that all sub-catchments within the PC1 area are represented in Table 3.11-1(a) with a minimum 80-year attribute state included and current and short-term attribute states where data is available to include these.</p> <p>Where relevant data is not available to include in the table(s), include an additional method in the plan to require that data is gathered and subsequently included in the table(s) by way of a plan change as soon as practicable.</p>	Oppose	<p>Federated Farmers considers that its proposed Catchment Profiles would provide context for the preparation of FEPs, preparation of sub-catchment plans and other actions required under PC1 and therefore this new method is unnecessary.</p>
<b>Table 3.11-1(b) Dissolved Nitrogen and Phosphorus Attribute States</b>	<p>The short-term and 80-year attribute states for nitrate and ammonia are generally appropriate to manage potential toxicity effects on aquatic life.</p>	<p><b>Amend Table 3.11-1(b) as follows:</b> Ensure that all sub-catchments within the PC1 area are represented in the table, with a minimum 80 year attribute state included and current and short-term attribute states where data is available to include these.</p>	Oppose	<p>Federated Farmers considers that the proposed amendments are impractical and not workable.</p> <p>Federated Farmers does not consider it appropriate to</p>



	<p>However, amendments to the water quality attributes are required that take account of the following:</p> <ul style="list-style-type: none"> <li>• Ensure all sub-catchments within the PC1 area are included in the table with relevant 80-year water quality attribute states and current and short term attribute states where current data is available to include these.</li> <li>• The method of determining achievement of the attribute state for ammonia (maximum) is based on the average of 5 annual maxima. This method is inconsistent with the NPS FM ammonia toxicity attribute where the maximum amount of ammonia in each band is associated with known toxicity effects and is an absolute threshold over an annual period. Using the average of five maxima may allow for greater toxicity effects in some years than anticipated when the attribute states were set, as the maxima in some years may exceed the toxicity threshold.</li> </ul>	<p>Remove the footnote for ammonia maximum (footnote 8) which states that this is the average of five annual maxima. Ammonia and nitrate toxicity attributes should be assessed annually consistent with the NPS FM.</p>		<p>attempt to fully implement the NPSFM through PC1. That will happen through the Freshwater Plan Change Process.</p>
<p><b>Table 3.11-1(c) Chlorophyll, Total Nitrogen and Total Phosphorus Attribute States</b></p>	<p>The TN attribute states contained in table 3.11-1(c) are supported. However, all sub-catchments within the PC1 area should be included in the table with relevant 80-year water quality attribute states where current data is available to include these. The manner in which Chlorophyll-a and Total Phosphorus (TP) bands have been adopted does not consistently follow the NPS FM attribute states and bands in many cases.</p> <p>As a result, TP attributes states should be based on the NPS FM bands, using a consistent band across all three indicators of trophic state (chlorophyll a, TN and TP), rather than modelled relationships</p>	<p><b>Amend Table 3.11-1(c) as follows;</b> Ensure that all sub-catchments within the PC1 area are represented in the table, with a minimum 80-year attribute state included and current and short-term attribute states where data is available to include these.</p> <p>Maximum TP for each sub-catchment should be set to ensure consistency with the TP and Chlorophyll-a band in the NPS FM and be consistent with the integrated management of TP to achieve a Chlorophyll-a attribute state based on all the inputs into the lower river.</p> <p>Attribute states for dissolved nitrogen and phosphorous in the sub-catchments should be recalculated in</p>	<p>Oppose</p>	<p>As above, Federated Farmers does not consider it appropriate to attempt to fully implement the NPSFM through PC1. That will happen through the Freshwater Plan Change Process.</p>

	<p>between attributes. Maximum TP for each sub- catchment should be set to ensure consistency with the TP and Chlorophyll-a band in the NPS FM. In addition, the approach to TP/Chlorophyll-a used assumes that Chlorophyll-a concentrations are corrected so as not to account for the TP and Chlorophyll-a discharged from Lakes Whangape and Waikare into the lower river. This approach assumes that the discharge of Chlorophyll-a from the lakes will be managed in the sub-catchment of those lakes. This approach in PC1 does not manage the lower Waikato catchment in an integrated way, that accounts for and manages all the inputs into the lower river.</p> <p>Attribute states for dissolved nitrogen and phosphorous should be set at a level that will ensure any potential toxicity effects are addressed, as well as to require management of nitrogen and phosphorous in the tributaries to ensure downstream nitrogen and phosphorous attributes states are met. Downstream nutrient requirements need to be 'back-calculated' up into the tributaries to ensure they can meet their attribute states over time.</p> <p>There is also a need to manage the occurrence of planktonic cyanobacteria, which poses risks to public health, by including National Objective Framework numeric attribute states and a bottom line for the mainstem of the lower Waikato River to provide for safe recreational and mahinga kai use.</p>	<p>a way which does not contribute to the mainstem total nitrogen (TN) and total phosphorous (TP) concentrations (or any sensitive downstream environments such as lakes or Whangamarino Wetland) to be exceeded in the short term or 80 years.</p> <p>Include attribute states in Table 3.11-1c for planktonic cyanobacteria from the NOF framework in Appendix 2 of the NPS FM for the lower Waikato mainstem sub-catchments (Waikato at Huntly. Waikato at Mercer Br, Waikato at Tuakau Br and lakes.)</p> <p>Where relevant data is not available to include in the table(s), include an additional method in the plan to require that data is gathered and subsequently included in the table(s) by way of a plan change as soon as practicable.</p>		
<p><b>Table 3.11-1(d)</b></p>	<p>Short term attribute states for all lake sub-catchments should be added to table 3.11-1(d) to ensure that the</p>	<p><b>Amend Table 3.11-1(d) to:</b> Revise the 80-year attribute states for lakes, for those lakes where current</p>	<p>Oppose</p>	<p>Federated Farmers considers Table 3.11-1(d) ought to be deleted for the reasons outlined</p>

<p><b>Dune, Riverine, Volcanic and Peat Lakes Freshwater Management Units</b></p>	<p>water quality in lake sub-catchments is improved at least an equivalent amount to the short-term improvements required.</p>	<p>data is available, to ensure ecosystem health is provided for.</p> <p>Ensure for all lakes where there is no current data available, that 80-year attribute states are set, as a minimum, at the National Bottom Line.</p> <p>Include short-term targets for all lakes that, as a minimum, represent a 20% of the improvement from current state required to achieve the 80-year attribute state.</p>		<p>in the Federated Farmers' appeal.</p>
<p><b>Table 3.11-2 Prioritisation of contaminants in each sub-catchment (as noted under Policy 1)</b></p>	<p>Table 3.11-2 is a new addition to Chapter 3.11 from the version originally notified. The table identifies priority contaminants individually in each sub-catchment. However: The prioritised contaminants and the criteria for prioritisation in the table have no technical background and have not been peer reviewed to ensure a robust scientific approach to their development has been used.</p> <p>Prioritisation of contaminants at sub-catchment level does not appropriately take account of the effect of individual sub-catchment water quality cumulatively on downstream environments.</p> <p>There is a general lack of clarity around the intention of prioritising contaminants and a possible unintended consequence that measures to reduce a single contaminant in a sub-catchment may be prioritised over water quality improvements generally.</p> <p>There is a risk that the sub-catchment, individual contaminant prioritisation approach in Table 3.11-2</p>	<p>Delete Table 3.11-2 and references to the table in Chapter 3.11 in its entirety.</p>	<p>Oppose</p>	<p>Federated Farmers supports an approach of prioritisation of sub-catchments that takes into account all contaminants.</p>

	will not result in the improvements needed to meet the water quality targets.			
<b>Table 3.11-3 &amp; Map 3.11-2</b>	<p>The approach to prioritising water quality improvements in sub-catchments through the use of application dates for when resource consents are required by is supported. The additional protection provided to Lake sub-catchments and the sub-catchments within the Whangamarino Wetland Catchment is also supported. Two important priority sites have been omitted, however. These are;</p> <ul style="list-style-type: none"> <li>• Sub-catchment 3 Whakapipi where Lake Otamatearoa is located. This is a vulnerable dune lake as identified in the Waikato Shallow Lakes Management Plan.</li> <li>• Sub-catchment 58 Waiotapu at Campbell contains Lake Ngahewa, also identified as vulnerable in the Waikato Shallow Lakes Management Plan as well as the degraded Lake Tutaeinanga and vulnerable Lake Ngapouri.</li> </ul>	<p><b>Amend Table 3.11-3 and Map 3.11-2:</b>  Increase priority of sub-catchment #3 Whakapipi to Year 1 from Year 2 to recognise the priority improvements needed to Lake Otamatearoa.</p> <p>Increase priority of sub-catchment #58 Waiotapu at Campbell from year 4 to year 1, to recognise the improvements required in Lakes Tutaeinanga, Ngapouri and Ngahewa.</p>	Oppose	Federated Farmers considers that there needs to be supporting evidence to establish a need to increase or change priorities. Federated Farmers has not seen evidence in relation to these sub-catchments and therefore cannot agree to a change.