

IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2020-AKL-000099

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 BEEF+LAMB NEW ZEALAND LIMITED

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



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:

Beef+Lamb New Zealand Limited v Waikato Regional Council
ENV-2020-AKL-000093

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 a 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

Provision Appealed	Reasons for Appeal	Relief Sought	Support/Oppose	Reason
Policies				
Policy 1	<p>The Appellant says that Policy 1 requires clearer internal links to the requirement to produce FEPs in a timely fashion to contribute to the achievement of the short-term numeric water quality values in Table 3.11-1 and Objective 2.</p> <p>The Appellant says that reference to managing farming land uses to reduce diffuse discharges in all circumstances is inaccurate given that:</p> <ul style="list-style-type: none"> - Table 3.11-1 reflects the reality at the sub-catchment level that not all sub-catchments require improvement in water quality to achieve the attribute states and to restore and protect the health and well-being of the Waikato River; and - Table 3.11-2 correctly directs focus for the reduction of contaminants to those that should be prioritised at a sub-catchment level. 	<p>Amend Policy 1 as follows: Manage farming land uses to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, by:</p> <p>a. Requiring a general improvement in farming practice <u>through the timely implementation of Farm Environment Plans to reduce diffuse discharges of these contaminants</u>; and</p> <p>e. Requiring the timely implementation of Farm Environment Plans to reduce diffuse discharges of these contaminants.</p>	Support in part	<p>Federated Farmers has concerns that the wording of the opening wording of Policy 1 (and then the sub paragraphs) focuses on reducing the four contaminants everywhere.</p> <p>Such an approach would not take into account situations where there is no issue with one or more of the contaminants in the particular sub-catchment or where a particular farming activity is not contributing towards an issue.</p> <p>Such an approach may also preclude a farming activity from making a greater reduction in a contaminant that is an issue because it has to focus on making a reduction in a contaminant that is not an issue. This would not result in a better environmental outcome and would likely result in a worse environmental outcome.</p> <p>Federated Farmers supports the relief sought by the Appellant to amend Policy 1 so that the focus is on reducing diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens where that is necessary and appropriate as opposed to requiring reductions of all contaminants everywhere.</p> <p>Clause a Federated Farmers supports in part the relief sought by the Appellant to require clearer internal links to the requirement to implement FEPs in a timely fashion to manage farming land uses.</p> <p>Federated Farmers considers that requiring improvement in farming</p>

				<p>practice is not appropriate if this is required at an individual farmer (as opposed to catchment) level. For example, where a farm is already operating above good management practice and/or has achieved reductions in the contaminants that are an issue in the particular sub-catchment, it is not appropriate to require greater improvements (or to fail to recognise improvements made before there was a legal obligation to make them).</p> <p>In principle, Federated Farmers supports the general improvement through the implementation of FEPs but does not think that such relief goes far enough. Federated Farmers considers that Policy 1 also needs to provide for tailored FEPs for the reasons set out in its appeal.</p> <p>Clause e In principle, Federated Farmers supports the timely implementation of FEPs but considers that what is timely will vary depending on factors such as the particular farm system, farm business, location and sub-catchment, and contaminant. Accordingly, Federated Farmers considers that this requirement needs to be tailored to the particular farm taking into account the sub-catchment characteristics Federated Farmers proposes are incorporated into Catchment Profiles and the framework Federated Farmers proposes in the context of Policy 2 in its appeal.</p>
<p>Policy 4</p>	<p>The Appellant says that management of diffuse discharges under policy 4.c is already contemplated by policies 4.d (including in respect of Table 3.11-1) and 4.e and</p>	<p>Amend Policy 4 as follows: c. Take a risk-based approach to managing land use, including adaptive management, to reduce diffuse discharges of nitrogen, phosphorus,</p>	<p>Support in part</p>	<p>In principle, Federated Farmers supports a risk-based approach to managing land use. It also supports an adaptive management approach, provided those terms are not interpreted as a precautionary approach</p>

	<p>therefore reference to reduction of diffuse discharges is unnecessary and inaccurate.</p>	<p>sediment and microbial pathogens; and</p>		<p>but as an approach over time that responds to changes (e.g. environmental, economic, technological) and is refined (as opposed to starting out with a cautious approach).</p> <p>Federated Farmers does not support an approach that requires a reduction of all four contaminants everywhere. Federated Farmers is very concerned that if a requirement to reduce all contaminants everywhere was coupled with an interpretation of “adaptive management” based on exercising caution, this would impose significant, unreasonable and unnecessary costs on farmers for uncertain or no benefit.</p>
<p>Policy 5</p>	<p>The Appellant says that Table 3.11-1 reflects the reality at the sub-catchment level that not all sub-catchments require improvement in water quality to achieve the attribute states and to restore and protect the health and well-being of the Waikato River.</p> <p>The Appellant considers that Table 3.11-1 should be specifically referred to in Policy 5 to reflect the relationship between offsets and compensation and the outcomes PC1 seeks.</p>	<p>Amend Policy 5 as follows: Provide for offsetting and compensation that better achieves the objectives of Te Ture Whaimana o Te Awa o Waikato where:</p> <p>a. In the relevant <u>There is an overall reduction in the relevant</u> sub-catchment(s) of the diffuse discharge of each of nitrogen, phosphorus, sediment and microbial pathogens from the property(s) <u>are being managed to achieve the short-term outcomes in Table 3.11-1</u>; or</p> <p>b. <u>Where required</u> there is a sufficient reduction in the diffuse discharge of nitrogen, phosphorus, sediment and/or microbial pathogens from the property(s) so that the positive benefits to restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers demonstrably exceeds the adverse</p>	<p>Support in part Oppose in part</p>	<p>In principle, Federated Farmers supports a policy 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. However, Federated Farmers considers that amendments are needed to Policy 5 to provide some context for this assessment using a framework to establish key parameter.</p> <p>Federated Farmers does not consider that the Appellant’s relief goes far enough to provide such framework.</p> <ul style="list-style-type: none"> - Federated Farmers is concerned that such relief does not clearly outline that a reduction in all contaminants from properties is required. There are some properties where one of the four contaminants for example is already low and requiring further reduction would impose significant cost (and in the

		<p>effects from any increases in the diffuse discharge of any of those contaminants, provided any increases are not of a contaminant that Table 3.11-2 identifies as a priority for reduction in that sub-catchment.</p>		<p>context where the property is contributing little to the sub-catchment nitrogen load).</p> <ul style="list-style-type: none"> - Federated Farmers is concerned that such relief does not provide sufficient certainty and guidance for farmers (or for consistency in application by Council). For example, it is not clear what a “sufficient reduction” means or how this would be consistently applied. <p>Federated Farmers considers that the Appellant’s relief is a step in the right direction in reflecting the relationship between offsets and compensation and the outcomes PC1 seeks but does not go far enough as per Federated Farmers’ appeal. Federated Farmers considers Policy 5 needs to be deleted and replaced with a more appropriate framework for considering achievement of the Vision & Strategy by focusing on the contaminants of greatest issue in a particular sub-catchment (and the contribution to those issues of sector, that the farming activity belongs to) and not on reducing all contaminants everywhere.</p>
<p>Policy 16</p> <p>Rule 3.11.4.6 – Restricted Discretionary Activity Rule – Farming in Whangamarino</p>	<p>The Appellant says that the Hearing Panel correctly recognised the limitations to PC1, on its own, providing for the restoration and protection of the Whangamarino Wetland and correctly found favour with the proposition that farming activities with low levels of environmental effects should be enabled.</p> <p>The Appellant says that the Hearing Panel erred in failing to recognise that the principles</p>	<p>Amend policy 16 and insert new permitted activity rule to provide for the use of land for farming, including associated diffuse discharges that may result in contaminants entering water, as a permitted activity within the Whangamarino Wetland Catchment</p>	<p>Oppose</p>	<p>In principle, Federated Farmers supports a tailored catchment plan approach to Whangamarino that co-ordinates whole of catchment community actions to restore and protect the wetland, particularly where the focus is on both diffuse and point source discharges, and on off farm or multiple property and coordinated actions as opposed to requiring every individual property to reduce contaminants or to restore and protect the wetland. However, it is also fundamental that the development of such plans is community led and based</p>

	<p>applying to the relative contributions of contaminants from different types of farming activities applied to the Whangamarino Wetland. Therefore, a permitted activity rule for low intensity farming activities is appropriate for the Whangamarino Wetland Catchment.</p>		<p>on the best data/science available (including an understanding of sub-catchment forensics).</p> <p>Federated Farmers agrees with the Appellant that farming in the Whangamarino Catchment should be able to be a permitted activity (where appropriately managed), and does not support a restricted discretionary activity status for existing farming activities in the Whangamarino Wetland Catchment. However Federated Farmers does not support a separate rule or consent activity status for existing farming activities in the Whangamarino Wetland catchment. Federated Farmers considers that farmers in this catchment ought to be able to apply for consent under Rules 3.11.4.1, 3.11.4.2 or 3.11.4.4 (whichever is applicable) (or the commercial vegetable production rules, although Federated Farmers is not aware whether there is any commercial vegetable growers in the catchment)</p> <p>Federated Farmers considers that the appropriate way to provide for or recognise the special status of the wetland, and the water quality issues, is through the development of a sub-catchment management plan (in consultation with the community) and this will be recognised and provided for in the Catchment Profiles which will in turn inform FEPs.</p> <p>Accordingly, Federated Farmers opposes the relief sought by the Appellant and considers the relief sought in its own appeal better provides for the farming activities in the Whangamarino Wetland Catchment.</p>
--	--	--	--

<p>Schedule C – Minimum farming standards</p>	<p>Stock Exclusion <i>Exclusion from waterbodies</i> The Appellant supports the use of minimum standards for the high risk activities set out in Schedule C to set the baseline for operational practice pending the development of FEPs.</p> <p>The Appellant notes that the Hearing Panel accepted the need to recognise the need to recognise the particular circumstances of the drystock sector, particularly those of extensive hill country farming operations that typically have extensive water bodies on their farms, including by not requiring fencing of water bodies on slopes greater than 15 degrees and by excluding sheep from the applicable standards.</p> <p>The Appellant also notes that Policy 2.e recognises that the effects of farmed animals (excluding sheep) not being excluded from some water bodies can be mitigated through farming with FEPs.</p> <p>The Appellant says the Hearing Panel failed to recognise and provide for the circumstances described above in the minimum farming standards and FEPs because Schedule C standard 1.b and standard 5 will have a disproportionate effect on the red meat sector.</p> <p><i>Use of temporary, permanent or virtual fences</i></p>	<p>Amend Schedule C as follows:</p> <p>Clause 1 1. The water bodies on land: a. with a slope of up to 15 degrees; or b. with a slope over 15 degrees where in any paddock adjoining the water body, the number of stock units exceeds 18 per grazed hectare at any time; must be fenced, <u>with a temporary, permanent or virtual fence</u>, to exclude farmed cattle, horses, deer and pigs, unless those animals are prevented from entering the bed of the water body by a stock-proof natural or constructed barrier formed by topography or vegetation</p> <p>Clause 5 5. Water bodies from which cattle, horses, deer and pigs must be excluded: a. The bed of a A river (including any spring, stream and modified river or stream), or artificial watercourse that <u>has an active bed greater than 1m wide and</u> is permanently or <u>intermittently</u> flowing; and b. The bed of any lake; and c. Any wetland, including a constructed wetland, greater than 50m².</p> <p>Exclusions: The following situations are excluded from Clauses 1, 2 and 3:</p>	<p>Support in part Oppose in part</p>	<p>Clause 1 <i>Exclusion from waterbodies</i> Federated Farmers is concerned that the use of a slope threshold for the exception to the stock exclusion requirements does not provide sufficient certainty for farmers and Council about whether streams are located on land that is above or below 15 degrees (particularly if part of a paddock is flat, or part of the land adjoining the stream is flat but the rest is very steep).</p> <p>Federated Farmers is also concerned that this approach may result in many waterways being subject to the stock exclusion requirements (when the intention is that they should not be included), simply because the definition of slope averages slope within a paddock and that may mean some steep areas get included.</p> <p>Federated Farmers agrees with the Appellant that clause 1 as currently drafted may disproportionately affect hill country farmers and particularly those farms that need to provide a reticulated water supply and/or culverts for stock crossings as a consequence.</p> <p>However, Federated Farmers opposes the relief sought by the Appellant on the basis that slope is not an appropriate threshold for the reasons set out above. Federated Farmers considers that a reasonable exception to the stock exclusion requirements is adopted that is based either on stock units or on a narrative approach as set out in the Federated Farmers' appeal.</p> <p><i>Use of temporary permanent or virtual fences</i></p>
--	---	--	--	--

	<p>The Appellant says that standard 1 should be amended to make it clear that the use of temporary, permanent or virtual fences are options to exclude animals from water bodies under that standard (to be consistent with standard 2).</p> <p><i>Exclusion from intermittent rivers</i> The Appellant notes that PC1 provides for intermittent rivers to be subject to the minimum farming standards in Schedule C.</p> <p>The Appellant says that the inclusion of a farming standard in respect of rivers that flow intermittently will have a disproportion effect on the red meat sector, particularly the high country that has not been, or had insufficiently been, considered in a section 32 and substantive sense.</p> <p>The Appellant also says that it was unlawful and inappropriate to, effectively, amend a defined term or define a term in a plan through a condition/standard required to comply with a permitted activity or other activity status.</p> <p><i>Width of active bed</i> The Appellant says that adverse effects on small water bodies are principally from overland flow paths that cannot be mitigated through fencing and that the cost of fencing small water bodies with active beds of</p>	<p>I. Where the entry onto or passing across the bed of the water body is by horses that are being ridden or led.</p> <p>II. Deer or pig wallows in constructed ponds or constructed wetlands that are located at least 10 metres away from the bed of a water body and which are not connected by an overland flow <u>channel path</u> to a water body.</p> <p>Clause 6 6. Nitrogenous fertiliser is not applied at rates greater than 30kgN/ha per dressing.</p> <p>Clause 8 8. When any land adjacent to a Clause 5 waterbody is being utilised for the grazing of a winter forage crop (from 1 June to 1 September) or as a sacrifice paddock, an un-grazed vegetated buffer at least 10 5 metres in width measured from the edge of the waterbody shall be maintained.</p> <p>Clause 9 9. No cattle older than 2 years or greater than 400kg lwt are grazed on forage crops on LUC class 6e, 7 or 8 land from 1 June to 1 September</p>		<p>Federated Farmers agrees with the reasons outlined by the Appellant</p> <p>Clause 5 <i>Exclusion from intermittent rivers</i> Federated Farmers is concerned that the Schedule C as currently drafted applies to intermittently flowing water bodies.</p> <p>Federated Farmers' GIS analysis as part of its response to the draft national stock exclusion regulations and Ag First and Baker Ag case studies reports (presented in evidence to the Hearing Panel during the Council Hearing) showed a significant cost of fencing permanent waterways. Federated Farmers is very concerned about these costs increasing significantly if intermittent waterways are included (particularly as these were not required to be fenced as part of the Clean Streams Accord). Federated Farmers is also concerned about the practical difficulties for farmers and Council in distinguishing wet areas of paddocks from intermittent waterways and ephemeral watercourses.</p> <p><i>Width of active bed</i> Federated Farmers supports in part the relief sought by the Appellant that the stock exclusion rules should only apply to an active bed greater than 1m wide. However, Federated Farmers does not think that the relief goes far enough and rather considers that the waterbodies to which stock exclusion obligations apply ought to be those that are the subject of the Dairy Clean Streams Accord (at least 1m wide and 30cm deep).</p>
--	---	---	--	---

	<p>less than one metre is disproportionate to the contribution it would make to the management of contaminants.</p> <p><i>Exclusions from stock exclusion requirements – deer or pig wallows</i> The Appellant says that <i>prima facie</i> wallows should not be connected to water bodies by overland flow channels. However, wallows on flat land with no discernible flow path to a water body could be prone to flooding in a storm event leading to overland flow to that water body. It is therefore appropriate to only exclude overland pathways that are in identifiable channels.</p> <p>Fertiliser Application The Appellant notes that the Hearing Panel Report provides for an application rate for nitrogenous fertiliser of no more than 30kgN/ha per dressing on the basis that it will require farmers to consider the efficiency of fertiliser management practices, which is effectively an input standard.</p> <p>The Appellant says that it is inappropriate to include to input standard because PC1 already provides for the management of nitrogen and its derivatives as output standards (schedule B and stock units).</p> <p>The Appellant says losses from nitrogenous fertilisers vary</p>		<p>Exclusions from stock exclusion requirements <i>Deer or pig wallows</i> Federated Farmers agrees with the reasons outlined by the Appellant.</p> <p>Clause 6 Federated Farmers is also concerned that 30kgN/ha per dressing is unduly restrictive as a minimum standard to apply everywhere. While it may be appropriate in many situations, in the varied PC1 catchment (and given that most dairy farmers will be preparing tailored FEPs), Federated Farmers considers that it ought to be deleted.</p> <p>Clause 8 Federated Farmers is concerned that a buffer of at least 10m will place significant cost on farmers without considering the particular circumstances. Those more intensive farming activities that are likely to have sacrifice paddocks or grazing winter forage crops are likely to require a FEP anyway, which can be appropriately tailored to address any critical source areas or specific effects of such activity. This would achieve better environmental outcomes for lower cost compared with a “blunt” and “one size fits all” approach.</p> <p>Federated Farmers considers that the relief sought is a step in the right direction but remains too restrictive and inflexible to apply across the PC1 catchment as a minimum standard. Federated Farmers prefers the relief sought in its own appeal (to delete clause 8).</p> <p>Clause 9</p>
--	---	--	---

	<p>based on multiple factors and also notes that the application of nitrogenous fertilisers is adequately managed through standards in Schedule D1.</p> <p>Sacrifice paddocks and winter forage crops <i>Lightweight and age restriction on LUC Class 6e, 7 or 8 land</i> The Appellant says that the identification of age, weight and number of cattle do not address the risk of those animals being held on land that is vulnerable and unnecessary. The Appellant considers the standards to be unduly restrictive and says they will have a significant effect on the red meat sector in Waikato, which has cattle as an integral part of farming systems, particularly where a farm has large area of LUC Class 6 land. Managing the risk of larger animals on more vulnerable landscapes is more appropriately addressed through the intensity of the stocking rate and management of erosion prone land and critical source areas.</p> <p><i>Un-grazed vegetated buffer</i> The Appellant says the Hearing Panel found that there are no clear-cut quantitative relationships for setback distances for planning purposes due to a lack of consensus in the scientific literature.</p> <p>The Appellant considers a 10 metre un-grazed vegetated</p>		<p>Federated Farmers is concerned that the restrictions in clause 9 will affect a large number of dairy and drystock farmers by compromising their ability to farm their properties over the winter months. Federated Farmers does not agree with the Hearing Panel that LUC 6e is the most erosion prone land or land that needs to be restricted (much of it is able to be farmed during winter months with minimal environmental effects).</p> <p>Federated Farmers estimates that around 35% of the drystock land in the PC1 catchment area is classified as LUC 6e or above, and in some areas whole farms would fall in those LUC categories. Further 46% of dairy land in the upper Waikato is LUC 6e or above. The majority of this land is easy, medium and rolling hill country that, if managed appropriately, has a low risk of erosion.</p> <p>FEPs will provide for appropriate management actions, adoption of good management practices and can provide tailored solutions for where there may be adverse effects from grazing LUC 6e, 7 or 8 land.</p> <p>Federated Farmers is very concerned about any standards that rely on the LUC system given that farm scale mapping is required to ensure that land is properly classified, such mapping is expensive and time consuming, and the LUC class may not reflect the environmental effects (particularly as limitations to the versatility of land, based on its LUC classification, can be overcome). Further practical issues include how paddocks would be assessed if part of the paddock was</p>
--	---	--	---

	<p>setback is not required to manage erosion and other risks when grazing winter forage crops. Five metres is the appropriate set back.</p>			<p>LUC 6e and part was LUC 4, for example.</p> <p>There are also issues with directing the rule at older stock, as its effects may instead be driven by younger stock or numbers of stock or stock type (e.g. bulls vs steers), as well as location and weather conditions.</p> <p>Federated Farmers is concerned that it will likely be difficult for WRC to assess whether the standard in clause 9 has been complied with and to monitor and enforce compliance.</p> <p>For all of these reasons, Federated Farmers supports in part and opposes in part the relief sought.</p>
<p>Schedule D1 – Requirements for Farm Environment Plans for farming under Rule 3.11.4.3</p>	<p>Part D – Standards</p> <p>1. Nutrient management The Appellant says that FEPs are a key implementation tool for PC1. Schedule D1 sets out the requirements for FEPs for permitted farming activities and includes standards for fertiliser application.</p> <p>For the reasons stated above (Schedule C, clause 6) the Appellant considers that 1.d is unnecessary and ought to be deleted.</p> <p>4. Land and soil; 5. Winter grazing on forage blocks <i>Live weight and age restriction on LUC class 6e, 7 or 8 land</i> For the reasons stated above (Schedule C, clause 9) the Appellant considers 4.b and 5.a to be unduly restrictive and says</p>	<p>Amend Schedule D1 as follows: <i>Part D – Standards</i></p> <p>1. Nutrient management d. Nitrogen fertiliser application rates to pasture are no greater than 30kg of N per hectare per dressing.</p> <p>4. Land and soil b. On land of LUC class 6e, 7 or 8 no cattle older than 2 years or greater than 400kg lwt are grazed from 1 June to 1 September.</p> <p>5. Winter grazing of forage crops a. No cattle older than 2 years or greater than 400kg lwt are grazed on forage crops on LUC class 6e, 7 or 8 land from 1 June to 1 September. b. No winter grazing of forage crops occurs on LUC Class 6e, 7 or 8 land from 1 June to 1 September where the number of cattle grazed exceeds 30 in an individually-fenced area.</p>	<p>Support in part Oppose in part</p>	<p>1. Nutrient Management Federated Farmers is also concerned that 30kgN is too conservative and supports the relief sought by the Appellant. In the instance that such relief is not awarded, Federated Farmers considers 30kgN/ha per dressing should be increased to 50kgN/ha per dressing to pasture as reflected in its appeal.</p> <p>4. Land and soil Federated Farmers considers the standards for grazing on land of LUC 6e, 7 or 8 in clause 4b are unduly cautious and restrictive. As explained above (in the context of Schedule C), Federated Farmers is concerned that this provision would significantly impact on the ability of a large number of dairy and drystock farmers to continue to farm their properties over the winter months. Federated Farmers also considers the provision to be unclear and uncertain and would be too difficult or subjective to assess.</p>

	<p>there will be significant effect on the red meat sector in Waikato.</p> <p>The Appellant says the risks the liveweight and age restriction standards are addressing are managed through other provisions of the FEPs that focus on the identification and management of critical source and erosion prone areas e.g. Schedule D1 part D standard 4.a and 4.c.</p> <p><i>Un-grazed Vegetated Buffer</i> For the reasons stated above (Schedule C, clause 8) the Appellant considers a 10 metre un-grazed vegetated setback is not required to manage erosion and other risks when grazing winter forage crops. Five metres is the appropriate set back.</p>	<p>c. When any land adjacent to a Schedule C Clause 5 waterbody is being utilised for the grazing of a winter forage crop (from 1 June to 1 September) or as a sacrifice paddock, an un-grazed vegetated buffer at least 105 metres from the edge of the waterbody shall be maintained.</p>		<p>5. Winter grazing of forage crops <i>Liveweight and age restriction on LUC class 6e, 7 or 8 land</i> For the reasons outlined above (in 4 and in Schedule C), Federated Farmers considers the standards for grazing on land of LUC 6e, 7 or 8 to be overly cautious and unreasonably restrictive. Federated Farmers also considers such standards to be too difficult or subjective to assess.</p> <p>Federated Farmers supports the relief sought in relation to clause 5.a (deletion of 5.a).</p> <p>Federated Farmers supports in part the relief sought in relation to paragraph 5.b however, considers reference to LUC 7 and 8 should also be deleted from clause 5.b and consequential relief sought by the Federated Farmers appeal.</p> <p><i>Un-grazed Vegetated Buffer</i> Federated Farmers considers the setback in paragraph 5c is too restrictive and ought to be no more than 5m (which was the standard in the draft NES proposed as part of the Government’s Essential Freshwater package).</p>
<p>Schedule D2 – Requirements for Farm Environment Plans for farming that requires consent</p>	<p>The Appellant says that while the method in Schedule D2 differs from that for permitted farming activities under Schedule D1, as far as possible the two schedules should be consistent.</p>	<p>Make any incidental amendments to Schedule D2 arising from the relief sought above to ensure consistency and fairness between permitted farming and farming that requires a resource consent.</p>	<p>Support in part Oppose in part</p>	<p>Federated Farmers agrees that Schedules D1 and D2 should be consistent where possible and supports in part the relief sought in that any consequential amendments are made (but this needs to still recognise that the schedules serve different purposes so exactly the same amendments will not necessarily be appropriate).</p>