

Fish and Game Submission – Healthy Rivers/ Wai Ora Plan Change

*Submission form on publicly notified – Proposed
Waikato Regional Plan Change 1 – Waikato and
Waipa River Catchments.*

FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

SUBMISSIONS CAN BE	
Mailed to	Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
Delivered to	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
Faxed to	(07) 859 0998 <i>Please Note: if you fax your submission, please post or deliver a copy to one of the above addresses</i>
Emailed to	healthyrivers@waikatoregion.govt.nz <i>Please Note: Submissions received my email must contain full contact details. We also request you send us a signed original by post or courier.</i>
Online at	www.waikatoregion.govt.nz/healthyrivers
We need to receive your submission by 5pm, 8 March 2017.	

YOUR NAME AND CONTACT DETAILS		
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TRADE COMPETITION AND ADVERSE EFFECTS *(select appropriate)*

I could / could not gain an advantage in trade competition through this submission.

I am / am not directly affected by an effect of the subject matter of the submission that:

(a) adversely effects the environment.

THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 1 THAT MY SUBMISSION RELATES TO

Please state the provision, map or page number e.g. Objective 4 or Rule 3.11.5.1

(continue on separate sheet(s) if necessary.)

See submission document attached

I SUPPORT OR OPPOSE THE ABOVE PROVISION/S

(select as appropriate and continue on separate sheet(s) if necessary.)

See submission document attached

- Support the above provisions
- Support the above provision with amendments
- Oppose the above provisions

MY SUBMISSION IS THAT

Tell us the reasons why you support or oppose or wish to have the specific provisions amended.

(Please continue on separate sheet(s) if necessary.)

See submission document attached

I SEEK THE FOLLOWING DECISION BY COUNCIL

(select as appropriate and continue on separate sheet(s) if necessary.)

See submission document attached

- Accept the above provision
- Accept the above provision with amendments as outlined below
- Decline the above provision
- If not declined, then amend the above provision as outlined below

Amend as follows:

PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION

- I wish to speak at the hearing in support of my submissions.
- I do not wish to speak at the hearing in support of my submissions.

JOINT SUBMISSIONS

- If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

Fish and Game Submission – Healthy Rivers/ Wai Ora Plan Change

IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW

Yes, I have attached extra sheets.

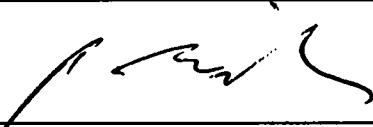
No, I have not attached extra sheets.

SIGNATURE OF SUBMITTER

(or person authorised to sign on behalf of submitter)

A signature is not required if you make your submission by electronic means.

Signature



Date

8/03/2017

Personal information is used for the administration of the submission process and will be made public. All information collected will be held by Waikato Regional Council, with submitters having the right to access and correct personal information.

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INTRODUCTION

1. Fish and Game is broadly supportive of the intent of the Healthy Rivers/ Wai Ora Plan Change 1 (PC 1). In principle, Fish and Game supports the Objectives of the plan change, but submits that amendments are required to meet the requirements of the Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy), The National Policy Statement for Freshwater Management 2014 (NPS-FM) and achieve

ecosystem health. While Fish and Game is broadly supportive of the provisions of PC 1, amendments are required to enable the Objectives of to be achievable upon implementation.

2. This submission covers the mandate and standing of Fish and Game in submitting on PC 1, a synopsis of Fish and Game’s submission, and specific submissions addressing the policies in each part of PC 1.

A. FISH AND GAME MANDATE AND RESOURCE

A1. Fish and Game Mandate

1. Auckland/Waikato Fish and Game and Eastern Fish and Game are two separate entities, with separate jurisdictional boundaries. This is a joint submission from both entities, which are collectively referred to herein as “Fish and Game”.
2. Fish and Game Councils are crown entities established under the Conservation Act 1987 with functions to:

26Q(1)...manage, maintain and enhance the ports fish and game resource in the recreational interests of anglers and hunters...

(b) to maintain and improve the sports fish and game resource-

(i) by maintaining and improving access; and ...

(iv) by ensuring there are sufficient resources to enforce fishing and hunting season conditions; ...

(c) to promote and educate - ...

(ii) by promoting recreation based on sports fish and game; ...

(e) in relation to planning,-

(i) to represent the interests and aspirations of anglers and hunters in the statutory planning process; and ...

(iii) to prepare sports fish and game management plans in accordance with this Act; and...

(vii) to advocate the interests of the Council, including its interests in habitats...

3. In addition to Fish and Game functions set out above, s7(h) of the Resource Management Act 1991 (RMA) states that all persons in achieving the purpose of that Act “*shall have particular regard to ... the protection of the habitat of trout and salmon*”.

A2. Management of Sports Fish and Game Bird Resource

Sports fisheries

4. Sports fisheries have had statutory recognition in NZ since 1867, with the largely salmonid-based (trout and salmon) fisheries a key value in, and attribute of, our freshwaters. The

current statutory basis and regime for sports fishery management is provided under Part VA of the Conservation Act 1987, a part of freshwater fisheries management, together with associated Freshwater Fisheries Regulations 1983 and Anglers Notices promulgated annually under this legislation.

Game bird resource

5. Game birds are recognised in the First Schedule of the Wildlife Act 1953 and they are managed under Part 2 of the Wildlife Act, with associated regulations and annual Game Gazette Notices. Several of the principal game birds (grey duck, paradise shelduck, shoveler duck, black swan and pukeko) are native species.

Sports fish and game bird management

6. Sports fishery and game bird management is addressed in Part VB of the Conservation Act 1987. The nature of this species management by DOC and Fish and Game Councils is set out in some detail for each Fish and Game region in their respective Sports Fish and Game Bird Management Plans. Sports Fish and Game Bird Management Plans are prepared and approved in accordance with section 17L of the Conservation Act 1987. Sports Fish and Game Bird Plans must have regard to:
 - (a) the sustainability of sports fish and game in the area to which the plan relates; and
 - (b) the impact that the management proposed is likely to have on other natural resources and other users of the habitat concerned; and
 - (c) must include such provisions as may be necessary to “maximise recreational opportunities for hunters and anglers”
7. As statutory management plans, there is a requirement that they be had regard to in the course of preparing PC 1 (s 66(2)(c)(i) RMA).
8. Management of the habitat of all freshwater fish and wildlife and appropriate provision for amenity derived from the fishery and game bird resource, however, is the responsibility of regional and district councils under the RMA. The Auckland/Waikato Sports Fish and Game bird Management Plan (2010) recognises that the region’s sports fish are a public resource managed by Fish and Game on behalf of license holders, irrespective of their location, and that territorial authorities are required under the purpose and principles section of the RMA to have particular regard to the habitats of trout and salmon and to recognise and provide for the protection of significant habitats of indigenous species. The Sports fish and Game bird Management Plan recognises and promotes the protection of the habitat of sports fish as an essential component to the sustainable management of these populations. Identification of habitats in PC 1 ensures local authorities give due recognition to sports fish and game bird resources and habitats in their planning.
9. Whilst sports fish and game bird species are managed by Fish and Game Councils, the management of their habitat is almost always the responsibility of the relevant regional council (s31, Resource Management Act 1991). Therefore, the design and implementation of regional plans is of the utmost importance to Fish and Game.

Wetlands

10. Wetlands are some of the most diverse, complex, and productive ecosystems on earth. Supporting and providing essential habitat for an array of micro-organisms, plants, insects and animals. They are biodiversity hot spots supporting indigenous flora and fauna, along with game bird species. Wetlands also play a crucial role in environmental regulation including flood, water quality, erosion and sediment protection; groundwater recharge; and climate regulation; in addition to providing recreational and amenity values.
11. Since European settlement in the mid-1800s, the vast majority of New Zealand's wetlands have been drained or irretrievably modified for coastal land reclamation, farmland, flood control, and the creation of hydro-electricity reservoirs. It is estimated that only 10% of the original wetland environment remains in New Zealand. In the Waikato Region, only a quarter of wetlands extant in 1840 remain. Loss of the region's wetland habitats including small and ephemeral habitats is thought to be contributing to the decline in the regions duck populations, and associated loss of game bird hunting opportunity.
12. The RMA requires regional councils to protect wetlands as a matter of national importance under: section 6(a) of the RMA - preservation of natural character; 6(b) preservation of outstanding natural features; and under 6(c), the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Under s 6(c), due to the rarity of these remaining habitats, all wetlands should be considered significant.
13. Objective A2 of the NPS-FM requires the maintenance and improvement of water quality in a region including the significant values of wetlands.
14. Objective B4 of the NPS-FM in relation to water quantity and allocation recognises the significant values of wetlands.
15. Ensuring that the Waikato Regional Council (WRC) identifies all their remaining wetland habitats and as such protects and increases these habitats and their values is an objective of the Auckland/Waikato Sports Fish and Game Bird Management Plan 2010.

A3. The Sports Fish and Game Bird Resource Affected by PC 1

16. The Auckland/Waikato Fish and Game Region encompasses the entire catchment of the Waipā River, and the Waikato River and catchment from Maraetai Dam (Mangakino) downstream. The upper reach of the Waikato River, from the edge of Lake Taupō to the boundary at Maraetai Dam, fall within the Eastern Fish and Game Region.

Eastern Fish and Game Region

17. The Eastern Fish and Game Council-managed sports fishery in the Waikato sub-region consists of the Waikato River, five hydro lakes on the river, and a number of tributaries flowing into the mainstem Waikato. Many of the streams flowing into the Waikato River are spring fed. During the summer they provide important cold water refuges at their confluences where trout congregate. These cold water confluences are popular fisheries at that time of the year, and often provide high catch rates. The fisheries are primarily used by local anglers and visitors during the summer, particularly the Pueto, Kaiwhitiwhiti, and Torepatutahi Streams. There is some fishing on the mainstem of the Waikato River and reservoir fishing on the hydro lakes is popular.
18. The dairy farming areas, particularly those in the Reporoa valley, provide good areas of habitat for dabbling duck. The drains in this area and the cut off meanders of the Waikato

Rivers provide quality nesting and brooding areas. There are a number of important wetlands in the Waikato sub-region, including Hardcastles lagoon and Rawhiti.

Auckland/Waikato Fish and Game Region

19. PC 1 relates to two nationally significant features in Auckland/Waikato Fish and Game's (and New Zealand's) freshwater inventory:
 - a. The Waikato River, which is classified as a nationally significant trout fishery in the Auckland/Waikato Sports Fish and Game Bird Management Plan 2010.
 - b. The internationally significant Whangamarino Wetland complex, which includes 700 ha of Fish and Game owned and managed wetlands. Whangamarino wetland is listed as a site of national significance in the Auckland/Waikato Sports Fish and Gamebird Management Plan 2010.
20. The North Waikato, the Waikato River and delta, as well as lakes and wetlands throughout the boundaries of PC 1 as notified, provide extensive waterfowl hunting opportunities. The lakes and wetlands along the lower Waikato River floodplain provide complex habitats, important to a range of species including native species considered threatened and game species. The delta area is intensively hunted.
21. Whangamarino Wetland is an internationally significant wetland, recognised under the 1971 Ramsar Convention and is one of New Zealand's six wetlands of international importance. It is one of the only two representative examples of a peat bog wetland left in the world, with the other being the Kopuatai wetland, also found in the Waikato Region and facing similar issues. These form the largest wetland complex in the North Island, and are considered of national importance for their flora and fauna, which support a number of rare and endangered fish, and bird species, and a number of nationally threatened and regionally rare plants. Whangamarino wetland is habitat to about 400 different plant and animal species. Of these, 17 are classified as threatened, including one species of plant – the swamp helmet orchid (*Corybas carsei*) that lives only at Whangamarino. Restoring water levels through the construction of the Whangamarino weir has recreated a large opportunity for waterfowl such as black swan, grey duck, mallard and NZ Shoveler to live and breed in the Wetland. This Wetland is under threat from excessive nutrient and sediment loading. PC 1 fails to recognise the significance of the Whangamarino and define a freshwater management unit (FMU) for the wetland.
22. The reaches of the lower Waikato offer winter habitat for brown trout which spend the warmer months in the Waipā headwaters. The Waikato River flows through both Cambridge and Hamilton and provides good fishing for local residents. The Karapiro Dam tailrace is also closely accessible from these centers and offers a significant trout fishery.
23. The South Waikato (the upper reaches of the Waikato River) offers a mosaic of streams and rivers and farm dams that attract wild duck. Spring-fed rivers are common throughout the South Waikato offering abundant rainbow trout populations in generally clear water. There are eight Waikato River hydro-lakes, all of which hold rainbow and brown trout and create locally and regionally important recreational fisheries. The headwaters of the Waipā River contain many excellent fisheries including the Upper Waipā River, Puniu River and Mangatutu Stream. Many of the tributaries of the hydro-lakes also hold significant trout fisheries. However, the sports fishery in the Waikato River catchment below Lake Taupō is in serious decline presumably due to declining water quality within the Waikato Region.

Angler use in the catchment has dropped to about a third of the participation in 1995¹ despite nearly flat licence sales over that same period.

24. Rainbow trout are the most important sports fish in the region. They are abundant and occur in a wide variety of habitats that provide many different angling opportunities. Water quality is the most significant factor that affects distribution, as rainbow trout are absent from waterways with poor water quality in the Auckland/Waikato Region. Rainbow trout are only present in low numbers in the lower Waikato River below Huntly, most likely due to poor water quality. The average size of a rainbow trout appears to be directly related to water clarity with large trophy trout present in rivers with very clear water, and rainbow trout rarely weighing more than 1.5 kg in reaches with poor water quality.
25. Most of the Waikato's sports fish and game species have self-sustaining populations, therefore of the retention of harvestable populations depends on maintenance of habitat. As a result, the bulk of Auckland/Waikato Fish and Game's efforts go into habitat protection and advocacy for that habitat. Advocacy to ensure that PC 1 aligns with Fish and Game's values and interests is a key aspect of habitat protection in the Waikato and Waipā catchments, as habitat in both catchments is severely affected by land use activities.

B. SYNOPSIS OF SUBMISSION

B1. Reasons for Submission

1. Fish and Game supports the intent of the CSG in seeking full achievement of the water quality objectives of the Vision and Strategy which states:

Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.
2. The Vision and Strategy has been made operative through Part 2 of the Regional Policy Statement for the Waikato, and was developed as a result of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Ngaati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and the Ngaa Wai o Maniapoto (Waipā River) Act 2012.
3. Fish and Game acknowledges the intent of the 80 year time frame for achievement of the water quality objectives of the Vision and Strategy on the basis that the full implementation of the water quality objectives of the Vision and Strategy will take time, and that in some catchments the load-to-come paired with lag periods for the full realisation of leaching may mean that improvements in on-farm practices at notification date will take 50 years to be realised.
4. Fish and Game therefore supports the 80 year time frame for achievement of the water quality objectives of the Vision and Strategy to the extent that the water quality objectives sought in PC 1 reflect the standard of water quality required by the Vision and Strategy itself. Fish and Game has requested changes to the tables within this plan to ensure that the 80

¹ Unwin & Rouse 2016. Angler usage of New Zealand lake and river fisheries Results from the 2014/15 National Angling Survey

year goal is ecosystem health, rather than nitrogen toxicity in some rivers and streams as the current table suggests.

5. In addition to the requirements of the Vision and Strategy, Fish and Game is supportive of provisions that ensure the current plan, which is the first step in the 80 year process, appropriately addresses the Purpose and Principles in Part II of the RMA, gives effect to the NPS-FM, the New Zealand Coastal Policy Statement, and the Waikato Regional Policy Statement.
6. However, while some provisions of PC 1 as notified satisfy elements of these requirements, as a whole, implementation of PC 1 will fall short of achieving these statutory requirements.
7. Fish and Game's primary reasons for this submission are to ensure that this Plan:
 - a. accurately reflects and provides for the water quality objectives required by the Vision and Strategy;
 - b. gives effect to the Waikato Regional Policy Statement;
 - c. sustains the potential of the freshwater resources to meet the reasonably foreseeable needs of future generations (including those set out in the Vision and Strategy);
 - d. safeguards the life supporting capacity of freshwater, which includes ecosystem health;
 - e. ensures that the preservation of the natural character of wetlands, lakes, rivers and their margins from inappropriate use and development is recognised and provided for;
 - f. recognises and provides for wetlands as significant habitats and protects the significant values of wetlands;
 - g. ensures that agricultural land use is appropriately managed and that the effects of these activities on the environment (including cumulative effects) are avoided, remedied or mitigated;
 - h. sets in place a rule framework and methods that achieve the objectives of PC 1;
 - i. sets numerical targets (within the meaning of the NPS-FM) for attributes that reflect and achieve the matters listed above.
8. Fish and Game accepts that achievement of the Vision and Strategy and requisite water quality states will be, in the context of the natural resources planning cycle, a long, intergenerational process. However, Fish and Game submit that for the reasons listed above, the proposed plan as notified does not meet its statutory requirements under the RMA, the NPS-FM, the Waikato Regional Policy Statement, and the Waikato Regional Plan. The basis of Fish and Game's submission is:
 - a. The purpose and principles of the RMA , including but not limited to:
 - 5(1) the sustainable management of natural and physical resources;
 - 5(2)(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
 - 5(2)(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems;
 - 5(2)(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment;

- 6(a) recognising and providing for the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
 - 6(b) recognising and providing for the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
 - 6(c) recognising and providing for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
 - 7(b) have particular regard to the efficient use and development of natural and physical resources;
 - 7(c) have particular regard to the maintenance and enhancement of amenity values;
 - 7(d) have particular regard to intrinsic values of ecosystems;
 - 7(f) have particular regard to maintenance and enhancement of the quality of the environment;
 - 7(h) have particular regard to the protection of the habitat of trout and salmon;
 - 7(i) have particular regard to the effects of climate change.
- b. The New Zealand Coastal Policy Statement 2010;
- c. The National Policy Statement for Freshwater Management 2014 (NPS-FM);
- d. Auckland/Waikato Fish and Game Sports Fish and Game Bird Management Plan 2010;
- e. Eastern Fish and Game Sports Fish and Game Bird Management Plan 2014;
- f. The protection of recreational fisheries and game bird resources, including the protection of rivers, lakes, wetlands, and their margins;
- g. Maintenance and enhancement of the quality of freshwater environments, including wetland environments, as habitats for sports fish and game birds;
- h. The Waikato Regional Policy Statement 2016, including but not limited to:
- i. safeguarding and improving the life supporting capacity of freshwater bodies where they have been degraded as a result of human activities, with demonstrable progress made by 2030;
 - ii. ensuring that the outstanding values of a fresh water body that result in that water body being identified as an outstanding fresh water body, and the significant values of wetlands, are protected and enhanced;
- i. The water quality objectives of the Vision and Strategy, including but not limited to:
- i. Ensuring that PC 1 is capable of establishing a trajectory of improvement in water quality which can foreseeably lead to achieving the water quality objectives of the Vision and Strategy, particularly reaching the standard of being safe to swim in and take food from over the entire length of the rivers and catchment;
 - ii. The restoration and protection of the health and wellbeing of the Waikato River;
 - iii. The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular, those effects that threaten serious or irreversible damage to the Waikato River;

- iv. The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within the catchment on the health and wellbeing of the Waikato River;
- v. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities;
- vi. The protection and enhancement of significant sites, fisheries, flora and fauna;
- vii. Development of targets for improving the health and wellbeing of the Waikato River by utilising matauranga Maori and latest available scientific methods;
- viii. Recognising and protecting appropriate sites associated with the Waikato River that are of significance to the Waikato regional community;
- ix. Encouraging and fostering a 'whole of river' approach to the restoration and protection of the Waikato River, including the development, recognition and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River.
- x. Ensuring that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review.

B2. Relief sought

Auckland/Waikato Fish and Game seek the following relief:

1. The relief outlined under section C "Specific Submissions" below and as appended in Appendix 1;
2. That PC 1 gives effect to Part 2 of the Resource Management Act 1991;
3. That PC 1 gives effect to the New Zealand Coastal Policy Statement 2010 and the National Policy Statement – Freshwater Management 2014;
4. That PC 1 gives effect to the Waikato Regional Policy Statement 2016;
5. That the Auckland/Waikato and Eastern Sports Fish and Game Bird Management Plans are had regard to;
6. That PC 1 gives effect to the Vision and Strategy;
7. That all remaining wetland habitats, particularly the Whangamarino wetland are recognised as significant and protected from further degradation and loss, and that their significant values including game bird values are protected, and the creation of new wetland habitats is facilitated;
8. That the heightened significance of the Whangamarino wetland complex is recognised by way of a specific FMU, with the inclusion of appropriate attributes and targets in appropriate sites;
9. That the objectives of PC 1 and numerical attribute targets in Tables 3. 11-1 are capable of establishing a trajectory of improvement in water quality as measured through regular review periods to ensure that the water quality objectives of the Vision and Strategy are achieved in 80 years;
10. That the objectives of PC 1 and numerical attribute targets and limits are sufficient to safeguard life supporting capacity, ecosystem health and processes of fresh water, provide for the habitat of trout and indigenous fish, provide for primary contact recreation and

- cultural values including mahinga kai, and recognise and protect the natural character of rivers, lakes and wetlands;
11. That Tables 3.11-1 includes appropriate attributes, including limits and targets, which provide for the life supporting capacity, ecosystem health and processes, of fresh water, provide for the habitat of trout and indigenous fish, provide for primary contact recreation and cultural values including mahinga kai, and recognise and protect the natural character of rivers, lakes and wetlands. This includes the introduction of additional freshwater attributes as limits and targets, such as nitrate-nitrogen, phosphorus, and ecosystem health as measured through the macroinvertebrate community index (MCI) and other appropriate measures;
 12. That Tables 3.11-1 includes appropriate attributes to enable an accurate characterisation of water quality and ecosystem health and therefore enable regular reviews to assess the effectiveness of the provisions of the plan and progress towards its objectives, policies, limits, and targets;
 13. That discharge rules, including those for diffuse discharges ancillary to land use activities, meet the requirements of s70 RMA, administrative law requirements, and relevant planning considerations;
 14. That values, objectives, policies and methods (including rules) ensure that land is managed sustainably to achieve freshwater objectives, including the maintenance of water quality and where degraded, its improvement over time;
 15. That Farm Environment Plans are placed into an appropriate and transparent framework of review and accountability;
 16. The inclusion of regulations which ensure that point and non-point discharges are managed and allocated within science-defined limits and that the property or enterprise-level allocation of discharges within these limits is equitable and consistent, efficient and effective, occurs as part of a trajectory of water quality improvement, and promotes sustainable management;
 17. That in at- or under-allocated sub catchments (where freshwater objectives and targets are met but not exceeded), land use and ancillary discharge activities are regulated to ensure that at a minimum, that water quality is maintained;
 18. That in sub-catchments approaching, or at full allocation, and in over-allocated sub-catchments (where freshwater objectives and targets are currently being exceeded), land use and ancillary discharge activities are regulated to ensure that sub-catchments are placed on a trajectory of improvement;
 19. That nitrogen leaching limits and targets within catchments are established based on known water quality requirements for ecosystem health and then allocated back to land based on the natural capacity of soil, using a land suitability approach such as Land Use Capability (LUC) or similar alternative;
 20. That any required percentage reductions in nutrient loss or leaching utilise farm system economic analysis to assist in determining the extent of possible reductions at the farm, catchment, and regional scale;
 21. That nutrient transfer or trading regimes are provided in order to enable leaching reductions to be achieved at least cost and with maximum flexibility of resource use (to enable economic benefits to be maximised from the available resource) in cases where the required

outcome and targets for that catchment cannot be met with natural carrying capacity based allocation systems or where communities choose this system of allocation;

22. That provisions are included in the Plan to preserve the natural character of the coastal environment, wetlands, lakes and rivers and their margins and the protection of them from inappropriate subdivision, use and development;
23. The inclusion of objectives, policies and methods (including rules) that holistically address sediment discharge and include diffuse sediment discharge from farming activities;
24. That the implementation methods (including rules) are sufficient to achieve the objectives of PC 1;
25. Any further relief which addresses the issues raised by this submission and any consequential amendments.

C. SPECIFIC SUBMISSIONS

Note: This submission has been set out in an attempt to be user friendly. The outcomes sought and the wording used is a suggestion only. Where a suggested action or relief is proposed it is with the intention of 'or words to that effect which would address the reasons stated for the relief sought'.

C0. Physical Scope of PC 1 as notified

1. On 3 December 2016 a significant area of the north-eastern catchment of the Waikato River was withdrawn from notification of PC 1 for consultation with Hauraki iwi. The area concerned is of particular relevance to Fish and Game, and is significant on a national and international level. The area includes the Whangamarino wetland and the surrounding complex, including part of Lake Waikare and surrounds.
2. The Waikato Regional Council have indicated that it intends that the area being withdrawn be re-incorporated into the plan change process next year, with specific submissions on the area being received after the consultation period has ended.
3. The result of the withdrawal at the time of submissions is that the catchment area as notified is incomplete, and does not reflect the definition of the Waikato River contained in Vision and Strategy.
4. By definition, the entire catchment for the Waikato River, including the area withdrawn from notification, should be included in PC 1 as a requirement of the Vision and Strategy.
5. While Fish and Game recognise that appropriate consultation is fundamental in addition to the principles of sustainable management and the requirements of the NPS-FM and the New Zealand Coastal Policy Statement, the physical scope of PC 1 as notified is opposed on the basis that the entire Waikato catchment is not included.
6. Re-inclusion of the entire Waikato catchment in notification of PC 1, including the withdrawn area and all elements of PC 1 pertaining to the withdrawn, would constitute appropriate relief.

C1. Section 32 RMA critique

Part B - Development of Plan Change 1

1. Fish and Game acknowledge the intent of the Waikato Regional Council in developing PC 1 through a collaborative process, and is not theoretically opposed to such a process. Fish and Game respected the wishes of the collaborative stakeholder group not to have crown

entities on the CSG but went to meetings in support of the environmental NGOs. Nevertheless, Fish and Game were concerned that NGO recommendations were consistently turned down and, do not feel that the process met the standards of true collaboration. The section 32 report does not make any meaningful critique of the collaborative process undertaken, and as such is flawed.

C.2.2.11 – Scenario modelling outputs

2. The economic analysis undertaken to inform the plan is flawed in its fundamental principles as it assumes that all reductions in nutrient loss will incur economic cost. It also does not take into account the myriad economic benefits associated with improved water quality. As such Fish and Game submit that the economic modelling relied on in part C of the s32 report should not be relied upon.

Part E3 – Making Reductions: Catchment wide rules, Farm Environment Plans and Nitrogen Reference Point

3. Fish and Game disagree that the rules as drafted in the proposed plan are the most appropriate, efficient and effective provisions to achieve the objectives of the proposed plan and the purposes of the RMA and considers that alternative methods (including rules) to achieve these are necessary if the objectives are to be met.

Catchment wide rules and buffering

4. While catchment-wide rules are considered in the s 32 evaluation and determined to be not the most appropriate way to achieve objectives (in option 5), catchment-wide stock exclusion (one element of option 6) was considered ‘most appropriate’. Catchment wide buffers and setbacks for grazing and cultivation were considered inappropriate, however. Fish and Game believes that in the first instance that the prevention and management of sediment flowing from disturbed land to water through the introduction of buffers and setbacks is the most cost-effective regime for reducing impact on freshwater from farming. The exclusion of stock access to water through fencing is only one aspect of the issue, as the mere existence of a fence will not necessarily prevent sediment flowing to water from land, and there are also many situations where the cost of a fence may exceed the benefits to be obtained from it. Fish and Game notes that despite the option 5 being excluded, minimum requirements for setbacks exist in the Rules and FEPs through the stock exclusion standards. The minimum standards prescribed are dependent on three broad slope classes. As such the evaluation is flawed.

Output limits for nitrogen leaching

5. The section 32 report introduces an option called Variation A to model property-level output of discharges in order to set numeric reduction targets. This approach is similar to the approach recommended by Fish and Game in this submission. A useful discussion of the approach was provided, however, there is a dependency issue as the flaws in the economic model in turn led to flaws in the assessment methodology that was used to reject this option. It is also not clear how “insufficient information in the public domain” can be used to reject this option when the recommended approach within PC 1 also relies on knowledge

that is not in the public domain. After all, there is no way to determine a nitrogen reference point without also obtaining that data from farmers. Therefore Fish and Game submits that this component of the section 32 report is flawed.

C2. Values (3.11.1)

1. Fish and Game supports that several values core to its operations and interests are included in the values listed, but submit that some values should be referenced with more clarity and specificity. This is necessary:
 - a. to set out the cascade from values to objectives to policies and rules (as set out in s67 RMA and required to give effect to the NPS-FM).
 - b. to achieve the purpose and principles of the RMA, the National Policy Statement on Freshwater Management, the Waikato Regional Policy Statement, and the Waikato Regional Plan; and
 - c. to identify values which accurately give effect to the water quality objectives of the Vision and Strategy.
2. The values requiring amendment are as follows:

Fish and Game Submission – Healthy Rivers/ Wai Ora Plan Change

Value	Support/ Oppose	Reason	Action
3.11.1.1 Mana Atua/ Intrinsic Values <u>The Health and Mauri of the Water;</u> <u>Ecosystem Health</u>	Support with amendments	<ol style="list-style-type: none"> 1. Ecosystem Health is a compulsory national value under the NPS-FM, and Fish and Game supports the value that <i>the Waikato and Waipā catchments support resilient freshwater ecosystems and healthy freshwater populations of indigenous plants and animals.</i> 2. This is because the value as stated encompasses the health of an ecosystem as a whole as well as the constituent populations of flora and fauna. 3. As drafted however, bullet point narrative is unclear. It is important the value as drafted reflects ecosystem health. 	<ol style="list-style-type: none"> 4. Before the first bullet point add the following: <ul style="list-style-type: none"> • <u>fresh water standards are set to achieve ecosystem health.</u>
<u>The Health and Mauri of the Environment;</u> <u>Natural Form and Character</u>	Support with amendments	<ol style="list-style-type: none"> 1. The health and wellbeing of the environment is an additional national value under the NPS-FM. 2. Fish and Game supports that landscape and aesthetic features (which would include undeveloped stretches) are included. 3. In addition, the aesthetic characteristics pertaining to the water appearance such as colour and clarity are also core interests which should be included, and are outlined in the NPS-FM. 	<ol style="list-style-type: none"> 4. Specifically include the appearance of the water, including colour and clarity in this value.
3.11.1.2 Mana Tangata/ Use Values <u>Mahinga Kai/Food Gathering, places of food</u>	Support with amendments	<ol style="list-style-type: none"> 1. Mahinga Kai is an additional national value under the NPS-FM. 2. Fish and Game supports that important freshwater native species are currently recognised. 3. While the value acknowledges that the rivers provide for freshwater game and introduced kai species, the rule should more clearly identify these as including sport fisheries. This is because the value should recognise all fisheries, rather than the presence or absence of species. 4. Fishing of rainbow and brown trout is an additional national value which should be provided for in this category. 5. Eastern Fish and Game and Auckland/Waikato Fish and Game's Sports Fish and Game Bird Plans and s 7 of the RMA ('protection of the habitat of trout and salmon') should be had regard to. 	<ol style="list-style-type: none"> 6. Specifically include fisheries in this value. 7. Include brown and rainbow trout as specific sports fish of interest to anglers in this value. 8. Include MCI as an indicator to ensure that the primary food supply of the ecosystem – benthic invertebrates – are considered.
<u>The health and mauri of the people: Human health for recreation</u>	Support with amendments	<ol style="list-style-type: none"> 1. Human health for recreation is a compulsory national value under the NPS-FM. 2. Fish and Game supports the provision that the rivers should be safe for people to swim in. 	<ol style="list-style-type: none"> 5. Specifically include the use of rivers, lakes and wetlands for

	nts	<p>3. The use of rivers, lakes and wetlands for recreational hunting and angling is not currently provided for (except to the extent rivers provide recreational resources).</p> <p>4. This value should be explicitly included in recognition of the policies contained in the Eastern Fish and Game and Auckland/Waikato Fish and Game’s Sports Fish and Game Bird Management Plans.</p>	recreational hunting and angling in this value.
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C3. Objectives (3.11.2)

1. Fish and Game broadly supports the objectives of the plan as notified, but submit that some objectives require amendments to be supportable and/or should be outlined with more clarity and specificity. This is necessary:
 - a. to ensure the cascade from values to objectives to policies and rules (as set out in s67 RMA and to give effect to the NPS-FM) enables PC 1 to achieve its objectives;
 - b. to achieve the purpose and principles of the RMA; and
 - c. to set objectives which accurately give effect to the water quality objectives of the Vision and Strategy.
2. The objectives requiring amendment are as follows:

Objective	Support/ Oppose	Reason	Action
New objective(s) <u>Ecosystem health</u>	Support	<p>1. Water quality must be restored and protected with a view to restoration and protection of ecosystem health in order to meet the purpose of sustainable management and achieve consistency with the water quality objectives of the Vision and Strategy.</p>	<p>2. Include an objective as follows:</p> <p><u>New Objective: Restoration and protection of ecosystem health: Ecosystem health is achieved in Waikato rivers, lakes and wetlands within 80 years as a result of staged reductions in point and non-point source discharges.</u></p>
New objective(s) <u>Wetlands</u>	Support	<p>1. The objectives do not recognise the significance of all wetlands to enable policies, rules and methods protect them as s6(c) habitats under the RMA, to restore these habitats where degraded; to recognise and provide for their values including game bird values, and to enable the creation of new habitats.</p> <p>2. Wetlands should be recognised as significant habitats, and their significant</p>	<p>3. Include an objective which recognises the significance of wetlands as follows:</p> <p><u>New Objective: Classification, Maintenance and Enhancement of Significant Wetlands:</u></p>

		<p>values should be protected.</p>	<p>a) <u>All wetlands within the Waikato and Waipā catchments are assessed and added to Table 3.7.7 of the parent plan.</u></p> <p>b) <u>Wetlands within the Waikato and Waipā catchments are maintained or enhanced to protect their ecosystems, including hydrological functioning and extent.</u></p>
<p>Objective 1</p>	<p>Support with amendments</p>	<p>4. Fish and Game recognises the intent of the CSG in seeking full achievement of the water quality objectives of the Vision and Strategy in this plan; Objective 1 is the only objective of the plan which attempts to give effect to the water quality objectives of the Vision and Strategy in full.</p> <p>5. Fish and Game support the long-term 80 year time frame for restoration and protection of water quality on the basis that the full implementation of the water quality objectives of the Vision and Strategy required is likely to be costly and difficult, and that in some catchments the load-to-come paired with lag periods for nutrient leaching may mean that pre-notification practices by diffuse polluters will continue to effect water quality for up to another 50 years.</p> <p>6. However, Fish and Game supports the 80 year time frame only to the extent that the water quality targets sought are consistent with a water quality standard that can foreseeably achieve the water quality objectives of the Vision and Strategy. An 80 year timeframe is not supported for achievement of targets that do not give effect to the Vision and Strategy.</p> <p>7. As notified, the water quality standard sought in Objective 1 (as set out in the targets in Tables 3.11-1) does not give effect to the Vision and Strategy.</p> <p>8. Restoration and protection of water quality in a way that gives effect to the Vision and Strategy, will require numerical water quality targets to be set at levels conducive to ecosystem health, meaning that the aquatic ecosystem is healthy such that it is able to sustain its ecological structure, processes, and functions, intrinsic and non-consumptive values including fishery values and is</p>	<p>14. Amend Tables 3.11-1 80 year attribute targets so that attributes and targets assigned are consistent with ecosystem health measures and achieving healthy freshwater ecosystems.</p> <p>15. Include a range of attribute targets for all sites and sub-catchments that provide a clear linkage and assessment and measurement chain from the desired freshwater outcome to required reductions in nutrient loss from land by way of an allocation system.</p> <p>16. Include appropriate sites for every sub-catchment in Tables 3.11-1.</p> <p>17. Ensure clear linkages between Tables 3.11-1 and Table 3.11-2.</p> <p>18. Add missing targets and limits into Table 3.11-2, including ecosystem health based limits and targets.</p> <p>19. The sites, attributes and targets set out in Tables 3.11-1 of Appendix 1</p>

		<p>resilient to human impacts and climate change.</p> <p><i>Tables 3.11-1</i></p> <ol style="list-style-type: none"> 9. Tables 3.11-1 does not include sites for every sub-catchment, and as such will not be sufficient to support “restoration and protection of water quality for each sub-catchment” as required by the Objective. 10. The numerical 80-year targets as currently set out in Tables 3.11-1 will fail to give effect to the Vision and Strategy, as they do not represent ecosystem health. 11. The range of attributes selected for each site is not sufficient or appropriate as measures and targets for water quality that give effect to the Vision and Strategy. 12. The range of attributes selected for each site is not sufficient or appropriate to characterise water quality for the purpose of measuring progress towards achieving the Objective. 13. More broadly, Tables 3.11-1 does not contain appropriate attributes, targets, or sites to recognise the values of the plan (as required by NPS FM) and give effect to the Vision and Strategy, achieve Objective 1, or accurately characterise water quality and ecosystem health. 	<p>and additional appendices to this submission constitute relief sought.</p>
<p>Objective 3</p>	<p>Support with amendments</p>	<ol style="list-style-type: none"> 1. Fish and Game supports the objective to make short-term improvements in water quality in the first stage of restoration and protection of water quality. This is because full implementation of the water quality objectives of the Vision and Strategy is likely to be costly and difficult. Fish and Game accepts that a stepwise approach will be necessary. 2. However, Fish and Game supports the objective to achieve a portion of required change between current water quality and the 80 year water quality attribute targets only to the extent that the 80 year water quality attribute targets are consistent with the water quality objectives of the Vision and Strategy itself. 3. In addition, the portion of change targeted for over the short term period is supported only to the extent that, applying the precautionary principle, the portion of improvement enables future Schedule 1 processes to achieve the water quality objectives of the Vision and Strategy in 2096. 4. While the time limit (2026) for actions to be put in place and implemented 	<ol style="list-style-type: none"> 17. Include short-term attribute targets for all sites. 18. Re-draft the explanatory narrative as follows: <i>Actions put in place and implemented by 2036 to reduce discharges of nitrogen, phosphorous, sediment and microbial pathogens, have achieved thirty percent of the required change between current water quality and the 80 year water quality attribute targets in Table 3.11-1. <u>once this Plan has been operative for 20 years.</u></i> 19. Short term targets need to be defined and refined.

	<p>has been set, no “short term” defined timeframe for the achievement of targets for water quality required by Objective 3 has been set in either Objective 3 or Tables 3.11-1.</p> <ol style="list-style-type: none"> 5. In order to ensure a trajectory of progress towards the 80 year objective, and to enable users of the current plan to assess its success, short term water quality targets must be set to a specific point in time. 6. A ten percent change towards the long term water quality improvements is indicated by the short term water quality attribute ^ targets^ in Tables 3.11-1, and Fish and Game considers that this is not sufficient to place the catchments onto an appropriate trajectory of improvement. 30% is the midpoint of leaching reductions that are achievable whilst maintaining profitability. 7. Some short term targets can be easily achieved within 5 or 10 year timeframe, such as a reduction in E Coli concentrations at median flow and below. Others, such as the 30% nitrate-nitrogen reductions from current leaching requested by Fish and Game will require 20 year targets 8. Improvements in water quality as part of the current planning cycle should be targeted for within a defined timeframe, be measurable, and represent an appropriate portion of change required; this is required in giving effect to ss 30, 67 and the provisions of Part II of the Act and the NPS-FM. <p><i>Tables 3.11-1</i></p> <ol style="list-style-type: none"> 9. Tables 3.11-1 does not include sites for every sub-catchment, and as such will not be sufficient to support “restoration and protection of water quality for each sub-catchment” as required by the objective. 10. The timeframe for “short term” is not defined. 11. As notified, Tables 3.11-1 attributes and targets are not sufficient to ensure that fresh water resources are sustainably managed to safeguard life supporting capacity, ecosystem health and processes of fresh water, provide for the habitat of trout and indigenous fish and the significant values of wetlands. The attributes and targets notified do not provide for primary contact recreation and cultural values including mahinga kai, and recognise and protect the natural character of rivers, lakes and wetlands. 	<ol style="list-style-type: none"> 20. Add the words “<u>as required by the Vision and Strategy</u>” at the end of the bold title of Objective 3. 21. Include a range of attributes for all FMUs that enable an accurate characterisation of water quality and ecosystem health, and therefore enable reviews to assess the effectiveness of objectives, policies, rules and methods. 22. Include attribute targets in Tables 3.11-1 suitable to ensure that fresh water resources are sustainably managed to safeguard life supporting capacity, ecosystem health and processes of fresh water, provide for the habitat of trout and indigenous fish and the significant values of wetlands, and to measure progress towards these outcomes. 23. Amend the numerical 80-year attribute targets in Tables 3.11-1 to give effect to the water quality objectives of the Vision and Strategy. 24. The limits and targets set out in Table 3.11-1 of Appendix 1 to this submission would constitute relief sought for rivers and streams. Appropriate indicators for lakes and wetlands need to be included.
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C4. Policies (3.11.3)

1. Fish and Game broadly supports many of the policies of the plan as notified, but submit that some policies require amendments and additions to be supportable and/or should be outlined with more clarity and specificity.
2. The policies requiring amendment are as follows:

Policy	Support/Oppose	Reason	Action
3.11.3 General	Oppose	<ol style="list-style-type: none"> 1. Fish and Game has requested amendments to some objectives in PC 1. In order for the policy cascade set out in s 67(1) RMA to be effective, consequential changes should be made to the policies and methods (including schedules) in order for the objectives of the plan to be achieved. 	<ol style="list-style-type: none"> 2. Retain, delete, or amend policies in section 3.11.3 to ensure that they will, individually and collectively, direct how the objectives as retained or amended by the Fish and Game submission, are to be achieved.

<p>3.11.3 New Policy(ies)</p>	<p>Support</p>	<p>1. The policies as notified are not sufficient to implement the objectives of PC 1.</p>	<p>2. Include policies in section 3.11.3 to ensure that they will, individually and collectively, be capable of implementing the objectives.</p>
<p>Policy 1: Manage diffuse discharges of nitrogen, phosphorous, sediment and microbial pathogens</p>	<p>Support with amendments</p>	<p>1. Fish and Game supports the policy to manage and require reductions on a sub-catchment scale. However, methods a) and b) are not sufficient to achieve sustainable management.</p> <p>2. Amendment is required to ensure that freshwater is sustainably managed including ‘avoidance of an adverse impact’ as a first priority and avoidance of significant adverse impacts as a bottom line.</p> <p>3. There should be a linkage in a) through to the rule framework, consistently with Policy 1 in Part 3.5.3 of the Operative Regional Plan, so that it is clear that activities with “low level of contaminant discharge” are those defined in the Rules.</p> <p>4. Stock exclusion is not in itself sufficient to address contaminant runoff from land disturbed by humans or animals, and as a stand-alone measure does not promote sustainable management of freshwater, riparian margins, and soil, and is insufficient in recognising and providing for the preservation of the natural character of wetlands, lakes and rivers and their margins, and the protection of them from inappropriate use, and development.</p> <p>5. Fish and Game supports an incentive to avoid sediment runoff in addition to stock exclusion rules. Incentives for farming activities which include riparian buffers in addition to stock exclusion measures should be included.</p>	<p>6. Re-draft a) and b) as follows:</p> <p>a) <i>Enabling, through permitted activity rules, activities with a low level of contaminant discharge to water bodies provided those discharges do not increase and adverse effects, including cumulative effects, are avoided;</i></p> <p>b) <i>Requiring farming activities with moderate to high levels of contaminant discharge to water bodies to reduce their discharges so as to avoid adverse effects, including cumulative effects, through the use of resource consents</i></p> <p>7. Specify that the reduction of discharges will be achieved by <i>d) allocating diffuse discharges to land based on science defined limits and targets, and progressively phasing out the over-allocation of contaminant discharges over time.</i></p> <p>8. Include an additional method of achieving reductions by <i>e) progressively increasing riparian buffering of rivers, streams, drains, wetlands and lakes.</i></p>

<p>Policy 2: Tailored approach to reducing diffuse discharges from farming activities</p>	<p>Support with amendments</p>	<ol style="list-style-type: none"> 1. Fish and Game supports a tailored approach to reducing diffuse discharges from farming activities, but submits that as proposed, this policy fails to promote the sustainable management of land and water resources, and is not a sufficient step towards giving effect to the Vision and Strategy. 3. In addition to requiring reductions, sustainable management requires that adverse effects are avoided, remedied or mitigated. 4. Fish and Game supports the use of Farm Environment Plans to specify appropriate mitigation measures and to specify how farm systems may be redesigned or improved, but opposes using Farm Environment Plans or Certified Industry Schemes to specify the quantum of reduction on the basis of legal and planning principles. 5. It is not clear in the policy whether Farm Environment Plans are part of a resource consent or hold a separate status. All mitigation actions required to bring activities within regulatory requirements for discharge reductions must have the status of resource consent conditions. 6. Output based targets for nitrogen leaching per hectare per annum for properties or enterprises, which are set within science based limits and targets to achieve freshwater objectives are supported. 7. While Fish and Game supports a proportionate degree of reduction, relating this to current discharge is arbitrary and will not promote sustainable management and the achievement of ecosystem health. Rules should be included which ensure that point and non-point discharges are allocated to achieve science defined limits and 	<ol style="list-style-type: none"> 12. Ensure the policy is consistent with the changes contained in Fish and Game’s amendments sought in Appendix 1. 13. Redraft a) as follows: <i>a) Taking a tailored, risk based approach to define mitigation actions on the land that will reduce which will achieve <u>required reductions specified in this plan in diffuse discharges of nitrogen, phosphorous, sediment and microbial pathogens, with the mitigation actions to be specified in a Farm Environment Plan either associated with as part of a resource consent; or in specific requirements established by participation in a Certified Industry Scheme;</u></i> 14. Delete b) in its entirety. 15. Redraft d) as follows: 16. <i>d) <u>Requiring the degree of reduction in diffuse discharges of nitrogen, phosphorous, sediment and microbial pathogens to be in accordance with the short and long term targets in Table 3.11-1, the sub-catchment reduction targets and timeframes in Table 3.11-2, and the sub-catchment nitrogen leaching reductions in Schedule E.</u></i> 17. Add the following paragraph: <i>f) <u>Promoting the use of riparian buffers to avoid sediment discharge.</u></i>
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		<p>targets and that the property or enterprise-level allocation of discharges within these limits is equitable and consistent.</p> <p>8. To promote sustainable management and implement the NPS-FW and Vision and Strategy, water quality improvements should be towards ecosystem health irrespective of the scale of water quality improvement required.</p> <p>9. In order to promote sustainable management, c) and d) should ensure that farm or enterprise reductions are achieved based on sub-catchment allocations within science-defined limits; that in at- or under-allocated sub catchments (where freshwater objectives and targets are met but not exceeded), land use and ancillary discharge activities are regulated to ensure that at a minimum, the resource is used efficiently; that in approaching, at allocation, and in over-allocated sub-catchments (where freshwater objectives and targets are currently being exceeded), land use and ancillary discharge activities are regulated to discharge/leaching standards which are set to progressively decline over time to ensure that leaching is reduced to meet the receiving water targets and achieve the freshwater objectives of the Plan;</p> <p>10. To be equitable, those activities and land users which have the most nutrient loss should bear the majority of the costs in reducing that nutrient loss.</p> <p>11. Adverse impacts should be avoided in order to promote sustainable management. Fish and Game supports a policy to avoid sediment runoff in addition to stock exclusion rules. The policy should</p>	
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		<p>include provision for the protection of wetlands and significant habitats and promotion of use of riparian buffers in addition to stock exclusion.</p>	
<p>Policy 3: Tailored approach to reducing diffuse discharges from commercial vegetable production systems</p>	<p>Support with amendments</p>	<ol style="list-style-type: none"> 1. Fish and Game supports a tailored approach to reducing diffuse discharges, but submits that as proposed, this policy fails to promote the sustainable management of land and water resources, and does not give effect to the Vision and Strategy. 2. In addition to requiring reductions, sustainable management requires that adverse effects are avoided, remedied or mitigated. 3. Fish and Game supports the use of Farm Environment Plans to specify appropriate mitigation measures, but does not support using Farm Environment Plans or Certified Industry Schemes to specify the quantum of reduction on the basis of legal and planning principles. 4. It is not clear in the policy whether Farm Environment Plans are part of a resource consent or hold a separate status. All mitigation actions required to bring activities within regulatory requirements for discharge reductions must have the status of resource consents. 5. In order to promote sustainable management, c) and d) should ensure that farm or enterprise reductions are achieved based on sub-catchment allocations within science-defined limits; that in at- or under-allocated sub catchments (where freshwater objectives and targets are met but not exceeded), land use and ancillary discharge activities are regulated to ensure that at a minimum, the resource is used efficiently; that in approaching, at 	<ol style="list-style-type: none"> 9. Ensure the policy is consistent with the changes contained in Fish and Game’s amendments sought in Appendix 1. 10. Add to the end of a) <i>“and while avoiding significant adverse effects”</i>; 11. Amend e) as follows: <i>e. Identified mitigation actions are set out and implemented within timeframes specified in either a Farm Environment Plan and associated as part of a resource consent, or in specific requirements established by participation in a Certified Industry Scheme.</i> 12. Redraft g) as follows: <i>g) <u>Requiring the degree of reduction in diffuse discharges of nitrogen, phosphorous, sediment and microbial pathogens to be in accordance with the short and long term targets in Table 3.11-1, the sub-catchment reduction targets and timeframes in Table 3.11-2, and the sub-catchment nitrogen leaching reductions in Schedule E.</u></i> 13. Add the following paragraph: 14. <i><u>Promoting and incentivising the use of riparian buffers to avoid sediment discharge.</u></i>

		<p>allocation, and in over-allocated sub-catchments (where freshwater objectives and targets are currently being exceeded), land use and ancillary discharge activities are regulated to discharge/leaching standards which are set to progressively decline over time to ensure that leaching is reduced to meet the receiving water targets and achieve the freshwater objectives of the Plan;</p> <p>6. Adverse impacts, particularly significant adverse impacts should be avoided in order to promote sustainable management. The policy should include provision for the protection of wetlands and significant habitats and promotion of use of riparian buffers in addition to stock exclusion.</p> <p>7. While Fish and Game supports a proportionate degree of reduction, relating this to current discharge is arbitrary and will not promote sustainable management. The inclusion of rules which ensure that point and non-point discharges are allocated within science defined limits and that the property or enterprise-level allocation of discharges within these limits is equitable and consistent.</p> <p>8. To promote sustainable management and implement the NPS-FW and Vision and Strategy, water quality improvements should be towards ecosystem health irrespective of the scale of water quality improvement required.</p>	
<p>Policy 4 Enabling activities with lower discharges</p>	<p>Support with amendments</p>	<p>1. Fish and Game supports the approach that cumulatively the achievement of Objective 3 is not compromised as this promotes sustainable management of land and water resources, provided</p>	<p>3. Amend Policy 4 as follows: <i>[...] achievement of Objective 3 is not compromised and significant adverse effects are avoided.</i></p>

		<p>that Fish and Game’s proposed amendments to Objective 3 are adopted.</p> <p>2. However, amendment is required to ensure that freshwater is sustainably managed including ‘avoidance of an adverse impact’ as a first priority and avoidance of significant adverse impacts as a bottom line.</p>	
<p>Policy 6 Restricting land use change</p>	<p>Support with amendments</p>	<p>1. This policy promotes sustainable management of land and water resources. It would cover the situation where discharges to catchments could be increased where there is room within the stated allocation</p>	<p>2. Amend “clear and enduring” to be “clear, enduring and meaningful”.</p>
<p>Policy 7: Preparing for allocation in the future</p>	<p>Support</p>	<p>1. Fish and Game acknowledges that first steps must be taken now in order to enable reductions to be made in future plan changes, and supports the use of property or enterprise-level allocation of total diffuse discharges within a sub-catchment. However, more steps need to be taken in PC 1 to ensure future plan changes are able to achieve the reductions required, and are not set up to fail. Reductions through the use of property or enterprise-level allocation of discharges can and should be initiated in the policies and rules of the current plan. By deferring allocation to subsequent Schedule 1 processes, this policy fails to promote the sustainable management of land and water resources and is not a sufficient step towards giving effect to the Vision and Strategy. It cements unrealistic expectations for farming activities with moderate to high levels of contaminant discharge, and does not adequately signal (and so provide time to plan) likely future requirements.</p>	<p>2. Preparation for future plan changes requires current policies that:</p> <p>2.1 Define and include a schedule in the plan which shows the allocation status of nutrient loads in sub-catchments. Fish and Game’s marked up plan change in Appendix 1 creates a structure for this with final loads, in-stream concentrations and timeframes for achieving them to be populated.</p> <p>2.2 Ensure that farming activities comply with a nitrogen leaching rate which is based on allocating the total allowable load of nitrogen for the sub-catchment on the basis of either a flat per hectare allocation of nitrogen leaching (~15KgN/ha/yr), or a nitrogen leaching allowance per hectare based on an allocation defined on a natural carrying</p>

			<p>capacity basis. Enable users undertaking farming activities to manage discharge of contaminants allocated on a sub-catchment level in order to make further reductions in the future. This would include provision for trading of contaminant loss rates between enterprises or properties in the same sub-catchment where it is no longer possible to reduce nutrient loss whilst maintaining profitability or where a catchment may choose to adopt nitrogen trading as a desired solution.</p>
<p>Policy 10 Point source discharges of regional significance</p>	<p>Oppose</p>	<p>1. Although Fish and Game recognises the role and significance of regionally significant infrastructure and industry, this strongly worded Policy (which includes the words “provide for”) is inappropriate as a stand-alone provision. There is no mention of the need to reduce these discharges at the same time as diffuse and other point source discharges are being required to reduce. These discharges need to be put onto an equitable and appropriate trajectory of improvement, and measured against the long and short term targets.</p>	<p>2. Delete Policy 10. If the matter of enabling regionally significant infrastructure and industry is to be included, it should be as another consideration within Policy 12.</p>
<p>Policy 11: Application of BPO and mitigation or offset of effects to point source discharges</p>	<p>Support with amendments</p>	<p>1. Fish and Game supports offsetting of “residual” effects provided there is rigour associated with offsetting, offsetting is consistent with the BBOP including the ‘mitigation hierarchy’, and it is recognised that in some circumstances offsetting should not be considered (i.e. where the biodiversity value(s) affected is irreplaceable or vulnerable).</p>	<p>4. Amend the policy by adding a further paragraph as follows and amend the definition of “Offset” in the Glossary as proposed below in this submission:</p> <p><i>Policy 11</i></p>

	<p>2. If offsetting is used it should provide for a net gain and not just 'no net loss'.</p> <p>3. Preferentially offsetting in the same sub-catchment is supported.</p>		<p><u>[...]. Where all adverse effects cannot reasonably be avoided, they should be mitigated, and where they cannot reasonably be mitigated it is not practicable to avoid or mitigate all adverse effects, an offset measure <u>may</u> should be proposed in an alternative location or locations to the point of discharge [...].</u>provided that the:</p> <p>a) <u>Primary discharge does not result in any significant or toxic adverse effect at the point of discharge location; and</u></p> <p>b) <u>Offset measure is for the same contaminant; and</u></p> <p>c) <u>[...]</u></p> <p>d) <u>Offset measure remains in place for the duration of the consent and is secured by consent condition and, if necessary, a bond in order to ensure it is achieved and maintained in the long term preferably in perpetuity.</u></p> <p>e) <u>Offset measure results in a predicted net decrease of the contaminant in the receiving environment.</u></p>
<p>Policy 12: Additional considerations for point source</p>	<p>Support with amendments</p>	<p>1. Policy 12 is headed "Additional considerations" whereas Fish and Game considers the opening words of the Policy set out fundamental</p>	<p>7. Delete the word "Additional" in the heading of Policy 12.</p> <p>8. Replace Policy 12 with the following:</p>

<p>discharges in relation to water quality targets</p>		<p>considerations for point source discharges and not just additional matters to be “considered”.</p> <ol style="list-style-type: none"> 2. Fish and Game supports policies on point source discharges which consider the contribution of discharges to catchment loads, however the matters to be taken into account do not include any consideration of output based standards for other point- and diffuse-discharges. 3. As such, this policy fails to promote the sustainable management of land and water resources in that the cumulative effects of point and non-point source discharges are not taken into account. 4. Subparagraph (b) of the Policy is a matter that is more relevant to consent term and so it should be placed under Policy 13. 5. Subparagraph (d) should be deleted as it is already provided for under Policy 11 (Best Practicable Option). 6. A new subparagraph should be added to address the circumstance where the information provided by an applicant is uncertain or inadequate. 	<p><u>Impose conditions and discharge standards on point source discharges to ensure that the reduction targets and timeframes in Tables 11-1 and 11-2, and the sub-catchment nitrogen leaching reductions in Schedule E, can be met, based on a consideration of the contribution made by the discharge to the nitrogen, phosphorus, sediment and microbial pathogen catchment loads, and having regard to:</u></p> <ol style="list-style-type: none"> a) <u>The relative proportion of nitrogen, phosphorus, sediment or microbial pathogens that the particular point source discharge contributes to the catchment; and</u> b) <u>Whether it is appropriate to stage future mitigation actions to allow investment costs to meet the water quality targets specified above to be spread over time.</u> c) <u>The need to favour caution and environmental protection where the information available is uncertain or inadequate.</u>
<p>Policy 13: Point sources consent duration</p>	<p>Oppose</p>	<ol style="list-style-type: none"> 1. Policy 13 does not include the full range of matters that case law would indicate are relevant to consent term, and as such should either be deleted or amended to include other matters. 2. It may in some circumstances be inappropriate to provide for a consent term of 25 years, even 	<p>4. Delete Or Amend as follows: Point source consent duration <i>When determining an appropriate duration for any point source consent granted consider the following</i></p>

		<p>where Policies 11 and 12 are met, for example where there has been a past history of non-compliance.</p> <p>3. If a Policy regarding consent duration/term is included for point source discharges then there should also be such a policy providing guidance for non-point source discharges.</p>	<p>matters:</p> <p>a) <u>Alternative methods of discharge, technology improvements or other changed circumstances that may arise in the future; A consent term exceeding 25 years, where the applicant demonstrates the approaches set out in Policies 11 and 12 will be met; and</u></p> <p><u>aa)The sensitivity of the receiving environment and the adequacy/certainty of information that is available;</u></p> <p><u>ab) The applicant’s past record of responsiveness to adverse effects including past technology upgrades undertaken to model, monitor and reduce the discharge of nitrogen, phosphorus, sediment or microbial pathogens within the previous consent term and their success;</u></p> <p>b)The magnitude and significance of the investment made or proposed to be made in contaminant reduction measures and any resultant improvements in the receiving water quality;</p> <p>c) The need to provide appropriate certainty of investment where <u>substantial contaminant reduction measures are</u></p>
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			<p><i>proposed (including investment in treatment plant upgrades or land based application technology).</i></p> <p>5. Include policy guidance for consent term for non-point source discharges which should be aligned with sub-catchment progress review timeframes as specified in Table 3.11-2.</p>
<p>Policy 14: Lakes Freshwater Management Units</p>	<p>Support with amendments</p>	<ol style="list-style-type: none"> 1. Fish and Game acknowledges the intent of the implementation of a tailored lake-by-lake approach, guided by Lake Catchment Plans. 2. However, the Lake FMUs as part of the ambit of PC 1, must give effect to s 30, and the provisions of Part II of the RMA and the NPS-FM. 3. As notified, this policy takes no regulatory action to ensure that lake-based fresh water resources are sustainably managed to safeguard life supporting capacity, ecosystem health and processes of fresh water, or provide for the habitat of trout. 4. Further, the policy does not protect the significant values of wetlands. 5. The policy should set clear and enforceable management approaches and standards to ensure that the health of these habitats is restored over a defined timeframe as an incremental step towards achieving the 80 year water quality objectives. 	<ol style="list-style-type: none"> 6. Ensure that the policy directs maintenance, or where degraded, enhancement during the period of operation of the plan. 7. Standards and targets based on appropriate attributes such as Trophic Level Indicator (TLI) should be applied and shown in the attribute table for individual sites within the Lake FMUs. 8. Appropriate science-based standards and targets for wetlands and wetland FMUs to be produced and placed in the plan.
<p>Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori</p>	<p>Support</p>	<ol style="list-style-type: none"> 1. Consequential amendment may be required to account for the implementation of the alternative approach to nutrient allocation sought by Fish and Game. 	

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land			
Policy 17: Considering the wider context of the Vision and Strategy	Oppose	2. The policy as currently written does not make sense, as it appears to imply that primary concerns such as ecosystem health, recreation, and wetland values are secondary to this plan change chapter. However, ecosystem health, or the functioning of ecosystems, is a core component. The policy requires significant amendment to ensure that core issues addressed by the Vision and Strategy are not inadvertently captured as only secondary or peripheral considerations.	3. Amend to ensure that the functioning of ecosystems and wetland values, and the enhancement of biodiversity are removed from the policy if it is to remain in the plan or revise the policy to clarify that these are primary considerations/values integral to Chapter 3.11.

C5. Implementation methods (3.11.4)

1. Fish and Game broadly supports the implementation methods of the plan as notified, but submit that 3.11.4 as a whole requires amendments and additions to be supportable and/or should be outlined with more clarity and specificity.
2. The implementation methods requiring amendment are as follows:

Provision	Support/ Oppose	Reason	Action Sought
3.11.4 General	Oppose	<ol style="list-style-type: none"> 1. Fish and Game has requested amendments to a number of values, objectives and policies in PC 1. In order for the policy cascade as set out in s67(1) RMA to be effective, consequential changes should be made to the rules and methods (and schedules) in order for the objectives of the plan to be achieved. 2. The implementation methods as notified are not sufficient to implement the objectives of PC 1. 	<ol style="list-style-type: none"> 3. Retain, delete, or amend methods in section 3.11.4 to ensure that they will, individually and collectively, direct how the objective as retained or amended by the Fish and Game submission, are to be achieved. 4. Include implementation methods in section 3.11.4 to ensure that they will, individually and collectively, be capable of implementing the objectives.
3.11.4.2 Certified	Oppose	<ol style="list-style-type: none"> 1. Fish and Game opposes the Certified Industry Scheme as outlined in Schedule 2 on the basis that it delegates Waikato Regional Council powers and 	<ol style="list-style-type: none"> 2. Remove this method in its entirety.

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Industry Scheme		responsibilities to people and organisations outside of the Waikato Regional Council without appropriate statutory process or consideration.	
3.11.4.3 Farm Environment Plans	Support with amendments	<ol style="list-style-type: none"> 1. Fish and Game supports the use of Farm Environment Plans to assess risk and specify appropriate mitigation measures to reduce risk, but does not support using Farm Environment Plans to specify the quantum of reduction required or the nature of adverse effects to be avoided on the basis of legal and planning principles. Those matters should instead be included on the face of the consent document and be subject to regular reviews to both ensure that information is accurate and that targets and limits for sub-catchments are being met. 	<ol style="list-style-type: none"> 2. Amend method 3.11.4.3 as follows: <i>...specify actions to reduce those risks in order to bring about reductions in the discharges of those contaminants <u>which ensure that targets and limits for sub-catchments are being met as required by consent documents.</u></i>
3.11.4.4 Lakes	Support with amendments	<ol style="list-style-type: none"> 1. Fish and Game acknowledges the intent of the implementation of a tailored lake-by-lake approach, guided by Lake Catchment Plans. 2. As notified, this method takes no regulatory action to ensure that lake-based fresh water resources are sustainably managed to safeguard life supporting capacity, ecosystem health and processes of fresh water, or provide for the habitat of trout. 3. Further, the method does not protect the significant values of wetlands. 4. The method should set clear and enforceable management approaches and standards to ensure that the health of these habitats is restored over a defined timeframe as an incremental step towards achieving the 80 year water quality objectives, and that progress towards this outcome can be measured. 	<ol style="list-style-type: none"> 5. Ensure that the method at a minimum ensures maintenance, or where degraded, enhancement during the period of operation of the plan. 6. Short term standards and targets for appropriate sites based on appropriate attributes, such as Trophic Level Indicator (TLI) should be applied and shown in the attribute table for the Lakes FMUs, and constitute a starting point for describing the desired state of the lake. 7. Amend g) as follows: <i>g) Develop <u>Include a set of short term water quality attribute^ targets^ for each lake Freshwater Management Unit^ as a minimum state to improve from in achieving the desired state.</u></i>
3.11.4.5 Sub-catchment	Support With amendments	<ol style="list-style-type: none"> 1. The method promotes sustainable management. 2. Sub-catchment scale planning should also enable users undertaking farming activities to manage discharge of contaminants allocated on a sub-catchment 	<ol style="list-style-type: none"> 4. Include provision for trading of contaminant loss rates between enterprises or properties in the same

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scale planning	nts	<p>level in order to make further reductions in the future.</p> <p>3. Sub-catchment scale planning should also mention the availability of all of or sub-catchment collective consents.</p>	<p>sub-catchment where the nutrient loss reduction required cannot be achieved whilst maintaining profitability on-farm and the potential for collective consents to minimise the regulatory burden, as well as enable management to occur across multiple properties or landholdings.</p>
3.11.4.6 Funding and Implementation	Support with amendments.	<p>1. Funding should ensure that those activities and land users which are contributing the most to over allocation bear the majority of the costs in reducing over allocation of nutrient loss.</p>	<p>2. Add a provision c) which states that the Waikato Regional Council will <u>c) source funding discharge reductions will be sourced by way of an environmental consumptive rate based on the sensitivity of the receiving environment and degree of risk within a sub-catchment rather than a general rate</u></p>
3.11.4.7A New Method	Support	<p>1. More steps need to be taken in PC 1 to support appropriate allocation of contaminant discharges. Fish and Game supports the use of property or enterprise-level allocation of diffuse discharges within science-defined limits. Reductions through the use of property or enterprise-level allocation of discharges within a sub-catchment can and should be initiated in the methods of the current plan. Sub-catchment scale allocation of discharges would promote the sustainable management of land and water resources, and give effect to the Vision and Strategy.</p> <p>2. If adjustments to science-based limits are necessary in the future due to information gathered this should be done consistently, on a catchment wide basis.</p>	<p>3. Add a new method as follows: <u>3.11.4.7A Initiate allocation of diffuse discharges:</u> <u>The Waikato Regional Council will initiate a framework for the allocation of diffuse discharges including reductions in nitrogen load according to specified timeframes for reductions by sub catchment. The Waikato Regional Council will:</u> <u>a) Use science-based limits for the total allowable load of a contaminant for sub-catchments which will meet the water quality objectives of the plan;</u> <u>b) Implement contaminant leaching rates</u></p>

			<p><i><u>for diffuse discharges from properties and enterprises by allocating to limits, targets and timeframes;</u></i></p> <p><i><u>c) Quantify nitrogen load reductions required based on over-allocation of nitrogen beyond the science-based limit for sub-catchments;</u></i></p> <p><i><u>d) Define timeframes for sub-catchment nitrogen load reductions to be made.</u></i></p>
3.11.4.7 Information needs to support any future allocation	Support with amendments	<ol style="list-style-type: none"> 1. Fish and Game supports the use of property or enterprise-level allocation of diffuse discharges within science-defined limits. However, more steps need to be taken in PC 1 to support future allocation. Reductions through the use of property or enterprise-level allocation of discharges within a sub-catchment can and should be initiated in the methods of the current plan. By deferring allocation to subsequent Schedule 1 processes, this method fails to promote the sustainable management of land and water resources, is not a sufficient step towards giving effect to the Vision and Strategy. 2. If adjustments to science-based limits are necessary in the future due to information gathered, this should be done consistently, on a catchment wide basis. 	<ol style="list-style-type: none"> 3. Amend as follows: 3.11.4.7 Information need to support any <u>current and future allocation</u> <i>Gather information and commission appropriate scientific research to inform any <u>current and future framework for the allocation of diffuse discharges</u> including:</i> <ol style="list-style-type: none"> a) <i>Implementing processes that will support the <u>revision and setting of property or enterprise-level diffuse discharge limits now and in the future</u> to support sub-catchment reviews.</i>
3.11.4.8 Reviewing chapter 3.11	Support with amendments	<ol style="list-style-type: none"> 1. Fish and Game supports the use of property or enterprise-level allocation of diffuse discharges within science-defined limits. However, more steps need to be taken in PC 1 to support future allocation. Reductions through the use of property or enterprise-level allocation of discharges within a sub-catchment can and should be initiated in the methods of the current plan. By deferring allocation to subsequent Schedule 1 processes, this method fails to promote the sustainable management of land and water resources, is not a sufficient step towards giving effect to the Vision and Strategy. 2. If adjustments to science-based limits are necessary in the future due to 	<ol style="list-style-type: none"> 3. Amend as follows: 3.11.4.8 Reviewing Chapter 3.11 and refining and developing an allocation framework for the next Regional Plan <i>Waikato Regional Council will</i> <ol style="list-style-type: none"> a) <i><u>Refine and review discharge and allocation frameworks as part of the rolling review of sub-catchment performance</u></i>

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		information gathered, this should be done consistently, on a catchment wide basis.	
3.11.4.9 Managing the effects of urban development	Support	1. Promotes sustainable management.	2. Fish and Game supports efforts to improve urban water quality. Fish and Game considers that rules to improve water quality need to cover both urban and rural situations.
3.11.4.10 Accounting system and monitoring	Support	1. Promotes transparency and sustainable management.	2. The achievement of this plan will be underpinned by the public having access to reliable and comprehensive information about the state of the environment and the implementation of this plan.
3.11.4.11 Monitoring and evaluation	Support with amendments	1. Fish and Game supports Method 3.11.4.11 to the extent that the 80 year water quality targets are consistent with a water quality standard based on ecosystem health that can foreseeably achieve the water quality objectives of the Vision and Strategy. 2. Further, progress towards short term targets, set to a defined timeframe and using appropriate attributes, targets, and sites should be reviewed and reported on to evaluate the progress of this plan.	3. Amend a) as follows: a) <i>Review and report on the progress towards and achievement of the 80 year-water quality objectives of Chapter 3.11 according to amended Table 3.11-1</i>
3.11.4.12 Support research	Support	1. Promotes sustainable management.	

C6. Rule Framework (3.11.5)

Rule	Support/Oppose	Reason	Action
General	Support with amendments	1. Fish and Game broadly support the Rule framework as proposed in the notified version, but have made changes to reflect the submission. Where these changes have been made, justification and an explanation for the changes is provided	2. Adopt the plan change with amendments as recommended by Fish and Game in Appendix 1.
3.11.5.1 Permitted Activity	Support	1. Fish and Game support this Rule.	2. No changes are recommended.

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<p>Rule – Small and Low Intensity farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ngā mahi iti, ngā mahi pāiti hoki i runga pāmu</p>			
<p>3.11.5.2 Permitted Activity Rule – Small and Low Intensity farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ngā mahi iti, ngā mahi pāiti hoki i runga pāmu</p>	<p>Support with amendments</p>	<ol style="list-style-type: none"> 1. Fish and Game support this Rule with amendments. 2. The most significant amendment is the removal of the restriction on cultivation and grazing on slopes greater than 15 degrees. Fish and Game believe that this restriction is unnecessary for the low intensity properties that are covered by this Rule and put forward the proposed additional Schedule D (buffering requirements based on erosion susceptibility) be included. The exclusion of land with a slope of over 15 degrees from the farming system when other options are available for mitigating the effects of farming this land may result the counter-productive scenario of driving intensification on the flatter parts of such properties, or make the properties unviable. More intensive operations are captured by other Rules as they will have a higher nitrogen leaching rate and issues around grazing and cultivation on steep slopes can be considered and managed through that process. Fish and Game is strongly supportive of the need to retain the viability of extensive drystock operations. 3. Fish and Game also requests the deletion of clause 4(b)(i) and part of clause 4(b)(ii) which creates a situation of reverse grandparenting, in that extensive drystock properties are locked into the lesser of either 15 kgN/ha/year or their nitrogen reference point. This could have unintended negative effects by locking farms into an arbitrarily low rate of leaching. It would be 	<ol style="list-style-type: none"> 6. Adopt changes as requested in Appendix 1.

		<p>better to create a one-size-fits all cap on N leaching for the purposes of this permitted activity rule of 15 kgN/ha/year. The difference in overall N load between this and the regime proposed in the notified version is likely to have negligible environmental effect.</p> <ol style="list-style-type: none"> 4. Fish and Game supports the restriction on winter forage crop grazing as the effects of this require a tighter management regime than can be achieved under a permitted activity rule. 5. Fish and Game’s proposed Schedule of buffer sizes based on erosion susceptibility classes will assist in the operation of this rule as it provides further clarity on how buffers should be built based on land form over and above the blanket 5 metre restriction already set in this rule. 	
<p>3.11.5.3 Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme/Te Ture mō ngā Mahi e Whakaaetia ana – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu i raro i te Kaupapa ā-Ahumahi kua Whai Tohu</p>	<p>Oppose</p>	<ol style="list-style-type: none"> 1. Fish and Game considers that this Rule delegates a Waikato Regional Council function to industry without proper process, and that the Rule is unlawful. This rule effectively creates and enables an alternative resource management bureaucracy without appropriate checks and balances. 2. Fish and Game considers that this rule also fails the tests set out in section 70 RMA for the setting of permitted activity rules that deal with discharges from land to water. The Waikato Regional Council needs to retain control over these matters, which is best dealt with through Rule 3.11.5.4. 3. Fish and Game accepts that a large number of controlled activity resource consents will be required for land with a leaching rate of above 15 kgN/ha/year but there are alternative ways of dealing with this burden, such as to introduce the possibility of collective sub-catchment consents managed through water societies or 	<ol style="list-style-type: none"> 4. Delete the Rule in its entirety.

		<p>companies held on behalf of landholders. This would deal with some of the issues that the Certified Industry Scheme was attempting to address, whilst creating a better linkage with water quality within a sub-catchment or FMU. The Certified Industry Scheme as it presently stands would create fragmentation and complexity across sub-catchments based on industry type, rather than strengthening the collective ties needed amongst all landholders in a sub-catchment to manage and improve water quality. Fish and Game have suggested changes to Rule 3.11.5.4 to enable sub-catchment and collective consents.</p>	
<p>3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu</p>	<p>Support with amendments</p>	<ol style="list-style-type: none"> 1. Fish and Game supports this Rule, subject to amendments. Given that Fish and Game has sought the removal of Rule 3.11.5.3 that relates to Certified Industry Schemes, this text is deleted where it occurs. In place of this, Fish and Game has requested that the rule be more clearly stated that it can apply to a group or set of properties in a collective structure, to enable much of what would have been enabled by the Certified Industry Schemes, but within the context of (preferably) sub-catchments or another environmentally-based linkage. 2. Fish and Game is also opposed to the ‘grandparenting’ regime that this plan creates to handle nutrient loss, and as such, recommends changes to clause 1. The removal of ‘grandparenting’ would result in the rule framework coming into effect on all properties in catchments according to the timeframes in Fish and Game’s amended Table 3.11-2. 3. Fish and Game request changes to clause 5(a) to ensure that Farm Environment Plans are treated <i>as part of</i> a resource consent application under this Rule, rather than as a separate approval regime with an unclear 	<ol style="list-style-type: none"> 6. Adopt changes as requested in Appendix 1.

		<p>process. This is consistent with the other changes sought by Fish and Game around Farm Environment Plans elsewhere in this submission.</p> <ol style="list-style-type: none"> 4. Fish and Game seek a further addition to the standards and term that links nitrogen discharge from the properties to the targets and timeframes set out in Schedule E. Changes in methodology for calculating the discharge (such as through changes to the OVERSEER® or other model) should be addressed. 5. Fish and Game request changes to the matters of control enabled by this rule, specifically: <ol style="list-style-type: none"> a. Enabling the consideration of Fish and Game’s new Schedule D that specifies buffer sizes. b. Ensuring that the sub-catchment nitrogen reduction targets and timeframes in Table 3.11-2 and Schedule E are given effect to. c. The deletion of the ‘grandparenting’ rules in section (iv). d. Additions to ensure that public information is kept. e. A deletion of the words Farm Environment Plan is requested to broaden the scope of the Waikato Regional Council’s discretion to all compliance matters. f. As Fish and Game have requested that the Farm Environment Plan become a consent condition, all reviews of the Farm Environment Plan would occur as part of the consent, presumably in accordance with the timeframes in Schedule E as requested by Fish and Game, and therefore there is no need for a specific mention of the Farm Environment Plan under this matter for control. 	
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		<p>g. Clause (viii) is changed to link it to the timeframes for review of sub-catchment progress as specified in Schedule E, as well as reviews on the purchase and sale of any nitrogen discharge rights under any operative nitrogen trading scheme.</p> <p>h. Fish and Game request that reviews be undertaken on a limited or publicly notified basis to ensure that sufficient rigour and scrutiny occurs within reviews</p>	
<p>3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production/Te Ture mō ngā Mahi ka āta Whakahaerehia – Te whakatupu hua whenua ā-arumoni o te wā nei</p>	<p>Support with amendments</p>	<ol style="list-style-type: none"> 1. Fish and Game supports this Rule, subject to amendments. Given that Fish and Game has sought the removal of Rule 3.11.5.3 that relates to Certified Industry Schemes, this text is deleted where it occurs. In place of this, Fish and Game has requested that the rule more clearly state that it can apply to a group or set of properties in a collective structure, to enable much of what would have been enabled by the Certified Industry Schemes, but within the context of (preferably) sub-catchments or another environmentally-based linkage. 2. Fish and Game request changes to clause h to ensure that Farm Environment Plans are treated <i>as part</i> of a resource consent application under this Rule, rather than as a separate approval regime with an unclear process. This is consistent with the other changes sought by Fish and Game around Farm Environment Plans elsewhere in this submission. 3. Fish and Game seek a further addition to the standards and term that links nitrogen discharge from the properties to the targets and timeframes set out in Schedule E. Changes in methodology for calculating the discharge (such as through changes to the OVERSEER® or other model) should be addressed. 	<ol style="list-style-type: none"> 6. Adopt changes as requested in Appendix 1.

		<p>4. Fish and Game request changes to the matters of control enabled by this rule, specifically:</p> <ul style="list-style-type: none"> a. Enabling the consideration of Fish and Game’s new Schedule D that specifies buffer sizes. b. Ensuring that the sub-catchment nitrogen reduction targets and timeframes in Table 3.11-2 and Schedule E are given effect to. c. Additions to clause (vi) to ensure that public information is kept. d. A deletion of the words Farm Environment Plan is requested to broaden the scope of the Waikato Regional Council’s discretion to all compliance matters. e. As Fish and Game have requested that the Farm Environment Plan become a consent condition, all reviews of the Farm Environment Plan would occur as part of the consent, presumably in accordance with the timeframes in Schedule E as requested by Fish and Game, and therefore there is no need for a specific mention of the Farm Environment Plan as a matter for control. f. Clause (viii) is changed to link it to the timeframes for review of sub-catchment progress as specified in Schedule E, as well as reviews on the purchase and sale of any nitrogen discharge rights under any operative nitrogen trading scheme. <p>5. Fish and Game request that reviews be undertaken on a limited or publicly notified basis to ensure that sufficient rigour and scrutiny occurs within reviews</p>	
<p>3.11.5.6 Restricted Discretionary Activity Rule Non complying activity rule</p>	<p>Support with amendments</p>	<p>1. A higher test is required to ensure that applications under this Rule receive appropriate consideration that links back to the objectives and policies of the plan and a</p>	<p>3. Adopt changes as requested in Appendix 1.</p>

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<p>– The use of land for farming activities/Te Ture mō ngā kōwhiringa mahi e herea ana – te whakamahinga o te whenua mō ngā mahinga pāmu</p>		<p>non-complying activity status is the most appropriate</p> <ol style="list-style-type: none"> 2. Fish and Game request a minor rewording of clause (i) to read “Effects ... including cumulative effects”, which better reflects the RMA. Fish and Game also request that limited and public notification not be excluded under the Rule. Checks and balances are important, and public and stakeholder scrutiny generally acts to improve consenting decisions. 	
<p>3.11.5.7 Non-Complying Activity Rule – Land Use Change/Te Ture mō ngā mahi kāore e whai i ngā ture – Te Panonitanga ā-Whakamahinga Whenua</p>	<p>Support with amendments</p>	<ol style="list-style-type: none"> 1. Non complying activity status is the most appropriate status to give effect to the objectives and policies of this plan that in turn give effect to the Vision and Strategy that requires an improvement in water quality. 2. Fish and Game request that limited and public notification be provided for under the Rule. Checks and balances are important, and public and stakeholder scrutiny generally acts to improve consenting decisions. 	<ol style="list-style-type: none"> 3. Adopt changes as requested in Appendix 1.
<p>Proposed new rule 5.11.5.9 Prohibited Activity Rule – The discharge of sediment from disturbed land to water without a buffer</p>	<p>Support additional rule</p>	<ol style="list-style-type: none"> 1. Fish and Game request that a new prohibited activity status be created to prohibit the discharge of sediment from disturbed land to waterways when no attempt has been made to mitigate the discharge. This new rule acts as a backstop and sets a clear incentive for all landholders to consider prevention and mitigation measures for sediment that could flow from human or animal disturbed land to water. However, unnecessary non-compliance is avoided due to the existence of a new Schedule D of recommended buffer sizes for all land in the region. Compliance with this buffer schedule, or other form of attempted mitigation (even if sedimentation did occur) would in turn mean compliance with the new prohibited rule. 	<ol style="list-style-type: none"> 2. Adopt changes as requested in Appendix 1.
<p>Amended Table 3.11-1 and 3.11-2</p>	<p>Changes to N,P,E coli concentration</p>	<ol style="list-style-type: none"> 1. Fish and Game request changes to the long-term nitrate-nitrogen and phosphorus concentrations to reflect the desire to achieve ecosystem health as measured through 	<ol style="list-style-type: none"> 2. Additions and changes as set out in amended tables 3.11-1 and 3.11-2.

	and addition of measurement of ecosystem health	the MCI (rivers) and tropic level indicator (lakes) at the end of the 80 year period.	
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C7. Part B

1. Part B contains “Conditions” as well as “Standard and Terms”: This should be clear from the drafting of the plan change.

Provision	Support/ Oppose	Reason	Action Sought
Part B General Forest Harvest	Oppose	<ol style="list-style-type: none"> 1. Although National Environmental Standards for Plantation Forestry (NES PF) are forthcoming they do not give effect to the Vision and Strategy and are not well linked to water quality outcomes. The unique water quality challenges being addressed by PC1 require more stringent rules than the proposed NES PF. Additionally, the lack of existing rules in the Operative Waikato Regional Plan necessitates that the Waikato Regional Council to act swiftly to put adequate safeguards in place to improve water quality. 2. Part B does not include provisions that would safeguard streams and rivers from excessive sediment and phosphorus loss from plantation forestry. Despite other primarily sectors being required to significantly reduce the loss of sediment and nutrients to meet the water quality objectives of the Vision and Strategy, the proposed PC 1 ignores the significant contribution of plantation forestry to overall contaminants. 3. Further, as a condition on a permitted activity rule, Part B does not limit discharges that are likely to cause, either on their own or in combination with other activities, significant adverse effects (including temporary effects) on aquatic life, and among other things, any conspicuous change in visual clarity. <p>Buffer</p> <ol style="list-style-type: none"> 4. A 10 m buffer is not adequate to mitigate the impact of plantation forestry during and just after harvest. A 20+m buffer is required to prevent increased amounts of suspended solids or nutrients entering streams. The environmental impact assessment for the NES PF states that a “10m buffer 	<ol style="list-style-type: none"> 7. Remove the exclusion in the existing plan for forestry in rules 5.1.4.14.6 and 7 and require a 10m buffer for ephemeral streams, perennial streams, wetlands, and lakes. 8. No more than 50% of a catchment or sub-catchment is to be harvested in a 10 year period unless 20m buffers are used on perennial streams, wetlands, and lakes to protect the downstream environment during harvest. 9. Any area of forestry that is harvested (other than firebreaks, tracks, landing sites) must be planted or replanted to protect from erosion and nutrient loss as soon as practicable and no later than 14 months from the date of the harvesting.

		<p>has a limited capacity to reduce some of the impacts of harvesting on stream environments and was less effective in mitigating harvesting impacts when compared to the wider buffer.”</p> <p><i>Harvesting regime and replanting</i></p> <p>5. Land use conversion within the Waikato Region has led to large tracts of land being planted in pine in a short period of time and has resulted in entire sub-catchments being harvested in a similarly short time period. This large scale harvesting is more cost effective but has led to accelerated erosion within the catchment downstream. Harvesting large proportions of catchments or sub catchments can significantly increase runoff and suspended solids in streams that can negatively impact stream health and water clarity.</p> <p>6. Increased flows and the additional suspended solids can dramatically increase erosion downstream further increasing suspended solids and intensifying damage to stream banks. The additional erosion decreases water clarity by increasing suspended solids and increases the likelihood and frequency of river works necessary to stabilize banks when accelerated erosion occurs. Accelerated erosion is a significant cost to rate payers and downstream land owners within the Waikato Region with an annual budget of approximately \$645,000 for the Waipā catchment alone. The cost of erosion control works is split between ratepayers and the downstream land owners that are impacted by poor catchment management. The impact of forest harvesting can be partially mitigated by rapid replanting to reduce the effect of increased runoff and suspended solids.</p>	
<p>Part B q)</p>	<p>Support with amendments</p>	<p>1. The proposed condition does not include provisions that would safeguard streams and rivers from excessive sediment and phosphorus loss from plantation forestry. Despite other primary sectors being required to significantly reduce the loss of sediment and nutrients to meet the water quality objectives of the Vision and Strategy, the proposed PC 1 ignores the significant contribution of plantation forestry to overall contaminants.</p>	<p>2. In addition to the general amendments listed above, include, in the Harvest Plan: <u>v. Buffering measures undertaken;</u> <u>vi. Harvest and replanting regime.</u></p>

C8. Part C – Additions to Glossary of Terms

Provision	Support/ Oppose	Reason	Action Sought
Part C General	Oppose	<ol style="list-style-type: none"> 1. Fish and Game have requested amendments to a number of values, objectives, policies, rules and methods in PC 1. Consequential changes may be required in Part C to give effect to the amendments sought and in order for the objectives of the plan to be achieved. 	<ol style="list-style-type: none"> 2. Retain, delete, or amend terms in Part C to ensure that they will, individually and collectively, give effect to substantive amendments sought and enable objectives, as retained or amended by the Fish and Game submission, are to be achieved.
Livestock Crossing Structure	Support, with amendments	<ol style="list-style-type: none"> 1. As defined, the live-stock crossing structure may include in stream structures (such as concrete platforms across the bed of the stream). This definition can therefore include structures which enable adverse effects. 	<ol style="list-style-type: none"> 2. The specifications of the structure required should be more detailed and rely on the risk factors for adverse effects arising including: the type of stock crossing, the land use, and the frequency of use. 3. 'Livestock crossing structure' should not include structures which require livestock to pass through the flow of the water (such as submerged in-stream platforms).
Offset/s	Support, with amendments	<ol style="list-style-type: none"> 1. Offsetting should be residual, measurable, and should seek to achieve net gain. 2. No quantum of the amount of the reduction of contaminants required to "reduce" effects is specified. 3. Requiring a 'reduction' sets the goalposts at a minimum level. The provision for offsets should incorporate a goal a net gain in terms of effects and be consistent with BBOP principles. 	<ol style="list-style-type: none"> 4. Re-draft as follows: <i>Offset/s: For the purpose of Chapter 3.11 means for a specific contaminant/s a <u>measurable conservation</u> action that reduces the intensity, extent and/or duration of residual adverse effects on water quality <u>and achieves conservation outcomes above and beyond that which would have been achieved if the offset</u></i>

			<i>had not taken place.</i>
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C9- Part D – Consequential Amendments to Waikato Regional Plan

Part D General	Support with amendments	<ol style="list-style-type: none"> 1. Fish and Game have requested amendments to a number of values, objectives, policies, and rules and methods in PC 1. In order for the policy cascade as set out in s67(1) RMA to be effective, the objectives of the plan to be achieved, and the amendments sought to be implemented as part of the Waikato Regional Plan. 2. Fish and Game submits that in the Waipā and Waikato River catchments, all requirements of the Waikato Regional Plan should be read together with the requirements of Chapter 3.11. There should be no internal inconsistencies in the Plan, and to the extent that they exist, they should be resolved so that the more stringent provision prevails, to give effect to the Vision and Strategy. 	<ol style="list-style-type: none"> 3. Retain, delete, or amend provisions in Part D to ensure that they will, individually and collectively give effect to substantive amendments sought and enable objectives, as retained or amended by the Fish and Game submission, are to be achieved. 4. Retain, delete, or amend provisions in Part D to ensure that inconsistencies are resolved and that the more stringent provision prevails.
3.2.4.1 Water Management Classes	Support with amendments	<ol style="list-style-type: none"> 1. Fish and Game supports the approach set out in the Waikato Regional Plan at 3.2.4.1(e) that where two policies address the same issue, particular regard should be had to the more stringent policy, but submit that the provision that this only apply in the event of inconsistencies is superfluous and may limit the operation of chapter 3.11. 	<ol style="list-style-type: none"> 1. Amend the amendment in Part D as follows : <i>...the same issue <u>and are inconsistent</u></i> particular regard...
3.7 Wetlands	Support with amendments	<ol style="list-style-type: none"> 1. Further amendments will be required to the Waikato Regional Plan to ensure that rules and policies in 3.7 give effect to the NPS-FW and to preserve the significant values of wetlands, including the hydrology and extent of wetlands. 	<ol style="list-style-type: none"> 2. List all wetlands in the Waikato and Waipā catchment in 3.7.7 Table of Wetlands in the Waikato region for Rule 3.7.4.6.

Appendix 1: Marked up rule framework and tables showing Fish and Game amendments

Marked up rule framework

3.11.5 Rules/Ngā Ture 3.11.5.1 Permitted Activity Rule – Small and Low Intensity farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ngā mahi iti, ngā mahi pāiti hoki i runga pāmu

Rule 3.11.5.1 - Permitted Activity Rule – Small and Low Intensity farming activities

The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity subject to the following conditions:

1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and
2. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C and

Either:

3. The property area is less than or equal to 4.1 hectares; and
4. The farming activities do not form part of an enterprise being undertaken on more than one property; or

Where the property area is greater than 4.1 hectares:

5. For grazed land, the stocking rate of the land is less than 6 stock units per hectare; and
6. No arable cropping occurs; and
7. The farming activities do not form part of an enterprise being undertaken on more than one property

3.11.5.2 Permitted Activity Rule – Other farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ētehi atu mahi i runga pāmu

Rule 3.11.5.2 - Permitted Activity Rule – Other farming activities

The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water where the property area is greater than 4.1 hectares, and has more than 6 stock units per hectare or is used for arable cropping, is a permitted activity subject to the following conditions:

1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and

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2. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C and Conditions 3(e) and 4(e) of this Rule; and

3. Where the property area is less than or equal to 20 hectares:

a. The farming activities do not form part of an enterprise being undertaken on more than one property; and

b. Where the land is:

i. used for grazing livestock, the stocking rate of the land is no greater than the stocking rate of the land at 22 October 2016; or

ii. not used for grazing livestock, the land use has the same or lower diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens as the land use at 22 October 2016;

and

c. Upon request, the landowner shall obtain and provide to the Council independent verification from a Certified Farm Environment Planner that the use of land is compliant with either b)(i) or b)(ii) above; and

d. Upon request from the Council, a description of the current land use activities shall be provided to the Council; and

e. Where the property or enterprise contains any of the water bodies listed in Schedule C, new fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains).

4. Where the property or enterprise area is greater than 20 hectares:

a. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and

b. The diffuse discharge of nitrogen from the property or enterprise does not exceed:

~~**i. the Nitrogen Reference Point; or**~~

~~**ii. 15kg nitrogen/hectare/year , whichever is the lesser, over the whole property or enterprise when assessed in accordance with Schedule B; and**~~

~~**c. No part of the property or enterprise over 15 degrees slope is cultivated or grazed; and**~~

~~**d. No winter forage crops are grazed in situ; and**~~

e. Where the property or enterprise contains any of the water bodies listed in Schedule C:

i. There shall be no cultivation within 5 metres of the bed of the water body and/or the defined buffer sizes in Schedule D, whichever is the greater; and

ii. New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains); and

5. For all properties greater than 4.1 hectares, from 31 March 2019, in addition to the requirements of Schedule A, the following information must be provided to the Waikato Regional Council by 1 September each year:

- a. Annual stock numbers; and
- b. Annual fertiliser use; and
- c. Annual brought in animal feed.

~~3.11.5.3 Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme/Te Ture mō ngā Mahi e Whakaaetia ana – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu i raro i te Kaupapa ā-Ahūmahi kua Whai Tohu~~

~~Rule 3.11.5.3 – Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme Except as provided for in Rule 3.11.5.1 and Rule 3.11.5.2 the use of land for farming activities (excluding commercial vegetable production) where the land use is registered to a Certified Industry Scheme, and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity subject to the following conditions:~~

- ~~1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and~~
- ~~2. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and~~
- ~~3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and~~
- ~~4. The Certified Industry Scheme meets the criteria set out in Schedule 2 and has been approved by the Chief Executive Officer of Waikato Regional Council; and~~
- ~~5. A Farm Environment Plan which has been prepared in accordance with Schedule 1 and has been approved by a Certified Farm Environment Planner, is provided to the Waikato Regional Council as follows:~~
 - ~~a. By 1 July 2020 for properties or enterprises within Priority 1 sub-catchments listed in Table 3.11-2, and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value;~~
 - ~~b. By 1 July 2023 for properties or enterprises within Priority 2 sub-catchments listed in Table 3.11-2;~~
 - ~~c. By 1 July 2026 for properties or enterprises within Priority 3 sub-catchments listed in Table 3.11-2; and~~
- ~~6. The use of land shall be undertaken in accordance with the actions and timeframes specified in the Farm Environment Plan; and~~

~~7. The Farm Environment Plan provided under Condition 5 may be amended in accordance with the procedure set out in Schedule 1 and the use of land shall thereafter be undertaken in accordance with the amended plan; and~~

~~8. A copy of the Farm Environment Plan amended in accordance with condition (7) shall be provided to the Waikato Regional Council within 30 working days of the date of its amendment.~~

3.11.5.4 Controlled Activity Rule – Farming activities including multiple farms with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu

Rule 3.11.5.4 - Controlled Activity Rule – Farming activities with a Farm Environment Plan ~~not under a Certified Industry Scheme~~

Except as provided for in Rule 3.11.5.1 and Rule 3.11.5.2 the use of land for farming activities (excluding commercial vegetable production) ~~where that land use is not registered to a Certified Industry Scheme,~~ and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity until:

1. 1 January 2020 for properties or enterprises in Priority 1 sub-catchments listed in Table 3.11-2, ~~and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value;~~

2. 1 January 2023 for properties or enterprises in Priority 2 sub-catchments listed in Table 3.11-2;

3. 1 January 2026 for properties or enterprises in Priority 3 sub-catchments listed in Table 3.11-2;
Subject to the following conditions:

4. The property or properties are registered with the Waikato Regional Council in conformance with Schedule A; and

5. A Nitrogen Reference Point is produced for the property/s or enterprise/s in conformance with Schedule B; and

After the dates set out in 1), 2) and 3) above the use of land and associated discharges shall be a controlled activity (requiring resource consent), ~~subject to~~ provided it complies with the following standards and terms:

a. A Farm Environment Plan has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner, and is provided to the Waikato Regional Council ~~at the time as part of the resource consent application is lodged,~~ which must be lodged by the dates specified in I-III below; and

b. The property is registered with the Waikato Regional Council in conformance with Schedule A; and

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- c. A Nitrogen Reference Point is produced for the property/s or enterprise/s in conformance with Schedule B and is provided to the Waikato Regional Council at the time the resource consent application is lodged;
- d. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C;
- e. Nitrogen discharge from the properties meets the targets and timeframes set out in Schedule E, as assessed by the Regional Council under the methodology contained in Schedule B (including Updated Nitrogen Leaching Assessments).

Matters of Control

Waikato Regional Council reserves control over the following matters:

- i. The content of the Farm Environment Plan, which in any event must be in accordance with Schedule 1.
- i1. Buffers, as specified in Schedule D.
- ii. The actions and timeframes for undertaking mitigation actions that maintain or reduce the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens to water or to land where they may enter water.
- iii. The actions, timeframes and other measures to determine the diffuse discharge of nitrogen from the property or enterprise, in accordance with Schedule B ~~as measured by the five-year rolling average annual nitrogen loss as determined by the use of the current version of OVERSEER®, does not increase beyond the property or enterprise's Nitrogen Reference Point, unless other suitable mitigations are specified.~~ to ensure that nitrogen discharge is reduced to or maintained at the level specified in Schedule E or the level authorised by any nitrogen discharge rights if a trading scheme is operative within the catchment.
- iv. ~~Where the Nitrogen Reference Point exceeds the 75th percentile nitrogen leaching value, actions, timeframes and other measures to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75th percentile nitrogen leaching value by 1 July 2026.~~
- v. The term of the resource consent
- vi. The monitoring, record keeping, reporting and information provision, including public information provision, requirements for the holder of the resource consent to demonstrate and/or monitor compliance. ~~with the Farm Environment Plan.~~
- vii. The timeframe and circumstances under which the consent conditions may be reviewed ~~or the Farm Environment Plan shall be amended.~~
- viii. Procedures for reviewing, amending and ~~re-certifying~~ re-approving the ~~Farm Environment Plan~~ the resource consent including:

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- a) Periodic reviews in accordance with the sub-catchment progress review timeframes as specified in Table 3.11-2.
- b) Reviews, initiated by the consent holder under section 128 on the purchase or sale of any nitrogen discharge rights under any operative catchment nitrogen trading scheme, in order to change the level of discharge authorised by this consent in clause iii.

Dates:

~~I. For Priority 1 sub-catchments, and properties with a Nitrogen Reference Point of greater than 75th percentile nitrogen leaching value, by 1 July 2020~~

II. For Priority 2 sub-catchments, by 1 July 2023

III. For Priority 3 sub-catchments, by 1 July 2026

~~Notification: Consent applications will be considered without notification, and without the need to obtain written approval of affected persons.~~

Reviews will be subject to limited or public notification based on progress against the sub-catchment progress review targets and timeframes specified in Table 3.11-2

3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production/Te Ture mō ngā Mahi ka āta Whakahaerehia – Te whakatupu hua whenua ā-arumoni o te wā nei

Rule 3.11.5.5 - Controlled Activity Rule – Existing commercial vegetable production

The use of land for commercial vegetable production and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water, is a permitted activity until 1 January 2020, from which date it shall be a controlled activity (requiring resource consent) provided the following standards and terms are complied with:

- a. The property is registered with the Waikato Regional Council in conformance with Schedule A; and
- b. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B and provided to the Waikato Regional Council at the time the resource consent application is lodged; and
- c. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and
- ~~d. The land use is registered to a Certified Industry Scheme; and~~
- e. The areas of land, and their locations broken down by sub-catchments [refer to Table 3.11-2], that were used for commercial vegetable production within the property or enterprise each year in the period 1 July 2006 to 30 June 2016, together with the maximum area of land used for commercial vegetable production within that period, shall be provided to the Council; and
- f. The total area of land for which consent is sought for commercial vegetable production must not exceed the maximum land area of the property or enterprise that was used for commercial vegetable production during the period 1 July 2006 to 30 June 2016; and
- g. Where new land is proposed to be used for commercial vegetable production, an equivalent area of land must be removed from commercial vegetable production in order to comply with standard and term f.; and
- h. A Farm Environment Plan for the property or enterprise prepared in conformance with Schedule 1 and approved by a Certified Farm Environment Planner is provided to the Waikato Regional Council ~~at the time as part of the resource consent application is lodged.~~
- i. Nitrogen discharge from the properties meets the targets and timeframes set out in Schedule E, as assessed by the Regional Council under the methodology contained in Schedule B (including Updated Nitrogen Leaching Assessments).

Matters of Control

Waikato Regional Council reserves control over the following matters:

i. The content of the Farm Environment Plan which in any event must be in accordance with Schedule 1.

i1. Buffers, as specified in Schedule D.

ii. The maximum area of land to be used for commercial vegetable production.

iii. The actions and timeframes for undertaking mitigation actions that maintain or reduce the diffuse discharge of nitrogen, phosphorus or sediment to water or to land where those contaminants may enter water, including provisions to manage the effects of land being retired from commercial vegetable production and provisions to achieve Policy 3(d).

iv. The actions and timeframes to ensure that diffuse discharge of nitrogen ~~does not increase beyond the property or enterprise's Nitrogen Reference Point~~ is reduced to or maintained at the level specified Schedule E or any operative nitrogen trading scheme.

v. The term of the resource consent

vi. The monitoring, record keeping, reporting and information provision, including public information provision, requirements for the holder of the resource consent to demonstrate and/or monitor compliance. ~~with the Farm Environment Plan.~~

vii. The timeframe and circumstances under which the consent conditions may be reviewed.

viii. Procedures for reviewing, amending and ~~re-certifying~~ re-approving ~~the Farm Environment Plan~~ the resource consent including:

a) Periodic reviews in accordance with the sub-catchment review timeframes as specified in Table 3.11-2

b) Reviews, initiated by the consent holder under section 128 on the purchase or sale of any nitrogen discharge rights under any operative catchment nitrogen trading scheme, in order to change the level of discharge authorised by this consent in clause iii.

~~Notification: Consent applications will be considered without notification, and without the need to obtain written approval of affected persons.~~

Reviews will be subject to limited or public notification based on progress against the sub-catchment review targets and timeframes specified in Table 3.11-2.

3.11.5.6 Restricted Discretionary Non Complying Activity Rule – The use of land for farming activities/Te Ture mō ngā kōwhiringa mahi e herea ana – te whakamahinga o te whenua mō ngā mahinga pāmu

Rule 3.11.5.6 ~~Restricted-Discretionary~~ Non Complying – The use of land for farming activities

The use of land for farming activities that does not comply with the conditions, standard or terms of Rules 3.11.5.1 to 3.11.5.5 and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a ~~restricted-discretionary~~ non complying activity (requiring resource consent).

Waikato Regional Council ~~restricts its discretion over~~ the will consider the following matters:

- i. ~~Cumulative~~ Effects on water quality of the catchment of the Waikato and Waipā Rivers, including cumulative effects and the extent to which the limits and targets Schedule E are achieved.
- ii. The diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens.
- iii. The need for and the content of a Farm Environment Plan.
- iv. The term of the resource consent.
- v. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent.
- vi. The time frame and circumstances under which the consent conditions may be reviewed.
- vii. The matters addressed by Schedules A, B, C and D.

Notification: Consent applications will be considered ~~without~~ limited or public notification, ~~and without the need to obtain written approval of affected persons.~~

3.11.5.7 Non-Complying Activity Rule – Land Use Change/Te Ture mō ngā mahi kāore e whai i ngā ture – Te Panonitanga ā-Whakamahinga Whenua

Rule 3.11.5.7 - Non-Complying Activity Rule – Land Use Change Notwithstanding any other rule in this Plan, any of the following changes in the use of land from that which was occurring at 22 October 2016 within a property or enterprise located in the Waikato and Waipā catchments, where prior to 1 July 2026 the change exceeds a total of 4.1 hectares:

1. Woody vegetation to farming activities; or
2. Any livestock grazing other than dairy farming to dairy farming; or
3. Arable cropping to dairy farming; or
4. Any land use to commercial vegetable production except as provided for under standard and term g. of Rule 3.11.5.5 is a non-complying activity (requiring resource consent) until 1 July 2026.

Notification: Consent applications will be considered ~~without~~ limited or public notification, ~~and without the need to obtain written approval of affected persons, subject to the Council being satisfied that the loss of contaminants from the proposed land use will be lower than that from the existing land use.~~

3.11.5.9 Prohibited Activity Rule – The discharge of sediment from disturbed land to water without a buffer

Rule 3.11.5.9– Prohibited Activity Rule – Except where authorised by consent or any other rule in this plan, any discharge of sediment without mitigation from disturbed land to a waterway in Schedule C is a prohibited activity

Schedule A - Registration with Waikato Regional Council/Te Āpitianga A – Te rēhita me te Kaunihera ā-Rohe o

Waikato Properties with an area greater than 2 hectares (excluding urban properties) must be registered with the Waikato Regional Council in the following manner:

1. Registration must occur between 1 September 2018 and 31 March 2019.
2. Registration information set out in clause 5, and where relevant in clause 6, below must be provided.
3. Proof of registration must be provided to the Waikato Regional Council if requested by the Council.
4. Registration information must be updated by the new owner of a property within 30 working days of the new owner taking possession of the property, or otherwise at the request of the Waikato Regional Council.
5. All property owners must provide:
 - a. The following information in respect of the land owner, and the person responsible for using the land (if different from the land owner):
 - i. Full name.
 - ii. Trading name (if applicable, where the owner is a company or other entity).
 - iii. Full postal and email address.
 - iv. Telephone contact details.
 - b. Legal description of the property as per the certificate(s) of title.
 - c. Physical address of the property.
 - d. A description of the land use activity or activities undertaken on the property as at 22 October 2016, including the land area of each activity.
 - e. The total land area of the property.
 - f. Where the land is used for grazing, the stocking rate of animals grazed on the land.
6. Properties that graze livestock must also provide a map showing:
 - a. The location of:
 - i. Property boundaries; and
 - ii. Water bodies listed in Schedule C for stock exclusion within the property boundary and fences adjacent to those water bodies; and
 - iii. Livestock crossing points over those water bodies and a description of any livestock crossing structures.

Schedule B - Nitrogen Reference Point and Updated Leaching Assessments/Te Āpitianga B – Te tohu ā-hauota

A property or enterprise with a cumulative area greater than 20 hectares (or any property or enterprise used for commercial vegetable production) must have a Nitrogen Reference Point

calculated as follows. Upon consent review, assessments of leaching may need to be recalculated, and the methodology for the calculation of Updated Leaching Assessments is provided as well:

- a. The Nitrogen Reference Point or Updated Leaching Assessment must be calculated by a Certified Farm Nutrient Advisor to determine the amount of nitrogen being leached from the property or enterprise during the relevant reference period specified in clause f), except for any land use change approved under Rule 3.11.5.7 where the Nitrogen Reference Point or Updated Leaching Assessment shall be determined through the Rule 3.11.5.7 consent process.
- b. The Nitrogen Reference Point shall be the highest annual nitrogen leaching loss that occurred during a single year (being 12 consecutive months) within the reference period specified in clause f), except for commercial vegetable production in which case the Nitrogen Reference Point shall be the average annual nitrogen leaching loss during the reference period. The Updated Leaching Assessment will be the rolling average of all years within a review period.
- c. The Nitrogen Reference Point or Updated Leaching Assessment must be calculated using the current version of the OVERSEER[®] Model (or any other model approved by the Chief Executive of the Waikato Regional Council).
- d. The Nitrogen Reference Point or Updated Leaching Assessment data shall comprise the electronic output file from the OVERSEER[®] or other approved model, and where the OVERSEER[®] Model is used, it must be calculated using the OVERSEER[®] Best Practice Data Input Standards 2016, with the exceptions and inclusions set out in Schedule B Table 1.
- e. The Nitrogen Reference Point and the Nitrogen Reference Point data must be provided to Waikato Regional Council within the period 1 September 2018 to 31 March 2019.
- f. The reference period is the two financial years covering 2014/2015 and 2015/2016, except for commercial vegetable production in which case the reference period is 1 July 2006 to 30 June 2016. For Updated Leaching Assessments, the period is stated in Table 3.11-2 for that sub-catchment.
- g. The following records (where relevant to the land use undertaken on the property or enterprise) must be retained and provided to Waikato Regional Council at its request as part of the nitrogen leaching assessment:
 - i) Stock numbers as recorded in annual accounts together with stock sale and purchase invoices;
 - ii) Dairy production data;
 - iii) Invoices for fertiliser applied to the land;
 - iv) Invoices for feed supplements sold or purchased;
 - v) Water use records for irrigation (to be averaged over 3 years or longer) in order to determine irrigation application rates;
 - vi) Crops grown on the land; and
 - vii) Horticulture crop diaries and NZGAP records.
- h. Where changes to OVERSEER (or another model approved by the Chief Executive) results in a higher nitrogen discharge modelled for the same Overseer input file on any particular property or properties, then the consent holder will be required to modify inputs in order to continue meet the level stated on the consent based on the new version of the model (or new model) unless and until all consents in the sub-catchment are reviewed under the sub-catchment review timeframes as specified in Table 3.11-2.

Table 1: Data input methodology for ensuring consistency of Nitrogen Reference Point or Updated Leaching Assessment data using the OVERSEER® Model

OVERSEER® Parameter	Setting that must be used	Explanatory note
Farm model Pastoral and horticulture	To cover the entire enterprise including riparian, retired, forestry, and yards and races. The model is to include non-contiguous properties that are part of the enterprise that are in the same sub-catchment. If the farm (for example where dairy animals are grazed or wintered) is part of another farming business such as a drystock farm, the losses from those animals will be represented in the drystock farm's Overseer model.	To capture the "whole farm" in one Overseer® file, where possible, to truly represent nitrogen losses from farm in the catchment area.
Location Pastoral and horticulture	Select Waikato Region	This setting has an effect on climate settings and some animal characteristics and is required to ensure consistency.
Animal distribution – relative productivity pastoral only	Use "no differences between blocks" with the following exceptions: <ul style="list-style-type: none"> Grazed pines or other woody vegetation. In this case use "Relative yield" and set the grazed pine blocks to 0.4 (40%). Where the farm has a mixture of irrigated and non-irrigated areas. In this case use "Relative yield" and set the irrigated area to 1 (100%), and the non-irrigated areas to 0.75 (75%). 	
Wetlands	Entered as Riparian Blocks	As per the 2016 OVERSEER® Best Practice Data Input Standards.
Stock number entry	Based on specific stock numbers only	To ensure consistency and accuracy of stock number inputs.
Animal weights	Only use OVERSEER® defaults – do not enter in weights and use	Accurate animal weights are difficult to obtain and prove.

	the age at start setting where available (national averages).	
Block climate data	Only use the Climate Station tool For contiguous blocks use the coordinates from the location of the dairy shed or the middle of the farm area (for non-dairy). For non-contiguous blocks use individual blocks' climate station coordinates	
Soil description	Use Soil Order – obtained from S-Map or where S-Map is unavailable from LRI 1:50,000 data or a soil map of the farm.	To ensure consistency between areas of the region that have S-Map data and those that don't.
Missing data	In the absence of Nitrogen Referencing information being provided the Waikato Regional Council will use appropriate default numbers for any necessary inputs to the OVERSEER [®] model (such default numbers will generally be around 75% of normal Freshwater Management Unit [^] average values for those inputs).	Some farms will not be able to supply data, therefore a default must be established.

Schedule C - Stock exclusion/Te Āpitiwhanga C – Te aukatinga o ngā kararehe

Except as provided by Exclusions I. and II., stock must be excluded from the water bodies listed in i. to iv. below as follows:

1. The water bodies must be fenced to exclude cattle, horses, deer and pigs, unless those animals are prevented from entering the bed of the water body by a stock proof natural barrier, including constructed barriers, formed by topography or vegetation.
2. New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within one metre of the bed of the water body (excluding constructed wetlands).
3. Livestock must not be permitted to enter onto or pass across the bed of the water body, except when using a livestock crossing structure.
4. For land use authorised under Rules 3.11.5.1 or 3.11.5.2, clauses 1 and 2 must be complied with:
 - a. By 1 July 2023 for properties and enterprises within Priority 1 sub-catchments listed in Table 3.11-2.
 - b. By 1 July 2026 for properties and enterprises within Priority 2 and Priority 3 sub-catchments listed in Table 3.11-2.
5. For land use authorised under Rules 3.11.5.3, 3.11.5.4 or 3.11.5.5, clauses 1 and 2 must be complied with by the date and in the manner specified in the property's or enterprise's Farm

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Environment Plan, which shall be within 3 years following the dates by which a Farm Environment Plan must be provided to the Council, or in any case no later than 1 July 2026.

Water bodies from which cattle, horses, deer and pigs must be excluded:

- i. Any river that continually contains surface water.**
- ii. Any drain that continually contains surface water.**
- iii. Any wetland, including a constructed wetland.**
- iv. Any lake.**

Exclusions: The following situations are excluded from clauses 1 and 2:

- I. Where the entry onto or passing across the bed of the water body is by horses that are being ridden or led.**
- II. Where the entry onto or passing across the bed of the water body is by a feral animal.**

Schedule D – Buffer requirements based on ESC Slope Class

Green	5 m
Yellow	10 m
Orange	20 m
Red	30 m

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Schedule E – Nitrogen Load Limits and Targets by Sub-catchment

To be fully populated during further submissions based off the proposed short and long term targets in Table 3.11-2.

Subcatchment (Name and number)	Current Load T N	Load required to achieve short term target T N	% reduction required throughout sub-catchment to achieve short term target in Table 3.11-2	Load required to achieve long term 80 year target	T N	% reduction required throughout sub-catchment to achieve long term target in Table 3.11-2
Priority 1 subcatchments			30%			
Priority 2 subcatchments			30%			
Priority 3 subcatchments			30%			

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Amended Tables 3.11-1

Amended Table 3.11-1 – Upper Waikato River Freshwater Management Unit

Site	Annual median Chlorophyll a (mg/m3)		Annual maximum Chlorophyll a (mg/m3)		Annual median total nitrogen (mg/m3)		Annual median total phosphorus (mg/m3)		Annual median nitrate (NO3-N/L)		Annual 95 th percentile Nitrate		Annual median ammonia (mg NH4-N/L)		Annual Maximum Ammonia (mg NH4-N/L)		95 th percentile E. Coli		Clarity (m)		Ecosystem health (MCI)	
	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year
Waikato River Ohaaki Br	1.5	1.5	13	13	134	10	10	0.039	0.039	0.062	0.062	0.002	0.002	0.002	0.013	0.013	70	70	3.8	3.8		100
Waikato River Ohakuri Tailrace Br	3.2	3.2	11	11	206	160	17	17	0.084	0.084	0.172	0.172	0.003	0.003	0.017	0.017	15	15	3.4	3.4		100
Waikato River Whakamaru Tailrace		5		25	260	160	20	20	0.101	0.101	0.230	0.230	0.003	0.003	0.010	0.010	60	60	2.0	3.0		100
Waikato River Waipapa Tailrace	4.1	4.1	25	25	318	160	25	20	0.164	0.164	0.320	0.320	0.007	0.007	0.017	0.017	162	162	2.0	3.0		100
Pueto Stm Broadlands Rd Br							24	24	0.450 0.390	0.450 0.390	0.530	0.530	0.003	0.003	0.009	0.009	92	92	1.8	3.0		100
Torepatutahi Stm Vaile Rd Br							24	24	0.500 0.390	0.500 0.390	0.800	0.800	0.002	0.002	0.011	0.011	216	216				100
Waioapu Stm Homestead Rd Br							24	24	1.257 0.390	1.0 0.390	1.563	1.5	0.112	0.03	0.176	0.05	281	281				100
Mangakara Stm (Reporoa) SHS							24	24	1.270 0.390	1.0 0.390	1.590	1.5	0.008	0.008	0.062	0.05	1584	540	0.9	1.0		100
Kawaunui St SHS Br							24	24	1.580 0.390	1.4 0.390	2.850	1.5	0.006	0.006	0.079	0.05	2335	540	1.4	1.6		100
Waioapu Stm Campbell Rd Br							24	24	0.915 0.390	0.915 0.390	1.100	1.100	0.291	0.240	0.315	0.05	18	18	1.2	1.6		100
Otamakokore Stm Hossack Rd							24	24	0.740 0.390	0.740 0.390	1.190	1.190	0.006	0.006	0.024	0.024	680	540	1.2	0.5		100
Whirinaku Stm Corbett Rd							24	24	0.770 0.390	0.770 0.390	0.870	0.870	0.002	0.002	0.012	0.012	98	98	2.7	3.0		100
Tahunaatara							24	24	0.555 0.390	0.555 0.390	0.830	0.830	0.003	0.003	0.015	0.015	783	540	1.3	1.6		100

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Stm Ohakuri Rd									0.390	0.390												
Whakaroipi Stm SH 22 Br					24	24			2.390 0.390	2.4 0.390	5.120	3.5	0.006	0.006	0.081	0.05	1773	540	1.1	1.1		100
Mangaharakeke Stm SH30 (Off Jct SH1)					24	24			0.525 0.390	0.525 0.390	0.750	0.750	0.003	0.003	0.015	0.015	684	540	1.1	1.6		100
Waipapa Stm (Mokai) Tirohanga Rd Br					24	24			1.189 0.390	1.0 0.390	1.500	1.5	0.003	0.003	0.005	0.005	1147	540	1.2	1.6		100
Mangakino Stm Sandel Rd					24	24			0.650 0.390	0.640 0.390	0.860	0.860	0.003	0.003	0.012	0.012	251	251	1.8	3.0		100
Whakauru Stm SH1 Br					16	16			0.260	0.260	0.450	0.450	0.003	0.003	0.033	0.033	2106	540	0.8	1.0		105
Mangamangi Stm Paraoeni Rd Br					24	24			2.760 0.390	2.4 0.390	3.120	1.5	0.091	0.03	0.296	0.05	2151	540	0.8	1.0		100
Pokaiwhenua Stm Arapuni – Putaruru rd					24	24			1.680 0.390	1.0 0.390	2.040	1.5	0.002	0.002	0.020	0.020	1363	540	1.3	1.6		100
Little Waipa Stm Arapuni – Putaruru Rd					24	24			1.522 0.390	1.0 0.390	2.040	1.5	0.002	0.002	0.085	0.05	1377	540	1.5	1.6		100

Amended Table 3.11.1 – Middle Waikato River Freshwater Management Unit

Site	Annual median Chlorophyll a (mg/m3)	80 year	Annual maximum Chlorophyll a (mg/m3)	80 year	Annual median total nitrogen (mg/m3)	80 year	Annual median total phosphorus (mg/m3)	80 year	Annual median nitrate (NO3-N/L)	80 year	Annual 95 th percentile Nitrate	80 year	Annual median ammonia (mg NH4-N/L)	80 year	Annual Maximum Ammonia (mg NH4-N/L)	80 year	95 th percentile E. Coli	80 year	Clarity (m)	80 year	Ecosystem health (MCI)	80 year
Waikato River Narrows Boat Ramp	5.5	5	23	23	404	350	28	20	0.235	0.235	0.500	0.500	0.009	0.009	0.018	0.018	340	260	1.7	1.7		105
Waikato River Horotiu Br	6.1	5	23	23	432	350	34	20	0.260	0.260	0.530	0.530	0.007	0.007	0.029	0.029	774	540	1.4	1.6		105
Karapiro Stm Hickey Rd Bridge							24	24	0.520 0.390	0.520 0.390	1.689	1.5	0.008	0.008	0.031	0.031	4518	540	0.9	1.0		100
Mangawhero Stm Cambridge-							24	24	1.990 0.390	1.0 0.390	2.490	1.5	0.041	0.03	0.072	0.05	2920	540	0.3	1.0		100

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<u>Ohaupo Rd</u>																						
<u>Mangaonua Stm</u> <u>Hoeka Rd</u>						24	24	1.455 0.390	1.0 0.390	<u>1.878</u>	<u>1.5</u>	<u>0.036</u>	<u>0.03</u>	<u>0.051</u>	<u>0.05</u>	<u>6372</u>	<u>540</u>	<u>1.0</u>	<u>1.0</u>			<u>100</u>
<u>Mangaone Stm</u> <u>Annebrooke Rd br</u>						24	24	2.580 0.390	2.4 0.390	<u>2.940</u>	<u>1.5</u>	<u>0.009</u>	<u>0.009</u>	<u>0.020</u>	<u>0.020</u>	<u>2052</u>	<u>540</u>	<u>0.9</u>	<u>1.0</u>			<u>100</u>
<u>Mangakotukutuku</u> <u>Stm Peacocks Rd</u>						24	24	0.800 0.390	0.800 0.390	<u>1.788</u>	<u>1.5</u>	<u>0.077</u>	<u>0.03</u>	<u>0.132</u>	<u>0.05</u>	<u>11394</u>	<u>540</u>	<u>0.5</u>	<u>1.0</u>			<u>100</u>
<u>Waitawhiriwhiri</u> <u>Stm Edgcumbe</u> <u>Street</u>						24	24	0.880 0.390	0.880 0.390	<u>1.240</u>	<u>1.24</u>	<u>0.256</u>	<u>0.24</u>	<u>0.318</u>	<u>0.05</u>	<u>5922</u>	<u>540</u>	<u>0.4</u>	<u>1.0</u>			<u>100</u>
<u>Kirikiroa Stm</u> <u>Tauhara Dr</u>						24	24	0.815 0.390	0.815 0.390	<u>1.572</u>	<u>1.5</u>	<u>0.096</u>	<u>0.03</u>	<u>0.183</u>	<u>0.05</u>	<u>2124</u>	<u>540</u>	<u>0.5</u>	<u>1.0</u>			<u>100</u>

Amended Table 3.11-1 – Lower Waikato River Freshwater Management Unit

Site	Annual median Chlorophyll a (mg/m3)		Annual maximum Chlorophyll a (mg/m3)		Annual median total nitrogen (mg/m3)		Annual median total phosphorus (mg/m3)		Annual median nitrate (NO3-N/L)		Annual 95 th percentile Nitrate		Annual median ammonia (mg NH4-N/L)		Annual Maximum Ammonia (mg NH4-N/L)		95 th percentile E. Coli		Clarity (m)		Ecosystem health (MCI)		
	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	Short term	80 year	
<u>Waikato River</u> <u>Huntly-Tamui Br</u>	<u>5.9</u>	<u>5</u>	<u>19</u>	<u>19</u>	<u>562</u>	<u>350</u>	<u>43</u>	<u>20</u>	<u>0.365</u>	<u>0.365</u>	<u>0.900</u>	<u>0.900</u>	<u>0.005</u>	<u>0.005</u>	<u>0.015</u>	<u>0.015</u>	<u>1944</u>	<u>540</u>	<u>0.9</u>	<u>1.0</u>			<u>90</u>
<u>Waikato River –</u> <u>Mercer Br</u>	<u>10.0</u>	<u>5</u>	<u>30</u>	<u>25</u>	<u>631</u>	<u>350</u>	<u>49</u>	<u>20</u>	<u>0.365</u>	<u>0.365</u>	<u>0.870</u>	<u>0.870</u>	<u>0.003</u>	<u>0.003</u>	<u>0.010</u>	<u>0.010</u>	<u>1494</u>	<u>540</u>					<u>90</u>
<u>Waikato River</u> <u>Tuakau Br</u>	<u>11.3</u>	<u>5</u>	<u>37</u>	<u>25</u>	<u>571</u>	<u>350</u>	<u>50</u>	<u>20</u>	<u>0.325</u>	<u>0.325</u>	<u>0.880</u>	<u>0.880</u>	<u>0.003</u>	<u>0.003</u>	<u>0.008</u>	<u>0.008</u>	<u>1584</u>	<u>540</u>	<u>0.7</u>	<u>1.0</u>			<u>90</u>
<u>Komakorau</u> <u>Stream Henry</u> <u>Road</u>							24	24	1.279 0.390	1.0 0.390	<u>4.400</u>	<u>3.5</u>	<u>0.250</u>	<u>0.24</u>	<u>0.419</u>	<u>0.40</u>	<u>3474</u>	<u>540</u>	<u>0.3</u>	<u>1.0</u>			<u>100</u>
<u>Mangawara Stm</u> <u>Rutherford Rd Br</u>							24	24	0.765 0.390	0.765 0.390	<u>2.760</u>	<u>1.5</u>	<u>0.103</u>	<u>0.03</u>	<u>0.172</u>	<u>0.05</u>	<u>4955</u>	<u>540</u>	<u>0.3</u>	<u>1.0</u>			<u>100</u>
<u>Awaroa Stm</u> <u>(Rotowaro)</u> <u>Sansons Br @</u>							24	24	0.700 0.390	0.700 0.390	<u>1.190</u>	<u>1.190</u>	<u>0.021</u>	<u>0.021</u>	<u>0.089</u>	<u>0.05</u>	<u>1800</u>	<u>540</u>	<u>0.8</u>	<u>1.0</u>			<u>100</u>

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<u>Rotowaro-Muntly Road</u>																					
<u>Matahuru Stm Waiterimu Road Below Confluence</u>						24	24	0.715 0.390	0.715 0.390	1.689	1.5	0.016	0.016	0.059	0.05	6147	540	0.4	1.0		100
<u>Whangape Stm Rangiriri- Glen Murray Rd</u>						6	24	0.004	0.004	0.690	0.690	0.006	0.006	0.134	0.05	584	540	0.3	1.0		120
<u>Waerenga Stm SH2 Maramarua</u>						24	24	0.830 0.390	0.830 0.390	1.410	1.410	0.005	0.005	0.022	0.022	5098	540	0.9	1.0		100
<u>Whangamarino River Jefferies Rd Br</u>						24	24	0.625 0.390	0.625 0.390	1.842	1.5	0.012	0.012	0.147	0.05	4712	540	0.6	1.0		100
<u>Mangatangi River SH2 Maramarua</u>						12	12	0.110	0.110	1.120	1.120	0.005	0.005	0.038	0.038	5567	540	0.5	1.0		110
<u>Mangatawhiri River Lyons Road Buckingham Br</u>						6	6	0.013	0.013	0.370	0.370	0.003	0.003	0.011	0.011	5108	540	1.6	1.6		120
<u>Whangamarino River Island Block Rd</u>						6	6	0.075	0.075	0.700	0.700	0.011	0.011	0.054	0.05	655	540	0.3	1.0		120
<u>Whakapipi Stm SH 22 Br</u>						24	24	3.390 0.390	3.4 0.390	5.120	3.5	0.006	0.006	0.081	0.05	1773	540	1.1	1.1		100
<u>Ohaeroa Stm SH22 Br</u>						24	24	1.473 0.390	1.0 0.390	1.806	1.5	0.003	0.003	0.015	0.015	4667	540	0.6	1.0		100
<u>Opuatia Stm Ponganui Rd</u>						24	24	0.740 0.390	0.740 0.390	1.060	1.060	0.005	0.005	0.016	0.016	2898	540	0.6	1.0		100
<u>Awaroa River (Waiuku) Otatau Rd Br Moseley Rd</u>						24	24	1.369 0.390	1.0 0.390	2.310	1.5	0.021	0.021	0.135	0.05	1017	540	0.4	1.0		100

Amended Table 3.11-2

<u>Sub-catchment identifier</u>	<u>Sub-catchment number</u>	<u>Priority</u>	<u>Rule Commencement date</u>	<u>First review date</u>	<u>Review period thereafter</u>
<u>Mangatangi</u>	<u>2</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Whakapipi</u>	<u>3</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Whangamarino at Jefferies Rd Br</u>	<u>10</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>

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<u>Opuatia</u>	<u>11</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Waerenga</u>	<u>12</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Waikare</u>	<u>13</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Matahuru</u>	<u>14</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Whangape</u>	<u>16</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Mangawara</u>	<u>17</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
	<u>18</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Awaroa (Rotowaro) at Harris/Te Ohaki Br</u>					
<u>Waikato at Huntly-Tainui Br</u>	<u>20</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Waikato at Horotiu Br</u>	<u>25</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Waikato at Bridge St Br</u>	<u>27</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Waitawhiriwhiri</u>	<u>28</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Mangakotuokotutuku</u>	<u>30</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Mangawhero</u>	<u>35</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Moakurarua</u>	<u>42</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Little Waipa</u>	<u>44</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
	<u>45</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Pokaiwhenua</u>					
<u>Mangamingi</u>	<u>48</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
	<u>51</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Waipa at Otorohanga</u>					
<u>Waitomo at Otorohanga</u>	<u>52</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Mangapu</u>	<u>53</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Mangarapa</u>	<u>55</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>

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<u>Mangaharakeke</u>	<u>57</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Mangarama</u>	<u>61</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Mangaokewa</u>	<u>63</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Waikato at Waipapa</u>	<u>64</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Waiotapu at Homestead</u>	<u>65</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Waipa at Mangaokewa Rd</u>	<u>68</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Waipapa</u>	<u>70</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Torepatutahi</u>	<u>72</u>	<u>1</u>	<u>2020</u>	<u>2025</u>	<u>5 years</u>
<u>Waikato at Tuakau Br</u>	<u>4</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Waikato at Port Waikato</u>	<u>6</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Waikato at Rangiriri</u>	<u>15</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Awaroa (Rotowaro) at Sansons Br</u>	<u>19</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Firewood</u>	<u>21</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Komakorau</u>	<u>22</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Waipa at Waingaro Rd Br</u>	<u>24</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
	<u>31</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>

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<u>Mangaone</u>					
<u>Waipa at SH23 Br</u> <u>Whatawhata</u>	<u>34</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Kaniwhaniwha</u>	<u>36</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Mangapiko</u>	<u>38</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Puniu at Bartons Corner Rd</u> <u>Br</u>	<u>40</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Waipa at Pirongia-Ngutunui</u> <u>Rd Br</u>	<u>43</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Waitomo at SH31</u> <u>Otorohanga</u>	<u>46</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Whakauru</u>	<u>49</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Tahunaatara</u>	<u>54</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Otamakokore</u>	<u>59</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Waipa at Otewa</u>	<u>60</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>

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<u>Kawaunui</u>	<u>62</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Waikato at Whakamaru</u>	<u>67</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Mangakara</u>	<u>69</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Mangakino</u>	<u>71</u>	<u>2</u>	<u>2023</u>	<u>2028</u>	<u>5 years</u>
<u>Mangatawhiri</u>	<u>1</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Awaroa (Waiuku)</u>	<u>5</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Ohaeroa</u>	<u>7</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Waikato at Mercer Br</u>	<u>9</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Ohote</u>	<u>26</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Mangonua</u>	<u>29</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Karapiro</u>	<u>32</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Waikato at Narrows</u>	<u>33</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Mangauika</u>	<u>37</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Mangaohoi</u>	<u>39</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Waikato at Karapiro</u>	<u>41</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Mangatutu</u>	<u>47</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>

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<u>Puniu at Wharepapa</u>	<u>50</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Whirinaki</u>	<u>56</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Waiotapu at Campbell</u>	<u>58</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Waikato at Ohaaki</u>	<u>73</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>
<u>Pueto</u>	<u>74</u>	<u>3</u>	<u>2026</u>	<u>2031</u>	<u>5 years</u>