Department of Conservation
Te Papa Atawhai

22 May 2018

Chief Executive
Waikato Regional Council
Private Bag 3038
Waikato Mail Centre
Hamilton 3240

healthyrivers@waikatoregion.govt.nz

Dear Vaughan

VARIATION 1 TO THE PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 – WAIKATO AND WAIPĀ RIVER CATCHMENTS

This correspondence relates to the submission from the Director-General of Conservation on Variation 1 to Proposed Waikato Regional Plan Change 1 to the Waikato Regional Plan and to the upcoming process under Schedule 1 of the Resource Management Act 1991.

The Director-General is keen to ensure that technical experts are able to contribute their knowledge and assist the Hearing Commissioners in the best way possible. My experience suggests that enabling suitable time for technical experts to conference prior to the drafting of s42a reports and expert evidence is the most efficient beneficial way to identify areas of agreement and narrow areas of concern. I invite the Council to consider this approach when recommending a timeline for hearing to the Hearing Panel and note that there would seem time in the proposed schedule, as I understand for this conferencing to occur during August – October 2018.

If Council and the Hearing Panel are agreeable to this approach then those parties intending to present expert evidence at the hearing could work together in developing an agenda for conferencing. While I note that expert conferencing is normally undertaken as an Environment Court process and after evidence exchange has taken place, there is no reason why it could not occur in this Council hearing process. Expert conferencing as I have proposed would, in my view, assist experts in preparing their evidence so as to be of most help to the Hearing Panel.

Our submission Variation 1 to Proposed Waikato Regional Plan Change 1 follows this letter.

Yours sincerely

David Speirs
Operations Director (Hauraki, Waikato, Taranaki)

Department of Conservation *Te Papa Atawhai*
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Department of Conservation
Te Papa Atawhai

Submission by

The Director-General of Conservation

on the

Variation 1 to Proposed Waikato Regional Plan Change 1
pursuant to Clause 6 of Schedule 1, Resource Management Act 1991

To: Science and Strategy - Policy
Waikato Regional Council
Private Bag 3038
Waikato Mail Centre
Hamilton 3240

Submission from:	The Director-General of Conservation
Submission on:	Variation 1 to Proposed Waikato Regional Plan Change 1 notified on 10 April 2018.
Provisions the submission relates to:	The topics of submission, the Director-General of Conservation support or oppose and any relief sought are contained in detail on the following pages.
Trade competition:	Pursuant to Clause 6 of Schedule 1 of the Resource Management Act (1991), the Director-General of Conservation confirms that he could not gain an advantage in trade competition through this submission.
Hearing:	I **wish to be heard** in support of my submission; and will consider presenting a joint case at any hearing with other parties presenting on similar matters.

Signed by:

.....
David Speirs
Operations Director (Hauraki, Waikato, Taranaki)
Director-General of Conservation
Signed on behalf of the Director-General of
Conservation pursuant to an instrument of delegation.

A copy of the instrument of delegation
may be inspected at the Director-General's office.

Date: 22 May 2018

Address for service:
David Speirs
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1. Role of Department of Conservation

1. The Director-General of Conservation (the Director-General) is the administrative head of the Department of Conservation (the Department or DOC).[1] The Department is the government agency charged with conserving New Zealand's natural and historic heritage. The Department was formed in 1987 when the Conservation Act was passed to integrate conservation management functions. This Act sets out the Department's functions and was created to promote the conservation of New Zealand's natural and historic resources.

2. The Department has responsibilities under the range of specific legislation it administers, including the Conservation Act, the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the National Parks Act 1980. This legislation provides a broad context for the Department's advocacy using the processes in the Resource Management Act (RMA).

3. Submissions under the RMA are one of the tools the Director-General uses to fulfil its responsibilities as landowner on behalf of the Crown, and for the protection of wildlife and its habitats, marine mammals, freshwater fisheries, and to safeguard visitor experiences, and to implement the New Zealand Coastal Policy Statement and achieve sustainable management of the coastal marine area.

4. The Director-General is encouraged by the direction of proposed variation 1 to plan change 1 (reintroduction of the 'Hauraki section' of the Plan Change) and is generally supportive of the intent of the proposed plan change to restore and protect water quality in the Waikato and Waipā Rivers by managing the discharge of contaminants where it may enter surface water or ground water and subsequently enter rivers, or directly into a water body.

5. The general reasons for this submission are that the decisions sought are necessary to ensure that proposed plan change 1:
    a. achieves the purpose and principles of the Resource Management Act 1991;
    b. gives effect to the Vision & Strategy for the Waikato River 2008;
    c. gives effect to the provisions of the New Zealand Coastal Policy Statement 2010;
    d. gives effect to the National Policy Statement for Freshwater Management 2014.

6. Further specific reasons are set out in the General Submission and the Submission Tables below.

[1] Refer section 52 Conservation Act 1987

7. We seek the following decisions from the local authority:

    a. That the provisions of the proposed plan change that are supported, as identified in the General Submission and Submission Table be retained without amendment.
    b. That the amendments, additions and deletions to the proposed plan change sought in the General Submission and Submission Table are made.
    c. Further, consequential or alternative relief to give effect to the relief sought in the General Submission and Submission Table.

2. General Submission

NOTE: The contents of the General Submission section repeats the contents of the Director-General's original submission on Plan Change 1.

2.1 Achieving the purpose of the Resource Management Act

8. The purpose of the RMA is the sustainable management of natural resources and physical resources. The RMA defines this to mean managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for the health and safety. However, sustainable management does not stop there. It requires that the use of resources also achieve;

    (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
    (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
    (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

9. The National Policy Statement for Freshwater Management (NPSFM) outlines water quality objectives. Overall freshwater quality within a region must be maintained or improved.

10. Past and current land use and discharge patterns, and a lack of proper allocation mechanisms for discharge has resulted in the current degraded states of the Waikato and Waipā Rivers. The focus on enabling people and communities to provide for their economic well-being has surpassed the consideration of safeguarding life-supporting capacity of the water, sustaining natural and physical resources for future generations and avoiding, remedying or mitigating adverse effects on the environment. The Director-General considers that this does not achieve the sustainable management purpose of the Act.

11. It is submitted that proposed plan change 1 needs to implement an allocation regime that ensures natural and physical resources are managed in a way to achieve the sustainable management requirements set by the RMA. While the allocation regime can be amended and reassessed as time goes on to ensure that it is achieving what is required, it needs to start today and begin work towards achieving the 80-year targets outlined in the proposed plan change. In addition to the 10-year and 80-year targets set out in the proposed plan change, additional 20-year targets are appropriate. This will ensure ongoing improvement toward the long-term 80-year targets is achieved once the 10-year short term targets have been achieved.

12. To implement an efficient allocation regime, the plan should take the following steps:

    a. The plan should state the maximum catchment load of contaminants (to provide certainty to resource users and of environmental outcomes); and
    b. The plan should allocate the maximum catchment load among land uses in the most efficient way, which the Director-General considers to be using a Land Use Capability (LUC) based approach whereby land type including slope, soil type, drainage and geology are the key determinants; and
    c. The plan should ensure that activities which would cause the maximum catchment load to be exceeded are avoided (to give effect to the direction in Policy A NPSFM to avoid over allocation); and
    d. In catchments that are already over allocated, the plan should put in place methods to phase out over allocation over time (to give effect to Policy A NPSFM).

13. The allocation regime proposed in the proposed plan change is to effectively maintain the status quo for most waterbodies in terms of the level of contaminants entering the water. There is little direction or incentive to reduce contaminant discharge or to change land use practices. Given the currently degraded state of the regions waterways, the Director-General considers that this response will not achieve the sustainable management direction of the RMA. It continues to allow contaminants to be discharged into waterbodies at levels that does not ensure ecosystem health or water quality sufficient for recreation.

14. The Director-General seeks that the proposed plan change be amended to provide for an allocation regime that only permits the discharge of contaminants up to a level that ensures the limits and objectives for the freshwater management unit can be achieved. Where this level of contaminants has already been exceeded, the targets needs to be set with clear implementation methods (as detailed below) to ensure that water quality improves over the timeframe set. This regime needs to take account of the slope, soil type, drainage and geology of the land and exclude current land use and current water quality. This will enable the flexibility of choice for land use through allocation based on LUC while managing the discharge of contaminants at a level that ensures life-supporting capacity and the reasonably foreseeable needs of future generations is achieved.

2.2 Vision and Strategy for the Waikato River

15. The Vision and Strategy for the Waikato River was developed and published in 2008. During 2010, Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngaati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 passed into law following treaty settlement negotiations as enabling legislation for the Waikato River Authority. In 2012 Ngaa Wai o Maniapoto (Waipā River) Act 2012 was passed into legislation which extended the boundaries of the area that the Vision and Strategy applies to including all of the Waipā River.

16. The scope of the vision and strategy contained in legislation is to recognise the national importance of the Waikato and Upper Waipā Rivers and their contribution to New Zealand's cultural, social, environmental and economic wellbeing. It applies to the Waikato and Upper Waipā Rivers and activities within the catchments affecting the rivers.

17. The legislation above outlines that the vision and strategy prevails over section 59-77 of the RMA relating to the preparation of regional policy statements and plans, and district plans. It also prevails over any inconsistent provision in a national policy statement and the New Zealand Coastal Policy Statement and is deemed to be part of the Waikato Regional Policy Statement.

2.3 Coastal Environment & New Zealand Coastal Policy Statement 2010

18. The National Policy Statement for Freshwater Management states that the management of coastal water and fresh water requires an integrated and consistent approach. The New Zealand Coastal Policy Statement (NZCPS) itself acknowledges that one of the key issues facing the coastal environment is "poor and declining water quality in many areas as a consequence of point and diffuse sources of contamination, including stormwater and wastewater discharges".

19. As notified, proposed plan change 1 does not give appropriate consideration to the relationship between freshwater quality and the water quality of the coastal environment.

20. Objective 1 of the NZCPS is particularly relevant to water quality in the coastal environment. It states *"To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by… Maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity".*

21. The proposed plan change must give effect to the NZCPS. Given that the ultimate receiving environment for water from the entire Waikato and Waipā River catchments is the coastal environment at Port Waikato, the proposed plan change therefore must address activities that affect water quality in the coastal environment. The Director-General is aware that sedimentation at Port Waikato is an issue given the State of the Environment Reporting (SoE), which concludes

that there is "unsatisfactory" turbidity about 75% of the time. It is also recorded in the SoE that Port Waikato is the worst out of the seven sites that are sampled around the Waikato Region. Sediment plumes are also visible from aerial images at Port Waikato.

22. The Director-General considers it is appropriate to include an objective in the plan to address the 'mountains to sea' nature of catchments. The Director-General seeks to ensure that freshwater ecosystems from the mountains to the sea are restored and consideration of estuaries as part of the catchment are vital to achieving this. Sediments and nutrients for the Region ultimately accumulate at the Waikato Estuary.

23. Shellfish monitoring data in the SoE from 1999-2013 indicates that shellfish at Port Waikato are of unsatisfactory quality approximately 87.5% of the time. https://www.waikatoregion.govt.nz/Environment/Natural-resources/coast/How-healthy-are-our-estuaries/Estuarine-water-quality-monitoring-map/Port-Waikato/#Graph%20information

24. At Risk Seagrass species are sensitive to reduced light levels. Increased turbidity in the Waikato Estuary has seen a decline in the extent of seagrass species. The Director-General seeks a reduction in turbidity in the Waikato Estuary to ensure that turbidity is not at an "unsatisfactory" level more than 30% and for the plan to ensure seagrass recovery. To achieve this, on-going monitoring and an adaptive approach to management is required.

2.4 National Policy Statement for Freshwater Management 2014

25. The National Policy Statement for Freshwater Management 2014 (NPSFM) is about recognising the national significance of freshwater for all New Zealanders and Te Mana o te Wai. It sets out objectives and policies that direct local government to manage water in an integrated and sustainable way. The NPSFM provides a national objectives framework to assist regional councils and communities to more consistently and transparently plan for freshwater objectives.

26. The NPSFM states that freshwater planning will require an "iterative approach that tests a range of possible objectives and methods for their achievement, including different timeframes for achieving objectives".

27. The leading water quality objectives in the NPSFM seek to, at Objective A1, safeguard the life-supporting capacity; ecosystem processes and indigenous species including their associated ecosystems, of freshwater and the health of people and communities, at least as affected by secondary contact with fresh water; in sustainably managing the use and development of land, and of discharges of contaminants. Objective A2 seeks that the overall quality of fresh water within a region is maintained or improved while; protecting the significant values of outstanding freshwater bodies; protecting the significant values of wetlands; and improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.

28. The objectives provide the regional council with clear direction on water quality for the Waikato and Waipā Rivers. The Director-General is concerned however, that there have been no outstanding freshwater bodies identified in the proposed plan change, nor have the significant values of wetlands been identified or protected. The Director-General is also concerned that, particularly in the instance of lakes, in some cases there are no improvements to water quality sought, even though the quality of the freshwater in these lakes has been degraded by human activities.

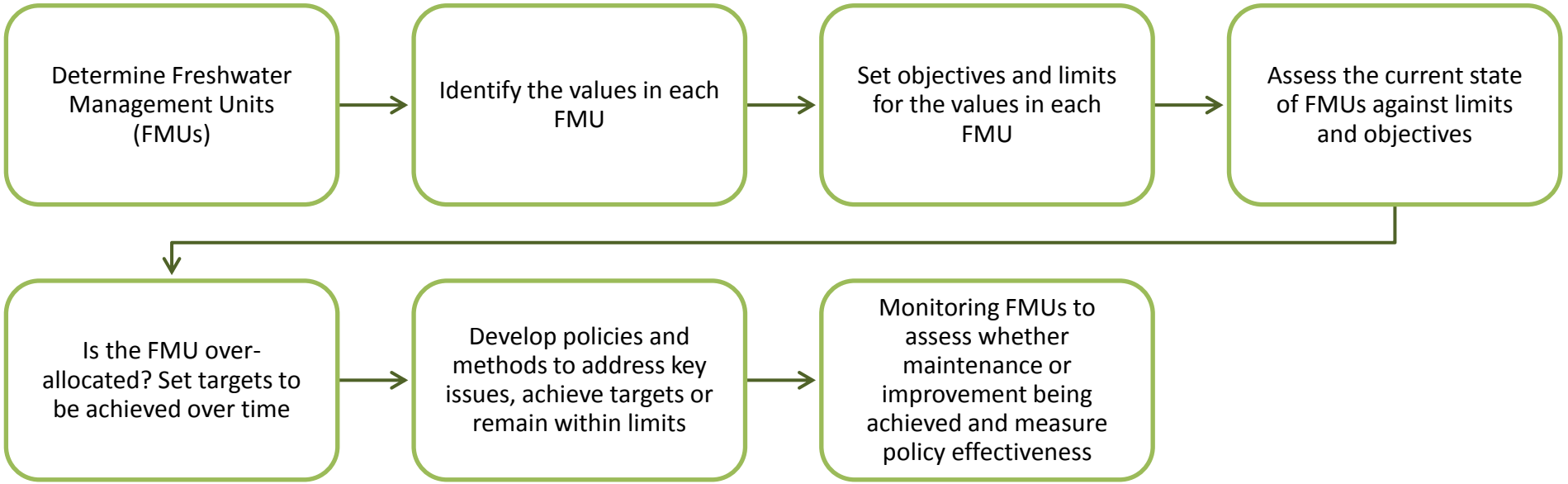
29. The National Objectives Framework requires, at Policy CA2, every council to consider how national values apply in their local/regional circumstances and to identify values for each freshwater management unit. This includes the compulsory values and can include any other values considered appropriate. It appears that there have been no values identified for the individual Freshwater Management Units in proposed plan change 1.

30. It is also not clear what the freshwater objectives of the proposed plan change are nor is it clear what the limits are. To give effect to the NPSFM, these need to be clearly identified. The NPSFM requires that the limits are set at levels that achieve the freshwater objectives. It is not clear from the proposed plan change if this has happened.

31. Method(s) need to be put in place to achieve the limits and targets. Very few methods are identified in the proposed plan change to achieve the limits. This is required. Leaving the determination of methods for achieving limits and targets for another 10 years results in rivers, lakes and wetlands remaining in their currently degraded state for an indeterminate period of time, with the potential for further decline. This does not achieve the purpose of the RMA which requires, among other things, that the life-supporting capacity of air, water, soil and ecosystems be sustained. As a result, there is potential for further species to be lost. This is also inconsistent with the objectives of the NPSFM.

32. The Director-General seeks that the Council rectify the lack of certainty created through the proposed plan change by clearly stating the freshwater values for each FMU, freshwater objectives, and limits set to achieve the freshwater objectives. In addition, identification of appropriate methods to achieve the limits are needed to ensure that both the purpose of the RMA and the objectives of the NPSFM are given effect to.

33. The following diagram is useful to describe the process outlined in the NPSFM for identifying values and development attributes, objectives and limits to support those values.



2.5 Whangamarino Wetland

34. The Whangamarino Wetland has been recognised as a wetland of international importance since 1989 when it was recorded as a Ramsar site under the Ramsar Convention. The wetland spans some 7000ha of marshes, swamps, fens and peat bogs around the Whangamarino and Maramarua Rivers. It is the second largest bog and swamp complex in the North Island. A number of threatened plants have been recorded in the wetland including the water milfoil, the swamp helmet orchid and the club moss. The wetland is rich in mosses and 13 new species have been added to the list of New Zealand flora from this area. Lichens are also well represented here.

35. The Whangamarino wetland is also an important habitat for a number of threatened fauna including the Australasian bittern (20% of the New Zealand population reside in the wetland), grey teal, spotless crake, North Island fernbird and black mudfish.

36. Restoration of the Whangamarino is an active and important project for the Department of Conservation. The Department's Arawai Kākāriki programme at Whangamarino aims to:
    - maintain or enhance water regimes, water quality and the condition of wetland habitat,
    - maintain and enhance species diversity, including threatened species,
    - increase community awareness and appreciation of the value of the wetlands,
    - maximise community involvement in management, restoration and sustainable land use,
    - improve facilities and opportunities for the public to visit the site,
    - increase understanding of wetland function and management to develop good wetland restoration and monitoring tools.

37. These aims are being achieved through the following actions:
    - Fencing wetland boundary to exclude livestock.
    - Controlling plant pests.
    - Intensive trapping of animal pests in the Northern part of the Wetland.
    - Restoring areas bordering the wetland which have been retired from grazing.
    - Advocating for wetland protection through education and statutory processes, including addressing catchment water quality issues.
    - Maintaining and monitoring the Whangamarino Weir, designed to retain appropriate groundwater and surface water levels, so preventing summer dryness of swamp and marsh areas, desiccation of the fen and bog areas and loss of wildlife habitat.

38. As a result of the partial withdrawal of proposed plan change 1 on 3 December 2016, the Whangamarino Wetland has been excluded from the area subject to the proposed plan change. The partial withdrawal has resulted in only part of catchments being subject to the proposed plan change. The Director-General seeks that the original scope and extent of the plan change be re-included to capture the Whangamarino Wetland and ensure that the restoration of water quality and protection of the wetland is fully recognised as an important element of proposed plan change 1.

39. The Director-General seeks specifically that the Whangamarino be re-included into the proposed plan change as a separate Whangamarino Wetland FMU, as identified in the map included as Appendix D. It is also sought that the attributes and values established for the Whangamarino Wetland FMU, as outlined in Appendix E and F are included. These need to be accompanied by a refined objective and policy framework to acknowledge the importance of the Whangamarino, with the key to achieving this being the implementation methods and rules outlined in detail in the tables below.

2.6 Wetlands - general

40. The RMA requires local councils to recognise and provide for the protection of wetlands as a matter of national importance under sections 6(a) preservation of natural character; 6(b) preservation of outstanding features; and section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Under s6(c), due to the representativeness and sometimes natural rarity of these habitats, many wetlands in the Waikato should be considered significant.

41. The Director-General seeks greater attention be paid to wetland systems through the proposed plan change to appropriately give effect to the requirements of the RMA and to ensure that the significant values of these complex ecosystems are appropriately recognised and protected.

42. The Director-General considers the development of attributes and values to protect the significant values of all wetlands in the Waikato Region is required. Wetland attributes have been developed for other regional council planning processes, notably Greater Wellington Regional Council, this indicated that for ecosystem health the key attributes were[2][3]:
    - Plants
    - Fish
    - Mahinga kai
    - Nutrient status
    - Hydrology
    - Sedimentation rate
    - Wetland extent

43. The attributes recommended for wetlands were narrative, not numeric. This reflects the fact that while wetland research and ecological understanding is well developed, regional councils have not established regional monitoring programmes which limits implementation of numeric values, except for at well studied locations, such as Whangamarino Wetland.

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[2] Source: *Technical guidance document: Aquatic ecosystem health and contact recreation outcomes in the Proposed Natural Resources Plan* (Greenfield et al. 2015) http://www.gw.govt.nz/assets/Plans--Publications/Regional-Plan-Review/Proposed-Plan/TechnicalguidancedocumentAquaticecosystemhealthandcontactrecreationoutcomesintheProposedNaturalResourcesPlan.PDF

[3] http://www.gw.govt.nz/assets/Plans--Publications/Regional-Plan-Review/Draft-Regional-Plan-docs/2014-Technical-Reports/RecommendedchangestoScheduleHattributesoutcomesforthedraftNaturalResourcesPlan-Wetlands.pdf

44. A national project to develop wetland attributes has also been undertaken (Clarkson et al. 2015)[4]. This identified that the "variables regularly identified as explaining the variation in ecosystem health for bogs, fens and swamps included:
    - proportion of wetland area remaining
    - nitrate integrity (GIS layer predicting nitrogen inputs from catchment)
    - soil total nitrogen
    - soil total phosphorus
    - and soil N to P ratio

45. The Director-General understands the Ministry for the Environment are planning to invest more in the development of wetland attributes for the next iteration of the National Objectives Framework (NOF), however the Director-General considers that this process does not restrict council from initiating a planning approach for wetlands that is consistent with best practice.

46. The Director-General seeks that the Council identify the attributes (likely narrative rather than numeric) that relate to protecting the significant values of wetlands. To achieve this, the Director-General recommends the following steps:
    a. Adopt narrative objectives that relate to water quality (Table below)
    b. Establish a programme for benchmarking of wetland nutrient and sediment status and its relationship to ecosystem heath (plants, fish, mahinga kai)
    c. Establish wetland numeric targets by 2025

47. The table in Appendix G to the submission outlines what the Director-General considers are appropriate attributes for ensuring ecosystem health is achieved in wetlands in the Waikato Region

2.7 Lakes - general

48. The Director-General is concerned with the general lack of focus on the priority of lakes in the proposed plan change. While the Director-General acknowledges the priority of rivers, the proposed plan change overlooks the effort (and resources) that has gone into many of the lakes to date (particularly on public land) and the urgent need to reduce external nutrient loads to many of the lakes. The absence of any direction on priority for lakes means that the proposed plan change does not recognise, build on and support, or capitalise on, the extensive work that has been done to date as well as it could.

49. The proposed plan change does not adequately recognise the poor condition of many lakes and the significant gap between the current state of water quality and the swimmable and fishable goals set in the Vision and Strategy. There is generally a lack of targets for the lakes and a general lack of certainty around what

[4] https://www.landcareresearch.co.nz/__data/assets/pdf_file/0018/104454/LC1933-wetland-quantitative-limits.pdf

actions will be implemented to improve lake water quality. This is especially important as water quality in lakes can take a long time (i.e. 15-20 years) to shift in response to changes in nutrient loading.

50. The Director-General considers that the proposed plan change lacks aspiration for lakes that are already better than D band for some attributes, or only just exceed the threshold for D band. These lakes have an 80-year target of 'maintain' at current levels which doesn't capitalise on existing initiatives at them, or seek to achieve their restoration potential.

51. Submerged aquatic plants play a significant role in maintaining and stabilising lake water quality, particularly in shallow lakes. The Director-General seeks that the proposed plan change provides greater protection to submerged aquatic plants in lakes where they currently exist, given that most Waikato lakes are already devegetated and have shifted from a clear water-macrophyte dominated state to a turbid-algal dominated state. The restoration potential for lakes will diminish with time after they become devegetated (as native seedbank viability reduces) and restoration costs and uncertainty increase.

52. The proposed plan change does not implement many of the Best Management Practices that have long been promoted (by Council) for properties around the lakes, in order to improve water quality and ecological values at the lakes.
53. The Director-General also considers that work is urgently required to assess the effectiveness of different catchment management scenarios for lakes. While the proposed Plan Change 1 process has modelled the river systems, the equivalent work hasn't occurred for the lakes and it is considered that this work is urgently required. The Director-General acknowledges the desktop modelling work that Waikato Regional Council undertook on 44 shallow lakes in 2006 (Jenkins & Vant 2007[5]), which indicated that there was scope to achieve average reductions of 7% in the nitrogen load when moving from 'average' to 'best practice', or up to 36% under a more rigorous 'potential practice'. In relation to phosphorus load to the lakes, 'best practice' management resulted in an average reduction of 18% across all lakes, whilst the more rigorous 'potential practice' regime led to an average reduction of 39% in phosphorus over all the lakes. Appendix I to this submission provides amended attributes the Director-General seeks be included for lakes while Appendix H to this submission outlines the lakes in the catchment of highest priority.

2.8 Water quality attributes

54. The Director-General considers that the proposed FMUs and the different states of the values they support do not seem to have been taken into account when determining a suitable set of attributes for water quality. These were done at the region-wide or broad river-type context. As a result, attributes that could be highly relevant in some circumstances have not been included. Of particular concern is the lack of attributes relating to trophic state and contributing nutrients in

[5] Jenkins & Vant . 2007. Potential for reducing the nutrient loads from the catchments of shallow lakes in the Waikato region - https://www.waikatoregion.govt.nz/services/publications/technical-reports/tr/tr200654

any of the tributaries of the Waikato and all of the waterways in the Waipā catchment. This approach fails to manage the potential for nuisance periphyton or macrophytes in tributary waterways and thus the only attributes associated with ecosystem health are nitrate and ammonia toxicity in these waters. The Director-General is unclear how this will provide for native species or ecosystem processes, or for cumulative management to reach nutrient targets in the mainstem of the Waikato. This is a concern given the Plan's definition of ecosystem health and mahinga kai values specifically reference native fish and other native species for their intrinsic and human use values.

55. In many of the tributaries of the Waikato River the nitrate, ammonia, faecal contaminants and water clarity all need to improve from the current state. Some sites are identified with extremely high nitrate and/or ammonia concentrations in the short-term (although substantial improvement is not planned over that period). In the Waipā River and Waikato tributaries, long-term (80-year) E. coli targets are consistent with the "minimum acceptable state" for primary contact recreation and carry a "moderate risk of infection"[6]. Long-term clarity targets for the Waipā catchment and all tributaries are often within the range considered "unsuitable for bathing use" by Smith and Davies-Colley (1992). All lakes have clarity set at the "unsuitable" range.

56. Planktonic algae, total nitrogen and total phosphorus are managed in the mainstem of the Waikato using the lake-fed attributes from the NOF. Some of these are set for maintenance of current water quality, while others are targeted for improvement. All lakes (dune, riverine, volcanic and peat lakes) are set at national bottom lines for Chlorophyll a, total nitrogen and total phosphorus (unless water quality is better than these, in which case it is to be maintained). The Director-General was not able to locate (in the technical reports accompanying the proposed plan change), the current state of ecosystem health. This would inform the setting of attributes and limits/targets at levels specific to provide for the values in specific locations.

57. The Director-General considers that in order to achieve the goals of the Vision and Strategy and the NPSFM and RMA relating to healthy biodiversity, swimmability and fishability in the Waikato and Waipā Rivers further attributes, limits and methods need to be included in the proposed plan change. Sediment attributes and limits need to be set in addition to clarity. The Director-General also seeks that temperature, dissolved oxygen and MCI attributes and limits need to be set.

58. The Director-General considers that the management of the contaminants specified in the Vision and Strategy (nutrients, faecals and sediment) needs to be carried through into the Plan for the majority of waterways, including the whole Waipā catchment and all tributaries of the Waikato, lakes, wetlands and the coastal environment. Nutrient and biological attributes, limits or targets need to be set for all these waterways to make a positive contribution to water quality in the Waikato River or at the local level or within the Waipā catchment and Waikato tributaries themselves. This is particularly relevant, for example, when patterns of fish diversity are taken into account. Tributaries play an important role as fish habitat, particularly those closest to the sea. Without adequate water quality and habitat availability the tributaries of the Waikato and the entire Waipā catchment are unlikely to maintain or improve in terms of ecosystem health. Consequences with respect to declining or threatened fish and invertebrate species may be irreversible in the long-term.

[6] According to the attribute state narrative from the NOF.

59. The Director-General considers that new water quality attributes and limits/targets need to be set to ensure that ecosystem health is achieved and that the Vision and Strategy of the Waikato River is given effect to. These tables are included in the Director-General's original submission as:

    a. Appendix A and B (river/stream catchments)
    b. Appendices D, E and F (proposed Whangamarino FMU)
    c. Appendix G (Wetlands attributes)
    d. Appendix H and I (Highest priority lakes and lake attributes)
    e. Appendix J (Existing lake management and planning)

3. Submission points on specific parts of Variation 1 of Proposed Waikato Regional Plan Change 1

60. Submission points set out below include a description of the relief sought. In the case of each submission point, any relief sought includes any consequential amendments to other provisions of the Proposed Plan that are necessary to give effect to that relief. Where specific suggestions for changes to the wording of provisions are included in the relief sought, other wording that achieves the same outcome is appropriate.

4. Re-inclusion of withdrawn provisions

61. Following the notification of proposed plan change 1, some provisions of proposed plan change 1 were withdrawn on 3 December 2016 to enable Waikato Regional Council to undertake consultation with Hauraki iwi authorities over the north-eastern portion of the Waikato River Catchment.

62. The withdrawal has resulted in sections of Freshwater Management Units being removed, resulting in the inclusion of only parts of some catchments. The re-inclusion of the of these provisions, through Variation 1, and their application to the 'Hauraki section' is supported to ensure that all catchments influencing the Waikato and Waipā Rivers are appropriately reflected in the proposed plan change. The re-inclusion of the individual provisions is outlined in the table below.

Provision	Support/ Opposition	Discussion	Relief sought

Re-inclusion of withdrawn provisions			
3.11 Map 3.11-1	Support	The Director-General supports the re-inclusion of Map 3.11-1 as proposed by Variation 1 to reflect the catchment boundary of Plan Change 1 as originally notified.	Retain as notified
3.11 Area covered by Chapter 3.11	Support	The Director-General supports the re-inclusion of Map 3.11-1 as proposed by Variation 1 to reflect the catchment boundary of Plan Change 1 as originally notified.	Retain as notified
Objective 6 and reasons for adopting Objective 6.	Support with amendment	The Director-General supports the reinstatement of Objective 6 and associated reasons into the Plan Change. The Plan change needs to include an objective or objectives in relation to the Whangamarino Wetland recognising its value and significance as a whole wetland system, comprising marsh, swamp, fen and bog wetland types. The objective needs to ensure that the significant values of wetlands are maintained and enhanced. The protection of the significant values of wetlands is required by the NPSFM likewise there is a requirement that the overall quality of freshwater is maintained or improved while protecting these significant values. This plan must give effect to the NPS. While stock exclusion from wetlands will help to improve water quality, further steps are required. These are identified in the implementation methods section below. For the Whangamarino Wetland, the management of sediment and phosphorus load is a function of both the concentration of sediment/phosphorus and the quantity (volume) of water that is discharged. Unregulated systems (e.g. Whangamarino River) have no opportunity to manage volume and therefore, the setting of	Support the re-inclusion of Objective 6 and associated reasons with the amendments that include within Chapter 3.11 an objective relating to both the Whangamarino Wetland, and the significant values of all wetlands, that achieves the following: • recognises the value and significance of the Whangamarino as a whole wetland system, comprising marsh, swamp, fen and bog wetland types. • Gives effect to the NPSFM in recognising and protecting the significant values of wetlands and overall quality of freshwater is improved • Include methods to achieve the objective as outlined in the implementation methods section below • Recognises the importance of managing both the concentration of contaminants and the quantity of water that is discharged into the Whangamarino Wetland by setting targets for water quality that take account of the both natural and controlled flows.

		targets for water quality needs to appropriately reflect this by taking account of both natural and controlled flows. The Director-General seeks that an objective about the Whangamarino Wetland explicitly to acknowledge the role discharge volume plays in achieving water quality improvements in Whangamarino Wetland and that water quality is not just related to the concentration of contaminants and in particular, discharges relating to the Lower Waikato Waipā Flood Control Scheme.	
Policy 8: Prioritised implementation/Te Kaupapa Here 8: Te raupapa o te whakatinanatanga	Support	The Whangamarino Wetland is an internationally important wetland. The protection and restoration of the wetland are of significant importance to the Department and are critical to the sustainable management of the wetland. The Director-General seeks to ensure that the Whangamarino Wetland is considered a priority in the improvement of water quality in the Whangamarino catchment.	Retain as notified. The Director-General supports the re-inclusion of the Whangamarino Wetland as a priority area under Policy 8.
Policy 15: Whangamarino Wetland/Te Kaupapa Here 15: Ngā Repo o Whangamarino	Support with amendment	The Whangamarino Wetland is an internationally important wetland making the protection and restoration of the wetland of significant importance regionally, nationally and internationally. The Director-General considers that the policy, as notified, has a narrow focus that does not consider the complex nature of the wetland system of the Whangamarino. The Whangamarino comprises marsh, swamp, fen and bog wetland types which are all vulnerable to excess nutrient and sediment inputs which are exacerbated by changes in hydrology. The Policy also needs to refer to both the short-term and long-term restoration of the Whangamarino Wetland to achieve targets. These targets need to achieve the following: • Reduce high rates of sediment deposition in the wetland, including the swamp, marsh and fen and bog wetland	Support the re-inclusion of Policy 15 with the amendments that revise Policy 15 to ensure the policy recognises all the important wetland values and the complex nature of Whangamarino Wetland, and that targets are set to: • Reduce high rates of sediment deposition in the wetland, including the swamp, marsh and fen and bog wetland types • Reduce the load of phosphorus transported into the wetland • Ensure water levels are ecologically appropriate in that they do not exacerbate water quality effects, and also protect critical habitats • Ensure any impacts of the Lower Waikato

		types • Reduce the load of phosphorus transported into the wetland • Ensure water levels are ecologically appropriate in that they do not exacerbate water quality effects, and also protect critical habitats. • Ensure any impacts of the Lower Waikato Waipā Flood Control Scheme are avoided, remedied or mitigated so as to not adversely affect the sustainable management of the Whangamarino Wetland • Promote the natural succession of the wetland system, allowing for natural peatland (bog) development (no further loss of bog). The Director-General also seeks that wording of Policy 15 is strengthened to provide clear and certain direction for the Whangamarino including by amending the first sentence to remove "and make progress towards restoration" and to instead state "protect and restore the" and at subsection a. to remove replace "reduce and minimise" with "avoid".	Waipā Flood Control Scheme are avoided, remedied or mitigated so as to not adversely affect the sustainable management of the Whangamarino Wetland • Promote the natural succession of the wetland system, allowing for natural peatland (bog) development (no further loss of bog). Include clear, strengthened wording around the protection and restoration of the Whangamarino Wetland and by avoiding further loss of the bog ecosystem. The Director-General also seeks that wording of Policy 15 is strengthened to provide clear and certain direction for the Whangamarino including by amending the first sentence to remove "and make progress towards restoration" and to instead state "protect and restore the" and at subsection a. to remove replace "reduce and minimise" with "avoid".
Implementation/Methods 3.11.4.4.	Support with amendment	The Director-General feels that this implementation method does not recognise existing lake management plans and existing strategies that have been developed. Implementation of the actions from these existing documents (for lakes where they exist) rather than further planning is what the Director-General considers need to be prioritised at this time. The Director-General acknowledges that information collection and planning is urgently required for lakes where this has not already occurred.	Support the re-inclusion of Method 3.11.4.4 with the amendments provide for a separate method relating to the Whangamarino Wetland which ensures that a Whangamarino Wetland Catchment Management Plan is developed within 2 years from the date of the proposed plan change being made operative. The method also needs to ensure that the other aspects of 3.11.4.4 as originally notified including active pest weed and fish management,

		An assessment of lake restoration options to improve water quality of the peat lakes indicated that options are limited until catchment inputs are significantly reduced[7]. The method refers to "building on the Shallow Lakes Management Plan" (SLMP). Objective 1 in the SLMP (in section 8) refers to "setting appropriate objectives, targets and limits for the future management and enhancement of shallow lakes" in the proposed plan change process. The Director-General is concerned with the lack of direction provided through the proposed plan change and seeks that greater certainty be provided for the management of shallow lakes. Community catchment action plans exist already for Lakes Rotomānuka and Ngaroto (prepared by Landcare Trust with funding from MFE and WRA). The Director-General considers that implementation and further development of these plans and farm plans (where they already exist) is required as a matter of priority. This needs to include the retirement of wetland areas, increasing setbacks from waterways (including ephemeral waterways), and construction of sediment traps in key locations (already identified for some lakes). Appendix J to this submission provides a summary table of lakes in the Waikato Region and the level of planning that is currently in place. Vision development has already been completed to a large extent for the lakes in the Waipā and Waikato District under the 2 interagency agreements: ▪ Waikato District Lakes and Wetlands Memorandum of Agreement – signed in 2011 by WRC, DOC, Waikato District Council, Auckland Waikato Fish & Game, and Waikato-Tainui ▪ Waipā Peat Lakes Accord – signed in 2002 by WRC, DOC,	support for research and testing, support restoration programmes are retained. As referred to in greater detail below

[7] Faithfull et al. 2005. Waikato Peat Lakes Sediment Nutrient Removal Scoping Exercise - https://www.waikatoregion.govt.nz/services/publications/technical-reports/tr/tr200615

		Waipā District Council, AWFGC, and Nga Iwi Toopu o Waipā. There is already information is available for some lakes that have been studied in-depth to provide an evidence based description of the problem (i.e. where detailed studies and modelling projects have been undertaken (e.g. Lake Ngaroto, Rotomānuka, Waahi, Waikare, Serpentine/Rotopiko lakes, Ohinewai). The Director-General is supportive of subsections d, e, f and g to the extent that they support integrated catchment management.	
Table 3.11-1	Support with amendments	The Director-General is supportive of the re-inclusion of Table 3.11-1 into the Plan Change but seeks amendments as outlined in the Director-General's original submission on Plan Change 1 to ensure: • Table headings are clearly understood • Raised water quality targets for lakes to ensure that "long term restoration and protection of water quality" is achieved • Include Pungarehu Canal/Stream in the table • A target for suspended sediment and deposited fine sediment is included in the table • Medium-term 20-year water quality targets be included in the Table to establish 20% improvement in water quality over 20 years • Outstanding freshwater bodies be identified and recognised including: o Waikato River including the river mouth and delta o Whangamarino Wetland o Waitomo Caves/River o Waikato Peat lakes	Support the re-inclusion of Table 3.11-1 with the amendments identified in the table below.
Table 3.11-2	Support with	The Director-General is supportive of the re-inclusion of Table	Support the re-inclusion of Table 3.11-2 with the

	amendments	3.11-2 into the Plan Change but seeks amendments as outlined in the Director-General's original submission on Plan Change 1 to ensure: • All wetland and lake sub-catchments are included as priority 1 in the table • That existing lake restoration plans and farm environment/management plans be implemented and enforced immediately • Pungarehu Canal/stream be added to the table as priority 1	amendments identified in the Director-General's original submission on Plan Change 1 as outlined in the table below.
Map 3.11-2	Support	The Director-General supports the re-inclusion of Map 3.11-2 as originally notified	Retain as notified
"Sub-catchment" in Glossary	Support	The Director-General supports the re-inclusion of the definition for sub-catchment as originally notified.	Retain as notified
Consequential amendments Table 3.7	Support with amendments	The Director-General supports the reinstatement of the consequential amendments to the Wetlands chapter in the Regional Plan with amendments as outlined in the Director-General's original submission.	Retain as notified. Support the re-inclusion of consequential amendments to Table 3.7.

5. Amendments sought to Table 3.11-1

Provision	Support/ Opposition	Discussion	Relief sought
Table 3.11-1: Short term and long term numerical water quality targets for the Waikato and Waipā River catchments/Ngā whāinga ā tau taupoto, tauroa hoki mō te kounga wai i te riu o ngā awa o Waikato me Waipā			
Table 3.11-1 Headings	Amendment sought	Rather than the table column headings being labelled "short term" and "80-year" targets, the Director-General seeks that these column heading be replaced with the dates that these targets must be achieved by. Without an actual date, it is not clear when	Amend Table 3.11-1 to replace current "short term" and "80-year" column headings with dates when the targets will be achieved.

		these targets are actually required to be met. The Director-General also considers that interim 20-year attribute targets should be set to ensure a future target beyond the initial 10-year period that continues to work toward the longer term 80-year targets.	The Director-General also considers that interim 20-year attribute targets should be set for a date when these targets will be achieved to ensure a future target beyond the initial 10-year period that continues to work toward the longer term 80-year targets.
Lake Values to achieve ecosystem health, contact recreation and restore the Waikato River	Amendment sought	The Director-General is supportive of long term, staged approach to improving water quality however the water quality attribute targets for lakes set in Table 3.11-1 do not equate to the "long term restoration and protection of water quality" that is the intent of Objective 1. Targets for lakes are all set at the National Bottom Line or for no increase in contaminants. The National Bottom Line outlined in the NPSFM does not achieve ecosystem health nor does it safeguard the life-supporting capacity of water as required by the purpose of the RMA. To give effect to the Vision and Strategy, the requirements of the RMA, NPSFM and to achieve ecosystem health for lakes, the Director-General seeks that targets for lakes be set to ensure lake water quality is enhanced, even for those lakes already at, or below the National Bottom Line.	The Director-General seeks water quality targets for lakes be raised to ensure that "long term restoration and protection of water quality" is achieved. The Director-General also seeks that water quality attribute targets for lakes are set to ensure water quality targets enhance water quality in lakes, and to ensure ecosystem health and the lifesupporting capacity of the waterbodies is achieved.
Pungarehu Canal/Stream	Amendment sought	Table 3.11-1 omits the Pungarehu Canal/Stream. It is the flow path for very high loads of sediment and phosphorus from Lake Waikare into the Whangamarino Wetland. The Director-General is aware that WRC have been monitoring this site from at least 2003 and achieving water quality improvements at this site are critical and must be included in Table 3.11-1. To ensure the requirements of the NPSFM are met, all streams need to have numerical values in the plan to ensure that water quality is at least maintained.	The Director-General seeks that the Pungarehu Canal/Stream be added to Table 3.11-1 to ensure the requirements of the NPSFM are met, and all streams need to have numerical values in the plan to ensure that water quality is at least maintained.
Suspended sediment (TSS) and deposited fine sediment	Amendment sought	The Director-General considers that a target of suspended sediment and deposited fine sediment need to be included in Table 3.11-1. While the Director-General acknowledges that clarity is a related target to sediment, it is affected by other factors.	The Director-General seeks to include a target for suspended sediment and deposited fine sediment to be included in Table 3.11-1.

Medium term targets	Amendment sought	The Director-General considers that medium-term targets are required in the proposed plan change to indicate how ongoing improvement toward the long term 80-year targets are tracking, and to provide focus once the 10-year short term targets have been achieved. The Director-General suggests 20-year targets should be set for Freshwater Management Units.	The Director-General seeks that medium-term 20-year water quality targets be included in Tables 3.11-1 and as an initial target, the Director-General suggests that a 20% improvement in water quality over 20 years is appropriate.
Outstanding freshwater bodies	Amendment sought	The NPSFM requires that overall freshwater quality is maintained or improved within an FMU while protecting the significant values of outstanding freshwater bodies. The proposed plan change does not identify Outstanding freshwater bodies. The Director-General seeks to include recognition of outstanding freshwater bodies in the Plan and to work with the Department of Conservation in determining the significant values of these outstanding water bodies. As a minimum, the Director-General considers that the following should be identified as outstanding freshwater bodies: • **Waikato River, river mouth and delta** Waikato River, river mouth and delta have high cultural, historic and aesthetic value. It is nationally significant, as one of the only examples of braided river delta in the North Island. No other site like this occurs in the Waikato Region, and it supports a very high diversity of indigenous species, both freshwater and estuarine. • **Whangamarino Wetland** One of the most significant wetland systems in New Zealand and the second largest wetland (7000ha) in the North Island. One of the best examples of a raised bog, fen, swamp ecosystem in New Zealand. National stronghold for threatened species, such as Nationally	The Director-General seeks the recognition of and identification of values for outstanding freshwater bodies. The Department is willing to work with the Council to determine outstanding freshwater bodies and their values and consider at a minimum, the following should be recognised as outstanding freshwater bodies: • Waikato River including the river mouth and delta • Whangamarino Wetland • Waitomo Caves/River • Waikato Peat lakes

		Endangered Australasian Bittern. Internationally recognised as a wetland site (Ramsar Convention)[8]. • **Waitomo Caves/River (Karst system)** An example of nationally rare karst system and is one of only three major karst systems in NZ. • **Waikato Peat Lakes** The Waikato peat lakes are nationally significant and represent the largest collection of this wetland type in New Zealand. They are the few remaining areas of wetland associated with the formerly extensive Komakarau, Rukuhia and Moanatuatua peat bogs. The Serpentine/Rotopiko lakes support some of the best examples of intact submerged vegetation nationally. Lake Rotomānuka is the oldest and deepest of the Waikato peat lakes and has the best water quality Lake Maratoto ranked as the highest quality peat lake in the region for its biodiversity values (see SNA report)[9]. It has the largest area of adjoining wetland remaining and is one of few peat lakes that has maintained its natural dystrophic character.[10] A number of the peat lakes also have historic pā sites (fortified Māori settlement) associated with them. These archaeological sites are associated with the early occupation of the Waikato basin. Several lakes have been the subject of investigations (e.g. Lakes Mangakaware and Ngaroto). Remains of these settlements still exist in the lakes in a semi water-logged state, which has helped to preserve them and their features.	

[8] Cromarty, P. 1996 A Directory of Wetlands in New Zealand http://www.doc.govt.nz/documents/science-and-technical/nzwetlandsoo.pdf
[9] https://www.waikatoregion.govt.nz/assets/PageFiles/26053/TR201316.pdf
[10] Cromarty, P. 1996 A Directory of Wetlands in New Zealand http://www.doc.govt.nz/documents/science-and-technical/nzwetlandsoo.pdf

		• **Lake Rotokotuku** Lake Rotokotuku is a small privately owned lake surrounded by approximately 6ha of wetland. The lake was assessed by WRC in the late 1970s and was recommended for consideration as a scientific reserve status because of its high scientific and wildlife values at the time (Henriques 1979[11]). WRC recently revisited the lake and have worked with the landowner to develop a fencing and restoration plan for the lake and its surrounding wetland to return it to a near natural state. The wetland mostly comprises modified manuka shrubland and sedgeland, with kahikatea and bracken fern also present. The lake is deep (8m) for its size, and is naturally dystrophic in character. It maintains an acid pH of 5.23, which is the lowest pH of any of the Waikato lakes. Surveys of the lake were undertaken in 2011 by WRC staff. These surveys indicated that the lake was depauperate in fish species (only eels at low densities), but supported large and dense populations of freshwater invertebrates, including caddis flies, damsel flies, dragonflies, true flies, copepods, ostracods, and Corixidae beetles. Damselfies, dragonfly larvae and Corixids were exceptionally abundant. The samples taken during these surveys also yielded the first record of a species of caddis fly (Triplectidina) from the Waikato region since 1994, and a specimen of the snail, Glyptophysa that was of conservation significance. This same level of detail exists for many of the other lakes in the Waikato and Waipā catchments.	

[11] Henriques, P.R. 1979 A reconnaissance survey of Waitomo County freshwater swamplands. Waikato Valley Authority Technical Report. Hamilton, WVA.

6. Amendments sought to Table 3.11-2

Provision	Support/ Opposition	Discussion	Relief sought
Table 3.11-2 List of sub-catchments showing Priority 1, Priority 2, and Priority 3 sub-catchments/Te rārangi o ngā riu kōawaawa e whakaatu ana i te riu kōawaawa i te Taumata 1, i te Taumata 2, me te Taumata 3			
Priority methodology and implementation	Amendments sought	The Director-General is generally supportive of prioritising the management of land and water resources. The Director-General is concerned however, about the methodology used to prioritise sub-catchments. The approach taken in the proposed plan change is to prioritise sub-catchments based on current state and does not take into account the significant values of sub-catchments or the sensitivity of individual waterbodies to the effects of poor water quality. The Director-General acknowledges that timeframes for water quality improvements to manifest are very long due to lakes having legacy loads that have built up over many years. The Director-General acknowledges that as a result of this, the time to rectify water quality issues is long. The Director-General therefore wishes to see all lake and wetland sub-catchments included as priority 1 to ensure 2096 targets are reached.	The Director-General seeks to retain the table with amendments that see all wetland and lake sub-catchments be included as priority 1 in Table 3.11-2.
Priority for restoration plans and farm environment plans already developed	New	The Director-General is concerned that the proposed plan change overlooks the existing effort that has been put into lake restoration plans and farm environment/management plans. In addition to the increased priorities for all lakes and wetlands, the Director-General considers it is imperative that existing plans are implemented and enforced immediately.	The Director-General seeks that the existing works that have already been undertaken for lakes by way of lake restoration plans and farm environment/management plans be immediately implemented and enforced. Appendix J to the submission provides a base to

		Appendix J provides a table outlining existing works that have already been undertaken for lakes and seeks that this be used as a base for the immediate implementation of existing management and restoration plans.	start this.
Pungarehu Canal/Stream	Amendment sought	Table 3.11-2 omits the Pungarehu Canal/Stream. It is the flow path for very high loads of sediment and phosphorus from Lake Waikare into the Whangamarino Wetland. The Director-General is aware that WRC have been monitoring this site from at least 2003 and achieving water quality improvements at this site are critical. The Director-General therefore requests that the Pungarehu Stream be included in Table 3.11-2 as a Priority 1. To ensure the requirements of the NPSFM are met, all streams need to have numerical values in the plan to ensure that water quality is at least maintained.	The Director-General seeks that the Pungarehu Canal/Stream be added to Table 3.11-2 as priority 1 to ensure the requirements of the NPSFM are met, and all streams need to have numerical values in the plan to ensure that water quality is at least maintained.

7. Amendments to provision dates

Variation 1 to Plan Change 1 proposes to amend several key dates from Plan Change 1 as notified. The generic reasoning from the Council for amending the dates is "If the dates remain unchanged, persons within the withdrawn area would have at least one less year to complete the requisite actions. Changes to the dates will make it practical to implement the plan change".

The Director-General has considered the dates proposed in Variation 1 and detail of this consideration is outlined below:

Provision	Support/ Opposition	Discussion	Relief sought
Amendment to provision dates			
Clarification of notification date 22 October 2016	Support	The Director-General supports the clarity provided by including the actual date of notification of the Plan Change	Retain as notified
Rule 3.11.5.2(5) Permitted Activity – other farming activities	Oppose	Proposed change would see the extension of time from 31 March 2019 to 30 November 2020 for farmers to provide the Regional Council with information on:	Retain the timeframe for provision of information to the Regional Council required by 3.11.5.2(5) as 31 March 2019 as originally notified in the Plan

		• Annual stock numbers • Annual fertiliser use; and • Annual brought in animal feed The rule requires that this information is required by 1 September each year. The effect of the change in timeframe through Variation 1 is that effectively, a year of property information is not recorded. It does not seem to the Director-General, overly onerous to require this basic farm information to be provided to the Council within the existing timeframe, which would be required for the first time by September 2019. It is some 17 months from the date of the Variation being notified.	Change.
Rule 3.11.5.3(5a) & (5b) Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme AND Rule 3.11.5.4 (Date 1) Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme AND Rule 3.11.5.4 (Date 2) Controlled Activity Rule –	Oppose	Variation 1 proposes to change the timeframes for providing Farm Environment Plans to the Council where the land is registered to a Certified Industry Scheme. For farms within a Priority 1 sub-catchment and those properties with a Nitrogen Reference Point >75th percentile nitrogen leaching value, the timeframe is proposed to be extended from 1 July 2020 to 1 March 2022. For farms within the Priority 2 sub-catchments the timeframe is being extended from 1 July 2023 to 1 March 2025. Each of these changes provide an additional 20 months for compliance with the rules, which are over 2 years from being required from the date of notification of the variation (April 2018). Such a delay, when the initial water quality improvements are set to be achieved in 10 years from the date of notification of the Plan Change, has the potential to impact on the achievement of the short-term targets set by the plan change and will unnecessarily	Retain the timeframe for the provision of Farm Environment Plans as required by 3.11.5.3(5a) & (5b) and Rule 3.11.5.4 (Date 1) and (Date 2) as 1 July 2020 and 1 July 2023 respectively as originally notified in the Plan Change and ensure that adequate support and resourcing for these plan is provided by the Council and industry bodies to ensure that the timeframes can be met.

Farming activities with a Farm Environment Plan not under a Certified Industry Scheme		delay action. While the Director-General acknowledges compliance with the timeframes is effectively 1 year less for properties within the 'Hauraki section' the plan change as notified had signalled the requirements for a farm environment plan within a set timeframe. It is therefore not considered surprising that this requirement has also been reintroduced for the 'Hauraki section' of the plan change. Compliance with the nearest date as notified is still some 18 months from April 2018 when the variation to Plan Change 1 was notified. The Director-General considers that this timeframe will require adequate support and resourcing from the Council to ensure that the process can be met by individual landowners as these plans can take time and require expertise to prepare which will likely be the key factor in determining how long they take to complete. The Director-General notes that the Operative Waikato Regional Plan includes implementation methods for Livestock Access (3.9.4.7), Fertiliser Use (3.9.4.9) and the Effects of Livestock Management (5.1.4.9). These methods require that significant reduction in livestock access to water bodies and significant reduction in the extent of adverse effects attributable to fertiliser reaching ground and surface water to be undertaken by 2005 or by the time of plan review (whichever is sooner). These methods go further to state that where significant reductions are not achieved, rules will be implemented as part of a plan review of plan change to exclude livestock to water bodies and controlling fertiliser user or nitrogen leaching on land adjacent to water bodies, identified as being sensitive to land use effects. These methods envisage action to ensure the protection of water bodies, Plan Change 1, including	

		this variation is the time for action.	
Rule 3.11.5.4(1) Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme	Oppose	Variation 1 proposes to change the timeframes for providing Farm Environment Plans to the Council where the land is not registered to a Certified Industry Scheme. For farms within a Priority 1 sub-catchment and those properties with a Nitrogen Reference Point >75th percentile nitrogen leaching value, the timeframe is proposed to be extended from 1 January 2020 to 1 September 2021. While the Director-General acknowledges compliance with the timeframes is effectively 1 year less for properties within the 'withdrawn area', compliance with the date as notified is still some 18 months from April 2018 when the variation to Plan Change 1 was notified. The Director-General considered that this timeframe is sufficient to enable farmers to prepare a Farm Environment Plan. The Director-General notes that the Operative Waikato Regional Plan includes implementation methods for Livestock Access (3.9.4.7), Fertiliser Use (3.9.4.9) and the Effects of Livestock Management (5.1.4.9). These methods require that significant reduction in livestock access to water bodies and significant reduction in the extent of adverse effects attributable to fertiliser reaching ground and surface water to be undertaken by 2005 or by the time of plan review (whichever is sooner). These methods go further to state that where significant reductions are not achieved, rules will be implemented as part of a plan review of plan change to exclude livestock to water bodies and controlling fertiliser user or nitrogen leaching on land adjacent to water bodies, identified as being sensitive to land use effects. These methods envisage action to ensure the protection of water bodies, Plan Change 1, including this variation is the time for action.	Retain the timeframe for the provision of Farm Environment Plans as required by Rule 3.11.5.4(1) as 1 January 2020 as originally notified in the Plan Change.

Rule 3.11.5.4(2) Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme	Oppose	Variation 1 proposes to change the timeframes for providing Farm Environment Plans to the Council where the land is not registered to a Certified Industry Scheme. For farms within the Priority 2 sub-catchments the timeframe is being extended from 1 January 2023 to 1 September 2024. While the Director-General acknowledges compliance with the timeframes is effectively 1 year less for properties within the 'withdrawn area', compliance with the date as notified is still some 44 months (approx. 3.5 years) from April 2018 when the variation to Plan Change 1 is notified. The Director-General considered that this timeframe is more than sufficient to enable farmers to prepare a Farm Environment Plan. The Director-General notes that the Operative Waikato Regional Plan includes implementation methods for Livestock Access (3.9.4.7), Fertiliser Use (3.9.4.9) and the Effects of Livestock Management (5.1.4.9). These methods require that significant reduction in livestock access to water bodies and significant reduction in the extent of adverse effects attributable to fertiliser reaching ground and surface water to be undertaken by 2005 or by the time of plan review (whichever is sooner). These methods go further to state that where significant reductions are not achieved, rules will be implemented as part of a plan review of plan change to exclude livestock to water bodies and controlling fertiliser user or nitrogen leaching on land adjacent to water bodies, identified as being sensitive to land use effects. These methods envisage action to ensure the protection of water bodies, Plan Change 1, including this variation is the time for action.	Retain the timeframe for the provision of Farm Environment Plans as required by Rule 3.11.5.4(2) as 1 January 2023 as originally notified in the Plan Change.
Rule 3.11.5.5 Controlled Activity Rule – Existing commercial vegetable	Oppose	Variation 1 proposes to extend the permitted activity time for commercial vegetable production and associated diffuse discharge of contaminants from 1 January 2020 until 1 September 2021 and	Retain the timeframe for the permitted activity period for commercial vegetable production and associated diffuse discharge of contaminants at 1

production		the final date for applying for a resource consent from 1 July 2020 to 1 March 2022. This is an additional 20-month period before a resource consent application is required. While the Director-General acknowledges compliance with the timeframes is effectively 1 year less for properties within the 'withdrawn area', compliance with the dates, as originally notified is some 21 months from April 2018 when the variation to Plan Change 1 is notified. The Director General considers that this timeframe is sufficient to enable farmers to prepare the required resource consent application under the rule. The Director-General notes that the Operative Waikato Regional Plan includes implementation methods for Livestock Access (3.9.4.7), Fertiliser Use (3.9.4.9) and the Effects of Livestock Management (5.1.4.9). These methods require that significant reduction in livestock access to water bodies and significant reduction in the extent of adverse effects attributable to fertiliser reaching ground and surface water to be undertaken by 2005 or by the time of plan review (whichever is sooner). These methods go further to state that where significant reductions are not achieved, rules will be implemented as part of a plan review of plan change to exclude livestock to water bodies and controlling fertiliser user or nitrogen leaching on land adjacent to water bodies, identified as being sensitive to land use effects. These methods envisage action to ensure the protection of water bodies, Plan Change 1, including this variation is the time for action.	January 2020 as originally notified in the Plan Change.
Schedule A Registration with Waikato Regional Council	Oppose	Variation 1 proposes to extend the dates for the registration with the Council of properties greater than 2ha. Registration requires the provision of information of land owners which the Director-General considers is basic property information that would not be	Retain the timeframe for the registration of properties over 2ha as 1 September 2018 – 31 March 2019 as originally notified in Plan Change 1.

		difficult for landowners to provide to Council. The notified timeframe for registration is 1 September 2018 – 31 March 2019 giving effectively 12 months from the date of the variation (April 2018) for a property to be registered. The proposed timeframe through variation 1 is extended to be 1 May 2020 and 30 November 2020 adding a further 26 months to the period for registering properties. While the Director-General acknowledges compliance with the timeframes is effectively 1 year less for properties within the 'withdrawn area', the timeframe as notified is reasonable to provide the necessary information to register a property with the information required in Schedule A.	
Schedule B(e) Nitrogen Reference Point	Support with amendments	Variation 1 proposes to calculate a nitrogen reference point and provide it to the Council. As notified, the plan change requires that a nitrogen reference point be registered between 1 September 2018 and 31 March 2019. This time period provides 10 months for a nitrogen reference point to be calculated. Variation 1 proposes to extend the timeframe to 1 May 2020 – 30 November 2020, extending the time for preparing a nitrogen reference point some 20 months from what was originally notified. Given that the timeframe for compliance on this aspect is relatively tight, only some 10 months away, the Director-General is supportive of the extension of time to calculate and provide a nitrogen reference point to the Council. The Director-General considers however that the starting date for providing a nitrogen reference point to the Council, 1 September	The Director-General is generally supportive of the nitrogen reference point requirements in Schedule B because: • The NRP is based on past years • The settings for determining the NRP are clear • The NRP is determine by certified operators The Director-General considers that any improvements to the method for recording a NRP need to ensure that the resulting NRP is an accurate reflection of reality on the ground. The Director-General supports an extended timeframe for calculating and providing to the Council a nitrogen reference point but retaining the 'opening' date for this information being submitted to Council resulting in the timeframe being 1 September 2018 – 30 November 2020.

		2018, does not need to change and that allowing submission of nitrogen reference points from this date until 30 November 2020 is appropriate.	
Definition - 75th Percentile	Oppose	As discussed above, the Director-General does not support the extension of time provided to register a nitrogen reference point and seeks that the timeframe be retained as notified or a slightly longer period if deemed necessary to ensure compliance.	Retain the definition as originally notified in Plan Change 1 or alternatively, provide an additional 18-month period for compliance to be reached to account for the delay created by Variation 1 but retaining the 'opening' date for the nitrogen reference point calculation period. This would make the new timeframe for Schedule B(e) 1 September 2018 – 1 September 2020.
Definition – Tangata whenua ancestral lands	Support	The Director-General supports the amendment to the definition for tangata whenua ancestral lands to include the actual date of notification of the Plan Change, being 22 October 2016.	Retain as notified in Variation 1.