

# SUBMISSION

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## SUBMISSION TO WAIKATO REGIONAL COUNCIL ON PROPOSED WAIKATO REGIONAL PLAN CHANGE 2: LAKE TAUPŌ OVERSEER VERSION

**By email only:** Waikato Regional Council  
healthyenvironments@waikatoregion.govt.nz

**Date:** 28 May 2020

**Submission by:** Rotorua/Taupō Federated Farmers, Waikato Federated Farmers and Ruapehu Federated Farmers

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This is a submission on Proposed Waikato Regional Plan Change 2: Taupō Overseer Version (“**Plan Change 2**”).

Except as otherwise commented on within this submission, Rotorua/Taupō, Waikato and Ruapehu Federated Farmers generally support the provisions as notified.

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## 1. INTRODUCTION

- 1.1. Rotorua/Taupō, Waikato and Ruapehu Federated Farmers welcome the opportunity to submit on Plan Change 2.
- 1.2. Federated Farmers of New Zealand is a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers involved in a range of rural businesses. Federated Farmers of New Zealand is a pan sector organisation that works with farmers to ensure practical workable outcomes.
- 1.3. Federated Farmers of New Zealand aims to add value to its members' farming businesses. Its key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
  - a. Federated Farmers' members may operate their business in a fair and flexible commercial environment;
  - b. Federated Farmers' members, their families and their staff have access to services essential to the needs of the rural community; and
  - c. Federated Farmers' members adopt responsible management and environmental practices.
- 1.4. Federated Farmers of New Zealand is the national body, with 24 provinces, each being a separate incorporated society. Rotorua/Taupō, Waikato and Ruapehu Federated Farmers represent members who are engaged in a wide range of land use activities within the boundaries of the Lake Taupō Catchment.
- 1.5. Rotorua/Taupō, Waikato and Ruapehu Federated Farmers acknowledge any submissions that have been lodged by individual members on Plan Change 2.
- 1.6. For simplicity, Rotorua/Taupō, Waikato and Ruapehu Federated Farmers will be referred to as **Federated Farmers** throughout the submission.

## 2. GENERAL COMMENTS

- 2.1. With the exceptions contained within the main body of this submission, **attached** as Appendix "A", Federated Farmers generally supports the proposed changes to Plan Change 2 to allow the use of updated versions of Overseer.
- 2.2. Federated Farmers acknowledges the practicality of this plan change, noting that Overseer version 5.4.3 is due to expire in December 2020. It makes sense that the plan be updated to allow updated versions of Overseer to be used before version 5.4.3 expires.
- 2.3. Federated Farmers also acknowledges that by amending the plan to allow the use of updated Overseer versions ensures that the most sophisticated modelling is available to be used.
- 2.4. Federated Farmers' key submission points can be summarised as the following:
  - a. The need for a clear description of how an Overseer Reference Dataset is produced;
  - b. Confirmation that Waikato Regional Council ("**Council**") will absorb the costs for reviewing an updating the existing consents;
  - c. The need for a minimum threshold instigating the requirement for a new Nitrogen Management Plan ("**NMP**").

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**APPENDIX A: FEDERATED FARMERS SUBMISSION**

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<b>Policies</b>		
<p><b><u>Policy 3A Review of consents and change to use the most recent OVERSEER™ version</u></b></p> <p><u>Notwithstanding Policy 3(c)(ii), Waikato Regional Council will review consents granted under Rule 3.10.5.3, 3.10.5.4, 3.10.5.5, 3.10.5.6, 3.10.5.7, 3.10.5.8 and 3.10.5.9, to enable changes to those consents so that they refer to the most recent versions of the OVERSEER™ Model and so that:</u></p> <p><u>a) An Overseer Reference Dataset is developed for each property, that describes existing farm operations as they would be if all the current Nitrogen Discharge Allowance as modelled by OVERSEER™ version 5.4.3 is being used.</u></p> <p><u>b) The Overseer Reference Dataset is modelled by the most recent version of OVERSEER™ to establish a new Nitrogen Management Plan for the property.</u></p> <p><u>c) The property is managed thereafter in accordance with the new Nitrogen Management Plan or any authorised future changes to it. Any future changes to property management and the Nitrogen Management Plan, shall be such that, when modelled with the most recent version of OVERSEER™, do not result in greater modelled nitrogen leaching than when the farm's Overseer Reference Dataset is modelled with the same version of OVERSEERTM.</u></p> <p><u>d) WRC access to the property's published OVERSEER™ analysis is enabled.</u></p>	<p>Support in principle</p> <p>Federated Farmers supports the intention of Policy 3A and agrees it is necessary that new farming land use consent use the most recent version of Overseer available.</p> <p>Federated Farmers notes that Policy 3A also requires all existing farming consents to be reviewed and changed to refer to the most recent versions of Overseer too.</p> <p>Federated Farmers understands the need for this, namely that once version 5.4.3 expires, the existing Nitrogen Discharge Allowances (“NDA”) will no longer be meaningful. Federated Farmers agrees that existing consents will need to be reviewed and consents changed to refer to the most recent version of Overseer.</p> <p>Federated Farmers is concerned that Policy 3A does not clearly set out how an Overseer Reference Dataset is developed. In particular, Federated Farmers understands that Council are aware that some farmers are currently operating under their existing NDA and that where this is occurring, additional nitrogen discharges will be added to the description of the farming operation to ensure that the new Overseer Reference Dataset is modelled as if the farm is operating at its NDA. Federated Farmers considers that this should be clearly set out to ensure there are no discrepancies between the original NDA and the</p>	<p>Amend to include description of how an Overseer Reference Dataset is produced. In particular clearly outlining the process undertaken when consented farming operations are operating below their existing NDA.</p> <p>Or alternatively:</p> <p>Include process as part of 3.10.5 Implementation Methods.</p> <p>Or alternatively:</p> <p>Amend definition of Overseer Reference Dataset.</p> <p><b>Include new Advisory Note as follows:</b></p> <p>Amend to include an advisory note that Waikato Regional Council will meet the costs of reviewing existing consents and the necessary changes to refer to the most recent version of Overseer.</p> <p><b>Amend paragraph d as follows:</b></p> <p><u>d) <del>WRC</del> <b>Waikato Regional Council</b> access to the property's published OVERSEER™ analysis is enabled.</u></p>

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	<p>new Overseer Reference Dataset, either as a new Advisory Note or within the policy itself.</p> <p>Alternatively, this process could be set out within 3.10.5 Implementation Methods or within the definition of Overseer Reference Dataset.</p> <p><b>New Advisory Note</b>                      Federated Farmers has been advised that the OverseerFM subscription fee is being increased from \$207 per year (as identified in the section 32 report for Plan Change 2) to \$414 (incl. GST) per year. There are 83 existing consents so the total subscription cost would be \$34,361 (incl. GST) per year (compared to \$17,181 as identified by the section 32 report). Federated Farmers highlights that farmers will now need to take on that cost.</p> <p>Consent reviews, and changes to enable the use of updated Overseer versions may cost approximately \$71,000. Federated Farmers understands from the section 32 report for Plan Change 2 that a decision is yet to be made as to whether this cost should fall on consent holders or the Waikato Regional Council.</p> <p>Federated Farmers considers that the cost for the review and changes to existing consents should lie with the Waikato Regional Council, given farmers will be required to meet the annual subscription fee for OverseerFM.</p> <p><b>Paragraph d</b></p>	

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	Federated Farmers proposes for consistency WRC be amended to Waikato Regional Council.	
<b>Explanation and Principal Reasons for Adopting Policies 1 to 14</b>		
<p><b>Policy 3 Cap nitrogen outputs from land in the catchment</b>            Policy 3 caps nitrogen loads on the land at ‘existing’ levels so that there will be no incremental increases in the future. The policy ensures nitrogen is capped on individual properties by setting an initial allowance or ‘allocation’ of nitrogen, based on recent historical nitrogen leaching output (2001-2005). The process of nitrogen allocation is made explicit in the two sub clauses. Part a) refers to low nitrogen leaching activities such as forestry and land with very low stocking levels or fertiliser application being able to continue, as long as basic standards are met. Part b) will apply to typical farming activities, and sets out how initial allocation or ‘benchmarking’ of nitrogen is allocated per property, and how land use activities shall be managed on an ongoing basis. Part c) recognises that any consents granted in the process of nitrogen allocation should be of a sufficient duration to enable farmers to realise the value of investments made during the consented period, while not compromising Council’s ability to give effect to any revisions to Plan provisions made in future Plan reviews. <a href="#">Waikato Regional Plan Change 2: Lake Taupō Overseer™ made changes to the provisions in 2020, while seeking to maintain the original direction in Policy 3b).</a></p> <p><b><u>Policy 3A: Review of consents and change to use the most recent Overseer version</u></b></p>	Support as notified.	Retain as notified.

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<p><u>Overseer version 5.4.3 originally used by these Taupō provisions expires in December 2020. All existing consents granted under these provisions rely on a Nitrogen Discharge Allowance modelled by version 5.4.3. Policy 3A is added to ensure these consents are reviewed to enable the use of updated Overseer versions and to outline the process for changing from version 5.4.3 to updated versions.</u></p>		
<p><b>3.10.5 Implementation Methods – Land Use and Discharge Controls</b></p>		
<p><b>Farming activities</b>            Farming activities existing as at the <u>original</u> date of notification of this Plan (9 July 2005) were allowed but require a resource consent under 3.10.5.3 controlled activity rule. A process called benchmarking <u>is was</u> required under this rule, which <u>determines determined</u> nitrogen discharge allowances for farming activities through the application of a nutrient budgeting model called OVERSEER™. <u>Farm During initial benchmarking, farm</u> information <u>used to determine the nitrogen allowance will be sourced</u> from the period of July 2001 to June 2005 was used to <u>–This will</u> determine the annual nitrogen allowance <u>that to which</u> the property must adhere <u>to</u>. <u>The Chapter 3.10 provisions were subsequently amended in 2020 to allow the use of updated OVERSEER™ versions. As a result of the amendment, each property’s Nitrogen Discharge Allowance is to be changed to an equivalent dataset of OVERSEER™ inputs, called an Overseer Reference Dataset, that can be modelled by the most recent versions of OVERSEER™ as described in Policy 3A. Consents will be reviewed to refer to updated OVERSEER™ versions. In recognition that farmers and Waikato Regional Council will need time to collate and analyse this information, consents are</u></p>	<p>Support as notified.</p>	<p>Retain as notified.</p>

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<p><del>not expected to be granted for approximately two years after the rules are proposed. Thus, the rule states that it does not come into effect until 1 July 2007.</del> The rule also states that ongoing nitrogen leaching management shall be undertaken through Nitrogen Management Plans.</p>		
<p><b>3.10.5.1 Permitted Activity Rule – Low Nitrogen Leaching Farming Activities</b></p> <p>The use of land in the Lake Taupō catchment that may result in nitrogen leaching from the land and entering water:</p> <p>1. for farming activities which were existing as at the date of notification of this Rule (9 July 2005); and  i) the land has not been subject to a consent pursuant to Rule 3.10.5.3, 3.10.5.6, 3.10.5.7, 3.10.5.8 or 3.10.5.9; or  ii) where the land has been subject to a consent pursuant to Rule 3.10.5.3, 3.10.5.6, 3.10.5.7, 3.10.5.8 or 3.10.5.9 and the land has a Nitrogen Discharge Allowance, <u>defined as the modelled nitrogen leaching when the property's Overseer Reference Dataset is modelled by the most recent version of Overseer</u>, sufficient to allow for at least <u>812</u> kilograms of nitrogen per hectare per year for farming plus 3.5 kilograms of nitrogen per year for any advanced wastewater system in accordance with Rule 3.10.6.3 or 10 kilograms of nitrogen per year for any conventional wastewater system in accordance with Rule 3.10.6.4; or  2. for land which was not used for farming activities at the date of notification of this Rule, and where any nitrogen increase has been authorised by a resource consent granted under Rule 3.10.5.7 or 3.10.5.8 and the land has a Nitrogen Discharge Allowance sufficient</p>	<p>Support as notified.</p>	<p>Retain as notified.</p>

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<p>to allow for at least <del>8</del><sup>12</sup> kilograms of nitrogen per hectare per year for farming plus 3.5 kilograms of nitrogen per year for any advanced wastewater system in accordance with Rule 3.10.6.3 or 10 kilograms of nitrogen per year for any conventional wastewater system in accordance with Rule 3.10.6.4.</p> <p>is a <b>permitted activity</b> if the following conditions are met:</p> <p><b>Advisory Note:</b> • This Rule in part provides for land that has either been leaching high nitrogen levels or has resource consent to do so, to convert to low leaching land use activities (e.g. lifestyle blocks, forestry, etc.).</p> <p>a) Where the land is not used to graze stock, no more than 75 kilograms of nitrogen per hectare per year shall be applied to the land. Where the land is used to graze stock, the maximum number of animals shall be equivalent to any one row of Table 3.10.5.1 below:</p> <p><b>Table 3.10.5.1 – Stock Limits</b></p> <table border="1"> <thead> <tr> <th>Animal Type</th> <th>Maximum number of animals permitted per hectare</th> <th>Maximum number of animals permitted per 10 hectares</th> </tr> </thead> <tbody> <tr> <td>Dairy cow</td> <td><del>0-5</del> <sup>0-9</sup></td> <td><del>5-5</del> <sup>9</sup></td> </tr> <tr> <td>Beef cattle</td> <td><del>0-8</del> <sup>1-2</sup></td> <td><del>8-12</del></td> </tr> <tr> <td>Calf (up to age 12 months)</td> <td><del>2-2</del> <sup>1-8</sup></td> <td><del>22-18</del></td> </tr> <tr> <td>Horse</td> <td><del>0-8</del> <sup>1-1</sup></td> <td><del>8-11</del></td> </tr> <tr> <td>Sheep</td> <td><del>7-7</del> <sup>10-2</sup></td> <td><del>77-102</del></td> </tr> <tr> <td>Deer</td> <td><del>2-2</del> <sup>4-1</sup></td> <td><del>22-41</del></td> </tr> <tr> <td>Goat</td> <td><del>10-9</del> <sup>8</sup></td> <td><del>100-98</del></td> </tr> <tr> <td>Alpaca or Uama</td> <td><del>3-3</del> <sup>1-1</sup></td> <td><del>33-110</del></td> </tr> <tr> <td>Pig (free range)</td> <td>2.5</td> <td>25</td> </tr> </tbody> </table> <p>b) Progeny of animals grazed under condition a) (such as lambs and calves) are permitted provided that no additional feed is brought on to the property except feed that is supplied as per standard industry practice to meet animal welfare requirements during the period</p>	Animal Type	Maximum number of animals permitted per hectare	Maximum number of animals permitted per 10 hectares	Dairy cow	<del>0-5</del> <sup>0-9</sup>	<del>5-5</del> <sup>9</sup>	Beef cattle	<del>0-8</del> <sup>1-2</sup>	<del>8-12</del>	Calf (up to age 12 months)	<del>2-2</del> <sup>1-8</sup>	<del>22-18</del>	Horse	<del>0-8</del> <sup>1-1</sup>	<del>8-11</del>	Sheep	<del>7-7</del> <sup>10-2</sup>	<del>77-102</del>	Deer	<del>2-2</del> <sup>4-1</sup>	<del>22-41</del>	Goat	<del>10-9</del> <sup>8</sup>	<del>100-98</del>	Alpaca or Uama	<del>3-3</del> <sup>1-1</sup>	<del>33-110</del>	Pig (free range)	2.5	25		
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<p>of weaning and stocking rates return to the stock limits outlined in condition a) between 1 April and 31 July each year.</p> <p>c) Non-grazing domestic animals including cats, dogs, chickens and ducks that are kept for domestic purposes are permitted and are not to be taken into account for the purposes of this rule.</p> <p><u>d) For the purpose of 1(ii) and 2 above, whether or not there is sufficient nitrogen allowance for permitted activity animal numbers and wastewater, will be determined through the process for surrendering the consent.</u></p> <p><b>and provided also that:</b> Where a land use is authorized as a permitted activity by this Rule, the subject land shall not be used to offset any nitrogen leaching increase elsewhere in the catchment.</p> <p><b>Advisory Notes:</b></p> <ul style="list-style-type: none"> <li>• This Rule in part provides for land that has either been leaching high nitrogen levels or has resource consent to do so, to convert to low leaching land use activities (e.g. lifestyle blocks, forestry, etc.).</li> <li>• The area of land used to calculate animal density excludes any area of land used for buildings, lawns or gardens.</li> <li>• Wastewater systems must be authorised by the wastewater rules in section 3.10.6.</li> <li>• <del>The application of 75 kilograms of nitrogen per hectare per year in a non-grazing situation, or grazing at the limits in Table 3.10.5.1 is equivalent to 8 kilograms per hectare per year nitrogen leaching rate.</del></li> </ul>		
<p><b>3.10.5.3 Controlled Activity Rule – Nitrogen Leaching Activities</b></p>	<p>Support in principle</p>	<p>ii) The requirement for a Nitrogen Management Plan (NMP) for the land to which the controlled</p>

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<p>The use of land in the Lake Taupō catchment for any farming activity existing as at the date of notification of this Rule (9 July 2005) that does not meet the conditions for permitted activities under Rule 3.10.5.1 and which may result in nitrogen leaching from the land and entering water is a <del>permitted activity until 1 July 2007, after which it will be a controlled activity</del>, subject to the following conditions, standards and terms:</p> <p><i>Standards, terms and conditions to be met by applicants to enable them to seek consent under this Rule:</i></p> <p><b>Benchmarking in order to determine Nitrogen Discharge Allowance</b></p> <p><del>a) Benchmark data for a minimum of 12 consecutive months during the period July 2001 to June 2005 shall be submitted to Waikato Regional Council as part of any application for consent under this Rule. The benchmark data shall comprise the parameters and information contained in Table 3.10.5.3. The amount of nitrogen leached from farming activities shall be calculated by Waikato Regional Council's Benchmarking Contractors using the OVERSEERTM Model Version 5.4.3 and the benchmark data. The nitrogen leached shall include any nitrogen arising from the application of farm animal effluent, pig farm effluent, feed pad effluent, stand-off pad effluent, and fertiliser onto land (those activities require authorisation under rules 3.5.5.1 to 3.5.5.5 and rule 3.9.4.11 outside of the Taupō catchment). The amount of nitrogen leached in the single best year (being the 12 consecutive months with the highest leaching value) over the July 2001 to June 2005 period shall be the</del></p>	<p>Federated Farmers supports the inclusion of paragraphs a-d which provide that the latest version of Overseer is to be used in any new consents and that all farms have, and comply with, a NMP.</p> <p><b>Paragraph ii</b></p> <p>Federated Farmers is concerned with the requirement for a NMP if practices are <i>altered</i>.</p> <p>A literal reading of such provision is that any alteration to the farm management practices would result in the need for a NMP. This could be as simple as bringing one extra stock unit onto the property or carrying over stock due to drought which Federated Farmers considers to be frivolous and unreasonable.</p> <p>Federated Farmers considers that farmers should require a NMP if the consent holder <b>significantly</b> alters the farm management practices.</p> <p>Alternatively, Federated Farmers considers that Council need to provide a minimum threshold for what is considered “altering” a farming operation that would require a NMP.</p> <p><b>Nitrogen Management Plan</b></p> <p>Federated Farmers considers that “a <i>change to farming practices, such that farming practices are no longer consistent with the existing Nitrogen Management Plan</i>” is too vague and will result in uncertainty amongst consent holders.</p>	<p>activity consent applies if the farm management practices <del>represented by the benchmarking data referred to in standard and term a)</del> are <u>significantly</u> altered. <del>The OVERSEERTM Model Version 5.4.3 shall be used to calculate the nitrogen leached from the land to which the controlled activity consent applies inclusive of the altered farm management practices and this shall form the basis of the NMP. The NMP shall demonstrate that the nitrogen leached from the proposed farming activities complies with the benchmarked Nitrogen Discharge Allowance.</del> The NMP shall be provided to the Waikato Regional Council within 10 working days of the farm management practices being <u>significantly</u> altered;</p> <p>Or alternatively</p> <p>Council provide a minimum threshold as for what is considered “altering” farm practices through an advisory note.</p> <p><b>Amend Nitrogen Management Plan as follows:</b></p> <ul style="list-style-type: none"> <li>• The <u>Overseer Reference Dataset benchmark data for the selected best year</u> comprises the <u>initial new</u> Nitrogen Management Plan following the process identified in Policy 3A. A separate revised Nitrogen Management Plan is not required unless the <u>benchmark</u>ed farming practices <u>described in the Overseer Reference Dataset</u> are to be <u>significantly</u> altered. In that case a <u>separate new</u> Nitrogen Management Plan must be prepared showing that the proposed farming activities will comply with the</li> </ul>

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<p><del>Nitrogen Discharge Allowance for the land to which the controlled activity consent applies.</del></p> <p><del>a) The property shall have an Overseer Reference Dataset</del></p> <p><del>b) The property shall have a Nitrogen Management Plan that demonstrates how the property is to be managed, such that when it is modelled with the most recent version of Overseer, does not result in greater modelled nitrogen leaching than when the property's Overseer Reference Dataset is modelled with the same version of Overseer.</del></p> <p><del>c) The property shall be managed in accordance with its Nitrogen Management Plan.</del></p> <p><del>d) Full electronic access to the property's Overseer Reference Dataset and Overseer analysis that supports the current Nitrogen Management Plan, shall be provided to Waikato Regional Council on request.</del></p> <p>Waikato Regional Council reserves control over the following matters:</p> <p><del>i) The specification of the Nitrogen Discharge Allowance in kgN/ha/year and total kgN/year for the land to which the controlled activity consent applies as determined under standard and term a);</del></p> <p><del>ii) The requirement for a Nitrogen Management Plan (NMP) for the land to which the controlled activity consent applies if the farm management practices represented by the benchmarking data referred to in standard and term a) are altered. The OVERSEERTM Model Version 5.4.3 shall be used to calculate the nitrogen leached from the land to which the controlled activity consent applies inclusive of the altered farm management practices and this shall form the basis of the NMP. The NMP shall demonstrate that the nitrogen</del></p>	<p>Like to “alter” discussed above, this could be interpreted to mean <i>any</i> change to the farm practice would result in the need to change the NMP. This could be as minor as bringing one extra stock unit onto the property or carrying over stock due to drought which Federated Farmers considers to be frivolous and unreasonable.</p> <p>Federated Farmers considers that farmers should only need to amend their NMP should there be a material change to their farming operation.</p> <p>Alternatively, Federated Farmers considers that Council need to provide a minimum threshold that would require the need for a new NMP.</p> <p>Federated Farmers also notes the provision identifies that consent holders require a “<i>Nitrogen Management Plan following the process identified in Policy 3A</i>”. Federated Farmers does not consider the current wording of Policy 3A clearly sets out the process for how an Overseer Reference Dataset is developed. Federated Farmers considers that the policy should be amended in order to align with Rule 3.10.5.3, either as a new Advisory Note or within the policy itself.</p>	<p>farm’s <b>benchmarked</b> Nitrogen Discharge Allowance, by using the <b>most recent version Version 5.4.3</b> of the OVERSEER™ Model <b>and relevant parameters listed in Table 3.10.5.3</b>. A farm’s Nitrogen Management Plan thereafter remains valid until such time as the consent holder again proposes a <b>significant</b> change to farming practices, such that the new farming practices are no longer consistent with the existing Nitrogen Management Plan. At that point a revised Nitrogen Management Plan is required, using <b>Version 5.4.3 the most recent version</b> of the OVERSEER™ Model, to again demonstrate that the changed farming practices will not result in the breach of the Nitrogen Discharge Allowance for the farm.</p> <p>OR alternatively:</p> <p>Council provide a minimum threshold that instigates the need for a new NMP.</p> <p><b>Amend Policy 3A:</b></p> <p>Amend Policy 3A to outline the process as to how an Overseer Reference Dataset is produced.</p>

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Provision	Position	Decision sought
<p><del>leached from the proposed farming activities complies with the benchmarked Nitrogen Discharge Allowance.</del></p> <p>The NMP shall be provided to the Waikato Regional Council within 10 working days of the farm management practices being altered;</p> <p>iii) The self monitoring, record keeping, information provision and site access requirements for the holders of resource consents required to demonstrate ongoing compliance with the Nitrogen Management Plan;</p> <p>iv) The circumstances and timeframes under which the resource consent conditions may be reviewed.;</p> <p><del>provided that any review of a consent condition specifying the Nitrogen Discharge Allowance shall only occur when regional plan provisions have been made operative which specify a new target for the amount of nitrogen entering Lake Taupō and which requires that target to be achieved by the reduction of the Nitrogen Discharge Allowance specified in any resource consent;</del></p> <p>v) The duration of the resource consent;</p> <p>vi) The circumstances under which resource consents granted under this Rule can be surrendered either in whole or part pursuant to s138 of the RMA.</p> <p><u>vii) For any property not previously benchmarked for nitrogen leaching, the information requirements that would allow the property to be benchmarked at a nitrogen leaching rate that is equivalent to that which was occurring during the single best year (being the 12 consecutive months with the highest leaching value) over the period July 2001 to June 2005.</u></p> <p><b>Notification</b></p> <p><del>Notice of controlled activity applications received in accordance with this Rule does not need to be served if there are no leasehold interests applying to the land</del></p>		

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<p><u>to which the application relates Applications under Rule 3.10.5.3 may be considered without public notification or limited notification unless special circumstances apply or there are leasehold interests in the land that is subject to the application.</u></p> <p><b>Table 3.10.5.3 – Guidance for Nitrogen Discharge Allowance</b></p> <p><b>Advisory Notes:</b>  <b>Notification</b>                      If there are leasehold interests applying to the land to which an application relates, then the tests for service in the RMA 1991 apply.</p> <p><b>Nitrogen Discharge Allowance</b></p> <ul style="list-style-type: none"> <li>• Nitrogen Discharge Allowance <u>means the modelled nitrogen leaching when the property’s Overseer Reference Dataset is modelled by the most recent version of the Overseer™ model the maximum amount of nitrogen allowed to leach from land, as determined in accordance with Rule 3.10.5.3, Rule 3.10.5.6, 3.10.5.7, 3.10.5.8 or 3.10.5.9. A Nitrogen Discharge Allowance will be specified as a condition of any consent granted under this rule and will be described as the kilograms of nitrogen per hectare per year and the total kilograms (or tonnage) of nitrogen per year permitted to be leached from the land to which the consent relates, each year.</u></li> </ul> <p><b>Benchmark data</b></p> <ul style="list-style-type: none"> <li>• <u>Benchmark data means the parameters and information for farming activities during the benchmarking period under Rule 3.10.5.3 a) listed in Table 3.10.5.3. In the absence of benchmark</u></li> </ul>		

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<p><u>information being provided the WRC will use appropriate default numbers for any necessary inputs to the OVERSEER™ model (such default numbers will generally be around 75% of normal catchment average values for those inputs).</u></p> <p><b><u>OVERSEER™ Model</u></b>  <ul style="list-style-type: none"> <li>• <u>The OVERSEER™ Model is a nutrient management computer model produced by AgResearch, FertResearch and the Ministry of Agriculture and Forestry, which provides estimates of the annual fate of nitrogen, phosphorus, potassium and other nutrients in kilograms per hectare per year.</u></li> </ul> </p> <p><b>Nitrogen Management Plan</b>  <ul style="list-style-type: none"> <li>• <u>The Overseer Reference Dataset benchmark data for the selected best year comprises the initial new Nitrogen Management Plan following the process identified in Policy 3A. A separate revised Nitrogen Management Plan is not required unless the benchmarked farming practices described in the Overseer Reference Dataset are to be altered. In that case a separate new Nitrogen Management Plan must be prepared showing that the proposed farming activities will comply with the farm's benchmarked Nitrogen Discharge Allowance, by using the most recent version Version 5.4.3 of the OVERSEER™ Model and relevant parameters listed in Table 3.10.5.3. A farm's Nitrogen Management Plan thereafter remains valid until such time as the consent holder again proposes a change to farming practices, such that the new farming practices are no longer consistent with the existing Nitrogen Management Plan. At that point a revised Nitrogen Management Plan is required, using Version 5.4.3 the most recent version of the</u></li> </ul> </p>		

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<p>OVERSEER™ Model, to again demonstrate that the changed farming practices will not result in the breach of the Nitrogen Discharge Allowance for the farm.</p> <p><b>Duration</b></p> <ul style="list-style-type: none"> <li>• Policy 3 (c) provides guidance regarding the duration of the resource consent.</li> </ul> <p><b>Monitoring and Compliance</b></p> <ul style="list-style-type: none"> <li>• Farm management practices will be monitored to ensure that the Nitrogen Discharge Allowance for the land to which the controlled activity consent applies, has not been exceeded.</li> </ul> <p><b>Offsetting Nitrogen</b></p> <ul style="list-style-type: none"> <li>• Once <del>a Nitrogen Discharge Allowance has been determined the Overseer Reference Dataset is established</del> for the land to which the consent applies, any further increase in nitrogen leaching must be offset by a corresponding and equivalent decrease in nitrogen on one or more other properties in the Lake Taupō catchment <u>through a formal nitrogen trading process</u>. The increase <u>and corresponding decrease of nitrogen leaching</u> shall be secured <u>by way of a change to the Nitrogen Discharge Allowance by changing each trading property's Overseer Reference Dataset, so that the modelled leaching using the most recent Overseer model reflects the increase or decrease of nitrogen on each of the trading properties.</u></li> <li>• If the <del>Nitrogen Discharge Allowance for the land to which the consent applies Overseer Reference Dataset for a property</del> is to be changed, either through the sale or purchase of a nitrogen discharge entitlement, or through the sale or purchase of part of a farm, the consent holder will first need to either apply for a</li> </ul>		

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<p>change to the <del>consented Nitrogen Discharge Allowance conditions recording the Overseer Reference Dataset for the property</del> pursuant to s127 of the RMA or seek a new consent under Rules 3.10.5.6 or 3.10.5.7.</p>		
<p><b>3.10.5.4 Controlled Activity Rule – Development of Ngāti Tūwharetoa Undeveloped and Forested Land</b>            The use of land, in the Lake Taupō catchment which may result in nitrogen leaching from the land and entering water is a <b>controlled activity</b> subject to the following conditions, standards and terms:            a) All of the land subject to the application is Māori land within the meaning of Section 4 of the Te Ture Whenua Māori Act 1993;            b) This Rule shall only enable increases in nitrogen leaching in respect of that part of the land subject to the application which as at 9 July 2005 comprised unimproved land or nonnitrogen fixing plantation forest;            c) All or part of the land subject to the application is proposed to be developed in a manner that may result in an increase in nitrogen leaching from that land;            d) The total cumulative amount of additional nitrogen leached from all land authorised for development under this rule shall not exceed 11,000 kilograms per annum by 30 June 2017;            e) The average amount of nitrogen leaching from that part of the land subject to the application, once the proposed development is in place, shall not exceed 2 kilograms of nitrogen per hectare per year plus the relevant deemed nitrogen leaching rate defined in Rule 3.10.5.12 for unimproved land or non-nitrogen fixing plantation forest;            f) No resource consent or combination of resource consents under this Rule shall allow an increase in</p>	<p>Support as notified.</p>	<p>Retain as notified.</p>

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<p>average nitrogen leaching in respect of any land that exceeds 2 kilograms of nitrogen per hectare per year;</p> <p>g) The potential to increase the amount of nitrogen able to leach from the land subject to the application above the deemed nitrogen leaching rate shall not be transferable across land boundaries;</p> <p>h) Where the nitrogen leaching authorised by this rule is for the discharge of domestic wastewater effluent (including grey water but not stormwater) from any new conventional wastewater systems onto or into land, standards, terms and conditions (a) to (n) of Rule 3.10.6.4 shall apply;</p> <p>i) Where the nitrogen leaching authorised by this rule is for the discharge of domestic wastewater effluent (including grey water but not stormwater) from any new advanced wastewater systems onto or into land, standards, terms and conditions (a) to (o) of Rule 3.10.6.3 shall apply;</p> <p>j) Conventional wastewater systems shall not be installed within the near shore zone;</p> <p><b>and provided also that:</b> Where a land use is authorised as a controlled activity by this Rule, the subject land shall not be used to offset any nitrogen leaching increase elsewhere in the catchment.</p> <p><b>Matters of Control</b> Waikato Regional Council reserves control over the following matters:</p> <p>i) The specification of the Nitrogen Discharge Allowance in kgN/ha/year and total kgN/year for the land subject to the application;</p>		

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<p>ii) The requirement to maintain a Nitrogen Management Plan for the land subject to the application;</p> <p>iii) Version 5.4.3 of the OVERSEERTM model shall be used to demonstrate that any changes to the Nitrogen Management Plan, undertaken during the duration of any resource consent granted under this rule, will not lead to an exceedance of the Nitrogen Discharge Allowance for the land subject to the application;</p> <p>iv) The self monitoring, record keeping, information provision and site access requirements for the holders of resource consents required to demonstrate ongoing compliance with the Nitrogen Management Plan;</p> <p>v) Restrictions on the use of wastewater systems and the monitoring, maintenance and reporting requirements for those systems;</p> <p>vi) The circumstances and timeframes under which the resource consent conditions may be reviewed;</p> <p>vii) The duration of the resource consent; and</p> <p>viii) The circumstances under which resource consents granted under this rule can be surrendered either in whole or part pursuant to s138 of the RMA; and</p> <p><b>Notification:</b> Notice of controlled activity applications received in accordance with this rule does not need to be served.</p> <p><b>Advisory Notes:</b> • Rule 3.10.5.4 is intended to provide for the development of Māori land that was undeveloped or forested land at the date of notification of Variation 5 – Lake Taupō Catchment (9 July 2005). However, for the avoidance of doubt, it is noted that Māori land that contains some developed land is not precluded from the rule provided the nitrogen leaching from the</p>		

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<p>proposed development together with any nitrogen leaching from existing development does not exceed the upper limit on the average annual leaching of nitrogen set by conditions d) and e) of this rule.</p> <ul style="list-style-type: none"> <li>Refer to the Advice Notes under Rule 3.10.5.3 as they guidance they provide is relevant to consents issued under this Rule</li> </ul> <p><u>• Once Overseer Version 5.4.3 expires, this rule can no longer be used because the additional nitrogen allowance provided for in this rule only has relevance in terms of Version 5.4.3. The rule will be reviewed in full during the Healthy Environments regional plan review.</u></p>		
<p><b>3.10.5.5 Controlled Activity Rule – Development of Non-Ngāti Tūwharetoa Forestry and Undeveloped Land</b></p> <p>The use of land in the Lake Taupō catchment which may result in nitrogen leaching from the land and entering water is a controlled activity subject to the following conditions, standards and terms:</p> <p>a) As at 9 July 2005 the land comprised unimproved land or non-nitrogen fixing plantation forest;</p> <p>b) The land does not comprise Crown owned land or land that is explicitly covered by Rule 3.10.5.4(a);</p> <p>c) All or part of the land subject to the application is proposed to be developed in a manner that may result in an increase in nitrogen leaching from that land;</p> <p>d) The total cumulative amount of additional nitrogen leached from all land authorised for development under this rule shall not exceed 3,100 kilograms per annum by 30 June 2017;</p> <p>e) The average amount of nitrogen leaching from the land subject to the application, once the proposed development is in place, shall not exceed 2 kilograms</p>	<p>Support as notified.</p>	<p>Retain as notified.</p>

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<p>of nitrogen per hectare per year plus the relevant deemed nitrogen leaching rate defined in Rule 3.10.5.12 for unimproved land or non-nitrogen fixing plantation forest;</p> <p>f) No resource consent or combination of resource consents under this Rule shall allow an increase in average nitrogen leaching in respect of any land that exceeds 2 kilograms of nitrogen per hectare per year;</p> <p>g) The potential to increase the amount of nitrogen able to leach from the land subject to the application above the deemed nitrogen leaching rate shall not be transferable across land boundaries;</p> <p>h) Where the nitrogen leaching authorised by this rule is for the discharge of domestic wastewater effluent (including grey water but not stormwater) from any new conventional wastewater systems onto or into land, standards, terms and conditions (a) to (n) of Rule 3.10.6.4 shall apply;</p> <p>i) Where the nitrogen leaching authorised by this rule is for the discharge of domestic wastewater effluent (including grey water but not stormwater) from any new advanced wastewater systems onto or into land, standards, terms and conditions (a) to (o) of Rule 3.10.6.3 shall apply;</p> <p>j) Conventional wastewater systems shall not be installed within the near shore zone;</p> <p><b>And provided also that:</b> Where a land use is authorised as a controlled activity by this Rule, the subject land shall not be used to offset any nitrogen leaching increase elsewhere in the catchment.</p> <p><b>Matters of Control</b></p>		

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<p>Waikato Regional Council reserves control over the following matters:</p> <ul style="list-style-type: none"> <li>i) The specification of the Nitrogen Discharge Allowance in kgN/ha/year and total kgN/year for the land subject to the application</li> <li>ii) The requirement to maintain a Nitrogen Management Plan for the land subject to the application;</li> <li>iii) Version 5.4.3 of the OVERSEER™ model shall be used to demonstrate that any changes to the Nitrogen Management Plan, undertaken during the duration of any resource consent granted under this rule, will not lead to an exceedance of the Nitrogen Discharge Allowance for the land subject to the application;</li> <li>iv) The self monitoring, record keeping, information provision and site access requirements for the holders of resource consents required to demonstrate ongoing compliance with the Nitrogen Management Plan;</li> <li>v) Restrictions on the use of wastewater systems and the monitoring, maintenance and reporting requirements for those systems;</li> <li>vi) The circumstances and timeframes under which the resource consent conditions may be reviewed;</li> <li>vii) The duration of the resource consent; and</li> <li>viii) The circumstances under which resource consents granted under this rule can be surrendered either in whole or part pursuant to s138 of the RMA.</li> </ul> <p><b>Notification:</b> Notice of controlled activity applications received in accordance with this rule does not need to be served.</p> <p><b>Advisory Note:</b></p>		

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<ul style="list-style-type: none"> <li>Refer to the Advice Notes under Rule 3.10.5.3 as they guidance they provide is relevant to consents issued under this Rule</li> <li><u>Once Overseer Version 5.4.3 expires, this rule can no longer be used because the additional nitrogen allowance provided for in this rule only has relevance in terms of Version 5.4.3. The rule will be reviewed in full during the Healthy Environments regional plan review.</u></li> </ul>		
<p><b>3.10.5.6 Controlled Activity Rule - Division of Nitrogen Discharge Allowance Upon Sale or Disposal of Land</b></p> <p>The use of land in the Lake Taupō catchment for any farming activity authorised under Rule 3.10.5.3, Rule 3.10.5.8 or Rule 3.10.5.9 where the benchmarked Nitrogen Discharge Allowance is intended to be altered as a result of the sale or disposal of part of a farm is a <b>controlled activity</b>, subject to the following conditions, standards and terms:</p> <p>Standards, terms and conditions to be met by applicants to enable them to seek consent under this Rule:</p> <p><u>a) A Nitrogen Discharge Allowance (NDA) shall be calculated for the property by modelling the Overseer Reference Dataset with the most recent version of Overseer. This NDA allowance shall be divided and allocated to the land sold or disposed of and the balance land on the original farm so that sufficient nitrogen allowance is provided shall each be allocated a sufficient Nitrogen Discharge Allowance to allow for the intended use of that land. New Overseer Reference Datasets shall be established for the land sold or disposed of and the balance land on the original farm, so that when both are modelled through the most</u></p>	<p>Support in principle</p> <p><b>Paragraph ii</b></p> <p>Federated Farmers is concerned with the requirement for a NMP if practices are <i>altered</i>.</p> <p>A literal reading of such provision is that any alteration to the farm management practices would result in the need for a NMP. This could be as simple as bringing one extra stock unit onto the property or carrying over stock due to drought which Federated Farmers considers to be frivolous and unreasonable.</p> <p>Federated Farmers considers that consent holders should require a NMP if the farm management practices are significantly altered. Alternatively, Federated Farmers considers that Council need to provide a minimum threshold for what is considered as “altering” farm practices requiring a NMP.</p>	<p>ii) The requirement for a Nitrogen Management Plan (NMP) for the land to which the controlled activity consent applies if the farm management practices <del>represented in the NMPs referred to in standard and term c)</del> are <u>significantly</u> altered. <del>The OVERSEER™ Model Version 5.4.3 shall be used to calculate the nitrogen leached from the land to which the controlled activity consent applies inclusive of the altered farm management practices and this shall form the basis of the NMPs. The NMPs shall demonstrate that the nitrogen leached from the proposed farming activities complies with the benchmarked Nitrogen Discharge Allowance. The NMP will describe how the properties are to be managed after the farm activities are altered, such that when modelled with the most recent version of Overseer, does not result in greater nitrogen leaching than when the farms' Overseer Reference Datasets are modelled with the same version of Overseer.</del> The NMPs shall be provided to the Waikato Regional Council within 10 working days of the farm management practices being <u>significantly</u> altered.</p> <p>Or alternatively</p>

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<p><del>recent version of Overseer, the resulting nitrogen leaching is no greater in total than the initial NDA allowance calculated prior to sale or disposal.; provided that the sum of each allocation shall not total more than the Nitrogen Discharge Allowance that pertained to the farm prior to the sale or disposal of land; and it shall not be less than that permitted After the transaction, the properties may become permitted activities subject to compliance with under</del> Rules 3.10.5.1 or 3.10.5.2</p> <p>b) The allocation of a Nitrogen Discharge Allowance under a) shall only be to land formerly included within the farm to which the authorised Nitrogen Discharge Allowance under Rule 3.10.5.3, 3.10.5.6, 3.10.5.7, 3.10.5.8 or 3.10.5.9 applied.</p> <p>c) <u>Unless land use is to become permitted by Rules 3.10.5.1 or 3.10.5.2, amended Amended</u> Nitrogen Management Plans shall be prepared for the land sold or disposed of and the balance land on the original farm. <del>The Nitrogen Management Plans shall initially state the farm inputs in the Overseer Reference Datasets. Each property is managed thereafter, such that when it is modelled with the most recent version of Overseer, does not result in greater modelled nitrogen leaching than when the property's Overseer Reference Dataset is modelled with the same version of Overseer. to demonstrate that the nitrogen leached from the proposed farming activities complies with the altered Nitrogen Discharge Allowance for that land. The amended Nitrogen Management Plans shall include as a minimum the parameters and information contained in Table 3.10.5.3. Version 5.4.3 of the OVERSEERTM Model shall be used to calculate whether the nitrogen leached from the proposed farming activities under the amended Nitrogen</del></p>		<p>Council provide a minimum threshold for what is considered "altering" farm practices.</p>

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<p><del>Management Plans compli es with the altered Nitrogen Discharge Allowances for the land.</del> The amended Nitrogen Management Plans shall be submitted to Waikato Regional Council as part of any application for consent under this Rule.</p> <p>d) Where the land disposed of involves more than one new property a) to c) of this Rule shall apply to each property.</p> <p><b>Matters of Control</b>            Waikato Regional Council reserves control over the following matters:</p> <p><del>i) The specification of the Nitrogen Discharge Allowance in kgN/ha/year and total kgN/year for the land to which the controlled activity consent applies;</del></p> <p><del>ii) The requirement for a Nitrogen Management Plan (NMP) for the land to which the controlled activity consent applies if the farm management practices represented in the NMPs referred to in standard and term c) are altered. The OVERSEERTM Model Version 5.4.3 shall be used to calculate the nitrogen leached from the land to which the controlled activity consent applies inclusive of the altered farm management practices and this shall form the basis of the NMPs. The NMPs shall demonstrate that the nitrogen leached from the proposed farming activities complies with the benchmarked Nitrogen Discharge Allowance. The NMP will describe how the properties are to be managed after the farm activities are altered, such that when modelled with the most recent version of Overseer, does not result in greater nitrogen leaching than when the farms' Overseer Reference Datasets are modelled with the same version of Overseer.</del> The NMPs shall be provided to the Waikato Regional</p>		

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Provision	Position	Decision sought
<p>Council within 10 working days of the farm management practices being altered.</p> <p>iii) The self-monitoring, record-keeping, information provision and site access requirements for the holders of resource consents required to demonstrate ongoing compliance with the Nitrogen Management Plan;</p> <p><del>iv) The circumstances and time-frames under which the resource consent conditions may be reviewed., provided that any review of a consent condition specifying the Nitrogen Discharge Allowance shall only occur when regional plan provisions have been made operative which specify a new target for the amount of nitrogen entering Lake Taupō and which requires that target to be achieved by the reduction of the Nitrogen Discharge Allowance specified in any resource consent;</del> v) The duration of the resource consent;</p> <p>vi) The circumstances under which resource consents granted under this Rule can be surrendered either in whole or part pursuant to s138 of the RMA.</p> <p><b>Notification:</b> Notice of controlled activity applications received in accordance with this rule does not need to be served.</p>		
<p><b>3.10.5.7 Controlled Activity Rule - Offsetting (Trading) a Nitrogen Discharge Allowance for high leaching land</b></p> <p>The use of land in the Lake Taupō catchment for any farming activity authorised under Rule 3.10.5.3, Rule 3.10.5.6 or Rule 3.10.5.9 where the <del>benchmark</del> <b>Nitrogen Discharge Allowance Overseer Reference Dataset</b> is intended to be altered as a result of nitrogen trading or offsetting is a <b>controlled activity</b>, subject to the following conditions, standards and terms:</p>	<p>Support in principle</p> <p><b>Paragraph ii</b> Federated Farmers is concerned with the requirement for a NMP if practices are <i>altered</i>.</p> <p>A literal reading of such provision is that any alteration to the farm management practices would result in the need for a NMP. This could be as minor as bringing one extra stock unit onto the property or carrying over stock due to drought</p>	<p>ii) The requirement for a Nitrogen Management Plan (NMP) for the land to which the controlled activity consent applies if the farm management practices <del>represented in the NMPs referred to in standard and term c)</del> are <u>significantly</u> altered. <del>The OVERSEERTM Model Version 5.4.3 shall be used to calculate the nitrogen leached from the land to which the controlled activity consent applies inclusive of the altered farm management practices and this shall form the basis of the NMPs. The NMPs shall demonstrate that the nitrogen leached from the proposed farming activities complies with</del></p>

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Provision	Position	Decision sought
<p><b>Advisory Note:</b></p> <ul style="list-style-type: none"> <li>This Rule provides for trading of Nitrogen between existing high leaching farms. Nitrogen trading involving currently low nitrogen leaching land is provided for by Rule 3.10.5.8.</li> </ul> <p>Standards, terms and conditions to be met by applicants to enable them to seek consent under this Rule:</p> <p>a) Any increase in the <b>benchmarked</b> Nitrogen Discharge Allowance must be offset by a corresponding and equivalent decrease in the <b>benchmarked</b> Nitrogen Discharge Allowance on one or more other properties in the Lake Taupō catchment. <u>The proposed increase and decrease in nitrogen leaching must both be modelled using the most recent version of Overseer. The nitrogen leaching increase, and offsetting decrease, shall be secured by changes to each property's Overseer Reference Dataset so that the new reference datasets when modelled through the most recent version of the Overseer Model result in total nitrogen leaching no greater than the total modelled nitrogen leaching prior to the trade.</u></p> <p>b) <u>Unless land use is to become permitted by Rules 3.10.5.1 or 3.10.5.2, amended Amended</u> Nitrogen Management Plans shall be prepared for the land that is subject to both the increase and decrease of nitrogen leached. The amended Nitrogen Management Plans shall <u>initially state the farm inputs in the Overseer Reference Datasets. Each property is managed thereafter, such that when it is modelled with the most recent version of Overseer, does not result in greater modelled nitrogen leaching than when the property's Overseer Reference Dataset is modelled</u></p>	<p>which Federated Farmers considers to be frivolous and unreasonable.</p> <p>Federated Farmers considers that consent holders should require a NMP if the farm management practices have been significantly altered. Alternatively, Federated Farmers considers that Council need to provide a minimum threshold for what is considered as “altering” farm practices requiring a NMP.</p>	<p><del>the benchmarked Nitrogen Discharge Allowance.</del> <u>The NMP will describe how the properties are to be managed after the farm activities are altered, such that when modelled with the most recent version of Overseer, does not result in greater nitrogen leaching than when the farms' Overseer Reference Datasets are modelled with the same version of Overseer.</u> The NMPs shall be provided to the Waikato Regional Council within 10 working days of the farm management practices being <u>significantly</u> altered.</p> <p>Or alternatively</p> <p>Council provide a minimum threshold for what is considered “altering” farm practices.</p>

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<p><del>with the same version of Overseer include as a minimum the parameters and information contained in Table 3.10.5.3. Version 5.4.3 of the OVERSEERTM Model shall be used to calculate whether the nitrogen leached from the proposed farming activities under the amended Nitrogen Management Plans complies with the altered Nitrogen Discharge Allowances for the land.</del></p> <p>The amended Nitrogen Management Plans shall be submitted to Waikato Regional Council as part of any application for consent under this Rule.</p> <p>c) Where the nitrogen trading or offsetting involves more than one property a) and b) of this Rule shall apply to each property.</p> <p><b>Matters of Control</b> Waikato Regional Council reserves control over the following matters:</p> <p><del>i) The specification of the Nitrogen Discharge Allowance in kgN/ha/year and total kgN/year for the land to which the controlled activity consent applies;</del></p> <p><del>ii) The requirement for a Nitrogen Management Plan (NMP) for the land to which the controlled activity consent applies if the farm management practices represented by the benchmarking data referred to in standard and term a) are altered. The OVERSEERTM Model Version 5.4.3 shall be used to calculate the nitrogen leached from the land to which the controlled activity consent applies inclusive of the altered farm management practices and this shall form the basis of the NMPs. The NMPs shall demonstrate that the nitrogen leached from the proposed farming activities complies with the benchmarked Nitrogen Discharge Allowance. The NMP will demonstrate how the properties are to be managed after the farm activities</del></p>		

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<p><del>are altered, such that when modelled with the most recent version of Overseer, does not result in greater nitrogen leaching than when the farms' Overseer Reference Datasets are modelled with the same version of Overseer.</del> The NMPs shall be provided to the Waikato Regional Council within 10 working days of the farm management practices being altered;</p> <p>iii) The self-monitoring, record-keeping, information provision and site access requirements for the holders of resource consents required to demonstrate ongoing compliance with the Nitrogen Management Plan;</p> <p>iv) The circumstances and time-frames under which the resource consent conditions may be reviewed., <del>provided that any review of a consent condition specifying the Nitrogen Discharge Allowance shall only occur when regional plan provisions have been made operative which specify a new target for the amount of nitrogen entering Lake Taupō and which requires that target to be achieved by the reduction of the Nitrogen Discharge Allowance specified in any resource consent;</del></p> <p>v) The duration of the resource consent;</p> <p>vi) The circumstances under which resource consents granted under this Rule can be surrendered either in whole or part pursuant to s138 of the RMA.</p> <p><b>Notification:</b> Notice of controlled activity applications received in accordance with this rule does not need to be served.</p> <p><b>Leasing of nitrogen:</b> <del>When a land owner temporarily leases nitrogen to or from another land owner, a temporary 'Nitrogen leasing Overseer Reference Dataset' will be developed for each property subject to the lease, which reflects the</del></p>		

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<p><u>changed Nitrogen Discharge Allowances under the leasing arrangement. On expiry of the lease, both properties will revert to being managed in accordance with the pre-lease Overseer Reference Datasets.</u></p>		
<p><b>3.10.5.8 Controlled Activity Rule –Offsetting (Trading) a Nitrogen Discharge Allowance to Low Leaching Land</b></p> <p>Any use of land in the Lake Taupō catchment that is classified Rural Environment in the Taupō District Plan and does not meet Rules <u>3.10.5.1, 3.10.5.2 and 3.10.5.3</u> and which will increase the leaching of nitrogen from that land <u>such that Rules 3.10.5.1 and 3.10.5.2 no longer apply</u>, excluding leaching from wastewater systems, is a controlled activity subject to the following conditions, standards and terms:</p> <ul style="list-style-type: none"> <li>• This Rule provides for trading of Nitrogen involving currently low nitrogen leaching land. Nitrogen trading involving existing high leaching farms is provided for by Rule 3.10.5.7</li> </ul> <p>Standards, terms and conditions to be met by applicants to enable them to seek consent under this Rule:</p> <p><b>Nitrogen Trading (Offsetting)</b></p> <p>a) The proposed increase in nitrogen leaching shall be offset by a corresponding and equivalent decrease in nitrogen leaching on one or more other properties in the Lake Taupō catchment. <u>The proposed increase and decrease in nitrogen leaching must both be modelled using the most recent version of Overseer. The nitrogen leaching increase, and offsetting decrease, shall be secured by changes to each property’s Overseer Reference Dataset, or secured by</u></p>	<p>Support in principle</p> <p><b>Paragraph ii</b></p> <p>Federated Farmers is concerned with the requirement for a NMP if practices are <i>altered</i>.</p> <p>A literal reading of such provision is that any alteration to the farm management practices would result in the need for a NMP. This could be as simple as bringing one extra stock unit onto the property or carrying over stock due to drought which Federated Farmers considers to be frivolous and unreasonable.</p> <p>Federated Farmers considers that farmers should require a NMP should the farm management practices be significantly altered. Alternatively, Federated Farmers considers that Council need to provide a minimum threshold for what is considered as “altering” farm practices requiring a NMP.</p>	<p>ii) The requirement for a Nitrogen Management Plan (NMP) for the land to which the controlled activity consent applies if the farm management practices <del>represented in the NMPs referred to in standard and term c)</del> are <u>significantly</u> altered. <del>The OVERSEERTM Model Version 5.4.3 shall be used to calculate the nitrogen leached from the land to which the controlled activity consent applies inclusive of the altered farm management practices and this shall form the basis of the NMPs. The NMPs shall demonstrate that the nitrogen leached from the proposed farming activities complies with the benchmarked Nitrogen Discharge Allowance. The NMP will describe how the properties are to be managed after the farm activities are altered, such that when modelled with the most recent version of Overseer, does not result in greater nitrogen leaching than when the farms’ Overseer Reference Datasets are modelled with the same version of Overseer.</del> The NMPs shall be provided to the Waikato Regional Council within 10 working days of the farm management practices being <u>significantly</u> altered.</p> <p>Or alternatively</p> <p>Council provide a minimum threshold for what is considered “altering” farm practices.</p>

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<p><del>the development of an Overseer Reference Dataset if the land use was previously permitted. The new reference datasets when modelled through the most recent version of the Overseer Model shall result in total nitrogen leaching no greater than the total modelled nitrogen leaching prior to the trade. The amount of nitrogen leaching increase shall determine the Nitrogen Discharge Allowance for the land.</del></p> <p>b) Information shall be provided that shows that the corresponding and equivalent decrease in nitrogen leaching is to be secured by way of resource consent granted under <del>this</del> Rule <u>3.10.5.7</u> or a <del>s127</del> change to an existing resource consent <u>under section 127 of the RMA.</u></p> <p>Standards, terms and conditions to be met by the holders of consents granted under this Rule:</p> <p><b>Nitrogen Management Plan</b>            Except where the pre-existing activity continues to be permitted by Rule 3.10.5.1, and where the new nitrogen leaching land use authorised by this rule is farming, the application shall include a Nitrogen Management Plan which <del>uses Version 5.4.3 of the OVERSEERTM model to demonstrate that the nitrogen leached from the proposed farming activities complies with the proposed Nitrogen Discharge Allowance for the land.</del> shall initially state the farm inputs in the <u>Overseer Reference Dataset. The property is managed thereafter, such that when it is modelled with the most recent version of Overseer, does not result in greater modelled nitrogen leaching than when the property's Overseer Reference Dataset is modelled with the same version of Overseer.</u></p>		

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<p><b>Matters of Control</b>            Waikato Regional Council reserves control over the following matters:</p> <p>i) <del>The specification of the Nitrogen Discharge Allowance in kgN/ha/year and total kgN/year for the land to which the controlled activity consent applies;</del></p> <p>ii) The requirement for a Nitrogen Management Plan (NMP) for the land to which the controlled activity consent applies if the farm management practices <del>represented by the benchmarking data referred to in standard and term a)</del> are altered. <del>The OVERSEERTM Model Version 5.4.3 shall be used to calculate the nitrogen leached from the land to which the controlled activity consent applies inclusive of the altered farm management practices and this shall form the basis of the NMPs. The NMPs shall demonstrate that the nitrogen leached from the proposed farming activities complies with the benchmarked Nitrogen Discharge Allowance. The NMP will demonstrate how the property is to be managed after the farm activities are altered, such that when modelled with the most recent version of Overseer, does not result in greater nitrogen leaching than when the farm's Overseer Reference Dataset is modelled with the same version of Overseer.</del> The NMP shall be provided to the Waikato Regional Council within 10 working days of the farm management practices being altered;</p> <p>iii) The self monitoring, record keeping, information provision and site access requirements for the holders of resource consents required to demonstrate ongoing compliance with the Nitrogen Management Plan;</p> <p>iv) The circumstances and timeframes under which the resource consent conditions may be reviewed, <del>provided that any review of a consent condition specifying the Nitrogen Discharge Allowance shall only</del></p>		

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<p><del>occur when regional plan provisions have been made operative which specify a new target for the amount of nitrogen entering Lake Taupō and which requires that target to be achieved by the reduction of the Nitrogen Discharge Allowance specified in any resource consent;</del></p> <p>v) The duration of the resource consent;</p> <p>vi) The circumstances under which resource consents granted under this Rule can be surrendered either in whole or part pursuant to s138 of the RMA; and</p> <p><b>Notification:</b> Notice of controlled activity applications received in accordance with this rule does not need to be served.</p> <p><b>Advisory Notes:</b> <b>Nitrogen Discharge Allowance</b> • Nitrogen Discharge Allowance <u>means the modelled nitrogen leaching when the property's Overseer Reference Dataset is modelled by the most recent version of Overseer™.</u> <del>maximum amount of nitrogen allowed to leach from land, as determined in accordance with Rule 3.10.5.3, 3.10.5.6, 3.10.5.7, 3.10.5.8 or 3.10.5.9. A Nitrogen Discharge Allowance will be specified as a condition of any consent granted under this rule and will be described as the kilograms of nitrogen per hectare per year and the total kilograms (or tonnage) of nitrogen per year permitted to be leached from the land to which the consent relates, each year.</del></p> <p><b>OVERSEERTM Model</b> • <del>The OVERSEERTM Model is a nutrient management computer model produced by AgResearch, FertResearch and the Ministry of Agriculture and</del></p>		

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<p><del>Forestry, which provides estimates of the annual fate of nitrogen, phosphorus, potassium and other nutrients in kilograms per hectare per year.</del></p> <p><b>Offsetting Nitrogen</b></p> <ul style="list-style-type: none"> <li>Once <del>a Nitrogen Discharge Allowance has been determined</del> <u>the Overseer Reference Dataset is established</u> for the land to which the consent applies, any further increase in nitrogen leaching must be offset by a corresponding and equivalent decrease in nitrogen on one or more other properties in the Lake Taupō catchment <del>through a formal nitrogen trading process</del>. The increase <del>and corresponding decrease of nitrogen leaching</del> shall be secured <del>by way of a change to the Nitrogen Discharge Allowance by changing each trading property's Overseer Reference Dataset, so that the modelled leaching using the most recent Overseer model reflects the increase or decrease of nitrogen on each of the trading properties.</del></li> <li>If the <del>Nitrogen Discharge Allowance for the land to which the consent applies</del> <u>Overseer Reference Dataset for a property</u> is to be changed, either through the sale or purchase of a nitrogen discharge entitlement, or through the sale or purchase of part of a farm, the consent holder will first need to either apply for a change to the <del>consented Nitrogen Discharge Allowance</del> <u>Overseer Reference Dataset for the property</u> pursuant to s127 of the RMA or seek a new consent under Rules 3.10.5.6 or 3.10.5.7.</li> </ul> <p><b>Leasing of nitrogen:</b></p> <ul style="list-style-type: none"> <li>When a land owner temporarily leases nitrogen to or from another land owner, a temporary 'Nitrogen leasing Overseer Reference Dataset' will be developed for each property subject to the lease, which reflects the <del>changed Nitrogen Discharge Allowances under the</del></li> </ul>		

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<p><u>leasing arrangement. On expiry of the lease, both properties will revert to being managed in accordance with the pre-lease Overseer Reference Datasets, or in accordance with Permitted Activity Rules 3.10.5.1 or 3.10.5.2.</u></p>		
<p><b>3.10.5.12 Nitrogen Leaching Rates</b>            For the purposes of determining nitrogen leaching amounts under Rules 3.10.5.1 to 3.10.5.9 the following nitrogen leaching rates shall be applied where relevant:</p> <p><del>a) Use of land described under Rule 3.10.5.1 has a leaching rate of 8 kilograms per hectare per year</del>            b) Use of land described under Rule 3.10.5.2 has the following leaching rates            i) Unimproved land (including gorse and broom scrubland) 2 kilograms of nitrogen per hectare per year;            ii) Non-nitrogen fixing plantation forest land 3 kilograms of nitrogen per hectare per year            c) Use of land for farming activities except under Rule 3.10.5.1, that may result in nitrogen leaching from the land and entering water, has a nitrogen leaching rate of an amount calculated using <u>the most recent version</u> <del>Version 5.4.3</del> of the OVERSEERTM nutrient budgeting model            d) An advanced wastewater system in accordance with Rule 3.10.6.3 has a leaching rate of 3.5 kilograms of nitrogen per year            e) A conventional wastewater system in accordance with Rule 3.10.6.4 has a leaching rate of 10.0 kilograms of nitrogen per year.</p> <p><b>Explanation and Principal Reasons for Adopting Methods 3.10.5.1 to 3.10.5.12</b></p>	<p>Support as notified</p>	<p>Retain as notified.</p>

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<p><b>Rules 3.10.5.1 to 3.10.5.12</b> reflect the grandparenting approach to allowing nitrogen discharges, which is dependent on capping existing nitrogen leaching activities at <del>their current rate (averaged since 2001) as of the notification of the Plan</del> <u>the rates occurring during the original benchmark period, July 2001 to June 2005.</u></p> <p>The rules ensure existing land uses are permitted or controlled (granting existing nitrogen leaching) but are locked into meeting standards ensuring no increase in nitrogen leaching. However, nitrogen offsetting has been added to the grandparenting approach to allow land use flexibility and increases in nitrogen leaching where corresponding decreases can be achieved. Development flexibility for forestry and undeveloped land is also provided for. The ability to trade (or offset) with other landowners has also been provided for.</p>		
<b>3.1.9 Map of Lake Taupō Catchment</b>		
Map of Lake Taupō Catchment	Support as notified.	Retain as notified.
<b>Glossary</b>		
<p><b>Additional Glossary Definition for Overseer Reference Dataset</b></p> <p>The following new definition is to be added to the Waikato Regional Plan Glossary.</p> <p><u>An Overseer Reference Dataset is:</u></p> <p><u>i. An OverseerFM input dataset that describes farm operations for a property based on its current land use, but using all the property's Nitrogen Discharge Allowance as modelled by Overseer version 5.4.3, established for the property when the change from version 5.4.3 to OverseerFM occurs; or</u></p> <p><u>ii. An input dataset for the most recent version of Overseer, which describes anticipated farm operations for a property if the Overseer Reference Dataset is to</u></p>	<p>Support in principle</p> <p>Federated Farmers considers that the definition of Overseer Reference Dataset could be clearer to better set out how an Overseer Reference Dataset is developed. In particular where farmers are currently operating under their existing NDA and that where this is occurring, additional nitrogen discharges will be added to the description of the farm to ensure that the new Overseer Reference Dataset is modelled as if the farm is operating at its NDA.</p>	<p>Amend definition to include description of how an Overseer Reference Dataset is produced when farms are operating below their existing NDA to ensure there are no discrepancies (or "lost" nitrogen) between the NDA and the Overseer Reference Dataset.</p> <p>Or alternatively</p> <p>Amend Policy 3A to clearly set out the process as to how an Overseer Reference Dataset is developed.</p>

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<b>Provision</b>	<b>Position</b>	<b>Decision sought</b>
<u>be changed, or if an Overseer Reference Dataset is to be established for land where land use was previously a Permitted Activity, through a consent process under Rule 3.10.5.6, 3.10.5.7, 3.10.5.8 or 3.10.5.9.</u>		

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## Keita Kirchin

---

**From:** Laura Jeffries <ljeffries@fedfarm.org.nz>  
**Sent:** Monday, 8 June 2020 9:17 am  
**To:** Healthy Environments  
**Subject:** RE: Proposed Waikato Regional Plan Change 2: Lake Taupō Overseer Version: Federated Farmers submission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Apologies, Federated Farmers is directly affected by an effect of the subject matter of the submission that adversely affects the environment and does not relate to the trade competition or the effects of trade competition.

Ngaa mihi

Laura

---

**From:** Healthy Environments <HealthyEnvironments@waikatoregion.govt.nz>  
**Sent:** Monday, 8 June 2020 9:05 am  
**To:** Laura Jeffries <ljeffries@fedfarm.org.nz>  
**Cc:** Healthy Environments <HealthyEnvironments@waikatoregion.govt.nz>  
**Subject:** RE: Proposed Waikato Regional Plan Change 2: Lake Taupō Overseer Version: Federated Farmers submission

Thanks, Laura. Could you please also answer this question?

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

- (a) adversely affects the environment, and
- (b) does not relate to the trade competition or the effects of trade competition.

---

**From:** Laura Jeffries <[ljeffries@fedfarm.org.nz](mailto:ljeffries@fedfarm.org.nz)>  
**Sent:** Monday, 8 June 2020 8:38 am  
**To:** Healthy Environments <[HealthyEnvironments@waikatoregion.govt.nz](mailto:HealthyEnvironments@waikatoregion.govt.nz)>  
**Subject:** RE: Proposed Waikato Regional Plan Change 2: Lake Taupō Overseer Version: Federated Farmers submission

Hi Keita

Federated Farmers could not gain an advantage in trade competition through this submission.

Kind regards,

Laura

---

**From:** Healthy Environments <[HealthyEnvironments@waikatoregion.govt.nz](mailto:HealthyEnvironments@waikatoregion.govt.nz)>  
**Sent:** Friday, 5 June 2020 4:59 pm  
**To:** Laura Jeffries <[ljeffries@fedfarm.org.nz](mailto:ljeffries@fedfarm.org.nz)>  
**Cc:** Healthy Environments <[HealthyEnvironments@waikatoregion.govt.nz](mailto:HealthyEnvironments@waikatoregion.govt.nz)>  
**Subject:** RE: Proposed Waikato Regional Plan Change 2: Lake Taupō Overseer Version: Federated Farmers submission

Hi Laura

Could you please answer the following on behalf of the joint Federated Farmers submission and return by email?

**TRADE COMPETITION AND ADVERSE EFFECTS** (select appropriate)

I could / could not gain an advantage in trade competition through this submission. [Refer to guide below for further information]  
I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment, and
- (b) does not relate to the trade competition or the effects of trade competition.

**1. Trade competition**

*If you could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of part 1 of Schedule 1 of the Resource Management Act 1991 (RMA).*

**6 Making of submissions**

- (4) A person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that –
  - a) adversely affects the environment; and
  - b) does not relate to trade competition or the effects of trade competition.

Kind regards

Keita

**Keita Kirchin** | BUSINESS SUPPORT OFFICER - PLANNING ASSISTANT | Business Support (SAS), Science and Strategy  
WAIKATO REGIONAL COUNCIL | Te Kaunihera ā Rohe o Waikato

[Take a look at the work we do](#)

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**From:** Laura Jeffries <[ljeffries@fedfarm.org.nz](mailto:ljeffries@fedfarm.org.nz)>

**Sent:** Thursday, 28 May 2020 4:53 pm

**To:** Healthy Environments <[HealthyEnvironments@waikatoregion.govt.nz](mailto:HealthyEnvironments@waikatoregion.govt.nz)>

**Cc:** Paul Le Miere <[plemiere@fedfarm.org.nz](mailto:plemiere@fedfarm.org.nz)>; Jesse Gooding <[JGooding@fedfarm.org.nz](mailto:JGooding@fedfarm.org.nz)>;

[guytonfarms@xtra.co.nz](mailto:guytonfarms@xtra.co.nz); Jacqui Hahn <[jacqui.hahn71@gmail.com](mailto:jacqui.hahn71@gmail.com)>; Luke Pepper <[chillipeppers@xtra.co.nz](mailto:chillipeppers@xtra.co.nz)>

**Subject:** Proposed Waikato Regional Plan Change 2: Lake Taupō Overseer Version: Federated Farmers submission

To whom it may concern

Please find **attached** a submission on behalf of Rotorua/Taupō Federated Farmers, Waikato Federated Farmers and Ruapehu Federated Farmers on Proposed Waikato Regional Plan Change 2: Lake Taupō Overseer Version.

Please acknowledge receipt.

Kind regards

**LAURA JEFFRIES**  
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