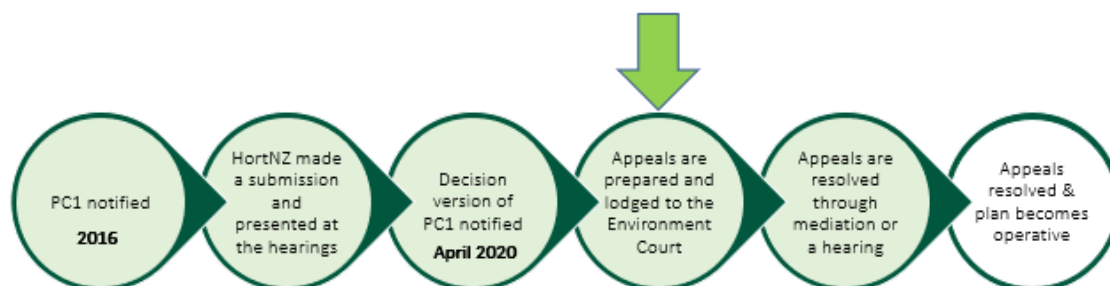


## SUMMARY OF THE RULES AND SCHEDULES

### Decision version of Proposed Plan Change 1 (PC1)

A decision version of PC1 was notified on 22 April 2020. From this date the plan reflected the decisions made by a panel of hearing commissioners, taking into account submissions and hearing evidence. PC1 is now in the appeals stage (see diagram below). Once all appeals are resolved the plan will become fully operative (and replace the corresponding rules in the current operative regional plan).



### What does it mean for growers?

Under the Resource Management Act, any rules relating to water have immediate legal effect from the date of notification. All farming activities must now meet the rules notified on 22 April.

- Waikato Regional Council will be enforcing the rules notified 22 April 2020
- If you have a resource consent, you will need to reapply under the new rules
- There is a grace period for lodging an application if you are undertaking an activity that requires resource consent under PC1 and you are farming in accordance with minimum farming standards stipulated in Schedule C of PC1. The length of the grace period depends on which sub-catchment you are in. Table 3.11-3 outlines the grace periods for each sub-catchment. Note these grace periods are from when PC1 becomes fully operative.

PC1 can be accessed on Waikato Regional Council's website:

<https://www.waikatoregion.govt.nz/assets/WRC/WRC-2019/Volume-2-Proposed-Waikato-Regional-Plan-Change-1-Decisions-version.pdf>

### What does the plan cover?

The plan has rules, objectives and policies for improving water quality through the management of farm land uses that discharge the four contaminants. Table 3.11-1 of the plan sets the short-term attribute states and 80-year attribute states for the Waipa and Waikato River catchments. Table 3.11-2 identifies the priority contaminants for reduction in each sub-catchment.

A summary of the rules and requirements/outcomes most relevant to horticulture is provided below.

If you need assistance reading the plan or understanding whether you need consent, please contact the Waikato Regional Council or your local planning consultant.

## Rule Summary

For horticultural activities, excluding commercial vegetable production (CVP), activity status is determined by:

- Whether the activity’s Nitrogen Leaching Loss Rate is “low”, “moderate” or “high” as specified in Schedule B, and

Freshwater Management Unit <sup>3</sup>	Low (kgN/ha/year)	Moderate (kgN/ha/year)	High (kgN/ha/year)
Lower Waikato River	≤ 21	>21 and ≤ 29	> 29
Middle Waikato River	≤ 21	>21 and ≤33	> 33
Upper Waikato River	≤ 31	>31 and ≤ 57	> 57
Waipā River	≤ 30	> 30 and ≤43	> 43

- whether the relevant activity standards can be met.

<p><b>RULE 3.11.4.1 PERMITTED ACTIVITY – Small and very low intensity farming</b></p> <p>This rule will only apply to activities sized 20ha or less, do not contain any CVP and meet a range of activity standards including:</p> <ul style="list-style-type: none"> <li>• Farming conforms with the minimum farming standards in Schedule C</li> <li>• Farming occurs on one property.</li> </ul>	<p><b>RULE 3.11.4.2 INTERIM PERMITTED ACTIVITY – Farming prior to obtaining consent</b></p> <p>All activities that will require consent in the future under PC1 are a permitted activity (subject to meeting the minimum standards in Schedule C) until the dates specified in Table 3.11-1. If the minimum standards in Schedule C cannot be met, consent will be required as soon as the plan change becomes fully operative.</p>
<p><b>RULE 3.11.4.3 PERMITTED ACTIVITY – Low intensity farming</b></p> <p>This rule has two options for non-CVP horticultural activities:</p> <p>A) Those activities which have a low NLR and do not meet the activity standards of Rule 3.11.4.1</p> <p>Or</p> <p>B) Those activities that are greater than 20ha but that would otherwise meet standards 1-9 of Rule 3.11.4.1</p> <p>All activities under this rule must meet a range of activity standards including:</p> <ul style="list-style-type: none"> <li>• Conformance with minimum farming standards in Schedule C and D1</li> <li>• Farming occurs on one property</li> <li>• A NLR must be produced in conformance with Schedule B</li> <li>• A Farm Environment Plan is produced in accordance with Schedule D1</li> </ul>	<p><b>RULE 3.11.4.4 CONTROLLED ACTIVITIES – moderate intensive farming</b></p> <p>This applies to non-CVP horticultural activities that either:</p> <p>A) have a moderate NLR</p> <p>OR</p> <p>B) Have a low NLR and do not meet the standards of Schedule C or Schedule D1.</p> <p>A range of activity standards must be met including:</p> <ul style="list-style-type: none"> <li>• Conformance with minimum farming standards in Schedule C</li> <li>• Farming occurs on one property</li> <li>• A NLR must be produced in conformance with Schedule B</li> <li>• A Farm Environment Plan is produced in accordance with Schedule D2</li> </ul>
<p><b>RULE 3.11.4.5 CONTROLLED ACTIVITY – existing commercial vegetable production</b></p> <p>A range of activity standards must be met including:</p> <ul style="list-style-type: none"> <li>• A NLR is produced in conformance with Schedule B</li> </ul>	<p><b>RULE 3.11.4.6 RESTRICTED DISCRETIONARY ACTIVITY – Whangamarino Wetland Catchment</b></p> <p>Unless operating under permitted activity Rule 3.11.4.1, this applies to all horticulture (including CVP) in the Whangamarino Wetland Catchment.</p>

<ul style="list-style-type: none"> <li>• Providing land use information is provided for the period 1 July 2006 to 30 June 2016 outlining: <ul style="list-style-type: none"> <li>- The total maximum area of land used for CVP for any full year</li> <li>- For that year, the maximum area of land used for CVP and their locations, per sub-catchment.</li> </ul> </li> <li>• The total area of land applied for in the consent must not exceed the above maximum area for each subcatchment</li> <li>• A farm environment plan is prepared in accordance with Schedule D2</li> </ul>	<p>There are a range of activity standards to meet.</p> <p>Existing CVP activities must also meet the conditions of Rule 3.11.4.5.</p>
<p><b>RULE 3.11.4.7 DISCRETIONARY ACTIVITY – Farming in a collective, or high intensity farming, or farming not otherwise authorised</b></p> <p>This rule applies to all activities, including CVP, if one or more of the following apply:</p> <ul style="list-style-type: none"> <li>• Farming is on more than one property</li> <li>• The NLR is High</li> <li>• The farming is not already regulated/provided for in Chapter 3.11 or the activity cannot meet the standards of any other rule in Chapter 3.11.</li> </ul> <p>A range of activity standards must be met including:</p> <ul style="list-style-type: none"> <li>• Conformance with minimum farming standards in Schedule C</li> <li>• A NLR must be produced in conformance with Schedule B</li> <li>• A Farm Environment Plan is produced in accordance with Schedule D2</li> </ul>	<p><b>RULE 3.11.4.8 DISCRETIONARY ACTIVITY – CVP expansion</b></p> <p>This applies to any increase of CVP since 1 July 2016 (in any sub-catchment).</p> <p>The land for which consent is sought must:</p> <ul style="list-style-type: none"> <li>• Be located entirely within the sub-catchments specified below; and</li> <li>• Be entirely LUC1 or LUC2; and</li> <li>• Not, in combination with any existing consent, exceed the maximum sub-catchment area limits specified below.</li> </ul> <p>Other activity standards include:</p> <ul style="list-style-type: none"> <li>• A NLR must be produced in conformance with Schedule B</li> <li>• A Farm Environment Plan is produced in accordance with Schedule D2</li> </ul>
<p><b>RULE 3.11.4.9 NON-COMPLYING ACTIVITY – Land use change</b></p> <p>This rule applies to:</p> <ul style="list-style-type: none"> <li>• Changes in CVP not regulated by Rules 3.11.4.5 or 3.11.4.8</li> <li>• Any changes in land use within a property, where the change exceeds 4.1ha (cumulatively) from that which was occurring at 22 October 2016 for: <ul style="list-style-type: none"> <li>- Woody vegetation to farming or</li> <li>- Any land use to dairy farming.</li> </ul> </li> </ul>	

## Schedule summary

### **Schedule A – Property registration:**

All properties greater than 4.1ha must be registered with Council. Permitted activities must be registered by the time PC1 becomes fully operative. Properties requiring consent must be registered by the time consent is applied for. Information requirements for registration are contained in Schedule A of the plan change.

### **Schedule B – Nitrogen Leaching Loss Rate**

The rules in PC1 identify where a NLR is required. Schedule B outlines information requirements for the calculation of the NLR.

Key points:

- The NLR can be calculated using OVERSEER or an alternative, approved model.
- The alternative models must be certified by a suitably qualified and experienced nutrient loss modeller.
- Prior to use of an alternative model, documentation of its suitability must be provided to Council.
- Regardless of what model is used, the NLR must be determined by a Certified Farm Nutrient Advisor.

### **Schedule C – Minimum farming standards**

The majority of the standards do not apply to exclusive horticultural operations. Relevant standards relate to:

- Nitrogenous fertiliser application for non-CVP activities:
  - Must not be applied at rates greater than 30kgN/ha per dressing
  - No application during June and July unless the temperature is greater than 10 degrees Celsius within the root zone.
- No cultivation within 5m of the following waterbodies:
  - The bed of a river (including a natural or modified spring or stream)
  - A permanently or intermittently flowing artificial watercourse
  - The bed of any lake
  - Any wetland, including constructed wetland, greater than 50m<sup>2</sup>

### **Schedule D1 – FEPs for farming under Rule 3.11.4.3**

This outlines minimum content requirements for these FEPs as well as prescriptive standards that must be met. Key points:

- FEPs can be prepared by the landowner or anyone on behalf of a landowner.
- FEPs do not require certified but must be reviewed by a Certified Farm Environment Planner at specified intervals.
- FEPs can be changed without needing review as long as the FEP continues to comply with Schedule C and any other relevant resource consent. Changes must be documented.
- Some standards will not apply to exclusive horticultural activities. Relevant matters covered include:
  - Nutrient management
  - Land and soil management (erosion risk mapping)
  - Laneways, bridges and infrastructure
  - Cultivation
  - Irrigation

- Record keeping

#### **Schedule D2 – FEPs for consented farming**

This outlines the minimum content requirements and goals and principles to which farming activities must be consistent with. Key points:

- FEPs can be prepared by the landowner or anyone on behalf of a landowner.
- FEPs must be certified by a Certified Farm Environment Planner.
- FEPs shall be reviewed by a Certified Farm Environment Planner within 12months and at intervals to be stipulated in consent conditions.

#### **Schedule E – Certification of sector schemes**

This outlines minimum standards for applications as a certified sector scheme.