

How the policies and rules are shaping up

Summary of draft proposed plan change at 14 July 2016 (updated 26 July 2016)



Healthy Rivers
PLAN FOR CHANGE

Maniapoto Māori Trust Board
Raukawa Charitable Trust
Te Arawa River Iwi Trust

Wai Ora
HE RAUTAKI WHAKAPAIPAI

Tūwharetoa Māori Trust Board
Waikato Raupatu River Trust
Waikato Regional Council

The following summary is based on the draft proposed plan change following the Collaborative Stakeholder Group (CSG) workshop on 6 and 7 July 2016. The draft proposed plan change includes new objectives, policies and methods. It has yet to go through project partner decision making processes, so does not constitute Waikato Regional Council policy.

Objectives

Key outcomes that the plan is seeking to achieve

1. Long term restoration and protection of water quality for each subcatchment and Freshwater Management Unit
2. Social, economic and cultural wellbeing is maintained in the long term
3. Short term improvements in water quality in the first stage of restoration and protection of water quality for each subcatchment and Freshwater Management Unit
4. People and community resilience
5. Mana Tangata – protecting and restoring tangata whenua values
6. Whangamarino Wetland

Policies

Proposed directions being set by the plan

1. Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens
2. Tailored approach to reducing diffuse discharges from farming activities
3. Tailored approach to reducing diffuse discharges from commercial vegetable production systems
4. Enabling activities with lower discharges to continue or to be established while signalling further change may be required in the future
5. Staged approach
i.e. achieving long term water quality targets staged over 80 years to minimise social disruption and allow time for innovation and making a start now and preparing for future reductions in discharges
6. Restricting land use change
i.e. land use change consent applications need to demonstrate clear and enduring decreases in diffuse discharges
7. Preparing for allocation in the future
i.e. prepare for future reductions in discharges and any future property level allocation of diffuse discharges by implementing the methods in the plan change; collect information to support this; signal principles for future allocation
8. Prioritised implementation
i.e. implement relevant policies according to priority areas: subcatchment where the gap between water targets and current water quality is greater, lakes Freshwater Management Units and Whangamarino wetland
9. Subcatchment (including edge of field) mitigation planning, coordination and funding
10. Provide for point source discharges of regional significance
11. Application of Best Practicable Option and mitigation or offset of effects to point source discharges
12. Additional considerations for point source discharges in relation to water quality targets
13. Point sources consent duration
14. Lakes Freshwater Management Units
i.e. restore and protect lakes via lake specific approach guided by lake catchment plans
15. Whangamarino Wetland
i.e. protect and progress towards restoration of the wetland by reducing discharges flowing into it
16. Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land
17. Considering the wider context of the Vision and Strategy

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New rules will complement existing rules

Existing rules in the Waikato Regional Plan will continue to apply, including provisions that manage earthworks and point source discharges.

Additional requirements for forestry

In addition to provisions already in the regional plan that manage forestry, there will be new requirements around written notification 20 days prior to commencing harvest operations and providing forest harvest plans to Waikato Regional Council.

Point sources policy

When applying for resource consent, point source discharges must propose to adopt the best practicable option to avoid or mitigate adverse effects. If not practicable to avoid or mitigate adverse effects, they can instead propose an offset measure.

Summary of new rules

The following is a summary of key points in the draft proposed plan change developed by the Collaborative Stakeholder Group that is due to be considered by the project partners.

Note: The rules are presented here in the order they appear in the draft proposed plan change.

Rule 1 - Small and low intensity farming activities

Permitted activity

This rule applies to farming activities on properties that are not used for commercial vegetable production and are not part of a multi-property enterprise and are registered (Schedule A) and have stock excluded (Schedule C) and are either:

- ≤ 4.1 ha OR
- >4.1 ha with <6 stock units/ha, no arable cropping

Another opportunity for your say later in 2016

It is anticipated that Waikato Regional Council will notify a proposed plan change later this year. The community and stakeholders have been involved in developing the policies right from the start, and this will be another opportunity for you to provide your views. When making a submission on the proposed plan change you can support or oppose various parts of it, or take a neutral stance. The information you provide will be considered when final decisions are made on the plan change.

Rule 2 - Other farming activities

Permitted activity

This rule is designed to identify properties with low risk factors which do not need a Farm Environment Plan at this stage. It applies to farming activities on properties that are not commercial vegetable production and are registered (Schedule A) and have stock excluded (Schedule C) and can meet either set of the following conditions:

- greater than 4.1ha and less than or equal to 20ha with >6 stock units/ha OR arable cropping AND not part of multi-property enterprise AND
 1. Stocking rate has not increased since notification (if grazing) OR
 2. Nitrogen, phosphorus, sediment and microbial pathogen losses have same or lower discharges since notification (if not grazing) AND

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- Water bodies are fenced so that any new fences keep cattle, horses, deer and pigs at least 3m away from water body
- >20ha with >6 stock units/ha OR arable cropping:
 - N loss doesn't exceed Nitrogen Reference Point (see Schedule B) or 15kg N/ha/year (whichever lesser) AND
 - no land >15° slope cultivated or grazed AND
 - no soil cultivation occurs within 5m of a water body AND
 - no winter forage crops grazed in situ AND
 - water bodies are fenced so that any new fences located to keep cattle, horses, deer and pigs at least 3m away from water body

Note: Properties between 4.1 and 20ha do not require a Nitrogen Reference Point modelled through OVERSEER, but must provide verification that they comply with points 1 and 2.

Rule 3 - Farming activities with a Farm Environment Plan under a certified industry scheme

Permitted activity

Properties, excluding commercial vegetable production, that do not come under rules 1 or 2, and are registered to a certified industry scheme and are registered (Schedule A) and stock excluded (Schedule C) must provide a Farm Environment Plan to Waikato Regional Council and adhere to it by:

- 1 July 2020 for priority 1 subcatchments, and properties with a Nitrogen Reference Point greater than 75th percentile nitrogen leaching value

- 1 July 2023 for priority 2 subcatchments
- 1 July 2026 for priority 3 subcatchments

Note: Industry schemes will have to be approved by Waikato Regional Council. Schedule 2 sets out the requirements for an industry scheme. Policies state that there must be a similar level of rigour in developing, monitoring and auditing of mitigation actions for both rules 3 and 4. The notes to Rule 4 also apply to Rule 3.

Rule 4 - Farming activities with a Farm Environment Plan not under a certified industry scheme

Controlled activity

For properties that do not come under Rules 1 or 2, farming (excluding commercial vegetable production) where the land use is not registered to a certified industry scheme is controlled provided:

- it has a Farm Environment Plan prepared by a certified person and provided to Waikato Regional Council as part of a consent application, designed to identify risk of contaminant loss from that property and actions to reduce those risks with timeframes specified for those actions
- Farm Environment Plans are in place by 'tranche' dates (Priority 1 and properties with a Nitrogen Reference Point greater than 75th percentile nitrogen leaching value by July 2020; Priority 2 by 2023, Priority 3 by 2026)
- cattle, horses, deer and pigs are excluded from any water bodies for stock exclusion (in line with Schedule C)

- the stock listed above are excluded within 3 years of the tranche date for Farm Environment Plans or by 2026 whichever is sooner
- the Farm Environment Plan demonstrates how the property will not exceed its Nitrogen Reference Point (see Schedule B), as measured by a 5-year rolling average via OVERSEER unless other suitable mitigations are specified
- if the property has a Nitrogen Reference Point greater than 75th percentile nitrogen leaching value, the Farm Environment Plan is prepared by 2020 and demonstrates how the property will reduce to the 75th percentile by 2026

Note: Policy 2(d) says that reductions must be proportionate to the amount of current discharge (those discharging more are expected to make greater reductions) and proportionate to the scale of water quality improvement required in the subcatchment.

Rule 5 - Existing commercial vegetable production

Controlled activity

Commercial vegetable production enterprises operating under an approved Farm Environment Plan (in place by July 2020) as part of an industry scheme are a controlled activity as long as the area of the enterprise does not exceed the maximum area occupied by that enterprise from 1 July 2006 to 1 July 2016 and the enterprise does not exceed its Nitrogen Reference Point (see Schedule B).

Note: Policies require a reduction in 10% of nitrogen discharges across the sector by 2026.

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Rule 6 – Use of land for farming activities

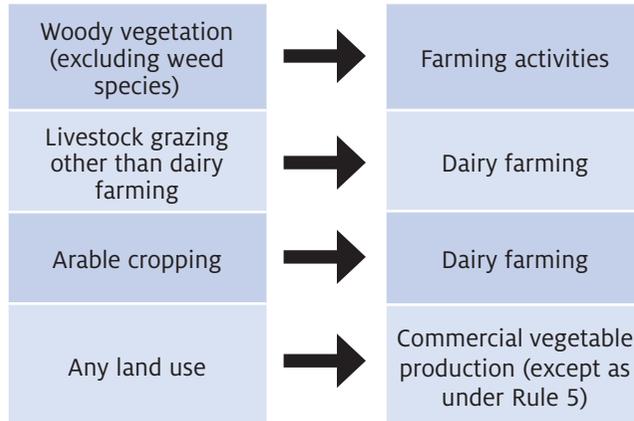
Restricted discretionary activity

Properties used for farming activities but not covered by preceding rules.

Rule 7 - Land use change

Non-complying activity

The following land use changes (greater than 4.1ha) are non-complying activities from date of notification and therefore require a resource consent.



Note: Provision is made in Objectives and Policies for some flexibility for development of tangata whenua ancestral lands. This is to recognise that flexibility has been restricted in the past due to legal and/or historical impediments. Any land that does change use will also be subject to other rules, for example the requirement to have a Farm Environment Plan under Rule 3 or 4. A Nitrogen Reference Point for any new land use will be established as part of the consent application.

Schedule A - Registration

All rural properties >2ha must, by March 2019, provide Waikato Regional Council with information that includes:

- landowner/land user details and other basic information
- details of land use activities undertaken at date of plan change notification
- (if grazing animals) stocking rate, location of water bodies and any adjacent fences, location of livestock crossing points and type of structures.

Schedule B - Nitrogen Reference Point

All commercial vegetable production properties or enterprises must, by March 2019, provide Waikato Regional Council with a Nitrogen Reference Point (average N leaching losses from 1 July 2006 to 30 June 2016) and associated data.

Other properties >20ha must, by March 2019, provide Waikato Regional Council with a Nitrogen Reference Point (highest annual leaching loss in either the 2014/15 or 2015/16 financial year for the property) and associated data.

All Nitrogen Reference Points are calculated using OVERSEER or other approved model.

Schedule C - Stock exclusion

Properties grazing cattle, horses, deer or pigs must have fences or stockproof natural barriers to prevent them from entering water bodies. Water bodies for stock exclusion in this plan change are any:

- rivers that continually contain surface water
- drains that continually contain surface water
- wetlands, including constructed wetlands
- lakes.

Timeline of rules

Date	Requirement
Notification	Land use change (rule expires 1 July 2026)
31 March 2019	Registration Nitrogen Reference Point information submitted
1 July 2020	Priority 1, 75 th percentile nitrogen leaching value dischargers and commercial vegetable production complete Farm Environment Plans
1 July 2023	Priority 2 complete Farm Environment Plans Priority 1 complete stock exclusion
1 July 2026	Priority 3 complete Farm Environment Plans Priority 2 and 3 complete stock exclusion Leaching exceeding 75 th percentile nitrogen leaching value have been reduced to meet 75 th percentile Land use change rule expires.

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Definitions

	Meaning
75th percentile nitrogen leaching value	75th percentile value (units of kg N/ha/year) of all of the Nitrogen Reference Point values for dairy farming properties and enterprises within each Freshwater Management Unit and which are received by the Waikato Regional Council by 31 March 2019.
Commercial vegetable production	<p>the following vegetables grown in New Zealand for commercial purposes:</p> <ul style="list-style-type: none">artichokes, Asian vegetables, beans, beetroot, boxthorn, broccoflower, broccoli, broccolini, Brussels sprouts, burdock, cabbage, capsicums, carrots, cauliflower, celeriac, celery, chilli peppers, chokos, courgettes, cucumbers, eggplant, Florence fennel, garland chrysanthemum, garlic, gherkins, herbs, Indian vegetables, kohlrabi, kumara, leeks, lettuces, marrows, melons, okra, parsnips, peas, puha, pumpkin, purslane, radishes, rakkyo, rhubarb, salad leaves, salsify, scallopini, scorzonera, shallots, silverbeet, spinach, spring onions, sprouted beans and seeds, squash, swedes, sweetcorn, taro, turnips, ulluco, watercress, witloof, yakon, yams, and zucchinis, potatoes, tomatoes, asparagus, onionshybrids of vegetables listed above
Dairy farming	farming of dairy cows on a milking platform for milk production
Drystock farming	pasture grazing beef cattle, dairy animals grazed off a milking platform, sheep, and deer for meat, wool, or velvet production.
Enterprise	one or more parcels of land held in single or multiple ownership to support the principle land use or land which the principle land use is reliant upon, and constitutes a single operating unit for the purposes of management. An enterprise is considered to be within a subcatchment if more than 50% of that enterprise is within the subcatchment.

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Activities explanations

	Requires resource consent?	Consent grant status
Permitted activity	No, but must comply with conditions.	-
Controlled activity	Yes	Must be granted. Must comply with standards and terms in plan. Can only consider specific matters over which control reserved and may only impose consent conditions relevant to those matters.
Restricted discretionary activity	Yes	May be granted. Can only consider specific matters over which discretion restricted and may only impose consent conditions relevant to those matters.
Discretionary activity	Yes	May be granted. May impose consent conditions. Full discretion.
Non-complying activity	Yes	May be granted, subject to gateway test (i.e. that the adverse effects of the activity on the environment will be minor or the application is for an activity that will not be contrary to the objectives and policies of a relevant plan or proposed plan). May impose consent conditions. Full discretion.
Prohibited activity	Cannot be applied for	-



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5066 07_2016



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