

# **RESOURCE CONSENT APPLICATION**

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**BY: COMMERCIAL VEGETABLE GROWER  
FOR: COMMERCIAL VEGETABLE PRODUCTION  
AT: VARIOUS LOCATIONS IN THE LOWER WAIKATO RIVER FMU**

**WAIKATO REGIONAL COUNCIL  
SEPTEMBER 2019**

<b>Date</b>	September 2019
<b>Location</b>	Various Locations in the Lower Waikato FMU
<b>Legal Description</b>	Refer Attachment 2
<b>Applicant</b>	Commercial Vegetable Grower
<b>Proposal</b>	To use land for Commercial Vegetable Production.
<b>Existing CVP Area 2006-2016</b>	210 hectares Block 1: 100 hectares Block 2: 20 hectares Block 3: 90 hectares
<b>Proposed New CVP Area</b>	Block 4: 20 hectares
<b>Activity Status</b>	Waikato Regional Plan Restricted Discretionary Activity Rule 3.11.5.X (HortNZ)
<b>Attachments:</b>	Attachment 1: Grower Records / Aerial Photographs Attachment 2: Schedule of Property Details Attachment 3: Schedule A Registration Attachment 4: Farm Environment Plan

## INTRODUCTION

1. This application for land use consent is made pursuant to Section 88 of the Resource Management Act 1991 (the Act). The application is supported by an assessment of environmental effects and the information contained in the application addresses the requirements set out in Schedule 4 of the Act. The assessment also relies on technical assessments and recommendations.
2. The properties subject to this application are located at various locations within the Lower Waikato River Freshwater Management Unit (FMU) and comprise a Commercial Vegetable Production enterprise for the purposes of supporting a rotational cropping system, freshwater and nutrient management.
3. The applicant seeks consent for existing commercial growing activity across three blocks (Blocks 1-3). The application establishes the maximum area (hectares) of land used by the applicant for Commercial Vegetable Production between 2006 – 2016, their locations and relevant sub-catchments.
4. The applicant also seeks consent to add a new area of land (Block 4) to the Commercial Vegetable Production enterprise. This land has been used for a pastoral grazing activity (dry-stock) during the reference period 2006 – 2016. There is capacity within the Waikato at Port Waikato Sub-catchment for new Commercial Vegetable Production the additional area would not result in an exceedance of the maximum land area limit allocated for Provisional Growth for the sub-catchment.
5. A Farm Environment Plan has been prepared for the area of land currently in production with sediment, nutrient and irrigation management regimes established. The Farm Environment Plan has been extended to encompass Block 4.

6. It is considered that any actual or potential adverse effects on the environment that may arise from the Waikato Regional Council granting land use consent to the activity will be no more than minor.

#### **EXISTING COMMERCIAL VEGETABLE PRODUCTION ACTIVITY**

7. The applicants growing activity is a rotational Commercial Vegetable Production system that occurs across multiple owned and leased properties within the Lower Waikato Freshwater Management Unit. The area of activity is generally within proximity of the applicants established post-harvest facility but can also occur some distance away, particularly as suitable lease blocks become available.
8. The grower has operated continuous production and rotations over a maximum area of land of 210 hectares during the reference period 1 July 2006 to 30 June 2016.
9. Refer grower records / aerial photographs provided in **Attachment 1**.
10. The current area of activity is encompassed in three blocks (Blocks 1 – 3) that are a combination of owned and leased land and various Commercial Vegetable Production rotations.
11. Refer Schedule of Property Details provided in **Attachment 2** for legal descriptions and owners.
12. Site and Sub-Catchment locations of existing Commercial Vegetable Production activity are identified in Figures 1 and 2 below.

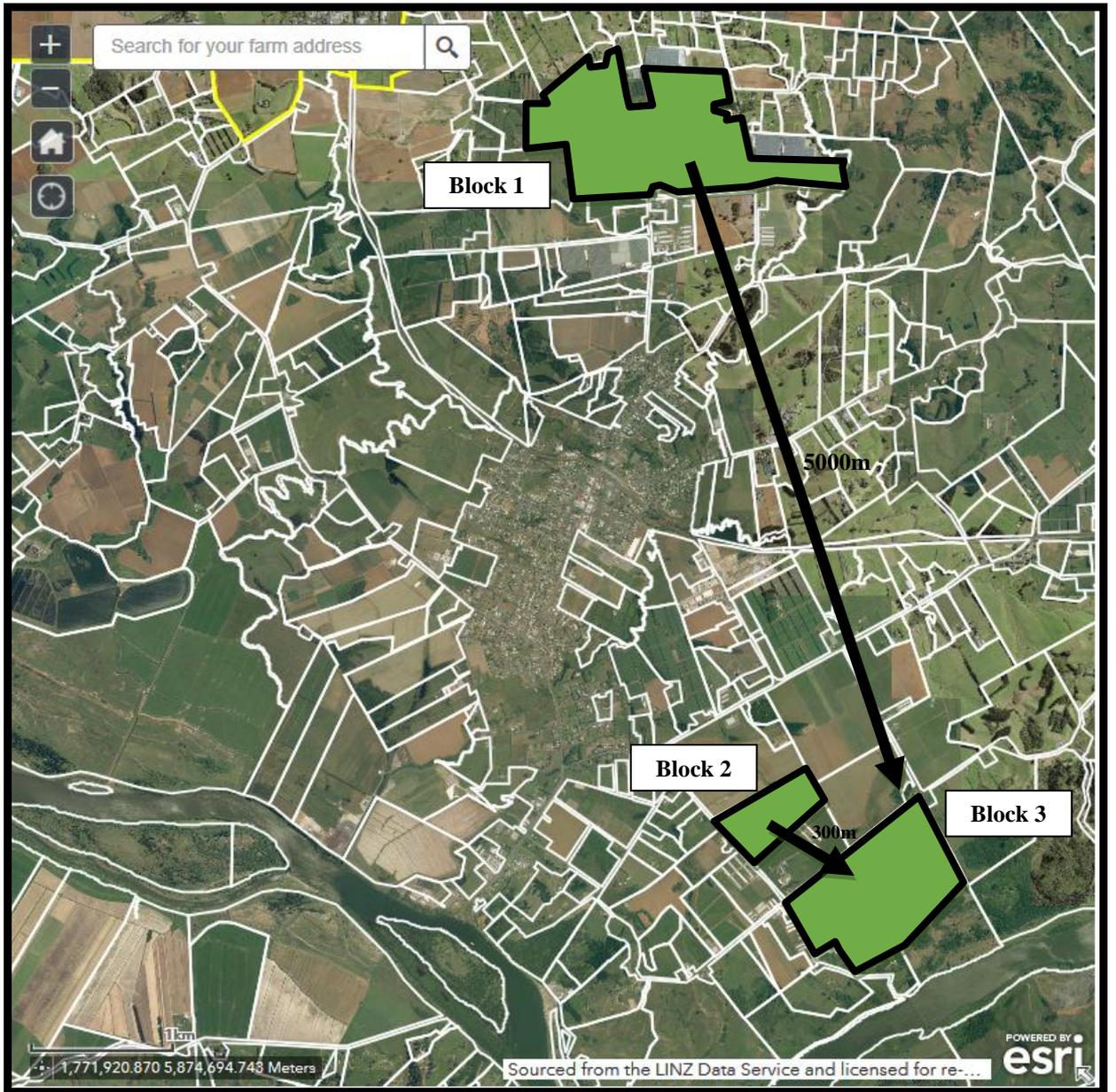


Figure 1: Existing Block Locations

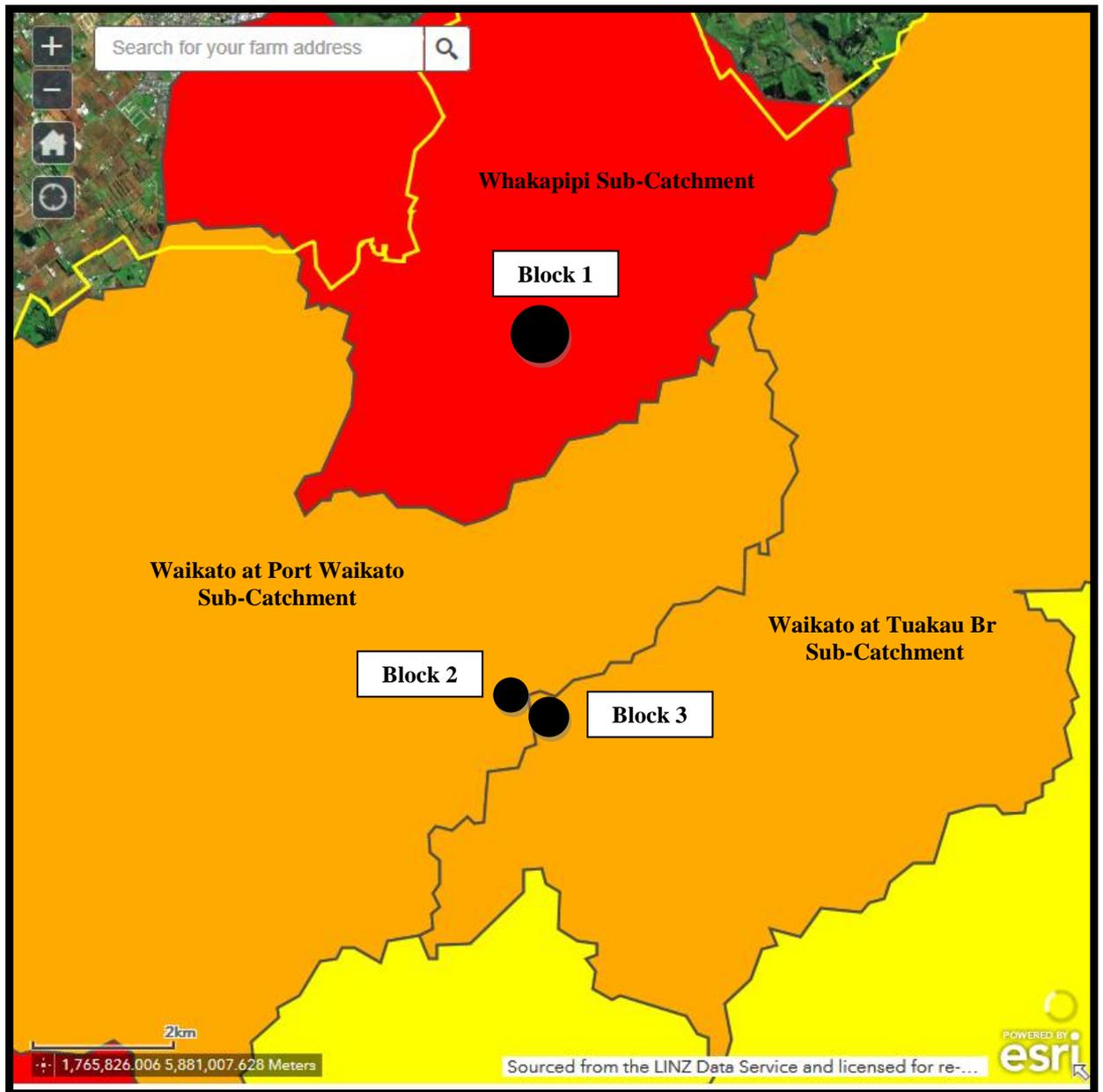


Figure 2: Existing Sub-Catchment Locations

**Block 1**

13. Block 1 is located in the Whakapipi sub-catchment east of the settlement of Tuakau on land classified as Class III. (highly productive land). This block is a mixed of owned and leased land with the owned block containing the growers post-harvest facility that serves the site and other blocks that support Commercial Vegetable Production.

14. The leased land is subject to a lease agreement that expires in June 2025.
15. Key characteristics of Block 1 are as follows:
- E.g. Infrastructure / Post Harvest Facilities
  - E.g. Soils
  - E.g. Irrigation
  - E.g. Waterbody Features
  - E.g. Other Biodiversity Features
  - E.g. Site Production History
16. Commercial vegetable production activity at this block has comprised of a range of vegetables that are best represented as a Root Vegetable Rotation. Actual activity has included:
- Potatoes > Onions > Mustard Greens > Lettuce > Broccoli > Barley.

Location	Freshwater Management Unit	Sub-Catchment	Area
Block 1	Lower Waikato River	Whakapipi	<u>100 hectares</u> 75ha owned 15ha leased

**Block 2**

17. Block 2 is located approximately 5km south of Block 1 and is in the Waikato at Port Waikato sub-catchment. The site is also comprised of land classified as Class III. (highly productive land).
18. This block is owned by the applicant.
19. Key characteristics of Block 1 are as follows:

- E.g. Infrastructure / Post Harvest Facilities
- E.g. Soils
- E.g. Irrigation
- E.g. Waterbody Features
- E.g. Other Biodiversity Features
- E.g. Site Production History

20. Commercial vegetable production activity at this block has comprised of a range of vegetables that are best represented as a Root Vegetable Rotation. Actual activity has included:

- Potato (summer) > Onions > Carrots > Squash > Oats and Rye > Barley (grain) > Oats and Rye

Location	Freshwater Management Unit	Sub-Catchment	Area
Block 2	Lower Waikato River	Waikato at Port Waikato	<u>20 hectares</u>

### **Block 3**

21. Block 3 is located within 300m of Block 2 and in the Waikato at Tuakau Bridge sub-catchment also on land classified as Class III. (highly productive land). This block is a mixed of owned and leased land.

22. The leased land is subject to a mixed of lease arrangements with terms expiring at various stages over the next 5 years.

23. Key characteristics of Block 3 are as follows:

- E.g. Infrastructure / Post Harvest Facilities
- E.g. Soils

- E.g. Irrigation
- E.g. Waterbody Features
- E.g. Other Biodiversity Features
- E.g. Site Production History

24. Commercial vegetable production activity at this block has comprised of a range of vegetables that are best represented as a Root Vegetable Rotation. Actual activity has included:

- Potato (summer) > Onions > Carrots > Squash > Oats and Rye > Barley (grain) > Oats and Rye

Location	Freshwater Management Unit	Sub-Catchment	Area
Block 3	Lower Waikato River	Waikato at Tuakau Bridge	<u>90 hectares</u> 30ha owned 60ha leased

#### **NEW COMMERCIAL VEGETABLE PRODUCTION ACTIVITY (PROVISIONAL GROWTH)**

##### **Block 4**

25. Block 4 is located immediately adjoining Block 2 and Block 3 and is in the Waikato at Port Waikato sub-catchment. The site is also comprised of land classified as Class III. (highly productive land).
26. The applicant is proposing to lease the land, subject to confirmation of consent approval.
27. This land has been used for a pastoral grazing activity (dry-stock) during the reference period 2006 – 2016.

28. Key characteristics of Block 4 are as follows:

- E.g. Infrastructure / Post Harvest Facilities
- E.g. Soils
- E.g. Irrigation
- E.g. Waterbody Features
- E.g. Other Biodiversity Features
- E.g. Site Production History

29. It is proposed to use the land for a Commercial Vegetable Production activity to produce a range of vegetables that are best represented as a Root Vegetable Rotation.

<b>Location</b>	<b>Freshwater Management Unit</b>	<b>Sub-Catchment</b>	<b>Area</b>
Block 4	Lower Waikato River	Waikato at Port Waikato	<u>20 hectares</u> Leased

30. Site and Sub-Catchment locations of existing and new Commercial Vegetable Production activity are identified in Figures 3 and 4 below.

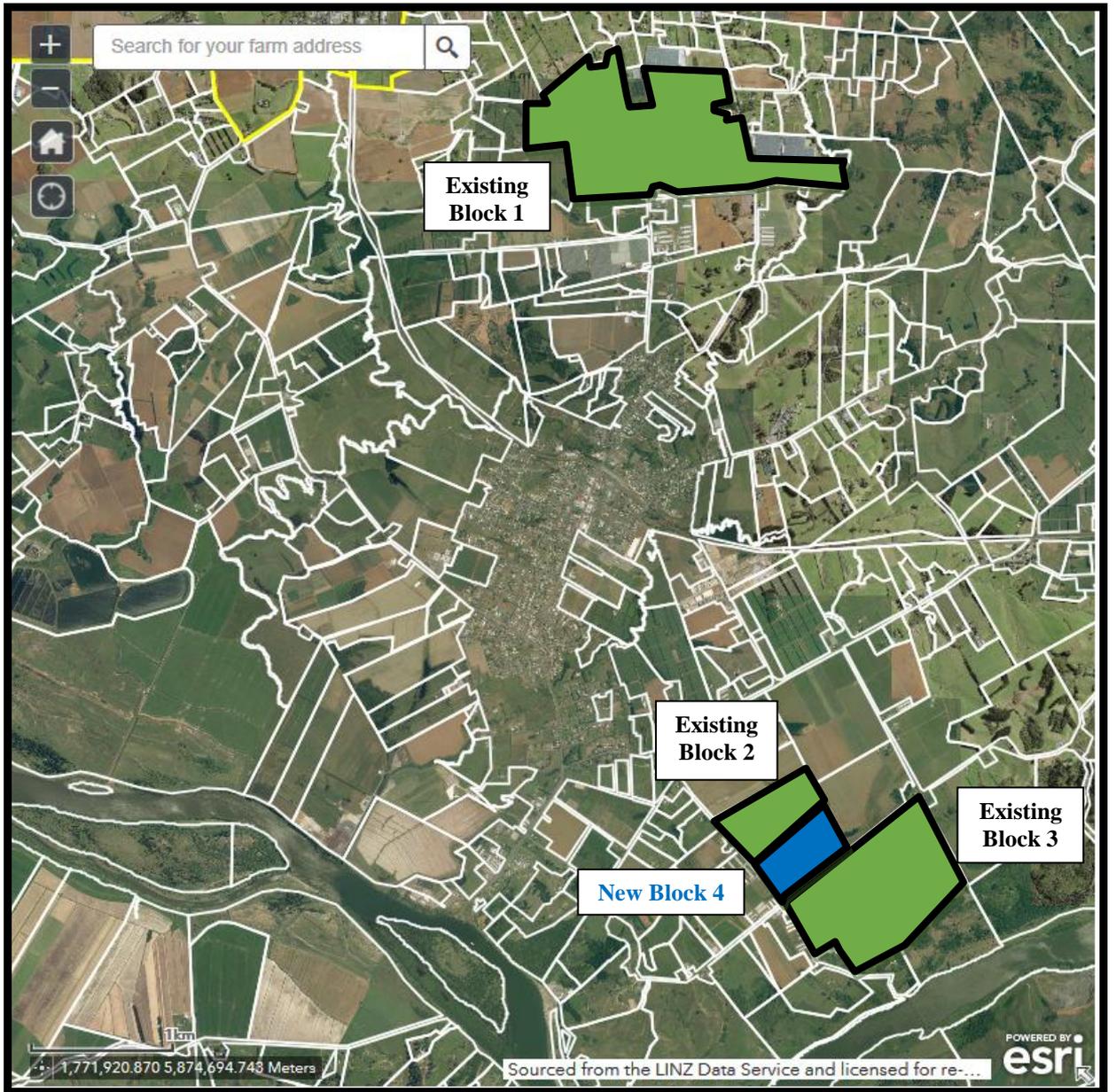


Figure 3: Block Locations

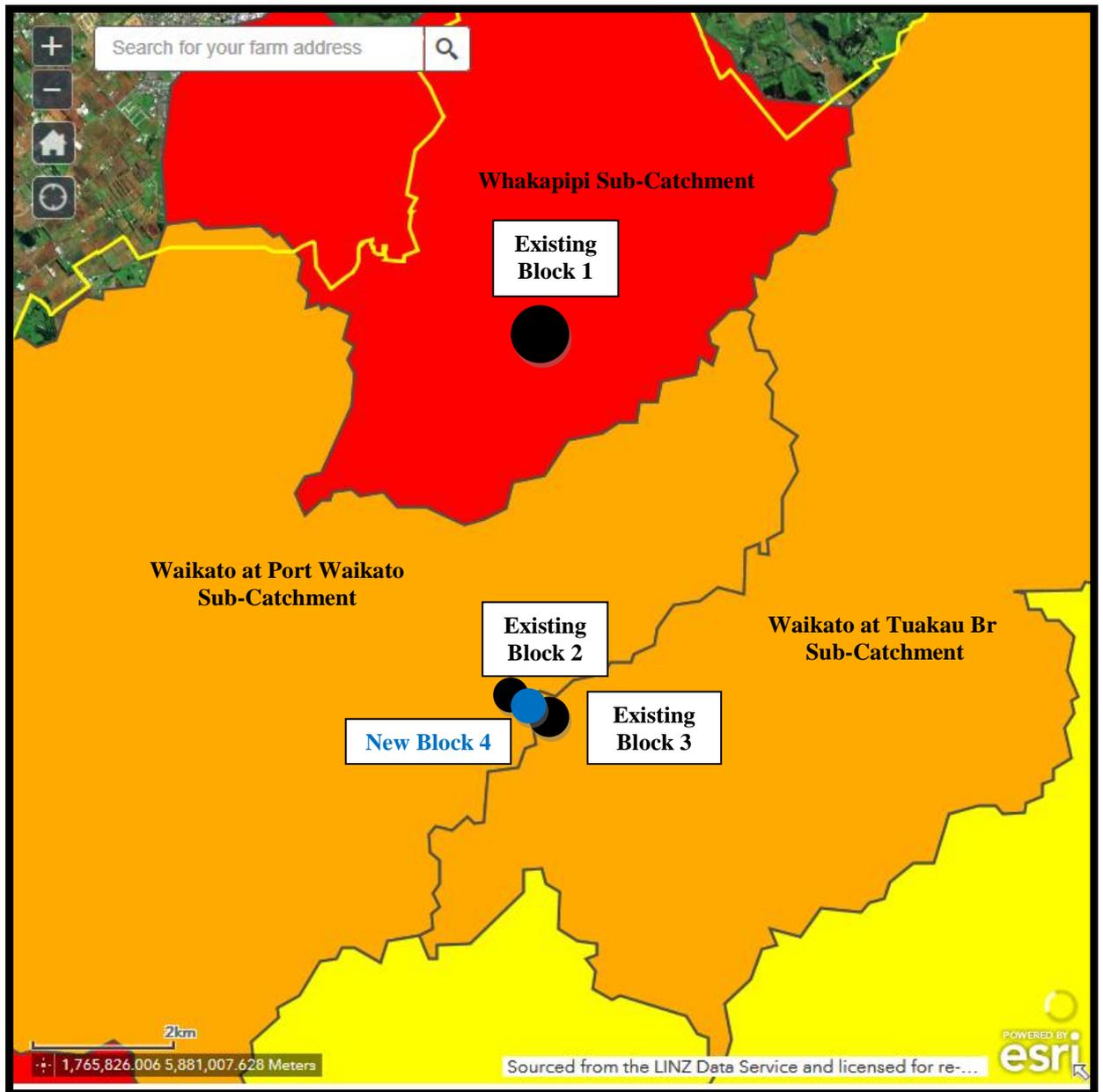


Figure 4: Sub-Catchment Locations

## WAIKATO REGIONAL PLAN ASSESSMENT

31. Pursuant to Rule 3.11.5.5 of the Waikato Regional Plan (PC1), existing Commercial Vegetable Production is a Controlled Activity, while new Commercial Vegetable Production (Provisional Growth) is a Restricted Discretionary Activity pursuant to Rule 3.11.5.X.
  
32. The overall activity status of this application is Restricted Discretionary.

### **3.11.5.5 Controlled Activity – Existing Commercial Vegetable Production**

33. Pursuant to Rule 3.11.5.5 of the Waikato Regional Plan, existing Commercial Vegetable Production is a Controlled Activity subject to meeting the following conditions.

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

34. Proof of registration in accordance with Schedule A is provided in **Attachment 3**.

*b. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and*

35. Not applicable.

*c. The following information, relating to the land used by the applicant for Commercial Vegetable Production each year in the period 1 July 2006 to 30 June 2016, is provided to the Council:*

*i. The total, maximum area (hectares) of land used for Commercial Vegetable Production; and*

*ii. The maximum areas (hectares) of land and their locations, per sub-catchment [refer to Table 3.11-2] and FMU [refer to Map 3.11-1]; and*

36. The total, maximum area (hectares) of land used for Commercial Vegetable Production is set out in Attachments 1 and 2:

- 210 hectares

37. The maximum areas (hectares) of land and their locations, per sub-catchment and FMU is set out in Attachments 1 and 2:

- Whakapipi sub-catchment = 100ha
- Waikato at Port Waikato sub-catchment = 20ha
- Waikato at Tuakau Br sub-catchment = 90ha

Total Lower Waikato FMU = 210ha

*iii. Description of the representative proxy farm system identified in the FEP Schedule; and*

38. Refer below.

<b>Block</b>	<b>Rotation</b>	<b>Sub-catchment</b>	<b>Area ha</b>
Existing Block 1	Root Vegetable	Whakapipi	100
Existing Block 3	Root Vegetable	Waikato at Tuakau Br	90
Existing Block 2	Root Vegetable	Waikato at Port Waikato	20

*iv. a description of sediment control measures; and*

39. Refer FEP **Attachment 4**.

*d. The total area of land for which consent is sought for commercial vegetable production must not exceed the maximum land area of the property or enterprise that was used for commercial vegetable production during the period 1 July 2006 to 30 June 2016; and*

40. Conditions of consent will require any changes to the Schedule in **Attachment 2** to be provided to the Waikato Regional Council and confirm adherence to the land area limit.

*e. The rotation for the period before and after the baseline period must be the same or less intensive rotation.*

41. Audited Farm Environment Plan to confirm compliance with condition e.

*f. A Farm Environment Plan for the property or enterprise prepared in conformance with Schedule 1 and approved by a Certified Farm Environment Planner is provided to the Waikato Regional Council at the time the resource consent application is lodged that, at a minimum, shows:*

- i. Good Farming Practice; and*
- ii. Adherence to any relevant minimum standards;*

42. Refer **Attachment 4**.

*g. Full electronic access to Overseer or any other software or system that models or records diffuse contaminant losses for the farming land use authorised by this rule is granted to the Waikato Regional Council.*

43. To comply.

44. Pursuant to Rule 3.11.5.5 of the Waikato Regional Plan, Council reserves control over the following matters for Commercial Vegetable Production as a controlled activity:

*i. The content, compliance with and auditing of the Farm Environment Plan.*

45. A Farm Environment Plan in accordance with Schedule 1 of the Waikato Regional Plan is provided in **Attachment 4**.

*ii. The maximum total and per-sub-catchment area of land to be used for Commercial Vegetable Production.*

46. Conditions of consent with require any changes to the Schedule in **Attachment 2** to be provided to the Waikato Regional Council and confirm adherence to the land area limit.

*iii. The actions and timeframes to achieve Good Farming Practices or better and any relevant minimum standards to avoid exceeding baseline losses.*

47. Refer to Farm Environment Plan in accordance with Schedule 1 of the Waikato Regional Plan provided in **Attachment 4**.

*v. The term of the resource consent.*

48. A consent duration of 10 years is sought.

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

49. Audited Farm Environment Plan to confirm compliance with conditions.

*vii. The time frame and circumstances under which the consent conditions may be reviewed.*

50. In addition to ongoing FEP auditing requirements, review condition proposed.

*viii. Procedures for reviewing, amending and re-certifying the Farm Environment Plan.*

51. Audited Farm Environment Plan to confirm compliance with conditions.

*ix. The procedures and limitations, including Nitrogen Reference Points, to be applied to land that leaves the commercial vegetable growing activities.*

52. The NRP for land leaving commercial vegetable production is to be calculated based on the average activity in the sub-catchment during the baseline time, on similar land (ie LUC I and LUC II) and the associated N load (kg) of that activity. I.e. sum up the baseline nitrogen load (kg) for all the potential CVP land (ie LUC I and LUC II) in each sub-catchment, subtract the load and area associated with baseline vegetable growing. Redistribute the remaining nitrogen load across all the potential CVP land (ie. LUC I and LUC II). That becomes the baseline nitrogen yield (kg/ha) that remains on the land when a commercial vegetable production activity departs a site.

#### **3.11.5.X Restricted Discretionary Activity – New Commercial Vegetable Production**

53. Pursuant to Rule 3.11.5.X of the Waikato Regional Plan, new Commercial Vegetable Production is a Restricted Discretionary Activity subject to meeting the following conditions.

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

54. Proof of registration in accordance with Schedule A is provided in **Attachment 3**.

*b. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and*

55. Not applicable.

*c. The total area of land for which consent is sought for commercial vegetable production must not exceed the maximum land area set out in Table 1.*

56. Pursuant to Schedule B, Table 1, the sub-catchment total maximum area (hectares) available for Commercial Vegetable Production in the Waikato at Port Waikato Sub-catchment is as follows:

<b>Additional CVP area of 1% total sub-catchment N load increase</b>
70 ha

57. Complies.

58. Waikato District Councils accounting framework has confirmed that there have been no consents granted for new Commercial Vegetable Production activities in the Waikato at Port Waikato Sub-catchment. Block 4 proposes to use 20 hectares of the 70 allocation for Provisional Growth in the Sub-Catchment.

*d. A Farm Environment Plan for the property or enterprise prepared in conformance with Schedule 1 and approved by a Certified Farm Environment Planner is provided to*

*the Waikato Regional Council at the time the resource consent application is lodged that, at a minimum, shows:*

- i. Good Farming Practice; and*
- ii. Adherence to any relevant minimum standards.*

59. Refer **Attachment 4**.

*e. Full electronic access to software or system that models or records diffuse contaminant losses for the farming land use authorised by this rule is granted to the Waikato Regional Council.*

60. To comply

61. Pursuant to Rule 3.11.5.X of the Waikato Regional Plan, Council reserves discretion over the following matters for Commercial Vegetable Production as a restricted discretionary activity:

*i. The content, compliance with and auditing of the Farm Environment Plan.*

62. A Farm Environment Plan in accordance with Schedule 1 of the Waikato Regional Plan is provided in **Attachment 4**.

*ii. The maximum total and per-sub-catchment and FMU area of land to be used for Commercial Vegetable Production.*

63. Conditions of consent with require any changes to the Schedule in **Attachment 2** to be provided to the Waikato Regional Council and confirm adherence to the land area limit.

*iii. The actions and timeframes to achieve Good Farming Practices or better and any relevant minimum standards to avoid exceeding baseline losses.*

64. Refer to Farm Environment Plan in accordance with Schedule 1 of the Waikato Regional Plan provided in **Attachment 4**.

*iv. The term that Council may apply to require a consent to be given effect to within a reasonable period of time to ensure that the activity consented occurs.*

65. Applicant suggests consent conditions that reflect a year to give effect to the consent with at least 50% in production achieved.

*v. The term of the resource consent.*

66. A consent duration of 10 years is sought.

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

67. Audited Farm Environment Plan to confirm compliance with conditions.

*vii. The time frame and circumstances under which the consent conditions may be reviewed.*

68. In addition to ongoing FEP auditing requirements, review condition proposed.

*viii. Procedures for reviewing, amending and re-certifying the Farm Environment Plan.*

69. Audited Farm Environment Plan to confirm compliance with conditions.

*ix. The procedures and limitations, including Nitrogen Reference Points, to be applied to land that leaves the commercial vegetable growing activities.*

70. The NRP for land leaving commercial vegetable production is to be calculated based on the average activity in the sub-catchment during the baseline time, on similar land (ie LUC I and LUC II) and the associated N load (kg) of that activity. I.e. sum up the baseline nitrogen load (kg) for all the potential CVP land (ie LUC I and LUC II) in each sub-catchment, subtract the load and area associated with baseline vegetable growing. Redistribute the remaining nitrogen load across all the potential CVP land (ie. LUC I and LUC II). That becomes the baseline nitrogen yield (kg/ha) that remains on the land when a commercial vegetable production activity departs a site.

## **RESOURCE MANAGEMENT ACT 1991**

### **Section 95**

71. Relevant notification procedures for this resource consent application are specified in Sections 95A-G of the Act. The Resource Legislation Amendments Act 2017 has changed the statutory tests to determine notification. A four-step process is to be followed to firstly determine public notification and then limited notification. These changes came into force on 18 October 2017.

72. An assessment of these steps to determine notification is provided below:

<b>Resource Management Act</b>	<b>Assessment</b>
<b>95A Public Notification of consent applications</b>	
<b>Step 1: Mandatory public notification in certain circumstances</b>	
The applicant has requested that the application be publicly notified.	<i>The applicant does not request public notification.</i>
Public notification is required	<i>To date no request for further</i>

under <u>section 95C</u> Public Notification of consent application after request for further information or report.	<i>information has been requested by Council.</i>
The application is made jointly with an application to exchange recreation reserve land under <u>section 15AA</u> of the Reserves Act 1977.	<i>The application does not include the exchange of recreation reserve land.</i>
<b>Step 2: If not required by Step 1, Public Notification Precluded in Certain Circumstances</b>	
The application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification.	<i>The activity is subject to a rule that precludes public notification.</i>
The application is for a resource consent for 1 or more of the following, but no other, activities: (i) a controlled activity: (ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity <sup>1</sup> : (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity: (iv) a prescribed activity (see section 360H(1)(a)(i))	<i>The application is for a restricted discretionary activity, precluded from public notification.</i>

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<sup>1</sup> **Residential activity** means an activity that requires resource consent under a regional or district plan and that is associated with the construction, alteration, or use of 1 or more dwelling houses on land that, under a district plan, is intended to be used solely or principally for residential purposes.

<b>Step 3: if not precluded by step 2, public notification required in certain circumstances</b>	
the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification.	<i>Not Applicable</i>
<i>the consent authority decides, in accordance with <u>section 95D</u> that the activity will have or is likely to have adverse effects on the environment that are more than minor.</i>	<i>Overall it is considered that the activity will not have adverse effects on the environment that are more than minor.</i>
<b>Step 4: Public Notification in Special Circumstances</b>	
Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified	<i>No special circumstances exist in relation to the application to warrant public notification.</i>
<u><i>It is concluded that Public Notification is not required. Next step is to determine whether limited notification is required.</i></u>	
<b>95B Limited Notification of Consent Applications</b>	
<b>Step 1: Certain affected groups and affected persons must be notified</b>	
Determine whether there are any— a) affected protected customary rights groups; or (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).	<i>There are no known affected protected customary rights groups or customary marine title groups relevant to this application or site.</i>
Determine— (a) whether the proposed activity is on	<i>Persons whose land is subject to a statutory acknowledgement made in</i>

<p>or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and</p> <p>(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.</p>	<p><i>accordance with an Act specified in Schedule 11 are not affected.</i></p>
<p><b>Step 2: if not required by step 1, limited notification precluded in certain circumstances</b></p>	
<p>The application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:</p>	<p><i>The activity is not subject to a rule that precludes limited notification.</i></p>
<p>the application is for a resource consent for either or both of the following, but no other, activities:</p> <ul style="list-style-type: none"> <li>(i) a controlled activity that requires consent under a district plan (other than a subdivision of land)</li> <li>(ii) a prescribed activity (see section 360H(1)(a)(ii)).</li> </ul>	<p><i>The activity status is a Restricted Discretionary Activity.</i></p>
<p><b>Step 3: if not precluded by step 2, certain other affected persons must be notified.</b></p>	
<p>In the case of a boundary activity, an owner of an allotment with an infringed boundary; and</p>	<p><i>The proposal does not include a boundary activity.</i></p>
<p>In the case of any activity prescribed under section 360H(1)(b), a prescribed</p>	<p><i>The application is not considered a fast track application.</i></p>

person in respect of the proposed activity.	
In the case of any other activity, determine whether a person is an affected person in accordance with <u>section 95E</u> .  A person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).	<i>No persons are considered to have effects on them that are minor or more than minor.</i>
<b>Step 4: Further notification in special circumstances</b>	
Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under <u>section 95E</u> as not being affected persons),	<i>No special circumstances exist in relation to the application to warrant public notification.</i>
<u><i>It is concluded that the application can proceed on a Non-Notified Basis.</i></u>	

### **Section 104**

73. When considering an application for resource consent, Council pursuant to Section 104 and subject to Part 2 of the Act must have regard to:
- *s104(1)(a) Any actual or potential effect on the environment of allowing the activity; and*

- *s104(1)(ab) Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- *s104(1)(b) Any relevant provisions of a national policy statement, New Zealand coastal policy statement, regional policy statement, plan or proposed plan; and*
- *s104(1)(c) Any other matter Council considers relevant and reasonably necessary to determine the application.*

Section 104(1)(a)

74. Section 104 requires an overall balancing exercise of a range of considerations, one of which is the actual and potential effects on the environment of allowing the activity (s104(1)(a)).
75. It is considered that the proposal will have positive effects through the landowner having the ability to provide for their and the communities, social, economic and cultural well-being through Commercial Vegetable Production to meet current and future population demands.
76. It is submitted that any actual or potential effects on the environment from granting consent to the application will be less than minor and that any adverse effects have been avoided or mitigated as follows:
- (a) N
- E.g. GMP, result in greater crop yields, and less losses.
- (b)P
- E.g, 80% - 99% reduction (equal to sediment reductions).

(c) S

- 95% - 99% of sediment (sediment retention pond - SRP).
- 80% of sediment (5m vegetated buffer).
- Potentially lower than pasture (Buffer strips > pasture > SRP).

(d) Microbials

- E. Coli, GMP, extremely low risk system.

77. For the purposes of demonstrating the restricted discretionary activity method, the following is a calculation of the change in loading of N, P, E. coli, and sediment following the development of 'Block 4', a 20ha area of new Commercial Vegetable Production (CVP) in the Waikato *at Port Waikato sub-catchment (Lower Waikato River FMU)*.

78. This AEE uses the NIWA Healthy Rivers modelling information and other sources to determine contaminant yields. The methodology for each contaminant follows that described in the Block 3 evidence of Stuart Easton.

*Nitrogen (N)*

79. Table 1 shows the unmitigated increase in N load at the sub-catchment and FMU scale following the development of the 20ha Block 4 for CVP.

*Table 1*

	Area (ha)	Total existing N load – all land uses (kg)	Additional N load from new CVP – with GMP (kg/ha)	Additional N load for 20ha 'Block 4' – with GMP (kg)	Additional N load for 20ha 'Block 4' (% of total load)
Waikato at	28185	361895	48.8	975	0.3%

Port Waikato sub-catchment					
Lower Waikato FMU	295599	3884717	42.9	858	0.02%

80. Table 2 shows that with GMP for all current CVP production, an N load of 3,126 kg is mitigated at the sub-catchment scale (13,806 kg at FMU scale). This results in a net improvement in N load of -0.6% at the sub-catchment scale (-0.3% at FMU scale) with an additional 20ha for 'Block 4' under GMP.

*Table 2*

	Total existing N load – all land uses (kg)	CVP GMP reduction for existing CVP (kg)	Additional N load for 20ha 'Block 4' under GMP (kg)	Total change in load for CVP under GMP with 20ha 'Block 4' additional (kg)	Total change in load for CVP under GMP with 20ha 'Block 4' additional (%)
Waikato at Port Waikato sub-catchment	361895	-3126	975	-2151	-0.6%
Lower Waikato FMU	3884717	-13806	858	-12949	-0.3%

### *Sediment*

81. The erosion and sediment control plan prepared by Agrilink for Block 4 shows that the current sediment loss rate of Block 4 under pasture is 3.6 t/ha/yr, or 72 t/yr over 20ha. Under CVP with enhanced practice, the sediment loss rate is 1.1 t/ha/yr, or 22 t/yr over 20ha.

82. Conversion of the 20ha Block 4 to CVP under enhanced practice provides a net reduction in sediment loading of 50 t/yr.

#### *Phosphorus*

83. The following assessment accounts for Total Phosphorus (TP) associated with lost sediments. There is insufficient information to quantify the difference in dissolved Phosphorus loss between CVP and pasture.
84. As for sediment, the erosion and sediment control plan prepared by Agrilink shows that the current TP loss rate of Block 4 under pasture is 8 kg/ha/yr, or 160 kg/yr over 20ha. Under CVP with enhanced practice, the TP loss rate is 2 kg/ha/yr, or 40 kg/yr over 20ha.
85. Conversion of the 20ha Block 4 to CVP under enhanced practice produces a net reduction in sediment loading of 120 kg/yr.

#### *E. coli*

86. Following the removal of animals from Block 4, the E. coli loss rate can be expected to be reduced. Using the NIWA Healthy Rivers modelling, under CVP there is an average decrease of 78% in E. coli load from the average existing land use, for the identified potential CVP areas.

#### *Conclusion*

87. Following the conversion from pasture to CVP under GMP, losses to the environment of Sediment, TP, and E. coli will be reduced. There will be a small increase in N loss, however when all CVP in the subcatchment/FMU is under GMP, this increase is compensated for and there is a net reduction in N loss to the receiving environment.

Section 104(1)(ab)

88. Section 104(1)(ab) requires consideration of any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.
89. In this circumstance an existing pastoral based activity is proposed to be replaced by Commercial Vegetable Production (Block 4). Positive effects are achieved through the removal of E. Coli related contaminant discharge.

Section 104(1)(b)

90. In terms of those matters set out in section 104(1)(b) we note that:
- (a) The National Policy Statement on Electricity Transmission is not relevant.
  - (b) The National Policy Statement for Renewable Electricity Generation is not relevant.
  - (c) The New Zealand Coastal Policy Statement is not relevant.
  - (d) The National Environmental Standard for assessing and managing contaminants in soil to protect human health is a relevant consideration for land use change in the future.
  - (e) The National Policy Statement for Freshwater Management is relevant. We note as follows:
    - The existing CVP activity is provided for as a Controlled Activity pursuant to Rule 3.11.5.5 and new (provisional growth) CVP a Restricted Discretionary Activity pursuant to Rule 3.11.5.X of the Waikato Regional Plan.
    - FEP, N, P, S, Microbials.....

Section 104(1)(b)(v)

80. Section 104(1)(b)(v) requires the consent authority to have regard to any relevant provisions of the Regional Policy Statement.
81. In terms of the Waikato Regional Policy Statement, the proposed land use activity does not undermine the natural and physical resource management objectives and policies for rural environments specified in this document.
82. In particular we note the activity is consistent with:

*Policy 4.4 Regionally significant industry and primary production*

*The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:*

- a) recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing;*
- b) recognising the value and long term benefits of primary production activities which support regionally significant industry;*
- c) ensuring the adverse effects of regionally significant industry and primary production are avoided, remedied or mitigated;*
- d) co-ordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;*

*e) maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources;*

*f) avoiding or minimising the potential for reverse sensitivity; and*

*g) promoting positive environmental outcomes.*

83. The policy recognises the important role that primary production plays in contributing to the economic, social and cultural wellbeing of people and communities and also recognises that there is the potential for these activities to generate adverse effects which need to be managed.

84. The activity achieves this policy.

85. Policy 14.1 seeks to maintain or enhance the life supporting capacity of the soil resource to:

*a) minimise sedimentation and erosion;*

*b) maintain or enhance biological, chemical and physical soil properties; and*

*c) retain soil versatility to protect the existing and foreseeable range of uses of the soil resource.*

86. The specifics in terms of current and future methods to minimise sedimentation and erosion are covered in the Farm Environment Plan provided in **Attachment 4**. The need for rotational horticulture to maintain or enhance biological, chemical and physical soil properties is implicit.

87. Retaining soil versatility to protect the existing and foreseeable range of uses of the soil resource is sustainable management as in accordance with section 5 of the RMA.

Section 104(1)(b)(vi)

88. Section 104(1)(b)(vi) requires Council to have regard to the relevant provisions of a Plan or Proposed Plan. An assessment of the relevant rules/standards of the Waikakto Regional Plan has been provided in this application.
89. The proposal is not considered to be inconsistent with or contrary to, achieving the objectives and policies or resource management strategies employed by the regional plan.
90. PC1 (and in particular Policy 3) rightly identifies food production values and methods that enable the high-quality land resource to be fully utilised within limits that ensure freshwater quality outcomes are achieved.

Section 104(1)(c) Other Matters

91. Section 104(1)(c) requires consideration of any other matters considered to be relevant and reasonably necessary to determine the application. There are no other know matters relevant to the determination of this consent.

**Part 2 of the RMA**

92. Part 2 sets out the Purpose and Principals of the Act and these are contained in sections 5, 6, 7 and 8 of the Act. An assessment against Part 2 is provided below to assist in decision making on this resource consent application and to address a situation whereby there is any illegality, uncertainty or incompleteness in the relevant planning instruments.

93. The activity is deemed a restricted discretionary activity pursuant to Rule 3.11.5.X of the Waikato District Plan. The plan is 'complete' and there is no doubt that the objective and policies structure relevant to the proposal is robust and coherent. For the purposes of this application, there is no need to go beyond the provisions of 3.11.5.5 and look to Part 2 in making a decision as an assessment against Part 2 would not add anything to the evaluative exercise.

#### **DRAFT CONDITIONS**

94. The applicant proposes conditions as follows:
- a. *The use of land for Commercial Vegetable Production shall only be within the area shown on Plan 1, attached to and forming part of this application and recorded in the Schedule of Property Details (Attachment 2).*
  - b. *Land may be added or removed from the Commercial Vegetable Production activity provided that:*
    - (i) *The entire land area is within the Lower Waikato Freshwater Management Unit.*
    - (ii) *Waikato Regional Council have confirmed capacity within the Sub-Catchment for new Commercial Vegetable Production (Provisional Growth).*
    - (iii) *Prior to the change occurring, the consent holder shall provide an undated list of the properties within the enterprise, including plans showing the area of each*

*property, to the Waikato Regional Council, Attention Regulatory Leader – Monitoring and Compliance.*

*(iv) The property is not farmed as part of another consent to use land for farming.*

*(v) Any existing farming land use consents on land being added to the enterprise will be surrendered before the addition of the property.*

*(vi) No more than 230 hectares are used for Commercial Vegetable Production at any one time.*

*(vii) Prior to the addition of a property, the consent holder shall provide to the Waikato Regional Council:*

- A Farm Environment Plan for that property, prepared in accordance with Schedule 1.*
- The confirmation that the owner of the property is joining the consent.*

*c. The consent holder shall maintain a Farm Environment Plan (FEP) for each property listed in the Schedule of Property Details (**Attachment 2**) which forms part of this consent; and:*

*(i) On farm practice shall be in accordance with the FEP at all times;*

*(ii) The FEP shall be updated as necessary to reflect any changes in farming operation over time; and*



97. The land use is not contrary to the relevant objectives and policies of the Waikato Regional Plan.
98. The applicant hereby applies for land use consent and requests that consent be granted with the imposition of appropriate conditions of consent.

**ATTACHMENT 1: GROWER RECORDS / AERIAL PHOTOGRAPHS**

**ATTACHMENT 2: SCHEDULE OF PROPERTY DETAILS**

**ATTACHMENT 3: SCHEDULE A REGISTRATION**

**ATTACHMENT 4: FARM ENVIRONMENTAL PLAN**