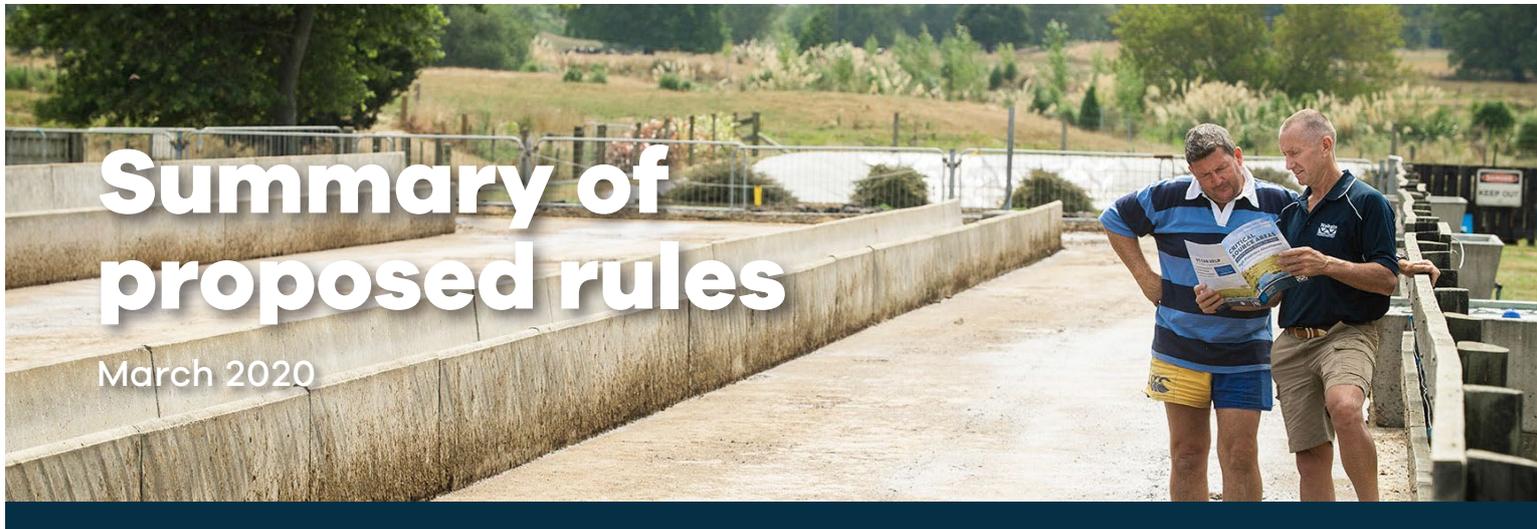


Summary of proposed rules

March 2020



Schedule A – Property registration

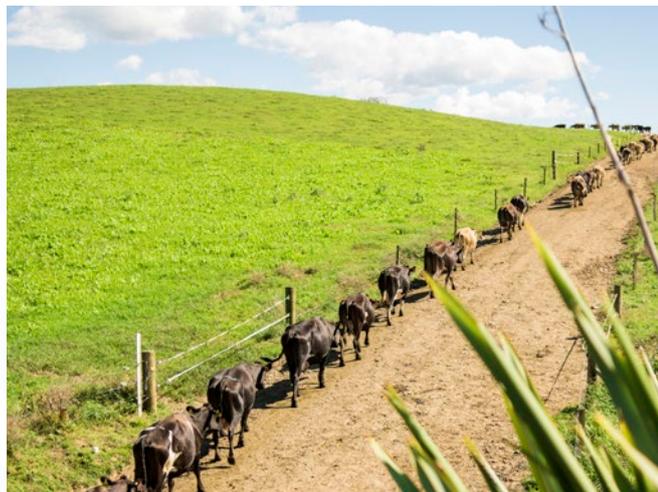
All farming properties with an area greater than 4.1ha must be registered with Waikato Regional Council. Properties operating under a permitted activity rule need to be registered when plan change 1 becomes operative. Properties that require resource consent must be registered by the time consent(s) is applied for. To find out which category you are in, see the rules summary below.

Registration information includes:

- property owner/land user details and other basic information
- details of land use activities undertaken
- (if grazing animals) stocking rate, location of waterbodies and any adjacent fences
- location of livestock crossing points and type of structures
- map which highlights the above.

When does the proposed plan become operative?

If appeals are lodged with the Environment Court, all appeals and proceedings have to be resolved before the proposed plan change can become fully operative.



Rule 3.11.4.1 Permitted activity – Small and very low intensity farming

Land used for farming is a permitted activity under this rule, so long as the following rule conditions are met.

- The land used for farming is less than 20ha, or if over 20ha is used predominantly (>75%) for horses or free range poultry; and
- Stock exclusion requirements and minimum standards (Schedule C) are adhered to; and
- 5 per cent or less of land is used for arable cropping; and
- Your winter stocking rate is below 12 stock units per hectare; and
- No dairy farming occurs; and
- No commercial vegetable production occurs; and
- No feedlots or sacrifice paddocks are used; and
- No stock above 400kg are grazed on slopes 25 degrees or greater.

If requested, you need to be able to verify that you meet these conditions.

Rule 3.11.4.2 Interim permitted activity – Farming prior to obtaining consent

All farms that will require a resource consent in the future operate under this permitted activity rule until the consent is required. These farms are required to farm in accordance with the stock exclusion and minimum standards in Schedule C. If the stock exclusion requirements of Schedule C are not complied with, then consent will be required immediately the plan change becomes operative.

Rule 3.11.4.3 Permitted activity – Low intensity farming

The following uses of land are subject to this permitted activity rule.

- Drystock farms with a winter stocking rate equal to or less than 18 stock units per hectare.
- All other farming with a low nitrogen leaching loss rate (NLLR) as defined in Schedule B and shown in the table below.
- Farms otherwise permitted under rule 3.11.4.1 but where a feedlot or sacrifice paddock is used.
- Farms otherwise permitted under rule 3.11.4.1 but with an area of arable cropping (including winter forage crops) greater than 5 per cent.

In accordance with Schedule B, the following parameters define whether an NLLR is low in your Freshwater Management Unit.

Freshwater Management Unit	Low (kgN/ha/yr)
Lower Waikato River	≤ 21
Middle Waikato River	≤ 21
Upper Waikato River	≤ 31
Waipā River	≤ 30

Refer to the nitrogen fact sheet for more information on calculating your nitrogen leaching loss rate.

Land operating under this rule is subject to the following conditions:

- The property is registered with the council.
- Stock exclusion and minimum standards in Schedule C are met.
- No commercial vegetable production occurs.
- A farm environment plan is developed in accordance with Schedule D1 and provided to us within six months of plan change 1 becoming operative.
- Standards in Schedule D1 are complied with.
- Access to your NLLR assessment is provided to us.

Rule 3.11.4.4 Controlled activity – Moderate intensity farming

The following use of land is subject to this rule and requires resource consent.

- Drystock farming where the winter stocking rate is greater than 18 stock units per hectare.
- For all other farming where the NLLR for the property is moderate as defined in Schedule B and shown in the table below.
- Drystock properties with a winter stocking rate of less than 18 stock units per hectare or dairy and/or arable farms with a low NLLR but cannot meet the stock exclusion standards in Schedule C or one or more of the standards in Schedule D1.

In accordance with Schedule B, the following parameters define whether an NLLR is moderate in your Freshwater Management Unit.

Freshwater Management Unit	Moderate (kgN/ha/yr)
Lower Waikato River	>21 and ≤29
Middle Waikato River	>21 and ≤33
Upper Waikato River	>31 and ≤57
Waipā River	>30 and ≤43

Land operating under this rule is subject to the following conditions.

- The property is registered with the council.
- The Schedule C minimum farming standards are adhered to, except in the case of stock exclusion. For stock exclusion a tailored solution may be approved as part of your farm environment plan.
- An NLLR is produced for the property where required.
- No commercial vegetable production occurs.
- A farm environment plan has been developed in accordance with Schedule D2 and has been approved by a certified farm environment planner.
- Consent is applied for in accordance with the date specified in Table 3.11.3.
- Access to your decision support model or records is provided to us.

Rule 3.11.4.5 Controlled activity – for existing commercial vegetable production

The use of land for existing commercial vegetable production (CVP) is a controlled activity subject to the following.

- The property is registered with the council.
- The minimum farming standards in Schedule C are complied with.
- An NLLR is produced for the property.
- Land use information for the period 1 July 2006 to 30 June 2016 is provided to us outlining:
 - the total maximum area of land used for commercial vegetable production for any full year
 - (for that year, for each subcatchment), the maximum area of land used for CVP and the locations of this land.
- The total area of land applied for in the consent must not exceed the above maximum area for each subcatchment.
- A farm environment plan is prepared in line with Schedule D2, approved by a certified farm environment planner and provided to us by the relevant consent application date.
- Access to your decision support model or records is provided to us.

Rule 3.11.4.6 Restricted discretionary activity – Whangamarino Wetland Catchment

Unless operating under permitted activity 3.11.4.1, the use of land for farming (including CVP) in the Whangamarino Wetland Catchment is a restricted discretionary activity subject to the following conditions:

- The property is registered with the council.
- Farming is undertaken in line with the minimum standards in Schedule C, except in the case of stock exclusion. For stock exclusion a tailored solution may be approved as part of your farm environment plan.
- An NLLR is produced for the property.
- A farm environment plan is prepared in accordance with Schedule D2 and approved by a certified farm environment planner.
- Access to your decision support model or records is provided to us.
- For commercial vegetable production, some conditions of rule 3.11.4.5 also apply.

Rule 3.11.4.7 Discretionary activity – Farming in a collective and high intensity farming

The use of land for farming is a discretionary activity if one of the following apply.

- The consent sought is for farming on more than one property.
- The NLLR for the property is high as defined in Schedule B and shown in the table below.
- The farming is not regulated by or cannot meet the conditions of any other rule in plan change 1.

The plan includes policy that encourages collective action by people within sub catchments. Collective groups of farmers and other stakeholders have the opportunity to work together on measures to improve water quality in their sub catchment.

In accordance with Schedule B, the following parameters define whether an NLLR is high in your Freshwater Management Unit.

Freshwater Management Unit	High kgN/ha/yr)
Lower Waikato River	>29
Middle Waikato River	>33
Upper Waikato River	>57
Waipā River	>43

Land operating under this rule is subject to the following conditions.

- The property(s) is registered with the council.
- Farming is undertaken in line with the minimum standards in Schedule C.
- An NLLR is produced for the property(s).

- A farm environment plan has been prepared in accordance with Schedule D2 and is approved by a certified farm environment planner.
- Access to your decision support model or records is provided to us.

Rule 3.11.4.8 Discretionary activity – Commercial vegetable production expansion

The use of land for commercial vegetable production is a discretionary activity if there has been, or is proposed to be, an increase in commercial vegetable production in any subcatchment since 1 July 2016.

Land operating under this rule is subject to the following conditions.

- The property is registered with the council.
- Farming is undertaken in line with the minimum standards in Schedule C, except in the case of stock exclusion. For stock exclusion a tailored solution may be approved as part of your farm environment plan.
- An NLLR is produced.
- A farm environment plan is prepared in accordance with Schedule D2 and approved by a certified farm environment planner.
- Access to your decision support model or records is provided to us.
- Conditions 6 and 8 are met which relate to Table 1 in rule 3.11.4.8 that specifies the subcatchments and area limits for expansion of commercial vegetable production.
- Land must be located on Land Use Capability (LUC) 1 or 2 land.

Rule 3.11.4.9 Non-complying activity – Land use change rule

The following changes in land use are (notwithstanding any other rule) non-complying activities.

- Any changes in commercial vegetable production not regulated by rule 3.11.4.5 or rule 3.11.5.8.
- Any changes in land use within a property, where the change exceeds a cumulative total of 4.1ha from that which was occurring at 22 October 2016:
 - Woody vegetation to farming; or
 - Any land use to dairy farming.

Schedule B – Nitrogen leaching loss rate

A nitrogen leaching loss rate (NLLR) is a modelled calculation of nitrogen leached in one year from a farm. For farms requiring an NLLR, the farming year used to base the NLLR on can be any one of the years between 2015/2016 to 2019/2020, OR the most recent farming year.

For commercial vegetable growing operations, the NLLR will be based on the highest modelled annual nitrogen leaching loss value during a single year for any year between 2006 and 2016.

Schedule B outlines the details around methods, records required and method to use alternative models in order to determine an NLLR.

All NLLRs must be certified by a certified farm nutrient advisor.

How do I find a farm nutrient advisor?

On our website you can find the names and contact details for rural professionals who have been approved as certified farm nutrient advisors. Applicants must have demonstrated that they are registered as a certified nutrient management advisor (CNMA) by the Nutrient Management Advisor Certification Programme and agree to be bound by the terms of agreement. We've set these standards so landowners can have confidence in the advice they are being provided.

Schedule C – Minimum standards

As a minimum, all farms must meet the stock exclusion requirements:

- within two years of plan change 1 becoming operative, or
- one year after plan change 1 becomes operative for farms located in an *E.coli* sensitive catchment.

Farmers who choose not to comply with the stock exclusion requirements can propose an alternative solution, but this will require a consent to be sought when the proposed plan become operative.

Stock exclusion

Farmed cattle, horses, pigs and deer must be excluded from waterbodies as follows.

- On land with a slope of up to 15 degrees; or
- Land with a slope of over 15 degrees where any adjoining paddock to a waterbody contains a stocking rate of 18 stock units or more per grazed hectare.

New or temporary fences (including virtual fences) must be located at a distance of no less than:

- three metres from the edge of any wetland listed in Table 3.7.7 of the Waikato Regional Plan
- three metres from the outer edge of the bed of any other waterbodies

- one metre from the edge of a drain, except for drains where the bank-to-bank width is less than two metres, in which case no setback from the edge of the drain is required.

Farmed cattle, horses, pigs and deer must not enter onto or pass across the bed of a waterbody except where using a livestock crossing or when actively being driven across a water body. Both permitted and consented farms must comply with the minimum standards below from the date the plan becomes operative.

For consented farms, a tailored stock exclusion solution may be approved as part of your farm environment plan, but consent is required immediately the proposed plan is operative.

Fertiliser

- Nitrogenous fertiliser is not applied at rates greater than 30kg/ha per dressing (excludes commercial vegetable production).
- No nitrogenous fertiliser is applied during June and July unless the soil temperature is above 10 degrees (excludes commercial vegetable production).

Winter grazing

- When grazing winter forage crops adjacent to a waterbody between June and September, an ungrazed vegetated buffer of at least 10 metres must be maintained.
- When using land as a sacrifice paddock adjacent to a water body, an ungrazed vegetated buffer of at least 10 metres must be maintained.
- No cattle older than two years or greater than 400 kilograms live weight are grazed on forage crops on Land Use Capability (LUC) class 6e, 7 or 8 land between June and September.

Cultivation

- No cultivation shall occur within 5 metres of any waterbody.

Schedule D1 and D2 – Farm plans under the permitted activity and consented rules

The use of land for farming that falls under rule 3.11.4.3 – Permitted activity needs to meet the requirements of Schedule D1 – Farm environment plans. See fact sheet *Farm environment plans for permitted activity farms*.

For consented activities under rules 3.11.4.4 to 3.11.4.8, the use of land for farming needs to meet the requirements of Schedule D2 – Farm environment plans. See fact sheet *Farm environment plans for consented activities farms*.

Important

This information has been provided based on Waikato Regional Council's interpretation of the decisions version of the proposed plan change to be notified in April 2020. Please take the time to read the decisions version and seek your own advice, too. Also note that the proposed plan is subject to possible change by the Environment Court through the appeals process.



0800 800 401



waikatoregion.govt.nz/healthyrivers



healthyrivers@waikatoregion.govt.nz



Healthy Rivers
PLAN FOR CHANGE

Wai Ora
HE RAUTAKI WHAKAPAIPAI

Waikato
REGIONAL COUNCIL
Te Kaunihera ā Rohe o Waikato