

Change to Policies and Rules proposed verbally by Ian Mayhew at hearing – shown as tracked changes to the version presented by Mr Mayhew in his written evidence dated 3 May 2019

Policy 1: Diffuse discharge management /Te Kaupapa Here 1: Te whakahaere i ngā rukenga roha o te hauota, o te pūtūtae-whetū, o te waiparapara me te tukumate ora poto

Reduce catchment-wide and sub-catchment diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens by:

a1. Requiring all farming to operate at Good Farming Practice, or better; and a2. Establishing, a Nitrogen Reference Point for all properties or enterprises in accordance with Schedule B; and

*a. Enabling farming with a low level of contaminant discharge to water bodies; and
b. Requiring farming with moderate to high levels of nitrogen discharge to water bodies to:*

- i. reduce nitrogen loss to below the 75th percentile nitrogen leaching value where the farm's Nitrogen Reference Point is greater than the 75th percentile nitrogen leaching value by (date);*
- ii. [reduce nitrogen loss where the farm's Nitrogen Reference Point is between the 50th and 75th percentile leaching value]; and*

b1. Specify controls in a resource consent to ensure contaminant losses will be reducing (or maintained where no reduction is required) and progression to Good Farming Practice where it has yet to be achieved; and b2. Generally granting only those land use and discharge consent applications that have a Farm Environment Plan that demonstrates clear and enduring actions to implement:

- i. Good Farming Practice or better; and*
- ii. the necessary nitrogen reductions in Clause b, or alternatively no increase in nitrogen loss where no nitrogen reduction is required; and*

b3: Except as provided for in Policies [1(a) and] 16, generally not granting land use consent applications that involve a change in the use of the land, or an increase in the intensity of the use of land, unless the application demonstrates ~~that the clear and enduring reductions in~~ diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens ~~will not increase and that and a progression to good farming practice over time, consistent with the~~ clauses a1 to b above will be met; and

c. Progressively excluding cattle, horses, deer and pigs from rivers, streams, drains, wetlands and lakes.

Policy 2: Farm Environment Plans /Te Kaupapa Here 2: He huarahi ka āta whakahāngaihia hei whakaiti i ngā rukenga roha i ngā mahinga pāmu

Reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens from farming on properties and enterprises, through Farm Environment Plans that:

- a. Take a tailored, risk based approach to define mitigation actions on the land that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and*
- a1. Set out clear, specific and timeframed actions and minimum standards to achieve and maintain Good Farming Practice, or better; and*
- a2. Set out clear, specific and timeframed actions to demonstrate that the relevant reductions in nitrogen and other contaminant losses in Policy 1 are met, or will be met, and maintained; and*
- b. Undergo the same level of rigour in developing, monitoring and auditing set out in a Farm Environment Plan, whether the consent holder is a member of a Certified Sector Scheme or not; and b2. Are flexible and able to be updated so that continuous improvement, new technologies and mitigation practices can be adopted, such that diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens further reduce over time.*

Rule 3.11.5.2A - Controlled Activity Rule

The use of land for farming, which is not a permitted activity under Rules 3.11.5.1A to 3.11.5.2, is a controlled activity subject to the following conditions:

1. The property is registered with the Council in conformance with Schedule A; and
2. A Nitrogen Reference Point is produced for the property in conformance with Schedule B; and
3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and
4. The farming does not form part of an enterprise; and
5. No commercial vegetable production occurs; and
6. 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 Council; and
7. A Farm Environment Plan has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner as providing actions and mitigations that at a minimum will meet, by (date):
 - a. Good Farming Practice;
 - b. The relevant nitrogen reduction requirements in Policy 1;
Or where no nitrogen reduction is required by Policy 1 for the farm either:
The Nitrogen Reference Point is not exceeded; or
 - d. The stocking rate of the land is no greater than 18 stock units per hectare and has not increased above the stocking rate during the Reference Period in Schedule B; and
8. There has been less than a cumulative net total of 4.1 hectares of change in the use of land from that which was occurring at 22 October 2016 within a property or enterprise from:
 1. Woody vegetation to farming; or
 2. Any farming other than dairy farming to dairy farming; or 3.
Any farming to Commercial Vegetable Production

Waikato Regional Council reserves control over the following matters:

- i. The content, compliance with and auditing of the Farm Environment Plan.
- ii. The actions and timeframes to achieve and maintain minimum standards and Good Farming Practices or better; and actions, measures and timeframes to meet and maintain the relevant nitrogen and contaminant reduction requirements in order to reduce the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens to water or to land where they may enter water. iii. For enterprises, the procedures and limitations, including Nitrogen Reference Points, to be applied to land that enters or leaves the enterprise.
- iv. The term of the resource consent.

- v. *The timeframe and circumstances under which the consent conditions may be reviewed.*
- vi. *Procedures for reviewing, amending and re-approving the Farm Environment Plan.*
- vii. *Measures to ensure compliance with Conditions 1 to 8 above over the term of the consent.*
- viii. *Requirements for updating the NRP and FEP to reflect future changes in Overseer or other approved method of calculating nitrogen leaching.*