

BEFORE THE ENVIRONMENT COURT
AT AUCKLAND

ENV-[]

I MUA I TE KOOTI TAIAO
I TĀMAKI MAKAURAU ROHE

IN THE MATTER of the Resource Management Act 1991
(the Act)

AND

IN THE MATTER of an appeal under Clause 14 of the First
Schedule of the Act

BETWEEN Horticulture New Zealand
Appellant

AND Waikato Regional Council
Respondent

NOTICE OF APPEAL – HORTICULTURE NEW ZEALAND



ATKINS | HOLM | MAJUREY

Helen Atkins/Tom Gray
PO Box 1585
Shortland Street
AUCKLAND 1140

Solicitor on the record
Contact solicitor

Helen Atkins
Tom Gray

Helen.Atkins@ahmlaw.nz
Tom.Gray@ahmlaw.nz

(09) 304 0421
(09) 304 0425

TO: The Registrar
Environment Court
AUCKLAND

NOTICE OF APPEAL OF HORTICULTURE NEW ZEALAND

1. Horticulture New Zealand (**HortNZ**) appeals part of the decision of Plan Change 1 to the Waikato Regional Plan (**PC1**).
2. HortNZ made a submission and further submission on PC1 and has participated throughout the hearing process.
3. HortNZ is not a trade competitor for the purposes of section 308D of the Act.
4. HortNZ received notice of the decision on 22 April 2020.
5. The decision was made by the Waikato Regional Council (**Council**).

APPEAL

6. HortNZ is appealing those parts of the decision relating to Commercial Vegetable Growing in PC1, and in particular:
 - (a) Policy 3 to ensure consistency with Schedule B and to remove the offsetting and compensation requirement for commercial vegetable production;
 - (b) Policy 6 to align it with Schedule D;
 - (c) Rule 3.11.4.2 to ensure it has consistent wording with related rules that apply to commercial vegetable production;
 - (d) Rule 3.11.4.5 to ensure it allows for commercial vegetable production rotations;

- (e) Rule 3.11.4.7 to ensure it has consistent wording with related rules that apply to commercial vegetable production;
- (f) Rule 3.11.4.8 to amend the rule and the table to ensure commercial vegetable production expansion is appropriately provided for;
- (g) Rule 3.11.4.9 to remove the specific activities listed;
- (h) Insertion of a new Schedule A1 that applies specifically to commercial vegetable production;
- (i) Amendments to Schedule B and C to ensure consistency with other provisions;
- (j) Amendments to Schedule D1 Part A to insert the ability to use a map or aerial photo in addition to the digital FEP tool;
- (k) Inclusion of HortNZ's Code of Practice for Nutrient Management in Schedule D1, Part D - Standards in the nutrient management standards referenced;
- (l) Insertion of the ability of a certified sector scheme to review a FEP or changes to a FEP in Schedule D1 – Part E and F;
- (m) Insertion of a definition of “property” to ensure it allows for commercial vegetable rotations.

7. The specific amendments are included in **Appendix A** to this appeal.

REASONS FOR APPEAL

8. The specific reasons for this appeal and the relief sought are detailed in **Appendix A**.

9. The general relief sought is any consequential amendments to be made as a result of the relief sought.

RELIEF SOUGHT

10. HortNZ seeks the amendments detailed in the table at **Appendix A**, or otherwise such orders, relief, consequential amendments or other amendments as are considered appropriate and necessary to address the appeal points.

WAIVERS

11. In accordance with the Environment Court decision¹ on waivers sought by Council, this Notice of Appeal has been filed with the Court and served on Council electronically.
12. It is understood that service on submitters will be affected by Council, and there is no requirement to attach the Appellant's submission, further submission, the Council decision, or a list of parties to be served.

DATE: 7 July 2020

Helen Atkins

Legal Counsel for Horticulture New Zealand

Address for Service: C/- Helen Atkins / Tom Gray
Atkins Holm Majurey Ltd
Level 19, 48 Emily Place
PO Box 1585, Shortland Street
Auckland 1140

¹ Re Wairakei Pastoral Limited [2020] NZEnvC 63.

Email: helen.atkins@ahmlaw.nz &
tom.gray@ahmlaw.nz

Contact Person: Helen Atkins / Tom Gray

Telephone: (09) 304 0294

Facsimile: (09) 309 1821

APPENDIX A

Table of Relief Sought and Reasons for Relief

Provision	Relief sought	Reasons
<p>Policy 3</p>	<p>c.</p> <p>ii. The Nitrogen Leaching Loss Rate associated with each commercial vegetable production rotation <u>based upon the highest modelled annual nitrogen leaching loss, across the maximum land area, that occurred during a single year (being 12 consecutive months) within the reference period from 1 July 2006 to 30 June 2016</u> ; and</p> <p>...</p> <p>d. Offsetting or compensation being proposed for commercial vegetable production activity in accordance with Policy 5.</p>	<p>Clause c. ii. has been amended for consistency with clause c. i. and to reflect the wording in Schedule B.</p> <p>This requirement has been deleted because of the effect it has on the discretionary consent pathway. Under the pathway commercial vegetable growers are required to grow within a cap. Therefore they should not always be required to offset/compensate.</p>

		The relevance or not of offsetting or compensation for a particular proposed activity remains a relevant assessment matter via Policy 5.
Policy 6	Encourage sector schemes to enable greater efficiency in the preparation, implementation and monitoring of Farm Environment Plans through the provision of: <u>existing industry frameworks</u> , education, information, coordination, technical and professional assistance for property owners-applicants or operators , as well as <u>preparation</u> , monitoring, and <u>and auditing</u> of the Farm Environment Plan through the certified sector scheme so as to better achieve the objectives of this Chapter.	Amended to align with the responsibilities set out Schedules D and E.
Implementation Method 3.11.3.5	Waikato Regional Council will <u>in conjunction with certified sector schemes where available:</u>	Amended to align this method with the changes to Policy 6.
Rule 3.11.4.2	<p>Rule 3.11.4.2 Interim Permitted Activity Rule – Farming prior to obtaining consent /Te Ture mō te Tūmahi ka Whakaaetia mō tētehi Wā – Te mahi pāmu i mua i te whai whakaaetanga</p> <p>Except as permitted by Rule 3.11.4.1 or 3.11.4.3, or as regulated by Rule 3.11.4.9, <u>any diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto land associated with</u> the use of land for farming, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water is a permitted activity until the relevant Application Date specified in Table 3.11-3, subject to the following condition:</p>	Amended to align with the amendments proposed to other rules.

	1. Farming is undertaken in conformance with the minimum farming standards in Schedule C.	
Rule 3.11.4.4	<p>Rule 3.11.4.4 Controlled Activity Rule – Existing Moderate intensity farming/Te Ture mō te Tūmahi e āta Whakahaeretia ana – Te mahi pāmu e āhua muia ana e te karaehe</p> <p>Unless regulated by Rule 3.11.4.6:</p> <p>4A The use of land for farming, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water where:</p> <ul style="list-style-type: none"> i. For drystock farming the winter stocking rate is greater than 18 stock units per hectare; ii. For all other farming, the Nitrogen Leaching Loss Rate for the property is Moderate in conformance with Table 1 in Schedule B; <p>OR</p> <p>4B The use of land for farming, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water, where:</p> <ul style="list-style-type: none"> i. For drystock farming the winter stocking rate is equal to or less than 18 stock units per hectare; ii. For all other farming, the Nitrogen Leaching Loss Rate for the property is Low in conformance with Table 1 in Schedule B; <p>but which cannot meet the stock exclusion standards in Clauses 1-4 of Schedule C or one or more of the standards in Part D of Schedule D1;</p>	<p>The Rule does not link the farming activity to the land that was being farmed over the baseline period – 2006 – 2016. The commercial vegetable production rule (3.11.4.5) has the clear link to the period whereas Rule 3.11.4.4 does not. The addition to the rule avoids the possibility that this activity occurs on areas not previously farmed, which was not what was intended by the ‘hold the line’ regime. The addition also recognises that the wording from the commercial vegetable production rule should be replicated in the moderate intensity farming rule.</p> <p>Proposed amendments to Schedule C exclude</p>

	<p>is a controlled activity. 4A and 4B are subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The property is registered with the Waikato Regional Council if required by and in conformance with Schedule A <u>or A1</u>; and 2. Farming is undertaken in conformance with the minimum farming standards in Schedule C except in the case of stock exclusion where a tailored solution may be approved as part of a Farm Environment Plan lodged with the resource consent application; and 3. Where 4A(ii) or 4B(ii) apply a Nitrogen Leaching Loss Rate is produced for the property in conformance with Schedule B; and 4. <u>The following information, relating to the land used by the applicant for farming in the period 1 July 2006 to 30 June 2016, is provided to the Waikato Regional Council at the time of the resource consent application:</u> <ol style="list-style-type: none"> a. <u>The total, maximum area (hectares) of land used for farming for any full year; and</u> b. <u>In relation to the particular year identified in a) above, the maximum areas (hectares) of land used for farming and their locations, per sub-catchment [refer to Map 3.11-2]; and</u> 5. No commercial vegetable production occurs; and ... 	<p>commercial vegetable growing.</p>
<p>Rule 3.11.4.5</p>	<p>Rule 3.11.4.5 Controlled Activity Rule – Existing commercial vegetable production /Te Ture 3.11.4.8 Te Ture mō te Tūmahi e Hāngai ana ki tā te Kaiwhakamahi e Hiahia ai – Te whakawhānuitanga o te whakatupu huawhenua ā-arumoni</p>	<p>These additional words and amendments ensure that commercial vegetable rotations are covered by the rule. The CVP activity is better authorised by discharge consent (s15). It is clear from</p>

~~The use of land for commercial vegetable production including a~~Any ~~associated~~ diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens associated with the use of land for commercial vegetable production into water or onto or into land in circumstances which may result in those contaminants entering water, is a controlled activity subject to the following conditions:

1. The property and any property changes through rotations are is registered with the Waikato Regional Council if required by and in conformance with Schedule A1; and
2. A Nitrogen Leaching Loss Rate is produced for the property and any property changes through rotations in conformance with Schedule B; and
3. The following information, relating to the land ~~used by the applicant~~ for commercial vegetable production in the period 1 July 2006 to 30 June 2016, is provided to the Waikato Regional Council at the time of the resource consent application:
 - a. The total, maximum area (hectares) of land used for commercial vegetable production for any full year; and
 - b. ~~In relation to the particular year identified in a) above, t~~he maximum areas (hectares) of land used for commercial vegetable production and their locations, per sub-catchment [refer to Map 3.1 1-2]; and
4. The total area of land within each sub-catchment for which consent is sought for commercial vegetable production must not exceed the maximum areas as identified in condition 3 of this rule; and
5. A Farm Environment Plan:
 - a. has been prepared in conformance with Schedule D2; and
 - b. has been approved by a Certified Farm Environment Planner as:
 - i. being in conformance with Schedule D2; and

the decision that rotations were intended to be covered. There is a new Schedule A1 for commercial vegetable production.

In the matters of control:

Where the activity is managed by a certified sector scheme, the procedures for reviewing and auditing FEPs should be set by the certified sector scheme.

The deletion of the last matter of control is because the NLLR for commercial vegetable production is at the operational level not at the property level and the onus should not be on the current activity to identify the NLLR and procedures and limitation to be applied for a future activity.

- ii. providing evidence to demonstrate the Nitrogen Leaching Loss Rate for the property in conformance with Schedule B; and
- iii. showing actions and mitigations that demonstrate how the farming activity will achieve the goals and principles set out in Part D of Schedule D2; and
- c. is provided to the Waikato Regional Council by the relevant Application Date specified in Table 3.11-3; and
- d. is updated to reflect any property changes through rotations; and

6. Full electronic access to any software or system that models or records diffuse contaminant losses for the farming authorised by this rule is granted to the Waikato Regional Council, and if requested, any analysis produced by an approved software or system is provided to the Waikato Regional Council.

Waikato Regional Council reserves control over the following matters:

- i. The achievement of the policies and objectives of Chapter 3.11 to the extent that they are relevant to the matters in ii - xi below.
- ii. The content of the Farm Environment Plan.
- iii. The maximum total and per-sub-catchment area of land to be used for commercial vegetable production.
- iv. The actions and timeframes which demonstrate how the farming activity will achieve the goals and principles set out in Part D of Schedule D2.
- v. Measures to address the effects, including cumulative effects, of diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens.
- vi. Measures to address the adverse effects on downstream drinking water supplies.
- vii. The duration of the resource consent.

	<p>viii. 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 the resource consent and Farm Environment Plan.</p> <p>ix. The timeframe and circumstances under which the resource consent conditions may be reviewed.</p> <p>x. Procedures for reviewing, amending and re-approving the Farm Environment Plan <u>unless managed under a certified sector scheme</u>.</p> <p>xi. The procedures and limitations, including Nitrogen Leaching Loss Rate, to be applied to land that leaves the commercial vegetable growing activities.</p>	
<p>Rule 3.11.4.7</p>	<p>Rule 3.11.7 Discretionary Activity Rule – Farming in a collective, high intensity farming, and farming not otherwise authorised</p> <p>The Any diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens into water or onto land associated with the use of land for farming including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water is a discretionary activity only if one or more of the following circumstances apply:</p> <p>...</p> <p>Subject to the following conditions:</p> <p>1. The property is registered with the Waikato Regional Council if required by and in conformance with Schedule A <u>or A1</u>; and</p>	<p>The CVP activity component of a collective farming activity is better authorised by discharge consent (s15).</p> <p>These changes will enable rotations for commercial vegetable growers in a collective.</p>

<p>Rule 3.11.4.8</p>	<p>Rule 3.11.4.8 Discretionary Activity Rule – Commercial vegetable production expansion</p> <p>The use of land for commercial vegetable production on land which is additional to that regulated by Rule 3.11.4.5, including aAny associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens associated with the use of land for commercial vegetable production, which is additional to that regulated by Rule 3.11.4.5, into water or onto or into land in circumstances which may result in those contaminants entering water, is a discretionary activity subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The property is registered with the Waikato Regional Council if required by and in conformance with Schedule A1; and 2. A Nitrogen Leaching Loss Rate is produced for the property in conformance with Schedule B; and 3. A Farm Environment Plan: <ol style="list-style-type: none"> a. has been prepared in conformance with Schedule D2; and b. has been approved by a Certified Farm Environment Planner as: <ol style="list-style-type: none"> i. being in conformance with Schedule D2; and ii. providing evidence to demonstrate the Nitrogen Leaching Loss Rate for the property in conformance with Schedule B; and iii. showing actions and mitigations that demonstrate how the farming activity will achieve the goals and principles set out in Part D of Schedule D2; and c. is provided to the Waikato Regional Council by the relevant Application Date specified in Table 3.11-3; and 4. Full electronic access to any software or system that models or records diffuse contaminant losses for the farming authorised by this rule is granted to the Waikato Regional Council, and if requested, any analysis produced by an 	<p>The CVP activity is better authorised by discharge consent (s15).</p> <p>The original table presented in evidence for the Block 3 hearings included 23 sub-catchments. This was the minimum area required to meet future demand for fresh vegetables based on population growth projections and reflected a 1% increase to N load per sub-catchment. The Panel's reasons for the reduction in the number of sub-catchments is not opposed, but the remaining area of land in the Decisions Version of Table 1 is insufficient to meet the future demand for fresh vegetables. The amended table includes sub-catchments from the wider Waipa and Waikato</p>
-----------------------------	--	---

- approved software or system is provided to the Waikato Regional Council; and
5. ~~The land for which consent is sought must be located entirely within the sub-catchments specified in Table 1 below; and The N leaching is low or moderate according to Schedule B, Table 1; or~~
 6. ~~Where the N leaching is high~~ the land for which consent is sought must be ~~entirely~~ located ~~entirely within the subcatchments specified in Table 1 below~~ ~~on LUC 1 and/or 2 land; and~~
 7. ~~The total area of land for which consent is sought must not, in combination with any extant resource consents, exceed the maximum sub-catchment area limits specified in Table 1 below.~~

<u>Sub-catchment number and name</u>	<u>FMU</u>	<u>Area limits of land for Commercial Vegetable Production use per sub-catchment (hectares)</u>
<u>23 Kirikiriroa</u>	<u>Central Waikato</u>	<u>4.3</u>
<u>29 Mangaonua</u>	<u>Central Waikato</u>	<u>28.2</u>
<u>27 Waikato at Bridge St Br</u>	<u>Central Waikato</u>	<u>20.3</u>
<u>25 Waikato at Horotiu Br</u>	<u>Central Waikato</u>	<u>18.4</u>
<u>32 Karapiro</u>	<u>Central Waikato</u>	<u>18.4</u>
<u>30 Mangakotukutuku</u>	<u>Central Waikato</u>	<u>14.4</u>
<u>35 Mangawhero</u>	<u>Central Waikato</u>	<u>22.3</u>
<u>1 Mangatawhiri</u>	<u>Lower Waikato</u>	<u>3.6</u>
<u>7 Ohaeroa</u>	<u>Lower Waikato</u>	<u>6</u>
<u>11 Opuatia</u>	<u>Lower Waikato</u>	<u>15.2</u>

catchments, excluding those that meet the same criteria as those excluded from the Table 1 decision version. The area caps identified in each catchment are based on the same principles as those in decision version table 1 and represent a 1% increase in N for those sub-catchments.

Provision should be made for new commercial vegetable production that can prove low or moderate NLLR, as is consistent for other farming activities in the plan.

The application dates are not relevant for new activities.

9 Waikato at Mercer Br	Lower Waikato	107.6
6 Waikato at Port Waikato	Lower Waikato	73.8
4 Waikato at Tuakau Br	Lower Waikato	29.6
20 Waikato at Huntly-Tainui Br	Lower Waikato	84.2
44 Little Waipa	Upper Waikato	93.9
45 Pokaiwhenua	Upper Waikato	185.1
41 Waikato at Karapiro	Upper Waikato	258.2
21 Firewood	Waipa	6.6
24 Waipa at Wainaro Rd Br	Waipa	42.8
63 Mangaokewa	Waipa	37.2
38 Mangapiko	Waipa	163.5
53 Mangapu	Waipa	58.5
61 Mangarama	Waipa	14.4
55 Mangarapa	Waipa	18.6
47 Mangatutu	Waipa	40
42 Moakurarua	Waipa	41.8
40 Puniu at Bartons Corner Rd Br	Waipa	145.3
43 Waipa at Pirongia-Ngutunui Rd Br	Waipa	273.8
60 Waipa at Otewa	Waipa	50.8
51 Waipa at Otorohanga	Waipa	81.3
46 Waitomo at SH31 Otorohanga	Waipa	10.2

<p>Rule 3.11.4.9</p>	<p>Rule 3.11.4.9 Non-Complying Activity Rule – Land use change/Te Ture 3.11.4.9 Te Ture mō te Tūmahi Kāore e Whai ana i te Ture - Te panonitanga o te whakamahinga whenua</p> <p>Notwithstanding any other rule in this Plan, the following changes in the use of land are any activity not otherwise covered by these rules is a non-complying activityies:</p> <p>1.— Any change in the use of land to commercial vegetable production that, either itself or in combination with any extant resource consents, is not regulated by Rule 3.11.4.5 and does not meet the conditions of Rule 3.11.4.8.</p> <p>2.— Any of the following changes in land use within a property, where the change exceeds a cumulative net total of 4.1 ha from that which was occurring at 22 October 2016:</p> <p>a.— woody vegetation to farming; or</p> <p>b.— any land use to dairy farming.</p>	<p>The amendment to this rule ensures that any activity not provided for by the rules is non-complying, rather than only applying to specific commercial vegetable production and dairy activities.</p>
<p>Schedule A</p>	<p>Schedule A – <u>Pastoral Farming</u> Registration with Waikato Regional Council</p> <p><u>Schedule A1 – Commercial Vegetable Production Registration with Waikato Regional Council</u></p> <p><u>All properties used for commercial vegetable production must be registered with the Waikato Regional Council in the following manner:</u></p>	<p>Amend heading to reflect new Schedule A1.</p> <p>Insert a new Schedule A1 to reflect the fact that commercial vegetable production has different</p>

	<p><u>1. Registration information set out in Clause 4, and where relevant in Clause 5, below must be provided.</u></p> <p><u>2. Proof of registration must be provided to the Waikato Regional Council within 7 working days of a request by Waikato Regional Council being made.</u></p> <p><u>3. Registration information must be updated:</u></p> <p><u>a. Where a property changes hands, within 30 working days of the new occupier taking possession of the property, or</u></p> <p><u>b. At the request of the Waikato Regional Council.</u></p> <p><u>4. All commercial vegetable production activities must provide the following information:</u></p> <p><u>a. in respect of the property owner, and the person responsible for using the land (if different from the property owner):</u></p> <p><u>i. Full name.</u></p> <p><u>ii. Trading name (if applicable, where the owner is a company or other entity).</u></p> <p><u>iii. Full postal and email address.</u></p> <p><u>iv. Telephone contact details.</u></p>	<p>characteristics from pastoral farming.</p>
--	---	---

	<p><u>b. Legal description and certificate(s) of title references (computer freehold registers) for the maximum hectares of land used by the commercial vegetable production for any full year in the period 1 July 2006 to 30 June 2016, including:</u></p> <p><u>a. The total, maximum area (hectares) of land used for commercial vegetable production for the full year selected; and</u></p> <p><u>b. the maximum areas (hectares) of land used for commercial vegetable production and their locations, per sub-catchment;</u></p> <p><u>c. Physical address of the property(s).</u></p> <p><u>5. Where properties graze livestock, a map must be provided showing the location of:</u></p> <p><u>a) property boundaries; and</u></p> <p><u>c) Waterbodies listed in Schedule C for stock exclusion within the property boundary and fences adjacent to those water bodies; and</u></p> <p><u>d) Livestock crossing points over those water bodies and a description of any livestock crossing structures.</u></p>	
<p>Schedule B</p>	<p>3. A Nitrogen Leaching Loss Rate established via an alternative, approved model.</p> <p>...</p>	<p>Amended to be consistent with Policy 3.</p>

	<p>C. ...</p> <p>i. for commercial vegetable production the Nitrogen Leaching Loss Rate shall be based on the highest modelled annual nitrogen leaching loss <u>across the total maximum land area</u> that occurred during a single year (being 12 consecutive months) within the reference period from 1 July 2006 to 30 June 2016; or</p> <p>ii. for any land use approved under Rule 3.11.4.9, the Nitrogen Leaching Loss Rate shall be determined <u>by a Certified Farm Nutrient Advisor</u> and submitted through the resource consent process.</p>	
Schedule C	Exclusions: Clauses 6, and 7 <u>and 10</u> do not apply to commercial vegetable production	Amended to add clause 10 as commercial vegetable production is excluded from the cultivation setback requirements.
Schedule D1, Part C, Clause 2	<p>2. Description of whole farm management practices and general requirements:</p> <p>a) Identification and description of the key characteristics of the farm system including all those inputs, outputs and management practices <u>relevant to the management of diffuse discharges</u>.</p>	Change for clarity

<p>Schedule D1 Part A</p>	<p>D1 Part A</p> <p>An FEP must be submitted to Waikato Regional Council using either:</p> <ul style="list-style-type: none"> a. A <u>map, aerial photo, or</u> council digital FEP tool, that includes the matters set out in Part C below to the relevant extent; OR b. A <u>map, aerial photo or</u> industry digital FEP tool capable of recording information consistent with the council data exchange specifications that includes the matters set out in Part C below to the extent relevant. 	<p>This change allows a map or aerial photo as an FEP, not just a digital FEP (D1) or GIS digital FEP (D2).</p>
<p>Schedule D1, Part D, clause 1 a)</p>	<p><u>PART D – STANDARDS</u></p> <p>1. <u>Nutrient management</u></p> <ul style="list-style-type: none"> a. Monitor soil phosphorus (P) levels and maintain them at agronomic optimum as set out in the Code of Practice for Nutrient Management and the relevant sector specific on-farm practice booklet. <i>Note: For the purpose of this schedule, the Code of Practice for Nutrient Management means:</i> <p><i>(i) Code of Practice for Nutrient Management (with Emphasis on Fertiliser Use), Fertiliser Association of New Zealand, 2013. It can be found at http://www.fertiliser.org.nz/Site/code-of-practice/.</i></p> <p><i>(ii) The sector specific on-farm booklets are: Fertiliser Use on New Zealand Sheep and Beef Farms, Fertiliser Associate of New Zealand, 2018; Fertiliser Use on New Zealand Dairy Farms, Fertiliser Association of New Zealand 2016; Managing Soil Fertility on Cropping Farms, New Zealand Fertiliser</i></p>	<p>The change inserts the HortNZ Code of Practice into Schedule D1 as an accepted Industry Standard Code of Practice in order to be appropriately included as a specified sector specific on-farm practice booklet.</p>

	<p>Manufacturers' Research Association (NZFMRA) 2012. They can be found at http://www.fertiliser.org.nz/Site/resources/booklets.aspx.</p> <p><i>(iii) Horticulture New Zealand's Code of Practice for Nutrient Management. The COP can be found here: https://www.hortnz.co.nz/our-work/natural-resources/code-of-practice-for-nutrient-management/</i></p>	
<p>Schedule D1, Part E and F</p>	<p><u>PART E – REVIEWING A FARM ENVIRONMENT PLAN</u></p> <p>An FEP shall be reviewed by a Certified Farm Environment Planner <u>or Certified sector scheme</u> who holds a reviewing endorsement (issued by Waikato Regional Council), as follows:</p> <ol style="list-style-type: none"> a. Within 12 months of the date that the FEP is required and thereafter at intervals of no more than 3 years; b. An FEP shall also be reviewed in the event of any material increase in the intensity of farming. <p>The purpose of the review is to provide an expert opinion as to whether the farming activities on the property are being undertaken in a manner that meets the Part D minimum standards. The results of the review shall be provided to the Waikato Regional Council within 20 working days of the review date.</p>	<p>The addition allows an appropriately qualified Certified sector scheme to review the FEP rather than requiring only Certified Farm Environment Planner.</p>

	<p style="text-align: center;"><u>PART F – AMENDING A FARM ENVIRONMENT PLAN</u></p> <p>Changes can be made to the FEP without triggering the need for review by a CFEP <u>or Certified sector scheme</u>, provided:</p> <ol style="list-style-type: none"> a. The amended FEP continues to comply with the requirements of this schedule b. The change to the FEP does not contravene any mandatory requirement of any resource consent held in respect of the property, or any requirement of the Regional Plan that is not already authorised; c. The nature of the change is documented in writing and made available to any CFEP undertaking a review, or to the Waikato Regional Council, on request. 	
<p>Schedule D2 Part A</p>	<p>D2 Part A</p> <p>An FEP must be submitted to Waikato Regional Council using either:</p> <ol style="list-style-type: none"> 1. A <u>map, aerial photo or</u> council digital FEP tool including the matter set out in Part B below to the extent relevant, with maps and data provided as spatial GIS layers; OR 2. An industry digital FEP tool that: <ol style="list-style-type: none"> a) Complies with the council's data exchange specifications; and b) Includes all matters set out in part C – E below to the extent relevant; and c) includes maps and data provided as spatial GIS layers d) has been approved by the Chief Executive of Waikato Regional Council as meeting the criteria in (a) – (c) above. 	<p>The change allows a map or aerial photo as an FEP, not just a digital FEP (D1) or GIS digital FEP (D2).</p>

<p>Schedule D2 Part C</p>	<p>...</p> <p>3. A map(s) or aerial photo at a scale that clearly shows:</p> <p>a. The property boundaries of the land being farmed;</p> <p>b. Land Use Capability (LUC) classes <u>using the Land Use Capability (LUC) Survey Handbook or as determined on a site specific basis by a suitably qualified and experienced practitioner</u>;</p> <p>...</p> <p>5. The evidence to demonstrate the Nitrogen Leaching Loss Rate for the farm <u>property</u> in conformance with Schedule B where applicable.</p>	<p>Amended for clarity</p>
<p>Schedule D2, Part E and F</p>	<p style="text-align: center;"><u>PART E – FARM ENVIRONMENT PLAN REVIEW REQUIREMENTS</u></p> <p>The FEP shall be reviewed by a Certified Farm Environment Planner <u>or Certified sector scheme</u> for consistency with this schedule:</p> <ol style="list-style-type: none"> 1. Within 12 months of the granting of the consent application; and 2. In accordance with the review intervals set out in the conditions of the resource consent. <p>The purpose of the review is to provide an expert opinion whether the farming activities on the property are being undertaken in a manner consistent with the goals and principles set out in Part D of this schedule.</p> <p>The review shall be undertaken by re-assessing the FEP in accordance with the requirements set out in this schedule.</p> <p>The results of the review shall be provided to the Waikato Regional Council, within 20 working days of the review due date.</p>	<p>The addition allows an appropriately qualified Certified sector scheme to review the FEP rather than requiring only Certified Farm Environment Planner.</p>

	<p style="text-align: center;"><u>PART F – AMENDING A FARM ENVIRONMENT PLAN</u></p> <p>Unless otherwise required by the Waikato Regional Council in accordance with any conditions of the resource consent, changes can be made to the FEP without triggering the need for review by a CFEP <u>or Certified sector scheme</u>, provided:</p> <ol style="list-style-type: none"> 1. The farming activity and FEP remain consistent with Parts B, C and D of this schedule. 2. The change to the FEP does not contravene any mandatory requirement of the resource consent, or any requirement of the Regional Plan that is not already authorised. 3. The nature of the change is documented in writing and made available to any CFEP undertaking a review, or to the Waikato Regional Council, on request. 	
<p>Property</p>	<p>Property: For the purposes of Chapter 3 .11, means, to the extent that the land is within the Waikato and Waipā River catchments shown in Map 3.11-1, one or more allotments contained in single Computer Freehold Register (certificate of title), and also includes all adjacent land that is in common ownership but contained in separate certificates of title, including certificates of title separated only by a road, river or utility corridor, and is a single operating unit for the purpose of management.</p> <p><u>For the purposes of commercial vegetable production, means an enterprise of one or more allotments (whether or not they are contiguous) that are managed as a single operation.</u></p>	<p>This amendment is necessary to ensure commercial vegetable production can rotate across the operation as is intended in Policy 3.</p>