

Report to the Collaborative Stakeholder Group – for Agreement and Approval

File No: 23 10 02
Date: 15 December 2015
To: Collaborative Stakeholder Group
From: CSG Independent Chairperson – Bill Wasley
Subject: Intensification - Interim catchment-wide rule
Section: Agreement and Approval

Disclaimer

This report has been prepared by Waikato Regional Council policy advisors for the use of Collaborative Stakeholder Group Healthy Rivers: Wai Ora Project as a reference document and as such does not constitute Council's policy.

1 Purpose

The purpose of this report is to provide the Collaborative Stakeholder Group (CSG) with an outline of the development of an interim policy to manage discharges from land use changes (plantation forestry to pasture conversion) or changes within a property that increase the overall property discharge, and further information on other policy options.

Recommendation:

1. That the report [Intensification - Interim catchment-wide rule] (Doc #3631568 dated 15 December 2015) be received, and
2. That the Collaborative Stakeholder Group:
 - a) use this information to explore if, and how they could use a catchment-wide rule in the Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (“the Plan Change”), to manage discharges from properties while policy is put in place to allocate responsibility for change.
 - b) that CSG provide guidance to WRC policy staff, so that they can draft some example rules for the 28th-29th January 2016 CSG workshop, including on:
 - a. the definition of intensification contained in this report
 - b. the policy approaches described in this report.

2 Background

Over the last year or so, CSG has been discussing how to manage pine to pasture land use conversion or changes within a property that increase the overall property discharge.

At CSG workshop 18 the CSG proposed a Catchment Wide Rule to manage intensification or new entrants while property plans were being developed. This rule was described generally as:

If a landowner exceeds their benchmarked Overseer number for diffuse nitrogen discharges more than 10% in a year, they are required to obtain a resource consent. (refer to Appendix 1 for more detail on the development of this rule).

At CSG 19 the question was asked by the CSG if a variation on this approach could be a rule that stopped the conversion of land currently under plantation forestry into dairy enterprises (Workshop 19 Notes).

At CSG 20, the CSG wanted a report back that the CSG can debate and agree upon to CSG21 (Dec 17/18) on a definition of intensification that is effects-based.

This report sets out:

1. A definition of intensification to provide a starting point for CSG
2. Policy options to manage further increase discharges
3. CSG ideas on options to manage discharges from land use changes or changes within a property that increase the overall property discharge)
4. How the catchment-wide rule interacts

3 Intensification definition

The following definitions are proposed as a starting point. Note that in 2016, policy staff will be reviewing and comparing definitions from other Regional Plans, including the Waikato Regional Plan and the Land and Water Forum Report (which have defined these terms or similar concepts):

Intensification is where discharges leaving a **farm enterprise** have increased. The OVERSEER® nutrient model (Overseer) will be used to assess increases. A rolling five year average of the total kilograms of nitrogen leached per year from the farm enterprise will constitute an increase in discharges.

A **farm enterprise** is where **farming activities** occur in the same ownership in the same Freshwater Management Unit. A farm enterprise may constitute one or more land parcels in the same ownership that are not contiguous.

Farming activities include the use of land for pastoral, cropping, vegetable growing, horticulture and farm forestry and excludes land used for commercial forestry and land that is shrubland or indigenous forest.

The implication of defining intensification in this way is that properties are essentially 'capped' at current levels¹. Landowners can shift nitrogen around but any overall increases will require a resource consent. To describe this concept generally for example it might be landholder can continue farming activities, in same way (i.e. "current" discharge levels) as they are farming in 2016, as long as there is no intensification (as defined).

The type of definitions above would partly settle some concerns raised about the 'allowing up to 10% increase in N leached per year rule'.

¹ If benchmarked prior to the rule coming into enforce

The CSG has consulted with the public (October /November 2015) on a basic rule where landholders increasing discharges by more than 10% in a year would trigger the requirement for a resource consent. The assumption can be made that this would then require the change that prompted the consent to be undertaken in way that manages the effects of the activity.

Concerns were raised with the CSG about this rule. One was that for those with low current discharges (e.g. some drystock farms), seasonal difference could easily result in a breach of the 10% limit (e.g. through more lambs being born or more grass being grown in a good year). This would generally not be known, or be predicted in advance.

A further concern was that allowing for a 10% increase in intensification could have the unintended result of all farms increasing by 10% and therefore not achieve the halt in intensification envisaged by the rule.

4 Land use change – other factors

In addition to a catchment wide rule in the Plan Change, there are other factors that influence intensification in the catchment. These include product prices (e.g. dairy milk prices) or existing RMA rules (e.g. water quantity limits). The Plan Change cannot however, rely solely on these factors to change or restrict behaviour to achieve water quality outcomes.

The Scenario modelling (Doole et al 2015) has indicated the scale of change that needs to happen across the catchment to achieve water quality improvement and provided one step-wise example of how to achieve this change. This includes no further intensification, de-intensification, a range of mitigations, and land use change. Under the optimisation modelling and the different bands selected across FMUs, the modelled changes involve the need for some landholders to do more than others.

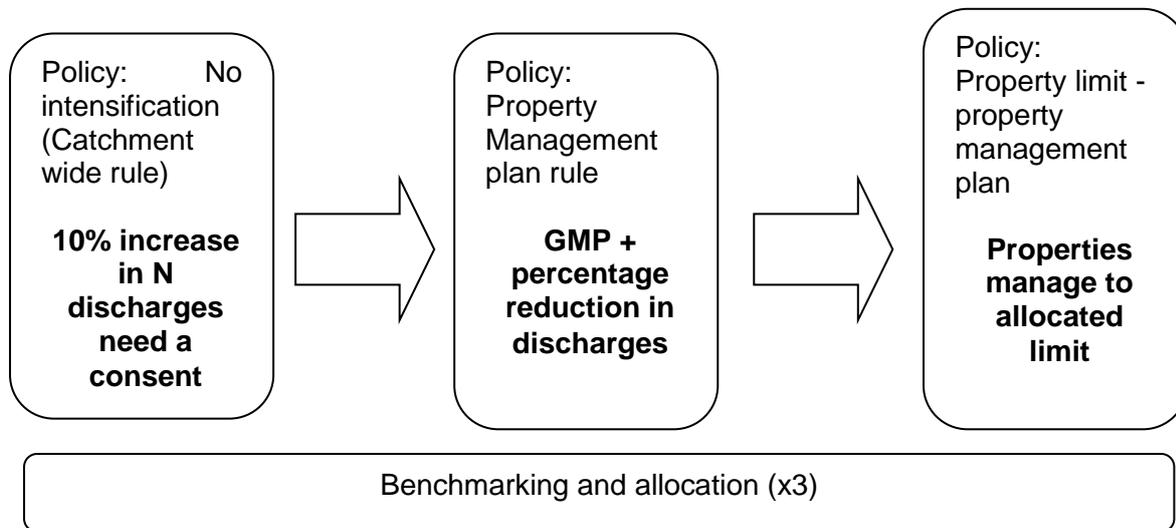
This report provides policy approaches which are intended as an interim approach. Options seek to prevent further increases in discharges above current levels (individual farm or catchment aggregate), while other policies are put in place to reduce discharges down to the desired levels to achieve scenario one water quality.

It is a given that the section 32 analysis will need to support these options e.g. the preventing forestry to dairy conversion. Policy staff will be relying on TLG reports and advice for the section 32. WRC staff implementation advice is also being sought on these options, and these are being sought concurrently and missed being incorporated into this report.

5 How the intensification rule interacts with other policy options

Catchment wide rules and property plans are the key policy options being considered by CSG. The approach proposed by the CSG is multilayered and there is still work to be done to confirm how the different policy options fit together. The diagram below (Figure 1) is a starting point for discussion. It does not include any reference to provisions for intensification within the catchment i.e. for Maori-held land).

Figure 1: Diagrammatic representation of CSG idea (part of diagram report CSG subgroup²)



6 Policy options to manage further increase discharges

There was a presentation at CSG 15 (WRC DM#3497378) on policy approaches that may be used to restrict further increases and to create reductions in overall discharges. This includes the management of intensification and the reduction over time, of the overall level of discharges to achieve water quality improvement.

Key messages about the full range of policy options to cap discharges and reduce discharges are:

1. Options for no further degradation:
 - Existing Regional Plan is not enough on its own
 - Current voluntary, industry approaches may contribute to some reduction in discharges (but are unlikely to counteract current trends towards intensification).
2. Options for water quality improvement (scenario 1):
 - All the property limit options may be needed (e.g. property limit, cap and trade),
 - Regulation to require reductions in discharges is likely to require more on-farm actions or stricter limits on existing activities
 - If discharge reductions are large, some farms may no longer be viable, therefore land use change occurs
 - Policy that chooses where and what land use is suitable includes Public/offset purchase, rules to prevent activities on some land

² Principles and options for managing within limits and CSG sub-group report back from a meeting on 18th November Doc #3625208 dated 3 December 2015.

6.1 Possible policy options for managing intensification and new entrants

The following options are alternatives to the catchment wide rule. They are a list of possible ways to halt discharges from properties.

1. Prohibit changes in activities which increase discharges of N,P, Sediment and E.coli – need to benchmark
2. Get consent to change between certain land uses.– With this option the Council may only need to benchmark landholder who want to change land use.
3. If offsets being used to change between land uses
 - Track the offset, regulated through consent:
 - Management plan to do x and y and z and require stricter actions
 - Trade with other in catchment who de-intensify
4. Input control
 - Stocking rate, brought in feed
 - Fertiliser application
5. Reduce roadblocks in the rules to de-intensification – e.g. rule that make it more difficult to do things like planting native vegetation for water quality outcomes
6. Incentives for de-intensification – subsidies,
7. Property limit – N
8. The ultimate allocation of responsibility for change (i.e. reduction in discharges) could also make use of variations on a land use zoning option, but this has not featured strongly in the policy mix discussions for the first Plan change period. The question remains, though, as to how current trends towards intensification can be stopped while other policies are put in place to reduce discharges, and then move towards the preferred ultimate allocation position.

Of the policy options presented to the CSG (WRC (2015) Policy options for sediment, microbes, nitrogen and phosphorus (DM#3425911 22 June 2015), those that can manage for limited increase in discharges include (refer to Appendix 4 for more detail on these options from earlier reports to the CSG):

- Rules that set a property limit for discharges
- Cap and Trade/offset approaches
- Variation on the land use zoning option e.g. Rules that prevent certain land uses in certain areas

The CSG has so far considered that:

- information on what is each property is doing, must use actual benchmarked information (CSG subgroup DM # 3574906) to support the setting of a property-level limit in the short term³.
- the Overseer model is limited in its current its suitability as a numerical property-level ‘absolute’ nitrogen leaching number (e.g. some mitigations are not represented in the model, and new versions of Overseer give different figures for the same property and activities).

On this basis, the CSG chose to consult with the community about an alternative preferred approach, i.e. in the first Plan Change, use the time to prepare property plans and to benchmark and start reductions, with a view to then moving towards a property-level limit based on an Overseer modelled number in the future.

³ TLG have not provided a view on the need for actual data before setting a property limit in policy

The remainder of this report considers the possible policies the CSG has considered to hold the line.

7 Land use or intensification occurs but effects are managed

In both these examples from other Councils, conversions from forestry for farming or new dairy farm established can occur but a resource consent is needed and come of the effects of the change are managed through resource consents.

Some examples from other councils land use change with effects of the change managed (excerpts from the relevant plans in Appendix 2 and 3):

- **Environment Southland, Water Plan**
 - Transitional rule relating to change of land use for new dairy farming to manage the effects and risk posed by establishment of new dairy.
- **South Waikato District Council, District Plan**
 - Conversion of commercial forestry land for farming to specific consent requirements and performance standards (e.g. manage effects on riparian margins).

8 Certain land use changes are prevented

The CSG has asked whether a rule can be written to stop certain land use changes e.g. the conversion of plantation forestry to dairy (workshop 19 notes). This rule would prevent forestry converting to dairy, but land currently under forestry could be used for any other activity (apart from activities that require a resource consent e.g. earthworks).

The CSG would be choosing to focus on one particular type of land use change, which would have higher discharges than forestry, but that there may be other changes that could also increase discharges but would not be captured by the rule. The CSG do need to clarify if it is pine-to-pasture or only pine-to-dairy that they are targeting.

Depending on how this rule is written, the council may rely on conversations with landholder about land use intention or reporting by the community, for full action to be taken by council may not be able to occur until they landholder starts operating as a dairy farm and infrastructure etc will already be in place.

9 Comparing the no further increase by 10% to a forestry to dairy conversion rule

The CSG is using a mix of approaches to achieve the desired change in behaviour. The focus of the rule/s described in this report is on restricting discharges to current levels as an interim measure while property management plans are being rolled out (benchmark and with reductions).

Policy option⁴: The group has consulted with the public on a basic rule where a landholder increasing discharges by more than 10% in a year would trigger the requirement for a resource consent.

⁴ No further intensification has also been used to describe this rule noting the policy that was described is about not increase in discharges.

Policy option: The group has asked a question about proposing a rule to prevent plantation forestry conversion to dairy.

For some elements of the councils functions from the point of view of ease of implementation and or enforcement, the approach of regulating by way of defined land use change (e.g. no conversions from forestry to dairy or no conversion without a consent) is more straightforward than some form of quantitative approach such as restriction on increasing discharges beyond certain percentage (N discharge derived from Overseer) The issue with some form of quantitative approach is the need for relevant baseline data against which to measure any change later on. It implies a regulatory infrastructure (benchmarking, monitoring, information gathering/analysis) that has an order of magnitude higher time/cost than the land use type approach. This is unlikely to be realistic given the scale here i.e. number of properties affected. It should also be noted that some form an approach, such as the no further increase beyond 10%, is a relatively blunt instrument and it won't in itself stop intensification within the same land use type.

Refer to Table 1 for a comparison of the 2 approaches using some of the CSG Policy Selection Criteria (PSC). Some assumptions have been made as to the intent of the forestry dairy conversion rule.

Table1 Comparison of using some of the CSG Policy Selection Criteria

Policy	Regulation where a 10% increase in N triggers the need for a resource consent	Regulation preventing plantation forestry conversion to dairy
CSG Logic	<p>Proposed as an interim policy to manage for some landholders undertaking a range of mitigations (some possibly expensive), while others are still intensifying, while property plan benchmarking process rolled out.</p> <p>Some flexibility to allow for some variability in the yearly running of a farm business. This assumes that these are in some way lower risk activities, which may not be the case.</p>	<p>Assumes holding forestry land to land uses that are not dairy, while all other industries can increase, during the interim period while farm plans are being rolled out.</p> <p>No time period has been suggested for how long this rule might be in place or its relationship with other policies the CSG considering. Therefore for this report the assumption made that for both rule options there would be a transition to Property Management Plan rules with percentage reduction and absolute numbers eventually (as proposed in the 2nd intensive engagement period).</p>
Who	All farming enterprises	Plantation forestry
CSG Policy Selection Criteria		
Achieves the outcomes of the Vision and Strategy and the RMA	Section32 analysis	Section32 analysis
Realistic to implement, monitor and enforce	<p>Measurement and benchmarking: Overseer model. The Benchmarking and records required to implement this rule will be put in place while this interim rule is in place.</p> <p>(i.e. Need the benchmark, before you can enforce but this rule is meant to apply as the benchmarking is done).</p> <p>In light if the need for benchmarking and the scale i.e. number of properties affected this option may not be realistic as an interim policy.</p>	<p>Measurement and benchmarking: Assuming there is sufficient data on existing land use, i.e. registered as forestry enterprise or detailed up to date land use mapping.</p> <p>Enforcement Assume that the cutting down of the trees doesn't prompt this rule, but the "conversion" to another land use in this case dairy.</p> <p>Possibility of counterproductive behaviour responses,</p>

Policy	Regulation where a 10% increase in N triggers the need for a resource consent	Regulation preventing plantation forestry conversion to dairy
	<p>Enforcement</p> <p>Anyone wanting to intensify would need records to identify past and current intensity. The benchmarking process would need to achieve this (i.e. records etc), this option may be unenforceable without it (WRC 2015 Implementation considerations for policy design. DM#3608886).</p> <p>If measured in a year non-compliance not known till after increases have occurred.</p> <p>Possibility of counterproductive behaviour responses e.g. widespread intensification up to the allowed 10%.</p>	<p>landholder do not prompt full enforcement action council until they start operating as a dairy farm.</p>
<p>Allows for intergenerational land use flexibility</p>	<p>The approach allows for some variability in a given year within the 10% range of discharges of Nitrogen</p> <p>The aim of this policy is to limit and manage discharges, so flexibility to change is restricted.</p> <p>In theory people can change land use under a consent arrangement but would need to operate at current level of discharges (if rule is written that way).</p> <p>Does not prevent new entrants, but may not hold discharges to current levels.</p>	<p>No forestry conversion to dairy can occur. However as the only trigger in the rule is dairying then land that was under forestry could be used in any other way. Everyone else can use land in same way or increase.</p> <p>Does not prevent new entrants (only those in forestry currently that want to convert to dairy, these landholders could however convert to other land uses such as sheep and beef, cropping etc). This unlikely to hold discharges to current levels.</p>
<p>Supported by clear evidence</p>	<p>The TLG have not directly commented on a policy that would “prevent” but allow a 10% buffer intensification as a first step.</p> <p>Same standard across the catchment regardless of</p>	<p>The TLG have not directly commented on a policy that would prevent the conversion of forestry to dairy as a first step.</p> <p>There is evidence that dairy land use discharges more of</p>

Policy	Regulation where a 10% increase in N triggers the need for a resource consent	Regulation preventing plantation forestry conversion to dairy
	<p>risk.</p> <p>Allows for increases (i.e. technically everyone could increase by 10 % and then still make change in their farm management as long as they get a consent) that may be counterproductive to water quality outcomes.</p>	<p>all of the four contaminants than pine forest, if the whole life-cycle of forestry is taken into account.</p> <p>However as described by the CSG in the question this policy option allows for increases in discharges everywhere but forestry land that may have been converted. This may be counterproductive to water quality outcomes (only focus on part of the total discharges from diffuses sources in the catchment).</p>
<p>Optimises environmental social and economic outcomes</p>	<p>Unclear yet how this will link into the next step i.e. property plans and the transition.</p> <p>Likely to not be trigger or take account of increases in the other contaminants (beyond those captured in Overseer for N).</p> <p>Unlikely to see behaviour change desired because landholders can increase up to 10%. Possibility for counterproductive behaviour, increase in discharges rather than “hold the line”. Focus on one contaminant might see a shift in use of alternatives that may increase discharges.</p> <p>Social impacts and economic outcomes?</p>	<p>Unclear yet how this will link into the next step, property plans and the transition.</p> <p>Unlikely to see behaviour change (only no new dairies on what was forested land – at time of rule comes into effect), possible for counterproductive behaviour.</p> <p>Focus on one type of behaviour – land use change of one type of enterprise, does not manage for all other discharges in the catchment. Likely to be counter to environment outcomes sought.</p> <p>Social impacts and economic outcomes?</p>
<p>Acceptable to the wider community</p>	<p>Refer to community feedback from recent community engagement Oct/Nov 2015</p>	<p>Affects particular enterprises only based on historic land use.</p>

10 Conclusion

The report has given an outline of the development of the rule to limit intensification rule which the CSG has taken out to public consultation, along with further information on other policy options to manage this type of change. There are a number of policy approaches to prevent increases in discharges. If the CSG want the 'no further intensification' rule, the definitions in this report go some way to preventing counterproductive behaviour provided the average is calculated on historical data (e.g. landholders increasing by 10% everywhere). The group does need to think about if a policy that focuses on Nitrogen (as the measure in Overseer) as the measure will address behaviour contributing to the discharges of the other contaminants.

If intensification is defined in an effects-based way and relies on the Overseer model, the CSG will need to be confident that awareness is high. When the Plan Change is notified in 2016, any landowner who is considering a change in what they are doing on their land, must be aware of the need to, keep records and benchmark their nitrogen leaching so that they can comply with the new catchment-wide rule. They would be able to shift nitrogen around within the blocks they own, as long as there was no increase in overall nitrogen on a rolling five year average.

The CSG is continuing to explore if and how they will use policy to:

- Manage for some farmers undertaking a range of mitigations (some possibly expensive), while others are still intensifying e.g. increased inputs, converting to more intensive farming. This could be especially important due to the time required to implement property plans and may focus on certain areas/contaminants and then move on to other areas of the Catchment. Also the CSG is considering property level limits in an even longer timeframe
- Restrict new entrants to higher intensity land uses e.g. people converting from drystock to dairy, drystock farm changes to include dairy support.
- Make some provision for intensification in some circumstances, and the means of measurement if required.
- Limit discharges to current levels and then make reductions.
- Limit discharges, but provide some opportunity for intensification or land use change with trading.

Policy options chosen need to reflect the behaviour sought, that achieves the water quality outcomes sought.

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- Appendix 1:** CSG development of rules to control intensity of land use
Appendix 2: Environment Southland - Policy and rule new dairy farms
Appendix 3: South Waikato District Council SWDC Rule - Conversion of forest for farming
Appendix 4: Broad level policy options 4 contaminants

References

Collaborative Stakeholder Group (“CSG”) Workshop 18 Notes (Day two) 14 October 2015, Don Rowland Centre, Lake Karapiro Doc #3577749

Collaborative Stakeholder Group (“CSG”) Workshop 19 Notes 23 24 November 2015, Don Rowland Centre, Lake Karapiro (Doc #3629626).

Doole, G, Elliott S, and McDonald G Evaluation of scenarios for water-quality improvement in the Waikato and Waipa River catchments Assessment of second set of scenarios 24 September 2015 (Confidential draft report issued to CSG only. This report is not yet approved by the TLG).

Environment Southland (2010)Regional Water Plan for Southland, (amended in accordance with Council and Environment Court decisions), April 2010 Publication No: 2014/09. http://www.es.govt.nz/media/35406/regional_water_plan.pdf

South Waikato District Council (2015) South Waikato District Council District Plan- Operative Version July 2015 Volume 1, Parts A – D, Objectives, Policies and Rules <http://www.southwaikato.govt.nz/our-council/strategies-plans-policies-bylaws/plans/district-plan/OperativePlan/PDF/Operative%20District%20Plan%20July%202015%20Volume%201.pdf>

Waikato Regional Council (2015) Implementation considerations for policy design. 11 November 2015 (Doc #3608886).

Waikato Regional Council 2015. CSG subgroup: Managing nitrogen and phosphorus at a property-level. Agreement and Approval report to CSG. Doc #3574906 dated 9 October 2015

Waikato Regional Council 2015 Policy options for sediment, microbes, nitrogen and phosphorus, 22 June 2015 Report to the Collaborative Stakeholder Group – for Agreement and Approval. Doc #2425911.

Waikato Regional Council 2015. Principles and options for managing within limits and CSG sub-group report back from a meeting on 18th November. Doc #3625208 dated 3 December 2015.

Appendix 1. CSG development of rules to control intensity of land use

Table 1 Key information and decisions about initial controls on intensity of land use

<p>CSG workshop 18</p>	<p>A report was provided that outlined rules for the CSG to decide what catchment wide rules to consult with the community in the October - November 2015 engagement period. This included a consideration that if there was to be a rule/s to manage intensification and new entrants what would that look like. The CSG developed a no intensification rule: 10% over benchmarked Overseer number for N in a year (CSG Workshop 18 notes DM#3577749).</p> <p>Excerpt from report (in table format in report):</p> <p>Activity: <i>Managing intensification and new entrants</i></p> <p>Comment/Key Condition: <i>Managing intensification within a land use and conversion from one land use to a more intensive land use. This catchment wide rule depends on what other policy approaches CSG decide on. For instance, if a property level limit for N is set then this issue is dealt with. CSG may also wish to consider if this rule applies only in certain parts of the catchment.</i></p> <p>Basis for new rule: A key mitigation to reduce contaminants is de-intensification. If land uses are able to increase discharges then the progress made by the other mitigations may be negated by intensification within land uses and changes in land use to more intensive, and higher discharging, land uses. (Source Table 1: Possible catchment wide rules to consult on Possible catchment wide rules and how they were developed 9 October DM# 3494533)</p>
<p>Consultation</p>	<p>From the CSG discussion at workshop 18 the CSG consulted on rules that would require any landholder that increased their nitrogen losses by more that 10% of their benchmarked figure would require a consent. The CSG approach included that this rule would be temporary until property level limits are in place (CSG Workshop 18 notes DM#3577749).</p>
<p>CSG 19 23 and 24 of November</p>	<p>A report to the CSG with feedback on this rule from WRC implementers was:</p> <p>“This implies anyone wanting to intensify would need records to identify past and current intensity. Is a benchmarking process envisaged to achieve this as it may be unenforceable without it” (Table 1 page 17 WRC (2015) Implementation considerations for policy design. DM#3608886).</p> <p>At this workshop the question was asked by the CSG if a variation on this approach could be a rule that stop people turning land farmed under plantation forestry into dairy farms⁵.</p>

⁵ Noting that the scope and focus of this would be less than the rule that was engagement – that would manage any increase in discharges not just “forestry conversion to dairy.”

Appendix 2. Environment Southland - Policy and rule for new dairy farms

Source: Environment Southland (2010) Regional Water Plan for Southland, (amended in accordance with Council and Environment Court decisions), April 2010 Publication No: 2014/09. http://www.es.govt.nz/media/35406/regional_water_plan.pdf

Excerpts from the Regional Water Plan for Southland

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Policy 13A – Transitional policy relating to the establishment of new dairy farms

Other relevant sections: Issue 1, Issue 4, Objective 1, Objective 3, Objective 4, Objective 8, Rule 17C, Section 2.3 See also: Policy 4.

- a) Recognise that the establishment of new dairy farms poses risks to water quality, including the quality of water in coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands, that need to be addressed when establishing a new dairy farm.
- b) Manage the risk posed by the establishment of new dairy farms by requiring resource consent and requiring the documentation of risks and measures to avoid or mitigate them in a Conversion Environmental Plan.
- c) Consideration should be given to, but not be limited to, the following matters;
 - i. the assimilative capacity and drainage characteristics of the soil and consequential effects on water quality;
 - ii. the risks posed by the establishment of a new dairy farm to the water quality of water bodies, coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands;
 - iii. the extent to which those risks can be avoided or mitigated through measures proposed in the Conversion Environmental Plan;
 - iv. the likely effectiveness of the measures contained in the Conversion Environmental Plan;
 - v. how, and within what timeframe, those measures will be implemented.
- d) Where the risks to the water quality of water bodies, coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands cannot be avoided or mitigated, the Council may decline consent for the establishment of a new dairy farm.

Explanation

The Council notes that State of the Environment monitoring shows that water quality at a number of surface water and groundwater monitoring sites in Southland is below standards referred to in Rule 1 and specified in Appendix G “Water Quality Standards” for nitrogen, phosphorus, and clarity. Risks to water quality in the region remain, from a combination of historical and current land uses. These land uses give rise to both point source and non point source discharges that can affect water quality.

The Council recognises that intensive agriculture, particularly an increase in the number of dairy farms, has the potential to pose risks to water quality in the region, including the quality of water in coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands. The risks are particularly acute on heavy and very light soils in the region, and arise primarily from non point source discharges of contaminants, including fine sediment, phosphorus, nitrates and faecal bacteria.

Regional Water Plan for Southland

The Council acknowledges that expansion of the dairy sector in Southland through the establishment of new dairy farming will be a significant contributor to the regional economy.

However the environmental effects of the establishment of new dairy farms are a matter of general public interest, and effects on water quality require management for the sustainability of the sector in the region.

Policy 13A is a transitional region-wide policy and makes the establishment of new dairy farms a discretionary activity in the Southland region.

Inclusion of the word 'transitional' in the heading for the policy reflects the fact that the Council is developing a long-term policy framework that will eventually replace Policy 13A. Throughout 2013 and 2014 it is anticipated that new provisions relating to a series of agricultural activities will be publicly notified. Where applicable, these new provisions will replace the transitional policy and rule. The Council has also commenced work on developing water quality load limits and allocating those limits, as required by Policy A1 of the National Policy Statement on Freshwater Management. This work will enable the cumulative effects of activities in catchments to be addressed. A timetable for this work was publicly notified in December 2012.

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Rule 17A – Transitional rule relating to the establishment of new dairy farms

Other relevant sections: Policy 13A

- a) The establishment of a new dairy farm is a discretionary activity.
- b) Subject to (c) an application for resource consent under (a) does not need to be notified or served on any person unless the applicant requests or the Council considers that special circumstances warrant notification.
- c) Notwithstanding (b), notice of an application under this rule shall be served on the following:
 - i. Te Runanga o Ngai Tahu and the appropriate runanga.
 - ii. The Department of Conservation for an application that adjoins a national park or conservation area administered by that department.
 - iii. The Gore District Council for an application within that area of the Knapdale Groundwater Zone identified on the Knapdale Groundwater Map.

Explanation

Rule 17A requires new dairy farming to obtain consent, in order for the Council to ensure that adverse effects and risks to water quality have been considered and will be managed. For the avoidance of doubt, any activities relating to new dairy farming that occur off the land that is converted will not be subject to consent under Rule 17A.

The purpose of the transitional provisions is not to prevent the establishment of new dairy farms, but to ensure each new development is sustainable from an environmental, social, economic and cultural view point.

Inclusion of the word 'transitional' in the headings for the rule reflects the fact that the Council is developing a long-term policy framework that will eventually replace Rule 17A. Throughout 2013 and 2014 it is anticipated that new provisions relating to a series of agricultural activities will be publicly notified. Where applicable, these new provisions will replace the transitional policies and rule. The Council has also commenced work on developing water quality load limits and allocating those limits, as required by Policy A1 of the National Policy Statement on Freshwater Management. This work will enable the cumulative effects of activities in catchments to be addressed. A timetable for this work was publicly notified in December 2012.

Appendix 3. **South Waikato District Council Rule - Conversion of forest for farming**

Source

South Waikato District Council (2015) South Waikato District Council District Plan- Operative Version July 2015 Volume 1, Parts A – D, Objectives, Policies and Rules

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Excerpts from the plan:

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28.3.2 Controlled Activities

The following are controlled activities in the Rural Zone provided they comply with the Performance Standards set out in Rule 28.4 below:

- (a) Marae development and papakāinga
- (b) Modifications to a Built Heritage Feature identified as controlled in the relevant Heritage Inventory Record form in Appendix B
- (c) Conversion of commercial forestry land for farming

ADVICE NOTE: the conversion process excludes the harvesting (felling and extraction) of timber from the site as provided for in the definition of Forestry

- (d) Internal alterations on buildings with identified interiors in Appendix B: Built Heritage Inventory, necessary for the primary purpose of improving structural performance, fire safety or physical access.
- (e) External alterations to buildings identified in Appendix B: Built Heritage Inventory, necessary for the primary purpose of improving structural performance, fire safety or physical access.
- (f) Clearance of indigenous vegetation, land disturbance and drainage that is a controlled activity under Rule 14.4.2.

The specific matters where control is reserved are identified in Rules 8.3.1b) with regard to marae development and papakāinga, Rule 8.3.1c) with regard to Modifications to a Built Heritage Feature, Rule 8.3.1g) with regard to Conversion of commercial forestry land for farming, Rule 8.3.1h) with regard to removal of vegetation in a Significant Natural Area, and Rule 8.3.1 i) with regard to alterations to built heritage items to improve structural performance, fire safety or physical access, and shall be used when considering a resource consent application for a controlled activity in the Rural Zone.

28.4 Performance Standards

The following Performance Standards apply to all activities specified in Rule 28.3.1 (Permitted Activities) or Rule 28.3.2 (Controlled Activities), and to restricted discretionary activities in the zone if granted. Failure to comply with one or more of the performance standards results in that activity being a restricted discretionary activity.

28.4.1 Building Setbacks from Boundaries

- a) The minimum building setback requirements for dwellings and accessory buildings are:
 - 10 metres from the front boundary
 - 5 metres from side and rear boundaries
- b) The minimum setback for all other buildings (except as provided for under Rule 28.4.2) is 15 metres.

28.4.2 Other Building Setbacks, and Earthworks

a) All buildings must be setback at least 25 metres from the top of the bank of the Waikato River, and from

hydro-electric power operating easements at least 25 metres

b) All buildings must be set back at least 20 metres from:

i) the bed of any other river or lake

ii) the edge of any wetland with an area greater than 0.5 hectares

ADVISORY NOTE: The Waikato Regional Plan should also be consulted to ensure that there are no additional resource consents required from the Regional Council for structures within or in close proximity to waterways, or the modification of waterways.

c) All buildings and structures (excluding fences less than 2m in height and network utilities) must be setback from the centre line of an existing gas pipeline at least 32 metres

d) Within any part of a National Grid Yard:

i) Under the National Grid Conductors (wires)

a) All buildings and structures within any part of the National Grid Yard must:

- If they are for a sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur, or
- be a fence, or
- be Network Utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid, or be an uninhabitable farm building or structure for farming activities (but not a milking/dairy shed, poultry farming building, or intensive farm building (excluding ancillary structures)), or
- be an uninhabited horticultural building or structure, or
- be an official sign, and

b) All buildings or structures permitted by a) above, must comply with at least one of the following conditions:

- A minimum vertical clearance of 10m below the lowest point of the conductor associated with a National Grid transmission line, or
- Demonstrate that safe electrical clearance distances are maintained under all transmission line operating conditions as required by NZECP34.

ii) Activities around National Grid support structures

a) Buildings and structures shall be at least 12m from a National Grid support structure unless it is a:

- Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid
- Fence less than 2.5m in height and more than 5m from the nearest support structure.
- Horticultural Structure between 8m and 12m from a single pole support structure that: meets the requirements of the New Zealand Electrical Code Of Practice for Electrical Safe Distances for separation distances from the conductor (NZECP34:2001);
- is no more than 2.5m high
- is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and
- allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.

iii) Any earthworks within a National Grid Yard shall:

a) Around Poles

i) Be no deeper than 300mm within 2.2 metres of a National Grid pole support structure or stay wire; and

ii) Be no deeper than 750mm between 2.2 to 5 metres from a National Grid pole support structure or stay wire. Except that vertical holes not exceeding 500mm diameter beyond 1.5 metres from the outer edge of a pole support structure or stay wire are exempt from a)(i) and a)(ii) above

b) Around Towers

- iii) Be no deeper than 300mm within 6 metres of the outer visible edge of a National Grid tower support structure; and
- iv) Be no deeper than 3 metres between 6 to 12 metres from the outer visible edge of a National Grid tower support structure. Except that vertical post holes not exceeding 500mm in diameter are exempt from b)iii) above provided they:
 - a) are for a rural fence or horticulture structure; and
 - b) are more than 5m from the visible outer edge of a tower support structure foundation.
 - c) Anywhere within the National Grid Yard

v) Shall not create an unstable batter that will affect a National Grid support structure; and/or

vi) Shall not result in a reduction in the ground to conductor clearance distances as required by table four of NZECP34:2001.

Provided that

- Earthworks undertaken by a Network Utility operator; or
- Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road (including a farm track), footpath or driveway. are exempt from (i) to (iv) above

ADVISORY NOTES: Works close to any electricity line can be dangerous. Compliance with the NZ Electrical Code of Practice 34:2001 (NZECP 34:2001) is mandatory for all buildings, earthworks and mobile plant within close for Safe Distances proximity to all electric lines. Compliance with this Plan does not ensure compliance with NZECP 34:2001.

Vegetation to be planted within the transmission or sub-transmission corridors should be selected and/or managed so that it does not breach the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.

e) All buildings housing animals must be set back at least:

- i) 50 metres from any property boundary, excluding a road boundary, for sites of more than four hectares
- ii) 25 metres from any property boundary, excluding a road boundary, for sites of four hectares or less.

f) New dwellings, education and childcare facilities as well as residential care homes and homes for the aged shall be located at least 300 metres from any building, compound or part of a site used for poultry farming or an intensive farming activity on a neighbouring site.

g) New dwellings shall be located at least 50 metres from the boundary of a site in the Industrial zone

h) All new buildings must be setback at least 30m from the legal boundary of an existing plantation forest

i) No earthworks, including drain cleaning, shall be undertaken within the gas transmission pipeline corridor identified on the planning maps, unless prior written approval is obtained from the pipeline operator

j) Any tree planted in the vicinity of any road boundary shall be so located that the tree will be wholly located within the property at full growth

k) Trees planted within 20m of any road intersection will not be permitted unless of such type or so located as not to impair visibility from the intersection whether at time of planting or in the future. Council may require the removal of any trees that unduly restrict visibility at an intersection

l) Council consent shall be obtained prior to the undertaking of any continuous planting of trees likely to grow to a height in excess of 10m and located within 5m of any local road boundary and 20m of the sealed edge of any state highway. When considering any application made under this Rule, Council shall take into account the likely effect on the road and road user during the winter months.

m) New dwellings shall be located outside of the setback as shown on Planning Maps 6 and 9, being a setback distance of 300m from the boundary of a site containing mineral exploration, mining and quarrying activities.

28.4.3 Height

- a) Maximum Building Height - 15 metres
- b) Maximum Height in Relation to Boundary - No part of any building shall protrude through a plane rising at an angle of 45 degrees commencing at an elevation of 3 metres measured at the boundary
- c) No building, structure, mast, tree or other object shall penetrate any of the Tokoroa Airport approach/departure slopes, transitional side slopes or horizontal surface as shown on Planning Map No's 31, 32, 35, 38 and 44. Where the ground rises so that it penetrates or becomes close to the approach/departure slopes or transitional side slopes then these slopes may be adjusted in conformity with the contours of the ground so as to provide a vertical clearance of 10 metres above ground level.

28.4.4 Site coverage

- a) The maximum amount of the site which can be covered by buildings is:
 - (i) 5% for sites of one hectare or more
 - (ii) 10% for sites less than one hectare
- b) The maximum gross floor area of any building is 500m²

28.4.5 Maximum number of dwellings per property

Dwellings shall be subject to the following restrictions:

[Table not included]

ADVISORY NOTE::For the purpose of this rule 'property' means land in one Computer Freehold Register.

28.4.6 Scale of Activity

- a) Visitor accommodation shall provide services for no more than 8 persons at any one time (excluding staff) per site
 - b) Education and childcare facilities shall provide services for no more than 8 persons at any one time (excluding staff) per site
 - c) Residential Care Homes, Motor Caravan and Camping Sites, and Homes for the Aged shall provide services for no more than 8 persons at any one time (excluding staff) per site
 - d) The maximum floor area available for retail sales ancillary to a home occupation is 50m²
 - e) The maximum floor area available for retail activities ancillary to commercial tourism and recreational activities is 50m²
 - f) The maximum floor area available for cafes and restaurants ancillary to commercial tourism and recreational activities is 100m²
 - g) Activities that generate traffic from a site shall not exceed 100 vehicle movements per day. For the purpose of this rule:
 - i) The number of 'vehicle movements per day' is determined on the basis of an average day as measured over a year of the operation of the activity
 - ii) Any land in a separate certificate of title shall be regarded as a 'site', regardless of whether it is used or owned together with other land titles
 - iii) A truck movement shall be considered the equivalent of 10 vehicle movements
- This rule shall not apply to traffic movements involved in forest harvesting.

28.4.7 Signage

- a) One free-standing double-sided sign or sign that is attached to a building per property is permitted
- b) No sign shall exceed 3m² in area, with no dimension being greater than 2 metres, and be no more than 2 metres in height above the adjacent ground level

- c) The sign must advertise the name of a business located on the property or otherwise relate to an activity located on the property
- d) Directional and interpretative signs relating to reserves, and to land managed by the Department of Conservation are permitted, and need not comply with a) to c) above
- e) Information and promotional signs erected by the Council, and official signs are permitted. Such signs need not comply with a) to c) above
- f) In a speed environment of 70km/h and over, a sign must not incorporate reflective materials, flashing illumination, aerial display, animated display, moving display or any other non-static two or three dimensional mechanism designed to catch attention.
- g) Signs shall not detrimentally affect traffic safety by creating a visual obstruction or by causing confusion to motorists
- i) A sign must not mimic the design, wording, graphics, shape or colour of an official traffic sign
- ii) A sign may not prevent the driver of a vehicle from having a clear and unobstructed view of official traffic signs or signals, approaching or merging traffic or any corner, bend, intersection or vehicle crossing.
- h) The owner of a sign shall be responsible for ensuring that it is well maintained
- i) The minimum lettering size and maximum number of words on signs shall meet the standards in Rules 12.4.3 e) to g).
- j) Signage on the Built Heritage Features listed in the inventory in Appendix B and on the sites where those features are located shall comply with Rule B1 of Appendix B: Built Heritage Inventory.

28.4.8 Riparian Management

- a) Vegetation damage, earthworks, and mechanical cultivation shall not be carried out within 10 metres of the edge of a wetland or lake greater than 0.5 hectares, or within the riparian setback to the banks of a nominated river or stream, listed in Table 1, except for the following purpose:
 - i) Required for the removal or control of pest plants;
 - ii) Consequential damage to vegetation as a result of harvesting adjacent production trees;
 - iii) Necessary as part of the maintenance of lawfully established roads, tracks, earth dams, structures, or fences, all provided the clearance is within 2 metres of the road, track, earth dam, structure or fence;
 - iv) Necessary to protect, maintain or upgrade hydro-electric power generating infrastructure, or to prevent or remedy erosion that may adversely affect the operation of hydro-electric power generating infrastructure;
 - v) Required for construction of fencing for conservation purposes to exclude stock or pest animals;
 - vi) Removal of vegetation that endangers human life or existing structures, or that poses a risk to the integrity of, the safe use of, or access to existing network utilities.
- b) Farming which involves the conversion of land used for forestry to farming as per 28.3.2(c) shall also comply with the following standards:
 - i) In the following nominated catchments properties adjacent to or with boundaries to the rivers and streams listed in Table 1 below also shall comply with the following performance standards:
 - Fencing shall be constructed no closer than the riparian setback to the banks of a nominated river or stream and should generally be permanent and effectively exclude all livestock present;
 - Tracks, accessways and races shall not be constructed closer than the riparian setback to the banks of a nominated river or stream;

Table 1:

[table not included]

ADVISORY NOTE:

'Large streams' in the South Waikato District comprise streams with stream order classifications of 4 (four) or larger in the NIWA River Environment Classification.

'Small Streams' in the South Waikato District comprise all perennial streams with a stream order classification of 3 (three) or smaller in the NIWA River Environment Classification, excluding the Waikato River and 'Large Streams' as defined above. Refer to Chapter 9 for relevant definitions.

A map showing these streams is attached as Appendix J. Large Stream names are given, and the GPS coordinates for the upper location of the stream order classification. Stream numbers used in the table are also used on the relevant map.

c) Forestry shall comply with the following performance standard:

i) forestry shall be planted no closer than 5 metres from any perennial river or stream.

ADVISORY NOTES

This rule forms part of the District Council's response to achieving the integrated management of natural and physical resources along with the Waikato Regional Council. These rules only deal with the control of the effects of land use change on a water body. Rules dealing with water quality and nutrient leaching or discharges resulting from land use activities and their management are under the jurisdiction and therefore the responsibility of the Waikato Regional Council.

The Waikato Regional Plan may be more stringent than this district plan. Regional Council advice should be obtained before designing development that involves stream fencing, or affects riparian margins or water quality.

The District Council also recognises that there are non-plan methods developed by industry that also promote the sustainable management of natural resources such as the Dairying and Clean Streams Accord between Fonterra, the Regional Council, the Ministry for the Environment and the Ministry of Primary Industries.

28.4.9 Silt Control

a) All silt shall be contained within the site from which it is sourced, except where the discharge is authorised by a resource consent or rule in the Waikato Regional Plan

b) Any stockpiles of loose material shall be contained or maintained in such a manner to prevent dispersal of material into the air causing nuisance to a neighbouring property, unless the discharge is authorised by a resource consent or rule in the Waikato Regional Plan.

28.4.10 Storage, treatment and spreading of Agricultural Effluent

Storage, treatment or spreading of agricultural effluent including dairy factory liquid by-products and wastes as a fertiliser and/or for irrigation purposes, shall not be undertaken within 50 metres of a dwelling or property boundary, or within 20 metres of the edge of a waterbody (wetlands, or the banks of any river, stream or lake). This rule does not apply to spreading dry manure or fertiliser.

28.4.11 Hazardous Substances

Storage or use of hazardous substances shall comply with Appendix G (Hazardous Substances) except in relation to clause (f) where the standard in 28.4.10 applies in the Rural Zone (and clause (f) does not).

28.4.12 Natural Hazards

a) The floor level of any habitable building shall be at least 0.5 metres above the 1% design flood level.

28.4.13 Noise, Vibration and Glare

Noise, vibration and glare from any activity in the zone shall comply with the provisions of Chapter 15.

28.4.14 Parking, Loading and Access

Provision of on-site car parking, loading spaces and vehicular access shall be in accordance with Chapter 11 Parking, Loading and Access.

28.4.15 Landscape Values

Activities involving works within outstanding natural landscapes, outstanding natural features or significant amenity landscapes as shown on the planning maps, shall also comply with the performance standards in Rule 14.3. In the event of a conflict between standards in Chapter 28 and Chapter 14 the more onerous provisions will apply.

28.4.16 Permitted Activity performance standards for relocatable buildings

a) Any relocatable building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have been designed, built and used as a dwelling.
b) A building pre-inspection report by an independent Licenced Building Practitioner (design) or building surveyor shall accompany the application for a building consent for the destination site prior to relocation.

That report is to identify:

- i) All reinstatement works that are to be completed to the exterior of the building, and
- ii) Proposed insulation to meet Clause H1 (energy efficiency) of the New Zealand Building Code (for Zone 2) for underfloor and ceiling insulation (compliance is to be ascertained in accordance with the compliance document for the New Zealand Building Code, Clause H1 Energy Efficiency – third edition, or any equivalent solution.)

c) The building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site.

d) All other reinstatement work and insulation required by the building inspection report and the building consent to reinstate the exterior of any relocatable dwelling shall be completed within 12 months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services, and closing in and ventilation of the foundations.

e) The proposed owner of the relocatable building must certify to the Council that all reinstatement work will be completed within the 12 month period of the building being delivered to the site.

28.4.17 Poultry Farming

Any building, compound or part of a site used for poultry farming shall be setback a minimum of 300m from any dwelling; any education and childcare facilities; and any residential care homes and homes for the aged (but excluding dwellings and the other listed facilities within the property containing the poultry farming activity).

28.5 Other Rules

The following chapters may also be relevant:

- Chapter 10 (Subdivision) in respect of the subdivision of land
- Chapter 12 (Temporary Activities) in respect of events, temporary structures and temporary signage
- Chapter 13 (Network Utilities and Infrastructure) in respect of construction and maintenance of network
- utility structures
- Chapter 16 (Activities on the Surface of the Water) in respect of activities on lakes and rivers.

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8.3 Matters Where Control or Discretion is Reserved for Controlled and Restricted Discretionary Activities

(These provisions apply to the consideration of applications identified as being for a controlled (8.3.1 and 8.3.2) or restricted discretionary (8.3.3) activity under Rules 10 to 31).

8.3.1 Reservation of Control - Controlled Activity Land Use Applications

The matters in respect of which Council has reserved its control are:

- (a) Dwellings, Accessory Buildings and Visitor Accommodation in the Lake Arapuni, Horahora Road (Lot 1 DPS 21946) and Horahora Road north areas (Rule 29.3.2):
 - i. The extent to which the location of structures will make them obtrusively visible, by being sited near the skyline, on a headland, or in another prominent position
 - ii. Whether structures, and associated artificial screening and shelter belts, would obstruct views from roads, the Waikato River and other public viewpoints
 - iii. The external design, construction and finish of structures, including how closely the finish blends with background colours and nearby buildings
 - iv. The extent to which alternative mitigation options and building sites are practical, having regard to the costs and benefits involved
 - v. The extent to which the development will give effect to the Vision and Strategy for the Waikato River.
- (b) Marae development and papakāinga in the Rural and Rural Residential zones (Rules 28.3.2 and 29.3.2):
 - i. The potential impact of the development on traffic safety and efficiency

ADVISORY NOTE: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.
 - ii. The effect of any educational and employment initiatives upon the amenities of nearby properties
- (c) Modifications to a Built Heritage Feature identified as controlled in the relevant Heritage Inventory Recording Appendix B:
 - i. The design and appearance of the modifications, and their compatibility with, and effect upon, the identified heritage values of the building concerned, as identified in the Heritage Inventory record concerned and Appendix F.
- (d) Refuse transfer stations, and Recycling depots with a gross area of over 20m² (Rule 13.5 a):
 - i. The potential impact of the development on traffic safety and efficiency

ADVISORY NOTE: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.
 - ii. Site management to minimise nuisance for nearby residents and properties, including from odour, vermin and wind-borne debris.
- (e) Licensed restaurants and bars with frontage to Arapuni Road (Rule 26.3.2):
 - i. The hours of operation, noise levels, parking provision and the effect of vehicular access upon traffic safety.
- (f) Hazardous substance storage at a service station that contravenes a standard for a permitted activity under Appendix G:
 - i. Proposed fire, safety and fire water management
 - ii. Proposed spill contingency and emergency planning
 - iii. Proposed monitoring and maintenance schedules.
 - iv. Proposed waste management
 - v. Compliance with relevant Codes of Practice and Standards.
- (g) Conversion of commercial forestry land for farming:
 - Measures to manage the effects on riparian margins including existing indigenous vegetation and stock access within these margins;

- Conditions of consent that ensure performance standards in Rule 28.4 are implemented in an appropriate manner to minimise the actual and potential adverse effects including cumulative effects of the activity;
 - Measures to manage the actual and potential effects resulting from the extent of disturbance of natural character, access, amenity values and landscapes including cultural landscapes, cultural sites, and archaeological sites, and indigenous biodiversity;
 - Monitoring and/or review conditions.
- (h) In relation to an application under Rule 14.4.2 for a controlled activity for the removal of vegetation including harvesting in a Significant Natural Area in accordance with an approved Sustainable Forest Management Plan or Permit or personal use approval issued by the Ministry of Primary Industries under the Forests Act 1949 under Rule 14.4.2:
- i. The protection of the habitats of threatened or at risk species including the opportunities for the relocation of indigenous fauna (in accordance with the Wildlife Act 1953);
 - ii. The effects on the relationship of tangata whenua with their ancestral lands, water bodies, waahi tapu, and other taonga;
 - iii. The measures to avoid, remedy, or mitigate any adverse effects on the significant indigenous vegetation and significant habitats of indigenous fauna. This shall include but is not limited to, control over which specific tree(s) is removed, modified or not removed, the timing (for example sensitivity to roosting) and sequence of removal where relevant.
- (i) Alterations to built heritage items to improve structural performance, fire safety or physical access.
- i. The design and appearance of the modifications, and their compatibility with, and effect upon, the identified heritage values of the building concerned, as identified in the Heritage Inventory record concerned and Appendix F.

Appendix 4. Broad level policy options 4 contaminants

Source: WRC 2015 Policy options for sediment, microbes, nitrogen and phosphorus, 22 June 2015 Report to the Collaborative Stakeholder Group – for Agreement and Approval DM#2425911

For the four contaminants the broad level policy options are:

1. Rules - Performance based (e.g. in stream standard or property level)
2. Rules - Practice (or process) and technology based
3. Subsidies/tender
4. Market - Trade/offsets

Sediment

The broad policy options for CSG further consideration for sediment are (table 1 and 2 below):

- Policy B – Rules to control specific activities (i.e. practices and technologies) and Policy H – Rules to exclude deer and cattle from water
- Policy C – Incentives for activities on farms (i.e. practices and technologies)
- Policy D – Rules to require property-specific activities (i.e. practices and technologies) to be undertaken - Farm Plan with auditing of actions
- Policy I – Rules - Industry Led Farm Plans - Farm Plan with auditing of actions

Microbes

The broad policy options for CSG further consideration at this stage are the same as those for sediment and a detailed rule-based policy option relevant for reducing microbes entering water.

- Policy H - Rules for activities (practices or technologies) on farm - domestic stock exclusion

Nitrogen

The broad policy options for nitrogen at this stage are the same as for sediment. Two additional policy options have been identified that specifically apply to nitrogen.

- Policy J - Rules that set a property level limit for nitrogen
- Policy K - Rules that set a aggregate cap, a property level limit is allocated for nitrogen and allow transfers /trading

Phosphorus

Policy options for phosphorus are the same as for sediment. One additional policy option has been identified for phosphorus.

- Policy L - Rule – Property level limit - soil limit for Olsen P

Table 2: Sediment Policy Options Overview table showing changes since June CSG workshop (DM3425911)

	Existing Regional Plan	Existing Regional Plan	Existing Waipa Catchment Plan	Possible	Possible	Possible	Possible
Instrument	Policy A Regional Plan general discharges rules Rules based on requiring landowner to not cause a breach of in stream limit (standard)	Policy B Regional Plan rules <u>Rules</u> that apply to everyone that spell out what has to be done and how (the technology or 'hardware' on a farm, and the process or management practices)	Policy C Financial <u>subsidies</u> for undertaking activities (farm practices and technologies) on the farm that address sources of sediment	Policy D <u>Rules</u> that requires landowners have a farm plan that spells out what the landowners do and how	Policy E <u>Tender</u> where landowners tender land management agreements	Policy F Financial <u>subsidies</u> to promote alternative land use based on zoning of land to indicate "best" use of the land	Policy G <u>Rules</u> that permanently retire high risk land from agriculture
Proposed changes	Deleted by CSG because fails most criteria - not practical June 4 th 2015				Lumped into Policy D because it is a more detailed version of D	Lumped into Policy D because it is a more detailed version of D	Lumped into Policy B because it is a more detailed version of B
Policy descriptor	Regulation	Regulation	Incentives	Regulation	Incentives/Tender	Incentives	Regulation
Applies to all, applies to specific areas, or tailored for each farm	Generic	Generic	Tailored	Tailored	Tailored	Tailored	Generic

Note: Some options are mutually exclusive of others. Others approaches can be done in combination. Note: Generic means same general approach for all dischargers or groups of dischargers.

Table 3: Nutrient and microbes Policy Options Overview table to discuss at July CSG workshop (DM3425911)

	Existing	Existing	Possible	CSG Policy B detail to investigate	Possible	Possible	Existing Regional Plan	Possible
Instrument	<p>Policy B Regional Plan rules <u>Rules that apply to everyone that spell out what has to be done and how</u> (the technology or 'hardware' on a farm, and the process or management practices)</p>	<p>Policy C <u>Financial subsidies for undertaking activities</u> (farm practices and technologies) on the farm that address sources of sediment, N, P and Microbes</p>	<p>Policy D <u>Rules that requires landowners have a farm plan that spells out what the landowners do and how and auditing of the farm plan actions</u></p>	<p>Policy H <u>Rules for Activities (practices or technologies) that apply to everyone</u> e.g. for sediment - stock exclusion deer and cattle e.g. for microbes – all stock excluded</p>	<p>Policy I <u>Require all landowners to have a farm plan that is developed and audited by industry.</u> Farmers need consent from WRC if not part of this scheme</p>	<p>Policy J <u>Rules that a landowner must not breach property soil limit on phosphorus (Olsen P)</u></p>	<p>Policy K <u>Cap and Trade/offset Rules that apply to everyone in the catchment operating under a cap on N leached from each property.</u> Once initial rights to N allocation is decided, OVERSEER model is used to determine N leached</p>	<p>Policy L <u>Rules that set a property level limit for discharges</u> OVERSEER is NOT used to set or monitor property-level cap. Instead, use simple look up table of N-critical factors e.g. winter stock units</p>
Variations could include	<u>Rules that permanently retire high risk land from agriculture</u>	<u>subsidies to promote alternative land use</u> OR <u>Tender</u>					could have <u>cap and trade</u> if a suitable proxy for property level Phosphorus	This limit could be part of a <u>trade/offset</u>
Policy descriptor	Regulation	Incentives/ Tender	Regulation	Regulation	Regulation	Regulation	Market	Regulation
Applies to all, or tailored	Generic	Tailored	Tailored	Generic	Tailored	Generic	Generic	Generic