

## Updated commercial vegetable production rule, 5 May 2016.

This rule has been created following a meeting between Council regulatory implementation team staff and Horticulture New Zealand Staff and consultants.

This rule, cascading to a general restricted discretionary rule (rule 9), replaces all 4 of the previous rules proposed in earlier versions of the template.

It was felt that a restricted discretionary rule would be a preferable status for all the rules 0-8 to cascade to, in order to restrict consent consideration to the four contaminants that are the scope of the HRWO plan change.

### 3.11.1.1 Controlled Activity Rule – Existing commercial vegetable production (Rule 2b)

The use of land for commercial vegetable production that was occurring at the time of notification of this plan, and the subsequent discharges of contaminants is a controlled activity (requiring a resource consent) from 1 July 2020 subject to the following standards and terms:

- a) The farm enterprise undertaking commercial vegetable production must provide evidence of the locations and areas of land under its control within the Waikato and Waipa catchments, broken down by sub catchments and crops, that was used for **commercial vegetable production** each year, in the period 1 July 2006 to 1 July 2016.
- b) The total area of land for which consent is sought to be used by the farm enterprise for **commercial vegetable production** does not exceed the largest land area that was used for commercial vegetable production\* during the period 1 July 2006 to 1 July 2016, as determined by condition a).

For the avoidance of doubt, where new land is proposed to be used for **commercial vegetable production**, an equivalent area of land shall be removed from **commercial vegetable production** to achieve (b).

- c) A certified **Farm Environment Plan** shall be provided to the Waikato Regional Council.

#### Matters of Control

Waikato Regional Council reserves the control over the following matters:

- i. The content of the Farm Environment Plan.
- ii. The area of land under commercial vegetable production.
- iii. The actions and timeframes for undertaking mitigation (including offset) actions that reduce the risk of discharge of nitrogen, phosphorus, sediment and *E.coli* to water or to land where they may enter water, including adequate provisions to offset the effects of land being brought into or retired from commercial vegetable production.

- iv. The actions and timeframes to ensure that the loss of nitrogen does not increase beyond the Nitrogen Reference Point determined in accordance with [rule 7].
- v. Where relevant ,the actions and timeframes to ensure that all waterbodies specified in schedule y are fenced as soon as practicable, and within three years of the relevant date set out in schedule z, and for priority 3 catchments, no later than 1 July 2026. (specify minimum setback distances).
- vi. The term of the resource consent.
- vii. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent to demonstrate and/or monitor compliance with the certified **Farm Environment Plan**.
- viii. The time frame and circumstances under which the consent conditions are reviewed.
- ix. Procedures for reviewing, amending and re-certifying the farm plan.

#### Schedule Y

In this rule, waterbodies means:

- a. Any river that continually contains water.
- b. Any drain that continually contains water.
- c. Any natural or constructed wetland.
- d. Any lakes

#### **Notification:**

Consent applications will be considered without notification, and without the need to obtain written approval of affected persons.

### **3.11.1.2 Restricted Discretionary activity rule – the use of land for farming activities (rule 9)**

Except as authorised under any of the rules 3.11.1.1 to 3.11.1.9, the use of land for farming activities and the associated discharges of contaminants is a restricted discretionary activity (requiring resource consent).

Discretion is restricted to the following matters:

- Water quality of the Waikato and Waipa Rivers.
- The losses of nitrogen, phosphorus, sediment and E.coli.
- The need for and the content of a certified farm environment plan.
- The duration of the resource consent.
- The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent.
- The time frame and circumstances under which the consent conditions may be reviewed.