

Report to the Collaborative Stakeholder Group – for Agreement and Approval

File No: 23 10 02
Date: 20 January 2016
To: Collaborative Stakeholder Group
From: Chairperson – Bill Wasley
Subject: Overall Approach and Report Back from CSG Property Plan Sub-group
15 January 2016 workshop
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 for Collaborative Stakeholder Group (CSG) to:

1. Understand the property plan sub-group's discussion and ideas for how rules for property plans could be written and implemented in the Waikato Regional Plan Change 1 Waikato and Waipa River catchment (the Plan Change) and;
2. Get an overview of the CSG approach so far and what it would look like as an RMA document.

Recommendations:

1. That the report [Overall Approach and Report Back from CSG Property Plan Sub-group 15 January 2016 workshop (Doc #3673247 dated 20 January 2016)] be received, and
2. That the Collaborative Stakeholder Group agree that:
 - a. The CSG Property Plan sub-group which met on 15 January 2016 (representatives for dairy, drystock, forestry, community, rural advocacy) have satisfactorily identified the next level of detail, including
 - i. how a property management plan approach could be implemented in a staged approach to achieving the Vision and Strategy, and
 - ii. how the approach could be structured under draft rules contained in the Plan Change template document (version dated 20 January).
 - b. The draft objectives, policies, methods and rules contained in the Plan Change template document (version dated 20 January), represent the current thinking of the CSG.

- c. That the next step toward finalising the CSG's recommendations to the Healthy Rivers Wai Ora Committee in the Waikato Regional Plan Change 1 Waikato and Waipa River catchment (the Plan Change), is to use the approach described in this report as a basis for sector discussions in February 2016, where CSG will ask for feedback from people likely to be most directly affected by, and taking action under, the new rules.

2 Report overview

This report is in two parts:

1. Sections 3 - 7 contain a report back of the property plan sub-group workshop on 15 January, where the sub-group discussed and fine-tuned where the CSG had got to as at CSG21 on the 17/18 December 2015. Property management plans were discussed at both CSG December 2015 meetings. There have been a number of reports to the CSG since June 2015 on a tailored property-level approach to managing discharges, and these are listed in Attachment 1.
2. Sections 8 onwards contain an outline of, and key reasons for, the CSG's overall approach which are also shown in the Plan Change template document (version dated 20 January) which contains draft objectives and rules written up in the format of the Waikato Regional Plan Change 1 Waikato and Waipa River catchment (the Plan Change).

3 CSG property plan sub-group report back

Sections 4 – 7 contain a report back of the CSG Property Plan sub-group.

4 Sub-group process

A CSG property plan sub-group met for the first time on 15 January 2016. The group included CSG members representing forestry (Trish Fordyce), drystock (James Bailey), and rural advocacy (James Houghton), community representatives (Jason Sebastian, Brian Hanna and Gwyn Verkerk), and representative and delegate for dairy (George Moss, Charlotte Rutherford).

The sub-group were assisted by Helen Ritchie and WRC policy and compliance staff. Billy Brough and a WRC consultant assisting the regulatory workstream (Rob Dragten) also attended.

See Attachment 4 for meeting notes.

Resources and background material for the sub-group

Excerpt of Meeting preparation notes and sub-group agenda sent to CSG

Before the meeting, the facilitator Helen Ritchie emailed a message to the whole CSG, reminding them of the meeting and setting out the purpose of the meeting. The following text was part of the meeting agenda.

Purpose: To firm up on how these [property management] plans could be incorporated into the Plan Change (as part of preparing the proposal to take to sectors in February)

Practical result: A clear summary of how to describe the property plan approach that will be part of the February consulting

Summary presented at CSG21

Where we got to:

- Could use an online/streamlined process to filter out those who do/don't need one, based on activities, commercial/not, proximity to waterways, low intensity definition
- For larger properties, need template with guidance/practice notes on industry GMP/bare minimum, suggestions on what to prioritise/timing, recommended buffer per slope (unless you can mitigate), matching land use to land type.
- Needs staff training/certification 3rd party assurance if industry led
- Desirable to have one planner per sub catchment

Unresolved

- Permitted or consented?
- Can it be used instead of a catchment rule?
- Size – 4ha?
- Is it for each land parcel or the enterprise?
- Staged roll-out/timing – how to describe this in plan
- When to review? (regular basis/due to changes)
- Specifics of what triggers the need to have/ review one
- Specifics of industry role/ quality assurance system
- Guidance or practice notes
- Performance targets/ measures
- how property plans will link the subcatchment % reductions to short term narrative limits.

Recap of CSG approach so far

At the beginning of the sub-group meeting, Helen Ritchie went through the 'CSG summary of approach so far' that she had written on butcher paper and presented to CSG at the last meeting on 17-18th December 2015. These butcher paper notes have been written up for the CSG notes that are due to go to CSG for their January meeting, and are also in this report as Attachment 2.

Rule framework options and background

Following the December CSG meetings, policy staff did some further work on what the rule framework could look like to implement the CSG overall approach, and this was written up as an outline and handed out at the sub-group meeting. Other background material was also handed out. These documents are contained in Attachment 3 of this report.

5 Overall approach to achieving contaminant reductions

Staged approach

To recognise the scale of the effort needed to make enough change on the land to restore Waikato River water quality, the CSG has decided to take a staged approach. This means that successive regional plans from 2016 onwards, require changes on the land to reduce discharges of N, P, sediment and E.coli.

The CSG property limits/Overseer sub-group that met four times from September to November 2015, explored the idea of the Plan Change being able to set property-level reductions of contaminant. This would link actions on the land to outcomes in the water.

Property-level limits

They concluded that only nitrogen can be modelled at a property scale, so it is the only contaminant where farms could potentially be given a numerical limit (kilograms of nitrogen

leached per year). However, cognisant of the technical limitations of the current Overseer model, they favoured an approach that saw all properties making reductions in the short term, but deferred setting a property-level number for nitrogen until further benchmarking and modelling is done. They also noted the technical uncertainty¹ about predicting short term water quality changes that would result from property-scale reductions, due to variable nitrogen lag times and attenuation factors.

One aspect investigated was whether it was possible to use 'heat map' information generated by the Technical Leaders Group (TLG) to set differing amounts of contaminant reductions depending on where a property was located in the catchment.

Initial Allocation

There is more work to do on allocation in terms of implications for different landowners and locations in the catchment. CSG has discussed allocation as a responsibility for achieving reductions in discharges, where the initial allocation is the starting point for rights to discharge, and that there may be a transition from one allocation option to another. One example used was Canterbury, where some region-wide rules allow historical or grandparented discharges, and these move to a sector-based allocation over time.

While other regional plans in NZ have set initial allocation on nitrogen discharges, the CSG has discussed whether an option such as 'natural capital' should apply to all four contaminants. In December² the suggested direction was to write policies and methods in the Plan Change to signal the approach to future allocation, but to stop short of rules that give individual landowners the right to discharge certain amounts of contaminant (initial allocation). Instead, rules would be put in place to constrain land use change and to make initial reductions in N discharges (still under discussion at CSG).

Property plans

The approach for the other contaminants (sediment, phosphorus and E. coli) is to use the tailored property planning approach to identify risk on a property and manage that risk. The quantum of reduction is difficult to estimate at farm level, so clear guidance is needed as to appropriate levels of action that should be achieved through these farm plans in order to meet water quality targets.

Themes of the sub-group meeting

1. Assuring the community that progress is being made

A theme of the sub-group meeting was how the CSG could assure the community that progress was being made to achieve contaminant reductions in the next ten years, without specific property-based numerical contaminant reduction targets.

2. Assisting farmers work out how mitigations/actions fit into their farm system

The property plan process should be designed to help the farmer work out what actions need to be done on the farm, and how each potential mitigation would fit into the whole farm system. The menus of farm practices are a useful resource for this process.

3. Risk-based prioritisation of the farm planning process

Implementation should occur in high-risk locations first, and mitigations or actions specified in property plans should reflect the level of risk. As much guidance as possible should be

¹ TLG advice was that CSG should write narrative short term objectives (outcome statements for what is expected to happen in 10 years), rather than trying to predict the exact water quality changes and write numerical water quality short term objectives.

² CSG meeting notes 17-18th December 2015 DM#3652426

provided to certified property planners about what is expected, and how to interpret the menus of farm practices in light of the risk on that property.

4. Avoid expensive re-thinking of mitigations/actions in ten years

The sub-group was aware that in the long term, land use change is the only option for some farms or parts of farms. The Plan Change should guide the property plan approach, by looking to long term solutions past the life of the 2016 Plan Change. The sub-group wanted to avoid situations where mitigations are required that are high cost to landowners for short term effect, in sites that ultimately call for land use change³.

Property plan Sub-group conclusions

For the contaminants in question, it will not be possible to be sure (in a numerical sense) that the total contaminant managed downwards by property plans will meet a subcatchment water quality target in the next ten years. However these plans can still be robust and achieve behaviour change by requiring a set of actions to be undertaken on each property by a certain date. The sub-group concluded

- Land uses and practices that are high risk for each contaminant should be reduced to a lower risk through property plans to manage all four contaminants
- The overall policy approach for sediment, phosphorus and microbes, is to set actions that each landowner has to meet and this will reduce the risk of discharges from that property
- The policy approach for nitrogen is slightly different because there is currently a property-level model (Overseer) that can give a numerical assessment of that farm's discharges and in the future, each property will have to meet a nitrogen leaching limit (a limit of the modelled kilograms of nitrogen leached per year). In the 2016 plan change, the policy approach is one of finding out what that property is leaching (benchmarking current outputs), and making reductions in nitrogen loss, with the sharpest reductions to come from the highest emitters. The Overseer sub-group and the CSG have discussed bringing the 'top 25%ile' down. Further discussion is required at CSG level on how much reduction is required of others.

(Waikato Regional Council 2016. Notes of property plan sub-group. DM#3669731)

6 Separating nitrogen approach from sediment, phosphorus, microbes

The Overseer/property limits sub-group report back to CSG⁴ concluded that a transition to numerical limits is needed, and that property plans with actions and timeframes could be developed that use the Overseer model and other technically justified information (for instance, so that landowners could put in a constructed wetland and be confident their contaminant reductions were accounted for).

Steps identified by the sub-group

1. For nitrogen, the first step is to establish what landowners are doing now. This has been called benchmarking current nitrogen leaching.

³ For example, to achieve large subcatchment sediment reductions in the Waipa catchment, some pastoral land should go into trees. The CSG doesn't have information about where forestry is best placed, but it has discussed the need for more land in trees, which is incentivised to be planted, and where new forest crosses current property boundaries (to make larger contiguous planted areas and minimise tracking at forestry harvest).

⁴ Waikato Regional Council 2015. Report to CSG entitled 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.

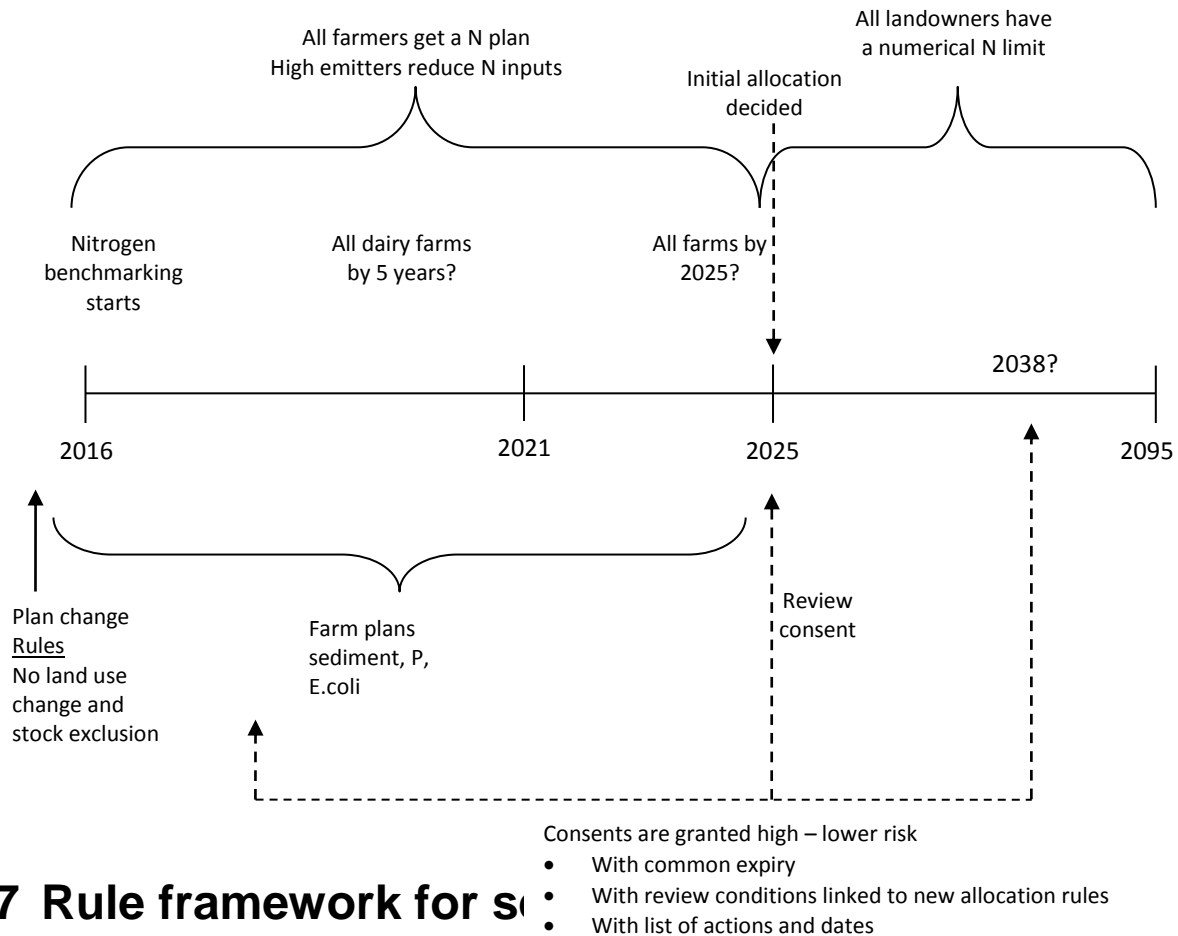
A rolling five year average for nitrogen leaching based around Plan Change 1 notification date is suggested in the attached template. Policies will give people fair warning that future allocation will use this data. This should take care of the concern that people will 'game the system' in the interim period. For instance, in the absence of property-level limits, we expect some within-property intensification (e.g. changing from extensive sheep/cattle breeding to intensive finishing farm that brings in more feed and fertiliser). However, this policy will clearly signal that any such intensification will likely have to be reversed under a future allocation framework, unless there is an allowance for it (for example under a natural capital style of allocation).

The sub-group considered when an appropriate end date might be, by which all farmers needed to benchmark and have a nitrogen management plan. It was suggested (but not confirmed) that all dairy farmers could have complete this exercise within 12 months of notification of the plan Change, but that it might take longer for all drystock farmers.

2. A future step will be to allocate a numerical property-level nitrogen limit once the allocation framework is decided. The sub-group did not discuss what allocation should be, except to note that Plan Change 1 had to spell out in some detail what was expected and when, including the research and investigation to be undertaken.
3. For sediment, phosphorus and microbes from 2016, there will be a requirement to begin the property planning process for actions that will reduce the risk of discharges entering water. In terms of timeframes, the sub-group suggested all high-risk properties should have plans in place within five years, and all properties meet the threshold criteria within ten years. The pros and cons of Permitted vs. Consented activities were discussed and a rule framework was suggested. The sub-group discussed the importance of business certainty; property owners obtaining consents will prefer the term to be as long as possible so that the capital cost of mitigations can be spread. However, there is also a need to review progress towards water quality targets and put in place further change if required.
4. Therefore, a future step will be for farms that have been granted a resource consent, to use the consent review clause to revisit actions to mitigate sediment, phosphorus and microbes. The sub-group concern was that some landowners may be looking at complete farm system change when the rules setting property limits to achieve the allocation framework are released. Legal advice is being sought about the extent of change that can be required of consent holders when consents are reviewed part-way through their term, and stricter environmental limits imposed.

(Waikato Regional Council 2016. Notes of property plan sub-group. DM#3669731)

Figure 1 Diagram showing different policy approach for nitrogen where a numerical limit will be required once benchmarking is complete and initial allocation is confirmed in policy and rules



7 Rule framework for sediment and microbes

A starting point for the sub-group was to identify what will make people change behaviour, so that less sediment, phosphorus and microbes are discharged from each property.

The aim of the discussion was to identify activities and types of properties that have the lowest risk of runoff of these three contaminants, and using this as the threshold for whether a resource consent is required. If people are below the 'low risk threshold' they fit within a rule for a permitted activity. If they are above that threshold or cannot meet the conditions in the Permitted Activity, they must apply for a consent.

Permitted Activities have the benefit of:

- Keeping the time and cost to landowners of complying with the new rules as low as possible and therefore the perception of unnecessary bureaucracy
- Reducing the amount of resource consents that have to be processed by the council so the process is more manageable to implement.

In order for the sub-group to identify who should be in this low risk category of permitted activity status, they needed to be sure they could set unambiguous conditions, so that it is clear whether the activity is able to be carried out without the need for a resource consent

During the discussion, other reports⁵ on property plans and rule options were referred to. Previously the CSG had discussed using a property size limit of around four hectares as the threshold for the permitted activity. However they had also identified that a size limit might inadvertently allow adverse effects from small blocks of land that are used intensively with the associated risk of runoff. For example, small blocks that keep many animals without collecting and treating effluent, or have bare soil during cultivation or other activities. For this reason, size was not considered to be the best determinant of a Permitted Activity threshold.

(Waikato Regional Council 2016. Notes of property plan sub-group. DM#3669731)

Other matters discussed

The sub-group also looked at how often plans should be reviewed. The view was that nutrient budgets will probably be revised annually but that an overall property plan would not need review (if a consent was granted for ten years, for example), but actions would need to have dates and these should be monitored. Monitoring should be part of the certified planning process. Once consent is granted, WRC can hold the farmer to those actions and dates as they form part of the consent. If the property plan comes under an industry scheme and is therefore a Permitted Activity, monitoring and audit occur as part of that scheme. The idea of spot/ random monitoring or risk-based monitoring for nitrogen discharge was also discussed.

When the sub-group discussed that in the long term, land use change is the only option for some farms or parts of farms, they had some ideas for a process that might assist landowners in this category. They discussed a catchment planning approach in high-risk areas that would allow for more intensive engagement between a farm planner and property owners in that sub-catchment, and for community dialogue to seek the best solutions. This could include achieving a greater degree of de-intensification, land use change or catchment-scale mitigations using additional funding e.g. from offset funds. Common expiry dates could allow all consents in the sub-catchment to be reviewed together.

The sub-group considered what other expectations could be set out for high risk sites as guidance for certified property planners. This could include

- Stocking policy guidance – Classes 6e, 7, 8 – LUC matched to live weight/ha (seasonal); stock management on flats near water bodies
- For high risk P areas – a hotspot management plan, sediment traps
- A plan for extreme weather events

The group discussed whether there could be a catchment-wide rule to prevent heavy stock on steep slopes and agreed to undertake further discussion with relevant sectors about this.

⁵ For instance, page 3 of Waikato Regional Council 2015. Report to CSG entitled Property Management Plans – activity status, compliance with catchment wide rule and reference to third party. Doc #3591205 dated 15 December 2015, states that “If the CSG chooses a permitted activity, the landholder needs to have certainty that if they meet all the conditions then they are in compliance with the rule. The consent process allows some flexibility (in conditions of the consent – matters council maintain control over) in the actions a landowner undertakes as part of their property management plan, whereas a permitted activity does not. If landholders cannot meet the conditions in the property management plan permitted activity, there is not the discretion for the Council to identify alternative means of meeting the rule requirements (i.e. conditions). In other words, it is not possible to have permitted activity property management plans which give landowners the choice of how they are going to meet catchment wide requirements”.

8 CSG Approach and Plan Change as at Jan 2016

This part of the report describes the CSG's overall approach, including the recommendations of the property plan sub-group, and gives an outline of, and key reasons for this approach. Section 9 outlines the outcomes sought by the CSG (objectives and water quality limits). Section 10 describes the course of action to achieve outcomes. These will be written as policies on the Plan Change. Section 11 describes the rule framework in outline form. The Plan Change template that CSG has approved, with draft text included is the next item in the agenda packs.

9 Overall objectives approach

In 80 years water quality in the Waikato and Waipa River catchments is restored and protected consistent with the Vision and Strategy, so that the rivers and their tributaries are safe to swim in, in all seasons and across a range of flows, and are safe to harvest kai for eating, and able to support abundant and diverse freshwater fisheries, flora and fauna.

Long term water body limits are set in Waikato Regional Plan Change 1: Waikato and Waipa River Catchment (the Plan Change) and will be written as numeric limits to be achieved by 2096 which will protect the values agreed by the CSG, and;

Short term water quality limits in the Plan Change seek to achieve beneficial outcomes over the life of the Plan Change, and should include:

- Methods in the Plan Change that set out that WRC will continue to monitor all water quality sites in the Waikato and Waipa River catchment, assess and report on water quality trends and review technical information, and
- Other statements agreed by CSG that relate actions on the land to water body outcomes, and where possible monitor and account for those actions on the land

The **scale** that the long term water body limits should be set for the River Freshwater Management Units (FMUs) is a single numeric limit for each attribute in each FMU. The limit will be achieved if all monitored points in the FMU that are relevant for the attribute, meet the same numeric limit, and that any individual monitored site(s) with attribute levels in 2016 that are higher than the long term FMU limit, should not be allowed to decline.

The **scale** that water body targets should be set for the Waikato and Waipa Lakes Freshwater Management Units (FMUs):

- a) should reflect the four broad categories of lakes within the FMU, and;
- b) one long term numeric target is given for each of the four lakes categories (peat, riverine, dune and volcanic), and
- c) any individual monitored lake(s) in each category that have higher attribute levels in 2016 than the long term FMU limit of other lakes in the same category, should not be allowed to decline.

(Waikato Regional Council 2015 DM#3626243 and CSG21 workshop notes)

The TLG were asked to do further work to look at the appropriate attribute levels for each FMU and how significantly this approach departs from the modelled Scenario 1.

10 Overall policy approach

To recognise the scale of the effort needed to make enough change on the land to restore Waikato River water quality, a staged approach is taken where successive regional plans from 2016 onwards, require changes on the land to reduce discharges of nitrogen, phosphorus, sediment and E.coli.

The first stage is a focus on preparing everyone and allowing for transitioning to make reductions by a policy approach that:

- results in an overall restriction on increases in discharges to land and water,
- describes a future allocation framework in as much detail as possible
- makes a start on reducing discharges, and
- makes some allowance for some landowners to develop land that is not currently returning an income, for historical reasons.

Start making property-level changes in the 2016 Plan change

1. Set out what is not acceptable in Catchment wide rules (e.g. cattle in water, land use conversions)
2. For phosphorus, sediment and E.coli, require actions on each property to reduce the risk of discharges, with higher-risk properties taking more action than lower risk properties.
3. For nitrogen, require everyone to benchmark their current practices and make reductions, with higher emitters required to make the greatest reductions.

Note: Further discussion is required in the CSG as to what reductions will be required of those below the top 25%ile of nitrogen emitters.

What happens in the next plan change?

Nitrogen has been benchmarked based on data from properties and additional technical information is available for nitrogen allocation

The second stage is to allocate responsibility for reductions in a way that provides for some productive land use to continue to provide for overall wellbeing whilst working towards water quality outcomes. Strong policy guidance is in the 2016 Plan Change about how to “allow some landholders economic development opportunities within catchment limits, other landholders reduce contaminants to allow for this” (principle discussed by CSG December 2015⁶).

New rules contain numerical nitrogen limits. There are also sub-catchment nitrogen limits. These are achieved through compliance with property-level nitrogen limits and catchment solutions such as constructed wetlands that service more than one property.

In summary:

- Continue catchment-wide rules for all contaminants
- Continue actions for phosphorus, sediment, E.coli
- For nitrogen
 - Use additional technical information to decide the most efficient way to meet long term limits (where and how much),
 - decide and implement overall allocation approach, including requiring reductions using numerical property nitrogen limit (use OVERSEER),
 - while allowing some land to increase nitrogen discharges (headroom).

⁶ Page 6. Waikato Regional Council 2015. Principles and options for managing within limits and CSG sub-group report back from a meeting on 18th November. Agreement and Approvals report dated 3 December 2015. DM#3625208.

11 Rule framework for Plan Change 1

Based on the description above the rule framework in 2016 could be:

Catchment wide rules (for nitrogen, phosphorus, sediment and E.coli)

- a. No cattle, domestic deer, pigs or horses allowed in beds of rivers, lakes and wetlands. (Rule 1 in Plan Change template 19/01/2016)
- b. Interim rule till property-level numerical limits and discharge allocation is implemented on nitrogen (Rule 2 in Plan Change template 19/01/2016)

Stop large scale land use change

- i. non complying activity rule where consent may be granted with conditions, or declined
- ii. threshold for who it applies to is very simple – wholesale changes in land use that are listed
- iii. associated policy guidance in the plan⁷ about what is considered when resource consents for land use changes are applied for

Property-level actions to change high risk to lower risk for phosphorus, sediment and E.coli

Risk is related to two aspects – biophysical factors about the location of the property, and risk arising from actions undertaken by the landowner.

Permitted activity rules allow low risk sediment, phosphorus and E.coli emitters to continue without consent, as long as they meet certain conditions⁸. Controlled activity rules require property owners to apply for consent, but are guaranteed to be granted the consent as long as conditions are considered adequate. Rules could also set out timeframes - high-risk property plans would be completed first (within five years) with lower risk property plans completed within ten years.

So far the two groups of 'low risk' farms within this category are

1. **Permitted activity for Low risk biophysical factors or farming systems.** Location of the property is outside the mapped high risk sediment areas. This rests on the assumption that there is sufficient correlation between biophysical factors (underlying soil type and geology) and the risk of sediment loss. CSG sub-group also assume sediment risk is related to P and E.coli risk via overland flow. This can be split into two further categories
 - a. Low intensity farms: Properties which are located outside the mapped high risk areas with no more than 8 stock units per hectare/equivalent number of animals,

⁷ Similar to Lake Taupo Catchment Policy 8 Section 3.10.3 of Waikato Regional Plan which sets out what the council will have regard to when considering a non-complying activity to increase nitrogen discharge (e.g. the need to avoid long term increases in volume of N entering the lake). Consideration of cumulative effects i.e. just because an activity will only make a 'minor' contribution in relation to the overall load, that the overriding principle is that the Waikato River should not be expected to absorb any further degradation.

⁸ Similar to conditions in section 5.1.5 Waikato Regional Plan for soil disturbance, roading and tracking and accelerated erosion.

or for un-grazed land no more than 75kg nitrogen applied per year⁹. (Rule 3 in Plan Change template 19/01/2016)

- b. Where specific catchment-wide mitigation actions are carried out: (Rule 4 in Plan Change template 19/01/2016).

Properties meet specific practices in a list of conditions. The property plan sub-group have developed the following list which will need to be reviewed by TLG:

- Property is located outside the mapped high risk areas
- No grazed winter forage crops
- Have a nutrient budget
- On Class 5 land or less
- Have no perennial waterways OR have a 5m cultivation setback on all perennial waterways and drains and a 3m setback grazing on all perennial waterways and drains
- Do not undertake vegetable production

2. **Permitted activity for Low risk managed scheme factors.** This applies where there is an additional process that occurs that provides support for the implementation of the permitted activity, that reduces the risk of a landowner discharging sediment, phosphorus and microbes. This allows people who are within a certified scheme approved by the Council and described in a condition of the rule, to continue to farm without the need for a consent.

Note: Plan Change template 19/01/2016, does not contain a draft rule for this activity at present.

3. **Controlled activity rule for Property Management Plans**
(Rule 5 in Plan Change template 19/01/2016)

- iv. Threshold for who it applies to, is any property that cannot comply with conditions in permitted activity rules. All properties within the mapped high risk area would be captured by this rule.
- v. Consent is granted with actions and timeframes for mitigations
- vi. Rule contains a list of 'matters that council reserves control over' which will become part of the consent e.g. the width of the setback of soil disturbance/ intensive grazing from the bank of the river
- vii. Guidance in rule and/or policy about what WRC will rely on to set actions

The following approach for nitrogen was not discussed in any detail at the property plan sub-group meeting on 15 January and is indicative only.

Benchmark current practices and reduce high risk emitters for nitrogen

2016 Plan change – CSG does not intend to set a nitrogen allocation per property but will benchmark and begin reductions in N pending a future allocation framework being set.

1. Permitted activity rule for Low nitrogen leaching properties

- a. Forestry land use which is below a 'high risk' threshold of nitrogen inputs to continue without consent

⁹ This is the threshold used for low intensity nitrogen discharges from farming in the lake Taupo catchment (Rule 3.10.5.1).

- i. no conditions are needed (assumed that forestry does not leach more than background N levels)

Note: Plan Change template 19/01/2016, does not contain a draft rule for this activity at present. It could be combined with other permitted activity rules.

- 2. Permitted activity rule for pastoral farming, cropping, vegetable farming. (Rule 6 in Plan Change template 19/01/2016)

Benchmark nitrogen and reduce highest risk emitters. Interim rule till allocation is implemented using property-level numerical limits on nitrogen.

Permitted activity rule to allow farming which is below a 'high risk' threshold of nitrogen inputs to continue without consent as long as meet certain conditions

- i. require nitrogen benchmarking at historic levels, to be completed and submitted to WRC by a certain date, using OVERSEER plus any other approved models for mitigations and land uses that are not well represented in Overseer.
 - ii. reductions in N during the first ten years (scale of reductions, and who they apply to, is still to be discussed by CSG)
- 3. Controlled activity rule for nitrogen emissions till allocation rules are in place
 - i. Threshold for who it applies to, is any property that brings in more than high risk' threshold of nitrogen inputs or cannot meet conditions in permitted activity

Attachment 1: List of property plans reports and other relevant information

Attachment 2: "CSG summary of approach so far" that Helen Ritchie had written on butcher paper and presented to CSG at the last meeting on 17-18th December 2015 (DM#3674039)

Attachment 3: Resources for meeting – Background material handed out on 11 January workshop from WRC policy team (DM# 3662651 and 3667073)

Attachment 4: Notes of the property plan sub-group meeting 15 January (DM#3669731)

See also Plan Change template document DM# 3287412 (version dated 19 January).

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Bill Wasley

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12 References

CSG 21 workshop notes, 17-18 December 2015 DM#3652426

Ritchie H 2015. Summary of where we got to at CSG20. Summary notes for 18 December CSG – give to property plan subgroup 11 January 2015. DM#3674039.

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. CSG subgroup: Managing nitrogen and phosphorus at a property-level 23 October 2015 workshop. Report to the Collaborative Stakeholder Group - for Agreement and Approval, dated 16 November 2015. DM#3605178.

Waikato Regional Council 2015. Exploring industry farm plans as a policy options including industry supported farm plan with regulatory backstop. Report to the Collaborative Stakeholder Group - for Agreement and Approval, dated 27th July. DM#3454905.

Waikato Regional Council 2015. Implementation considerations for policy design. Report to the Collaborative Stakeholder Group - For Information, dated 11 November 2015. DM#3608886).

Waikato Regional Council 2015. Options for Tailored Property plans. Report to the Collaborative Stakeholder Group - for Agreement and Approval, dated 9 October 2015. DM#3563987.

Waikato Regional Council 2015. Options for using Overseer model to manage nitrogen and phosphorus at a property-level. Agreement and Approval report to CSG. Doc #3507568 dated 17 September 2015.

Waikato Regional Council 2105. Policy option of a property-level limit for nitrogen and phosphorus. Agreement and Approval report to CSG Document #3476854 dated 24 August 2015.

Waikato Regional Council 2015. Policy options for sediment, microbes, nitrogen and phosphorus. Report to the Collaborative Stakeholder Group - for Agreement and Approval, Dated 22nd June 2015. DM#3425911.

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

Waikato Regional Council 2015. Property management plans – activity status, compliance with catchment wide rule and reference to third party documents. Report to the Collaborative Stakeholder Group - for Agreement and Approval, dated 15 December 2015. DM#3631098

Waikato Regional Council 2015. Property Management Plan rules. Report to the Collaborative Stakeholder Group - for Agreement and Approval, dated 2 December 2015. DM#3625488.

Waikato Regional Council 2015. Setting water body targets and limits. Agreement and Approvals report dated 15 December 2015. DM#3626243.

Waikato Regional Council 2015. TEMPLATE: Waikato Regional Plan Change No. 1 - Waikato and Waipa Catchments (Proposed). Dated 20 January 2016. DM# 3287412.
Waikato Regional Council 2016. Notes of a sub-group of the Collaborative Stakeholder Group – Property Plans 15 January 2016. DM#3669731.

Waikato Regional Council 2016. Resources for the Property Plan sub-group meeting 15 January 2016 – tabled on the day. DM#3667073

Waikato Regional Council 2016. Rules – Staff interpretation after ‘Summary of CSG approach’ on 17 December 2015. DM#3662651

Attachment 1 – List of property plans reports and other relevant information

Workshop	Report	Description	Some other relevant reports/presentations
Workshop 12 (June 2-3 2015)		Industry ideas on using industry scheme/programmes	Presentation by CSG Members/ representatives on Industry Schemes Charlotte Rutherford DM#3427545 Garth Wilcox DM #3427544 James Bailey DM#3427542 Trish Fordyce DM#3427543
Workshop 13 (2-3 July 2015)	Policy options for sediment, microbes, nitrogen and phosphorus. DM#3425911.	Options – including property plan/ industry options Policy options including: <ul style="list-style-type: none"> • Rules requiring property plan • Rules that require property plan – provide as part of industry assurance/ audit program 	
Workshop 14 (10-11 August 2015)	Exploring industry farm plans as a policy options including industry supported farm plan with regulatory backstop DM#3454905.	Update on the policy options - More detail on the 2 policy option: <ul style="list-style-type: none"> • work with their industry body to reduce their farms discharges, or • obtain a resource consent from the council. 	
Workshop 18 (13-14 October 2015)	Options for Tailored Property plans DM#3563987	<ul style="list-style-type: none"> • Outline of CSG logic for Property Plans • Key components of a Property Plan approach and some of the risks in design. • Some of the considerations for design for Council and community confidence in the Property Plan process. 	CSG subgroup: Managing nitrogen and phosphorus at a property-level DM#3574906
Workshop 19 (23-24 November)	Implementation considerations for policy design	Feedback from Waikato Regional Council implementation staff on policy approaches.	

2015)	DM#3608886	<ul style="list-style-type: none"> • Consented vs Permitted Activity • Monitoring and compliance • Property plan development and providers • Roll out 	
Workshop 20 (9-10 December 2015)	Property management plan rules DM #3625488	<p>Outline of what a property management plan rule might look like and highlight questions for CSG as CSG continue to refine this policy option.</p> <ul style="list-style-type: none"> • Activity status • Consented vs Permitted Activity • Threshold/timeframe • Scope, triggers for plan amendments or update <p>Example rules</p> <p>Industry ideas on implementation considerations</p>	<p>Principles and options for managing within limits and CSG sub-group report back from a meeting on 18th November DM#3625208</p> <p>Presentations: Adrian, Dairy NZ (DM #3632004) Implementation considerations property plans – Horticulture – Chris Keenan (DM #3656116, DM#3636117, DM#3656119)</p>
Workshop 21 (17-18 December 2015)	Property management plans – activity status, compliance with catchment wide rule and reference to third party documents DM#3631098	<p>Information on permitted activities, industry schemes, and referring to third party document and the capacity to use property management plans for compliance with catchment wide rules.</p> <ul style="list-style-type: none"> • Permitted activities • Discretion to approve property plan • Permitted vs consented activity status • Complying with CWR • Roles and responsibilities 	

Attachment 2 – “CSG summary of approach so far” that Helen Ritchie had written on butcher paper and presented to CSG at the last meeting on 17-18th December 2015

Summary of where we got to at CSG20

<p>Benchmarking (retrospective) is a critical step <u>But NOT</u> as an allocation. (do not want pure grand parenting)</p> <p>Hold the line against the pressure to intensify while we provide the transition time to minimise social disruption/pain</p> <p>AND create the change towards agreed limit steps.</p>	<p>Benchmarking is for knowledge/ monitoring/ accounting. Not allocation E.g. 10% rule on intensification or stop conversions (item tomorrow)</p> <p>Need to create mindset for change and keep monitoring in transition, have ways to demonstrate change is occurring.</p> <p>Item on this tomorrow</p>
<p>Bring top emitters down (e.g. to 75% ile)</p> <p>Everybody does minimum GMP and meets catchment-wide rules as soon as possible (5 years?)</p> <p>Property plans are put in place to address all four contaminants (5-10 years)</p> <p>For sediment, P, E.coli, actions within catchment and properties are identified that are most likely to get result (based on the template/ guidelines/ practice notes)</p>	<p>This gets some fast gain and captures those who intensified in anticipation GMP – to be defined (sector – specific practices)</p> <p>Audit system is important Implementation is prioritised .e.g. using heat maps</p> <p>What funding/support will there be to implement actions in property plans? (catchment- wide rate?)</p>
<p>For N, a “% reduction” is put in place to:</p> <ul style="list-style-type: none"> -Improve river -Make some headroom / flexibility <p>AND point sources make a contribution (e.g. BPOs, offsets)</p> <p>PLUS there is an option for sub-catchments to come up with alternative solutions</p> <p>AND accounting systems, allocation systems/ trading or transfer systems for N, including a mechanism for reallocation headroom are fully explored and put in place over the lifetime of this plan (10 years).</p>	<p>Item on this today</p> <p>Is this same % across sector, sliding scale? How should this be apportioned?</p> <p>Item on this today</p> <p>Helped if science evolves/overseer/models stabilise.</p>
<p>After 10 years, allocation is in place (next plan change but signal in this one. Likely to reflect:</p> <ul style="list-style-type: none"> • Allocation to those excluded for historical reasons. • An element of flexibility/design to allow more intensive farming where risk of loss is lower (land best suited) 	<p>Item today</p>

<p>or socially important activity is wanted. Noting that trading can promote efficiency in the economy but if it needs to happen in an FMU the market might be quite small</p>	
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Attachment 3 – Resources for meeting – Background material handed out on 11 January workshop from WRC policy team (DM#3662651 and 3667073)

Rules - Staff interpretation after ‘Summary of CSG approach’ on 17 December 2015

Overall objectives approach

Water quality is restored to achieve the Vision and Strategy, including that long term numerical water quality limits are met, as per Scenario 1 and ‘setting water quality limits’ report to CSG¹⁰ document 3626243.

Overall policy approach

To recognise the scale of the effort needed to make enough change on the land to restore Waikato River water quality, take a staged approach where successive regional plans from 2016 onwards, require changes on the land to reduce discharges of N, P, sediment and E.coli.

The first stage is a focus on getting everyone ready to make reductions by a policy approach that:

- Results in an overall ‘cap’ on discharges to land and water,
- describes a future allocation framework that will move to some sort of ‘best use of land/natural capital’, and
- makes a start on reducing discharges, and

¹⁰ **Long term water body limits** in Waikato Regional Plan Change 1: Waikato and Waipa River Catchment (the Plan Change) should be written as numeric limits to be achieved by 2096 which will protect the values agreed by the CSG, and;

Short term water quality limits in the Plan Change seek to achieve beneficial outcomes over the life of the Plan Change, and should include:

Methods in the Plan Change that set out that WRC will continue to monitor all water quality sites in the Waikato and Waipa River catchment, assess and report on water quality trends and review technical information, and

Other statements agreed by CSG that relate actions on the land to water body outcomes, and where possible monitor and account for those actions on the land

The **scale** that the long term water body limits should be set for the River Freshwater Management Units (FMUs) is a single numeric limit for each attribute in each FMU. The limit will be achieved if all monitored points in the FMU that are relevant for the attribute, meet the same numeric limit, and that any individual monitored site(s) with attribute levels in 2016 that are higher than the long term FMU limit, should not be allowed to decline..

The scale that water body targets should be set for the Waikato and Waipa Lakes Freshwater Management Units (FMUs):

- i. should reflect the four broad categories of lakes within the FMU, and;
- ii. one long term numeric target is given for each of the four lakes categories (peat, riverine, dune and volcanic), and
- iii. any individual monitored lake(s) in each category that have higher attribute levels in 2016 than the long term FMU limit of other lakes in the same category, should not be allowed to decline.

- makes some allowance for some landowners to develop land that is not currently returning an income.

How do we expect to start making property-level changes in the 2016 Plan change?

4. set out what is not acceptable in Catchment wide rules (e.g. cattle in water, land use conversions)
5. For P, sediment, E.coli, require actions on each property to reduce their risk category - require everyone to put in mitigations to reduce their risk of runoff
6. For N, require everyone to benchmark their current practices and require high risk emitters to reduce

Note: Overseer sub-group wanted everyone to be at GMP as a first step. But if high risk emitters/practices are changed (as set out above), is there a need to run a separate process to identify and require good management practice per sector?

Next plan change, once N is benchmarked and technical info available for N allocation

The second stage is to allocate responsibility for reductions in a way that allows enough productive land use to continue to meet overall wellbeing. Property plans include numerical nitrogen limits that collectively meet agreed sub-catchment limits (either through individual property planning or catchment solutions options).

- Continue catchment-wide rules and actions for P, sediment, E.coli
- For Nitrogen
 - use technical info to decide the most efficient way to meet long term limits (where and how much),
 - decide and implement overall allocation approach, including requiring reductions using numerical property N limit (use OVERSEER),
 - while allowing some land to increase N (headroom)

Therefore the rule framework in 2016 could be:

- Catchment wide Rules (for N, P, sediment, E.coli)
 - a. No cattle, domestic deer and pigs allowed in beds of rivers, streams, wetlands
 - i. prohibited activity where no consent can be granted
 - b. Moratorium on land use change
 - i. non complying activity rule where consent may be granted with conditions, or declined
 - ii. threshold for who it applies to is very simple – wholesale changes in land use that are listed
 - iii. associated policy guidance in the plan¹¹ about what is considered when land use changes are applied for
- For P, sediment, E.coli, property-level actions to change high risk to lower risk

¹¹ Similar to Taupo catchment Policy 8 Section 3.10.3 of Waikato Regional Plan which sets out what the council will have regard to when considering a non-complying activity to increase nitrogen discharge (e.g. the need to avoid long term increases in volume of N entering the lake)

- a. Permitted activity rule to allow low risk sediment, Phosphorus, E.coli emitters to continue without consent, as long as meet certain conditions¹²
 - i. Threshold for who it applies to is any property within Council's low risk sediment risk maps (assume sediment risk is related to P and E.coli risk)
 - ii. Specify practices in conditions (practices apply to all sectors, or specified per sector, similar to WRC/industry guides)
 - b. Controlled activity rule
 - i. Threshold for who it applies to, is any property within low risk sediment risk maps but cannot comply with conditions in permitted activity rule
 - ii. Consent is granted with actions and timeframes for mitigations
 - iii. Rule contains a list of 'matters that council reserves control over' which will become part of the consent e.g. the width of the setback of soil disturbance/intensive grazing from the bank of the river
 - iv. Guidance in rule and/or policy about what WRC will rely on to set actions
 - c. Discretionary Activity rule
 - i. Threshold for who it applies to, is any property within high risk sediment risk maps
 - ii. Consent may be granted with actions and timeframes for mitigations
- For Nitrogen, benchmark current practices and reduce high risk emitters

2016 Plan change – CSG does not intend to set a nitrogen allocation per property. Instead of property level N limit for high emitters, stay away from anything that could be seen as a nitrogen allocation. Could achieve the same results by setting an upper limit of N inputs to farms (brought in feed and fertiliser).

- a. Permitted activity rule to allow forestry land use which is below a 'high risk' threshold of nitrogen inputs to continue without consent
 - i. no conditions are needed (assumed that forestry does not leach more than background N levels)
- b. Permitted activity rule to allow farming which is below a 'high risk' threshold of nitrogen inputs to continue without consent as long as meet certain conditions
 - i. require nitrogen benchmarking at historic levels, to be completed and submitted to WRC by a certain date, using OVERSEER plus any other approved models for mitigations and land uses that are not well represented in Overseer.
- c. Discretionary activity rule
 - i. Threshold for who it applies to, is any property that brings in more than 'high risk' threshold of nitrogen inputs or cannot meet conditions in permitted activity

¹² similar to conditions in section 5.1.5 Waikato Regional Plan for forestry permitted activity

**Resources for Property Plan sub-group meeting
15 January 2016 – tabled on the day**

Section 1: Example of permitted activity rule
Section 2: Example of low intensity land use rule
Section 3: Examples of low and high intensity land use definitions
Section 4: Excerpt of community engagement results on property plans

**1 Example of permitted activity rule – Waikato Regional Plan Section 5.1
Accelerated Erosion**

**5.1.4.11 Permitted Activity Rule – Soil Disturbance, Roding and Tracking and
Vegetation Clearance**

1. Unless otherwise provided for by Rules 5.1.4.14, 5.1.4.15, 5.1.4.16 or 5.1.4.17, soil disturbance, roding and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;
2. Any roding and tracking activities associated with the installation of bridges or culverts permitted by Rules 4.2.8.1, 4.2.9.1 and 4.2.9.2, within 20 metres of that bridge or culvert and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;
3. Vegetation clearance of planted production forest as planted at the date upon which this Plan becomes operative;

are **permitted activities** subject to the conditions in Section 5.1.5. In addition 5.1.4.11(3) is subject to the following conditions:

- a. Provided that replanting of planted production forest does not occur within:
 - i. five metres, on either side, of the bed of a water body excluding an ephemeral stream (except on the Coromandel Peninsula); and
 - ii. ten metres, on either side of the bed of a water body excluding an ephemeral stream on the Coromandel Peninsula streams greater than 50 hectares
 - iii. five metres on either side of the bed of water bodies between 20 and 50 hectares on the Coromandel Peninsula regardless of slope;
- b. On the Coromandel Peninsula where wilding pines are present at a density of greater than 50 stems per kilometre of riparian margin they will all be removed at first thinning so long as practicable from a safety perspective.

Advisory Notes:

- District plans may have rules which restrict land disturbance and vegetation clearance in areas outside of high risk erosion areas.
- Grazing and cultivation are excluded from the requirements of this Rule.

**5.1.5 Conditions for Permitted Activity Rule 5.1.4.11 and Standards and Terms for
Controlled Activity Rules**

- a. Organic material shall not be placed in fill where its subsequent decomposition will lead to land instability.
- b. Erosion/sediment controls shall be installed and maintained on all earthworks during and on completion of the works to avoid the adverse effects of sediment on water bodies.
- c. Cut-offs or culverts shall be designed and installed to prevent scour, gulying or other erosion.
- d. Any erosion or instability of the coastal environment, or the beds of rivers and lakes or wetlands shall be avoided or remedied if it does occur.
- e. The activity shall not result in neighbouring land becoming subject to flooding.

- f. All disturbed vegetation, soil or debris shall be deposited or contained to prevent the movement of disturbed matter so that it does not result in:
 - i. the diversion, damming or blockage of any river or stream, or
 - ii. the passage of fish being impeded, or
 - iii. the destruction of any habitat in a water body or coastal water, or
 - iv. flooding or erosion.
- g. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- h. The concentration of suspended solids in any point source discharge arising from the activity shall comply with the suspended solids standards as set out in Method 3.2.4.6. This condition applies only to permitted activity rules and excludes any non-point source discharges from roading, tracking and vegetation clearance activities (refer condition o) below).
- i. Any discharge of contaminants into air arising from the activity shall comply with the permitted activity conditions in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site.
- j. In the event of any waahi tapu that is not subject to g) above being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- k. No storage or mixing of fuels, oils, or agrichemicals shall be undertaken in areas where deliberate or inadvertent discharge is likely to enter any permanent natural surface water body.
- l. All vegetation that is being felled within five metres of a perennial water body shall be felled away from the water body, except edge vegetation, or vegetation leaning over a water body, which if necessary may be felled in accordance with safety practices.
- m. All exposed areas of soil resulting from the activity shall be stabilised against erosion by vegetative cover or other methods as soon as practical following completion of the activity and no later than six to twelve months from the date of disturbance to avoid the adverse effects of sediment on water bodies.
- n. The activity shall not be located within 20 metres of a Significant Geothermal Feature.
- o. The concentration of suspended solids in any non-point discharges from roading, tracking and vegetation clearance activities shall meet the following standards;
 - i. The activity or discharge shall not result in any of the following receiving water standards being breached:
 - ii. in Waikato Region Surface class waters - 100 grams per cubic metre suspended solids concentration
 - iii. in Indigenous Fisheries and Fish Habitat class waters - 80 grams per cubic metre suspended solids concentration
 - iv. in Trout Fisheries and Trout Spawning Habitat class waters - 25 grams per cubic metre suspended solids concentration
 - v. in Contact Recreation class waters - black disc horizontal visibility greater than 1.6 metres
 - vi. in Natural State class waters - the activity or discharge shall not increase the concentration of suspended solids in the receiving water by more than 10 percent

Standard a) shall apply, except where the suspended solids concentration or black disc horizontal visibility in the receiving water is greater than the standards specified, at the time and location of discharge or of undertaking the activity. Then there shall not be any increase (i.e. further deterioration) in the receiving water suspended solids concentration or black disc horizontal visibility of more than 20% as a result of the activity or discharge.

The point at which compliance with this standard shall be measured is after reasonable mixing has occurred which in any instance does not exceed 200 metres from the point of discharge.

- p. Soil disturbance associated with the construction of a road or track within 20 metres of a culvert or bridge provided for in Rules 4.2.8.1, 4.2.8.2, 4.2.9.1, 4.2.9.2 and 4.2.9.3;
 - i. Shall not occur adjacent to Significant Indigenous Fisheries and Fish Habitat Class waters during August to December inclusive and Significant Trout Fisheries and Trout Habitat class waters during May to September inclusive; and,
 - ii. Shall be stabilised against erosion by vegetative cover or other methods as soon as practical following completion of the activity and no later than two months from the date of disturbance to avoid the adverse effects of sediment on water bodies; and
 - iii. The location of the proposed soil disturbance shall be notified to the Waikato Regional Council in writing at least 10 working days prior to commencing construction.

Advisory Note:

- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition/standard and term j) is set out in Section 2.3.4.22 of this Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

2 Example of low intensity land use rule - Waikato Regional Plan Chapter 3.10

Lake Taupo Catchment

3.10.5.1 Permitted Activity Rule – Low Nitrogen Leaching Farming Activities

The use of land in the Lake Taupo catchment that may result in nitrogen leaching from the land and entering water:

1. for farming activities which were existing as at the date of notification of this Rule (9 July 2005); and
 - i. the land has not been subject to a consent pursuant to Rule 3.10.5.3, 3.10.5.6, 3.10.5.7, 3.10.5.8 or 3.10.5.9; or
 - ii. where the land has been subject to a consent pursuant to Rule 3.10.5.3, 3.10.5.6, 3.10.5.7, 3.10.5.8 or 3.10.5.9 and the land has a Nitrogen Discharge Allowance sufficient to allow for at least 8 kilograms of nitrogen per hectare per year for farming plus 3.5 kilograms of nitrogen per year for any advanced wastewater system in accordance with Rule 3.10.6.3 or 10 kilograms of nitrogen per year for any conventional wastewater system in accordance with Rule 3.10.6.4; or
2. for land which was not used for farming activities at the date of notification of this Rule, and where any nitrogen increase has been authorised by a resource consent granted under Rule 3.10.5.7 or 3.10.5.8 and the land has a Nitrogen Discharge Allowance sufficient to allow for at least 8 kilograms of nitrogen per hectare per year for farming plus 3.5 kilograms of nitrogen per year for any advanced wastewater system in accordance with Rule 3.10.6.3 or 10 kilograms of nitrogen per year for any conventional wastewater system in accordance with Rule 3.10.6.4.

is a **permitted activity** if the following conditions are met:

Advisory Note:

- This Rule in part provides for land that has either been leaching high nitrogen levels or has resource consent to do so, to convert to low leaching land use activities (e.g. lifestyle blocks, forestry, etc.).

- a. Where the land is not used to graze stock, no more than 75 kilograms of nitrogen per hectare per year shall be applied to the land. Where the land is used to graze stock, the maximum number of animals shall be equivalent to any one row of Table 3.10.5.1 below:

Table 3.10.5.1 – Stock Limits

Animal Type	Maximum number of animals permitted per hectare	Maximum number of animals permitted per 10 hectares
Dairy cow	0.55	5.5
Beef cattle	0.8	8
Calf	3.3	33
Horse	0.8	8
Sheep	7.7	77
Deer	3.3	33
Goat	10	100
Alpaca or Llama	3.3	33
Pig (free range)	2.5	25

- b. Progeny of animals grazed under condition a) (such as lambs and calves) are permitted provided that no additional feed is brought on to the property except feed that is supplied as per standard industry practice to meet animal welfare requirements during the period of weaning and stocking rates return to the stock limits outlined in condition a) between 1 April and 31 July each year.
- c. Non-grazing domestic animals including cats, dogs, chickens and ducks that are kept for domestic purposes are permitted and are not to be taken into account for the purposes of this rule.

and provided also that:

Where a land use is authorized as a permitted activity by this Rule, the subject land shall not be used to offset any nitrogen leaching increase elsewhere in the catchment.

Advisory Notes:

- This Rule in part provides for land that has either been leaching high nitrogen levels or has resource consent to do so, to convert to low leaching land use activities (e.g. lifestyle blocks, forestry, etc.).
- The area of land used to calculate animal density excludes any area of land used for buildings, lawns or gardens.
- Wastewater systems must be authorised by the wastewater rules in section 3.10.6.
- The application of 75 kilograms of nitrogen per hectare per year in a non-grazing situation, or grazing at the limits in Table 3.10.5.1 is equivalent to 8 kilograms per hectare per year nitrogen leaching rate.

3 Examples of definitions of low or high intensity land use

Hawkes Bay Plan Change 6 Tukituki River Catchment

Low intensity farming system

Means farm properties or farming enterprises that contain no more than 8 stock units per hectare including permanent horticultural and viticultural crops (such as orchards, vineyards) and lifestyle properties; but does not include

- Properties used for the production of rotational vegetable crops;
- Dairy farms;
- Grazed forage crops.

Horizons One Plan

Commercial vegetable growing means using an area of land greater than 4 ha for producing vegetable crops for human consumption. It includes the whole rotational cycle, being the period of time that is required for the full sequence of crops, including any pasture phase in the rotation. Fruit crops, vegetables that are perennial, dry field peas or beans are not included.

Cropping means using an area of land in excess of 20 ha to grow crops. A “crop” is defined as cereal, coarse grains, oilseed, peanuts, lupins, dry field peas or dry field beans. This definition does not include crops fed to animals or grazed on by animals on the same property.

Dairy farming means using any area of *land*[^] greater than 4 ha for the farming of dairy cattle for milk production. This includes *land*[^] used as a dairy cattle grazing runoff but excludes any dairy grazing arrangement. A dairy grazing arrangement is a third party commercial arrangement between the owner of dairy cattle and another landowner for the purpose of temporary grazing.

Intensive sheep and beef farming refers to properties greater than 4 ha engaged in the farming of sheep and cattle, where any of the land grazed is irrigated.

Taranaki Draft Freshwater and Land Management Plan for Taranaki

Intensive pastoral farming means an area of land greater than 20 hectares used for the pastoral grazing, keeping, rearing and breeding of dairy or beef cattle, with a stocking rate of 14 stock units per hectare or more. Intensive pastoral farming excludes:

- (a) intensive pig farming
- (b) intensive poultry farming
- (c) horticulture and cropping
- (d) sheep farming
- (e) deer farming.

Attachment 4 – Notes of the property plan sub-group 15 January 2015

Notes of a sub-group of the Collaborative Stakeholder Group - Property plans
Date: 15 January 2016

Location: Kakariki House, 239 Grey Street, Hamilton

Attendees:

CSG representatives and delegates
WRC staff
Staff
Facilitator
Information provided

Trish Fordyce, Brian Hanna, Charlotte Rutherford, James Bailey, James Houghton, Gwyn Verkerk, George Moss, Jason Sebastian Justine Young, Ruth Lourey, Emma Reed, Ben Ormsby (from 3pm), Patrick Lynch (until 12pm), Rob Dragten - contractor (until 12pm)
Bill Brough
Helen Ritchie
Agenda pre-circulated to all CSG #3652715

Tabled on the day
Resources for Property Plan sub-group meeting #3667073
Rules - Staff interpretation after 'summary of CSG approach' on 17 December 2015 #3662651

Consent or not

Principle – For Permitted Activity

Conditions must be clear and not require assessment by Waikato Regional Council staff

Who doesn't need a property plan?

Assume livestock (except sheep) exclusion via CWR from perennial waterways

- Non grazing domestic animals
- Low stock units

 kituki definition of low intensity

Ensure it covers 365 days

Plus <60kg N applied condition (like current WRP rule requiring nutrient budget) or <75kg N for non-grazed land (like Taupo rule)
(get tech assessment for S32)

No Property Plan if:

- "Low risk" place (to be defined with TLG/Waikato Regional Council)

AND

- You have no more than 8 stock units/ha

BUT

- No grazed winter forage
- Have a nutrient budget?
- Class 5 or less (CHECK - is this covered by yellow areas on the heat maps/ regional prioritisation).

- No perennial waterway

OR

- 5m cultivation setback from perennial waterways and drains

- 3m grazing setback from perennial waterways and drains
- Excluding vegetable production

Everyone else needs a property plan

- Part of a certified scheme = could be different activity status

Timing

- High risk within 5 years
- All within 10 years

(Reassess at next plan change)

How often reviewed?

- Nutrient budget and action plan – annual
-
- 10 year consent
- Staggered – high risk first

Trigger review if – you want to change dates of actions (vary consent)

You change your system

How often audited?

- Third party or Waikato Regional Council assurance that initial plan is appropriate

AND

- Monitor actions (E.coli/P/sediment) in farm plan – farm plan becomes the consent

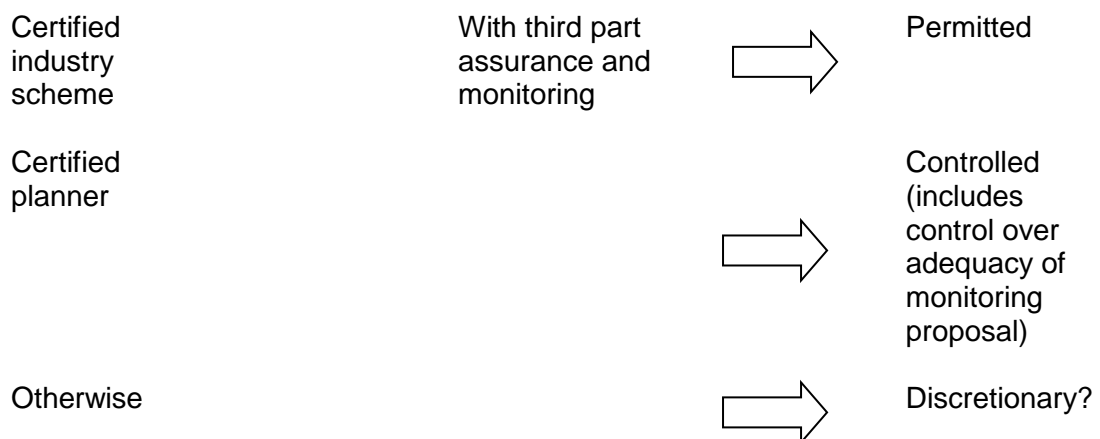
Spot random audit for N

AND/OR

Risk based monitoring

(Note 900 dairy farmers in top 25 percentile - will have to work with them annually)

- 3700 sheep and beef farmers total in catchment



Max duration 10 year and review clause (for longer term e.g. 20 years)

Guidance for property planners

Refer to farm menus

High risk places – (red on base load heat maps or use Waikato Regional Council Waikato LITE?) + lakes

➔ Catchment plans with common expiry dates

Aim for land use change

Land enters pool for offset

In addition, look at a rule on:

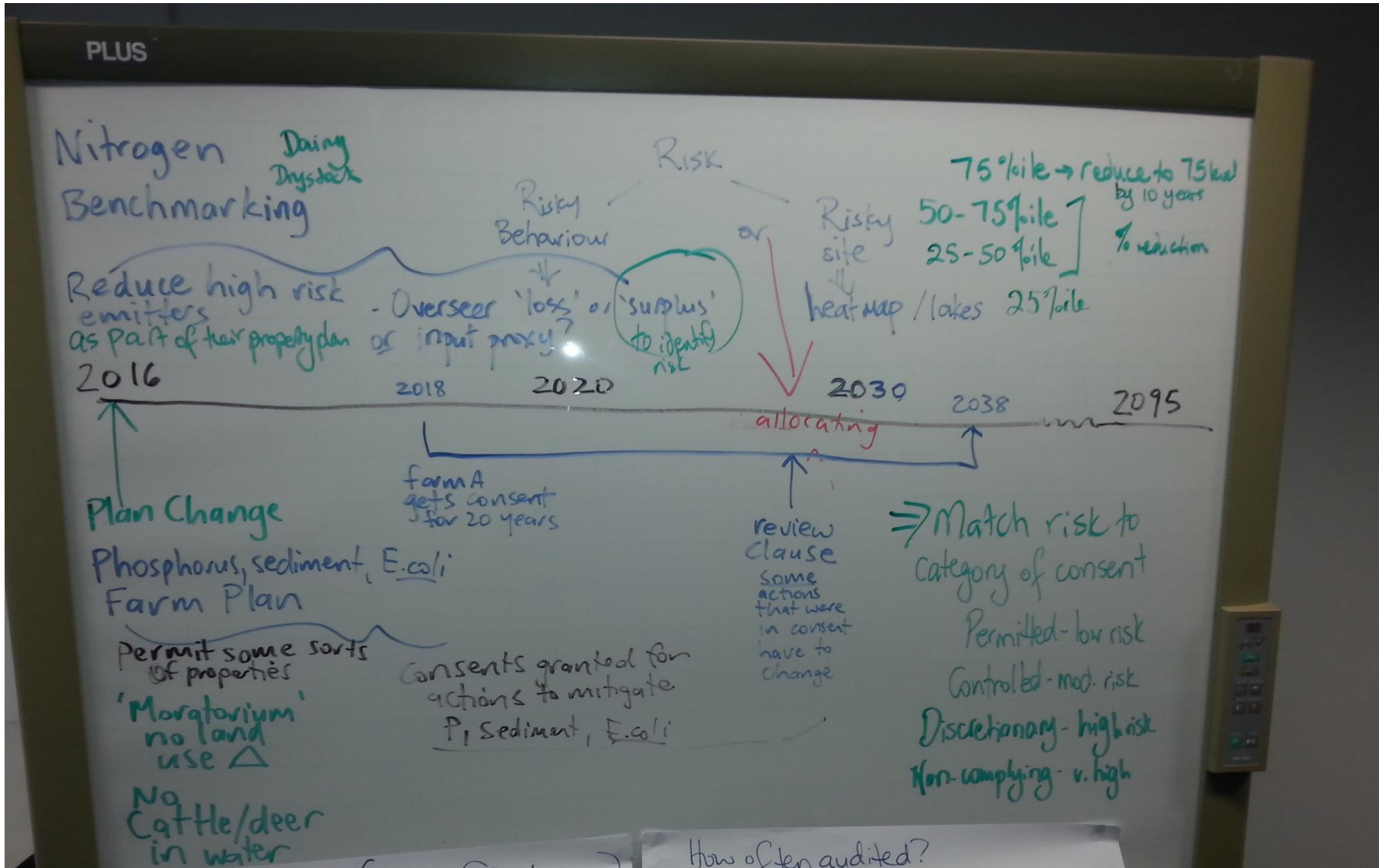
Stocking policy:
Class 7 and 8 (+6e)

Cattle/ha on Class 7 and 8 during months of July-September

Also expect to see for high risk sites:

- Risk plan for weather events
- For high risk P areas – hotspot management plan, sediment traps
- Class 6 management
- LUC matched to live weight/ha (seasonal?)
- Stock management on flats by water

Picture of whiteboard



Justine Young's Notes

Property Plan

Retaining flexibility of property management but getting certainty actions will happen.

How much can be in PA?

Spatial Plan – maps high risk areas of farm for sediment risk.

Requiring farm plan to meet target at subcatchment level.

Concept of how much sediment needs to be reduced.

At the moment those figures are still vague.

Can't draw a line between a property and a water quality limit.

In the interim, how to guide farm plans to be robust enough.

Trish 'if don't have water quality targets, has to be actions by a certain date.'

What is high risk?

On each farm, have to know which parts of my farm are high risk and for each contaminant.

Risk

Subcatchment scale

- use sediment maps

Farm scale

- how to define farm risk

Questions for TLG

- Waikato Regional Council sediment risk
- biophysical factors
- Waipa Catchment Plan

TLG sediment risk heat maps that TLG have done

- how do these relate back to Waikato Regional Council sediment?

Purpose of farm plan behaviour change

Get to outcome

- Part of that is to help the farmer work out what actions need to be done (and what consequential changes to make on the farm) i.e. how to fit the mitigations into the whole farm system stock water reticulation.

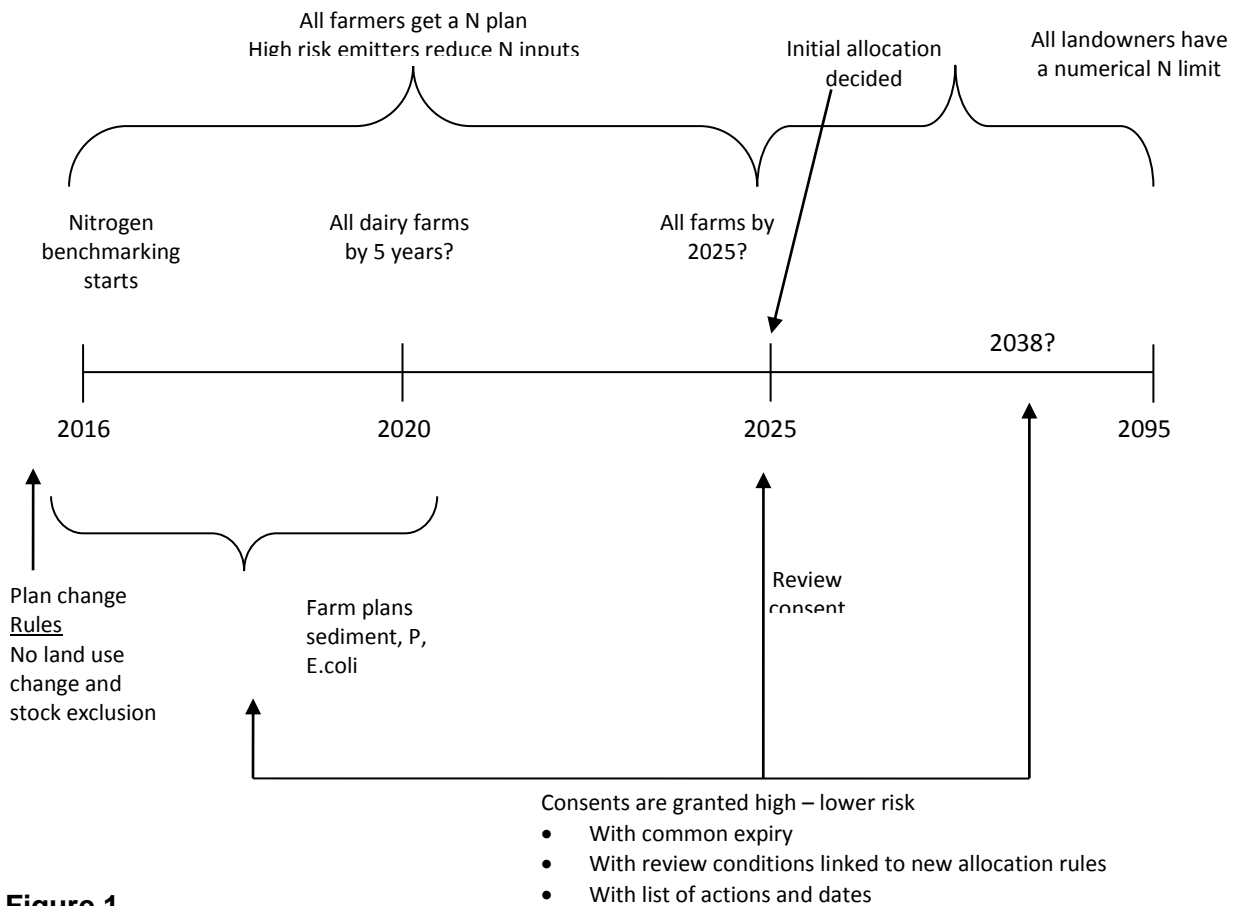


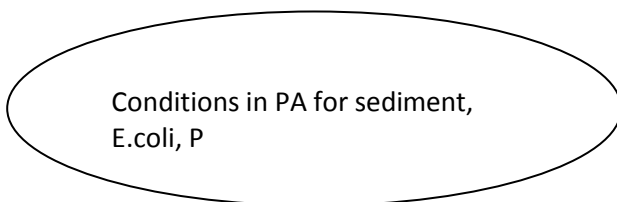
Figure 1

Permitted activity threshold

Ideas

- GST registered?
- Commercial?
- Allow tree crops, not allow vege growing
- Stock units? Yes
- Tukituki 8 su/ha
- Use Taupo condition 75kg N applied

→ Use this – it's just a threshold



All overland flow driving storm events is collected

- No grazed winter forage crops
- No discharge to water
- Class III or less
- No perennial waterway but ephemeral water intermittent

Storm events

- Overland flow can occur on flat land on storm event. TLG said discard top 10% storm events water quality measurement.
- Technical research had larger setbacks but 'it depends'

Setbacks

- 3m or 5m
- TLG said main thing is stock exclusion
- TLG couldn't justify a blanket-rule of 5m everywhere
 - Modelled this
 - So many variables

Did anyone ask TLG if 3m was enough setback?
No.

Slope

Vegetable growing
Hawkes Bay

- Have agreed to a $>15^\circ$ slope

→Write a condition for PA 'excluding vegetable production'

Intermittent vs. Perennial

Stock exclusion, from WRC implementers point of view which includes intermittent CSG sub-group that widens the scope for cattle exclusion hugely!

Drain

- Is a man-made structure to drain a wetland
- 'I exclude cattle but not setback from my drains (which connect to waterways)
- Dairy discussion on farms 'if waterway permanently contains water' then dairy cows (get this info from Dairy)
- All Fonterra farms are mapped for permanently containing water and 'other' I could share this.

For people who require a property plan

- Move people from high risk to lower
- What is it that will make people change behaviour?
- If said don't need property plans for low risk then these people don't need to come to council/produce any new information.

For Consents P, sediment, E.coli

- Actions can be set for the life of the consent
 - Could have them being staggered by year

- Plan doesn't need to be reviewed, just needs to be monitored

(what is the difference between monitoring compliance and auditing?)

If you have actions and dates, then that is straightforward monitoring

Defining what actions on farm

Canterbury – are auditing at the moment, because looking for 'appropriateness of actions' on the property

- Need to audit using third party level playing field for everyone's actions/what they choose to put in

Certified Scheme

PA with condition that the property is part of a certified, named scheme.
(Similar to the Fonterra legal opinion)

Controlled Activity

Reserve control over

- list of things e.g. sediment traps setbacks from rivers
- if chose none of these things you could be shifted to next category

Consent duration and business certainty and how to manage the 'allocation decision point' that we still don't know?

Grant relatively long term consents (20 years?)

Rely on consent review clause

Options

1. When N allocation comes in perhaps this simply acts as 'fair' warning that actions on farm have to change significantly. Possible that the farm will no longer be viable
2. Review clause means actions have to be changed within 2 years

(need legal opinion about use of review clauses – how far can they go? i.e. not derogate the ability to keep farming)

Guidance for what actions are written into the property plans

Need certified person, need policy guidance

High risk

- Policy guidance
- Class 6e and above in general no winter grazing of animals > weight heavy stock

Tools

- Also refer to menus
- Land managers hand book
- Also Whatawhata AgResearch people

And

- Get specific about training and auditing

What does certification mean?

Put this in a method?

(could we get Theresa and Adrian to describe the process needed for the method to be drafted?)

Phosphorous hotspots/Tukituki plan change

- Schedule of actions – not really, just a clause saying “assessment of risks on farm from sediment”
- Also see Richard McDowell AgResearch evidence to tukituki

Certification

There are courses around, will need to require it in rules.

Highest risk

- More effort needs to be made
- Complex, costly changes to farm systems may mean farm is no longer viable.
- Risk framework for all four contaminants
 - Special process for that farm

Do we know enough to know where those properties are now?

Yes we know enough

There are some hotspots in Waipa plan, but I don't see that those farmers will have to exit.

If identify what your land is discharging now and that land is retired and keep the credits.

If farmer wanted to future proof now, they could get a consent to set N for their property and offset on another property but how can we future proof it RMA plan changes.

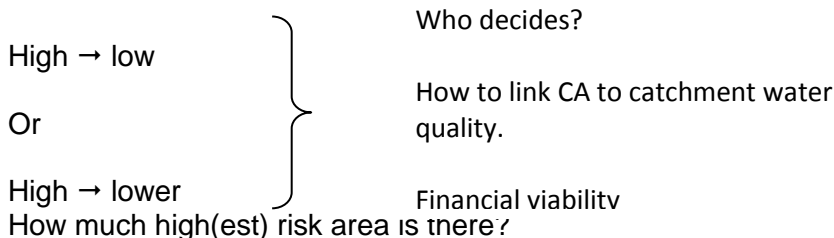
In a high risk location, should there be a higher scrutiny of

- what happens on that land
- whether they can keep farming at all
- what assistance is available

→ Get a lot of information (special committee) might be for people who are likely to not be able to mitigate their farmers

- exit these people at least cost and at most dignity
- looking to have farming in some places change radically
- might be put in a special category
- costs are borne by whole community

Risk



Catchment of lakes?

Red areas in sediment maps (Reece Hill)

→Do all the farms at same time and have common expiry date

N Risk

Taking down high risk emitters

N loss – Overseer and will depend on soil and rainfall

N surplus – Overseer and difference between inputs and outputs (is avail for leaching)

Seventy fifth percentile

Industry average used?

How long will it take to get round all dairy farmers?

Rule

This is the number – could use the dairy sector number for now

If you are over this number you have x years to come down to the number

Or

Use N load map

Fair warning about no grandparenting future and benchmarking

Clear policy that won't protect existing infrastructure