

IN THE ENVIRONMENT COURT  
AT AUCKLAND

ENV-2020-AKL-000087

I MUA I TE KOOTI TAIAO O AOTEAROA  
TĀMAKI MAKĀURAU

IN THE MATTER of the Resource Management Act 1991

A N D

IN THE MATTER of an appeal pursuant to clause 14(1) of the First  
Schedule of the Act

BETWEEN HORTICULTURE NEW ZEALAND

*Appellant*

A N D WAIKATO REGIONAL COUNCIL

*Respondent*

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**NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS**

Section 274 Resource Management Act 1991

29 September 2020

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169 London Street  
PO Box 447  
Hamilton  
Telephone: 07 858 0815  
Email: [ljeffries@fedfarm.org.nz](mailto:ljeffries@fedfarm.org.nz)  
Solicitor acting: Nikki Edwards /  
Laura Jeffries

To: The Registrar  
Environment Court  
Auckland

Federated Farmers of New Zealand Inc ("**Federated Farmers**") wishes to be a party to the following proceedings:

**Horticulture New Zealand v Waikato Regional Council**  
**ENV-2020-AKL-000087**

Federated Farmers made a submission about the subject matter of the proceedings.

Federated Farmers is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

Federated Farmers is interested in all of the proceedings.

1. Federated Farmers represents farmers in the Waikato and Waipā Rivers Catchment.
2. Federated Farmers has appealed the decision to on Proposed Waikato Regional Council Plan Change 1 – Waikato and Waipā River Catchments ("**PC1**"), as amended by the Hearing Panel, in its entirety, i.e. the decision as it relates to the introduction and all of the objectives, policies, methods, rules, definitions and schedules.
3. Federated Farmers supports sustainable management of resources and the use of regulatory and non-regulatory measures to maintain or enhance water quality, and to restore and protect the health and wellbeing of the Waikato and Waipā Rivers. However, Federated Farmers considers that the regulatory and non-regulatory methods proposed in PC1 do not appropriately give effect to the relevant higher order documents, have not appropriately balanced environmental, economic, social and cultural considerations, and are not the most efficient and effective means of achieving the objective of the plan change.
4. Federated Farmers is interested in all the issues raised by the Appellant.
5. Federated Farmers supports in part and opposes in part the relief sought by the Appellant.

6. Without limiting the generality of the above, an explanation of the issues that Federated Farmers has particular interest in is set out in **Appendix A**.
  
7. Federated Farmers agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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N J Edwards / L F Jeffries

Counsel for Federated Farmers

Date: 29 September 2020

Address for service: PO Box 447, Hamilton 3240

Telephone: 07 858 0815

Fax/email: [ljeffries@fedfarm.org.nz](mailto:ljeffries@fedfarm.org.nz)

Contact person: Laura Jeffries

## APPENDIX A

Provision Appealed	Reasons for Appeal	Relief Sought by Appellant	Support/Oppose	Reason
<b>Policies</b>				
<b>Policy 3</b>	<p>Clause c. ii. has been amended for consistency with clause c. i. and to reflect the wording in Schedule B.</p> <p>This requirement has been deleted because of the effect it has on the discretionary consent pathway. Under the pathway commercial vegetable growers are required to grow within a cap. Therefore they should not always be required to offset/compensate.</p> <p>The relevance or not of offsetting or compensation for a particular proposed activity remains a relevant assessment matter via Policy 5.</p>	<p><b>Amend Policy 3 as follows</b></p> <p>...</p> <p>c. ii. The Nitrogen Leaching Loss Rate associated with each commercial vegetable production <del>rotation based</del> <u>upon the highest modelled annual nitrogen leaching loss, across the maximum land area, that occurred during a single year (being 12 consecutive months) within the reference period from 1 July 2006 to 30 June 2016</u> ; and</p> <p>...</p> <p><del>d. Offsetting or compensation being proposed for commercial vegetable production activity in accordance with Policy 5.</del></p>	Support in part	Federated Farmers considers that an appropriate timeframe ought to be provided for all farming activities to calculate the NLLR (based on their particular circumstances).
<b>Policy 6</b>	Amended to align with the responsibilities set out Schedules D and E.	<p><b>Amend Policy 6 as follows:</b></p> <p>Encourage sector schemes to enable greater efficiency in the preparation, implementation and monitoring of Farm Environment Plans through the provision of: <u>existing industry frameworks</u>, education, information, coordination, technical and professional assistance for <del>property owners</del> <u>applicants or operators</u>, as well as <u>preparation</u>, monitoring, <del>and</del> reviewing <u>and auditing</u> of the Farm Environment Plan through the certified sector scheme so as to better achieve the objectives of this Chapter.</p>	Support in part	Federated Farmers considers the proposed wording aligns better with other provisions in the plan.
<b>Methods</b>				
<b>Method 3.11.3.5</b>	Amended to align this method with the changes to Policy 6.	<p><b>Amend Method 3.11.3.5 as follows:</b></p> <p>Waikato Regional Council will <u>in conjunction with certified sector schemes where available:</u></p>	Support	Federated Farmers encourages Waikato Regional Council to work in conjunction with certified sector schemes where this is possible.

<b>Rules</b>				
<b>Rule 3.11.4.2 Interim Permitted Activity – Farming prior to obtaining consent</b>	Amended to align with the amendments proposed to other rules.	<b>Amend Rule 3.11.4.2 as follows:</b> Except as permitted by Rule 3.11.4.1 or 3.11.4.3, or as regulated by Rule 3.11.4.9, <u>any diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto land associated</u> with the use of land for farming, <del>including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land</del> in circumstances which may result in those contaminants entering water is a permitted activity until the relevant Application Date specified in Table 3.11-3, subject to the following condition:	Support in part Oppose in part	In principle, Federated Farmers considers that the rule sought to be framed as land use rules or hybrid land use/discharge rules rather than discharge rules. However, Federated Farmers understands that the issues facing CVP are slightly different compared with other farming activities due to the need to rotate crops. Federated Farmers considers that a discharge rule may more appropriately deal with this activity but is concerned about the consequential effects for other land uses. It may be that a separate rule is more appropriate to provide for crop rotations (as was proposed in Federated Farmers' submission on PC1).
<b>Rule 3.11.4.4 – Controlled Activity Rule – Moderate intensity farming</b>	The Rule does not link the farming activity to the land that was being farmed over the baseline period – 2006 – 2016. The commercial vegetable production rule (3.11.4.5) has the clear link to the period whereas Rule 3.11.4.4 does not. The addition to the rule avoids the possibility that this activity occurs on areas not previously farmed, which was not what was intended by the 'hold the line' regime. The addition also recognises that the wording from the commercial vegetable production rule should be replicated in the moderate intensity farming rule.	<b>Amend Rule 3.11.4.4 as follows:</b> ... 1. The property is registered with the Waikato Regional Council if required by and in conformance with Schedule A <u>or A1</u> ; and ... <u>4. The following information, relating to the land used by the applicant for farming in the period 1 July 2006 to 30 June 2016, is provided to the Waikato Regional Council at the time of the resource consent application:</u> <u>a. The total, maximum area (hectares) of land used for farming for any full year;</u> <u>and</u> <u>b. In relation to the particular year identified in a) above, the maximum areas (hectares) of land used for farming and their locations, per sub-catchment [refer to Map 3.11-2]; and</u>	Oppose	Federated Farmers considers the proposed amendments to be unnecessary due to the differences in the approach of the rules.  The baseline period for CVP is important to understand the land use because of the moving nature of CVP activities. This is unnecessary for other farming activities which is more static.
<b>Rule 3.11.4.5 Controlled Activity Rule – Existing</b>	These additional words and amendments ensure that commercial vegetable rotations	<b>Amend Rule 3.11.4.5 as follows:</b> <del>The use of land for commercial vegetable production including a</del> Any	Support	Federated Farmers considers the amendments appear to better reflect CVP operations.

<p><b>commercial vegetable production</b></p>	<p>are covered by the rule. The CVP activity is better authorised by discharge consent (s15). It is clear from the decision that rotations were intended to be covered. There is a new Schedule A1 for commercial vegetable production.</p> <p>In the matters of control: Where the activity is managed by a certified sector scheme, the procedures for reviewing and auditing FEPs should be set by the certified sector scheme.</p> <p>The deletion of the last matter of control is because the NLLR for commercial vegetable production is at the operational level not at the property level and the onus should not be on the current activity to identify the NLLR and procedures and limitation to be applied for a future activity.</p>	<p><del>associated</del> diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens <u>associated with the use of land for commercial vegetable production</u> into water or onto or into land in circumstances which may result in those contaminants entering water, is a controlled activity subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The property <u>and any property changes through rotations are is</u> registered with the Waikato Regional Council if required by and in conformance with Schedule A1; and</li> <li>2. A Nitrogen Leaching Loss Rate is produced for the property <u>and any property changes through rotations</u> in conformance with Schedule B; and</li> <li>3. The following information, relating to the land <del>used by the applicant</del> for commercial vegetable production in the period 1 July 2006 to 30 June 2016, is provided to the Waikato Regional Council at the time of the resource consent application: <ol style="list-style-type: none"> <li>a. The total, maximum area (hectares) of land used for commercial vegetable production for any full year; and</li> <li>b. <del>In relation to the particular year identified in a) above, t</del><u>d. is updated to reflect any property changes through rotations; and</u></li> </ol> </li> </ol> <p>Waikato Regional Council reserves control over the following matters:</p> <p>...</p> <ol style="list-style-type: none"> <li>x. Procedures for reviewing, amending and re-approving the Farm Environment</li> </ol>		
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		<p>Plan <del>unless managed under a certified sector scheme.</del></p> <p><del>xi. The procedures and limitations, including Nitrogen Leaching Loss Rate, to be applied to land that leaves the commercial vegetable growing activities.</del></p>		
<p><b>Rule 3.11.4.7 – Discretionary Activity Rule – Farming in a collective, high intensity farming, and farming not otherwise authorised</b></p>	<p>The CVP activity component of a collective farming activity is better authorised by discharge consent (s15).</p> <p>These changes will enable rotations for commercial vegetable growers in a collective.</p>	<p><b>Amend Rule 3.11.4.1 as follows:</b></p> <p><del>The Any diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens into water or onto land associated with the use of land for farming including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land</del> in circumstances which may result in those contaminants entering water is a discretionary activity only if one or more of the following circumstances apply:</p> <p>...</p> <p>Subject to the following conditions:</p> <p>1. The property is registered with the Waikato Regional Council if required by and in conformance with Schedule A <del>or A1</del>; and</p>	Support in part	<p>While Federated Farmers considers that land use (or hybrid) rules may be more appropriate, it can see why CVP seeks a discharge rule to provide for crop rotations. Federated Farmers considers that it may be more appropriate to provide for this with a separate discharge rule (i.e. so there is both a land use / hybrid rule for the use of the land and a discharge rule that enables consents to be transferred to provide for crop rotations).</p>
<p><b>Rule 3.11.4.8 – Discretionary Activity Rule – Commercial vegetable production expansion</b></p>	<p>The CVP activity is better authorised by discharge consent (s15).</p> <p>The original table presented in evidence for the Block 3 hearings included 23 sub-catchments. This was the minimum area required to meet future demand for fresh vegetables based on population growth projections and reflected a 1% increase to N load per sub-catchment. The Panel's reasons for the reduction in the number of sub-catchments is not opposed, but the remaining area of land in the Decisions Version of Table 1 is insufficient to meet the</p>	<p><b>Amend Rule 3.11.4.8 as follows:</b></p> <p><del>The use of land for commercial vegetable production on land which is additional to that regulated by Rule 3.11.4.5, including a</del>Any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens associated with the use of land for commercial vegetable production, <del>which is additional to that regulated by Rule 3.11.4.5,</del> into water or onto or into land in circumstances which may result in those contaminants entering water, is a discretionary activity subject to the following conditions:</p> <p>1. The property is registered with the Waikato Regional Council if required by and in conformance with Schedule A<del>1</del>; and</p> <p>...</p>	Oppose	<p>Federated Farmers considers that the Decisions Version of Rule 3.11.4.8 is more appropriate.</p>

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

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

The application dates are not relevant for new activities.

3. A Farm Environment Plan:

...

~~6. is provided to the Waikato Regional Council by the relevant Application Date specified in Table 3.11-3; and~~

...

~~5. The land for which consent is sought must be located entirely within the sub-catchments specified in Table 1 below; and The N leaching is low or moderate according to Schedule B, Table 1; or~~

~~6. Where the N leaching is high the land for which consent is sought must be entirely located entirely within the subcatchments specified in Table 1 below on LUC 1 and/or 2 land; and~~

~~7. The total area of land for which consent is sought must not, in combination with any extant resource consents, exceed the maximum sub-catchment area limits specified in Table 1 below.~~

Sub-catchment number and name	EMU	Area limits of land for Commercial Vegetable Production use per sub-catchment (hectares)
<del>23 Kiriikiriroa</del>	<del>Central Waikato</del>	<del>4.3</del>
<del>29 Manapouia</del>	<del>Central Waikato</del>	<del>28.2</del>
<del>27 Waikato at Bridge St Br</del>	<del>Central Waikato</del>	<del>20.3</del>
<del>25 Waikato at Horotiu Br</del>	<del>Central Waikato</del>	<del>18.4</del>
<del>32 Karapiro</del>	<del>Central Waikato</del>	<del>18.4</del>
<del>30 Manakopukutuku</del>	<del>Central Waikato</del>	<del>14.4</del>
<del>35 Manawhoro</del>	<del>Central Waikato</del>	<del>22.3</del>
<del>1 Manawhoro</del>	<del>Lower Waikato</del>	<del>3.6</del>
<del>7 Oharewa</del>	<del>Lower Waikato</del>	<del>5</del>
<del>11 Ohaupia</del>	<del>Lower Waikato</del>	<del>15.2</del>
<del>9 Waikato at Mercer Br</del>	<del>Lower Waikato</del>	<del>107.6</del>
<del>6 Waikato at Port Waikato</del>	<del>Lower Waikato</del>	<del>73.8</del>
<del>4 Waikato at Tuakau Br</del>	<del>Lower Waikato</del>	<del>28.6</del>
<del>20 Waikato at Huntly-Tainui Br</del>	<del>Lower Waikato</del>	<del>84.2</del>
<del>44 Little Waipa</del>	<del>Upper Waikato</del>	<del>83.9</del>
<del>45 Pokenuhenua</del>	<del>Upper Waikato</del>	<del>185.1</del>
<del>41 Waikato at Karapiro</del>	<del>Upper Waikato</del>	<del>258.9</del>
<del>21 Firewood</del>	<del>Waipa</del>	<del>6.6</del>
<del>24 Waipa at Wainoro Rd Br</del>	<del>Waipa</del>	<del>42.8</del>
<del>63 Manapouewa</del>	<del>Waipa</del>	<del>37.2</del>
<del>38 Manapoua</del>	<del>Waipa</del>	<del>163.5</del>
<del>63 Manapoua</del>	<del>Waipa</del>	<del>58.5</del>
<del>61 Manapoua</del>	<del>Waipa</del>	<del>14.4</del>
<del>55 Manapoua</del>	<del>Waipa</del>	<del>18.6</del>
<del>47 Manapoua</del>	<del>Waipa</del>	<del>40</del>
<del>42 Manapoua</del>	<del>Waipa</del>	<del>41.8</del>
<del>40 Puniu at Barton's Corner Rd Br</del>	<del>Waipa</del>	<del>145.3</del>
<del>43 Waipa at Pironeia-Neutunui Rd Br</del>	<del>Waipa</del>	<del>273.8</del>
<del>60 Waipa at Otewa</del>	<del>Waipa</del>	<del>50.9</del>
<del>51 Waipa at Oteohanga</del>	<del>Waipa</del>	<del>81.3</del>
<del>46 Waitomo at SH31 Oteohanga</del>	<del>Waipa</del>	<del>10.2</del>

<p><b>Rule 3.11.4.9 – Non-Complying Activity Rule – Land use change</b></p>	<p>The amendment to this rule ensures that any activity not provided for by the rules is non-complying, rather than only applying to specific commercial vegetable production and dairy activities.</p>	<p><b>Amend Rule 3.11.4.9 as follows:</b>  Notwithstanding any other rule in this Plan, <del>the following changes in the use of land are any activity not otherwise covered by these rules is a non-complying activity</del>ies:  <del>1. Any change in the use of land to commercial vegetable production that, either itself or in combination with any extant resource consents, is not regulated by Rule 3.11.4.5 and does not meet the conditions of Rule 3.11.4.8.</del>  <del>2. Any of the following changes in land use within a property, where the change exceeds a cumulative net total of 4.1 ha from that which was occurring at 22 October 2016:</del>  <del>a. woody vegetation to farming; or</del>  <del>b. any land use to dairy farming.</del></p>	<p>Oppose</p>	<p>Federated Farmers opposes a “catch all” non-complying rule. While not specifically referring to land use change, the effect of the proposed amendment is that land use will continue to be non-complying. Federated Farmers considers land use change for all farm activities (except commercial vegetable production) ought to be a discretionary activity.</p>
<p><b>Schedule A – Registration with Waikato Regional Council</b></p>	<p>Amend heading to reflect new Schedule A1.</p>	<p><b>Amend Schedule A as follows:</b>  Schedule A – <del>Pastoral Farming</del>  Registration with Waikato Regional Council</p>	<p>Support in part</p>	<p>While Federated Farmers considers there may be merit in having a different registration process/requirements for pastoral farming compared with CVP, Federated Farmers is concerned that this still ensures all relevant and appropriate information is provided.</p>
<p><b>New Schedule A – Commercial Vegetable Production Registration with Waikato Regional Council</b></p>	<p>Insert a new Schedule A1 to reflect the fact that commercial vegetable production has different characteristics from pastoral farming.</p>	<p><b>Insert new Schedule A1:</b>  <u>Schedule A1 – Commercial Vegetable Production Registration with Waikato Regional Council</u>  <u>All properties used for commercial vegetable production must be registered with the Waikato Regional Council in the following manner:</u>  <u>1. Registration information set out in Clause 4, and where relevant in Clause 5, below must be provided.</u>  <u>2. Proof of registration must be provided to the Waikato Regional Council within 7 working days of a request by Waikato Regional Council being made.</u>  <u>3. Registration information must be updated:</u>  <u>a. Where a property changes hands, within 30 working days of the new</u></p>	<p>Support in part</p>	<p>While Federated Farmers considers there may be merit in having a different registration process/requirements for pastoral farming compared with CVP, Federated Farmers is concerned that this still ensures all relevant and appropriate information is provided.</p>

		<p><u>occupier taking possession of the property, or</u>  <u>b. At the request of the Waikato Regional Council.</u>  <u>4. All commercial vegetable production activities must provide the following information:</u>  <u>a. in respect of the property owner, and the person responsible for using the land (if different from the property owner):</u>  <u>i. Full name.</u>  <u>ii. Trading name (if applicable, where the owner is a company or other entity).</u>  <u>iii. Full postal and email address.</u>  <u>iv. Telephone contact details.</u>  <u>b. Legal description and certificate(s) of title references (computer freehold registers) for the maximum hectares of land used by the commercial vegetable production for any full year in the period 1 July 2006 to 30 June 2016, including:</u>  <u>a. The total, maximum area (hectares) of land used for commercial vegetable production for the full year selected; and</u>  <u>b. the maximum areas (hectares) of land used for commercial vegetable production and their locations, per sub-catchment;</u>  <u>c. Physical address of the property(s).</u>  <u>5. Where properties graze livestock, a map must be provided showing the location of:</u>  <u>a) property boundaries; and</u>  <u>c) Waterbodies listed in Schedule C for stock exclusion within the property boundary and fences adjacent to those water bodies; and</u>  <u>d) Livestock crossing points over those water bodies and a description of any livestock crossing structures.</u></p>		
<p><b>Schedule B – Nitrogen leaching loss rate for FMUs</b></p>	<p>Amended to be consistent with Policy 3.</p>	<p><b>Amend Schedule B as follows:</b>  3. A Nitrogen Leaching Loss Rate established via an alternative, approved model.</p>	<p>Support in part</p>	<p>In principle, Federated Farmers supports a “whole farm” approach but reserves its position on this while the implications of such an approach</p>

		<p>...</p> <p>c. ...</p> <p>i. for commercial vegetable production the Nitrogen Leaching Loss Rate shall be based on the highest modelled annual nitrogen leaching loss <u>across the total maximum land area</u> that occurred during a single year (being 12 consecutive months) within the reference period from 1 July 2006 to 30 June 2016; or</p> <p>ii. for any land use approved under Rule 3.11.4.9, the Nitrogen Leaching Loss Rate shall be determined <u>by a Certified Farm Nutrient Advisor</u> and submitted through the resource consent process.</p>		(including at a farm level, grower level, sub-catchment, FMU and regional level) are not clear.
<b>Schedule C – Minimum farming standards</b>	Amended to add clause 10 as commercial vegetable production is excluded from the cultivation setback requirements.	<b>Amend Schedule C as follows:</b> Exclusions: Clauses 6, <del>and 7</del> <u>and 10</u> do not apply to commercial vegetable production.	Oppose	Federated Farmers considers CVP ought to be subject to appropriate cultivation setbacks (with the ability to tailor those through FEPs as is proposed for farmers).
<b>Schedule D1 – Requirements for Farm Environment Plans for farming under Rule 3.11.4.3</b>	<p><b>Part A</b> This change allows a map or aerial photo as an FEP, not just a digital FEP (D1) or GIS digital FEP (D2).</p> <p><b>Part C, Clause 2</b> Change for clarity.</p> <p><b>Part D, Clause 1</b> The change inserts the HortNZ Code of Practice into Schedule D1 as an accepted Industry Standard Code of Practice in order to be appropriately included as a specified sector specific on-farm practice booklet.</p> <p><b>Part E and F</b> The addition allows an appropriately qualified Certified sector scheme to review the FEP rather than requiring only</p>	<p><b>Amend Schedule D1 as follows:</b></p> <p><b>Part A</b> An FEP must be submitted to Waikato Regional Council using either: a. A <u>map, aerial photo, or</u> council digital FEP tool, that includes the matters set out in Part C below to the relevant extent; OR b. A <u>map, aerial photo or</u> industry digital FEP tool capable of recording information consistent with the council data exchange specifications that includes the matters set out in Part C below to the extent relevant</p> <p><b>Part C, Clause 2</b> 2. Description of whole farm management practices and general requirements: a) Identification and description of the key characteristics of the farm system including <u>all those</u> inputs, outputs and management practices <u>relevant to the management of diffuse discharges.</u></p>	Support	Federated Farmers supports the amendments proposed for the reasons outlined by the Appellant.

	<p>Certified Farm Environment Planner.</p>	<p><b>Part D, Clause 2</b></p> <p>...</p> <p><u><a href="https://www.hortnz.co.nz/our-work/natural-resources/code-of-practice-for-nutrient-management/">(iii) Horticulture New Zealand's Code of Practice for Nutrient Management. The COP can be found here: https://www.hortnz.co.nz/our-work/natural-resources/code-of-practice-for-nutrient-management/</a></u></p> <p><b>Part E and F</b></p> <p>An FEP shall be reviewed by a Certified Farm Environment Planner <u>or Certified sector scheme</u> who holds a reviewing endorsement (issued by Waikato Regional Council), as follows:</p> <ul style="list-style-type: none"><li>a. Within 12 months of the date that the FEP is required and thereafter at intervals of no more than 3 years;</li><li>b. An FEP shall also be reviewed in the event of any material increase in the intensity of farming.</li></ul> <p>The purpose of the review is to provide an expert opinion as to whether the farming activities on the property are being undertaken in a manner that meets the Part D minimum standards. The results of the review shall be provided to the Waikato Regional Council within 20 working days of the review date.</p> <p>Changes can be made to the FEP without triggering the need for review by a CFEP <u>or Certified sector scheme</u>, provided:</p> <ul style="list-style-type: none"><li>a. The amended FEP continues to comply with the requirements of this schedule</li><li>b. The change to the FEP does not contravene any mandatory requirement of any resource consent held in respect of the property, or any requirement of the Regional Plan that is not already authorised;</li></ul>		
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		<p>c. The nature of the change is documented in writing and made available to any CFEP undertaking a review, or to the Waikato Regional Council, on request.</p>		
<p><b>Schedule D2 – Requirements for Farm Environment Plans for farming that requires consent</b></p>	<p><b>Part A</b> The change allows a map or aerial photo as an FEP, not just a digital FEP (D1) or GIS digital FEP (D2).</p> <p><b>Part C</b> Amended for clarity</p> <p><b>Part E and F</b> The addition allows an appropriately qualified Certified sector scheme to review the FEP rather than requiring only Certified Farm Environment Planner.</p>	<p><b>Amend Schedule D2 as follows:</b></p> <p><b>Part A</b> An FEP must be submitted to Waikato Regional Council using either: 1. A <u>map, aerial photo or</u> council digital FEP tool including the matter set out in Part B below to the extent relevant, with maps and data provided as spatial GIS layers; OR 2. An industry digital FEP tool that: a) Complies with the council’s data exchange specifications; and b) Includes all matters set out in part C – E below to the extent relevant; and c) <del>includes maps and data provided as spatial GIS layers</del> d) has been approved by the Chief Executive of Waikato Regional Council as meeting the criteria in (a) – (c) above.</p> <p><b>Part C</b> ... 3. A map(s) or aerial photo at a scale that clearly shows: a. The property boundaries of the land being farmed; b. Land Use Capability (LUC) classes <u>using the Land Use Capability (LUC) Survey Handbook or as determined on a site specific basis by a suitably qualified and experienced practitioner;</u> ... 5. The evidence to demonstrate the Nitrogen Leaching Loss Rate for the <u>farm property</u> in conformance with Schedule B where applicable.</p> <p><b>Part E and F</b></p>	<p>Support in part Oppose in part</p>	<p>Federated Farmers supports the amendments to parts A, E and F.</p> <p><b>Part C</b> Federated Farmers opposes the amendments proposed by the Appellant and considers that paragraph 3b ought to be amended so that a map showing the LUC classes is only required “where relevant” and there is no requirement to undertake property scale mapping.</p>

		<p>The FEP shall be reviewed by a Certified Farm Environment Planner <u>or Certified sector scheme</u> for consistency with this schedule:</p> <ol style="list-style-type: none"> <li>1. Within 12 months of the granting of the consent application; and</li> <li>2. In accordance with the review intervals set out in the conditions of the resource consent.</li> </ol> <p>The purpose of the review is to provide an expert opinion whether the farming activities on the property are being undertaken in a manner consistent with the goals and principles set out in Part D of this schedule.</p> <p>The review shall be undertaken by re-assessing the FEP in accordance with the requirements set out in this schedule.</p> <p>The results of the review shall be provided to the Waikato Regional Council, within 20 working days of the review due date.</p> <p>Unless otherwise required by the Waikato Regional Council in accordance with any conditions of the resource consent, changes can be made to the FEP without triggering the need for review by a CFEP <u>or Certified sector scheme</u>, provided:</p> <ol style="list-style-type: none"> <li>1. The farming activity and FEP remain consistent with Parts B, C and D of this schedule.</li> <li>2. The change to the FEP does not contravene any mandatory requirement of the resource consent, or any requirement of the Regional Plan that is not already authorised.</li> <li>3. The nature of the change is documented in writing and made available to any CFEP undertaking a review, or to the Waikato Regional Council, on request.</li> </ol>		
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<p><b>Property</b></p>	<p>This amendment is necessary to ensure commercial vegetable production can rotate across the operation as is intended in Policy 3.</p>	<p><b>Amend the definition of property as follows:</b>  For the purposes of Chapter 3 .11, means, to the extent that the land is within the Waikato and Waipā River catchments shown in Map 3.11-1, one or more allotments contained in single Computer Freehold Register (certificate of title), and also includes all adjacent land that is in common ownership but contained in separate certificates of title, including certificates of title separated only by a road, river or utility corridor, and is a single operating unit for the purpose of management.</p> <p><u>For the purposes of commercial vegetable production, means an enterprise of one or more allotments (whether or not they are contiguous) that are managed as a single operation.</u></p>	<p>Support in part  Oppose in part</p>	<p>Federated Farmers supports the amendment of the definition of property to achieve a farm enterprise approach, however it considers that the same approach should be adopted for all farming activities and not just CVP. Further, in respect of CVP, the appropriate enterprise approach will depend on the approach taken to the rules (e.g. whether they are discharge rules) and elsewhere in the plan.</p>
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