

3.11.3 Policies/Ngā Kaupapa Here

**Policy 1: Land use management ~~Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens/~~Te Kaupapa Here 1:**

**Te whakahaere i ngā rukenga roha o te hauota, o te pūtūtae-whetū, o te waiparapara me te tukumate ora poto**

Manage land use to improve the practices of Farming activities and require achieve reductions in diffuse sub-catchment-wide discharges of nitrogen, phosphorus, sediment and microbial pathogens, by within the catchments and sub-catchments to achieve:

- a. The Short-Term Freshwater Objectives by ~~Enabling activities with a low level of contaminant discharge to water bodies provided those discharges do not increase;~~ and
- i. Timely implementation of Farm Environment Plans and stock exclusion from water bodies; and
  - ii. Establishing a Nitrogen Reference Point for properties, enterprises, sub-catchments or sector schemes; and
  - iii. Identifying Vulnerable land, the appropriate use of it and any mitigating actions; and
  - iv. Providing direction via rules that Farming activities in sub-catchments not meeting the Short-Term Freshwater Objectives will need to improve their practices relative to the water quality improvement required within the sub-catchment as per Table 3.11-1; and
  - v. Providing permitted activity rules for land use activities of low intensity and with a low risk of diffuse discharge of Nitrogen, Phosphorous, Sediment and Microbial pathogens; and
  - vi. Requiring resource consents for activities that do not comply with permitted activity rules.
- b. The 80-Year Freshwater Objectives by ~~Requiring farming activities with moderate to high levels of contaminant discharge to water bodies to reduce their discharges; and~~
- i. Providing direction via rules that Farming activities in sub-catchments not meeting the 80-year Freshwater Objectives will need to improve their practices proportionate to the water quality improvement required within the sub-catchment as per Table 3.11-1; and
  - ii. Providing rules for Farming activities at property, enterprise, sub-catchment or sector schemes level where the activity can demonstrate the achievement of both the Short Term and 80-year Freshwater Objectives within the sub-catchment as listed in Table 3.11-1; and
  - iii. Providing rules to consider land use change at a property, enterprise, sub-catchment or sector schemes scale where the resultant land use facilitates the achievement of the 80-Year Freshwater Objectives within the sub-catchment as listed in Table 3.11-1.

e. Progressively excluding cattle, horses, deer and pigs from rivers, streams, drains, wetlands and lakes.

Policy 2: Tailored approaches to managing reducing diffuse discharges from farming activities/Te Kaupapa Here 2: He huarahi ka āta whakahāngaihia hei whakaiti i ngā rukenga roha i ngā mahinga pāmu

Manage and require reductions in sub-catchment wide diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens from farming activities on properties and enterprises by:

a. Taking a A tailored, risk based approach to managing land use, including adaptive management, to define mitigation actions on the land that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, with the mitigation actions to be specified in a Farm Environment Plan either associated with a resource consent, or in specific requirements established by participation in a Certified Industry Scheme at a property, enterprise, sub-catchment or sector schemes scale will require; and

a. Identification of suitable mitigating actions appropriate to the land, its use, risk assessment and the relevant Freshwater Objectives for the catchment and sub-catchment as determined in Table 3.11-1, such that;

- i. The result of the mitigating actions should be proportional to the scale of improvement required in the sub-catchments water quality; and
- ii. The mitigating actions should reflect best practice methods.

b. Identification of Vulnerable land and the appropriate use of it and any mitigating actions necessary within the property, enterprise, sub-catchment or sector schemes;

Requiring the same level of rigour in developing, monitoring and auditing of mitigation actions on the land that is set out in a Farm Environment Plan, whether it is established with a resource consent or through Certified Industry Schemes; and

c. The implementation of mitigating actions identified in a Farm Environment Plan by specified dates;

Establishing a Nitrogen Reference Point for the property or enterprise; and

d. Farm Environment Plans to;

- i. Set out clear, specific and time framed actions; and
- ii. Take a tailored, risk-based approach to define mitigating actions that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens to address Table 3.11-1; and

- iii. Require monitoring and auditing; and
- iv. Be flexible and able to be updated so that continuous improvement, new technologies and mitigation practices can be adopted, such that where necessary diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens further reduce to address Table 3.11-1; and
- v. Use an appropriate Decision support tool in accordance with Schedule

Requiring the degree of reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens to be proportionate to the amount of current discharge (those discharging more are expected to make greater reductions), and proportionate to the scale of water quality improvement required in the sub-catchment; and

- e. Consent applications at a sub-catchment scale should demonstrate that both the Short Term and 80-Year Freshwater Objectives and Loads as listed in Table 3.11-1 will be achieved by;
  - i. Determining the sub-catchment load limits relating to total nitrogen and total phosphorus; and
  - ii. Providing the calculated contribution to the sub-catchment load from the proposed land use; and
  - iii. Providing mitigating actions and the committed timeframes required to achieve the load limits.

Requiring stock exclusion to be completed within 3 years following the dates by which a Farm Environment Plan must be provided to the Council, or in any case no later than 1 July 2026.

- f. Consent applications at a sector scheme scale should demonstrate that both the Short Term and 80-Year Freshwater Objectives as listed in Table 3.11-1 will be achieved by;
  - i. Providing Farm Environment Plan(s) for all members of a scheme; and
  - ii. Require all Farm Environment Plan(s) to include an identification of Vulnerable land and appropriate use of it, including any mitigating actions necessary within the property; and
  - iii. Providing the calculated contribution to the sub-catchment load from the proposed land use; and
  - iv. Providing mitigating actions and the timeframes required to achieve the load limits.

### Policy 3A: Sector schemes

Enable sector schemes to prepare and monitor the implementation of Farm Environment Plan (s) by requiring the sector scheme manager to report at least annually on the implementation of Farm Environment Plans managed under the scheme.

Policy 4: Land use consent duration Enabling activities with lower discharges to continue or to be established while signalling further change may be required in future/Te Kaupapa Here 4: Te tuku kia haere tonu, kia whakatūria rānei ngā tūmahi he iti iho ngārukenga, me te tohu ake ākuanei pea me panoni anō hei ngā tau e heke mai ana

Manage sub-catchment wide diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, and enable existing and new low discharging activities to continue provided that cumulatively the achievement of Objective 3 is not compromised. Activities and uses currently defined as low dischargers may in the future need to take mitigation actions that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens in order for Objective 1 to be met.

To grant resource consents for Farming activities a term not exceeding 25 years according to the ability of the property, enterprise, sub-catchment or sector scheme to:

- i. Improve the practices of Farming activities to achieve reductions in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens relevant to the water quality improvement required within the sub-catchment as per Table 3.11-1; and
- ii. Apply adaptive management methods to manage the Farming activities including, identified mitigating actions and their associated diffuse discharges.

Policy 5: Staged approach/Te Kaupapa Here 5: He huarahi wāwāhi

To Recognise that: achieving the water quality attribute targets set out in Table 11-1 will need to be staged over 80 years, to minimise social disruption and allow for innovation and new practices to develop, while making a start on reducing discharges of nitrogen, phosphorus, sediment and microbial pathogens, and preparing for further reductions that will be required in subsequent regional plans.

- a. Persons, businesses and communities will need to contribute to achieving the Freshwater Objectives in Table 3.11-1; and
- b. Changes in Farming practices need to start immediately; and
- c. The rate of change will need to be staged over the coming decades to minimise social, economic and cultural disruption and enable innovation and new practices to develop; and
- d. Responding to the reasonably foreseeable effects of climate change will mean that different regulatory and non-regulatory responses may be needed in future; and
- e. When considering resource consents, adaptive management is an appropriate method to include within consent conditions to manage risk(s) when seeking to restore and protect water quality in a staged manner; and

- f. The management of Farming activities and land use change through the stages is best achieved by requiring resource consent applications to include an appropriate assessment of risk and uncertainty based on sound adaptive management criteria.

Policy 6: Restricting land use change/Te Kaupapa Here 6: Te here i te panonitanga ā-whakamahinga whenua

Except as provided for in Policy 16, land use change consent applications that demonstrate an increase in the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens will generally not be granted.

- a. Land use change resource consent applications that demonstrate a clear and enduring decreases in existing diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens the ability of the sub-catchment to achieve the Freshwater Objectives, Targets and Limits (Total Nitrogen and Total Phosphorous) in Table 3.11-1, or otherwise complies with policy 16, shall will generally be granted.
- b. Land use change resource consent applications that cannot demonstrate the ability to achieve the Freshwater Objectives, Targets and Limits (Total Nitrogen and Total Phosphorous) in Table 3.11-1, or comply with Policy 16, shall require close and careful assessment as a Non-Complying Activity.
- c. All applications should demonstrate application of appropriate adaptive management methods.

Policy 8: Prioritised implementation/Te Kaupapa Here 8: Te raupapa o te whakatinanatanga

Prioritise the management of land use and water resources by implementing Policies 2, 3 and 9, and in accordance with the prioritisation of areas set out in Table 3.11-2. Priority areas include:

- a. Sub-catchments where there is a greater gap between the water quality targets<sup>^</sup> in Objective 1 (Table 3.11-1) and current water quality; and
- b. Lakes Freshwater Management Units<sup>^</sup>; and
- c. Whangamarino Wetland. In addition to the priority sub-catchments listed in Table 3.11-2, the 75<sup>th</sup> percentile nitrogen leaching value dischargers will also be prioritised for Farm Environment Plans.

Policy 10: Provide for point source discharges of regional significance/Te Kaupapa Here 10: Te whakataui i ngā rukengai ngā pū tuwha e noho tāpua ana ki te rohe  
When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, provide for the:

- a. Continued operation of regionally significant infrastructure; and
- b. Continued operation and development of regionally significant industry and primary production.

Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges/Te

Kaupapa Here 11: Te whakahāngai i te Kōwhiringa ka Tino Taea me ngā mahi whakangāwari pānga; te karo rānei i ngā pānga ki ngā rukenga i ngā pū tuwha

a. Require any person undertaking a point source discharge of nitrogen, phosphorus, sediment or microbial pathogens to water or onto or into land in the Waikato and Waipa River catchments to adopt the Best Practicable Option\* to avoid or mitigate the adverse effects of the discharge preferably within the same sub-catchment, at the time a resource consent application is decided. Where it is not practicable to avoid or mitigate all adverse effects, an offset measure may be proposed in an alternative location or locations to the point source discharge, for the purpose of ensuring positive effects on the environment to lessen any residual adverse effects of the discharge(s) that will or may result from allowing the activity provided that the:

b. When further considering the appropriateness of an offset, the location(s) of the offset and its ability to offset adverse effects within the receiving sub-catchment also need to be considered.

c. Further considerations include;

- a. i. Primary discharge does not result in any significant toxic adverse effects at the point source discharge location; and
- b. ii. Offset measure is for the same contaminant; and
- c. iii. Offset measure occurs preferably within the same sub-catchment in which the primary discharge occurs and if this is not practicable, then within the same Freshwater Management Unit<sup>^</sup> or a Freshwater Management Unit<sup>^</sup> located upstream, and
- d. Offset measure remains in place for the duration of the consent and is secured by consent condition.

Policy 12: Additional considerations for point source discharges in relation to water quality targets/Te Kaupapa Here

12: He take anō hei whakaaro ake mō ngā rukenga i ngā pū tuwha e pā ana ki ngā whāinga ā-kounga wai

Consider the contribution made by a point source discharge to the nitrogen, phosphorus, sediment and microbial pathogen catchment loads and the impact of that contribution on the likely achievement of **both** the short term **Freshwater Objectives and Loads in Table 3.11-1** targets<sup>^</sup> in Objective 3 or the progression towards the 80-year **Freshwater Objectives and Loads in Table 3.11-1** targets<sup>^</sup> in Objective 1, taking into account:

- a. The relative proportion of nitrogen, phosphorus, sediment or microbial pathogens that the particular point source discharge contributes to the catchment load; and
- b. Past technology upgrades undertaken to model, monitor and reduce the discharge of nitrogen, phosphorus, sediment or microbial pathogens within the previous consent term; and
- c. **Whether it is appropriate** The ability to stage future mitigation actions to allow investment costs to be spread over time and meet the water quality targets<sup>^</sup> specified above; and
- d. ~~The diminishing return on investment in treatment plant upgrades in respect of any resultant reduction in nitrogen, phosphorus, sediment or microbial pathogens when treatment plant processes are already achieving a high level of contaminant reduction through the application of the Best Practicable Option\*.~~

Policy 13: Point sources consent duration/Te Kaupapa Here 13: Te roa o te tukanga tono whakaaetanga mō te pū tuwha

When **considering a consent term for a discharge permit** determining an appropriate duration for any consent granted consider the following matters:

- a. A consent term exceeding 25 years, where the applicant demonstrates the approaches set out in Policies 11 and 12 will be met **The appropriateness of a longer consent duration, where the applicant demonstrates that the discharge is consistent with achieving both the Short-Term and 80-Year Freshwater Objectives for the sub-catchment in Table 3.11-1;** and
- b. The magnitude and significance of the investment made or proposed to be made in contaminant reduction measures and any resultant improvements in the receiving water quality; and
- c. The need to provide appropriate certainty of investment where contaminant reduction measures are proposed (including investment in treatment plant upgrades or land based application technology).

Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned

Māori land/Te Kaupapa Here 16: Te hangore o te tukanga mō te whakawhanaketanga o ngā whenua e whakahokia ai i raro i ngā whakataunga kokoraho o Te Tiriti o Waitangi me ngā whenua Māori kei raro i te mana whakahaere o te takitini

For the purposes of considering land use change applications under Rule 3.11.5.7, land use change that enables the development of tangata whenua ancestral lands **and land returned via Treaty Settlements** shall be managed in a way that recognises and provides for:

- a. The relationship of tangata whenua with their ancestral lands; and
- b. The exercise of kaitiakitanga; and
- c. The creation of positive economic, social and cultural benefits for tangata whenua now and into the future;

Taking into account **the achievement of the Freshwater Objectives**

- i. ~~Best management practice actions for nitrogen, phosphorus, sediment and microbial pathogens for the proposed new type of land use; and~~
- ii. ~~The suitability of the land for development into the proposed new type of land use, reflecting the principles for future allocation as contained in Policy 7, including the risk of contaminant discharge from that land and the sensitivity of the receiving water body; and~~
- iii. ~~The short term targets<sup>^</sup> to be achieved in Objective 3.~~

### 3.11.5 Rules/Ngā Ture

~~3.11.5.1 Permitted Activity Rule – Small and Low Intensity farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ngā mahi iti, ngā mahi pāiti hoki i runga pāmu~~

~~Rule 3.11.5.1 – Permitted Activity Rule – Small and Low Intensity farming activities  
The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity subject to the following conditions:~~

- ~~1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and~~
- ~~2. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and  
Either:~~
- ~~3. The property area is less than or equal to 4.1 hectares; and~~
- ~~4. The farming activities do not form part of an enterprise being undertaken on more than one property; or~~



Where the property area is greater than 4.1 hectares:

5. For grazed land, the stocking rate of the land is less than 6 stock units per hectare; and
6. No arable cropping occurs; and
7. The farming activities do not form part of an enterprise being undertaken on more than one property.

### **Rule 3.11.5.1A Interim Permitted Activity Rule – Farming Activities**

**Farming Activities that will ultimately require resource consent under Rules 3.11.5.4, 3.11.5.6A, 3.11.5.6B, 3.11.5.6C and 3.11.5.6D:**

1. **For the use of land in Priority 1 sub-catchments by 1 July 2020; or**
2. **For the use of land in Priority 2 and Priority 3 sub-catchments by 1 July 2022.**

**Are in the interim permitted activities subject to the following conditions:**

1. **The property is registered with the Waikato Regional Council in conformance with Schedule A; and**
2. **No Commercial vegetable production occurs.**

3.11.5.2 Permitted Activity Rule – **small and low intensity** Other farming activities/Te Ture mō ngā Mahi e Whakaaetiaana – Ētehi atu mahi i runga pāmu

Rule 3.11.5.2 - Permitted Activity Rule – – **small and low intensity** Other farming activities

The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water where the property area is greater than 4.1 hectares, and has more than 6 stock units per hectare or is used for arable cropping, is a permitted activity subject to the following conditions:

1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and

2. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C and Conditions 3(e) and 4(e) of this Rule; and

**3. The Farming activities do not form part of an enterprise or a sector scheme; and**

**4. No Commercial vegetable production occurs; and**

**5. No feedlots or sacrifice paddocks are used on the property; and**

**6. No more than 5% of the land is used for cropping, including winter forage crops; and**

3. **7. Where the property area is less than or equal to 20 hectares: ; and**

a. ~~The farming activities do not form part of an enterprise being undertaken on more than one property; and~~

b. ~~Where the land is:~~

~~i. used for grazing livestock, the stocking rate of the land is no greater than the stocking rate of the land at 22 October 2016; or~~

~~ii. not used for grazing livestock, the land use has the same or lower diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens as the land use at 22 October 2016; and~~

~~c. Upon request, the landowner shall obtain and provide to the Council independent verification from a Certified Farm Environment Planner that the use of land is compliant with either b)(i) or b)(ii) above; and~~

~~d. Upon request from the Council, a description of the current land use activities shall be provided to the Council; and~~

~~e. Where the property or enterprise contains any of the water bodies listed in Schedule C, new fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains).~~

~~4. Where the property or enterprise area is greater than 20 hectares:~~

~~a. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and~~

~~b. The diffuse discharge of nitrogen from the property or enterprise does not exceed either:  
i. the Nitrogen Reference Point; or  
ii. 15kg nitrogen/hectare/year;~~

~~whichever is the lesser, over the whole property or enterprise when assessed in accordance with Schedule B; and~~

~~c. No part of the property or enterprise over 15 degrees slope is cultivated or grazed; and~~

~~d. No winter forage crops are grazed in situ; and~~

~~e. Where the property or enterprise contains any of the water bodies listed in Schedule C:~~

~~i. There shall be no cultivation within 5 metres of the bed of the water body; and~~

~~ii. New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains); and~~

~~5. **8** For all properties greater than 4.1 hectares, from 31 March 2019, in addition to the requirements of Schedule A, the following information must be provided to the Waikato Regional Council by 1 September each year:~~

- ~~a. Annual stock numbers; and~~
- ~~b. Annual fertiliser use; and~~
- ~~c. Annual brought in animal feed.~~

~~3.11.5.3 Permitted Activity Rule — Farming activities with a Farm Environment Plan under a Certified Industry Scheme/Te Ture mō ngā Mahi e Whakaaetia ana — Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu i raro i te Kaupapa ā-Ahumahi kua Whai Tohu~~  
~~Rule 3.11.5.3 — Permitted Activity Rule — Farming activities with a Farm Environment Plan under a Certified Industry Scheme~~

~~Except as provided for in Rule 3.11.5.1 and Rule 3.11.5.2 the use of land for farming activities (excluding commercial vegetable production) where the land use is registered to a Certified Industry Scheme, and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity subject to the following conditions:~~

- ~~1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and~~
- ~~2. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and~~
- ~~3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and~~
- ~~4. The Certified Industry Scheme meets the criteria set out in Schedule 2 and has been approved by the Chief Executive Officer of Waikato Regional Council; and~~
- ~~5. A Farm Environment Plan which has been prepared in accordance with Schedule 1 and has been approved by a Certified Farm Environment Planner, is provided to the Waikato Regional Council as follows:
  - ~~a. By 1 July 2020 for properties or enterprises within Priority 1 sub-catchments listed in Table 3.11-2, and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value;~~
  - ~~b. By 1 July 2023 for properties or enterprises within Priority 2 sub-catchments listed in Table 3.11-2;~~
  - ~~c. By 1 July 2026 for properties or enterprises within Priority 3 sub-catchments listed in Table 3.11-2; and~~~~
- ~~6. The use of land shall be undertaken in accordance with the actions and timeframes specified in the Farm Environment Plan; and~~
- ~~7. The Farm Environment Plan provided under Condition 5 may be amended in accordance with the procedure set out in Schedule 1 and the use of land shall thereafter be undertaken in accordance with the amended plan; and~~
- ~~8. A copy of the Farm Environment Plan amended in accordance with condition (7) shall be provided to the Waikato~~

Regional Council within 30 working days of the date of its amendment.

3.11.5.4 Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme/Te Ture mō ngā Mahi ka āta Whakahaerehia – Ngā mahi i runga pāmu kua whai Mahere Taiao ā-Pāmu kāore i raro i te Kaupapa ā-Ahumahi kua Whai Tohu

Except as provided for in Rule 3.11.5.1 A and Rule 3.11.5.2 the use of land for farming activities (excluding commercial vegetable production) where that land use is not registered to a Certified Industry Scheme, and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted controlled activity until requiring resource consent application(s) to be lodged with the Waikato Regional Council by :

1. 1 July January 2020 for properties or enterprises in Priority 1 sub-catchments listed in Table 3.11-2, and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value; or
2. 1 July 2022 January 2023 for properties or enterprises in Priority 2 and 3 sub-catchments listed in Table 3.11-2;
3. 1 January 2026 for properties or enterprises in Priority 3 sub-catchments listed in Table 3.11-2;

Subject to the following conditions:

4. 3 The provision of information for the property or enterprise sufficient to satisfy is registered with the Waikato Regional Council in conformance with Schedule A; and
5. 4 A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and
5. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and
6. A Farm Environment Plan has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner, and is provided to the Waikato Regional Council at the time the resource consent application is lodged; and
7. The Identification of Vulnerable land and the appropriate mitigating actions has been completed and is included in the Farm Environment Plan.

After the dates set out in 1), 2) and 3) above the use of land shall be a controlled activity (requiring resource consent), subject to the following standards and terms:

- a. A Farm Environment Plan has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner, and is provided to the Waikato Regional Council at the time the resource consent application is lodged by the dates specified in I-III below; and
- b. The property is registered with the Waikato Regional Council in conformance with Schedule A; and
- c. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B and is provided to the Waikato Regional Council at the time the resource consent application is lodged; and
- d. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C.

#### Matters of Control

Waikato Regional Council reserves control over the following matters:

- i. The content of the Farm Environment Plan.
- ii. The actions and timeframes for undertaking mitigation actions that maintain or are necessary to reduce the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens relative to Table 3.11-1 to water or to land where they may enter water.
- iii. The actions, timeframes and other measures to ensure that the diffuse discharge of nitrogen from the property or enterprise, as measured by the five-year rolling average annual nitrogen loss as determined by the use of the current version of OVERSEER®, does not increase above beyond the property properties or enterprise's Nitrogen Reference Point, unless other suitable mitigations are specified.
- iv. Where the Nitrogen Reference Point exceeds the 75th percentile nitrogen leaching value, actions, timeframes and other measures to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75th percentile nitrogen leaching value by 1 July 2026.
- v. The term of the resource consent having regard to Policy 4.
- vi. v. The monitoring, record keeping, reporting and information provision requirements for the consent holder of the resource consent to demonstrate and/or monitor compliance with the Farm Environment Plan.
- vii. vi The timeframe and circumstances under which the consent conditions may be reviewed or the Farm Environment Plan shall be amended.
- viii. vii Procedures for reviewing, amending and re-approving the Farm Environment Plan.

#### Dates:

- I. For Priority 1 sub-catchments, and properties with a Nitrogen Reference Point of greater than 75th percentile nitrogen leaching value, by 1 July 2020
  - II. For Priority 2 sub-catchments, by 1 July 2023
  - III. For Priority 3 sub-catchments, by 1 July 2026
- Notification:

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

3.11.5.6 **A** Restricted Discretionary Activity Rule – The use of land for farming activities/Te Ture mō ngā kōwhiringa mahi e herea ana – te whakamahinga o te whenua mō ngā mahinga pāmu

Rule 3.11.5.6**A** - Restricted Discretionary Activity Rule – The use of land for farming activities on a property or an enterprise

The use of land for farming activities on a property or enterprise that does not comply with the conditions, standard or terms of Rules 3.11.5.2 4 to 3.11.5.4 5 and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a restricted discretionary activity (requiring resource consent).

Subject to the following conditions:

1. The provision of information for the property or enterprise sufficient to satisfy Schedule A; and
2. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and
3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and
4. The provision of a Farm Environment Plan that has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner; and
5. The Identification of Vulnerable land, the appropriate use of it and any mitigating actions has been completed and is included in the Farm Environment Plan; and
6. The provision of adaptive management methods to manage the Farming activities, including identified mitigating actions.

Waikato Regional Council restricts its discretion over the following matters:

- ~~i. Cumulative effects on water quality of the catchment of the Waikato and Waipa Rivers.~~
- ii. i. The diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens **The ability of the relevant sub-catchment to achieve the Freshwater Objectives. Targets and Limits in Table 3.11-1.**
- iii. ii The need for and the content of a **appropriateness of the mitigating actions proposed in the Farm Environment Plan having regard to Policy 2(a).**
- iv. iii The term of the resource consent **having regards to Policy 4.**
- v. iv The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent.
- vi. v The time frame and circumstances under which the consent conditions may be reviewed.
- vii. ~~The matters addressed by Schedules A, B and C.~~

Notification:

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

Rule 3.11.5.6B - Restricted Discretionary Activity Rule – The use of land for farming activities managed at a sub-catchment scale.

The use of land for farming activities in a sub-catchment that does not comply with the conditions, standard or terms of Rules 3.11.5.2 4 to 3.11.5.6A and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in these contaminants entering water is a restricted discretionary activity (requiring resource consent).

Subject to the following conditions:

1. The provision of information regarding the subject land within the sub-catchment sufficient to satisfy Schedule A; and
2. A Nitrogen Reference Point is produced for the sub-catchment in conformance with Schedule B; and
3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and
4. The provision of a Farm Environment Plan(s) that has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner; and
5. The Identification of Vulnerable land, the appropriate use of it and any mitigating actions has been completed and is included in the Farm Environment Plan(s); and
6. The provision of adaptive management methods to manage the Farming activities, including identified mitigating actions.

Waikato Regional Council restricts its discretion over the following matters:

- i. ~~Cumulative effects on water quality of the catchment of the Waikato and Waipa Rivers.~~
- ii. i. The diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens **The ability of the relevant sub-catchment to achieve the Freshwater Objectives, Targets and Limits in Table 3.11-1.**
- iii. ii The need for and the content of a **appropriateness of the mitigating actions proposed in the** Farm Environment Plan **having regard to Policy 2(a).**
- iv. iii The term of the resource consent **having regards to Policy 4.**
- v. iv The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent.
- vi. v The time frame and circumstances under which the consent conditions may be reviewed.
- vii. ~~The matters addressed by Schedules A, B and C.~~

Notification:

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

Rule 3.11.5.6C - Restricted Discretionary Activity Rule – The use of land for farming activities managed at a sector scheme scale.

The use of land for farming activities managed at a sector scheme scale that does not comply with the conditions, standard or terms of Rules 3.11.5.1A to 3.11.5.B and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into

land in circumstances which may result in those contaminants entering water is a restricted discretionary activity (requiring resource consent).

Subject to the following conditions:

1. The provision of information by the properties or enterprises included in the sector scheme sufficient to satisfy Schedule A; and
2. A Nitrogen Reference Point is produced for the properties or enterprises included in the sector scheme in conformance with Schedule B; and
3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and
4. The provision of a Farm Environment Plan(s) that has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner; and
5. The Identification of Vulnerable land, the appropriate use of it and any mitigating actions has been completed and is included in the Farm Environment Plan(s); and
6. The provision of information regarding the sector scheme sufficient to satisfy Schedule 2.

Waikato Regional Council restricts its discretion over the following matters:

i. Cumulative effects on water quality of the catchment of the Waikato and Waipa Rivers.

ii. i. The diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens. **The ability of the relevant sub-catchment to achieve the Freshwater Objectives, Targets and Limits in Table 3.11-1.**

iii. ii The need for and the content of a **appropriateness of the mitigating actions proposed in the** Farm Environment Plan **having regard to Policy 2(a).**

iv. iii The term of the resource consent **having regards to Policy 4.**

v. iv The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent.

vi. v The time frame and circumstances under which the consent conditions may be reviewed.

vii. The matters addressed by Schedules A, B and C.

Notification:

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

3.11.5.7 A Non-Complying Restricted Discretionary Activity Rule – Land Use Change/Te Ture mō ngā mahi kāore e whaii ngā ture – Te Panonitanga ā-Whakamahinga Whenua

Rule 3.11.5.7 A - Non-Complying Restricted Discretionary Activity Rule – Land Use Change



Notwithstanding any other rule in this Plan, any of the following changes in the use of land from that which was occurring at 22 October 2016 within a property, or enterprise or sub-catchment located in the Waikato and Waipa catchments, where prior to 1 July 2026 the change exceeds a total of 4.1 hectares:

1. Woody vegetation to farming activities; or
2. Any livestock grazing other than dairy farming to dairy farming; or
3. Arable cropping to dairy farming; or
4. Any land use to commercial vegetable production except as provided for under standard and term g. of Rule 3.11.5.5

A. Where the resultant land use can demonstrate the ability of the sub-catchment to achieve the Freshwater Objectives, Targets and Limits (Total Nitrogen and Total Phosphorous) as determined for the sub-catchment in Table 3.11-1,

Is a non-complying restricted discretionary activity (requiring resource consent) until 1 July 2026.

Subject to the following conditions;

1. The provision of information regarding the property, enterprise or sub-catchment is sufficient to satisfy Schedule A; and
2. A Nitrogen Reference Point is produced for the resultant land use for the property, enterprise or sub-catchment in conformance with Schedule B; and
3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and
4. The provision of a Farm Environment Plan(s) that has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner; and
5. The Identification of Vulnerable land, the appropriate use of it and any mitigating actions has been completed and is included in the Farm Environment Plan(s); and
6. The provision of adaptive management methods to manage the Farming activities, including identified mitigating actions; and
7. Identification of the current sub-catchment water quality in comparison to the Short-Term and 80-Year Fresh Water Objectives in Table 3.11-1;
8. Identification of the current sub-catchment Loads for Nitrogen and Phosphorous in Table 3.11-1; and

Waikato Regional Council restricts its discretion over the following matters:

- i. The ability of the relevant sub-catchment to achieve the Freshwater Objectives, Targets and Limits as determined in Table 3.11-1 within the dates prescribed.
- ii. The appropriateness of the mitigating actions proposed in the Farm Environment Plan having regard to Policy 2(a).
- iii. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent.
- iv. The time frame and circumstances under which the consent conditions may be reviewed.

Notification:

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

persons, subject to the Council being satisfied that the loss of contaminants from the proposed land use will be lower than that from the existing land use.

Rule 3.11.5.7 **B** - Non-Complying **Restricted Discretionary** Activity Rule – Land Use Change

Notwithstanding any other rule in this Plan, ~~a~~Any of the following changes in the use of land from that which was occurring at 22 October 2016 within a property, or enterprise or **sub-catchment** located in the Waikato and Waipa catchments, where prior to 1 July 2026 the change exceeds a total of 4.1 hectares:

1. Woody vegetation to farming activities; or
2. Any livestock grazing other than dairy farming to dairy farming; or
3. Arable cropping to dairy farming; or
4. Any land use to commercial vegetable production except as provided for under standard and term g. of Rule 3.11.5.5

**A. Where the resultant land use cannot demonstrate the ability of the sub-catchment to achieve the Freshwater Objectives, Targets and Limits (Total Nitrogen and Total Phosphorous) as determined for the sub-catchment in Table 3.11-1, but otherwise satisfies Policy 16;**

Is a non-complying **restricted discretionary** activity (requiring resource consent) until 1 July 2026.

Subject to the following conditions;

1. The provision of information regarding the property, enterprise or sub-catchment is sufficient to satisfy Schedule A; and
2. A Nitrogen Reference Point is produced for the resultant land use for the property, enterprise or sub-catchment in conformance with Schedule B; and
3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and
4. The provision of a Farm Environment Plan(s) that has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner; and
5. The Identification of Vulnerable land, the appropriate use of it and any mitigating actions has been completed and is included in the Farm Environment Plan(s); and
6. The provision of adaptive management methods to manage the Farming activities, including identified mitigating actions; and

Waikato Regional Council restricts its discretion over the following matters:

- i. The ability of the relevant sub-catchment to achieve the Freshwater Objectives, Targets and Limits as determined in Table 3.11-1.
- ii. The appropriateness of the mitigating actions proposed in the Farm Environment Plan having regard to Policy 2(a).
- iii. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent.
- iv. The time frame and circumstances under which the consent conditions may be reviewed.

Notification:

Consent applications will be considered without notification, and without the need to obtain written approval of affected persons, subject to the Council being satisfied that the loss of contaminants from the proposed land use will be lower than that from the existing land use.

Rule 3.11.5.7 C - Non-Complying Activity Rule – Land Use Change

~~Notwithstanding any other rule in this Plan, a~~Any of the following changes in the use of land from that which was occurring at 22 October 2016 within a property, or enterprise or sub-catchment located in the Waikato and Waipa catchments, where prior to 1 July 2026 the change exceeds a total of 4.1 hectares:

1. Woody vegetation to farming activities; or
2. Any livestock grazing other than dairy farming to dairy farming; or
3. Arable cropping to dairy farming; or
4. Any land use to commercial vegetable production except as provided for under standard and term g. of Rule 3.11.5.5

A. Where the resultant land use cannot demonstrate the ability of the sub-catchment to achieve the Freshwater Objectives, Targets and Loads (Total nitrogen and Total Phosphorous) as determined for the sub-catchment in Table 3.11-1, and Policy 16 does not apply;

Is a non-complying activity (requiring resource consent) until 1 July 2026.

If granted consent, the activity must comply with the following requirements, permissions, and conditions;

1. The provision of information regarding the property, enterprise or sub-catchment is sufficient to satisfy Schedule A; and
2. A Nitrogen Reference Point is produced for the resultant land use for the property, enterprise or sub-catchment in conformance with Schedule B; and
3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and
4. The provision of a Farm Environment Plan(s) that has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner; and
5. The Identification of Vulnerable land, the appropriate use of it and any mitigating actions has been completed and is included in the Farm Environment Plan(s); and
6. The provision of adaptive management methods to manage the Farming activities, including identified mitigating actions.
7. Identification of the current sub-catchment water quality in comparison to the Short-Term and 80-Year Fresh Water Objectives in Table 3.11-1;
8. Identification of the current sub-catchment Loads for Nitrogen and Phosphorous in Table 3.11-1; and
9. The ability of the relevant sub-catchment to achieve the Freshwater Objectives, Targets and Limits as determined in Table 3.11-1; and
10. The appropriateness of the mitigating actions proposed in the Farm Environment Plan having regard to Policy 2(a); and

11. Monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent; and
12. The time frame and circumstances under which the consent conditions may be reviewed.

Notification:

Consent applications will be considered without notification, and without the need to obtain written approval of affected persons, subject to the Council being satisfied that the loss of contaminants from the proposed land use will be lower than that from the existing land use.

Rule 3.11.5.6D Discretionary Activity Rule- The use of land for Farming activities that does not comply with the conditions, standards or terms of Rules 3.11.5.2, 3.11.5.4, 3.11.5.6A, B and C is a Discretionary activity (requiring resource consent).

This activity is also subject to the requirements of other relevant rules in the Waikato Regional Plan.

Resource consent applicants must provide evidence in their application to demonstrate how the adverse effects of the proposed activity will be avoided, remedied or mitigated taking into consideration the relevant Objectives and Policies of this Plan.

Schedule B - Decision Support Tools Nitrogen Reference Point/Te Āpitiwhanga B – Te tohu ā-hauota

A property or enterprise or sub-catchment or subject land area managed under a sector scheme with a cumulative area greater than 20 hectares (or any property or enterprise used for commercial vegetable production) must have a Nitrogen Reference Point calculated, either in accordance with a Decision Support Tool that satisfies the criteria in Part A below, or in accordance with Overseer under Part B below.

#### Part A. Decision Support Tool

- a. Any Decision Support Tool shall be prepared by, or under the supervision of a suitably qualified person and meet the criteria in paragraph (b) below.
- b. Decision support tool criteria:
  - i. The model is based on sound science, including:
    - Scientific basis
    - Computational infrastructure
    - Assumptions and limitations
    - Peer review

- ii. The model is managed to ensure quality, including
    - Quality assurance and quality control
    - Data availability and quality
    - Test cases
  - iii. The model's behaviour approximates to the real system being modelled (including the tools and procedures necessary to make this judgment), including:
    - Sensitivity and uncertainty analysis
    - Corroboration of model results with observations
    - Benchmarking against other models
  - iv. The model is appropriate for a specific regulatory application under Chapter 3.11, including:
    - Model resolution
    - Transparency
- c. The calculation report prepared in accordance with the decision support tool shall also include the information required under paragraphs (a.), (b.), (e.), (f.) and (g.) in Part B below.

### Part B. Nitrogen Reference Point.

A property or enterprise with a cumulative area greater than 20 hectares (or any property or enterprise used for commercial vegetable production) must have a Nitrogen Reference Point calculated as follows:

- a. The Nitrogen Reference Point must be calculated by a Certified Farm Nutrient Advisor to determine the amount of nitrogen being leached from the property or enterprise during the relevant reference period specified in clause f), except for any land use change approved under Rule 3.11.5.7 A, B or C where the Nitrogen Reference Point shall be determined through the Rule 3.11.5.7 consent process.
- b. The Nitrogen Reference Point shall be the highest annual nitrogen leaching loss that occurred during a single year (being 12 consecutive months) within the reference period specified in clause f), except for commercial vegetable production in which case the Nitrogen Reference Point shall be the average annual nitrogen leaching loss during the reference period.
- c. The Nitrogen Reference Point must be calculated using the current version of the OVERSEER Model (or any other

model approved by the Chief Executive of the Waikato Regional Council).

d. The Nitrogen Reference Point data shall comprise the electronic output file from the OVERSEER or other approved model, and where the OVERSEER Model is used, it must be calculated using the OVERSEER Best Practice Data Input Standards 2016, with the exceptions and inclusions set out in Schedule B Table 1.

e. The Nitrogen Reference Point and the Nitrogen Reference Point data must be provided to Waikato Regional Council within the period 1 September 2018 to 31 March 2019.

f. The reference period is the two financial years covering 2014/2015 and 2015/2016, except for commercial vegetable production in which case the reference period is 1 July 2006 to 30 June 2016.

g. The following records (where relevant to the land use undertaken on the property or enterprise) must be retained and provided to Waikato Regional Council at its request:

- i. Stock numbers as recorded in annual accounts together with stock sale and purchase invoices;
- ii. Dairy production data;
- iii. Invoices for fertiliser applied to the land;
- iv. Invoices for feed supplements sold or purchased;
- v. Water use records for irrigation (to be averaged over 3 years or longer) in order to determine irrigation application rates;
- vi. Crops grown on the land; and
- vii. Horticulture crop diaries and NZGAP records.

~~Table 1: Data input methodology for ensuring consistency of Nitrogen Reference Point data using the OVERSEER Model~~

*(Drafting Note- Schedule B Table 1 has not been included in full, its deletion in full has been sought in evidence of Dwayne Connell-McKay)*

### **Schedule C - Stock exclusion/Te Āpitihanga C – Te aukatinga o ngā kararehe**

Except as provided by Exclusions I. and II below, stock must be excluded from the water bodies listed in i. to iv. below as follows:

1. The water bodies must be fenced to exclude cattle, horses, deer and pigs, unless those animals are prevented from entering the bed of the water body by a stock proof natural barrier formed by topography or vegetation.
2. New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within

one metre of the bed of the water body (excluding constructed wetlands).

3. Livestock must not be permitted to enter onto or pass across the bed of the water body, except when using a livestock crossing structure.

4. For land use authorised under Rules 3.11.5.1A or 3.11.5.2, clauses 1 and 2 **above** must be complied with:

a. By 1 July **2020** 2023 for properties and enterprises within Priority 1 sub-catchments listed in Table 3.11-2.

b. By 1 July 2026 for properties and enterprises within Priority 2 and Priority 3 sub-catchments listed in Table 3.11-2.

5. For land use authorised under Rules 3.11.5.3, 3.11.5.4, or 3.11.5.5, **3.11.5.6A, 3.11.5.6B or 3.11.5.6C** clauses 1 and 2 must be complied with by the date and in the manner specified in the property's, or enterprise's **or sector schemes** Farm Environment Plan(s), which shall be within 3 years following the dates by which a Farm Environment Plan must be provided to the Council, or in any case no later than 1 July **2025**2026.

Water bodies from which cattle, horses, deer and pigs must be excluded:

- i. Any river that continually contains surface water.
- ii. Any drain that continually contains surface water.
- iii. Any wetland, including a constructed wetland.
- iv. Any lake.

Exclusions:

The following situations are excluded from clauses 1 and 2 **above**:

- I. Where the entry onto or passing across the bed of the water body is by horses that are being ridden or led.
- II. Where the entry onto or passing across the bed of the water body is by a feral animal.

Schedule 2 - Certification of Industry **Sector** Schemes/Te Āpitihanga 2 – Te whakamana i ngā tohu o ngā Kaupapa Ahumahi

The purpose of this schedule is to set out the criteria against which applications to approve an industry scheme will be assessed.

The application shall be lodged with the Waikato Regional Council, and shall include information that demonstrates how the following requirements are met. The Waikato Regional Council may request further information or clarification on the application as it sees fit.

Approval will be at the discretion of the Chief Executive Officer of the Waikato Regional Council subject to the Chief Executive Officer being satisfied that the scheme will effectively deliver on the assessment criteria.

Assessment Criteria

A. Certified Industry Scheme System

The application must demonstrate that the Certified Industry Scheme:

1. Is consistent with:

- a. the achievement of the water quality targets referred to in Objective 3; and
- b. the purposes of Policy 2 or 3; and
- c. the requirements of Rules 3.11.5.3 and 3.11.5.5.

2. Has an appropriate ownership structure, governance arrangements and management.

3. Has documented systems, processes, and procedures to ensure:

- a. Competent and consistent performance in Farm Environment Plan preparation and audit.
- b. Effective internal monitoring of performance.
- c. Robust data management.
- d. Timely provision of suitable quality data to Waikato Regional Council.
- e. Timely and appropriate reporting.
- f. Corrective actions will be implemented and escalated where required, including escalation to Waikato Regional Council if internal escalation is not successful.
- g. Internal quality control.
- h. The responsibilities of all parties to the Certified Industry Scheme are clearly stated.
- i. An accurate and up to date register of scheme membership is maintained.
- j. Transparency and public accountability of Certified Industry Schemes
- k. The articles of the scheme are available for public viewing.

#### B. People

The application must demonstrate that:

- 1. Those generating and auditing Farm Environment Plans are suitably qualified and experienced.
- 2. Auditing of Farm Environment plan requirements is independent of the Farm Environment Plan preparation and approval.

#### C. Farm Environment Plans

The application must demonstrate that Farm Environment Plans are prepared in conformance with Schedule 1.

### **A. Governance and management**

Applications must include:

- 1. A description of the governance arrangements of the Scheme;
- 2. The contractual arrangements between the Scheme and its members;
- 3. A description of the process for gaining and ceasing membership;
- 4. A description of the Scheme area, including land uses, key environmental issues, property boundaries and ownership details of members' properties;
- 5. A procedure for keeping records of the matters in (4) above and advising WRC of changes;

### **B. Preparation of Farm Environment Plans**



Applications must include:

1. A statement of the Scheme's capability and capacity for preparing and certifying Farm Environment Plans that meet the requirements of Schedule 1, including the qualifications and experience of any personnel employed by or otherwise contracted to the Scheme to prepare or certify Farm Environment Plans;
2. An outline of timeframes for developing Farm Environment Plans for its members.

### **C. Implementation of Farm Environment Plans**

Applications must include:

1. A statement of the Scheme's capability and capacity for monitoring and assessing the implementation of Farm Environment Plans, including the qualifications and experience of any personnel employed by or otherwise contracted to the Scheme to monitor or assess implementation of Farm Environment Plans;
2. A description of the expectations and agreements around landowner and property record-keeping;
3. A strategy for identifying and managing poor performance in implementing Farm Environment Plans.

### **D. Audit**

Applications must include a description of an annual audit process to be conducted by an independent body, including:

1. A process for assessing performance against agreed actions in Farm Environment Plans at an individual property level;
2. A statement of how audit results will be shared with the Scheme's members and the wider community;
3. A process for assessing the performance of any personnel employed by or otherwise contracted to the Scheme to prepare, certify, and audit the implementation of Farm Environment Plans.

A summary audit report must be submitted to the Waikato Regional Council at least annually.