

## Summary of national regulations vs Canterbury Land and Water Plan rules

### General introduction

#### Key points

- Determine whether you are applying more than 190kg N/ha/year. If so, you will need to think about starting to transition to 190kg N this season or apply for a consent for a non-complying activity by 1 July 2021.
- When you are working out your winter grazing plan, consider slope, hectares cropped, the required buffer strip and soil type and drainage to minimize pugging to meet the national regulations.
- Be prepared to be involved in future Regional Council planning processes to meet the new water quality requirements.

*Note: this is not a comprehensive summary of rules affecting dairy farmers in the Canterbury regional plan.*

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| Focus area                       | National regulations requirement  | Current regional council rules  | What do I do now?   |
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| <b>Stock exclusion – streams</b> | <p>All dairy cattle (except dairy support cattle) and pigs must be excluded from lakes and rivers more than 1m wide (bank-to-bank) by 1 July 2023, regardless of land slope.</p> <p>All dairy support cattle must be excluded from lakes and rivers more than 1m wide (bank-to-bank) by 1 July 2025, regardless of land slope.</p> <p>Small (non-accord) waterways will be addressed through Farm Plans.</p> <p>Minimum set back of 3 metres, although existing permanent fences will not need to move to comply with riparian setback requirements</p> <p>(Set-back measured from the edge of the bed when water is in full flow).</p> | <p>Already requires dairy cattle to be excluded from lakes and rivers &gt;1m wide, 100mL deep and wetlands, or consent required.</p> <p>No consent granted for stock to access sensitive areas (Rule 5.71)</p> <p>Small (non-accord) waterways addressed through Farm Plans</p> <p>No minimum set back, vegetated riparian margins addressed in Farm Plans.</p> | <p><i>Exclude dairy cattle from lakes and rivers &gt;1m wide, regardless of depth, as well as wetlands.</i></p> <p><b>Existing fences</b> can remain where they are for the lifetime of the fence.</p> <p><b>New fences</b> must be set back <b>3m</b> from water bodies.</p> <p>As the national regulations do not mention ephemeral waterways, we expect these will continue to be addressed through the Farm Planning process.</p> |

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| <b>Stock exclusion – wetlands</b>                                   | <p>Wetlands already identified in a regional or district plan must have cattle, deer, and pigs excluded by 1 July 2023.</p> <p>From 1 July 2025 all stock must be excluded from any natural wetland that is larger than 0.05ha (and any wetland that supports ‘threatened species’.)</p>  | Already requires dairy cattle to be excluded from natural wetlands.   | Existing regional rule more stringent than new regulations so no further action required (stock should already be excluded from wetlands).   |
| <b>Intensification of land use:</b><br><br><b>Consent required.</b> | <p><b><i>Until a regional plan has been notified that complies with the new National Policy Statement – Freshwater Management (NPS-FM), a resource consent is needed for:</i></b></p> <ul style="list-style-type: none"> <li>• increase in irrigated pasture for dairy of more than 10ha</li> <li>• land use change of more than 10ha to dairy</li> <li>• land use change of more than 10ha from forestry or woody vegetation to dairy farming</li> <li>• increase winter forage cropping above the highest annual amount in the previous five years</li> <li>• increase dairy support activities above the highest annual amount in the previous five years</li> </ul> <p>A resource consent will be required for intensification and can only be issued if the council is satisfied the activity will not result in an increase in contaminant load or concentrations of contaminants in the catchment.</p> | Consent required for intensification.   | <p>Intensification of land use is highly controlled under this policy.</p> <p>Regional Councils are working through implications of this policy.</p> <p>If you want to increase the area irrigated or convert land to dairy support or dairy, contact your regional council.</p> |
| <b>Farm plans</b>   | <p>Mandatory and enforceable Freshwater Farm Plans (FW-FP) are provided for through recent RMA amendments.</p> <p>Farm plans will need to be approved by a certifier, audited and delivery will be monitored by regional councils.</p> <p>The mandatory FW-FP module is likely to be phased in, with roll-out in prioritised areas.</p> <p>(This aligns with Dairy Tomorrow sector strategy)</p>  | <p>Mandatory and enforceable Farm Plans for all farms in irrigation schemes or those holding a consent to farm, include farm map, identification of features and schedule of actions.</p> <p>Process for auditing and reporting to regional council is in place</p> | Existing industry plans are likely to be recognised if standards are met.  |

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| <p><b>Standards for intensive winter grazing (IWG)</b></p> <p><b>From winter 2021, if you want to plant above these thresholds or exceed the conditions you will need to get a resource consent.</b></p> | <p><b><i>A consent for winter grazing is required if the following cannot be met.</i></b></p> <ul style="list-style-type: none"> <li>• Intensive winter grazing occurs over less than 50ha or 10% of the farm, whichever is the greater.</li> <li>• The mean slope of the paddock is 10 degrees or less.</li> <li>• Pugging is no deeper than 20cm at any one point and pugging of any depth must cover less than 50% of the paddock.</li> <li>• Buffers between crops and waterways are 5m or more.</li> <li>• Land used for IWG must be replanted as soon as practicable after grazing of forage crop is finished, but no later than 1 October each year (or 1 November in Southland and Otago)</li> <li>• The area being used for winter grazing cannot be greater than the highest annual amount in the previous five years (until the Regional Council has amended the regional plan to meet the new NPS-FM).</li> </ul> | <p>Farm requires consent if</p> <ul style="list-style-type: none"> <li>• Less than 100ha with more than 10ha winter grazing</li> <li>• Between 100 and 1000 ha with more than 10% winter grazing</li> <li>• Over 1000ha with more than 100 ha winter grazing</li> </ul> | <p>Crops sown in spring 2020 should comply with these requirements in anticipation, or a resource consent obtained from 1 May 2021.</p> <p>Consider these factors when you are working out your winter grazing plan so you can meet the national and regional requirements or apply for resource consent.</p> <p>Particularly look at slope, hectares cropped, the required buffer strip and soil type and drainage to minimize pugging.</p> <p>If you do not currently hold a consent &amp; FEP that covers the standards in the left-hand column, you will need to talk to the council about requirements.</p> <p>Check out the <a href="#">‘Break-fed Wintering’ Booklet</a> on the DairyNZ website for top tips and tricks.</p> |

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| <p><b>Standards for stock holding areas (feed pads, winter pads, standoff pads, loafing pads) must be met or consent required from 1 July 2021</b></p> | <p><b><i>Consent required from 1 July 2021 for stock holding areas unless minimum standards are met:</i></b></p> <ul style="list-style-type: none"> <li>• Manage the permeability of the base area so that it is sealed to a minimum permeability standard of 10<sup>-9</sup> m/sec</li> <li>• Collect, store and dispose of effluent in accordance with regional council regulations or a current discharge permit</li> <li>• Situate the stock-holding area at least 50m away from waterbodies, water abstraction bores, drains and coastal marine areas.</li> </ul> | <p>Stock holding areas are permitted, providing following conditions are met:</p> <ol style="list-style-type: none"> <li>1. The stock holding area is not: <ol style="list-style-type: none"> <li>a. within 20m of a surface water body, a bore used for water abstraction or the Coastal Marine Area; or</li> <li>b. within 100m of a pre-existing dwelling or place of assembly on another property; and the stock holding area is not located within a Community Drinking-water Protection Zone as set out in Schedule 1; and</li> </ol> </li> <li>2. All liquid animal effluent, washdown water or stormwater containing animal effluent is collected and disposed of to an animal effluent collection and storage system authorised under Rules 5.33 to 5.37 or an existing discharge permit; and</li> <li>3. The base of any stock holding area located on land over an unconfined or semi-confined aquifer shall be sealed such that seepage into land does not exceed 1mm per day.</li> </ol> | <p>Check you are able to meet the standards in the left-hand column.</p> <p>Otherwise you will need to apply for consent by 1 July 2021.</p> <p>Note: The National regulations requirement on permeability are more stringent than the Environment Canterbury requirement. Talk to ECan about what you need to do.</p> <p>This does not apply to calf rearing facilities</p> |

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| <p><b>Cap on the use of <u>synthetic</u> nitrogen fertiliser</b></p> | <p>Application of synthetic nitrogen fertiliser to land in pastoral land use capped at 190kg N/ha/year from 1 July 2021.</p> <p>From <b>July 2021</b>, all dairy farmers will need to record the tonnages of all <u>synthetic</u> nitrogen fertiliser applied and the area it was applied to. You will then have to report to your regional council on the amount used from the year ending 30 June 2022</p> <p>There are two limits (both of 190kg N/ha/year)</p> <ol style="list-style-type: none"> <li>a. An absolute limit per hectare on pastoral land (i.e. grazed land) not used to grow annual forage crops (i.e. pasture/grass)</li> <li>b. An averaged limit across pastoral land on the farm</li> </ol> | <p>The plan requires that nutrient budgets are prepared and that your FEP describes how nitrogen will be managed to meet nitrogen reduction targets.</p> | <p>This allows for application of a maximum of 190kg N/ha/year averaged across grazed (pastoral) land on a farm, and no more than 190 kg N/ha/year on any hectare of pasture (<b>i.e. it is possible to put more than 190kg N/ha/year on forage crops but only if offset by applying lower amounts on pasture</b>).</p> <p>Farmers that exceed the cap will need to apply for a resource consent. Two options are available:</p> <ol style="list-style-type: none"> <li>1) Consent for a non-complying activity requiring a synthetic nitrogen reduction plan that demonstrates how the applicant will reduce their use of synthetic nitrogen (year by year) so that from the 1 July 2023 their application does not exceed 190 kg N/ha/year.</li> <li>2) Consent for a non-complying activity requiring holder to ensure rate at which nitrogen may enter water as a result of their application of synthetic nitrogen fertiliser does not exceed the rate that would enter water if 190 kg N/ha/year was applied. Maximum term of 5 years.</li> </ol> <p>More information is available (as per the summary under preparation)</p> <p><u>All farmers</u> will need to keep a good record of fertiliser use (amount and location) to report to the regional council.</p> <p>Note that the cap does not apply to land area used for arable (which includes growing maize) or horticultural crops.</p> <p>Determine whether you are applying more than 190kg N/ha/year and do not want to apply for the consent options above, you will need to</p> |
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|  |  |  | think about starting to transition to 190kg N this season. Talk with a trusted advisor to get advice on how to reduce your nitrogen application, if needed.  |
| <p><b>New attributes for the National Policy Statement - Freshwater Management (NPS-FM).</b></p> | <p>The new NPS-FM sets out 22 attributes, some new ones in addition to those in the existing NPS-FM. These include:</p> <ul style="list-style-type: none"> <li>• the amount of periphyton or slime (an indicator of excessive nutrients)</li> <li>• nitrogen toxicity</li> <li>• sediment</li> <li>• fish and macroinvertebrate numbers</li> <li>• plants and algae</li> <li>• the presence of potentially toxic algae and faecal bacteria</li> <li>• requirement to at least maintain current state concentrations of instream dissolved phosphorus.</li> </ul> <p>Most of the attributes have minimum acceptable states, or bottom lines.</p> <p>Regional councils must notify new regional plans to meet these standards by 31 December 2024. Timeframes to meet water quality outcomes can occur <u>over a generation</u> (as defined through the regional policy processes)</p> <p>The majority of streams in dairy catchments have nitrate concentrations below the maximum toxicity level (2.4 g/m<sup>3</sup>). It is estimated that approx. 7% of dairy farmers nationally exceed this, with Canterbury, Southland and Waikato most affected.</p> | <p>Some of these attributes are already in the current plan.</p> <p>The plan sets out nitrate toxicity limits at:</p> <ol style="list-style-type: none"> <li>1. A region-wide level (3.8 mg N/L for spring-fed plains) &amp;</li> <li>2. Zone-by-zone, e.g.: Hinds (6.9 mg N/L for spring-fed plains)</li> </ol> | <p>Be prepared to be involved in future regional council planning processes.</p> <p>Some of the differences between what the current plan requires &amp; what is required under the NES for nitrate toxicity are significant.</p> <p>All regional councils must notify a new regional plan to meet these attributes as soon as reasonably practicable.</p> <p>This will have to include a plan to reduce sediment runoff, and meet higher health standards at swimming spots in addition to the nitrate toxicity limits.</p> |

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| <p><b>Reporting on water usage using electronic means</b></p> | <p>If you have an existing resource consent to take more than 5 litres/second, you will need to measure water use every 15 minutes and provide records to council daily.</p> <p>Reporting is required within 2 years if take more than 20 litres per second; 4 years if take between 10 and 20 litres per second; and 6 years if take more than 5 but less than 10.</p> | <p>Monitoring of usage is covered by resource consent conditions where required.</p> | <p>If you take water at these quantities, explore measurement options.</p> |