

## Summary of national regulations vs Waikato Regional Council rules

### General introduction

Plan change one (PC1) covering the Waikato and Waipa river catchments is currently in the appeals period. DairyNZ and Fonterra have appealed two parts of the plan to the Environment Court; the first to give more detail on the expectations of a FEP, and the second to secure any gains in water quality for the river that are made by dairy farms reducing N loss. We expect that the Environment Court process will take up to 24 months. We do not know if the minimum standards outlined in PC1 will be appealed so it is not yet clear when they will be enforceable.

For the rest of the Waikato region (outside of the PC1 catchments) the national regulations will apply.

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

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Focus area	National regulations requirement	Current regional council rules	What do I do now?
<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>The requirements of PC1 are:</p> <p>Cattle must be excluded from water bodies on land with slope up to 15 degrees. Existing fences do not have to be moved.</p> <p>New fences must be 3m from the outer edge of the bed of any waterbodies. There must be a 1m setback for drains with the bank to bank width greater than 2m. Smaller drains do not need setback.</p>	<p>Maintain current stock exclusion fences on your milking platform.</p> <p>Plan to fence off dairy support cattle from waterways (including drains) by 1 January 2023.</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 0.05 ha (and any wetland that supports ‘threatened species’.)</p>	<p>Your livestock must not enter or cross any water body mapped as a ‘livestock exclusion area’ on Waikato Regional Plan maps.</p> <p>PC1 includes:</p> <p>Cattle must be excluded from any wetlands, including constructed wetlands, greater than 50m<sup>2</sup>.</p>	<p>Check with your regional council to identify any regionally significant wetlands or sensitive water bodies if this has not been identified previously.</p> <p>Plan to fence off cattle from all wetlands greater than 500m<sup>2</sup>. And be prepared to fence of wetlands greater than 50m<sup>2</sup> in the PC1 area.</p>
<p><b>Intensification of land use:</b></p> <p><b>Consent required.</b></p>	<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>	<p>The requirement in PC1 that is <b>currently enforceable</b> is:</p> <p>Any land use change where total land use change is over 4.1ha to a more intense operation from what was occurring at 22 October 2016 for:</p> <ol style="list-style-type: none"> <li>woody vegetation to farming; or</li> <li>any land use to dairy farming</li> </ol>	<p>Intensification of land use is highly controlled under these policies.</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>

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<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>Included in PC1 is:</p> <p>Farm plans will be required by all dairy farms. Schedule D2 covers farms that need a FEP for their consent. We have appealed this as it lacks detail on how these need to be done, and what N reductions are required</p>	<p>Talk to a trusted advisor about creating a farm plan for your farm.</p> <p>Existing industry plans are likely to be recognised if standards are met.</p>
<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>What is in PC1 is:</p> <p>For sacrifice paddocks and winter forage crop grazing:</p> <p>When any land next to waterbodies is being used for winter forage crop (from 1 June to 1 September) or as a sacrifice paddock, an ungrazed vegetated buffer at least 10m in width measured from the edge of the waterbody shall be maintained.</p> <p>No cattle older than 2 years or greater than 400kg lwt are grazed on forage crops on LUC class 6e, 7, or 8 land from 1 June to 1 September.</p>	<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>Check out the <a href="#">‘Break-fed Wintering’ Booklet</a> on the DairyNZ website for top tips and tricks.</p> <p>(In the future, IWG will not require consent if managed under a certified FW-FP, and the effects are no greater than allowed under the minimum standards.)</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 50 metres away from waterbodies, water abstraction bores, drains and coastal marine areas.</li> </ul>	<p>What is in PC1 is:</p> <p>There are no specific requirements, but it is expected that they will be dealt with in an FEP risk-based approach.</p>	<p>Ensure stock holding areas meet the new requirements, or apply for consent from the regional council.</p> <p>Particularly note that the actual pad must be 50 metres away from a water body.</p> <p>This does not apply to calf rearing facilities</p> <p>(In the future, stock holding areas will not require consent if managed under a certified FW-FP, and the effects are no greater than allowed under the minimum standards.)</p>

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<p><b>Cap on the use of synthetic nitrogen fertiliser</b></p>	<p>Application of synthetic nitrogen fertiliser to land in pastoral land use capped at 190 kgN/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>What is in PC1 is:</p> <p>Nitrogenous fertiliser is not applied at rates greater than 30kg N/ha per dressing.</p> <p>No nitrogenous fertiliser is applied during the months of June and July in any year unless the temperature is tested and found to be greater than 10°C within the root zone.</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 190kg 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 190kg 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 190kg 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>



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<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>PC1 includes in-stream targets for some attributes, but not all of the 22 attributes required by the new NPS-FM, and will be required to make an assessment and implement a plan change to address the gaps between the two policies.</p>	<p>Be prepared to be involved in future regional council planning processes.</p> <p>All regional councils must notify a new regional plan to meet these limits by 31 December 2024.</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>