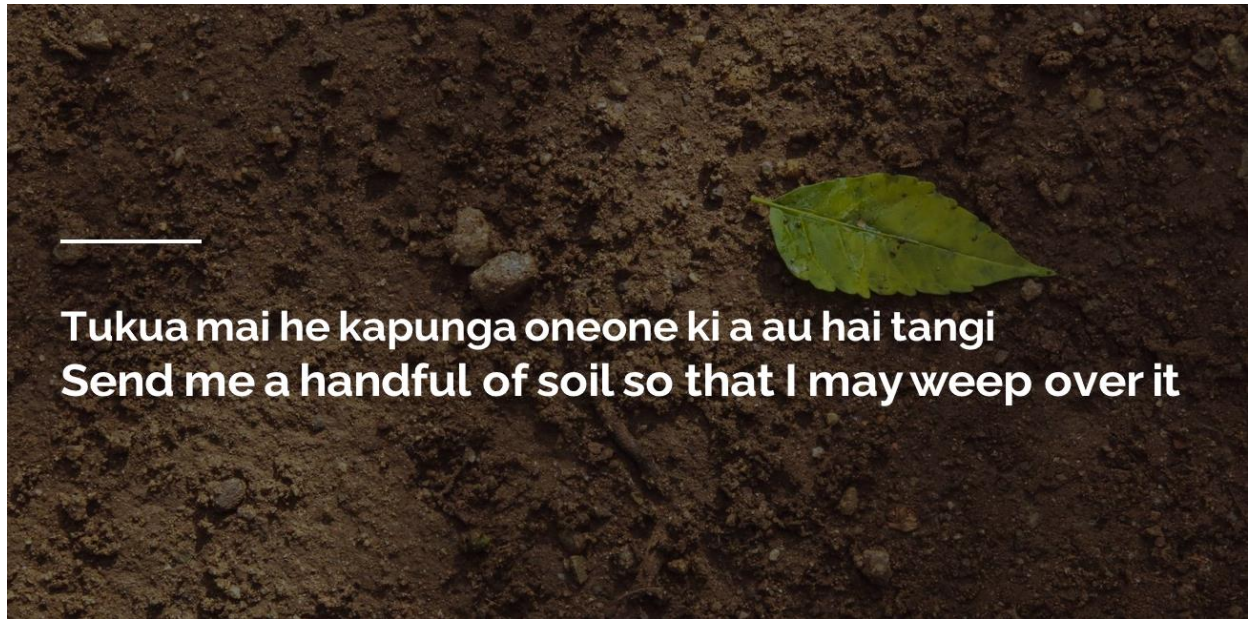


Horizons Regional Council: Regional Regulations



This document is the property of Horizons Regional Council, and the information it contains is correct up until the stated date and version number. Any alterations or modifications to this document by other parties or people are not authorised by Horizons, and Horizons takes no responsibility for any inaccuracies that may result from such changes.

Lesson 1 - Introduction



The aim of Freshwater Farm Plans is to better control the adverse effects of farming on freshwater and freshwater ecosystems. This document will highlight the importance of understanding regional rules and national regulations and how they might apply to farm operations. This document also looks at the role certifiers have in compliance and monitoring.

The content includes:

- A brief description of regional freshwater rules in the Horizons One Plan and how to search for them in the plan and on Horizons' website.
- A brief description of national regulations (NES-F, s360 stock exclusion and water meter telemetry)
- How to apply the rules and regulations to the farm operation to check compliance
- Where to find and how to access consent information
- The role of the certifier in compliance and monitoring.

Suggested freshwater farm plan certification process

A Freshwater Farm Plan (FWFP) should:

Interpret the Catchment Context Challenges and Values, and the relevant risks to freshwater ecosystems
<p>It should correctly prioritise some (or all) of the four major risks; pathogens, sediment, nitrogen, and phosphate.</p> <p><i>Refer to the Catchment Context Challenges and Values document for how to certify that appropriate freshwater and freshwater ecosystem risks have been prioritised to address the issues in the river.</i></p>
Identify major pathways of travel for relevant risks
<p><i>Refer to Regional Information document to correctly identify the major pathways for contaminants to enter waterways from landforms that put freshwater and freshwater ecosystems at risk.</i></p>
Map source/risk areas for relevant risks to freshwater
<p>Correctly map source/risk areas for relevant risks to freshwater and freshwater ecosystems at farm scale.</p> <p><i>Refer to the Regional Information and Erosion documents to check risks have been well identified.</i></p>
List and prioritise actions to address risks to catchment values.
<p><i>Refer to the Regional Information, Nutrient Management and Erosion documents for appropriate actions to address the risks.</i></p>

Lesson 2 - One Plan



The One Plan focuses on four main environmental issues:

- Surface water quality degradation – nutrient loads (nitrogen & phosphorus), sediment and E. coli.
- Increasing water demand - how much ground and surface water is available or being used.
- Unsustainable hill country land use.
- Threatened indigenous biological diversity.

RP – SCHED1 – Surface water management areas and sub areas

The Horizons region is divided into 43 surface water management areas (with 124 sub- areas) – these can be differentiated by pre-dominant land use and associated contaminant risk to freshwater, for example:

- Upper Whanganui and Rangitīkei – mostly hill country sheep and beef, and contaminant issues are largely sediment, phosphorous and/or E. coli.
- Upper Manawatū, Mangatainoka, Coastal Rangitīkei – mostly dairy farming, and contaminant issues are largely associated with N-concentration issues.
- Horowhenua – mostly horticulture (commercial vegetable growing), and contaminant issues are largely sediment, N & P issues.

RP – SCHED2 – Surface water management values

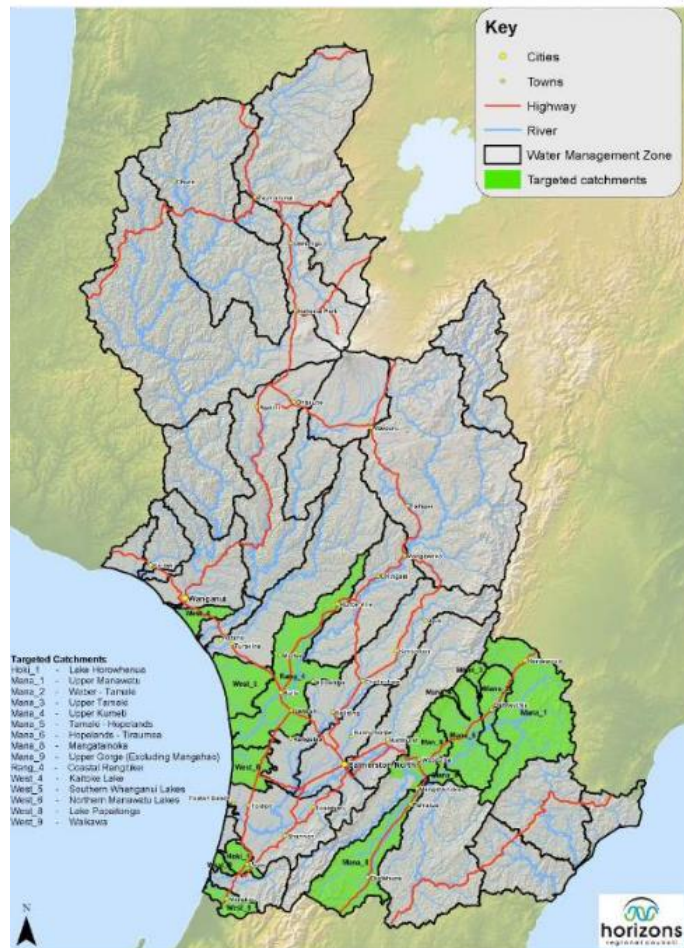
The following are examples and not an exhaustive list:

- Ecosystem values, e.g., Sites of Significance – Aquatic (SOS-A): dwarf Galaxias, koaro, whio; Sites of Significance – Riparian (SOS-R): dotterel, waders.
- Sites of Significance – Cultural (SOS-C).
- Recreational values, trout fishery.
- Water use values, e.g., irrigation, water supply.
- Social/economic values, e.g., flood control and drainage.

RP – SCHED5 – Surface water quality targets

Each water management sub-area has targets for: pH, temperature, DO (dissolved oxygen), BOD (biologically available oxygen), POM (particulate organic matter), DRP (dissolved reactive phosphate), SIN (soluble inorganic nitrogen), MCI (macroinvertebrate community index), and clarity.



These targets are set to maintain the life supporting capacity and the RP – SCHED2 Surface Water Management values associated with a particular water body.





Target catchments

Target Catchment areas identified on the image to the left, require intensive land users to apply for an Intensive Land Use Consent under Rules LF-LW-R14 and LF-LW-R17 of the One Plan. They are required to meet N-leaching limits based on Overseer as well as other performance standards associated with these rules. Also, a conversion to intensive land use anywhere in Horizons region requires an Intensive Land Use Consent (Rules LF-LW-R15 and LF-LW-R18 of the One Plan).

Intensive land use description

Commercial Vegetable Growing	Cropping
	
<p>Commercial vegetable growing means using an area of land greater than four hectares for producing vegetable crops for human consumption. It includes the whole rotational cycle, being the period of time that is required for the full sequence of crops, including any pasture phase in the rotation. Fruit crops, vegetables that are perennial, dry field peas or beans are not included.</p>	<p>Cropping means using an area of land in excess of 20 ha to grow crops. A crop is defined as cereal, coarse grains, oilseed, peanuts, lupins, dry field peas or dry field beans. This definition does not include crops fed to animals or grazed on by animals on the same property.</p>

Dairy Farming	Intensive Sheep & Beef Farming
	
<p>Dairy farming means using any area of land greater than four hectares for the farming of dairy cattle for milk production. This includes land used as dairy cattle grazing runoff but excludes any dairy grazing arrangement. A dairy grazing arrangement is a third-party commercial arrangement between the owner of dairy cattle and another landowner for the purpose of temporary grazing.</p>	<p>Intensive sheep and beef farming refers to properties greater than four hectares engaged in the farming of sheep and cattle, where any of the land grazed is irrigated.</p>

Lesson 3 - One Plan: Part II



Regional Plans

Regional Plan (RP) – AIR

Agri-chemicals

- Small scale spraying: Permitted activity (PA), subject to meeting performance standards.
- Wide-spread spraying: consent required as either a restricted discretionary activity (RDA) or a discretionary activity (DA).

Burning: small scale, PA subject to meeting performance standards. Noxious waste such as paint etc. is prohibited and no consent can be applied for.

Regional Coastal Plan

Regional Coastal Plan (RCP) – Coastal Marine Area (CMA)

- A wide range of activities are regulated in the CMA with corresponding range in regulatory requirements: PA to prohibited.
- Includes some estuaries and natural wetlands.

Regional Plan – Land and Freshwater Rules

Land use activities
<p><i>Abbrev. LF – LAND</i></p> <p>Land disturbance (small scale to large scale), cultivation, vegetation clearance, forestry (now NES- CF) are permitted activities (PA), subject to meeting performance standards. In coastal fore dunes, land disturbance and vegetation clearance need consent</p> <p>Biodiversity - activities in 'at risk,' 'rare' or 'threatened habitats;' will require a consent unless specific limited exceptions apply.</p>
Discharges to Land and Water (includes Intensive Land Use consents)
<p><i>Abbrev. LF – LW</i></p> <p>Fertiliser (Rule LF-LW-R9), feed and feed pads (Rule LF-LW-R10) and compost (Rule LF-LW-R11) are all PA, subject to meeting performance standards.</p> <p>Pig and poultry litter (Rule LF-LW-R12) and offal holes (Rule LF-LW-R13) are all PA subject to meeting performance standards.</p> <p>Farm dairy effluent (Rule LF-LW-R16) – consent required as a controlled activity (CA). Other discharges – may require consent depending on specifics.</p>
Takes Uses and Diversions of water, and bores
<p><i>Abbrev. LF – TUD</i></p> <p>Ground water and surface water takes are PA, subject to meeting performance standards, including but not limited to being below a daily threshold (50m³/day for groundwater & 30m³/day for surface water). There are extra conditions around proximity to sensitive habitats.</p> <p>If PA conditions cannot be met a controlled, discretionary, or non-complying activity consent is required.</p> <p>Some diversions including drainage are PA subject to meeting performance standards. If unable to comply with PA conditions, a discretionary consent is required.</p> <p>Drilling of bores is a controlled activity.</p>
Activities in Artificial Watercourses, Beds of Rivers and Lakes, and Damming
<p><i>Abbrev. LF – AWBD</i></p> <p>Damming protected rivers is prohibited.</p> <p>A range of activities can either be non-complying or permitted, depending on the nature and effects of the activity, and the presence of sensitive habitats (fish passage, NES).</p> <p>Gravel extraction in very small amounts is a PA in some rivers, with a raft of performance standards to be met.</p>

Lesson 4 - Essential Freshwater 2020



S360 Stock Exclusion

- Stock refers to all cattle, deer, and pigs (excludes sheep and feral animals).
- A person who owns or controls stock must comply with these regulations.
- A three-metre setback from waterways, intermittent or permanently flowing must be maintained. This can be achieved by any effective means of preventing access, including temporary fencing.
- Existing permanent fences don't need to be moved.
- Stock (except deer) can cross no more than twice per month and must be supervised and actively driven across the river.
- Exceptions can occur if it is too difficult to install a dedicated crossing due to a highly mobile riverbed.
- Low slope land only applies to land less than five degrees slope. Land more than five degrees but less than 10 degrees can be managed through a FWFP.

Excluding stock from lakes and rivers wider than 1m anywhere in a land parcel	Slope	Timeframe
Dairy cattle (not dairy support) and pigs	All slopes	By 1 July 2023
All cattle and deer on land used for fodder or break feeding and on irrigated pasture	All slopes	By 1 July 2023
All dairy support cattle	All slopes	By 1 July 2025
All beef cattle and deer	Mapped low slope < 5°	By 1 July 2025

Intensive Winter Grazing (IWG)

- IWG is the activity of grazing any livestock on an annual forage crop at any time during 1st May – 30th September in the same year.
- Stock must be excluded from waterways with a five-metre buffer.
- IWG farm plan module will require best practice to be observed and will be risk based on the following: slope, soil type, proximity to water ways and stock class.
- To determine risk of the activity, Horizons has an IWG app which calculates the estimated risk based on the above factors. The app can be found at iwgrisk.horizons.govt.nz
- Higher risk paddocks will require more mitigation.
- IWG consents have been required since 1st May 2023 where the permitted activity requirements couldn't be met. However, IWG activities may be regulated via FWFP if it can be shown that the effects of the IWG are the same as the permitted activity regulation.
- It is imperative that if the FWFP pathway is used where the permitted activity conditions cannot be met, that there is sufficient detail in the FWFP to demonstrate how the effects of the IWG activity are the same as if the conditions were being met.



Synthetic nitrogen fertilizer

- Application of synthetic nitrogen fertiliser is a permitted activity if you meet the nitrogen cap of 190kg/ha/year.
- If farmers exceed the nitrogen cap they will require resource consent.
- Dairy farmers are required to report synthetic n-fertiliser use for the period 1st Jul – 30th Jun and this needs to be sent to regional councils by 31st July each year.
- Several online web reporting portals are available including through Ballance, Ravensdown and Te Uru Kahika.
- Check compliance with relevant rules, regulations, and resource consents (e.g., specified instruments). More information available [here](https://n-cap.teurukahika.govt.nz/) (https://n-cap.teurukahika.govt.nz/)

Feedlots and stock holding areas

Feedlots: an area where cattle kept for 80 days & entirely mechanically fed.

- Requires consent. If the area is sealed, effluent is collected and disposed of, and the feedlot is at least 50m from a waterway or drain, then this is a discretionary activity. If not, then this is a non-complying activity.

Stock holding areas: an area where cattle are kept at a density that vegetative cover cannot be maintained. Consent is required if the area is:

- Not lined and effluent not managed.
- Less than 50m from a waterway or drain.

Stock holding areas can be managed via a FWFP if the effects are deemed to be no more than that allowed by the PA conditions.

It is imperative that if the FWFP pathway is used, then sufficient detail is provided that demonstrates how the effects of the activity are the same as if the conditions were being met is provided in the FWFP.



Intensification

The following land use changes require a resource consent where they are greater than 10ha:

- Forestry to pastoral land.
- Any land to dairy land.
- Dairy irrigation increase.
- Consent can be granted for a term of consent up to 1 January 2031 if there is no increase in:
 - Contaminant loads in the catchment.
 - Concentrations of contaminants in freshwater or other receiving environments.

Intensification regulations will be revoked 1st January 2025

Fish Passage

The NES-F has requirements around installation of structures that could impede fish passage such as weirs and culverts.

The new regulations don't apply to the alteration or extension of structures existing prior to 2nd September 2020. The new regulations do apply to replacement of existing structures.

Farmers should contact the Freshwater Team at Horizons Regional Council on 0508 800 800 for guidance.



Agrichemicals

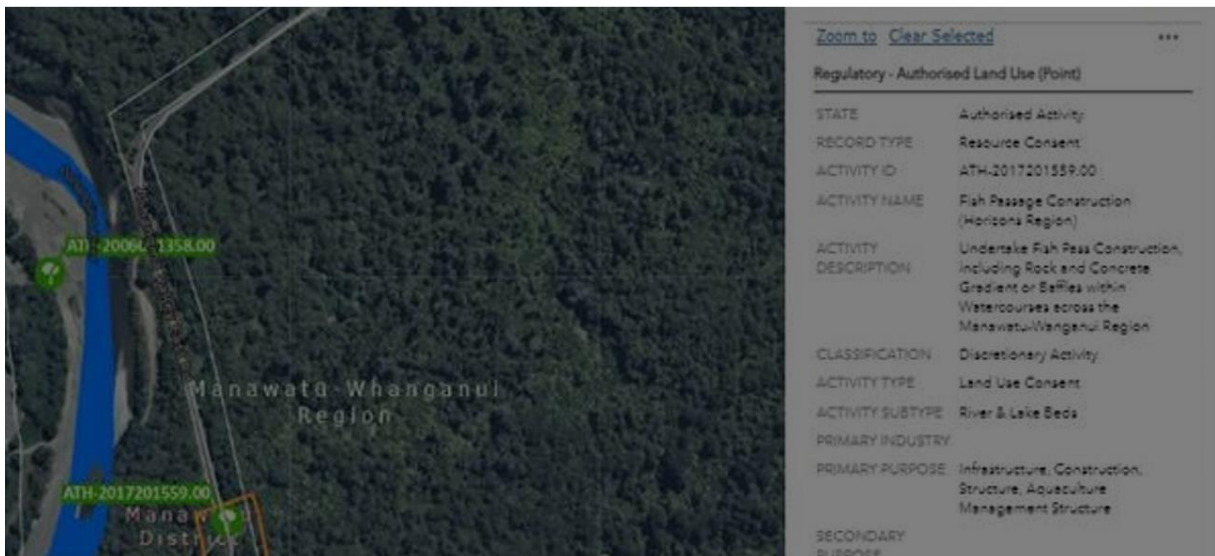
Compliance with legislation governing the handling, storage and transportation of agrichemicals is mandatory and is being enforced.

The Hazardous Substances and New Organisms (HSNO) Act, Agricultural Compounds and Veterinary Medicines (ACVM) Act and the Resource Management Act establish rules for managing many of the risks associated with agrichemical use.

The industry Code of Practice, NZS 8409:2004 incorporates the requirements of the legislation and documents good practice.

Important to note that HRC and therefore FWFP can only regulate the discharge of contaminants associated with agrichemicals

Lesson 5 - Accessing Consent Information



Horizons maintains an up-to-date mapping system that can be used to identify what resource consents a farm currently holds. Click [here](https://maps.horizons.govt.nz/Gallery/) (https://maps.horizons.govt.nz/Gallery/) to access the mapping system.

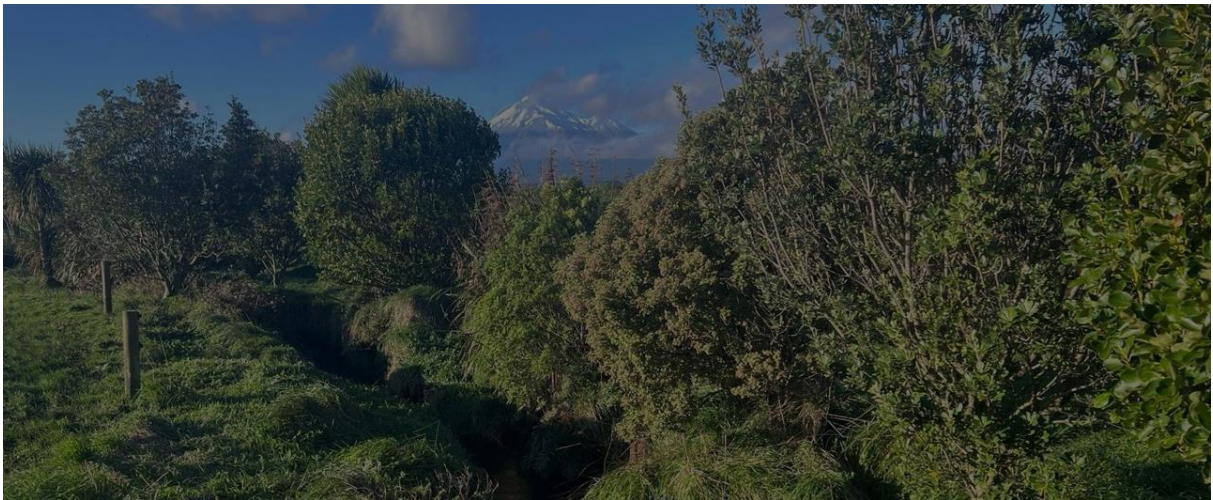
Select the regulatory activity square, this will redirect you to the map, where you can simply search for the farm property you are looking for.

As you zoom to the property all consents associated to the property will be referenced on the property.

You can click on a consent to find details of it.

If you need access to the physical consent documents, please email consents.enquiries@horizons.govt.nz with the consent number.

Lesson 6 - The role of the certifier in compliance and monitoring

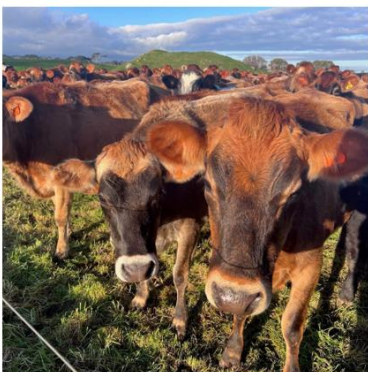


The FWFP framework contains new requirements that many farm operators will not be familiar with. Some farmers may also be unfamiliar with being regulated for their farming activities. In light of this, certifiers must be aware that the approach to compliance and enforcement should focus on changing the behaviour and attitude of farmers who are not used to any type of compliance and regulation framework.

It is important to reiterate that certifiers are not enforcement officers and do not hold the functions and powers of an enforcement officer under the Resource Management Act (1991). However, certifiers have an important regulatory role in FWFP's, as the actions identified to manage risk can have a direct relationship with the compliance status of the farm. Certifiers must have a clear understanding of the regional freshwater rules and national legislation covered in this document.

A clear understanding of this legislation will enable the certifier to determine whether or not a risk/activity identified on-farm is compliant and what can be included in the action plan.

If the certifier is satisfied that the plan meets certification requirements, any non-compliance will not prevent the plan from being certified. However, a certified farm plan does not prevent further compliance and enforcement action from Horizons regarding the non-compliance. Horizons will continue to exercise our CME function under the RMA, NES, and regulations. Full list of infringements can be found in the Resource Management (Infringement Offences) Regulations 1999.



It is expected that certifiers will contact Horizons if any non-compliance is identified on farm. The Horizons compliance team are also available for advice, support, and guidance around compliance rules and whether or not council compliance action may be required. Horizons encourages any certifier to reach out should they find themselves in a situation where they may be unsure.

If the certifier identifies any significant or urgent pollution event, including but not limited to direct discharges of a contaminant (including effluent) to water, ponding of effluent or other contaminants on land or disturbances of significant natural areas/wetlands, **the Horizons pollution hotline must be contacted immediately on 0508 800 800.**



For any questions, queries or support please contact freshwaterfarmplans@horizons.govt.nz and you will be contacted by a member of the compliance team.

If you would like to provide feedback on this document, please email:
freshwaterfarmplans@horizons.govt.nz