

Region-wide proposed new rules and regulations

Primary Production



Recent content updates:

5 October 2023:

- Added definition for Feedlot
- Added definition for Sacrifice paddock
- Added definition for Stockholding area

26 September 2023:

- Added examples for feedlot construction standards, types of agricultural waste and types of waste able to be disposed of in farm landfills.

Some farming activities and practices are currently managed under the provisions of the operative Regional Plan: Water for Otago (the Water Plan), although a small number of farming activities (e.g., silage, offal pits and farm landfills) are also managed under the Regional Plan: Waste for Otago (Waste Plan).

The Primary Production chapter of the draft Land and Water Regional Plan manages farming activities and practices that are likely to impact water quality, and the planting of forestry, and includes:

- A range of farming land uses that have the potential to cause adverse effects on water quality
- A policy framework for freshwater farm plans
- A policy and rule framework for managing the planting of plantation and permanent forestry

The provisions covered in the above are proposed to be region-wide.

Different tools for different places

The nature of farming activity varies widely across the Otago region, as do the environments within which those activities occur. Therefore, the draft LWRP also contains a suite of tools that may be applied depending on the need for reductions of different contaminants and the timeframe within which those reductions need to be applied. These are proposed to be applied at an FMU/rohe level and the time frames are set by the environmental outcomes for each FMU. This is covered in the FMU/rohe chapters below. The FMU/rohe summaries and this summary should be read together.

Some discharges that may be associated with farming activities (such as discharges of agrichemicals or sediment discharges from earthworks) are not managed in this chapter. They are addressed in the Earthworks and Drilling and Other Discharges chapters respectively.

Freshwater farm plans

A freshwater farm plan is a new tool introduced in the Government's Essential Freshwater package, to help reduce impacts on freshwater. Freshwater farm plans are certified plans that help farmers figure out how well they are doing in keeping water clean and the land healthy. Each farmer will make a plan that says what steps they will take to identify, manage and reduce any adverse impact of farming on the freshwater environment.

Overview and key changes

The table below provides a high-level comparison of the provisions of the operative Water and Waste Plans with the provisions in the Primary Production chapter of the draft LWRP and highlights the key changes from the Water and Waste Plans.

Primary Production chapter of draft LWRP	Existing plan
Permitted activity framework	
<p>The provisions for effluent storage and application (introduced as a result of PC8) are carried over from the operative Water Plan.</p> <p>New rules permit the use of land and associated discharges for:</p> <p>Feedlots, feed pads and stockholding areas – subject to conditions, including;</p> <ul style="list-style-type: none"> • 50 metre setback from a wetland, the Coastal Marine Area (CMA), or the bed of a lake or river; and • 20 metre setback from a bore or soak hole; and • Not within a critical source area (CSA), above subsurface drainage or in a drinking water protection zone; and • Standards for construction, e.g. for smaller/young cattle a base of 400mm of bark, woodchip or similar material and for older/larger cattle, sealed and effluent collected and disposed of in accordance with effluent rules. <p>Sacrifice paddocks – subject to conditions, including:</p> <ul style="list-style-type: none"> • Restrictions on slope (10 degrees or less), time used (max. 60 days per year) and size (5 hectares for landholdings less than 500 hectares or 1% or 30 hectares for landholdings greater than 500 hectares, whichever is lesser) • Not within a critical source area (CSA) or in forage crop • 20 metre setback from a wetland, open drain, bore, soak hole, CMA, or bed of lake or river • 50 metre setback from sensitive water bodies (including outstanding water body) • Requirement to revegetate as soon as practicable (where significant de-vegetation has occurred) <p>Paddocks used for pasture-based wintering – subject to conditions, including:</p> <ul style="list-style-type: none"> • Not within a critical source area (CSA) • 10 metre setback from wetland, open drain, bore, soak hole, CMA, or bed of lake or river • 20 metre setback from sensitive water bodies (including outstanding water body) • Requirement to revegetate as soon as practicable (where significant de-vegetation has occurred) 	<ul style="list-style-type: none"> • Historically there are no land use provisions in the Water Plan managing farming activities, meaning these activities have been permitted activities in accordance with section 9 of the RMA. Any discharges associated with these activities are managed by the general discharge provisions in section 12 of the Plan. • Plan Change 8 (PC8) introduced a suite of rules managing animal effluent storage and application to land. The management framework seeks to permit existing facilities that meet good practice standards or are lower risk to the environment and require resource consent for others. It requires resource consents for discharges of liquid animal effluent to land. The implementation of these provisions is staged over a three-year period that commenced in June 2022. • Some farming activities, silage, offal pits and farm landfills, are also managed through the Waste Plan. The permitted activity conditions for these activities are out of date and do not align with current good management practice.

Primary Production chapter of draft LWRP

Silage storage, offal pits – subject to conditions, including:

- Either a 250 cubic metre or 500 cubic metre volume restriction (silage only)
- Preventing liquid from the activity entering a surface water body (silage only)
- Preventing animal access
- Preventing rain (silage only) and surface runoff entering the pit or stack
- 50 metre setback from wetland, open drain, bore, soak hole, CMA, or bed of lake or river
- Not in drinking water protection zone, CSA or flood prone area.

Farm landfills:

- Where no local authority collection is available, and the landholding is more than 50 kilometres from the nearest transfer station
- Landholding is greater than 20 hectares
- Maximum volume of the pit is 50 cubic metres
- Preventing surface runoff entering the pit
- Restrictions on type of refuse discharged, e.g. must be from the property the pit is located on and not include agrichemicals (or their containers), agricultural plastic wrap, septic tank sludge, dairy farm sludge or animal carcasses
- Setbacks from wetland, open drain, bore, soak hole, CMA, or bed of lake or river (50 metres for farm landfills, 20 metres for discharge of agricultural waste)
- Not in drinking water protection zone, CSA
- Pit is covered over to a depth of 0.5 metres when no longer in use.

Agricultural Waste:

- Restrictions on type of waste discharged, e.g. must not contain any hazardous substance or any waste from a human effluent treatment process
- Application depth of less than 50 millimetres
- Setbacks from wetland, open drain, bore, soak hole, CMA, or bed of lake or river (50 metres for farm landfills, 20 metres for discharge of agricultural waste)
- Not in drinking water protection zone, CSA.

<h2>Primary Production chapter of draft LWRP</h2>	
<p>Strengthened permitted activity rule for the discharge of fertiliser – subject to conditions, including:</p> <ul style="list-style-type: none"> No direct discharge into wetland, open drain, bore, soak hole, CMA, lake or river No discharge when soil moisture exceeds field capacity 3 metre setback from bed of lake or river or wetland. <p>Restrict intensification of land use:</p> <ul style="list-style-type: none"> Discretionary consent required for conversion to a higher intensity land use (only granting consent where it will result in a decrease to the contaminant loads in the catchment) including: <ul style="list-style-type: none"> Consent required for conversion to dairy farm or dairy support land; Consent required for conversion of forestry land to pastoral land use; Consent required for increase in area of land irrigated. 	
<h2>General consenting requirements</h2>	
<p>PC8 provisions being carried over.</p> <p>If permitted activity conditions cannot be met, the activity requires a discretionary consent, with stronger policy guidance to inform consent applications.</p>	<ul style="list-style-type: none"> Where they do not comply with the permitted activity rules, most activities are classified as restricted discretionary. The matters of discretion are broad, and supporting policy direction is uncertain. PC8 has a controlled activity status for the construction, use and maintenance of animal effluent storage facilities provided conditions are met. If conditions cannot be met, the activity is discretionary. All discharges of animal effluent will be restricted discretionary, once the timeframes in Appendix 19 have been reached and all animal effluent storage facilities are either permitted or consented.
<h2>Freshwater Farm Plans</h2>	
<p>Clear policy direction to ensure that the actions proposed in FWFPs are focussed on meeting desired environmental outcomes.</p> <p>Permitted activity pathway that allows for the effects of some activities to be managed in accordance with certified FWFPs as an alternative to a consenting pathway.</p> <p>These activities include:</p> <ul style="list-style-type: none"> feedlots and stockholding areas sacrifice paddocks pasture based wintering 	<p>Freshwater Farm Plans (FWFP) are not included in the Water Plan.</p>

Primary Production chapter of draft LWRP																										
<p>Some information requirements, in addition to the FWP actions plans, to be submitted to Council. Information to be provided includes stocking rate, area of arable farming and crop type, fertiliser use, imported supplementary feed utilised, effective farming area, outputs from the nutrient budget or nutrient risk assessment, area of intensive winter grazing, duration of intensive winter grazing, crop type and stocking rate, and area of pasture wintering, stocking rate and kgs per hectare DM of supplementary feed.</p>																										
Planting of plantation and permanent forestry																										
<p>Any existing Water Plan provisions that are more stringent than the NES-PF will be retained. This stringency relates to the management of discharges to water, and some works in the bed of lakes, rivers and wetlands.</p> <p>Plantation forestry will be a permitted activity where it is less than 10 hectares in area, and the setbacks below are met:</p> <table border="1"> <thead> <tr> <th></th> <th>Slope < 10</th> <th>Slope < 10</th> </tr> </thead> <tbody> <tr> <td></td> <td>20 me-</td> <td>50 me-</td> </tr> <tr> <td></td> <td>20 me-</td> <td>50 me-</td> </tr> <tr> <td>Wetland</td> <td>20 me-</td> <td>50 me-</td> </tr> </tbody> </table> <p style="text-align: center;">20 me- 100 metres</p> <p>Permanent forestry will be a permitted activity where only indigenous species are planted, and the setbacks below are met:</p> <table border="1"> <thead> <tr> <th></th> <th>Slope < 10</th> <th>Slope < 10</th> </tr> </thead> <tbody> <tr> <td></td> <td>20 me-</td> <td>50 me-</td> </tr> <tr> <td></td> <td>20 me-</td> <td>50 me-</td> </tr> <tr> <td>Wetland</td> <td>20 me-</td> <td>50 me-</td> </tr> </tbody> </table> <p style="text-align: center;">20 me- 100 metres</p>			Slope < 10	Slope < 10		20 me-	50 me-		20 me-	50 me-	Wetland	20 me-	50 me-		Slope < 10	Slope < 10		20 me-	50 me-		20 me-	50 me-	Wetland	20 me-	50 me-	<p>The operative Water Plan does not currently contain specific provisions for the management of the planting of plantation or permanent forestry. However, there are some rules or conditions of rules in the operative Water Plan (rules for managing discharge to water) that apply in addition to the National Environmental Standard for Plantation Forestry (NES-PF).</p> <p>The NES-PF manages the planting of plantation forestry, but the setbacks to water bodies are relatively small (5-10 metres for rivers and wetlands, 30 metres for the coastal marine area), and there is no consideration of effects on water quantity where a resource consent is required.</p>
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Planting of plantation and permanent forestry

Where a resource consent is required for plantation or permanent forestry, it is typically a restricted discretionary activity and the matters for discretion include effects on water quantity, effects on water quality, management of wilding trees, and effects on freshwater and freshwater ecosystems.

It is anticipated that most exotic forestry planting will require resource consent, while indigenous forestry is enabled.